

Appendix 3

MACHINERY OF GOVERNMENT CHANGES

MEMORANDUM OF UNDERSTANDING WEST YORKSHIRE SUB-REGIONAL GROUP (SRG) 16-19 PROVISION

City of Bradford Metropolitan District Council

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DRAFT 1 - JULY 2009
MEMORANDUM OF UNDERSTANDING

WEST YORKSHIRE SUB-REGIONAL GROUP (SRG)
16-19 PROVISION

1.0 Memorandum of Understanding

1.1 This Memorandum of Understanding ('the Memorandum') is made on ----- 2009.

1.2 The Memorandum sets out:

- (a) the arrangements for undertaking sub-regional responsibilities for 16-19 learning and skills in the West Yorkshire sub region ; and
- (b) the underpinning principles, roles and responsibilities of the parties and is intended to act as a point of reference for the Authorities who make up the membership of the Sub-Regional Group.

1.3 This memorandum of understanding is a statement of intent and does not constitute a legally binding document.

2.0 Parties

2.1 The parties to the Memorandum are:

- ◆ **City of Bradford Metropolitan District Council**
- ◆ **Calderdale Metropolitan Borough Council**
- ◆ **The Council of the Borough of Kirklees**
- ◆ **Leeds City Council**
- ◆ **City of Wakefield Metropolitan District Council**

referred to as the '**the Authorities**', and together comprising the Sub-Regional Group.

3.0 Definitions and Interpretation

3.1 These terms will have the following meanings in the Memorandum unless the context otherwise requires:

<u>Term</u>	<u>Definition</u>
Authorities	City of Bradford Metropolitan District Council Calderdale Metropolitan Borough Council Kirklees Metropolitan District Council

Leeds City Council
City of Wakefield Metropolitan District
Council

Region	The area comprising Yorkshire and the Humber region
Representing Officer	The officer of each Authority referred to in clause 10.2 and their authorised representative
Sub-Region	City of Bradford Metropolitan District Council Calderdale Metropolitan Borough Council The Council of the Borough of Kirklees Leeds City Council City of Wakefield Metropolitan District Council
Sub-Regional Group	City of Bradford Metropolitan District Council Calderdale Metropolitan Borough Council The Council of the Borough of Kirklees Leeds City Council City of Wakefield Metropolitan District Council
2009 Act	The Apprenticeships, Skills, Children and Learning Act 2009

4.0 Background

- 4.1 The *2009 Act* provides that with effect from April 2010 Local authorities will be responsible for securing sufficient education and training provision for all young people, including those aged 16-19, and 19-25 year olds being assessed for a learning difficulty and/or disability, as well as juveniles in custody.
- 4.2 Local authorities must work collaboratively with all sectors, including Children's Trusts and 14-19 partnerships, and, because many young people may live in one local authority area but receive education or training, in another, local authorities must also work with one another where there are travel to learn issues ie cross regions, regionally and in particular sub-regionally.
- 4.3 The Authorities, for the purpose of this Memorandum, comprise the West Yorkshire Sub-Regional Group with the aim of working and planning together to build a picture of demand, to review individual local authority commissioning plans, to ensure coherence and to consider how to deploy commissioning resources in the most cost effective and efficient manner.
- 4.4 The Region comprises Yorkshire and the Humber.
- 4.5 The Sub-Regional Group is represented, at a regional level, on the Regional Planning Group. The Regional Planning Group in consultation with the Young People's Learning Agency ensures the co-ordination and final determination of commissioning plans and measures needed to align available resources with the level of commitment requested in the strategic commissioning plans. The Regional Planning Group will

assess alignment with regional skills and economic needs. In particular the Regional Planning Group is responsible for:

- (a) ensuring the education and training needs of young people are met on a regional basis;
- (b) securing the co-ordination of provision across the regional area and other regions where appropriate within the available resources;
- (c) working with the YPLA and Regional Development Agency to identify regional priorities including those that respond to the national priorities and support the regional economic strategy and the needs of employers;
- (d) promoting the YPLA's Regional Statement of Priorities that sets out the regional priorities that the Sub-Regional Groups and local authorities will need to consider in developing their plans.
- (e) agreeing and ensuring the coherence of 16-19 commissioning plans at regional level.
- (f) supporting the delivery, monitoring and evaluation of the YPLA's Regional Statement of Priorities.

NOTE: These will need to be reviewed and aligned to the Terms of Reference to the Regional Planning Group

5.0 Statutory Framework

5.1 The Authorities enter into this agreement pursuant to:

- (a) the 2009 Act
- (b) all other enabling powers.

5.2 Each Authority warrants to the other that it has obtained all necessary consents and approvals prior to entering into this Memorandum.

6.0 Key Purposes and Aims of the West Yorkshire Sub-Regional Group

6.1 The over-arching aim of the West Yorkshire Sub-Regional Group is to ensure that the whole commissioning process results in appropriate demand led provision for all 16 to 19 learners across the sub-region including those learners up to 25 with learning difficulties and/or disabilities (LLDD) plus young offenders. The Sub-Regional Group will ensure that local authorities' strategic commissioning plans for education and training for this age group within the Sub-Region are well aligned with one another, with regional priorities and national priorities and make best use of available funding. The Sub-Regional Group will contribute to the overall learning and skills agenda at regional and national levels. Organisational structures and strategic planning arrangements are set out in Appendix 1 and Appendix 2 below.

6.2 Remits and Responsibilities within the West Yorkshire Sub-regional Group

The West Yorkshire Sub-Regional Group will ensure that the 16-19 Commissioning Plan accords with national policy and regional priorities is fully reflective of the strategic objectives and planning undertaken by contributory LAs and adheres to the following planning principles:

- a) the needs and aspirations of all learners, particularly the most vulnerable, are met including specialist provision suitable for learners with specific needs e.g. LLDD
- b) the current and future needs of the national and local economy are addressed

- c) the pattern of provision is of high quality, contributes to the raising of attainment and is affordable ie within the limits of budgets available
- d) gaps in provision are identified and filled; and wasteful duplication is avoided
- e) the right of the learners to choose to travel to provision beyond the boundaries of the LA in which they are resident is respected and facilitated
- f) all provider sectors are treated equally and engaged in the annual planning cycle
- g) commissioning promotes flexibility, collaboration and looks across both sector and LA boundaries in the interests of the learner
- h) learners' and employers' views and choices have real influence in what is commissioned and where
- i) infrastructure plans and capital expenditure are shaped by learner and employer needs, by agreed priorities for social and economic transformation and are aligned with other renewal programmes including the Primary Capital Programme and Building Schools for the Future
- j) planning is based on standard and comprehensive data set and analysis used consistently by the SRG
- k) the sub-regional plan both reflects and informs the strategic priorities of the Regional Planning Group, the Young People's Learning Agency, the Skills Funding Agency (and the National Apprenticeship Service) and the Regional Development Agency.

