

Cabinet – 16 December 2009

Learning Skills Council transfer

Portfolio: Councillor Walker, Children's Services

Service: Walsall Children's Services, Serco

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary of report

- 1.1 This report provides an update on progress since the 14-19 Learning and Skills Council (LSC) Transfer Report presented to Cabinet on September 16th 2009 which authorised the Executive Director for Children's Services, following consultation with the Cabinet Member for Children and Young People and the other three Black Country Local Authorities, to agree a final version of the SRG proposal for submission to Government Office West Midlands.
- 1.2 It presents the final version of the Black Country Sub Regional Group (SRG) governance structure established by a Memorandum of Understanding (MOU) between Walsall Metropolitan Borough Council, Dudley Metropolitan Borough Council, the Borough Council of Sandwell and Wolverhampton City Council and:
- 1.3 Provides details of the MOU which will underpin arrangements for framing, guiding and sanctioning the commissioning of 16-19 education and training in the Black Country SRG after responsibility for commissioning and funding of pre 19 education and training is transferred (subject to legislation in the *Apprenticeship, Skills, Children and Learning Bill*) from the Learning Skills Council (LSC) to local authority (LA) control after the dissolution of the LSC in April 2010.
- 1.4 **Appendix A** gives details of the Black Country proposals for a Sub Regional Group (SRG) as required by the DCSF.
- 1.5 **Appendix B** gives details of the Black Country Memorandum of Understanding (MOU) between Walsall Metropolitan Borough Council, Dudley Metropolitan Borough Council, the Borough Council of Sandwell and Wolverhampton City Council.

2. Recommendations

- 2.1 That the Cabinet endorses the Black Country proposals for a SRG as required by the DCSF and:

- 2.2 Endorses the Memorandum of Understanding (MOU) between Walsall Metropolitan Borough Council, Dudley Metropolitan Borough Council, the Borough Council of Sandwell and Wolverhampton City Council and.
- 2.3 Authorises the Executive Director for Children's Services, following consultation with the Cabinet Member for Children and Young People and the other three Black Country Local Authorities, to make any final amendments to these proposals necessary to meet DCSF requirements, subject to legislation in the *Apprenticeship, Skills, Children and Learning Bill*, that ensures the Walsall Local Authorities capacity to commission 16-19 provision after April 2010.

3. Background information

- 3.1 The proposals contained in the *Apprenticeship, Skills, Children and Learning Bill* currently going through parliament form part of the Machinery of Government changes to reform the pre 19 system of education and training and move funding for pre 19 education and training from the LSC to local authority control after the dissolution of the LSC in 2010.
- 3.2 The proposals place responsibility for commissioning 0-19 provision under the leadership of LAs in order to ensure coherence between strategies and funding streams to support educational reform and the Every Child Matters agenda, and to strengthen the role of Local Authorities and Children's Trusts as champions of young people.
- 3.3 Local authorities are already responsible for 14-19 strategy and from 2010 will have the statutory duty (subject to the *Apprenticeship, Skills, Children and Learning Bill*) to ensure resident 16-18 learning needs are met through direct commissioning of in-borough providers, inter-borough planning agreements and regional commissioning of specialist providers. In addition LAs will have the statutory duty to ensure 16-18 learning needs of partner LAs are met through direct commissioning of in-borough providers. Local Authorities will be required to undertake commissioning of 16- 19 provision within a new National Commissioning Framework, which will be published in its final version early in 2010.
- 3.4.1 From 2013 Local Authorities will have a statutory duty to deliver *full* participation for *all* 17 year olds 'in learning' as part of proposals to Raise the Participation Age (RAP) which also involves securing provision for learners with learning difficulties or disabilities (LLDD) up to the age of 25 and for young people in juvenile custody up to the age of 18; by 2015 *all* 18 year olds will be expected to remain in learning.
- 3.5 To achieve a workable model for the future commissioning of 16-18 education and training local authorities are *required* to work collaboratively with neighbouring authorities through a Sub Regional Group (SRG) covering a wider travel to learn area.
- 3.6 The SRGs will provide a forum in which to plan a comprehensive curriculum entitlement through a shared understanding of sub regional demand and travel to learn patterns which will form the basis on which commissioning of General FE College provision will be taken forward by local authorities.

