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Contract

## **Contract for the Provision of Key Stage 4 Day 6 Services**

Kirklees Council

F20: Modification notice

Notice identifier: 2021/S 000-025552

Procurement identifier (OCID): ocds-h6vhtk-02eb3d

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### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

Kirklees Council

Civic Centre 1, High Street

HUDDERSFIELD

HD1 2NF

#### **Contact**

Stacey Gilman

#### **Email**

[stacey.gilman@kirklees.gov.uk](mailto:stacey.gilman@kirklees.gov.uk)

#### **Telephone**

+44 1484221000

#### **Country**

United Kingdom

**NUTS code**

UKE44 - Calderdale and Kirklees

**Internet address(es)**

Main address

<https://www.kirklees.gov.uk>

Buyer's address

<https://www.yortender.co.uk>

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Contract for the Provision of Key Stage 4 Day 6 Services

Reference number

KMCLS-001

#### **II.1.2) Main CPV code**

- 80200000 - Secondary education services

#### **II.1.3) Type of contract**

Services

### **II.2) Description**

#### **II.2.3) Place of performance**

NUTS codes

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

The contracting authority requires appropriate alternative arrangements for the provision of education of up to 12 pupils (with some flexibility to accommodate additional places at an agreed rate if required) from Day 6 following a permanent exclusion in KS4, for a period of 2 academic years and with an option to extend for a period of up to 2 further academic years.

Day 6 provision must be fully inclusive and cover the areas defined in the Service Specification Framework below:

Service Specification Framework

a. Provision/Curriculum:

- Clearly stated aims and objectives;
- a KS4 curriculum appropriate to the needs of the student which includes GCSEs and other relevant accreditation across a range of subjects and levels;
- a broader curriculum which engages the student back into learning;
- 25 hours of education per week, for up to 12 students (with the flexibility to accommodate additional places if required);
- assessment and consideration of the students' Social, emotional, mental health ('SEMH') needs as part of the curriculum, with opportunities for them to develop their skill and understanding;
- liaison with the receiving school at the end of the placement - to offer support and guidance in order to effect a successful transition; and
- staff with excellent communication skills who are experienced in working collaboratively with others for the best interests of the student.

b. Promoting and supporting services:

- Provision of a KS4 curriculum that covers core GCSE subjects at least and the option to study beyond these;
- a rigorous approach to safeguarding policies and practice;
- staff who are skilled in working with students with SEMH needs, and who are experienced in a multi-agency working approach;
- a timetable that encompasses a broad and balanced curriculum, including nurture and support for SEMH needs;
- staff who understand schools' systems and culture, and who can work collaboratively with school colleagues to promote a smooth transition for the student;
- the ability to transport, or arrange transport for students where necessary; and
- provision of a healthy lunch for all students in the middle of the school day.

c. Meeting learner needs:

- An assessment of each student's needs - unmet learning needs, triggers for behaviour, strategies and provision required to address these supporting the development of a plan

to aid transition back to school;

- staff who are skilled and experienced in working with students with SEMH needs, and who understand the broader issues in relation to this cohort of students;
- staff with a strong knowledge of teaching pedagogy that supports students with SEMH needs; and
- a personalised ratio of staff to students who are responsive to individual need.

In addition:

- The successful economic operator shall provide education from the sixth day of exclusion for permanently excluded students in KS4 as notified by the contracting authority's PRS.
- The successful economic operator shall make suitable admission arrangements on notification by the contracting authority so that the contracting authority meet its Day 6 obligations.
- The successful economic operator shall either already be an Ofsted registered independent school or have begun the process of registration or be willing to register in the event of award of the contract.
- The successful economic operator shall provide full time education which supports GCSE and other appropriate KS4 accreditation.

#### **II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

48

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## **Section IV. Procedure**

### **IV.2) Administrative information**

#### **IV.2.1) Contract award notice concerning this contract**

Notice number: [2017/S 102-204281](#)

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## **Section V. Award of contract/concession**

### **Contract No**

KMCLS-001

### **Title**

Contract for the Provision of Key Stage 4 Day 6 Services

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract/concession award decision:**

23 May 2017

#### **V.2.2) Information about tenders**

The contract/concession has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor/concessionaire**

Pivot Educational Consultancy Limited t/a Pivot

Rawfolds Way, Spen Valley Industrial Estate

Cleckheaton

BD19 5LJ

Country

United Kingdom

NUTS code

- UKE44 - Calderdale and Kirklees

The contractor/concessionaire is an SME

Yes

#### **V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £638,000

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## **Section VI. Complementary information**

### **VI.3) Additional information**

Any selection of economic operators was based solely on the criteria set out for the procurement, and the Contract awarded to the most economically advantageous tender.

