



Report to Policy Committee

Author/Lead Officer of Report: Tim Armstrong, Head of Access & inclusion, Daina Cummings, strategic manager, progressions team

Tel: 07341 798314

Report of: Andrew Jones, Director of Education & Skills

Report to: Education, Children & Families Committee

Date of Decision: 8th June 2022

Subject: A framework arrangement for the procurement of Alternative Provision in the city for the academic year 2022-23.

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? Ref: People/HA/DC/BK/280322				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

Purpose of Report:

- Access and Inclusion are seeking to commission an Alternative Provision (AP) framework agreement for the delivery for the coming academic year, September 2022 – July 2023. This will replace the current framework for Alternative Provision that has now come to an end.
- The AP framework agreement will allow Sheffield City Council to continue to deliver alternative provision programmes appropriate for the following 2 groups:
 - school-aged pupils who would benefit from being directed to attend provision away from the school site to manage their behaviour and engagement needs so that they can successfully return to a mainstream, school-based curriculum
 - Young people aged 16-25 with an Education, Health and Care

Plan accessing alternative provision as part of their high needs provision at Sheaf Training

- These programmes will be delivered by organisations with an assessed capability and capacity to provide for the academic year 2022-23.
- Putting such arrangements in place will mitigate any risk to attending non-regulated provision to help with behaviour intervention. AP providers will undertake due diligence and necessary checks to comply with procurement rules and be subject to on-going quality assurance and contract management.
- Potential providers will be able to bid to provide provision on the framework
- This commission for the academic year 2022-23 will allow the Council to complete its on-going review of the delivery of provision across the city with a view to creating a new Alternative Provision arrangement beyond 2023.

Recommendations:

It is recommended that the Committee:

1. Approves the commissioning of providers to deliver alternative provision services for use by Sheffield schools and services within the People portfolio such as Children Missing from Education and via the Sheaf High Needs provision by way of an AP framework based on the proposals in this report.
2. Where no current authority exists, delegates authority to the Executive Director of People, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance, to take such steps to meet the aims and objectives as detailed and set out in this report.

Background Papers:

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Anna Beeby Gerard Higgins
	Legal: David Hollis
	Equalities & Consultation: Bashir Khan
	Climate: N/A

	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	John Macilwraith
3	Committee Chair consulted:	Cllr Dawn Dale Cllr Mick Rooney
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Tim Armstrong	Job Title: Head of Service, Access & Inclusion
	Date: 21 st May 2022	

1. PROPOSAL

- 1.1 This proposal is to commission an AP framework agreement with a term of 1 year and an estimated value of £750k, to provide Alternative provision services.
- 1.2 SCC currently procures, contract manages, and quality assures a network of off-site alternative provision providers for use by Sheffield schools and services within the People portfolio such as Children Missing from Education and for use in respect of young people aged 16 – 24 in receipt of educational provision under their Educational Health Care Plans at Sheaf training.
- 1.3 The Alternative Provision programme is one aspect of a number of alternative provision initiatives undertaken by the Council. These are all currently under review. In pursuit of this a strategic working party has been established comprising senior operational managers, headteachers (both primary and secondary) and commissioning officers. The intention is to shape the authority's offer of alternative provision that will better meet the needs of children within the city who would benefit from a period of alternative curriculum and thereafter to scope subsequent commissioning and any contingent procurement strategy for implementation from September 2023. The procurement of a new AP framework for the 2022/23 school year will allow the Council to carry out this review and continue service provision during its 1-year term.
- 1.4 In addition, the SEND Green Paper has a focus on Alternative Provision. The Green paper is currently out for consultation. The green paper seeks to clarify the role of Alternative Provision and make it an integral part of local SEND systems. The intent is that this will be done through a focus on early intervention. The green paper proposed the development of a bespoke performance framework for alternative provision. As part of the Green Paper there is an intent to launch a call for evidence before summer 2022 on the use of unregistered provision to investigate existing practice. This may require future changes to provision in Sheffield where the majority of alternative provision to meet behavioural needs is delivered by unregistered provision. The consultation will close on 22nd July 2022. Again, the procurement of a new AP framework for the 2022/23 school year will allow the Council to respond to the consultation and continue service provision during its 1-year term
- 1.5 The current framework arrangement (2021-2022) has operated in its current form since September 2021 and is scheduled to come to an end in July 2022, with no lawful option to extend. This proposal therefore seeks to establish a new AP framework (September 2022-2023), with a term of 1 year, in order to ensure the continuance of alternative provision and to allow for a review which will inform a subsequent contractual arrangement with providers (September 2023 and beyond).

