

## OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:1718201

Relates to: 1718126

### Box 1

**DIRECTORATE:** Learning & Opportunities - Children and Young People Services

**DATE:** 19<sup>th</sup> January 2018

**Contact Name:** Gill Whiteman, Commissioning Officer & Steph Douglas, Head of Early Years

**Tel. No.:** 37531

**Subject Matter:** To commission 4 Childcare Settings to deliver Enhanced Provision of early education and childcare in Doncaster for children with SEND living in the borough aged from birth to four years old.

### Box 2

#### **DECISION TAKEN:**

To undertake a commissioning process to identify, 4 Childcare Providers to be used to offer specialist provision to children with emerging special needs, disabilities and medical needs (Enhanced Providers). Each Enhanced Provider will be awarded annual funding of £11,700 with an initial 1 year contract with 1 + 1 year extensions.

This contract will enable settings to meet the Council's Service requirements and provide the ability to resource settings above their existing ratios. This will enable Doncaster Council to meet the identified and assessed needs of children with complex SEN who are in receipt of EIA funding (see linked ODR no 1718126) in an early years provision (Private, Voluntary and Independent providers, Local Authority maintained and academy nursery and Reception classes.

These providers will support access for families and address the correlation between SEND poor educational outcomes and socio-economic deprivation. There will be four Enhanced Provisions, one to serve each of the four areas of Doncaster (East, North, South and Central), each located within or near an area of socio-economic deprivation.

### Box 3

#### **REASON FOR THE DECISION:**

**Give relevant background information**

Doncaster Council has a statutory duty as part of the SEND Code of practice to ensure that children with disabilities have equal access to education/support and are enabled to achieve outcomes. As part of this, we are committed to supporting Early Years Settings, Schools and Further Education providers in having a well-resourced Local Offer to meet children and young people's additional learning needs.

All children are entitled to an education that enables them to:

- achieve the best possible educational and other outcomes
- become confident young children with a growing ability to communicate their own views and ready to make the transition into compulsory education

The benefits of early identification are widely recognised – identifying need at the earliest point, and then making effective provision, improves long-term outcomes for children.

In 2007 the Pre School Inclusion Service identified the need for Early Years Providers to offer support to children with more complex learning difficulties and disabilities. The development of these settings would support the requirements of the Childcare Act 2006 to meet the needs of families with disabled children who experience significant difficulty accessing a mainstream curriculum, and 3 Doncaster Early Years providers offered enhanced provision up to Autumn 2017.

Following the consultation with the Early Years Providers regarding the Local Authority's delivery of service of SEND, it was identified that there was a need for robust Enhanced Provisions. This aligns with our vision for Enhanced Provision to continue and extend to 4 providers.

These settings will act as hubs of expertise for other settings within a wider geographical area. A set of criteria has been developed for allocating 4 Enhanced Provisions; one in each locality area of Doncaster (South, North, East and Central) to deliver an enhanced SEND Local Offer.

**Box 4****OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

**If other options were considered, please specify and give reasons for recommended option**

**Option 1 – Do Nothing**

This option was not considered to be justifiable and does not meet our duties; we have increasing numbers of pre-school children with emerging special needs. Children accessing Enhanced Provision up to Autumn 2017 showed more positive outcomes as a result of high quality specialist early intervention within an Enhanced pre-school setting.

**Option 2 – Do Same**

3 Enhanced Provisions was not sufficient to offer placements to the numbers of children accessing EIA. It was clear the settings needed to address the correlation between SEND poor educational outcomes and socio-economic deprivation, therefore be sited in these locations. No formal contract had been in place for the existing Enhanced Provisions and so a decision was made to give notice of a review.

**Option 3 – Change - increase Enhanced Provision (preferred option)**

As a result of reviewing the Enhanced offer, it is preferred that we have 4 Enhanced Provisions located in each geographical area of Doncaster, within or near the border of an area of socio-economic deprivation which are subject to a robust commissioning process. Clear terms and conditions will be set out for the providers to ensure the funding is deployed appropriately and outcomes will be met.

**Box 5****LEGAL IMPLICATIONS:**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

DSG funding (from which EIA is allocated) is paid to local authorities under section 14 of the Education Act 2002, and section 16 of the Education Act 2002 places an obligation on local authorities to comply with the terms of such funding. The current conditions of grant are contained in a guidance document published by the Education Funding Agency dated December 2015. The decision maker should note that failure to comply with the terms of the conditions of grant, failure to use the funding for the purposes it was granted and/or failure to treat the funding correctly in the Council's accounts may result in the secretary of state recovering part or the entire grant from the Council.

The Procurement of Enhanced Provision Childcare Services must be undertaken in

accordance with the Council's Contract Procedure Rules and the terms and conditions of EIA grant funding. The contract with providers must support the council's compliance with the terms of the EIA grant funding. Legal Service should be instructed to prepare the contract.

**Name: Rebecca Brookes** Signature: [REDACTED] **Date:02/02/18**  
**Signature of Assistant Director of Legal and Democratic Services (or representative)**

**Box 6**

**FINANCIAL IMPLICATIONS:**

The current 3 Early Years Childcare providers for Enhanced Provision are funded at £10 per hour for a minimum of 25 hours per week for 39 weeks a plus £1,000 for training, this equates to £10,750 per setting per annum, totalling a minimum of £32,250 per annum (the 25 hours per week is often exceeded due to demand, estimated cost at Q3 is £35,130).

