

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4358

Author:

Matthew Alvey

Department:

Growth and City Development

Contact:

Matthew Alvey

(Job Title: Careers Strategy Officer, Email: matthew.alvey@nottinghamcity.gov.uk, Phone: 01158764784)

Subject:

Provision of NEET Prevention Services for Young People 2020/21

Total Value:

£911,300 (Type: Revenue)

Decision Being Taken:

1. To grant authority to spend £911,300 and fund Nottingham & Nottinghamshire Youth Services (NNYS) to deliver NEET prevention services to young people living in Nottingham and fulfil the council's statutory functions for the period 1 April 2020 - 31 March 2021
2. To grant authority to finalise a contract with Nottingham & Nottinghamshire Youth Services (NNYS) to deliver the aforementioned services for the period 1 April 2020 - 31 March 2021

Reasons for the Decision(s)

This decision seeks to capture retrospectively the arrangement that continued with NEET for the period of April 2020-March 2021 as a result of the earlier contract rolling over.

NCC contracted with NNYS to deliver the NEET prevention service between 2014 - 2019. When the contract ended in 2019, the budget was approved for 2020/2021 to continue delivery of the NEET prevention service at a reduced cost, although the approval to spend and approval to enter into the contract were not formalised. This delegated decision is seeking approval for the 2020/21 contract and associated spend to be formalised for that duration.

A delegated decision is required to seek authority to spend £911,300 to fund and enter into a contract with NNYS to deliver young people's services that will fulfil the council's statutory functions and provide a support service for young people aged 13-19 and to those aged between 20 and 25 with special educational needs and disabilities (SEND), support that will encourage, enable and assist them to participate in employment, education or training.

NNYS will have overall responsibility for:

- prioritising the delivery of the statutory functions as set out in Participation of young people in education, employment or training: Statutory guidance for local authorities on behalf of Nottingham City Council**
- ensuring that all Nottingham children and young people at risk of becoming NEET in academic year 11 are supported to apply for post-16 opportunities, and have secured an offer of EET prior to them leaving statutory education**
- actively tracking and ensuring support for 100% of young people with Education Health Care Plans assessment who are at risk of NEET or who are NEET, in co-ordination with Nottingham City Council Children and Adults Department**
- ensuring that the NEET and Not Known targets, 4.3% and 1.2% respectively, are consistently met**
- delivering timely and accurate monthly returns to the Department for Education (DfE) via the National Client Caseloads Information System (NCCIS) and to Nottingham City Council**

Nottingham City Council will undertake regular performance review meetings with NNYS and in the event of sustained underperformance put in place a Performance Improvement Plan to ensure targets are met.

NNYS is a Teckal company wholly owned by Nottingham City Council and Nottinghamshire County Council. It is therefore exempt from an open and competitive tendering process.

Other Options Considered:

Options considered included; NNYS to continue delivering the service with no reduction in funding, NNYS to continue delivering the service but reduce the funding allocation for 2020/21, Nottingham City Council to no longer fund NNYS and seek an alternative delivery partner. A final option of not funding NEET reduction services was also considered but rejected due to the Council needing to both execute its statutory functions and address NEET levels in the City. The preferred option, which represented best Value for Money, was for NNYS to continue delivering NEET Prevention Services, on behalf of the council, but to reduce the funding allocation by £100k to £911,300. The delivery of services and budget reduction was agreed by the Executive Board on the 18th February 2020, which is evidenced in the Medium Term Financial Outlook 2020/21.

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Background Papers:

Published Works:

Affected Wards:

Citywide

Colleague / Councillor Interests:

The Portfolio Holder for Skills, Growth and Economic Development is Cllr Langton. However, Cllr Langton sits on the Board of Futures, the accounting body for NNYS. Hence there is a conflict of interest. Therefore, for the purpose of this DDM we are seeking a Portfolio Holder decision from the Leader Cllr Mellen

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

A primary objective of the NEET Prevention service is to support young people at risk of becoming NEET into Employment, Education or Training at key transition points. The service will therefore help to reduce the potential for young people to become involved in crime or anti-social behaviour by providing participants with greater opportunities to improve their economic and social circumstances.

Equality:

EIA not required. Reasons: The service takes equalities into account. The service has been explicitly designed to address equality between genders, to prevent discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and to ensure accessibility for persons with disabilities.

Decision Type: Portfolio Holder

Subject to Call In: No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: N/a
Consultation Date: 26/08/2021
The call-in procedure does not apply if a decision which has already been implemented.

Advice Sought: Legal, Finance, Procurement

Legal Advice: The proposals in this report seek to formalise the spend associated with the award of a contract to NNYS for the delivery of NEET services during the period April 2020-March 2021. Whilst the continuation of the contract and service was anticipated in budget discussions such that cost reductions were agreed, the approval to spend and enter in the contract was not formalised. This report seeks to retrospectively capture this in order to finalise the contractual arrangement.

NNYS was initially established as a jointly owned subsidiary of Nottingham City Council and Nottinghamshire County Council back in 2014 to operate on the basis of a 'Teckal' company solely responsible for delivering services to the 2 parties.

As a subsidiary meeting the 'Teckal' exemption from the Public Contracts Regulations, the Council is permitted to award a contract to them without undertaking a tender process provided it is deemed to offer best value. The report outlines why it is thought to do so.

Legal services will assist in finalising the contract for this period along with colleagues from County. The Council is only able to commit to annual spend associated with these services and so future requirements will need to be considered in advance and individual approvals sought should they be required further. Advice provided by Dionne Claire Screamon (Solicitor) on 13/08/2021.

Finance Advice: This decision seeks the retrospective approval to allocate funding to Nottingham and Nottinghamshire Youth service (NNYS) for a total of £911,300 to cover the financial year 2020-2021. As NNYS are a wholly owned subsidiary of the City Council, Teckal exemption applies. As long as Teckal conditions are met, this arrangement is not treated as a contract for the purposes of the procurement regime, rather it will be deemed to be an in-house administrative arrangement.

Advice provided by Michelle Pullen (Commercial Business Partner) on 12/08/2021.

Procurement Advice:

This decision relates to the award of a contract to Nottingham and Nottinghamshire Youth Services (NNYS) for the delivery of NEET prevention services to young people for the period 1 April 2020 - 31 March 2021. NNYS are an experienced provider of these services and the award is considered to offer value for money with reference to performance and cost, which was reduced by £100,000 for the contract period. As a wholly owned subsidiary of the Council covered by the 'Teckal' procurement exemption, NNYS may be contracted directly in accordance with the Council's Financial Regulations and Contract Procedure Rules. Therefore this proposal is supported.

Advice provided by Jo Pettifor (Procurement Team Manager) on 10/08/2021.

Signatures

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 26/08/2021
Michael Wayne Bexton (Interim CD for Growth & City Development)
SIGNED and Dated: 26/08/2021