

Report of the Assistant Director, Access & Inclusion to the meeting of the Governance and Audit Committee to be held on 25 September 2015.

Subject:

N

Outdoor Learning Centres – Future Governance Arrangements

Summary statement:

This report presents information on the future governance arrangements for the Outdoor Learning Centres.

Michael Jameson
Strategic Director
Children's Services

Portfolio:

Children's Services

Report Contact: Linda Mason
Phone: (01274) 385676
E-mail: linda.mason@bradford.gov.uk

Overview & Scrutiny Area:

Children's Services



1. SUMMARY

- 1.1 This report presents information on the progress being made towards establishing the future governance of Nell Bank, Ingleborough Hall and Buckden House Outdoor Learning Centres.

2. BACKGROUND

- 2.1 A business case was presented to the Schools Forum in July 2012. It outlined plans to work towards the Outdoor Learning Centres at Nell Bank, Ingleborough Hall and Buckden House becoming self sustainable units. This led to funding of £1 million being secured to refurbish all three Centres to transform their delivery, to maximise impact on achievement of children and young people in the District and to support the development of future business. A further £273K was provided to support accessibility to the Centres. Currently two of the three Centres, Ingleborough Hall and Buckden House, have been refurbished. However both projects required unanticipated further remedial work above the original plans, this was reported back to Schools Forum in December 2014 and further £500K was requested to ensure Nell Bank maintained its original planned budget of £700K. The work on Nell Bank will begin in September 2015.
- 2.3 As reported in April 2014 there is no formal relationship between Bradford schools and the Council to govern the Outdoor Learning Centres, although a Memorandum of Understanding (MOU) was agreed by the Outdoor Learning Project Board on the 10th January 2013. Two of the three Outdoor Learning Centres are managed by the Council but do not have a co-ordinated approach including governance arrangements.
- 2.5 One of the main change agents is the removal of subsidies from the Council and that future activities would need to be provided on a sustainable business basis. A new governance structure will be independent of the Council and the new body will require independent legal advice with regard to formation and risk management.
- 2.6 The arrangements for managing Outdoor Learning changed in May 2015 when the manager responsible for the new governance project development moved to a new role and was not replaced until late October. The Outdoor Learning Project Board which has been overseeing the work did not meet from April 2015 until November 2015; this has delayed the work, since November 2015 the pace of change has increased significantly.
- 2.7 There have been delays in the capital programmes for all three Centres. Since November 2015 the Outdoor Learning Project Board has ensured under advice from Education Client Services and colleagues in Architectural Services that all capital work at Buckden House would be completed. The capital work at Nell Bank was due to start in August 2015. There has been a delay in reaching this start date due to the value of the tenders received and the amount of the budget to complete the planned works, this work will now begin in September 2015.



3. OTHER CONSIDERATIONS

Trust Model Developments

- 3.1 The Outdoor Learning Project Board has formally agreed in March 2015 that it wants to adopt the Charitable Incorporated Organisation (CIO) model reported to and agreed by this committee back in April 2014. Work remains to be undertaken to discuss the possibility of a shared set of management arrangements with the Nell Bank Trustees before a CIO can be established for Ingleborough Hall and Buckden House.
- 3.2 The Outdoor Learning Project Board and Nell Bank Trustees have agreed to meet over the 2015 Autumn term to determine the future shape of any Trust(s) relating to the Outdoor Centres. The Jubilee Trust at Nell Bank has been both active and successful in sustaining and growing the work at the site. It has developed and continues to develop relationships with a number of stakeholders and the Chair is now a key member of the Outdoor Learning Project Board.
- 3.3 It has been agreed that the issues to be covered at the meetings to aid decision making will focus on: proposals for a single Trust or if appropriate two Trusts; the legal definitions for Trust Model(s) that could be adopted; clarification of the roles of Trustees in any new model(s); the current and future financial position for the centres; building liabilities and ownership; and, staffing arrangements.
- 3.4 Whatever Trust decisions are reached it is likely that a form of shadow arrangements would need to be put in place for the Trusts to assist them in their move to financial independence from the Council by April 2017. This would also need to be agreed by the Outdoor Learning Project Board and Nell Bank Trustees.
- 3.5 The portfolio holder for Children's Services will nominate a representative to sit on any future shadow and established Trust arrangements in January 2016.
- 3.6 A Trust deed document is planned to be available following the conclusion of discussion between the Outdoor Learning Project Board and Nell Bank Trustees.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 In 2014 the total cost of running the centres to the Local Authority is £1.0m. The Centres generate income of £0.75m and the Schools Forum provides an annual revenue contribution of £0.2m. The Council provided £73k from base budget.
- 4.2 The Council has transferred land and premises to the Nell Bank Jubilee Trust on a peppercorn rent for a period of 60 years. How this is managed in relation to Ingleborough Hall and Buckden House, once the Charitable Incorporated Trust is established, will need consideration in respect to the future management of the Centres. An initial business plan is required for the Centres which will demonstrate that they will be self sustaining within three years of the refurbishment being



completed. This plan will be revised in light of the late delivery of the capital projects.