- 3.7 The SRG will also ensure a single commissioning conversation with providers through agreement about who will lead the commissioning dialogue on behalf of the whole group. In all cases SRGs are required to sign off a sub regional 16-19 commissioning plan for all learner places, meaning clear governance, decision making, dispute resolution, staffing needs, reporting responsibilities and accountability structures have to be in place.
- 3.8 The arrangements for the Black Country SRG is attached as **Appendix A**.
- 3.9 The Black Country Sub-Regional Group governance structure is established by the Memorandum of Understanding between the four Black Country Local Authorities. The Memorandum of Understanding is attached as **Appendix B**.
- 3.10 The Black Country SRG governance structure is designed to enable each Black country Local Authority to take up their dual responsibilities under the National Commissioning Framework as Strategic Planners and Lead Commissioners.

Strategic Planning will include:

- Planning to meet local resident learning needs.
- Planning to meet collective learning needs reflecting travel to learn patterns (this includes acting as advocates for young people who travel across boundaries to learn in order to drive up quality, retention and achievement).
- Planning to take account of multi-stakeholder requirements – parents and carers, employer, communities and partner agencies.
- Convening and supporting collaborative working through the Local Area Agreements, Children's Trusts and 14 - 19 Partnerships.

The role as Lead Commissioners within sub-regional groupings and/or Regional Planning Groups (SRGs and/or RPGs) will include:

- Meeting the needs of all who learn in local authority areas (this includes learners with specific needs – e.g. Learners with Learning Difficulties and/or Disabilities (LLDD), young offenders and other vulnerable young people).
 - Working sub-regionally and regionally to agree the mix and balance of learning to reflect travel to learn patterns.
 - For those in jobs without training, ensuring that the needs of both employers and the young people in employment are met.
 - Working with schools, academies, colleges, independent and third sector providers as strategic planning partners in order to agree high quality provision.
- 3.11 Arrangements for Sub Regional Commissioning of 16- 19 provision within the new National Commissioning Framework recognise and reflect the role and statutory responsibilities of individual Local Authorities and their commissioning processes. In keeping with the guidance from the DCSF on the function of the 14-19 Partnership in an Local Authority, individual Local Authority arrangements for agreeing the 16-18 commissioning plan for its area will reflect the established governance structures for commissioning. In Walsall commissioning of 16-19

Provision will take place within the Walsall Children's Trust Commissioning Framework.

- 3.12 The Walsall 14-19 Partnership will fulfil the Local Authorities responsibility as Strategic planner. The 14-19 Partnership Board will endorse the local 14-19 Strategic Needs Analysis based on national, regional and sub-regional priorities agreed by the SRG. This will be reflected in the 14-19 Implementation Plan upon which the 16-19 Commissioning Plan will be based. This will require endorsement by the Children's Trust Commissioning Executive Group as outlined in the Walsall Children's Trust Commissioning Framework
- 3.13 Walsall's 16-19 Commissioning Plan will form part of the Sub Regional 16-19 Commissioning Plan.
- 3.14 A West Midlands Regional Planning Group will agree plans of the West Midlands SRGs, ensuring coherence at regional level. This group will also be the forum for identifying provision that may need to be commissioned at a regional or national level, for example for learners with complex needs.
- 3.15 In cases where SRGs choose, after 2010, not to directly commission General FE College provision, or where sub regional arrangements cannot be agreed, (either locally or by the Secretary of State) one of the LSC successor bodies the Young People's Learning Agency (YPLA) will initially take over responsibility for managing the commissioning relationship at a regional level.
- 3.16 Details of the role and responsibilities of the YPLA and the other LSC successor organisations, The Skills Funding Agency (SFA) and the new National Apprenticeships Service (NAS) were outlined in the 14-19 Learning and Skills Council (LSC) transfer report presented to Cabinet on 16th September 2009.

