

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3613
Author:	Jasmin Howell
Department:	Children and Adults
Contact:	Jasmin Howell (Job Title: Service Manager, Email: jasmin.howell@nottinghamcity.gov.uk , Phone: 0115 8764726)
Subject:	Buying a Virtual School ePEP system for Children in Care from a commissioned provider
Total Value:	£32,000 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1. To approve expenditure associated with purchasing an additional service - an electronic Personal Education Plan (ePEP) information management system - from a provider that the Virtual School already commission to collect attendance and attainment data. The additional service will be added through a variation to the existing contract, which will run from 3 June 2018 until 30 April 2021, when the current 'Virtual School Data Collection Service' contract with the commissioned provider ends.2. To seek approval under Clause 3.29 of the Financial Procedure Rules, on the grounds of operational issues for a value below key decision level, to dispense with the requirements set out under Clause 5.1.1/ 5.1.2.3. To delegate authority to the Director of Education to approve the purchasing of the additional ePEP service, and for this addition to be added to the existing 'Virtual School Data Collection Service' Contract by way of a Contract Variation.4. To delegate authority to the Virtual School Service Manager to sign the contract arising from the tender process once the tender outcome is agreed.
Reasons for the Decision(s)	The Virtual School has a statutory duty to ensure that all of the Council's Children in Care have an up-to-date PEP that is of high quality, and to collect, monitor and track their educational outcomes and experiences. The current system for completing, monitoring, quality assuring and reporting on PEPs is cumbersome and cannot be considered consistently with the other data collections and reporting provided by Welfare Call, as we are using a number of different systems in which to fulfil our duties. Commissioning of the ePEP system provided by Welfare Call will enable the Virtual School to monitor and track the educational outcomes and experiences of its Children in Care in one place through one system, enabling the Council to fulfil its duties more effectively, efficiently and accurately.
Briefing notes documents:	Electronic PEP and Virtual School Information Management System- proposal.docx

Other Options Considered: Take no action: If we do not purchase an ePEP system, this will significantly compromise the efficiency, accuracy and effectiveness of the Virtual School in its duty to ensure looked after children have an up to date that is of high quality.
Using a different provider: There is another provider that provides an ePEP facility that the Virtual School is seeking to purchase, however, as we already commission Welfare Call to collect educational information in respect to our children in care and have an existing contract, data processing agreement and data privacy impact assessment with them, it will be more efficient, accurate and cost effective to purchase the additional service from the current commissioned provider.

Background Papers: None

Published Works: A DD3114 was previously submitted and approved for the contract with Welfare Call on 31 March 2018 (<https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=4423>). A contract was awarded and the necessary assessments and agreements completed for this contract. This request is for the contract to be varied to include the purchase of an additional service, if approved the assessments and agreements completed as part of the original contract would apply.

Affected Wards: Citywide

Colleague / Councillor Interests: None

Dispensation from Financial Regulations: Yes

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

Crime and Disorder Implications: This request or decisions relating to it will not have any impact in respect to the reduction, combatting or increasing of crime and disorder. This request or decisions relating to it will not have any impact or effect in the prevention of criminal or anti-social behaviour. This request will not set or enforce any rules to regulate behaviour.

Equality: Please login to the system to view the EIA document: EIA for commissioning ePEP- signed off.docx

Social Value Considerations: Not applicable.

Decision Type: Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

14/08/2019

Advice Sought:

Legal, Finance, Procurement, Equality and Diversity

Legal Advice:

Section 22 of the Children Act 1989 ("CA1989") imposes a broad duty on a local authority to safeguard and promote the welfare of a child looked after by the local authority. This includes a duty to promote the child's educational achievement and a duty to appoint at least one person for the purpose of discharging this duty. Therefore, Nottingham City Council ("NCC") is discharging its duty to promote the educational achievement of its looked after children by establishing the Virtual School, with its Virtual School Headteacher who is an NCC employee.

Further, under the CA1989 and the Care Planning, Placement and Case Review (England) Regulations 2010 (as amended), care plans are put in place for looked after children by the local authority. In particular, regulation 5 of the Care Planning, Placement and Case Review (England) Regulations 2010 states that a care plan for a looked after child must include a record of the arrangements made by the local authority to meet the child's needs in relation to education and training including so far as reasonably practicable, the information set out in paragraph 2 of Schedule 1 to the regulations (known as a personal education plan). Therefore, the proposals relate to NCC's discharge of its duty to put in place personal education plans for its looked after children and it is lawful for these personal education plans to be electronic, since the format of these plans is not specified, provided they contain the information set out in Schedule 1, paragraph 2 of the Care Planning, Placement and Case Review (England) Regulations 2010.

