

Part 1	ITEM NO.
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REPORT OF
The Strategic Director for People
TO
Procurement Board
ON
26th June 2019

TITLE: Approval for an extension of the contract for a Special Educational Needs and Disabilities Brokerage, Support, Training and Advice Service for schools and families in the Orthodox Jewish Communities in Salford

RECOMMENDATION:

That the Procurement Board:

- (1) Approve the extension of the Contract for a Special Educational Needs and Disabilities (SEND) Brokerage, Support, Training and Advice Service for schools and families in the Orthodox Jewish Communities in Salford

Detail required			
Contract Reference	TBC		
Title/Description of Contracted Service/Supply/Project	Contract for a Special Educational Needs and Disabilities Brokerage, Support, Training and Advice Service for schools and families in the Orthodox Jewish Communities in Salford		
Name of Contractor	The Centre for Specialist Educational Assistance Ltd (known as Binoh of Manchester)		
Type of organisation <i>(to be supplied by Corporate Procurement)</i>	Private Limited Company		
Status of Organisation <i>(to be supplied by Corporate Procurement)</i>	SME		
Value of Contract Extension	£ 40,360		Per annum
Existing Contract Term	01/09/2016	to	31/08/2019
Extension Period Requested	01/09/2019	to	31/08/2020
Contact Officer (Name & number)	Geoff Catterall (793 3312) Steve Titley (793 2435)		

Lead Service Group	People Services
Funding Source	Grant

(2) Note that prior to the end of the period of time covered by the exception as indicated in (1) above, the Strategic Director will determine whether the service is to be decommissioned or, in consultation with the Corporate Procurement Team, will agree to undertake a compliant procurement process to re-let the contract by the end of the exception period.

EXECUTIVE SUMMARY:

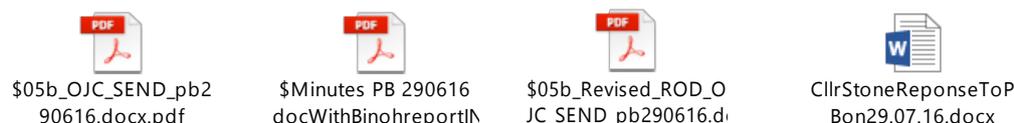
The purpose of this report is to request an extension to the contract for a Special Educational Needs and Disabilities Brokerage, Support, Training and Advice Service for schools and families in the Orthodox Jewish Communities in Salford

There is provision within the current contract to extend the agreement for a further period from 01/09/2019 to 31/08/2020

BACKGROUND DOCUMENTS:

Report of Procurement Board (PB) on 29.06.16 requesting the award of the contract following an open tender process and the Record Of Decision approving that award.

Minutes of Procurement Board 29.06.16, especially the additional requests for information and future contract extension approvals for this contract under 'Item 6'.



KEY DECISION: No

DETAILS:

Background

Approval to go out to tender for this service was given following a report presented to Procurement Board on 9th March 2016. The reasons for going out to tender were that the Local Authority (LA) has statutory responsibilities to support all children with special educational needs in Salford and the LA did not (and still does not) have the internal resource to provide the culturally appropriate SEND support offer needed by

the Orthodox Jewish Community. Further detail are available in the PB contract award report of 29th June 2016, above.

A contract was subsequently awarded to Binoh of Manchester following an open tender process for £40,360 p.a. from 01.09.16 to 31.08.19 with two optional annual extensions to 31.08.20 and 31.08.21, with the potential cost of the full contract to 31.08.21 being £201,800.

Annual contract extensions of this amount are not usually required to return to PB for approval and instead are approved by the Strategic Director. However on this occasion Procurement Board had additional questions about the provision and also stipulated that future annual extensions on this contract should come back to PB for approval (please see Procurement Board Minutes 29.06.16, Item 6, above).

Current request

A report recommending an extension of this contract from 01.09.19 to 31.08.20 has been presented to Children's Services Senior Leadership and to Executive support for Education and Learning. The recommendation to extend was approved for the following reasons:-

- The provision is still necessary for the reasons outlined in the original request to PB report of 29th June 2016 (please see above).
- The provision has been subject to quarterly monitoring and has performed well since 01.09.16.
- The provision also reduces the incidences of children in this community needing to progress to a higher level of intervention and spending by the Council at Education Health and Care Plan (EHCP) level, as the help given by Binoh in school (to pupils, teachers and SENCO's) invariably addresses issues before they develop further.
- However if an EHCP is in the best interests of the child/young person then further work does need to be done. Consequently, building on the success of Binoh's work at pre-EHCP level, they were contracted (under contract variation regulations, following advice from Procurement) to deliver additional provision from 09.04.18 to 08.04.19 and then from 09.04.19 to 08.04.20 for work with Council SEN services, the child/young person, their family and their school to implement EHCP's in the most effective way. This work has is also subject to quarterly monitoring and has also been successful.