4. Resource considerations

4.1 Financial:

- Staff transfer outlined in the 14-19 Learning and Skills Council (LSC) transfer report presented to Cabinet on 16th September 2009 will be formalised in legislation and will take place under TUPE regulations.
- As a transfer under TUPE regulations LSC staff's contractual terms and conditions are protected and there is commitment to no harmonisation of T&Cs in that time.
- To support staff transferring to Local Authorities DCSF have offered a package of support where:
 - funding for the staff transferring to Local Authorities will be ring fenced for 3 years
 - bonuses and flexible benefits will be bought out at the value of two and a half years cover

- The LSC is working with the Government Actuaries Department to ensure there is broad comparability of pensions for staff moving to Local Authorities.

4.2 Legal:

In dealing with any transfer of staff the Council will comply with the requirements of the TUPE regulations, and the contractual requirements of their employment. In addition the Council will establish through the due diligence process the level of liability if any the Council will need to take.

In managing any procurement process the Council will have regard to European Directives governing such processes and the Council's own constitutional and financial and contract rules.

4.3 Staffing

- Transferred LSC staff will be seconded to Walsall Children's Services/Serco as outlined in the '14-19 Learning and Skills Council (LSC) transfer' report presented to Cabinet on 16th September 2009. A formal secondment agreement will be drawn up.
- Negotiation between the Executive Director for Children's Services and the LSC has lead to agreement that 7 LSC staff (two at Band 3, two at Band 2 and three at Band 3) will transfer to Walsall Children's Services/Serco on April 1st 2010.
- Consultation between the Black Country DCSs and the LSC has lead to an agreement that an LSC Band 4 or equivalent in each Black Country Local Authority will lead on Post 16 Commissioning. The SRG framework (attached as **Appendix 1**) defines how these lead roles will come together through the Post 16 Operational Commissioning Group (OCG). In Walsall this role will be undertaken on behalf of Walsall Children's Services by the Head of Economic Well Being Services employed by Serco, with technical support from a Band 3 LSC employee transferred from the LSC.
- The proposals will enhance capacity of Walsall Children's services /Serco staff to deliver changes outlined and effectively commission, monitor and evaluate 14-19 provision.

5 Citizen impact

- 5.1 Effective post 16 commissioning arrangements at both the Walsall and sub regional level will support the priorities of Every Child Matters – especially in relation to Enjoy and Achieve and Achieving Economic Wellbeing – and the skills agenda by supporting improvement in attainment at KS4 and KS5, raising aspirations, improving post 16 participation and reducing NEETs.

- 5.2 Successful quality assurance, planning, commissioning and delivery of provision in the Further Education College, within sixth forms in schools and through training providers will ensure high quality, best value provision for approximately 3000 young people.
- 5.3 Links with the development of capital programmes particularly BSF, including shared 'skills centres', will support regeneration.

6. Community safety

- 6.1 These proposals will challenge discrimination and harassment by monitoring the incidence of complaints relating to discrimination and harassment relating to providers and working with partners to remove barriers to engagement, checking on the policies and processes of providers in monitoring and addressing complaints and modifying their practice to eliminate discrimination and/or harassment.
- 6.2 Community cohesion (good community relations) will be promoted by the development of collaborative provision of a broad range of progression pathways within education, training and youth apprenticeships, linking with local employers in the planning and delivery of provision. This will enable the integration of students from different cultural backgrounds from various schools and training providers and promote good Information Advice and Guidance (IAG), transition and progression through education, training, employment and higher education.
- 6.3 Monitoring of the take-up of the full- range of courses, will identify where more effective communication and marketing, the commissioning of additional provision, and more culturally sensitive provision would enable greater participation and success.

7. Environmental impact

Shared collaborative provision will give value for money and reduce the need to travel to study as the full range of courses will be available within the borough, and through joint planning within the sub-region.

