

<b>Classification:</b> Open	<b>Decision Type:</b> Key
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<b>Report to:</b>	Cabinet	<b>Date:</b> 12 July 2023
<b>Subject:</b>	Tender for Inclusion on Bury Council's Flexible Purchasing System for Alternative Provision (of Education)	
<b>Report of</b>	Deputy Leader and Cabinet Member for Children and Young People	

## 1. Summary

- 1.1 Children's Services is seeking to update the range of providers on its established Flexible Purchasing System for Alternative Provision to meet its statutory duty as set out by The Government's published guidance; *Alternative Provision Statutory Guidance for Local Authorities (2013)*. and to provide a broad range of appropriate high-quality one-to-one tuition sessions and group-based alternative curriculum options for children and young people.
- 1.2 The paper sets out the recommended route to tender for the re-design of the Alternative Provision Offer for children and young people in Bury. The new supplier framework and directory of provision is required for September 2023 so that the Council and schools can refer to high quality provision with choice. This requires the tender to go live and be evaluated over the summer 23.
- 1.3 The tender will ensure there is value for money and will establish a supplier framework. There will be individual agreements with an associated value for each child and young person placed with a supplier.

## 2. Recommendation(s)

- 2.1 That Cabinet approve the proposed route to tender for the re-design of the Alternative Provision Offer for children and young people in Bury to be in place for September 2023; and
- 2.2 That Cabinet delegate authority to the Executive Director of Children and Young People and the Executive Director for Finance in consultation with the Cabinet Member for Children and Young People to award the contract once procured.

## 3. Reasons for recommendation(s)

- 3.1 This will give an opportunity to tighten up the existing specification, deliver better outcomes, refresh the provider base, offer more choice and provide better value for money.

## 4. Alternative options considered and rejected

- 4.1 Other models in neighbouring authorities and GM have been explored and this learning and input has influenced the development of the proposed model as appropriate.

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## **5. Background**

- 5.1 The Government's published guidance; *Alternative Provision Statutory Guidance for Local Authorities (2013)*. makes it clear that Local Authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who, because of illness or other reasons, would not receive suitable education without such provision.
- 5.2 Alternative Provision is an important element in the education offer for Bury children and young people and is used in several circumstances, including for those at risk of exclusion or who are disengaging from learning, in managing behaviour in schools, improving attendance and supporting the SEMH (Social, Emotional and Mental Health) needs of pupils.
- 5.3 In January 2023, the school census indicated Bury had 29,415 pupils of school age of which 17.2% of the cohort had SEN (5% EHCP and 12.2% SEN Support). The primary types of need are: SEMH - Social, Emotional and Mental Health, ASD - autistic spectrum condition and SLCN - Speech, Language and Communication Needs.
- 5.4 The original tender exercise for an Alternative Provision Flexible Purchasing System was undertaken summer 2018 and then in line with the conditions of the purchasing system there was an option to open the framework annually. This was done in 2019 and 2020 to take on new providers. This has resulted in 50 plus providers on the directory of Bury's Alternative Provision.
- 5.5 In practice for a variety of reasons, the pool which is regularly used for placements is circa 20 providers from the directory search as others are not able to meet the specific needs of the child/young person which the new specification will address.
- 5.6 The review of current services and development of the new specification has been in consultation with stakeholders, professionals, and schools. An evaluation exercise was undertaken with secondary schools to establish strengths and gaps in current provisions and identify requirements.

5.7 Referrals will be made to providers on a case-by-case basis depending on the most suitable service for the child/young person. There are decision making processes in place with final approval at the SEN Resource Panel.

## **6. Proposal**

6.1 The proposal is for a new specification for Alternative Provision to provide a broad range of appropriate high-quality one-to-one tuition sessions and group-based alternative curriculum options for children and young people who are currently out of school due to permanent exclusion, emotionally based school avoidance, medical needs, disengagement, or because the Local Authority is in the process of finding a suitable school placement to meet identified needs. This will require providers to respond quickly to referrals and work flexibly and creatively to meet the need of the young people.

6.2 The flexible purchasing system will be used by Bury Council's SEND Team, Inclusion Service, Home Education Service and Virtual School. In addition the Alternative Provision directory will be made available to all Bury schools in order for them to select Alternative Provision to meet their student's needs.

6.3 The objectives of these services are to ensure that:

- Children and young people can access full-time education appropriate to their level of needs
- Children and young people are able to progress and develop in their level of educational attainment
- Children and young people engage with education and achieve awards / qualifications in accordance with their ability
- Wherever possible, children and young people will ultimately return to school full time.

6.4 The new specification will deliver high quality services with appropriately trained, consistent staff and specialist services where there is an identified need. By ensuring the available resources are allocated based on need and are proportionate the duty to ensure best value will be met.

