

LONDON BOROUGH OF CAMDEN	WARDS: All
REPORT TITLE Award of the Camden Learning Commission (SP/2023/12)	
REPORT OF Leader of the Council	
FOR SUBMISSION TO Children, Schools and Families Scrutiny Committee Cabinet	DATE 11 th July 2023 12 th July 2023
<p>STRATEGIC CONTEXT</p> <p>To ensure we achieve the outcomes in ‘We make Camden’ we work to protect our family of schools and our shared vision of a collaborative local comprehensive education system. We celebrate the ethos of Camden education, rooted in our communities, and seek to help all our children and young people achieve academic excellence and grow up to be active and engaged citizens.</p> <p>Camden Learning, established in 2017, is the Council’s unique proposition that works to achieve this goal. Through Camden Learning, schools have taken responsibility for their own and their collective performance, supporting each other to help improve achievement and wellbeing in schools across Camden</p> <p>To further this work and respond to the changing demands placed upon a place-based education system we have invested in developing and implementing a new Camden education strategy. <i>Building Back Stronger</i> was developed jointly by the Council, Camden Learning, and schools and sets out a shared commitment to both academic excellence and equity. It reaffirms that schools do not have to choose between academic excellence and supporting children who start from a position of disadvantage, rooted in the belief that an education system which is better for disadvantaged children is better for everyone.</p> <p>Camden Learning is a not-for-profit company set up as a joint venture between all Camden state schools and the Council. All Camden schools have chosen to belong to the partnership as members of the company, this includes academies and hospital schools as well as Church schools, voluntary controlled, foundation, and community schools. They are committed to working together for the good of all Camden children. This strong partnership between schools, the Council and others with an interest in education, makes a crucial contribution to achieving our ambition that every Camden child has the best start in life.</p> <p>Camden Learning is also a vital partner in ensuring the continued high quality of our schools, improving outcomes for our children, and championing work to support our most disadvantaged and vulnerable children and in developing our ground-breaking approach to Anti-Racism in schools.</p>	
<p>SUMMARY OF REPORT</p> <p>This report considers the proposal to recommission Camden Learning to provide school improvement and wider education services on behalf of the Council to its schools.</p>	

The report sets out how and why Camden Learning was established. It indicates the requirement for the Camden to act as the supervisory authority and further outlines the changes to the proposed contract specification and any requirements to amend contract schedules.

The report is coming to the Cabinet because it is necessary to agree the award of a contract for school improvement services, training and school support to Camden Learning for the period between 1st September 2023 and 31st August 2026 with a further option to extend for 2 additional years.

Local Government Act 1972 – Access to Information

The following document(s) has been used in the preparation of this report:

No further applicable documents have been used in the preparation of this report

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RECOMMENDATIONS

The Children, Schools and Families Scrutiny Committee is asked to consider the report and make any relevant recommendations to Cabinet.

The Cabinet is recommended to:

1. Agree to recommission Camden Learning to undertake School Improvement and wider education services for Camden Council from September 2023 until August 2026.
2. Delegate authority to the Director of Education Commissioning and Inclusion to negotiate and agree the terms of the contract and thereafter to enter into it the contract on behalf of Camden Council.



Signed:

Director of Children's Safeguarding and Social Work and interim Director of Children's Services

Date: 30th June 2023

CONTEXT AND BACKGROUND

- 1.1. In April 2016, Cabinet agreed the proposals to establish the Camden Schools Led Partnership (CSLP) as a legal entity in order to strengthen and future-proof the school-led school improvement system in Camden.
- 1.2. Cabinet agreed that the Council would commission Camden Learning to deliver school improvement and school support services which contributed to the Council's aims of having the best schools in the country, of giving every child the best start in life and of leaving no child left behind.
- 1.3. The new company, Camden Learning, began trading on 1st September 2017 with a contract to run to 31st August 2018, and the option to extend the contract and arrangements by one year to 31st August 2019. That option was taken, and additionally the contract was varied to include additional services such as the provision of SENDIASS (Special Educational Needs and Disability Independent Advice and Support Service). Camden Learning was then further commissioned to undertake services from September 2019 to September 2023, with last the contract award taking place in September 2021.
- 1.4. Much of the company's school to school support work is funded by the company's member subscriptions, but there are also outcomes which the Council commissions from Camden Learning because they can best be achieved through the expertise and activities of schools through the mechanisms of Camden Learning as a school-led organisation.
- 1.5. Cabinet agreed that to deliver the outcomes of the Council's commission of Camden Learning, it would loan staff from the Education Directorate to the company. These strategic secondments took effect from April 2017, as the staff in scope were seconded to a discreet Camden Learning service in the Council and began operating in line with the strategic and commercial aims of the company. The Council externally seconded these staff to the company from September 1st 2017 (the company's commencement trading date) until March 2019 and has continued this arrangement until 2023.
- 1.6. As also agreed in the April 2016 Cabinet report, the Council will continue to provide support to the company, including (but not limited to) accommodation, IT services and support from Finance, Legal and HR. Cabinet agreed to provide these services as 'in-kind' support to the company. The current value of this additional support is £425,000.

