

DECISION RECORD ¹

Officer Key Decisions are subject to the Council's Call-In Procedure (Annex 9 of the Council's Constitution) [Council's Constitution](#)

Subject: To negotiate an extension of the existing contract between Hertfordshire County Council (HCC) and Herts for Learning (HfL) for the provision of HfL services and support to HCC'.

(Please use the same title as provided in the Forward Plan)

Staff Contact: Simon Newland

Executive Member: Terry Douris

Tel: 01992 588755, ext. 28755

Portfolio: Education, Libraries and Localism

1. **Decision** ²

To further extend the contract between Hertfordshire County Council and Herts for Learning for the provision of Herts for Learning Services and Support to Hertfordshire County Council by one year to cover period March 2020 to April 2021.

2. **Reasons for the decision** ³

The original contract commenced on the **1st September 2013** and continued for a period of three years until **31st August 2016** but could be extended at the agreement of both parties for up to three years.

The parties extended and varied the Contract by way of a deed of variation from 1st September 2016 to 31st August 2017.

The parties further extended and amended the Contract and First Variation with effect from 1st September 2017 to 31st March 2018.

The parties further extended and amended the Contract and Second Variation with effect from 1st April 2018 to 31st March 2019.

A new contract commenced on 1st April 2019 and continues until 31st March 2020 but could be extended at the agreement of both parties for further one-year periods of up to a total of six (6) further Contract Years.

In October 2019, Hertfordshire County Council undertook a consultation with maintained schools on proposals for the de-delegation of funding by Maintained Schools for the year 2020/21 and also for the following two years i.e. 2021/22 and 2022/23 for school improvement and other support provided by HfL to allow the Council to continue to fund Herts For Learning to undertake a range of functions in support of schools, separate to and beyond what is provided to those schools on a traded basis.

These activities are necessary for the Council and its Maintained Schools to continue to operate as successfully on behalf of local children as we have come to expect over many

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years. It is now clear that there is no general requirement on Maintained Schools to convert to Academy status in the medium-term future.

The proposals for the de-delegation of funding were supported by a majority of maintained schools and formally agreed by the Schools Forum on 27th November 2019 specifically to support the extension of current arrangements with Herts for Learning. The Council and Herts for Learning now wish to extend for a further year with effect from 1st April to 31st March 2019 as HCC needs to put in place arrangements properly to support those schools that wish to remain Maintained. After this date, the contract cannot be extended.

Both HCC and HfL believe that the support provided by Herts for Learning through the contract has contributed and continues to contribute to the excellent performance of Hertfordshire schools. HfL is a schools' company and owned by HCC and Hertfordshire Schools. The share capital comprises 126 (19%) shares owned by HCC and 521 (81%) shares owned by Hertfordshire schools.

The total cost of the contract is being met by a combination of allocated DSG (Dedicated Schools Grant) budget and de-delegation as agreed by the Schools Forum. There will be no additional cost for Hertfordshire County Council.

3. **Alternative options considered and rejected** ⁴

As indicated in section 2 both parties believe that the support HfL provides schools through the contract has been extremely beneficial to Hertfordshire schools overall and because the contract enables an extension for a further six years up to April 2026, no alternative options were considered at this time.

4. **Consultation**

(a) Comments of Executive Member ^{5 6}

(b) Comments of other consultees ⁷

5. **Following consultation with, and the concurrence of the Executive Member, I am proceeding with the proposed decision.**

Signed:

Title: Date:

6. Copies of agreed document to:

- All consultees
- All members of the County Council (Democratic Services to send)
- Hard & electronic copy (for public inspection both at County Hall and on hertfordshire.gov.uk) to the Democratic Services Manager - Room 213 County Hall; democratic.services@hertfordshire.gov.uk

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¹ Please refer to the Call-in and Contract Award Process for officers to determine if notice on this decision record for successful and unsuccessful bidders is exempt information and is therefore subject to inclusion in Annex 'A'

² If this decision relates to the award of contract, please provide a summary of the evaluation process and reasons for the award of contract to the successful bidder.

³ for guidance see Chief Legal Officer's note "Taking Decisions"

⁴ details of any alternative options considered and rejected by the officer at the time the decision was made

⁵ record any conflict of interest declared by any Executive Member consulted. If an Executive Member declares a conflict of interest DO NOT PROCEED without taking advice from the Chief Legal Officer

⁶ If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Executive Member **before** proceeding. In some cases it will be necessary to consult more than one Executive Member, and in some cases the Leader of The Council will need to be consulted

⁷ If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by email) and proceed. It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.