



London Borough of Hammersmith & Fulham

ALTERNATIVE PROVISION

Service Level Agreement

Period 1st September 2019 until 31st August 2022

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SECTION A: THE AGREEMENT BETWEEN HAMMERSMITH & FULHAM COUNCIL AND TBAP FOR

1. STRATEGIC OVERVIEW AND CONTEXT

- 1.1. Findings and recommendations of the HAMMERSMITH AND FULHAM review of Alternative Provision set the context for this revised SLA

Including;

- Increased ownership and governance by the Council and Schools
- Promotion of inclusion and increasing re-integration
- Need for improved and flexible outreach provision
- Need for TBAP as an organisation to be financially sustainable and resilient to deliver high quality services

2. GOVERNANCE AND PARTNERSHIP

- 2.1. The Council commissions Alternative Provision on behalf of its school community. Arrangements for oversight of this SLA will include half-termly monitoring visits, review of performance/progress data and evaluation of the outreach services received by schools.
- 2.2. The Alternative Provision Coordinator will have day to day responsibility for the monitoring of the SLA, including arranging and coordinating submission dates for management information, monitoring the progress of the School against the KPIs and payment arrangements. It is expected that this officer will have open access to all TBAP settings and information relating to this SLA and the service delivered to Hammersmith and Fulham pupils.
- 2.3. The Council recognises that TBAP will already have procedures and structures in place to ensure that high quality education can be provided and where possible, these strengths will be incorporated into the monitoring of the effectiveness of the service.

3. REDEFINED RELATIONSHIP

- 3.1. The relationship between mainstream settings, the Council and TBAP are redefined within this SLA.
- 3.2. As an Alternative Provision provider, TBAP are expected to deliver high quality education to all students within the provision, reintegrate those who are ready to go back to mainstream schools and prevent those who are at risk of permanent exclusion from being excluded through outreach work.
- 3.3. The expectation is that all children arriving at TBAP will be reintegrated back in to mainstream where it is reasonable to do so. Once a student arrives at TBAP an reintegration plan will be arranged which will indicate the half-term that the expected reintegration will take place (or a transition into post 16 where appropriate).

- 3.4. Children who are identified as at risk of permanent exclusion will be referred to TBAP Outreach Service who will then provide intervention in the school.
- 3.5. TBAP will provide a 6-week intervention via the Childerely for secondary school children who require respite from their mainstream setting before being reintegrated back to their place (5-week intervention with 1-week reintegration). This provision will be provided partly by this SLA and partly by the schools.
- 3.6. TBAP are responsible to provide full-time education for the children on their roll. If, for operational or safeguarding reasons, TBAP choose to educate children at a different site or make arrangements with registered outside providers to fulfil this obligation, they will be responsible for providing the full entitlement of good quality AP education.

4. SERVICE DETAIL

- 4.1. TBAP will provide the following number of places over the course of this SLA.

	Number of Primary Places	Number of Secondary Places
2019/20	12	100
2020/21	10	87
2021/22	8	72

- 4.2. Hammersmith & Fulham will be funding 16 places at The Courtyard Academy as part of its requirement to fund places based on the need of the local area (rather than the borough need – as per the High Needs Funding Guidance). However, Hammersmith & Fulham will only pay the top-up rates for the number of places commissioned (see 4.1)
- 4.3. These places are for permanently excluded children and children agreed through the Hammersmith and Fulham Fair Access Panel. Hammersmith & Fulham will only pay for learners who are admitted via these routes.
- 4.4. Although the named schools are The Bridge AP Academy and The Courtyard AP Academy, TBAP can educate these learners at different locations within the Trust if they deem needs can be better met elsewhere. Where learners are educated in institutions other than The Courtyard AP Academy or the Bridge AP Academy, they will still count as a primary or secondary AP place (as set out in 4.1).
- 4.5. Hammersmith & Fulham are moving to a participation-based funding model and top up funding will be calculating on a half term basis. The difference between the places commissioned and the placements used will be reinvested into outreach services provided by TBAP.

