Agenda Item:

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REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 4 March 2009

SUBJECT: Machinery of Government Changes 14-19 Commissioning arrangements: Leeds/Sub-Regional Proposals

EXECUTIVE SUMMARY

PURPOSE OF THIS REPORT

1 To seek the agreement of the Executive Board on the structures and governance arrangements that will form the basis for the next stage of local and sub-regional development work on the commissioning of 14 - 19 provision in Leeds.

BACKGROUND INFORMATION

- 2 Under the Apprenticeships, Skills, Children and Learning Bill Local Authorities will be responsible for the strategic commissioning of all 14 - 19 learning and skills provision, and 14 -25 provision for learners with learning difficulties and disabilities via local Children's Trusts. They are also expected to work collaboratively with one another both sub-regionally and regionally. Statutory responsibilities will formally transfer from September 2010, with implementation plans developed and in place by April 2010.
- 3 Executive Board has received previous reports on 14 May 2008: Raising Expectations White Paper Consultation response and 3 December 2008: Machinery of Government & 14-19(25) Commissioning Arrangements about the Machinery of Government proposals and the White Paper, Raising Expectations: Enabling the System to Deliver. Required statutory changes are now underway in the Children, Skills and Learning Bill, and transitional arrangements have begun.
- 4 The development of this approach has begun. This year as well as the discussions the LSC have had with individual schools, planning and funding discussions with groups of schools and colleges have taken place. The process has been supported by the open, transparent and comprehensive sharing of all data about the type, volumes, guality and financing of provision across all schools and colleges. It is envisaged that through this approach we can start to see the type of collaborative working between schools, colleges, and other providers, on a basis that will lead to improved quality of provision and ensure the long-term viability and sustainability of provision.

MAIN ISSUES

5 Sub-regional groupings have been agreed by the DCSF with Leeds part of the West Yorkshire sub-region with Bradford, Calderdale, Kirklees and Wakefield. This is based on the 16-18 travel to learn patterns between these Local Authorities. The DCSF's next requirement is for sub-regions to develop more detailed proposals for their strategic commissioning responsibilities. The Stage 2 proposal was submitted to the DCSF and the Government Office to meet the 27th February deadline with an indication that it is subject to ratification by the Executive Board. The submission is attached at Annex 1.

- 6 The sub-regional role is intended to be "light touch". It is not planned that there will be separate sub-regional structures or staffing. It will oversee and validate cross-boundary co-operation and ensure links between sub-regional and regional priorities published in Local Authority 14-19 plans.
- 7 Two parts of the DCSF requirements take us into new policy territory. They are
 - some aspects of Governance, and
 - Resources/Capacity/Structures.

It is on these two specific issues that the Executive Board needs to assure itself that the submission meets with their expectations.

- 8 The new responsibilities for Strategic Commissioning will rest with the Local Authority and form part of the statutory role of the Director of Children's Services. As with all other parts of the Children and Young People's Agenda, there is a requirement for these responsibilities to be discharged formally with all relevant partners under the Children's Trust governance arrangements. These include extending the duty to co-operate in support of Children and Young People's well-being to schools and colleges of further education, in return for which they gain statutory rights to representation on the Children's Trust which holds all partners to account. In practice, most of those arrangements are already progressing well in Leeds. However, there is more to do and this is detailed in section 5.1.2 of the main report. In addition, sub-regional governance arrangements needs to be developed collaboratively and must be agreed jointly between the five Local Authorities. Sub-regional work will be managerial in nature and will contribute to producing strong effective Strategic Commissioning Plans at Local Authority level. There will be a Regional Planning Group to advise on the final alignment of resources to support commissioning plans. It will also assess alignment with regional skills and economic needs.
- 9 Although new arrangements will not be fully operational until 2010, it is important that we clarify soon the structures we intend to put in place for the new responsibilities. Resources will transfer from the LSC to the local authority in 2010-2011. It will be in the form of staff transferring under TUPE.

RECOMMENDATIONS

- 10 The Executive Board is asked to note the contents of this report and agree:
 - the stage 2 machinery of Government submission to the DCSF attached as Annex 1;
 - the approach to establishing local authority and sub-regional level governance arrangements.

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Electoral Wards Affected:	Specific Implications For:
All	Equality & Diversity $$
	Community Cohesion \checkmark
Ward Members consulted (referred to in report)	Narrowing the Gap √
Eligible for Call-in	Not Eligible for Call-in (Details contained in the Report)

1.0 **PURPOSE OF THIS REPORT**

To seek agreement on the structures and governance arrangements that will form the basis for the next stage of local and sub-regional development work on the commissioning of 14 - 19 provision in Leeds.

2.0 BACKGROUND INFORMATION

- 2.1 The statutory framework for 14-19 learning and skills is changing. By 2012 all 17 year olds will have to be learning or training, all 18 year olds by 2015. They will be entitled to wider options which must include 17 diplomas and apprenticeships. Provision must be of good quality and take account of learners' views. It must also be affordable and reflect the skills demands of the local economy.
- 2.2 Responsibility for ensuring this will pass to Local Authorities when the Learning and Skills Council (LSC) is dissolved. Under the new arrangements Local Authorities will be responsible for the strategic commissioning of provision via local Children's Trusts. They are also expected to work collaboratively with one another both sub-regionally and regionally. There will be two new national agencies to work with, the Skills Funding Agency for 19+ and Apprenticeships, and the Young People's Learning Agency (YPLA) for strategic management information and oversight of all 16-19 learning provision. Responsibility for Apprenticeship funding will lie with a National Apprenticeship Service that is part of the Skills Funding Agency. Statutory responsibilities will formally transfer from September 2010, with implementation plans fully developed and in place by April 2010.

- 2.3 Executive Board has received previous reports_about the Machinery of Government proposals and the White Paper, Raising Expectations: Enabling the System to Deliver. Required statutory changes are now underway in the Apprenticeships, Skills, Children and Learning Bill, and transitional arrangements have begun.
- 2.4 The 2008-9 business cycle for post-16 funding has been led by the LSC, working closely with key officers from Education Leeds. For the 2009-10 business cycle Education Leeds will lead the process on behalf of the Local Authority, with the LSC acting in a supporting role.
- 2.5 When the local authority assumes responsibility for commissioning a more responsive, locally based collaborative approach will be necessary. The development of this approach has begun. This year as well as the individual discussions the LSC have had with individual schools, planning and funding discussions with groups of schools and colleges have taken place. The process has been supported by the open, transparent and comprehensive sharing of all data about the type, volumes, quality and financing of provision across all schools and colleges. It is envisaged that through this approach we can start to see the type of collaborative working between schools, colleges, and other providers, on a basis that will lead to improved quality of provision and ensure the long-term viability and sustainability of provision.

