

LSC Transition – Sub-regional Arrangements

SUMMARY

- 1.1 The reforms outlined in the Apprenticeship, Skills, Children and Schools Bill 2009 will move the duty for provision of education and training for young people aged 16-19, within the broader 14-19 context, from the Learning and Skills Council (LSC) to local authorities (LAs) from April 2010.
- 1.2 On 2 September 2008 Cabinet supported a proposal to establish a sub-regional grouping (SRG) with Derbyshire County Council for future commissioning of 16-19 provision.
- 1.3 We were required to submit further detailed proposals (LSC Transition Stage 2) to the Government Office for the East Midlands (GOEM) by 27 February 2009, setting out more in depth arrangements and subject to any comments from Council Cabinet.
- 1.4 This report recaps on the previous report to Council Cabinet on 2 September 2008 and summarises the proposed arrangements including the specific aspects required by GOEM; governance, collaboration, strategic planning, resources and capacity.

RECOMMENDATION

2. To approve retrospectively the proposed detailed arrangements for 16-19 planning and commissioning post-LSC, as contained in the Stage 2 response submitted to GOEM.

REASONS FOR RECOMMENDATIONS

- 3.1 The Apprenticeship, Skills, Children and Schools Bill 2009 requires LAs to meet their responsibilities for provision for 16–19 year-olds through SRGs, following the transfer of those responsibilities from the Learning and Skills Council (LSC) to LAs.
- 3.2 Data analysis shows that the majority of cross boundary travel to learn into Derby is from Derbyshire, whilst there is a reciprocal pattern of travel from Derby to Derbyshire. This supports the rationale for a SRG partnership with Derbyshire.
- 3.3 16-19 learners in the city and county access a diverse range of learning providers, including school sixth forms, colleges and work based trainers. Under the proposed sub-regional arrangements each provider will have a single commissioning contract

with one LA who will act on behalf of other LAs where learners reside. This arrangement will rely on effective sub-regional working.

- 3.4 Cabinet has previously supported a proposal to establish a sub-regional grouping (SRG) with the County Council for the future commissioning of 16-19 provision.

SUPPORTING INFORMATION

- 4.1 The reforms outlined in the Apprenticeship, Skills, Children and Schools Bill 2009 will move the duty for provision of education and training for young people aged 16-19, and those between 19 and 25 who have an assessed learning difficulty or who are in Local Authority care, from the LSC to local authorities from April 2010. This change of duty will give Councils the strategic lead for 16-19 education and training, and notably restore to local authorities a lead funding role with FE colleges and training providers.
- 4.2 'Travel to Learn' data, which shows the residence of learners in the relevant post-16 provision, has been analysed. Whilst it will be necessary for the Council to work with a number of authorities in both the East Midlands and West Midlands areas, the most significant cross-boundary movements and existing relationships are with Derbyshire. Therefore Derby City Council will need to work closely with Derbyshire County Council on planning for provision across and beyond the two LAs.
- 4.3 Derbyshire County Council has already supported a cluster arrangement with the city and on 2 September 2008, Council Cabinet supported a proposal to establish a sub-regional grouping (SRG) with the County Council for the future commissioning of 16-19 provision, within the broader context of 14-19 strategy.
- 4.4 The previous paper to Cabinet outlined the scope of the new duties on 16-19 provision and the process for transferring these duties from the LSC to the Council.
- 4.5 In our Stage 1 proposals we set out the broad principles which would govern the sub-regional group and these were approved by GOEM in December 2008. The Stage 2 proposals build on our Stage 1 submission and the key additions are summarised below, under headings set by GOEM. The full Stage 2 proposals are attached at Appendix 2 (*NB – this appendix to follow for the pre-agenda meeting*).
- 4.6 We were required to set out the detailed working arrangements of the SRG in our Stage 2 Response by 27 February 2009, in order to gain full approval from GOEM. This paper is seeking retrospective approval from Cabinet for the proposed detailed arrangements. The Stage 2 response was also on the agenda for the Children and Young People's Commission on 10 March 2009.
- 4.7 **Stage 2 Response - Governance**
- 4.7.1 The main purpose of the SRG is to ensure that every young person who lives or studies in Derby and Derbyshire has access to appropriate provision which meets their choices and needs.

4.7.2 Derby and Derbyshire Councils will work in partnership through a non-executive board (the SRG) and within each Council's constitutional powers and processes. The work of the SRG will be governed by a memorandum of understanding that describes the collaborative arrangements between the two authorities and accountabilities to them and formal decisions will take place within each individual Authority's existing constitutional arrangements.

4.7.3 A joint panel of elected members from both Authorities will be formed and will meet three times per year (probably more frequently in the early stages of transition), to:

- enable members from each Authority to liaise over impending decisions in order to ensure consistency across both Authorities.
- enable elected members to reach agreement on any decisions which have to be taken jointly across the SRG area.

4.7.4 The SRG will report to the Council Leader and Chief Executive (in the context of the sub-regional economic development arrangements,) scrutiny committees, the Children and Young People's Trust and 14-19 Partnerships as required.

4.8 **Stage 2 Response - Arrangements for collaboration**

4.8.1 Derby City and Derbyshire County Councils already work collaboratively on a number of issues and the need to share knowledge and undertake joint planning where appropriate has long been recognised by the two authorities. Draft data sharing protocols are nearing completion between the two LAs and other partners, including Connexions Derbyshire Ltd. Agreements directly between the two LAs already exist with particular reference to safeguarding procedures. This existing collaboration demonstrates the readiness of the two LAs to work together effectively within the SRG.

4.8.2 Both Councils already have 14-19 Partnerships which are well established and are in a strong position to take on the increased responsibilities which will be required within the sub-regional arrangements.

4.8.3 Good liaison with neighbouring authorities will be essential for successful cross-boundary planning. Derby and Derbyshire already work with a range of neighbours, particularly on planning of school places and special educational needs.

4.8.4 It is essential that we achieve co-ordination between this new commissioning function and existing arrangements. The SRG will liaise closely with the existing Derby Joint Strategic Commissioning Board which has established processes for commissioning including community and voluntary sector provision, health service provision and a range of locality based services.

4.9 **Stage 2 Response - Resources and capacity**

4.9.1 We need to demonstrate that the SRG will have sufficient resource and capacity to fulfil the new duties around planning and commissioning education and training for 16-19 year olds. A significant amount of analysis of post-16 need has already been carried out across the SRG area, including place planning at a school level within each LAs' BSF plans.

- 4.9.2 Working together, the SRG will co-ordinate the planning and commissioning of 16-19 provision, within 14-19 strategy, across Derby and Derbyshire providers. It is intended that local decision making will also be informed by a network of cross-boundary relationships which will take account of these and other significant links including those related to local skills needs, to learner progression and to the delivery of collaborative provision including Diplomas where appropriate. The impact of a new curriculum entitlement, raising of the participation age, increasing attainment and a declining cohort will mean that the SRG will need to carefully manage the mix and balance of post-16 provision to ensure that it continues to meet the needs of all 16 and 17 year-olds, in particular focussing on the demand for a skilled workforce.
- 4.9.3 Transition of LSC duties will place additional capacity demands across a range of functions including school place planning, special needs commissioning, data analysis, quality assurance, capital planning, finance and personnel.
- 4.9.4 Existing staff already have a high level of understanding and engagement with 16-19 commissioning, through excellent partnership working with the LSC. Despite this, there is a current lack of capacity to support the transition process. LSC staff will transfer in due course to each local authority, but not until the actual transfer of duties. This issue has been raised regularly with the DCSF and LSC.
- 4.10 Stage 2 Response – Policy and Planning**
- 4.10.1 We have established a 14-19 Strategic Planning Group within the Children and Young People's department to ensure that future 14-19 commissioning arrangements are informed by a single strategic approach.
- 4.10.2 In addition to this, both LAs have commissioned Connexions Derbyshire to implement a 14-19 area wide prospectus and to have the responsibility to operationally manage a website which provides guidance on choice of courses to young people.
- 4.10.3 Plans for a Common Application process for all 16-19 courses across both LAs are well developed. A preferred product has been identified; pilot schools and colleges have agreed to trial the system in the summer term 2009, with a rollout strategy planned for the academic year 2009/10.