Tier 1 - West Yorkshire Steering Group

This group comprises the 5 West Yorkshire Directors of Children's Services. Responsibility for chairing will rotate annually between the 5 LAs.

The Steering Group will:

- a) Provide strategic lead for post 16 provision by agreeing a sub-regional vision for 14-19
- b) Approve the sub-regional statement of priorities and the sub-regional commissioning plan to go forward to the RPG
- c) Act as an arbiter for conflict resolution between Local Authorities
- d) Commission sub regional responses that link to regional and national needs of employers, communities and learners
- e) Monitor and evaluate the work of the operational group
- f) Link to the work of Regional Planning Group and national organisations
- g) Respond directly to the needs of elected members of the individual local authorities
- h) Maintain the autonomy of individual local authorities whilst promoting collaboration which supports improved learning

Tier 2 - West Yorkshire Operational Group

This group comprises the key officers from the respective LA 14-19 units who work together to drive the implementation of the Action plan. This group meets at regular intervals and is held accountable by the West Yorkshire Steering Group . The group is responsible for:

- a) Identify key sub regional priorities and setting sub-regional strategic objectives and targets to be achieved collaboratively by the 5 West Yorkshire LAs.
- b) Develop strategies that deliver actions to address priorities and achieve the agreed vision
- c) approving the sub-regional statement of need and composing the annual West Yorkshire 16-19 Commissioning Plan
- d) agreeing arrangements for cross-border learner flows
- e) agreeing sub-regional arrangements for low incidence or specialist provision which cannot be met with the boundaries of an individual LA
- f) resolving any disputes and conflicts of interest that might arise in the sub-regional planning of provision.
- g) Evaluate the work of sub regional activity by making comparisons with other sub regions, the region and the nation

- h) Evaluate the improvements to provision over time
- i) Make recommendations to constituent LAs, organisations and providers
- j) Ensure that a robust, transparent and appropriate business planning and commissioning cycle is maintained which corresponds to national timescales and local needs
- k) Optimise the use of resources across the sub region
- l) Liaises with sub regions bordering West Yorkshire
- m) Ensure that sufficient and effective sub regional structures exist
- n) Promote and commission sub-regional networks
- o) Ensure equality of treatment for all providers
- p) Ensure that there are appropriate commissioning and decommissioning processes in place at sub regional level that support LA commissioning processes

6.3 **Elected Members Group**

The relevant Local authority officers shall be accountable for reporting to the elected members of their respective Authorities, and to Children and the Young Peoples Strategic Partnership Board and Children's Trusts within their respective Authority areas. In addition an elected members group is proposed, (involving the lead members for Children's services from each of the 5 Local Authorities) to meet at appropriate points in the business cycle, to brief them about the Machinery Of Government changes and associated commissioning processes, at regional and sub-regional level.

6.4 **Provider Representation**

The representation of providers is an issue which has been raised at regional, sub-regional and local authority level.

At regional level a provider subgroup of the Regional Planning Group is being formed with sector representation from each of the 4 Sub-Regional Groups. The sectors involved are

- General FE colleges
- Sixth form colleges
- Secondary schools and academies with sixth forms
- Work based learning providers
- Voluntary, Community and Faith sector
- Local authorities

At the West Yorkshire level it is proposed to form an equivalent provider subgroup. In addition the Tier 2 group will seek representation to attend West Yorkshire provider networks eg West Yorkshire Consortium of Colleges, West Yorkshire Learning Providers., West Yorkshire Voluntary/Community sector network

At Local Authority level, providers are all actively involved through 14-19 strategic partnership arrangements. Local partnerships and provider networks are inclusive of 11-16 schools in each District.

7.0 **Key Principles**

7.1 The Sub-Regional Group agrees to observe the following principles in the delivery of its work:

- (a) To focus upon the learner first;
- (b) To align provision with local and regional economic and skills needs;
- (c) To integrate all commissioning of provision with other strategic priorities for children, families and communities;

- (d) To commit to a mixed economy of providers in which all sectors are treated equitably;
- (e) To operate in a transparent and inclusive way locally and sub-regionally;
- (f) To co-operate well sub-regionally, particularly in meeting agreed timescales for the annual strategic commissioning cycle; and
- (g) To incorporate sub-regional needs and issues into planning at local level.

8.0 Commencement and Duration

- 8.1 This Memorandum will take effect on ----- 2009 and will remain in operation until such time as the Authorities resolve mutually to terminate the Memorandum.
- 8.2 Prior to each annual anniversary of the Memorandum the Authorities will review the Memorandum by reference to its operation during the previous year and all other relevant criteria (whether regional, Sub-Regional or national) and shall make such changes to the Memorandum as are reasonably necessary to reflect any such changes.

9.0 Agreement of the Authorities

- 9.1 The Authorities agree to the provisions of the Memorandum.
- 9.2 The Authorities agree to the following provisions to ensure the effective working of the sub-regional arrangements:
 - (a) that sub-regional responsibilities will be discharged by the Authorities jointly;
 - (b) to adhere to the requirements set out in such frameworks and protocols as may from time to time be developed for the purpose of the sub-regional arrangement
 - (c) to agree and adhere to an annual time table for strategic commissioning across the Sub-Region set out at Appendix 3;
 - (d) to put in place governance arrangements which are comparable between the Authorities and consistent with the key sub-regional principles set out at paragraph 7 of the Memorandum.
 - (e) to delegate authority to its Representing Officer at the Sub-Regional Group meetings in accordance with the terms of the delegation referred to in paragraph 10 of the Memorandum.
 - (f) to assist each other in providing advice and training to support the discharge of specialist functions. However, there is no expectation that one local authority will be responsible for undertaking a specialist function on behalf of another local authority.

10.0 Governance and Decision Making

There are similar 14-19 structures (Children's Trust, 14-19 Partnerships) in place across the sub-region with a duty to cooperate. Elected Members, Chief Executives, DCs, and West Yorkshire Officers meet regularly across West Yorkshire. All West Yorkshire Council Leaders are signed up to West Yorkshire Cluster. Each LA participating operates statutory legislation in terms of Children Trusts, the requirements for drawing up Children and Young People's Plans and 16-19 strategic commissioning. Organisational arrangements for the LAs and the cluster to meet their new responsibilities are set out in Appendix 1 These include the following:

- Establish a clear set of arrangements and lines of accountability within each LA to discharge its 16-19 strategic commissioning function

- Ensure comprehensive and useful and analysis is provided by the Young People's Learning Agency (YPLA) re :
 - cross-border travel
 - low incidence provision that cannot be provided for easily in each LA
 - the needs of vulnerable groups that are best addressed collaboratively, including young offenders and some young people with specific LDD needs
 - identifying issues which impact on the commissioning plans of the 5 LAs
 - learner progress, provider performance and gaps in provision
- Create a number of task groups which bring together staff from the 5 LAs, LSC and other partners to ensure a smooth transfer of planning functions. It is envisaged that some of these groups will continue for the foreseeable future to support the business cycle and ensure the sharing of good practice across the local authorities.

