

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2737

Author:

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Department:

Children and Families

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Subject:

Secondary Fair Access Panel - Devolve Funding

Total Value:

£247,000 (Type: Revenue)

Decision Being Taken:

To grant dispensation from Contract Procedure Rule 5.1.2, in accordance with Financial Regulation 3.29, to continue the arrangements with Nottingham City Secondary Education Partnership (NCSEP) to manage the Secondary Fair Access Panel and ensure the placement of pupils with appropriate support and funding as part of the Fair Access Protocol. This will include the devolution of the £247k funding to NCSEP to carry out these functions.

To note that this will enable continuity of this statutory service until the end of the academic year 2016/2017, whilst the options are reviewed, and also ensure that a formal agreement is put in place from September 2017 onwards and protects the Council's interests.

Reasons for the Decision(s)

Paragraphs 3.8-3.15 of the School Admission Code impose a statutory duty on the Local Authority to have a Fair Access Protocol in place which the majority of schools agree with. The Fair Access Protocol has been well established in the City for over 5 years. The protocol is to ensure that access to education is secured effectively and quickly for pupils who have no school , and that all schools within Nottingham City admit their fair share of the most vulnerable children, including those with challenging behaviour.

Fair access protocols and processes have been reviewed over the last 18 months to formalise good practice, review partnership working arrangements and evaluate the increase of fair access pupils across primary and secondary phases. This work has involved feedback from citizens and consultation with schools and other services. As a result of these reviews, a formal service level agreement (SLA) has been agreed to recognise the partnership work involved with the Secondary Fair Access process for the 2016/2017 academic year. NCSEP provide management of the secondary fair access panel, secure placements for pupils and appropriate allocation of funding to support pupils' admission to schools.

The funding is secured through the High Needs funding block (financial year 2016/2017), totalling £247k, for supporting the placement of pupils for the academic year 2016/2017. This funding would be devolved to NCSEP as part of the SLA. This agreement will maintain continuity of service for the remainder of the academic year, whilst a full commissioning project is completed for September 2017 onwards.

Other Options Considered:

As part of the Commissioning Team's review the following recommended options were given:

- 1) Retain the current arrangements and formalize through a service level agreement - NCSEP managing the Fair Access Panel Meetings and placement of pupils on behalf of Nottingham City Council.
- 2) Return the responsibility of managing the Fair Access Panel meetings and placement of pupils to the local authority. Investigate if TUPE consideration is relevant or required;
- 3) Look to commission a new provider to deliver the management of Fair Access Panel Meetings and the placement of pupils, this option would require a procurement process.

For the 2016/2017 financial year it is considered vital to maintain consistency with NCSEP whilst these recommendations are fully explored.

Background Papers:

Fair Access Protocol - Secondary
 Fair Access Service Specification
 Fair Access Protocol Review

Unpublished background papers:

FAP Service Specification 2016.docx, FAP Review April 2015 v2.docx

Published Works:

Affected Wards:

Citywide

**Colleague / Councillor
Interests:**

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:
Nottingham City Council have a statutory duty to ensure we have a Fair Access Protocol to quickly place pupils out of education and ensure and equitable distribution of vulnerable pupils wanting to transfer between schools. High percentages of this cohort are eligible for free school meals and/or have special educational needs. The majority of these pupils may have behavioural, emotional and social difficulties.

If there is no formal means of education provision in place for this vulnerable group of young people the risks relating to safeguarding, crime and disorder and poor outcomes will inevitable increase.

Equality: Please login to the system to view the EIA document: 2016 School Forum Report EIA.doc

Social Value Considerations: N/A

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 21/02/2017

Advice Sought: Legal, Finance, Procurement, Equality and Diversity

Legal Advice:
This report does not raise significant legal issues as the value is below the applicable financial procurement threshold for this type of 'light touch' service. However the NCSEP is not a legal entity and the City Council will have to contract with the lead partner. It should put in place a contract with that partner which gives the City the ability to monitor and as necessary undertake an audit of the spend by the partnership. It is understood that a procurement will be undertaken after the expiry of this extension for commencement of the new academic year 17/18 and that this is the earliest opportunity to put in place a contract through an tender. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 17/01/2017.

Finance Advice:

This proposal allows for a continuation of the current Fair Access arrangements for the 2016/17 academic year with these being managed by Secondary Education Partnership (NCSEP). This service is funded from the Dedicated Schools Grant funded 2016/17 high needs budget. Schools Forum was consulted over the Fair Access arrangements and funding at their meeting on 5 November 2015. The £0.247m incorporates the £0.190m annual ongoing budget for Secondary Fair Access plus an additional £0.057m for Managed Moves which will need to be funded from the DSG reserve.

Approval to grant dispensation from Section 5.1.2 of Nottingham City Council's Contract Procedure rules in accordance with Section 3.29 of the Financial Regulations, will allow continuity of service for the remainder of the academic year, whilst a full commissioning review is completed for September 2017 onwards.

Advice provided by Kathryn Mair Stevenson (Finance Analyst) on 19/01/2017.

Procurement Advice:

Approval to dispense with Contract Procedure Rule 5.1.2 in accordance with Financial Regulation (3.29) (Operational Issues) to allow for a continuation of the current Fair Access arrangements for the 2016/17 academic year with these being managed by Secondary Education Partnership (NCSEP) is supported from a procurement perspective. A contract is required to be put in place for this arrangement. During this period, a full commissioning review will be completed, with view to procurement considerations for any future arrangements.

Advice provided by Julie Herrod (Procurement Officer) on 19/01/2017.

Equality and Diversity Advice:

Key to the proposal is that the protocols meet the needs of the vulnerable young people it is intended to serve. Therefore robust review mechanisms will need to be in place in order to ensure remedial action is taken and positive outcomes for young people are maintained. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 17/01/2017.

Signatures

Sam Webster (PH for Education, Employment and Skills)
SIGNED and Dated: 13/02/2017
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 01/02/2017
Geoff Walker (Strategic Director Finance/CFO) - Dispensation from Financial Regulations
SIGNED and Dated: 25/01/2017
Chief Finance Officer's Comments: Dispensation agreed for the operational reasons contained in the report