- 4.6. From 2020/21 Hammersmith and Fulham reserve the right to withdraw the difference between place commissioned and places used if TBAP cannot demonstrate how the funds are being rediverted into Outreach activity in mainstream schools.
- 4.7. Hammersmith & Fulham are committed to supporting TBAP in transforming its operating model to support schools in maintaining their children in mainstream settings. To pump prime change, an additional £50,000 will be invested into outreach. To ensure transformation is achieved across the key stages £100,000 of the £310,000 historically earmarked for primary outreach will be diverted into secondary outreach. Additional outreach investment will accrue from the participation funding model discussed at 4.5.
- 4.8. Outreach services will have a performance framework to monitor effectiveness. Performance will be reviewed annually and inform the decision to continue funding into the next year. Regular monitoring of Outreach will give both TBAP and the Council early indication of its effectiveness and inform the decision to recommission year on year.
- 4.9. The Childerely will be funded for the equivalent of 25 places each year. These places will be broken down into 6-week long intervention places. Schools will be required to contribute towards the cost of these places.

5. CHILDREN ON EDUCATION HEALTH & CARE PLAN

- 5.1. In line with the Government recommendation that schools, where possible, should not be permanently excluding children with an EHCP, Hammersmith and Fulham are now longer commissioning SEN specific places with TBAP.
- 5.2. The total number of places covers all children, with or without an EHCP. The Council is not commissioning separate arrangements or places for SEN. Children with an EHCP on admission or who acquire an EHCP whilst at TBAP will attract a top up rate equivalent to the Local Authority agreed LSA or banding outlined in their EHCP.
- 5.3. This EHCP top-up funding will need to be used to meet the needs of the child who attracts it. TBAP will have to demonstrate how this funding is being used within the provision attended by that child.

6. POST 16

- 6.1. Hammersmith & Fulham are commissioning Post 16 places with TBAP. Although there is no statutory requirement to do so, Hammersmith and Fulham recognise the value of provide education for vulnerable/high need learners after compulsory school age. Therefore, 15 commissioned places are proposed for 2019/20 and each year this number will be reviewed.

7. OUT OF BOROUGH (OOB) PLACES

- 7.1. TBAP can offer places at The Bridge AP Academy and The Courtyard AP Academy to learners from resident local authorities other than Hammersmith & Fulham.
- 7.2. TBAP are expected to re-coup the top-up payment from the OOB placing Local Authority.
- 7.3. Hammersmith & Fulham Payments to TBAP will be made net of income that TBAP would have received from other LAs.
- 7.4. All OOB learners need to be included on the half-termly management information submission (although this can be anonymised).
- 7.5. Hammersmith & Fulham places will be prioritised over OOB places. In the event that Hammersmith and Fulham have gone over their commissioned places at The Courtyard AP; place numbers 13-16 will attract element 2 funding only (unless they are subsequently eligible for element 3) subject to clarification from the ESFA.

8. MANAGED MOVES

- 8.1. In accordance with the Hammersmith and Fulham Council Managed Moves Policy, only learners who have been permanently excluded and have come through the FAP will receive a funded place at TBAP. Only in exceptional circumstances a placement may be agreed by the Assistant Director for Education.
- 8.2. In the event that an unauthorised managed move occurs, Hammersmith and Fulham reserve the right to deduct both place and the top up funding fee from due TBAP payments

9. PAYMENT SCHEDULE

- 9.1. Payment will be released in 10 equal monthly instalments September – June on the first working day of the month.
- 9.2. Top-up payment will be suspended unless all management information is submitted by the stated deadlines.
- 9.3. A statement of return will be issued advising on the payment amount and its breakdown.
- 9.4. The payment statement will include a calculation in line with paragraph 4.6, that demonstrates the amount of top up funding diverted to Outreach. Over the course of the SLA Hammersmith and Fulham will monitor outreach activity against this increased outreach fund.

10. THREE YEAR FUNDING MODEL

Summary Position		2019/20 Academic Year			2020/21 Academic Year			2021/22 Academic Year		
Alternative Provision		Places	Unit Cost	Cost	Places	Unit Cost	Cost	Places	Unit Cost	Cost
Secondary AP	Element 1 Funding	100	10,000	1,000,000	87	10,000	870,000	72	10,000	720,000
Primary AP	Element 1 Funding	16	10,000	160,000	16	10,000	160,000	16	10,000	160,000
Secondary AP	Element 2 Funding	100	10,500	1,050,000	87	11,235	977,445	72	12,021	865,544
Primary AP	Element 2 Funding	12	10,500	126,000	10	11,235	112,350	8	12,021	96,172
6 Day Plus	Childerley	25	9,680	242,000	25	9,680	242,000	25	9,680	242,000
Outreach	Outreach	1	360,000	360,000	1	310,000	310,000	1	310,000	310,000
TOTAL Alternative Provision				<u>2,938,000</u>		<u>2,671,795</u>		<u>2,393,716</u>		
		2019/20 Academic Year			2020/21 Academic Year			2021/22 Academic Year		
Post 16 Places		Places	Unit Cost	Cost						
Post 16	Element 2 Funding	15	6,000	90,000						
Post 16	Element 3 Funding	0	-	-						
Total Post 16 Places				<u>90,000</u>						