3.0 MAIN ISSUES

- 3.1 Sub-regional groupings have been agreed by the DCSF through a stage 1 process undertaken during the Autumn 2008. Leeds is part of the West Yorkshire sub-region with Bradford, Calderdale, Kirklees and Wakefield. This is based on the 16-18 travel to learn patterns between these Local Authorities. It is also recognised that there will need to be linkage to other regional structures notably the City Region developments. Due to the high volume of learner movement across the Leeds border a close working relationship with the other three sub-regions in Yorkshire and Humber will also be essential.
- 3.2 The DCSF's next requirement is for sub-regions to develop more detailed proposals for their strategic commissioning responsibilities. The West Yorkshire region submission is attached at Annex 1. Proposals were provisionally submitted to DCSF and Government Office for Yorkshire and the Humber (GOYH) by the end of February 2009, subject to consideration by this Executive Board. Guidance for the stage 2 proposals has been issued and the attached submission addresses arrangements for the following aspects of strategic commissioning:-
 - Governance
 - Collaboration and Strategy Contributions
 - Resources and Capacity
 - Policy and Planning
 - Quality and Targets

The DCSF stage 2 guidance states: "At this stage we want to see clear evidence of commitment to carrying out the work and addressing the issues. We appreciate that not all the evidence will, or can, be in place by the March 2009 submission date so the evidence must be of work in progress and planning for 2010. We recognise that a variety of valid evidence can be supplied."

- 3.3 In practice, sub-regional arrangements will be dependent on the quality, depth and robustness of what is done by the constituent Local Authorities. The purpose of the sub-regions is to ensure that Local Authorities' Strategic Commissioning Plans each year are well-aligned with one another, and with regional priorities, so that:-
 - Learners' and economic needs are met
 - Provision is not duplicated unnecessarily
 - Travel to learn patterns are respected
 - All provider sectors are treated equally and involved fully in planning
 - The pattern of provision is affordable and of good quality
 - Commissioning promotes flexibility, collaboration and looks across both sector and Local Authority boundaries
 - Learners' and employers' views have real influence in what is commissioned and there is a smooth and effective transfer of responsibilities and to minimise possible disruption or

instability in the system for both learners and providers.

- 3.4 The sub-regional role is intended to be "light touch". It is not planned that there will be separate sub-regional structures or staffing. Its contribution to key aspects of the new arrangements will be important rather than large. It will oversee and validate cross-boundary co-operation and ensure links between sub-regional and regional priorities published in Local Authority 14-19 plans. Its checks and balances will be there to ensure:-
 - Travel to learn partners for Further Education Colleges (which often cut across Local Authority boundaries) are respected and planning is coherent for them
 - Sub-regional and regional economic and skills priorities are covered
 - There are no significant gaps or overlaps in provision
 - The mix of provision is efficient overall
 - There is a forum to resolve any cross-boundary issues
- 3.5 The sub-regional responsibilities will be discharged jointly by the five constituent Local Authorities within frameworks and protocols developed for the purpose. Whilst they are strategically important, they should not be onerous or resource intensive activities.
- 3.6 The objective, shared by all Authorities in the sub-region, is to enable the formal sub-regional cycle of work to be discharged efficiently. To achieve this, the crucial things are to:-
 - do the strategic commissioning work well at Local Authority level, reflecting the parameters set, so that there is little or no 'unfinished business' which requires sub-regional resolution;
 - agree, and adhere to, a strategic commissioning annual timetable across the sub-region so that work can be brought together in a planned and timely way;
 - have clear protocols and frameworks sub-regionally which are underpinned by sound governance and accountability at Local Authority/ Children's Trust level. The key principles of governance should be comparable between Local Authorities though their organisational arrangements will differ.
- 3.7 The sub-regional dimension should be the 'tip', therefore, while the Local Authority and the local Children's Trust/Children and Young People's Strategic Partnership (through the Integrated Strategic Commissioning Board and the 14-19 Strategy Group in Leeds) are the greater part of the 'iceberg'. This is recognised by DCSF.
- 3.8 In preparing the stage 2 submissions, officers from the five Local Authorities in the sub-region have applied a co-ordinated, two level process. Using funding allocated by the LSC, consultants called Sector Training have been commissioned to assist with the co-ordination and to develop some of the over-arching sub-regional documentation. It is worth highlighting that Sector Training are undertaking a similar role in two other regions: North Yorkshire / East Riding and South Yorkshire. It is felt that this offers significant benefits because it will ensure a more consistent approach across the region and synergies between the sub-regional groups. Simultaneously, individual Local Authorities are working on the proposals for their respective areas. To help ensure there is a good fit between this activity, the West Yorkshire sub group, and the consultants have prepared compatible frameworks that reflect the DCSF criteria. This is in-line with work going on in the other sub-regional groups. Thus it is likely that this framework will be adopted more widely across the region.
- 3.9 Directors of Children's Services for the five Authorities are working together as a Steering Group to ensure work is aligned, including work with Elected Members and Chief Executives so that there is appropriate authority to act from within each Authority.
- 3.10 There is also regional activity organised by Chief Officer groups and by GOYH to co-ordinate work across sub-regions, to avoid duplication of effort and to achieve common principles as necessary.
- 4.0 <u>Stage 2 Submission Issues for Consideration</u>
- 4.1 The Stage 2 submission includes information about transitional matters and about long-term arrangements. This is so DCSF and GOYH can be assured that the transfer from LSC to Local

Authorities and the two national agencies ie Young Peoples Learning Agency (YPLA) and Skills Funding agency (SFA) goes smoothly, and that the ongoing arrangements will be secure. The transfer of Connexions to Local Authorities was a smaller, but somewhat similar process.

- 4.2 Quite a lot of the information provided relates to existing policy (e.g. The Local Strategic Partnership, Children and Young People's Plan; Children and Young People's Local Partnership Strategic Board (LPSB); 14-19 Strategy and Plan; LAA). Some of the information is strategic management in nature rather than policy.
- 4.3 Two parts of the DCSF requirements take us into new policy territory. They are
 - some aspects of Governance, and
 - Resources/Capacity/Structures.

