

Notice of NON KEY Executive Decision

<p>Subject Heading:</p>	<p>Modification/variation of the Prospects contract to include an additional service, which will provide 10 supported internship placements.</p>
<p>Cabinet Member:</p>	<p>Councillor Robert Benham – Cabinet Member for Education, Children & Families.</p>
<p>SLT Lead:</p>	<p>Robert South – Director of Children’s Services.</p>
<p>Report Author and contact details:</p>	<p>Suzanne West, Commissioning Manager, T: 01708 434670 E: suzanne.west@havering.gov.uk</p>
<p>Policy context:</p>	<p>This service supports the Council’s obligations as outlined in the Department for Education (2017), Careers strategy: making the most of everyone’s skills and talents. This strategy sets out how the government intends to transform careers provision across England with an emphasis on education, business and careers communities coming together to work in partnership.</p>

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Financial summary:	<p>The cost for the service will be £164,990 per annum based on all 10 places being filled.</p> <p>This will be a rolling service that will be reviewed annually.</p> <p>The service will be funded from the Post-16 High Needs Education budget.</p>
Relevant OSC:	Children & Learning
Is this decision exempt from being called-in?	Yes, it is a non-key decision by a member of staff

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The decision maker is asked to agree a modification/variation to the current Prospects Contract (for the supply of the Targeted Information, Advice & Guidance service) to include an additional service that will provide 10 supported internship placements per annum, for young people aged between 17 and 25 with an Education, Health and Care Plan. The internship will support the young people to progress into paid employment at the end of their programme.

The cost of each placement is £16,499 per annum and assuming all 10 places are filled the total annual cost to Havering would be £164,990. The service will be reviewed annually.

AUTHORITY UNDER WHICH DECISION IS MADE

Contract Procedure Rule 19.3 & Reg. 72(5).

A modification is permitted where it is below the relevant EU threshold and is less than 10% of the initial contract value for service and supply contracts, or 50% of the initial contract value for works contracts, and provided that the modification does not alter the overall nature of the contract or framework agreement.

STATEMENT OF THE REASONS FOR THE DECISION

The service is commissioned by London Borough of Havering (LBH) to fulfil the Council's statutory obligations as outlined in the Education and Skills Act 2008 and the Children's and Families Act 2014.

The Council currently commissions Prospects (the Provider) to supply a targeted Information, Advice & Guidance service (IAG), and the Service has a specific remit to work with young people in targeted groups aged 15-18 years old (14-25 year olds in the case of those with special educational needs), in order to support those students who are identified as being at high risk of becoming NEET (Not in Employment, Education or Training). This includes working with young people leaving care, teenage mothers and young offenders who require additional and more intensive support to access education and training opportunities among others.

One such education and training opportunity is a supported internship. The internship is specifically aimed at young people aged 17 to 24 who have a statement of special educational need or an Education Health and Care Plan (EHCP), who want to move into employment and need extra support to do so. It is also intended to enable young

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people with learning difficulties and/or disabilities to achieve sustainable, paid employment by equipping them with the skills they need for work through learning in the workplace.

As with most education and training opportunities, the places needed outweigh the places available and the Special Educational Needs Team has identified a gap in the supported employment offer. With Prospects already working within Havering and already having Supported Internship schemes in Harrow, Hillingdon and Kensington, Prospects were approached to come up with a proposal of a Supported Internship Scheme for Havering to help fill the gap.

The Supported Internship Programme would primarily be employment based, where the intern would be carrying out tasks and duties as if they were employed. The intern would be in a job role for 5 days a week and have some classroom support. The Internship would start in September and finish in July and 10 interns would be supported per year. The focus of the internship will be around building the skills and abilities needed in the workplace. However, accredited and non-accredited qualifications will be delivered based on individual needs. This could include:

- NCFE Employability Awards: differentiated by intern, including applied English and Maths run by grade 1 Ofsted tutors
- Bespoke vocational units available e.g., Food Hygiene Certificates, etc.

Prospects are currently collaborating with a range of employers to provide job placements in sectors such as retail and hospitality. Individualised programmes would be designed to meet both the needs of the intern and their employer, allowing them to progress and develop at the right pace. The interns would also have one-to-one support through a dedicated Job Coach who will work alongside them to improve their knowledge and skills to carry out all tasks associated with the job they are doing. The interns would get support to progress into paid employment from their Job Coach either with their host employer or within another company.

Commissioners and the Learning and Achievement Team will jointly monitor the service. Progress of each intern will be reviewed at quarterly contract monitoring meetings to ensure outcomes are being achieved.

