

By: Rosalind Turner, Managing Director, Children, Families, and Education

To: Sarah Hohler, Cabinet Member for Children, Families and Education

Subject: The Procurement of Alternative Provision at Key Stage 4 in Kent from September 2010

Classification Unrestricted

Summary: The Cabinet Member is requested to agree to the procurement arrangements for the Alternative Provision for Key Stage 4 (KS4) in Kent. The four contracts that were not awarded in the first phase will be a subject to a separate request for Cabinet Member approval.

1. Background

- (1) On 22 May 2009 the Cabinet Member for Operations, Resources and Skills, CFE took the decision to extend for one year contracts for Alternative Provision which the Local Children Services Partnership Manager were satisfied, with an understanding a full and revised commissioning process for all providers was undertaken for September 2010.
- (2) The CFE business plan 2009/10 refers under Alternative Curriculum to a requirement to: *'Commission and provide full-time education to approx 600 KS4 pupils across the County who are not accessing mainstream education.'*
- (3) In order to comply with legal and KCC regulations, the Assistant Head of Procurement advises that all alternative provision not directly provided by Kent County Council (KCC) must be put out to tender following standard KCC procedures.
- (4) Within the Attendance and Behaviour Service, a team is developed to work with KCC procurement to implement this change. This team is mentored by the Assistant Head of procurement.
- (5) Within Kent, the Local Children's Service Partnership's (LCSPs) are currently responsible for commissioning this provision and are advised by the central Attendance and Behaviour Service team. In early summer 2009, a document was sent to all LCSP Managers to explain the process.
- (6) All contracts are part of the six Alternative Curriculum Pupil Referral Units (PRUs) in Kent

2. Progress in 2009/10

- (1) By November 2009, LCSPs are required to indicate the exact specifications they wish to be advertised for their partnership area.
- (2) This process determines the exact number of alternative provision places to be commissioned in each area, along with the number and type of contracts.
- (3) The total number of contract is:17
- (4) Contracts put out to tender at the end of 2009 (advertised on South East Business Portal in December 2009)
- (5) This produces a situation in which 311 of the 600 places mentioned in the CFE business plan are to be commissioned in this way. The remainder are provided by directly employed KCC staff within the six Alternative Curriculum PRUs.
- (6) The procedures laid out in the guidelines to LCSPs were carried out and by early March 2010 – on the predicted time line – evaluation boards consisting of LCSP Managers, local secondary head teachers and the AC PRU manager all met to decide on the award of the contracts. The six evaluation board meetings were by the Contract Compliance Manager within Attendance and Behaviour Service (ABS).
- (7) The team leading on this within ABS is currently preparing the outcome for approval by CFE Managing Director and the Cabinet Member. Following guidance, successful bidders have been informed of their success and told that it is subject to Cabinet approval.
- (8) The evaluation boards did not award four contracts. The precise reasons varied but all concerned the low scores achieved in the evaluation process.

Second Phase

- (1) The four contracts that were not awarded have been re-advertised on the South East Business Portal and all parties who expressed initial interest have been invited to an information event at Oakwood House on 29th March 2010.
- (2) The following of KCC procedures in this second round will still permit contracts to be awarded within the required timeframe and will permit delivery for September 2010 as originally planned.

4. Resource Implications

+13 contracts were successful and 4 were unsuccessful. For the 13 contracts awarded there are no TUPE implications. The remaining 4 contracts will be identified in the second phase of the Cabinet Member Decision.

5. Recommendations

The Cabinet Portfolio holder for Children, Families and Education is requested to agree:

- (i) contracts should be offered to the organisations that have been selected by local evaluation panels in compliance with legal and KCC regulations for tendering and procurement (see attached report).
- (ii) The four contracts that were not awarded in the first phase will be subject to a separate Cabinet Member Decision.
- (iii) Subject to the Director of Children, Families and Education being satisfied as to the detailed terms and conditions she or the appropriate Local Partnership Managers for Alternative Provision, be authorised to sign the contracts on behalf of the County Council

Simon Fox
Head of AC PRUs
Attendance & Behaviour Service
CFE Directorate

Background Documents

Decision - 09/01314 Proposed Arrangements for Commissioning of Alternative Provision