

Cabinet

18 January 2022

Alternative Education Provision tender for implementation from September 2022

For Decision

Portfolio Holder: Cllr A Parry, Children, Education, Skills and Early Help

Local Councillor(s): All

Executive Director: T Leavy, Executive Director of People - Children

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Report Status: Public

Recommendation:

That the Cabinet are asked to consider the contents of this report and that Cabinet agree:

1. To begin the procurement process as outlined in this report.
2. The further step of making any contract award should be delegated to the Cabinet portfolio holder for Education, Skills and Early Help, after consultation with the Executive Director of People – Children.

Reason for recommendation:

1. Cabinet is required to approve all key decisions with financial consequences of £500k or more.
2. The current contractual arrangements will come to an end in August 2022 and local authorities are required to arrange alternative education for children pupils who, because of exclusion, illness or other reasons, would not otherwise receive a suitable education (Alternative Provision Guidance, 2013).

1. Executive summary

- 1.1 The purpose of this report is to request a decision from Cabinet to approve a tender of an educational alternative educational provision delivery model. The definition of alternative provision taken from the Alternative Provision statutory guidance for local authorities, January 2013 says “Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive a suitable education; education arranged by schools for pupils on a fixed term period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.”
- 1.2 Dorset’s current alternative provision framework concludes in August 2022 and in line with Government guidance and from our own research we will need to tender for a new delivery model for implementation in September 2022.

2. Financial Implications

- 2.1 The Service budget incorporate funding requirements for the procurement set out in this report. The following will be considered by the project team as part of the business case and rationale for procurement.
- How best value from the procurement / contract will be achieved.
 - How the contract and suppliers(s) will be effectively managed in order to deliver saving targets that are incorporated into the MTP
 - Whether funding is available in the budget for the provision, after savings have been accounted for.
- 2.2 Forecast spend for the year 2021/22 is £360,000 for children without Education, Health and Care Plans and £2,372,013 for children with Education, Health and Care Plans. This provision is funded by the High Needs Block of the Dedicated Schools Grant.
- 2.3 Reducing the number of children in alternative provision will reduce costs. For those who attend alternative provision, reducing the length of time through planned, clear start and end arrangements and timelines for transition and re-engagement will reduce the costs of each episode. Setting and reviewing costs as part of a provider’s contract will also improve spend.
- 2.4 The anticipated maximum contract value over the life of the 4-year contract period is £8M. This will be closely managed through effective brokerage and quality assurance arrangements.
- 2.5 Alongside the increased focus for inclusion, future alternative provision providers will be scrutinised through a pre-qualification tender process for

safeguarding, quality and value for money which will be a key component of the new delivery model.

3. Well-being and health Implications

- 3.1 We will provide clear categories to meet our statutory duty as a local authority for pupils who, because of illness would not otherwise receive suitable education, including those with medical and mental health conditions.

4. Climate implications

- 4.1 A benefit of encouraging local provision for Dorset children will be to reduce the distances children and young people travel both within and out of county to receive similar provision elsewhere.

5. Other Implications

5.1 Sustainability

A reduction in carbon emissions will be achieved by reducing the distances travelled by children and young people to their alternative provision settings by keeping this local where this meets their needs.

5.2 Property and assets

Alternative provision can be accessed through the providers' premises and it is their responsibility to repair and maintain this property. We have identified through our research, opportunities for partners to share accommodation which would improve working practice and reduce property use. There may be opportunities to lease surplus DC properties to AP providers. Specific proposals will be brought to the Asset Management Group as they arise.

5.3 Voluntary organisations

Voluntary organisations are represented within our Alternative Provision framework. We recognise through market research with an independent chair of a Local Alliance Group (LAG) the importance of ensuring continued partnerships.

5.4 Public Health

School attendance is strongly linked with better health and safeguarding outcomes for children.

5.5 Community safety

School attendance is strongly linked with a reduced risk of entry into the criminal justice system.

5.6 Corporate parenting

The Local Authority has a duty under the Children Act 1989 to safeguard and promote the welfare of a child looked after by them. This includes a specific duty to promote the child's educational achievement, wherever they live or are educated. The authority must, therefore, give particular attention to the educational implications of any decision about the welfare of those children.

