



# Decision Pathway – Report

**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 05 October 2021

<b>TITLE</b>	<b>Alternative Learning Provision (ALP) framework</b>			
<b>Ward(s)</b>	Citywide			
<b>Author:</b> Alex Bate	<b>Job title:</b> Commissioning Manager			
<b>Cabinet lead:</b> Mayor Marvin Rees	<b>Executive Director lead:</b> Hugh Evans - <b>Executive Director:</b> People			
<b>Proposal origin:</b> BCC Staff				
<b>Decision maker:</b> Mayor <b>Decision forum:</b> Cabinet				
<b>Purpose of Report:</b> To seek approval - 1. To recommission a new Alternative Learning Provision framework contract to meet the local authority's statutory duties to provide alternative education for children and young people. The contract will be for a 5 years + 1 duration, with an expenditure ceiling of £2.75m per year (£16.5m total)				
To note - 2. The attached ALP Commissioning Strategy 2022-27, developed as part of the ALP Statement of Action, and subject to a strategy refresh by September 2022 as further Statement of Action recommendations are implemented				
<b>Evidence Base:</b> 1. Local authorities have a statutory duty to arrange suitable full-time education for permanently expelled pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such Alternative Learning Provision (ALP). Schools are responsible for commissioning ALP for pupils on their school roll, where this is provided on a part-time basis.  2. ALP is currently commissioned through AP academies, Early Intervention Bases, Hospital Education, and externally commissioned services through an ALP framework for part-time and full-time settings. This framework is due to expire on 31 August 2022  3. Bristol has historically been a higher user of Alternative Learning Provision than other local authorities including statistical neighbours. This framework seeks to promote greater inclusion in mainstream schools, and therefore reduce the numbers of pupils in long-term, full-time ALP.  4. To support the work of the ALP Statement of Action, a commissioning strategy was developed, informed by engagement with children and young people, parents/carers, ALP settings, schools and other stakeholders. This identified concerns that pupils were often moved across multiple settings, and did not feel a sense of belonging in school which often did not support their needs. When ALP was delivered effectively, pupils saw an increased sense of wellbeing, independence and ambition for the future.  5. Based on this engagement, and a follow-up consultation, a Commissioning Strategy was developed looking at a pupil's journey through the four stages of their educational journey:  a. Pre-ALP (early intervention) b. Moving into ALP c. Thriving, achieving and belonging in ALP				

- d. Leaving ALP
6. To achieve better outcomes across these four stages, commissioning priorities include:
- a. More in-school support available to pupils in mainstream schools at risk of moving into ALP
  - b. Increased safeguarding oversight, through development of a section 175 audit tailored for ALP settings
  - c. A new quality assurance framework covering areas such as pupil development, attendance, engagement, workforce development, trauma-informed approaches, and transitions to onward destinations
  - d. Providers to develop a 'keep in touch' offer, to support pupils they have worked with and developed a relationship with, after they leave ALP to help their transition into post-16 employment, education & training (EET), reintegration into mainstream school, or move to a special school or other ALP setting
7. In order to deliver a range of high-quality provision and more choice for pupils, a five year open framework across three lots (full-time, part-time and in-school support) with the option of a one year extension is proposed. The main changes to the current framework include:
- a. A new in-school support lot to support inclusion and deliver better pupil outcomes and value for money
  - b. Jointly commissioning the framework with North Somerset and South Gloucestershire local authorities to attract more providers to join
  - c. No reprocurement of the existing block contracts – block contracts in the current framework did not attract more providers to the market or lower prices, nor are they sufficiently large to create sustainability for providers. The framework does however allow scope for block contracts over its duration if they would be deemed beneficial for pupils, the local authority or providers
  - d. Development of a mechanism to limit price increases over the duration of the framework
8. This Strategy seeks to deliver on recommendations in the ALP Statement of Action. Significant work across other ALP Statement of Action recommendations will be implemented in the coming year, including across SEND provision, inclusion, finance and quality assurance, and this strategy will be updated in September 2022 to incorporate all of these developments. More information can be found in Appendix A – Strategy and Needs Analysis

#### **Cabinet Member Recommendations:**

That Cabinet

1. Notes the Alternative Learning Provision commissioning strategy 2022-2027
2. Authorises Executive Director – People in consultation with Cabinet Member for Families, Education and Women to procure and award the contract(s) necessary for the implementation of a framework for Alternative Learning Provision, from 1<sup>st</sup> September 2022 for 5 years + 1 at a cost of £2.75m per year in-line with the procurement routes and maximum budget envelopes outlined in this report, noting the associated Procurement and Legal commentaries
3. Authorises Executive Director - People to invoke any subsequent extensions/variations specifically defined in the contract(s) being awarded, up to the maximum budget envelope outlined in this report, including through any block purchasing arrangements
4. Authorises the Head of Strategic Procurement & Supplier Relations to approve appropriate procurement routes to market where these are not yet fully defined in this report, or if changes to procurement routes are subsequently required

#### **Corporate Strategy alignment:** High quality ALP delivered through the framework will support the following Corporate Strategy Themes:

1. Fair and Inclusive – specifically "Improve educational outcomes and reduce educational inequality, whilst ensuring there are enough school places to meet demand and a transparent admissions process"
2. Empowering and Caring – specifically "Give children the best start in life" measured through an increase in the proportion of looked-after children who meet and exceed their educational achievement outcomes. The Needs Analysis identified a higher proportion of children in care in ALP compared to the wider school population.