Beyond the above, it is advisable that the following two points are noted:-

1. It is advisable for NCC to take advice from Procurement officer and Finance officer colleagues to ensure that the decision-making in relation to these proposals is compliant with procurement requirements and NCC's own financial rules set out in the NCC Constitution.
2. If these proposals are to be implemented, then it is advisable that the NCC Children & Adults Department seek legal advice from NCC Legal Services in respect of any resultant contract or contracts for the provision of services.

Advice provided by Jonathan Ludford-Thomas (Senior Solicitor) on 13/06/2019.

Finance Advice:

The proposal seeks to move from a paper based PEP system, to an electronic PEP system. The costs of this proposal are outlined as, an initial cost of £2,000, and ongoing costs of £0.97p per child per week throughout the academic year. Based on current number of users this would be an annual cost of £15,359. Therefore the total costs for 2019/20 are assumed to be £17,359. Ongoing costs in future years are estimated to be around £15,000, and this assumption seems appropriate.

The funding for the proposal is from the Pupil Premium Plus grant. The proposal meets the stipulation of the grant. The Virtual School Head has identified that the proposal will fit within the Pupil Premium Plus budget, and based on previous years, and ongoing forecasts there is sufficient budget to fund this proposal.

It is expected that this proposal will have no additional costs to council budgets.

Advice provided by Graeme Black (Commercial Business Partner) on 21/06/2019.

Equality and Diversity Advice:

The issues that would apply to the Equality Duty have been duly considered.

Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 04/07/2019.

Procurement Advice:

The proposal is a request for a dispensation from contract procedure rule 5.1.2 to issue a contract variation to the existing 'Virtual School Data Collection Service' contract. For the reasons as outlined by the report author, the proposal raises no significant procurement concerns.

Advice provided by Mabs Karim (Procurement Officer) on 17/06/2019.

Signatures

Neghat Khan (PH Early Years, Education and Employment)

SIGNED and Dated: 25/07/2019

Alison Michalska (Corporate Director for Children and Adults)

SIGNED and Dated: 25/07/2019

Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations

SIGNED and Dated: 07/08/2019

Chief Finance Officer's Comments: This needs further advice from IT services in the actions coming from this decision

Electronic PEP and Virtual School Information Management System

1. Introduction

1.1. The Nottingham City Virtual School currently uses a paper based Personal Education Plan (PEP) for its children in care, and carries out PEP reporting manually through SIMs, a school based information management system adopted for use by the Virtual School to track, monitor and report on the educational outcomes of individual children in care.

1.2. In the Summer 2018 the Service Manager for the Virtual School, now employed as the Virtual School Head, proposed to education and social care colleagues the discontinuation of the paper-based PEP and a move to an electronic PEP as a more robust and efficient way to complete, track and report on PEP completion and educational outcomes for children in care.

1.3. The recommendation to move to an externally provided ePEP was rejected by social care colleagues; cost implications and social workers having to access an additional (to Liquid Logic) information management system in which to record information for children in care was cited as reasons for the rejection.

1.4. Social care colleagues agreed with the discontinuation of the paper based PEP but proposed utilising the PEP in Liquid Logic as opposed to purchasing an externally provided electronic PEP.

1.5. During the last 18 months work has progressed to develop the PEP in Liquid Logic. Simultaneously the Virtual School Head has been carrying out extensive work to establish and develop information management systems to enable the Virtual School to collect and track data pertaining to the educational outcomes and experiences of its authority's children in care, in line with statutory requirements.

1.6. The work carried out by the Virtual School Head over the last 18 months scoping information management systems and developing/improving existing systems has demonstrated clearly that to effectively and efficiently fulfil its duties the Nottingham City Virtual School requires a purpose built information management system, which includes an electronic PEP portal system. SIMS, Liquid Logic and Capita One does not and will not enable the Virtual School to effectively perform the functions required to operate effectively.

2. Proposal

2.1. The Virtual School is responsible for monitoring, tracking and improving educational outcomes for its authority's children in care, duties consists of:

- Collecting, monitoring and reporting on attendance and exclusion information for individual children in care.
- Collecting, tracking and reporting on statutory attainment and assessment outcomes for individual children in care.
- Collecting, tracking, monitoring and reporting on academic progress of individual children in care.
- Monitoring and reporting on access to the entitlement of suitable and high quality education provision for individual children in care
- Monitoring, quality assuring and reporting on the PEP compliance of children in care.
- Managing and allocating Pupil Premium Plus to improve educational outcomes for individual children in care and reporting on expenditure.
- Identifying and reporting on children in care that are in alternative education provision.
- Identifying and reporting on the educational outcomes of specific groups of children in care who are particularly vulnerable to poor educational outcomes (i.e. children with SEND, unaccompanied asylum seeker children, out of area children and children in alternative provision).

