

Item No. 33.	Classification: Open	Date: 24 March 2020	Meeting Name: Cabinet
Report title:		Gateway 1 - Alternative Provision Procurement Strategy	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali, Children, Schools and Adult Care	

FOREWORD – COUNCILLOR JASMINE ALI, CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE

The council has a statutory responsibility to arrange suitable education for all school-aged children. Keeping children in education is one of Southwark Council's most important considerations.

Alternative Provision (AP) is put in place for children of compulsory school age, where mainstream or special schools cannot or do not meet their full educational requirements for a wide range of reasons, which are detailed in the attached Gateway 1 report.

Currently, Southwark has met its statutory obligations through agreeing the spot purchasing of placements in a range of settings. There were 263 new referrals during 2018/19 and a total of 307 children received these services during that year.

Southwark Council now wants to commission AP services through a framework to achieve consistency of competitive rates to better increase quality and performance and systematic measurement of the outcomes and impact of AP.

The lot structure and framework will enable the council to work with pupils and schools by utilising a range of methods including: One to one or small group provision, Independent registered school setting (primary), Independent registered school setting (secondary), SEND specific provision and Online provision.

Many of the pupils placed in AP may have combinations of needs that fall into more than one of the above provision types. A framework approach is proposed to maximise flexibility and responsiveness as well as helping to ensure all AP is registered where required and of a high quality. The recommended lot structure will support re-integration into mainstream education where suitable for a young learner.

The proposed framework structure offers the council a good degree of flexibility, and does not commit the Council to provide a guaranteed volume of activity to any one provider. This approach ensures that the resources available will be applied to improving education and development outcomes in the most efficient, effective, equitable and sustainable way.

The flexible approach also allows for future developments on the back of the recent Keeping Children in Schools Conference between Southwark Schools and the Council. It allows for a future combined vision for the council, schools and parents to work closely and act boldly in tackling the issue of school exclusions and using short term AP as a means to remaining in or returning to mainstream schooling.

RECOMMENDATIONS

1. That Cabinet approves the recommendation to proceed with a procurement strategy that establishes a Framework Agreement for Alternative Provision (AP) in Southwark for a period of 4 years from November 2020 to October 2024 with an estimated maximum total budget of £8.36 million.
2. That Cabinet approves the recommendation to delegate approval of the Gateway 2 Contract Award recommendation to the Strategic Director for Children's and Adults' Services, in consultation with the Lead Member for Children, Schools and Adult Care.

BACKGROUND INFORMATION

3. Local Authorities have a statutory responsibility for arranging suitable education for all compulsory school aged pupils.
4. AP is put in place for children of compulsory school age, where mainstream or special schools do not meet full educational requirements for a wide range of reasons which can include:
 - Behaviour which results in a permanent or fixed-period exclusion,
 - Health reasons – including physical or mental health needs, or a disabled child
 - Where a child is awaiting placement in a mainstream school; and
 - Interim or supplementary education for a Looked after Child (LAC)
5. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion. While there is no statutory requirement as to when suitable full-time education should begin for pupils placed in AP for reasons other than exclusion, local authorities should ensure that such pupils are placed as quickly as possible. (*Alternative Provision, Statutory Guidance for Local Authorities, 2013*).
6. While 'full-time' is not defined in law, pupils in AP should receive the same amount of education as they would receive in a maintained school. Full-time can be made up of two or more part-time provisions.
7. Any AP setting that is not maintained by a local authority or non-maintained special school and provides full-time education for five or more children of compulsory school age; or one for a child who is looked after, or has an Education Health and Care Plan (EHCP) must, by law, be registered with the Department for Education (DfE) and be inspected by Office for Standards in Education, Children's Services and Skills (Ofsted).
8. To date, Southwark Council has met its statutory obligations through appropriately agreeing spot AP placements in a range of settings including:
 - One to one provision
 - Independent Registered Schools
 - Online provision.
9. The following groups of children and young people may require AP.
 - Children and young people who have been permanently excluded, have physical or mental health needs which prevent them from being able to attend mainstream school, are pregnant or post natal, or asylum seeking children who

are new to the Borough and require a school place. In Southwark these placements are made by a team working within the virtual school.

