

Decision Pathway Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 03 December 2019

TITLE	Catch 22 Include School Bristol Closure		
Ward(s)	Citywide		
Author: Chris Davies	Job title: Headteacher ALP Hub, Education & Skills		
Cabinet lead: Cllr Anna Keen	Executive Director lead: Jacqui Jensen		
Proposal origin: <i>BCC Staff</i>			
Decision maker: Cabinet Member			
Decision forum: <i>Cabinet</i>			
Purpose of Report:			
<p>The Report seeks to provide sufficient information for Cabinet to provide retrospective approval for the Contract Award to Cabot Learning Federation for the replacement of Alternative Learning Provision (statutory education) services for vulnerable Bristol resident children of school age, including students with EHCPs.</p> <p>The Report outlines the temporary investment required, in order to deliver this alternative solution within such a tight timeframe. All costs will be reviewed before the end of the financial year.</p>			
Evidence Base:			
<p>There has been a delay in this report being presented to Cabinet. The process to secure new provision for 50 young people, at extremely short notice, resulted in a number of additional complexities and pressures. This was compounded with the Local Area SEND Inspection, which took place in September and impacted on the handover period for the incoming and outgoing Director of Education and Skills.</p> <p>Bristol City Council had a contract with Catch 22 to deliver Alternative Learning services. This consisted of a block contract of 30 places and 19 additional places through spot purchase contracts, supporting a range of needs. These were commissioned through the Council's Provision of Alternative Learning Services Dynamic Purchasing System (PALS DPS). On the 27th of June 2019 Catch 22 gave notice in respect of all these contracts. Following discussions with Catch 22, the Council was able to agree a longer notice period in line with the contract, ending on the 27th of October 2019.</p> <p>The LA/BCC needed a school offer for the 48 vulnerable Bristol resident remaining students on roll from Term 2, Monday 4th November 2019. All students at the school have special educational needs / disabilities (SEND), most under the primary need of social emotional & behavioural difficulties (SEMH). Most students also have associated learning difficulties relating to low literacy levels and poor speech, language and communication skills. Most students have been subject to multiple adverse childhood experiences (ACEs), family and personal trauma, serial and often permanent exclusion from mainstream schools. Most have multiple and unsuccessful school experiences, typified by a lack of engagement with school and wider support networks. Many students are at risk of child criminal exploitation (CCE) or at risk of child sexual exploitation (CSE). Not having a credible school & education offer for the students presented a significant and unacceptable risk to their welfare.</p> <p>Collaboration with similarly affected neighbouring local authorities was considered and rejected due to there being insufficient time to complete such a process. Accordingly, the block contract was designed to allow the completion of GCSEs for the current cohort of students. Long term replacement provision would be separately procured whilst the block contract operated.</p>			

The block contract through Lot 2 of the PALS DPS was for a block of 50 places, operating from November 2019 to August 2021.

This was conducted in line with the DPS terms and conditions. This Procurement Route is compliant with the Public Contract Regulations 2015, as the PALS DPS has been compliantly procured under the Regulations and represented the only compliant route to market that could be achieved by 27 October 2019.

Cabinet Member / Officer Recommendations:

That Cabinet: -

1. Approve the contract award to Cabot Learning Federation for the replacement of Alternative Learning Provision (statutory education) services for vulnerable Bristol resident children of school age, including students with EHCPs at a cost of £1,026k over the whole contract term from November 2019 to August 2021.

Corporate Strategy alignment:

Theme 2: Fair and Inclusive

- Improve educational outcomes and reduce educational inequality.

Theme 4: Wellbeing

- *Access to suitable education (and coordinated joint agency working) contributes to improved physical & mental health and wellbeing, reducing inequalities and the demand for acute services.*

City Benefits: The proposal benefits the City, particularly the communities the children and young people reside in. Exclusion from school and education fuels social isolation and diminished life chances. Access to appropriate education, advice and guidance should improve outcomes for this cohort of vulnerable learners, who would otherwise not have access to qualifications or a route into employment and training. Access to education is a universal and fundamental human right; the absence of it adversely affecting individuals, families and communities. Equalities, Health and Sustainability are all impacted; these are the driving principles for the commissioning activity.