2.2. Two leading providers have developed a bespoke information management and PEP system specific for Virtual Schools- Welfare Call and eGov. Nationally over 110 other Virtual Schools use either the Welfare Call or eGov Information Management and ePEP system.

2.3. The Virtual School Information Management systems provided by the current lead providers, Welfare Call and eGov, only function effectively with their ePEP; it is through the ePEP system that educational information for individual children in care is collected.

2.4. Following 18 months of scoping and attempting to establish systems that will enable the Virtual School to accurately, effectively and efficiently complete its monitoring, tracking and reporting functions, the Virtual School Head has concluded that the commissioning of a purpose built system is the best solution.

2.5. The Virtual School Head proposes to commission the full Virtual School Information Management System from Welfare Call (having already gone through a full tender and procurement process with this provider to commission the collection of attendance data), which will also include the use of their ePEP.

2.6. The costs for commissioning the Welfare Call Virtual School Information Management and ePEP system will be met through Pupil Premium Plus, made possible through the Conditions of the Grant. It is proposed the system will be commissioned ready for the academic year 2019-20, with a full implementation plan to support social care and education colleagues.

3. Rationale and benefits

3.1. The PEP in Liquid Logic, even as redesigned, will not enable the Virtual School to effectively perform its duties and responsibilities, as detailed in paragraph 2.1 above, because:

- Completion is reliant on social care colleagues; schools will not have access to the PEP on Liquid Logic, yet the vast majority of the form requires population of educational and school information. It is unreasonable to expect social care colleagues to interpret and then populate educational information provided by schools onto the PEP system, this requires additional work from social workers and increases the risk of information be recorded inaccurately.
- Liquid logic is not designed to hold and report on the other educational information relating to children in care; attendance and exclusions, attainment and progress, pupil premium and school move information. The Virtual School will therefore continue to be reliant on using different systems and methods for collecting, holding and reporting on these outcomes, which is both inefficient and ineffective.

3.2. Key benefits of commissioning a purpose built Virtual School information management and ePEP system include:

- Ability to collect, track, hold and report on educational outcomes for individual children and groups of children in one system.
- Reporting of educational outcomes automated through the portal, so less time consuming and resource heavy for the Virtual School team.
- Ability to align Pupil Premium Plus Spend with the PEP- enabling funding allocated to be targeted at improving educational outcomes for individual children in care.
- Schools, social workers, carers, children and the Virtual School can access the portal to complete their specific tasks and have dedicated areas within the portal to do so.
- Enables better oversight and tracking of educational outcomes by the Virtual School Head.
- Ability to quality assure and report on PEP quality more effectively and timely.
- Ownership placed firmly with schools to ensure the PEP is completed accurately and fully.
- Ability to transport information from the Virtual School information Management System and ePEP to other local authority systems (e.g Capita One and Liquid Logic)

4. Next steps

4.1. A meeting has been arranged for 1pm on Tuesday 7th May at Loxley House, social care colleagues are invited to the first part of this meeting where Welfare Call will demonstrate the ePEP system.

4.2. Following the Welfare Call ePEP demonstration meeting on Tuesday 7th May the Virtual School Head and Social Care Managers will be required to make a decision in respect to the commissioning of an ePEP system. A decision will be required ideally before the end of May; this will enable sufficient time to implement and move over to the new system and to provide appropriate support and guidance to education and social care colleagues prior to the start of the new academic year.

Briefing end.

Equality Impact Assessment Form

screeintip-sectionA

1. Document Control

1. Control Details

Title:	Purchasing an ePEP portal from a commissioned provider
Author (assigned to Pentana):	Jasmin Howell- Head of Virtual School (not assigned to Pentana)
Director:	Nicholas Lee
Department:	Education
Service Area:	Virtual School
Contact details:	Jasmin.howell@nottinghamcity.gov.uk 01158764726
Strategic Budget EIA: Y/N	No
Exempt from publication Y/N	No

2. Document Amendment Record

Version	Author	Date	Approved
1	Jasmin Howell	20 th June 2019	

3. Contributors/Reviewers

Name	Position	Date

4. Glossary of Terms

Term	Description

[screentip-sectionB](#)