8. Performance and risk management issues

8.1 Risk

- 8.1.1 The following risks are associated with the Black Country SRG proposals:

- Failing to achieve the correct balance of accountability and decision-making between the SRG and the Local Authority
- The SRG commissioning process is not aligned with Walsall's Children's Plan and /or 14-19 Strategy and/or 14-19 Implementation Plan

- Failing to integrate the planning and commissioning role across the strategic partnership with Serco

8.1.2 Risk assessment has been carried out and controls put in place.

- Protocols for dispute resolution have been agreed and signed off as an integral part of the Black Country SRG proposal and will be reinforced by the attached Memorandum of Understanding.
- The commissioning process will ensure that providers have good Risk Assessment processes in place, minimising the risk of young people partaking in the range of courses and progression pathways.

8.2 Performance management:

8.2.1 Institutions will retain clear responsibility for their own performance and be held to account against a clear framework of measures common across providers. The system will be supported by data, collected in a low-burden way, shared with those who need it.

8.2.2 The home Local Authority will have the lead responsibility for improving quality and raising standards in relation to School Sixth Forms and Sixth Form Colleges, and will work through the Department for Innovations Universal Skills (DIUS) Skills Funding Agency in relation to performance management Further Education Colleges. School Improvement Partners (SIPs) will continue to hold performance discussions with School Sixth Forms on behalf of local authorities as part of the single conversation.

9. Equality implications

9.1 The reform of 14-19 qualifications and curriculum is intended to ensure that an appropriate range of courses and qualifications is available so that every young person can learn a way that engages and motivates them. Walsall's 14-19 Strategy reflects this aim and its effective delivery through the new systems will directly and positively impact on the reduction of gaps in attainment as well as promoting the achievement of socially excluded groups.

9.2 Local commissioning will be based on analysis of local demand, and funding will follow the learner, promoting equality of opportunity for young people across the 14-19 age and ability range.

10. Consultation

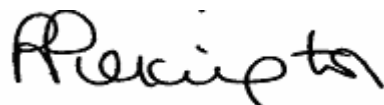
Consultation on these proposals has taken place through:

- Walsall Children's Services/Serco LSC Transition Group
- The 14-19 Strategic Partnership Board
- Black Country Local Authorities SRG Group
- Black Country DCS meetings
- Regional LSC meetings

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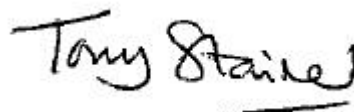


Signed:
Executive Director: Pauline Pilkington
Date 7 December 2009



Signed:
Portfolio Holder: Cllr R Walker
Date: 7 December 2009

Signed:



Managing Director, Walsall Children's
Services, Serco: Tony Stainer
Date: 7 December 2009

Black Country Sub Regional Groupings

Introduction

1. This paper presents the draft Stage 2 proposal for a Sub regional Grouping of the four Black Country Authorities: the City of Wolverhampton, and the Boroughs of Dudley, Sandwell, and Walsall. The paper details the arrangements to manage the 16-19 commissioning following the transfer of responsibility for 16-18 funding from the LSC to Local Authorities and reflects the guidance provided by the DCSF.

Governance

2. All four Black Country Authorities are committed to a model that recognises the sub-regional travel to learn patterns of its 16-18 learners but which also ensures each local authority retains its statutory responsibilities. This translates into a model where commissioning is essentially managed on a local basis with each Local Authority having a commissioning function and responsibility and then bringing these together in through the Sub Regional Commissioning Group to ensure a coordinated sub-regional commissioning plan designed to ensure the highest possible quality of provision.
3. Under this model each Local Authority would take principal responsibility for agreeing the 16-18 provision with the FE and other colleges and providers based in its area. This local commissioning function and responsibility would be complemented by a Sub Regional Commissioning Group drawn from LA leads. It would be expected that Local Authorities would liaise with and co-ordinate arrangements with neighbours beyond their boundaries with whom there might be significant travel to learn exchanges.
4. Framing, guiding and sanctioning the commissioning process would be a clear sub-regional governance structure established by a Memorandum of Understanding between the four Local Authorities endorsed by Elected Members in each of the Authorities through their individual political decision making process. The Terms of Agreement of the Memorandum of Understanding are currently being worked up.
5. The governance structure would recognise and reflect the role and statutory responsibilities of individual LAs and their commissioning processes. In keeping with the guidance from the DCSF on the function of the 14-19 Partnership in an LA, each individual LA would have its arrangements for agreeing the 16-18 commissioning plan to be for its area, reflecting its established governance structures for commissioning with in all likelihood, at

least, Cabinet approval in each of the respective Local Authorities for its 16-18 plan.