- 4.3 The Children's Overview and Scrutiny Committee received a report on 2 September 2015 from the Assistant Director for Access and Inclusion and indicated that the planned start date for the works at Nell Bank was 3 August 2015. The same report also stated that there has been a delay in reaching this start date due the value of the tenders received and the amount of the budget to complete the planned works. Officers reported at that meeting their intended actions as to how they could resolve this matter as quickly as possible. The green light was subsequently given for the start of the capital works at Nell Bank.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 It remains the case that risks relating to the development of a CIO are monitored and reported to the Outdoor Learning Project Board. There are a number of considerations to be taken into account regarding the move to Trust status which includes the possible transfer of staff under Transfer of Undertakings (Protection of Employment) Regulations 2006 and would need to include any risk to the Council from associated pension liabilities. There are a range of issues being considered which are planned to be resolved by December 2015 these include building liabilities and ownership, staffing arrangements, establishing and electing Trustees and clarifying roles in full.
- 5.2 A project plan is in place to support the Council and the Outdoor Learning Project Board monitor and achieve its target for the three centres to be financially independent of the Council by 01 April 2017. This project plan is supplied as an Appendix to this report. It is a working document and is a snapshot in time of the work tasks and not an absolute position on progress.
- 5.3 Financial reporting for the revenue spend on the Outdoor Centres is supplied to the Children's Services Departmental Management Team and monitored as part of their responsibilities to manage resources within the Council. The management of resources to undertake the capital spend for the three outdoor centres has been monitored through the Department of Regeneration and Culture.
- 5.4 Financial information is also supplied to the Schools Forum in respect of their £1.5million capital investment. The Forum also has two representatives on the Outdoor Learning Project Board.
- 5.5 The delay in the start date at Nell Bank will have an impact on the revenue for the site. The Trustees at Nell Bank will be reviewing the level of that impact on their business plan.

6. LEGAL APPRAISAL

- 6.1 The outdoor learning service promotes the values in the Council's key strategies and objectives for the education of children and young people.



- 6.2 As a CIO is to be a separate legal entity, independent from the Council, then external legal advice will be required to advise that entity. Legal Services have and will continue to assist the service to ensure any Council interests are included.
- 6.4 If the service is transferred to a separate legal entity, there may be a future transfer of employees under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"), and the Council and the new provider of services will be required to comply with TUPE.

7. OTHER IMPLICATIONS

7.1 Outdoor learning promotes the values in key strategies such as Raising Achievement; Education Improvement and the Community Strategy. It contributes to the strategic objectives and key priorities of The Children and Young People's Plan 2011-2014, to improve educational outcomes. A recent report 'Time for change in outdoor learning' published by the English Outdoor Council 2010 stated that there is clear and compelling evidence that:

- learning outside the classroom raises educational standards,
- it makes a powerful contribution to curriculum aims,
- outdoor activity helps to address health problems and enhances wellbeing,
- it offers for many their first real contact with the natural environment,
- it builds cross-cultural understanding and can change communities,
- it helps to reduce anti-social behaviour, crime and disengagement from education,
- it helps young people to manage risk and encourages them to welcome challenge.

7.2 EQUALITY & DIVERSITY

7.2 The refurbishment of the centres includes the provision of barrier free access to allow pupils with mobility difficulties to participate in Outdoor Learning. The updating of residential facilities will provide additional privacy, making centres accessible by all members of the community.

7.3 SUSTAINABILITY IMPLICATIONS

7.3.1 There are no sustainability issues arising from this report.

7.4 GREENHOUSE GAS EMISSIONS IMPACTS

7.4.1 There are no greenhouse gas emission impacts arising from this report.



7.5 COMMUNITY SAFETY IMPLICATIONS

- 7.5.1 Outdoor Learning can be used by Pupil Referral Units and mainstream schools to engage pupils who are on the boundaries of acceptable behaviour within schools. Activities can assist in providing positive activities and models of behaviour for disengaged students, contributing to better behaviour and improved community safety.

7.6 HUMAN RIGHTS ACT

- 7.6.1 No issues.

7.7 TRADE UNION

- 7.7.1 If there was in the future to be a TUPE transfer of relevant staff to a new provider/s, consultation would take place, as required by TUPE, with the recognised trade unions for the affected staff.

7.8 WARD IMPLICATIONS

- 7.8.1 There are no Ward or area implications as all children and young people in Bradford and the District have access to the Centres.

7.9 AREA COMMITTEE ACTION PLAN IMPLICATIONS

- 7.9.1 No implications.

8. NOT FOR PUBLICATION DOCUMENTS

- 8.1 None.

9. Options

- 9.1 Non this is an update on progress

10. Recommendations

- 10.1 Members are recommended to note the arrangements in place that support the setting up of a Charitable Incorporated Organisation.
- 10.2 Members are recommended to request the Strategic Director to bring a report on the progress towards establishing Trust status in the Spring of 2016.



Children's Centre Delivery Model and Implementation Project Document Information

Created by: Adele Baines

Date of Creation: 10/03/14

Document Name and Version: 150514 AB CC Project Planv 0.1

Document is only valid for date of creation. Latest version can be requested from the PMO

Purpose: To provide a clear understanding of the critical activities that need to be completed, the timescale in which they must be completed and milestones denoting significant achievements or dependencies.

Revision History

Version No	Date	Editor	Description of Changes
0.1	11-Jun-15	AB	Amended for PMG
0.2	31-Aug	GH	Amended for OLPB