- 10.1 The Sub-Regional Groups will meet at least six times per annum as required by the annual business cycle, at mutually agreed dates and venues.
- 10.2 Each of the Authorities will be represented at meetings of the Tier 1 Sub-Regional Group by its Director of Children's Services or their nominated representative
- 10.3 Each of the Authorities shall be responsible for chairing the Sub-Regional Group on an annual basis (together with providing the administrative support for the meeting) – this role will rotate between the Authorities; the first chair shall be the Representing Officer of Calderdale Council.
- 10.4 The quorum for meetings of the Sub-Regional Group is five and must comprise a Representing Officer from each Authority.
- 10.5 The decisions of the Sub-Regional Group require the unanimous agreement of the Representing Officer from each Authority. The Chair will not have a casting vote in decision making and in the event of a deadlock the provisions of paragraph 18 will apply.
- 10.6 The Sub-Regional Group may agree to invite such other persons as they consider appropriate to attend any meeting to assist them in the discharge of their responsibilities, but such invitees will not be involved in decision making.
- 10.7 (a) The Representing Officers shall be empowered to act and take decisions in the Sub-Regional Group which are binding upon their respective Authorities. The Representing Officers shall be accountable for reporting to the elected members of their respective Authorities, and to Children and the Young Peoples Strategic Partnership Board and Children's Trusts within their respective Authority areas.
- (b) The Representing Officers shall not have authority to agree changes which have significant adverse impact on learners in one or more local authority areas.
- 10.8 Each of the Authorities in the Sub-Regional Group will be directly and individually represented on the Regional Planning Group. The Sub-Regional Group will not be represented by one sub-regional representative.

10.9 The Sub-Regional Group will:

- (a) Monitor and refine all necessary policies and to ensure compliance with statutory requirements in relation to local authorities, and the sub-regional and regional bodies.
- (b) Create time lines to ensure effective arrangements of governance.
- (c) Ensure that the roles and responsibilities of elected members and officers are clear within the governance arrangements and that there is transparent and accountability at all stages in the commissioning process.
- (d) Take steps to ensure that there will be an appropriate sub-regional dimension to planning and delivery based, on shared Management Information System data and the use of area wide prospectuses and other Information Advice and Guidance services. The SRG will manage further joint developments relating to the efficient use of those essential resources.
- (e) Oversee and contribute as appropriate to the work of individual LAs which commission provision from specialist colleges.
- (f) Develop new protocols to enhance the strategic planning relationships between production of local learning plans and the wider remit of the Local Strategic Partnership.

11.0 Success Criteria

11.1 The Sub-Regional Group agrees that the success criteria for the Sub-Regional Group work will be as follows:

- (a) That learners access appropriate quality provision within a reasonable distance and successfully achieve and progress.
- (b) That the mix of provision, efficiently and effectively delivers the national entitlement curriculum;
- (c) That travel to learn patterns for Colleges and Schools with post 16 provision are respected and that planning for them is coherent, this is particularly relevant to Colleges;
- (d) All providers/provision across the sub-region meet agreed minimum performance levels
- (e) That sub-regional and regional economic and skills priorities are met;
- (f) Learning provision is delivered timely and within budget.
- (g) That there are no significant gaps or overlaps in provision;
- (h) That Sub-regional work is efficient and effective and enables a single conversation between each commissioning authority and its providers in its area; and Adherence to annual programme of activity.
- (i) See Performance Regime 15.0 below and appendix 4 - the 14-19 progress checks, led by Government Office, assess each local authority position and progress against a broad set of performance indicators relating to participation, attainment, progression, collaboration and provision.
- (j)

12.0 Policy and Planning Processes and Protocols

Organisational structures and strategic planning arrangements are set out in Appendix 1 and Appendix 2 below

13.0 Performance Management

There is a clear framework for performance management, focussed upon assessing provider performance and supporting improvements in standards. Individual providers are responsible for their own performance and quality, but will be held accountable for delivery of commissioned provision. All post-16 providers will be assessed annually against a clear set of national measures. Performance assessments will not focus solely on achievements, but will seek to provide a more rounded picture of a provider's performance, taking account of all important factors which may influence learner outcomes.

Commissioning decisions will start from a position of transparent, up-to-date, information. Until the Framework for Excellence (FfE) becomes fully established for use across all post-16 providers, the local authorities to draw upon a range of available performance evidence, including available FfE datasets, the post-16 Achievement and Attainment Tables and inspection reports.

The Local authorities will use available performance evidence to analyse and evaluate where there are areas of weakness and of particular strength. Commissioning decisions will therefore start with a clear focus not only on filling gaps and responding to growth or shifting demand, but also on tackling and eliminating poor provision.

In order to ensure consistency of approach across West Yorkshire a Quality task group has been formed to consider these issues.

14.0 Funding Provision

At the time of developing this document there are no indications that there will be funds directed to Sub-Regional Groups. However, should this alter one LA will be nominated to 'co-ordinate the financial aspect of the funds. Funds will then be spent and managed in accordance with individual funding requirements and will be handled transparently and will be fully auditable. Should funds being directed via the Sub-Regional Group become regular, the Memorandum of Understanding and status of the Sub-Regional Group will be altered to reflect this. Funding of provision in each authority area remains the responsibility of that authority.

15.0 Performance Regime

There are now regular 14-19 progress checks, led by Government Office, which assess each local authority position and progress against a broad set of performance indicators relating to participation, attainment, progression, collaboration and provision. The current performance indicators used as part of the autumn 2009 progress check are summarised in appendix 4 below.

16.0 Statutory Compliance

16.1 The Authorities agree to comply with all relevant statutory provisions relating to this Memorandum including, but not limited, those relating to:

- (a) Data Protection.
- (b) Equal opportunities.
- (c) Freedom of Information (in respect of which the Authorities will use their best endeavours to consult each other in connection with any request under the

Freedom of Information Act made to one or more Authorities in relation to the subject matter of this Memorandum).

17.0 Variation

- 17.1 At any time the Authorities may agree a variation in the provisions of this Memorandum; any such variation, once unanimously agreed, will be recorded and attached to this Memorandum.
- 17.2 Any Authority may propose a variation to the Memorandum at any time and for any reason relating to its operation, effect, meaning or interpretation. Until any change is agreed the current Memorandum will continue to operate.

