

Report of Deputy Director for Learning

Report to Director of Children and Families

Date: 20/02/2020

Subject: Extension of cooperation agreements to Area Inclusion Partnerships 2021-22

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Main issues

- The purpose of this report is to seek approval to extend cooperation agreements to the five Area Inclusion Partnerships in Leeds (AIPs) for the delivery of services to keep children and young people included in high quality learning, putting the interests of the child before those of school structures and organisations first and safeguarding their right to a mainstream education wherever this is possible and meets their needs).
- These cooperation agreements were first awarded in 2017-18 and have since been re-awarded in 2020-21. They are due to expire on 31st March 2021. The total value of these agreements is approximately £5.1m per annum.
- Arrangements with AIPs are long-standing but the need for these cooperation agreements arose due to the need to clearly define the focus of the funding to support inclusion and to improve the monitoring and evaluation of the funding use and outcomes for children and young people.
- A significant parliamentary review, which has implications for this area of education, reported in 2019 and its recommendations are still being considered at national level. It is therefore proposed that agreements are extended to 31st March 2022.
- The decision to extend these cooperation agreements falls within Clause 1.5.2 of the Contract Procedure Rules as it is a cooperation between public bodies and falls

outside of the Public Contract Regulations pursuant to Regulation 12(7). Therefore it is not a procurement for the purpose of the Contract Procedure Rules.

- The decision to extend these cooperation agreements is to be treated as a Significant Operational Decision in reference to Article 13 of CPRs.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- This proposal supports the Best Council Plan priority to make Leeds a Child Friendly City, including through, ‘improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes’.
- The context within which the AIPs operate is contained within the Leeds Children and Young People’s Plan, the Future in Mind: Leeds, SEMH strategy and health-sponsored Local Transformation Plan.

3. Resource Implications

- Extending these agreements will help ensure services provide value for money within budgets which have decreased in line with significant pressures on the High Needs Block.
- Total funding for all five AIPs will be approximately £5.1m per annum (the total value in 2020/21 is £5,056,000 and it is likely this value will remain the same or similar to this for 2021-22). This includes a sum of ‘base’ funding for promotion of inclusion in schools, and further funding to deliver intensive support interventions to individual learners in vulnerable circumstances and at risk of exclusion from school. Individual schools/members of each AIP, also make financial contributions to their AIP in order that they can enhance their offer of support to these vulnerable learners.

Recommendations

- a) The Director of Children & Families is recommended to approve the extension of cooperation agreements to AIPs for the delivery of services to keep children and young people in vulnerable circumstances and at risk of exclusion from education, included in high quality learning for the period 1st April 2021 to 31st March 2022, at a total value of approximately £5.1m per annum.

1. Purpose of this report

- 1.1 To seek approval to extend cooperation agreements relating to the five AIPs for the delivery of services to keep children and young people in vulnerable circumstances and at risk of exclusion from education, included in high quality learning for the period 1st April 2021 to 31st March 2022, at a total value of approximately £5.1m per annum.

2. Background information

- 2.1 The Council seeks to devolve funding to AIPs of local schools, to enable those schools to work together to: promote inclusion; identify and deliver local solutions to

prevent exclusions; and provide high quality, personalised, intensive support to learners whose circumstances render them vulnerable, who have been excluded, and/or who are at risk of exclusion. Schools may work together in this way according to their area's specific local needs and context.

- 2.2 The Council devolves funds to AIPs from the High Needs Block of the Dedicated Schools Grant. This funding is not ring-fenced and there is no requirement to provide it to schools in this way; the devolution of funding to AIPs represents innovative practice in Leeds. This practice has enabled Leeds to achieve some of the lowest numbers of permanent exclusions in the country in recent years.
- 2.3 All Leeds schools are encouraged to be members of their local AIP and at 2020, virtually all Leeds schools are members and contribute to their AIP financially in order to maximise the AIP's available funding and achieve positive economies of scale by combining resources.
- 2.4 These agreements will proactively include all schools in Leeds and influence their strategies to promote inclusion and support children and young people with social, emotional and mental health (SEMH) needs, and aims to work with governing bodies or head teachers.

