



Report to Policy Committee

Author/Lead Officer of Report: Tim Armstrong,
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Report of: *Andrew Jones*

Report to: *Education, Children & Families Committee*

Date of Decision: *31st January 2023*

Subject: *Alternative Provision Review*

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? (1421)				
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"/>

Purpose of Report:

- To present the strategic direction being taken in developing Alternative Education Provision in Sheffield.
- To seek approval on the commissioning of an Alternative Provision framework agreement for delivery from September 2023 for a period of 3 years. This will replace the current framework that will end in July 2023. As part of this to outline steps being taken to explore how to develop greater sustainability of the framework.

Please note that this report sits alongside agenda item progressing the Alternative Provision free school bid.

Recommendations:

That the committee

1. Endorse the strategic intent to develop and implement appropriate changes to the citywide model of Alternative Provision in line with further consultation with schools, providers, parents, and young people.
2. Approve the commission of a new framework for providers to deliver alternative provision services for use by Sheffield schools and services within the children's services portfolio, as set out in this Report.
3. Endorses that, in developing the new framework, work is undertaken to develop models of greater sustainability for providers on the framework and costs that support the appropriate placement of children on the framework.

Background Papers:

None

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: <i>Kayleigh Inman and Ged Higgins</i>
	Legal: <i>Nadine Wynter and Tehrim Raza</i>
	Equalities & Consultation: <i>Bashir Khan</i>
	Climate: <i>Jessica Rick</i>
<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: <i>Andrew Jones</i>
3	Committee Chair consulted: <i>Dawn Dale</i>
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: <i>Tim Armstrong</i>
	Job Title: <i>Head of Service, Access & Inclusion</i>
Date: 31st January 2023	

1. PROPOSAL

1.1.1 The vision of Sheffield's co-produced inclusion strategy, 2020-2025, is:

“Sheffield will be an inclusive city where we work together to ensure that all children and young people get the right support at the right time so that they can live a happy and fulfilled life”.

1.1.2 The strategy includes a commitment to develop a wide range of education, health and care services that delivers the right support at the right time. This includes development of sufficient high quality Alternative Provision (AP) places.

1.1.3 The Sheffield one year plan articulates an intent to reduce exclusions in all forms. As of September 2022, 24% of children met at least one criterion within this data set. The data set includes all children with attendance below 90% alongside indicators relating to illness, suspension, exclusion, reduced timetables, pupils not on roll and pupils who move to elective home education.

1.1.4 Within the SEND/AP green paper and recently published SEND local area framework, there is an expectation of a citywide approach to AP that is co-ordinated and is focused on three areas:

- Upstream interventions
- Short term interventions
- Long term transitional placements

1.1.5 Our strategic intent is to ensure that more children are accessing an appropriate education, reducing the reasons for exclusion from their education and leading to better life outcomes. We recognise that the breadth of needs across family support, emotional health and well-being, Special Educational Needs and barriers to attendance all need to be addressed to ensure impact.

1.1.6 This position is the backdrop for our developing Alternative Provision strategic approach and intent to use Alternative Provision as an appropriate planned intervention to reduce exclusions in all forms.

1.2 Sheffield's current offer:

Currently within Sheffield, Alternative Provision falls into the following areas:

- Sheffield Inclusion Centre – Commissioned for 250 places for children who have been permanently excluded from school.
- Becton School – Chapel House – Commissioned for 100 places for children who are medically too ill to attend school.
- Sheffield Alternative Provision framework – 22 Providers have applied to join the framework. All are classed as unregulated (ie

they are not a registered school) but have a series of checks to ensure they are appropriate. On an annual basis over 300 children are placed for a total of over 600 days delivery per week.

- Commissioned Alternative Provision interventions – Sheffield Inclusion Centre and Coit Primary school are funded by the LA to deliver short term AP interventions for a total of 52 places for either 1.5 or 2 days delivery per week.
- Schools also use unregulated provision that is not on the Sheffield framework.
- Schools have a range of internal AP to address challenging behaviour.