The Virtual School team use contracted Ofsted registered alternative provision to secure appropriate provision to support a child's educational placement.

5.7 Physical activity

As part of the corporate aim of the council in relation to health and wellbeing it is necessary to identify in any reports the potential impact on general health and wellbeing, specifically levels of physical activity.

The alternative education provision model will provide a range of educational opportunities for young people, including outdoor and activity-based education.

5.8 Safeguarding children and adults

The Dorset children and young people who access alternative provision and are at risk and/or vulnerable will receive support through registered educational provision, by this we mean that a provider will have registered as an independent school with Ofsted and will have met their requirements. A pre-qualification of the tender and effective monitoring will ensure robust safeguarding practices are in place.

5.9 Human Resources

No HR implications for this tender.

6. Risk Assessment

Having considered the risks associated with this decision using the council's approved risk management methodology, the level of risk has been identified as low.

7. Equalities Impact Assessment

An equalities and impact assessment has been completed as part of the Alternative Provision Project and will be reviewed to incorporate the new model specification, should the tender be approved. This will ensure equality of access, opportunity, treatment and through positive outcomes support children and young people, including those with the most complex needs to have high quality, local alternative provision and inclusion to support them in their journey to adulthood, to enable them to achieve their chosen educational outcomes.

8. Appendices

- Appendix 1 Equalities Impact Assessment

9. Background Papers

- [our SEND strategy 2021 to 2024](#)
- [reforming alternative provision](#)
- [statutory guidance for local authorities, January 2013](#)

1. Introduction

1.1 The purpose of this report is to request a decision from Cabinet to approve a tender of an alternative educational provision delivery model.

2. Our Mission and Vision

2.1 Dorset Council has high ambitions for all children and young people, including those with special educational needs and disabilities (SEND). We firmly believe that children and young people, including those with the most complex needs, should have access to good, local, inclusive education.

2.2 Our ambition is to support all children and young people in their journey to adulthood with underpinning principles of early help, personalisation and inclusion and enabling them to achieve their chosen outcomes. We know that children are safer when they are in education.

2.3 In March 2018 the Government announced its vision for reforming alternative provision (AP) and this includes building a strong evidence base about how local alternative provision operates and how to improve outcomes for pupils at classroom, institution and local area level.

2.4 The definition of alternative provision taken from the Alternative provision statutory guidance for local authorities, January 2013 says “Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed term period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.”

2.5 Dorset’s current alternative provision framework concludes in August 2022 and in line with Government guidance and from our own research we will need to tender for a new delivery model for implementation in September 2022.

2.6 Our aim is to reduce the number of children and young people who need to access unregistered Alternative Provision, with particular emphasis on those who are either at a primary key stage and those at the end of their secondary key stages of education. Our strategy is to create a clear understanding that Alternative Provision is a short-term intervention for re-engagement support and not a destination. Our vision is to provide a responsive, effective, timely service for children and young people within alternative provision. An emphasis on local alternative provision in line with our localities and through inclusion within our mainstream educational settings, will reduce the need for alternative provision and ensure that our children and young people will have a positive impact through education, into Further Education (FE) in their communities to support their future plans.

2.7 We will achieve this through a focussed delivery model for Ofsted registered alternative education provision with the exception of children and young people who require a pre re-engagement approach to their learning, alongside the increase in focus on inclusive education in our mainstream settings.

3. Background

3.1 As of October 2021, we had 223 children and young people receiving a service from an alternative education provider. We know that the proportion of young people within this cohort with an Education, Health and Care Plan is higher than the rest of the South West – 3% for Dorset as against 1% for the other local authorities. Of these young people just over half are of secondary age:

- Just over half are of secondary age (Year Groups 7-11)
- Twenty per cent are of primary school ages (Year Groups 1-6)
- Twenty eight percent are in 6th form or further education

Educational Cohort Stage	No of Children/Young People
Primary (National Curriculum Years 1-6)	48
Secondary (National Curriculum Years 7-11)	112
6th Form / Further Education (Years 12-13)	49
Further Education (Years 14 – 16)	14
Total	223

3.2 We currently have 62 providers on the framework for alternative education provision. Our assessment is that there are too many providers on the framework leading to over complex brokerage arrangements, and that not enough of the current providers are registered as schools. Market engagement conversations have taken place with providers to encourage them to seek registration where appropriate. This message has been underlined by increased enforcement activity by Ofsted.