2. Assessment

1. Brief description of proposal / policy / service being assessed

The Virtual School currently commission an external provider, Welfare Call, to collect attendance and attainment data in respect to Nottingham City children in care- a contract is in place for 3 years, which commenced May 2018 with a further two years remaining. The Virtual School is seeking to vary the existing contract with Welfare Call to include the purchase of their ePEP via their portal system. The Virtual School is seeking to purchase the ePEP portal from Welfare Call as the current process for completing Personal Education Plans (PEPs), which is using a paper-based form, is cumbersome for professionals, compromises the accuracy and quality of PEPs and creates delays in the PEP paperwork being completed. The Welfare Call ePEP portal is a purpose built PEP for Virtual Schools.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

Feedback from teachers and social workers indicate that the current method for completing PEPs is not very effective or efficient for both schools and social workers alike. The Virtual School will obtain feedback from schools, social workers

and young people (as part of the PEP process) on the impact and effect of moving from a paper-based PEP to an electronic one.

3. Impacts and Actions:

<u>screentip-sectionD</u>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, <u>looked after children</u> , cohesion/ good relations, vulnerable children/ adults).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

<p style="text-align: right;"><u>screeentip-sectionE</u></p> <p>How different groups could be affected (Summary of impacts)</p>	<p style="text-align: right;"><u>screeentip-sectionF</u></p> <p>Details of actions to reduce negative or increase positive impact (or why action isn't possible)</p>
<p><i>Provide details for impacts / benefits on people in different protected groups.</i></p> <p>Completion of the e-portal ePEP instead of the current paper-based PEP will be beneficial to looked after children and all the different professionals who have a responsibility in the completion of PEPs for children, for the following reasons:</p> <ul style="list-style-type: none"> • Completion of the PEP directly onto the ePEP Portal by schools will support the PEP being completed accurately and timely. • Professionals (schools, social workers and the Virtual School) will have access to the portal through a password, so can review, refer and update the PEP as and when required, without the need to hold a meeting. • Schools will be able to make funding requests for Pupil Premium Plus (PPP) at the same time as completing the ePEP, enabling them to evidence the relevancy and agreement of the funding being requested. The process of requesting and applying for funding will be therefore be less time consuming 	<p>1 Actions will need to be uploaded on Pentana.</p> <ul style="list-style-type: none"> • In April 2019 a demonstration of the ePEP portal was provided to members of the social care leadership and management team, the virtual school and social workers and feedback taken as to the roll out of the new process. • Implementation of the new ePEP portal will commence at the start of the next academic year- September 2019. • Between July and September 2019, prior to implementation, communication will be sent to all schools that have a Nottingham City child in care on their role to inform them of the new ePEP process and instructions for accessing the portal. Schools will be given details of a named person within the Virtual School to contact if they require further information on the new process. • Between July and September 2019, prior to implementation, communication will be sent to all Nottingham City social workers to inform them of the new ePEP process and instructions for accessing the

<p>and will be linked appropriately to the actions identified in the ePEP.</p> <ul style="list-style-type: none"> • The Virtual School Head will be able to make more informed decisions as to whether to approve/decline Pupil Premium Plus applications as the requests can be aligned to the actions as identified in the ePEP portal. • The Virtual School will be 	<p>portal. Social workers will be given details of a named person within the Virtual School team to contact if they require further information on the new process.</p> <ul style="list-style-type: none"> • Guidance on using the ePEP portal will be provided to schools that have a Nottingham City child in care on their roll and to all Nottingham City social workers responsible for children in care, to support them with accessing and using the new ePEP system. Guidance will be provided in August 2019. • Between August and September 2019- face to face training will be provided to all Nottingham City Social workers on the new ePEP portal.
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4. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

After the first term of implementation, i.e. between January and April 2020, the Nottingham City Virtual School will obtain feedback from professionals and young people in respect to engagement and access of the new ePEP portal. All feedback received will be considered by the Virtual School Head and any proposed changes or improvements will be brought to the attention of the commissioned provider, Welfare Call, for action.

At the end of the contract year, end April 2021, the Virtual School Head will review the success and impact of the commissioned ePEP portal service, which will inform any decisions and actions relating to further commissioning.

6. Approved by (manager signature) and Date sent to equality team for publishing: Jasmin Howell (sent via email 21st June 2019)

Approving Manager: Jasmin Howell, 0115 8764724, jasmin.howell@nottinghamcity.gov.uk The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.	Date sent for scrutiny: 2 nd July 2019 Send document or Link to: equalityanddiversityteam@nottinghamcity.gov.uk
SRO Approval:	Date of final approval: 04/07/19 Adisa Djan

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