1.3 Developing our model:

Through our development work we have identified the following aims for our offer:

1. **Our AP offer needs to deliver the right evidence-based interventions to address presenting needs.** We know that there is no 'one size fits all' solution. It needs to be flexible and consider geographical location, the curriculum, the therapeutic offer, duration of the intervention and effective transition either back to school or into future long term placement. For some it needs to be a 'step out' of school, for others a specialist intervention and for others full time extended provision.
2. **AP needs to be an appropriately chosen intervention rather than a means of last resort.** It needs to focus on reducing exclusions in all forms and the number of missed learning days across the city, supporting better outcomes for some of our most vulnerable students.
3. **Our offer needs to be appropriately funded to ensure sustainability.** To ensure sustainability for all parts of the offer citywide, we are reviewing how Alternative Provision should be funded so that it is sustainable and equitable citywide.
4. **We need the right sufficiency of provision at all ages and across all areas of need.** This will need to be regularly reviewed to ensure that it is appropriate and fits within wider in school activity to address exclusions in all forms.
5. **Allocation of placement works best when it is co-ordinated and sits within a wider inclusion offer to ensure that packages of support are built around the child.** Alternative provision needs

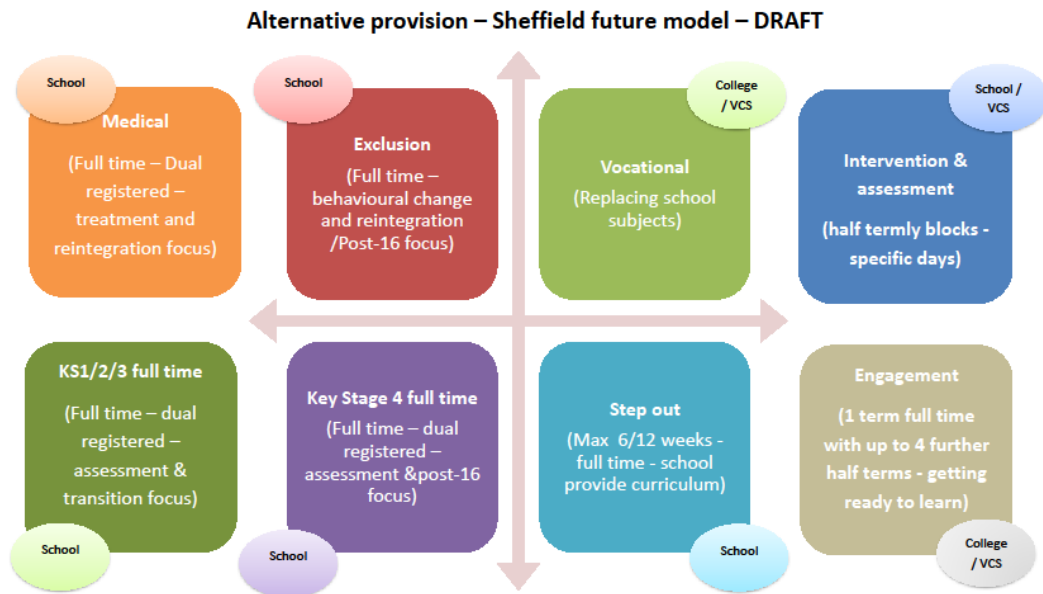
to be used as a targeted intervention and so allocation needs to sit within a wider plan around the child. Any allocation process needs to be flexible and delivered at pace. Allocation needs to consider both the needs of the individual child and the needs of the group they would be joining. The child and their family need to understand what is in place and why.

6. **We need to evidence the impact of all AP interventions.** This will be best done through our inclusion tracker to ensure that it is impacting individual children and reducing the level of exclusions in all forms.
7. **All provision must be appropriately quality assured to ensure consistent impact.** We are seeking to implement the IntegratEd framework across all Sheffield AP to ensure consistent practice.
8. **AP needs to enable effective planning and transition / reintegration.** Too many children remain in alternative provision with no clear plan of next steps. Whenever a child enters AP there must be a plan of what success looks like for that child and effective support for transition and reintegration. All children in AP must have a clear plan of what it is intending to achieve. This plan must be outcome focused.
9. **Citywide expertise needs to be targeted early.** We need to ensure that the expertise that develops in AP can be translated into schools early, working upstream to support children and build the expertise of the schools workforce. Where children are accessing AP there needs to be strong and positive relationships with their school to enable shared learning and practice that meets the need of the child.
10. **All children in AP must have support to access effective academic learning.** Whilst not all AP needs to offer and deliver academic qualifications or teaching, there must be the support to enable children to make progress to next level learning and the world of work. As part of an overall plan for the child, a focus on effective curriculum for their future must be in place.

