

Public Document Pack

North Yorkshire County Council Children and Young People's Service - Executive Members & Corporate Director Meetings

Tuesday, 7 December 2021 / 1.00 pm

A G E N D A

1 **Apologies for Absence**

2 **Declarations of Interest**

Items for Executive Member decision

- 3 Weaverthorpe Church of England Primary School – Consultation on school closure proposal (Pages 3 - 14) (Pages 3 - 14) Presenting Officer – Matt George
- Recommendation: to give approval to consult on proposals that;
- i) Weaverthorpe CE VC Primary School should close from 31 August 2022.
- ii) The stand-alone part of the existing Weaverthorpe catchment area would transfer to Luttons School from 1 September 2022
- iii) The shared catchment area (Butterwick) would become solely part of the catchment area for Hertford Vale School from 1 September 2022

Items for Corporate Director decision

- 4 Contract for Independent Adoption Support Services (Pages 15 - 16) (Pages 15 - 16)
- Recommendation: that the Authority vary the contract and extend it for 2 years from 1 January 2022 to 31 December 2023.

Any Other Business

- 5 2022/23 School funding consultation - Briefing on the 2022/23 School Funding Consultation Sally Dunn
- 6 2022/23 Special School Funding Consultation - Briefing on the 2022/23 Special School Funding Consultation Sally Dunn
- 7 Date of future formal meetings
- 11 January 2022
 - 25 January
 - 1 February
 - 8 March
 - 5 April
 - 3 May
 - 7 June
 - 5 July
 - 2 August
 - 6 September
 - 4 October
 - 1 November
 - 6 December

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NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS

7 December 2021

Weaverthorpe CE VC Primary School

1.0 PURPOSE OF REPORT

- 1.1 To seek Executive Member approval to consult on a proposal that the County Council should close Weaverthorpe CE VC Primary School from 31 August 2022.

2.0 BACKGROUND

- 2.1 Weaverthorpe CE VC Primary School, in the Ryedale area, was Inspected by Ofsted in January 2020 and found to be 'Inadequate'. The inspection report was published by Ofsted in July 2020.
- 2.2 The Regional Schools Commissioner (RSC) issued a directive academy order (DAO) in July 2020 as the school was now eligible for intervention under the Education and Inspections Act 2006.
- 2.3 The headteacher left the school in the summer term 2020 and an acting headteacher took over the leadership of the school in September 2020. The previous governing body was dissolved, and replaced with an Interim Executive Board (IEB) in September 2020.
- 2.4 For all schools who have been issued with a DAO it is the responsibility of the RSC to broker sponsorship of the school by a Multi-Academy Trust (MAT). This MAT would then take on the governance and management of the school on conversion to academy status. In the period of time since the DAO was issued the RSC has been unable to identify a MAT that would be prepared to sponsor the school due to viability concerns. These concerns related to the low pupil numbers (currently 25 pupils on roll) and the associated financial challenges that presents.
- 2.5 A potential sponsor MAT trust could not be identified because they did not consider Weaverthorpe to be viable as a stand-alone school. It was therefore clearly important to explore if a formal partnership with another local maintained school could be an option to sustain Weaverthorpe School both educationally and financially. Local Authority officers and the Diocese of York worked together to discuss the situation with the potential partner schools in the local area during the summer and autumn terms of 2021. The schools contacted by the LA were the Federation of Luttons and Sherburn CE plus Hertford Vale and West Heslerton schools. These schools were unable to help Weaverthorpe at this time. The York Diocese also approached the Federation of Sledmere and Wetwang schools in the East Riding about the potential for collaboration with Weaverthorpe. Ultimately, none of those discussions resulted in an acceptable partnership proposal for the future of Weaverthorpe School.

It is considered highly unlikely that a partnership arrangement with another local school, such as federation or amalgamation, can now be identified. The school is in a vulnerable position for multiple reasons, not least because the temporary leadership arrangements cannot continue beyond the end of the current academic year.