OTHER OPTIONS CONSIDERED

5. The earlier paper to Cabinet set out the possibility of Derby operating as a single authority. This option was not pursued as GOEM's response is that clusters reflecting 'travel to learn' patterns are expected. No additional options have been considered since.

For more information contact:	Andrew Flack on 01332 716850 - e-mail: andrew.flack@derby.gov.uk
Background papers:	LSC Transition —Sub-regional Arrangements, report to Cabinet, 2 September 2008
List of appendices:	Appendix 1 - Implications Appendix 2 - Stage 2 submission

IMPLICATIONS

Financial

- 1.1 There has been little further information about funding allocations since the previous Cabinet paper. The broad position is set out below. We remain concerned about the overall capacity that will be required to effect transition, given that significant new responsibilities will be added to existing roles.
- 1.2 It is intended to legislate as early as possible in order that the transfer of funding to local authorities can be made in the academic year 2010/11 with the new system fully in place from September 2010. A move to a 14-19 formula, if agreed, would be implemented from the start of the 2011/12 financial year.
- 1.3 The commissioning process will drive funding: once plans are agreed, funding will flow (through a national formula) according to the plan. The principles are:
 - funding follows the learner, with young people's choices driving allocations, not the other way round
 - comparable funding for comparable activity, irrespective of the type of institution
 - funding is transparent, simple to understand, provides stability for planning and avoids unnecessary bureaucracy
 - the methodology facilitates collaboration between providers, so that a learner's programme may be followed at two or more institutions.
- 1.4 Each authority will receive a budget from the Young People's Learning Agency (YPLA), another successor body to the LSC, for the institutions in its area, rather than for residents. Local commissioning plans will be aggregated in respect of each provider, so it is clear what will be bought from each. Final budgets, once confirmed, will flow to local authorities to fund the institutions in their area as a grant, alongside the Dedicated Schools Grant.
- 1.5 Capital funding will be largely through Building Schools for the Future (BSF), devolved capital and the 16-19 capital pot (proposed to be held in future by the Young People's Learning Agency, not LAs themselves). Local authorities will have to ensure that capital plans are coherent in developing the infrastructure necessary to deliver the increase in the participation age and the new learning entitlements to all young people, and that they use all sources of capital to best effect to achieve the necessary pattern of provision; this will involve working with others in the sub-regional grouping, and with the YPLA and the DIUS Skills Funding Agency to create a coherent overall programme.
- 1.6 The financial regulations and contract procedures of each individual authority will apply to all 14-19 commissioning and procurement.

Legal

2. The intended dates for legislation and the related actions are:

Bill published	November 2008
Sub-regional structures agreed	January 2009
Shadow LA/LSC arrangements fully in place	September 2009
Royal Assent	September 2009
Transfer of LSC powers	April 2010
Full transfer of powers	September 2010

Personnel

- 3.1 Once again, there has been little further information about numbers and current functions of staff transferring into the LA from the LSC since the previous Cabinet paper. Here too, we remain concerned about the overall additional funding that will be required to effect transition.
- 3.2 The transitional period will in theory create the opportunity for staff to transfer, structures to be developed and capacity built. The shadowing period prior to full implementation is very demanding. All of the staffing resource is with the LSC now and the scale of the task is far too great for it to be absorbed into current workloads, especially alongside other major developments such as BSF and the Primary Capital Programme.
- 3.3 There will also be competing pressures for LSC staff concerned about their futures as the National Apprenticeship Service will be set up first (from April 2009), and some will transfer to that, and there will be opportunities in other parts of the proposed structure.

Equalities impact

4. The intention, through all of the structural changes, must be to ensure continued improvement in outcomes for young people, and narrowing the gaps in those outcomes between different groups and communities.

Corporate priorities

5. The role of the LSC currently relates to the Corporate Plan priority of supporting everyone in learning and achieving.

Appendix 2

Proposal to Government Office: East Midlands to establish a 16-19 Sub Regional Partnership for Derbyshire and Derby

1. Derby and Derbyshire Local Authorities wish to establish a Post 16 Sub Regional Partnership in order to manage the transition of responsibilities for LSC funding and planning to local authorities by 2010 and thereafter to commission 16-19 learning from colleges and providers in Derbyshire and Derby.
2. Membership, initially for transition planning, includes senior officers from the County and City Councils and the local LSC. Terms of reference for the group have been agreed.
3. The sub regional partnership is a natural development of existing arrangements between the City and County which includes:-
 - A joint local authority controlled Connexions Company
 - Involvement of both authorities in the Education Business Partnership, which covers the City and County.
 - Linked developments of the 14-19 curriculum, including diplomas
 - Joint 14-19 curriculum conferences
 - Involvement of the City and County in the DDEP and employment and skills boards.
 - Read On Write Away!, a partnership which was established to promote literacy and numeracy across all age ranges.

In addition the two authorities work closely in a regional context as part of the strong strategic planning links amongst first and second tier authorities within Derbyshire's boundaries.

4. Both the County and City are high performing local authorities and had good Joint Area Review inspection outcomes in late 2007 and early 2008.
5. The City of Derby is surrounded by the County Council's area and there is considerable movement of Derbyshire learners to the City and vice versa. Around 5% (337) of Derby learners attend provision in the County, with 923 travelling in the other direction from Amber Valley, Erewash and South Derbyshire. Derby College, whilst primarily located in first class centres in Derby, also maintains provision at Broomfield in Derbyshire. Derby University maintains FE provision in Buxton and is seeking to be involved in FE provision in South East Derbyshire. The current proposal is that Derby City will act as the lead commissioner for Derby College and that Derbyshire will commission from Chesterfield College, South East Derbyshire College and Derby University.
6. Whilst a Derby/Derbyshire partnership is the most obvious model for a sub regional partnership, we will also need to take into account the movement of young people to colleges outside of the County and region. This is particularly

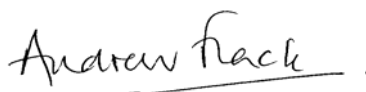
strong in High Peak, where 43% (866) of learners learn in Tameside or Stockport and in South Derbyshire where 38% (788) from the County and 3% (202) from the City learn at Burton College. The County Council already has strong links with Staffordshire including a cross border 14-19 Diploma Consortium. In High Peak the development of new vocational provision in Glossop and Buxton will reduce some of the movement to Stockport and Tameside. There is also significant movement across the boundary with Nottinghamshire. 28.9% (378) of students from Bolsover, 32.1% (905) from Erewash and 3.9% (263) from Derby study in Nottinghamshire, with 521 from all Nottinghamshire districts travelling into Derbyshire/Derby. Up to 15% of learners in Amber Valley, Erewash and South Derbyshire learn in Derby and there is a similar movement from Derby to Derbyshire, especially to Erewash.

7. Links with other East Midlands authorities will be maintained through regional arrangements, particularly regarding learners from Derby and South Derbyshire who learn in Leicestershire and those from Derby, Erewash, Amber Valley and Bolsover who learn in Nottinghamshire.
8. Both the County and City Council's Cabinets have agreed to establish a 16-19 sub regional partnership. The activities of the partnership will be guided by and reported to the Children and Young People's Trust in each authority and to each Cabinet as appropriate.
9. Whilst the proposed focus of the 16-19 Sub regional group is firmly on the LSC transition and commissioning, links will be maintained with the existing 14-19 structures in each authority. Copies of the partnership structures for the County and City are attached.

