



Key Decision Report of the Corporate Director of People Services

Officer Key Decision	Date: 22 July 2019	Ward(s): All
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THE APPENDIX TO THIS REPORT IS NOT FOR PUBLICATION

SUBJECT: Contract award for the delivery, operation and management of Islington's specialist adventure playground for children and young people with special educational needs and disabilities: Hayward Adventure Playground

1. Synopsis

- 1.1 This report outlines the procurement process used to secure a provider for the delivery, operation and management of Islington's specialist adventure playground for children and young people with special educational needs and disabilities: Hayward Adventure Playground. The intention is for this contract to start from 1 April 2020.
- 1.2 The council has undertaken a transparent procurement process in accordance with Rule 2.5 of the council's Procurement Rules to secure an appropriate provider from 1 April 2020. The contract award will be for fifteen years, with break clauses every 3 years (3+3+3+3+3) with no option for extension. The advertised estimated total value of the contract was £2,437,500 over the maximum fifteen-year term.
- 1.3 The specification requires the appointed provider to deliver high quality adventure play services for disabled children and young people, their siblings and families. Similar to the borough's other eleven (11) adventure playgrounds, Hayward will provide an offer that is free at the point of access and free for children and young people to choose how they play. However, due to the range of children and young people's additional needs which must be met safely in the adventure play environment, Hayward will not operate a model where children and young people with SEND are free to 'come and go'.
- 1.4 The playground will be available for disabled children and young people across the borough and will engage with them through quality adventure play opportunities based on the Playwork

Principles and developed through regular consultation, engagement, reflection, review and evaluation of services. The focus of the contract is to work with children and young people that fall below the threshold for accessing a Short Break or personal budget. However, the provider will also deliver Short Breaks and other services as required through separate contracts.

- 1.5 The specification requires the appointed provider to deliver adventure play using an approach that ensures that services are safe, high quality and support children to grow, develop and improve their physical and emotional health and wellbeing. The provider must ensure that Hayward is a key partner in supporting the development of stronger, resilient families and communities in line with the council's commitments to make Islington the best place for young people to grow up, lead healthy and independent lives and create a safe and cohesive borough for all. The provider will also be a key delivery partner in Islington's approach to 'earliest help' for children, young people and families.

2. Recommendation

- 2.1 To award the contract to KIDS for a period of fifteen (15) years (3+3+3+3+3) commencing from 1 April 2020.

3. Date the decision is to be taken:

- 3.1 It is proposed that this decision will be made on 22 July 2019.

4. Background

- 4.1 The council's intention is to secure an inclusive offer of adventure play that supports children and young people with special educational needs and disabilities at its dedicated site: Hayward. The service specification emphasises a need to reach more and different children and families than the current offer, while delivering opportunities for excitement, risk and access to nature in a safe and supportive space.
- 4.2 In its budget for 2019-20, the council set out its intention to continue to support a comprehensive offer of adventure play across 12 sites during term time and school holiday periods. All 12 adventure playgrounds are protected in perpetuity for the benefit of children's play through Deeds of Dedication held between Islington Council and Fields in Trust. The current contracts to deliver services across all 12 adventure playgrounds will come to an end on 31 March 2020.
- 4.3 In line with the council's commitment to operate fair and transparent procurement processes and maintain continuity of delivery, the new contracts for the operation of all 12 adventure playgrounds will be aligned. Details of the tendering process for the contract to operate and manage Hayward are set out in points 4.5 through 4.9 below.
- 4.4 The appointed provider is required to raise additional revenue through the provision of appropriate, complementary offers from the land and building at times when the core offer is not being delivered. The additional revenue is intended to enhance the offer of adventure play for children and young people with special educational needs and disabilities, expanding and developing what is available. The investment profile is aligned to the council's intention to lever in additional funds and resources to the offer through implementing a range of measures. These include utilising People Services assets to maximise potential commercial income,

fundraising, volunteering, corporate sponsorship/social responsibility and tapping into resources across the Islington community.

