

Regulatory and Audit Committee 3 February 2016

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Regulatory & Audit Committee

Title: Buckinghamshire Learning Trust Progress Report Feb 2016

Date: 3rd February 2016

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Summary

During August 2015 Internal Audit and Risk Management conducted an audit of Buckinghamshire Learning Trust (BLT); the final report was issued in September 2015. The overall conclusion on the system of internal control of BLT was that BLT provided a limited level of assurance.

The Learning Trust is an educational charity that delivers on behalf of Buckinghamshire County Council (BCC) a range of education support services to schools and early years’ settings. It is governed by a Board of Trustees. BLT works with BCC to enable it to discharge its statutory duties. The Committee last received a progress report on BLT on the 18th November 2015.

To address the findings of the audit a project plan was initiated, supported by a cross Council team of officers from legal, procurement and commissioning and services managers from Children’s Social Care & Learning.

Status Update

A new interim Director for Education came into post on 4th January 2016, taking responsibility for leading on improvements relating to the BCC - BLT relationship.

In summary

1. New Key Performance Indicators are being developed for the new Annual Activity Plan to cover the academic year 2016/17, these new performance measures will be incorporated into the updated Education Duties and Responsibilities document.
2. A new Risk Management Register has been created and existing and new risks recorded and mitigating factors identified.



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3. Whilst financial management procedures between BLT and BCC have been improved they remain an area for further clarification and development. Escalation processes to senior managers at BCC to address areas of non-compliance are to be formally drafted, in the meantime a pattern of regular reviews and monitoring meetings are in place and future meetings timetabled.
4. Work is underway to convene a new Board of Trustees. The Council has received nominations expressing interest in representing BCC on the Board of BLT. Suitable candidates will be recommended by the Cabinet Member for Education & Skills.
5. BLT has provided a contract manager; the role is being undertaken by the Finance and Governance Director of BLT.
6. The two plans requested by the audit report, an exit plan and a business continuity plan have been actioned. The exit plan is complete, the business continuity plan requires updating and this is in progress.
7. The annual Section 11 safeguarding tool has been completed.
8. A new BCC-BLT governance structure has been agreed and actions under the Council's Platinum Plus procurement arrangements have been agreed. The first meeting under the new governance arrangements will take place on the 11th February 2016.

The initial focus of the Project Team was to address the matters raised in the audit report (published September 2015). The Project Team is continuing to work with BLT to address change to national education policy and planned financial reduction.

Legal implications

Within the Improvement Plan there is a workstream dedicated to the project work requiring legal involvement. Legal Services have been instructed and form part of the Project Team.



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Ref/ Risk no.	Description	Baseline Date	Forecast /Actual Date	RAG Stat us	Reason
1	<i>KPIs to be reviewed and on the agendas for termly and annual review meetings – ref audit action 15.</i>	1 Dec 15	29 Jan 16	A	KPIs to be reviewed and added to the Education Duties and Responsibilities doc.
2	<i>All BLT financial transactions to be approved by MD CSC&L – with immediate effect – ref audit action 17. Develop cycle of financial transactions. Longer term, Director of Education to hold BLT budget.</i>	1 Dec 15	1 Jan 15	G	
3	<i>Risk Register to include financial risks of potential Schools Forum withdrawal of DSG funding; MTP pressures; efficiency savings; debts from BLT to BCC (ref audit action 18).</i>	1 Dec 15	1 Jan 15	G	Risk register now captures these risks
4	<i>Draft variation to contract so that the BLT funding is paid monthly – ref audit action 16.</i>	1 Dec 15	30 June 16	A	Currently paying monthly through informal agreement with BLT. Variation to be agreed for academic year 16/17
5	<i>BLT debts that are more than 90 days overdue will be investigated by the Finance Director CSC&L and recovered. This needs to be built into the new Financial Arrangements – ref audit action 18.</i>	30 Nov 15	28 Feb 16	A	Agreed to defer debts due over a longer period – exact timings still need to be agreed with BLT
6	<i>BLT financial reporting for termly review meetings to include forecasting and narrative – ref audit action 19.</i>	1 Dec 15	28 Feb 16	A	More detailed information supplied for Autumn term report, but not at activity level to help us understand their costs to deliver each service. Supporting narrative still not detailed. Will be discussed on 3 rd February review meeting
7	<i>Risk Register for BCC and BLT up to date (BLT operational risks & BCC risks) – ref audit action 9a, 9b – recorded on County Risk Management System.</i>	1 Dec 15	31 Dec 15	G	Draft BCC risk register produced with support of Andy Capjon. This will be reviewed by project group on 16 December with support from Andy Capjon. BLT has produced Risk Register which has been approved by