It is on these two specific issues that the Executive Board needs to assure itself that the submission meets with their expectations.

4.4 Putting together the Stage 2 submission is an iterative process and it is certain that there will be further follow up processes following the submission of the stage 2 proposals by the end of February (reference to DCSF guidance in 3.2 above). It is necessary to have our own view and proposals as a Local Authority. It is essential to discuss and compare those things sub-regionally and jointly take account of any differences which need resolution. It is important to consult within West Yorkshire with the relevant stakeholders about both the Local Authority and sub-regional level proposals. This has taken place through a series of meetings involving officers with a 14-19 lead, Directors of Children's Services, and Chief Executives since 1.12.08. In addition information has been shared with the Children Leeds Learning Partnership, and the Leeds 14-19 Strategy Group. Briefings of lead members have taken place across West Yorkshire during February. In addition there have been regular bi-lateral meetings with the LSC.

The attached Stage 2 (Annex 1) proposal was submitted to the DCSF and the Government Office to meet the 27th February deadline with an indication that it is subject to ratification by the Executive Board.

4.5 It would not be appropriate to try to take final detailed decisions on Governance or on Resources/Capacity/Structures now because further local and sub-regional work is needed. However, officers do need authority now to participate in the sub-regional or local discussions.

5.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

5.1 Local Authority Level

- 5.1.1 The new responsibilities for Strategic Commissioning will rest with the Local Authority and form part of the statutory role of the Director of Children's Services. These statutory changes are underway. As with all other parts of the Children and Young People's Agenda, there is also a requirement for these responsibilities to be discharged formally with all relevant partners under the Children's Trust governance arrangements (via the Integrated Strategic Commissioning Board in Leeds). The 14-19 Strategy Group must link formally to the ISCB. The 14-19 Education Plan on which the Strategic Commissioning Plan is to be built must in future be an integral part of the Children and Young People's Plan and its planning/review processes. Strategic Commissioning Strategy, which in turn must reflect the principles of the DCSF Strategic Commissioning cycle. These include extending the duty to co-operate in support of Children and Young People's well-being to schools and colleges of further education, in return for which they gain statutory rights to representation on the Children's Trust which holds all partners to account, including the Local Authority's relevant services.
- 5.1.2 In practice, most of those arrangements are already progressing well in Leeds. Further work is required on the following:-
 - The Leeds 14-19 Strategy Group needs to be formally linked to the ISCB. Last year the structure and membership of the Strategy Group was reviewed so that it could operate more strategically in preparation for the MOG changes. However, in the context of the

new expectations a further review of the role, structure, membership, and governance arrangements is required so that it operates to the standards, including for accountability, which have been established for the ISCB;

- The frameworks for financial accountabilities and other liabilities for Leeds Local Authority which underpin the ISCB governance need to ensure that relevant policies, schemes of delegation, risk assessments, etc are revised accordingly;
- The Commissioning Strategy agreed by the ISCB needs to take account of the 16-19(25) changes, and ensure that it provides a robust framework for this new work;
- There is a requirement that 14-19 Strategy Group is formally represented on Schools Forum;
- Reporting to Executive Members and Executive Board would take place on the basis that appropriate engagement with the 14-19 Partnership is a requirement for legitimate decision taking.

5.2 <u>Sub-Regional Level</u>

- 5.2.1 The sub-regional governance arrangements can only be developed collaboratively and must be agreed jointly between the five Local Authorities. It will be useful if they are built on some simple, agreed principles. It is suggested that these might usefully include a commitment to:-
 - focus on the learner first, not the provider first;
 - align with local and regional economic and skills needs;
 - integrate 16-19 commissioning with other strategic priorities for children, families and communities;
 - a mixed economy of providers in which all sectors are treated equitably;
 - operate in a transparent and inclusive way locally and sub-regionally;
 - co-operate well sub-regionally, particularly in meeting agreed timescales for the annual strategic commissioning cycle;
 - incorporate sub-regional needs and issues into planning at local level.
- 5.2.2 Sub-regional structures involve key relevant officers from each member authority. In practice, sub-regional work would be managerial in nature and will contribute to producing strong effective Strategic Commissioning Plans at Local Authority level. This is consistent with sub-regional work being kept to a minimum providing it is consistent with sound governance.
- 5.2.3 For the purposes of the Stage 2 discussions at this stage, therefore, it is suggested that the preferred model be one which includes:-
 - Leeds City Council acting as the lead (single point of contact) for the FE Colleges situated within its boundaries including brokering wider discussions where those colleges have national or specialist profiles;
 - The power to act will remaining with each statutory body using their governance/constitutional arrangements (as is currently the case with Children's Trusts) that is the sub-regional grouping will be advisory with a duty on each of the West Yorkshire Local Authorities to cooperate;
 - a Memorandum of Understanding which is agreed by all five Local Authorities;
 - a scheme of delegation to officers working within the Memorandum to determine subregional evaluation of Strategic Commissioning Plans, and associated issues, for submission regionally;
 - comments on the validity of LA commissioning plans will be made collectively by all Local Authorities' representatives;
 - officers will be accountable for reporting to Elected Members and relevant Commissioning Boards/Children's Trusts within their respective Local Authorities;
 - each constituent Local Authority to have sound, governance arrangements which are consistent with the key sub-regional principles;
 - local commissioning activities that include robust contractual arrangements with all providers, together with associated monitoring arrangements, so that these are binding to secure delivery and performance.
- 5.2.4 There will be a Regional Planning Group in the new arrangements. Its role will be to advise on

the final alignment of resources to support commissioning plans and any measures needed to align available resources and the level of commitments requested in Plans. It will also assess alignment with regional skills and economic needs. The YPLA will support the Regional Planning Group (RPG).

5.2.5 The RPG will comprise representatives from the sub-regional groups, GOYH, Yorkshire Forward and YPLA. Stage 2 submissions are asked to propose the sub-regional representation. At this stage it is suggested that we seek agreement to every Local Authority being represented on the RPG in its own right. This is because it would be extremely difficult for one Local Authority to represent other Local Authorities in decision taking about individual authorities' plans. This is especially true in the case of Leeds where significant parts of the commissioning strategy will affect other parts of the region.