Signed



Bruce Buckley
DCS Derbyshire County
Council

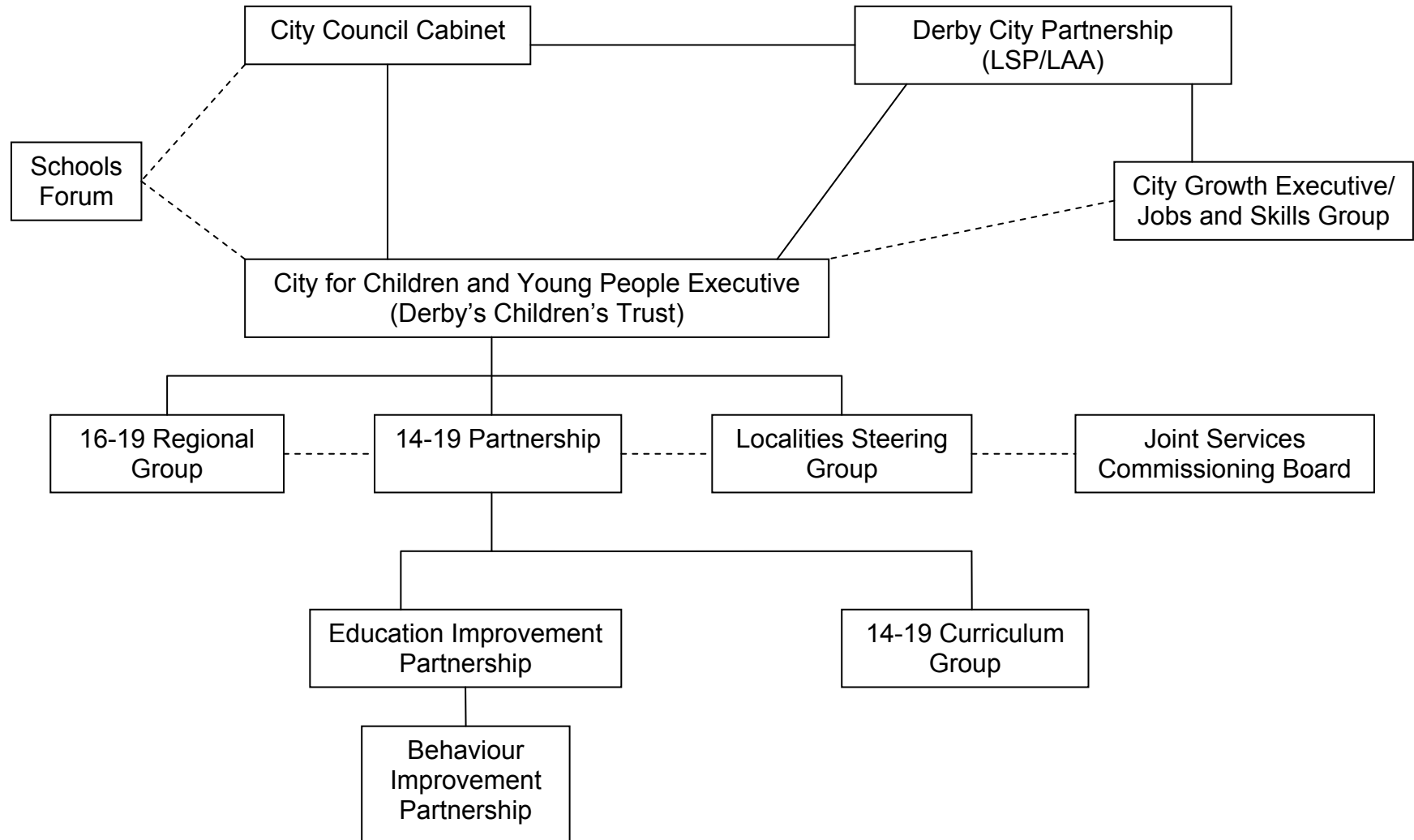


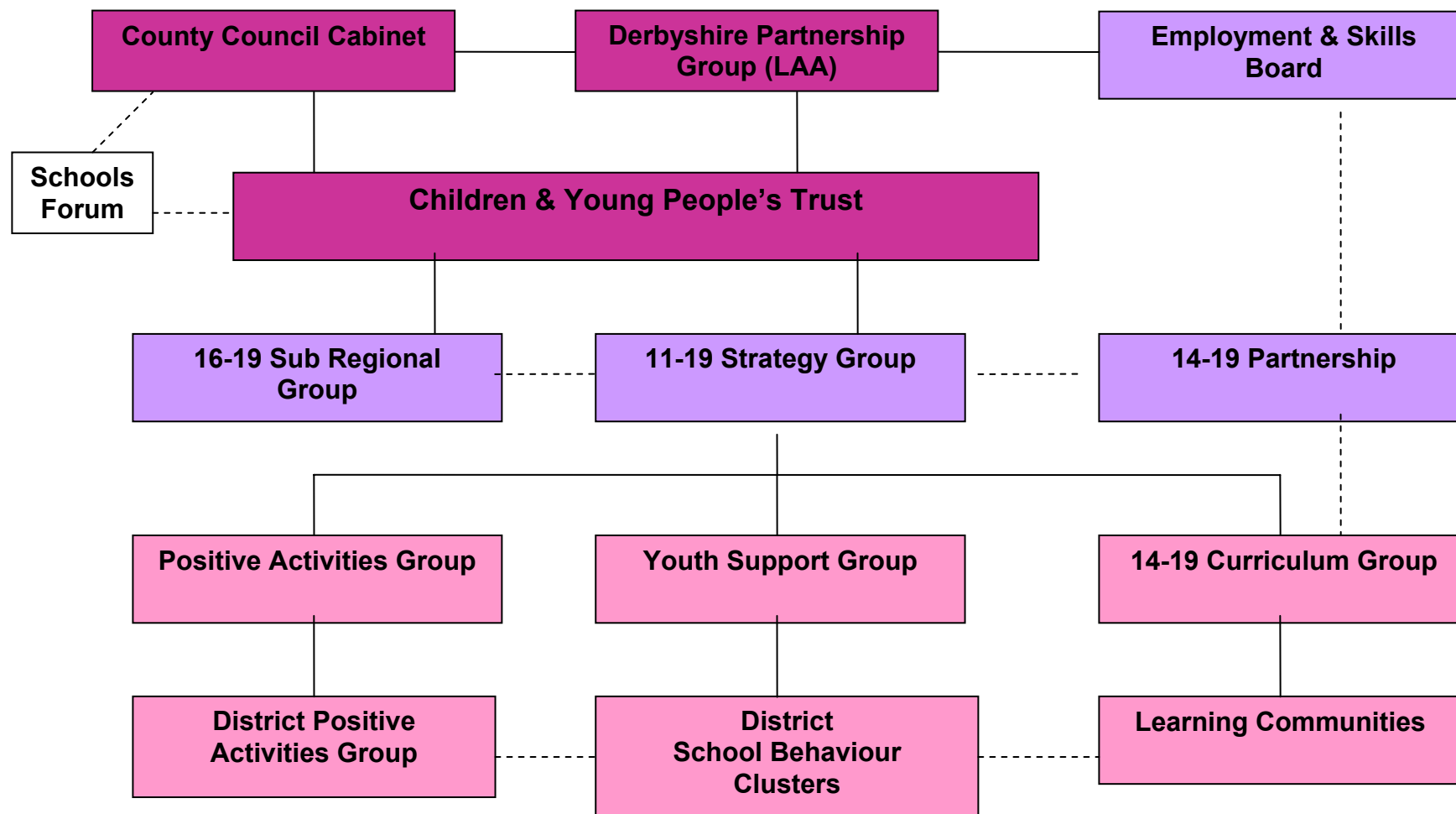
Andrew Flack
DCS Derby City Council

September 25 2008

***Note – Travel to Learn figures are from the LSC Young Person Merged Dataset 2006/07 and cover 17-19 year old learners enrolled for study during that year.**

DERBY CITY COUNCIL





Governance Strategy Implementation

—— Direct Accountability
 - - - - Indirect Accountability

Derbyshire County Council and Derby City Council Sub-Regional Grouping

Stage Two Proposals

1. Introduction

Derbyshire County Council and Derby City Council are committed to:

- Delivering positive outcomes for young people through the 16-19 commissioning process.
- Working with the LSC, its successor bodies and other stakeholders to utilise and develop the infrastructure and expertise to deliver these outcomes.
- Establishing and developing collaborative, efficient and transparent arrangements to achieve these outcomes.

The two local authorities (LAs) have a good history of working together. We regard the Machinery of Government changes positively and believe that the sub-regional grouping will allow existing and new arrangements to benefit 16-19 learners in the area.

2. Governance

The stage 1 submission (Appendix 1) describes the general background to our preferred governance model. The underlying principle is to maintain a simple governance structure, utilising existing structures and avoiding duplication.