18.0 Commissioning and Dispute Resolution

18.1 De-commissioning or Commissioning Provision

All stages of the commissioning process will conform to the principle of open and transparent governance and management. The composition of Commissioning Plans will be a staged process governed by an annual planning cycle (see Appendix 2). In order to achieve the maximum benefits for all learners it is recognised that the commissioning process, informed as it is by a complex and challenging set of planning criteria and scenarios, will require those involved at all levels to make decisions based on accurate and objective data and information. The LA remains the accountable body and decisions as part of the commissioning process will be governed by each LA's CPR.

When a Local Authority, or the Sub-regional Cluster intend to modify existing provision, in line with the agreed Local or Sub-regional Statement of Need, time must be built into the timeline to ensure effective procurement and commissioning of provision. The flowcharts in appendix 3 below indicate how de-commissioning of existing provision, or commissioning of new provision will proceed.

18.2 Dispute resolution – proposals

The West Yorkshire sub-regional cluster has considered the issue of dispute resolution as part of the February 2009 stage 2 submission. Appendix 3 below sets out these proposals.

The attached Dispute Resolution Procedures illustrates the appropriate channels that will be followed in circumstances needing arbitration. Three levels of dispute resolution have been considered:

- a) **Local disputes having no effect on another Local Authority**
- b) Sub-regional disputes arising from planned changes to provision that could or will affect 2 or more local authorities ie **Sub-regional Dispute Resolution(identified issues)**
- c) Sub-regional disputes arising from an unanticipated need to change provision that could or will affect 2 or more local authorities ie **Sub-regional Dispute Resolution (unanticipated issues)**

19.0 Signatures

Kath Tunstall
Strategic Director of Services to Children and
Young People – City of Bradford Metropolitan
District Council

Janet Donaldson
Group Director – Calderdale Metropolitan Borough
Council

Alison O'Sullivan
Director for Children & Young People – Kirklees
Metropolitan District Council

Rosemary Archer
Director of Children's Services – Leeds City
Council

Elaine McHale
Director of Children's Services – City of
Wakefield Metropolitan District Council

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Governance and Management of the West Yorkshire 16-19 Cluster

Local Authority

Cluster

Function

Children's Trust
Responsible for:

- ECM outcomes
- Overseeing delivery of the Children and Young People Plan
- Approval of the local statement of need
- Overseeing delivery of the 14-19 Plan and associated targets

14-19 Partnership
Responsible for:

- Overseeing delivery of the 14-19 strategy and related targets
- Overseeing composition of the local statement of need and the annual 16-19 Commissioning Plan
- Ensuring that 14-19 provision and the support services that underpin this are equal to the needs and aspirations of individual learners, particularly vulnerable and under-achieving young people

14-19 Team
Responsible for:

- Monitoring, evaluating and reviewing provision in relation to agreed strategic objectives, targets and learners needs and aspirations
- Composing the local statement of need and the local 16-19 Commissioning plan
- Consulting stakeholders represented in the 14-19 Partnership and the 16-19 Planning Group in the composition of the statement of need and the 16-19 plan
- Negotiating cross-border provision with local providers
- Taking action to address weak provision in accordance with national procedures
- Reviewing provision annually and making recommendations re gaps or wasteful duplication to the 14-19 Unit
- Ensuring that 16-19 provision is sufficient to deliver the LA's attainment and participation targets for 19 year olds, the September Guarantee and the specific needs of vulnerable and low achieving young people
- to advise the 16-19 commissioning team whether 16-19 provision in an existing institution should be expanded, or whether new provision should be commissioned

Regional Planning Group
Responsible for

- Overseeing Regional targets and strategy.
- Approving Sub-regional cluster plans.
- Commissioning low incidence and specialist provision
- Adjudicating disputes that cannot be resolved at Cluster Level
- Ensuring 14-19 plans reflect wider economic need and are consistent with 19+ planning
- Negotiating the annual regional budget allocation and ensuring that Cluster plans reflect this

Tier 1 West Yorkshire Steering Group (DCS)
Responsible for:

- Agreeing Sub-regional strategic objectives and targets to be achieved by the Cluster.
- Approving and overseeing the Sub-regional statement of need and the delivery of the Cluster's annual 14-19 plan.
- Agreeing arrangements for cross-border learner flows
- Agreeing any Sub-regional arrangements
- Resolving any Cluster disputes that cannot be resolved by the Cluster Planning Group
- Involving WY CEs and WY elected members as appropriate

Tier 2 West Yorkshire Sub Regional Operational Group
Responsible for:

- Monitoring, evaluating and reviewing provision in relation to Sub-regional objectives, targets and learners' needs and aspirations.
- Creating the Sub-regional statement of need and annual 16-19 Commissioning Plan.
- Addressing current need, the requirements of low incidence and specialist demand and cross-border learner flows to shape the 16-19 Commissioning Plan.
- Seeking opportunities to share planning functions, promote excellent and specialist provision and to market make where need is not being met across the sub-region

West Yorkshire Task Groups (current list)

- Commissioning /Planning
- IAG:AWP, CAP , quality standards
- Quality
- Finance
- HR
- Legal
- Transport
- Data
- Offender learning
- Inclusion/LLDD
- ESF

