
Meeting of the Cabinet – 29th January 2026

Report of the Director of Children and Young People

Procurement of a Flexible Learning Support Framework for Young People in Dudley

Purpose of report

1. This report seeks Cabinet approval to initiate the procurement and implementation of a new Flexible Learning Support Framework (FLSF) for children and young people across Dudley. The FLSF is designed to formalise current fragmented commissioning arrangements and ensure that all children unable to access mainstream full-time education receive timely, appropriate, and high-quality educational support.
2. The proposed framework will:
 - Replace current spot-purchasing arrangements that rely on multiple waivers.
 - Establish a robust and quality-assured provider market.
 - Support early intervention, reintegration, and statutory duties for children with SEND or medical needs, and for those facing challenges that may impact their education or wellbeing.
3. The framework aligns with national policy drivers such as the SEND and AP Improvement Plan (DfE, 2023), the Children’s Wellbeing and Schools Bill (2024), and emerging best practice from other local authorities adopting dynamic purchasing frameworks to meet complex educational needs.

Recommendations

4. It is recommended that Cabinet:
 - Approve the procurement and implementation of a Flexible Learning Support Framework (FLSF) with an initial term of 3 years and extension options up to 5 years (a maximum of 8 years) to improve educational outcomes for children and young people across Dudley. The framework will replace existing spot-purchased arrangements, and formalise access to quality-assured, cost-effective provision for children unable to access mainstream full-time education.
 - Delegate authority to the Director of Children's Services to award contracts via the framework under the evaluation criteria set out in the report.
 - Delegate authority to the Director of Children's Services to approve subsequent extensions of the contract under the framework terms.

Background

5. Additional learning needs (ALN) in the context of education refer to learners who require extra support or different teaching methods to succeed compared to their peers. ALN is a key concept in education as it acknowledges that not all learners have the same needs and that providing appropriate support is crucial for their success.
6. In England, the Special Educational Needs (SEN) Code of Practice provides guidance on identifying and supporting children and young people with SEN. It outlines how schools and local authorities should work together to ensure that children with SEN receive appropriate support to help them achieve their potential. The term "additional learning needs" (ALN) is not the standard terminology used in England, as the system in England still primarily focuses on SEN. However, Schools and local authorities must provide appropriate special educational provision to meet the needs of children with SEN, which may include individual education plans (IEPs), Education, Health and Care Plans (EHCP's).
7. A Commissioning Review of spend on commissioned provisions for Children and Young People was undertaken to ensure that appropriate governance, oversight and procurement arrangements are in place for each provision. There are currently a number of services that do not meet these requirements and are not currently compliant with procurement regulations. Placements are currently

being sourced from various providers in order to meet the individual, sometimes complex needs, of the Children and Young People open to SEND, Alternative Provision or Virtual School in Dudley. In order for the Council to meet its statutory duties under the Children Act 1989, the Education Act 1996 and the Children and Families Act 2014, places have been spot purchased from a number of different types of provider, with providers being sourced for SEND, Virtual School and Alternative Provision by individual teams. The commissioning review highlighted a growing demand for these placements and the individualised nature of need. In the interim a waiver has been put in place to honour the existing arrangements for children, young people and families to ensure that these services remain available to them.

8. The Children's Wellbeing and Schools Bill, introduced in December 2024 proposes significant reforms impacting local authorities. These include mandatory registration for home educated children, ensuring that suitable support can be provided, welfare monitored and quality assured. It aims to create a more inclusive and supportive educational environment for children with Additional Learning Needs.