- 4.5 The procurement was conducted as an Open Procedure. This one-stage process consists of Suitability Assessment questions followed by Method Statement questions that relate to quality and financial criteria by which all bidders are assessed. The entirety of the procurement process was conducted using the e-procurement system via the London Tenders Portal.
- 4.6 The contract was advertised in the Official Journal of the European Union (OJEU). It was also advertised on Islington’s website and distributed widely amongst existing networks and channels.
- 4.7 The tender evaluation panel consisted of the Head of Play and Youth Commissioning Services, Commissioning and Quality Manager Play and Youth, Commissioning and Quality Officer Play and Youth and Commissioning and Strategy Manager Pupil Services.
- 4.8 The panel recommended a contract award of the Most Economically Advantageous Tender (MEAT) on the basis of 80% quality and 20% cost. The following criteria addressed the quality and cost elements of the submissions, which were evaluated on the organisations’ tender submissions, clarified at interview and via the London Tenders Portal.
- 4.9 Two tenders were received. The tender evaluation panel concluded that the tender submitted by KIDS was the most economically advantageous tender. The criteria that both bids were scored against are as follows:

Cost made up of:

1. Financial forecast in line with the length of the service contract	10%
2. Sustainability, including income generation, fundraising and resources in-kind	10%

Quality made up of:

3. Proposed approach to quality assurance including: proposed systems to ensure services are effectively reviewed and evaluated; reach across the local child and young person population; effective use of data available about service users to effectively plan and deliver the offer; effective communications and marketing	20%
4. Proposed approach to the delivery of playwork on adventure playgrounds in line with the Playwork Principles	10%
5. Proposed approach to safeguarding, early intervention and earliest help including: policies and procedures; staff training and development; holistic approaches to working with children and families in need of additional support	10%
6. Proposed approach to partnerships and integrated working (supported by evidence of extensive local knowledge and ability to engage with the local community) including: collaboration with local, regional and national organisations; coordination with other providers of adventure play and wider children’s services including the Islington SEND Local Offer ¹	10%

¹ <http://directory.islington.gov.uk/kb5/islington/directory/localoffer.page?localofferchannelnew=0>

7. Proposed approach to facilities management, including buildings and the adventure playground environment	10%
8. Proposed business plan including objectives, strategies, marketing and income generation in line with the length of the service contract	10%
9. Proposed approach to contract mobilisation including continuity of service, community engagement, TUPE and staffing considerations, including employment and apprenticeships for local and young people	10%

5. Implications

5.1 Financial implications:

In previous years The Hayward Adventure Playground provision came under the umbrella of a wider contract covering 5 other Adventure Playgrounds but was sub contracted out. Now the provision will have its own contract with an annual cost of £162,500 per year which is contained within the current budget. A 15-year contract does have risks but this has been mitigated by a break clause every 3 years.

5.2 Legal Implications:

The Council is required under section 507A(1) of the Education Act 1996 to secure adequate recreation and social and physical training facilities for children under the age of 13. This can include the establishment, management and maintenance of playgrounds. When making arrangements, the council must have particular regard to the expediency of cooperating with any voluntary bodies whose objects include the provision of similar facilities or activities (section 507A(3)). The council may enter into contracts with providers of adventure play services under section 1 of the Local Government (Contracts) Act 1997. The Executive may provide Corporate Directors with responsibility to award contracts with a value over £2 million using revenue money and over £5 million using capital money (council's Procurement Rule 16.2).

The services being procured are subject to the light touch regime set out in Regulations 74 to 77 of the Public Contracts Regulations 2015 (the Regulations). The threshold for application of this light touch regime is currently £615,278.00. The value of the proposed contracts is above this threshold. It will therefore need to be advertised in the Official Journal of the European Union (OJEU). There are no prescribed procurement processes under the light touch regime. Therefore the council may use its discretion as to how it conducts the procurement process provided that it: discharges its duty to comply with the Treaty principles of equal treatment, non-discrimination and fair competition; conducts the procurement in conformance with the information that it provides in the OJEU advert; and ensures that the time limits that it imposes on suppliers, such as for responding to adverts is reasonable and proportionate. Following the procurement a contract award notice is required to be published in OJEU. The council's Procurement Rules require light touch contracts over the value of £500,00.00 to be subject to competitive tender.

