

Decision Pathway – Report Template



PURPOSE: Key decision

MEETING: Cabinet

DATE: 14 July 2020

TITLE	Alternative Learning Provision (ALP) framework 2016-2021 – approval of additional expenditure		
Ward(s)	Citywide		
Author: Christopher Davies	Job title: Headteacher, ALP Hub		
Cabinet lead: Cllr Anna Keen	Executive Director lead: Jacqui Jensen		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member			
Decision forum: Cabinet			
Purpose of Report:			
<ol style="list-style-type: none"> 1. For Cabinet to note the additional spending on the ALP framework over and above that estimated when the contract was set up and to seek approval to: <ol style="list-style-type: none"> a. Procure and award any additional block contracts required under the ALP Framework; b. Extend the ALP Framework and any existing block contract arrangements in line with the contract terms; and c. Take up any extension options 2. To approve an increase in the framework value for the current year and any subsequent annual extensions. 			
Evidence Base:			
<ol style="list-style-type: none"> 1. Alternative Learning Provision (ALP) is a statutory duty for local authorities, funding for which comes from the High Needs Block of the Dedicated Schools Grant 2. Market Analysis by the DfE highlights improvements in Bristol ALP since 2016 3. The framework was procured on the basis of a five year framework (2016-2021) with the option to extend for a further three years in yearly increments. 2016-2020 spending against the framework has exceeded the contract value set out for this five year period, which was estimated at £830,000 per year in the original Commissioning Plan, based on a population and needs analysis 4. This overspend against the ALP framework is due to a number of factors, including: <ol style="list-style-type: none"> a. Increasing population from 2016 b. High demand related in part to persistent high levels of fixed-term exclusions for pupils with special educational needs and/or disabilities (SEND) - as identified in the November 2019 joint local area SEND inspection) – the high exclusion rates are an outcome that is being challenged by the Education & Skills Directorate, and will be further addressed in the upcoming Bristol Belonging Strategy c. The sudden market exit of a major provider in 2019 (Catch22 – Include Bristol), requiring action to continue the education of the children and young people on the school roll 5. Recommissioning the ALP framework has been delayed to due to COVID-19. The existing framework has an optional three year extension to August 2024, the plan is to take up a one year extension to August 2022 which would allow for the completion of a collaborative commissioning process and establishment of more rigorous contract monitoring, including an expectation around increased attendance levels. 6. The Learning City Partnership Board (LCPB) in approving the ALP framework, delegated authority to officers to procure ALP from the framework, including both spot and block contracts and actioning any contract extensions. However, due to structural reorganisations in the ALP team since 2016, and the LCPB not stating a specific officer, a named position is required to enact this delegated authority. 			

7. More detailed information on the above, including expenditure, can be found in the **briefing in Appendix A**

Cabinet Member / Officer Recommendations:

That Cabinet

1. Notes the overspend against the ALP framework
2. Approves and authorises the Executive Director People, in consultation with the Cabinet Member for Education & Skills, to:
 - a. Take all steps necessary to procure and award any additional block contracts necessary under the ALP framework
 - b. Extend the ALP framework in accordance with the extension options (up to a maximum of 3 years in yearly increments to 31st August 2024)
 - c. Extend the existing block contract arrangements in accordance with extension options (up to a maximum of 3 years in yearly increments to 31st August 2024)
3. Approves an increase in the framework value up to a maximum value of £4m for the period to 31st August 2024.

Corporate Strategy alignment:

1. The ALP Framework delivers against the Corporate Strategy theme of Fair and Inclusive, specifically the commitment to improve educational outcomes and reduce educational inequality, whilst ensuring there are enough school places to meet demand and a transparent admissions process. This commitment noted that “with a growing population we also need more school places”

City Benefits:

1. Effective ALP enables students with social, emotional and mental health (SEMH) needs to achieve their potential, to feel safe and secure in an appropriate educational setting and progress to suitable post-16 further education, training or employment
2. The Commissioning Plan identified higher exclusion rates of BAME students in Bristol than other core cities, therefore improved ALP improves the life chances of BAME children, in line with the city equality strategy

Consultation Details:

1. A 12 week consultation for the 2016-21 ALP framework was undertaken in September 2015. A further consultation was planned for this summer but has had to be deferred due to COVID-19.

Background Documents:

1. Bristol City Council, [Alternative Learning Providers Commissioning Plan](#), March 2016
2. LCPB, [Mayor’s key decision on ALP Commissioning Plan](#), March 2016
3. Department for Education, [Alternative Provision Market Analysis](#), October 2018
4. Ofsted, [Additional Inspection: Catch22 Include Bristol](#), June 2019
5. CQC & Ofsted, [Joint local area SEND inspection](#), November 2019
6. Bristol City Council, [Written Statement of Action](#), March 2020

Revenue Cost	£ 4.2m (historic overspend) £ 4m p.a. max (2020/21 & 2021/22)	Source of Revenue Funding	High Needs Block of Dedicated Schools Grant
Capital Cost	n/a	Source of Capital Funding	n/a
One off cost <input type="checkbox"/> Ongoing cost <input checked="" 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 cost of ALP is met from the High Needs Block of the Dedicated Schools Grant. The budget within the block has increased to reflect demand and the net budget for ALP for 2020/21 is £2.018m, whilst this would cover the net expenditure at 2019/20 levels, additional block contract costs of £600k have already been identified. This overspend will need to be contained within the overall High Needs Block to avoid a carry forward deficit position.

Finance Business Partner: Graham Booth, Finance Manager 2 June 2020

2. Legal Advice: The ALP Framework is an open framework under the Public Contract Regulations 2015 light touch

regime which enables provider to apply to join the framework throughout its lifespan. Extending the framework agreement, including call-off and block contracts in line with the options to extend do not raise any legal issues. The officer will need to engage with legal services to ensure that any contract extension documentation is put in place. An OJEU notice confirming the framework extension including any increase in value should be put in place.

Legal Team Leader: Husinara Jones, Solicitor and Team Leader, 12 May 2020

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

IT Team Leader: Simon Oliver, Director - Digital Transformation, 1 May 2020

4. HR Advice: There are no HR implications for Bristol City Council employees as the report is currently presented.

HR Partner: Lorna Laing, HR Business Partner – Adults, Children, Education and Public Health, 6 May 2020

5. Procurement Advice: The Contract was advertised and awarded with an insufficient estimated contract value and extensions. To make this compliant and in line with the current spend profile, permission is sought to increase the value of the open framework in line with the spend profile. All documentation and adverts will be adjusted to reflect this as well as the additional contract extensions sought. The commissioning of a new service should commence and be in place for when the current contract ends.

Category Manager: Gina Smalley, Category Manager – Care, Support and Independence, 12 May 2020

EDM Sign-off	Jacqui Jensen	27 May 2020
Cabinet Member sign-off	Cllr Anna Keen	1 June 2020
For Key Decisions - Mayor's Office sign-off	Mayor's Office	15 June 2020

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	NO
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO