



Author/Lead Officer of Report:

Nicola Shearstone – Head of Commissioning for Prevention and Early Help

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Report of: Executive Director of People Services

Report to: Executive Cooperative

Date of Decision: 21st July 2021

Subject: Commissioning of Learn Sheffield

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>
- Affects 2 or more Wards	<input checked="" type="checkbox"/>
Which Executive Member Portfolio does this relate to? <i>Children and Education</i>	
Which Scrutiny and Policy Development Committee does this relate to? <i>Children's Scrutiny and Policy Development Committee</i>	
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If YES, what EIA reference number has it been given? 955	
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-	
<p><i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i></p>	

Purpose of Report:

The purpose of the report is to seek Co-operative Executive approval to renew the School Improvement contract between Sheffield City Council (SCC) and Learn Sheffield.

This includes:

- The award of a contract to Learn Sheffield for the school improvement service which:
 - Delivers the statutory duties in relation to school improvement on behalf of SCC

- Supports the delivery of the Sheffield Inclusion Strategy
- The provision of services in kind from SCC to Learn Sheffield which support Learn Sheffield to deliver these statutory duties:
 - Performance and Analysis service
 - E Learning
 - Crisis Communication

The current contract expires on the 31st August 2021.

Recommendations:

That the Co-operative Executive:

1. Approve the award of a further contract with Learn Sheffield for school improvement from 1st September 2021 – 31st August 2026 and
2. Delegate authority to the Executive Director of People Services in consultation with the Director of Legal and Governance Services, Director of Finance and Commercial Services and the lead Cabinet Member for Children and Education:
 - i) To instruct Learn Sheffield further under the proposed agreement, to provide any additional services that are required, to address school improvement.
 - ii) Take other such necessary steps not covered by existing delegations to achieve the outcomes and objectives of this report.
 - iii) Take decision on the contract break points in year 3 and year 4
 - iv) Take decision, in negotiation with Learn Sheffield, on any changes to the offer of services in kind within the budget envelope outlined for this commission.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Helen Damon
		Legal: Henry Watmough-Cownie
		Equalities: Bashir Khan
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	John Macilwraith
3	Executive Member consulted:	Jayne Dunn
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	

	Lead Officer Name: Nicola Shearstone	Job Title: Head of Commissioning for Prevention and Early Help
	Date: 10 th June 2021	

1. PROPOSAL

- 1.1 It is proposed that SCC award a further contract to Learn Sheffield for the school improvement service which delivers the statutory duties in relation to school improvement on behalf of SCC.

1.2 Background to Learn Sheffield

- 1.2.1 Learn Sheffield is a school company established in accordance with the Education Act 2002, the School Company Regulations 2002 and the Companies Act 2006. The company is limited by guarantee and has 2 cohorts of membership – Sheffield City Council (SCC) holds 20% of the voting rights and schools (including academies and colleges) hold 80%.

- 1.2.2 SCC is also the “supervising authority” for the purposes of the School Company Regulations 2002.

- 1.2.3 The company was established following Cabinet approval on 22nd July 2015 and was subsequently commissioned to manage and deliver school improvement services across Sheffield for three years, until the end of the 2017-18 academic year in August 2018.

- 1.2.4 In December 2018, SCC entered into a new school improvement commission contract with Learn Sheffield according to the Cabinet decision dated 24 July 2018.

- 1.2.5 Learn Sheffield is within the “Teckal” exemption in accordance with Regulation 12 of the Public Contract Regulations 2015. Under the “Teckal” exemption to the usual procurement rules, the Council is able to award work directly to Learn Sheffield.

- 1.2.6 The current contract runs until 31 August 2021.

1.3. Learn Sheffield

- 1.3.1 Learn Sheffield is a not for profit schools’ company which is focussed on school improvement. It is 80% owned by Sheffield’s schools and colleges and 20% by SCC.

- 1.3.2 Learn Sheffield provides support and challenge to schools and colleges to support their improvement. Their goal is to ensure that Sheffield children receive the best education in the country, so that our young people’s achievement and readiness enables them to be active citizens of Sheffield.