The proposed arrangements of 30 hours per week for 4 settings will £11,700 x 4 = £46,800. The cost of this provision will continue to be managed with the Dedicated Schools Grant – High Needs Block.

**Name: Helen Rowlands** Signature: [REDACTED] **Date: 30/01/18**  
**Signature of Assistant Director of Finance & Performance (or representative)**

**Box 7**

**HUMAN RESOURCE IMPLICATIONS:**

There are no HR implications associated with this particular ODR.

**Name: Sarah Brown** Signature: [REDACTED] **Date: 02/02/2017**  
**Signature of Assistant Director of Human Resources and Communications (or representative)**

**Box 8**

**PROCUREMENT IMPLICATIONS:**

The sourcing of the four enhanced providers must be in accordance with the Councils Contract Procedure Rules.

**Name: Shaun Ferron** Signature: [REDACTED] **Date: 29.01.18**

**Signature of Assistant Director of Finance & Performance  
(or representative)**

**Box 9**

**ICT IMPLICATIONS:**

In commissioning any new provider to deliver Enhanced Provision of early education and childcare in Doncaster for children with SEND living in the borough aged from birth to four years old, due consideration needs to be given to:-

- How information is shared between the Council and the providers and
- Any IT systems requirements to support monitoring and tracking of performance.

The commissioning service should engage with ICT early in the process of identifying any new providers to consider any arising IT implications.

**Name:** Peter Ward (Governance & Support Manager)

**Signature:** 

**Date:** 25/01/18

**Signature of Assistant Director of Customers, Digital & ICT (or representative)**

**Box 10**

**ASSET IMPLICATIONS:**

There are no implications arising from the immediate recommendations of this report that impact on the use of DMBC assets. This is because the locations for the 4x provisions are not yet known and will be dependent upon the outcome of the tender process.

Any future changes that impact on the Council's asset base as a result of the outcome of the tender will require Strategic Asset Management input and will be subject to separate consideration.

**Name:** Gillian Fairbrother (Assets Manager, Project Co-ordinator)

**Signature:** 

**Date:** 25<sup>th</sup> January, 2018

**Signature of Assistant Director of Trading Services and Assets  
(or representative)**

**Box 11**

**RISK IMPLICATIONS:**

**To be completed by the report author**

All legal requirements will be met through the Procontract process, hence reducing the current risk.

**(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)**

**Box 12**

**EQUALITY IMPLICATIONS:**

**To be completed by the report author**

There are no equality implications; the Procontract system is open to all providers to register and the equality policy of all providers is included in the tender documents and checked through monitoring of the contract.

**Name: Gill Whiteman    Signature: [REDACTED]    Date: 24 January 2018**  
**(Report author)**

**Box 13**

**CONSULTATION**

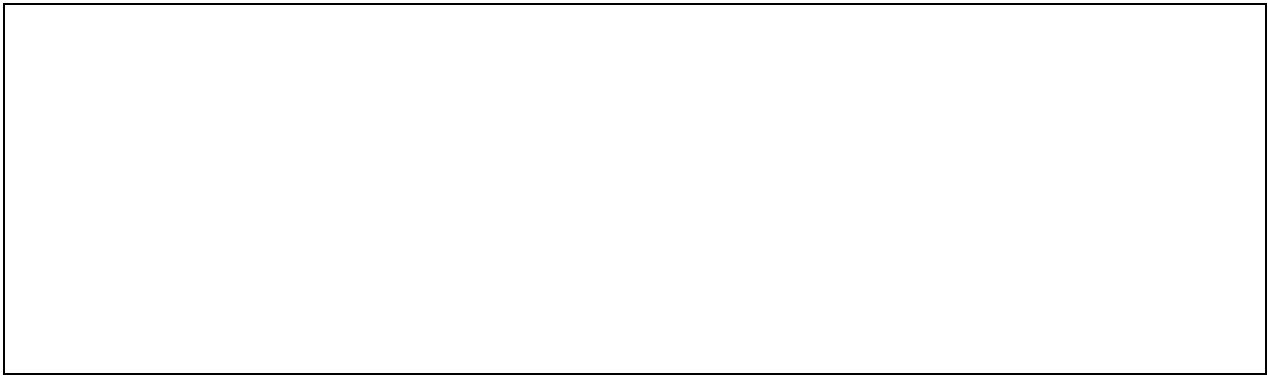
**Officers**

**(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)**

**Members**

**Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.**

**Please list any comments from Members below:**



**Box 14**  
**INFORMATION NOT FOR PUBLICATION:**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full redacting signatures only.

**Name: Dawn Wilson    Signature: [REDACTED]    Date: 26 March 2018**  
**Signature of FOI Lead Officer for service area where ODR originates**

**Box 15**



**Signed: \_\_\_\_\_    Date: 20 February 2018**  
**Director of People**

**Signed: \_\_\_\_\_    Date: \_\_\_\_\_**  
**Additional Signature of Chief Financial Officer or nominated representative for Capital decisions (if required)**

**Signed: \_\_\_\_\_    Date: \_\_\_\_\_**  
**Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).**

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.

- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**