

	<p align="center"><b>Decision of Lead Cabinet Member for Children, Young People and Schools</b></p> <p align="center">14 September 2023</p>
	<p align="center"><b>Report from the Corporate Director of Children and Young People</b></p>
<p align="center"><b>AUTHORITY TO INVITE TENDERS FOR PROVISION OF A TARGETED SERVICE THAT PROMOTES EDUCATION, EMPLOYMENT AND TRAINING FOR YOUNG PEOPLE</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	1 – Equality Impact Assessment
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Shirley Parks Director, Education, Partnerships and Strategy <a href="mailto:Shirley.parks@brent.gov.uk">Shirley.parks@brent.gov.uk</a></p> <p>Sharon Buckby Head of Inclusion and Virtul School <a href="mailto:Sharon.buckby@brent.gov.uk">Sharon.buckby@brent.gov.uk</a></p>

## 1.0 Executive Summary

- 1.1. This report concerns the procurement of a contract for the Provision of a Targeted Service that Promotes Education, Employment and Training for Young People. This report requests approval to invite tenders in respect of a contract for the Provision of a Targeted Service that Promotes Education, Employment and Training for Young People as required by Contract Standing Orders 88 and 89.

## 2.0 Recommendation(s)

That the Cabinet Member for Children, Young People and Schools, having consulted with the Leader and in accordance with paragraph 13 of Part 3 of the Constitution:

- 2.1 Approves inviting tenders for a contract for the Provision of a Targeted Service that Promotes Education, Employment and Training for Young People on the basis of the pre-tender considerations set out in paragraph 3.8 of the report.

2.2 Approves Officers evaluating the tenders referred to in 2.1 on the basis of the evaluation criteria set out in paragraph 3.8 of the report.

### **3.0 Detail**

3.1 The proposals in this report contribute to the following Borough Plan Priorities:

- Strategic Priority 1 – Prosperity and Stability in Brent
- Strategic Priority 3 – Thriving Communities
- Strategic priority 4 – The Best Start in Life

### **3.2 Background**

3.2.1 The Education and Skills Act 2008 places a duty on local authorities to secure sufficient suitable education and training provision for young people aged 16 to 19 and for those aged up to 25 with an Education, Health and Care Plan.

3.2.2 Under the Education Act 2011 the Local Authority retains a duty to encourage, enable and/or assist young people's participation in education or training. The local authority is required to assist the most vulnerable young people and those at risk of disengaging with education or work. Local Authorities are also required to lead the September Guarantee process through which young people are guaranteed a place in education, employment and training after year 11 or 12.

3.2.3 The Local Authority also has a duty to track all young people's participation and regularly report on their current activity to identify young people who are not participating in education, employment or training. The DfE guidance and advice to local authorities around Raising Participation Age (below) refers to the local authority's statutory responsibility to promote participation and support young people aged 16 and 17 into education and training. This promotion and support is measured through the DfE 3 month LA scorecard on NEET (Not in Education, Employment and Training) and not known performance.

3.2.4 The impact of time not spent in education, employment or training for young people can have a detrimental effect on their physical and mental wellbeing and increase the likelihood of unemployment, low paid work and low quality of work later on in life that will have an impact on their social mobility over their lifetime.

#### **Current position**

3.2.5 To deliver the Local Authority's statutory responsibilities, as set out in paragraphs 3.1 to 3.3, the Council awarded a contract to Prospects Services. The contact term covers the period from 1 April 2019 – 31 March 2022 with an option to extend for a further 2 years. The council has exercised the option to extend the contract for a further 24 months to 31 March 2024.

The service delivers:

- The Local Authority's statutory duty ensuring young people who are not in education, employment and training (NEET), aged 16-18 years old and up to 25, with an Education, Health and Care Plan, receive relevant

information, advice and guidance in order to be supported to a successful transition into post-16 education, employment and/or training. This remit includes those young people who are new to the borough and/or attending a specialist English Language provision, as well as young people attending out-of-borough alternative provision settings, who have been excluded from mainstream school and are vulnerable to becoming NEET.

- A full active tracking, matching and support for young people into education, employment and training using client caseload information system.

In addition, the service delivers:

- an information advice and guidance hub 5 days a week.
- a targeted intensive non-statutory service to promote Education, Employment and Training (EET) to vulnerable groups.
- an outreach programme to target those in the NEET cohort, whose situation is currently not known, in order to achieve full participation in education/employment/training.