2.1 Purpose of the Sub-regional Group (SRG)

The main purpose of the SRG is to ensure that every young person who lives or studies in Derby and Derbyshire has access to learning provision which meets their choices and needs. To achieve this, the Group will;

- a. Analyse and understand the demographic profile of young people aged 11-19.
- b. Ensure that a learning place is available for every young person aged 16-19 in Derbyshire and Derby City, working closely with other authorities to ensure access for Derbyshire and Derby residents who study outside their home area.
- c. Ensure that places are commissioned from learning providers in Derbyshire and Derby City to accommodate young people aged 16-19 from areas outside of Derbyshire and Derby City.
- d. Analyse and understand the curriculum needs of young people in Derbyshire and Derby City, planning and commissioning sufficient provision so that each young person aged 16-19 is able to access appropriate provision, achieving appropriate levels of qualification, including:
 - A Levels and GCSEs
 - Diplomas
 - Apprenticeships

- Foundation Level Tier
 - Other Curricular Provision to ensure appropriate learning for every young person.
- e. Ensure that appropriate provision is commissioned to meet the needs of vulnerable young people including:
- Learners with a learning difficulty or disability
 - Young offenders, including those in the secure estate
 - Teenage parents
 - Young people in or leaving the care of the local authority.
- f. Commission learning provision in response to the skills needs of employers as advised by the Chamber of Commerce, Federation of Small Businesses through the Education Business Partnership and Employment and Skills Boards.
- g. Provide advice and guidance to the NAS regarding the commissioning of apprenticeships in Derby and Derbyshire.
- h. Work closely with the Derbyshire Youth Council and Derby City's Voices in Action to ensure the commissioning process is informed by the views of young people.
- i. In partnership with the YPLA and SFA monitor the performance and quality of learning providers, influencing the commissioning of provision and raising the quality of provision.
- j. Through the 14-19 Partnerships, ensure that transport arrangements enable young people to access appropriate provision.
- k. Ensure that existing links with Connexions Derbyshire Ltd and each authority's 14-19 Partnership embed information, advice and guidance (IAG) services that meet the appropriate quality standards, and that the area prospectus and common application process are in place.
- l. Ensure effective links with authorities that border Derbyshire, to determine the flows of learners from Derby and Derbyshire to other authorities and vice versa.
- m. Provide advice and support to each Local Authority on post-16 capital issues as they develop capital strategies, including the BSF programme.

2.2 Arrangements for Effective Governance

Derby and Derbyshire LAs will work in close partnership through a non-executive board (the SRG) and within each Council's constitutional powers and processes. The work of the SRG will be governed by a memorandum of understanding. (Draft attached in Appendix 2). This describes the collaborative arrangements between the two authorities and accountabilities to them including:

- Formal decisions will take place within each individual authority's existing constitutional arrangements.

- Elected Member Panel – a joint panel of elected members from both authorities will meet three times per year to receive information and progress reports on the activities of the sub regional group and advise on future developments.
- Each authority will arrange for the role of its scrutiny committees to include review and challenge of the SRG arrangements.
- Each authority has well established links with economic regeneration officers in the authorities and at regional level. Through these relationships, both the City and County have established Employment and Skills Boards which include representation from 14-19 Partnerships and the local authorities. The SRG will use information provided by these boards to develop the SRG Plan, reflecting the needs of employers and Sector Skills Councils. Each authority will brief the council Leader and Chief Executive in the context of the sub-regional economic development arrangements.
- Children and Young People's Trusts: Reports on the progress of the sub- regional arrangements will be made regularly to the Children's Trusts.
- 14-19 Partnerships: Plans will be drawn up with the involvement of and in consultation with 14-19 Partnerships. Existing joint arrangements (for example on IAG or the Foundation Learning Tier [FLT]) will contribute both to the 14-19 and SRG groups.
- Employment and Skills Boards: Each board will include a member of the 14-19 Partnership and will be consulted on all plans drawn up by the SRG, responding to the needs of local employers taking into account local labour market intelligence and the skills needs of employers.
- Local Area Agreement: In Derbyshire both the Children's Trust and Sustainable Communities Board receive reports about 14-19 provision, including the SRG. The attached planning charts show the relationship between the various boards. In Derby and Derbyshire the SRG is integral to the local planning structure (see Appendix 1). In each Authority the local strategic partnership is the decision making body for the Local Area Agreement. Each Director of Children's Services is a member of the executive group and also chairs the Children's Trust.

2.3 Financial Regulations

The financial regulations of each authority will apply.

2.4 Dispute resolution

The memorandum of understanding provides for dispute resolution through reference to either the Regional Planning Group (for matters regarding 16-19 provision) and /or to the Chief Executive of each authority for all other matters.

3 Collaboration and strategic contribution

3.1 Existing collaboration between the LAs

Derby City and Derbyshire County Council have a strong track record of close collaborative working. Examples of this can be evidenced through:

- the planning of joint 14-19 conferences over the last 5 years;
- mutual support and sharing of diploma implementation plans and
- joint work to co-ordinate FLT activity across the City and County.

Both local authorities are the sole joint owners of Connexions Derbyshire Limited which provides a solid platform to support strategic developments. The company delivers a range of Education Business Partnership and adult guidance contracts in addition to the statutory Connexions Service.

The need to share knowledge and undertake joint planning where appropriate has long been recognised by the two authorities. In terms of direct links with 14-19 policy, examples include:-

- A Quality Improvement Framework has been jointly developed between providers, including colleges, to quality assure the provision for 14-19 year olds who undertake part of their learning with other providers.
- Joint Foundation Learning Tier Strategy Group with particular emphasis on re-engagement strategies and curricula.
- Joint use of Career Mark to ensure quality IAG is being delivered.
- Joint data exchange and tracking processes, to report on learning progression, September Guarantee and NEET monitoring.
- History of joint 14-19 Curriculum Conferences, aimed at both strategic managers and, via a range of workshops, delivery practitioners.
- Single Education Business Partnership, ensuring the opportunity to involve employers in a coherent, planned manner.
- Joint approaches to the Area Prospectus, Common Application Process and Individual Learning Plans.
- A joint LA and LSC Special Needs sub- group has been set up to assess current provision and need.
- Joint discussions underway to ensure that the Individual Learning Plan developments are also able to accommodate learning transfers between the authorities and compatibility with the CAP.

Further examples of well established collaboration between LAs include:

- Common safeguarding policies and procedures;
- Developing links with Derbyshire Police to ensure coherent services to address the needs of 'Young Runaways';
- Both authorities ran Targeted Youth Support pilots, now part of integrated Youth Support Services, and embedded links now exist to ensure cross border service links and developments, where appropriate. The needs of other vulnerable groups will be considered by strategically linking TYS planning processes and analysis of the learning needs of disengaged young people.
- The initial development of Safer Schools Partnerships has been jointly managed by the Police and the two authorities.
- The Access Service provides a city and countywide provision for learners with English as an additional language.
- The Traveller, Gypsy, Roma service also provides a city and countywide service for this particular group of disadvantaged learners.
- The city and county Music Partnership continues to deliver a very high quantity and quality of music experience for young people across both Authorities.

3.2 Existing 14-19 Partnerships

Both 14-19 Partnerships are well established and are in a strong position to take on the increased role and responsibilities described in the recent 14-19 Partnership guidance. Both Partnerships have core sub-groups which focus on the implementation of the 14-19 Curriculum; Integrated Youth Support and Positive Activities. The County has a small executive group, currently comprising senior staff from the County Council, LSC and Connexions, whilst the City has a co-ordinating group, comprising of senior staff from the City Council, the LSC, representatives from schools and the college and Connexions. These groups oversee Partnership arrangements and reporting and accountability arrangements are described above.

Whereas Derby City is essentially one learning community with sub-clusters for the four 'quadrants' of the city, Derbyshire supports seven Learning Communities which undertake a range of roles, including 14-19 developments and behaviour improvement partnerships. The learning communities are strong and are developing their own direction and ways of working. A review of the County partnerships and their roles and accountabilities is underway. Each learning community in the County reports to the 14-19 Partnership and, at a local level, to the Children's Trust District Partnership Group. Through these Children's Trust arrangements, links to the broader commissioning agenda with health, police and other strategic bodies are ensured.

Both city and county 14-19 Partnerships are currently rated green by the 14-19 DCSF Progress Check.

3.3 Links with other authorities

Derbyshire and Derby City already work with the following authorities, all of which are within three miles of the county boundary, particularly on planning of school places and special educational needs:

- Barnsley
- Cheshire
- Kirklees
- Leicestershire
- Nottinghamshire
- Oldham
- Rotherham
- Sheffield
- Staffordshire
- Tameside
- Stockport
- Warwickshire

Contact is being made with these authorities to improve post-16 co-ordination and planning.