- **Looked After Children (LAC)** – may have a requirement for AP on an interim basis, if they are without a school place, or have an eligible need for educational support supplementary to mainstream education
 - **SEND (Special Educational Needs and Disabilities)** - A child with SEND may have a requirement for AP in an interim or emergency basis to meet educational needs.
10. Southwark’s vision is that every child, no matter their background, needs or where they live, deserves an excellent education and the opportunity to fulfil their potential. Therefore, it is vital that all Southwark children receive a high-quality education in a safe environment that is fit for learning.
11. The vision for AP in Southwark is to ensure that all settings provide high quality education and that the routes into and out of AP settings work in the best interests of children with a focus on returning to a school setting when and where possible.

Summary of the business case/justification for the procurement

Needs and Demand

12. For academic year 2018/19, 263 pupils were engaged with AP from a range of referring services as detailed below in table 1. It is noted that some of the children may have a combination of needs. The referring team relates to a child’s primary support needs.

Table 1 - Referring services for AP

Referring service	No. of Pupils (total)
Virtual School	86
LAC	109
SEND	68

13. Further information on the demand for AP as split by provision type for 2018/19 is available below.

Table 2 - Provision type

Placement type	No. of pupils	Approx no. of hours
One to one	195	24,525
Independent Registered School	77	20,711
SEND (complex)	2	654
English for Speakers of Other Languages (ESOL)	10	5,400
Online	23	679

14. Table 2 illustrates that the majority of statutory requirements for AP are currently met through one-to-one placements.
15. Southwark has successfully met its statutory obligations through making approximately 307 annual placements for AP from a pool of 25 providers. Some children have a requirement for one or more AP types, or may have more than one

placement within a year which explains why the number of placements is higher than the number of annual children.

16. Demand for AP in Southwark is driven by a complex range of features:
 - The rate of LAC in Southwark is significantly higher than both the London and national average. Southwark has the 3rd highest rate among our statistical neighbours (*DfE Local Authority Interactive Tool*, 2019).
 - There is a high number of local children with SEND needs. Southwark has the 5th highest prevalence out of 33 London boroughs (*DfE. SEN: January 2017*). This figure includes children with SEND support. For EHCPs Southwark is near the London average with 2.9% of the population with an EHCP 0-25 (London average 3.1%).
 - School exclusions.
17. Unplanned demand includes school exclusions which are likely to necessitate AP provision:
 - When comparing the other 13 inner-London Boroughs, Southwark has the third highest rate of permanent exclusions (*Permanent and fixed period exclusions in England: 2017 to 2018, Department for Education, 2019*)
 - The rate of permanent exclusions in Southwark has increased by over 50% from 23 in 2015/16, to 49 in 2017/18.
18. The impact of changes in demand has led to an approximate 15% increase in the annual statutory requirement for AP in Southwark.
19. Now Southwark Council wishes to commission AP services through a framework to achieve the following:
 - Consistency of competitive rates
 - Increased quality and performance
 - Systematic measurement of outcomes and impact of AP.

Market considerations

20. Current placements are made on a spot placement basis with a small pool of 25 providers, including a combination of local registered independent schools, and mature one-to-one providers who also deliver services in other areas. As such it is expected that there will be a high level of interest in this procurement.
21. It is proposed to move away from the current spot purchasing arrangements for AP and introduce a Framework to deliver a flexible and resilient local offer. This Procurement Strategy for AP is recommended in order to; standardise the service offer, manage rates, shape the market and increase the service range, quality, and systematically track the impact of AP on pupils' academic, personal development, and well-being.
22. The service specification will clearly articulate all quality requirements. The scoping phase has identified a gap in suitable Registered Independent Schools placements for Southwark pupils, particularly later in the academic year. Limited Registered Independent Schools places has caused an increase use of one-to-one provision to meet statutory obligations, which can add additional pressure on the budget. The

procurement process offers the opportunity to shape and facilitate wider access to the Registered Independent Schools market, including throughout the academic year.

23. A Framework can build market relationships, and strengthen partnerships between providers and the Local Authority. Formalising provider relationships through a procurement exercise increases the opportunities for constructive relationships that can better support a child to make a successful transition out of alternative provision.