Key performance:

- Since the DfE Scorecard has been published, Brent has performed well against combined NEET and Unknown activity placing Brent consistently in quintile 1 (top 20%) of all local authorities across England.
- In order to meet the statutory requirements, the Local Authority has to confirm destinations for all Brent 16- and 17-year-olds, on an annual basis to meet the DfE 3 month scorecard requirements. In addition, checks are required every 6 months for those in employment and every 3 months for young people who are NEET.
- There are currently 115 young people NEET in Brent (as at 23/06/23) - this fluctuates each month and is in constant churn as young people move in and out of this category. In the 12 months from April 2022 – March 2023 the service successfully supported 206 young people to transition into positive Education, Employment or Training destinations (including Brent resident young people from vulnerable groups – looked after children, young people known to the Youth Offending Service and young people with SEND).

### **The proposed delivery model**

- 3.2.6 The new commissioned service will deliver a full tracking service to meet the Local Authority's statutory responsibilities as outlined in paragraphs 3.1 to 3.3, to ensure that young people who are not in education, employment and training (NEET), aged 16-17 years old and up to 25 with an Education, Health and Care Plan, receive relevant information, advice and guidance in order to be supported to a successful transition into post 16 education, employment and/or training. In addition, the service will also deliver an intensive targeted service to promote Education, Employment and Training (EET) to vulnerable groups, working within children's specialist services such as Youth Offending Service, Brent Virtual school, LAC and Permanency Teams and the Inclusion Service. The service will focus on complex targeted case work supporting young people who present with multiple barriers to progression, into Employment, Education

or Training to improve their access to education, training and employment and support a successful transition into adulthood and independence.

3.2.7 The development of the proposed service has been informed by the SEND Strategy 2021-25, the Youth Strategy 2021-23, the Borough Plan Moving Brent Forward together for 2023-2027; the Brent Black Community Action Plan 2020 and The Brent Poverty Commission Report 2020, all of which provided useful insights into the importance of access to education, employment and training opportunities for vulnerable young people to support successful transition into adulthood.

The service will contribute to the following key outcomes:

- An increase in the proportion of vulnerable young people (SEND, LAC and Care Leavers, young people known to youth offending service, young people with mental health needs/substance misuse) who participate in education or training beyond the end of Year 11.
- A parallel reduction in the number and proportion of young people who are NEET, or who become NEET if they leave provision early.

3.2.8 Officers considered whether the Provision of a Targeted Service that Promotes Education, Employment and Training for Young People could be provided by the Council it-house. However, it was concluded that the best option is for the service to be provided by an external contractor on the grounds that external organisations have the specialist expertise to the benefit of young people. They also have access to additional funding that can enhance the service offer.

3.2.9 Officers are recommending a contract to a single provider for a total duration of 5 years (3 years with the option to extend by 2 x 12 month extensions) from 1 April 2024 to 31 March 2029 at a total contract value in the sum of £2,742,406.

3.2.10 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the contract for Provision of a Targeted Service that Promotes Education, Employment and Training for Young People at Risk of Becoming NEET (Not in Education, Employment or Training) the “Contract”) have been set out below for the approval of the Cabinet Member.

Ref.	Requirement	Response
(i)	The nature of the services / supplies / works.	Contract for Provision of a Targeted Service that Promotes Education, Employment and Training for Young People at Risk of Becoming NEET (Not in Education, Employment or Training).
(ii)	The estimated value.	£2,742,406 contract term of 5 years (3 years plus the option to extend by 2 years) from 1 April 2024 to 31 March 2029
(iii)	The contract term.	A contract term of 5 years (3 years plus the option to extend by 2 x 12 month extensions) from 1 April 2024 to 31 March 2029.