3.4 Travel to Learn

Discussions about travel to learn with East Midlands Authorities will take place through the Regional Planning Group; with other authorities Derbyshire will act on behalf of the SRG to

ensure effective links with authorities and SRGs outside of the East Midlands. In the first instance both Derby and Derbyshire will use information provided by the LSC and colleges about the learners they expect to recruit from outside of Derby and Derbyshire.

Within the County & City there are 4 Further Education colleges, 60 secondary schools (37 of which have post-16 provision), 14 special schools, 29 work-based learning providers and 23 providers of Entry to Employment.

Derbyshire's travel to learn patterns are generally well-established with considerable movement of Derbyshire's resident learners in to the City and vice versa. Around 5% (337) of Derby learners attend provision in the County whilst 9% (1048) of County learners travel into the City, mainly supported by Derby College in the City.

Overall, 73% of Derbyshire resident learners stay to learn in Derbyshire with outward migration of around 27% -around 6551 learners. 8% (1,968) travel into Nottingham and around 1% (234) learn in other areas of the region. 18% (4,349) of learners travel outside of the East Midlands Region, predominantly to bordering colleges in Greater Manchester, Staffordshire and South Yorkshire. In contrast, Derbyshire only has an inward migration from the region of around 763 learners, 68% (521) of whom live in Nottingham (this will continue to be analysed in terms of inward migration from outside the region). Derbyshire County Council has a long tradition of working in partnership with Burton College and Staffordshire LA particularly to meet the needs of learners in South Derbyshire.

Derby and Derbyshire work closely together to plan transport issues, including 14-19 travel. Both authorities support the B_Line transport scheme which provides subsidised travel for young people. 14-19 provision will be planned so that students can access a full range of appropriate courses of study without the need to spend an unreasonable amount of time travelling between venues. Where this is not possible within existing travelling arrangements, either provision will be planned across a more local cluster level, or local transport arrangements will be made by providers including the use of school mini-buses.

3.5 Links with other commissioning arrangements

Each LA will work closely with their existing Joint Strategic Commissioning Board which has well established processes for commissioning including community and voluntary sector provision, health service provision and a range of locality based services.

3.6 Evidence of engagement with all key providers and employers

All key providers have representation on the 14-19 Partnerships in the LAs and have been fully consulted on the machinery of government changes. There are existing mechanisms within the SRG to share good practice amongst LAs.

The SRG proposals have been discussed with all key stakeholders in the City and County and amended to take into account the views expressed. Support for the proposal is clearly evident and a strong level of understanding about the benefits of integrated commissioning has been expressed.

At this stage, the lead members in each Local Authority are aware of the submission and, whilst formal Cabinet approval is forthcoming, are content that the proposal is submitted.

The organisations consulted include:

14-19 Partnerships
Secondary Headteachers
College Principals
Derbyshire Network
Learning Communities
Connexions Derbyshire Ltd
Employment and Skills Boards
East Midlands Development Agency
Local Area Agreement Partnerships
Children's Trusts
Large employers – Bombardier, EGG, Rolls-Royce, Toyota

3.7 Information Advice and Guidance

The 14-19 Partnership Groups of each LA have formed IAG Strategy/Steering Groups, with the overall aim of ensuring that all learning providers are delivering services that meet IAG standards. Audits have already been completed, with action plans being negotiated with both individual learning providers and/or Learning Communities, as appropriate.

Each LA uses the Career Mark quality standard as the benchmark for assessing the delivery of Careers Education and Guidance (CEG) and commissions IAG services from Connexions Derbyshire Limited, which is required to ensure that all delivery meets IAG standards. Annual self- assessment and ongoing quality assurance processes ensure compliance.

The sub-regional partnership will ensure IAG adheres to the quality standards by:

- Reviewing Connexions Derbyshire Limited annual self-assessment and action plan, based on IAG national standard criteria.
- Reviewing Connexions Derbyshire Limited strategic and operational business plans against IAG standards.
- Reviewing progress and outcomes of the commission to Connexions Derbyshire Limited to deliver IAG to national standards and support schools in meetings, IAG standards and Career Mark.
- Reviewing annual audits of IAG standards undertaken by schools with support from Connexions.
- Collecting and acting upon the views of young people and schools and colleges.

4 Resources and capacity

A significant amount of analysis of post 16 need has already been carried out across the SRG area, including place planning at a school level within each LA's BSF plans. Each Local Authority will further develop existing links with colleges regarding their capital plans. The following illustrates the SRG's current advanced state of strategic analysis.

4.1 Demographics

Similar to national predictions the number of 16-18 year-olds across Derbyshire is set to decrease over the next decade with a fall of around 7% expected by 2014. This is

supported by an analysis of the January 2008 secondary school roll data which indicates a 10% decline in year 11 numbers between 2008 and 2012 across both the City and the County. However, there are significant variations between Districts with most seeing a decline in numbers and others, particularly south Derbyshire, set to increase 11-19 year olds in the area.

4.2 Participation

Based on the 2006 DCSF data, participation of 16 and 17 year olds in learning in Derbyshire is 78% and in the City 77%. This is 1% below the regional average and 4% below the national average. Successful implementation of the September Guarantee led in 2007 to an increase in the number of 17 year olds involved in learning from 74% to 77%. This is an important platform upon which we will seek to achieve full participation by 16 and 17 year olds.

This improvement is also reflected in the NEET figures which have shown a consistent trend in increased participation over the last 4 years. The City and County Children's Trust Plans for 2009-12 provide include NEET reduction strategies.

4.3 Attainment and Progression

The targets to increase attainment at Level 2 and Level 3 present a significant challenge for the sub-region. The proportion of young people achieving a level 2 and level 3 by age 19 is currently below the regional and national average at 68.7% and 38.5% respectively. Plans will be put in place to ensure we commission provision that provides progression for young people, from entry to level 3+. This will include providing progression for those young people currently undertaking Young Apprenticeships programmes in Key Stage 4.

Ensuring progression to higher level qualifications is important, especially for young people choosing 16-18 Apprenticeships as a route. Many sectors now require level 2 as an entry and employment forecasts show increases in more highly skilled occupations. Apprenticeship completion rates across the City and County have continued to increase and are now above the regional (65%) and national (63%) averages at 66%. However, the current economic climate is beginning to impact on the availability of employers to offer and retain apprentices and the sub-regional group will work closely with the NAS to monitor the impact of this.

4.4 Apprenticeships

There was an increase in the number of apprenticeships in Derbyshire and Derby of 6% between 2005/06 and 2006/07, taking the total starts from 1836 to 1949. This was followed by a further 7% increase in 2007/08 to 2094. The area has an average of one in fifteen young people participating in an apprenticeship and further development is required to promote and create demand amongst young people and employers. As large public sector employers each authority will look to increase the number of apprenticeships they support.

Derbyshire and Derby City have promoted Young Apprenticeships resulting in an increase from 31 young people participating in 2004/05 to 394 in 2008/09 (cohort 4 yr 2 and cohort 5 yr 1). It is expected that this will continue to grow as we work with schools to support and contribute to the number of places funded. In addition and in response to broadening the curriculum at 14-16 we have also seen significant growth in the number of work related learning programmes now being delivered in schools, providing clear links to local

progression pathways at 16+. In one part of the County alone, over 5,000 14-16 year olds are studying on dedicated work related programmes.

4.5 Data Sharing Protocols

Data sharing protocols are in place between the two LAs and other partners, including Connexions Derbyshire Ltd. These agreements cover the full range of performance and related data and include permissions from each local authority to pass on relevant information if, for example, a young person resident in the County is being educated in the City.

4.6 Plans for establishing sub-regional strategic analysis

The sub-regional partnership will co-ordinate the planning and commissioning of 16-19 provision across Derby and Derbyshire providers. It is intended that local decision making will also be informed by a network of cross- boundary relationships which will take account of these and other significant links including those related to local skills needs, to learner progression and to the delivery of collaborative provision including Diplomas where appropriate.

The impact of a new curriculum entitlement, raising of the participation age, increasing attainment and a declining cohort will mean that the sub-regional partnership will carefully manage the mix and balance of post-16 provision to ensure that it continues to meet the needs of all 16 and 17 year- olds.

