

# **CABINET MEMBER DECISION**

## **3 AUGUST 2021**

### **THE PROPOSED DELIVERY MODEL FOR MEDICAL EDUCATION PROVISION IN WORCESTERSHIRE**

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#### **Relevant Cabinet Member**

Councillor M J Hart, Cabinet Member with Responsibility for Education

#### **Relevant Chief Officer**

Tina Russell, Director of Children, Families and Communities

#### **Local Member(s)**

As appropriate

#### **Recommendation**

**1. The Cabinet Member with Responsibility for Education in consultation with the statutory Director of Children's Services is recommended to:**

**(a) note the details of the feedback and findings made in response to the public consultation on the Proposed Delivery Model for Medical Education Provision (the Service) in Worcestershire during the representation period 17 May 2021 to 6 July 2021; and**

**(b) approve and authorise the commissioning of the Service to a single or number of suitably qualified and experienced providers. The Provider(s) will be Ofsted registered via the DfE and with Ofsted to meet the standards required that will enable them to deliver this provision and have sufficient and appropriate accommodation to deliver a good quality service.**

#### **Background**

2. This report updates on the outcome of the consultation regarding the proposed changes to the way in which Worcestershire Children First deliver the Medical Education Provision for children and young people in Worcestershire.

3. It seeks agreement to commission a suitably qualified and experienced Provider or Providers to deliver the Service across Worcestershire. This approach will ensure that the Service is fully registered with OFSTED and the accommodation is suitable for the delivery of a good quality service. The proposed approach will also consider that the pupil-led funding will follow the child while attending the base, including notional funding, SEN top-up funding and pupil premium grant (if applicable).

4. Following public engagement activities from January 2020 to July 2021, a new preventative approach was proposed for Medical Education Provision. This new approach will broaden the support for schools when pupils' attendance and engagement with education is inconsistent. This will be offered alongside the bases

that will continue to operate for pupils needing a short-term safe, nurturing, and therapeutic environment for their education, as a response to an acute phase of medical need.

## Consultation Summary

5. The consultation was a designed to gather feedback on the proposals from; parent carers, professionals working in and with the service and any other stakeholders with an interest in the delivery of the Medical Education Provision in Worcestershire. A further questionnaire was developed for children and young people. Details of the proposals were including in the communications to all stakeholders and they were invited to provide their feedback by responding to the following questions.

- Do you agree with the proposal to commission a new provider to deliver the Medical Education provision from September 2022?
- Do you agree with the proposal to move pupil-led funding to the Medical Education Provision (MEP) for the duration that the child/young person receives education from the MEP?

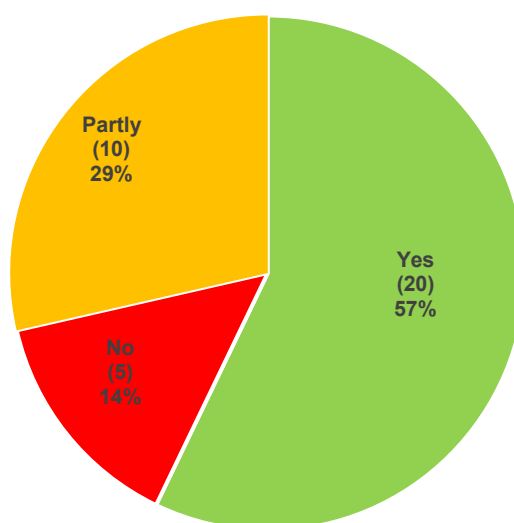
6. In total we received 35 response to the consultation from various stakeholders:

- 26 from professionals working in the Education or Children’s services.
- 8 from Parent/Carers; and
- 1 from a County Councillor.
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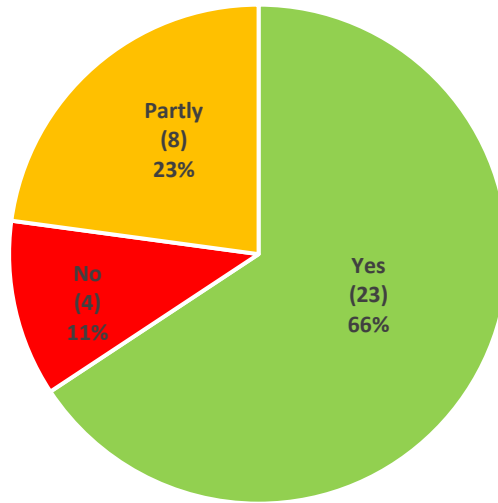
7. Despite engagement and consultation with children and young people we did not receive any responses from this cohort.

