

**Report for:** Cabinet: 22<sup>nd</sup> April 2025

**Item number:** 21

**Title:** Approval to commission an open framework for the provision of Tuition services for children and young people aged 5-16 and for young people aged up to 25 with an Education, Health and Care Plan

**Report authorised by :** Ann Graham, Director of Children's Services

**Lead Officer:** Caroline Brain, Assistant Director Children's Commissioning and Programmes

**Report Author:** Ginny Thorne, Safety Valve Transformation Lead

**Ward(s) affected:** All

**Report for Key/  
Non-Key Decision:** Key Decision

## **1. Describe the issue under consideration**

- 1.1 In accordance with local authority statutory duties under The Education Act 1996, section 19, the Council is responsible for arranging suitable education for children of compulsory school age who, because of exclusion, illness, or other reasons, would not receive suitable education without such provision. This responsibility means that where a child cannot attend school because of a physical or mental health need, and cannot access suitable full-time education, the local authority is responsible for arranging suitable alternative provision after 15 days of absence (whether successive or cumulative)
- 1.2 In addition, in accordance with the Children and Families Act 2014, the Council also has a statutory duty to ensure that young people with Special Educational Needs and Disabilities who have an Education, Health and Care Plan (EHCP) are supported to complete their education. This may require support with tuition arrangements until the age of up to 25.
- 1.3 Home tuition services and small group tuition in a non-school setting are an essential part of this provision, especially for children and young people who cannot attend school or college due to medical, psychological, or other reasons. Services are therefore required to be commissioned to deliver effective home tuition and small group tuition services in non-school settings for School Aged Children aged 5-19, including those with Special Educational Needs and Disabilities who may require tuition from 16-25.
- 1.4 In 2023/24 £1.656 million was spent from the Dedicated Schools Grant- High Needs Block, on externally commissioned tuition arrangements for children and young people aged up to 16 and for young people with Education, Health and Care Plans (EHCP's) aged 16-25.

- 1.5 This report requests Cabinet approval to proceed with a tender process to procure an open framework for up to eight years in accordance with Contract Standing Order 7.01 and in accordance with the Section 49 of the Procurement Act 2023. Establishing the Framework does not commit the Council to expenditure.
- 1.6 The Council's estimated annual value of tuition services provided via a new commissioned framework is therefore estimated to be £1.656M per annum based on 2023/2024 expenditure. The estimated Council expenditure over the next 8 years is therefore £16 million or £1.75 - £2 million per annum, allowing for inflation and changes in demand.
- 1.7 The Council intends to open the framework to other public sector organisations (i.e. schools, local authorities etc.), this will make the framework more attractive to suppliers and likely help manage cost through more collaborative purchasing power. The use of an open framework enables the Council to re-open the framework periodically to allow new providers to tender for the framework, thus providing opportunities for new entrants into the market.
- 1.8 As part of the Haringey Safety Valve Agreement, programme workstreams include commissioning services to improve outcomes for children and young people, deliver best value, achieve efficiencies and meet the agreed financial targets. The proposed tuition service delivery model is therefore a key area for the effective achievement of efficiencies.

## **2. Cabinet Member Introduction (proposed text for Cllr Brabazon to review)**

- 2.1 The Council must ensure that it provides sufficient services to ensure that it can meet its statutory responsibilities to arrange education for children who cannot attend school because of health needs and other reasons.
- 2.2 Therefore, pupils who require individual or small group tuition in a non-school environment must have suitable educational arrangements in place to meet their needs.
- 2.2 The arrangements for the delivery of such a service must ensure that the service is high quality, delivering positive outcomes for children and young people whilst ensuring value for money for the Council.

## **3. Recommendations**

It is recommended that Cabinet:

- 3.1 In accordance with Contract Standing Order 2.01. b) (approval to proceed with a procurement in excess of £500k), 7.01 (establishment of a framework) and Section 49 of the Procurement Act 2023 approves the establishment of an open framework for tuition services for a period of eight years .
- 3.2 Delegates the award of the suppliers onto the Framework to the Chief Procurement Officer.

