

EAST RENFREWSHIRE COUNCILCABINET11 May 2023Report by Director of EducationREQUEST FOR APPROVAL FOR DIRECT BID TO OSIRIS EDUCATIONAL WOODHALL
SPA LIMITED**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval to award a negotiated contract without call for competition, in relation to a direct bid with Osiris Educational Woodhall Spa Limited for the provision of professional learning and development services across the education department at an annual estimated average spend of £50,000. The contract would be for a 48 month period with a total contract value of £200,000.

RECOMMENDATIONS

2. Cabinet is asked to approve a direct purchase under Regulation 33(1)(b)(ii) of the Public Contracts (Scotland) Regulations 2015 from Osiris Educational Woodhall Spa Limited for the provision of professional learning and development at a total cost of £200,000 across the duration of the contract.

BACKGROUND

3. Under ERC's Devolved School Management (DSM) Scheme, head teachers and heads of centre are empowered to make key decisions regarding the best use of resources to ensure the highest level of experiences and outcomes for learners. However, with this autonomy there remains the responsibility to comply with both legislation and the financial regulations of the council, including being mindful of the potential impact of decisions made at individual school level on wider contractual and financial obligations of the council.

4. In partnership with colleagues in procurement, the education department seeks to monitor the level of spend with individual suppliers across the department to ensure appropriate procurement routes are followed. Ongoing work in this area has recently highlighted that the level of current/planned spend with Osiris Educational Woodhall Spa Limited (OSIRIS) across our schools requires Cabinet approval to allow our Head Teachers to continue engaging with this supplier directly without a need for any competitive quotation or tendering exercise being undertaken.

REPORT

5. OSIRIS is currently used to provide specific professional learning and development programmes aimed at teachers and school leaders who are seeking to embed the latest research into how to further understand, evaluate and maximise their impact on learning. The OSIRIS 'Visible Learning Plus' programme is based on Professor John Hattie's research into what works best in schools to improve learning and progress.

6. A number of our secondary Head Teachers have engaged with this supplier in recent years to deliver aspects of the OSIRIS professional learning programmes. Given positive evaluations they would wish to have the option to procure further services from OSIRIS, subject to budget availability, to take forward actions arising from school improvement planning.

7. Given the programme is covered by a trademark and OSIRIS are the only UK company able to deliver these programmes, the most appropriate procurement route going forward is considered to be a direct award to OSIRIS. Based on the latest information from Head Teachers, the planned spend over the next 4 years would average out at approx. £50,000 per annum, subject to budget availability. Initially for 2023/24, the planned spend is circa £100,000 given a few schools wish to follow up professional learning programmes which commenced during 2022/23 academic session.

8. Whilst a contract of the proposed value would normally require competition, regulation 33 of the Public Contracts (Scotland) Regulations 2015 notes various circumstances where competition is not required and contracts can be entered into by direct negotiation. In the present case, given the proprietary nature of the services provided by this organisation, regulation 33(1) (b) (iii) is considered applicable there being no reasonable alternative on the market providing the particular training in question.

FINANCE AND EFFICIENCY

7. Funding will be met from the education department's revenue budget, mainly that devolved to Head Teachers under the approved Devolved School Management scheme.

CONSULTATION

8. The Chief Officer Legal and Procurement and the Chief Procurement Officer have been consulted on the use of Regulation 33 and have authorised it as appropriate.

IMPLICATIONS OF THE PROPOSALS

9. There are no staffing, IT, legal, sustainability or other specific implications associated with this report.

CONCLUSIONS

13. In line with the principles of Devolved School Management, Head Teachers have the autonomy to make decisions on the best use of the resources available to them whilst ensuring compliance with legislation and ERC's financial regulations. Given the level of planned ongoing spend by some schools and the exclusive rights associated with the programmes offered by OSIRIS, a direct award with a negotiated contract is deemed appropriate.

RECOMMENDATION

14. Cabinet is asked to approve a direct purchase under Regulation 33(1) (b) (iii) of the Public Contracts (Scotland) Regulations 2015 from Osiris Educational Woodhall Spa Limited for the provision of professional learning and development at a total cost of £200,000 across the duration of the contract

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11 May 2023

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