8. In most cases the responses were in favour of the approach and keen to see the Service OFSTED registered (fig 1). In addition, the proposal to move the pupil-led funding with the child/young person was generally considered to be a benefit if it benefited their education, health and wellbeing (fig 2).

**Figure 1:** Proposals to commission new provider to deliver Medical Education Provision from Sept 22



**Figure 2:** Proposal to move pupil-led funding for Medical Education Provision for duration young persons receives education from the Medical Education Provision



**Overview of Feedback Received through Public Consultation**

<b>Question One:</b> Do you agree with the proposal to commission a new provider to deliver the Medical Education provision from September 2022?	
<b>Reasons for Support</b>	<b>Concerns raised</b>
<p>More provision is needed, more easily available over the whole county. More flexibility is needed for short-term provision too.</p> <p>The current arrangement does not provide the full-time education to which students are entitled.</p> <p>The provision must have a legal standing and be registered with Ofsted.</p> <p>The physical provision for the current MET provision is pretty dire. In Kidderminster the MET shares the old Victorian Lea St. School building with a Primary PRU which is ludicrous.</p> <p>Hopefully this will provide more joined up provision and access to better funding/resources for these children.</p> <p>It sounds as if there will no longer be a requirement for a consultant level letter in</p>	<p>I worry this will affect partnership working while all under one umbrella easier to communicate concerns around any young people we are working with sub-contracting never seems to work well or provide an accountable service for children and young people - the purpose of commissioning is unclear within the document</p> <p>Having worked in this area for a number of years I agree that a multi-agency approach is required, however, I do not agree that this should be separate to WCC or WCF. This creates potential barriers to the system and could cause unnecessary difficulties for children and families and they interface between services and education. A model where staff are seconded into positions whilst remaining with teams would be more effective.</p> <p>Insufficient detail provided about exactly what the new provider will do.</p>

<p>order to access the MET. This will make it a much more accessible service.</p> <p>Maybe a provider with the expertise in the area can do a better job.</p>	<p>The teacher Trade Unions believe that the best place for the MET is still within WCF. The record of commissioning services from WCC has not been good, at worst we would support a maintained school taking over the MET would have concerns over the potential impact of a future academisation</p>
<p><b>Question Two:</b> Do you agree with the proposal to move pupil-led funding to the Medical Education Provision (MEP) for the duration that the child/young person receives education from the MEP?</p>	
Reasons for Support	Concerns raised
<p>Funds should go to the provision provider. The child's funding should go to wherever is providing the education and support for the child.</p> <p>The MET definitely needs an injection of money to update IT etc and give students the resources they deserve rather than having to make do with old equipment and facilities.</p> <p>That is a fair approach, provided that provision is full time.</p> <p>The provision is underfunded, and pupils placed there do not see the benefit of their entitlement to pupil led funding.</p> <p>Keep the services fully funded and hopefully provide consistent specialized input for the pupil</p> <p>It will support a broader range of interventions in the base.</p> <p>The school should never benefit from a child on roll being unable to attend</p>	<p>Funding such as notional budgets and pupil premium funding are usually allocated to staffing and resourcing costs that are then fixed. Having to pass this funding over, whilst still honouring staffing contracts etc. will be prohibitive.</p> <p>School funding is already stretched How do you assess, and quality assure how funds are being used? It provides a disincentive for a school to support a referral to the MET provision</p>

9. We will provide feedback on the outcome of the publicconsultation in relation to the themes raised as concern and will consider any mitigating action or clarification through our ongoing comms to stakeholders and development of the Service Specification.

10. Given the balance and responses provided it is recommended that we proceed to commission the MEP, as benefits still outweigh the concerns raised.

