

REPORT TO: Executive Board Sub Committee
DATE: 30th June 2011
REPORTING OFFICER: Strategic Director, Children & Enterprise
SUBJECT: Extending Service Level Agreements for Pupil Referral Unit Provision
WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To seek agreement to allow for the extension of Service Level Agreements for a period of 12 months for current providers of education to KS4 Pupil Referral Unit learners in order to secure the continuity of education for these vulnerable learners.

2.0 RECOMMENDATION: That

- i) Under procurement Standing Order 1.8.2 Standing Orders 3.1 and 3.2 be waived in respect of the current provision of education for KS4 Pupil Referral Unit (PRU) learners with the intention to extend existing contracts to August 2012 in view of the exceptional circumstances following a recent procurement process that resulted in no contracts able to be awarded. There would be insufficient time to conduct a further tender exercise as provision needs to be in place before September 2011.**
- ii) The 14-19 Divisional Manager be authorised to negotiate a 12 month extension with providers where a Service Level Agreement is already in place.**

3.0 SUPPORTING INFORMATION

3.1 In April 2011 the Procurement team supported the 14-19 Division to procure provision for the KS4 PRU from September 2011, advertising the tender opportunity with The Chest, the Council's e-tendering facility hosted by Due North.

3.2 After the assessment of the Pre Qualification Questionnaire (PQQ) and Invitation to Tender (ITT) Documentation of those providers who submitted a tender all providers failed to progress further in the process as they did not pass Gateway questions on the PQQ or failed to meet the minimum standards for information within the ITT Document.

3.3 The timescale to run a full procurement exercise again does not allow provision to be in place for September 2011. Learners progressing from Year 9 to Year 10 and Year 10 to Year 11 will require provision from September 2011. Provision is required for a 12 month period, i.e. one full academic year, so learners have the opportunity to complete qualifications with one provider during that period of time.

3.4 The current Service Level Agreements with providers are due to terminate in August 2011.

4.0 **BUSINESS CASE**

4.1 **Value for Money**

The Service Level Agreements will be amended to reduce the quantity of provision purchased, to reflect the actual level of service used. Further quality indicators will also be added to ensure value for money.

4.2 **Transparency**

The Service Level Agreements will continue to be subject to the issues of confidentiality and be open to scrutiny under the freedom of information act, through the Policy and Performance Board scrutiny arrangements.

4.3 **Propriety and Security**

The usual integrity clauses will be built into the contract extensions and only staff with a need to know will have information about the Service Level Agreements.

4.4 **Accountability**

This will remain with the Operational Director for Children's Organisation and Provision Department awarding the Service Level Agreement and the internal and external audit process Policy and Performance board will be relevant.

4.5 **Position of the Contract under the Public Contracts Regulations 2006**

This contract is for an Education/Vocational service and as such is largely exempt from the 2006 regulations.

5.0 **POLICY IMPLICATIONS**

5.1 None

6.0 **FINANCIAL IMPLICATIONS**

6.1 The Pupil Referral Unit is a school institution and receives DSG. This funding is used to pay providers for the provision for KS4 PRU learners.

6.2 The extensions to Service Level Agreements will terminate in August 2012.

7.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

7.1 **Children & Young People in Halton**

Provision is required for KS4 PRU learners by September 2011 to secure the continuity of their education.

8.0 **RISK ANALYSIS**

8.1 NONE

9.0 **EQUALITY AND DIVERSITY ISSUES**

9.1 NONE

10.0 **LIST OF BACKGROUND PAPERS**

10.1 NONE