The development of local commissioning plans will be facilitated by the use of common data set provided by the YPLA, supplementing information gathered by each Local Authority and Connexions. Demand will be analysed and co-ordinated through established area liaison groups and learning communities and the 14-19 partnerships.

Shared criteria around the growth or contraction of provision will be designed to:

- support local decision making within a regional framework
- facilitate planning dialogue and agreements
- inform provider and partnership planning
- sustain a diverse range of high quality providers within reasonable reach of County and City residents.

4.7 Current capacity

Existing staff in each authority already have a high level of understanding and engagement with 16-19 commissioning, through excellent partnership working with the LSC. Despite this, there is a lack of capacity within each authority to undertake the 16-19 commissioning, prior to the transfer of LSC staff. However, this is expected to be rectified when LSC staff transfer to each local authority.

The current staff with a role relating to the LSC transition are:

4.8 Derbyshire

- Assistant Director – Children and Younger Adults, responsible for all matters for 11-19 year olds and adult learning.
- Deputy Assistant Director – Education Improvement – responsible for standards in secondary schools and 14-19 curriculum developments.

- Head of Youth Service – responsible for the youth service policy, positive activities group.
- Head of Youth Support – responsible for the development of integrated and targeted youth support, IAG and Connexions commissioning.
- 14-19 Managers (three) responsible to the Deputy Assistant Director, these managers support the development of the 14-19 curriculum and learning communities.
- 11-19 Managers (seven) located in each district these managers are responsible for the co-ordination of all provision for young people, including the direct management of youth service and Connexions managers. They play a key role in supporting the integrated youth support offer, working closely with learning communities, especially on behaviour improvement partnership issues.

4.9 Derby

- Assistant Director, Learning - responsible for provision and quality of all learning for 0-19 year olds and adult learning.
- Head of Secondary Learning – Education Improvement and Inclusion – responsible for provision and quality in secondary schools and 14-19 curriculum developments.
- Assistant Director, Locality Services - responsible for integrated locality services including Connexions commissioning and locality Service Managers.
- Head of Youth Service – responsible for youth service policy, including integrated and targeted youth support
- 14-19 Strategy Manager - responsible to the Head of Secondary Learning. This manager supports the development of the 14-19 curriculum through the 14-19 Partnership.
- 14-19 Diploma Co-ordinator – responsible for co-ordination of current and planned diploma delivery.

4.10 Learning and Skills Council (Derbyshire and Derby)

Derbyshire LSC currently has a Partnership Team which operates across both the county and city. In addition to the two posts of Deputy Area Director and Partnership Director there are seven Partnership Manager posts and six Partnership Adviser posts. Four of the Partnership Managers take a lead responsibility for each of the four FE colleges, including the University of Derby, Buxton. Two other Partnership Managers take lead responsibility for Work-Based Learning (WBL) and Inclusion respectively, the latter post including Entry to Employment (e2e), NEET/EMAs and quality. Both of these managers are currently seconded for 50% of their time to the National Apprenticeship Vacancy Matching Service. The final Partnership Manager takes responsibility for the two Adult Learning Services.

The six Partnership Advisers, who work to the Partnership Managers, are responsible to managing a range of WBL, e2e, ESF and Train to Gain contracts across Derbyshire.

4.11 Administrative, finance and HR staff.

In each authority, finance, human resources or data management staff transferring from the LSC will be integrated with existing teams.

Each Authority is reviewing its management structures in the light of the transfer of responsibilities from Connexions and the LSC.

4.12 Support for the SRG

Each authority will ensure that a senior manager has specific responsibility to support the work of the SRG. These two staff will work in partnership to ensure that the group operates effectively.

4.13 Administrative Support

A specific administrative officer post in will be created to support the work of the SRG. The costs of this post will be shared proportionately between the two authorities.

5 Policy and Planning

As demonstrated in the collaboration and strategic contribution and resources and capacity sections, Derbyshire and Derby City have a planned approach to commissioning in order to deliver the 14-19 agenda. We are developing an effective post-19 transition strategy and are committed to working together to raise participation and attainment.

In order to facilitate this, both Authorities have established a 14-19 Strategic Planning Group which includes a number of functions, ie 14-19 development, IMS and data management, finance and personnel processes and LLDD provision. These groups will continue to meet in order to ensure that all commissioning arrangements within model B are informed by a single strategic approach.

As described earlier, both LAs have commissioned Connexions Derbyshire to implement the area wide prospectus. The plans for the Common Application Process build upon the area prospectus development and we are ensuring that there is interoperability between the two.

Both LAs work closely and have longstanding arrangements to ensure effective arrangements for the delivery of special educational needs and LLDD provision, including post-19 learners. We will develop this collaboration further, particularly involving the specialist staff in each LA and Connexions Derbyshire Ltd.

6 Quality and targets

There is clear evidence of the capacity to deliver the model and evidence of where the capacity to deliver will be built.

The National Indicator set highlights that both LAs perform above the national average at 5 A*-C (EM) and post-16 APS. This continues a trend which at least mirrors the national rate of improvement. In 2008, Derby City was the most improved LA for the percentage of young people who gained 5 A*-C GCSEs including English and Mathematics.

A Quality Improvement Framework has been agreed and implemented across the two LAs. This assures the quality of collaborative provision and supports the 5 A*-C outcomes. Targets will be agreed that maintain the rate of improvement highlighted above, ensuring the two LAs remain above the national average on all key benchmarks.

The school improvement strategy and the implementation of the School Improvement Partner initiative has been assessed as outstanding/good by the National Strategies providing ample evidence of the capacity of the two LAs to continue to provide the support and challenge necessary to maintain the improvements in attainment and achievement presently enjoyed.

The proportion of schools assessed by Ofsted as good and outstanding is above that seen nationally. Local college's inspection results are good or satisfactory, apart from South East Derbyshire College which is currently addressing the outcome of a poor inspection in 2008. The County Council is working closely with senior staff in the college and LSC to develop a vision for a transformed institution embedded in the existing collaborative arrangements.

Each Authority's 14-19 Progress Check was given a rating of Amber/Green in 2008. For Indicator 8, effective 14-19 partnership, with productive collaborative arrangements, both LAs were given a score of 1 (Green).

Learners from five Derby City schools are currently accessing the Engineering Diploma at Foundation and Higher levels. The City submitted ten applications for Gateway 3. Learners from Derbyshire schools are currently accessing the IT Diploma at Higher and Advanced levels. The County is preparing to deliver seventeen diplomas in 2009 and submitted twenty-three applications for Gateway 3.

7 Conclusion

This proposal has been developed and agreed through the Derbyshire and Derby Sub-Regional Group, which comprises representatives from the two LAs and the LSC. Both LAs will work closely with the LSC regarding the transfer of staff, meeting the LA timescales as agreed with the DCSF.

DRAFT

(1) Derbyshire County Council

and

(2) Derby City Council

AGREEMENT FOR THE DERBYSHIRE AND DERBY
SUB REGIONAL 16-19 GROUP

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[To be completed]	

THIS MEMBERS' DEED OF AGREEMENT is made on

2009

BETWEEN

- (1) **DERBYSHIRE COUNTY COUNCIL** of County Hall, Matlock, DE4 3AG (“**DCoC**”);
- (2) **DERBY CITY COUNCIL** of Council House, Corporation Street, Derby DE1 2ZL (“**DCiC**”);

(The members)

BACKGROUND

- (A) The Partnership has been formed to co-ordinate the planning and commissioning of learning provision for 16-19 year old young people from learning providers primarily in Derby and Derbyshire.
- (B) The Partnership follows the guidance provided by the Department of Children, Schools and Families.
- (C) Learning provision being offered by institutions in Derbyshire shall be commissioned, under contract, by Derbyshire County Council, and in Derby by Derby City Council.
- (D) The Group is considered to be, and acts as subordinate to the respective Councils' elected members and constitutions, and its primary relationships with them are governed by way of this constitutional document rather than by way of contract;

Purpose of the Group

- 1. The Group exists to undertake the following activities in partnership between the two members :
 - n. Analyse and understand the demographic profile of young people aged 11-19.
 - o. Ensure that a learning place is available for every young person aged 16-19 in Derbyshire and Derby City, working closely with other authorities to

ensure access for Derbyshire and Derby residents who study outside their home area.

