

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2456

Author:

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Department:

Children and Families

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Subject:

Request for approval to enter into a collaborative procurement process and create and publish a directory of Alternative Education Provision

Total Value:

Nil - Process only (Type: Nil)

Decision Being Taken:

It is proposed that Nottingham City and Nottinghamshire County Councils enter into a joint collaborative Dynamic Purchasing System (DPS) process to produce a formal alternative education provision directory of accredited providers - for use by both Nottingham City and Nottinghamshire schools/academies/special schools and LA support services in securing effective alternative provision for key stage 2, 3 and 4 pupils where a full curriculum offer within a mainstream school setting does not support the needs of specific individual young people.

This will enable both local authorities to equitably share the workload and reduces the burden on suppliers, that are by in large small or voluntary sector providers, from tendering twice.

Both Local authorities will work together and have full and transparent input into the process for creating a directory and the subsequent process for quality assurance.

Approval also for the outcome of the tender to be delegated to the Joint Directors of Education.

Reasons for the Decision(s)

Recent national benchmarking of how alternative education provision is managed has highlighted that other LA's have been formally managing the overall commissioning of AP, producing formal AP directories (for use by their Schools, Academies, PRU's ([where applicable] and support services) and seperately ensuring a quality assurance system which monitors the standards, in line with the Ofsted framework, of all providers in the directory - for the last 2 or 3 years.

As part of the benchmarking exercise Nottingham City Council and Nottinghamshire County Council colleagues have met and discussed current processes and the EU procurement regulations with regard to the public purse; it was unanimously agreed that instead of undertaking 2 separate procurement processes and creating 2 separate AP directories (which would include a high number of the same AP providers) that we work collaboratively and undertake 1 single procurement process and have 1 joint directory in place from September 2016.

After detailed discussions with Procurement and Legal colleagues it has been ascertained that in order to comply with relevant regulations both local authorities need to ensure transparent processes to procure AP; since both authorities use the same providers and would be looking to use an exact QA model/standards, it makes sense to tender these two elements collaboratively. Collaborative working will enable both LA's to equitably share the workload and support the AP market in that they do not have to tender into 2 identical processes for inclusion in the accredited directory.

This proposal should help settings in accessing better value for money in that they can access specific information that providers have been asked to provide as part of their directory offer, with regard to potential reduced costs for block booking places.

Briefing notes documents:

AP Commissioning Information (Not for Publication) March 2016.docx

Other Options Considered:

Option One: to continue to procure Alternative Provision placements (AP) via various routes e.g schools/academies referring direct to AP or via NCSEP, Nottingham City LA framework agreement for KS4 permanently excluded pupils, Nottinghamshire LA commissioning via NCSEP process (which is in breach of EU Procurement regulations) these different routes also puts undue pressure on AP providers due to the different modes of referral and assessment.

Option Two: To undertake a formal procurement process, in collaboration with Nottinghamshire County Council, which will enable one route of referral for both LA's and schools/academies/PRU's - which will in turn ensure consistant practices for AP providers, will look to provide more effective VFM whilst also ensuring that both LA's are compliant with EU procurement regulations. This is the preferred option

Background Papers:

Published Works:

Affected Wards: Citywide

Colleague / Councillor Interests:

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Nottingham City Council and Nottinghamshire County Council have a duty to ensure relevant access to education provision for their resident students where they have been permanently excluded, are without a school place or where mainstream school is identified as not being the most appropriate to meet then needs of the individual.

A high proportion of these pupils are eligible for free schools meals and/or have special educational needs and/or disabilities. The majority of these students will have behavioural, emotional and social difficulties.

The lack of consistent referral and monitoring processes for this vulnerable group when accessing offsite alternative provision can be instrumental in increasing the risks relating to safeguarding, crime and disorder and poor outcomes.

Equality: EIA not required. Reasons: Not required as this is relating to a procurement process only.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 19/05/2016

Advice Sought: Legal, Finance, Procurement, Equality and Diversity

Legal Advice: This report raises no significant legal issues. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 24/03/2016.

Finance Advice: No additional costs have been identified associated with the production of the proposed Alternative Provision directory. This directory may help City schools, academies and pupil referral units achieve better value for money through economies of scale in advance block purchasing with Alternative Provision providers. Advice provided by Kathryn Mair Stevenson (Finance Analyst) on 11/03/2016.

Procurement Advice:

There are no significant procurement implications arising from this decision. The proposal to enter into a joint collaborative Dynamic Purchasing System (DPS) process with Nottingham County Council, in order to produce a directory of Alternative Education Provision, is supported from a procurement perspective. This will ensure that a robust and compliant process is followed in line with Procurement Regulations (Light Touch Regime). The process will ensure that providers listed in the directory meet adequate quality standards, and will enable new providers to join the directory throughout the duration of the DPS. The process will be led by Nottinghamshire County Council, with input from Nottingham City Council's Procurement Team.

Advice provided by Julie Herrod (Procurement Officer) on 10/03/2016.

Equality and Diversity Advice:

The proposal provides an opportunity for streamlined and accessible services for some of our most vulnerable communities. However, it will be important that work is undertaken to ensure that the diversity of providers are reflected in the directory in order to ensure real choice and equity for all stakeholders. Consistent review processes that utilise the intelligence provided by citizens will be key. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 10/03/2016.

Signatures

Sam Webster (PH for Education, Employment and Skills)

SIGNED and Dated: 06/05/2016

Alison Michalska (Corporate Director for Children and Adults)

SIGNED and Dated: 12/05/2016