



Date: 17 November 2020

TO: THE MAYOR AND MEMBERS OF CABINET

BIG PICTURE LEARNING - UPDATE

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nuala Fennelly Cabinet Member for Children, Young People and Schools	All	Yes

EXECUTIVE SUMMARY

1. Previous cabinet reports have outlined the journey thus far with ([BIG PICTURE LEARNING CABINET REPORT APRIL 2018](#) & [BIG PICTURE LEARNING CABINET REPORT DECEMBER 2018](#)) describing the mobilisation of the provision and the most recent cabinet report ([BIG PICTURE LEARNING CABINET REPORT JUNE 2020](#)) reporting on the progress of the provision in its first year of operation and outlines a new structure for the future of the provision. Whilst there have been significant challenges around delivery, it is clear that the Big Picture personalised curriculum design and pastoral delivery model is still highly relevant to our context.
2. Cabinet agreed in June 2020 a revised delivery model that gave freedom to:
 - Engage a range of delivery partners to build this new model of provision.
 - Develop a blended offer of delivery, with some learning taking place online.
 - Increase the range and scope of the cohort in order to support those who are out of education or are affected by Covid-19.
3. There have been significant changes to the overall governance of Big Picture Doncaster, with local community and sector expertise, at the appropriate level, now in place. The above has been achieved through a continuing positive relationship between the council and the investor, who has been flexible and pro-active in supporting improvements and developing the emergence of a new model. The investor has been able to take a prudent view of the losses created in the first year of the project in order to ensure the continuity of the project and has also carried out work without payment in order to secure improvements for the charity and the Contractor (Big Picture Invest) in order to ensure momentum, despite financial risk.
4. In summary, there has been agreement with the Contractor(Big Picture Invest Ltd) and its Sub-Contractor ("BP Learning UK Ltd which is the charity which operates the School")) around these relevant areas:

- The existing Big Picture school will convert to an alternative provision and will be de-registered with the Department for Education as a school from October 26th 2020.
 - A new curriculum model has been developed to include a blended offer with online delivery where necessary, with a strong emphasis on workplace skills for all year groups.
 - The new Key Stage 4 offer will be co-developed with a group of partners who will be procured by the Contractor. These partners will be proven education or pastoral support providers within the local area, who will then mobilise provision in accordance with the contract. An updated set of outcomes will be aligned to the demands of the new service and this will be included in a contract variation.
 - The Key Stage 3 provision will open as an alternative provision in November 2020 and the Key Stage 4 model in January 2021/Spring 2021. There has been agreement on a new financial model to support this change. The shifts in delivery model and the change in the nature and volume of the cohort will ultimately produce a higher quality delivery at a lower cost than previously planned. At Key Stage 3, 90 young people accessing the model in the first year, as opposed to the 60 young people who would have attended the school under the original contract, with young people being accommodated for up to 18 weeks and then supported in their return into the mainstream classroom. This will be complemented by a further 30 young people accessing the Key Stage 4 alternative provision during the 2020-2021 academic year.
 - A new identification and recruitment procedure has been developed which will guarantee sufficient places and finances for the new model whilst ensuring that the right young people will receive support as quickly as is possible. The above changes will be reflected in a contract variation which will be enacted after the cabinet decision described below. An agreement has been made with Opportunities Doncaster and the Chamber of Commerce to support the delivery of work experience and work place mentoring for all students accessing the Key Stage 4 provision.
5. The new provision will support the council and local schools in mobilising immediate additional capacity for young people affected by Covid-19. Careful consideration has been given to the scaling of this provision that ensures high quality leadership, governance and provision. The new model focuses on a much wider cohort, including those young people returning to schools following unsuccessful periods of home education or those who have moved into the area with high levels of need, alongside those who have had chronic patterns of school absence. Over time, the new model will deliver higher quality provision, supported by improved leadership whilst serving significantly more young people and reducing costs elsewhere in the system. In order to mobilise the new models quickly there has been the need to ensure that the Contractor has sufficient cash flow in order to deliver this change and this is addressed within the new financial model.
6. This report provides a summary of the work undertaken since June to mobilise the new provision and sets out how the new provision will be delivered over the coming months. Cabinet are asked to approve this new model of working including new partnership arrangements, contracts and specifications for each Key Stage, with accompanying high level financial model as described in the relevant sections of the report below.

