

Cabinet – 21 April 2021

Alternative Education Framework Contract

Portfolio: Councillor Towe, Education and Skills

Related portfolios: Councillor Wilson, Children's Social Care

Service: Children's Services

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To ensure all children and young people achieve their potential, maximising opportunities through providing access to education for young people who are excluded or at risk of exclusion, at risk of disengaging from mainstream school provision or otherwise require alternative education provision to meet their educational entitlement. The service aims to deliver aspirational alternative education environments where learners can achieve.
- 1.2 The report informs Cabinet of the arrangements for securing a new Alternative Education Framework to be in place when the existing contracts end on 31 July 2021.

2. Summary

- 2.1 The Council's Alternative Education Provision is delivered by: (i) New Leaf Inclusion Centre (the Council's managed Pupil Referral Unit offering alternative education); and (ii) a range of Alternative Education providers who have been awarded places on a framework agreement with the Council. These framework agreements are due to expire on 31 July 2021.
- 2.2 In order to develop a renewed service offer and ensure the provision of quality alternative education provision for Walsall pupils, officers propose to tender for new arrangements to be in place from 1 August 2021.
- 2.3 The tender focuses on broadening the service offer by increasing the range of providers able to meet the diverse needs of learners requiring alternative education provision. The new Framework Arrangements will be flexible and re-open at certain points throughout the contract term to invite new providers

onto the framework. This will enable the Council to increase opportunities for learners by responding to changes in the market and increasing the number of providers on the framework. This will also enable the Council to enter into longer term contracts, with the proposed term of 4 years plus up to a further 4 years.

- 2.4 In order to maintain the quality of Alternative Education Provision the existing comprehensive quality assurance process will continue within the new Framework Arrangements. Each service provider will be subject to a schedule of regular monitoring checks which focus on safeguarding, quality assurance and health and safety.
- 2.5 It is proposed to publish the tender in April 2021 which will enable the due diligence, quality evaluation and quality assurance checks to be undertaken in time for the start of the 2021/22 academic year.
- 2.6 This is a key decision because the value of the contracts exceed the threshold for “significant” expenditure/savings of £250,000, and requires Cabinet approval to award a ‘strategic contract’ in line with the Council’s Contract Rules.

3. Recommendations

- 3.1 That Cabinet delegate authority to the Executive Director for Children’s Services, in consultation with the Portfolio Holder for Education and Skills to approve the award of contracts for the provision of Alternative Education from 1 August 2021 to 31 July 2025 with option to extend any part up to 4 years to 31 July 2029 and to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services, as appropriate.
- 3.2 That Cabinet delegate authority to the Executive Director for Children’s Services, in consultation with the Portfolio Holder for Education and Skills, to authorise all subsequent call offs from the new framework agreements in accordance with the processes for doing so and terms and conditions of any such call offs that are set out in the Alternative Education Framework agreement.
- 3.3 That Cabinet delegate authority to the Executive Director for Children’s Services, in consultation with the Portfolio Holder for Education and Skills, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of any contracts and provided they are in line with the Council’s Contract Rules and any relevant legislation, including Public Contract Regulations 2015 (the Regulations).

4. Report detail - know

4.1 Context

- 4.1.1 Although the vast majority of children and young people attend mainstream schools and academies to receive their education, some children and young people benefit from receiving some, or all, of their education and support in 'offsite' settings that are delivered away from their school. This may be on a short or longer term basis.
- 4.1.2 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.
- 4.1.3 Funding for Alternative Education 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 for pupils with Special Educational Need and Disabilities (SEND).
- 4.1.4 The provision of a quality vocational Alternative Education Provision offer, working with local businesses and the local economy, outlined in the Corporate Plan 2018-2021, provides learners with valuable vocational training opportunities and experience. Children's Services Walsall Right 4 Children programme (WR4C) sets the strategic transformation journey for Walsall with one of the key priorities around reducing exclusions; to ensure that children and young people feel supported to engage with education, and professionals and families find it easier to access the right support to ensure children remain in education.
- 4.1.5 The service focuses on raising standards and improving outcomes for children and young people's learning in Alternative Education Provision. Ensuring that this includes a range of provision to meet individual needs, including quality vocational and GCSE courses. In delivering Alternative Education Provision, it is essential to look at how these services can reduce the risk of young people not continuing to engage post 16, in Education, Employment or Training. This will be through the development of meaningful pathways and Alternative Education Provision, which engages young people effectively in a range of opportunities and learning.
- 4.1.6 In seeking to raise aspirations and improve life chances for all young people, the Framework will include a range of Alternative Education providers to support young people at risk of offending or known to Youth Justice Services by providing them with an alternative pathway, and opportunity to engage with an Alternative Education Provision that meets their needs.