The contracting authority has made a decision not to break this contract into lots, because in the Council's reasonable opinion it would not be financially viable for the Council to sub-divide provision of the Service further than providing for the estimated twelve (12) day, six (6) provision places per annum.

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

High Court

N/A

Country

United Kingdom

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 80200000 - Secondary education services

#### **VII.1.3) Place of performance**

NUTS code

- UKE44 - Calderdale and Kirklees

Main site or place of performance

Kirklees

#### **VII.1.4) Description of the procurement:**

The contracting authority requires appropriate alternative arrangements for the provision of education of the original 12 places plus an additional 5 places for Day 6 provision following a permanent exclusion in KS4, for a period of 2 academic years and with an option to extend for a further 3 academic years. The contract period of from 1st September 2017 to 31st August 2019 (with an option to extend by three further years).

Day 6 provision must be fully inclusive and cover the areas defined in the revised Service Specification, as per the variation issued in July 2021. The specification was updated for 2021/22 to:

- redefine and clarify the service provider's responsibilities,
- revise the services required, outcomes achieved and KPIs for curriculum activity, promoting & supporting services and meeting learner needs, and
- incorporate pupil outcome targets.

During 2021/22 the contract provides for up to 17 learners requiring access to full-time education from Day 6 of their absence from school primarily as a result of permanent exclusion.

Where overall occupancy of Day 6 provision exceeds 17 full time places, the LA require the provider to allow occupancy to increase where higher needs may exist and additional provision is required according to local need. Any additional places will be charged at the agreed standard 20 week placement cost.

Where learner support arrangements do not require the full-time placement over 20 weeks, the required reintegration support will be provided to the learner where it is appropriate to do so according to placement review through the Fair Access Panel and where individual assessment outcomes determine.

E.g. Where a learner requires 15 weeks of provision, the remaining 5 weeks of provision support is provided and invested in specialist reintegration support to secure the learner's successful return to mainstream school. The specific nature of the reintegration support required by learners is to be determined through co-productive planning with the student, receiving mainstream school, parent/carers and other key stakeholders.

Where learner support arrangements require over and above a 20 week Day 6 placement, early assessment outcomes provided by the provider will indicate this by week 4 of the learner placement and in agreement with the LA, further specialist assessment or referral for EHCN assessment may be the appropriate next step to undertake co-productively with the learner and their family. The provider will follow the local referral process for EHCNA.

Any extension to provision within a PIVOT setting will be agreed on the understanding that provision remains well-matched to learner needs and will be subject to pro-rata costings monthly according to the requirement for provision beyond Day 6. An estimate of costs for extended placement at PIVOT will be required by the LA by week 12.

**VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

60

**VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£900,730

**VII.1.7) Name and address of the contractor/concessionaire**

Pivot Educational Consultancy Limited t/a Pivot

Rawfolds Way, Spen Valley Industrial Estate

Cleckheaton

BD19 5LJ

Country

United Kingdom

NUTS code

- UKE44 - Calderdale and Kirklees

The contractor/concessionaire is an SME

Yes

**VII.2) Information about modifications**

**VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

The contract has been extended by an additional year, by varying the contract and amending the extension provision from 2 years to 3 years. Changes have also been made to the service specification to further clarify the service and also increase the number of places for KS4 Day 6 provision from 12 to 17 for the final 12 months of the contract, from 1st September 2021 to 31st August 2022.

### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

This modification has been brought about by the Covid-19 pandemic and the impact this has had on all businesses and the economy as a whole. The modification does not alter the nature of the actual service being delivered, but instead extends the expiry of the existing contract for a further 12 months. This allows for continuation of current service delivery and provides additional time for a full service review of schools Alternative Provision within Kirklees and the delayed tender process for the new contract.

The modification does not exceed 50% of the value of the original contract. The modification is considered by the contracting authority to not be substantial and therefore to be within the exception set out in Regulation 72(1)(e).

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £638,000

Total contract value after the modifications

Value excluding VAT: £900,730