3. Main issues

- 3.1 These cooperation agreements were first awarded in 2017-18 and have since been re-awarded in 2020-21. They are due to expire on 31st March 2021. The total value of these agreements is approximately £5.1m per annum.
- 3.2 Arrangements with AIPs are long-standing but the need for these cooperation agreements arose due to the need to clearly define the focus of the funding to support inclusion and to improve the monitoring and evaluation of the funding use and outcomes for children and young people.
- 3.3 A significant parliamentary review, which has implications for this area of education, reported in 2019 and its recommendations are still being considered at national level. It is therefore proposed that agreements are extended to 31st March 2022.
- 3.4 All schools within each AIP area will be required to sign the agreement, ensuring all continue to be aware of their contractual obligations and shared accountability as members of the AIP.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation was extensive with AIPs during the process of refreshing the specification for the new agreements, agreeing the process for award and how the agreements are to be monitored. There continues to be regular discussion with AIPs, including at AIP Chairs meetings.
- 4.1.2 Lawyers from Procurement and Commercial Services have been consulted to gain the legal expertise around the agreements.

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 the Best Council Plan

4.3.1 This proposal supports the Best Council Plan priority to make Leeds a Child Friendly City including through, 'improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'.

4.3.2 The award of these cooperation agreements supports the Children and Young People's plan priorities to:

- Ensure that the most vulnerable are protected.
- Increase the number of children and young people participating and engaging in learning
- Improve achievement and attainment for all
- Help young people into adulthood, to develop life skills, and be ready for work

4.3.2 The context within which the AIPs operate is contained within the Leeds Children and Young People's Plan, the Future in Mind: Leeds, SEMH strategy and health-sponsored Local Transformation Plan.

4.3.3 AIPs contribute to the Leeds '3 A's agenda, which seeks for focused improvements and positive outcomes across 3 key areas:

- attendance at school (which is positive correlated with good learning outcomes);
- attainment (of certain standards of learning and/or qualifications); and
- achievement (participation in wider school life and in the community, in the form of hobbies, sports, volunteering, work experience and so on; all of which may enhance preparation for adulthood

Climate Emergency

4.3.4 AIPs will be required to consider the environmental impact of their approach to service delivery in order to contribute to our ambition to be a leading low carbon Council where our services are delivered with minimum impact on the local and global environment.

4.4 Resources, procurement and value for money

4.4.1 Invoking these extensions will help ensure services provide value for money within budgets which have decreased in line with significant pressures on the High Needs Block. The Council funds the Area Inclusion Partnerships (AIPs) to deploy the funding devolved from the High Needs Block for the purpose of promoting inclusion, access to 25 hours of education per week and preventing exclusions from Leeds schools.

4.4.2 Total funding for all five AIPs will be approximately £5.1m per annum (the total value in 2020/21 is £5,056,000 and it is likely this value will remain the same or similar to this for 2021-22). This includes a sum of 'base' funding for promotion of inclusion in schools, and further funding to deliver intensive support interventions

to individual learners in vulnerable circumstances and at risk of exclusion from school. Individual schools/members of each AIP, also make financial contributions to their AIP in order that they can enhance their offer of support to these vulnerable learners.