Strategic Oversight

Strategic Leadership

Local Statement of Need

14-19 Plans

Annual cycle

ECM outcomes and priorities

Quality of provision

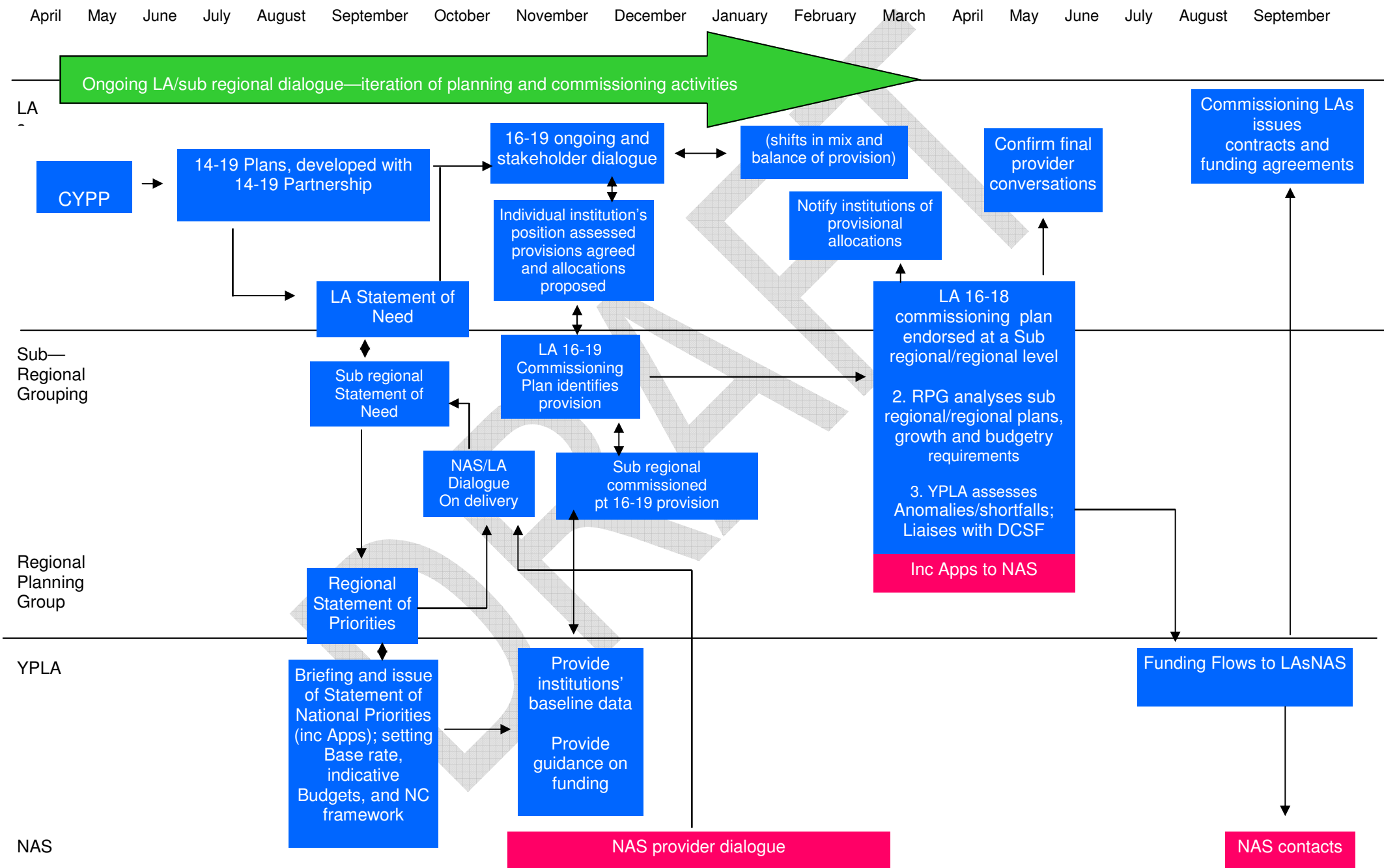
Single provider conversation

Learner and data learning

Travel to learn patterns

Learner Voice

West Yorkshire Regional Group 16-19 commissioning process



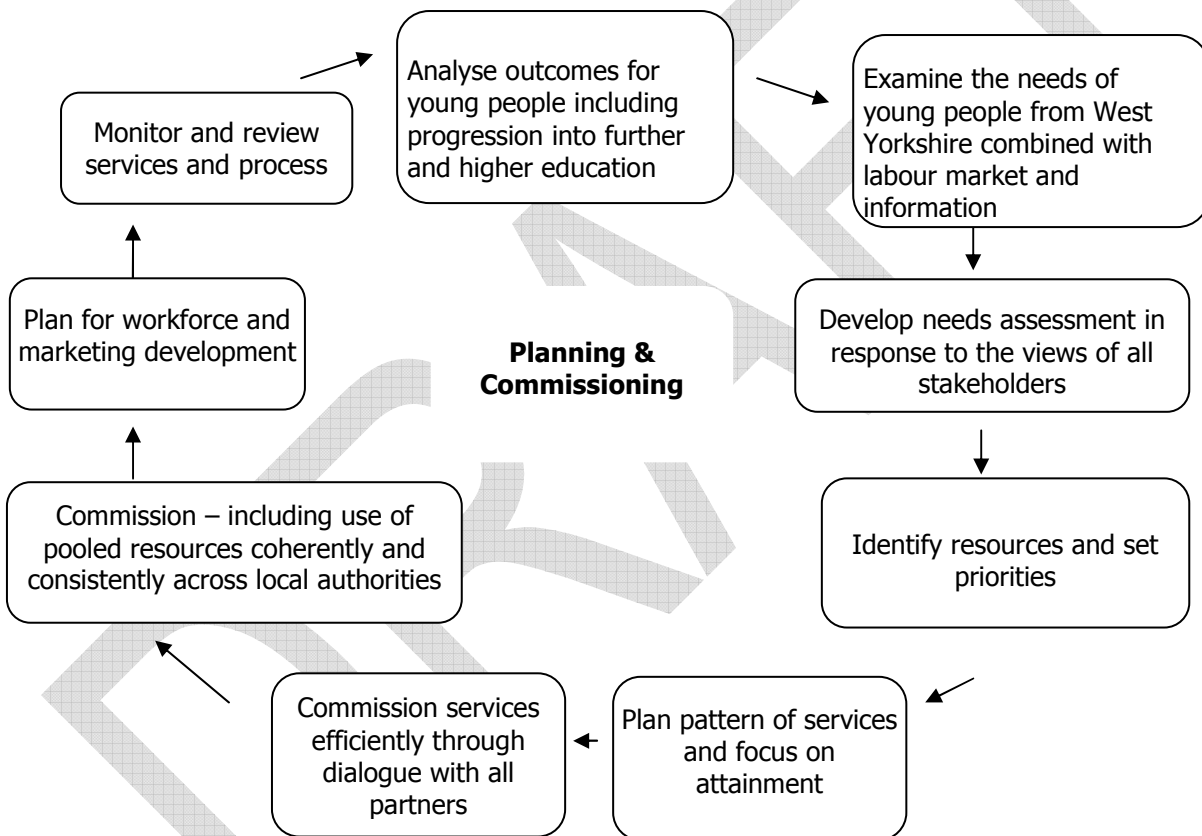
COMMISSIONING AND DISPUTES RESOLUTION APPENDIX 3

All stages of the commissioning process will conform to the principle of open and transparent governance and management. In order to achieve the maximum benefits for all learners it is recognised that the commissioning process, informed as it is by a complex and challenging set of planning criteria and scenarios, will require those involved at all levels to make decisions based on accurate and objective data and information. The LA remains the accountable body and decisions as part of the commissioning process will be governed by each LA's CPR.

