

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 21st January 2019**

#### **Report of the Cabinet Member for Learning and Culture**

#### **Acceptance of Tender for provision of Education other than at school (EOTAS)**

##### **Purpose of the Report**

1. To seek Cabinet approval to award the contract for the supply of services to young people educated other than at school via contracts with alternative providers.

##### **Recommendations**

1. That Cabinet notes the report and considers together with the Part II report appearing later on this agenda.

##### **Reasons for the Recommendations**

1. To allow the Part I and II reports to be considered together and to permit the execution of formal contracts between the Council and the successful bidders.

##### **Background**

2. The Local Authority provides Education other than at school (EOTAS) provision to enable students to access an alternative to mainstream school. This is required for pupils who are medically unfit to attend school and those requiring an alternative to mainstream schooling because of their additional learning needs. The majority of children and young people requiring EOTAS have complex social, emotional and behavioural difficulties.
3. As set out previously in the Cabinet Report of 4th September 2017, Key Stage 3 Pupil Referral Unit (PRU) and Education Other than at School (EOTAS), there is a need to further develop the range of external providers in order to ensure that children and young people accessing EOTAS provision are able to access educational and vocational opportunities that best meet their needs.
4. In the past, a range of suppliers have been used. In order to ensure that this operating model is robust, a procurement exercise has been undertaken to produce a framework of potential suppliers that would be accessed to provide appropriate learning packages for students.

## **Relevant Issues and Options**

5. Suitably qualified suppliers were invited to tender for education provision of young people educated otherwise than at school (EOTAS).
6. The Invitation to Tender was issued on the 30 April 2018; five suppliers submitted their tender response by the deadline 6th June 2018, interviews were carried out on the 17th July 2018. The five suppliers were pre-qualified as per Official Journal of the European Union (OJEU) regulations.
7. Full details of the tender evaluation are outlined in Part II item of this agenda.

## **Resource Implications (Financial and Employment)**

8. It is considered that there is potential to use the PRU budget more effectively to improve outcomes for pupils.
9. The EOTAS offer will be enhanced by developing student packages and individual pathways using multiple learning environments. The Learning and Skills Directorate has taken advice and guidance from the Procurement Unit and Legal Services to ensure all contracts are compliant with the Public Contracts Regulations 2015.

## **Sustainability and Climate Change Implications**

10. The Council is committed to promoting sustainable development and our understanding of our duties under the Well-being of Future Generations (Wales) Act. This proposal demonstrates the Council's approach to sustainable development and the five ways of working introduced by the Act. The proposal seeks to take into consideration the long-term sustainability of provision for pupils not attending mainstream schools. In light of increasing demand, taking an integrated approach to the way the Council operates and the use of alternative forms of complementary service delivery to design joined up services around pupils' needs, builds upon the principle of prevention as well as demonstrating working with others in a collaborative way. In doing so, the proposal seeks to contribute to the national well-being goals established by the Act, notably a more Equal Wales, a prosperous Wales and a Wales of cohesive communities.

## **Legal Implications (to Include Human Rights Implications)**

11. The local authority has a statutory duty to provide young people 25 hrs education provision per week.
12. Section 19 of the Education Act 1996 is the primary legislation relating to the duty on local authorities to arrange suitable education for young people outside of mainstream school. Section 19(1) of the Education Act 1996 (as amended by section 47 of the Education 1997) provides that:  
  
'Each local authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them'

## **Crime and Disorder Implications**

13. Many young people who use EOTAS services have significant support from Youth Offending and Children and Young People Services. When appropriate, interventions from these service areas can be incorporated into the provision for the young person.

Individual risk assessments are completed and individual behaviour plans and strategies are produced to mitigate against any reoffending or risk-taking behaviours.

### **Equal Opportunities Implications (to include Welsh Language issues)**

14. The development of complementary provision for pupils which meets their individual needs will improve quality of access to appropriate learning pathways.
15. Currently EOTAS provision through the medium of Welsh is limited, however, the local authority will explore the development of a Welsh language EOTAS resource.

### **Corporate/Service Objectives**

16. These proposals are consistent with the Council's Corporate Plan, Well-being Outcome 3: An Aspirational & Culturally Vibrant Vale. The proposals seek to raise the overall standards of achievement, and will contribute to the achievement of a number of actions contained within the Corporate Plan. These actions include securing improved outcomes for groups of learners at risk of underachievement, increasing the learning opportunities for disadvantaged individuals and vulnerable families, as well as reducing the number of young people not in education, employment or training.
17. The proposals are also consistent with the Council's Reshaping Services programme which seeks to mitigate the impact of reduced financial resources and increasing service demand by evaluating and adopting alternative forms of service delivery model to protect priority services.

### **Policy Framework and Budget**

18. This is a matter for Executive decision by the Cabinet.

### **Consultation (including Ward Member Consultation)**

19. Consultation on the implementation of EOTAS Frameworks has been conducted with teachers, pupils and LA staff.

### **Relevant Scrutiny Committee**

20. Learning and Culture.

### **Background Papers**

Welsh Government document Inclusion and Pupil Support

<http://gov.wales/docs/dcells/publications/160318-inclusion-and-pupil-support-en.pdf>

### **Contact Officer**

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### **Officers Consulted**

David Davies, Head of Achievement for All.

Mike Walsh, Lawyer - Legal Services

Tom Bowring, Operational Manager, Performance & Policy

**Responsible Officer:**

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