#### **4. Reasons for decision**

- 4.1 The commissioning of this provision via the recommended approach of procurement of an open framework in accordance with the Procurement Act 2023 will support and enable the delivery of high quality, value for money tuition services to ensure that children and young people who cannot attend school and therefore require tuition support can access education.
- 4.2 Through this mechanism, quality and price will be consistent and standardised. Providers will be required to meet minimum quality standards through competitive pricing mechanisms and specified quality assurance measures, ensuring that the requirements of the Procurement Act 2023 are met.
- 4.3 The procurement of an open framework is considered to be the most suitable and efficient route to market, offering the Council the potential to rapidly access a range of providers more swiftly than alternative procurement approaches. Providers will be able to apply to join the framework periodically during the contract period of the framework, ensuring competition and choice remains present to meet the variable educational needs of the cohort of children and young people.
- 4.4 The opportunities for securing efficiencies, high quality services and savings via this procurement route and vehicle are present through the increased ability to track usage and expenditure and ensure that competition is increased.
- 4.5 Procurement of the proposed option will provide the opportunity to secure efficiencies that align with the aims and objectives of the Safety Valve agreement.
- 4.6 Enabling other public sector organisations to access the framework, makes the framework more attractive to the supply chain, leverages collaborative purchasing power to help reduce costs and promotes efficiencies within public sector with minimal additional effort.
- 4.7 The Council will have the flexibility under the Procurement Act 2023 to establish the open framework with the flexibility to directly award, run mini competitions, establish block contracts, operate pilots and negotiate fees following a competition. This will ensure the Council achieves best value and maintains the required quality standards.

#### **5. Alternative options considered**

##### **5.1 Option 2: Extend and increase the capacity of Haringey Tuition in the Community Service.**

Haringey Tuition in the community service provides provision for a number of pupils who are mainly age 11-16 in a small group setting. The commissioning of the open framework will not affect the continuation of this service which will continue in its current form.

Whilst expansion of this provision was explored, this option was not recommended as the service is not Education Skills Funding Agency Funded for

post 16 aligning with Children's and Families Act responsibilities, including those who require support to complete A level courses and vocational courses.

The service would require a range of additional subject teachers in addition to the current core staff. A proposal was explored with the service which was considered by internal stakeholders, and this was not deemed to meet the requirement.

## **5.2 Option 3: A hybrid in-house and commissioned model.**

It was not recommended for the whole service to be delivered by a team of in-house teachers directly employed by the Council supported by a framework of commissioned tuition providers as the supervision, support and infrastructure arrangement were not considered viable within current structures. Such a service may not be sufficiently dynamic or flexible to meet the wide variety of pupil needs.

## **5.3 Option 4: Do nothing, continue with the existing arrangements.**

This was not recommended as the current spot purchase arrangements are high cost overall and value for money is variable.

## **6. Background information**

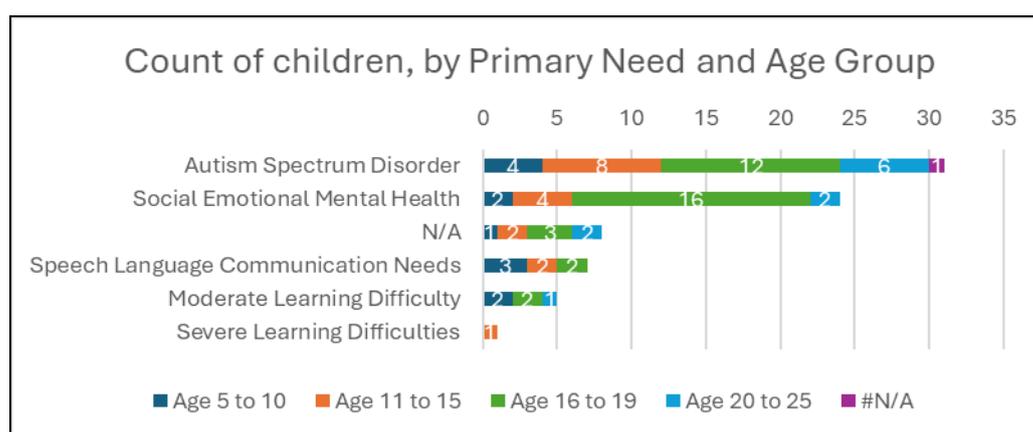
- 6.1 Focus groups were held with families, hosted by SEND power, led by commissioners with SEND team representation. Feedback was collated to shape and inform the design and development of a framework. Several key features of a high-quality tuition service that families identified included the need for supportive services with access to pastoral care, support for the pupils emotional wellbeing, ensuring that staff are trained in meeting special educational needs, such as autism, the need to ensure a flexible environment that is child-led and facilitates learning. Families also emphasised the requirement for a designated link worker and the need to ensure that parents are provided with clear information regarding tuition arrangements.
- 6.2 A task and finish group composed of internal stakeholders convened to develop the options for consideration. Needs analysis data was analysed to shape the recommendations and inform the decision-making process. The data under consideration included cost data, numbers of pupils in tuition arrangements, numbers of providers currently commissioned, average length of time spent in tuition arrangements, age groups of pupils, primary needs, attendance data and outcomes.
- 6.3 From the analysis and information reviewed it was identified that the current arrangements are often high cost, can be of variable quality and pupils may not always have opportunities to successfully reintegrate into group or other learning settings.
- 6.4 Benchmarking analysis from other local authorities' tuition models was also compared to consider the merits and risks of other models. It was identified that some other local authorities do have teaching teams based within the local authority, but often external providers need to complement this model. Therefore, a hybrid approach of external providers complemented with a local authority-

based co-ordinator with responsibility for oversight provides a model that can meet needs most effectively.