- 2.6 At a recent meeting the IEB of Weaverthorpe CE VC Primary School decided, with regret, that in line with the advice of LA officers they would ask the County Council to commence a consultation on the future of the School. Governors felt they had exhausted all options open to them to secure the future of the School following the Ofsted judgement, the issuing of a DAO by the RSC, the failure of the RSC to find a sponsor and the absence of a collaboration option within the local maintained sector.
- 2.7 The Chair of the IEB has written to parents to explain the current situation and why it is now considered necessary to propose a consultation. This was followed by an initial meeting with parents on 10 November, attended by officers from the LA and Diocese, during which a further explanation of the circumstances and the required statutory process was provided.
- 2.8 Where schools are subject to a DAO, the Secretary of State can also order that a school is closed if it is considered unviable. If the statutory closure process were not followed, the RSC may need to consult with the Secretary of State to determine if powers to direct closure for Weaverthorpe School should be exercised.

3.0 WEAVERTHORPE CE VC PRIMARY SCHOOL

Pupil numbers

- 3.1 Weaverthorpe is a 3-11 Community Primary School and currently has 25 children on roll. The school is located in the Malton and Norton outer area, serving families living in the village of Weaverthorpe and surrounding area. The number of children at Weaverthorpe CE VC Primary School has been falling over the past few years:

2015/16 – 41
2016/17 – 43
2017/18 – 36
2018/19 – 41
2019/20 – 36
2020/21 – 26
2021/22 – 25 (plus 2 in Nursery)

- 3.2 There are currently 25 pupils on roll in the school. The school can accommodate up to 49 pupils if all spaces are in use and therefore has the potential to contribute 49 places in the local area. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further.

3.3 The current numbers in each year group at the school are:

| | |
|----------------|-----------|
| As at Nov 2021 | |
| Reception | 1 |
| Year 1 | 6 |
| Year 2 | 2 |
| Year 3 | 3 |
| Year 4 | 2 |
| Year 5 | 5 |
| Year 6 | 6 |
| Total | 25 |

Therefore, with Year 6 being one of the larger year groups it is likely that September 2022 would see an overall reduction in the total pupil roll.

3.4 As of October 2020 there were 35 Primary aged children who were living in the catchment area of Weaverthorpe School and attending a North Yorkshire School. Of those, 23 were attending Weaverthorpe and 12 were attending elsewhere.

Finance

3.5 Pupil numbers determine the school budget. The critical concerns are Ofsted’s Inadequate judgement, the DAO and the inability to find a sustainable leadership solution for the school, but the fall in pupil numbers has also undermined the school’s future financial position.

Based on the start budget submitted in May 2021 the school had a budget surplus of £36.7k at the end of the 2020/21 financial year; the funding for the 2020/21 financial year was based on 39 pupils. However, the school is projecting in-year budget deficits of £48.8k in 2021/22 and £26.9k in 2022/23 and an overall cumulative budget deficit of £39k at the end of 2022/23. The budget projections are based on pupil assumptions of 25 in 2021/22 and 21 in 2022/23, so the position will deteriorate further if pupil numbers fall below that level. There appears to be no reasonable prospect of financial recovery.

These budget projections already reflect a notional reduction in staffing from 3.2 FTE to 2.5 FTE in September 2022.

The School may benefit from an additional £10k sparsity funding in 2022/23 subject to announcements by DfE due in December 2021.

School Leadership and Standards

3.6 The Ofsted inspection in January 2020 found Weaverthorpe Church of England VC Primary School to have serious weaknesses and to be ‘inadequate’ overall. Significantly, leadership and management was judged to be inadequate with the result that the school was deemed inadequate overall. The Quality of Education, Personal Development and Early Years provision were judged to require improvement; Behaviour and Attitudes was judged ‘good’; safeguarding was not effective.

