



Report of Commissioning Programme Manager

Report to the Director of Children's Services

Date: 12th May 2016

Subject: Decision to enter in to a Public Body Co-operation Agreement with Wellspring Academy

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Significant partnership work has taken place to identify a new approach across Leeds for the provision of appropriate learning provision for children and young people with social, emotional and mental health (SEMH) needs. The next stage of the development work is the move to a new Academy to be in place from September 2016.
2. In the long term the new Academy will operate on 4 sites across Leeds and plans are in place for the development of new provision. On an interim basis learning provision will operate from a number of temporary sites in Leeds which are currently being developed to meet needs for students to be educated.
3. There will be two interim sites in operation for September 2016 in buildings that have not previously been used for SEMH learning provision. We need to put in place arrangements for the second of these sites.
4. In order for Wellspring to be able to deliver good quality education provision from September 2016 we need to fund set-up costs for this site. This funding will pay for:

- staff to be recruited before delivery begins so that staff can receive appropriate training and development ahead of teaching commencing
 - overheads for the Academy Trust in the support / infrastructure services required to set up new arrangements
 - equipment and resources required for delivery of teaching to meet needs of students with Education, Health and Care Plans
5. If we are not able to put this agreement in place then we will not have access to the specialist learning provision required in Leeds for young people with complex SEMH needs. This would mean the local authority would be required to place young people in provision outside of Leeds at additional costs to the local authority.

Recommendations

6. The Director of Children's Services is recommended to approve the decision to enter in to a Public Body to Public Body Co-operation Agreement with **Wellspring Academy Trust** in the sum of £249,000.
7. The Director of Children's Services is recommended to approve that Wellspring Academy Trust are paid at the start of the agreement.

1 Purpose of this report

- 1.1 To decision to enter in to an agreement with Wellspring Academy Trust for the set up of suitable learning provision.

2 Background information

- 2.1 Ofsted inspection of Elmete SILC in Sept 2014 identified the school as inadequate. Amongst other actions the report identified that in order to improve further the school would need to:

Work closely with the local authority to ensure that:

- *a full local authority review takes place as soon as possible and informs the proposed changes for high quality city-wide provision for children with behavioural, emotional and social difficulties*
- *the provision is able to meet fully the requirements of the students it serves, especially with regard to the quality of provision, resources, the curriculum on offer and learning needs, and the availability of specialist staff and therapeutic support*

- 2.2 Significant partnership work has taken place to identify a new approach across Leeds for the provision of appropriate learning provision for children and young people with social, emotional and mental health (SEMH) needs.
- 2.3 The Executive Board paper in November 2015 set out the plans to create a world class provision within Leeds for children and young people with Social, Emotional and Mental Health (SEMH) needs by working with an outstanding partner to convert the existing Behavioural, Emotional and Social Difficulties (BESD) SILC and to move the existing primary provision into one new organisation.
- 2.4 The next stage of the development work is the move to a new Academy to be in place from September 2016. There is an Academy Order in place for the transfer of the existing Elmete BeSD SILC to an academy sponsored by The Wellspring Academy Trust for September 2016.
- 2.5 The new academy will operate on 4 sites across Leeds and plans are in place for the development of new provision. On an interim basis learning provision will operate from a number of temporary sites in Leeds which are currently being developed to meet needs for students to be educated.
- 2.6 A first site will begin delivery in June 2016. There will be another two interim sites in operation for September 2016 in buildings that have not previously been used for SEMH learning provision. A second site has been identified, further work is currently being undertaken to confirm arrangements for this site.
- 2.7 In order for Wellspring to be able to deliver good quality education provision from September 2016 we need to fund set-up costs for these two sites. This funding will pay for:
- staff to be recruited before delivery begins so that staff can receive appropriate training and development ahead of teaching commencing
 - overheads for the Academy Trust in the support / infrastructure services required to set up new arrangements
 - equipment and resources required for delivery of teaching to meet needs of students with Education, Health and Care Plans

