Project Initiation Document (PID)

(Version 2.3 March 19)

Project:	**Alternative Provision Project**
Ref:	
Date:	3 June 2019
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Potential Sponsor/ Accountable Officer):	Deputy Director for Education
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Approvals:	• Project Sponsor • Learner Engagement Board or CEF Transformation Board • CEF DLT • Schools Forum • Potentially Transformation Board
Distribution:	*Deborah Bell, Jo Hatfield, Sarah Fogden, Paul Wilson, Sara Carey,Simon Walkden, Andrew Colling and Nancy Kurisa*
Finance Check:	YES a finance check is required before any consideration for a decision is made

Key dates

Date(s)	Meeting (Workstream Board, DLT,etc)	Approved?	Comments
04/06/2019	*Alternative Provision Project Group*	*Discussed*	*The Group debated the scope of the project.*
14/06/2019	*DLT*	*YES*	*DLT was asked to confirm the scope of the project and agreed the scope in the PID.*

Document Control

Version	Date	Notes
2	3.6.19	Approved by DLT 14 June 2019

Project Initiation Document

1 Purpose

This PID represents a 'contract of understanding' between the Project Manager and the approving body. It defines the scope and objectives of the project and how the project manager will work towards realising those objectives.

2 Executive summary

To be completed once comments received on draft PID.

3 Context

3.1 Background of the proposed project

Alternative provision needs to be reviewed and recommissioned because the requirement to meet OCC's statutory duties is now of paramount importance and the need to deliver on the Learner Engagement Strategy has refocussed the work. The Council needs to meet statutory responsibilities and to be confident that it is getting good value for the money being spent on alternative provision.

Alternative provision (AP) is: "education arranged **by local authorities** for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged *by schools* for pupils on a fixed period exclusion; and pupils being directed **by schools** to off-site provision to improve their behaviour".

Alternative provision is used to meet the Council's statutory duty to provide:

- Full time education provision for permanently excluded pupils by day 6;
- Full time education for twice permanently excluded pupils; and
- Full time education for pupils who move into the county for whom there is no suitable education available.

The Council is also required to commission sufficient alternative provision places for Oxfordshire children including those referred *by **maintained** schools directly.* (Appendix One of the *High Needs Operational Guide*).

The review and recommissioning of alternative provision will help to deliver the vision in the new OCC Learner Engagement Strategy[1] to:

- o assess and manage the financial implications for the Local Authority in meeting the increased and varied demand for alternative provision
- o ensure good quality, value for money alternative provision is in place so that OCC can meet its statutory responsibilities.

Understanding demand

1531 pupils at Oxfordshire schools had received at least one fixed term exclusion as at the end of term 4 this academic year (2018/19). Secondary schools – the number of pupils with at least one FEX is above that for last academic year.
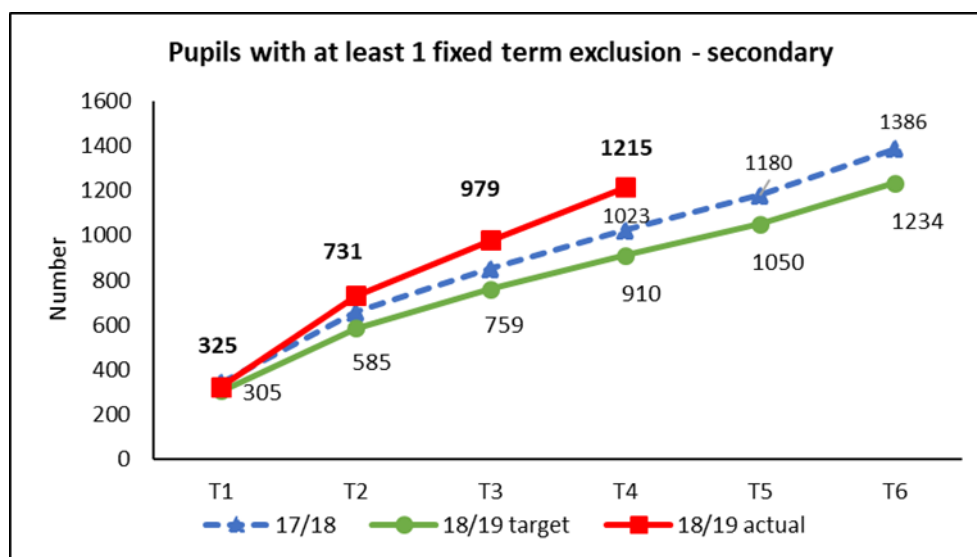

There have been **55** permanent exclusions from Oxfordshire schools as of the end of term 4 of this academic year (2018/19), which is an increase from last year (55 vs. 47 at the same point last year). This is due to an increase in PEX from secondary schools (increasing from 30 at the end of term 3 to 41 at the end of term 4). There were 34 PEX from secondary schools at the same

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[1] *Learner Engagement Strategy for Oxfordshire*, March 2019

point last year.   Also increase in Primary for the academic year to date, and increase in PEX for children with EHCPs.