EXEMPT REPORT

7. Whilst this report is not exempt it does contain an exempt Appendix 1. Appendix 1 is not for publication because it contains exempt information within paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended, as it contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

RECOMMENDATIONS

8. Cabinet are asked to note the updated delivery model for Contractor, which will consist of the following:
 - The development of a new provision for Key Stage 4, which will explicitly aim to support disengaged young people with sustained work experience supported by coaching and mentoring, whilst providing relevant qualifications.
 - This provision will be delivered by a range of qualified and experienced partners who will be procured by the Contractor and will maximise the overall offer to allow a significant increase on the number of young people who are able to access the school, with 120 young people able to access the provision in the first year, as opposed to a limit of 60 in the original model.
9. Cabinet are asked to approve:
 - The changes to the overall delivery model and to enter into the deed of variation, and noting that the contract variation to the Life Chances Fund (LCF) agreement will be approved separately through an ODR.
 - The changes to the delivery model as summarised below, with the newly agreed financial model and rate card including the splitting of the provision into distinct age-focussed areas and the competitive procurement process for partners who will be responsible for the Key Stage 4 model.
 - The financial summary (covered in paragraphs 29-32) which set out the costs, outcomes and rate card for this and subsequent years.
10. Note the continued delegated authority to the Director of Learning Opportunities and Skills and the Chief Financial Officer, in consultation with the Portfolio Holder for Children and Young People to take all strategic decisions pertinent to the delivery of this model via the Contractor, including those related to the development of the new model.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

11. Young people who are disengaged with learning have struggle to progress in later life. Furthermore, due to their limited engagement in learning and the environment they grow up in they are at a higher risk of engaging in risk taking behaviours and potentially could suffer with low self-esteem, resilience or poor mental health Doncaster has historically seen large numbers of young people attend provisions which have not been of sufficient quality. This risk has been exacerbated by the recent Covid-19 situation, with higher levels of risk of disengagement, unsafe behaviour and anxiety and this reshaped model will aim to ensure that these young people are quickly re-engaged with education through a blended approach.

12. Children and young people fare better if they are attending school and enjoy their learning. The successful delivery of alternative provision and behaviour support to schools has the potential to improve outcomes for children and young people in the medium to long term, improving overall levels of social mobility within the borough our intent is to ensure that young people are educated within their communities as much as is possible. The new delivery model will target a safe and smooth return to the mainstream environment for young people who may have become further disengaged or likely to leave mainstream for more specialist provisions.
13. A significant number of young people miss out on qualifications and work place opportunities because they are absent, home educated or excluded from our schools. Many of these children struggle to find a meaningful role within the local economy. By utilising our well-developed partnerships and wider strategies across the borough, we will be able to use our learning within this project to provide a robust and unique bridge into employment and training for some of these young people. The proposed model will create a larger number of places at a lower cost, whilst also ensuring that young people are able to benefit from enhanced opportunities to engage with the local economy and clear pathways towards employment.

BACKGROUND

Strategic Context:

14. Like many Local Authorities Doncaster has had to address the issue of increased demand on the high needs block since the changes brought in by the 2014 Special Needs Code of Practice. As noted in the last report, there have been significant changes made within the local landscape over the last three years as a consequence of the Behaviour Transformation Programme ([Behaviour Transformation Update October 2019.- Appendix A](#)), with a much improved local system of decision making accompanied by a more appropriate and high quality range of providers.
15. Our strategic intent reflects the importance that young people's needs should be met as much as possible, close to home in mainstream schools and that this should be supported by high quality provision beyond schools and robust multi-agency decision making. The new 'Graduated Approach' to meeting need sets out how these needs should be responded to at each level and by whom.
16. It is clear that the Covid-19 situation will present a significant challenge to the system in ensuring that all young people are able to access education. The immediate likelihood of many young people returning to school with increased or previously undetected emotional and mental health needs means that it is critical that the Authority ensure that sufficient support is made available during the autumn term 2020 and beyond. The changes made to the operating model will allow the support to a significant number of young people of secondary age back into schools, supported by a multi-agency team. The new model of provision set out in this report includes working with schools to identify young people who are experiencing difficulties and support them to reintegrate into their settings. We know that, by intervening earlier we will be able to reduce costs elsewhere, particularly with a reduction in placements in therapeutic provision, Pupil Referral units and out of area placements. In developing the updated model, both the council and investor have prioritised increasing efficiencies for the high needs block alongside a closer fit to the needs of Doncaster

children, ensuring that the new contract arrangements reflect these changes and expected outcomes.

