

REPORT TO: Executive Board

DATE: 28th March 2013

REPORTING OFFICER: Strategic Director, Children & Enterprise

PORTFOLIO Children, Young People & Families

SUBJECT: Waiver of Procurement Standing Orders for subscription to Fischer Family Trust

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

To request the waiver to procurement standing orders because:

1.8.3 (e) Compliance with Standing Orders is not practicable because the Council's requirements can only be delivered by a particular supplier.

2.0 RECOMMENDATION: That

Approval is granted to waiver Part 4 Procurement Standing Orders (4.1) where there is a requirement to use the Chest to source the quotations.

This waiver will be for one year from 1st April 2013 to 31st March 2014. One annual subscription to Fischer Family Trust, with an option to extend for a further 2 years (see 4.4).

3.0 SUPPORTING INFORMATION

3.1 Children & Enterprise have a clear commitment to improving outcomes for all children and young people in Halton. Key to evaluating progress of groups and individuals is the Fischer Family Trust (FFT) data which allows for benchmark comparisons across a large number of pupils. This is key to our tracking of the progress of individual pupils who fall under the remit of our Virtual Headteacher, including Children in Care.

3.2 Fischer Family Trust (FFT) is part of a consortium that is contracted to process all data for the Department for Education's (DFE) National Pupil Database and Achievement & Attainment Tables (Performance tables). Fischer Family Trust is also contracted to process pupil performance data for the Welsh Assembly Group. As a result, Fischer Family Trust has access to pupil performance and census data for the whole of England and Wales. This enables them to produce a wide range of innovative performance data allowing schools to quickly identify and understand key

strengths and weaknesses, set challenging but realistic targets and help pupils to identify and realise their potential.

3.3 Established in 2001 Fischer Family Trust has been working successfully with LAs and schools to provide high quality performance data to support target setting and self-evaluation. Currently, 100% of Local Authorities in England and Wales subscribe to FFT with virtually all schools accessing FFT data through FFT Live (FFT's online reporting system), FFT databases or through LA generated data packages.

3.4 Fischer Family Trust reports cover all Key Stages (from Key Stage 1 to Key Stage 5) and all levels (pupil, group, school, Local Authority) and use sophisticated statistical techniques to measure progress (both value added and contextual value added) and estimate future performance (both contextualised and non- contextualised).

3.5 Subscription provides:

- LA access to LA level reports / data for all schools via FFT Live and Fischer Family Trust database
- LA email and telephone support form FFT
- Fischer Family Trust Live administration for LA accounts
- Access to Fischer Family Trust national research and new LA developments
- LA access to Fischer Family Trust school and pupil level data (value added and estimates) for all schools
- School access to Fischer Family Trust Live (School and Pupil Level)
- Local Authority Fischer Family Trust administration access to school administration accounts

4.0 BUSINESS CASE FOR WAIVING STANDING ORDERS

4.1 Value for money and Competition

The waiver of standing orders is requested as there is only one supplier of this service. As a result it is not possible to test value for money and source via the Chest. Access to the Fischer Family Trust data is essential if we are to fulfil our commitment to Narrowing the Gap for vulnerable pupils through access to the highest quality data to support target setting and tracking as part of our self-evaluation.

The Public Contracts Regulations 2006 are not relevant as the value is below EU thresholds.

4.2 Transparency

Prior to submission to the Executive Board Sub Committee seeking a waiver of formal tendering requirements advice and guidance has been

sought from the Head of Procurement. The Head of Procurement has been consulted and she supports this waiver.

4.3 Funding

The cost of subscription for 2013 / 14 is **£4,372**.

The subscription will be funded by Learning and Achievement – Primary Support and Intervention Budget: 2050 8107 WO59 HBC1

4.4 EXTENSION CLAUSES

- 4.4.1 The Contract shall begin on the 1st April 2013 and subject to the proviso for earlier determination shall end on the 31st March 2014, and shall be subject to possible extension to 31st March 2016 as per Clauses 4.2, 4.3 and 4.4
- 4.4.2 At the sole option of The Employer, notice may be given in writing to The Contractor that The Employer may offer two extensions of the Contract by a period of one year. Notice shall be given no later than 3 months before the expiry of the initial term of one year. Where the Contract term is extended under this provision the Contract shall be so extended on the same terms as this Contract but omitting this option for renewal.
- 4.4.3 For the avoidance of doubt in considering an extension of the Contract The Employer shall have particular regard to the manner in which the Contract has been performed
- 4.4.4 Notwithstanding the expiration of the Contract Period or the earlier determination of this Contract these conditions shall continue in full force and effect to the extent that any of them remain to be implemented either by The Contractor or The Employer.
- 4.4.5 If the option to extend is agreed, the no contractual price uplifts will be incurred as per the Contract

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

The Council is committed to Narrowing the Gap for vulnerable children and young people. Access to high quality, nationally recognised data is fundamental to the setting of stretching targets and tracking progress of all pupils, including Children in Care. This will ensure that targeted children and young people are making expected progress and attaining at least in line with national expectations.

5.2 **Employment, Learning and Skills in Halton**

A good level of achievement is key to accessing further and higher education and securing employment.

5.3 **A Healthy Halton**

Increased confidence, value and self worth improves the emotional health and well-being of children and young people.

5.4 **A Safer Halton**

N/a

5.5 **Halton's Urban Renewal**

n/a

6.0 **RISK ANALYSIS**

6.1 Not subscribing to this national dataset may lead to the Council being unable to effectively target, track and benchmark the performance of vulnerable pupils, including Children in Care, against a nationally recognised dataset.

A full risk assessment is not considered to be required.

7.0 **EQUALITY AND DIVERSITY ISSUES**

By not being able access the FFT data this would result in inequality of opportunity.

8.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
-----------------	----------------------------	------------------------

Rutland House

Gill Bennett

Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a. Secondary - Section 22(3)a of the Children Act 1989 placed a duty on local authorities to safeguard and promote the welfare of a child looked after by them. Section 52 of the Children Act 2004 amended that to include a particular duty on local authorities to *promote their educational achievement*.