

Appendix A – Background Information

Briefing: Alternative Learning Provision (ALP) framework 2016-2021

ALP is a statutory duty for local authorities. Under section 19 of the *Education Act 1996*, 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

Overspend against the 2016-2021 ALP framework

The 2016-21 Commissioning Plan set out plans for a new, more flexible framework, which would allow more providers to join and improve quality assurance. These plans were set out alongside recommendations to procure placements costing approximately £830,000 per year from providers, including 4 x 10 place block contracts (£4.15m over 5 years).

This funding for procurement of Alternative Learning Provision, comes from the High Needs Block of the central Dedicated Schools Grant, rather than Bristol City Council budget streams.

Due to a projected increase in both overall population and in number of exclusions, the Commissioning Plan did not set out any expected savings compared to the previous framework. The following projections information was provided in the original consultation:

The charts below show the % increase in school population by key stage from 2014:

Key Stage 1

	East Central	North	South	Citywide
2015	4%	2%	3%	3%
2016	9%	5%	8%	7%
2017	13%	7%	12%	10%
2018	15%	6%	14%	11%
2019	9%	3%	12%	7%

Key Stage 2

	East Central	North	South	Citywide
2015	6%	6%	5%	5%
2016	11%	10%	8%	9%
2017	17%	15%	12%	15%
2018	22%	19%	17%	19%
2019	26%	22%	21%	22%

Key Stage 3

	East Central	North	South	Citywide
2015	4%	5%	1%	3%
2016	10%	12%	6%	9%
2017	16%	18%	9%	14%
2018	22%	25%	14%	20%
2019	31%	31%	20%	27%

Key Stage 4

	East Central	North	South	Citywide
2015	1%	4%	3%	3%
2016	3%	6%	0%	3%
2017	6%	9%	3%	6%
2018	13%	16%	8%	12%
2019	18%	26%	10%	18%

Source: Projected % increase in school population by key stage from 2014. Bristol city council

“Planning future provision needs to take into account this school population increase. Approximately 2.12% of the Bristol school population currently requires ALP, however the increased school population is likely to impact on demand for future ALP in other ways. As schools get fuller, class sizes tend to grow with tutor group sizes of up to 30. This can mean there is relatively less support available, leading to more need for alternative provision.”

Demand has remained high in part due to the relatively high levels of fixed-term exclusions for children with special educational needs and/or disabilities (SEND) in Bristol compared to nationally, an issue highlighted in the November 2019 joint local area SEND inspection by Ofsted and the CQC. Other factors include: increasing demand for specialist SEND/SEMH (social, emotional and mental

health) places for children who have, or should have been assessed for, Education, Health and Care Plans (EHCPs), lack of special school places, inconsistent inclusive practice and infrastructure for children with special educational needs within the schools sector, lack of funding in schools for high cost interventions and specialist/pastoral support.

Bristol City Council Education & Skills Directorate is challenging a number of these factors, particularly the high levels of exclusions and the lack of special school places, through its Written Statement of Action to the Care Quality Commission (CQC) and Ofsted Joint Inspection, an ongoing review into specialist education provision, and the forthcoming Belonging Strategy.

Bristol City Council submissions to the Department for Education Alternative Provision (AP) Census also highlight the increased demand over the duration of the framework:

Jan-16	Jan-17	Jan-18	Jan-19	Jan-20
212	221	360	146 ¹	318

Other budgetary pressures came from the sudden market exit by a major provider, the Include School (Catch22). The provider received a rating of inadequate from Ofsted in January 2019, and a follow-up inspection in June found continued concerns across areas including quality of education, behaviour and school governance. Prior to closure of Include in October 2019, there was a period of intensive work to try and keep the children and young people in suitable and viable education, as a result of which the Cabot Learning Federation were awarded a block contract of 50 places in September 2019.

These factors however only partially explain the overspend. The original procurement recommendations set the 2016-21 contract value at £830,000 per year (£4.15m total), despite the previous (2013-2016) framework having had an estimated total value of £1.634m per year (£5m total). In addition, it is not clear why commissioning recommendations were set at a consistent £830,000 per year, without annual increases to account for projected population increases.

Requisitions linked to the ALP framework block contract and spot purchase cost centres are set out on an annual basis below, with a total four-year spend (2016/17 – 2019/20) of £8.355m, £4.205m above the total framework value set out in the Commissioning Plan:

	Block contract	Spot purchase	Total
2016/17	£1,007,004	£1,004,497	£2,011,501
2017/18	£999,196	£1,026,717	£2,025,913
2018/19	£1,022,248	£1,274,383	£2,296,631
2019/20	£1,073,387	£947,882	£2,021,269
Total	£4,101,835	£4,253,479	£8,355,314

In terms of ongoing spend against the contract, an annual budgetary envelope of £4m is required to meet current demand and to account for any continued increases in demand, as per previous years.

¹ 2019 was the first year that the EYES system was used to produce the return, and issues related to what should be included were in part responsible for the reduced number for this year

Purchases are only made from the framework when required, therefore actual spending may be lower than the £4m, which is envisaged as a maximum spending threshold.

Block contract expenditure for 2020/21 and 2021/22 is currently planned at £1,660,000 (£3,320,000 total), pending the extension of the 50 place contract with Cabot Learning Federation and the 10 place contract with Learning Partnership West to August 2022.

Should spot purchase expenditure continue at its current 2019/20 level of £0.95m per year, annual expenditure for 2020/21 and 2021/22 would be £2.6m. However, spot purchasing levels are expected to rise, in line with increasing demand for ALP.

Continued delegated authority to officers to procure ALP from the framework

It had originally been intended to recommission the ALP framework at the end of its contract term in August 2021, with a consultation to stakeholders due to be launched in summer 2020. However, due to the current situation with COVID-19, it would not be possible to undertake a collaborative commissioning exercise that would have developed the market and improved contract specifications and formal contract management, including an expectation around increased attendance levels.

Contract monitoring data over the current framework shows a slight decline in overall attendance at full-time AP schools, although the picture is more varied at an individual school level:

Attendance for students in full-time AP schools	2016/17	2017/18	2018/19
Catch 22 Include Bristol	47%	40%	34%
LPW Independent School Bristol	56%	54%	55%
Bristol Futures Academy	67%	71%	70%
St Matthias Park Academy PRU	71%	63%	62%
Lansdown Park Academy PRU/EIB	69%	70%	74%
Students in all full time AP schools*	63%	60%	59%

*Excluding Bristol Hospital Education Service

Attendance data collation at part-time AP schools is more inconsistent than at full-time schools, and this is another aspect of attendance monitoring that will be looked at as part of the recommissioning of the framework, as well as expectations of improved attendance outcomes.

Therefore it is currently intended to utilise a one year optional extension in the framework to August 2022, in order to allow for an effective recommissioning process.

Authority to procure ALP from the framework, including through use of block contracts and contract extensions set out in the framework, was delegated to officers in the Mayor's key decision on the framework in March 2016. However, this decision did not specify to which officers this authority was delegated:

“To authorise the establishment of dynamic purchasing system (DPS), and the subsequent procurement of alternative learning provision by the service through the use of the DPS (as set out in the report) and existing delegated authority to officers.”

In addition, as a result of internal restructuring since the key decision, some relevant officer positions no longer exist – for example the position of Head of Service for Additional Learning Needs.

Therefore approval is sought for continued delegated authority to procure ALP from the framework, including through block contracts and contract extensions, from a specific, named position: Executive Director People.