6.5 Table 1: Numbers per age group in externally commissioned tuition arrangements.

Ages	Number of children
Age 5 to 10	12
Age 11 to 15	17
Age 16 to 19	35
Age 20 to 25	11
<b>Grand Total</b>	<b>75</b>

6.6 Table 2: Primary Needs of the cohort of pupils



6.7 The needs and circumstances of the pupils who require tuition either in the home or in a small group setting vary. Whilst many pupils present with physical and mental medical needs including Emotionally Based School Avoidance (EBSA), others may require home or small group tuition for other reasons. In some cases, a mentor is also required to be present, for example if there is a safeguarding risk or behavioural issues. Reasons for home tuition include awaiting a special school place, behavioural reasons, personal budgets, new to area and awaiting a school place who require temporary tuition. From data provided, approximately eight pupils are receiving tuition via direct payment/ personal budget arrangements. These arrangements would require monitoring as part of any new service arrangement.

6.8 In order to be successful, the framework needs to be accompanied by dedicated oversight arrangements of individual progress which will be undertaken by a home and small group tuition co-ordinator placed within children’s services.

6.9 The background data and information was collated and a business case incorporating an options appraisal received approval from the Children’s commissioning board in January 2025. The recommended option to proceed to commission an open framework, as identified in paragraph 3 of this report was approved by members of the commissioning board.

- 6.10 The proposal is also accompanied by a new medical needs policy in order to underpin arrangements and ensure that the service is complemented with clear and relevant internal procedures.
- 6.11 Contract management will be incorporated alongside key performance indicators, and quality assurance processes as a method of measurement are integrated within the requirement and will be monitored through contract monitoring meetings and reports. The purpose of the contract meetings will be to examine the service delivery and meeting the outcomes for children and young people.
- 6.12 The framework will include the following proposed Lots. Service Providers may apply for all or only one of the lots outlined as follows:

**Lot 1:** Small group tuition, for provision of tuition for 2 or more pupils up to a maximum of eight pupils providing suitable premises for the provision of tuition.

**Lot 2:** Individual tuition: for the provision of one-to-one tuition provided by a qualified teacher

**Lot 3:** Provision of tuition support and or mentoring provided by an experienced mentor or a qualified teaching assistant

**Lot 4:** Provision of remote learning, to include online learning and similar forms of remote learning.

**Lot 5:** Post 16 tuition small group tuition provided by Education Skills Funding Agency registered and funded providers.

- 6.13 Indicative timetable for procurement: the detailed timeline will proceed in collaboration with the procurement team.

Milestone	Timeline	status
Cabinet report	April 2025	On track
Tender publication	May 2025	Not started
Tender award	August 2025	Not started
Service commencement	September/ November 2025	Not started

**7. Contribution to the Corporate Delivery Plan 2024-2026: Children and Young Peoples outcomes.**

- 7.1 The tuition service objectives will align with [Haringey's Corporate Delivery Plan 2024-2026](#) and subsequent versions through the delivery of functions and activities that contribute to the achievement of the following High-level outcomes. Strategic aims will be updated in accordance with Children and Young People Corporate Plan objectives as specific to Children and Young People services throughout the term of the contract.

<b>Outcome 1 - Best Start in Life</b>	The first few years of every child's life will give them the long-term foundation to thrive.
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<b>Outcome 2 - Happy Childhoods</b>	All children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family networks and communities.
<b>Outcome 3 - Successful Futures</b>	Every young person, whatever their background, has a pathway to success for the future.

7.2 The service will also contribute to supporting the achievement of the aims and priorities of the [Haringey's SEND Strategy 2022- 2025](#) and subsequent versions.

**Priority One:** "We will support children at the earliest opportunity to access the intervention they need to achieve and thrive."

