

## **Cabinet – 20 March 2024**

### **Alternative Education Framework Contract**

**Portfolio:** Councillor Statham – Education and Skills

**Related portfolios:** Councillor Elson – 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 for Spring 2024.

#### **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.
- 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 10 April 2024.
- 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. This will be an open framework where providers can apply to join at any time which 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. The new framework arrangements also seek

- different rates for hourly, weekly, termly and yearly places for individual learners giving value for money for both the Council and Alternative Education Providers.
- 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 The tender was published on 12 December 2023 and closed on 19 January 2024. Cabinet is requested to award contracts for the provision of Alternative Education under the new framework arrangement so that these can be in place for Spring 2024.
- 2.5 The Alternative Education Framework will be an 'open' Framework and will allow new providers to join throughout the duration of the contract.
- 2.6 This is a key decision because the value of the contracts exceed the threshold for "significant" expenditure/savings of £500,000, and requires Cabinet approval to award a 'strategic contract' in line with the Council's Contract Rules.

### **3. Recommendations**

- 3.1 That following consideration of the confidential report in the private session of the agenda Cabinet approves the award of contracts for the period 10 April 2024 to 9 April 2027 with an option to extend for up to 3 years in total, in blocks of up to 12 months at any one time, to providers appointed onto the Alternative Education Framework.
- 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 award contracts for the provision of Alternative Education to new providers who are approved and appointed to the alternative education framework during the lifetime of the framework.
- 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 all subsequent call offs from the 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.
- 3.4 That Cabinet delegate authority to the Executive Director Executive Director for Children's Services, in consultation with the Portfolio Holder for Education and Skills, to enter into contracts and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents.
- 3.5 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 at any time during the term of any contracts and provided they are in line with the Council's Contract Rules and any relevant legislation, including Public Contracts Regulations 2015.

## **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.
- 4.1.4 The provision of a quality training and vocational alternative education offer, working with local businesses and the local economy is key in our approach to supporting learners. Our Council Plan 2022-2025, outlines our aspiration for all learners to access high quality training and education, including alternative education provision. 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 (and becoming NEET). 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 The tender process will appoint providers onto the framework, which means that there is no guarantee of work. Each provider's services will be 'called off' based on the procedure outlined in the Service Specification, because they are in the position to best meet learners needs.
- 4.1.7 The new Framework contains provision for the Council to enter into block arrangements with Ofsted registered alternative education providers. This will mean that the Council will pay for an agreed number of places each term at a reduced rate, in comparison to ad-hoc bookings. This will both secure cost

efficiencies based on volume discounts for the Council and provide certainty of income to support planning and budgeting for those individual schools.

## **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 was published on 12 December 2023. The intention is to award contracts for the provision of Alternative Education in April 2024.
- 4.2.2 The Alternative Provision Framework will operate on a non-ranked basis, with providers evaluated against the needs of our students on the quality and scope of their educational provision, health and safety and safeguarding practices for acceptance on the new AP framework.
- 4.2.3 Providers are required to tender a range of prices for the courses they deliver. This includes hourly, daily, weekly, termly and yearly rates for each course. These prices will be inclusive of all components required to deliver the course, whether this is face to face or virtually.
- 4.2.4 This information received in the tender submissions will form a directory which can be used to identify the most appropriate provision for individual learners.
- 4.2.5 The Council has a duty to ensure best value and these arrangements will ensure set prices with providers, inclusive of all teaching and learning and resources for a number of different rates, both individual pupil and block. There is also provision for providers to tender rates for additional support to meet the specific needs of individual learners.
- 4.2.6 This will be an open Framework where providers can apply to join at any time. Applications received from Alternative Education Providers after the initial tender process will be reviewed on a termly basis.
- 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 their ability to meet the needs of the individual child or young person, i.e. appropriate course offered, proximity to home, and the ability to meet any additional needs the learner may have. Decisions will also be based on consideration of the cost and securing best value for the Council.
- 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.

## **5. Council Plan priorities**

- 5.1 'We are Walsall 2040' sets a series of outcomes for children and young people, including that 'we will see improvement in education levels across the borough and will be the most improved borough in the region in all education and skill metrics.'
- The provision of Alternative Education Provision supports achievement of the Our Council Plan 2022-2025 priority that all children and young people will have access to high quality training and education. We seek to ensure a robust vocational offer in working with local businesses.

## **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 budget to fund for 3 years is up to £3.362m, however as these are call off contracts and 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 2023/24 financial year is £1.121m.

## **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 Contracts Regulations 2015 (the 'Regulations'). Legal Services have drafted 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 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 3 years from 10 April 2024 until 9 April 2027 with the option to extend for a total period of up to 36 months, in blocks of up to 12 months at a time. 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 on the below criteria using the scoring criteria is Table A

Criteria	Percentage Weighting
Social Value	5%
Quality	40%
Methodology and Outcomes	30%
Challenging Behaviour	25%
Total	100%



**Table A  
Scoring System**

<b>Score</b>	<b>Score Classification</b>	<b>Scoring Definition</b>
4	Excellent	<ul style="list-style-type: none"> <li>• Response meets the specification requirements</li> <li>• Significant level of evidence that specification objectives and requirements have been met</li> <li>• Significant added value and innovation evident</li> </ul>
3	Good	<ul style="list-style-type: none"> <li>• Response meets the specification requirements</li> <li>• Good level of evidence that specification objectives and requirements have been met</li> <li>• Limited added value and/or some innovation evident</li> </ul>
2	Satisfactory	<ul style="list-style-type: none"> <li>• Response meets the specification requirements</li> <li>• Adequate, basic level of evidence that specification objectives and requirements have been met</li> <li>• No added value evident</li> </ul>
1	Poor	<ul style="list-style-type: none"> <li>• Response does not meet some of the specification requirements</li> <li>• Limited level of evidence that specification objectives and requirements have been met</li> <li>• No added value evident</li> </ul>
0	Fail	<ul style="list-style-type: none"> <li>• Response does not meet any of the relevant specification requirements</li> <li>• No evidence that specification objectives and requirements have been met</li> <li>• No added value evident</li> </ul>

9.5 Bidders need to meet the minimum threshold of an average score of '2' across the non-price criteria. The Council reserves the right to reject any tender which does not reach this minimum threshold.

9.6 The evaluation panel will consist of officers from the Access and Inclusion Service in the Children's Directorate.

9.7 If the Provider meets this minimum criterion, they will be accepted on the Alternative Education Framework and will receive call-offs from the Framework as per the call-off process. The Alternative Provision Framework will operate on a non-ranked basis, with providers evaluated against the needs of our students on the quality and scope of their educational provision, health and safety and safeguarding practices for acceptance on to the new Framework.



9.8 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 Joint Local Health and Wellbeing Strategy 2022-2025 'that Children are safe from harm, happy and learning well with self-belief, aspiration and support to be their best: Walsall children are provided with the best start in life so they can fulfil their potential and make positive contributions to their communities.' 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 these details 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 KS4 and post16 learning.
- 14.3 We know that accessing education as locally as possible is important to children and young people, they told us this when we spoke to them as part of our 'Big Conversation.'

## **15. Decide**

- 15.1 The development of the Alternative Education Framework has 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 and secure best value in securing discounted rates for particular Alternative Provision.

## **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 Framework. 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 Post 16 and Alternative Provision Lead. Any significant issues that are identified will be 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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