4.2 Tender Process

- 4.2.1 The service specification and tender documents have been developed in partnership with other stakeholders, including those who deliver the quality assurance function. Consultation with the market on current arrangements

and future developments also helped to inform and influence these documents. The tender will be published in April 2021. Following a comprehensive evaluation exercise, the aim is to award contracts for the provision of Alternative Education in July 2021 with call-offs with any provider being possible from 1 August 2021. This will allow sufficient time for quality assurance of providers, ensuring providers are in place for learners at the start of the new academic year.

- 4.2.2 In order to secure quality provision for Walsall learners which helps to raise their levels of engagement and aspiration, the evaluation will be undertaken with a 60% focus on service delivery and 40% focus on price.
- 4.2.3 Providers are required to tender prices for each core course category they can deliver. These core categories consist of: academic, hair and beauty, sport, catering, construction, retail, animal care, health and social care and media. These prices will be inclusive of all components required to deliver the course, whether this is face to face or virtually. Each core category will be ranked according to their scoring in the evaluation of quality and the prices that they tender. The providers with the highest rankings will be those that have been evaluated as offering the highest combined score on the service delivery and price evaluation. When placements are made under this framework, providers who can meet learners' individual needs will be considered in their ranked order.
- 4.2.4 The core categories will capture the majority of courses, however the framework agreement will also capture a variety of different courses that fall outside of the core categories listed. Providers can advise us of those courses and as a result the Council do not miss out on any course opportunities. Although these will not be ranked, all submissions will be required to meet minimum quality standards.
- 4.2.5 This information received in the tender submissions will form a directory which can be used to identify the most appropriate provision for individual learners.
- 4.2.6 The Council has a duty to ensure value for money and these arrangements will ensure set prices with providers, inclusive of all teaching and learning and resources. The re-opening of the framework will also offer providers the opportunity to reduce prices which helps to maintain the focus on delivering best value.
- 4.2.7 The call-off process, or the way in which provision will be identified for individual learners, is outlined clearly for providers and will be based on the quality and price of the provision in relation to meeting learners individual needs. Children and young people accessing learning with Alternative Education providers have a range of diverse needs which cannot be met by all providers therefore individual need is a primary focus in identifying the provision.

- 4.2.8 Each Alternative Education Provider on the framework will be subject to a comprehensive quality assurance process before they are used for the first time. This will evaluate the quality of their safeguarding and health and safety processes as well as the teaching and learning. Sufficient time has been built into the contract mobilisation period to ensure that this will be done before the summer holidays in time for providers to be in place for the new academic year.

5. *Council Corporate Plan priorities*

- 5.1 The provision of Alternative Education Provision supports achievement of the Corporate Plan 2018-2021 priority that 'Children have the best possible start and are safe from harm, happy, healthy and learning well.' In addition the Council aims to achieve the following outcomes; 'Education, training and skills enable people to fulfil their personal development,' and 'Children thrive emotionally, physically, mentally and feel they are achieving their potential.' The Council works with a range of providers including local business, which offer vocational courses and opportunities.