In compliance with the requirements of the light touch regime in the Regulations and the council's Procurement Rules the contract was advertised in the Official Journal of the European Union (OJEU). Bids were evaluated in accordance with the tender evaluation model and KIDS was found to be the highest scoring tenderer. Therefore the contract may be awarded to KIDS as recommended in the report. In deciding whether to award the contract to KIDS the

Corporate Director for People Services should be satisfied as to the competence of the supplier to provide the services and that the tender price represents value for money for the Council. In considering the recommendations in this report Corporate Director for People Services must take into account the information contained in the exempt appendix to the report.

5.3 Environmental Implications

The main environmental impacts of the adventure playgrounds are the use of energy, water, and waste generation on the sites. However, this is kept to a minimum, with ecological efficiencies identified wherever possible. Organisations running adventure playgrounds have a vested interest in ecologically sound practice, with council commissioners ensuring this is adhered to through robust contract monitoring and quality assurance processes in place over the life of the contract(s).

It is expected that the letting of this/these contract(s) for adventure playgrounds will also have substantive beneficial impact to the local environment. Adventure playgrounds are protected in perpetuity through Deeds of Dedication, meaning that these natural spaces are safeguarded for children's play. The work required through the service specifications for adventure play includes food growing, effective recycling and composting and supporting children, young people and families' understanding of the environment.

Through ensuring that providers are contracted to effectively run quality services and deliver facilities management to a high ecological standard, both providers and commissioners ensure that the environment is integrated across work that takes place at adventure playgrounds on a daily basis. Engagement with stakeholders and partners, including the council's Environment and Regeneration directorate, ensures that biodiversity and eco-friendly activities are incorporated into the services offered for children, young people and families.

5.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 20 November 2018 and the summary is included below. The complete Resident Impact Assessment is appended. The assessment found that through the delivery of a high quality adventure play offer at Hayward, the council would be securing much needed services for a large number of residents across a range of protected characteristics. By extending the remit of the specification to include those not eligible for Short Breaks and/or personal budgets, the new contract aims to benefit even more people, ensuring that Hayward is well used and accessible to a large community of children, young people and families with a particular focus on special educational needs and disabilities. The assessment did not find that any communities in Islington would be disadvantaged through the letting of this contract.

5.5 Social Impact:

The service specification for Hayward Adventure Playground includes a number of explicit requirements in relation to social value, which have been identified in the proposal submitted by KIDS. These include:

- Supporting local residents with work experience and employment opportunities, which include at least 3 adjusted apprenticeships to support people with disabilities
- Engaging in the '100 hours' World of Work' and '11 by 11' offers
- Providing training to share best practice with playworkers employed at the other 11 adventure playgrounds, further developing inclusion across the offer as well as providing clear pathways for children and young people transitioning from one service to another
- Bringing in additional resources to enhance the offer over the life of the contract, through fundraising as well as creative use of the Hayward building and land for hires and engaging with volunteers

6. Reasons for the decision

6.1 Approval of the recommendation to award a contract to deliver, operate and manage Hayward, the specialist adventure playground for children and young people with special educational needs and disabilities will:

- Ensure effective, safe, ecological and economical management and operation of the setting, including the land, building and adventure play structures;
- Provide continuity of service for children, young people and families, including some of Islington's most vulnerable residents;
- Maximise opportunities to generate additional income that can enhance the borough-wide offer of adventure play for children and young people with special educational needs and disabilities;
- Ensure continued delivery of a high quality adventure play offer that contributes to the integrated and holistic services available for children, young people and families in Islington, with a focus on early intervention and prevention.

7. **Record of the decision:** (to be completed after 5 days on the website and re-sent to Democratic Services)

7.1 I have today decided to take the decision set out in section 2 of this report for the reasons set out above.

Signed by:



Carmel Littleton
Corporate Director, People

Date 22 July 2019

Appendices

- RIA

Background papers:

None

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