Permanent exclusions from Oxfordshire schools 2018/19:
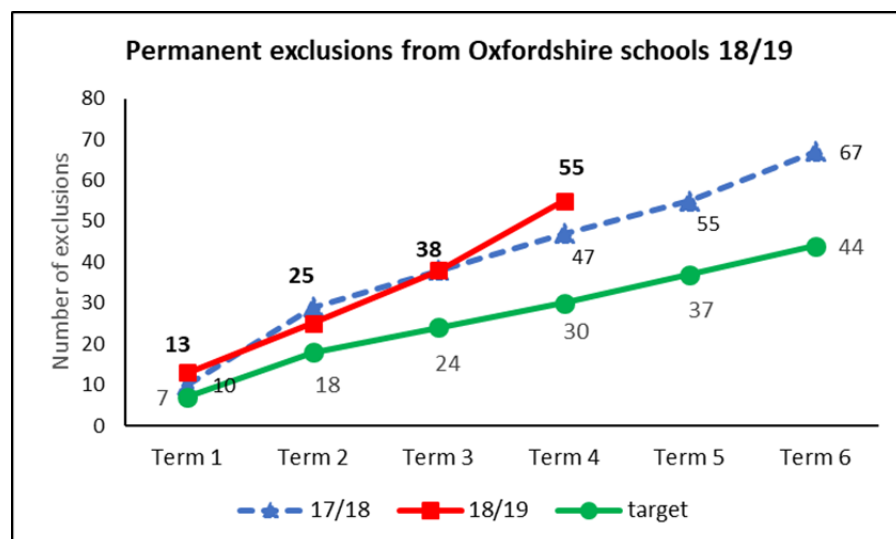
The most common reason for permanent exclusion is persistent disruptive behaviour (48%) in secondary school whereas in primary school it is physical assault against an adult (50%).

Analysis of exclusion data for 2016/17 and 2017/18 shows:
- Oxford City and Banbury have the largest proportions of permanently excluded pupils
- The highest percentage of exclusions is in Key Stage 3 followed by Key Stage 4.
- 51% of all permanent exclusions are for pupils with SEND support
- Only 17% of permanent exclusions from primary schools are for pupils with no SEND
- Nearly 1 in every 3 children permanently excluded have a TAF in place

The Council has a statutory duty to offer a new placement within 6 days[2]. The reasons for not being able to do this include parental refusal, transport issues and lack of capacity

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[2] The most recent data (end Feb 2019) shows that the Council is placing 11% of permanently excluded children by day 6.

within existing AP provision.

On 27 September 2017 the Education Scrutiny Committee established a working group to investigate the increased use of fixed term and permanent exclusions across Oxfordshire and their Findings[3] were published in 2018, see Appendix One.

Currently most of the alternative provision in Oxfordshire is delivered by an alternative provision academy, the Radcliffe Academy Trust in Meadowbrook College (MBC) which is located across several sites and provides full and part-time education to students aged 5-16. MBC was previously the Council's Pupil Referral Unit. At the time of academization, the Council owned the freehold of the site and buildings, the majority of which was then leased to the Radcliffe Academy Trust (a 125-year peppercorn). The Council agreed[4] in 2017 to transfer the freehold to the DfE for a nominal £1 to facilitate the building of the Swan School and as part of the deal Meadowbrook will be reprovided on the site by September 2019.

The Council and schools purchase alternative provision from other external providers through spot purchasing or via the Education Dynamic Purchasing System (DPS). The Council needs to ensure there are compliant contractual arrangements in place for all alternative providers.

The Radcliffe Academy Trust receives Place funding from the Education and Skills Funding Agency for Meadowbrook (£1.06m in 2018/19) and Top Up funding from the Council (£1.491m in 2018/19) as well as additional funding from the Council (£153,704 in 2018/19). The Council also purchases alternative provision from other external providers (£0.3m in 2018/19). At a recent Schools Forum meeting, alternative provision funding was discussed, and it was agreed that there is a lack of clarity amongst stakeholders regarding what counts as alternative provision (for instance whether the In Year Fair Access panel funding counts as AP funding as it is not included in the totals above).