3.7 Weaverthorpe CE VC Primary School remains vulnerable as a stand-alone school due to the uncertain nature of leadership beyond the current temporary arrangements. The most recent substantive Headteacher left the school in the summer term of 2020. Following this, the Interim Executive Board (IEB), supported by the Local Authority (LA), arranged for interim leadership to be provided by the headteacher of Langton Primary School. Due to the presence of the DAO, and the intention for academy sponsorship, the arrangement was initially established for a period of up to one year with an end date of the summer term 2021. Further, as a consequence of the DAO, and combined with the very low number of pupils entering the school, it is considered that the IEB is unlikely to be successful in any attempt to recruit a replacement substantive headteacher, especially of the calibre required to continue to drive the necessary improvements and at the pace required. Since a suitable sponsor had not been identified before the end of the summer term 2021, the Governing Body of Langton Primary School agreed to a one-year extension to the interim leadership arrangements but have now confirmed that the temporary arrangement cannot continue beyond July 2022. Therefore, Weaverthorpe CE VC Primary School will be without secure leadership, leaving any improvements in the quality of education that have already been achieved at further risk.

3.8 Ofsted's routine monitoring inspections were temporarily suspended during the earlier parts of the pandemic; however, Ofsted did undertake remote visits to school and noted in March 2021 that *'Leaders and those responsible for governance are taking effective action to provide education in the current circumstances.'* This was typical of inspection visits at the time, where the range of evidence available to inspectors was narrower than would normally be the case during an on-site inspection, and so, the level of assurance provided was more limited. The interim Headteacher, the IEB and the Local Authority were praised for the work they had carried out in the school: the interim headteacher has *'responded well to the challenges [she has] faced since taking up post in September 2020.'* Furthermore, *'since its inception in September 2020, members of the IEB have focused intensively on securing improvement to the education on offer for pupils and the systems to keep them safe. Members of the IEB regularly visit the school so that they can be sure that leaders' actions are improving the school' and 'since the last inspection, the local authority has worked with leaders and the IEB to improve the school. They have provided stability in leadership by brokering the support of the current acting headteacher. They have also worked with the acting headteacher to prioritise the actions needed to improve the school.'*

Ofsted resumed their monitoring visits in the summer term 2021 and Weaverthorpe CE VC Primary School was inspected in June 2021. Inspectors concluded that *'Leaders and Managers are taking effective actions towards the removal of the serious weaknesses designation'*.

3.9 In the view of LA school improvement advisers and school leaders, despite the clear progress to date, the improvements in provision and specifically the quality of education, are not yet sufficiently well embedded to ensure all children, from their different starting points, achieve success. An additional temporary part-time

leadership post (Assistant Headteacher) was added to the staffing structure in September 2021 to bring in extra capacity with a remit to improve curriculum planning which remained at the early stages of development. Leaders have planned and invested in resources to support the curriculum, but the impact of this is yet to be seen in outcomes for pupils. The school improvement service has placed the school in the highest category of support and a principal adviser undertakes regular monitoring, challenge and support activities working closely with the interim leadership and the IEB.

Breadth of Curriculum

- 3.10 At the time of the 'inadequate' Ofsted judgement in January 2020 there were 40 pupils on roll (including nursery). As numbers have fallen since this judgement, the IEB and the Local Authority have become increasingly concerned that, in future, pupils will not have access to the full range of experiences they need, particularly opportunities for learning and playing with children their own age. Due to the forecasted financial position and the reduction in numbers, school leaders and governors may have to make further decisions relating to reducing the number of teaching groups and increasing in the mix of age ranges in each class. Leaders and governors are obligated to consider the impact on children's access to age-appropriate curriculum, particularly when the present curriculum offer struggles to meet current expectations.

4.0 PRIMARY SCHOOL PLACES IN THE LOCAL AREA

- 4.1 Appendix 1 shows the local schools and their catchment areas. The nearest school to Weaverthorpe, 2.5 miles from Weaverthorpe CE VC Primary School, is Luttons Community Primary School, which has places available in all year groups. This school has the capacity to take any additional pupils as a result of the proposed closure, and has indicated a willingness to do so. Appendix 2 shows more detail on the hypothetical combined position for Weaverthorpe and Luttons.

