

APPENDIX 1

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: LOCYP/OOA/2021- 2122021

BOX 1

DIRECTORATE: Learning and Opportunities: Children and Young People

DATE: 29/06/2021

Contact Name: Rebecca Fletcher

Tel. No.: 736237

Subject Matter: Providers annual fee uplift request

BOX 2

DECISION TAKEN

To consider the annual uplift request from providers of Out of Authority Education placement Provision.

BOX 3

REASON FOR THE DECISION

Please see below table detailing requests for uplifts from Providers for out of authority education requested for the year from 1st April 2021.

The uplift request relates to the cost of places prior to the 2021 framework for the Council being put in place. For these placements the contract with the providers states that; 'The Provider may in assessing their need for an annual, inflationary, fee request consider information derived from a number of sources such as RPI/Teachers Pay award, but at all times must pay due heed to working in partnership with Local Authorities to attain Value for Money and to achieve efficiency improvements'. Both parties will have regard to the actual costs incurred by the Provider. If the Provider proposes to increase the Price and/or Additional Service Fee, then such increases must be demonstrated by the Provider as being justified.

For transparency, the main reasons for the requests of uplifts from the below providers is due to unavoidable cost pressures such as inflation, National Living Wage increases and statutory pension contributions of staffing.

Please note that some of the below providers have had their price increase accepted via the White Rose Framework on our behalf as part of the partnership agreement; Kisimul and Acorn – Meadowcroft School.

Provider	School	No of Places	WRF	Uplift Request	Date	Last uplift	Reasons for request
Kisimul	Colman Colaiste College, Swinderby Lower School	2	Y	2.50%	01/04/2021		[REDACTED]
Hesley	Fullerton	4	Y	2.50%	01/04/2021	01/04/2020	[REDACTED]

							[REDACTED]
							[REDACTED]
Cygnets	Cygnets	1	N	3.3%	01/04/2021		[REDACTED]
Horton School	Horton School	4	Y	1.20%	01/09/2021		[REDACTED]

							[REDACTED]
Sutherland House	Sutherland House	4	N	2.32%	01/04/2021		[REDACTED]
Ruskin Mill Trust	Brantwood School & Freeman College	3	N	2.40%	01/09/2021		[REDACTED]

Acorn	Meadowcroft School	8	Y	2.60%	01/04/2021		
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Financials

Sum of Inflation / additions	
Provider	Total
Acorn - Meadowcroft	12,153.61
Brantwood - Ruskin Mill	1,003.06
Brantwood - Ruskin Mill Freeman College	1,435.46
Cygnat	396.00
Hesley Group	4,939.54
Horton House	1,296.00
Kisimul School	3,234.98
Sutherland House (Trading) Ltd	3,859.76
Grand Total	28,318.41

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Do Nothing

There is a risk of places being withdrawn if providers do not cover their costs and are not able to deliver the provision, especially to meet the specific needs of our children and young people. This would lead to the authority not meeting its statutory duties.

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.

Local Authorities have a statutory duty under 22(3A) of the Children Act 1989 to promote the educational achievement of looked-after children. That includes those children placed out of authority.

The Care Planning, Placement and Case Review (England) Regulations 2010, as amended states that where possible, the Local Authority should arrange a care placement which enables the child to continue in their existing educational placement.

The decision maker must also comply with the public sector equality duty pursuant to section 149 Equality Act 2010 when reaching decision regarding fees in terms of considering the need to promote equality for persons with "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it.

In order to do this the decision maker will need to have sufficient information about the effects of the proposed changes on the aims of the equality duty. The Equalities Implication section (paragraph 8 below) is designed to assist with compliance with this duty and so the decision maker must take that into consideration and the public sector equality duty before taking the decision.

Legal Services to assist with documenting revised rates between the contracting parties.

Name: Paula Coleman Signature: [REDACTED] Date: 2nd July 2021

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The cost of agreeing the recommended inflation uplifts is £28,318.41. If the proposals are approved the inflation costs will be funded from the DSG (Dedicated Schools Grant) High Needs Block. These are Out of Authority SEN placements and at month 2 they were projected to overspend by £1.3m in DSG. The £28k was included in these projections.

Name: Laura Sudbury Signature: [REDACTED] Date: 01/07/2021

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

Name: _____ Signature: _____ Date: _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

There are no significant equality implications associated with this report. Within its programme of work Overview and Scrutiny gives due consideration to the extent to which the Council has complied with its Public Equality Duty and given due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities.

BOX 9**RISK IMPLICATIONS:** (To be completed by the author)

There is a financial risk to the council of increasing the costs of already high value OOA placements.

There is a risk of places being withdrawn if providers do not cover their costs and are not able to deliver the provision especially to meet specific need i.e. hearing impairment.

BOX 10**CONSULTATION**

N/A.

BOX 11**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, The decision will be published with the following redactions:

Box 3 lines reason for request column to be excluded as contains commercially sensitive information under Section 43(2) of the Freedom of Information Act 2000.

Signatures will also be redacted, as this is personal information.

Name: Rebecca Fletcher

Signature: [REDACTED]

Date: 29/06/2021

Signature of FOI Lead Officer for service area where ODR originates

BOX 12**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR – NO

**BOX 13
AUTHORISATION**



Name: Riana Nelson Signature:  **Date: 15.07.2021**

Director of Learning Opportunity, Skills and Culture (DCS)

Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ **Signature:** _____ **Date:** _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: _____ **Signature:** _____ **Date:** _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.