## Commissioning Approach

11. The review has concluded that the responsibility for delivery of medical education provision, (pending approval by the Cabinet member with responsibility in consultation with the Director of Children's Services), needs to be delivered by registered education provider(s). WCF on behalf of the local authority will commission a registered education provider to deliver medical education provision on their behalf. The benefits include:

- The added value of existing expertise in the provision of education for vulnerable learners within Worcestershire's school system
- The opportunity to benefit from increased curriculum and extra-curricular activity as part of existing (and broader) school provision
- The potential for economies of scale in leadership, multi-agency support, materials and resources and other aspects of delivery as part of a wider educational provision
- The potential for greater flexibility with regards to the reintegration into mainstream provision for pupils who are not currently on role at a school (for example when they have recently moved into the local authority).

12. A Prior Information Notice (PIN) was published on the Council's electronic tendering system this notice informed potentially interested parties that Worcestershire Children First are proposing to commission a new provider to deliver education for children who are unable to attend school and require a safe, nurturing, and therapeutic environment and gave details of how to obtain further information.

13. To support this approach and understand if there is an interest in providing this provision on behalf of WCF, questionnaires have been published for interested parties to complete. Information was requested on key stages providers are able to teach, geographical coverage, registration requirements and to understand if accommodation is available to develop this provision.

## Soft Market Testing

14. Questionnaires were received from 13 providers which provided the following information:

Query	Number	Response from Providers
Delivery of Key Stages	6	Providers indicated they could deliver KS1.
	10	Providers indicated they could deliver KS2.
	11	Providers indicated they could deliver KS3.
	10	Providers indicated they could deliver KS4.
	4	Providers indicated they could deliver KS5.
	2	Providers indicated they could deliver KS6.
Accommodation Arrangements	3	Providers indicated they have suitable accommodation.
	2	Providers advised changes to accommodation would be needed.
	10	Providers did not respond to the questions.
Changes to registration required	5	Providers indicated they would require changes to their register current registration.

15. In addition to the desktop market engagement a further online market engagement event was held on 14th July where all interested providers were invited, information was shared on the service requirements, the areas of expertise we will be requesting information on as part of the tender and any questions that have been raised as part of the previous questionnaires were responded to in a timely manner.

16. The intention is to go out to open tender and ask for submissions to deliver the service, submissions will be considered on the basis of geographical coverage and number of Providers with suitable experience and expertise.

### **Provider Statutory Registration**

17. As a result of the commissioning process the successful provider(s), under the terms and conditions of the contract, will need to complete any additional registration/change process where required.

18. If they are not registered as Alternative Provision, they must register as an Independent School – this applies to all mainstream, unregistered alternative provision providers, independent, special schools and national providers

19. If they are registered as Alternative Provision or a Pupil Referral Unit School, they will need to go through the 'school organisation change' process.

### **Legal, Financial and HR Implications**

20. Worcestershire County Council has a statutory duty under s.19 of the Education Act 1996 to provide education to children and young people who will be absent from school for 15 consecutive days or more due to a medical condition. This educational provision needs to be appropriate and suitable to a child's/young person's age, ability and special educational needs. The external provision(s), which are commissioned following CMR approval of this approach, will need to demonstrate, through the application process that it is capable of meeting the Council's statutory duties described above and be OFSTED registered to deliver the service. Where applicable, school organisational statutory processes will be followed, where necessary to effect lawful implementation of the decision.