Luttons Community Primary School is Federated with Sherburn CE VC Primary School which is situated 4.1 miles from Weaverthorpe School. Sherburn is the nearest alternative Church of England Primary School.

Weaverthorpe is situated close to the county boundary with the East Riding. Sledmere CE VC Primary School and Wold Newton Foundation School are both situated within six miles of Weaverthorpe. Although NYCC would not rely on capacity in the East Riding to maintain school place sufficiency, we do know that these schools may be of interest to North Yorkshire families.

- 4.2 Appendix 3 provides projected numbers based on forecast birth rates, with potential additional pupils from outstanding housing permissions. It confirms there are no proposed housing allocations in the draft Ryedale Local Plan for those areas.
- 4.3 Appendix 3 shows that, across the five most local North Yorkshire schools including Weaverthorpe, there are 308 children and therefore 70 surplus places when set against the combined capacity of 378. Allowing for the reduction in capacity should Weaverthorpe School close this surplus would fall to 21 places and then be projected to broadly remain at that level for the next five years. The projections from all known housing show that we may expect an additional 28 pupils by 2026/27, using the

normal pupil yield factor of one primary aged child from every four new dwellings. However, this would be dependent upon all of the housing being completed in that period and also the full pupil yield being realised. There have been other examples in Ryedale where the impact of housing on the local Primary age population has been much lower.

- 4.4 Although Appendix 3 would appear to show quite a tight capacity position, it is of note that some of the four schools are able to admit pupils from outside of the immediate local area. This accounted for a total of 34 pupils in all year groups in October 2020, or 11% of all pupils.
- 4.5 Looking in more detail at the specific position for Weaverthorpe and Luttons provides more comfort in terms of the foreseeable position with school place sufficiency. In October 2020 there were a total of 80 primary aged children living in the catchment areas of the two schools (45 Luttons, 35 Weaverthorpe). At first, this may appear a concern given that Luttons School only has a current capacity of 56 places. However, Luttons is situated closer to more North Yorkshire Schools than is Weaverthorpe and there is an established pattern of a number of families from Luttons choosing alternative schools. The latest data (October 20 census) shows that 17 of the 45 Luttons area pupils, or 37%, were attending neither Luttons or Weaverthorpe schools. There is no reason to expect that this pattern of attendance would change given we understand it is largely explained by the geographical extent of the Luttons catchment area including the settlement of Duggleby
- 4.6 The forecast methodology in Appendix 3 uses the ONS birth and forecast data for the whole Ryedale District as its base and this is showing a broadly stable Primary aged population going forward. For the first time in July 2021 the County Council was able to access NHS data for GP registrations at postcode level. This will be incorporated into a revised methodology in the coming year as we believe it will enable a higher degree of forecast accuracy. The latest data received in October 2021 for Luttons, Weaverthorpe and Sherburn areas is shown below. This identifies any child who is registered with a GP practice on 30 September 2021 and who lives in the schools' catchments areas:

| NHS data for year group cohorts | Weaverthorpe | Luttons | Total W & L | Sherburn CE |
|--|---------------------|----------------|------------------------|--------------------|
| Rec entry 2025 | 2 | 3 | 5 | 10 |
| Rec entry 2024 | 5 | 4 | 9 | 4 |
| Rec entry 2023 | 2 | 7 | 9 | 9 |
| Rec entry 2022 | 4 | 13 | 17 | 9 |
| Rec entry 2021 | 2 | 6 | 8 | 14 |
| REC 2020 (Y1 now) | 7 | 14 | 21 | 15 |
| REC 2019 (Y2 now) | 4 | 5 | 9 | 19 |
| REC 2018 (Y3 now) | 4 | 7 | 11 | 14 |
| REC 2017 (Y4 now) | 5 | 11 | 17 | 11 |
| REC 2016 (Y5 now) | 6 | 10 | 16 | 11 |
| REC 2015 (Y6 now) | 4 | 8 | 13 | 14 |

It is notable that the Weaverthorpe numbers are remaining at a low level for the coming years. However, this data shows a higher combined cohort for Reception entry in September 2022 driven by the number (13) for Luttons. However, this is considered to be a short-term issue, as the local cohorts for entry in the following three years are at a much lower level.