6. Then, at sub-regional level, there would be two principal groups that would inform, manage, and sanction the Black Country SRG commissioning plan to be proposed to the West Midlands Regional Planning Group (RPG). There would be a Black Country Post 16 Commissioning Executive Group composed of the 4 Directors of Children's Services for the Black Country Local Authorities plus supporting officers. This would manage and inform the bringing together of the individual LA commissioning plans. This process would be supported by clear links to the Black Country Consortium through which it will be ensured commissioning intentions align appropriately with the wider regeneration agenda. The Executive Group would report to a Post 16 Commissioning Board, composed of the four Lead Members for Children's Services which would sanction the SRG plan. These two groups would meet as required during the period of the commissioning cycle.
7. The Black Country Post 16 Commissioning Executive and the Member Level Board would operate under clear and agreed Terms of Reference (to be signed off by Elected Members in each of the 4 LA's) and operate under clear delegated authority from each of the four Local Authorities. It is anticipated that papers would be in the public domain and subject to call in, scrutiny and challenge by the existing Scrutiny arrangements within each of the four Local Authorities. The work programme for the LA commissioning process would initially be based on the current LSC business cycle, and be supported by the 16-19 Operational Commissioning Group, with meetings arranged to ensure that timely decisions are made in order to ensure that colleges and other providers received budgets in good time.
8. Discussions are currently underway with colleges, schools, work based learning providers and other stakeholders including learners and employers about how they could be best engaged. It is not envisaged, however, that the provider network would be invited to join the SRG Commissioning Board as the SRG would want to maintain a clear separation between commissioners and providers. It is the case that the Black Country has engaged stakeholders in the 14-19 Implementation Plan agenda for a number of years, having held an annual conference since 2006. There are two provider representative groups, Black Country Partnership for Learning (BCPL), and Black Country Training Group (BCTG), that the SRG has also engaged in taking forward the dialogue around the needs of young people and how best the LAs and the SRG can meet them. It is anticipated that engagement of learners and employers will be conducted at both the local level – based on existing Local authority arrangements for example youth Cabinets and Parliaments – and at the sub regional level.

Decision Making Processes

9. Under the proposed model set out above, decision making processes would, in the first instance be essentially local with each Local Authority having a strategic dialogue with its FE College(s) and other providers. It would then go through an iterative process of co-ordination and moderation through the 16-

19 Operational Commissioning Group. The intention is to create a structure which would allow both a local and a sub regional commissioning level. The decision making process at least initially would therefore be similar to that currently operated within the LSC going from strategic dialogue with colleges and other providers (often based on national and regional as well as local policy priorities) and then moving through sub regional, regional and national iterations as set out in DCSF guidance. The quality of provision would, of course, be a key factor in decisions about commissioning or decommissioning provision. Decisions would be made by the Executive Group and Board where appropriate under delegated authority and where necessary signed off by Elected Members in each of the 4 LA's either acting under individual executive powers or through Cabinet and, where necessary, endorsed by the full Council. The Executive Group will also have a key role in liaising with other Sub Regional partnerships and where appropriate co-ordinating commissioning arrangements in order to ensure that there is no unnecessary duplication of provision or that decisions are not made about provision within our Sub Region which would have an adverse impact on learners in neighbouring Sub Regions. The SRG's proposed commissioning plan would then go to the RPG for final sanction.

Dispute Resolution

10. We anticipate that with both a Member and an Officer group most potential disputes within the four Black Country Authorities could be resolved either by the Executive Group or by the Commissioning Board. To facilitate this both groups may need a constitution that gives the Chair a casting vote. Where this is not possible disputes will be referred to the Regional Planning Group (or its successors) or by working with and through the Young People's Learning Agency.

