

## Cabinet – 15 July 2020

### 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 Alternative Education Provision and the requirement to extend the existing contracts. It also outlines the requirement to align provision for children and young people with Special Educational Needs and Disabilities (SEND).

#### 2. Summary

- 2.1 The Council's Alternative Education Provision is delivered by: (i) New Leaf Centre (the Council managed Pupil Referral Unit offering alternative education); and (ii) a range of Alternative Education providers (in **Appendix A**) who have been awarded places on a framework agreement with the Council. These framework agreements are due to expire on 31 July 2020. The current contractual arrangements contain provision to extend for up to a further period of 12 months taking the end date to 31<sup>st</sup> July 2021. Cabinet approval is required to extend these agreements due to the values exceeding the threshold for 'Strategic Contracts' under the Council's Contract Rules. Extending these agreements will ensure continued delivery of this statutory service.
- 2.2 Each service provider is subject to a schedule of regular monitoring checks which focus on Safeguarding, Quality Assurance and Health and Safety. Information from each of the service providers about the educational support and courses they offer is collated into a directory of Alternative Education Provision which is used by

New Leaf and the Alternative Provision Team to meet the needs of individual children and young people.

- 2.3 Alternative Education Provision is also sourced by the Special Educational Needs (SEN) Team for children and young people who have an Education, Health and Care Plan (EHCP) where an Alternative Education Provision is listed as their placement. While some of the existing providers, awarded contracts under the existing arrangements, are able to deliver alternative education to children and young people with Special Educational Needs and Disabilities (SEND) there is a need to increase the breadth of qualifications and range of provision available to meet the needs of these pupils.

### **3. Recommendations**

- 3.1 That Cabinet delegate authority to the Executive Director of Children's Services, **in consultation with the Portfolio Holder for Education and Skills**, to extend the contracts with the Alternative Education providers (in **Appendix A**) for 1 year, from 1 August 2020 to 31 July 2021.
- 3.2 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services as well as any variations to the contractual arrangements or other related documents should this be required throughout the duration of any contracts.
- 3.3 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to enter into contracts with providers of Alternative Education, not currently covered with these existing contractual arrangements, to meet identified gaps for children and young people with Special Education Needs and Disabilities (SEND.).

### **4. Report detail - know**

#### ***Context***

- 4.1 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 term basis.
- 4.2 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.
- 4.3 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.

- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 The Council is responsible for making these arrangements on behalf of children and young people who have an EHCP, and where specialist services have discharged responsibility to arrange suitable and complementary alternative provision for these learners. The age of learners will range from statutory school age (5-18 years) and then until the age of 25.
- 4.8 The Alternative Education Provision Team is working closely with the SEN Team to ensure that these arrangements are also subject to the same checks and safeguarding arrangements which apply to all Alternative Education contractors.
- 4.9 Analysis of information on children and young people accessing Alternative Education Provision shows:
  - 4.9.1 On average between 90 and 96 young people a year, access Alternative Education Provision through New Leaf as KS 4 learners. The annual budget for the provision and quality assurance of the services is £1.85m.
  - 4.9.2 Initial work to look at the needs of children and young people with special educational needs and/or disability for specialist alternative education has identified a smaller cohort accessing bespoke provision. This is either specialist bespoke provision or supplementing the mainstream provision. The majority of these arrangements seek to support the speech and language and occupational therapy needs of children in accessing education. Information in June 2020 shows there are 16 young people currently accessing bespoke arrangements.

### ***Council Corporate Plan priorities***

- 4.10 The provision of Alternative Education Provision supports achievement of the priority within the Corporate Plan 2018-2021 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 local authority works with a range of providers including local business, which offer vocational courses and opportunities.

### ***Risk management***

- 4.11 In developing the Alternative Education Provision offer, the local authority ensures that it fulfils its statutory obligation to provide suitable education to children of statutory school age. The local authority works to ensure 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.

### ***Financial implications***

- 4.12 Funding for Alternative Provision comes from the High Needs Block of the Dedicated Schools Grant to local authorities. A budget of £1.85m is available for the period of the proposed extension (1 August 2020 to 31 July 2021).