A review of the data for the Sherburn CE catchment area also shows no evidence of a rise in the local pre-school population.

- 4.7 The impact of the higher combined cohort for entry in September 2022 is something that can be closely monitored in the coming months. As stated earlier Luttons School is willing and able to play its part as required in accommodating children from the Weaverthorpe catchment area. Luttons School has further indicated that it has capacity to increase its admission number and LA officers will review that position with Luttons if necessary. From a process perspective, the National Offer date for Primary applications is 19 April 2022 which, as per the indicative timetable, falls within the statutory notice and representation period. This means that Executive Members can be informed of the formal position regarding admissions for September 2022 before final determination of the closure proposal.

5.0 CATCHMENT AREAS AND ADMISSIONS PROCESS

- 5.1 It is proposed that the catchment area of Luttons Community Primary School is expanded to include the current Weaverthorpe School catchment area. There is an area of Weaverthorpe's catchment area that is currently shared with Hertford Vale CE Primary School and it is proposed that area remains part of Hertford Vale's catchment area. The York CE Diocese have indicated early stage support for this approach. There will be opportunity for all stakeholders to comment on these catchment area proposals during the consultation. They would be implemented from September 2022 only in the event of closure for Weaverthorpe School.
- 5.2 LA officers will undertake a managed and co-ordinated process for the allocation of alternative school places for September 2022, and for those allocations to be implemented in the event that the School does proceed to closure through the statutory process. Ideally, this 'preference exercise' would not be undertaken until after the initial six week consultation and this was explained to parents at the meeting in School on 10 November. However, feedback from the parents, via the School, is that they would welcome assistance sooner to reduce their period of uncertainty. This position is further evidenced by a small, but significant, number of transfer applications having already been made. The LA will therefore commence the preference exercise in the near future in the interests of fairness for all parents and to avoid a first come first served scenario.

The downside to this earlier approach is that although parents will know of the catchment proposals, they won't know of the decision at the point they make their applications. LA officers will be available to support Weaverthorpe parents during the exercise with advice and guidance on this point.

Parents, as is their right, may request a transfer earlier than September 2022 and the LA would be obliged to respond. However, irrespective of the required date of transfer, all applications will be managed via this single preference exercise.

Parents will be able to express a preference for any local school and if there are places available they will be accepted. Schools may also agree to accept local children above their admission number.

6.0 CONSULTATION PROCESS AND TIMESCALE

- 6.1 Should a decision be made to initiate a consultation on the proposed closure of Weaverthorpe CE VC Primary School, a period of six term-time weeks is recommended. A draft timetable is set out below.

- 6.2 A separate staff consultation process, including a meeting for staff and their professional associations and unions, would run in parallel with the statutory process on the closure proposal.
- 6.3 The School is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2016. The statutory guidance states 'Decision-makers should adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.' There are specific factors that proposers are required to consider which will be covered in the formal consultation stage should a decision be made to publish statutory proposals.
- 6.4 The final decision on closure would be taken by the Executive (or by the Executive Member for Schools if there are no objections during the representation period).
- 6.5 Expected key dates are shown below:

| | |
|--|------------------|
| Approval to Consult by Executive Members | 7 December 2021 |
| Consultation opens (6 weeks during term time) | 7 January 2022 |
| Public meeting | 20 January 2022 |
| Consultation closes | 18 February 2022 |
| County Council's Executive considers consultation responses (proceed with the process or halt) | 22 March 2022 |
| Publication of statutory notices and start of 4 week representation period | 1 April 2022 |
| Representation period ends | 29 April 2022 |
| Final decision by County Council's Executive | May 2022 |
| Proposed school closure date | 31 August 2022 |

7.0 THE SCHOOL SITE

- 7.1 The Weaverthorpe school buildings and playground are owned by the Diocese of York and the school playing field is owned by NYCC. Any decisions about the future of the site and buildings would be taken separately from the decision on whether to close the school. The use of any capital receipt from the disposal of the school site would be determined with reference to the appropriate legislation and regulation.

