

11 March 2020		ITEM: 15
Cabinet		
Tuition Support Services		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Andrew Jefferies, Cabinet Member for Education		
Accountable Assistant Director: Michele Lucas, Assistant Director Education & Skills		
Accountable Director: Roger Harris, Corporate Director Adults, Housing & Health		
This report is Public		

Executive Summary

This reports sets out the Local Authority's Children's Services request to commission a range of Tuition Services to support children and young people who require intensive one to one learning support. The service is for children and young people who are unable to attend school or where it has been identified that external one to one tuition may better suit their learning needs to improve attainment outcomes across all key phases.

Tuition Support services include the arrangements made by the Council to provide a broad range of high-quality one-to-one tuition and group-based alternative curriculum options for children and young people who are currently out of school because of ¹permanent exclusion, school refusal, or because the Council is in the process of finding a suitable school placement to meet identified needs.

These services aim to ensure that:

- Children and young people can access full-time education appropriate to their level of needs.
- Children and young people engage with education and achieve awards / qualifications in accordance with their ability.
- Wherever possible, children and young people will ultimately return to school full time.

The total cost is estimated to be up to £850,000 over five years, therefore, Cabinet approval is required.

1. Recommendations that Cabinet:

1.1 Agree that a tender process be initiated to procure Tuition Support services.

1.2 Agree that delegated authority to award the contract is given to the Director of Children's Services in consultation with the Portfolio Holder for Education.

2. Introduction and Background

2.1 The Council has a statutory duty to ensure all children aged 5-16 are receiving an education, as set out in section 19 of the Education Act 1996, if a child of compulsory school age (between 5 and 16 years old) cannot attend school for reasons of illness, exclusion from school or otherwise, the local authority must make arrangements to provide 'suitable education' either at a school or some other suitable venue.

2.2 The term 'suitable education' is defined as efficient education suitable to the child's age, ability and aptitude and to any special educational needs he or she may have. The education to be arranged by the local authority should be on a full-time basis, unless, in the interests of the child, part-time education is considered to be more suitable. This would be for reasons relating to the child's physical or mental health.

2.3 The Council is intensifying the level of work with special and mainstream schools to ensure they can support children to remain and reintegrate into schools, where it is appropriate for them to do so. The model being developed is expected to reduce the number of children requiring tuition over the next three years. The Department for Education notes that with the exception of Ofsted judgements, there is no systematic way of identifying and celebrating effective practice in tuition support services. At present, the majority of children are offered core subjects within the curriculum such as maths, science and english. Going forward attendance, educational attainment, employment and transition to employment and training post-16 will be incorporated into the commissioning of Tuition Support Services.

2.4 It is proposed that to meet children's needs, the Council establishes a framework of multiple providers to deliver the service. The framework is intended primarily for use by the Council's Special Educational Needs service, the Virtual School Team and the Inclusion Team.

2.5 Thurrock schools (particularly secondary schools) may also use the framework from time to time in order to source tuition services for children and young people for whom it is felt that a mixture of school-based and out-of-school education would be most suitable.

2.6 The framework would be divided into two lots, as shown below:

Lot 1: One to One Tutoring to provide high quality teaching for individuals who are currently out of school and cannot engage with group-based provision or it is felt that a one-to-one service is most suitable.

Lot 2: Group-Based Alternative Provision to provide group-based alternative education and innovative approaches to engaging young people in education where other approaches have failed to meet their needs. This may include practical courses such as motor mechanics, bricklaying and plumbing, or hairdressing; work placements, and caring for animals.

3. Issues, Options and Analysis of Options

- 3.1 Children's Services' current offer is limited to the standard curriculum delivered by three providers, of which one has provided a service to the Council for over three years and delivered the majority of the standard tuition services offered in Thurrock. This meant the Council did not benefit from a competitive process and was limited in the range of services available.
- 3.2 The two additional providers broadened the offer, but the Council was still reliant on spot purchasing. To further improve the service the proposed framework will ensure simple and easy access to a broad range of provision better equipped to meet the specific needs of children.
- 3.3 The decision to split the contract into lots was due to the potential for some education providers in the marketplace only being interested in providing, or able to provide, one of the services (i.e. one to one tuition, or group-based alternative provision). This separation of services should increase the number of providers that are able to tender for each separate service, therefore increasing competition overall.
- 3.4 The term Alternative Provision is used within Lot 2 because the services are wider than the provision historically referred to as 'tuition'. Alternative Provision includes the traditional one-to-one session whereby the standard curriculum; Maths, English and Science, is taught in a formal (or semi-formal) setting by a qualified teacher. However, it also covers a variety of specialist and informal provision ranging from services focusing on building self-esteem and confidence through vocational training and team work to services offering mentoring, personal development and work experience.
- 3.5 In addition to the proposed framework, Children's Services is developing a model giving Thurrock schools the opportunity to offer specialist places to children who might otherwise attend external tuition placements or alternative provision facilities. The model aligns with the Department for Education's reform programme encouraging local authorities to work with special and mainstream schools to ensure they can support children to remain and reintegrate into their schools, where it is appropriate for them to do so. The procurement of the Tuition Support framework will run parallel to the specialist places model, which aims to be in place by September 2020. It is anticipated

that the cost of the framework will reduce as fewer specialist and informal providers will be required when the specialist places model is established.

