

EDUCATION SCRUTINY COMMITTEE – 24 SEPTEMBER 2020

UPDATE ON ALTERNATIVE PROVISION (AP) COMMISSIONING ARRANGEMENTS

Report by Head of Learner Engagement

RECOMMENDATION

The Education Scrutiny Committee is RECOMMENDED to consider and note this report.

Introduction

1. This Committee last received a report on plans to commission a range of alternative provision for Oxfordshire with effect from September 2021 in February 2020. This report is by way of an update.
2. Since September 2019 further discussions have been initiated to secure effective and affordable alternative provision through the Radcliffe Academy Trust at Meadowbrook College for the interim period to September 2021.
3. A full programme of work has commenced for the tendering of longer-term commissioned alternative education places.
4. Oxfordshire County Council is obliged, under the terms of the statutory Department for Education (DfE) guidance 'Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with legal responsibilities in relation to exclusion' to provide full time alternative educational provision for all children permanently excluded from school from day 6 of that permanent exclusion. It is also advisable to offer preventative alternative educational provision to prevent permanent exclusions from schools and to support effective reintegration for those children not in education. Interim educational provision should be available for Looked After Children in need of immediate education and children with Education, Health & Care plans between provision.

Commissioning process

5. The commissioning of alternative provision will help to deliver the vision in the Oxfordshire County Council (OCC) Learner Engagement Strategy¹ to:

¹ *Learner Engagement Strategy for Oxfordshire*, March 2019

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- Assess and manage the financial implications for the Local Authority in meeting the increased and varied demand for alternative provision.
 - Ensure good quality, value for money alternative provision is in place so that OCC can meet its statutory responsibilities.
 - Robustly monitor providers to demonstrate improved outcomes for young people requiring alternative provision.
6. The work is managed through an Alternative Provision Project Group, chaired by the Head of Children's Commissioning and sponsored by the Deputy Director for Education. The Board meets monthly to manage a programme of work that includes three distinct but connected projects:
- Project 1: Contract management of existing arrangements with Meadowbrook College
 - Project 2: Buying additional county-wide alternative provision places on top of existing arrangements
 - Project 3: Tendering for county-wide AP services effective from 2021

A full and extensive engagement exercise has taken place with a wide range of stakeholders through online surveys and semi structured face to face interviews
Outcomes are detailed below: -

- Participants in engagement work;
32 children and young people
10 parents/carers
311 professionals broken down as Governors (49), Head Teachers (77), SENCos (56), Teachers (33), CAMHS staff and others.
29 Alternative Providers
- Key messages to prevent exclusions;
Access to early help when problems first arise.
Work together as a whole system.
Have a sufficient supply of good quality, value for money alternative provision.
- Key messages from children and parents/carers on preventing exclusions;
Schools and providers did not always understand or know how to respond to behaviour that was a response to home circumstances or Special Educational Needs and Disability (SEND).
Schools need to understand and manage a child's needs and triggers and make plans that are adhered to.
- Key messages received are as follows:

The majority of children said they either 'had too little help' from the people they went to when things got difficult at school or that 'they tried to help, but it didn't work'

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7. A third of the cohort of secondary age children said they go to their parents for help when 'things get difficult at school' which hints at the importance of good communication between home and school.
8. Schools and other professionals linked SEND issues with exclusions, including a need for:
 - Greater funding for SEND
 - More places in specialist settings
 - Reduced waiting times for specialist settings
 - More support for mainstream schools.
9. These were all seen as ways to mitigate the risk of fixed and permanent exclusions.
 - Clear outcomes that Alternative Provision should deliver;
 - Children and young people are safe and feel safe.
 - Improved emotional health and wellbeing including resilience.
 - Improved engagement in learning.
 - Successful pathway back to mainstream school or onto post-16 opportunities.
 - Progress in learning.
 - Improved social skills including friendships, relationships and involvement with the community.
10. Children and young people said;
 - Primary age**
 - Getting help with behaviours*
 - Knowing how to have good friends*
 - Help with choices*
 - Being listened to and understood*
 - Being safe and feeling safe*
 - Feeling good in myself*
 - Secondary age**
 - Life skills: cooking and money*
 - Getting good grades or being trained for my job*
 - Getting fit and healthy/looking after myself*
 - Working towards college, training or getting a job that I want*
 - Being listened to*
11. Satisfaction levels with Alternative Provision in Oxfordshire; Of 311 professionals from schools and other relevant agencies:
 - 8% were satisfied or strongly satisfied with all AP in Oxfordshire
 - 53% of respondents were dissatisfied or strongly dissatisfied
 - 37% of respondents had a mixed experience

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12. Children, young people who have used AP and their parents and carers said they value:
 - Small classrooms
 - Being with adults who understand them
 - Adults who teach me
 - Over half of secondary age children reported that AP was 'good'
13. Quality, location and gaps in current Alternative Provision; Schools and other professionals said:
 - There is not enough AP in Oxfordshire
 - Not all children are able to access the provision available due to location.
14. The biggest gaps identified were:
 - Outreach support to mainstream schools to prevent exclusion
 - Short term provision away from their usual school to help children re-engage in education
 - Therapeutic support
 - AP for Key Stage 1

Greater collaboration needed;

15. A county wide approach is needed with greater collaboration between all parts of the system including:
 - between mainstream schools and specialist sector;
 - between schools and AP providers so that AP is not just a 'holding placement'
 - between schools, AP providers and the Council's relevant services
 - between primary and secondary school staff.
16. Providers of Alternative Provision:
 - All 29 providers provide for children with SEND Support needs and most can provide for children with an EHCP.
 - Most of the providers who responded are not registered with Ofsted.
 - Two thirds are already providing for Oxfordshire's children.
 - Good spread across the county in terms of where they would be prepared to offer services.
17. Potential barriers to providing for Oxfordshire's children and young people:
 - Recruitment – suitable staff in remote locations
 - potential lack of highly specialised tutors for complex Social, Emotional and Mental Health (SEMH) needs
 - if complexity of case work is high then need staff with higher skill level
 - Travel issues and costs

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- Property – venue identification and cost
- Current lease is at an end
- Spot purchasing means we cannot plan our staffing to respond quickly enough to demand; number of hours has not been viable in Oxfordshire.