1.4 **Proposed future model of delivery:**

- 1.4.1 To have a full and effective system of Alternative Provision, we need to be clear on the different parts of the offer and how we develop choice across the system. This means that we should aim to have 'types' of delivery that can be put in place by multiple providers. Some providers will have the capacity to deliver more than one 'type' of provision, but not all will. We anticipate that to have a full system we will need a range of school based, college based and 'unregulated' provision.

1.4.2 We are currently proposing that the following types of delivery are required. We intend to consult with pupils, parents, schools, and providers to confirm that this is the case.



- Medical - provision that delivers alongside a clear treatment plan for those who are medically unable to attend school
- Exclusion – Provision for children excluded from school focused on supporting behavioural change and re-integration to a future full-time placement or post-16 education
- Vocational – Creation of a vocational offer that sits alongside the school-based curriculum that is qualification led and supports transition to post-16 education
- Intervention & assessment – Short term, part time, targeted provision that assesses or addresses needs, enabling a reduction in risk of exclusion
- Key stage 1-3 full time provision – Provision focused on assessing and meeting needs that supports effective transition back to school with the skills in place to manage the curriculum. Provision is likely to be over an extended period. Pupils would remain dual registered ensuring a link to their home school for reintegration.
- Key stage 4 full time provision – Provision focused on assessing and meeting needs that supports effective transition into post-16 education with the skills in place to manage the curriculum. Provision is likely to be until the end of Year 11. Pupils would remain dual registered ensuring a link to their home school for

possible reintegration or access to elements of the curriculum.

- Step out – Short term, full time step out provision to address potential excludable issues, for example drug use, offensive weapons, violent behaviour. Ideally this should be up to 6 weeks. Within the provision there should be effective assessment of the risks of exclusion
- Engagement – Provision for learners who are at a point where they are unable to engage with a formal learning environment, focused on enabling them to get ready to learn

1.4.3 The offer would be underpinned by the inclusive offer available across all our schools to ensure effective practice starts in our schools and is supported through appropriate interventions at the right time.

1.5 **Next steps to delivering the model:**

1.5.1 The above proposals are presented for committee to agree the policy direction of Alternative Provision and agree progression to citywide consultation.

1.5.2 To implement them the following specific actions and changes will be needed:

- Re-procure the AP framework to deliver the **intervention & assessment, vocational** and **engagement** offer. This needs to be completed for September 2023 and so process needs to begin in February 2023.
- Secure AP Free schools (via DfE build or other means) to deliver **KS1/2/3** and **Key Stage 4 full time** provision plus additional **intervention & assessment** and **step out** provision. Bids need to be completed in February 2023. If these bids are not successful then different routes to procure these will be needed.
- Work with the Sheffield Inclusion Centre to consider delivering the **Step out** and **intervention & assessment** alongside the **Exclusion** offer. This would create potential for earlier intervention.
- Develop an option for the **Engagement** model that works within legal processes (ie not provided by a single unregulated provider).
- Partner with the Sheffield College to consider the development of the **vocational** offer alongside those on the AP framework.
- Maintain the current **medical** offer via Becton School – Chapel House but ensure that the commission reflects the need to act early.

- Review the funding model for Alternative Provision to ensure a clear citywide model to support the offer. This review has started, and school's forum have been updated on it.
- Implement a consistent quality assurance process across all Sheffield AP.
- Ensure a clear admissions, assessment, review, and reintegration process across the offer that links to the wider Sheffield Inclusion model and is financially sustainable. This would create a single entry point for AP.
- Consult on the proposals detailed above to ensure that it is appropriate in line with needs of schools, pupils and their families and is deliverable by providers. As part of this consultation we will seek to agree what success looks like.

1.5.3 To further develop the model beyond those changes, we will need to:

- Complete a gap analysis and data modelling to understand the current level of provision and the full level of needs across the city.
- To use the data modelling to assess the wider need and understand the future trajectory of demand in the city so that we can engage further with stakeholders on future citywide modelling.
- To link our model and modelling to any wider review of social emotional and mental health needs for children in the city to understand how support needs can be met earlier and through a wider offer of support.