6.0 **RESOURCE IMPLICATIONS**

- 6.1 Although new arrangements will not be fully operational until 2010, it is important that we begin to clarify the structures we intend to put in place for the new responsibilities. This is to be included in the Stage 2 submission.
- 6.2 We will not need our full staffing until 2010. We also have to take into account the position of LSC staff. They will have to choose whether they want to go to the Skills Finding Agency, YPLA, and a Local Authority or should they so wish elsewhere. TUPE will apply to staff transferring into local authorities.
- 6.3 Leeds must get on with the growing amount of work required over the next few months. Some is transitional work which we have to do as part of the transfer of responsibilities from LSC. Some is work to lay the foundations of the new arrangements. Some is identifying the systems and networks which will support ongoing operations from 2010.
- 6.4 Annex 2 outlines the core functions in the commissioning role and member input into this process. It covers what will be done, but also the key features and principles for how to do it well. This is a major task, and there is a lot of preparatory work to do.
- 6.5 Resources will transfer from the LSC to the local authority in 2010-2011. It will be in the form of staff transferring under TUPE.
- 6.6 DCSF guidance already makes clear that 16-19(25) Strategic Commissioning should be:-
 - Embedded in the local 14-19 Strategy and Children and Young People's Plan
 - Linked closely with the Integrated Youth Support Service
 - Connected well with LDD strategies for young people, including Aiming High
 - Have strong links with work on Young People's participation
 - Avoid conflicts of interest with provider sectors, or perceived bias to a sector

The strategic planning to deliver the above is the responsibility of Education Leeds. Education Leeds will continue to take responsibility for all 14 - 19(25) policy development, strategy, planning, quality assurance, and contract compliance.

6.7 Further proposals will be developed in the next few weeks, with appropriate consultation. In particular, detailed discussions will continue with LSC colleagues, who have a significant contribution to make to new arrangements.

7.0 **RECOMMENDATIONS**

- 7.1 The Executive Board is asked to note the contents of this report and agree:
 - the stage 2 machinery of Government submission to the DCSF attached as Annex 1; and
 - the approach to establishing local authority and sub-regional level governance arrangements.

Background documents:

Executive Board Papers	 Raising Expectations White Paper Consultation Approach Response (14 May 2008) Machinery of Government & 14-19 (25) Commissioning Arrangements (3 December 2008)
DCSF Documents	 Raising Expectations : Enabling the System to Deliver White Paper Next Steps (August 2008) Next Steps (November 2008)
	 DCSF Transfer – Stage 2 Guidance note DCSF/DIUS 16-19 and post 16 Funding Transfer;Bulletin no 5

- (December 2008)
- Young People's Learning Agency Blue Print (December 2008)
- Children, Skills and Learning Bill 2008
- Statutory Guidance on Duties of Directors of Children's Services (revised draft December 2008)
- 14-19 Partnership and Planning DCSF (January 2009)

West Yorkshire Sub Regional Group

Machinery of Government Changes Stage 2 Assessment Submission Summary of key decisions taken and planned

West Yorkshire Sub-Regional Group Stage 2 Proposals

Introduction:

The West Yorkshire 14-19 Delivery Group composed of the key 14-19 Lead Officers and Chaired by Calderdale's Director of Children's Services representing the other four DCS's has reviewed the essential transitional arrangements required at this juncture for the successful transfer of responsibilities and associated operational matters linked to those LSC funded programmes coming under the remit of Local authorities in 2010. In addition all Directors of Children's Services across the five Local Authorities have considered and contributed to the development of this submission. This submission has the approval of lead members in each local authority but is submitted subject to full political approval by individual Council's decision making procedures..

The sub region has a clear identity. The West Yorkshire Councils of Bradford, Calderdale, Kirklees, Leeds and Wakefield have a strong tradition of collaborative working. There are very good working relationships between the local authorities at all levels with a significant number of joint ventures and existing collaborative structures in place. For example, there exist already a number of network groups including those for DCSs, Assistant Directors for Commissioning and 14-19 lead Officers. Good operational collaboration exists across LA boundaries between providers and the sub regional structure already has substance for example there is a West Yorkshire Learning Provider network. The sub region works and will continue to work within the context of regional structures including the Leeds City region.

Key Principles for Commissioning (See attached) Strategic purpose Needs of learners Travel to learn patterns respected

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Align with regional and national strategies

Governance

The 14-19 Strategy on which the Strategic Commissioning Plan is to be built, is an integral part of the Children and Young People's Plan and its planning/review processes. The SRG has identified that each Local Authority has a clear understanding of legislative requirements and the need to link all elements of necessary strategic planning. There are established policies and principles in place to ensure a response can be made to meet legislative requirements. This overall principle is embedded in the current briefing papers being proposed at all levels of Local Authority membership.

Actions taken and Planned

To demonstrate strong shared governance arrangements, political sign off, clear decision making and accountability mechanisms, the SRG has undertaken a shared commitment to the following actions.

- To create a Memorandum of Understanding which is agreed by all five Local Authorities at Member level
- Plan for a scheme of delegation to officers working within the Memorandum to determine sub-regional evaluation of Strategic Commissioning Plans, and associated issues, for submission regionally
- Plan that decisions should require agreement by all Local Authorities' representatives
- During the transition phase the SRG structure will be developed further. It will assume a two tier structure with clear lines of accountability and delegated authority to Local Authorities. The YPLA and GOYH will be represented at upper tier, Steering Group level. (Comment In the key principles of commissioning paper we have also included the YPLA and GOYH on the Operational Group. When you consider the role and responsibilities of the YPLA, you can see the need for regular structured contact throughout various stages of the business cycle at both a LA and sub-regional level. I would suggest there is a strong case for the YPLA to be represented on the Operational Group, not sure about GOYH.) The SRG recognises the importance of ensuring the roles and responsibilities of elected members and officers are clarified within the governance arrangements and that there is transparency and proper accountability at all stages in the commissioning process.