Staffing Needs

11. Staffing needs are at this stage difficult to estimate, but based on the early indications of the number of staff likely to transfer to Local Authorities we anticipate that each of the Local Authorities will have a commissioning team headed by the equivalent of a LSC Band 4 officer. These posts will need to be supported by between 2 and 4 posts probably at a level equivalent to LSC Band 2 or 3. It is likely that one of these posts in each Local Authority will need to take responsibility for the functions relating to the placement of learners with learning difficulties and other issues around LLDD. These latter posts are likely to be based in existing Inclusion teams to maximise the synergies with other SEN related work.
12. The local teams will be managed primarily within the individual Local Authority's Children and Young People's Services.
13. At both local and sub regional level close links will need to be established between the teams responsible for commissioning provision and those responsible for IAG. (Decisions are currently being made across the Black Country LA's about the future arrangements for the Connexions Service). This will enable the production of both an Area prospectus, covering the Black

Country, as well as more local ones for each LA area or part thereof. Links with IAG services will also help develop a learner stakeholder group.

Reporting Responsibilities

14. Reporting lines will be essentially local i.e. from each of the Local Commissioning Teams up through appropriate management and political arrangements in each of the 4 Local Authorities and also sub regional i.e. to the Post-16 Commissioning Executive Group made up of the four DCS's and to the Sub Regional Commissioning Board of the four Lead Members for Children's Services in the Black Country Local Authorities. Where necessary these arrangements will allow reports to be made to other sub regional groupings such as the Association of Black Country Authorities, the Black Country Consortium and also allow reporting to regional bodies such as the Regional Planning Group. Reports could also, under this system, be readily produced for national or regional agencies such as the YPLA or the Government Office of the West Midlands.

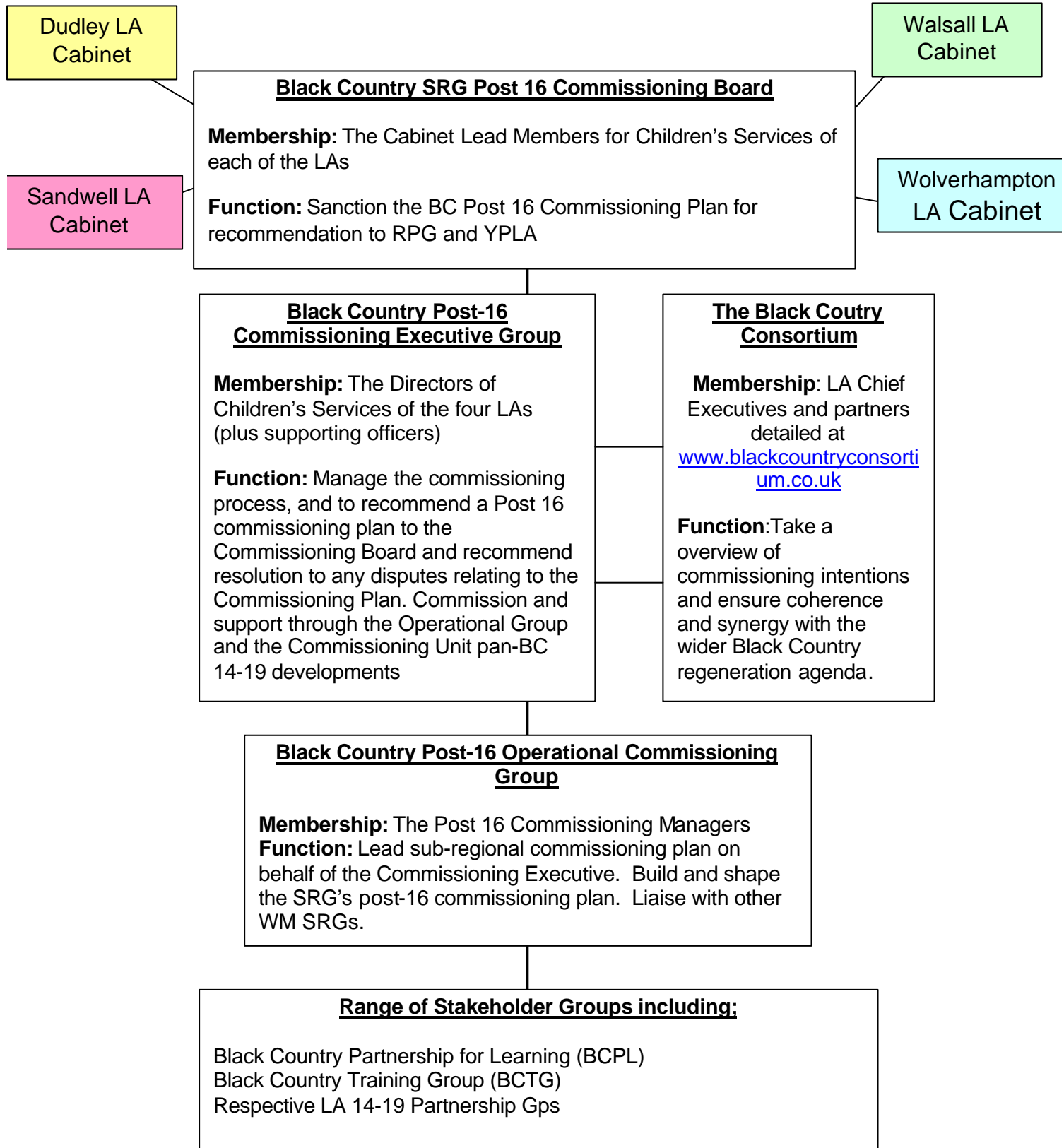
Financial and Performance Accountabilities