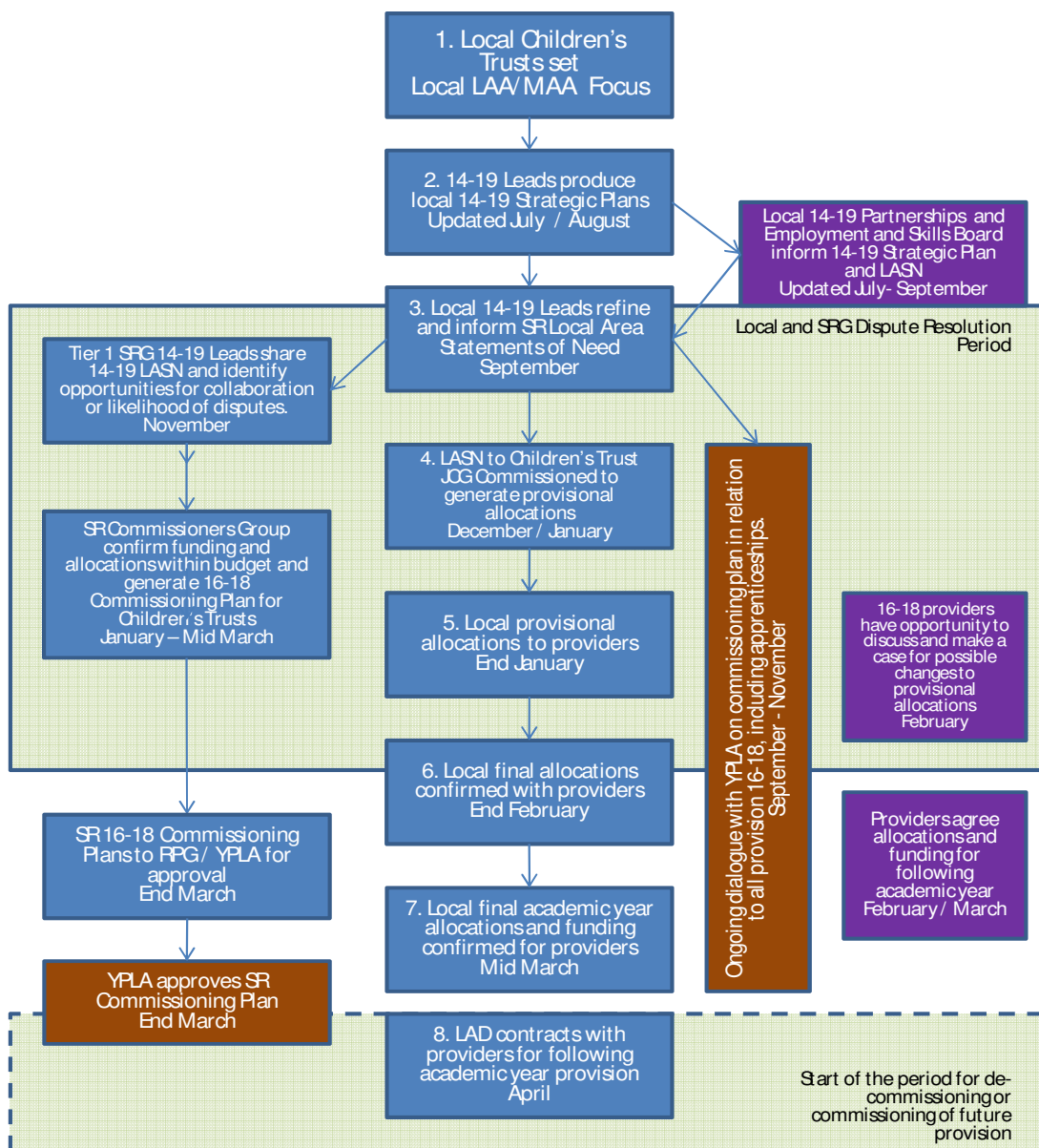
De-commissioning or Commissioning Provision

When a Local Authority, or the Sub-regional Cluster intend to modify existing provision, in line with the agreed Local or Sub-regional Statement of Need, time must be built into the timeline to ensure effective procurement and commissioning of provision. The flowcharts below indicate how de-commissioning of existing provision, or commissioning of new provision will proceed.

Diagram of Planning and Commissioning Process and Principles



Timeline for commissioning provision: WY Sub-regional Group



The flowchart above illustrates the **allocations timeline**. This will be utilised as the basic framework for securing provision on an annual basis and presumes that there are no changes to provision through commissioning. The main spine of the flowchart indicates the agreed process for agreeing need and securing local provision. The column to the left indicates the role the sub-regional groups will take in identifying opportunities for collaborative delivery or an early warning of potential disputes; and in producing the 16-19 Commissioning Plan. The right column outlines the opportunities for providers and other stakeholders to influence 14-19 planning and to discuss provisional allocations. Dialogue with the YPLA and final approval of the 16-19 Commissioning Plan is shown within the brown boxes.

West Yorkshire 16-19 Sub-Regional Group Dispute resolution – proposals

The attached Dispute Resolution Procedures illustrates the appropriate channels that will be followed in circumstances needing arbitration. Three levels of dispute resolution have been considered:

- a) **Local disputes having no effect on another Local Authority**
- b) Sub-regional disputes arising from planned changes to provision that could or will affect 2 or more local authorities ie **Sub-regional Dispute Resolution(identified issues)**
- c) Sub-regional disputes arising from an unanticipated need to change provision that could or will affect 2 or more local authorities ie **Sub-regional Dispute Resolution (unanticipated issues)**

1. Local disputes having no effect on another Local Authority - See Local Dispute Resolution Flowchart below

Where potential disputes arise within a Local Authority it is intended that all efforts to resolve the issue(s) locally will be made. The final decision is the responsibility of the Local Director of Children's Services.

In the spirit of ensuring commonality of approach across the sub-region, and indeed nationally, where key decisions have been made, the 14-19 Lead Officers will moderate the process and decision made.

On rare occasions it may be necessary for support from the SRGs in ensuring the decisions taken are both fair and transparent.

Where the process followed has implications for national policy and future funding, the sub-regional DCS group may choose to moderate this decision further and to invite comment or propose action by the YPLA.

2. Disputes affecting more than 1 Local Authority.

Where potential or actual conflicts arise between two or more local Authorities within the sub-region the following protocol shall be applied.