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[3] *Schools Exclusions Working Group Report*, 14 March 2018.
[4] *Financial & Resource Contribution Towards the Swan Free School Project in Oxford*, 21 February 2017

MBC also receives income from commissioning places to schools independently of OCC.

The Council needs to:

- Define the *existing* scope and nature of AP within Oxfordshire
- Agree with internal and external stakeholders what alternative provision will be commissioned for Oxfordshire and how this will be funded
- Determine the best way to procure, contract manage and monitor alternative provision internally
- Comply with the Council's contract procedure rules and ensure all contracts with external alternative education providers including non-maintained schools are procured through a suitable procurement process and not on a spot basis
- Communicate the scope and nature of AP within Oxfordshire to all schools and settings (academy, maintained, special, mainstream etc.)

3.2   Summary business case

The strategic objectives for OCC

The new **Learner Engagement Strategy** sets out a number of priorities and the key ones for this project are:

Key priorities from the OCC Learner Engagement Strategy	How the project will address the priority
Review the County Council commissioned arrangements for Alternative Provision for Oxfordshire resident children	The project includes a review of the OCC commissioned arrangements for AP for Oxfordshire resident children to help meet the needs of children within existing resources.

We will ensure that children not in education will have a swift and equitable reintegration into an appropriate setting in a timely and legally compliant manner.	By developing a sufficiency of commissioned appropriate alternative provision delays to reintegration in an appropriate setting should be reduced.
Ensure the County Council meets all its statutory duties in a timely fashion	Developing a sufficiency of commissioned appropriate alternative provision will assist OCC to meet its statutory duties in a timely fashion.

3.3   Desired benefits

1. Meeting our statutory responsibilities
2. OCC will have compliant arrangements for purchasing good quality alternative education placements which will ensure value for money and flexibility in terms of key stage and location where possible
4. To strengthen and improve outcomes for vulnerable children
5. To further strengthen the Council's approach to safeguarding vulnerable children

4 Project definition

4.1 Project objectives

Project objectives, deliverables (outputs) and acceptance criteria

No.	Objectives	Deliverables	Acceptance Criteria
1	Understand the views of internal and external stakeholders and communication regarding alternative provision Note: Schools' views were canvassed and captured at Spring term Heads and Chairs Briefings	Identify stakeholders and ensure they are engaged throughout the project including holding events where neeeded Stakeholder communication plan	
2	Clarity about the resources available for alternative provision (government funding, OCC top up funding, funding from schools, internal resources available including buildings and people)	Agreed funding stream for services to be commissioned	Affordable budget
3	Market consultation with potential alternative provision providers	Write, circulate and analyse results of surveys. Plan and hold market engagement event (s) if needed.	Wide range of providers engaged through soft market testing survey and/or market consultation events

No.	Objectives	Deliverables	Acceptance Criteria
4	Model for the types of alternative provision in Oxfordshire to achieve a sufficiency of provision and OCC requirements (such as timeliness of placement, non-exclusion policies, when to place on roll, quality assurance arrangements, breath of curriculum and attainment targets)	Model for the types of alternative provision in Oxfordshire to achieve a sufficiency of provision within resources available developed by the project team using feedback received from all stakeholders and the market	
	Procurement and legal arrangements	Agreed methodology for procuring and contracting the above model prior to tender	
5	Services commissioned	-Specification and Contract (s) written and agreed by project team -Evaluation panel members agreed and in place and evaluation methodology agreed and written -Competitive tender process completed -All gateway panel papers written and presented	
6	Agreement reached internally on contract management and monitoring arranements for new contract (s)	Contract management and monitoring of contract allocated to appropriate staff	

4.2 Project scope

Inclusions
- Agree with internal and external stakeholders what alternative provision OCC will commission for Oxfordshire and how this will be funded
- Determine the best way to procure, contract manage and monitor alternative provision
- Comply with the Council's contract procedure rules and ensure all contracts with external alternative education providers including non-maintained schools are procured through a suitable procurement process and not on a spot basis

Exclusions

Alternative provision for children who are unable to attend school for medical reasons.

Alternative provision for children with EHCPs

Contract management and monitoring of the existing alternative provision with The Radcliffe Academy Trust (Meadowbrook) or other alternative provision providers is out of scope.

Cost

The cost of the proposed commissioning arrangements will not be known until the proposal is developed. However, it is assumed that any proposal would need to be within the parameters of the existing budget for service delivery.