15. There is insufficient information at this stage to say much concrete about this area. At this stage all that can be said is that we would expect the funding for FE colleges and other post 16 providers to flow through the Local Authorities but to be based as now on a national formula. The financial and performance accountability will therefore be both local and regional/national. We await further information on Government's expectation on how financial and performance accountabilities will be managed within the new Sub Regional frameworks.

| September 2009

Annex 1

Black Country SRG Governance Structure



Memorandum of understanding in relation to 16-19 commissioning

THIS MEMORANDUM OF UNDERSTANDING ('Memorandum') is made on *(date)*

BETWEEN:

- (1) The Borough Council of Sandwell whose registered office is at Sandwell Council House, Freeth Street, Oldbury B69 3DE ('Sandwell')
 - (2) Dudley Metropolitan Borough Council whose registered office is at Dudley Council House, Priory Road, Dudley DY1 1HF ('Dudley')
 - (3) Walsall Metropolitan Borough Council whose registered office is at Walsall Council Civic Centre, Walsall, WS1 1TP ("Walsall")
 - (4) Wolverhampton City Council whose registered office is at Wolverhampton City Council Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH ("Wolverhampton")
- together the "Parties"

RECITALS

The Parties are local authorities situated in the Black Country sub-region of the West Midlands with certain statutory responsibilities to young people living in their geographical areas.

The Parties wish to work together flexibly to manage the 16-19 commissioning process following the transfer of responsibility from the Learning Skills Council to local authorities in accordance with guidance provided by the Department for Children Schools and Families – 16-19 Transfer Guidance: Commissioning Process (as from time-to-time amended and updated.)

The arrangements which are the subject of this Memorandum are designed and intended to support each respective Party's economic objectives.

NOW IT IS AGREED as follows:

1. Glossary

- 1.1 Unless the context requires otherwise in this Memorandum the following abbreviations and terms shall have the meaning set out below.

DCSF	Department of Children Schools and Families
SRG	Sub-Regional Group
RPG	Regional Planning Group
YPLA	Young People's Learning Agency
IAG	Information, Advice and Guidance

