



## **CABINET DECISION NOTICE**

Publication Date: 21<sup>st</sup> July 2023

At a meeting of the Cabinet held on the 19<sup>th</sup> July 2023 the following matters were discussed. The decisions of Cabinet are set out below each item along with reasons for the decision and other options considered.

**Present:** Councillor Jackson (in the Chair)

Councillors Cracknell, Dawkins, Harness, Shepherd, Shreeve and S. Swinburn

### **DN.16 APOLOGIES FOR ABSENCE**

No apologies for absence were received for this meeting.

### **DN.17 DECLARATIONS OF INTEREST**

There were no declarations of interests made from Members with regard to items on the agenda for this meeting.

### **DN.18 MINUTES**

The minutes of the Cabinet meeting on the 14<sup>th</sup> June 2023 were agreed as a correct record.

### **DN.19 TREASURY OUTTURN REPORT 2022-23**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets that contains details of treasury management arrangements, activity and performance during the 2022/23 financial year.

**RESOLVED – That the treasury management activity during 2022/23 be noted.**

REASON FOR DECISION – The Council's treasury management activity is guided by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year with interim updates on performance against Prudential Indicators reported quarterly. We therefore report in full after Quarter 2 and year end with Prudential Indicators being reported additionally after Quarters 1 and 3 in the Commissioning and Resource Report.

OTHER OPTIONS CONSIDERED - These were set out on Page 28 of the Treasury Management Strategy Statement.

## **DN.20 ENFORCEMENT AND DEBT COLLECTION SERVICES**

Cabinet received a report from the Portfolio Holder for Finance, Resources and Assets seeking approval to commence a procurement exercise for enforcement and debt collection services.

**RESOLVED –**

- 1. That the commencement of a procurement exercise for enforcement and debt collection services as set out in the report now submitted be approved.**
- 2. That the Executive Director, Place and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets be delegated authority to commence a procurement exercise for the enforcement and debt collection services, to award and implement and to take all reasonable ancillary actions arising.**
- 3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all legal documentation arising.**

REASON FOR DECISION – The decision allows the Council to commence the procurement exercise for the replacement enforcement and debt collection services contract and allows the Council to award the contract.

OTHER OPTIONS CONSIDERED – Nothing – The current contract is due to expire, so there is a need to procure a replacement contract in order that the Council are compliant with its Contract Procedure Rules and Public Contracts Regulations 2015.

## **DN.21 SUPPORTED LIVING AND HOUSING RELATED SUPPORT RE: COMMISSIONING PROPOSAL**

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care outlining the proposed re commissioning processes and the development of an Invitation to Tender (ITT) and seeking approval to proceed.

### **RESOLVED –**

- 1. That the proposal to proceed with re commissioning as detailed in this report now submitted be approved.**
- 2. That the Director Adult Social Services in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care be delegated authority to commence the process, thereafter, award and implement and to take all ancillary actions reasonably arising.**
- 3. That the inclusion of updated quality standards in specifications and the proposals to apply learning from current service commissioning and delivery to the process of re commissioning these services be noted.**
- 4. That the need for enhanced commissioning oversight, a) during the procurement process and b) for enhanced engagement and monitoring once new contracts are in place. The confirmation of these resources will be the subject of an update to the Health and Care Contracting Group on July 5<sup>th</sup>, 2023 be noted.**
- 5. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute all documentation arising.**

REASONS FOR DECISION - A decision was approved by cabinet in Autumn 2022 to extend the supported living and housing related support (HRS) framework by 1 year to allow to sufficient review of both services to support improved outcomes for people. Subsequent work has produced refined specifications for both services with updated quality and outcome standards for supported living and the alignment of Housing Related Support services with those commissioned by the Council (NELC). This paper notes at section 1.12. the strategic issues

that have arisen from the delivery of these services to date and the aims of this process

#### OTHER OPTIONS CONSIDERED –

1. A further extension of the current contracts beyond March 31<sup>st</sup>, 2024

Pros: This option would provide continuity for current NEL Residents using these services and the providers concerned.

Cons: This option would not provide opportunities to address the current strategic issues that have arisen in the course of delivery to date.

This option would maintain the currently differing specifications and prices for NELC commissioned Housing Related Support and Housing Related Support commissioned on its behalf by the ICB.

2. An open process that enabled any qualified provider to apply for supported living and HRS services in North East Lincolnshire.

Pros: This option would provide opportunities to bring new providers to North East Lincolnshire who may bring innovation and learning from elsewhere.

Cons: This option has the potential to create significant anxiety and disruption for people who use supported living services in North East Lincolnshire.

This option has the potential to disrupt the delivery of services to North East Lincolnshire residents by partners who have grown the availability of supported living services and built service infrastructure in recent years in North East Lincolnshire.