KEY ISSUES FOR CONSIDERATION

Options for procurement route including procurement approach

24. The nature and value of these services means that they are above the light touch threshold and as such the Public Contract Regulations 2015 and Public Sector Directive 2014/24/EU would apply. The following options have been considered in relation to the procurement of this service:

Option 1 - Do nothing: This option is not recommended as there is a statutory duty to provide this service.

Option 1 - Continue with existing spot placement arrangements: Continuing with current arrangements is not considered a recommended option due to the present difficulty in effectively managing unit cost, assuring quality, and monitoring outcomes within the current arrangements. Therefore this option is not recommended.

Option 2 – Single Supplier Negotiation: A Single Supplier Negotiation option could include the direct award of the procurement to one supplier. This is not suitable as there is not one singular provider of all of the required services. Due to the nature and value of this procurement and the possibility of there being more than one provider that can deliver the different service elements service, the Public Contracts Regulations 2015 (EU procurement) regulations do not allow for a Single Supplier Negotiation approach to be undertaken. Therefore this option is not recommended.

Option 3 - Single provider through restricted tender: A block contract is a time limited contract created in advance, which defines the volume of provision that will be provided within specified care provision to the contracting authority for a set and pre-determined fee. Using a single provider is unlikely to provide the diversity of capacity to manage the range and level of demand that is anticipated. This option is therefore not recommended.

Option 4 - Multiple separate providers through restricted tender: This option would involve awarding number of separate contracts relevant to the different provision categories. This approach, whilst securing knowledge, expertise and reach, would be difficult to manage effectively in the event of any changes in needs and demand. As such this option is not recommended.

Option 5 - Joint Procurements: Commissioning have made several attempts to engage with other local authorities to explore any opportunities for joint procurement. Such an option could achieve optimum economies of scale and share responsibilities for quality assurance and contact management. Unfortunately these conversations have not identified meaningful opportunities as timescales and strategies have not aligned. Therefore this option is not recommended.

Option 6 - Dynamic Purchasing System: A dynamic purchasing system (DPS) or dynamic purchasing vehicle (DPV) is a contract that is continuously or almost

continuously open for providers to join or leave. Otherwise it operates much like a framework with agreed specifications and schedules. This option is not recommended as it can be resource-intensive to maintain.

Option 7- Provide in-house: The council does not currently have capacity, capability, experience or the infrastructure to deliver these services. The council may need to take on the associated TUPE liabilities of the existing provider staff delivering these services. Therefore this is not recommended as it would be a less financially viable option.

Option 8 - Framework Agreement: A framework agreement has elements of a common specification and terms with providers who will provide the service at the prices agreed, but it does not guarantee a level of business to providers. A framework agreement is split into a number of lots/categories according to pupil needs. This is the preferred option.

Proposed procurement route

25. To date AP in Southwark has not been contracted or purchased through a planned process, but has developed over time with statutory requirements being met through spot purchasing arrangements. This means that overarching formal contracts, with clear and consistent monitoring arrangements are not currently in place, and Southwark is not able to make the most of economic controls.
26. Demand for AP has increased, whilst the budget available has not. A formalised approach will increase choice, responsiveness and quality of service for children, young people and families in Southwark. Introduction of a commissioning approach will bring the ability to manage financial pressures.
27. The proposed procurement is a framework agreement for 4 years to offer a range of AP that meets the wide range of pupil needs, and delivers transparency, flexibility and responsiveness necessary to ensure Southwark council continues to meet our statutory requirements in full.
28. Following detailed analysis of current service demand, market appraisal and benchmarking the following framework lots are proposed:

Table 3 - Proposed lot structure

Lot	Description
Lot one	One-to-one or small group provision at home and in the community
Lot two	Independent Registered School Setting (Primary)
Lot three	Independent Registered School Setting (Secondary)
Lot four	SEND specific provision for children with complex needs
Lot five	ESOL specific provision
Lot six	Online provision

29. Many of the pupils placed in AP may have combinations of needs that fall into more than one of the above provision types and a framework approach is proposed to maximise flexibility and responsiveness. The recommended lot structure will support re-integration into mainstream education, where suitable for a young learner.