17. Following a period of review it is clear that the re-profiled Big Picture project can play a key role in this delivery. Partners recognise that the highly individualised and person centred planning in Big Picture model, can play a key role in delivering the aim of supporting young people into successful mainstream placements and employment. It will be able to ease the burden of support within mainstream schools whilst also providing knowledge and expertise to embed improving practice. To this end, the Contractor has worked with all parties to prioritise the development of this innovation-reshaping the current offer with the Sub-Contractor) to support a revised key stage 3 proposal. The Key Stage 4 offer will enhance outcomes, widening both curriculum and participation and creating a new pathway into training and employment. This innovation will represent a unique approach nationally. The Key Stage 4 model allows young people who ordinarily receive limited or no provision or access to qualifications being able to acquire a personalised curriculum and intensive support to sustain engagement with relevant accreditation and sustained workplace experience.

The Big Picture Model:

18. The previous report (June 2020 [BIG PICTURE LEARNING CABINET REPORT JUNE 2020](#)) described the context regarding the unique use of a Social Impact Bond, the support from the Life Chances Fund (LCF) and the interim arrangements until September 2020. £1,007m has been paid compared to the maximum cumulative outcomes payments from the 'payment by results' Contract of a planned £2,037m. The Contract was paused during the initial lockdown period and then restarted from September 2020, whilst we renegotiate a new financial model and rate card to begin in December 2020. The Contractor will be paid upon the achievement of the same overarching outcomes over the next three months, supporting cash flow as set out in the Contract whilst a new financial model is agreed.
19. The previous Cabinet paper ([BIG PICTURE LEARNING CABINET REPORT JUNE 2020](#)) set out what lessons had been learned throughout this process and how we would set out to mitigate these through the design of a new model. The key issues were:
 - The school suffered from a lack of sufficiently experienced and capable leadership and governance.
 - Removing young people from mainstream roles detracted from the key thrusts of our strategy to engage young people in mainstream schools and who are currently out of the school system.
 - The highly innovative model did not easily translate into the Independent Schools OFSTED framework.
 - The model did not utilise the existing wider work done by partners in relation to local economy and pastoral initiatives.
20. As described in the June 2020 report ([BIG PICTURE LEARNING CABINET REPORT JUNE 2020](#) reporting), the previous iteration of the Contractor through its Sub Contractor struggled to deliver a high quality education due to challenges around designation and leadership. Consequently this resulted in cash flow issues for the Contractor due to the non-payment of outcomes. The review of the model, which coincided with the beginning of the Covid-19 outbreak, allowed the potential redesign of the delivery model in order to accommodate the anticipated demands of young

people as the crisis deepened alongside a consideration of how to sharpen impact and achieve better value for money. Recognising the local need and potential for strong impact, the council and investor have worked very closely in order to deliver a renewed project. The Contractor has worked without reward in order to develop the detail of the new model so that we are able to deliver both quality and cost- effectiveness, not receiving interest payments and only planning to do so at the point where the contract is cash positive.

New Delivery model:

21. A new set of delivery and governance groups have been set up in order to oversee the development, transitional and implantation phase, with council, Contractor and its Sub-Contractor working together. This includes groups set up to define the provision and set up of the two new models alongside one group devoted to revising the contractual arrangements. A weekly strategic oversight group, chaired by the Director of Learning, Opportunities, Skills and Culture provide timely decisions and direction. Representation on the Board includes the Contractor and its Sub Contractor. The Contractor has continued to commit high levels of resource and energy to this project in order to deliver an innovative and cost effective model for Doncaster, bearing significant financial risk and supporting the development of effective delivery structures as described above. The long term delivery and financial model will aim to ensure that there is sufficient capacity to manageably deliver momentum.

The new model will have the following key elements:

- The BP Learning UK Ltd school alternative provision for Key Stage 3 will work with mainstream schools in order to meet needs and secure reintegration, offering a blend of physical and remote delivery.
- At Key Stage 4, there will be an access to extended work experience and mentoring from fully trained work based mentors via support from Opportunities Doncaster.
- Access to relevant vocational qualifications, delivered through a combination of online, face to face and work based experiences thus awarding the identified course (on a dual/mixed registered basis if needed).
- Integration of student and family 'wraparound' support into the model so that all decisions are made within the frame of the wider needs of the students.