Ref.	Requirement	Response	
(iv)	The tender procedure to be adopted.	Open Procedure supported by a market engagement event prior to publication of the opportunity if required.	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Publication of Advert and ITT Documentation on the London Tenders Portal	25/09/2023
		Deadline for tender submissions	27/10/2023, 1pm
		Evaluation Panel and moderation	30/10/2023 – 10/11/2023
		Report recommending Contract award circulated internally for comment	20/11/2023 – 27/11/2023
		Corporate Director award	29/11/2023
		Standstill period and confirmation of award (incorporating 5-day call in period)	30/11/2023 – 7/12/2023
		Contract Mobilisation and Contract signature	After contract award – 31/03/2024
		Contract start date	01/04/2024
(vi)	The evaluation criteria and process.	<p>1. At selection stage shortlists are to be drawn up to identify organisations meeting the Council's financial standing requirements, previous experience, and technical capacity and technical expertise.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following proposed criteria:</p> <p>Most Economically Advantageous Tender (MEAT) based on 40% Quality, 50% Price and 10% social Value</p>	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract	
(viii)	The Council's Best Value duties.	The council will be awarding the contract to the Most Economically Advantageous Tender (MEAT)	

Ref.	Requirement	Response
		The contract approach and funding range seeks to encourage bidders to demonstrate how they could lever in additional funds to offset the Council's contribution.
(ix)	Consideration of Public Services (Social Value) Act 2012	It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations. Bidders will be asked to provide a social value action plan and method statement which then be measured for impact and delivery over the life of the contract through the Contract Management function.
(x)	Any staffing implications, including TUPE and pensions.	See section [10] below. There will be TUPE implications for a new provider.
(xi)	The relevant financial, legal and other considerations.	See sections [4 and [5] below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a quality measure for sustainability is not required and can be captured as part of the Social Value criteria.
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the contract.
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage.
(xv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the contract.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 Consultation has been undertaken with internal stakeholders including Children and Young People service areas and Council's Employment, Skills and Enterprise services to identify any gaps in service provision.
- 4.2 The development of the proposed service has been informed by the SEND Strategy 2021-25, the Youth Strategy 2021-23, the Borough Plan Moving Brent Forward together for 2023-2027 under Every Opportunity to succeed. The Brent Black Community Action Plan 2020 (priorities under skills and enterprise, employment and early intervention, The Brent Poverty Commission Report

2020 (under improving local earnings), all of which provided useful insights into the access to education, employment and training opportunities for young people to make successful transition into adulthood.

- 4.3 The Brent Local Offer is regularly reviewed with the Parent Carer Forum on the suitability of presentation, content and format to ensure that families can access the right information in the right way to access the appropriate services they need in Brent. This includes information about the information advice and guidance services commissioned by the Council.
- 4.4 Children and young people will be trained to participate in the formal tender evaluation process and their feedback will help inform the outcome of contract award.
- 4.5 Service user feedback from the current provider delivering services has been reviewed and incorporated into service development.
- 4.6 As this service affects all wards, there has not been separate consultation with ward members.

## **5.0 Financial Considerations**

- 5.1 The estimated value of this Contract is £548,481K per annum, with a total contract value of £2,742,406 over 5 years. This reflects a 10% reduction on the previous annual contract sum.
- 5.2 The Contract will be funded from the General Fund Access to EET (Connexions) budget, with a contribution of £40K per annum from Brent Virtual School.

## **6.0 Legal Considerations**

- 6.1 The estimated value of the proposed Contract is £2,742,406 is above the threshold for Schedule 3 Services currently set at £663,540 (inclusive of VAT), under the Public Procurement Regulations 2015 (the "PCR 2015") and the procurement is therefore governed by the PCR 2015.
- 6.2 The procurement is subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts given the procurement is valued at £2,742,406. In accordance with paragraph 13 of Part 3 of the Council's Constitution, the Cabinet Member for Children, Young People and Schools having consulted with the Leader, has delegated power to approve the pre-tender considerations set out in paragraph 3.8 above (Standing Order 89) and the inviting of tenders (Standing Order 88) for High Value Contracts.
- 6.3 Once the tendering process is undertaken, officers will report back to the Cabinet Member in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

- 6.4 As this procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the PCR 2015 before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 6.5 As staff will be transferring from the incumbent provider to a new provider, TUPE will apply to this Contract. Officers should ensure that the incumbent and new service providers will comply with TUPE Regulations.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

## **8.0 Climate Change and Environmental Considerations**

8.1 The re-tendering of this services does not directly impact on the Council's environmental objectives and climate emergency strategy. The service supports young people into education, employment and training, working with local employers.

#### **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract.

9.2 Staff will be transferring from the incumbent provider to the new provider and therefore TUPE will apply.

#### **10.0 Communication Considerations**

10.1 Once the tendering process is completed, information about the successful bidder will be communicated to relevant stakeholders.

**Report sign off:**

**NIGEL CHAPMAN.**

Corporate Director of Children and Young People