Additional information requested by Procurement Board

As discussed, when agreeing the award of the original contract PB requested further information about the provision. Cllr Stone the then Lead Member for Children and Young People's Services responded on 29th July 2016 (please see 'Background Documents' above)

The advice has not materially changed but some refreshed information in relation to it has been provided to the original requests below.

1. Consideration to be given to the joint procurement of this service with Manchester and Bury

As previously stated in the response of 29.06.17 (above) 85% of Orthodox Jewish Schools in North Manchester are located in Salford, rather than Manchester or Bury and so the other Authorities have no plan or intention to provide a specialist Binoh-style service.

Children's Services do continue to monitor and respond to the needs of the OJC community in partnership with the Orthodox Jewish Forum, including educational needs and cross-border research which suggests that Salford OJC numbers are growing, with a still greater proportion of the OJC community students living in Salford (please see below).

2. Confirmation that the current service is provided only to children living in Salford.

On average 1 in 2 of the children/young people supported by this provision are non-Salford residents. This continues to reflect the balance of the location of the Orthodox Jewish Schools and also population movements of the Jewish Orthodox Community into Salford (in the last Census, the Jewish population increased by 20% faster than the overall population *but by 48% in Salford*, with the 0-15 age group increasing by 62%, Source – Orthodox Community Profile Version 5).

The Binoh delivery model is consistent with the legislation governing the practice of the Council's internal SEN service which serves the maintained school sector. The internal service also supports non-Salford resident pupils studying in Salford schools unless they are at a higher level of need that triggers the need for an EHCP, at which point the LA where the child is resident becomes liable to pay top-up funding.

Binoh also continues to support its delivery of SEN services to OJC schools with its own fundraising and match-funding, including the provision of a school SEN resources library.

3. Equality issues in terms of similar services being offered to other faith groups.

The Council's internal SEN teams continue to meet the needs of children of other faiths in our maintained schools as there are no equivalent non-OJC, full-time, faith-based schools in Salford.

Social Value

The original tender process included an evaluation of Social Value and the delivery of the contract continues to deliver this, including a free loan service for specialist resources for children with SEN, including literature, equipment, materials and CDs and Binoh is accredited with 'Volunteer England', utilising volunteers throughout its wider programmes.

Approval of the potential future extensions

The Strategic Director for People Services is not anticipating any changes in relation to the value of the contract, or in the advice in relation to PB's additional questions (above) but will again present an extension request in time for the final year of the contract from 01.09.20 to 31.08.21, if this is required by PB.

Recommendation

It is recommended that the contract is extended from 01.09.19 to 31.08.20 as outlined in the original tender award.

KEY COUNCIL POLICIES: Salford Council Accessibility Strategy 2014–17; Children's Services Accessibility Strategy; SEN Support – The Graduated Approach-Descriptors of Special Education Provision Expectations Document Updated June 2014 – Primary and Secondary Phase Schools Accessibility Strategy; SEN Support – The Graduated Approach – Descriptors of Special Education Provision Expectations Document Update June 2014 – Primary and Secondary Phase Schools

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: The original tender was designed following a review of current provision taking which including an assessment of equality needs and impacts on the service users. The winning bidder was tested against their compliance with Equality Legislation.

ASSESSMENT OF RISK: If this contract is not awarded, there will be a break in SEN services. The local authority has statutory responsibilities to support all children with special educational needs and to make the provision required to meet these needs. This includes those Orthodox Jewish children with SEND who are educated in independent schools

SOURCE OF FUNDING: DSG funding

LEGAL IMPLICATIONS Submitted by: Tony Hatton, Principal Solicitor

When commissioning contracts for the provision of goods, services or the execution of works, the Council must comply with the provisions of the Public Contracts Regulations 2015 (PCR) and its own Contractual Standing Orders (CSO's) as set out in the Constitution, failing which the award or extension of a contract may be subject to legal challenge.

It is an established principle that an existing public contract is capable of being extended (or modified providing any modification does not affect the overall nature of the contract), and CSO's also allow for contract extensions to be made, where the parties agree and where the original contract makes provision for such an extension of the original term. The option to extend is therefore now being properly exercised.

FINANCIAL IMPLICATIONS: Submitted by: Chris Mee, Strategic Finance Manager

Provision for the annual cost of this contract of £40,360 is built into the High Needs DSG revenue budget. The annual cost of this contract remains the same as 2018/19.

PROCUREMENT IMPLICATIONS: Submitted by Chris Conway, Category Manager, Corporate Procurement Team

Procurement are happy to approve the proposed additional 12 month extension on the proviso that the service undertakes a review of future options for a possible collaborative retender with other interested Authorities during this extension period as the report indicates that 85% of Orthodox Jewish Schools in North Manchester are located in Salford. It is understood that a further extension may be sought next year for the final extension allowed under the original procurement exercise.

OTHER DIRECTORATES CONSULTED: Not applicable.

CONTACT OFFICER: Geoff Catterall (793 3312) Head Of Complex Needs SEN and Steve Titley, Commissioning Manager, People Directorate (793 2435)

WARD(S)	TO	WHICH	REPORT	RELATE(S):	All
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