AND

**Priority Five:** Wherever possible, we will meet the needs of Haringey's children within Haringey.

## 8. **Statutory Officers comments (Director of Finance, procurement, Assistant Director of Legal and Governance, Equalities)**

### 8.1 **Finance**

8.1.1 The costs proposed by this report will be met by the Dedicated School Grant – High Needs Block. The recommissioning of the Tuition services for children and young people aged 5-16 and for young people aged up to 25 with an Education, Health and Care Plan is one of the workstreams within the Safety Valve Programme to bring the spend funded within the High Needs Block back to within budget.

### 8.2 **Strategic Procurement**

8.2.1 Strategic Procurement have been consulted in the preparation of this report.

8.2.2 Strategic Procurement confirm CSO 7.01 permits the establishment of Frameworks for its own use or use by other contracting authorities and CSO 2.01 b) requires Cabinet to approve the commencement of procurement for contracts above £500k.

8.2.3 Strategic Procurement will establish the open framework in accordance with Section 49 of the Procurement Act 2023. Suppliers awarded onto the Framework will be in accordance with the award criteria stated in the Tender documentation.

8.2.4 Strategic Procurement confirm the establishment of an open framework does not contractually commit the Council to any expenditure; however, notes the anticipated expenditure of circa £16m during the term of the Framework by the Council

8.2.4 The open framework confirm this is the most appropriate category strategy for the nature of these services. The process allows the Council to re-open the Framework periodically to enable new suppliers to tender for the Framework.

8.2.5 Strategic Procurement confirm there are no procurement related reasons preventing Cabinet approving the recommendations stated in paragraph 3 of this report.

### 8.3 Legal

8.3.1 The Assistant Director for Legal and Governance (Monitoring Officer) was consulted in the preparation of this report.

8.3.2 Pursuant to Section 49 of the Procurement Act 2023, the Council is permitted to set up and procure services through an open framework in line with the Council's Contract Standing Order (CSO) 7.01 and as such the recommendation in paragraph 3 of the report is in line with both the Procurement Act 2023 and the Council's CSO.

8.3.3 Section 3 (3) of the Procurement Act 2023 defines a Framework as a Public Contract; therefore pursuant to CSO 2.01 (b) Cabinet may approve the commencement of a procurement for contracts in excess of £500k.

8.3.4 Section 19 (1) of the Education Act 1996 places a duty on local authorities to make arrangements for the provision of suitable education for children of compulsory school age who cannot attend school because of illness, exclusion from school or otherwise. Local authorities are also required to make special educational provision where it is necessary for children or young people for whom it is responsible to be made otherwise than in a school or post-16 institution or a place under section 61 of the Children and Families Act 2014. The services to be commissioned under the proposed open framework is required as part of the services available to discharge the local authorities' educational provision as appropriate.

8.3.5 The Assistant Director for Legal and Governance (Monitoring Officer) sees no legal reasons preventing the approval of the recommendations in the report.

### Equality

8.4.1 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advance equality of opportunity between people who share protected characteristics and people who do not.
- Foster good relations between people who share those characteristics and people who do not.

- 8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation.
- 8.4.3 Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 8.4.3 The decision outlined in this report is to procure a framework for the provision of small group and home tuition services for children and young people aged 5-25 with an Education, Health and Care Plan (EHCP).
- 8.4.4 The framework was developed in consultation with focus groups of parents of children and young people with special educational needs and/or disabilities (SEND), hosted by SEND Power.8.4.5 This decision will ensure the continued delivery of functions and activities which ensure high quality tuition services via robust contractual mechanisms and oversight procedures. This will have a positive impact on children and young people with SEND. A needs analysis has identified that the primary needs of the affected cohort relate to autism spectrum condition, mental health, severe and moderate learning difficulties, and speech language communication needs.

## **9. Use of Appendices**

APPENDIX 1: Block contract cost modelling Analysis

APPENDIX 1:

Illustrative cost analysis based on example costs

The benefit of competitive procurement of block arrangements in particular for commissioning more small group tuition in addition to one to one could produce savings and is socially beneficial for pupils in accordance with their needs.

Note: cost per hour is based on average rates of tuition providers and this may vary.

Item	Estimated Cost per Annum	No of pupils-estimated
Individual tuition x 18 (based on 10 hrs p.w x 38 weeks per year @ £70 per hour). Pupils who are receiving intensive home tuition would be assessed in accordance with the part time timetable policy as full-time home tuition of 25 hours per week is very intensive. Post 16 pupils require a maximum of 18 hours per week education	£478,800	18
Small group tuition based on 15 small groups of 6 pupils per group 20 hours x £70 ph x 38 weeks x 15 groups (20 hrs average pre and post 16) Total= 90 pupils	£798,000	90
Total	£1,276,800	108
Current expenditure 23/24	£1,656,837	75
<b>Savings per annum</b>	<b>£380,037</b>	