

## MUNICIPAL YEAR 2019/2020 REPORT NO.

**MEETING TITLE AND DATE:**

**REPORT OF:**

Executive Director of  
People

**Agenda – Part: 1**

**Item:**

**Subject: Initiation of a tender process for a  
*Visual Impairment Outreach Service for  
Children and Young People aged 0-25  
years***

**Wards: All wards**

**Key Decision No: KD5000**

**Cabinet Member consulted: Cllr Rick  
Jewell**

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### **1. EXECUTIVE SUMMARY**

1.1 Following the decision to tender the Visual Impairment Outreach Service for Children and Young People, approval is sought to award the contract to Joseph Clarke Educational Service.

### **2. RECOMMENDATIONS**

2.1 That the Executive Director of People approves the appointment of Joseph Clarke Educational Service to provide this service.

### **3. BACKGROUND**

- 3.1 Providing an educational support service for children and young people with a visual impairment is a statutory obligation under the Children and Families Act 2014 and the Equality Act 2010. The Visual Impairment Outreach Service will meet this requirement.
- 3.2 The Service will be provided for children and young people aged 0-25 years. The current (July 2019) number of Enfield children and young people using this service is 169.

- 3.3 The Service will provide resources and training to empower schools, colleges and Enfield's Schools and Children's Services Department, to meet the needs of visually impaired children and young people.
- 3.4 The Service will provide specialist support that enables children and young people with special educational needs relating to vision loss, to realise their potential and achieve maximum independence, improving their learning and life outcomes.
- 3.5 The Service will support all visually impaired babies, children and young people to develop communication and learning strategies appropriate to individual needs, improving access to the curriculum.
- 3.6 The Service will complement the medical and clinical provision available to support visually impaired children and young people.
- 3.7 The Service falls under the Light Touch Regime of the Public Contracts Regulations 2015.
- 3.8 Funding for this service is provided via the Dedicated Schools Grant.
- 3.9 The Procurement and Commissioning Hub advised on the processes for tender advertisements, service documentation, evaluation and final report.
- 3.10 The start date for the contract will be 1<sup>st</sup> April 2020. The contract will run for 3+1+1 years.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There were no alternative options to tendering externally, as the Council is currently unable to provide such an extensive specialist service.

#### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 This Service will provide specialist support that enables children and young people with special educational needs relating to vision loss, to realise their potential and achieve maximum independence, improving their learning and life outcomes. The Service will also ensure that the Council meets its statutory requirements for children and young people with a sensory impairment.

#### **6. COMMENTS FROM OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

Financial Implications are shown within Part 2 of this report.

## **6.2 Legal Implications**

6.2.1 Providing an educational support service for children and young people with a visual impairment is a statutory obligation on the Council under the Children and Families Act 2014 and the Equality Act 2010

6.2.2 Section 111 of the Local Government Act 1972 includes the power to do anything ancillary to, incidental to or conducive to the discharge of any of its statutory functions. Therefore, the appointment of the service provider to assist the Council is in accordance with the above powers.

6.2.3 In addition, the Council has the power under s.1(1) Localism Act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

6.2.4 In accordance with Rule 3 of the Council's Contract Procedure Rules (CPRs), due to service falling under the Light Touch Regime services in the Public Contracts Regulations 2015, as educational services, and due to the estimated value of the contract, the Council is not required to undertake a full OJEU procurement in accordance with the Public Contracts Regulations 2015. Under Rule 3 of the CPRs required to obtain a minimum of five written comparable quotes as part of the procurement process. The procurement exercise must be carried out in accordance with a formal tender process through the London Tenders Portal and that the selection process must be fair, transparent, proportionate and non-discriminatory and must ensure value for money in accordance with the overriding Best Value Principles under the Local Government Act 1999.

6.2.5 This Report constitutes a Key Decision, and the Key Decision procedure must be followed. Once approved, the decision will be subject to the usual five-day call-in period.

6.2.6 The form of contract must be approved in advance of contract commencement by Legal Services on behalf of the Director of Law and Governance.

6.2.7 The contract shall be sealed by Legal Services on behalf of the Council (CPR 17.3).

*Legal implication provided by O. Danova on 30/09/19. Updated by E.M. on 27/01/20.*

### **6.3 Procurement Implications**

- 6.3.1 Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPRs) and the Public Contracts Regulations (2015).
- 6.3.2 The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
- 6.3.3 All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.
- 6.3.4 The business case came to the P&C Review Board on the 10<sup>th</sup> September 2019, where all options were discussed. The route to market will be via Quick Quote procedure, applying 'light touch' regime of the Public Contracts Regulations 2015, with the aim to go live 1<sup>st</sup> April 2020. The term will be 3+1+1
- 6.3.5 It is expected that any decision to go back to the market, will be done in time to carry out a compliant procurement.
- 6.3.6 it is expected that the contract will be managed to ensure that it meets the statutory provision as a minimum.

*Implications provided by C E Reilly 23012020*

## **7. KEY RISKS**

- 7.1 The competitive nature of the tender process may have resulted in a change of service provider. TUPE information was included within tender documentation, and sufficient notice built into the tender process to enable alternative arrangements should there be a change to delivery.
- 7.2 The timescale for the tendering process, whilst achievable, was limited. The incumbent provider has agreed to continue the service until the completion of the tendering and award process, to ensure continuity of the service should the provider change.

## **8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **8.1 Sustain strong and healthy communities**

8.1.1 The Service will provide specialist support that enables children and young people with special educational needs relating to visual impairment, to realise their potential and achieve maximum independence, improving their learning and life outcomes, and helping them to contribute to the local community and workforce.

## **8.2 Build our local economy to create a thriving place**

8.2.1 The Service will provide children and young people with the opportunity to reach their potential through access to education, thereby reducing inequality and helping to enable more opportunity for training and employment.

## **9. EQUALITIES IMPACT IMPLICATIONS**

9.1 A predictive Equalities Impact Assessment has been completed. No negative impacts have been identified. This Service will comply with diversity and equal opportunities requirements.

## **10. PERFORMANCE AND DATA IMPLICATIONS**

10.1 This Service will ensure the Council meets statutory requirements under the Children and Families Act 2014 and the Equality Act 2010. Termly reports will be provided to the Council by the Service, to enable monitoring of requested outcomes.

## **11. PUBLIC HEALTH IMPLICATIONS**

10.1 The Service will help ensure that the health and wellbeing of service users is addressed by ensuring timely access to a visual impairment outreach service that includes provision of equipment and aid to children and young people, as well as additional training for educational establishments to help children and young people's learning ability, whilst also helping to develop their social and communication skills.

## **Background Papers**

No background papers are included in this report.