

Authority to procure and award a contract for the Virtual School Personalised One to One Tuition for Children Looked After and Children with Complex Needs (SEND) - Further competition Contract Ref: 88041

Date: 19/07/2024

Report of: Commissioning, Contracting and Market Management Team

Report to: The Director of Children & Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Director is requested to approve the decision to procure a personalised, one to one tuition service for children that are Looked After and for Children with Special Educational needs or disability.

The Director is requested to approve the decision to award a contract to the provider, Connex Education Partnership Limited, following the successful conclusion of further competition tender activity from the Crown Commercial Service framework. The contract will be awarded for a period of 3 years from 1st September 2024 – 31st August 2027 with 2x 12 month optional extensions. The value of the contract is £600,000 for the initial 3 year contract period and £400,000 for the extension period.

Recommendations

Authority is sought from the Director of Childrens and Families to –

- (a) procure a new contract through the Crown Commercial Service Framework for the RM6238 Supply of Temporary Supply Teachers and Educational Staff for the provision of one-to-one tuition for children and young people in care, and with special educational needs or disabilities; and
- (b) directly award a contract to Connex Education Partnership Limited, for a period of 3 years from 1st September 2024 – 31st August 2027 with 2x 12 month optional extensions. The value of the contact is £600,000 for the initial 3 year contract period and £400,000 for the extension period.

What is this report about?

- 1 The purpose of this report is to seek approval to directly award a contract through the Crown Commercial Service Framework for the RM6238 Supply of Temporary Supply Teachers and Educational Staff for the provision of one-to-one tuition for children and young people in care, and with special educational needs or disabilities.
- 2 Although the Crown Commercial Service framework allows the direct award of a contract to any provider on the framework, we did a desktop analysis in the form of a Market Sounding Document. All the bidders on Lot 1 of the CCS framework were asked if they were interested in the contract. Those providers who were interested were issued with the Market Sounding Document and asked to complete the relevant questions in relation to the contract requirements. A further presentation event took place where we invited those providers to expand on their submission, to ensure the providers were clear on the requirements of the Virtual School and SENSAP and that the Virtual School and SENSAP had full confidence in the chosen providers ability to deliver the required service. This combined service approach was taken as a result of needing to add the SENSAP requirements at a late stage at the request of Chief Officers in the Children & Families directorate. This approach also reduces the amount of resource required to procure the service.
- 3 As their “Corporate Parent,” Leeds City Council has promised the young people in its care to have the highest aspirations for them, to encourage them to reach their full potential, to support them throughout their education and to plan for the future.
- 4 Sometimes, for various reasons, it may be impractical to provide full-time education in a school environment, and the local authority has a duty to provide alternative arrangements for the provision of the education and support. This is likely to include where children move to Leeds unexpectedly and cannot immediately access a school offer, and where children are struggling to access the school offer they have been given due to the complexity of their needs. These children and young people, who are likely to experience a delay in securing an appropriate place and/or secondary school pupils at Leeds schools, require one-to-one tuition to re-engage in education.
- 5 The experiences that bring children and young people into care can often have a lasting impact on their ability to make the same progress in learning as their non-looked after peers. To address this, Leeds City Council has invested in a one-to-one tuition service for these children and young people to help them overcome any disruption to their learning and reach their full potential.
- 6 In 2018, a £150,000 per year contract was awarded to Randstad to deliver the tuition service for the Virtual School, which last year received over 200 referrals. The current contract ends on 31st August 2024. The new contract will be divided into 2 lots, Lot 1 for the Virtual School provision (£100K per annum) and Lot 2 for SENSAP provision (£100K per annum).

What impact will this proposal have?

- 7 The implementation of a new contract for personalised, one to one tuition will allow the council to deliver on its statutory obligations in relation to the Virtual School and SENSAP. The award of a new contract will ensure there is little to no gap in provision for children and young people in care or with special educational needs or disabilities who require additional academic support.
- 8 The establishment of a new contract will support development work currently underway in SENSAP to ensure compliance with procurement rules and will help to better manage current expenditure associated with tuition services. The majority of SENSAP tuition is as part of the Section 19 duty (Education Act) to provide tuition for children who have been out of education

for more than 15 days. This relates to all children, not just those with an EHC plan but if they have a plan, SENSAP arranges this. Many of these children have moved into the local authority (either from another country or another LA). Some cases have previously had named schools in Leeds but the relationship has broken down and the LA have had to intervene to provide tuition. There are some cases where CYP have bespoke packages that include tuition. These are only agreed to where it would be inappropriate for the young person to attend a school, or where no suitable school has been found.

- 9 An Equality Impact Assessment Screening has been undertaken. This identifies there is a positive impact in respect of equality and diversity in that it will advance equality of opportunity for children that are looked after and those most vulnerable i.e., those with special educational needs and disabilities.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 10 The service will contribute to the following strategic priorities:

Best Council Plan: “Improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes.”

