

Extension of cooperation agreements to a number of academies in relation to resourced and partnership arrangements under the exempt contracts clause (d) and clause 1.5.2 of Contract Procedure Rules

Date: 7th June 2022

Report of: Head of Learning Inclusion for Children & Families

Report to: Director of Children & Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- The purpose of this report is to seek approval to extend cooperation agreements in place with a number of academies in relation to resourced and partnership provisions.
- In May 2017 approval was given to award cooperation agreements that commenced on the 1st September 2017; these are due to expire on the 31st August 2022 and there is the option to extend for five further periods of 12 months. We would be seeking approval to extend these for a 12-month period initially, so to 31st August 2023.
- These cooperation agreements fall under the exempt contracts clause and clause 1.5.2 of Contract Procedure Rules and are required in order to meet the Local Authorities obligations under the Children & Families Act 2014, to ensure funding is spent wisely and to ensure that learners with SEND placed in these provisions achieve good outcomes.
- The extension of these cooperation agreements supports the council's priorities to:
 - Spend money wisely.
 - Ensure the most vulnerable are protected.
 - Increase numbers in education, employment or training.
 - Improve support where there are additional health needs.

Recommendations

- a) The Director of Children & Families is recommended to agree to a 12-month extension of the cooperation agreements with academies in relation to resourced and partnership provisions.
- b) Within the previous decision taken in May 2017, approval was given to award cooperation agreements to any newly formed academies who have or seek to have resourced or partnership arrangements in place. It is recommended this approach continue for this extension period.

Why is the proposal being put forward?

- 1 We have a range of specialist education provision in Leeds to support SEND learners with a wide range of needs. We have a number of resourced & partnership provisions that have been in place with Leeds schools & SILC's for a number of years. The provisions are funded through the High Needs Block. Prior to September 2017 the arrangements largely operated on an implied contract basis, however since then these arrangements have been formalised by putting in place formal service level agreements with the maintained schools/SILCs and cooperation agreements with the academies.
- 2 Continuation of formalised arrangements will ensure that clear expectations of partners continues, as well as ensuring accountability for the high needs funding through which these arrangements are funded.

What impact will this proposal have?

Wards Affected:

Have ward members been consulted? Yes No

- 3 Extending these agreements will ensure: that robust arrangements in relation to resourced and partnership provisions continues; that the Local Authority meets its obligations under the Children and Families Act 2014; that funding is spent wisely; that learners achieve good outcomes in accordance with their Education Health & Care Plan; that providers in receipt of FFI funding meet their obligations under the Children and Families Act 2014.

What consultation and engagement has taken place?

- 4 At the time of the original decision in May 2017, consultation took place with the schools/SILCs to make them aware of the plans to formalise the arrangements and work with the provisions has been ongoing. Since then, there has been an ongoing dialogue through normal working relationships and all parties are content with the arrangements.
- 5 Legal (procurement) has been consulted to gain the legal expertise around the agreements.
- 6 The Head of Learning Inclusion for Children & Families is congruent with the extension of these agreements.

What are the resource implications?

- 7 The services delivered are purchased from academies and therefore no staff are employed by Leeds City Council. Funding comes from the High Needs Block.

What are the legal implications?

9. The estimated annual spend on resourced provision for Place and Top Up funding with academies for 2022/23 is £1,481,770.
10. The decision to extend these cooperation agreements falls under the exempt contracts clause and clause 1.5.2 - joint services arrangement with another public body - of Contract Procedure Rules. These learning provisions are named in learner's Education Health and Care plans, based on their needs. It is therefore impossible to subject this decision to competition.
11. In making their final decision, the Director of Children & Families should be satisfied that the course of action chosen represents best value and ensures the local authority meets its obligations under the Children & Families Act 2014.

What are the key risks and how are they being managed?

12. The high needs block funding is spent as and when required by presenting needs of learners. Whilst this is a needs-led budget and therefore a risk for financial management, there are systems in place within the Learning Inclusion Service that regularly monitor this budget, taking appropriate action should it be at risk of over-spending.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

Options, timescales and measuring success

a) What other options were considered?

13. Taking up a longer extension period was considered however the agreements will be reviewed in 2022-23 to ensure that they reflect the system changes within education, so taking just a one year extension was prudent.

b) How will success be measured?

14. Success will be measured by ensuring robust agreements remain in place, through performance monitoring and regular partnership dialogue that allows for best practice to thrive.

c) What is the timetable for implementation?

15. The current agreements expire on 31st August 2022, and the proposed 12-month extension would commence 1st September 2022.

Appendices

16. None

Background papers

17. None