Stage 2 Sub-regional submission to DCSF & GOYH

- It will monitor and refine all necessary policies and protocols to ensure compliance with the changing statutory responsibilities required of LAs and sub- regional and regional bodies
- Agreements will be further refined and finalised on the terms of references and membership of appropriate committees and planning forums and these will be reviewed in light of changing circumstances and further consultation with key Partners.
- Certain timelines relating to the transition phase have already been drawn up at LA and SRG level to ensure effective arrangements for governance.
- Within each of the Local Authorities' 14-19 Plans there is clear evidence of recognising the need to respond to the needs and aspirations of young people. The SRG will, through the implementation of its "Core Principles" (attached) statement, take steps to ensure that there will be an appropriate sub-regional dimension to the planning and delivery based on shared MIS data and use of Area Wide Prospectuses and other IAG services. The Task Group will manage further joint developments relating to the efficient use of those essential resources.
- Common QA (curriculum delivery) procedures are already in place across West Yorkshire LAs through the work of the LSC, but the SRG will look at how these can be developed under the SRG framework to ensure they apply equally and consistently across the school and FE college sectors.
- The connections between the production of Local Learning Plans and the wider remit of the Local Strategic Partnerships is recognised in the Governance model and new protocols will be developed to enhance those strategic planning relationships This is recognised and agreed as an essential element in the SRG's current links to employer based forums and Sector Skills Councils
- Ensure that each constituent Local Authority has sound, governance arrangements which are consistent with the key sub-regional principles
- Ensure that local commissioning activities include robust contractual arrangements with all Providers, together with associated monitoring arrangements, so that these are binding to secure delivery and performance.
- Ensure that quality provision reflects the Learning and Skills agenda and meets learner need and aspirations and make a tangible difference to social and economic outcomes

Stage 2 Sub-regional submission to DCSF & GOYH

Reference here to role of the sub-regional DCS Steering Group and the RSG Operational Group Terms of reference and membership attached.

Local Authority specific actions: Already achieved or in progress This section will itemise generic actions rather than itemise each LA (Comment – Agree that these should be generic, but might be worth splitting into two sections, sub-regional level actions and LA level actions)

Bradford

- Link the Bradford Confederation Structure to the Children's Trust.
- Revise policies and processes to include16 19 funding / commissioning under current frameworks for financial accountabilities and other liabilities within the Children and Young People's Service.
- Incorporate this area of work into our Executive arrangements for statutory partnerships.
- Develop Joint Commissioning arrangements.

Calderdale

- Maintain and develop links between PYPLS, Campus Calderdale and the LSP/Children's Trust
- Build a detailed commissioning/business cycle, to adapt the current Joint Commissioning Group's terms of reference to reflect its new responsibilities and to agree protocols for dealing with disputes.

Kirklees

- Review structure and membership and governance arrangements of the Kirklees 14 19 strategic partnership
- Revise policies and processes to include16 19 funding / commissioning under current frameworks for financial accountabilities and other liabilities within the Children and Young People's Service.
- Include the 16 9 changes in the forthcoming review of the Interim commissioning strategy
- Incorporate this area of work into our Executive arrangements for statutory partnerships.

Stage 2 Sub-regional submission to DCSF & GOYH

- Develop Joint Commissioning arrangements.
- Reporting to cabinet would take place on the basis that appropriate engagement with the Partnership is a requirement for legitimate decision making

Leeds

- The Leeds 14-19 Strategy Group needs to be formally linked to the ISCB so that it operates to the standards, including for accountability.
- The frameworks for financial accountabilities and other liabilities for Leeds Local Authority which underpin the ISCB governance need to ensure that relevant policies, schemes of delegation, risk assessments, etc are revised accordingly;
- The Commissioning Strategy agreed by the ISCB needs to take account of the 16-19(25) changes, and ensure that it provides a robust framework for this new work;
- There is a requirement that 14-19 Strategy Group is formally represented on Schools Forum;
- Reporting to Executive Members and Executive Board would take place on the basis that appropriate engagement with the 14-19 Partnership is a requirement for legitimate decision taking.

Wakefield

- Ensure that the Wakefield 14-19 Strategic Partnership is linked to the CYPMG and CYPPB.
- Undertake a review of its role, structure and membership plus governance arrangements so that it operates to the standards, including for accountability, which have been established by the DCSF.
- Consider the link to collegiate developments and the development of consortia to deliver collaborative provision.
- Ensure that the frameworks for financial accountabilities and other liabilities for Wakefield Local Authority which underpin the existing Trust governance agreements include arrangements for 16-19 funding.
- The same arrangements will then be made for incorporating this area of work into our Executive arrangements as are made for other responsibilities which have statutory partnership features. Reporting to Cabinet would take place on the basis that appropriate engagement with the Partnership is a requirement for legitimate decision taking.

Collaboration and Strategic contribution

This section also needs to cover the 16-19 commissioning process and how it fits with the wider strategic commissioning role. It needs to make extensive reference to the Key Principles of Commissioning document and the Dispute Resolution document and also the wider commissioning arrangements within each of the LAs detailed in the individual LA briefing papers)

In order to ensure compliance and contribution to meeting the needs of national and regional strategies, the West Yorkshire SRG will work with and report to a newly established Joint Steering Group (I am not clear what we mean by the Joint Steering Group, are we talking about the Regional Steering Group or something else?).

The main role of this group will be final determination of commissioning plans and any measures needed to align available resources and the level of commitments requested in Plans. It will also assess alignment with regional skills and economic needs. The YPLA will support the Regional Steering Group (RSG).

Next Steps

To demonstrate how the commissioning process will fit in with wider strategies and priorities, both national and local, the SRG, under the direction of the RSG, has undertaken a shared commitment to the following actions.

- Seek agreement to every Local Authority being represented on the RSG in its own right. (This is because it would be extremely difficult for one Local Authority to represent other Local Authorities in decision taking about individual authorities' plans.)
- Invite representatives from the sub-regional groups, GOYH, Yorkshire Forward and YPLA onto the RSG to support informed decision making (Comment - we may need a City Region rep)
- Develop and monitor specific collaborative initiatives and working practices linked to commissioning.

Undertake Training and CPD for staff, both existing and new, to build a better understanding of the FE sector and strategic relationships to enhance strategic commissioning role

Resources and capacity building

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Stage 2 Sub-regional submission to DCSF & GOYH

In order to safeguard an effective commissioning process and to demonstrates that staffing and infrastructure requirements have been considered to deliver the planned changes, the West Yorkshire SRG will continue to work within the transitional period to ensure that staff capacity and capabilities are built to meet required need.

In addition a review of equipment and resources required to assist in the management of Commissioning Process will be undertaken.

Next Steps

Revised staffing arrangements need to be in place by 2010. Working towards this target date, the SRG has undertaken a shared commitment to the following actions.

