

Sandwell Metropolitan Borough Council

Action To Be Taken Under Delegated Powers Exemption from Procurement and Contract Procedure Rules

Provision Of School Governance Reviews

1. Summary Statement

1.1. Exemption being sought

1.1 An exemption is being sought in accordance with Rule 15 of the Contract Procedure Rules to directly award contract for the provision of School Governance Reviews.

1.2. Summary

1.2 Governors are the statutory body for school leadership; currently there is an increasing demand on them as a body corporate and as individuals to provide comprehensive leadership to schools, many of which have a growing range of governance models. Recent investigations in to the Trojan Horse letter in Birmingham have highlighted the need for local authorities to exert proper oversight of the constitution, processes, procedures and development of governance.

1.3 SIPS Education were awarded the contract to deliver the reviews and they worked with the council to design and deliver a review specification that would meet the need for a robust framework which would be accepted by OfSTED. The contract was to deliver 80 school governance reviews initially over an 18 month period.

1.4 Total cost of each review is approximately £2000.00. The Council will contribute 50% of the total cost.

1.5 SIPS Education are available to carry out the reviews which are

time sensitive and we cannot guarantee that other organisations are available. Equally, for the benefit of meaningful comparison, as the reviews require that governing bodies are evaluated to an agreed framework any change in delivery organisation at this stage would jeopardise the integrity of the reviews by potentially changing the standards by which the schools are assessed.

- 1.6 The quality of the reviews is monitored by the Quality and Standards Performance Board on a six weekly basis. The delays in completing the contract to schedule have been noted at this board. Where remedial work is required with a governing body following an unsatisfactory review outcome, then the Board has allowed SIPS Education to redirect some capacity to provide additional support to a school. This along with some initial capacity issues led to a slippage in the contract delivery.
- 1.7 Consequently this exemption is sought to allow SIPS Education to complete the agreed schedule of reviews across all maintained schools to an agreed specification and quality.
- 1.8 The contract falls below the EU Light Touch Regime threshold being health and social care related and is considered not likely to generate cross border interest and therefore is not required to be advertised in the Official Journal of the European Union.
- 1.9 The risk of directly awarding a new contract is that the decision to do so could be potentially challenged as an unlawful extension of the original contract and argued not to be permissible under the Public Procurement Regulations 2015.
- 1.8 The Procurement Services Manager has been consulted during the production of this report.
- 1.9 Legal Services have been consulted and have advised on the proposals in this report. They did advise the legal risk was low.
- 1.10 In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), an exemption from any Rule may be endorsed by the most senior Chief Officer, independent from the

initial decision making process, confirming the Chief Officer is satisfied that the exemption is justified by special circumstances. The report must be approved by the Council's Section 151 Officer and the Cabinet Member for Core Council Services.

2 Recommendation

- 2.1 That contract is directly awarded to SIPS Education for the provision of School Governance for an 18 month period from 1 December 2016 until 31 March 2018 at a cost of up to £39,000.00 to undertake 39 reviews.
- 2.2 That any necessary exemptions be made to the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in 2.1 above to proceed.

In accordance with the Council's Procurement and Contract Procedure Rules, I intend to take the action(s) recommended above.

~~I do~~/do not have an interest to declare in this matter

[Redacted]

Matthew Sampson
Director Of Children's Services
Date:

~~I do~~/do not have an interest to declare in this matter

[Redacted]

Darren Carter
Interim Director of Resources (S151 Officer)
Date: 22-12-2016

~~I do~~/do not have an interest to declare in this matter

[Redacted]

Cllr. Trow
Cabinet Member for Core Council Services
Date: 22 Dec 2016

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