Vision for Leeds – Best City For Children: “Children do well at learning and have skills for life”

Children and Young People Plan – Obsession 3: “Improve achievement, attainment and attendance at school”.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 11 Consultation has been undertaken with Procurement and Commercial Services. The new specifications have been developed, taking into account feedback from Virtual School officers, Designated Teachers, young people in care and foster carers.

What are the resource implications?

- 12 Funding of up to £200,000 per year has been identified for this contract. If the full contract term is used, including extensions, the total expenditure will be £1,000,000. The retained Pupil Premium Plus grant allocated to the Virtual School for the express purpose of accelerating progress and raising the attainment of looked after learners will be utilised. It is expected that a high-quality service with resources allocated to deliver the full objectives of the specifications will reduce the number of short notice chargeable cancellations and cut the amount of time Virtual School and SENSAP officers spend dealing with referrals and chasing Designated Teachers for reports and referral information.
- 13 The CLA Pupil Premium Plus for Virtual Schools one to one tuition, has set aside approximately £200k of CLA Pupil Premium Plus grant to cover the cost of tutors providing the service for Children Looked After. SEN one to one tuition is meeting the education needs of increasing numbers of SEN pupils but has not been assumed in the HNB reporting and will further contribute to the DSG overspend.

What are the key risks and how are they being managed?

- 14 The level of demand can only be roughly estimated and the variance could be significant. Ensuring a soft promotion of the service initially and robust monitoring of take up should ensure growth is manageable and costs can be kept within budget. Should demand for the services be higher than anticipated for SEND children and young people, other one-to-one Tuition services will take up the extra referrals as additional budget is available to mitigate this situation.
- 15 The performance and outcomes of the contract will be monitored by the Commissioning team Leeds City Council and reported to service leads. A partnership approach will be used to identify and address challenges with Crown Commercial Services and Connex Education Partnership Limited. Spend and progress against key milestones will be closely monitoring to manage the risk of over payments, with management information also provided by Crown Commercial Services.
- 16 We do not anticipate any challenges from any other providers in the market as this contract was only open to those providers on the CCS framework. We decided to award the contract following a desk top analysis of expressions of interest received and used a robust method of evaluating providers, inviting them in to meet with service leads and commissioning teams to deliver a presentation and ask key questions to interrogate the desk top/written submissions in further detail, using a robust scoring matrix to choose the most suitable provider to meet our service requirements.
- 17 Future requirements may change and at this stage there is uncertainty whether once this contract has expired that both the Virtual School and SENSAP will continue to procure the contract on a joint basis.

What are the legal implications?

- 18 This is a key decision and will be subject to call in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

The use of Crown Commercial Services framework agreements is allowed under Contract Procedure Rule 9.1 as they are all Third Party Framework Agreements that have been approved for use by the Commercial Team in Procurement and Commercial Services.

- 19 As outlined in paragraph 2 above, an award following a desk top analysis of expressions of interest is permitted under the terms of the framework agreement used and is therefore compliant with the requirements of the Public Contracts Regulations 2015.
- 20 In making their final decision, the Director of Children and Families should be satisfied that the course of action chosen represents best value and ensures the local authority meets its statutory obligations.

Options, timescales and measuring success

What other options were considered?

- 21 A standalone commission was considered for this provision. However, due to the requirement for both SENSAP and the Virtual School's needs to be jointly considered and given the very challenging timescales to get a new contract in place, it was agreed by all stakeholders that using the Crown Commercial Service framework represented the best use of resources. Procurement guidance also states that national frameworks should be utilised where possible.

How will success be measured?

- 22 The intended outcomes of the project include:

- Ability to deliver accelerated learning and progress for children who may have experienced significant disruption to their learning.
- Improved understanding of the tuition services provided for children and young people.
- Evidence that teachers are able to meet the learning needs of children who are more likely to have additional learning needs, particularly in relation to their social, emotional and mental health needs, than their peers.
- A record of progress of a child during the programme of tuition to demonstrate a quality report on learning outcomes, impact and finance to demonstrate value for money.
- An indication of how the opinions of service users, carers and schools can help shape service delivery.
- Ability to deliver a face to face, one to one tuition support program with service users not necessarily in the Leeds metropolitan area.
- Parents, Carers and Young people who use the services have improved satisfaction and knowledge that their needs have been met.

What is the timetable and who will be responsible for implementation?

23 Following approval for this decision, the new contract award will be processed as soon as possible, with a start date of 01/09/2024.

Appendices

- Appendix 1 - Equality, diversity, cohesion and integration (EDCI) screening.
- Appendix 2 – Data Protection Impact Assessment

Background papers

- None