1.6 **Re-procuring the Alternative Provision Framework**

1.6.1 We are proposing to procure an AP framework agreement with a term of 3 years and an estimated value of £1 million per year, to provide alternative provision services.

1.6.2 SCC currently procures, contract manages, and quality assures the network of off-site alternative provision providers for use by Sheffield schools and services. This includes opportunities into post-16 education via Sheaf training. This is currently achieved via a framework arrangement commercially procured and compliant with both Contract Standing Orders and the Public Contract Regulations 2015.

1.6.3 The current framework arrangement (2022-2023) has been a single year framework to enable review and revised models to be developed as part of a citywide strategic approach. This proposal therefore seeks to establish a new AP framework (September 2023-July 2026), with a term of 3 years to deliver provision.

- 1.6.4 The new AP framework will be procured using an 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 £1 million per year.
- 1.6.5 A procurement strategy will be developed in liaison with Commercial Services which will ensure that the framework is procured in compliance with Public Contract Regulations 2015 and Contract Standing Orders. Financial colleagues will be consulted in the design of the funding model to ensure affordability within existing budgetary constraints.
- 1.6.6 The procurement process will establish a framework of suppliers who demonstrate the capacity and capability to deliver provision in line with the proposed wider model; to deliver against the **intervention & assessment, vocational and engagement** offers. It is anticipated that providers will deliver distinct offers within the model that includes provision at primary, secondary and addresses SEN.
- 1.6.7 Providers on the framework are subject to further competitions. This means that providers joining the framework have no guarantee of work as it is dependent on schools led demand. Therefore, providers may struggle to maintain viability if the provision represents a major source of their income. This has a negative impact on the overall sustainability of the programme. Several providers have had to close in the past 18 months, meaning that the offer in the city becomes limited. The nature of the framework also means that any provider can seek to develop provision without there being a clear rationale for their place in the market. We believe we need to create a clear strategic intent within the framework and ensure sustainability for providers.
- 1.6.8 As such we are also proposing to explore further how we can guarantee a level of provision within the framework. We will need to explore how risk is managed and underwritten and consult on any model for this. We do not believe that we will be able to guarantee placement in all providers but want to work with providers and schools to establish how we can create this level of sustainability. Any guaranteed provision must fit with the model of AP being proposed. As the overall citywide funding model develops, we will need to review this to ensure that the provision is sustainable and equitable alongside the rest of the offer.
- 1.6.9 Having a procured offer that offers guaranteed levels of work creates a financial risk for the Local Authority as all places may not be utilised, but overall, the sustainability of provision is expected to improve as providers will have greater stability and clarity of income. This should drive quality as it will enable staff retention.
- 1.6.10 Through the procurement process we will detail more specificity about expectations and the offer in line with the proposed citywide model. We will expect allocation to be supported through the local authority creating

a single point of entry that ensures that provision is targeted as part of a plan. As part of the cost to schools there will be an expectation that there is sufficient resource to fund the progressions team, ensuring effective oversight of provision and a single point of entry.

- 1.6.11 We will seek to enable further targeted procurement within the framework so that we can work with specific schools where needed to secure additional provision that delivers quality provision.
- 1.6.12 The committee are asked to approve the commissioning of the new framework and to agree for the LA to explore and develop a model of financial guarantee for some placements within the framework.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The One year plan focuses on reducing exclusion in all forms. The development of a coherent citywide approach to Alternative Provision that fits with other activity to drive improvement is essential in supporting this aspiration. It will create greater choice and oversight of provision that is used in a targeted way to ensure that vulnerable children can successfully make progress.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 To develop our offer of Alternative Provision we have sought to engage with schools, providers, children, and parents. Most recently elected members have engaged in workshops to shape the future vision and practice of AP in the city.
- 3.2 Our children and families have told us that:
- AP provides a safe place for learning
 - Students feel valued at AP
 - Students feel that AP gave them a fresh opportunity to learn
 - AP helps them to develop confidence and self-worth
 - Many students want to remain in AP and not return to school
- 3.3 Our schools have told us that:
- They want AP to be a part of the curriculum offer
 - Cost is not the primary issue as the key requirement is quality provision that can meet need
 - They have concerns about quality of some provision
 - They want to offer interventions to learning which support students to avoid exclusion
 - They want better collaboration to support re-integration
 - They want provision which focuses on behaviour and emotional regulation

- 3.4 Our providers via the framework have told us that:
- They have concerns over the funding and sustainability of their provision
 - They want to work more closely with schools to support students re-engagement
 - There is a need to acknowledge the development of personal and life skills before/alongside academic engagement
 - They want the LA to support with upskilling and staff training

3.5 There is further consultation that is required to agree whether our current proposals are the right ones for the city. Following decision from the committee we will consult on the proposed model.