The cost of project management and commissioning input will be from the Joint Commissioning Team budget. All other project costs including advice from the Legal Department will be met from Education.

Timescales

For any changes to be made to existing AP arrangements, or for new

arrangements to be in place, there needs to be a significant lead in time prior to the start of an academic year.   If significant change is recommended because of the project, then Cabinet approval may be required.

Note: the ESFA needs to be notified by November 2019 who OCC wants to receive ESFA funded places for September 2020.

Resources

Engagement with stakeholders:

- support will be needed from the Engagement Team to engage children, young people and families.

- Administrative support will be required to arrange and coordinate stakeholder events with internal and external stakeholders.

Project team:

- Participation in the project team will be needed from teams within Education as well as teams including Finance, Legal, Procurement and Performance.

4.3   Assumptions

- That political support for the project will be secured through Members' Education Scrutiny Committee & lead Member for Education
- That support from operational teams will be available for the project
- That existing funding may not be available and a target reduction may be required

4.4 Interdependencies and interfaces

No.	Interdependency	Impact	Resolution and/or monitoring strategy
1	Change in demand which impacts on level of provision to be commissioned	1. Ongoing work to reduce exclusions may reduce demand 2. Demand within specific groups may rise (LAC, SEN) 3. Potential changes to OCC duties as DfE changes in Exclusions statutory guidance may be forthcoming	Monitor closely as part of project groups meetings
2	Delivery of Learner Engagement Strategy	To reduce exclusions	Project Sponser
3			
4			

5 Milestone plan

Milestone	Start	Finish
Review of key documentation to understand the legal and operational arrangements with main existing provider of alternative provision and meeting with provider		Completed
Initiate review of spend on alternative provision		Completed
Discuss relevant data with Performance Team		Completed
Initial discussions with internal stakeholders		Completed
Initial workshop with existing provider and key internal stakeholders		Completed
Project Group set up -first 4 montly meetings scheduled -Workstreams initiated		
Analysis of spend on altnerative provision		
Options appraisal approved by DLT and Gateway Review Panel		
Business case approved by DLT and Gateway Review Panel		
Cabinet approval if needed		
Draft PID		
PID reviewed by colleagues and amended accordingly		
PID signed off		
External stakeholder mapping and agree methodology for consulting stakeholders including the AP market		Mapping commenced, to be completed by end July 2019
Agree methodology with project group/engagement team for gathering feedback from children, young people and families		
Develop content for stakeholder surveys/focus groups/events as required		

Engagement events booked/surveys published online, and stakeholders invited		
Surveys/events completed, and qualitative and quantitative analysis completed		
Block contract/framework agreement agreed with procurement, legal and internal stakeholders		
Specification drafted		
Service questions and model answers drafted		
Tender documents drafted		
Invitation to tender issued on the portal		
Evaluation of tenders by panel comprised of Learner Engagement Team representatives, procurement, commissioning, contracts team, stakeholder representatives including service users.		
Contract Award/Gate 3 report written		
Gate 3 report to Gateway Review Panel		
Contracts awarded, and Implementation Phase commences		To be discussed by Project Group on 4.6.19
Alternative Provision contracts and/or framework commences		September 2020

6   Risk and issue management

Risks will be identified, assessed in terms of impact and plans will be developed to manage them, for instance through avoidance or mitigation. Risks will be regularly monitored; new risks will be identified and updates to mitigation plans will be produced as situations develop.

The Project Manager and Project Team are responsible for identifying risks in their defined areas, for evaluating these and for recommending strategies to manage these on a continual basis. A risk log will be kept by the project manager and discussed with the project team regularly. Major risks will be escalated to the Project

Sponsor and groups within the governance structure as appropriate.

7 Business continuity

8 Stakeholder communication

8.1 Key communications objectives

Stakeholder communications will be important to the success of the project and a communication plan will be developed with the Project Group as part of stakeholder analysis. It will outline the channels and principles for all project communications and engagement as well as the method for communicating with them and the responsible owner for each communication. This will ensure stakeholders understand the project and how they can contribute.

9 Project governance

9.1 Project approach and organisation

The project will include several workstreams including:

1. Vision for alternative provision in Oxfordshire

2. Financial Issues including understanding what we are spending and what we are buying and any financial implications of commissioning/procurement options

3. Engagement:
   a. Parents
   b. Current/potential users
   c. Schools/Heads

4. Procurement including consideration of the implications of block contracting, creating a framework and/or using the existing Education dynamic purchasing system (DPS)

5. Legal:
   a. Current contractual situation with MBC, which may impact on the options available regarding commissioning in the short to medium term
   b. What are the implications of any tender outcomes for MBC in relation to their legal agreements with OCC re buildings and land.
   c. Will TUPE apply if there is a change of provider?
   d. What type of legal agreement do we need to/want to have with each different type of provider who may supply AP in the future?