8.0 RECOMMENDATIONS

- 8.1 The Executive Member for Schools is recommended to give approval to consult on proposals that;
- i) Weaverthorpe CE VC Primary School should close from 31 August 2022.
 - ii) The stand-alone part of the existing Weaverthorpe catchment area would transfer to Luttons School from 1 September 2022
 - iii) The shared catchment area (Butterwick) would become solely part of the catchment area for Hertford Vale School from 1 September 2022

Stuart Carlton
CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE’S SERVICE.

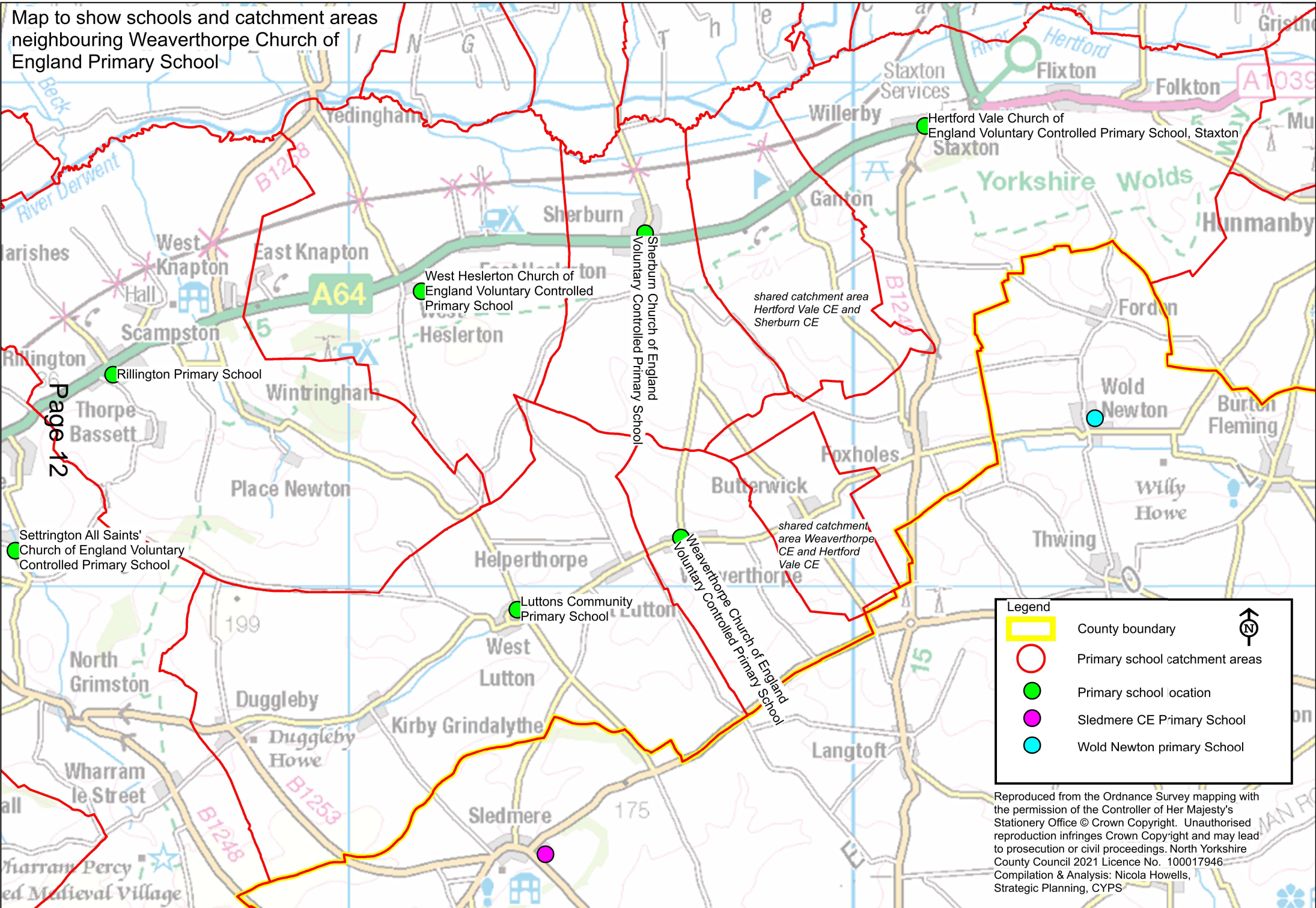
Report prepared by Matt George, Strategic Planning Officer