Requirement for Supervising Authority

- 1.7. Camden Learning was established in accordance with Section 11 of the Education Act 2002 and must comply with the requirements of the School Companies Regulations 2002 and the School Companies (Amendment) Regulations 2014 ("Regulations"). These Regulations enable governing bodies of maintained schools to form companies for certain purposes, including the provision of services and facilities for any school. The Regulations require a

school company to have a local education authority as its “Supervising Authority”. Camden Council is Camden Learning’s supervising authority.

- 1.8. The Council’s Executive Director Corporate Services was appointed (via delegated authority from the Executive Director Supporting People) as the Supervising Officer. The Supervising Officer shall:
 - a) exercise the rights and responsibilities of the Council acting as Supervising Authority; and
 - b) take any other steps to ensure Camden Learning operates in an accountable legally compliant way.

2. PROPOSALS AND REASONS

- 2.1. It is proposed to recommission the Camden Learning contract for a three-year period from 1st September 2023 to 31st August 2026 with an option for a further two years. It is proposed that as part of this extension the Council will commission Camden Learning to provide enhanced or extended services on behalf of the Council, these are further outlined within the specification of the contract (Appendix 1) and include:
 - An extended SENDIASS service, to improve the quality of impartial advice that we can give to parents and families accessing Council services for children with additional educational needs.
 - An enhanced Education Welfare Offer, to support our most vulnerable pupils in accessing education, increase overall attendance in a post COVID environment and further support our wider efforts to reduce exclusions.
 - Provision of Sensory Support teaching services, to provide continued SEND expertise throughout our family of schools.
 - A redefined Personal, Social, Health and Economic Education (PHSE) support offer to reflect our continued commitment to health and wellbeing.
- 2.2. The proposed contract specification (Appendix 1) has been amended to reflect these changes alongside the iterative changes in commissioned activities that address local and national educational priorities. The specification also outlines proposed performance outcome measures for the wider Camden Education system. It is recognised that these targets reflect the work of more than just Camden Learning, but include schools, SEND, Early Help and Early Years colleagues, and the Virtual School too. However, failure to achieve these targets would act as a warning about system-level performance and require a collective response, including from Camden Learning, as well as a review of activity and impact.
- 2.3. The following table lists the other contract schedules and any revisions that would be required should the proposal to recommission be approved.

Table – contract schedule amendments

Contract Schedule	Amendments
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Schedule 1 – Specification	Updated to reflect new outcomes to be delivered by Camden Learning in relation to services added to commission (included as appendix 1)
Schedule 2 – Contract Price	Amended to reflect the cost of the services being transferred and the values of the contract funded by General Fund and High Needs Block funding
Schedule 3 – Infrastructure	No change.
Schedule 4 – Staff	Relevant dates have been amended and seconded staff list updated.
Schedule 5 – Workforce Standards	No change.
Schedule 6 – Change Control Procedure	No change.
Schedule 7 – Transfer of Undertakings: Protection of Employment (TUPE)	No change.
Schedule 8 – IT Acceptable Usage Policy	Amended to reflect existing policy.
Schedule 9 – Information Sharing Agreement	No change.

- 2.4. The approach to school-led school improvement embodied by Camden Learning continues to meet the strategic aims of the Council. Camden Learning is a vital partner in the provision of high-quality education outcomes throughout the borough. It safeguards the unique strengths of Camden’s place-based approach to collaboration and learning in response to changing national education policy.
- 2.5. Camden Learning has been a fundamental partner in the co-production of Camden’s education strategy, Building Back Stronger, and will continue to play a vital role in driving its implementation up to 2030 including supporting the test and learn approach to the development of Opportunity Centres. It is particularly well placed to do this, having been involved in the strategy and having built and maintained strong and highly effective relationships with leaders across the Camden education system.
- 2.6. Camden Learning is held in high regard throughout our family of schools. The company has complied with performance monitoring arrangements set out within existing arrangements and met its objectives and performance targets.