6. Contract management and monitoring going forward:
   a. What resources will be needed? Where will those resources be based?

9.2 Project structure and governance

Project Team

Resource type	Description of resource requirements
Project Sponsor (Deputy Director for Education)	Accountable for the project's success Overall authorisation and project direction
Operational Lead (Deborah Bell)	Ensuring the project is focused on achieving the objectives and delivering the business case benefits
Project Manager (Karen Kuehne)	Delivery of the project in accordance with the corporate framework; manage the day-to-day delivery of the project; deliver the project scope within the agreed time, cost and quality constraints
Commissioning Lead (Karen Kuehne)	Strategic commissioning Lead for the project; develop the commissioning strategy, market engagement, design tender process and tender documentation alongside procurement colleagues and with input from the project team.
Quality and Contract Lead (tbc)	Input into service design and advise on arrangements for contract management and quality monitoring going forward.
Procurement Lead (tbc)	Advice and guidance on procurement options. Support to undertake any tender processes including producing tender documentation
Finance	Financial analysis and modelling and compliance with HNB

Representative (tbc)	operational guidance
Subject Matter business analyst (Sara Carey)	Supplying information on current purchasing/payments, modelling and compliance with HNB operational guidance
Performance/Data analyst (Alison Wallis)	To inform and analyse local and national data
Administrative (JCT Admin as needed)	Booking venues, project support when needed

10 Document Control

This document will need to be approved by ELT, DLT and the CEF Transformation Board.

Appendix One: Schools Exclusions Working Group Findings

School Exclusions Working Group Report, Education Scrutiny Committee, 14 March 2018, points 25- 32:

Alternative provision Findings

25. The Council funds 106 places of alternative provision at Meadowbrook College to provide education for students aged 5-16 who either are excluded from mainstream schools, or are finding it difficult to fully access education. An overview of provision at Meadowbrook College is in Appendix B.

26. Headteachers and the College itself highlighted the need for more alternative provision at primary school age. This is supported by the fact that there were 22 permanent exclusions from primary schools in 2016/17, but only eight places commissioned by the Council for primary aged pupils at the College.

27. Although the Council meets regularly with the College to ensure the best provision is being made and the turnaround of placements is timely and appropriate, this process is often complicated and lengthy due to the reluctance of some schools to admit children with additional needs after being excluded from a previous setting.

28. Some of the Meadowbrook College places for secondary aged pupils are allocated through the county's four In Year Fair Access Panels (IYFAPs). It was noted that the availability of these places is a significant issue. In one area a Panel had 13 College places to allocate, but more than 50 referrals for pupils at risk of exclusion.

29. For each Panel there was a waiting list to attend one of the College courses. The 'gazumping' of pupils on the waiting list, by permanently excluded pupils or those transitioning from outside the county, was highlighted as a particular issue. Some schools have begun to purchase other forms of bespoke alternative provision because of the limited availability of Meadowbrook College places. The cost of transporting pupils to the College and the quality of Key Stage 4 provision are also contributory factors. Whilst the IYFAP supports schools purchasing bespoke provision, there is no additional funding to contribute to this via the Panel.

30. The working group noted that IYFAPs provide an effective forum for peer challenge. Through this process schools are successfully holding each other to account for the level of intervention and support provided before exclusion. However, it was clear that some schools are receiving a greater number of excluded pupils than others. There was also a lack of consistency in the information shared between schools, to ensure the right resources are in place before a pupil transfers. Similarly, those involved in the Panel process thought it important for Social Care and SEN professionals to attend IYFAPs regularly, to share up-to-date information about broader work with a pupil and their family.

31. Overall it was evident that schools are working in the best interests of the pupils they refer to IYFAPs, recognising that permanent exclusion has a considerable impact on a child's educational outcomes and their future prospects. However, it was noted that some schools are reluctant to offer managed moves, preferring to permanently exclude. This was thought to be the result of other pressures, such as school inspection or performance, rather than the individual needs of pupils.

32. For IYFAPs to be effective, schools need to accept that some will be approached more often than others to take pupils at risk of exclusion or those who have been excluded because of numbers on their school roll. This may become an even more important issue as the pressure on secondary school places grows.