### ***Legal implications***

- 4.13 The contracts with the providers listed in **Appendix A** include the right for the Council to unilaterally extend the contract term by up to 12 months. The current framework agreement states that this variation needs to be in place prior to the existing agreements expiry, and these will be implemented in writing to providers.
- 4.14 Any individual contracts entered into as and when needed, outside the framework, will be in a form approved by Legal Services.

### ***Procurement Implications/Social Value***

- 4.15 A procurement exercise was undertaken in 2019 to source additional, supplementary providers to build alternative education provision capacity for the Council. This exercise led to the award of contracts to 21 providers. This included 10 providers who had bid in the supplementary round of tendering and 11 providers who had previously bid for the service who were awarded a contract through a direct award, following Cabinet approval in September 2019.
- 4.16 The framework agreement terms allow an extension of the term of the agreement, for a period of 12 months, which would take the end date to 31 July 2021. Regulation 72 of the Public Contract Regulations 2015 allow contract modifications which were provided for in the initial procurement documents.
- 4.17 The Council will seek to address any current gaps in provision through the award of individual contracts to suitable providers during this period, ensuring that due

diligence checks are carried out in accordance with the original procurement exercise.

- 4.18 A new procurement exercise is going to take place during 2021 with a scheduled award date in May 2021, enabling adequate time for mobilisation and any other quality assurance checks which will need to take place prior to the start of any new contractual arrangements from 1 August 2021.
- 4.19 It is envisaged that these new contractual arrangements will be designed to enable the service to have some security in its 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.

### ***Property implications***

- 4.20 The Council's Alternative Education School, New Leaf is located on the Education Development Centre (EDC) Site but does not have the capacity to offer the required range of vocational and academic courses and qualifications. Therefore the additional learning opportunities are also delivered by providers with whom the council has contracts.

### ***Health and wellbeing implications***

- 4.21 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***

- 4.22 There are no staffing or wider Human Resources implications.

### ***Reducing Inequalities***

- 4.23 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***

- 4.24 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.

- 4.25 Market engagement is planned as part of the development of the tender exercise and will be used to inform the development of the specification and of the wider market.

## **5. Decide**

- 5.1 The development of the Alternative Education Contracts have proved beneficial in delivering a range of quality educational and vocational opportunities for children and young people. All providers have been subject to quality, health and safety and safeguarding checks. Information on courses is collated in a central resource; ensuring appropriate provision can be easily identified to meet individual need. In order for these services to be delivered compliantly, it is important to extend these arrangements for a further year.
- 5.2 The report also proposes to enter into individual contracts with providers not currently on the framework to meet identified gaps. This will ensure the development of a more comprehensive offer for children with Special Educational needs and disabilities in addition to ensure they participate in the quality and safeguarding checks.

## **6. Respond**

- 6.1 Subject to approval, contracts will be extended with the existing range of Alternative Education Providers. All delivery will continue to be subject to quality assurance, teaching and learning, health & safety monitoring 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.
- 6.2 Information about the educational and vocational offer of all providers will be updated to ensure it is relevant for the new academic year.

## **7. Review**

- 7.1 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 DSL. Any significant issues that are identified are addressed directly with providers as part of the contract management process.

## Author

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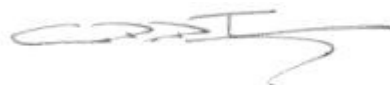
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15th July 2020

Councillor Towe  
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15<sup>th</sup> July 2020

## **Appendix A**

### **Alternative Education Provision Providers**

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 Sheffield Academy  
Walsall College  
Walsall Construction Training Ltd  
Alpha Training  
Kick Start Training  
Rewise Learning Limited  
MPCT  
Manor Farm Community Association  
Academy 21  
Dreamcatcher Arts  
The Education Development Service  
Five Rivers Child Care Ltd  
Steps to Work (Walsall) Ltd  
Black Country Boxing Ltd  
TP Riley Community Association T/A Bloxwich Community Partnership (Electric Palace)