Key stage 3 provision

22. The Contractor has overseen improvements in the overall governance of the project. The Local governing board, which will oversee the transition of the Big Picture BP Learning UK Ltd school into an alternative provision, now has two current Multi-academy trust Chief Executive officers alongside local ex-head teachers and community. With the transition from an independent school to an alternative provision, the board have overseen a communication plan to schools and the initial engagement with potential students under the wider cohort definition.
23. Significant work has been undertaken to ensure that the overall curriculum and delivery model of the Key Stage 3 provision are improved. A new curriculum model has been produced which contains an online offer to support blended learning, which has been tested with schools in other areas and quality assured with other 'Big Picture' provisions. Core Big Picture Learning curriculum characteristics will remain in place and will be key to ensuring continuity as the young person transitions into their named

setting at the end of the programme. Each student will have a Personal Learning Plan which will set out how their learning journey will contribute to their longer term aspirations, progress and immersion. Council Standards and Effectiveness officers are currently working with the school to ensure that curriculum planning and safeguarding arrangements are significantly robust. Overall quality assurance will also be provided by council Standards and Effectiveness officers throughout the life of the provision. This quality assurance process has been moderated by currently serving OFSTED practitioners in order to ensure fidelity and quality. The outcomes of this process will be summarised in the next Cabinet report (January 2021).

24. The transition for current students in years 7 and 8 is taking place currently, with the school deregistering as an independent school at that point and being re-classified as an alternative provision. A separate ODR, utilising the delegated authority to record the variation to the contract in respect of this, as this change will take place prior to the cabinet decision. The provision will then service short term (12-18 weeks) placements of young people and will support their reintegration through the continuation of the highly personalised Big Picture delivery model.

Key Stage 4 Provision:

25. The Contractor will procure additional sub-contractors in order to deliver the Key Stage 4 provision ready for January 2021. These sub-contractors will be successful groups or trusts who are already working with a similar cohort of young people. They will be supported by the wider partnership from within the local economy, business sector and wider agencies such as health and social care. The Contractor has worked with the council in order to gain an understanding of the local landscape and the potential of various local partners to contribute within this partnership. The Contractor will undertake a competitive process in order to procure delivery partners, but this will not be an EU compliant process as the Council's Legal Services has advised. The overall contract value of the sub-contracts will be £1,396,350. This process will complete by the end of November in order to allow sub-contractors to mobilise provision ready for January 2021.
26. The Key Stage 4 provision will be delivered through a mixed approach, with all young people accessing at least one day of work experience in a sustained placement. The employer will also supply weekly workplace mentoring, which will run alongside job coaching for each student. Students will access a range of qualifications including core subjects and relevant vocational courses. All students will complete a workplace skills qualification. Tutors will use their knowledge of each individual in order to oversee curriculum delivery and co-ordinating pastoral care, with students accessing lessons and support online and in person, depending on personal plans. Students will access a 'blended' approach to learning and some will build up their physical presence within settings and workplaces in order to support delivery. This number of students accessing this provision will build to 30 by Summer 2021 and 60 by Autumn 2022. The majority of students will then access a full Key Stage 4 programme and will leave in the Summer of Year 11.

Cohort:

27. The potential future cohort will be widened at both key stages 3 and 4, covering those who have been recently excluded, are returning from Elective Home Education or

missing education alongside those who are missing school due to high levels of anxiety created by the Covid-19 situation or are persistent absentees. There will be two clearly defined target age groups (Key Stage 3- Years 7-9, focussing on returning to school environments and Key Stage 4-Years 9 and above who will focus on accessing the workplace). The focus of this project on these often invisible cohorts is highly innovative and unusual and reflects a renewed shared responsibility across council, various agencies and schools in order to tackle the social cost of young people missing formal education. A recruitment timeframe is in place for both areas of provision so that schools, agencies and the Council can work together in order to identify cases in good time and support initial engagement and assessment from the provisions themselves.

28. The first year of the project will see a build-up of students in Key Stage 3, with a total number of 45 being educated at any one time in Key Stage 3, with 90 accessing the provision during 2020-2021. Big Picture Doncaster will have a gradual approach to student admissions, with cohorts starting at fixed points throughout the academic year.
29. There have been secure arrangements made for the continuity of education for the existing cohort of students attending the school, who have already transitioned to new provisions or are in the process of moving to new providers based upon their individual needs and interests.

