

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 05 March 2024

TITLE	Alternative Learning Provision Framework – Variation to cover Post-16 SEND Support		
Ward(s)	Citywide		
Author: Reena Bhogal-Welsh	Job title: Director – Education & Skills		
Cabinet lead: Deputy Mayor Asher Craig, Cabinet Member for Children's Services, Education and Equalities	Executive Director lead: Hannah Woodhouse - Executive Director, Children and Education		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member Decision forum: Cabinet			
Purpose of Report: To vary the current Alternative Learning Provision (ALP) framework to cover post-16 SEND support, in order to create a compliant procurement route for these purchases			
Evidence Base: <ol style="list-style-type: none"> 1. The ALP Framework, running from September 2022 to August 2027, allows for purchasing of full-time Alternative Provision, as well as part-time ALP support from a range of providers for Key Stages 1-4 2. For young people with an Education, Health and Care Plan (EHCP), ongoing provision from ALP settings may be required and commissioned after Key Stage 4, to provide continuing support in line with the local authority's ongoing statutory responsibility for EHCP support after Key Stage 4 into post-16 provision. 3. Analysis of spending against the ALP framework has identified a significant amount of expenditure by SEND teams for post-16 support, often providing ongoing support from Key Stage 4 with the same providers. However, post-16 support is not covered by the contract specifications – therefore is not a suitable purchasing route. 4. SEND teams have been advised to stop using the ALP Framework for post-16, and additional training has been provided on compliant post-16 commissioning. However, there are currently very few other options for suitable purchasing of post-16 SEND support. Over the past 12 months, £594,471 was incorrectly spent through the ALP Framework, and £218,413 was spent off contract purchases. This amounts to total potential breaches of £812,885 per year 5. There is an additional Therapists, Mentors and Tutors (TMT) framework which covers post-16, but has fewer available providers and has a less stringent application process due to the much lower level of anticipated spend. In addition, providers have communicated significant confusion about these two frameworks running in parallel. 6. Therefore it is proposed to vary the ALP Framework to cover post-16 provision, vary the contract value by 			

50% to add an additional £1.35m as a contract ceiling – this would not create any new spending liabilities, it would simply provide a compliant procurement route for existing spending – and wind down the tutors and mentors Lots of the TMT Framework

7. North Somerset and South Gloucestershire are co-commissioners of the ALP Framework and are supportive of this approach.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Authorises the Executive Director – Children & Education in consultation with the Cabinet Member Children's Services, Education and Equalities to take all steps required to vary the Alternative Learning Provision (ALP) framework to cover post-16 SEND support in-line with the maximum budget envelope as outlined in this report.

Corporate Strategy alignment: High quality ALP and SEND support delivered through the framework will support the following Corporate Strategy Themes:

1. Children and Young People – specifically equity in education aims “Educational and employment opportunities are more equal for children and young people across the city with better support and outcomes for children and young people with special educational needs and disabilities”
2. Disability – specifically improving the inclusion support offer for all education settings.

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:

1. Consultation and co-production were undertaken during the development of the ALP Framework, as reported to Cabinet, including a joint strategical ALP and SEND approach, which this proposal supports.

Background Documents:

- Cabinet Decision, October 2021, [11. Alternative Learning Provision Framework](#)

Revenue Cost	£1.375m p.a. Bristol £2.175 m p.a. Bristol, North Somerset & South Gloucestershire (framework – no guaranteed expenditure) £6.875m max Bristol expenditure £10.875m max Bristol, North Somerset & South Gloucestershire expenditure	Source of Revenue Funding	High Needs Block – Dedicated Schools Grant
Capital Cost	£0	Source of	n/a

		Capital Funding	
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 financial implications of the proposed variation to the Framework are detailed within the paper. There is no expected increase in overall expenditure resulting from this variation and the changes proposed will mitigate the risks currently arising from procurement breaches.		
Finance Business Partner: Guy Marshall, Finance Business Partner 06 February 2024		
2. Legal Advice: The variation of the contract should be in accordance with the 2015 Procurement Regulations and the Councils own procurement rules. Legal services will advise and assist officers with regard to the contractual arrangements for the variation.		
Legal Team Leader: Husinara Jones, Team Manager/Solicitor 17 January 2024		
3. Implications on IT: I can see no implications on IT in regard to this activity.		
IT Team Leader: Alex Simpson – Lead Enterprise Architect, 17 January 2024		
4. HR Advice: The report is seeking approval to vary the current Alternative Learning Provision (ALP) framework to cover post-16 SEND support, to create a compliant procurement route for these purchases. This request has no significant HR implications arising for Bristol City Council employees.		
HR Partner: Lorna Laing, HR Business Partner – Adults & Communities, Children & Education 17 January 2024		
EDM Sign-off	Vanessa Wilson, Director Children’s Transformation	24 January 2024
Cabinet Member sign-off	Councillor Asher Craig Cabinet Member for Children’s Services, Education and Equalities	26 February 2024
For Key Decisions - Mayor’s Office sign-off	Mayor’s Office	05 February 2024

Appendix A – Further essential background / detail on the proposal	NO
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	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	YES
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