

Cabinet – 21 April 2021

School Improvement and Moderation Service

Portfolio: Councillor Towe, Education and Skills

Related portfolios: Councillor Wilson, Children's Social Care

Service: Children's Services

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To ensure all children and young people achieve their potential by providing a School Improvement and Moderation Service that responds to the challenges of supporting schools to perform in their most effective capacity. This will ensure schools are compliant and fit for children to have access to high quality education provision.
- 1.2 This report informs Cabinet of the arrangements for securing a single contracted provider to commence September 2021, following the expiry of the existing contract which ends on 31 July 2021.

2. Summary

- 2.1 The Council previously provided an internal School Improvement Team. However, by March 2019, all staff members had moved on from the Council's employ. To ensure service continuity, the Executive Director agreed an urgent waiver and the Directorate spot purchased from a consultancy provider (Challenging Education) for School Improvement. A contract was arranged with Ryders Hayes Teaching School to deliver end of Key Stage moderation.
- 2.2 In order to develop into a permanent service offer and maintain continuous improvement and moderation oversight for Walsall pupils, officers propose new contracting arrangements be in place from 01 September 2021. The School Improvement and Moderation contracts are being consolidated with a single provider to deliver best value for the Council. The tender is a transparent approach to identify the most suitable provider to work direct with schools. They will report to the Head of Inclusion, to build on school performance and to set schools on a robust improvement journey. The annual budget for School Improvement and Moderation is £150,000 per annum.

- 2.3 This contract will consist of two elements: School Improvement and Moderation. School Improvement could be through individual support to schools and settings, the delivery of relevant training and action planning to ensure school professionals are able to meet the needs and demands of their pupils. Moderation is support for schools to ensure consistency and rigor of teacher assessments.

3. Recommendations

- 3.1 Following the completion of a tendering exercise in accordance with the requirements of the Public Contracts Regulations 2015 (as amended) approve the award of a contract to the successful tenderer for the provision of School Improvement and Moderation from 01 September 2021 to 31 August 2023, together with an option for the Council to extend any part up to 3 years to 31 August 2026 and to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services, as appropriate Cabinet delegates authority to the Portfolio Holder for Education and Skills.
- 3.2 That Cabinet delegate authority to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Education and Skills, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of any contracts and provided they are in line with the Council's Contract Rules and any relevant legislation, including Public Contracts Regulations 2015.

4. Report Detail - Know

- 4.1 The Council collects data on all local schools, including attendance and attainment figures, to identify where some schools may be weak in certain areas. The School Improvement part of the contract will deliver various activities, under the direction of the Head of Inclusion, to support school development. Where significant issues are identified, the Local Authority may issue a 'Notice of Concern'. In cases where serious concerns are raised, significant intervention by the School Improvement Service may be required.
- 4.2 As defined by the National Curriculum Assessment and Reporting Arrangements (ARA), our statutory responsibility for moderation means that the Council will scrutinise end of Key Stage 1 & 2 teacher assessments.
- 4.3 Moderation ensures there is a consistency and accuracy of teaching assessments and with a comparison against the national averages. The Moderation activity carried out is currently delivered to Key Stage 1 & 2 as per the National Curriculum Assessment and Reporting Arrangements (ARA). Moderation activity may be instructed by the Council where the Standards and Testing Authority (STA) have identified or received concerns. This contract will

enable flexibility so the provider will be expected to deliver our statutory requirements if they change in the future.