4. Reasons for Recommendation

- 4.1 Under Section 19 of the Education Act 1996, the Council has a statutory duty to make arrangements to provide 'suitable education' either at school or elsewhere for a child of compulsory school age (between 5 and 16 years old) who cannot attend school for reasons of illness, exclusion from school or otherwise.
- 4.2 The education to be arranged by the local authority should be on a full-time basis, unless, in the interests of the child, part-time education is considered to be more suitable. This would be for reasons relating to the child's physical or mental health
- 4.3 By putting a framework of providers in place the Council will not only be meeting its obligation to ensure all education is accessible to school age children, but will also ensure those appointed to provide Tuition Support services are of a quality that ensures the best outcomes for children in Thurrock.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Directors' Management Team, Children's Services was consulted on 12 November 2019. No amendments to the report were requested.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The provision of accommodation will positively impact the Council's vision and priorities for People by providing high quality, consistent and accessible education which is right the first time.
- 6.2 In addition, the service will support the goals of the Thurrock Children and Young People Plan, in particular:
- 1.1 Raise attainment at the end of all key stages with a particular focus on early Years, Foundation stage, Key Stage One and Key Stage Two
 - 1.3 Ensure progression to higher level qualifications and employment.
 - 3.1 Promote the attainment and achievement of underachieving children.
 - 3.2 Promote and support inclusion.
 - 4.2 Provide outstanding services to the most vulnerable children and young people.

7. Implications

7.1 Financial

Implications verified by: **David May**
Strategic Lead - Finance

A competitive procurement exercise will be carried out which should result in savings year on year as opposed to expenditure incurred using the current spot purchase arrangement.

Although it is anticipated that there will be an increase on the previous spend initially, we are expecting to make savings by prohibiting spot purchasing (except in exceptional circumstances) and shifting to the proposed framework agreement which will afford economies of scale, prevent provider monopoly and increase competition which is likely to reduce cost.

Funding is provided from the Dedicated Schools Grant, High Needs Block funding. It is important that the Local Authority is able to demonstrate improved outcomes and value for money in the long term.

7.2 Legal

Implications verified by: **Courage Emovon**
Acting Strategic Lead & Deputy Head of Legal Services

The services described within this report relates to provision of Education services and fall within scope of the Light Touch Regime under the Public Contracts Regulations 2015 and afford the Council certain flexibilities in their tender although the requirements of Regulation 75 and 76 on notices and principles of awarding contracts must be complied with.

The Council has a general responsibility for Education in its area as provided by Clause 13 of the Education Act 1996. The Council also have a duty under Clause 19 to make arrangement for provision of suitable education in pupil referral units and elsewhere.

Legal Services will provide advice as and when required in relation to any tender for the services proposed in this report.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead - Community Development & Equalities

The Council has a statutory duty under the Equality Act 2010 to promote equality of opportunity in the provision of services and employment. This means that due regard should be given by the Council to the equality implication of any strategy, policy or function of the Council. This means that the Council must ensure that all policies and local strategies promote the inclusion of all groups and equality of opportunity. Any tendering process should be designed with these duties in mind.

The Council's procurement strategy should be followed to ensure equality of opportunity in the tendering process. If a tendering process is initiated and a contractor selected, the Council must ensure its new partner meets the statutory duties of a local authority in the provision of tuition support for children and young people who are currently out of school because of permanent exclusion, school refusal, or because the Council is in the process of finding a suitable school placement to meet identified needs. The Council must also ensure a new partner meets the statutory duties of a local authority in its HR policies.

The authority should note that where an external supplier carries out a function, the Council remains responsible for meeting the statutory duty set out in the Equality Act 2010.

The authority should give due regard to ensuring that all services are delivered in a way which is non-discriminatory, and promotes equality of opportunity for staff and service users. The services provided should cater for the needs of all users. The tender process should involve service users and stakeholders as much as possible.

Ensuring prospective contractors provide services for the whole community and identify the needs of particularly vulnerable groups should be a key aspect of the tender process. Prospective contractors should give due regard to the diverse needs of children in Thurrock and plan to meet these accordingly. It would be most advised that an Equality Impact Assessment be conducted to inform any decision on the options presented.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. Appendices to the report

Appendix 1: Stage 1 Form

Report Author

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Contract and Performance Manager