30. The Proposed framework structure offers the Council a good degree of flexibility, and does not commit the Council to provide a guaranteed volume of activity to any one provider.
31. The framework structure, including the option to have maximum number of providers within an individual lot can help to stimulate a broader range of Registered Independent Schools which has been identified a gap by AP Project Board.
32. This approach ensures that the resources available will be applied to improving education and development outcomes in the most efficient, effective, equitable and sustainable way.

Identified risks for the procurement

33. The following risks have been identified for this procurement:

Risk	Description	Risk Rating	Mitigation
Poor service design and delivery	The service specification and evaluation criteria do not support the Council to clearly articulate the requirements of the service, nor understand the effectiveness of new arrangements	Low	Working closely with all key stakeholders, through the work streams, will ensure that the evaluation criteria service specifications and performance management frameworks that are developed are robust.
Financial	Financial sustainability due to increased demand for AP services	Medium	Competitive approach will encourage economical pricings from the market. Clear and equitable pricing schedule will be made available within tender documents and evaluation. Option of cap and collar for one-to-one provision can manage unit costs.
Quality of response of market	The market to date is untested, therefore the interest in the opportunity cannot be readily assessed	Medium	A competitive procedure will require providers to evidence their ability to deliver the services to the required standard. Early market engagement will be key to generate and measure market interest.
Lack of bids	A lack of bids could mean the council is not able to award the contract	Low	Early engagement with the market ensured that there is a clear understanding of the market in terms of size and strength as well as likely interest in this opportunity
Disruption for existing users	Mobilisation of a new service could cause disruption for pupils engaged with AP	Medium	Clear communication plan in place to inform of changes.

Key/Non Key decisions

34. The report deals with a key decision.

Policy Implications

35. As per paragraph 58, this procurement supports the Fairer Futures principle of 'A great start in life'. Legislation covering the permanent exclusion process is comprehensively explained in guidance produced by the DfE (*Exclusion from maintained school, academies and pupil referral units in England, Statutory guidance for those with legal responsibilities in relation to exclusion*, September 2017). The main legislation covering the duties and powers relevant for AP provision include:

- Education Act 2002
- Education and Inspections Act 2006;
- Academies Act 2010
- The Education (Pupil Referral Units) Regulations 2007;
- The Education (Educational Provision for Improving Behaviour) Regulations 2012 ;
- The Pupil Referral Units (Regulations 2012)
- Children and Families Act 2014
- Equality Act 2010
- Children Act 2004

Procurement Project Plan (Key Decisions)

Activity	Complete by:
Enter Gateway 1 decision on the Forward Plan	28/10/2019
DCRB Review Gateway 1	22/01/2020
CCRB Review Gateway 1	21/11/2019
Brief relevant cabinet member (over £100k)	04/02/2020
Notification of forthcoming decision - Cabinet	17/02/2020
Approval of Gateway 1: Procurement strategy report	10/03/2020
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	24/03/2020
Completion of tender documentation	25/03/2020
Publication of OJEU Notice	31/03/2020
Publication of Opportunity on Contracts Finder	01/04/2020
Invitation to tender	02/04/2020
Closing date for return of tenders	01/05/2020
Completion of any clarification meetings/presentations/evaluation interviews	20/05/2020
Completion of evaluation of tenders	25/05/2020

Activity	Complete by:
CCRB Review Gateway 2	18/06/2020
DCRB Review Gateway 2:	08/07/2020
Approval of Gateway 2: Contract Award Report	30/07/2020
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	13/08/2020
Debrief Notice and Standstill Period (if applicable)	13/08/2020
Contract award	14/08/2020
Add to Contract Register	15/08/2020
TUPE Consultation period (if applicable)	14/09/2020
Place award notice in Official Journal of European (OJEU)	15/08/2019
Place award notice on Contracts Finder	15/08/2019
Contract start	02/11/2020
Initial contract completion date	01/11/2024

36. It is recommended to delegate the Gateway 2 contract award recommendation from Cabinet to the Strategic Director for Children's and Adults' Services, in consultation with the Lead Member for Children, Schools and Adult Care to ensure the ability to increasingly manage rates is introduced as soon as possible as the budget for AP is currently overspending, and reports to Budget Recovery Board.