- 4.4 In order to maintain effective School Improvement and Moderation delivery, a range of quality outcomes and key performance indicators will be required for the contracted provider to evidence and report on. Quarterly monitoring meetings with the Head of Inclusion will oversee this progress and will challenge if indicators are not showing the expected outcomes.
- 4.5 The provision of a School Improvement and Moderation Service can support local businesses and the local economy, as outlined in the Corporate Plan 2018-2021. It will help prepare learners to excel in school and contribute to their future skills and vocation. Children's Services Walsall Right 4 Children programme (WR4C) sets the strategic transformation journey for Walsall with one of the key priorities around reducing exclusions; to ensure that children and young people feel supported to engage with education and professionals and families find it easier to access the right support to ensure children remain in education.
- 4.6 The service focuses on raising school and professional teacher standards and improve outcomes for children and young people's learning experiences. In delivering continuous school improvement and the pupil experience, it is likely to encourage pupil interest in learning and contribute to reducing the risk of young people not continuing to engage post 16, in Education, Employment or Training (and becoming Not in Education, Employment or Training (NEET)).

5. Tender Process

- 5.1 The service specification and tender documents have been developed in partnership with Children's Commissioning, Inclusion officers, Procurement and other stakeholders. Prior to tendering, consultation with the market was carried out to understand what interest and diversity was available. This early market intelligence also helped to inform and influence the service and tender documents. The tender will be published in April 2021 with a deadline for submissions in May 2021.
- 5.2 A Procurement Plan is in place and senior managers within the Access and Inclusion Service will evaluate tenders received to identify the most economically advantageous tender. Tenders will be evaluated on their pricing submissions alongside a number of service delivery criteria, which will include social value considerations. Following a comprehensive evaluation exercise and any required due diligence being carried out, a contract for the provision of School Improvement and Moderation will be recommended for award in June 2021. This will allow for a mobilisation period where Officers and provider will meet prior to the start of the 2021 / 2022 school year.
- 5.3 In order to secure a quality provision for Walsall learners which helps to raise their levels of engagement and aspiration, the evaluation will be undertaken with 80% focus on service delivery and 20% focus on cost. Applicants will be ranked according to their scoring in the evaluation of quality and the prices

that they tender. These scores will be combined to achieve a final score. The Council will proceed to award the contract to the provider who has achieved the highest overall score, whilst also meeting any minimum standards and selection criteria. The weightings of all of the elements of the evaluation have been developed to ensure that the Council meets its duty of achieving Best Value.

6. Council Corporate Plan Priorities

- 6.1 The provision of School Improvement and Moderation provision supports achievement of the Corporate Plan 2018-2021 priority that 'Children have the best possible start and are safe from harm, happy, healthy and learning well'.

7. Risk Management

- 7.1 In providing this service, the local authority must ensure that it fulfils its statutory obligation to provide suitable education to children of statutory school age and provides support and challenge to schools in line with the Department for Education (DfE) guidance for Schools Causing Concern. This service also fulfils the statutory duty in regards to moderation. The local authority works to ensure it mitigates the risk of children not having the best education experience that can be provided. All School Improvement staff will be subject to safeguarding and DBS requirements and only have direct contact with professional staff and not students. The new provider will ensure their intervention with school sites and staff is safe and of a good quality, adhering to all the relevant Health and Safety legislation.

8. Financial implications

- 8.1 Funding for School Improvement and Moderation is a combined annual budget of up to £150,000pa. The 2021 / 2023 contract cost will be up to £300,000. The option to extend up to a further 3 years to 2026 will cost up to £450,000 giving a 5 year total cost of up to £750,000.

9. Legal implications

- 9.1 The proposed tendering exercise will be carried out in accordance with the Council's Contract Rules and the applicable requirements of the Public Contracts Regulations 2015 (as amended). This is a statutory service required to be delivered by the Local Authority. The proposed contract for the provision of the service has been drafted by Legal Services who have been an active partner of the project team for this commission.

10. Procurement Implications / Social Value

- 10.1 Following instruction from the Head of Inclusion to consider what contractual opportunities exist in the market for this type of service, a market engagement exercise was undertaken on 15 May 2020. This allowed the Council to gauge

interest and shape the model and process used to procure this service. Six responses were received that indicated a good level of interest and the market was generally supportive of our approach. It also enabled prospective bidders to provide some feedback which commissioners were able to take into account in their designing of the new delivery model.