6. *Risk management*

- 6.1 In developing the Alternative Education Provision offer, the Council ensures that it fulfils its statutory obligation to provide suitable education to children of statutory school age. The Council will work to ensure that it mitigates the risk of children missing their education entitlement and undertakes regular checks of providers to ensure the education provision is safe and of a good quality, adhering to all the relevant Health and Safety legislation.
- 6.2 Procurement risks including legal challenges have been actively managed and mitigated through a compliant, open and transparent process.

7. *Financial implications*

- 7.1 The proposed contract value for 4 years is £6.380m, however as these are call off contracts actual spend against the contract will be based on demand for places during the contract period.
- 7.2 Spend against the contract is funded in full through the High Needs block of the Dedicated Schools Grant (DSG) that the authority receives. Alternative Education Provision for KS4 pupils is funded in full from a centrally held High Needs budget managed by the LA, where the budget for 2020/21 financial year is £1.595m. Alternative Education Provision for KS2 and KS3 pupils is funded in full from the delegated budget for New Leaf Inclusion Centre, with the delegated High Needs funding to New Leaf for the 2020/21 financial year being £0.650m in place funding and £0.262m in top up funding.

8. *Legal implications*

- 8.1 The Council will set up and operate the framework for Walsall pupils, including those on roll at New Leaf, young people with Special Educational Needs or disabilities (SEND) and children and young people who are looked after. This will be for the use of New Leaf and other settings in Walsall where young people need to access Alternative Education provision. Access to the framework will be for settings in Walsall only, which, while restricting the possibility to raise income from opening it for use by other local authorities, will minimise administration of the framework.
- 8.2 Procurement have assisted with publishing the framework to ensure compliance with the Public Contract Regulations 2015 (the 'Regulations') and Legal Services have prepared the over-arching Framework Agreement and call-off requirements, both of which are in a form approved by the Head of Governance.
- 8.3 Each call off will be subject to confirmation of a minimum set of requirements including, for example, services to be provided, cost and timescale. The new Framework Agreement, as drafted, will have a clearer, more transparent process, as each call off is made in accordance with the processes set out in it.
- 8.4 The new framework will allow other providers to join at a later date to ensure it reflects the needs of learners and enables contracts to be put in place with any new providers. Any modifications to the framework will be made as and when necessary with advice from Procurement and Legal Services where appropriate.
- 8.5 The Council has a statutory duty to arrange suitable education for permanently excluded pupils and this framework enables the Council to fulfil this duty.

9. *Procurement Implications/Social Value*

- 9.1 The procurement process being used is an open tender process under the Light Touch Regime, pursuant to Regs. 74-77 of the Regulations. The procurement exercise is being undertaken in line with the Regulations, the Council's Contract Rules and Social Value Policy
- 9.2 A contract notice was issued via the Find A Tender Service and further posted to the Council's E-Tendering Portal, to alert the market to the tender, in accordance with the requirements of the Public Contract Regulations and Council's Contract Rules. Procurement will ensure that all subsequent notices that are required in relation to this framework are published in accordance with the Regulations. Tenders will be opened in line with Walsall Councils Contract Rules using a formal opening ceremony on the Council's e-Tender Portal.

- 9.3 The framework agreement will run for a period of 4 years from 1 August 2021 with the possibility to extend for a period of up to 4 further years to 31 July 2029. This provides security in the Council's supply chain through entering into contracts for a longer term whilst also providing flexibility to enable the Council to work with new entrants in the market and take advantage of any innovation or new ways of working.
- 9.4 This procurement is being evaluated to find the 'most economically advantageous tender' to deliver this service and the evaluation will consider both price and non-price (evidence of quality and service specific requirements) criteria. A breakdown of the evaluation criteria are as follows:

Criteria	Percentage
Price	40%
Quality	60%
<ul style="list-style-type: none">• Quality	20%
<ul style="list-style-type: none">• Methodology and Outcomes	20%
<ul style="list-style-type: none">• Challenging Behaviour	15%
<ul style="list-style-type: none">• Social Value	5%

- 9.5 The evaluation panel will consist of officers from the Access and Inclusion Service in the Children's Directorate and New Leaf Inclusion Centre.
- 9.6 Delegated authority is sought from Cabinet to enable the Executive Director of Children's Services to award to the successful bidder and maximise the mobilisation period leading up to the service commencing in September 2021.
- 9.7 Specific social value benefits that are realised through this procurement will be reported through the recommendation to award report to the Executive Director of Children's Services.