Current Position

9. In 2024/25, Dudley Metropolitan Borough Council has made 362 placements with additional learning providers, costing approximately £3.37 million. This marks a significant increase compared to 2022/23, when there were 99 placements costing circa £1.05 million. Over the past three years, Dudley MBC has funded a wide range of additional learning support services across various types of provision. The highest expenditure was on Alternative Provision (AP), with 320 placements costing over £2 million. Online tutoring and mentoring also represented a significant investment, with 97 placements costing just over £2 million. In-person tutoring and mentoring followed closely, with 73 placements costing approximately £1.08 million. Other areas included Post-16 support (102 placements at £696k), dedicated mentoring (13 placements at £219k), and smaller investments in tutoring, personal budgets, EOTAS, and therapy. Collectively, these services reflect Dudley's growing reliance on a diverse range of alternative education and support models to meet complex needs.

10. Further to this, Dudley LA currently has 1119 young people, aged 16 to 24 with an EHCP. Of these young people 130 NEET and are in receipt of high-cost benefits, when a high proportion could be accessing paid employment.
11. For many of our young people, further education is not a preferred pathway, many of young people thrive in a workplace setting, where they can achieve something tangible. The target cohort of young people to access this internship program are those young people who may currently be continuing within Education, at high-cost independent settings, such as Glasshouse or QAC, due to the lack of feasible alternatives available to them.
12. At the moment, in Dudley, provision for these young people is not available. The average cost of a place at Glasshouse College for one year is £71,000, most young people will start Glasshouse at 16 on leaving school and will invariably stay till they are 24 which equates £568,000 over the 8 years. After this time our young people will still not be equipped to with the skills, they need to earn their own money and live independently if they desire to do so. This gap in skills would be addressed by offering access to supported internships. We do not offer this at the moment and the framework would be a vehicle to be able to do this moving forward.

Projected Position by 2035

13. Many factors influence the increase demand for service and support targeted by the proposed framework, these include economic instability, increased dis-engagement from education and increasing numbers of EHCP beyond the national average and the population of CYP in Dudley. Further factors may include changes under proposed EHCP reforms including a boost to early intervention and mainstream support, and reforms relating to local authority core offer. Further to this there will be an expansion to the virtual school's roles, with a broader remit that will lead to an increase in the number of children supported and requiring commissioned support, now the school's remit will include children with a social worker and previously looked after CYP.
14. The following projections also need to be considered these are:
 - The number of CYP who are NEET national projections suggest an increase of 14.5% by 2035.
 - The increase in the number of young people accessing online tuition since 2018 is 13.7%

- An increase of 1.5% each year. Total spend in the next 8 years including the increase will be £68.5million.

15. Whilst it is acknowledged that the exact number of children and young people who will access services through the proposed Flexible Learning Framework cannot be guaranteed, projections have been made using a combination of historical spend, and national data regarding the growth in areas such as NEET figures, EHCPs, and Alternative Provision usage. Included in these projections are the potential numbers of places to be created for supported internships over the next 8 years.
16. It is anticipated that the availability of a framework will increase demand and associated spend, due to improved access to services and more streamlined referral pathways. This behavioural shift has been factored into the projected figures through a conservative estimated annual increase of 1.5%, which reflects both inflation and likely growth in uptake due to improved infrastructure.
17. However, we recognise that actual spend may vary depending on the needs of the cohort and service commissioning decisions over time. The framework is designed to be flexible and scalable, allowing the council to respond proportionately to demand within available budgets.
18. It is important to note that funding is allocated based on the number of children; therefore, an increase in the number of young people will result in increased funding. We are currently awaiting the Government's response regarding the regulation and registration of Alternative Provision (AP), which may influence this framework. Elective Home Education (EHE) has seen a significant rise in recent years, leading to policy reviews and legislative changes. In 2023–24, there was a 21.4% increase in the number of children in EHE.

Stakeholder Consultation

19. Input was gathered through our soft-market testing, provider engagement events, and surveys conducted with young people and parent carers. Providers emphasised the importance of the bespoke, needs-led support, delivered through blended models, smaller groups, and community-based settings. They also highlighted the need for rapid mobilisation, appropriately qualified staff, and robust quality-assurance processes, ensuring that smaller provisions are not limited in their ability to be on the framework.

