

Notice of Non-key Executive Decision

Subject Heading:	Challenge Partners – SEND Development Peer Review
Decision Maker:	Trevor Cook, Assistant Director of Educational Services
Cabinet Member:	Cllr Oscar Ford
SLT Lead:	Tara Geere, Director of Starting Well (Statutory Director for Children’s Services)
Report Author and contact details:	Marcus Bennett, 01708 433465, marcus.bennett@havering.gov.uk
Policy context:	Best value - There is no equivalent product available on the market which is highly specialist. There are SEND review toolkits and audits available from other organisations, however only Challenge Partners is both bespoke to SEND, includes face to face support with experts from the supplier and facilitated peer support. Furthermore, we were offered a time-limited, rare opportunity to have a small number of Havering schools included in this pilot.

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Financial summary:	<p>The total cost of the agreement with Challenge Partners is £26,814 excluding VAT.</p> <p>It will be fully funded from the £1m grant received from the Department for Education in respect of the “Delivering Better Value” programme.</p> <p>A waiver to the usual Contract Procedure Rules has been agreed due to the specialist nature of the service</p>
Relevant Overview & Scrutiny Sub Committee:	People OSC
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy

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

Part A – Report seeking decision

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DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval from the Assistant Director of Educational Services to direct award a contract to Challenge Partners to enable a number of schools to participate in the SEND Development Peer Review by funding their annual subscription. The total amount of the contract is of £32,176.96 and is expected to begin on 18/1/24 until 31/7/24.

A waiver from competition has been agreed by the Lead Cabinet Member, Cllr Ford for this purchase. The commitment to make this purchase is part of the borough's participation in the Department for Education (DfE) Delivering Better Value programme, for which the borough received £1m grant to undertake a range of improvement activities included the peer review achieved through this purchase.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council Constitution

Part 3

3.4 Powers of Second Tier Managers

General powers

- (a) To take any steps necessary for proper management and administration for their allocated portfolios.

Contract powers

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

There is no equivalent product available on the market.

The 3rd party provider is highly specialist and offered a time-limited opportunity for us to participate in a pilot.

The commitment to undertaking this work enabled us to be awarded £1m grant from central government.

The commitment in promoting inclusive practice is part of broader service improvement which sees spend to save in terms of costs to high needs budget of

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failed and subsequent expensive specialist placements of children and young people with special needs.

OTHER OPTIONS CONSIDERED AND REJECTED

No like for like alternatives on the market.

PRE-DECISION CONSULTATION

None required.

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

Marcus Bennett, Head of SEND Service (Acting)

Name: Trevor Cook

Designation: Assistant Director for Education

Signature:



Date: 21/02/24

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has the power to procure a contract for these services under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Council also has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.

The contract value of £32,176.96 is below the applicable public procurement threshold for services contracts for the purposes of the Public Contracts Regulations 2015 (PCR 2015) of £214,904 and the contract is not caught by the full regime of the regulation. However, the contract must comply with the Council's Contract Procedure Rules (CPR).

For the reasons set out above, the Council may award the contract as per the recommendations in this report to Challenge Partners.

FINANCIAL IMPLICATIONS AND RISKS

The total cost of the agreement with Challenge Partners (including a 5% discount) is £26,814 excluding VAT.

It will be fully funded from the £1m grant received from the Department for Education in respect of the "Delivering Better Value" programme.

This is a time-limited purchase with no commitment to renew, although this will be considered following evaluation of the product's impact in terms of outcomes and cost.

A waiver to the usual Contract Procedure Rules has been agreed due to the specialist nature of the service.

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

There are no further human resources implications or risks from this decision.

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:

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- 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, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no further environmental and climate change inclusion implications or risks from this decision.

BACKGROUND PAPERS

None

APPENDICES

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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

~~Proposal NOT agreed because~~

Details of decision maker

Signed



Name: Trevor Cook

~~Cabinet Portfolio held:~~

~~CMT Member title:~~

Head of Service title AD Education Services

~~Other manager title:~~

Date: 21st February 2024

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____