10. *Property implications*

- 10.1 There are no property implications arising out of this report.

11. *Health and wellbeing implications*

- 11.1 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. Access to a flexible offer which can adapt as the young person's requirements and circumstances change is beneficial.
- 11.2 By increasing access to appropriate education the life chances of a young person are enhanced and support the priority in The Walsall Plan; Our Health

and Well-being Strategy 2019-2021 to 'Enable all children and young people to maximise their capabilities: transition to adulthood.' The proposals are tested against the Marmot Objectives from a health and wellbeing perspective.

12. *Staffing implications*

- 12.1 There are no staffing or wider Human Resources implications arising out of this report.

13. *Reducing Inequalities*

- 13.1 This activity specifically aims to reduce further impact of inequality produced by children and young people missing education entitlement through exclusion.
- 13.2 An Equality Impact Assessment was undertaken as part of the tender which concludes no major change was required. The provision of Alternative Education adheres to the statutory guidance which requires compliance around timescales for securing quality alternative education for individual learners. Schools are legally required to maintain information on their students and characteristics and to pass between providers in accordance with their legal duties.

14. *Consultation*

- 14.1 The existing service specification was developed in consultation with the Alternative Provision Service, including New Leaf. Engagement and dialogue with the Alternative Education providers takes place regularly to ensure provision is relevant to the needs of children and young people.
- 14.2 A Market engagement exercise was undertaken with providers prior to the development of the Service Specification to identify any issues or needs which need to be included within the new Framework Arrangements. Feedback included the need to identify potential demand and the value of the arrangements as well as the need to ensure better transition between KS 4 and post 16 learning.

15. *Decide*

- 15.1 The development of the Alternative Education Framework Contracts have proved beneficial in delivering a range of quality educational and vocational opportunities for children and young people. All providers will be subject to quality, health and safety and safeguarding checks. Information on courses will be collated in a central resource; ensuring appropriate provision can be easily identified to meet individual need.

- 15.2 The new Framework arrangement makes provision to allow new providers onto the Framework during the contract term, broadening the scope and ability of the Council to secure the right provision for all learners. This model of flexible Framework arrangement for Alternative Education Provision has been used in other contracts let by the Council and will enhance the offer as well as providing an opportunity for providers to review pricing and submit more competitive prices.

16. Respond

- 16.1 Subject to approval, the Council will invite a range of Alternative Education providers offering vocational and academic opportunities to join the Alternative Education Provision Framework Agreement. All delivery will continue to be subject to quality assurance, of teaching and learning; safeguarding; and health and safety procedures. The process for ensuring any new providers will have had their safeguarding, teaching and learning and health and safety checks has been embedded within this process.
- 16.2 Approval will ensure that the Council can deliver a range of learning, collating information centrally on the range of qualifications and vocational opportunities offered by providers. The new Framework will also be able to respond to any new provision becoming available after the initial award which will increase further the range of provision.

17. Review

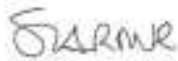
- 17.1 The monitoring schedule includes a range of methods of monitoring provision, including visits, activity monitoring and meetings with providers to ensure quality and safe provision. These will look at how providers are operating at an organisational level. Quality and safeguarding issues are also monitored at an individual level through young people's key workers and the New Leaf Inclusion Centre Designated Safeguarding Lead (DSL). Any significant issues that are identified are addressed directly with providers as part of the contract management process.
- 17.2 The Framework Agreement contains a range of Key Performance Indicators (KPIs) which will be used to measure the impact of the Alternative Education provision on the engagement and attainment of individual learners.

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