Contracts and finance:

30. A new set of outcomes have been co-produced, alongside additional performance indicators and these will be quality assured by the council's School Improvement, Inclusion and Commissioning functions on a half-termly basis as part of the reporting process on the quality of overall provision. This process will cover key areas such as attendance, academic progress and metrics associated with readiness to reintegrate into school. Key Stage 4 outcomes will target key delivery areas such as workplace skills and engagement alongside behaviour and attendance measures.
31. The contract specification has been negotiated with the Contractor in order to document these changes and to ensure stronger accountabilities around the work in each key stage. The contract is also being reviewed in line with changes to the outcomes and financial model. These changes will be set out in a contract variation and the intention is that the contract variation will be signed following cabinet and Life Chances Fund approval. The council are aware that the Contractor does not have the capacity to run a full EU compliant process for procuring partners to the KS4 development and are not bound by these regulations, but will run a competitive process for this procurement.
32. A new financial model has been finalised with the Contractor in order to fund this volume of students and is subject to further analysis and agreement. Overall the number of students accessing the provision will grow from a limit of 60 in the initial contract to 120 (90 in Key Stage 3, 30 in Key Stage 4), with a further 120 (90 in Key stage3 and 30 in Key stage 4) by September 2022. The current rate card is being maintained until December 2020. A new financial model and rate card below for both KS3 has received agreement between all parties, as has the overarching financial model for KS4 whilst this will still need market co-production and testing.
33. The total expected cost of the revised financial model for the 4 year period is as follows,

but still needs final sign-off.

	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
TOTAL expected Outcome Payments	1,254,168	1,286,467	1,221,275	1,251,438	57,112	5,070,461
Payment Funded By						
DMBC Contribution	899,991	923,169	876,387	898,032	40,983	3,638,563
LCF Contribution	354,177	363,298	344,888	353,406	16,128	1,431,898
TOTAL	1,254,168	1,286,467	1,221,275	1,251,438	57,112	5,070,461

34. Within this revised financial model, the average total cost per place is £13,926 per annum across the life of the contract. The contract saw an average cost of £17,665 per annum across the life of the contract. This represents better value for money as the council benefits from greater economies from the increased volume of students and compares favourably to the relative costs of provision elsewhere within Doncaster. This will allow reduced costs over time, whilst greatly improving the quality, relevance, accountability, reach and scope of the overall project. Life chances fund (LCF) have indicated that they are comfortable with changes to the contract, outcomes and financial model described here and that their financial support will be sustained.
35. In order to facilitate the new delivery model, there are therefore four key changes to the contract, which will form part of the contract variation in November/ December 2020:
- Changes to the outcomes, rate card and payments as described in points 31-33
 - The separation of the Key Stage 3 and 4 delivery elements
 - Further definition of the Key Stage 3 model so that it reflects the 'blended' learning element.
 - The Contractor introducing further sub-contractors into its Key Stage 4 delivery through a competitive tendering process.

IMPACT ON THE COUNCIL'S KEY OUTCOMES:

Outcomes	Implications
Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future; <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	Improving outcomes for our most disadvantaged young people will lead to a larger proportion of the population contributing to the local economy. Doncaster businesses will also benefit from this capacity as they continue their recovery.
Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;	Big Picture Doncaster will make a significant contribution to improving access to the local economy and healthier lifestyles for a cohort of

<ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>young people who have historically, suffered from low expectations and social alienation. Our retention of the Big Picture model whilst also revitalising the Provider will allow us to offer students a highly personalised curriculum whilst also exploring how to develop further other modes of personalised curriculum.</p>
<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Due to the personalised nature of the BPL learning model, children and young people will be better equipped and motivated to engage and access education.</p> <p>The learning experiences for all children will be personalised and innovative, utilising interests and the local environment to ensure that learning is relevant and inspiring. Education will take place within schools and the work place, wherever necessary it will take place within home or community facilities. Children and young people enjoy improved social mobility due to improved attainment and a model of education that focuses on their interests and ambitions.</p>
<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>Big Picture has a highly personalised model of pastoral delivery. The Council will also look now to use the Provider in order to develop more effective ways of integrating and targeting services for vulnerable children and young people, achieving greater synergy and efficiencies.</p>
<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths 	<p>The use of a SIB provides value for money to the Council, as it allows it to test a new method of intervention but only pay for it if it is successful.</p> <p>The establishment of a Special Purpose Vehicle (SPV) and a Social Investment Board will ensure strong leadership and governance.</p> <p>The Council will consider the needs of the communities and partners as</p>

<ul style="list-style-type: none"> Working with our partners and residents to provide effective leadership and governance 	future models of delivery are developed.
--	--