2. Governance Structures

- 2.1 The Parties are committed to a governance model for delivering 16-19 commissioning services which recognises sub-regional 'travel to learn' patterns amongst its 16-18 learners but nothing in this Memorandum or governance model shall amount to a delegation of functions between the Parties or the establishment of a joint committee pursuant to section 101 of the Local Government Act 1972.
- 2.2 In accordance with DCSF guidance each Party will be responsible for agreeing the 16-18 commissioning plan for its area and agreeing provision of necessary services with the further education and other colleges and providers in its geographical area. These arrangements will be complemented by a sub-regional governance structure as set out in Annex 1 of this Memorandum.
- 2.3 The sub-regional governance structures set out in Annex 1 will inform, manage and sanction the Black Country SRG commissioning plan to be proposed to the West Midlands Regional Planning Group. Further details of the membership and function of each of the sub-regional structures are set out in Annex 1. The Parties will convene meetings at these sub-regional levels as and when required during the commissioning cycle to ensure timely decisions are made in respect of contractual arrangements with service providers.
- 2.4 It is anticipated that the Commissioning Board and Executive Group will operate under clear delegated authority from each of the respective Parties and that their papers and decisions will be in the public domain and subject to each of the Parties' existing scrutiny arrangements. Where necessary decisions will be reported to the appropriate Party's executive for ratification.
- 2.5 Although the Parties will liaise with providers at a sub-regional level in order to maintain separation between commissioners and providers the Stakeholder Groups shown in Annex 1 will not be invited to join the Commissioning Board.

3. Decision Making

- 3.1 In the first instance decision making as to the commissioning arrangements will rest with the individual Party concerned in conjunction with its local providers. Decision making at the local level will move through sub-regional, regional and national iterations in accordance with the DCSF guidance. In particular the SRG Executive will have a key role in liaising with other SRG Executives to ensure there is no unnecessary duplication of provision and that decisions made at Black Country sub-regional level do not have an adverse impact on learners in neighbouring sub-regions.
- 3.2 The commissioning plan proposed by the SRG Commissioning Board will be submitted to the RPG for their support.

4. Dispute Resolution

- 4.1 Where disputes between the Parties concerning the subject matter of this Memorandum cannot be resolved at sub-regional level they will be referred to the RPG and / or YPLA as appropriate.

5. Staffing Requirements

- 5.1 Acting reasonably the Parties will work together in good faith to establish the staffing needs of each Party when further information is available from central Government regarding financial and performance accountability at local, regional and national levels.
- 5.2 The local and sub-regional teams will work closely with those responsible for IAG. The teams will support the production of an area prospectus covering the Black Country sub-region in addition to prospectus for each local area.

6. Reporting

- 6.1 Reporting lines will principally be the Parties existing internal management and governance arrangements. At a sub-regional level the Executive Group will report to the Commissioning Board.
- 6.2 Where necessary or desirable reports will also be made by the Executive Group to other SRGs, the RGP, Black Country Consortium and other regional and national agencies such as Government Office West Midlands and YPLA.

7. Financial and Performance Accountabilities

- 7.1 Acting reasonably the Parties will work together in good faith to agree each Party's accountability for provision of the services which are the subject of this Memorandum when further information is available from central Government regarding financial and performance accountability at local, regional and national levels. It is anticipated resourcing will be based on a national formula.

8. Non-binding Memorandum

- 8.1 This Memorandum is not intended to and shall not create any legal obligations between the Parties.

9. Expenses

- 9.1 Each Party shall be responsible for its own costs in relation to all matters arising out of this Memorandum.

10. Term and termination

- 10.1 This Memorandum shall continue in force until terminated by one or more Party.
- 10.2 Each Party may terminate this Memorandum by notice in writing and such notice, once received by the other Parties, will have immediate effect.

11. Assignment

- 11.1 This Memorandum is personal to the parties and neither this Memorandum nor any rights or obligations under it, may be assigned by any of the Parties without the prior written approval of the all the other Parties.

12. Entire agreement

- 12.1 This Memorandum embodies the entire understanding and agreement between the Parties in connection with the subject matter of this Memorandum and none of the Parties is relying on any representations, promises, terms, conditions or obligations oral or written express or implied other than those contained in this Memorandum. None of the Parties seek to exclude liability for fraudulent or grossly negligent misrepresentation.

13. Amendment

- 13.1 This Memorandum may not be released, discharged, supplemented, interpreted, amended, varied or modified in any manner except by an instrument in writing signed by a duly authorised officer or representative of each of the Parties.

(signatures of (or on behalf of) the Parties)

Annex 1

Black Country SRG Governance Structure