* Element 1 funding comes directly from EFSA

** Element 2 is the AP Top-up funding

***Element 3 is the additional EHCP funding for full time provision.

EHCP The figures below demonstrate the expected cost of EHCP top-up (element 3) based on the current number of learners with an ECHP. Element 3 is the cost of 32hrs funding for an ECHP minus the element 2 notional funding. Hammersmith and Fulham are not commissioning any spaces specifically for ECHP however will pay element 3 for learners who acquire an EHCP whilst at a TBAP academy.

Appendix 2

Secondary AP	Element 3 Funding	5	7,638	38,190	TBC	7,638	TBC	7,638
Primary AP	Element 3 Funding	7	7,638	53,466	TBC	7,638	TBC	7,638
				168,036				

11. CONTRACT MANAGEMENT AND PERFORMANCE MONITORING

- 11.1. The targets below represent the minimum standard that Hammersmith & Fulham expect TBAP to achieve. Delivery of these and the agreed outreach KPIs is to be reported to the TBAP Trust Board on a termly cycle.
- 11.2. Should any indicator fall below the target for two consecutive half term periods, an improvement/recovery plan agreed by the TBAP Trust board will be required. The TBAP board should also receive a report on the shift in participation funding to outreach and the progress of TBAP toward a new model of support for schools.
- 11.3. In the event the recovery plan does not achieve the required level of improvement (as deemed by a Head's Independent Arbiter), Hammersmith and Fulham reserve the right to vary, suspend or withdraw from this SLA with a year's notice period.

(Table 2: Key Performance Indicators)

Performance Area	Indicator/Measure	2019-20	2020-21	2021-22
Area 1 Attendance	Children are in full attendance of their 25 allocated hours as measured by both AM and PM. Full 25 hours are provided by TBAP.	70% AM/PM attendance figures.	75% AM/PM attendance figures.	85% AM/PM attendance figures.
Area 2 Attainment outcomes	Children are making good or outstanding progress against their individualised learning journeys	85% of children making at least good progress	90% of children making at least good progress	95% of children making at least good progress
Area 3 Reintegration to mainstream education	Most Children in KS1-3 should be reintegrated back into mainstream school within two terms of admission to TBAP and	25% reintegration rate	30% reintegration rate	45% reintegration rate

	sustain this place for a further four terms.			
Area 4 Progression to further education, training	Children should go onto further education or training after KS4. TBAP to ensure that year 11 have an offer for the September after they leave and will be tracked in line with school destination measures.	90% Offer for September	95% Offer for September	98% Offer for September
SDP	Evidence that TBAP provides a good standard of education as measured against the Ofsted Framework and supported by an effective School Development Plan.			

12. OUTREACH OUTCOMES AND TARGETS

- 12.1. Effective outreach will result in a reduction of both fixed-term and permanent exclusions from mainstream schools.
- 12.2. Effective outreach will also include children sustaining their mainstream school place after receiving outreach interventions (both individual and whole class). A metric of children in place 6 months and 12 months post outreach intervention will be used for this area of monitoring.
- 12.3. Schools who receive system-wide intervention should see a reduction in fixed-term exclusions and managed moves post intervention. This will be measured by the fixed-term rate and the managed moves rate.

13. HOW THIS SLA WILL BE MONITORED, MANAGEMENT INFORMATION REQUIRED

- 13.1. In addition to reporting on performance against the KPIs above, the following pupil level information will be made available to the local authority reviewed at half termly contract monitoring meetings with Council Officers.

Half-termly Management Information for all learners at TBAP (both HAMMERSMITH AND FULHAM and OOB)

- | | | |
|----------------------------|--------------------------|---------------------------------------|
| - UPN | - Name of key worker | - Enrolment status |
| - Forename | - TBAP Provision | - Reason for Admission |
| - Legal Surname | - Date of Admission | - SEN Status |
| - Date of Birth | - Half-term of Admission | - Overall Attendance |
| - Gender | - Previous school | - Half-term attendance |
| - Ethnicity | - Home Authority | - Half-term of expected reinstatement |
| - Known to Family Services | - Current Year | |