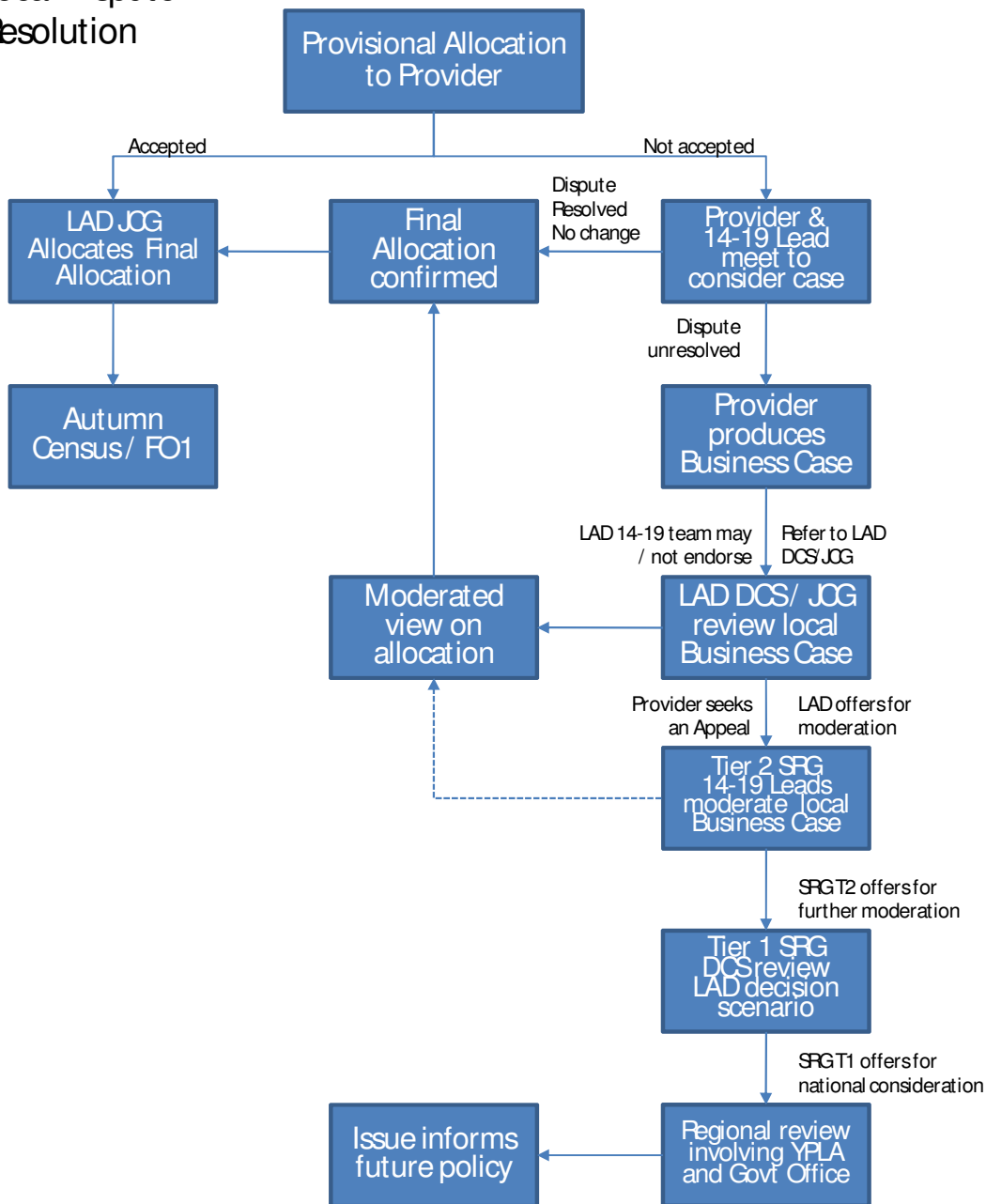
1. Wherever possible each Local Authority (LAs) will raise issues likely to affect neighbouring areas well in advance of the process of allocating funding.
See Sub-regional Dispute Resolution(identified issues) – this outlines the process by which LAs will be made aware of such issues and how any changes in funding / allocation can be agreed and planned early in the Business Cycle.
2. Where a dispute arises between 2 or more LAs. LA members concerned will do everything possible to resolve issues of potential dispute without referring to the Sub-Regional Group (SRG), including holding bi-lateral discussions about cross-authority issues. In the first instance this will be a strategic officer lead discussion below Director level.
See Sub-regional Dispute Resolution (unanticipated issues)
3. Should the matter fail to be resolved by lead officers for 14-19 within LAs the matter shall be referred to the relevant Director's of Children's Services
4. DCs will advise and support elected members to understand the decision making process for the allocation of funding for 16-19 provision. DCs will make elected members aware of disputes, the arrangements made for resolution and the outcomes.
5. Where resolution of issues at 2 fail to be resolved by DCs then the matter should be considered by the SRG as a whole.

6. Where resolution of issues affects all members of the SRG and cannot be resolved the SRG will refer issues of dispute for resolution by the RPG and/or the YPLA where the outcome is likely to have a significantly detrimental effect on one of the authorities who are members of the SRG.
7. Where a resolution of an issue between two member LA's is resolved by the SRG but not to the satisfaction of any one relevant LA the matter could be referred to the RPG for appeal. This would be the last possible cause of action within this process.
8. Decisions made by organisations acting in arbitration should ensure consideration of:
 - a. The needs of learners, first and foremost, especially the needs of more vulnerable learners including those with SEN and LDD.
 - b. The stability of overall provision within Local Authorities and avoiding sudden and destabilising changes within institutions and ensuring longer term capacity to deliver services to learners.

DRAFT

Local disputes having no effect on another Local Authority

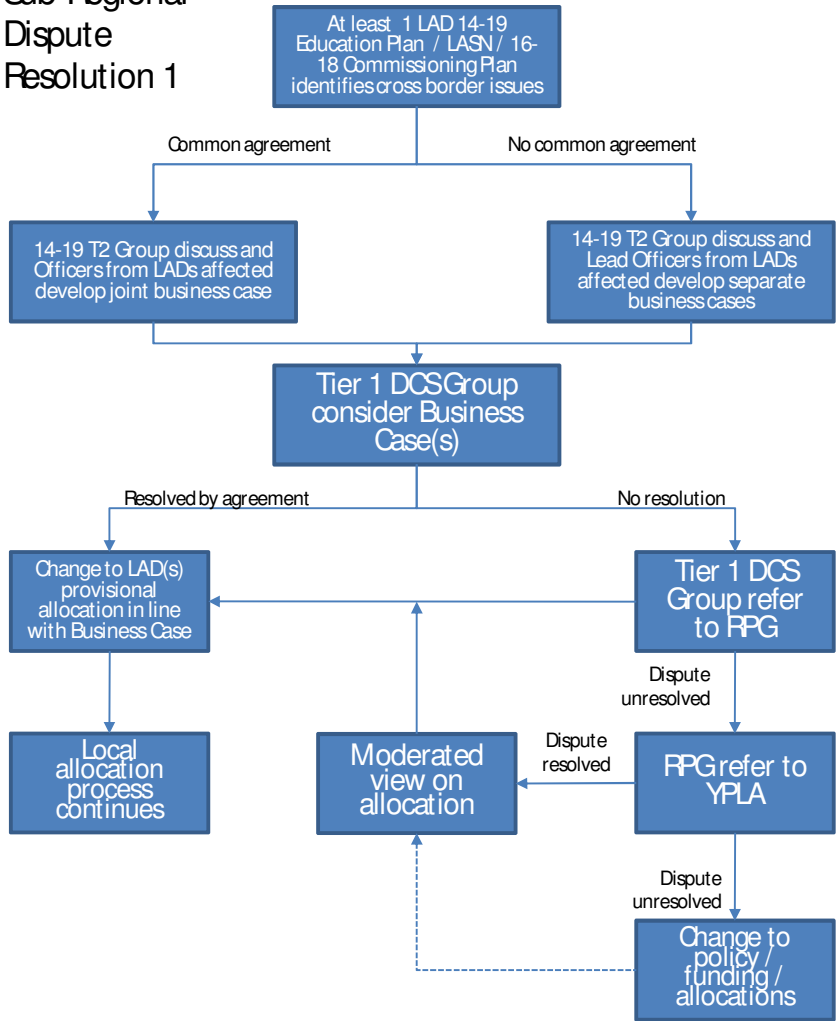
Local Dispute Resolution



This dispute resolution flow chart applies to local disputes that have no impact on sub-regional funding allocations across local authorities.