TUPE/Pensions implications

37. This procurement may have TUPE implications for external service providers where they do not take part, or are unsuccessful in the tendering exercise. The providers and their staff could potentially be affected by the implementation of the new contracts. There will not be any TUPE implications for Southwark Council staff as none currently deliver the services to be procured.
38. Whether TUPE applies at the point of contract award will depend on whether the incumbent providers continue to be the providers with whom Southwark contracts and other prevailing circumstances.
39. Should there be a change in service provider and the service remains substantially the same it is anticipated that TUPE will apply.
40. Due diligence work will need to be carried out and staffing information sought from the current providers. Once this due diligence information is provided the full TUPE (and any pensions implications) can be more closely determined. The due diligence information will, as relevant, also be made available to bidders within the tender documentation pack.

Development of the tender documentation

41. The tender documents will be drafted by officers from the Children's, Adults and Families Commissioning Team and will be informed by staff and service user consultation.
42. The tender documents will be reviewed and approved by AP Project Board. As AP is arranged from a number of areas, Project Board comprises officers from commissioning, Virtual School; SEND, Youth Justice, Finance, Procurement and others as and when the project requires.

Advertising the contract

43. The council shall publish one OJEU notice for this tender against which bidders will be asked to register their interest in the tender through the council's e-procurement portal.

Evaluation

44. The evaluation strategy will be based on a 55/30/15 price/quality/social value ratio. All quality requirements will be clearly articulated in the tender documents.
45. The Social Value Portal will be utilised to evaluate and measure the social value impact of bids. The following social value outcomes are being sought through the project, especially for the benefit of young people with SEND or care leavers:
 - Job opportunities for people with disabilities or are care leavers
 - Support for young people to access work
 - Work practice, including courses, to increase mental wellbeing
 - Provision of diversity training for any subcontractors
 - Initiatives aimed at reducing crime (e.g. support for local youth groups)
 - Mental health promotion initiatives
 - Work experience, paid internships or apprenticeships.
46. The evaluation panel will be established with representatives from across relevant service areas within AP Project Board and will include Procurement and Finance Officers.

Proposed Call off Procedure

47. Local authorities need to ensure that alternative arrangements are in place for those pupils affected within as short a time span as possible. A Direct Award call off procedure is proposed to efficiently manage activity from a new framework. To enable this approach, providers will regularly report on: capacity, Ofsted rating, specialism, pupil profile, and curriculum offer.
48. A Direct Award of a placement to a specific provider within each lot will be the outcome of a suitability assessment which will include a number of features to include risk and needs assessment for the individual child.
49. A Direct Award call off procedure will ensure that each placement fully responds to the needs of the child, and any risk factors present. Each Direct Award will be reviewed and authorised by a Senior Council Officer.
50. In the event that multiple providers satisfy the suitability assessment the most economically advantageous provider will be selected in each case.

Community impact statement

51. Officers are mindful of the need to have due regard to the Public Sector Equality Duty imposed by section 149 of the Equality Act 2010, which requires the Council to:
 - Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and those who do not share it.
52. A framework for AP will provide educational support to some of the Borough's most vulnerable young people. Children with special educational needs and/or disabilities often experience poorer outcomes than their peers, in health, education and in the transition to adulthood. It is vital that we ensure that these children, who are often some of the most disadvantaged, are offered equal opportunities to make the most of their talents and become successful adults. AP can play a critical role in making this happen.
53. Children who attend AP have a diverse range of needs. Nationally a high proportion of children in AP Pupil Referral Units (PRU) have identified SEN compared to those in mainstream schools. Many AP pupils also have a social, emotional or mental health (SEMH) need, which has implications for their behaviour. (Creating opportunity for all; Our vision for alternative provision, DfE 2018)
54. Equality analysis has been undertaken as part of this work to ensure that the needs of those having a protected characteristic under The Act are fully and properly taken into account, and is available in Appendix 1.

Social Value considerations

55. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.
56. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured.
57. Key areas of social value commitments of the Southwark Council Fairer Future Commitments which are relevant for this project include:
 - Job creation
 - Payment of (London) Living Wage
 - Health and wellbeing considerations
58. The Social Value Portal will be used to monitor and evaluate the Social Value impact of this procurement. 15% of the total available evaluation marks will be made available for the Social Value evaluation.

