

Title of report: Alternative Provision Procurement Framework

Decision maker: Cabinet member children and young people

Decision date: Wednesday 20 August 2025

Report by: Commissioning Manager, Starting Well, All Age Commissioning

Service Director - Education, Skills and Learning

Classification

Open

Decision type

Key

- i. This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.
- ii. This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

To approve proposals of an Alternative Provision (AP) framework of commissioned providers to deliver alternative provision for children who are not able to attend school and those needing additional support, increasing choice, quality and value for money.

Recommendation(s)

That:

- a) **Approval for the establishment of a new flexible framework under the Procurement Act 2023/ Light Touch Regime, to have elements of a common service specification and terms with successful providers who will provide the service**
- b) **The framework agreement is split into three lots, enabling potential providers to demonstrate how they can meet the council's requirements, needs, and quality measures to deliver successful outcomes.**
- c) **There is no contract or contractual obligations or commitment to a single provider. All purchases will be made using call-off contracts for individual children and young people by a referral process to the local authority's Starting Well Broker Team.**
- d) **To approve:**
 - **The council procures an open framework with multiple suppliers split across 3 lots: Lot 1 Education and Engagement activities, Lot 2 Mentoring and/or Lot 3 Tuition to provide alternative education services.**
 - **Cabinet delegates authority to Service Director, Education, Skills and Learning to carry out the procurement and award framework agreements to successful bidders that meet the criteria.**
 - **Cabinet delegates authority to Service Director, Education, Skills and Learning to take all necessary operational decisions to deliver recommendations a and b above.**

Alternative options

1. **Option 1 - Do nothing:** This option is not recommended as there is a statutory duty to provide this service.
2. **Option 2 - Continue to spot purchase:** This is not recommended. Continuing to spot purchase with no oversight is not cost effective and risks poor service delivery and lack of quality assurance for each purchase. It would also be a lost opportunity to improve outcomes for children and young people and to develop the market with AP providers.
3. **Option 3 - Single provider through a restrictive tender:** A block contract is a time limited contract created in advance, which will define the volume of provision for specific activities to the council for a pre-determined and set price. This option is unlikely to provide the diversity of provision and be able to manage demand required. This option is not recommended.
4. **Option 4 – Multiple providers through a restrictive tender:** This option would involve awarding a number of separate contracts relevant to the different provision categories. This approach, whilst securing knowledge and expertise, could be difficult to ensure full coverage of provision and manage effectively in the event of any changes in needs and demand. As such this option is not recommended.

Key considerations

5. Herefordshire Council has a duty to commission Alternative Provision (AP) for pupils who face challenges accessing mainstream education due to mental or physical health issues, exclusion

(fixed and/or permanent), or special educational needs. AP services include education and re-engagement activities, tutoring, and mentoring to support to help students re-engage with mainstream education.

6. Herefordshire Council is seeking to commission an Alternative Provision (AP) framework to provide compliant high-quality provision and to improve outcomes for children and young people accessing AP. Provision will be procured under a flexible framework compliant with Herefordshire's Contract Procedure Rules and the Procurement Act 2023/Light Touch Regime. The framework will consist of three lots enabling potential providers to demonstrate how they can meet the council's requirements, needs, and quality measures to deliver successful outcomes. All compliant bidders will be admitted to the framework. Admission to the framework will not guarantee volume of works and will be subject to demand. All purchases will be made using call-off contracts for individual children and young people by a referral process to the local authority's Starting Well Broker Team.
7. Under Section 19 of the Education Act 1996, this places a duty on local authorities to arrange suitable education to children of compulsory school age who cannot attend mainstream school for reasons such as illness, exclusion, or other reasons.
8. The local authority also has a statutory duty to ensure full access to relevant education provision is provided from the sixth day following a permanent exclusion, access to full time education for children looked after where no school is identified and/or is placed into the county. Other reasons could include where a child's or young person's placement has broken down or experiencing difficulties in accessing education due to specific needs.
9. This means alternative provision, whether at a school or otherwise, must be provided to ensure these children continue to receive education. AP services can include off-site education and engagement activities, tutoring (face to face and online) and mentoring (face to face and online).
10. The framework will provide a structured approach for the local authority to purchase provision based on the needs of the children and young people through a designated broker team. AP is currently arranged through spot purchasing to meet need.
11. Providers will be able to bid in three lots: Lot 1 Education and Engagement activities, Lot 2 Mentoring and/or Lot 3. Tuition Organisations who meet the due diligence and compliance requirements will be placed on to the AP framework and be subject to on-going quality assurance and contract management. This will speed up the process of identifying the right provision of the child or young person thus avoiding long period of time without appropriate education and reduce anxiety for family and/or carers.
12. This arrangement will commence at the start of January 2026 and be in place for up to 7 years (5 years plus up to 24 months extension). An open Framework will allow the council to reopen the framework during the term to allow other providers to join to meet demand or changes in provision that arise.
13. **In scope** - The commissioning, procurement and associated governance to deliver a flexible and responsive alternative provision by the local authority.
14. **Out of scope** - Purchasing provision for schools, residential provision (either in or out of authority),
15. Purchasing existing services is undertaken by various teams within the local authority; SEN, Social Inclusion, Virtual School via ad-hoc spot purchasing for individual children and young people. The council is currently spot purchasing with 25 different providers for various AP activities, across

