

## **CABINET**

<b>DATE</b>	11 <sup>th</sup> June 2025
<b>REPORT OF</b>	Councillor Margaret Cracknell, Portfolio Holder for Children and Education
<b>RESPONSIBLE OFFICER</b>	Ann-Marie Matson – Director of Children's Services
<b>SUBJECT</b>	Alternative Provision Transformation Programme
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 04/25/06

### **CONTRIBUTION TO OUR AIMS**

The North East Lincolnshire Council Plan 2025 to 2028 sets out the key aims of a listening council that is ambitious in its drive to create stronger economies and stronger communities.

Receiving an education regardless of whether this is within a traditional school setting, or within an alternative provision will contribute towards:

- Our ambition for people of all ages to be equipped with the skills they need to grasp opportunities both now and in the future.
- Nurturing our children and building their future

And feeds into the Children and Families Vision;

- Help, support and protect our children, young people and families
- Develop the quality of our learning and education landscape for all children.

### **EXECUTIVE SUMMARY**

All children, regardless of their circumstances, are entitled to an efficient, full-time education which is suitable to their 'age, ability, aptitude' and any special educational needs they may have.

Governing bodies of schools are responsible for arranging suitable full-time education from the sixth (or earlier) school day of a suspension for any child of compulsory school age. Nationally, local authorities have seen a rise in the numbers of pupils who are receiving both fixed term suspension and permanent exclusions, however North East Lincolnshire's numbers are higher than our statistical neighbours.

### **RECOMMENDATIONS**

It is recommended that Cabinet:

- 1) Approves the commencement and delivery of an Alternative Provision Transformation Project lead by North East Lincolnshire Council, enabling the

commissioning of Alternative Provision to be completed in line with Department for Education guidance, including any required procurement exercise to establish new contracts.

- 2) Delegates authority to the Director of Children's Services in consultation with the Portfolio Holder of Children and Education authority to commence commissioning activities resulting from the project delivery, including the decommissioning of the current offer and undertaking of procurement exercises to enable new offer delivery and thereafter make award, settle all terms, and ensure that all reasonably ancillary actions are carried out to mobilise and implement the contract.
- 3) Authorises the Assistant Director of Law and Governance (Monitoring Officer) to complete and execute all requisite legal documentation in relation to the matters outlined above

## **REASONS FOR DECISION**

To enable the delivery of the Alternative Provision Transformation Programme to commence aimed at creating a new local offer for children and young people of compulsory school age, who are at risk of or have been permanently excluded from their home school.

### **1. BACKGROUND AND ISSUES**

- 1.1 A robust Discovery Project concluded in December 2024, identifying key areas of development and exploration to enable a newly commissioned Alternative Provision offer to be developed in North East Lincolnshire. The outcome of this project concludes a recommendation, to proceed with the delivery of full Transformative Project, including the delivery of establishing new ways of working, and the commissioning of a new Alternative Provision offer specifically for children and young people at risk of or who have been permanently excluded from Mainstream education settings.

#### **National context**

- 1.2 National guidance is based upon Section 19(1) of the Education Act 1996, which defines the exceptional provision of education in pupil referral units or elsewhere, such as Alternative Provision providers.
- 1.3 It follows the Alternative Provision Statutory Guidance, which provides a set of guiding principles that the Local Authority, commissioning bodies and schools should follow to ensure that children and young people benefit from high quality provision, which is safe, secure and appropriate to pupil needs.
- 1.4 Alternative Provision is defined as 'education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour. Schools can use as to such provisions to try to prevent exclusions, or to re-engage pupils in their education.
- 1.5 In February 2025, the Department for Education published its updated guidance "Arranging Alternative Provision". This updated guidance provides a

clear direction on statutory duties, the roles of both local authorities and schools in commissioning alternative provision, as well as the roles parents/carers should play in agreeing suitable provision and reintegration back into a mainstream school. The guidance describes both statutory requirements and best practice, to distinguish between which we use the following terms: Must – where a person or body has a legal duty to do (or not do) something, Can / may – where a person or body has a legal power or ability (not a duty) to do something, Should – for guidance on best practice for both local authorities and other commissioners such as schools.

- 1.6 National guidance sets expectations that all children regardless of circumstance or setting, should expect to receive a good education. This can be provided through accessing a variety of provisions, the focus being upon good quality provision, delivered by high quality staff with suitable training and experiences. The provision on offer should be suitable to the child's age, ability and aptitude, and any SEN they have.
- 1.7 We understand that nationally children who experience both fixed term suspensions and permanent exclusions has been steadily increasing. NEL is no different. We also know the main reasons sighted for why children need to be suspended or excluded from their home school is due to disruptive behaviour. Again, NEL is no different in this regard.