Economic considerations

59. RSMs who are audit, tax and consulting experts have been engaged to support the benchmarking project and the targeted piece of work has included:
 - Reviewing the existing work that has been done to understand cost and volumes within the service and validate this with service and finance colleagues
 - Understand unit cost for AP services based on the validated service and finance data to inform the procurement process.
60. One-to-one tuition is the most expensive placement type - the spend on one-to-one tuition totalled £1,250k in 2019/20. The average current unit cost for one-to-one provision is approx. £50 per hour. There is a wide range of hourly rates currently paid under the current arrangements.
61. Benchmarking work has been completed with other local authorities including attendance at the London AP Network meeting which has facilitated discussions with a number of other Local Authorities and visits to two neighboring boroughs to find out more about the approaches used elsewhere.
62. This work has identified that the local provision for AP is shaped by the needs of the young people in the local community. For example, in London Borough of Croydon there is a larger provision of AP available for pupils who are new arrivals in the UK. London Borough of Croydon have also utilised a Framework Agreement for their AP procurement strategy.
63. Benchmarking also identified that local authorities with significant in-house PRU capacity tended to use outsourced AP placements less. In Southwark we have access to a single PRU, the Southwark Inclusive Learning Service (SILS) which drives demand for outsourced placements.
64. Benchmarking revealed only a small amount of overlap, in terms of the providers used by neighbouring boroughs. It is recognised that some of the one-to-one providers, who visit pupils at home and community environment have national reach, and are used by other areas. However, the Registered Independent Schools tend to primarily be accessed by pupils who are local to that area.
65. The London AP Network meeting was utilised to test interest in a joint commissioning and procurement approach across local authorities. This was not conducive as timelines and/or strategic priorities across local authorities did not align.
66. Benchmarking has identified that the Council can achieve more competitive rates and ensure consistently of high service standards through development of a framework.
67. There are services which are delivered to the child or young person via one to one sessions. The procurement of lots requiring one to one tuition will be procured by the application an indicative 'floor' and 'ceiling' hourly rate.

Social considerations

68. Progression of a framework agreement procurement strategy will ensure accessibility to a variety of suppliers including SME's, BME's, and the voluntary and community sector.

69. The council is committed to ensuring London Living Wage (LLW) benefits not only the council's directly employed staff but also those who work for the council through contractors.
70. As part of the tender process, bidders will be required to confirm that they will be paying LLW and the benefits that this will provide to the council bidders will also be required to confirm how productivity will be improved by payment of LLW. Following award, these quality improvements and any cost implications will be monitored as part of the contract review process.

Environmental/Sustainability considerations

71. Stimulation of a local market for AP presents the opportunity to reduce travel time to access services, which can have a positive impact for the environment.

Plans for the monitoring and management of the contract

Pupil Outcomes

72. AP can promote a range of positive outcomes for pupils, including getting them re-engaged with learning when they have become disaffected with school. To maximise their chances of success when they leave school, these pupils, like any others, need to gain the best possible qualifications that they can in English, mathematics and a range of other relevant subjects, as well as developing personal, social and employability skills.
73. Outcomes will differ from pupil to pupil, but there are some common elements that all providers will need to evidence. (These will be adjusted for the Primary and Secondary Registered Independent Schools lots to be relevant for the age ranges).
74. Providers should have an established system that sets out objectives for individual pupils, assesses and monitors their progress to include:
 - Achieving access to a balanced and appropriate curriculum; where pupils attend alternative provision on a full-time basis, providers will ensure that pupils have a similar breadth of curriculum as they would in mainstream education.
 - Good academic attainment on par with mainstream/ special schools – particularly in English, maths and science (including IT) – with appropriate accreditation and qualifications;
 - That the specific personal, social and academic needs of pupils are properly identified and met in order to help them to overcome any barriers to attainment; to include evaluation of pupils' behaviour and attitudes to learning.
 - Building self-esteem and self-confidence and often key aspects such as self-discipline and the ability to work positively with a range of people and employability skills.
 - Improved pupil motivation and self-confidence, attendance and engagement with education; and
 - Clearly defined objectives, including the next steps out of AP including following the placement such as reintegration into mainstream education, further education, training or employment.
75. Good AP appropriately meets the needs of pupils and enables them to achieve good educational attainment on par with their mainstream peers. The service will provide

good quality educational provision that ensures learners make academic progress and supports real and sustained progression. Robust contract monitoring will support this to happen.