6.5 The service specification is for the provision of six lots:

- **Lot 1: Secondary Full-Time Alternative Provision**
- **Lot 2: Primary Full-time Alternative Provision**
- **Lot 3: Part-time turnaround provision (KS3)**
- **Lot 4: Part-time Vocational Provision including but not limited to Sports, Construction, Hair and Beauty, Mechanics**
- **Lot 5: Tutoring (One-to-One or group)**
- **Lot 6: Complementary Provision (including mentoring)**

6.6 All providers will be responsible for identifying and securing suitable locations throughout the borough which are fully equipped and appropriate to the lot they are offering.

- 6.7 The expenditure on Alternative Provision (non-schools) is currently £850,000 in 2023/24. This is predominantly for pupils with Education Health and Care Plans. Alternative Provision is a key work-stream of Project Safety Valve (PSV) and this redesign of the system is required to streamline existing practice in order to ensure cost effectiveness and identify potential savings.
- 6.8 The procurement route for the new services will be a Flexible Purchasing System to provide more choice of provision, value for money and the option for new providers to join the framework as the market develops.
- 6.9 The contracts will be awarded for 3 years with 2, plus 1 year extension options which equates to 5 years in total.
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## **7. Links with the Corporate Priorities:**

- 7.1 The Alternative Provision service specification links to the Bury Let's Do It Strategy by:
- 7.2 **Growth and Inclusion:** Promoting the participation and inclusion of children and young people in their local community through a positive experience in their school life and being the best, they can be. The specification will actively seek to understand the barriers to a child and young people disengaging or dropping out of school and addressing those needs so to overcome this.
- 7.3 **Strength-based Approach:** Improving the life chances of the children and young people to be healthy, stay safe, enjoy and achieve and make a positive contribution in their social and economic wellbeing.
- 7.4 **Delivering Together:** Preparing for adulthood by building self-confidence and raising aspirations for independence and employment.
- 7.5 **Local Neighbourhoods:** Communities will be more connected, diverse and vibrant and will benefit from young people who are socially and economically active in their local area.
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## **8. Equality Impact and Considerations:**

An Equality Impact Assessment is currently in draft. Some of the young people who require Alternative Provision to support their needs may have an Educational Health Care Plan and have identified special educational needs. Others who do not have an EHC may require Alternative Provision to support them due to Permanent Exclusion or risk of Permanent exclusion. In the majority of cases young people will require the support of Alternative Provision due to SEMH need.

- 8.1 This recommended course of action will promote equality of opportunity. It will not have a detrimental effect but will have a positive impact on those children

and young people with the protected characteristic of Disability as it will put in place provision to meet their needs. The SEND Code of Practice is statutory guidance, which came into force in September 2014. It sets out the duties, policies and procedures following on from legislation set out in the Children and Families Act 2014 and the duties of local authorities, health bodies, schools and colleges to provide for those with special educational needs under part 3 of the Children and Families Act 2014.

- 8.2 Once decisions regarding the provision mix have been made later in the tender process, a final analysis of the impact will be completed. This will include the effect on quality, choice and extended opportunities for all children and young people including those where protected characteristics.

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## 9. Environmental Impact and Considerations:

- 9.1 The aim of this tender is to establish a network of providers offering local provision which will mitigate against placing children and young people out of borough in settings including special schools as their needs can be met locally. Not only will this reduce the transport costs for the Council, it will also impact on the travel arrangements for children and young people and reduce their carbon footprint as they are not travelling excessive and prohibitive distances outside of Bury.

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### Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
A key risk is that the needs of children and young person are not met as there is market failure, gaps in services and a lack of capacity.	To promote the launch to a wide range of existing and new providers through the Chest and Q & A session
Reputational damage with the proposed changes if services are destabilised in the re-design.	To ensure robust procurement process and transition plan to new services.
The increase of children and young people in high cost provision.	To have a choice of provision locally to meet the different levels of need of children and young people which is value for money and reduces the requirement for out of borough provision.
A reduction in the duration that children and young people remain in Alternative Provision.	To have internal processes and procedures to ensure robust decision making and reviews of provision are actively taking place to ensure that needs are continually reviewed.

A lack of progression or positive outcomes from Alternative Provision.	To ensure reviews are scheduled and are outcome focused with the primary focus of reintegration back to mainstream schooling.
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### Legal Implications:

The proposed tendering procedure for the creation of an Alternative Provision Flexible Purchasing System is compliant with both the Council's Contract Procedure Rules and Regulation 34 of the Public Contracts Regulations 2015. Cabinet approval is required as the likely annual expenditure will exceed £500,000.

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### Financial Implications:

Alternative provision is a key workstream within Project Safety Valve, Procurement through a framework will ensure that a number of providers are able to be judged against their ability to meet the needs of the young person whilst also delivering best value for money.

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### Appendices:

None.

### Background papers:

- Joint Strategic Needs Analysis 2023 )<https://theburydirectory.co.uk/JSNA>
- DfE Census Data for SEND (January 2023)  
<https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2023>

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
AP	Alternative Provision
SEND	Special Educational Needs and Disability
DfE	Department for Education
PSV	Project Safety Valve
SEMH	Social Emotional and Mental Health