

APPENDIX 3**MACHINERY OF GOVERNMENT CHANGES
16-19 TRANSFER
Final Draft March 2010****Sussex Travel to Learn Group
Memorandum of Understanding for Commissioning****1. Background and Purpose**

East Sussex, West Sussex and Brighton & Hove have agreed to operate under a common set of principles in relation to the new legislative requirements and operational functions for the commissioning of learning provision for young people in and, where appropriate, across the Local Authorities (LAs) in accordance with the travel to learn (TTL) choices made by students. The agreed and shared aim of the Sussex TTL Group is to improve the quality of provision for all 16-19 learners, Learners with Learning Difficulties and Disabilities (LLDD) aged 16-25 and 10-19 year old young offenders. The three Sussex (LAs) will, therefore, plan and resource learning programmes that are responsive to the needs of all groups of learners through a process of collaboration and partnership with each other and with those key agencies and stakeholders engaged in the overall planning and commissioning process.

The following core principles outline the framework that has been agreed by the three LAs. In addition, the main operating rules and protocols required to support that framework are also listed. This Memorandum of Understanding (MoU) will be kept under review, and updated as necessary, especially taking into account developments in the National Commissioning Framework (NCF). The MoU will first be reviewed in April 2010 when the new responsibilities transfer to the LAs.

2. The Core Principles

- a. The planning and commissioning of provision is the responsibility of individual Local Authorities. Each LA will operate as a Sub-Regional Group in its own right and, as such, will be the lead commissioner on behalf of the other LAs for all providers within its area. However, the three local authorities are committed to sharing their plans where TTL patterns cross county boundaries. The Sussex TTL Group will be responsible for coordinating provision and will be the first point of contact for relevant dispute resolution
- b. All three LAs will be bound by the requirements of the NCF. Within this Framework, the three LAs commit to a process of regular dialogue, information sharing and decision making, at key points in

the planning and commissioning cycle and through day to day contact between officers (see Appendix 1)

- c. 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
- d. The Sussex TTL Group will be made up from the senior officers from the three LAs with lead responsibility for planning and commissioning 16 – 19 provision. For 2010/11, this group will include:
 - Elizabeth Funge (East Sussex)
 - Michael Nix (Brighton & Hove)
 - Verona Hall (West Sussex)
- e. The group will have the authority to develop proposals (for decision within each LA) which together represent a coherent offer across the shared TTL area, which reflects future needs and is responsive to learner choice
- f. The planning and commissioning “business cycle” will correspond to national and regional timeframes and funding requirements
- g. Provision will be planned in response to national, regional and local skills needs
- h. 16-19 commissioning will be integrated with other strategic priorities for children, families and communities as identified by the Children and Young People’s Plans for each LA
- i. The commissioning process will be supported by the delivery of a comprehensive impartial advice and guidance service across Sussex, in order to ensure access to learning opportunities that are appropriate to the education and training needs of the learner. Vehicles for this include the Sussex Area Wide Prospectus, September/January Guarantee, Common Application Process and e-ILP
- j. Each LA will consult learners, parents, carers and employers at all stages in the process in order to ensure that their views and requirements are incorporated into the planning, commissioning and delivery of provision
- k. During this process of consultation specific attention will be given to the needs of vulnerable learners, including those with learning difficulties and or disabilities, Looked after Children, teenage parents

and young offenders. Where appropriate, positive action will be taken to ensure that provision for such learners meets their specific needs and 'narrows the gap' in achievement of learning outcomes

- l. The LAs, who are responsible for the commissioning of provision, will closely scrutinise the quality of those services being commissioned and where necessary decommission provision that is deemed to be unsatisfactory in line with agreed national and local quality assurance, health, safety and welfare performance criteria
- m. 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
- n. Decisions made on the commissioning of individual providers will be done on the basis of ensuring stability of good quality provision which meets the needs of learners and the area. This will enable the sustainable delivery of agreed learning outcomes as determined by the planning process
- o. Within a mixed economy of providers all sectors will be treated equitably, provided that they offer quality provision which meets the needs of learners and the area
- p. Each individual Local Authority's commissioning statements and plans, where they relate to cross-boundary provision, will be considered by the Sussex TTL Group for review prior to progressing to the Regional Planning Group for final consideration

3. Operating Rules and Protocols

These Core Principles will be followed and monitored in line with a range of specific protocols and procedures developed in relation to specific aspects of the commissioning process. The following operating rules and protocols are intended to act as a guide within which the Sussex TTL Group will discharge its commissioning functions and responsibilities.

3.1 Management Information

In order to achieve positive outcomes at all stages of the commissioning process the three LAs, through the Sussex TTL Group, commit to sharing with each other in a timely and appropriate fashion key data sets relating to the planning and commissioning of 16 – 19 provision across the shared TTL area. These data sets relate to:

- Success rates

- Participation rates
- Contribution to specific national as well as local targets
- Employment trends
- Progression rates at all levels of provision
- Equality of opportunity
- Demographic trends

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 will require those involved at all levels to make decisions based on accurate and objective data and information.

3.2 Dispute resolution

It is expected that the operation of the Sussex TTL Group will normally be sufficient to ensure that there is agreement between the three LAs about the provision to be commissioned across the TTL area. In particular, the Sussex TTL Group will ensure that provision is coherent, comprehensive and offers choice without unnecessary duplication. The attached dispute resolution procedure (Appendix 2) illustrates the appropriate channels that will be followed in circumstances where this cannot be achieved and arbitration is needed. Arbitration will be through a joint panel of Lead Members from the three LAs.

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.

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Di Smith
Director of Children's Services
Brighton & Hove City County Council

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Date

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Matt Dunkley
Director of Children's Services
East Sussex County Council

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Date

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John Dixon
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