- 1.6 The new AP framework (2022-2023) will be procured using a single stage, open tender process in compliance with the Public Contracts Regulations 2015. It is difficult to estimate the number of providers that will be awarded entry onto the framework via the open tender process, however it is estimated that the combined value of any subsequent call-off contracts will not exceed £750k.
- 1.7 Outputs and results will focus on the progression of children referred to the programme and their re-integration into mainstream education.
- 1.8 The commission will establish a framework of suppliers who demonstrate the capacity and capability to deliver provision in the outcome blocks identified below. Thereafter further competitions will be held to award contracts in respect of in each of the outcome blocks as determined necessary to meet identified needs. The highest scoring bidder or bidders, as determined by the needs to be addressed, will be awarded a contract. The outcome blocks for the alternative provision service are made up the following:
 1. Key stage 4 AP
 2. Re-engagement strand for Key stage 3
 3. Re-engagement strand Key stage 4
 4. High needs
 5. Sheaf High Needs Block

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 1.1 The AP framework will give Headteachers an option to provide alternative education provision for vulnerable pupils who find it difficult to engage with mainstream school and who they wish to direct off-site.
- 1.2 It will additionally enable a flexible approach to be taken for young people who access high needs provision at Sheaf College who require provision away from the college site.
- 1.3 The proposal allows for continuance of the pre-existing delivery methodology pending a review of the delivery of alternative provision, to determine how best to meet the needs of those children in city schools who find it difficult to engage with mainstream learning so that they can return to mainstream education and maximise their personal life chances for the social and economic betterment of the city.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Ongoing consultation about service delivery continues to happen with schools including via Secondary Inclusion Panel, and via the Task group developed to progress alternative routes.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 Decisions need to consider the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

4.1.2

The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

4.1.3

An Equality Impact Assessment has been carried out and highlights that that the extension of the current provision to July 2023 enables continuous provision to be available to some particularly vulnerable young people until the new arrangements are in place from September 2023.

4.2 Financial and Commercial Implications

4.2.1 Pupils will be referred to alternative provision by either their school, the Council service which is currently engaged with securing their education. Or Sheaf College' As indicated above the procured contracts will be demand led and managed by Sheffield City Council.

4.2.2 The total value of the call-off contracts granted because of further competitions under the proposed framework arrangements is estimated to be c. £750,000 for the academic year 2022-23 spread over several providers. Individual contracts with specific providers are estimated to be no more than £100,000. However, this figure will be subject to demand from schools and Council services.

4.2.3 The service is purchased based on a pre-determined tariff and therefore is self-funding. An amount per pupil per day is levied from the fee charged to fund contract management, quality assurance, health and safety monitoring and the referral team which works with schools to place a child in appropriate provision.

4.2. To ensure compliance with Contract Standing Orders and the Public
Contracts Regulations 2015, we unable to extend the current framework.
4 As such we will seek to procure a further framework arrangement for
academic year 2022-23. This is intended to provide sufficient time to fully
co-produce and pilot an alternative model of AP delivery that is part of a
wider Sheffield Inclusion Model for implementation in the academic year
2023-24.

4.3 Legal Implications

4.3. There are a number of legislative provisions that cover the Council's duties
1 on AP. Local authorities are responsible for arranging suitable full-time
education for;

- permanently excluded pupils
- fixed period excluded pupils (Governing bodies and proprietors of
maintained schools and Academies are also under this duty)
- pupils who cannot attend due to illness
- pupils who otherwise would not receive suitable education without
such provision.

4.3.2 This applies to all children of compulsory school age resident in the local
authority area, whether or not they are on the roll of a school, and
whatever type of school they attend.

4.3. Local authorities have a power (but not a duty) to arrange education
3 provision, where not already available, for pupils aged 16-18

4.3. This provision is aimed at those pupils who otherwise would not receive
4 suitable education without such provision not those excluded or absent
due to sickness. There is statutory guidance issued that provides suitable
full-time education should begin for these pupils as quickly as possible.

4.3. These arrangements are permitted by the Local Government (Contracts)
5 Act 1997 and should ensure the Council, Governing Bodies and
Academies can meet their statutory duties and comply with the guidance.

5 Further, when the Council delivers services, it is subject to the 'best value
duty'. This requires the Council to 'make arrangements to secure
continuous improvement in the way in which its functions are exercised,
having regard to a combination of economy, efficiency and effectiveness.'

4.3.
6 .

4.4 Climate Implications

4.4.1 N/A

4.5 Other Implications

4.5.1 AP providers on the SCC contract are contracted to work with schools, undertake health and Safety visits, DBS checks, and COVID Risk Assessments, including quality improvement inspections.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 There are risks associated with an unregulated use of Alternative Provision in the school sector. Specifically, secondary schools will continue to use providers which have not been subject to prior due diligence and on-going contract management. Furthermore, pupils would not receive a planned programme with clear learning outcomes.

6. REASONS FOR RECOMMENDATIONS

- 6.1
- The procurement an AP framework will ensure the consistency of quality of Alternative Programme provision, regulate costs and provide a uniform, coherent approach for the city
 - The proposal provides an opportunity to develop and provide appropriate AP programmes to all who would benefit from it.
 - The proposal provides an opportunity to develop intervention programmes where Alternative Programme providers can support vulnerable pupils' reintegration into a mainstream school-based curriculum and result in better learning outcomes.
 - The proposal provides an opportunity to develop programmes to enable vulnerable young people age 16 – 24 to achieve their educational goals in line with their Education Health and care Plan.
 - Procurement of a new framework of one year's duration enables time to review the alternative provision curriculum offer within the city and ensure that it is fit for purpose.