

Cabinet – 4 September 2019

Alternative Provision Framework Contract

Portfolio: Councillor Towe, Education and skills

Related portfolios: Education and Skills

Service: Children's

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To meet statutory duty to provide access to education for young people who have been or at risk of exclusion, at risk of disengaging from mainstream school provision or otherwise require alternative education provision to meet their educational entitlement.

2. Summary

- 2.1 In March 2017, New Leaf Centre; Walsall Council's Pupil Referral unit (PRU) forecasting suggested there would be a need for the Local Authority to commission 20 alternative provision places for September 2017. A Commissioning/procurement process was undertaken to develop a framework of providers, which could be 'called off' as required to meet needs of the 20 individual places. The Alternative Education framework contract(s) were originally awarded following the completion of a compliant procurement process, by approval of the Assistant Director of Access and Achievement on 31st August 2017, for the provision of Alternative Education.
- 2.2 Remedial action was taken as the need from the 20 initial places quickly expanded, through a decision taken by the Assistant Director of Access and Achievement in August 2017 that Key Stage (KS) 4 pupils would not access the buildings on the New Leaf (PRU) site and would all therefore require at least 2 off-site alternative education placements.
- 2.3 Although the original procurement process and framework contract contained provision to extend the contracts, under contract clause 1.9, up to 2 periods of 12 months, these extensions could not be actioned as the contract value exceeded the original tender value of £500K due to the increase in required places. This increase was due to the fact that prior to the framework arrangements, the local authority had restricted knowledge of what the true level of need or delivery should

have been place at the time. The budget was fully funded through the High Needs Block of the Dedicated Schools Grant.

- 2.4 In order for the Local Authority to continue to meet it's statutory obligations and to ensure the continuity of the Alternative Education service provision for young people from 1 August 2019, approval was obtained, in accordance with paragraph 9 of the Council's contract rules, for the Local Authority to enter into transitional contractual arrangements with the current Service Providers for a 2 month period from 1 August 2019 to 30 September 2019 pending cabinet approval on 4 September 2019 for a direct award to those Service Providers.
- 2.5 The transitional arrangements have ensured the continuity of service and enables the Local Authority to fulfil its statutory obligation, pending Cabinet approval on 4 September 2019 for a direct award.
- 2.6 In recognition of the requirement to increase the breadth of qualifications and range of provision available to pupils, an additional procurement process was completed. This activity has attracted additional service providers and these will be able to offer education to pupils once all Safeguarding, Quality Assurance and Health and Safety checks have been completed.

3. Recommendations

- 3.1 That Cabinet approve the award of the framework contract to the list of providers attached to the report at Appendix 1.
- 3.2 That Cabinet approve the delegation to award additional contracts to the Director of Children's Services, once all relevant quality assurance checks are completed. List is attached to the report at Appendix 2.

4. Report detail - know

Context

- 4.1 Local authorities are responsible for arranging suitable education for permanently excluded children and for other children who – because of illness or other reasons – would not receive suitable education, without such arrangements being made.
- 4.2 Funding for Alternative Provision comes from the Dedicated Schools Grant (DSG) to local authorities. The high needs funding allocation within the DSG is used to fund Alternative Provision placements and also supports provision for 0-25 year olds with special educational needs (SEN) and disabilities.
- 4.3 Vulnerable groups of children are more likely to be excluded, with 78% of permanent exclusions issued to children who had special educational needs (SEN), or classified as in need or eligible for free school meals. Certain ethnic groups, including Bangladeshi and Indian pupils, have lower rates of exclusion than White British pupils, with the analysis also finding some ethnic groups, such

as Black Caribbean and Mixed White and Black Caribbean pupils, experiencing higher rates, after controlling for other factors.

- 4.4 Numbers of excluded pupils has risen sharply in the last couple of years nationally and locally.

Council Corporate Plan priorities

- 4.5 Children have the best possible start and are safe from harm, happy, healthy and learning well.

Ch2. The gaps in educational attainment between the least and most deprived communities will be narrowed for all under achieving groups.

Risk management

- 4.6 The local authority will not fulfil its statutory obligation to provide suitable education to children of statutory school age. Children will miss out on their education entitlement. The local authority will not be able to verify the quality or commission provision for pupils who have been excluded from school.

Financial implications

- 4.7 Funding for Alternative Provision comes from the Dedicated Schools Grant (DSG) to local authorities. Based on previous activity the budget has been set at £4.m for the life of the framework agreement.

Legal implications

- 4.8 The framework contract has been out to market twice offering opportunity for all interested parties to apply

Procurement Implications/Social Value

- 4.9 None

Property implications

- 4.10 None

Health and wellbeing implications

- 4.11 Ensuring access to appropriate educational provision provides every child with the best start in life and enables all children, young people and adults to maximise their capabilities and have control over their lives.

Staffing implications

- 4.12 There are no HR implication

Reducing Inequalities

- 4.13 This activity specifically aims to reduce further impact of inequality produced by children and young people missing education entitlement through exclusion and no Equalities Impact Assessment was required.

Consultation

- 4.14 Consultation was undertaken with Procurement, legal and commissioning colleagues as well as New Leaf and local authority staff

5. Decide

- 5.1 It was not possible to extend the existing contract arrangements due to the financial limits/regulations.
- 5.2 The advantage of the framework is that it ensures all Providers have undergone rigorous local authority quality assurance checks before inclusion. This call-off framework does not guarantee any specific contracts for individual providers.

6. Respond

Framework contracts will be confirmed as appropriate when 'called off' for individual pupils as normal procedures. All delivery will continue to be subject to quality assurance, teaching and learning, health & safety monitoring procedures.

7. Review

There will be a schedule of monitoring visits and reports and regular schedule of meetings with all providers.

Background papers

Urgent Action Waiver – contract rules
Alternative Education framework contract - 31st August 2017

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27 August 2019



Councillor Towe
Education and skills

27 August 2019

Appendix 1

JP Alternative Education
Staff Select T/A Nova Training
Peak Activity Services Ltd T/A Peak Pursuits
Community Footprints Service Ltd
Performance Through People (PTP) Training Limited
Ormiston Shelfield Academy
Walsall College
Walsall Construction Training Ltd
Alpha Training
Kick Start Training
Rewise Learning Limited
MPCT
Manor Farm Community Association
Academy 21
Dame Kelly Holmes Trust
Dreamcatcher Arts
Five Rivers Child Care Ltd
Steps to Work (Walsall) Ltd
The Education Development Service Ltd
Black Country Boxing Ltd
TP Riley Community Association T/A Bloxwich Community Partnership (Electric Palace)

Appendix 2 – new Providers

The Ladder School - Part of The Mercian Trust
NEWTON YOUTH ALTERNATIVE PROVISION CIC
Innovating MIInds CIC
HORIZON CARE AND EDUCATION GROUP LIMITED
The National Teaching and Advisory Service
The Dare2Dream Foundation
Bright Sparks
Peter Pyne Training
Chase Aqua Rural Enterprise CIC
Elite Training Group Ltd