

Cabinet – 11 September 2013

Award of Contracts for Alternative Provision Services in Relation to Children and Young People at Key Stage 3/4

Portfolio: Councillor Rachel Andrew, Children's services

Related portfolios:

Service: Children's Services

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

This report seeks delegated authority for the Governing Body of New Leaf Centre to procure and enter into contracts for alternative provision services in relation to children and young people at key stage 3/4 who have been, or are at risk of permanent, exclusion from mainstream school both in and out of the borough of Walsall, in accordance with the requirements of the council's Contract Rules.

2. Recommendations

That cabinet notes that a procurement process has been commenced and delegates authority to the Governing Body of New Leaf Centre to enter into contracts and ancillary related documents for alternative provision services in relation to children and young people at key stage 3/4 who have been, or are at risk of, permanent exclusion from mainstream school both in and out of the borough of Walsall.

3. Report detail

3.1 Background

The New Leaf Centre located on Pelsall Lane, Rushall is a pupil referral unit for students with significant behavioural, emotional and social difficulties who have been permanently excluded from school, or have been previously missing from education, and those at risk of exclusion. On 1 April 2013 the management and operation of the New Leaf Centre transferred across from Serco to become a maintained pupil referral unit with a delegated budget due to government policy changes.

3.2 Current Provision

Educational services are provided at the New Leaf Centre but the centre also makes extensive use of alternative off-site provision plus two satellite centres based at local secondary schools which act as a springboard for the re-integration of students into mainstream education.

The centre currently contracts with a number of external providers to deliver a range of provision, i.e. specialist, intensive, targeted and universal. This enables the centre to inspire, engage and meet the varied needs of the young people.

As a result of a combination of factors; transfer of services from Serco back to the council, organisational changes and the implications of budget cuts, there was insufficient time to undertake a compliant re-procurement of the alternative provision contracts that were due to expire on 24 July 2013. Acting upon the advice of legal services and procurement colleagues and in accordance with contract rules 9.1 and 9.2, the New Leaf Centre Governing Body authorised urgent action to waive/ suspend the requirement to follow contract rules 8, 11, 13, 16, and 17 on the basis that:

- a) a situation of genuine emergency is perceived to exist; and
- b) immediate action is required to safeguard the Council's assets or interests.

Existing contracts were extended, by urgent action by the Director of Children's Services, to ensure the continuity of alternative provision for the young people from 2 September 2013 to 31 December 2013. The new procurement exercise that is the subject of this report is required in order to continue provision and meet anticipated future needs through a compliant contractual arrangement.

3.3 Re-procurement Process

European Procurement Law and the Council's Contract Rules govern the way in which procurement is undertaken. In this instance the potential value (over £500k) and scope of the service requires a competitive tender process to be conducted in accordance with EU procurement legislation and the Council's Contract Rules.

The tender exercise commenced on 15 July 2013 and a significant level of interest has been generated. Tender documents were issued to providers on 31 July 2013 and are due to be returned to the Council on 13th September 2013 to be evaluated. Following the evaluation and award of contracts the new contractual arrangements are due to commence on 06 January 2014.

4. Council priorities

Pupil Referral Units make an important contribution to Council priorities to 'Improving learning and life for children and young people' and 'Good Education: Learning provision which promotes high expectations and standards, so that children and young people achieve well and fulfil their potential.'

5. Risk management

Failure to put in place contractual arrangements will place the New Leaf Centre/ Walsall Council at risk of challenge for non compliance with current EU legislation and UK Procurement Rules. By cabinet approving this delegated authority the New Leaf Centre will be able to put in place new compliant contracts that ensure continuity of service from January 2014.

6. Financial implications

From the 1st April 2013 changes were introduced by the government to the way Pupil Referral Units are funded. They now receive a delegated budget like a maintained school with the availability of top-up funding to meet higher placement costs. Funding for the contract will come out of current budgets. This funding comes from the dedicated schools grant and it is therefore appropriate to fund these activities from this grant.

To ensure value for money providers have been notified through the tender documentation that the New Leaf Centre will only pay for actual placements rather than 'block.'

7. Legal implications

7.1 Procurement of any providers for the services being tendered will be carried out in accordance with the Council's Contract Rules and any legislative requirements.

7.2 Whilst the contracts will be between the Governing Body of the New Leaf Centre and the successful providers, these are entered into on behalf of the council as maintainer of the school and owner of the funds in the budget share (Scheme for Financing Schools para. 2.17). The council is legally responsible for maintained schools, however any financial consequences arising from these contracts would be met from the dedicated school grant and not put pressure on any other council budgets.

8. Property implications

None

9. Health and wellbeing implications

Helping to re-integrate children and young people into mainstream education will improve their health and wellbeing.

10. Staffing implications

There are no staffing implications for the New Leaf Centre. Any TUPE issues will be managed between the successful providers and previous provider.

11. Equality implications

None anticipated. The contract provides distinct monitoring of providers' equality practices. The New Leaf Centre has an equality policy which is strictly adhered to and providers are expected to have a similar policy or follow that of the New Leaf Centre

12. Consultation

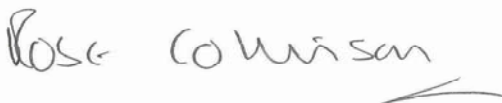
Not applicable as this matter relates to school finance and the application of the council's contract rules

Background papers

Author

Avia Howe
Business Development and Traded Services Officer
☎ 655716
✉ howea@walsall.gov.uk

Louise Hughes
Assistant Director
Children's Services - Preventative & Targeted Services



Rose Collinson
Executive Director

3rd September 2013



Councillor R Andrew
Portfolio holder

3rd September 2013