- Work closely with LSC colleagues in the transitional period to ensure consistency and sustainability of expertise in the commissioning process
- Engage in more detailed discussions with LSC colleagues, who have a potentially significant contribution to make to new arrangements.
- Encourage the use of shared resources and facilities and identify current areas of good practice to draw from.
- Resources/Staffing to be assigned to LAs

Local Authority specific actions (I would suggest actions points also need to be made generic rather than itemised by LA)

Leeds

• Agree the approach to deploying staffing resources secured through TUPE across both Education Leeds and the Director of Children's Services Unit

Kirklees

- Propose the establishment of a 14-19 Commissioning Team within the Learning Service of CYPS - under the Strategic leadership of the Assistant Director ie Head of Learning.
- Include new posts within the 14-19 Commissioning Team with a function to liaise with staff in other parts of CYPS whose functions are linked with 14-19 developments and commissioning arrangements.
- Develop strong links with other parts of the Directorate, who would contribute key associated responsibilities on Needs Assessment, Performance/QA, Finance, IT

Stage 2 Sub-regional submission to DCSF & GOYH and Systems Support.

• Develop good working links with other Kirklees Local Authority functions and all partners locally and sub-regionally.

Bradford

- Propose the establishment of a 14-19 Commissioning Team within the Learning Service of CYPS - under the Strategic leadership of the Assistant Director and line managed by the Education, Employment and Training Manager.
- Include new posts within The 14-19 Commissioning Team with a function to liaise with staff in other parts of CYPS whose functions are linked with 14-19 developments and commissioning arrangements.
- Develop strong links with other parts of the Directorate, who would contribute key
 associated responsibilities on Needs Assessment, Performance/QA and Systems
 Support. Develop good working links with other Bradford Local Authority functions
 and all partners locally and sub-regionally.

Calderdale

- The Joint Commissioning Unit will assume the major responsibility in this area working closely with the Campus Calderdale team and Children's Trust. Arrangements are already in place to increase capacity in this area.
- Additional capacity will be needed in contract management, needs analysis, quality assurance, IT, data and financial management.

Wakefield

- Propose the establishment of a Commissioning Team within the Commissioning, Performance and Partnerships Service.
- Include new posts within The 14-19 Commissioning Team with a function to liaise with staff in other parts of Family Services whose functions are linked with 14-19 developments and commissioning arrangements.
- Develop strong links with other parts of the Directorate, who would contribute key associated responsibilities on Needs Assessment, Performance/QA, Finance, IT and Systems Support.
- Develop good working links with other Wakefield Local Authority functions and all partners locally and sub-regionally.

Policy and Planning

The West Yorkshire SRG will continue to work to ensure that all 14 – 19 plans take into account the requirement to support the 'adequacy and sufficiency' of provision in key curriculum areas including Learner Entitlement and September Guarantee, NEETS, LLDD, Diplomas and Offender learning.

One of Its primary aims is to ensure that raising participation and attainment can be achieved under a collective and sustainable approach to the delivery of the 14-19 curriculum across the region.

The aim must be to have a smooth and effective transfer of responsibilities and to minimise possible disruption or instability in the system for both learners and providers.

Next Steps

In order to achieve operational excellence and to progress towards an effective transition strategy the SRG has undertaken a shared commitment to the following actions

- Ensure that all the Local Authorities' Strategic Commissioning Plans each year are well-aligned with one another, and with regional priorities, so that learners needs are met, economic needs are met, provision is not duplicated unnecessarily and travel to learn patterns are respected
- Ensure that there are no significant gaps or overlaps in provision and that the mix of provision is efficient overall
- Ensure that all provider sectors are treated equally and involved fully in planning by continued dialogue and consultative measures
- Ensure that the design and use of the Area-Wide Prospectus and associated Common Application Process means that the pattern of provision meets demand, both from learners and employers, and is affordable and of good quality
- Overall ensure that the commissioning process promotes flexibility, collaboration and looks across both sector and Local Authority boundaries

Quality and targets

The West Yorkshire SRG will work to ensure that QA processes in place work within the guidelines established within the following QA tools: FFE, JAR, national and local benchmarking, minimum levels of performance and outcomes from Self Assessment reviews and the CIF.

Next Steps

The SRG will continue to develop quality provision building on its current QA systems and has undertaken a shared commitment the following actions

- Develop KPIs to inform the commissioning process
- Build on and develop exemplar QA procedures currently in place to review all aspects of the commissioning process
- Ensure that all supporting internal and external agencies are made aware of their responsibilities in ensuring compliance with the commissioning process
- Ensure Choice of Providers is informed by robust data (including performance against QA standards).
- Establish a working group to monitor and evaluate an audit of existing QA measures and set appropriate targets in line with local and regional expectations
- Establish arrangements to deal with Appeals and Disputes

Evidence sources

Suggest this is one list representing all LAs

Kirklees MOG Briefing 2009 Bradford MOG Briefing 2009 Bradford Confederation Structure documents Calderdale Cabinet Report January 2009 Calderdale Commissioning Structure document Leeds Executive Board Report - Sub Regional Proposals March 2009 Wakefield MOG Changes Report January 2009

MACHINERY OF GOVERNMENT CHANGES

16-19 TRANSFER

WEST YORKSHIRE SUB REGIONAL GROUP

KEY PRINCIPLES OF COMMISSIONING

Background and Purpose

The West Yorkshire Sub Regional Group has agreed to operate under a common set of principles in relation to the new legislative requirements and operational functions relating to the commissioning of 16-19 learning provision in, and where appropriate across, the Local Authorities of the Bradford, Calderdale, Kirklees, Leeds and Wakefield Based on the overall aim of improving the quality of provision for all 16-19 learners the SRG will plan and resource learning programmes that are responsive to the needs of all learners through a process of collaboration and partnership with those key agencies and stakeholders engaged in the overall planning and commissioning process. The following core principles outline the framework as agreed by the SRG Steering Group. In addition are listed the main operating rules and protocols required to support that framework.

The Core Principles

- The commissioning of 16-19 learning provision will involve a set of planning, delivery and quality assurance procedures that puts the learner at the forefront of the process.
- The planning and commissioning of provision, whilst ultimately the responsibility of each individual Local Authority will be carried out through duly constituted collaborative and partnership structures in order to achieve maximum benefit for the learners, providers and stakeholders.
- The planning and commissioning "business cycle" will correspond to national and regional timeframes and funding requirements.
- Provision will be planned in response to national, regional and local skills needs.
- Individual local authority 14-19 Plans and associated Local Area Statements of Need will be shared and discussed during their development stage through the subregional Operational Group.
- 16-19 commissioning will be integrated with other strategic priorities for children, families and communities
- The process will encourage and resource a comprehensive impartial advice and guidance service in order to ensure access to learning opportunities that are appropriate to the location as well as the education and training needs of the learner.
- Learners, parents, carers and employers will be consulted at all stages in the process in order to ensure that their views and requirements are responded to during the planning and delivery stages of the commissioned provision.
- During this process of consultation specific attention will be given to the needs of vulnerable learners including those with learning difficulties and or disabilities. Where appropriate positive action will be taken to ensure that provision for such learners meets their specific needs.

