

Notice of Non-key Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix 1 is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to information relating to the financial or business affairs of any particular person, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Education system procurement - award
Decision Maker:	Trevor Cook – Assistant Director of Children’s Services
Cabinet Member:	Councillor Oscar Ford
SLT Lead:	Tara Geere – Director of Starting Well Statutory Director of Children’s Services
Report Author and contact details:	Janet James – Admissions & Inclusions Manager 01708 433531
Policy context:	Education Services to award a new contract to their existing supplier for the delivery of statutory services.
Financial summary:	The total cost of the contract including maintenance costs and running costs for 3 years is £440,769 excluding VAT. (£146,923 per annum). This will be met from centrally held Dedicated Schools Grant (DSG). The new contract will cost £61,939 per annum more than the previous contract, which will be an additional pressure on the DSG.

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Relevant OSC:	People OSSC
Is this decision exempt from being called-in?	Yes It is a non-key decision by officer.

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

People - Things that matter for residents -

Place - A great place to live, work and enjoy -

Resources - A well run Council that delivers for People and Place - **X**

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Assistant Director of Children's Service is recommended to agree:

(a) The termination of the current contract with The Access Group Ltd;
And

(b) To award a contract to The Access Group Ltd (through the YPO framework ref: 1095 (Software Application) Lot 11) for the Education system (Synergy), for a period of 3 years commencing in July 2023, at an annual cost of £146,923 excluding VAT. (totalling £440,769 over a 3 year period).

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution, Part 3, Responsibility for Functions.

3 Functions delegated to staff

3.4 Powers of Second Tier Managers

Second Tier Managers are those managers directly reporting to a SLT Director. Second Tier Managers all have delegated authority to act as follows within the assigned service.

Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

This report seeks to terminate the current contract and to direct award a new contract via the YPO framework ref: 1095 (Software Application) to deliver an Education Management system for a further 3 years, at a cost of £440,769 over the contract period.

Comparison of costs / services

Through the YPO framework ref: 1095 (Software Application) Lot 11, there were 4 identified providers 2 of whom were immediately removed as they did not provide any school admission functionality. Based on the pricings provided for the remaining 2 providers, a desktop evaluation was undertaken to see which provider could provide best value for money whilst still providing a full complement of Modules to cover the core business needs.

Below is a comparison of the costs, split into each service area / module, it is worth noting that the final annual contract cost is slightly higher than £120,000 due to some additional data importing functionalities not specifically itemised within the YPO framework pricing structure. This brings the total annual cost to £146,923 which is significantly cheaper than Provider 1.

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	Provider 1	Provider 2 (Synergy)
Core Services	£100,000	Included within Module costs
Admissions	£160,000	£22,000
Early Years	£165,000	£19,000
Free School Meals / Education Support	£65,000	£22,000
SEN	£50,000	£22,000
Family Information Service	£20,000	£13,000
Case Management	£50,000	£22,000
TOTAL ANNUAL COSTS	£610,000	£120,000

Why is it needed

Various statutory education and council services are dependent on the this system so as to discharge its duties around associated functions, these include:

- Special Education Needs Funding
- Early Years Funding
- Free School Meal Entitlement
- School Admissions and Appeal Services
- School Attendance and Inclusions
- Alternative Provision
- Children Missing Education (CME)
- Elective Home Education (EHE)
- Multi Agency Safeguarding Hub (MASH)

Service requirements

The system requirements are set so they meet all statutory duties, the needs of the service, and also ensures we can maximise government income through entitlements, such as the free early years childcare programme.

The system must ensure the following:

- Have an online parent portal enabling parents to apply for two year old offer & Early Years Pupil Premium (EYPP).
- Have capability to be integrated to meet the requirements of the 30 hours codes, Disability Access Funding (DAF) and EYPP.
- Be integrated to the Eligibility Checking Service (ECS) and produce instant outcomes for 2 Year old offer. Must be compliant with all changes around Universal credit entitlements as of April 2018.
- Be a link between information shared by parents and LA systems allowing for the push of codes (2 year olds and 30 hours) so that when a provider claims the base line child level data is already present in the system.
- Meet the requirements for 30 hours breakdown of universal hours and extended hours.
- Meet the needs of the Department for Education Early Years Census and as such all data fields related to child level and establishment data will be format ready for transfer to COLLECT.
- Securely import School Census data to allow the LA to have a centralised hub for all pupils.
- Be automated for the calculation of funding for providers, enabling them to control their finances for government initiatives.