Herefordshire and beyond. AP is funded from the Dedicated Schools Grant (DSG) via the High Needs Budget (HNB).

16. The AP framework will provide the opportunity to offer fair and equitable service to offer:

- more choice of provision to meet need
- centralised service for education and SEN team to purchase
- the broker team to coordinate the process for timely responses
- standardised forms and processes
- build strong relationships with the council
- robust quality assurance, contract management, outcome measures
- supported reintegration to mainstream school

17. In addition, the AP framework will support the local authority's statutory duty to ensure full access to relevant education provision from the sixth day following a permanent exclusion, or access to full time education for children looked after where no school is identified. This framework also aligns and contributes to several plans and policies as referenced in **Appendix 1**.

18. Following a detailed analysis of current service demand and market engagement activities the following framework lots are proposed:

Lot	Description
Lot One	Education and engagement activities one to one or small group provision in the community
Lot Two	Mentoring (one to one and/or small groups in a setting and/or online)
Lot Three	Tuition (one to one and/or small groups delivered in a setting and/or online)

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

20. The Starting Well Broker Team will manage all referral for AP provision and ensure that arrangements are in place for those pupils within as short a time span as possible. Providers will need to provide a timely response to requests (usually within one working day). A direct award will be made to a specific provider within the given lot that can meet the needs of the pupil's assessment which will include several factors such as prior attainment, education outcomes as a result of the service, risk assessment, period, days/time etc.

21. In the event that multiple suppliers satisfy the referral requirements the most advantageous provider will be selected in each case.

22. The framework will ensure that the council commissions accredited, quality assured providers of AP through the Starting Well Broker Team, thereby providing strong oversight of volume, costs and service quality. On-going quality assurance will be provided by the Starting Well Quality Team.

23. Stakeholder engagement activity with the market has been carried out through two events attracting interest from over 65 local, regional and national providers.

24. The collaborative approach seeks to gain service quality, increased user satisfaction and person-centred outcomes.

Community impact

25. There are many local providers who would benefit from working through an open framework. Currently all provision is purchased ad-hoc through different departments from within the council.

26. The challenges are:

- Fragmented oversight of provision; volume, price, outcomes, quality
- No consistent paperwork
- Potential delays in invoice payments
- Dealing with different council personnel
- Assumption there is little provision available locally

27. The opportunity of having an AP framework would be:

- Build provider confidence working with the council
- Contract management and oversight of volume, spend and quality assurance
- Market development and collaboration of service delivery
- Dedicated broker service working with the market to provide timely response to requests
- Single point of contact
- Better transition and re-integration to mainstream
- Develop an AP provider network
- Educational progress for looked after children would be strengthened

Environmental Impact

28. Working with local and online providers the proposal would align with the council's ambitions to reduce car mileage and transport costs. Greater use can be made in accessing the county's greenspaces and making use of technology to reduce paper and postage costs.

Equality duty

29. The Public Sector Equality Duty requires the council to consider how it can positively contribute to the advancement of equality and good relations and demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services.

30. The mandatory equality impact screening checklist has been completed for this project/decision/activity and it has been found to have no/low/high impact for equality.

Option 1 (for high impact):

31. Due to the scope of this project and its potential impact on certain protected characteristics, an Equality Impact Assessment (EIA) is attached as **Appendix 2** to this report.

32. In summary, this activity will have a positive impact on children and young people, particularly those who are vulnerable for reasons such as illness, special educational needs, or behavioural issues.