- 1.3.3 Learn Sheffield is currently commissioned by SCC to deliver the statutory duties relating to school improvement.

- 1.3.4 Learn Sheffield has 2 main sources of income – funds received from the

SCC commission and a subscription offer that has been available to schools in the city since April 2018. Currently approximately 90% of all schools in the city schools subscribe to the organisation.

1.4.1 Award of a contract to Learn Sheffield

1.4.2 SCC has statutory responsibilities for educational excellence and must exercise its education functions with a view to promoting high standards. This duty is exercised within the context of increasing autonomy and changing accountability for schools, alongside an expectation that improvement should be led by the school sector itself.

1.4.3 Learn Sheffield was established following Cabinet approval on 22 July 2015. The organisation has subsequently been commissioned by SCC to manage and deliver school improvement services across Sheffield since 1 September 2015.

1.4.4 Over this period Learn Sheffield has been successful in delivering school improvement services. The organisation has also built a strong market position and is continuing to build positive relationships with the schools. During the period of the Learn Sheffield establishment and commission Sheffield has seen significant improvement in setting and pupil outcomes and data indicates that Sheffield is the closest to national performance outcomes.

1.4.5 A peer review of Learn Sheffield took place in May 2018 which concluded that outcomes in Sheffield have improved during the lifetime of Learn Sheffield and stated that Learn Sheffield is a thriving local area partnership which is working collaboratively and effectively to improve outcomes for children and young people in Sheffield. It found OFSTED inspection outcomes for the percentage of schools in Sheffield judged as Good or Outstanding increase overall, and pupil outcomes had also improved, in absolute terms, across the majority of national indicators since Learn Sheffield's inception. The impact of the pandemic on school inspections and pupil outcome data means it is not possible to provide current data on these measures.

1.4.6 The proposed new commissioning arrangement with Learn Sheffield will be tightly focused on key priorities which contribute to SCC delivering its statutory duties to Local Authority maintained schools and improving outcomes for all Sheffield children including vulnerable learners.

1.4.7 The commission will be delivered via a collaborative approach to partnership working across the city. It will build upon the previous commission and will include a clear monitoring and evaluation framework which will provide a firm basis that allows the commission to be rigorously monitored and evaluated regularly.

1.4.8 The commission will be delivered in 2 parts. Firstly, the commission and financial allocation to Learn Sheffield will ensure the delivery of our statutory school improvement requirements and support the

development of a strong school system in the city. This will be done through:

- Universal support – ensuring a partnership culture which supports the improvement of our school system which leads to improved outcomes for our children and young people
- Maintained schools offer – to support school improvement across our maintained primary, secondary and special schools
- Targeted support – to ensure that any school causing concern receives relevant, appropriate, and timely support

1.4.9 The second element of the commission will be several services offered ‘in kind’ from SCC to Learn Sheffield. Currently these services are purchased by Learn Sheffield from SCC utilising the finance provided within their commission. It is proposed that these services are provided ‘in kind’ as part of the contract to support Learn Sheffield in delivering the commission. The finance awarded for the contract will be adjusted accordingly.

1.4.10 The services provided ‘in kind’ will be:

- Performance and analysis service (PAS) - This will include delivery of agreed reports, dashboards and information at a school, city and national level as well as advice and guidance on the interpretation and use of data and analysis.
- E Learning - The focus of the service is improving outcomes for children and young people through the effective and purposeful use of learning technologies, so that all children and young people can reach their full potential. The service has the skills, experience and equipment to support schools in implementing technology in a way which is proven to support teaching and learning.
- Crisis Communication - The focus of this service is to support schools in challenging situations, where crisis communication is required. This would be in partnership with Learn Sheffield.

1.4.11 These services in kind are being discussed with Learn Sheffield and may need to adapt and change during the contract period. For that purpose the report requests a delegation to negotiate and agree changes to the services in kind provided by the Council, whilst remaining within the overall financial envelope for contract value as set out below.