Summary

18. We heard from a total of 382 stakeholders through 6 surveys and in-depth interviews with 25 children and young people in AP. The response from stakeholders shows that 'AP and the prevention of exclusion' is an area that stakeholders want to be involved in to help achieve improvement for the benefit of pupils, schools and other services.
19. These key messages have informed our work going forward including how we continue to work with the whole system to prevent exclusions; what services we seek to commission from AP providers; and how the Council will work with stakeholders to manage and monitor services in the future.
20. Over the last year the Alternative Provision Commissioning Group has worked with other local authorities to learn about their Alternative Provisions commissioning arrangements.
21. Worked with the Education Skills & Funding Agency about funding and commissioning arrangements.
22. Analysed the spend on Alternative Provision. Currently the spend on top up is c.£3 million with half of that going to the Ratcliffe Academy Trust and the remainder going to other Alternative Providers for children with EHCPs. The latter amount is usually spent through spot purchasing.
23. Existing arrangements with the Ratcliffe Academy Trust have been renegotiated for academic year 2020-21.
24. 1:1 places x 2 at £57,856 top up each place have been decommissioned.
25. Primary places x 8 at £31,821 top up each have been agreed. Extensive discussions to better understand the break down of these costs has not resulted in an increase of Primary capacity for 2020-21.
 1. Key Stage 3 interim places x 18 at £12,938 top up each.
 2. Key Stage 4 long term and interim places x 60 at £12,938 top up each.
 3. Next Steps SEND provision will be decommissioned from August 2021.
 4. All places also attract £10,000 per place funding which is top sliced from Oxfordshire County Council via the Education Skills Funding Agency.

26. The first phase of the work has now concluded, and Oxfordshire County Council has developed a Service Specification with five 'Lots' for Alternative Provision for all key stages and all learners.

<https://procontract.due-north.com/Register>

- a. Early Intervention and Prevention
 - b. Day 6 following permanent exclusion
 - c. Interim full-time or equivalent provision for children awaiting a school place through Oxfordshire County Council's admissions process
 - d. Offsite Alternative curriculum and enrichment service
 - e. In-reach service
27. In July 2020 we formally advertised the opportunity for new or existing Alternative Providers (including schools) to apply for any of these lots by joining a dynamic purchasing system (DPS), which enables the Council to purchase Alternative Provision from quality assured providers using a standard contract and a standard individual placement agreement. Providers and schools can apply to join the DPS at any time from July 2020.
28. We also concluded discussions with the Education Skills Funding Agency and the Radcliffe Academy Trust, confirming the arrangements for Alternative Provision at Meadowbrook College for September 2020. Negotiations for September 2021 onwards will commence with The Radcliffe Academy Trust and Education Skills Funding Agency in September 2020.
29. Partners have been extensively engaged with this work so far. The engagement exercise outcomes have been reported in this paper. There have been seven meetings with leaders of The Radcliffe Academy Trust. The work has been reported to the following groups: Schools Forum, Oxfordshire Secondary Head Teachers Association, Primary Heads Groups and the Learner Engagement and Early Help Board. Before the Lots of work, described above were made available, a meeting was held with the Head Teacher of Meadowbrook College, and a separate meeting with the Chairs of the three Headteacher Associations to discuss the form of wording that was shared with all school leaders. The letter that was sent on 7th July 2020 is shown below;

[attached letter](#)

Timescales

30. The timetable for tendering for county-wide AP services effective from 2021 is as follows:

Activity	Indicative dates
Stakeholder engagement	October 2019 – March 2020
Deadline for initial applications for the AP Dynamic Purchasing System (DPS)	20 July 2020
Notification of acceptance onto the AP DPS	From September 2020
Discussions with Meadowbrook re: September 2020 and 2021	September – mid-November 2020
First tranche of call offs from the AP DPS	From November 2021 November 2020
AP DPS open for ongoing applications	2 November 2020

Financial Implications

31. The available top-up budget for Alternative Provision is £2.96m as described above. In addition, there is £1.06m top sliced by the ESFA from the High Needs block of the Dedicated Schools Grant (DSG) in order to fund commissioned places within Oxfordshire.
32. The Alternative Provision budget is funded by the High Needs DSG block which is facing considerable pressure. The outcome of the recommissioning work is contained within the allocated budget by seeking value for money options to best meet the needs of children and young people in Oxfordshire.

Equalities Implications

33. A full Equalities Impact Assessment will be carried out as part of the commissioning process to ensure that the needs of all groups of children and young people are able to be met appropriately.
34. Legal, Corporate policies and priorities, risk management and climate and sustainability issues have all been considered in this report and for this wider recommissioning project. Alternative Provision offered closer to where children live will reduce travel generated carbon footprint.

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