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- Be flexible so that it allows date parameters for terms, to prevent late returns from providers.
- Automatically calculates the ages of children and interfaces with termly date parameters, so children not eligible are identified.
- Ensure no local adjustments are required for children who start after census closure - this is automatically managed so therefore no further requirement for a funding transfer manual process.
- Ensure there is no further need to send census exports or 30 hours childcare exports.
- Have a schools portal to allow access to statutory school age and early years data on one platform.
- Have specific functionality to highlight and evidence over claims/duplicate data to reduce errors.
- Be fully reportable to support data requests from Childcare works, DfE and HMRC.
- Ensure that the school admissions module is compliant with Pan-London admissions configuration and protocol.
- Have a parent portal for school admissions, allowing application and notification on outcomes for main cohort and in-year applications.
- Allow for schools to receive details of admissions applicants and self-rank them (so to apply any local admissions criteria) and push back through to the local authority through the system – for both main cohort and in-year.
- Have an automatic method to allocate unplaced applicants to their nearest school with a vacancy.

ICT Requirements

As The Access Group Ltd are the current providers of the system, the OneSource ICT Business Partner have already supported this system. Technical and information security requirements have been satisfied. The system is cloud based and meets all Havering requirements.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 – Do nothing – this option is not possible as the system would be out of contract and unsupported, and the LA would not be legally compliant.

Option 2 - Undertake a wider procurement exercise – this option was rejected as there would be significant cost of changing systems along with a substantial disruption to statutory services such as the school admissions and appeals process. Additionally the entirety of the local primary and secondary schools sector would be required to have a new system which would require a significant re-training programme. This would create additional and unreasonable time and cost pressures on education services that cannot be mitigated.

PRE-DECISION CONSULTATION

No formal consultation required.


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

Name: Janet James

Designation: Admissions and Inclusions Manager

Signature:

A handwritten signature in blue ink that reads "Janet James". The signature is written in a cursive style with a period at the end.

Date: 09/10/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The proposed contract value is above the applicable Public Procurement threshold for Service contracts stipulated in the Public Contracts Regulations 2015 ("PCR"). Therefore the procurement process was subject to the full PCR regime.

A competitive procurement procedure has been conducted in accordance with the Council's Contract Procedure Rules.

The Council has a statutory duty under the Childcare Act 2006 as to sufficiency. The Council seeks to utilise this software to exercise those duties. Section 111 of the Local Government Act 1972 gives the Council the power to do anything ancillary to or which facilitates any of its functions, including the matters set out in this report.

FINANCIAL IMPLICATIONS AND RISKS

The annual cost of the 3 year contract is £146,923 (£440,769 in total), which will be met from centrally held DSG budgets. The cost of the previous contract was £84,984 per annum. Therefore the new contract will result in an additional annual charge to the DSG of £61,939.

The cost of the contract is analysed below.

Description	Annual Costs
Licensed Program & Application Support Services	£83,457
Hosting Services	£63,466
Total Annual Costs	£146,923

The costs will be met from the Dedicated Schools Grant (DSG) as illustrated below:

Service	Annual Costs
DSG CSSB central	£33,381
DSG EY central	£38,159
DSG HN inclusions / APS	£50,616
DSG SB de-delegated	£24,767
Total Annual Costs	£146,923

Risks

The key risk is around the availability of the annual DSG in continuing to fund the system, especially given current indications that funding for schools is increasingly under pressure due to underlying increases in costs beyond annual increases in the grant allocation.

Currently, as part of the council's statutory obligations, there are earmarked budgets within the DSG to support these functions. However, this would be dependant on annual Central Governments Legislation and therefore there is an associated risk. This

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would be mitigated by any transitional arrangements that will take place prior to any significant changes.

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

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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None identified

BACKGROUND PAPERS

None

APPENDICES

Appendix A -EXEMPT

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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: Trevor Cook

Assistant Director, Education Services

Date: 04/12/2023

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____