### **Local Context**

- 1.8 In North East Lincolnshire we have a shared vision and ambition for our children and young people. This is set out in the 'Our Children, Our Future' promise and states:

***“Our ambition is for every young person in North East Lincolnshire with Special Educational Needs and Disabilities to be included in education and society; to develop their independence; and to achieve the outcomes that are important to them to lead successful and fulfilling lives. To provide access to an alternative provision system that focusses on supporting children to remain in or return to mainstream education”***

- 1.9 To achieve our ambitions, we have defined a local approach to commissioning and delivering Alternative Provision in North East Lincolnshire. The approach is outlined in the North East Lincolnshire SEND and Alternative Provision Strategy and builds upon the Tiered Model of provision outlined in the SEND & Alternative Provision Green Paper (2022).
- 1.10 Our current offer in NEL to provide Alternative Provision was commissioned in stages between 2015 and 2021. Our current offer is delivered within local registered settings, however the model no longer aligns with our updated understanding on local needs and requires realignment with local strategies and national guidance.
- 1.11 Based upon this understanding, in 2024 a comprehensive Discovery project was undertaken to gain an informed understanding about the current

Alternative Provision Offer, local needs, national guidance, funding arrangements and impacts of the current offer. This project enabled local schools, alternative provision providers, NEL internal services and parents/carers the opportunity to share their experiences and feedback about the current offer and delivery of Alternative Provision. This project and the opportunities to engage were well received, with quality and constructive feedback being shared.

### **The Current offer in NEL**

- 1.12 Wellspring Academy Trust provides placements for students, referred to them by mainstream schools via the referral process managed by the Authority's Inclusion Service. Delivery covers the Local Authorities statutory duty to provide Day 6 Provision for up to students across Key Stage 2, 3 & 4. Placements are funded by Local Authority via the Dedicated Schools Grant High Needs Block and top up contributions from the referring school managed via the Authority.
- 1.13 The Enquire Learning Trust delivers the Myspace provision for KS1 and 2 children, specifically those children who are at risk of exclusion. The offer is to provide support to children with social, emotional, and mental health (SEMH) difficulties who are at risk of exclusion or have already been excluded. Where children have been excluded, Myspace will help deliver a smooth transition back into a mainstream setting. Placements are funded by Local Authority via the Dedicated Schools Grant High Needs Block
- 1.14 Broadening Horizons, provides places for KS2 children who are at risk of exclusion. The offer is to provide support to children with social, emotional, and mental health (SEMH) difficulties who are at risk of exclusion or have already been excluded. Where children have been excluded, Broadening Horizons will help deliver a smooth transition back into a mainstream setting. Placements are funded by Local Authority via the Dedicated Schools Grant High Needs Block.
- 1.15 Since the completion of the Discovery Project, it has been identified that Broadening Horizons is unable to provide its current offer post September 2025. As part of the work to explore options for the future delivery of the Alternative Provision across the borough, there will be need to understand viable options and any interim arrangements that may be required during the delivery of the transformation project.

### **National Context and drivers for change**

- 1.16 In March 2023, The Department of Education published the SEND and AP Improvement Plan "Right Support, Right Time." This policy sets out the government's intention to enable Special Educational Needs and Alternative Provision standards to be brought together to enable consistent delivery of support for children and young people. The policy sets out an intention to develop sustainable systems to establish quality delivery, financial stability, parental confidence and, fair and consistent processes to access.

- 1.17 February 2025 the Depart for Education released its most up to date guidance to enable schools and Local Authorities to understand the expectations on the commissioning of Alternative Provision. This national guidance echoes the areas of development identified within our Discovery Project. Clear expectations are set around the roles of all stakeholders in working together to develop strategic plans and delivery of these plans. This guidance offers further clarification and establishes clear expectations on the future development and delivery of Alternative Provision.