Risks and assumptions

36. The development of the new model will offer increased flexibility, capacity and breadth to the wider system without sacrificing the uniqueness of the delivery model and contract. However the following risks has been identified:

37. Key Stage 3:

A. *The sub-contractor (Big Picture Doncaster) not delivering high quality provision or sufficient achievement outcomes.* This will be mitigated through early engagement of the council's quality assurance procedure for alternative provision schools and the maintenance of the contract. There will be monthly reviews of attendance outcomes and advice provided to the provider in order to ensure progress. The revised contract will set out improved terms of service failure to the provider, which will support early intervention in order to prevent further failures to deliver the contract. The Investor will work with the local governing board to ensure that there is sufficient oversight and pace over this time. Additionally the council will support and advise where appropriate in order to ensure that only high quality local providers with expertise and experience in this form of delivery join the KS4 delivery partnership.

B. *The sub-contractor fails to deliver reintegration within agreed timescales.* This will be mitigated through the ongoing support of the council's Behaviour Outreach Support Service, who will carry out routine assessment and 6 weekly reviews with the Provider and partner schools. They will advise where a statutory process is required and will support referral to other agencies or panels in line with the local graduated approach where needed. Additionally, progress in this areas has been factored into an updated outcome and indicators within the wider contract.

C. *The Contractor is not given sufficient financial viability due to lack of referrals or outcomes.* The council has modelled the cohort and currently identified a large surplus of young people who would be fit the criteria for this provision. Officers will support schools in making referrals and advising on provision through panel decisions and planning sessions with schools. Early indications show that there is a significant waiting list of young people who are willing to access the provision, even before we elicit referrals from schools. A communication campaign is underway in order to ensure that all schools and officers are supported to identify relevant cohorts of young people in the lead in to the beginning of operations.

38. Key Stage 4:

D. *The Contractor is unable to deliver provision within agreed timescales.* The council is working with the Contractor in order to ensure that any risks to the delivery of this Key Stage 4 project within agreed timescales are minimised. This will allow the Contractor to be able to work with partners in order to ensure secure planning for mobilisation. Any procurement decision will be presented back to cabinet before the end of November 2020 as part of the update accompanying this report. Further development activity is taking place to support this and will involve creating detailed delivery models (curriculum organisation, delivery and planning methodologies etc.) and ensuring that logistics (learning locations, access to ICT

facilities, Service Level Agreements with schools, shadow mobilisation planning, etc.) are in place in order to guarantee delivery within the agreed timeframe.

- E. *The Contractor is financially able to deliver services despite challenges around cash-flow.* The council and investor have worked closely to ensure interim support and a new financial model supports the Contractor in overcoming immediate financial challenges. This will continue to happen as the Contractor begins delivery of the new arrangements from November 2020. The investor has foregone the performance management fee stipulated in the contract and has pushed back interest payments in order to support the efficient delivery of the contract and to demonstrate commitment to delivery.
- F. *The Contractor fails to procure a partner with sufficient expertise in order to develop the new model or fails to procure in a timely fashion.* This will be mitigated by ensuring that any procurement is supported by the council's expertise in this area, engaging the market and ensuring a high quality procurement process. The council will maximise its relationships with partners in order to build awareness of this procurement, ensuring a strong response from the market, supported by the investor. There has already been significant interest around this project from local trusts. In order to ensure that the uncertain current climate does not prevent activation in January 2020 a 'shadow' mobilisation plan will set out how the service will be delivered should an unavoidable delay in partnership mobilisation take place so that the opening of provision is not affected.

39. Contractor :

- G. *The Contractor is financially able to deliver services despite challenges around cash-flow.* The council and investor have worked closely to ensure interim support and a new financial model supports the Contractor in overcoming immediate financial challenges. This will continue to happen as the Contractor begins delivery of the new arrangements from November 2020. The investor has foregone the performance management fee stipulated in the contract and has pushed back interest payments in order to support the efficient delivery of the contract and to demonstrate commitment to delivery.
- H. *That Life Chances Fund (LCF) are unable to receive approval for the changes to the financial model.* We have already received indicative support for the changes to the contract described above and are meeting with LCF regularly in order to ensure that any potential risks are mitigated and that the contract conforms to their requirements

LEGAL IMPLICATIONS [Officer Initials: PA Date: 4/11/20]

- 40. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives an Authority power to purchase goods and services.
- 41. Under the Education Act 1996, the Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a

general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with special educational needs.