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					<p>their Trustees and was discussed with BCC at review meeting on 13/11/15. Need to consider any risks they have identified for BCC Register. Update 4/1/16 RR was discussed at review meeting on 16/1/12 and all key contributors had updated this, all must continue to do so as business as usual. Risks have been cross referenced to this Improvement Plan</p> <p>Update 18/1/16 BCC Risk Register now incorporated as part of business as usual as part of this improvement plan, and BLT Risk Register now forms part of business as usual Contract Monitoring</p>
8	<i>BLT annual report to include frequency and attendance by trustees at the BLT board meetings – ref audit action 3</i>	1 Dec 15	16 Nov 15	G	
9	<i>Escalation processes to Senior Managers at BCC where there is non-compliance, to be drafted and included within the Funding Agreement (ref legal advice on limitations of enforcement) – ref audit action 5a, 5b.</i>	1 Dec 15	31 May 16	A	<p>Standard wording from CSC&L Contract being used for a revised funding agreement/variation. However relevant SMT to consider any sanctions Update 4/1/16 – As discussed at project meeting on 16/12, will be considered in as part of variation to agreement</p> <p>Update 18/1/16. PS & RH have met with Tricia Hook to consider variations. Current view is to meet with BLT first to discuss theirs and our views on funding agreement, prior to putting in place any variations. Note that current dispute resolution could be used if necessary</p>
10	<i>BLT board of trustees details to be accurately published on their website, as well as with Companies House and Charities Commission website – ref audit action 4.</i>	2 Nov 15	2 Nov 15	G	
11	<i>The BLT has a Contract Manager in place, suitably qualified and empowered to act on behalf of the</i>	2 Nov 15	2 Nov 15	G	BLT advised this is the role of the Finance & Governance Director and once permanent role, will consider structure underneath this to support contract management

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	<i>Trust – ref audit action 6.</i>				
12	<i>BLT 'Exit Plan' to be drawn up and provided for BCC – ref audit action 7.</i>	1 Dec 15	6 Nov 15	G	
13	<i>BLT 'Continuity Plan' as above – ref audit action 8.</i>	1 Dec 15	28 Feb 15	A	Received, however further work required on it to ensure meets business continuity needs of CSC&L as discussed with Claire Hawkes. Suggest BLT invited to CSC&L training event in January 16, with a view to updating this ready for BLT Annual Review meeting in Feb 16 Update 4/1/6 – Have emailed BLT advising will be invited to training session as mission critical activities identified insufficient
14	<i>Complaints Procedure approved – ref audit action 10a, 10b (awaiting final review by Complaints Team re whether final complaint stage moves to BCC or Ombudsman).</i>	1 Dec 15	28 Dec 16	R	Whilst standard wording can be used for any future funding agreement or variation, this does not state that complaints are to be referred to BCC as part of a providers final stage process. Also, meanwhile we have not agreed current arrangements. Currently with SR (SR provided update on this on 14/12 which I have sought further clarification on. 18/12/15 Update – SR issued email to ATH confirming this requirement, await response Update 6/1/16 ATH has responded saying she will look at this, I think she will just say this has been signed off by trustees so suggest this is escalated to the Commissioning Group Update 18/1/16 – Now captured in dispute resolution document to be resolved at a one-off meeting to be arranged Update 27/1/16 – Have contacted Corporate Complaints team via Ben to point out that suggested wording for complaints in contracts for suppliers does not indicate this is required – await clarification.
	<i>BLT complaints register to be presented to BCC Complaints Team annually – ref audit action 11b.</i>	31 Aug 15	31 Aug 15	G	
15	<i>BLT to complete and forward to BCC the annual S11 Safeguarding Self-Assessment Tool – ref audit action 12.</i>	13 Nov 15	13 Nov 15	G	

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16	<i>Platinum contract review on CMA to be completed by BLT – ref audit action 14.</i>	30 Sept 15	30 Sept 15	G	
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