

TO: THE EXECUTIVE
29 MARCH 2011

CONNEXIONS BERKSHIRE
Director of Children, Young People & Learning

1 PURPOSE OF DECISION

- 1.1 To approve the Contract Standing Order Waiver in order to facilitate the procurement of services from Connexions Berkshire for the period 1 April 2011 to 31 March 2012.

2 RECOMMENDATION(S)

- 2.1 **That the Executive approve the Contract Standing Order Waiver.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 Contract Standing Orders require Executive approval for waivers on contracts in excess of £400k.
- 3.2 This will enable continuity of service which will benefit young people, the Local Authority and providers of education and training.
- 3.3 This will enable full consideration of the implications arising from recent changes in funding and Government policy with regard to the provision of Connexions services.
- 3.4 This will enable further consultation to take place with regard to the procurement of future services to take effect from 1 April 2012.
- 3.5 It would not be practical to tender competitively for the service until the Government's intentions for the new service become clearer.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None appropriate

5 SUPPORTING INFORMATION

Background

- 5.1 The Local Authority has previously received funding through the Area Based Grant (ABG) in order to secure Connexions services, including careers information, advice and guidance, for young people in the borough. These services have been secured through a Berkshire-wide contract with Connexions Berkshire. Bracknell Forest has acted as the lead authority on behalf of all Berkshire Unitary Authorities for the purposes of this contract. The current contract expires on 31 March 2011.
- 5.2 There was an in-year reduction to the amount of funding in the ABG during the current financial year, resulting in Local Authorities being required to make savings. Bracknell Forest opted to reduce their contribution to the Connexions contract and agreed reduced levels of service with Connexions Berkshire. In view of the uncertainty over future levels of funding and the preference of the Unitary Authorities for a more flexible and differentiated service in the future, the Local Area Management Board, which is chaired by the Bracknell Forest Director of Children, Young People and Learning, decided to develop a Framework Agreement for the future contracting of Connexions services.

- 5.3 Following the election, the Coalition Government announced a number of changes to the funding and organisation of Connexions services. Funding would no longer be within the ABG but would be merged with a number of other grants into the Early Intervention Grant, but with an overall reduction in funding of 19.4%. Furthermore, a new 'All-Age Careers Service', to be in place from April 2012, was announced. This necessitated a re-evaluation of the role of Connexions, schools and colleges and the Local Authority in relation to responsibilities in these areas. Further details of the responsibilities of schools and the Local Authority were published in the Education Bill in January 2011. Full details of the role and remit of the 'All-Age Careers Service' are not yet available and recent announcements have indicated a phased implementation, with full operation from September 2012.
- 5.4 In view of these developments and uncertainties, it has been very difficult to identify the nature of the services required and to plan for the procurement of these when the current contract with Connexions Berkshire expires. Work on the development of a Framework Agreement had been undertaken with the intention that this would run for 5 months from 1 April, pending the competitive tendering for a new Framework Agreement which would reflect the full implications of the 'All-Age Careers Service'. Since limited information is still available about this future development, the Local Authority believes it is now appropriate to enter into a Framework Agreement with Connections Berkshire for 12 months. This will secure continuity of service and enable further work to be carried out in preparation for an open and competitive tendering process to be undertaken for the services to be available from 1 April 2012.
- 5.5 Bracknell Forest will continue to act as the lead borough with regard to the contract with Connexions Berkshire. At present, it is anticipated that four out of the six Berkshire Unitary Authorities will participate in the new Framework Agreement.

Financial aspects

- 5.6 It is proposed to allocate £600k from the Early Intervention Grant to secure a range of Connexions Services through the Framework Agreement with Connexions Berkshire. A further £136k will be used to commission targeted interventions and any additional services that may be required during the year in which this new arrangement will operate.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Executive is authorised to approve waivers of Contract Standing Orders in respect of contracts with a total contract value exceeding £400,000 if there are special circumstances to waive or suspend any section or sections. The Public Contracts Regulations 2006 (as amended) are not engaged as the required services are Part B, although basic duties of transparency, fairness and an obligation to advertise the award of any contract in OJEU still apply.

Borough Treasurer

- 6.2 The Borough Treasurer is satisfied that the proposed contract costs can be funded from the available budget.

Head of Procurement

- 6.3.1 This is an interim arrangement to ensure continuity of service while the Government's intentions for the new All Age Careers Service become clear. Until then, we are

unable to write a clear specification and hence competitive tendering is impractical and fraught with risk. The proposed arrangements will allow individual authorities enough flexibility to negotiate service levels within their respective boroughs which meet their own priorities and funding constraints.

- 6.3.2 As a Part B Service under the Public Contract Regulations, there is no need to issue a Call for Competition, merely to place an Award Notice once the new Framework is in place.

Impact Assessment

- 6.4 The proposed Framework Agreement will ensure continuity of Connexions services. Focus within the Framework Agreement will be on meeting the needs of more vulnerable young people whilst recognising the need to support a universal service to meet the need for appropriate information, advice and guidance for all young people. The full impact of the Framework Agreement will be monitored by the Local Area Management Board.

Strategic Risk Management Issues

- 6.5 Approval of the Contract Standing Order Waiver will enable the Framework Agreement to provide continuity of service and allow the Local Authority to consider the full implications of the proposed 'All-Age Careers Service'. This will ensure that future services are appropriately commissioned. Should the Contract Standing Order Waiver not be approved there is likely to be a delay in securing the provision of Connexions services and a risk that the Local Authority would fail to discharge its statutory duties.
- 6.6 The in-year reduction to the ABG and the level of funding available for these services through the Early Intervention Grant has reduced the level of universal service available. The impact of this will be monitored closely by the Local Area Management Board.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Bracknell Forest 14 – 19 Partnership, Secondary headteachers and Information Advice & Guidance (IAG) coordinators and Connexions Local Area Management Board (LAMB).

Method of Consultation

- 7.2 Members of the 14 – 19 Partnership, including all secondary school headteachers, have been involved in discussions about the future provision of Connexions services. School IAG coordinators were consulted on the elements to be included in the Framework Agreement and the local priorities to be attached to these. The LAMB has enabled all Berkshire Local Authorities to be fully involved in the development of the Framework Agreement.

Representations Received

- 7.3 Comments received have been incorporated into the recommendation.

Contact for further information

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Doc. Ref

Procurement Plan