

Appendix 1

Official Sensitive

Learner Services Commissioning Project Board – Contract Extension Decision

Decision

Devon County Council's ("DCC") 10-year learner services contract ends on the 31/3/2022. DCC has been undertaking work on the future delivery options for these services since September 2019 in accordance with a commissioning timetable, which allows for any tender process required and mobilisation period.

The commissioning process for these services involves staff from across various teams within DCC. The Covid-19 pandemic and the emergency work that needs to be undertaken by DCC in response (as outlined below), has had a direct impact on the work being undertaken by all of these teams. Consequently, their capacity to deliver the work required under the original commissioning timetable has been severely restricted since March and will be for the foreseeable future.

The Learner Services Commissioning Project Board has therefore taken the decision to recommend that DCC grant a short period of extension to the existing learner services contract (up to a maximum of 12 months) in order to build in the extra time that will be required in order to complete the commissioning process.

Reasons for Decision

Since the beginning of the Covid-19 pandemic it has been necessary for DCC to focus its resources on ensuring that DCC its partners and supply chains are able to continue to deliver services to the vulnerable and, together with other emergency services, manage the response to the consequences of the virus through the implementation of its emergency plans.

As part of DCC's forward business planning, it is envisaged that DCC has not and will not have sufficient staffing capacity (the majority of staff will be diverted to work on other critical areas, others will be subject to self-isolation requirements or be caring for members of their household who are sick) to manage the response to the coronavirus outbreak (particularly at its peak and potential second waves) alongside other duties. DCC is therefore looking to rationalise these other duties and manage down these demands where it is able.

The continuing work required on the future delivery options for learner services and the implementation of any new contract for services, will generate significant workstreams for many teams within DCC (commissioning, procurement, finance, project management and operational teams) during this critical period at a time when all of these teams have severely reduced capacity due to emergency response work, which includes but is not limited to the following:

Education Services

- Working with partners to ensure that children are safeguarded while they are not attending school.
- Supporting Devon's schools in their response to the pandemic, providing regular updates and guidance to all schools and daily support to individual schools.
- Ensuring that the data required in line with national guidance during the pandemic is collected, managed and communicated, including the implementation of a new ICT system to collect attendance data.
- Providing advice and support to parents and carers.
- Continuing to deliver the statutory duties which have not been relaxed, especially those in relation to SEND and admissions, in more challenging circumstances.

Childrens Services Commissioning

- Risk assessment processes for provider markets
- Supporting at risk providers
- Supporting operational colleagues' response to COVID19
- Increased communication with providers
- Responding to queries from parents

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- Supporting writing guidance and responding to FAQs
- Scoping demand, ordering and arranging delivery/collection of PPE
- Increase in workload, meeting attendance and escalation of issues relating to COVID-19
- Implementing and supporting structures relating to COVID-19 impact

Procurement

- setting up, equipping and implementation of emergency facilities for temporary morgue facilities
- step down care facilities including for infected patients
- sourcing emergency supplies and equipment
- arranging logistics for coroners and supplies to care providers.

Finance

- the organisation of financial support throughout DCC and its supply chains and the utilisation of emergency funding.

Operational teams

- ensuring continuity where possible for their services and supporting their service users and providers.

The commissioning workstreams have therefore had to be put on hold at the current time as the staff with the knowledge and expertise needed to deliver this work have all been diverted to the emergency Covid-19 response work outlined above. External partners supporting these workstreams eg school staff and governors' representatives, are also engaged in urgent Covid-19 response work which is impacting on their ability to input at this time also.

The current incumbent provider is fully engaged in DCC's Covid-19 response work and would therefore currently find it difficult to provide the information DCC requires for the commissioning process.

In addition, in the light of the current social distancing restrictions, DCC are not able to fully carry out the stakeholder engagement and consultation work essential to designing the services. Whilst it is possible to move some of this engagement to digital means, DCC are mindful that this method does not suit all, and it would want to ensure that the engagement reaches as many people as possible, this includes using multiple methods to achieve this. Any digital means used will also need to allow more time for responses due to the current COVID-19 impact, as people have other priorities and effects impacting them. Including additional childcare responsibilities and potential health impacts during this time.

If a new services contract is to be recommissioned a tender process will be required and will need to follow the specific structure and timescales set out in The Public Contracts Regulations 2015 (PCR 2015). Sufficient time is also required to ensure the evaluation and award process is carried out in a robust, fair and transparent manner and complies where applicable with the requirements of PCR 2015. If the pre-tender workstreams are delayed, then any tender launch and all subsequent stages of the commissioning and procurement process will also be delayed by the same amount of time.

In order to meet the current commissioning timetable, DCC will need to launch any required tender in September 2020. It is not felt to be in the public interest to launch at this time given the current pandemic situation and the fact that the pretender workstreams required will not be completed by this date.

DCC cannot also be assured that providers will be in a position to respond to any tender launch given the current pandemic and the impact this having across the UK and across the potential provider market. A delay in tender publication will allow appropriate time for the market to recover and be able to respond. This will help create equal opportunity across the provider market, driving competition and value for money and ensuring best use of public resources.

All employers, including potential suppliers, are likely to be facing significant staff resource issues in the months ahead and may face undue challenges in mobilising any new contract in this context.