

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: 1st July 2024

Report of: SEND Statutory Assessment and Provision Lead

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

Brief summary

This report seeks approval to extend cooperation agreements in place with a number of academies in relation to resourced and partnership provisions.

The current agreements expire on 31st August 2024, and the proposed 12-month extension would commence 1st September 2024.

These cooperation agreements 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.

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.

What is this report about?

- 1 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.
- 2 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 2024 and there is the option to

extend for three further periods of 12 months. We would be seeking approval to extend these for a 12-month period initially, so to 31st August 2025.

- 3 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.

What impact will this proposal have?

- 4 The extension of these cooperation agreements supports the council's priorities to:
- (1) Spend money wisely.
 - (2) Ensure the most vulnerable are protected.
 - (3) Increase numbers in education, employment or training.
 - (4) Improve support where there are additional health needs.
- 5 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.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

- 6 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.
- 7 Legal (procurement) has been consulted to gain the legal expertise around the agreements.
- 8 The SEND Statutory Provision and Assessment Lead is in agreement with the extension of these arrangements.

What are the resource implications?

- 9 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 key risks and how are they being managed?

- 10 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.

What are the legal implications?

- 11 The estimated annual spend on resourced provision for Place and Top Up funding with academies for 2024/25 is £2,627,909.
- 12 This report contains a publishable administrative decision taken as a direct consequence of a previous key decision taken on 26/06/2017.
- 13 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.
- 14 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.

Options, timescales and measuring success

What other options were considered?

- 15 The extensions will be considered on an annual basis.

How will success be measured?

- 16 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.

What is the timetable and who will be responsible for implementation?

- 17 The current agreements expire on 31st August 2024, and the proposed 12-month extension would commence 1st September 2024.

Appendices

- None

Background papers

- None