10.2 The tender preparation has continued within the planned timescale. All partners have contributed fully. The competitive tendering exercise was published on the Council's e-tendering system and on government Contracts Finder portal in line with Public Contract Regulations 2015.

10.3 This procurement is being evaluated to find the 'most economically advantageous tender' to deliver this service and the evaluation will consider both price and non-price (evidence of quality and service specific requirements) criteria. A breakdown of the evaluation criteria and the related scoring percentages is set out in the following table:

Criteria	Percentage
Price	20%
Quality	80%
<ul style="list-style-type: none"> • Inclusion • School Support and Partnership • Staffing • Disadvantaged Young People • Positive Outcomes • Moderation • Social Value 	10% 10% 10% 17.5% 17.5% 10% 5%

10.4 The evaluation panel will consist of senior officers from the Access and Inclusion Service in the Children's Directorate and 3x local head teachers to ensure good stakeholder partnership.

10.5 Delegated authority is sought from Cabinet to enable the Executive Director of Children's Services to award to the successful bidder and maximise the mobilisation period leading up to the service commencing in September 2021.

10.6 Specific social value benefits that are realised through this procurement will be reported through the recommendation to award report to the Executive Director of Children's Services.

11. Property implications

11.1 There are no property implications. The provider will access school sites by invitation and diary opportunities and have use of Council building meeting rooms through facility booking procedures. There are no implications on any

property in terms of security, use of other Council assets, or out-of-hours access.

12. Health and Wellbeing implications

- 12.1 Ensuring access to a suitable School Improvement and Moderation Service will provide all children with a professionally managed school setting that will enhance their progress, aspiration and attainment. This service will contribute towards every child having the best start in life where they can maximise their capabilities with competent teaching.

13. Staffing implications

- 13.1 There are no staffing or wider Human Resources implications. TUPE is not relevant in this matter as there are no Council staff undertaking the activity being contracted outside the Council.

14. Reducing Inequalities

- 14.1 The outcomes of this service will contribute to reducing further impact of inequality where children and young people may be affected or limited in the future as a result of ineffective education settings.

15. Consultation

- 15.1 Consultation was undertaken with Procurement, Property Services, Public Health, Human Resources, Communications Team, Finance, Legal Services, Inclusion, Adult Services, Children's Services Director of Social Work, Director of Commissioning and Early Help and Cabinet Members Councillor Towe and Councillor Wilson. Any comments received have been embedded in this report.

16. Decide

- 16.1 The advantage of awarding this contract will ensure statutory compliance and demonstrates that the Council is putting sufficient resources towards the best method of meeting the needs of our pupil population in Walsall.

17. Respond

- 17.1 Subject to Cabinet approval, a contract should be awarded to that provider who meets all criteria within the tender and attains the highest tender score. All future delivery will be subject to quality monitoring by Children's Commissioner/Head of Inclusion, feedback from school professionals using the service and regular analysis of school performance data.

- 17.2 Cabinet approval will ensure that the Council can deliver a statutory service that directly increases the learning experiences of all Walsall pupils.

18. Review

- 18.1 The monitoring review schedule will include senior manager challenging the contractor output on a quarterly basis. Significant issues / concerns identified will be responded to with urgency to maintain a consistent and safe delivery of this service. Annual feedback from school heads and Head Teacher Forum will contribute to the analysis of contractor effectiveness.
- 18.2 The Director of Access and Inclusion and Director of Commissioning and Early Help will be advised should any significant issues be identified throughout the contract term that cannot be addressed through the monitoring process. Key Performance Indicators (KPIs) within the contracted agreement will measure what impact the School Improvement and Moderation Service has on the overall engagement and attainment of individual learners.


Author

Trudy Pyatt
Head of Inclusion
trudy.pyatt@walsall.gov.uk



Sally Rowe
Executive Director, Children's Services
21 April 2021

David DeMay
Commissioning Manager
david.demay@walsall.gov.uk



Councillor Towe
Portfolio holder, Education and Skills
21 April 2021