- p. Ensure that places are commissioned from learning providers in Derbyshire and Derby City to accommodate young people aged 16-19 from areas outside of Derbyshire and Derby City.
- q. Analyse and understand the curriculum needs of young people in Derbyshire and Derby City, planning and commissioning sufficient provision so that each young person aged 16-19 is able to access appropriate provision, achieving appropriate levels of qualification, including:
 - A Levels and GCSEs
 - Diplomas
 - Apprenticeships
 - Foundation Level Tier
 - Other Curricular Provision to ensure appropriate learning for every young person.
- r. Ensure that appropriate provision is commissioned to meet the needs of vulnerable young people including:
 - Learners with a learning difficulty or disability
 - Young offenders, including those in the secure estate
 - Teenage parents
 - Young people in or leaving the care of the local authority.
- s. Commission learning provision in response to the skills needs of employers as advised by the Chamber of Commerce, Federation of Small Businesses through the Education Business Partnership and Employment and Skills Boards.
- t. Provide advice and guidance to the NAS regarding the commissioning of apprenticeships in Derby and Derbyshire.
- u. Work closely with the Derbyshire Youth Council and Derby City's Voices in Action to ensure the commissioning process is informed by the views of young people.
- v. In partnership with the YPLA and SFA monitor the performance and quality of learning providers, influencing the commissioning of provision and raising the quality of provision.
- w. Through the 14-19 Partnerships, ensure that transport arrangements enable young people to access appropriate provision.

- x. Establish effective links with Connexions Derbyshire Ltd and each authority's 14-19 Partnership to ensure that information, advice and guidance (IAG) services meet the appropriate quality standards, and that the area prospectus and common application process are in place.
 - y. Ensure effective links with authorities that border Derbyshire, to determine the flows of learners from Derby and Derbyshire to other authorities and vice versa.
 - z. Provide advice and support to each local authority on post-16 capital issues as it develops its capital strategy, including the BSF programme.
2. Membership The following shall be members of the SRG

Officers from each local authority :

The Director or Assistant Director of Children's Services

Officer responsible for 14-19 Commissioning

Officer responsible for education improvement

Officer responsible for integrated youth support

Officer responsible for 14-19 finance

3. **CONDUCT OF THE GROUP'S AFFAIRS**

- 3.1 Each Member covenants with the other Member that so long as this agreement remains in force and effect it will:
- 3.1.1 respect the other Members and act in good faith;
 - 3.1.2 as soon as practicable notify the Group of any matters of which it becomes aware which may affect the Group
 - 3.1.3 generally do all things necessary to give effect to the terms of this Agreement;

- 3.1.4 take all steps available to it to ensure that any meeting of the Group or any committee of the Group has the necessary quorum throughout; and
- 3.1.5 take all reasonable steps to ensure that the SRG complies with its contractual obligations.

Derbyshire County Council and Derby City Council shall keep proper books of account and therein make true and complete entries of all its dealings and transactions.

ORGANISATION OF THE GROUP

4. STAFFING

- 4.1 The activities of the group shall be supported by senior officers of each LA, led by the Assistant Directors of Children's Services
- 4.2 The equivalent of at least a 0.5 FTE administrative assistant shall be dedicated to the work of the group, with costs shared proportionately.

5. MEETINGS AND PLANNING

- 5.1 All Group meetings shall be held at a venue reasonably convenient for all members.
- 5.2 A Group meeting will be held every two months unless determined otherwise by the Group.
- 5.3 Each Member will be sent papers for all meetings of the Group no less than five Business Days before the date of such meeting.
- 5.4 Group meetings shall be chaired alternately by each LA, changing on an annual basis.
- 5.5 No business shall be transacted at any Group meeting unless a quorum is present. A quorum shall be two members from each authority but, if the number attending is less than the number fixed as the quorum, they may act only for the purpose of calling another general meeting.

5.6 The Group shall produce an annual commissioning plan, taking account of the Children and Young People's Plans, which shall indicate the number of learning places required from providers in Derbyshire and Derby City in the following curriculum areas :

- A Levels and GCSEs
- Diplomas
- Apprenticeships
- Foundation Level Tier
- Alternative Curricular Provision.

In producing the plan, the group shall take into account guidance issued by the Government or by the Young People's Learning Agency.

6. **Dispute**

6.1 **Members' obligations**

In any case of irresolvable Dispute, each of the Members shall within 15 Business Days of Dispute having arisen or become apparent, cause its appointees on the Group to prepare and circulate to the Members a memorandum or other form of statement setting out its position on the matter in respect of which the Dispute has arisen and its reasons for adopting that position, but on the basis that such memorandum or statement shall always be prepared and delivered on a "without prejudice" basis. Each Member shall then refer the Dispute to either

- a) The 16-19 Regional Planning Group (for all curriculum or learner related matters) or
- b) the Chief Executives of each respective Member (for any other matters)

and such persons shall use all reasonable efforts in the 20 Business Days following such reference to resolve the Dispute.

6.2 Failure to resolve Dispute

If a resolution of a Dispute is not resolved or is not agreed in accordance with that clause (or such longer period as the Members may agree in writing) then the following shall apply :

the Members will attempt to settle it by mediation in accordance with the model mediation procedures (“the Procedures”) published by the Centre for Effective Dispute Resolution, CEDR Solve (“the Service Provider”). To initiate a mediation, a Member must give notice in writing (“the mediation notice”) to the other Member.

6.3 The Members will seek to agree the appointment of a mediator but, failing agreement within 28 days of the service of the mediation notice, any Member may ask the Service Provider to appoint a mediator.

6.4 In the event that there are no Procedures available and/or the Service Provider is unable or unwilling to appoint a mediator, any Member may ask the President of the Law Society of England & Wales (or its successor body) to appoint a mediator and/or to recommend a mediation procedure which the Members shall adopt.

6.5 If the matter in dispute is not resolved within 40 Business Days of the service of the mediation notice then any Member may (but shall not be obliged to) within 15 Business Days after expiry of such period serve notice in writing upon the other Member that the Group shall, at the earliest practicable date:

6.5.1 convene an extraordinary meeting of the Agreement to consider:

6.5.1.1 the matter from which the Dispute arose;

6.5.1.2 any alternatives available to Members

7. TERMINATION OF THIS AGREEMENT

- 7.1 This Agreement shall continue in full force and effect from the date hereof until all the Members or their successors in title agree in writing to its termination and to the date on which such termination shall take effect.

8. RECORDS, REPORTING, CONFIDENTIALITY AND DISCLOSURE

8.1 Books and records

The Group shall:

- 8.1.1 at all times keep true, accurate and up to date books and records of all the affairs of the Group
- 8.1.2 at all times make available to the Members and their duly authorised representatives full and complete access (including copying facilities) to the books, records, accounts, and documents
- 8.1.3 supply to each Member such information relating to the Agreement as it may require and without prejudice to the foregoing shall keep the Members fully and promptly informed as to all material developments regarding the Group's financial and business affairs and promptly notify the Members of any significant event (including without limitation any litigation or arbitration) the outcome of which will or is likely to affect the Agreement or its Business, finances, assets or affairs.

8.2 Representation

The group shall not represent the group or other member at regional or national meetings, unless specifically agreed. Each member shall represent itself on the 16-19 Regional Planning Group.

8.3 Reporting arrangements

- 7.2.1 The Group shall arrange for regular reports on the activities of the Group to be submitted to the following:

SRG Elected Panel

Full Council, Council Cabinet and Scrutiny Commissions in each LA as appropriate

Derbyshire Children and Young People's Trust

Derbyshire 14-19 Partnership

Derby City for Children and Young People (the Children's Trust)

Derby City 14-19 Partnership

- 7.2.2. The annual commissioning plan shall be approved by the County Council and City Council, as part of each authority's normal planning process.