Outreach information and outcomes

<p>Interventions for specific individuals</p> <ul style="list-style-type: none"> - Name - Borough of residence - School - Ethnicity - Date of commencement of intervention - Date intervention ceased 	<ul style="list-style-type: none"> - Length of intervention - Number of contacts - Placement sustained 6 months post-intervention (Y/N) - Placement sustained 12 months post-intervention (Y/N) - ECH Plan (Y/N) 	<p>Wider interventions (staff and whole school)</p> <ul style="list-style-type: none"> - Type of intervention - Number of school staff involved - Number of CYP at risk of exclusion affected
<p>Additional Outreach Information</p>		
<p>A. Total number of interventions, average length of intervention</p> <p>B. Total number of CYP receiving outreach who enter a TBAP setting within 3 and 6 months of intervention</p> <p>C. Caseloads of HAMMERSMITH AND FULHAM outreach staff and breakdown and cost structure of outreach service</p>		

14. COMPLIANCE WITH ESFA GUIDANCE

14.1. This SLA is written in line with the current guidance for the commissioning and funding Alternative Provision Academies. Currently, there are no guidance mechanisms for the recoupment of place funding for OOB usage. In the event the ESFA guidance changes during the life of this SLA, Hammersmith & Fulham Council reserve the right to review the SLA to ensure it remains compliant.

15. COMPLIANCE HAMMERSMITH & FULHAM'S EXPECTATIONS OF SERVICE PROVIDER STANDARDS

15.1. TBAP will adhere to the standards expected from all service providers of Hammersmith & Fulham Council whereby:

15.1.1 TBAP will provide a quarterly report on progress against targets and key performance indicators for discussion at contract review meetings.

15.1.1 TBAP will produce and present a comprehensive annual update and impact report on the progress of developing and delivering the Service to the Authorised Officer in a format to be agreed between the Council and Provider.

15.1.1 TBAP will be required to work effectively, supportively and collaboratively with other partners, the Council and other statutory and voluntary sector agencies and organisations

15.2. TBAP shall:

- 15.1.1 Ensure they operate from buildings agreed with the Council, within the borough that are clean, warm, safe and welcoming and where all potential barriers to easy access have been considered and mitigated.
- 15.1.1 Have access to confidential interview space.
- 15.1.1 Have access to appropriate high-quality information resources in a variety of formats.
- 15.1.1 Have secure electronic case management systems in place.
- 15.1.1 Ensure all staff and volunteers are vetted as required and receive relevant support and training.
- 15.1.1 Maintain an adequate ratio of staff/volunteers, as agreed with the Council, to enable the full range of Services to be provided to a consistently high standard.

16. SOCIAL VALUE

- 16.1. Public Sector organisations have an obligation under the Public Services (social value) Act 2012 (SVA) to consider how each procurement might improve the economic, social and environmental well-being in a way that achieves value for money as well as generating benefits to society and the economy, whilst minimising damage to the environment.
- 16.2. The Council has identified priority areas where they are seeking to work with suppliers to create social value – these areas are identified below:
 - 16.2.1 Economic and Social
 - Apprenticeships, traineeships or work-placements for local people
 - Employment opportunities for people with disabilities, young people who are care leavers or young people (16 – 24 years) who are not in education, employment or training
 - Supporting voluntary and community organisations and social enterprises through the supply chain
 - Volunteering time, services and skills to support local charities and voluntary groups
 - Sponsorship of local community projects.
 - 16.2.2 Environmental
 - Increase the use of recycled materials or source materials from responsible sources
 - Minimise the use of polluting materials in favour or reuse able or recyclable materials
 - Carbon offsetting
- 16.3. The Council requires providers to find creative and mutually acceptable ways in which social value can be further enhanced during the life of the contract. This might be achieved in many different ways such as the potential for

employment of disabled people, supporting local charities and voluntary organisations, carbon offsetting and so on.