4. Case for Change

4.1 The current contract ceases in August 2022 – the existing framework does not match with either changes to the Ofsted regulatory framework and does not fit with our strategic direction. The Ofsted regulatory framework sets out clear responsibilities on both providers of alternative provision and local authorities as commissioners of such provision along with potential criminal prosecution for non-compliance.

4.2 The new framework seeks to reduce the risks to commissioners and providers by ensuring that alternative education provision takes place in registered school settings or is clearly planned and time limited re-engagement. Ofsted registration offers an additional independent quality assurance to support the wellbeing and safety of children and young people.

4.3 The new arrangements will offer better control on spend and improved quality assurance through revised brokerage and contract management arrangements and close working relationships with schools and locality teams. Having fewer providers on the framework will offer more cost-effective quality assurance whilst still providing a range of opportunities for young people.

4.4 Market engagement has indicated that current referral processes could be improved and made more efficient for the benefit of both commissioners and providers. New arrangements will ensure provision is child centred, matching their needs, aspirations and outcomes with consistent monitoring, measuring and evidencing progress against outcomes.

5. Financial Implications

5.1 Forecast spend for the year 2021/22 is £2,732,013 - £360,000 for children without Education, Health and Care Plans and £2,372,013.00 for children with Education, Health and Care Plans. This provision is funded in its entirety by the High Needs Block of the Dedicated Schools Grant not Dorset Council revenue budget.

5.2 The current budget for alternative provision is subject to some regular pressure. We have launched an inclusion strategy with local schools to ensure that more pupils can be supported to remain in mainstream education.

5.3 The anticipated maximum contract value over the life of the 4-year contract period is £8M. This will be closely managed through effective brokerage and quality assurance arrangements.

5.4 Reducing the number of children in alternative provision will reduce costs. For those who attend alternative provision, reducing the length of time through planned, clear start and end arrangements and timelines for transition and re-engagement will reduce the costs of each episode. Setting and reviewing costs as part of a provider's contract will also reduce spend.

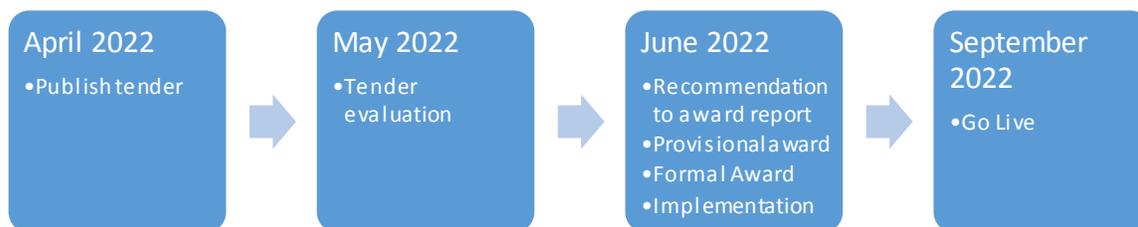
5.5 Alongside the increased focus for inclusion, future alternative provision providers will be scrutinised through a pre-qualification tender process for safeguarding, quality and value for money which will be a key component of the new delivery model.

6. Proposed procurement plan and indicative timeline

6.1 The route to market recommended is procurement through an Open Tender.

6.2 The proposed contract length is for a maximum of 4 years with break clauses as 2 years and 3 years (2+1+1). This provides stability to providers for investment in a model of deliver and flexibility to address any changes in need or legislation over time.

6.3 An indicative procurement timeline to enable an implementation date for the start of the academic year Sept 2022 is provided below.



7. Recommendation:

That the Cabinet are asked to consider the contents of this report and that Cabinet agree:

1. To begin the procurement process as outlined in this report.
2. The further step of making any contract award should be delegated to the Cabinet portfolio holder for Education, Skills and Early Help, after consultation with the Executive Director of People – Children.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.