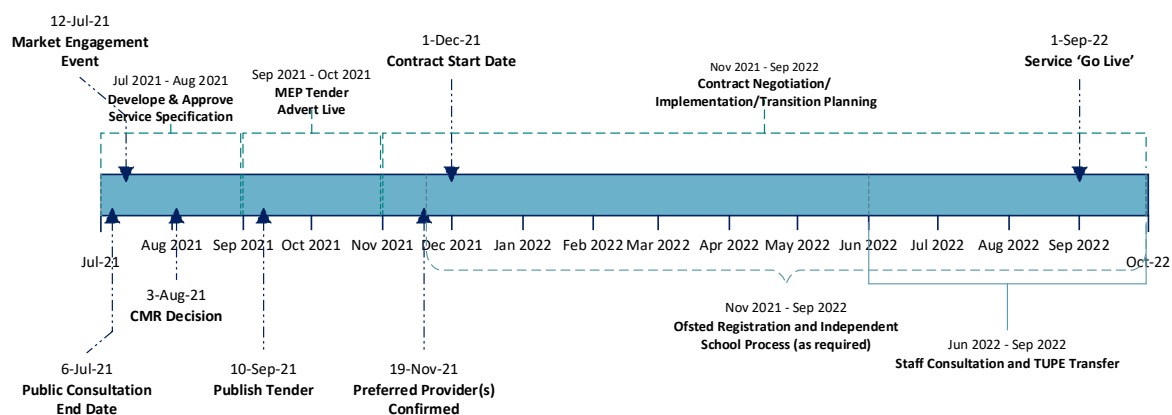
21. Staff working in services considered to be included in-scope of the existing Medical Education Team are likely to transfer under TUPE Regulations and would be directly employed by the new registered education service provider(s) rather than WCF. Staff would transfer on their current terms and conditions following a TUPE consultation period and due process would be followed.

22. A review of the existing curriculum provision has taken place and a plan for extending the curriculum has been agreed. For the academic year of 21/22 pupils will be able to access lessons in art and greater opportunities for physical wellbeing. Pupils in year 11 will also be provided with supervised and resourced study sessions. A curriculum plan has also been agreed for implementation of 22/23, this outlines the minimum requirements for any successful provider to deliver upon, or for WCF to provide in the event that the tender process to an external provider be unsuccessful.

23. Expert CPDL opportunities have been planned for all MET staff to engage with, with a specific focus on increasing the resilience of secondary school pupils and supporting pupils who are unable to attend school because of anxiety. This training, in conjunction with the multi-agency panel that reviews pupil placements at the MET will ensure that there is a greater focus on supporting the return of pupils into their permanent settings

24. The Multi Agency review panels will begin in September 2021.

## Update on Timeline



## Capital investment

25. Currently the costs identified in the cabinet report do not include any changes to premises costs, or capital requirements for changes to premises, as the work to ascertain this is still ongoing.

26. Capital investment may be required to deliver the new proposal if it is agreed and funds to meet these costs will need to be identified and included within the Capital Programme.

27. In March 2021, WCF commissioned their Property Advisers to update the 2018 feasibility work to assess any shortfall and suitability of the accommodation in the existing three bases (Kidderminster /Worcester and Redditch) and make recommendations where appropriate. The key findings from the feasibility reiterate the need for improved learning environments and a desire for outdoor/physical spaces. However, the feasibility was only intended to highlight any potential difficulties in the existing accommodation and further detailed feasibility work would be required to explore options further. If the principle of the proposal is supported, then more detailed design work will need to take place.

## Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

28. There are no changes or updates to the Joint Equality, Public Health, Data Protection and Sustainability Assessments from those outlined in the Cabinet report dated 18<sup>th</sup> March 2021. If the proposal is approved by CMR and DCS, these will be updated prior to any proposed changes in service being made.

## Supporting Information

- Appendix 1 – Full Response to MET Consultation May - July 21

## Contact Points

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

### Specific contact points for this report

Sarah Wilkins Director for Education & Early Help

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Email: [swilkins@worcschildrenfirst.org.uk](mailto:swilkins@worcschildrenfirst.org.uk)

## Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Education and Early Help) the following are the background papers relating to the subject matter of this report:

- [Alternative Provision Statutory guidance for local authorities \(January 2013\)](#)
- [Education for children with health needs who cannot attend school \(May 2013\)](#)
- [Worcestershire Supporting Children with medical difficulties guidance:](#)
- [Local Area Special Educational Needs and Disability \(SEND\) Inspection outcome \(March 2018\) & Local Area SEND Written Statement of Action \(August 2018\)](#)
- [Cabinet Report: Medical Education Provision \(30 January 2020\)](#)
- [Cabinet Report: Medical Education provision \(25 June 2020\)](#)
- [Children and Families Overview and Scrutiny Report \(13 November 2020\)](#)
- [Cabinet Report: Medical Education provision \(18 March 2021\)](#)