3. OPTIONS APPRAISAL

3.1. There are two options available:

- a) Option one
Award a contract to Camden Learning to deliver school improvement services training and school support
- b) Option two
Do not award a contract to Camden Learning

3.2. Option one is the recommended option for the reasons set out in Section 2 above.

4. WHAT ARE THE KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

Impact / Risk	Mitigation Strategy
<p>There is a risk that the performance of Camden Learning will not meet the required standard causing falling educational standards.</p>	<p>As with any Council commission, the commissioner will need to monitor and evaluate the commission against KPIs to check that performance of the supplier is to the agreed standard.</p> <p>The commissioner will meet with the Managing Director each quarter to review performance using an agenda of progress over the quarter and including highlights, exceptions, risks & issues and progress to be made over the next quarter. A quarterly briefing will go to the Cabinet Member for Best Start for Children and Families</p> <p>These progress meetings will allow the commissioning officer, senior management and Cabinet Member for Best Start for Children and Families to spot any risks and issues early on and plan any mitigating actions.</p>
<p>There is a risk that schools will no longer continue to buy into Camden Learning services which would impact the viability of the company and impact the ability to deliver the Council's commission.</p>	<p>The Council has worked closely with schools in Camden to establish Camden Learning and is confident that there is sufficient buy-in from schools to continue to make the company viable. School support for Camden Learning has remained strong throughout its existing contracts.</p> <p>The example of the Supply Agency Contract shows that Camden Learning can save schools money which will be an incentive for schools to continue to buy into Camden Learning Services. Camden Learning will continue to develop innovative and cost-saving ideas as part of its business development.</p>
<p>There is a risk that national policy changes and drive towards MAT landscape could change customer requirements</p>	<p>Any state school in Camden can become a member of Camden Learning. The company will therefore provide a means to enable Camden's diverse state schools to continue to work together with continued civic governance from the Council. If the policy landscape develops in relation to schools becoming academies, the company can then consider its potential role in relation to academy sponsorship and take action in agreement with its members.</p>

5. CONSULTATION/ENGAGEMENT

5.1. The Camden Learning Board were engaged in the planned developments over the course of 2023 – and reviewed the draft specification on 12 June 2023.

6. LEGAL IMPLICATIONS

6.1. The Cabinet Report dated 6th April 2016 delegates authority to the Executive Director Supporting People in consultation with the Cabinet Member for Best Start for Children and Families to agree the appointment of an officer to exercise the rights and responsibilities of the Council as Supervising Authority.

- 6.2. The school company must have a supervising authority to monitor its activity; this includes financial monitoring and the management of the company. The supervising authority shall have all duties detailed in the Supervising Authority Agreement including a duty to inform the Secretary of State about the formation of the company and any significant changes to the company and to monitor the company's finances.
- 6.3. The report requests the award of a contract to Camden Learning, a schools improvement company, for a period of 3 years, from 1st September 2023 to 31st August 2026. For the purposes of procurement, the Camden Learning meets the requirements of being a Teckal subsidiary and therefore the award is not subject to a tender process. State aid and procurement issues will be periodically monitored to ensure the Council has not breached them.

7. RESOURCE IMPLICATIONS

- 7.1. Funding for the contract is secured within General Fund revenue budgets and High Needs Block budgets. The contract cost was historically derived from the continuation of services previously operated by the Council and based on the existing revenue budgets of those services.
- 7.2. The Commission is expected to deliver the outcomes listed in Appendix A. The Council may also decide to commission one-off bespoke work from Camden Learning outside of the core contract.
- 7.3. The transfer of further services into the Camden Learning Commission will increase the value of the commission to circa £3,171,740, not inclusive of the costs of the 'Support in kind' laid out in 1.6. The Council's current medium term financial strategy includes a requirement that the Camden Learning Commission deliver savings of £250,000 by 2026.
- 7.4. As a number of Council employees are seconded into Camden Learning the organisation is bound by Council employment terms and conditions, including any pay uplifts for those employees. The commission will need to be clear as to whether the price is adjusted for pay or other inflation and the mechanism for any such price changes.
- 7.5. The Council has a statutory duty to report detailed financial information about all education and their services for children and young people to the Department for Education. A number of services commissioned from Camden Learning are included in this requirement. Consequently, it is essential that the commission with Camden Learning imposes a requirement that detailed financial data (both budget and expenditure) be provided on a service-by-service basis to enable the Council to fulfil its statutory obligations.

8 ENVIRONMENTAL IMPLICATIONS

- 8.1 The proposal to recommissioning Camden Learning does not have any discreet environmental implications.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 If the Cabinet approve the proposal, officers will make arrangements for contracts to be signed for commencement of the commission on 1st September 2023.

APPENDICES

Appendix 1 – Schedule 1 – contract specification – outcomes table

REPORT ENDS