- 16.4. TBAP, in its role as an education provider, ensure that the most vulnerable children of the borough can access a variety of resources in addition to those provided by the council via government grants. TBAP will use creative and dynamic strategies by providing bespoke programmes of formal learning as well as personal and character development with the emphasis on reducing the negative impacts of exclusion and poverty. This will ensure that local vulnerable children are better equipped with the skills they need to enable them to achieve sustained further education, training or employment.
- 16.5. TBAP will continue to support vulnerable families during times of crisis and reduce the social impact of poverty from providing food vouchers to enabling access to leisure and other non-educational activities. This will include making best use of the support available across its three units in the borough and further sites across the region as well as through the TBAP Foundation, the organisations' own charitable body.
- 16.6. As a national leading training organisation of professional development programmes creating transformational Practitioners and Leaders; TBAP will offer nationally recognised and accredited pathways for Teachers and Leaders and will commit to developing as a teaching school, whilst supporting the development of education excellence across the H&F education sector.
- 16.7. TBAP leads several influential strategic partnerships and will seek opportunities to utilise these to the benefit of H&F young people through employment pathways and access to higher and further education (TBAP university offer) offer.
- 16.8. As an employer TBAP already employs 50% of their workforce from the local community and will continue to do so including developing where appropriate further opportunities for local residents and their young people to support them into employment in the area.
- 16.9. TBAP will develop new ways of working with our young learners including:
 - implementing TBAP Online across all TBAP sites to support access to educational opportunities
 - developing robust links between Therapy and Creative Arts in order that learners can access emotional and mental health support through a medium in which they feel safe, secure and well-supported
- 16.10. The Council is in the final stages of agreeing a revised policy on social value which will require all contracts over £100k to offer 10% social value back to Hammersmith and Fulham. Children's Commissioning have worked with colleagues in Finance and Governance and the Economy to better understand the obligations that this places on this contract and as a result have already started discussions with TBAP to ensure that they are aware of this new obligations and reporting requirements. Some of the key aspects

TBAP will be supporting on will include access to jobs, work placements, apprenticeships and careers related activity for residents as well as supporting other educational settings and youth service providers in the Borough. TBAP have also made a commitment to review their process and identify other areas such, such as reducing environmental impact, which will be further clarified during future contract negotiations.

17. SAFEGUARDING

- 17.1. TBAP shall be aware of all Council safeguarding requirements and to ensure that staff and managers are appropriately trained, with update training provided as required.
- 17.2. Details of all Hammersmith and Fulham safeguarding requirements will be provided to the successful Provider after contract award and before the contract commencement date.
- 17.3. The Council's procedures on safeguarding are to be followed at all times, and any concerns reported immediately.
- 17.4. Full records of any safeguarding issues, both for adults and children are to be made and retained.
- 17.5. TBAP must report any concerns or allegations of abuse to the Council's Adult or Children's Social Care team or their replacement if applicable.
- 17.6. TBAP must attend any meetings which are arranged under the safeguarding processes where their organisation is implicated or affected.
- 17.7. TBAP will co-operate with the Council on all safeguarding matters.
- 17.8. TBAP should have in place for the entire contract period, Policies and Procedures that support the protection of children, young people and vulnerable adults as in line with the Safeguarding Guidance of the Commissioning Collaboration with a particular focus on identification of young people at risk of and/or who have experienced Child Sexual Exploitation and/or any form of radicalisation.

18. MARKETING AND COMMUNICATION

- 18.1. In accordance with Hammersmith and Fulham policy on marketing and communication, TBAP shall:
 - 18.1.2. Communicate with stakeholders to ensure there are clearly defined and agreed pathways for referral to the Service;
 - 18.1.3. Maintain an active and up to date website presence for Service Users, partners and key stakeholders;

- 18.1.4. Ensure information is available in formats that are easily accessible and understood by the diverse population within the London Borough of Hammersmith & Fulham and that it takes into account those Service Users with sensory or other disabilities.
- 18.1.5. Notify the Authorised Officer of any planned promotion of the Service and of any media statements prior to their release.

19. COMPLAINTS

- 19.1. TBAP shall put in place and maintain an effective complaints procedure that includes a clear escalation and resolution process, and have systems in place that monitor any incidents and the outcome of all complaints and investigations regarding the Service.
- 19.2. Complaints and their resolution and outcome shall be collated and referred to the Authorised Officer on a quarterly basis.
- 19.3. Serious Incidents must be communicated to the Authorised Officer within 24 hours.
- 19.4. TBAP must be able to demonstrate where lessons have been learned as a result of a complaint and what changes have been made in response.
- 19.5. A record shall be kept of the number and nature of complaints made, and their resolution and outcome.
- 19.6. TBAP shall be able to demonstrate where lessons have been learned as a result of the complaint and what changes have been made in response.
- 19.7. Should the Council be approached by a complainant about an unresolved issue or is not happy with the way an investigation was conducted or the outcome of an investigation, then the Council may pursue this issue directly with TBAP.

20. DATA, INFORMATION SYSTEMS AND CONFIDENTIALITY

- 20.1. TBAP will be required to accurately record Service User information onto an appropriate electronic record. TBAP shall ensure compliance with the Data Protection Act 2018 and the Common Law Duty of Confidentiality.