CHANGES TO PAYMENT TERMS

42. New payment terms are currently being negotiated with the Contractor. These should cover the whole life of the contract in order to protect the interests of the Council and ensure the best commercial outcome.

CHANGES TO THE SERVICE

43. The Council wishes to continue to work with the Provider to deliver a different service, starting November /December 2020 for Key Stage 3 and January 2021 for Key stage 4. Key Stage 4 provision will involve the engagement of additional sub-contractors by the Provider.
44. It should be noted that there is a risk that a procurement for Key Stage 4 will not be achieved for a commence date of January 2021 and Spring 2021 may be more realistic, bearing in mind the detailed preparatory work that needs to be undertaken.

Life Chances Fund

45. The Council must comply with the terms of the funding agreement it has entered into with Life Chances Fund in order to avoid clawback and/or withholding of funds. As set out in the report 28.24% of the outcome payment is paid for by the Life Chances Fund (LCF), the Council will enter into discussions with LCF to agree that the LCF payments are maintained, i.e. paid to the Council. The Council must communicate all changes to DCMS/LCF and any agreement reached will require a variation to the LCF/DCMS agreement.
46. There is a risk that DCMS may not approve the changes outlined in this report in which case if the Council were to press ahead with the changes and enter into the contract variation with the Contractor, there will be a breach of the funding agreement which may result in DCMS/LCF invoking clawback provisions of funding already paid and withholding of further funding.

The BPL Licence

47. The Council should be satisfied that the changes to the model as set out in this report not do breach the BPL licence held by the BPL Doncaster School otherwise there may be consequences such as termination of the licence by BPL USA and/or the payment of compensation by the BPL School to BPL USA.

School Registration and misc.

48. It is not necessary for an alternative provision to be registered as an independent school unless it is providing full time education to five or more full time pupils of compulsory school age, or one such pupil who is looked-after or has a statement of SEN. The 2019 independent school guidance provides that '*generally we consider any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and*

therefore indicates that the education provided is the main source of education for that child.' Big Picture Learning will now be working as a part time alternative provision with children on roll in schools. The statutory guidance on Alternative Provision (January 2013) must be followed. Consultation with the parents and children at the school should take place. Legal advice should be sought as necessary regarding any implications for staff at the school.

Equality Duty

49. The decision maker must also comply with the Public Sector Equality duty to consider the need to promote equality for persons with "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to:
 - i) eliminate discrimination, harassment, and victimisation;
 - ii) advance equality of opportunity
 - iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.
50. In order to do this the decision maker will need to have sufficient information about the effects of the proposed changes on the aims of the Equality Duty. The Equalities implication section below is designed to assist with compliance with this duty and so the decision maker must take that into consideration and the public sector equality duty before taking the decision.
51. Further legal advice will be required as this project progresses.

FINANCIAL IMPLICATIONS [SB 13.10.20]

52. A social impact bond (SIB) for Big Picture Learning in Doncaster, was created during 2017-18 and the use of this SIB means that payments for provision are only made based on outcomes being achieved. The payment by results contract was paused in March 2020 and was impacted upon due to COVID 19 (including claims to LCF) with payments from March to August 2020 instead being made for services received. The payments by results contract was reinstated in September 20 as the provision reopened its physical school site.
53. To the end of August 2020, payments of £1,007,363 have already been incurred against the Big Picture Learning project. Within the original contract, payments of £2,037,542 would have been expected to be made by this date. This project is funded through Doncaster MBC's Dedicated Schools Grant (DSG) High Needs Block and the National Lottery's Life Chances Fund (LCF) with the LCF paying out up to 28.24% of the outcomes achieved.
54. Through ongoing discussions, a new financial model has been agreed with the investor for maximum outcomes payments resulting from this provision. Within this new financial model, a greater number of children will be accessing the provision due to the shorter-term nature of provision.
55. The total budget remaining for Big Picture is £5,152,768 (DMBC DSG £3,697,706 and LCF £1,455,062). The expected costs of the new financial model (as detailed within the table within paragraph 32 of this report is £5,070,461 (DMBC DSG

£3,638,563 and LCF £1,431,898). The changes to the financial model will require approval by LCF and as such, a risk remains that the £1,431,898 LCF budget is not guaranteed at this stage. Positive discussions continue to take place with LCF and they have indicated a change would likely be agreed and it is hoped that confirmation of this is communicated prior to this report being considered at Cabinet to allow this model to be considered.