Stage 2 Sub-regional submission to DCSF & GOYH

- Those responsible for the commissioning of provision will closely scrutinise the quality of those services being commissioned and where necessary de-commission provision that is deemed to be unsatisfactory in line with agreed national and local quality assurance, health, safety and welfare performance criteria.
- Specialist provision serving the needs of more than one Local Authority will be commissioned by the agreed Local Authority taking into account regional and national demand for this range of provision
- Decisions made on the commissioning of individual providers will be done on the basis of ensuring stability of provision. This will enable the sustainability of agreed learning outcomes as determined by the planning process.
- Within a mixed economy of providers all sectors will treated equitably
- All providers will be subject to the same minimum levels of performance at both a provider and programme level.
- Each individual Local Authority's commissioning plans will be submitted to and agreed at a Sub-Regional level prior to progressing to the Regional Planning Group for final consideration.

Operating Rules and Protocols

The Core Principles will be followed and monitored in line with a range of specific protocols and procedures linked to all aspects of the commissioning process. The following is intended as a guide to the overarching operating rules and protocols under which the Sub-Regional structures will deliver the expected outcomes associated with commissioning functions and responsibilities.

Management Information

(Comment- I see the SRG having a role in terms of liaising with the YPLA around MI, probably through the Operational Group. However, the YPLA will be providing this direct to LAs. Individual LAs will also be contributing to MI through their local sources. Participation and success levels will have to go down to programme level)

In order to achieve positive outcomes at all stages of the commissioning process the SRG will ensure that key data sets are made available to the planning groups from national, regional and local agencies in a timely and appropriate fashion. These data sets will relate to:

- Success rates with Providers and Local Authorities
- Participation rates
- Contribution by Providers to specific national as well as local targets
- Employment trends
- Progression rates at all levels of provision
- Equality of opportunity
- Demographic trends

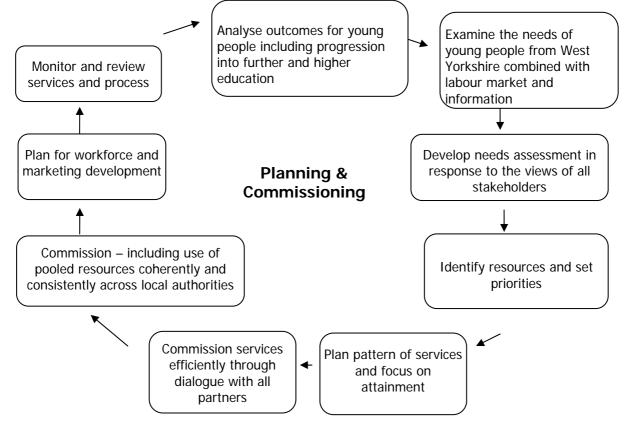
Dispute Resolution

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 procurement decisions as part of the commissioning process will be governed by each LA's CPR.

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The attached dispute resolution procedure (Appendix 1) illustrates the appropriate channels that will be followed in circumstances needing arbitration. It is intended however that these will only be in relatively extreme circumstances and the scenarios as envisaged in the "REACT" guidance paper will be resolved at a local level in the first instance. These situations will be discussed within the Local Learning Partnership structures and where appropriate recommendations and or preferred options will go to the LA officers designated to manage the commissioning function on behalf of their individual LA. Where the circumstances have consequences across LA boundaries then the SRG Operational Group and Steering Group will also consider the matter At all stages of this process advice will be sought from the appropriate legal resources within each LA particularly where issues are likely to impact on the "Instruments and Articles of Governance" of individual institutions and agencies





There are a couple of points to note.

References to North & East Yorkshire needs changing to West Yorkshire

Dialogue box that goes with the LA 14-19 Education Plan should also include:

- NAS
- SRG Operational Group members

Also the DCSF now seem to use the term 14-19 Plan rather than 14-19 Education Plan

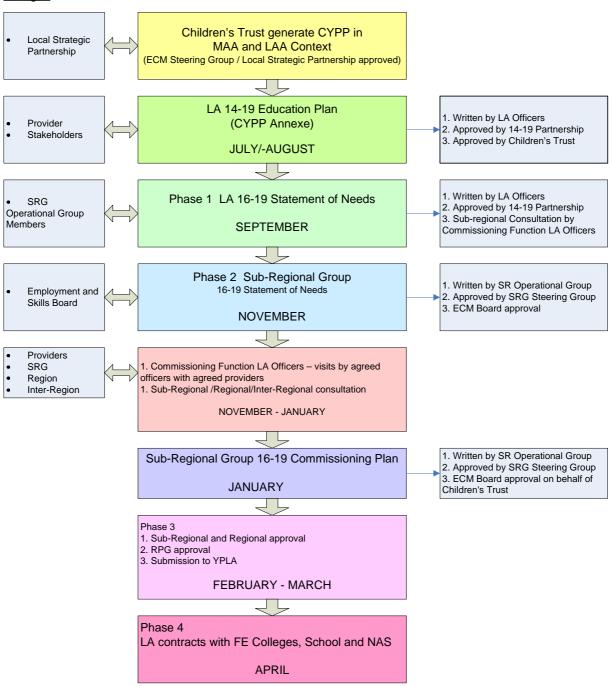
Phase 4 should read

- LA contracts with FE Colleges and Schools
- NAS Contracts wit providers for Apprenticeships

North & East Yorkshire SRG draft 03 February 2009

Flow Chart showing draft proposals for North & East Yorkshire Sub-regional Group





West Yorkshire 16-19 Sub-Regional Group (WYSRG)

Proposed Model of Governance

It is proposed that the sub region establish a two tier governance structure. This is outlined in broad terms below. Tier 1 is a sub regional **steering group** that is directly linked to the Regional Planning Group and which is directly accountable to the elected councils which the individuals represent. The second tier is an **operational group** of 14-19 officers that is directly accountable to the steering group and ensures that sub regional functions are maintained through effective communication.