- 4.4.3 The base funding is allocated from the High Needs Block, which is managed by the Council. AIP funding is not from the Schools Block. The allocations for each AIP are calculated annually using school level data. Funding is distributed on the following basis:
- Pupil numbers 25%
 - Targeted formula allocations (FSM, IDACI, low attainment etc.) 60%
 - Targeted formula allocations plus pupil premium 15%
- 4.4.4 This devolved funding amounts to approximately £5,056,000 for 2020/21. The remaining funding is allocated on a 'place' basis with an agreed number of 'places' or interventions involving intensive support, in each area (210 places in total at £10k per place). This devolved funding does not reflect the true cost of typical places/interventions, but represents a subsidy; with the rest of the true cost – which is generally a total of around £20,000 per place, although this varies according to the specifics of the provision – generally to be paid by the school referring their pupil to the place. The overall funding is managed by each AIP management board. AIPs as partnerships of schools, can determine together how they will use devolved funds to deliver intensive support interventions, depending on the specific context of their local area. This may include interventions delivered within a learner's school, and/or interventions delivered within inclusion units which are attached to mainstream schools and offer intensive support. All interventions will include specific focus on successful long-term re-inclusion into mainstream education (or, in a minority of cases, progression into long-term specialist education provision where needs are highly complex).
- 4.4.5 The Council will continue to devolve funding from the High Needs Block subject to annual review and regular evaluation of performance.
- 4.4.6 A clear process for scrutiny of the termly returns and feedback to each AIP has been established. This includes feedback to schools and governing bodies on the progress made. A termly report template has been developed in consultation with AIP leads and linked to contract outcomes. This will continue to be refined.
- 4.4.7 A group of officers within Children and Families, supported by a staff member from Commissioning team:
- receive and analyse the data/commentary reports from each AIP each term
 - meet with the AIP Chair/Lead to discuss these returns as part of the contract arrangements
 - provide the LA with assurance of contract outcomes and report to CFSLT or other governance as required

4.5 Legal implications, access to information, and call-in

4.5.1 The decision to extend these cooperation agreements is to be treated as a Significant Operational Decision in reference to Article 13 of CPRs:

'... The decision to extend a Contract which exceeds the threshold of a Key Decision may be treated as a direct consequence of the initial decision to procure provided it was in the contemplation of the decision maker at the time the initial decision to procure was taken. The decision to extend will therefore be a Significant Operational or Administrative Decision, depending on value and impact of the decision.'

4.5.2 The decision to award these cooperation agreements falls within Clause 1.5.2 of the Contract Procedure Rules as it is a cooperation between public bodies and falls outside of the Public Contract Regulations 2015 pursuant to Regulation 12(7). Therefore it is not a procurement for the purpose of the Contract Procedure Rules or Public Contract Regulations 2015. The level of funding provided each year will be the subject of a separate annual decision.

4.5.3 In making their final decision, the Director of Children and Families should be satisfied that the course of action chosen represents best value and ensures the local authority meets its obligations under the Children and Families Act 2014 Local Offer Regulations.

4.6 Risk management

4.6.1 If this decision is not approved, we will continue to fund the AIPs for this activity from 1st April 2021 but we will not have legally binding agreements in place by which we can properly hold the AIPs to account in order to effectively support and challenge schools in their area. Ultimately this will impact on the outcomes we can achieve for children and young people and our ability as a city to ensure they have access to high quality mainstream education.

4.6.2 The risk of challenge is minimal given that these are co-operations between public bodies and fall outside of the Public Contract Regulations pursuant to Regulation 12(7), and are therefore not a procurement for the purpose of the Contract Procedure Rules.

5. Conclusions

5.1 Awarding these cooperation agreements will ensure the following:

- The Local Authority meets its obligations under the Children and Families Act (2014) Local Offer Regulations.
- Funding is spent wisely.
- Children and young people in Leeds are included in high quality learning, the interests of the child are put before those of school structures and organisations and their right to a mainstream education is safeguarded wherever this is possible and meets their needs.

6. Recommendations

6.1 The Director of Children & Families is recommended to approve the extension of cooperation agreements to AIPs for the delivery of services to keep children and young people in vulnerable circumstances and at risk of exclusion from education,

included in high quality learning for the period 1st April 2021 to 31st March 2022, at a total value of approximately £5.1m per annum.

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.