3. An Invitation to Tender that allows existing providers to retain their current delivery (subject to meeting quality and cost criteria) for supported living services and a refreshed specification and pricing structure for Housing Related Support that aligns with direct commissioning of these services by NELC.

## **DN.22 SPECIAL EDUCATIONAL NEEDS AND DISABILITY SCHOOL PLACES SUFFICIENCY AND FUNDING OF RESOURCE SPECIALIST PROVISION PLACES**

Cabinet considered a report from the Portfolio Holder for Children and Education seeking authority to implement the recommendations of approving the rolling programme of funding of local Resource Specialist Provision education places, entering into Service Level Agreements (SLA) with local school Trusts to commission places.

## **RESOLVED –**

- 1. That the Director of Children’s Services in consultation with the Portfolio Holder for Children and Education be delegated authority to:**
  - a. enter into agreements with Trusts to commission Resource Specialist Provision places for children and young people with SEND who have an EHCP as per a continuing rolling programme of NEL place creation.**
  - b. carries out all ancillary activity reasonably arising from the above**
- 2. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute any documentation arising from the above recommendations.**

### REASONS FOR DECISION

North East Lincolnshire Council has a statutory duty under The Education Act 1996

Section 14(1) to ensure that it provides sufficient school places for all pupils who are resident within the authority. It has specific duties to ensure that there is sufficient provision for pupils with SEND where an Education Health and Care plan (EHCP) has determined that the provision should be met in designated specialist provision.

The national increase in the birth rate has resulted in a significant increase in pupil numbers. There is identified predicted demand for an increase in mainstream school places and there will also be a corresponding increase in demand for specialist placements. The recent Delivering Better Value diagnostic analysis identified a deficit of places over the next 5 years with a potential significant financial cost to NELC.

The current SEND Sufficiency Strategy is being refreshed. In March 2022 Cabinet approved the programme of capital high needs provision development to fund some of the physical place creation over the next 3 years. The Council have also been successful in securing the delivery of a new 150 place Specialist Free School (opening 2027) and two new primary builds which will include Resource Specialist provision places (opening 2024). As new Resource Provisions come on line, and to meet shortfall whilst the new build provisions are being developed, the Council need to commission the places and enter into Service Level Agreements with the Trust providers, funded from the Dedicated Schools Grant High Needs Block funding. There has also been a

successful three-year pilot with an Academy Trust to provide Resource Specialist places for children and young people with SEMH. NELC would like to re-commission the 16 places with the Trust for a further four years until the new Specialist Free School opens.

There are financial emerging pressures due to the lack of current and predicted places required, with NELC having to fund expensive educational places out of borough to meet shortfall of places and increasing demand. By funding local provision and entering into Service Level Agreements with local school Trusts, this will reduce the potential financial costs predicted over the next five years. It will also ensure children and young people are educated in NEL in their community full time in suitable education settings as opposed to being in external or inappropriate provision, improving the safeguarding of a vulnerable cohort of children. Education transport costs will also be reduced as a result.

Without this decision, the Council would not be able to commission the required places following the physical development of Resource Specialist Provision through the capital programme, or commission the SEMH places required following the successful pilot with Wellsprings Academy Trust whilst the new specialist free school is being developed, resulting in externally funded places having to be sought at a higher cost and out of borough.

#### OTHER OPTIONS CONSIDERED

1. Do nothing. This option has not been recommended as it would not improve commissioning of local Resource Specialist Provision places leading to higher financial pressures by having to fund external provision rather than commissioning local places on school sites. As the Resource Specialist Provision planned will be in mainstream school settings, inclusion and outcomes for children and young people, and data visibility required for service improvement cycles would not be improved by this option. Do nothing. This option has not been recommended as it would not improve commissioning of local Resource Specialist Provision places leading to higher financial pressures by having to fund external provision rather than commissioning local places on school sites. As the Resource Specialist Provision planned will be in mainstream school settings, inclusion and outcomes for children and young people, and data visibility required for service improvement cycles would not be improved by this option. It would leave NELC and its partners also at risk of a poor future SEND inspection.

2. Ensuring sufficient pupil places across all of its school estate is a statutory duty of Local Authorities, and Central Government provides all Local Authorities with an allocation based upon the annual School Capacity Return (SCAP) specifically for the purpose of supporting this need.
3. High needs provision is a government identified emerging need and Local Authorities have received further Government allocation for the 22/23 and 23/24 financial years to fund the physical development and programme to increase places. By not entering into Service Level Agreements and funding the commissioning of the places this leads to uncertainty for the Trusts and does not meet our requirements to provide the places as per our statutory duty.
4. An option to do nothing would result in a lack of suitable and sufficient pupil places and an inability to fulfil the statutory duty.
5. Option 2 approval to enter into agreements and commission the places, delegating the authority to Director of Children's Services in consultation with the Portfolio Holder for Children and Education, to enter into agreements to ensure timely delivery. This is the recommended option improved by this option.