Action AgreedExecutive Member
Date:

Action RequestedCorporate Director
Date:






- Appendix 1 – A map of the local area**
- Appendix 2 – Numbers by year group for Weaverthorpe and Luttons Schools**
- Appendix 3 – Other schools – capacity and forecast (based on May 2021 Census)**
- Appendix 4 – A draft consultation document will be provided prior to the meeting**


Map to show schools and catchment areas neighbouring Weaverthorpe Church of England Primary School



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Legend

-  County boundary
-  Primary school catchment areas
-  Primary school location
-  Sledmere CE Primary School
-  Wold Newton primary School



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 Compilation & Analysis: Nicola Howells, Strategic Planning, CYPS

Analysis November 2021

This table shows the numbers on roll in each school by year group and the hypothetical position if the total pupil rolls were combined:

| Year Group 2021/22 | Weaverthorpe (Current capacity 49) | Luttons (Current capacity 56) | Total Weaverthorpe and Luttons combined |
|---------------------------|--|--|--|
| Rec | 1 | 5 | 6 |
| Y1 | 6 | 6 | 12 |
| Y2 | 2 | 3 | 5 (23) |
| Y3 | 3 | 5 | 8 |
| Y4 | 2 | 5 | 7 |
| Y5 | 5 | 3 | 8 |
| Y6 | 6 | 1 | 7 (30) |
| Total | 25 | 28 | 53 |

Luttons Community Primary School currently operates a 2 class structure but has the flexibility and capacity to increase these arrangements should the need arise in future.

OFFICIAL

Appendix 3 – Local North Yorkshire Schools

| | Weaverthorpe Church of England Primary School | Luttons Community Primary School | Sherburn CE Primary School | West Heslerton CE Primary School | Hertford Vale CE VC Primary School | Total |
|---|---|----------------------------------|----------------------------|----------------------------------|------------------------------------|--------------|
| Distance from Weaverthorpe CE Primary School by road | | 2.5 miles | 4.0 miles | 7.2 miles | 7.7 miles | |
| Last Ofsted Inspection | Inadequate | Good | Good | Good | Good | |
| Net Capacity (places available at the school) | 49 | 56 | 77 | 70 | 126 | 378 |
| Current pupil roll | 25 | 28 | 61 | 66 | 128 | 308 |
| Current capacity +/- | 24 | 28 | 16 | 4 | -2 | 70 |
| Pupil roll 2022/23 | 22 | 32 | 60 | 61 | 121 | 296 |
| Pupil roll 2023/24 | 20 | 34 | 64 | 62 | 122 | 302 |
| Pupil roll 2024/25 | 21 | 34 | 68 | 64 | 124 | 311 |
| Pupil roll 2025/26 | 21 | 34 | 68 | 65 | 123 | 311 |
| Pupil roll 2026/27 | 21 | 36 | 62 | 64 | 122 | 305 |
| Potential additional pupils from housing | | | | | | |
| Pupils from outstanding permissions by 2026/27 | 3 | 3 | 18 | 0 | 4 | 28 |
| Potential pupils from future housing – Local Plan (over 15 years) | 0 | 0 | 0 | 0 | 0 | 0 |