Resource implications

33. The maximum spends to be incurred through the lifetime of the of the framework during its seven-year term (5 years and up to 24 months extension) will be an estimated spend of £20 million, which is provided through the High Needs Budget (HNB) and funded through the Dedicated Schools Grant (DSG). The forecast for the financial year 2025-26 was agreed by Schools Forum.
34. In the financial year to 31 March 2025, the council spent approximately £2 million on AP spot purchases.
35. The cost of Alternative Provision, Education otherwise than in a school, tutoring, and mentoring for financial year 2024/25 was circa £2 million. The full year forecast for these costs as at Q1 for financial year 2025/26 is £2.5 million.
36. The Starting Well Broker Team will provide a co-ordinated and structured approach to purchasing provision from the framework, with initial due diligence checks completed by the Starting Well Quality Assurance (QA) team during the tender exercise. Additional check will be completed by the QA team prior to the commencement of the individual's placement. Having the centralised broker and QA Team will free up capacity in the operational teams to focus on the educational outcomes
37. The commissioning spend focuses on the direct support of all cohorts and groups, managing risk, supporting outcomes and ensuring appropriate transition back to a mainstream school or a longer-term education provider.
38. Additional grant funding from the DfE AP Change programme is being used to fund an offsite AP project with Hereford Pupil Referral Service (HPRS) for 25-26. The grant funding of £220,000 is providing an additional 8 places per day 5 days a week. Mainstream schools and academies can purchase places at a cost of £85 per pupil per day. The income generated would ensure sustainability beyond the life of the project's initial one year funding.
39. By developing further alternative provision across the county, it is anticipated that there will be further reductions in costs per children/young person accessing AP. This is likely to have an impact in 2-3 years as these projects support children to remain in mainstream schools and academies. At this stage these are not quantifiable.

Legal implications

40. Section 19 of the Education Act 1996 places a duty on local authorities to arrange suitable education to children of compulsory school age who cannot attend mainstream school.
41. The local authority also has a statutory duty to ensure full access to relevant education provision from the 6th day following a permanent exclusion, access to full time education for children looked after where no school is identified and/or is placed into the county.

This duty also applies to where a child's or young person's placement has broken down or experiencing difficulties in accessing education due to specific needs.

42. The procurement will be carried in accordance with the council's Contract Procedure Rules and the Procurement Act 2023

Risk Management

	Risk/Opportunity	Managed by	Mitigation
1	Spend exceeds planned project term cost	Service	Management oversight of implementation of AP
2	AP is provided by unregistered providers	Service	The Starting Well commissioning team bringing AP together, checks to be put in place Action taken where/when found
3	Current providers do not join framework	Service	All current spot purchases will continue
4	Limited range of providers apply to join the framework and needs of CYP are not met	Service	Further engagement work with providers who don't apply which can deliver education, tutoring or mentoring activities. Spot purchases can be used for one-off needs
5	Unknown providers joining the Framework	Service	No purchases to be made until all checks have been made and paperwork returned
6	Limited capacity in Starting Well QA team to ensure quality monitoring of increased number of providers	Directorate	Quality assurance work prioritised and on-going work if concerns are raised
7	Lack of engagement with Parent Carer Voice in implementation of Open Framework.	Service	PCV to be part of service spec development and CYP to be involved in providing a question and model answer for evaluation
8	Limited strategic oversight of AP	Service & Directorate	Broker to provide monthly reports
9	Referral system not in place for the start of the contract.	Service	Work with broker team on process and associated forms. Model on WMCAFSS
10	Capacity in the Starting Well brokerage team.	Service	Staff in post and volume will need to be monitored
11	Shared organisational knowledge of registered and unregistered providers	Service	Task and Finish group to ensure comms sent out Broker provide monthly reports Key managers to be involved on a monthly basis

Consultees

43. Consultation with the market has taken place through two 'Meet the Buyer' market engagement events held in May and June 2025 with over 60 providers attending. Positive feedback was received from the provider market regarding the lots, flexibility of the framework and having a designated broker team. Work has also started with the Parent Carer Voice (PCV), the Participation Officer for Children and Young People (Special Educational Needs and/or disability) and SEND Market Development and Engagement Officer.

Appendices

- **Appendix 1 Service Alignment**
- **Appendix 2 Equality Impact Assessment (EIA)**

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Jen Preece	Date 24/07/2025
Finance	Clare Bellis-Powley	Date 24/07/2025
Legal	Sarah Halliwell	Date 23/07/2025
Communications	Michala Lee	Date 23/07/2025
Equality Duty	Harriet Yellin	Date 17/07/2025
Procurement	Nena Beric	Date 17/07/2025
Risk	Amanda Sherrard,	Date 14/07/2025
Approved by	Liz Farr	Date 12/08/2025

Please include a glossary of terms, abbreviations and acronyms used in this report.