

Forward Plan reference number: Not applicable

Report title: Re-procurement of Education Information Management System	
Report to: Councillor Christopher Whitbread – The Chancellor of Essex	
Report author: Ed Garcez, Interim Director, Technology Services	
Date: 9 February 2024	For: Decision
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County Divisions affected: All Essex	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Everyone's Essex

- 1.1 The Everyone's Essex plan sets out clear ambitions around educational excellence and high standards for all children and young people in Essex. To deliver on these ambitions, the Council must fulfil its statutory duties relating to the admission of children to schools, the assessment of special educational needs, the attendance of children at schools, the placement of vulnerable children in alternative settings and a variety of other pupil related services. A well-functioning, integrated and robust information management system is critical to the delivery of these functions.
- 1.2 The Council's current contract for its Education Information Management System expires on 25 November 2025. It is therefore necessary to make a decision in good time to secure a system well in advance of the expiry date to ensure continuity of service for Essex parents, children, schools and County Council officers.
- 1.3 By securing the appropriate Education Information Management System, the Council will have in place an IT system that equips it to manage hundreds of thousands of applications and pupil records, enabling access to education which is fundamental to achieving better outcomes for children – a core tenet of the Everyone's Essex plan.

2 Recommendations

- 2.1 To approve that the Council carries out a mini-competition under the Kent County Services (KCS) Managed Services procurement framework Y20023 to seek to secure a contract for an Education Information Management System commencing on 26 November 2025.

- 2.2 To approve that the award of the contract is delegated to the Director, Technology Services within the parameters of the available budget in the Medium Term Resource Strategy for Technology Services.
- 2.3 To approve that any contract will be awarded for 5 years, with the option to extend for a further 5 years in advance of the initial 5-year expiry date and the option to extend for a further 5 years after this. Any further extensions beyond this will be considered on an annual basis.

3 Background and Proposal

- 3.1 There are circa 220,000 children in Essex schools. Save for the circa 7% of parents who choose for their child to be educated in independent (fee-paying) schools, all Essex parents are required to apply for a place at a school at the relevant points of entry, unless they choose to educate their child at home. Of the figure above, approximately 13,000 children in Essex have an Education, Health and Care Plan (EHCP). All school place applications and EHCPs are presently managed through the current Education Information Management System the Council has in place.
- 3.2 This same system is also used to handle applications for free school meals, transport, early years free funding entitlement places and well as by bespoke casework teams around school attendance, children missing education, youth services, and children excluded from schools.
- 3.3 The services described above are front and centre in the Council's ambitions to promote educational excellence and enabling vulnerable children to fulfil their potential. It is through the system that the Council's manages tens of thousands of parental applications and requests for school places and ancillary services each year. Moreover, the system has a tried and tested digital parental interface meaning that 99% of school applications are made online, numbering circa 40,000 applications annually and reducing the need for paper applications to a negligible number.
- 3.4 In total, there are 34 Essex County Council teams who use the current system, comprising of more than 700 individual users.
- 3.5 The current system has been in use in Essex for more than 20 years. The Council last entered into a contract for the current system in 2015, on the basis of an initial 5-year term, extended for a further 5 years until November 2025.
- 3.6 The Council needs to secure a product that enables it to deliver the services it is required to within the field of education (as described earlier) and, as importantly, that it enables parents to access crucial services in a secure, online way.
- 3.7 The proposal in this paper is that the Council carries out a mini competition using the Kent County Services (KCS) Managed Services procurement framework Y20023 to seek bids to secure the necessary system. The reasons for using this approach are detailed in section 5 of this report.

4 Links to our Strategic Ambitions

- 4.1 The proposal in this report aligns with the Essex Vision which has a number of aims, one of which is to help keep vulnerable children safe and enable them to fulfil their potential. Having an information management system which provides access to, and delivery of core services is crucial in the delivery of an equal foundation for each child and in enabling Essex to be a good place for children and families to grow.