#### **City Benefits:**

1. Particular groups of children and young people are disproportionately likely to be educated in ALP including: children in care, children in need, pupils with SEND, pupils eligible for Free School Meals, pupils from Black Caribbean and Gypsy, Roma, Traveller (GRT) heritage backgrounds. Improved ALP across the city will reduce educational inequality and improve outcomes for these groups of young people.
2. Improved ALP including careers support and post-16 transition reduces the number of children becoming NEET (not in education, employment or training)

## **Consultation Details:**

Initial engagement with pupils in ALP, parents/carers and other stakeholder was carried out in 2020 through surveys and follow-up interviews, to inform the draft commissioning strategy. The draft strategy was then consulted on between 11 June 2021 and 23 July 2021. The intended audience for the consultation was ALP providers, schools, parent/carers and children and young people in ALP and in mainstream education. It was promoted through channels including ALP providers and school distribution lists, press releases, the Local Offer website, community groups, social care and families in focus professionals, and through the Bristol Parent Carer Forum, and received 147 completed responses.

A large majority of responses were in favour of the commissioning priorities. Feedback looked at a range of issues including range of provision, pupil and parent voice being central to placements, providers held more accountable, and developing an effective network across all providers working with young people. This feedback will be incorporated into the design of the framework specifications and quality assurance approach. More information can be found in Appendix B.

Responses from young people to the consultation were limited, and therefore continued engagement and coproduction work will be undertaken to action the priorities in the strategy, through the reference groups being established as part of the ALP Statement of Action – particularly the groups for children and young people, and parents and carers.

## **Background Documents:**

- [Bristol Corporate Strategy 2018-23](#)
- [Review Report – Bristol Alternative Learning Provision](#) – October-November 2020
- [Alternative Learning Provision Statement of Action](#), 2021
- Centre for Social Justice (CSJ), [Warming the Cold Spots of Alternative Provision](#), May 2020
- Children's Commissioner, [Children's voices: a review of evidence on the wellbeing of children excluded from schools and in alternative provision in England](#), November 2017
- Department for Education (DfE): [Alternative Provision Market Analysis](#), October 2018; [Alternative Provision: Effective Practice and Post-16 Transition](#), January 2017; [Alternative Provision: Statutory Guidance](#), 2013 (updated June 2016); [Investigative Research into Alternative Provision](#), October 2018
- House of Commons Education Committee, [Forgotten Children: Alternative Provision and the Scandal of Ever Increasing Exclusions](#), July 2018
- Institute for Public Policy Research (IPPR), [Making the Difference](#), October 2017
- IntegratED, [Annual Report 2020](#)
- Ofsted, [The findings from Ofsted's three-year survey of schools' use of off-site alternative provision](#), February 2016
- [Timpson Review of School Exclusion](#), May 2019
- University of Oxford, [Excluded Lives](#), June 2020

<b>Revenue Cost</b>	<b>£2.75m p.a. Bristol £4.35m p.a. Bristol, North Somerset &amp; South Gloucestershire</b> (framework – no guaranteed expenditure)  <b>£16.5m max Bristol expenditure £26.1m max Bristol, North Somerset &amp; South Gloucestershire expenditure</b>	<b>Source of Revenue Funding</b>	High Needs Block – Dedicated Schools Grant
<b>Capital Cost</b>	£ n/a	<b>Source of Capital Funding</b>	n/a
<b>One off cost</b> <input type="checkbox"/>	<b>Ongoing cost</b> <input checked="" type="checkbox"/>	<b>Saving Proposal</b> <input type="checkbox"/>	<b>Income generation proposal</b> <input type="checkbox"/>

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

**Finance Advice:** This report seeks approval to recommission a new Alternative Learning Provision (ALP) framework contract to meet the local authority's statutory duties for children and young people. The framework will be for a 5 years + 1 duration, with an expenditure ceiling of £2.75m per year (£16.5.m total), to facilitate estimated future year population changes.

As referenced in the Commissioning Strategy (and indicated below) this framework is only part of the wider ALP budget.

Overall 2021/22 local authority budgets across ALP settings are as follows:

Early Intervention Bases	£600,000
Hospital Education	£2,155,500
AP academy top-up	£1,333,944
ALP purchased through framework	£2,507,449*
Total	£6,596,893

\*This figure is local authority total expenditure and does not account for school contributions. Total income from schools to the local authority in 2020/21 was approx. £760,000.

**Finance Business Partner:** Denise Hunt 22 September 2021

**2. Legal Advice:** The procurement process must be conducted in line with the 2015 Procurement Regulations and the Council's own procurement rules. Legal services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements.

**Legal Team Leader:** Husinara Jones, Team Leader/Solicitor 29 July 2021

**3. Implications on IT:** No anticipated impact to IT/Digital Services

**IT Team Leader:** Simon Oliver, Director – Digital Transformation, 28 July 2021

**4. HR Advice:** The report is seeking authorisation to commission a new Alternative Learning Provision framework contract, this does not present any significant HR issues for Bristol City Council employees.

**HR Partner:** Lorna Laing, 30 July 2021

<b>EDM Sign-off</b>	Hugh Evans	4 August 2021
<b>Cabinet Member sign-off</b>	Mayor's Office	6 September 2021
<b>For Key Decisions - Mayor's Office sign-off</b>	Mayor's Office	6 September 2021

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