3 Main issues

- 3.1. There is a requirement to put in place arrangements quickly for appropriate learning provision to be in place for young people.
- 3.2. Advice from the Projects Programmes & Procurement Unit (PPPU) is that as the Wellspring Academy Trust is a public body the Public Contracts Regulations (Regulation 12(7)) allow for public bodies to enter into cooperations (without the need for competition) where certain conditions apply. PPPU advise that, on the information provided to them, the conditions set down in Regulation 12(7) apply and therefore this matter can be undertaken by way of a cooperation between Leeds City Council and Wellspring Academy Trust (as two public bodies).
- 3.3. The Wellspring Academy Trust currently manages effective delivery models in Barnsley and N E Lincs. They have been identified as an outstanding provider of educational provision for children and young people with social, emotional and mental health needs. The Wellspring Academy Trust will be the new provider of provision for young people with SEMH needs. In these circumstances it is appropriate to award funding for set-up costs to the provider without subjecting the matter to competition.
- 3.4. Detailed partnership discussion has taken place with DfE to agree this approach to development of suitable provision for children and young people requiring additional support on the behavior continuum, in order that they can engage in appropriate learning provision to meet their needs.
- 3.5. If we are not able to put this agreement in place then we will not have access to the specialist learning provision required in Leeds for young people with complex SEMH needs. This would mean the local authority would be required to place young people in provision outside of Leeds at additional costs to the local authority.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Initial conversations have taken place with Wellspring in order to plan the provision that is required.
- 4.1.2 The lead elected member for Children's Services has been briefed on the intention to put this agreement in place on the 31st March 2016.

4.2 Equality and diversity / cohesion and integration

- 4.2.1. The equality, diversity, cohesion and integration screening form is attached as Appendix 1. This form identifies that an impact assessment is not required in this case.

4.3 Council policies and Best Council Plan

- 4.3.1 The agreement will contribute to the outcomes identified in the Children and Young People's Plan, specifically that children and young people do well at all levels of learning and have the skills for life.

4.4 Resources and value for money

- 4.4.1. The agreement will be put in place for 4 months starting on 23rd May 2016. The value will be £249,000.

- 4.4.2. Wellspring Academy Trust require payment at the start of the agreement so that they can effectively manage budget and cash flow to deliver the service.
- 4.4.3. The agreement will be monitored through monthly returns from the provider against a financial profile submitted by Wellspring Academy Trust. This profile will be on the basis of the items identified in 2.8.
- 4.4.4. The cost will be funded from the High Needs Block of the Dedicated Schools Grant.

4.5 Legal implications, access to information and call in

- 4.5.1. This decision is not subject to Call In under the provisions made in the Council Constitution as the value is below £250,000.
- 4.5.2. Advice from PPPU is that the Wellspring Academy Trust is a public body and has to comply with the Public Contracts Regulations, as does the Leeds City Council. However, there is provision within the Public Contracts Regulations for public body to public body cooperation. Therefore we can deal with the interim arrangements as a public body to public body cooperation agreement (Reg 12(7)).

4.6 Risk management

- 4.6.1 There is a minimal risk of challenge from other Academy Trusts to the decision to put the cooperation agreement in place. The risk is deemed minimal as Leeds City Council followed due process in seeking to establish new provision, consequently the Secretary of State issued an Academy Order under which Leeds City Council will enter in to an agreement with Wellspring Academy trust for the delivery of new learning provision.

5 Conclusions

- 5.1 It is appropriate in the circumstances to put in place a public body to public body co-operation agreement with Wellspring Academy Trust.

6 Recommendations

- 6.1. The Director of Children's Services is recommended to approve the decision to enter in to a Public Body to Public Body Co-operation Agreement with Wellspring Academy Trust in the sum of £249,000.
- 6.2. The Director of Children's Services is recommended to approve that Wellspring Academy Trust are paid at the start of the agreement.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