1.4.12 In addition, a briefing will be made available which outlines the role of Learn Sheffield and the relevant pathways and contact arrangements to manage questions or complaints received relating to education establishments.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 Local Authorities should act as champions of high standards of education across their schools. SCC has a statutory duty to challenge and where necessary intervene in schools in order to raise standards. Local Authorities have considerable freedom as to how they deliver their statutory responsibilities.
- 2.2 A Local Authority's statutory responsibilities for educational excellence are set out in the School Standards and Framework Act 1998. A local authority must exercise its education function with a view to promoting high standards. This duty has to be discharged within the context of increasing autonomy, changing accountability for schools and the expectation that schools themselves should lead improvement.
- 2.3 There is a strong connection to the Sheffield Inclusion Strategy which has a vision that Sheffield will be an inclusive city where we work together to ensure that all children and young people get the right support at the right time so that they can live a happy and fulfilled life. School improvement plays a significant role in meeting the success of the strategy outlined as:
- More satisfaction from young people and their families in the support and services available to them
 - Shorter waiting times for access to specialist support and provision, including health services
 - Increased inclusion and attendance at school for those with SEND and other needs; reduced exclusions, absence from school and fewer young people inappropriately removed from school roll
 - Better educational attainment and progress
 - More young people moving into work and other meaningful activity in adult life
 - All children and young people are safe, settled and ready to learn
- 2.4 The school improvement service also supports the Sheffield City Council People Portfolio Strategic Objectives 2021-22:
- Increase equality, resilience and inclusion
 - Thriving communities where people like to live
 - People are and feel safe
 - People are independent and can achieve their potential
 - People are healthier and happier

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There is no requirement for formal consultation.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

- 4.1 Equality of Opportunity Implications

4.1.1 Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

4.1.2 The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

4.1.3 An Equality Impact Assessment has been carried out and highlights that as the school improvement partner for the city, Learn Sheffield will work in partnership with the Council and schools to deliver a shared commitment to improving outcomes by recognising the different needs of a diverse cohort of children and young people. This will ensure improvement in attainment for all children and in addition address the relationship between socio economic deprivation and low education achievements.

4.2 Financial and Commercial Implications

4.2.1 The School Improvement Monitoring and Brokering Grant is provided to Local Authorities to assist them to fulfil their statutory responsibilities for school improvement. The guidance is clear that Local Authorities should focus their activity on the schools they maintain rather than academies which are accountable to the Secretary of State.

4.2.2 This grant is the source of funding for this contract. In the academic year, 2020/21 the council will receive grant funding of £295k for the School Improvement Monitoring and Brokering Grant. Currently, the DFE have not confirmed the grant allocations beyond August 2021, but have said that the grant will continue into the next academic year, with an adjustment to reflect the reduction in the number of maintained schools since the grant was introduced in 2017. If the grant is reduced in future years then the commission will be reviewed to ensure that it is managed within the available resources.

4.2.3 The anticipated total cost of this proposal is £651,000 per annum which is consistent with the previous commission.

4.2.4 This total cost will be divided into 3 separate elements. The first will be an award of £320k to Learn Sheffield to deliver the commission. The second element of £186k is for specific items included in the Commission for posts and costs incurred by Learn Sheffield. Both of

these elements will be paid to Learn Sheffield directly. The third element will be the offer of 'in kind' services as outlined previously in this paper. These costs total £145k and the SCC services involved will receive an internal transfer to cover the associated costs. However, as alluded to at 1.4.11 above, Learn Sheffield have expressed a desire for flexibility in the sourcing of the services to be delivered under the Council's in-kind contribution. This could result in the translation of some or all of the value of the in-kind service element into the monetary equivalent. Therefore this report requests a delegation to negotiate in respect of the in-kind services within the financial envelope suggested of £145,000 for this element of the contract.