56. The new financial model provides more short term places and therefore the new cohort of students should be larger. The average number of pupils in the provision at any one time is expected to be increased from 60 places to 90 places. Based on this the average cost within the agreed financial model is £13,926 per annum, compared to the original model of £17,665. This has been achieved within the new model by reduction on amounts payable on the rate card per student. The new rate card within this model is detailed within the table below.

	Rate to September 21 Year 1	Rate to September 24 Years 2-4
<u>KS3</u>		
Outcome 1.1 – Personal Learning Plan (starter)	£10,750	£1,904
Outcome 1.1 - PLP (refresh)	£0.00	£1,651
Outcome 2 – Attendance	£1,340	£4,594
Outcome 3 – Progression	£1,600	£4,307
<u>KS4</u>		
Outcome 1:: PLP	£6,000	£6,000
Outcome 2: Exclusion reduction	£1,031	£1,031
Outcome 3: Engagement with workplace	£767	£767
Outcome 4: Workplace skills	£767	£767
Outcome 5: BTEC qualifications	£767	£767

57. Whilst the average cost for the 20-21 academic year equates to a KS3 average cost per place of £46,539 (based on an average of 20 pupils attending in the academic year) and KS4 £12,781 (based on an average of 25 pupils attending in the academic year). The overall average cost across the 4 years of the project is reduced over the life of the contract based on the increased number of students.
58. The service are still exploring the possibility of obtaining independent financial advice in order to review the new financial model and to ensure the pupil outcomes and funding flows within this SIB model are appropriate for the new model of provision, as the original SIB model was worked up by Futuregov. In terms of overall contract cost however the outcomes payments per year are expected to be capped within the contract at maximum cumulative values in line with the table detailed within paragraph 32. This is to ensure that any deviations in pupil numbers against the proposed model do not result in any increased liability for outcomes payments above those listed within the financial payments model in paragraph 32.

HUMAN RESOURCES IMPLICATIONS [Officer Initials... DC Date 08.10.20]

59. There are no specific HR implications related to the content of this report for the Council.

60. If there are HR implications for the Council arising from specific elements of the Strategy, these will be addressed at the appropriate time through the relevant governance arrangements.

TECHNOLOGY IMPLICATIONS [Officer PW Initials Date 8/10/20]

61. There are no anticipated technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials...CW... Date 09/10/2020]

62. Learning outcomes and health outcomes are intrinsically linked. Evidence shows that education, training and employment are key socio-economic factors in determining health status (Marmot, 2010). Big Picture Learning is aimed at supporting young people who suffer disadvantage in educational attainment. Programmes that aim to improve accessibility and attendance to education, and reduce the gap in educational attainment are likely to impact positively on reducing long-term health inequalities in Doncaster.

Covid-19, lockdown and the closure of educational establishments has presented many challenges for Doncaster's young people, in particular those who are vulnerable or disadvantaged. Reintegration back into learning environments will raise challenges for some pupils and it is essential these pupils are fully supported back into education to fulfil their potential.

Data suggests that anxiety and mental health issues have risen during lockdown, creating a potential increase in need. Places in this provision are limited, has any mitigation for young people who are unsuccessful in securing a place been considered?

EQUALITY IMPLICATIONS [Officer Initials MO Date 24/9/20]

63. Big Picture Learning is an inclusive model of education that seeks to ensure that all children and young people accessing it are treated equally. It is particularly targeted at disadvantaged young people, with the eligibility criteria citing that young people will have experience of interaction with social care, health services, the police, or be from a family in receipt of long term welfare support. Big Picture Learning has the potential to deliver improved social mobility for the young people in the provision, and reduce levels of inequality in the borough as a result. The reconfigured model will facilitate stronger assessment, induction and engagement, thereby, increasing the chances of this vulnerable group receiving stronger outcomes.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

Sub Contractor - BP Learning UK Ltd which is the charity which operates the School

BPL - Big Picture Learning

BPD - Big Picture Doncaster

Contractor - BPI - Big Picture Invest Ltd

DfE - Department for Education

LCF - Life Chances Fund

PIP - Performance Improvement Plan

SIB - Social Impact Bond

SPV - Special Purpose Vehicle

REPORT AUTHOR & CONTRIBUTORS

Martyn Owen Head of Service - Inclusion
01302 735674 martyn.owen@doncaster.gov.uk

Leanne Hornsby Assistant Director, Education, Skills, Culture and Heritage
01302 734865 leanne.hornsby@doncaster.gov.uk

Riana Nelson
Director, Learning Opportunities and Skills (DCS)