Confidentiality

- 8.3.1 Subject to the following provisions, no party shall disclose any Confidential Information (whether verbal, in writing or in electronic form).
- 8.3.2 Such Confidential Information or any part thereof may only be disclosed to or used by persons such as employees, sub-contractors and agents of a party who need to know the same for the purposes of performing its obligations under this agreement. Each party shall maintain the confidentiality of such information and shall procure that such persons shall comply with substantially similar obligations of confidentiality as set out in this agreement.
- 8.3.3 The restriction on disclosure shall not apply to Confidential Information to the extent that it

- 8.3.3.1 is required to be disclosed by law (including under the Freedom of Information Act 2000) or by any governmental or other regulatory authority acting within the scope of its powers;
 - 8.3.3.2 is or becomes part of the public domain through no fault of the receiving party;
 - 8.3.3.3 is known to the receiving party prior to the disclosure by the disclosing party without an obligation to keep such Confidential Information confidential;
 - 8.3.3.4 is subsequently furnished by the disclosing party to a third party without restriction on disclosure or use;
 - 8.3.3.5 is subsequently obtained by the receiving party from a third party without breach of any obligation of confidentiality owed to any third party or the disclosing party; or
 - 8.3.3.6 is approved for public release by the disclosing party and the disclosing party shall give prior written notification of such disclosure to the other party where practicable.
- 8.3.4 No party shall use any Confidential Information disclosed to it by any other party, its employees, agents or advisers for any purpose other than for the purpose of this agreement
- 8.3.5 Each party shall use a reasonable standard of care in dealing with the other party's Confidential Information so as to maintain confidentiality and security of the Confidential Information.

8.4 Freedom of Information

- 8.4.1 Each party acknowledges that it and the other parties are subject to the requirements of the FOIA and the Environmental Information Regulations 2004 and each party shall assist and

cooperate with the others (at their own expense) to enable the other parties to comply with these Information disclosure obligations.

8.4.2 Where a party receives a Request for Information in relation to Information which it is holding on behalf of another party, it shall:-

- (a) transfer the Request for Information to the other party as soon as practicable after receipt and in any event within Five Business Days of receiving a Request for Information;
- (b) provide the other party with a copy of all Information in its possession or power in the form that the other party requires within five Business Days (or such other period as the other party may specify) of a request from the other party; and
- (c) provide all necessary assistance as reasonably requested by the other party to enable that party to respond to the Request for Information within the time for compliance set out in section 10 of the FOIA or regulation 5 of the Environmental Information Regulations 2004.

8.4.3 Where a party receives a Request for Information which relates to Confidential Information, it shall inform the other parties of the Request for Information as soon as practicable after receipt and in any event within Five Business Days of receiving a Request for Information.

8.4.4 If any party determines that Information (including Confidential Information) must be disclosed under the FOIA, it shall notify the other parties of that decision at least Five Business Days before disclosure.

8.4.5 Each party shall be responsible for determining at its absolute discretion whether the Confidential Information and/or any other Information:-

- (a) is exempt from disclosure under the FOIA or the Environmental Information Regulations 2004;
- (b) is to be disclosed in response to a Request for Information.

8.4.6 Each party acknowledges that any other party may, acting in accordance with the Department for Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under Part I of the Freedom of Information Act 2000, be obliged under the FOIA or the Environmental Information Regulations 2004 to disclose Information:-

- (c) without consulting with the other parties, or
- (d) following consultation with the other parties and having taken their views into account.

8.5 Audit and Access

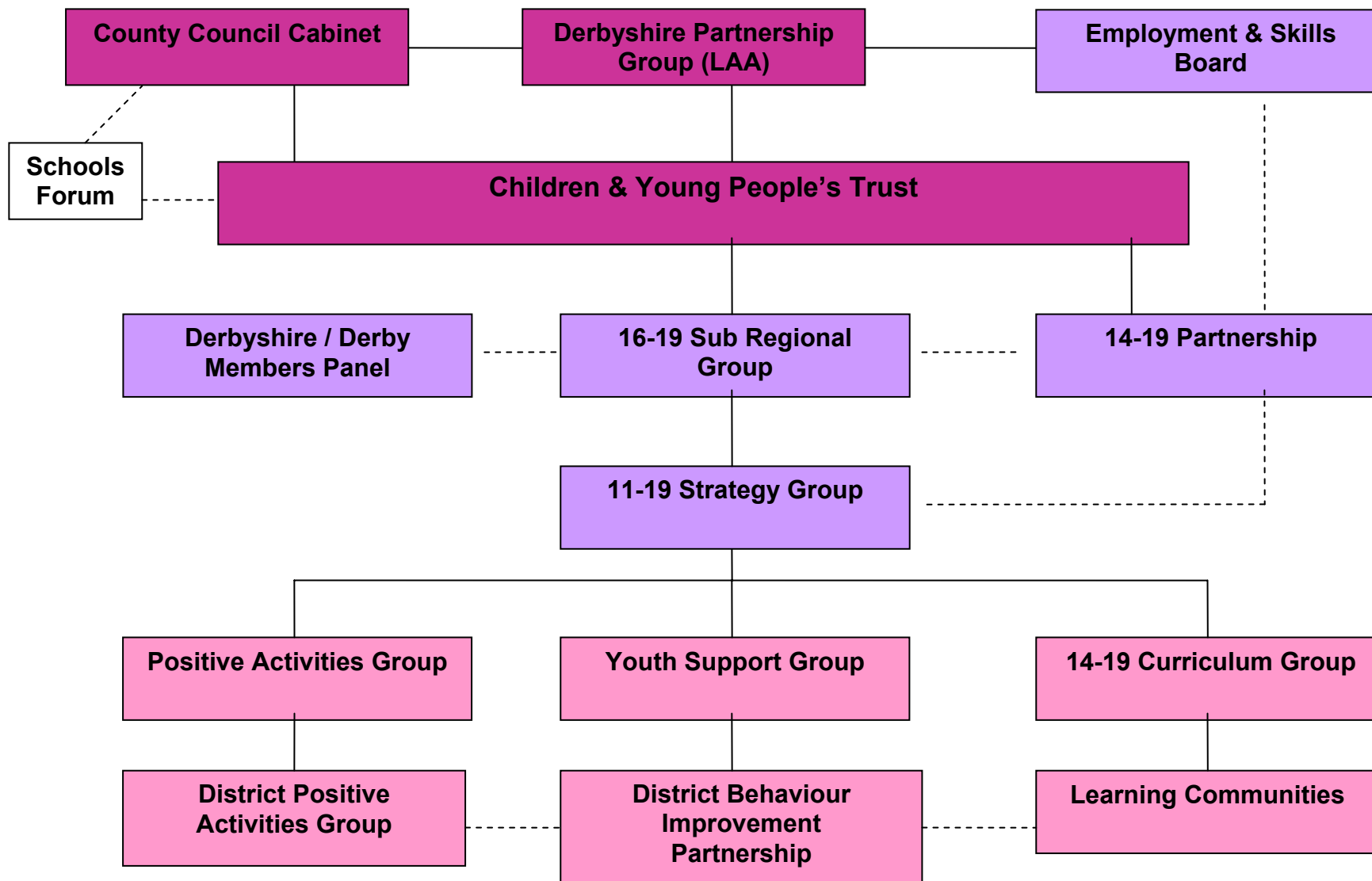
The Group shall co-operate fully and in a timely manner with any request from time to time from any auditor (whether internal or external) of any of the Members and the Audit Commission to provide documents, or to procure the provision of documents, relating to the Agreement, and to provide, or to procure the provision of, any oral or written explanation relating to the same. In particular, each Member and/or any auditors shall be permitted access to any and all documentation in the possession, custody or control of the Agreement (who shall procure that any person acting on its behalf (including any sub-contractor) who has such documents and/or any information shall also provide such access.

9. VARIATION

Any variation of any term of this Agreement shall be in writing duly signed by the Members and the Agreement.

10. **ENDORSEMENT**

This agreement shall become active upon the endorsement of Derbyshire County Council and Derby City Council.





Haf Merrifield
Government Office East Midlands
The Belgrave Centre
Stanley Place
Talbot Street
NOTTINGHAM NG1 5GG

Donald Rae
Assistant Director

Children and Younger Adults Department
County Hall
Matlock
Derbyshire
DE4 3AG

Telephone	01629 532009
Fax	01629 580350
Minicom	01629 585400
Email	donald.rae@derbyshire.gov.uk
Our ref	dr3933/sb
Your ref	
Date	27 February 2009

Dear Haf

16-19 Sub Regional Group: Stage Two Submission

We are pleased to submit our stage two submission which has been extensively discussed and consulted upon over the past few weeks.

As the submission shows, our plan is to build on the excellent relationship between the two local authorities and to use existing structures and partnership arrangements wherever possible.

Please contact us if you require further information.

Yours sincerely

Bruce Buckley
DCS Derbyshire County
Council

Andrew Flack
DCS Derby City Council