Consultation Details: Best possible consultation with 5 prospective providers was undertaken. BCC HR, Legal, Procurement and Education teams were part of the consultation and commissioning solution. Finance was also briefed. Best possible due diligence was undertaken by all parties, mindful of the limited time available for action and resolution. Opportunities for usual member consultation, scrutiny & public consultation were limited by the notice of closure period given by Catch 22. Further details about consultation activity are given in Appendix A, if required.

Background Documents:

See Appendix A to Bristol City Council Cabinet Report - Catch 22 Include School Bristol Closure.

Under [section 436A Education Act 2006](#) (introduced by section 4 Education and Skills Act 2008), Local Authorities are under a duty to identify children not receiving an education. Local Authorities must make arrangements to identify children of compulsory school age in their area who are not registered pupils at a school and are not receiving suitable education otherwise than at school. The government has issued Statutory Guidance on this called "[Children Missing Education](#)" (Sept 2016), which states that children of compulsory school age who are not receiving a suitable education should be returned to full time education either at school or in alternative provision.

Revenue Cost	£230k (2019/20, £506k full year)	Source of Revenue Funding	High Needs Block - Alternative Learning Provision budget
Capital Cost	£0	Source of Capital Funding	NA
One off cost <input type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: The additional cost over the whole contract term is estimated at £1,026k, this covers a block contract for 50 places, replacing a 30 place block contract and spot provision of an additional 19 places. The cost of

spot placements has been higher than those in the block, so even though we are committed to the 50 places for the 22 months of the contract this will be at the lower block rate and the service has indicated that there will be the demand for the places based on past trends. Assuming prices don't change following a cost review at the end of the first term the additional cost in 2019/20 is £230k and this has already been built into the forecast for the High Needs Block of the DSG as we have been aware that this additional cost was likely, the additional full year cost (for 2020/21 will be £506k). These costs are one off and limited to the 22 month contract with CLF.

Finance Business Partner: Neil Sinclair, 17th October 2019

2. Legal Advice:

The procurement process followed complied with the Public Contract Regulations 2015 and the Council's own Procurement Rules.

Legal Team Leader: Husinara Jones Solicitor | Team Leader – Commercial & Governance Team, 19th November 2019

3. Implications on IT: - No anticipated impact on IT Services.

IT Team Leader: - Simon Oliver, Director - Digital Transformation, Resources – IT, 20th November 2019

4. HR Advice:

The report is seeking to gain retrospective approval from Cabinet for a contract Award to Cabot Learning Federation.

Although there is no direct HR impact on Bristol City Council employees a TUPE has taken place between the former provider and the new provider as a result of the former provider pulling out of their contract with minimal notice.

The Report outlines that there is a significant increase in per place (and overall) cost that places additional burden on the High Needs Block (DSG) budget and that the decision (is) for the financial risk to sit with the local authority.

*There is no information to be added in **Appendix H** or **Appendix K**.*

HR Partner: Lorna Laing (MCIPD) People & Culture HR Business Partner

EDM Sign-off	Alison Hurley	26.11.19
Cabinet Member sign-off	Cllr Anna Keen	26.11.19
For Key Decisions - Mayor's Office sign-off	Mayor's Office	26.11.19

Appendix A – Further essential background / detail on the proposal Bristol City Council Cabinet Report - Catch 22 Include School Bristol Closure 25 th October 2019 - Alternative Learning Block Contract (50 places) to Cabot Learning Federation for Provision at Snowdon Village City School from 4 th November 2019	YES
Appendix B – Details of consultation carried out - internal and external See Appendix A	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	YES
Appendix J – HR advice	NO
Appendix K – ICT	NO