5 Options

- 5.1 **Option A. Do nothing (not recommended)** – this would mean that upon the expiry of the existing contract, the Council would be without a functioning education information management system for the delivery of a number of statutory education services. As such, it is not a realistic option.
- 5.2 **Option B. Carry out a full open procurement exercise for a system for November 2025 onwards (not recommended)** - there is the potential benefit of such an approach in that an open procurement could, in theory, result in the offer from a supplier to provide the necessary software at a lower annual cost than by limiting the procurement exercise to those deemed capable of performing the contract on the KCS framework. Only a full open procurement would test this theory. However, this option is not recommended because of the timescales involved, which require the Council to promptly have certainty about the system it will be using from November 2025. A full open procurement could take between 6 to 9 months leaving insufficient time for a thorough period of testing and pre-implementation work to be carried out. This would severely compromise service continuity in the event a new system is procured. From a market engagement exercise carried out in 2022-23, there is known to be a very limited marketplace in terms of suppliers providing the type, scope and scale of the software required and so there is considered to be little value in a full open procurement when compared to option C below.
- 5.3 **Option C. Carry out a further call off mini competition procurement exercise using KCS Managed Services Framework Y20023 - a compliant procurement framework (this is the recommended option)** – this framework has a number of known information technology and software suppliers and contractors on it. The framework allows the Council to specify the contract term compared to some other frameworks which limit the contract term. Given the scale of the solution required in terms of mobilisation, the Council wants to enter into a long term contract. This framework has also been used for other sourcing purposes within the Council and is familiar to the authority. Using the KCS framework as a route to market would result in a direct contract between ECC and the successful vendor, there would be no ongoing contractual relationship with the framework itself.
- 5.4 This option would enable a lawful procurement exercise to be carried out in a shorter timescale, with an expectation to be completed in circa 3 months. This

would maximise any testing and implementation period required to ensure service continuity and minimise service disruption.

- 5.5 Essex County Council is one of the largest education authorities in the country. The Council must enable itself a considerable lead in time for any new system implementation of this scale.
- 5.6 In accordance with the framework, the Council will determine the requirements and specification and award based on the most advantageous tender for the Council. This will take into account price, quality and social value. Achieving best value for the Council whilst delivering all essential requirements will be at the forefront of any decision to award.
- 5.7 Any bids will be evaluated on a price/quality/social value split of 35% on price, 60% quality and 5% on social value.
- 5.8 The reasoning for a higher level of weighting on quality is because the scope of the system required, and the statutory duties that it will enable the Council to fulfil, are so critical and broad that being satisfied the appointed supplier can meet these requirements is of utmost importance. The Council simply cannot risk awarding based solely on the lowest price without a very high degree of assurance that all of the necessary requirements can be met to the appropriate standards.
- 5.9 Option C is clearly the prudent and most expeditious option for the reasons earlier described, securing an IT system that meets the Council's and its residents' needs

6 Financial implications

- 6.1 The financial implications of this decision are set out in the confidential appendix to this report.
- 6.2 Although the procurement framework in question caps the supplier's data protection liability at 125% of the contract value, the Council is permitted to vary this through the procurement exercise. The Council will be seeking a data protection liability of up to £10,000,000 to safeguard the Council in this respect, given the scope and scale of the information to be held within the system.

7 Legal implications

- 7.1 The Public Contracts Regulations 2015 are the relevant regulations that apply to this decision.
- 7.2 Regulation 33(8)(c) permits that the Council can carry out a call off mini competition exercise under the framework mentioned in this report.
- 7.3 Regulation 11 (a) requires that the Council offers any supplier on the framework capable of performing the contract the opportunity to bid for the contract and that

is what is proposed. We must use the award criteria set out in the framework agreement.

- 7.4 The procurement exercise and decision on contract award will be carried out in accordance with the framework and regulations.

8 Equality and Diversity Considerations

- 8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9 List of Appendices

- 9.1 Confidential Appendix
- 9.2 Equality impact assessment

10 List of Background papers

None

I approve the above recommendations set out above for the reasons set out in the report.	Date

Councillor Christopher Whitbread, The Chancellor of Essex and Cabinet Member with Responsibility for Finance	14.03.24
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In consultation with:

Role	Date
Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	28 February 2024
Director, Education Clare Kershaw	23 February 2024
Executive Director, Corporate Services (S151 Officer) Stephanie Mitchener on behalf of Nicole Wood	23 February 2024
Director, Legal and Assurance (Monitoring Officer) Paul Turner	9 February 2024