## **2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES**

- 2.1 The offer is not aligned to deliver local strategies. This means the access currently provided to Alternative Provision places is not supporting the outcomes and impacts we have committed to achieve for children and young people. This creates an opportunity for a new offer to be developed, enabling local strategies to be delivered.
- 2.2 The current offer does not meet DfE guidance as to how we commission, develop and deliver an offer. This means our expectations no longer align with national expectations and local need. This creates an opportunity for a new offer to be developed, enabling national guidance to be embedded within the model, supporting collaboration across our schools and setting clear expectations of delivery, in addition to enabling local strategy delivery.
- 2.3 Funding requirements are not currently aligned with the delivery of local strategies. This means funding is not utilised in the greatest areas of local need, achieving the outcomes determined in local strategies. This creates an opportunity to realign funding to a model developed upon an understanding of local need that enables the delivery of local strategies.
- 2.4 The development of a new offer to meet both local strategies and national guidance does present the risk that current registered providers may not be successful in securing a contract in the newly developed model. Should this eventually arise, robust plans will be established to support pupils with any required transitions.
- 2.5 The delivery of a transformation project will enable the exploration of the connectors between social, emotional, educational and health factors, creating opportunities to develop Place based solutions to address the root causes.

## **3. OTHER OPTIONS CONSIDERED**

### **3.1 Do Nothing**

To do nothing would result in delivery of the Alternative Provision becoming unsustainable. If demand for places was to increase, without a change in local processes to manage requests and funding requirements, the delivery cost to the Authority would increase, creating financial pressures. This would not enable the key opportunities identified for change.

The offer would continue to not enable local strategies to be delivered and meet the DfE requirements and expectations for commissioning of Alternative Provision Placements in North East Lincolnshire.

### 3.2 Extend current arrangements

Current contractual arrangements are now out of their contractual extension periods. This means arrangements cannot be extended within Contract Procedure Rules.

This option would continue to not enable local strategies to be delivered and meet the DfE requirements and expectations for commissioning of Alternative Provision Placements in North East Lincolnshire.

## 4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 There are potential positive reputational implications for the Council resulting from the decision to progress with a Transformation Project to deliver a new Alternative Provision Service. This project will form a part of the wider transformative work undertake for SENDAP Services. This will increase parental and professional confidence in the ability to of the Council to commission services to meet the needs of children and young people who have a need to access an element of the Alternative Provision offer.
- 4.2 A communication plan will be developed and agreed with the Council's communication service to ensure all stakeholders are informed about the progress of the project delivery, including the outcomes of any contracts awarded to deliver a future offer.

## 5. FINANCIAL CONSIDERATIONS

- 5.1 The costs associated with the delivery of this project and any procurements will be funded through the Dedicated Schools Grant High Needs Block. Additional top up funds will be secured from each school referring a child to access the offer as per an agreed formulation.
- 5.2 By commissioning a new offer based upon an dated understanding of both local needs and national guidance we will be able to develop an offer that represents value for money for the Organisation, enabling local strategies to be delivered and our outcomes to achieved.

## 6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

- 6.1 Children and young people who have a need to access the Alternative provision due to meeting the criteria for the Day 6 offer, or as a preventative measure to mitigate exclusion from a mainstream school will be directly affected by the delivery of this specific project.
- 6.2 Children and young people from across North East Lincolnshire of statutory school age will be able to benefit from the Alternative Provision offer.

## **7. CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS**

There are no direct climate change and environmental implications for the council resulting from the decision to recommission services.

## **8. CONSULTATION WITH SCRUTINY**

Consultation with the Children and Lifelong Learning Scrutiny Panel was undertaken on March 6<sup>th</sup>, 2025.

## **9. FINANCIAL IMPLICATIONS**

9.1 Alternative provision is funded through the Dedicated Schools Grant (DSG) High Needs Block and top up funds from the referring school.

9.2 It should be noted that the DSG is currently in a cumulative deficit position, the financial impact of the outcomes from the transformation project will need to be considered against this and deliver value for money.

## **10. LEGAL IMPLICATIONS**

10.1. The procurement of Alternative Provision in the manner described above is consistent with the stated aims and objectives of the Council.

10.2. The procurement exercise will be conducted so as to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 and supported by relevant officers.

10.3. The delegations sought are consistent with an exercise of this nature.

## **11. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications arising from the contents of this report.

## **12. WARD IMPLICATIONS**

All wards will be affected by the decision to proceed with the delivery of a Transformation project and the decommissioning of Broadening Horizons provision as children and young people from across the borough can access the offer.

## **13. BACKGROUND PAPERS**

Children and Lifelong Learning Scrutiny Panel, 6<sup>th</sup> March 2025, Alternative Provision: [10.-Alternative-Provision-.pdf](#)

Department for Education, Arranging Alternative Provision: [Arranging Alternative Provision - guide for LAs and schools](#)

NEL SENDAP sufficiency strategy [SENDAP Sufficiency Strategy 2024-2029](#)

**14. CONTACT OFFICER(S)**

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**COUNCILLOR MARGARET CRACKNELL**  
**PORTFOLIO HOLDER FOR CHILDREN AND EDUCATION**