

Record of operational decision

Decision title:	Decision to vary the current contract for Phonics Screening Tests (PST) and Moderation of Key Stage 1 & 2 (KS1 & 2) for 12 months from 1 st September 2023 to 31 st August 2024
Date of decision:	20 th April 2023
Decision maker:	Director for Children and Families
Authority for delegated decision:	<p>Local authorities (LAs) have a statutory responsibility to monitor the administration of the phonics screening check, and to make arrangements for external moderation of Key Stage 1 and 2 judgements. Line 73 of the Children and Young People's Directorate Scheme of Delegation gives the Director for Children and Families, the Assistant Director for Education, Development and Skills, or the Head of Service for Learning and Achievement the authority to make decisions on the commissioning of this area of education, skills and development.</p> <p>In September 2020, following a competitive tender exercise, approval was given to award Marlbrook Federation of Schools the contract to undertake Key Stage 1 & 2 moderation and Phonics monitoring for a period of three years from 1st September 2020 to 31st August 2023 at a total cost of £57,000 (£19,000 per year). Options to extend the service were not included in this contract.</p> <p>The Council's Contract Variation Process, Step 5, requires consultation with Commercial Services and Legal Services if there is no variation clause in the contract to allow for the variation.</p> <p>Where the total aggregate contract value is £50,000 to £500,000, authorisation to award a contract variation requires options and rationale to be presented to the appropriate assistant director/director. For all variations at this value, a decision needs to be published. The appropriate governance route needs to be followed, by completing a Record of Officer Decision (RoOD), signed by an assistant director.</p>
Ward:	Countywide
Consultation:	<p>Herefordshire Legal Services, Finance Team, Commercial Services have been consulted regarding this extension request, and agreed by all.</p> <p>The current provider, Marlbrook Federation of Schools, have confirmed their willingness to continue to deliver this service for the 12 month extension period on a like for like basis.</p>
Decision made:	To vary the current contract with Marlbrook Federation of Schools to extend the delivery of Phonics Screening Tests (PST) and Moderation of Key Stage 1 & 2 (KS1 & 2) for one year from 1 September 2023 to 31 August 2024 at an additional cost of £2,975 on the original contract value.
Reasons for decision:	There are 79 primary schools in Herefordshire, of which 54 are Local Authority (LA) maintained. In addition, 32 academy primary schools have

nominated Herefordshire to also provide the following services for them each academic year.

The provision of Key Stage 1 & 2 moderation and Phonics Screening Checks is a statutory requirement for Local Authorities. All service requirements are directed by the Standards and Testing Agency (STA), an executive agency sponsored by the Department for Education (DfE), and these can change throughout the year so the provider needs to be aware of and flexible to meet Herefordshire Council's statutory obligations.

The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) and (Key Stage 2 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002) sets out the requirement for local authorities to moderate teacher assessments in at least 25% of schools (14) which they maintain to ensure consistency of standards, and states that Local authorities must visit 10% of schools (6) administering National Curriculum Tests (NCTs) for monitoring purposes. In addition to the above, at least 25% of both LA maintained primary schools and academies must be visited on a least a four year cycle to conduct moderation checks, as required by the STA.

Provision of this service was halted during the Covid-19 pandemic and lockdown, so whilst some preparatory work to train and assess was conducted, no actual moderation or phonics visits took place. The moderation cycle re-commenced from September 2021, and since then the Provider has worked above contractual visit numbers to complete the work that was postponed during the pandemic.

For the academic year 2020-2021 (year one the current three year contract) Marlbrook Federation of Schools charged Herefordshire Council £2,975, resulting in an under-spend of £16,025. This is the reason why the value of the extension period is only £2,975 instead of £19,000 for the year. Contract spend for year two and the forecast for year three is at the contractual cost of £19,000 each year.

Following a review of this contract in March 2023 the Operational Lead, Head of Service - Learning and Achievement, confirmed that they were very satisfied with how the service has performed and been delivered to date. Everything has run smoothly, with no issues being raised by either the Qualifications and Curriculum Authority or Department for Education regarding the service providers' data submissions.

Due to the large amount of planning required the current provider has already scheduled visits in for 2023, and has shared this with the Operational Lead for the contract. These include schools that were last moderated in 2017, and should have been visited in 2021.

The recommendation is to vary the existing contract with Marlbrook Federation of Schools for a further 12 months to enable the provider to undertake both the routine and the additional visits that had been postponed due to the Covid-19 pandemic lockdown.

	<p>This will also allow time for the service specification to be further reviewed and updated, which will lead to a new open tender exercise. This is in light of recent communications from the Standards and Testing Agency (sponsored by the Department for Education) regarding Key Stage 1 'Reading Writing and Maths' visit requirements which will no longer be compulsory from 1st September 2024.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The decision is to request an extension of the contract for a year where the value of contract is £19,000, but the increase to the overall contract value is £2695.</p> <p>The contract value for academic year 2023/2024 is £19000. Herefordshire Council's Finance Team have confirmed that this budget is included in the Dedicated Schools Grant and is supplemented by grant funded income received from the Department for Education.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>A. Do nothing / terminate (providing the contractual notice period) the Phonics Screening Tests (PST) and Moderation of Key Stage 1 & 2 (KS1 & 2) contract</p> <p>This option is not recommended. Allowing the contract to end without ensuring a continuation of service would negatively impact on the statutory requirements of the Local Authority. This may limit the potential for meeting positive educational outcomes for children and young people of Herefordshire.</p> <p>B. Extend the current contract by variation.</p> <p>This is the recommended option, ensuring continuation of a statutory service and a provider who has the capacity and experience to undertake both the routine and the additional visits that had been postponed due to the Covid-19 pandemic lockdown.</p> <p>C. Deliver the services in house.</p> <p>This option is not recommended. The Council does not currently employ a bank of staff who have the capacity, qualifications or expertise to either implement this service, or to support/train other educational professionals on an annual basis.</p> <p>Due to the nature of the service it is necessary to undertake external moderation. The commissioning of an external provider to co-ordinate this work ensures independence.</p> <p>D. Go out to open tender.</p> <p>This option is not recommended at this time, as the Standards and Testing Agency has confirmed that an element of the current Service Specification will no longer be required with effect from September 2024. Allowing an extension of one year of this current contract will allow time for the Service Specification to be amended, and for governance and procurement rules to be followed explicitly in undertaking an open tender exercise as</p>

	soon as we can.
Details of any declarations of interest made:	N/A

Signed..... Date: 20th April 2023

Please ensure that signatures are redacted before publishing.