

ODD/05/2019

Officer Decision Record: Future use of Barnsley Council's contract with ESFA for the funding of 16-19 (-24 for EHCP) education/training provision.

Record of Decision of the Young People's Skills and Enterprise Strategy Manager taken in consultation with the Head of Employment and Skills.

Subject

1. Barnsley Council currently has a funding contract with the Education and Skills Funding Agency (ESFA) to provide education provision for learners aged 16-19. The type of education this funding allows us to deliver is called a Study Programme. Funding levels are based on the number of learners enrolled two years earlier. The funding for academic year 2018/19 is £104,000.
2. In response to an audit of provision undertaken in 2014, a pilot Study Programme for vulnerable learners was delivered in 2015. Following a full procurement process, this ESFA funding was subsequently used to commission Really NEET College to deliver a Study Programme to meet the needs of vulnerable learners requiring highly personalised, bespoke learning programmes in 2016.
3. Over the first two years, a high number of learners with special educational needs (SEND) enrolled on the programme. To help address these learners' increased needs, additional funding was assigned to the provision in the form of 15 High Needs Block Element 2 Places. ESFA's Place Funding Notification Process was used to transfer this funding with a value of £90,000.
4. Through delivery of the programme, it has been found that the level of personalisation required for individual learners cannot be effectively delivered within the rules that govern use of the ESFA Study Programme Funding.
5. As a result, outcomes from the programme have fallen below those set out in the contract with the provider and the decision has been taken to cease the contract and review use of the funding.
6. The document 'Review of ESFA 16-19 Study Programme Contract' sets out the detail pertaining to the challenges faced by the programme, the underperformance compared to the contract requirements and a series of options open to the council moving forward. In summary:
 - a. Since the 2014 audit, NEET levels across the borough have reduced further falling below all national, regional and statistical comparators. As a result the target group for the commissioned provision has become smaller;

- b. A consequence of the cohort's reduction in size is the increased number and complexity of needs now presented by individual members of the cohort;
 - c. A detailed analysis of our NEET cohort undertaken in January 2018, and repeated in April 2018, highlights that, of the small number of young people NEET in the borough, broadly 75% of them are far from being in a position to access training with many not engaging with any support services. The remaining 25% who will engage with support are still not in a position to engage with post-16 Study Programme provision. It is from this group that learners on our commissioned Study Programme were drawn.
7. As a result, the options appraisal draws a number of key conclusions to inform future plans:
- a. The nature of the borough's NEET cohort is such that Study Programme provision is not suitable to meet their need. Different types of provision not constrained by ESFA Study Programme regulations are required;
 - b. Because of these constraints, this new provision cannot be funded using the council's contract with EFSA;
 - c. The council should explore commissioning a transition Study Programme to support SEND learners to successfully move from special school provision and/or Learning For Living & Work into the mainstream college offer.
8. In response to this, discussion has taken place with senior colleagues in the People Directorate. These discussions have led to the following conclusions:
- a. The Education Health and Care (EHC) team in the People directorate are reviewing working practices and seeking to reduce the numbers of pre-16 learners with an EHC Plan attending out of borough provision;
 - b. The reduction of these learners is fundamental to the borough's SEND Sufficiency plan and should see a reduction in out of borough placements by September 2019.
 - c. As these learners remain in Barnsley, increased post-16 provision for learners with EHC Plans will be required;
 - d. SEND commissioners are working with Barnsley college to develop their offer in partnership with parents and carers, so that the college would be able to meet a wider range of learner needs within the borough rather than a need for highly specialised support out of borough.
 - e. In order to meet need, the college would require increased funding as their current allocation of High Needs Block Element 2 Places is fully utilised.

Authority

Paragraph B1 of the *'Responsibility for Executive Functions-Officer Delegations'* in the Council's constitution states The Chief Executive, Executive Directors and Directors respectively, are authorised to incur expenditure without specific Cabinet or Council approval up to a maximum of £250,000 in any one case where the sum(s) can be provided for within current approved estimates for the service, but only where it is in compliance with general budget and policy framework of the Council, Standing Orders, Financial Regulations and Contract Procedure Rules.

Proposed Decisions to be Taken

- To return, through ESFA's Place Funding Notification Process, the 15 High Needs Block Element 2 Places to Barnsley College in order to fund provision for increased numbers of learners with EHC Plans remaining in the borough.
- Liaise with ESFA to seek to transfer the value of the 16-19 Study Programme funding contract to another provider in Barnsley in order to retain the funds in the borough for Barnsley learners.

Rationale for Decision

- 1) Returning the 15 High Needs Block Element 2 Places to Barnsley College would:
 - a) Support delivery of the council's SEND sufficiency and in so doing would reduce financial pressures on the High Needs Block budget by reducing the need for very high cost out of borough provision and reduce the amount of Element 3 top up funding the council would be required to pay as ESFA funding could be used to contribute to the costs;
 - b) Enable these learners to access a provider judged outstanding by Ofsted;
 - c) Support onward progression for learners able to access a wide range of courses without the need to change provider in the future;
 - d) Avoid the duplication in provision that would occur should the council commission its own provision to meet the needs of these learners;
- 2) Seeking to transfer the 16-19 Study Programme funding contract with ESFA to another local provider would be required because:
 - a) Having returned the 15 High Needs Block Element 2 Places to Barnsley College, any provision we could commission would have insufficient funding to effectively meet the needs of learners with EHC Plans (EHCP);
 - b) As a result the target group for the provision would be the non-EHCP group aged 16-18 who were NEET. As the NEET analysis identifies, it would not be appropriate to commission Study Programme provision for this group as it fails to meet the needs of this group;
 - c) Seeking to transfer these funds would then see the money retained within the borough for Barnsley learners;
 - d) Provision funded by these transferred funds would benefit from the economies of scale a larger provider could offer. These economies of scale could not be created given the size of the contract we could commission. Greater

- economies of scale may allow the provider greater flexibility to meet need and thus be more beneficial for learners;
- e) N.B. ESFA regulations may preclude such a transfer resulting in the cessation of the contract.

Date of Decision

12/11/2018

Elected Member Conflicts of Interest

Signature:



Service Director: Economic
Regeneration



Signature:

Head of Employment + Skills

Scan / email the completed form and appendices to the Council Governance Unit and keep the original on the project file

PROPOSED