

Delegated Cabinet Member Decision (Contract Award £105,000) Report

Decision Maker and Portfolio area: Helen Lockwood, Economy and Skills

Date of Decision:

Subject: Dartington Service Design Lab

Report Author: Paula Healey

Ward(s) Affected: Is Ward Member consultation required? No

Reason for the decision:

In November 2018, Oldham submitted a partnership bid with Tameside and Rochdale for the DFE Early Years Outcomes Fund. Dartington Service Design Lab collaborated with the 3 LAs in developing and writing the bid and were identified as the key delivery partner.

The purpose of the partnership bid was to collaboratively work to build upon the existing GM early years strategy and develop a more targeted, locally nuanced strategy, grounded in the best data and evidence, engagement with our communities and understanding of our local systems and associated system behaviours. The programme of work involved:

- undertake a robust strategy development process – supported and facilitated by the Dartington Service Design Lab, including supporting, testing and learning
- identifying three specific activities will be identified – either existing evidence-based practice, local service improvement efforts, or local innovations/designs partnership for submission to the Harvard/Dartington Frontiers of Innovation cluster. The purpose is to use research to accelerate and increase impact of the agreed activity by drawing on the best available science and more rapid/iterative approaches to refinement and rigorous evaluation
- Building system leadership and workforce culture change

In addition to the above Oldham invited the Local Government Association to undertake an early years peer review. Following a robust 4 day peer review process key recommendations included:

- Pull together an integrated approach to pre birth to 5 years
- Create a 3-5 year partnership SMART action plan with an agreed outcomes framework.
- Ensure that one Early Years offer is promoted across all services.
- Agree and implement a whole system workforce training and development strategy.

Whilst the partnership bid was unsuccessful, Oldham was keen to ensure that the programme of activity developed by Dartington Service Design Lab was undertaken as this would address the areas for development identified through the self-assessment process and the LGA peer review.

As a result, a bid was made to the Oldham Opportunity Area (OA) Board for additional investment to undertake the high level programme of work developed by Dartington Service Design Lab.

The Board has provided 80k funding with the expectation that the fund is used towards the 105k costs for commissioning Dartington Service Design Lab to undertake the work programme. An additional 25k is being provided by the LA from funding provided by GMCA for implementation of the GM Pathways to Talking programme.

The programme of work for improving outcomes in early years has been designed and developed by Dartington Service Design Lab and is a unique product in the market place. As such, there is no viable competition in the market place to deliver the programme in the borough of Oldham.

Summary:

This report seeks exemption from contract procedure rules 213a in order to make a direct award to Dartington Service Design Lab. Dartington Service Design Lab is an independent research charity committing to application of research and evidence to children's services policy and practice, grounded in local community contexts.

If approved, they will lead our process of strategy development and focused implementation, testing and learning.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s): Option 1: Award the contract to Dartington Service Design Lab:

This would pose minimal risk to the council due to:

- Meeting the requirements of the funding as agreed with the OA board
- The significant expertise, knowledge and experience within Dartington Service Design Lab in undertaking work of this nature and significance
- The initial work already undertaken in developing the original EYs Outcomes bid by Dartington Service Design Lab means that they are ready to start the programme of work and will be able to deliver the programme at pace.

Option 2: Don't award the contract to Dartington Service Design Lab and engage with the market via The Chest Portal.

This Option would pose a significant risk in the following areas:

- Non compliance with the expectations and purpose of the funding provided by and agreed through the OA board
- Commissioning an organisation to deliver work developed by Dartington Service Design Lab could breach Intellectual property Law
- May not result in the commissioning of an organisation with the relevant experience and expertise
- Will delay programme delivery

Recommendation(s):

Option 1 is the preferred option.

- Authority is given to make a direct award to Dartington Service Design Lab to undertake a robust strategy development process working with partners from across education, health and social care including supporting focussed implementation, testing and learning. This will be done on the proviso that the Council will publish a Voluntary Transparency Notice in the Official Journal of the European Union under Regulation 99(4) of the Public Contracts Regulations 2015 to mitigate any risk of legal challenge.

Implications:

*What are the **financial** implications?* The value of awarding the contract to Dartington Design Lab will be £105k, this will be financed by £80k from within the Council's existing Opportunity Area grant funding allocation for priority one Early Years Strategies together with a further 25k from funding provided by GMCA for implementation of the GM Pathways to Talking programme, as such there are no direct revenue consequences as a result of implementing the preferred option.

(Vicki Hayes)

*What are the **procurement** implications?* Commercial Services accept the rationale for exemption under 21.3 (a) of the CPR's for an exemption of a Contract can be justified, on the grounds no genuine competition involved around this service and there is no alternative to those services available. On this basis, and in accordance with legal advice Strategic Sourcing acknowledges the requirement. Mohammad Sharif, Sourcing & Contracts 19.07.2019

*What are the **legal** implications?* There is provision to grant an exemption from the Council's Contract Procedure Rules in exceptional circumstances where proprietary or patented goods or services are proposed to be purchased which are only obtainable from one person and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented Goods or Services is available.(Rule 21.3 (a)). The narrative in the body of the report supports the justification for the exemption in the present circumstances. (Elizabeth Cunningham Doyle)

*What are the **Human Resources** implications?* None

***Equality and Diversity Impact Assessment** attached or not required because (please give reason)* None

*What are the **property** implications* None

Risks:

Risk

Providing a direct award does not represent value for money

Mitigation

We will engage in fair contract negotiations to achieve a final contract price that is agreeable by both parties and will specify output and outcomes desired from the contract

The programme of work builds on significant investment in Oldham in the wider GM New Delivery Model, and seeks to accentuate this approach's impact locally (rather than start from scratch).

Delivery of the contract does not lead to the outcomes expected.

We will work with procurement, finance and legal services to develop robust monitoring at a senior level and evaluation arrangements.

Lack of engagement by partners in the programme of work.

Dartington Service Design lab will use innovative, evidence-informed and structured strategy development/refinement Toolkit already developed by Dartington and Save the Children UK to engage partners.

Community and partner engagement and co-production embedded within the programme of work. This will be completed early in the programme.

Co-operative agenda

As a Co-operative Council, Oldham is committed to reforming public services and encouraging innovation, leading to better outcomes and delivery. The proposal ensure Oldham continues to develop best practice, building an integrated education system which improves outcomes for all Oldham's young people. (Jonathan Downs – SPP)

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

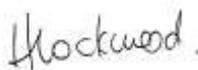
Reason(s) for exemption from publication:

None

There are no background papers for this report

Report Author Sign-off:	
	Paula Healey
Date:	01.08.2019

Deputy Chief Executive Director - Helen Lockwood



Date: 1 August 2019