76. All pupils must receive a good education, regardless of their circumstances or the settings in which they find themselves. Independent Registered School settings will need to have a minimum Ofsted rating of Good to reflect the Council Plan commitment of 'A great start in life' with children being able to access Good or Outstanding educational services.
77. Practical and ambitious Key Performance Indicators (KPI's) will be confirmed by Commissioning and the AP Project Board. Annual Contract Review reports will be presented to Children and Adults Board (CAB) in line with Council Standing Orders (CSO).
78. Performance of the contract will be managed by Contract Monitoring Officers in the Commissioning Division, working closely alongside operational officers to ensure ongoing quality of the delivery of an AP Framework.

Staffing/procurement implications

79. There will be no specific staffing implications. The procurement and commissioning requirements to carry out and implement the contracts will be contained within the existing staffing and resources of the Commissioning, Legal, Procurement and Finance teams.

Financial implications

80. The procurement of a Framework for AP model will help Southwark Council manage budget pressures and sustainability of services. This reduction in spend will bring activity in line with the available budget for AP, and help the Council to be able to respond to future changes in demand.

Legal implications

81. Please see concurrent from the Director of Law and Democracy.

Consultation

82. Consultation with operational leads has been integral to this work and will be ongoing to ensure that the final specification is fit for purpose and reflects the key requirements for Southwark.
83. Engagement with young people and families with some lived experience of AP is planned to take place to ensure that the final specification can take full advantage of feedback from young people and their families.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance

84. The Alternative Provision budget comes from the High Needs Block of the Dedicated Schools Grant. The High Needs block is in deficit and at the end of the financial year it is estimated the cumulative deficit will be £18.5m.

85. The proposal in this report is a part of a programme of proposals to address the deficit.
86. The local authority has been engaging with the Schools Forum over the last two years in order to develop the strategy to address the deficit of the High Needs Block.
87. The proposals are to contain costs and potentially make some savings.

Head of Procurement

88. This report seeks approval from Cabinet for the procurement strategy outlined to undertake an EU procurement for Alternative Provision for a period of 4 years for a total cost of £8.36m.
89. The value of the services means that it is subject to the tendering requirements of the Public Contract Regulations 2015 (PCR15) and the council's Contract Standing Orders. This procurement route of creating a framework of lots should maximise competition and ensure that the council achieves the best value for money.
90. Southwark Council's procurement officers will be advising on the tender documents to be used to ensure that all relevant statutory questions are included and due diligence to ensure the successful supplier is financially stable.

Director of Law and Democracy

91. This report seeks approval of the procurement strategy for alternative educational provision in Southwark.
92. Due to the estimated value of the service provision the procurement process will be subject to the full application of the (EU) Public Contracts Regulations 2015. The report notes that a contract notice will be published in the Official Journal (OJEU) for the purpose of inviting expressions of interest in the framework opportunity. The report also describes the process by which placements are to be made under the framework.
93. The proposed procurement strategy is also consistent with the council's statutory obligations, its corporate policy and its Contract Standing Orders.
94. The procurement of the new framework gives rise to the potential for the TUPE Regulations to apply and the implications are noted from paragraph 37.
95. The community impact statement noted from paragraph 51 acknowledges the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. Officers have conducted an equality analysis in order to assess the likely impact of the procurement strategy on individuals and groups having a protected characteristic under the Act. In considering the report recommendations Cabinet must be satisfied that the PSED has been complied with.

APPENDICES

No.	Title
Appendix 1	AP Equality Impact Assessment

AUDIT TRAIL

Cabinet Member	Cllr Jasmine Ali, Cabinet Member for Children, Schools and Adult Care	
Lead Officer	David Quirke-Thornton, Strategic Director for Children's and Adults Services	
Report Author	Hannah Moorhouse, Senior Commissioning Officer	
Version	Final	
Dated	12 March 2020	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Procurement Business Partner	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	12 March 2020	