20. Surveys with parents and young people revealed a strong desire for a more personalised and flexible education option. Many expressed the need for specialist provision, emotional and mental-health support, calm spaces, and alternative learning environments, including home education and smaller school settings as well as providers that can meet more complex individual needs. Families also emphasised the importance of better communication, clearer referral pathways (including direct parent referrals), and earlier intervention to reduce delays and frustrations.
- Develop tailored, needs-led education provision with smaller group sizes and 1:1 support.
 - Expand alternative learning options, including home education and community settings.
 - Integrate comprehensive emotional wellbeing and mental health services within educational support.
 - Improve communication and partnership with families, ensuring parents can directly access services.
 - Streamline access, reduce waiting times, and enhance conflict resolution processes.
 - Commission flexible providers capable of rapid deployment and diverse delivery methods.
 - Involve young people and families in co-designing services to ensure relevance and effectiveness.
 - Strengthen post-16 transition support and life skills development.
 - Address gaps in diagnostic and therapeutic services.
 - Implement continuous monitoring and review to adapt and improve service delivery.
21. Social Care and Wellbeing Scrutiny Committee Feedback
The proposals were considered by the relevant Scrutiny Committee, where Members expressed strong support for the establishment of the Flexible Learning Support Framework and commended the quality of work undertaken. Scrutiny focused in particular on the proposed procurement approach. Scrutiny considered the proposed procurement approach and sought assurance regarding its compliance with the Procurement Act 2023. Officers confirmed that the Flexible Learning Support Framework will be procured using an open, transparent and competitive process that is fully aligned with the Council's procurement governance arrangements.
22. The proposed framework model has been developed to provide flexibility and responsiveness to meet the complex and changing needs of children and young people, drawing on approaches already

adopted by a number of other local authorities. Legal and procurement advice has informed the design of the model, and officers are satisfied that it provides a robust and proportionate mechanism for commissioning these services.

23. Should national guidance or case law further clarify the application of the Procurement Act in this area, the framework structure allows for a straightforward transition to an alternative compliant model without disruption to service delivery. The procurement approach does not commit the Council to any single commercial structure for the lifetime of the framework and allows flexibility to respond to evolving statutory guidance.
24. Members also received assurance that robust quality assurance, safeguarding, and performance monitoring arrangements would be embedded within the framework. All providers admitted to the framework will be subject to pre-qualification checks, including safeguarding compliance, policy review, staff suitability, and alignment with statutory guidance. Ongoing quality assurance will include regular performance monitoring against agreed KPIs, audit activity, provider review meetings, and escalation routes where standards are not met.
25. Members were also assured that the framework would support the development of a diverse provider market and timely, tailored support for children and young people, particularly those with SEND or medical needs. In relation to local provision, the framework is structured to actively encourage the participation of local, small and voluntary sector providers. The procurement model removes unnecessary barriers to entry, supports SME and VCSE organisations, and enables providers to join the framework at multiple points. Where appropriate and where it meets the needs of the child or young person, commissioners will prioritise the use of high-quality local provision to reduce travel, maintain community links, and support local capacity building, while ensuring that placements remain needs-led and compliant with statutory duties.

Procurement Options

26. Following a comprehensive appraisal of procurement options for establishing Dudley's Flexible Learning Support Framework, the Procurement Team recommends adopting a Pseudo-Dynamic Purchasing System (PDPS). This model offers the flexibility and responsiveness required to meet the evolving needs of children requiring alternative education support.