- 4.2.5 The existing contract comes to an end on the 31st August 2021. The award of a new contract is being undertaken in line with advice and guidance from Legal and Commercial Services.
- 4.2.6 The re-procurement of the School Improvement service will meet all legal and commercial requirements, the contract will be for up to 5 years and be a direct award. There will be break clauses at the end of year 3 and year 4 at which point the Authority will have the option to terminate the contract should it wish to do so for reasons as yet unforeseen.
- 4.2.7 Procurement will take place by direct award in accordance with the Teckal exemption which applies in the case of Learn Sheffield as explained at 4.3.5 below.
- 4.2.8 SCC will instruct Learn Sheffield on the core element of work with the flexibility delegated to Executive Director of People Services to instruct them on other services, such none core work, under the agreement.

4.3 Legal Implications

- 4.3.1 A well as responding to the needs of the school sector this proposal also assists the council to meet its statutory duties in the following ways:
- 4.3.2 The Education and Inspections Act 2006 places responsibility on the Local Authority to promote the fulfilment by children of their educational potential, to promote diversity and choice in their provision of schools. The Act defines the strategic role of the Local Authority in the school improvement process:
 - As champion of the needs of children and young people and their families
 - In the planning, commissioning and quality assurance of educational services
 - In challenging schools and, where appropriate, to commission support and, if necessary, intervene in the management and governance of schools and
 - Where a Local Authority has concerns about academy performance it must raise them directly with the DfE.

4.3.3 The 2006 Act also required Local Authorities to respond to parental concerns about the quality of local schools and granted new powers to intervene early in maintained schools where performance was poor. Part 4 of the Act set out measures for tackling school underperformance by:

- Enabling early action to tackle school underperformance so that it does not become entrenched and lead to school failure
- Ensuring that effective support and challenge is provided immediately when unacceptable standards are identified so that improvements can be made quickly
- Securing decisive action if a school in special measures fails to make sufficient progress so that the education and life chances of pupils are safeguarded.

4.3.4 The proposed contract will contribute to the fulfilment of these duties.

4.3.5 The proposed contract outlined in this report is within the “Teckal” exemption in accordance with Regulation 12 of the Public Contract Regulations 2015. Under the “Teckal” exemption to the usual procurement rules, the Council is able to award work directly to Learn Sheffield.

4.4 Other Implications

4.4.1 No further implications identified

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 In making the recommendations two other options were considered and rejected:

5.1.1 1) End the existing service and deliver in house:

This alternative was rejected because:

- It does not respond to the need to support a school sector led system of school improvement
- It does not respond to feedback from the sector – 90% of schools currently financially support Learn Sheffield through a subscription model demonstrating a commitment from the sector to this organisation

5.1.2 2) End the existing provision and invest in a new provision through a procurement exercise

This alternative was also rejected because:

- The current model begun in 2015 and we are continuing to work

- in partnership to develop and mature the role of this organisation.
- More change for schools would be disruptive, particularly during the recovery from the COVID pandemic

6. REASONS FOR RECOMMENDATIONS

6.1 The preferred option is:

- 1) The award of a new contract to Learn Sheffield
- 2) Enable, through the delegations outlined, flexibility in the approach to the contract and services in kind, whilst remaining within the outlined financial envelope.

This option was chosen because it:

- Allows SCC to continue to work with Learn Sheffield to deliver the statutory requirements for School improvement
 - Responds to the school system who support Learn Sheffield through a financial based subscription model
 - Allows us to update the current service specification to address the current needs of children in the city
 - Meets with legal and commercial regulations
 - Allows the current school improvement work to become more fully embedded, particularly during and after the COVID-19 pandemic
- 6.2
- Reduces disruptive change for schools and other workers
 - Circumstantial evidence of the improvement in Sheffield schools' standards during the current contract would suggest that Learn Sheffield has proven itself to be an effective provider

The intended outcomes are to achieve better outcomes for all children and young people, particularly our most vulnerable:

- Sheffield will be an inclusive city
- All children and young people get the right support at the right time so that they can live a happy and fulfilled life
- Innovative and collaborative approaches improve the quality of schools and teaching
- The interests of disadvantaged children and young people are championed
- There is sustainable improvement across the system

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