1. Sub Regional Steering Group

WYSRG Steering group composition.

The Directors of Children's Services (DCSs) from Bradford Metropolitan District Council, Calderdale Borough Council, Kirklees Metropolitan Borough Council, City of Leeds Council and Wakefield Metropolitan Council or their representatives, one Government Office Yorkshire and Humber (GOYH) representative and one Young People's Learning Agency (YPLA) representative. The chair of this group would rotate but would be nominated by the group of five DCSs. The chair will serve for a maximum term of office of 2 years. It is anticipated that this group would need to meet 3 times per year.

A clerk would be established to service the groups but there will be no separate secretariat, this function will be undertaken by one of the Local Authorities acting on behalf of the others.

WYSRG Steering Group role.

The WYRSG will operate under a common set of principles in relation to the new legislative requirements and operational functions relating to the commissioning of 16-19 learning provision in, and where appropriate across, the Local Authorities of the Bradford, Calderdale, Kirklees, Leeds and Wakefield Based on the overall aim of improving the quality of provision for all 16-19 learners the SRG will plan and resource learning programmes that are responsive to the needs of all learners through a process of collaboration and partnership with those

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key agencies and stakeholders engaged in the overall planning and commissioning process.

The WYSRG will ensure that that the key principles of commissioning set out in Appendix X are applied consistently across all the local authorities. However the role of the WYSRG must be mindful of one overriding principal that places the needs of the learner at the forefront of all decision making processes.

(Comment -. We need to be mindful of what the DCS level group can realistically cover in only 3 meetings per year. Several of these responsibilities could be moved to the Operational Group or need amending)

The WYSRG will:

- Provide strategic lead for post 16 provision by agreeing a sub-regional vision for 14-19
- Approved the sub-regional statement of priorities and the sub-regional commissioning Plan to go forward to region
- Identify key sub regional priorities (identifying priorities is an Ops group function, this group approves them as part of approving the sub-regional priorities)
- Develop strategies that deliver actions to address priorities and achieve the agreed vision (either Move to ops group or change to agree strategies developed by the Operational Group)
- Act as an arbiter for conflict resolution between Local Authorities
- Commission sub regional responses that link to regional and national needs of employers, communities and learners
- Monitor and evaluate the work of the operational group
- Link to the work of regional planning groups and national organisations
- Evaluate the work of sub regional activity by making comparisons with other sub regions, the region and the nation. (Move to ops group)
- Evaluate the improvements to provision over time (Move to ops group)
- Make recommendations to constituent LAs, organisations and providers. (Move to ops group)

- Respond directly to the needs of elected members of the individual local authorities.
- Maintain the autonomy of individual local authorities whilst promoting collaboration which supports improved learning
- Prioritise the needs of the most vulnerable learners (more of a commissioning principle than a responsibility)
- Ensure that a robust, transparent and appropriate business planning and commissioning cycle is maintained which corresponds to national timescales and local needs.
- Maximise the use of resources across the sub region
- Ensure that Information Advice and Guidance is impartial and recognises the opportunities provided across the sub region and beyond where appropriate (move to ops group/more of a commissioning principle than a responsibility)
- Liaises with sub regions bordering West Yorkshire. (Move to ops group)
- Ensure that sufficient and effective sub regional structures exist
- Promote and commission sub-regional networks
- Agree individual LA commissioning plans which align to sub regional and regional needs assessments (Comment – The SRG do not agree LA commissioning plans that is a matter for the individual LAs, however they do agree the sub-regional plan that goes forward to region)
- Ensure equality of treatment for all providers
- Ensure that there are appropriate commissioning and decommissioning processes in place at sub regional level that support LA commissioning processes
- Nolan Principles, 1996 and recent equal opportunities legislation need to form part of protocols.

Delegation of decision-making powers to DCS by cabinet/members – Key governance arrangements.

There will be a memorandum of understanding between the LAs and scheme of delegation specifying that decision making powers on sub-regional commissioning would be delegated to the DCS by each of the councils. This will be developed in full consultation with all the Local Authorities following the stage 2 submission.

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2. SRG Operational Group

SRG Operational Group composition.

The 14-19 Lead Officer from each of the five local authorities, one GOYH representative, one YPLA representative. The chair will rotate but will be nominated from the five local authorities.

A clerk would be established to service the groups but there will be no separate secretariat, this function will be undertaken by one of the Local Authorities acting on behalf of the others.

It is anticipated that this group would meet 6 times per year and would establish a rolling programme of activity

SRG Operational Group role

This group has specific roles:

- 1. To draft the Sub-Regional Group 16-19 Statement of Need
- 2. To draft the Sub-Regional Group 16-19 Commissioning Plan
- 3. To carry-out the work delegated to it by the Sub regional steering Group

General Further Education Colleges

Each Local Authority would commission with GFE colleges within its boundaries on behalf of the SRG

West Yorkshire 16-19 Sub-Regional Group

Dispute resolution – draft proposals

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

- 1. The LA officers concerned will do everything possible to resolve issues of potential dispute without referring to the Sub-Regional Group (SRG), including holding bilateral discussions about cross-authority issues. In the first instance this will be strategic officer lead discussion below Director level.
- 2. Should the matter fail to be resolved by lead officers for 14-19 within L.A.s the matter shall be referred to the relevant Director's of Children's Services.
- 3. DCS's will refer issues concerning 16-19 provision and funding allocations that are either politically sensitive locally or matters of potential dispute either within or beyond the Authority to the appropriate elected-member forum within their council to establish a member view on these issues.
- 4. DCSs will be bound by local member decisions. Members will authorise the DCS to act on behalf of the Authority in discussions in the West Yorkshire SRG, the Yorkshire and Humber Regional Planning Group (RPG) and the Young People's Learning Agency (YPLA). Where necessary, these member decisions will be referred to the SRG, the RPG and the YPLA.
- 5. DCSs will advise and support elected members to understand the decision making process for the allocation of funding for 16-19 provision.
- 6. Where resolution of issues at 2 fail to be resolved by DCSs then the matter should be considered by the SRG as a whole.
- 7. 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. (Comment We feel that it should go to Chief Execs first to try and resolve)
- 8. 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.
- 9. 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 Local Authorities and institutions especially in longer term consideration of ability to deliver services to learners.

Developed by Sector training Consultancy

on behalf of

All 5 local authorities in West Yorkshire

AVAILABLE DURING w/c 23.02.09