Sub-regional Dispute Resolution (identified issues)

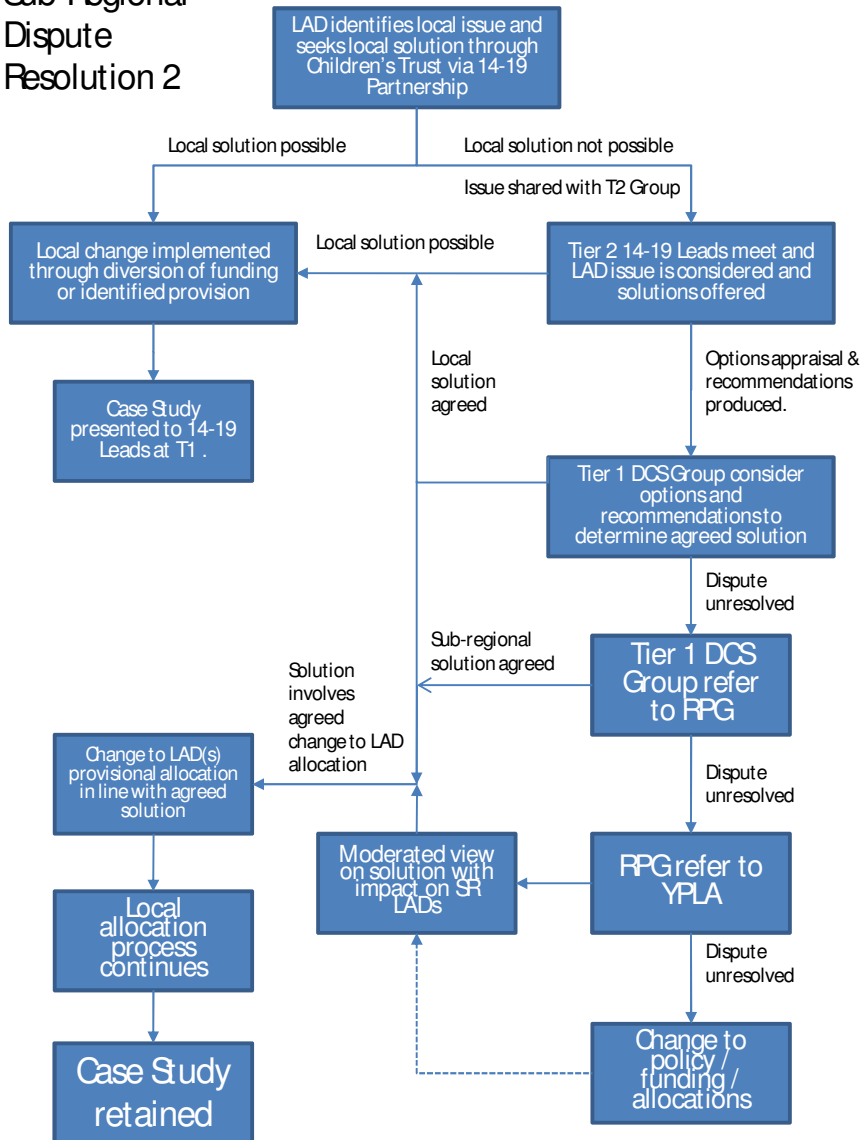
Sub-Regional Dispute Resolution 1



This model is intended to resolve disputes identified early in the commissioning cycle resulting, for example, from a planned school sixth form closure or the opening of a new school close to the border of an adjacent local authority.

Sub-regional Dispute Resolution (unanticipated issues).

Sub-Regional Dispute Resolution 2



This model is intended to resolve disputes arising unexpectedly, later in the commissioning cycle resulting, for example, from a sudden closure of a school sixth form or element of FE provision (e.g. due to fire) on the border of the LAD.

Performance Indicators for 14-19 progress checks measured against:-	
Participation.	
PI 1.	The percentage of 17 year olds participating in education and work based learning (WBL) (judged against the 2006/2007 national trajectory and progress made since 2005/2006).
PI 2.	The reduction in the proportion of 16-18 year olds who are NEET (judged against the 2006/2007 national trajectory and progress made since 2004/2005).
Attainment.	
PI 3.	The Proportion of 5 A*-Cs at GCSE or equivalent exam results, including English and Maths (judged against the 2006/2007 national trajectory and progress made since 2005/2006).
PI 4a.	The percentage of young people achieving Level 2 by 19 (judged against the 2006/2007 national trajectory and progress made since 2005/2006).
PI 4b.	The percentages of Young People who were in receipt of FSM at academic age 15 who attain level 2 qualifications by the age of 19.
PI 5a.	The percentage of young people achieving Level 3 by 19 (judged against the 2006/2007 national trajectory and progress made since 2005/2006).
PI 5b.	The gap in attainment of L3 at age 19 between those young people who were in receipt of free school meals at academic age 15 and those who were not. (judged against the 2006/2007 national trajectory and progress made since 2005/2006).
PI 6.	The new apprenticeships data based on starts is still being developed. (No data will be available on this indicator until 2009)
Progression.	
PI 7.	The proportion of Y11 learners who progress through the qualifications framework (i.e. L1, L2 and L3) by the age of 19. (No data will be available on this indicator until 2009)
Collaboration.	
PI 8.	Does the area have effective 14-19 partnerships, with productive collaborative arrangements in place?
PI 9.	NEW WORDING: Is there high-quality impartial IAG to support young people in their choices and is the partnership making good progress with the 14-19 prospectus and CAP?
PI 10.	Are there effective links with employers to involve them in sufficient high quality delivery?
Provision.	
PI 11.	Is there a sufficiently broad range of high quality provision, including vocational and applied options?
PI 12.	NEW WORDING: Does the partnership have an effective strategy for RPA implementation and is there effective support and targeted provision for young people at risk of disengagement?
PI 13.	Are there sufficient facilities across the area to deliver a broad range of high quality provision?
PI 14.	Is the workforce across the area prepared to deliver a broad range of high quality provision?
PI 15.	Is there capacity to improve 5 A*-C at GCSE or equivalent (including English and Maths)?