The estimated value of the modification does not exceed the EU threshold for services contracts and 10% of the initial contract value under regulation 72 of the Public Contracts Regulations 2015. The original contract value is £4.060m. In keeping with the requirement of clause 31 of the current contract for all modifications to be captured in writing, the Contract Modification Notice (Schedule 9 of the Contract) should be completed and a Deed of Variation capturing the specific changes to this element of the service also drafted.

OTHER OPTIONS CONSIDERED AND REJECTED

Do nothing. This option was considered and rejected because:

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- There is a shortage in the current supported employment offer and this service will contribute to filling the gap.
- The service would contribute to fulfilling the Council's statutory obligations as outlined in the Education and Skills Act 2008 and the Children's and Families Act 2014.
- The Provider (Prospects) has shown willingness at short notice to provide the service.

PRE-DECISION CONSULTATION

- Current Provider (Prospects) - With Prospects already working within Havering and already having Supported Internship schemes in Harrow, Hillingdon and Kensington, Prospects were approached to come up with a proposal of a Supported Internship Scheme for Havering to help fill the gap.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Suzanne West

Designation: Commissioning Manager

Signature:



Date:21/07/2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. This contract is for the provision of Information, Advice and Guidance (IAG) services. Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything an individual may generally do. Section 111 of the Local Government Act 1972 also permits the Council to do anything ancillary to or which facilitates any of its functions.
2. Section 10 of Part 2 of the Education and Skills Act 2008 places a duty on local authorities to promote the fulfilment of the duty imposed by section 2 of the Act which in turn requires children and young people to engage with and participate in education and training.
3. Section 19(d) of Part 3 of the Children and Families Act 2014 also compels local authorities in England to support children, parents and young people in order to facilitate the development of the child or young person and help them achieve the best possible educational and other outcomes.
4. The Council is relying on Rule 19.3 of its Contract Procedure Rules for the proposed modification of the IAG Contract to include the Supported Internships which states:

19.3 A modification is permitted where it is below the relevant EU threshold and is less than 10% of the initial contract value for service and supply contracts, or 50% of the initial contract value for works contracts, and provided that the modification does not alter the overall nature of the contract or framework agreement.

5. The EU threshold for goods and services contracts is £189,330 and the value of the proposed Supported Internships is £164,990. From the Pricing Schedule (Schedule 10 of the Contract), the total value of the contract is £4,060,000 and 10% of that would be £406,000. This modification therefore meets both requirements to fall below the EU threshold and 10% of the initial contract value.
6. With regard to the requirement that the overall nature of the contract remain unchanged, one of the Provider's service aims is to:
 - 3.1(b) Ensure a comprehensive offer of information, advice and guidance and positive activities which support progression to education, training and employment.

and the Provider's outcomes and targets are for the target group to:

- 5.1(e) have high employability skills and be prepared for the multiple roles they will occupy, the skills and strategies needed to form good relationships, and the need to work well with other people, through strong, coherent personal development and support programmes in schools, colleges and work-based learning providers and community settings, including a robust

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careers and life-long learning programme; and

5.1(g) have a portfolio of employability skills developed through work-based experiences, personal development programmes and career development Programmes, including access to volunteering.

7. The proposed Supported Internships would therefore appear to fall within the category of activities aimed at developing employability skills through work-based experiences and therefore falls within the scope of this contract.
8. In conclusion, as long as the value of the proposed internships remains below the EU thresholds for service contracts and below 10% of the initial contract value, the Council faces little if any risk of challenge for this modification to the contract.
9. In capturing these amendments, which have been referred in this report, the modification to the contract should be captured in the Contract Amendment Notice (Schedule 9) as well as a deed of variation capturing the textual changes that need to be made to the existing contract to reflect this additional service.

FINANCIAL IMPLICATIONS AND RISKS

The additional service for supported internship is a study programme for 10 students with additional support needs, in most circumstances delivered using core funding from the local Authority. This proposed variation is one-year funding from existing budgets of £1.3m held on A33585 Post-16 High Needs Top-up DSG cost centre within the Children's Directorate.

The variation to the Information, Advice & Guidance (IAG) Service provision is an invest-to-save opportunity for the young people supported, leading towards future lifelong employment. In the absence of this service, each young person would be placed in out of borough provision with a financial burden of £0.060m to £0.070m per provision, the costs of which would have been met from within the Children's Directorate service budgets.

Assuming no material change to the Children's service budget over the year, there will be no financial risk to the Local Authority.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

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The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

If the recommendation to award a modification/variation to the contract is agreed, it should have a positive impact on equality groups. It will enable the existing provider to provide an additional service to meet the needs of all eligible service users, including those from minority community groups and those 'protected' under Equality Act 2010 legislation.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Robert South

CMT Member title: Director of Children's Services

Date: 10.08.20

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____