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.

4.1.2 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.

4.1.3 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.

4.1.4 An Equality Impact Assessment has been carried out, it highlights that the establishment a new Alternative Provision framework covering September 2023-July 2026 supports the One year plan focus on reducing exclusion in all forms. A coherent citywide approach to Alternative Provision that fits with other activity to drive improvement will create greater choice and oversight of provision that is used in a targeted way to ensure that these vulnerable children can successfully make progress and that this mitigates against the longer term negative impacts of exclusion.

4.2 Financial and Commercial Implications

4.2.1 Commercial considerations – a procurement strategy will be agreed in consultation with Commercial Services to ensure that the framework and subsequent further competitions are procured and awarded in compliance with the Public Contracts Regulations 2015 (and any subsequent procurement legislation which amends or replaces the relevant Statutory Instrument) and Contract Standing Orders.

4.2.2 The anticipated value of the framework has increased from £750k to £1m due to growing numbers and likely growth over the next 3 years. Alternative Provision is funded through the school system and schools will need to manage within their existing resources.

4.2.3 If guaranteed funding arrangements are proposed, there are likely to be further financial implications. A paper will be brought to the committee for approval at a future date once the options for this have been investigated.

4.3 Legal Implications

4.3.1 The proposals outlined in this report will support the Council to meet its statutory duties under several pieces of education legislation. Under the legislation 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. This applies to all children of compulsory school age resident in the local authority area, whether they are on the roll of a school, and whatever type of school they attend.

4.3.2 Statutory guidance also sets out the Government's expectations of local authorities and maintained schools who commission alternative provision and pupil referral units. The statutory guidance acknowledges that some local authorities or partnerships of schools have developed a local directory of 'approved' provision, which meets clearly defined standards (including registration where necessary, safeguarding, health and safety, quality of accommodation, quality of education etc.).

4.3.3 Schools and local authorities, working in consultation with management committees and the governing bodies of alternative provision Academies and AP Free Schools, are expected to set an overall policy for referrals or admission to alternative provision. There is also an expectation that there will be clear criteria for referring and admitting pupils, including those who are dual registered.

4.3.4 The current Alternative Provision Framework ends in July 2023 and the proposal is to enter a new framework agreement for 3 years. Regulation 33(3) of the Public Contracts Regulations 2015 limits the term of a framework agreement to 4 years.

4.3.5 The proposal to procure the new AP framework using an open tender process and awarding contracts following further competitions is in compliance with the Public Contracts Regulations 2015 (Regulations 74-76) and the Council's Contracts Standing Orders.

4.4 Climate Implications

4.4.1 As part of our net zero 2030 ambition, we will be looking to work with partners who have shared values. As part of the procurement process social value questions will be asked to consider the climate impact of any provider seeking to join the framework.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Consideration has been given to remain with the current fractured Alternative Provision model. This has been rejected as it lacks a clear plan and direction and does not fit with local and national ambitions.
- 5.2 Consideration has been given to removing the AP framework, allowing schools to individually develop any offer they wish to utilise directly with providers. This has been rejected as it creates greater risk of poor practice. The lack of regulated provision within the city means that we continue to need a framework of provision to reduce risk of exclusion and provide appropriate interventions.

6. REASONS FOR RECOMMENDATIONS

- 6.1 We are recommending that the Local Authority supports the further development of a citywide Alternative Provision model as this will create a clear strategy that delivers consistent and quality provision for which the LA has oversight.
- 6.2 The approach will enable the LA to develop the quality of provision and ensure that it is integrated to wider practice to support inclusion within the city. It will ensure that the LA is able to meet it's statutory duties to arrange alternative provision in school or elsewhere under section 19 of the Education Act 1996.
- 6.3 It is recommended that the framework is procured as part of our work to ensure sufficient suitable provision is developed within the city.

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