Contract for Independent Adoption Support Services

REPORT TO; Corporate Director for Children and Young People's Service in consultation with Executive Member for Children's Services

DECISION DATE: Tuesday 7 December 2021

SUPPORTING ANNEX; This report includes a supporting Annex which contains exempt information as described in paragraphs 1, 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

PROPOSED RECOMMENDATION

It is recommended that the Authority extend the contract for 2 years from 1 January 2022 to 31 December 2023. This is permitted under the original procured contract. It is also recommended to vary the contract to include additional Key Performance Indicators (KPIs).

BACKGROUND TO SUPPORT THE RECOMMENDATION

The Independent Adoption Support Service is a statutory service for the provision of a range of independent support services including support, counselling, advice, information and mediation. Local Authorities (LAs) have an on-going requirement for the provision of After Adoption services to provide support and counselling to people who have either been adopted, placed children for adoption or have adopted children.

There are three Regional Adoption Agencies (RAA's) in Yorkshire and Humber. These are:

- One Adoption West – Leeds City Council, Calderdale Metropolitan Borough Council, Bradford Metropolitan District Council, Wakefield Metropolitan District Council and Kirklees Borough Council;
- One Adoption South – Doncaster Children's Services Trust, Rotherham Metropolitan Borough Council, Sheffield City Council and Barnsley Metropolitan Borough Council;
- One Adoption North & Humber – City of York Council, North Yorkshire County Council, East Riding of Yorkshire Council, Hull City Council and North East Lincolnshire County Council.

North Lincolnshire Council decided to not join the RAA's but are still included in the contract.

North Yorkshire County Council (NYCC) led the procurement to deliver this service on behalf of the other authorities. The contract management of this contract is also provided by NYCC.

The Service was for an initial term of three years 1 January 2019 – 31 December 2021. There are 2 options to extend the contract; both for 1 year terms. It is proposed to utilise both these extension at the same time and extend the contract for 2 years from 1 January 2022 to 31 December 2023.

The current provider is performing in line with the contractual obligations and service specification. There are quarterly contract monitoring meetings and the provider is proactive in setting up meetings directly with the RAAs. There has been good collaborative working and the relationship between all LA's/RAA' and the provider has developed over the term of the contract. The provider is meeting the KPIs set for them; however these are very limited so additional KPIs have been agreed by all parties, which will be varied into the contract.

The proposed extension and variation have been through the council's governance and a Gateway 4 report has been submitted and approved by the Procurement Assurance Board. The report is included in the Annex at Appendix 1.

LEGAL AND GOVERNANCE COMPLIANCE

The 2 year extension is provisioned for in the contract; the contract also allows for variations to be made as long as signed and agreed by a duly authorised representative of both the Parties. This contract was procured under the Light Touch Regime (LTR) as a Framework Agreement. Framework Agreements are not permitted to be for longer than 4 years under regulation 33(3) of the Public Contract Regulations 2015 (PCR), unless there are exceptional circumstances. The Framework Contract Notice issued by NYCC was advertised as lasting up to 5 years which would significantly reduce the risk of a challenge under Regulation 33(3) as non-successful bidders would have been made aware of the Framework term

The Call-Off Contract to the Framework does not mirror the dates of the Framework agreement and is due to expire on 31 January 2022. The call off contract will not be extended. Each LA will complete a new call-off for the proposed extension period which will mirror the dates of the extension period of the Framework Agreement (2 years). There will be no other changes to the new call-off contract.

This is a contract variation under rule 19.5 of the councils Contract Procedure Rules (CPRs) as it above the EU Threshold. The CPRs state a contract may be varied or extended in accordance with the terms of the contract. .

RECOMMENDATION

It is recommended that the Authority vary the contract and extend it for 2 years from 1 January 2022 to 31 December 2023.