27. A PDPS would operate in a similar manner to a Dynamic Purchasing System under the Public Contract Regulations 2015, allowing continuous entry of new providers who meet published selection criteria. Although the Procurement Act 2023, which replaces the 2015 regulations, does not explicitly list DPS as a procurement technique, the PDPS model aligns with the Act's principles of fairness, transparency, proportionality, competitive access, and non-discrimination
28. The PDPS is recommended because it:
- **Supports continuous provider onboarding**, enabling new suppliers to join at any time.
 - **Allows rapid commissioning**, especially when a child's needs change suddenly.
 - **Improves accessibility** for small, local, and specialist providers who may struggle with traditional tendering.
 - **Encourages market growth and innovation**, particularly for emerging services such as EBSA, robotics, SEMH mentoring, and creative therapeutic provision.
29. Children often cannot wait for the next procurement cycle. The PDPS provides an agile mechanism to onboard providers quickly, ensuring continuity of education and minimizing time out of learning, key statutory duties under the **Children and Families Act 2014**.

30. **Alternative Options Considered**

1. **Open Framework**

While compliant with the Procurement Act 2023, an Open Framework is operationally rigid:

- Once closed, no new suppliers can join until it is reopened.
- On reopening we must allow a reasonable amount of time for new suppliers to prepare and submit tenders. This could be up to 4 weeks.
- Reopening also triggers expiry of the existing framework, necessitating re-issuing contracts for **all** providers, creating significant administrative burden.
- Frequent reopening (e.g., monthly or termly) would be impractical and potentially harmful in a service area defined by urgency and fluctuating need.

2. **Closed Framework**

A fixed list of suppliers for the duration of the framework. While administratively simple and legally compliant, it lacks flexibility and cannot accommodate emerging or urgent needs.

3. **Dynamic Market**

An open-ended supplier list where providers bid for contracts. However, **below-threshold call-offs** (under £663k) are not permitted, making this unsuitable for the majority of anticipated requirements.

4. **Continue “spot” contracts**

- Continue with our current approach of appointing suppliers who meet needs.
- There would be no transparent manner for suppliers to join our “list” of spot providers. High risk of challenge.
- This would be in breach of the Procurement Act 2023.

Legal and Strategic Assurance

31. The PDPS model, while not explicitly defined in the Procurement Act 2023, adheres to its core principles. It has been proposed and discussed with the Cabinet Office and regional procurement colleagues. Other local authorities have since adopted similar flexible frameworks, increasing confidence in its defensibility.
32. The Procurement Team assesses the risk of legal challenge as low, as:
 - Suppliers can join at any time.
 - Clear call-off methodology ensures transparency.
 - Unsuccessful applicants can reapply when ready.
33. Should a challenge arise, the Council would re-tender the service, with a short-term waiver in place during the transition.

Finance

34. We currently use a number of providers that offer flexible learning services across SEND, Virtual School and Alternative Provision.
35. Based on national projections we were able to calculate that the current spending (based on spending on spot contracts) will potentially increase each year by an estimated 1.5%. Over a maximum 8-year period it is estimated that there could be a total spend on the framework of the equivalent of £68.5million. The framework is a procurement vehicle only and does not commit the Council to any specific level of expenditure. It establishes a pre-

qualified pool of providers that can be engaged rather than using spot contracts.

36. This spend is funded within existing budgets, mainly in the Dedicated Schools Grant (DSG) and Virtual School. The proposals aim to achieve efficiencies both in the cost of provision and in administrative time.

Value for Money

37. The Flexible Learning Support Framework will deliver good quality services at the best achievable cost by:
- Creating competition: A wide pool of approved providers encourages competitive pricing and helps secure the most cost-effective offers without compromising quality.
 - Buying at scale: Bringing demand from across Children's Services together allows the Council to negotiate better rates than through separate one-off purchases.
 - Linking payment to results: Providers will be measured against clear outcomes—such as improved attendance and progress—so funding is tied to what children and young people achieve.
 - Using mini-competitions: Some services can be tendered through a short competition, ensuring prices and quality are tested at the time of need, especially those with a larger number of places needed. This method could be used to block purchase supported Internships at a single or multiple providers.
 - Monitoring costs and quality: Regular contract reviews and benchmarking will confirm that services continue to provide good value throughout the life of the framework.
 - Delivering social value: Providers must show wider community benefits, such as creating local jobs, apprenticeships or training opportunities.
38. These measures will help the Council meet its statutory Best Value duty and ensure public funds are used efficiently to support positive outcomes for children and young people.

Law

39. This framework is necessary to support statutory duties under:
- Section 19, Education Act 1996
 - Section 100, Children and Families Act 2014

- SEND Code of Practice 2015

40. This work supports wider reforms under the Children's Wellbeing and Schools Bill (2024), ensuring Dudley is prepared for statutory changes, including the monitoring of home-educated children and wider duties to improve outcomes for vulnerable learners.
41. The relevant procurement legislation will need to be followed in any award that the Council makes.

Risk Management

42. Key risks include:
 - Smaller providers may struggle with the tender process – mitigated by simplified guidance and support.
 - Reduced competition or over-reliance on a small supplier pool.
 - Use of a Pseudo Dynamic Purchasing System (PDPS) – consultation has reduced the risk of challenge; fallback to an Open Framework is in place.

Equality Impact

43. An initial Equality Impact Screening Assessment has been completed for the Flexible Learning and Support Framework in line with Dudley MBC's Equality, Diversity and Inclusion guidance. The screening identified that the framework is explicitly designed to reduce inequality, remove barriers to education, and promote inclusive, needs-led access for children and young people with protected characteristics, particularly those with SEND, SEMH needs, care experience and socio-economic disadvantage. No negative differential impacts have been identified at this stage. As the framework introduces flexible delivery models intended to improve equity and outcomes, a full Equality Impact Assessment is not considered proportionate at this point. Ongoing monitoring, disaggregated equality data analysis and feedback mechanisms are embedded within contract management and quality assurance processes, with a clear commitment to undertake a full Equality Impact Assessment should any unintended adverse impacts of access gaps emerge during implementation.

Human Resources/Organisational Development

44. The development of a Flexible Learning Support Framework will require changes in how commissioning and contract management are delivered across the Council. This includes new ways of working

to manage a larger, more diverse provider base and closer collaboration between education, SEND, and commissioning teams. Training and organisational development will focus on building staff capability in quality assurance, contract monitoring, and partnership working, ensuring that the workforce is equipped to deliver improved outcomes for children and young people.

45. There are no direct human resource implications emerging from this report. The development of the Flexible Learning Support Framework will be delivered through existing staffing arrangements.

Commercial/Procurement

46. The proposed procurement route through a Pseudo Dynamic Purchasing System (PDPS) offers greater flexibility and supports SME and VCSE participation, aligning with the principles of the Procurement Act 2023. The model will reduce reliance on spot purchasing, deliver improved value for money. Ongoing contract management will be essential to maintain quality standards and market sustainability.
47. A Pseudo DPS is currently not compliant with the Procurement Act 23. There is a slightly higher risk of challenge. However, Procurement have proposed this as a solution in consultations with Cabinet Office. The three-month period for any party to raise a challenge would commence from the date the tender is first published. Should a challenge be raised, the Council would demonstrate that the approach was developed in line with Cabinet Office advice and with the intention of transitioning to a fully compliant model as soon as the statutory guidance is clarified.

Environment / Climate Change

48. While the primary purpose of the framework is educational, providers will be expected to operate in ways that support the Council's wider sustainability objectives. This includes minimising travel where possible through local and digital provision, promoting the use of community-based settings, and contributing towards the Council's ambition to be carbon net zero by 2030.

Council Plan

49. The proposals align directly with the priorities of the Dudley Council Plan by supporting improved educational outcomes, reducing inequalities, and strengthening partnerships with families and

communities. The Flexible Learning Support Framework will ensure sustainable provision that meets statutory duties while promoting innovation and continuous improvement in service delivery.

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Appendices

Appendix 1 – Initial EIA Screening Assessment dated 6th June 2025

Appendix 2 – Review of Initial EIA Screening Assessment dated 6th
January 2026