



County Offices
Newland
Lincoln
LN1 1YL

31 August 2023

Children and Young People Scrutiny Committee

A meeting of the Children and Young People Scrutiny Committee will be held on **Friday, 8 September 2023 at 10.00 am in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'Debbie Barnes'.

Debbie Barnes OBE
Chief Executive

Membership of the Children and Young People Scrutiny Committee
(11 Members of the Council and 3 Added Members)

Councillors R J Kendrick (Chairman), W H Gray (Vice-Chairman), A J Baxter, A W Briggs, Mrs J E Killey, C Matthews, Mrs S A J Nutman, N Sear, T J N Smith, M A Whittington and R A Wright

Added Members

Church Representative: M Kyle

Parent Governor Representatives: Mrs M R Machin and Dr E van der Zee

**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE AGENDA
FRIDAY, 8 SEPTEMBER 2023**

Item	Title	Pages
1	Apologies for Absence / Replacement Members	
2	Declaration of Members' Interests	
3	Minutes of the previous meeting held on 21 July 2023	5 - 10
4	Announcements by the Chairman, Executive Councillor for Children's Services, Community Safety, Procurement and Migration and Chief Officers	
5	Lincolnshire Secure Children's Home – Land Purchase and Section 203 <i>(To receive a report from Dave Pennington, Head of Property Development, Matt Clayton, Interim Head of Capital Reform and Education Sufficiency, Dave Clarke, Service Lead – Secure Estate and Rachel Freeman, Head of Service - Children in Care and Residential Estates which invites the Committee to consider a report on the Lincolnshire Secure Children's Home – Land Purchase and Section 203 prior to a decision taken by the Executive on 3 October 2023. Appendix E contains exempt information, and the press and public may be excluded for consideration of this information)</i>	11 - 52
6	Recommissioning of the Portage Service <i>(To receive a report from Sara Gregory, Commissioning Manager – Children's Strategic Commissioning, on the recommissioning of the Portage Service. The Committee is invited to comment on and consider the item ahead of a decision by the Executive Councillor for Children's Services, Community Safety, Procurement and Migration between 18 and 22 September 2023)</i>	53 - 126
7	Service Level Performance Reporting against the Success Framework 2023-24 - Quarter 1 <i>(To receive a report by Jo Kavanagh, Assistant Director – Early Help, which provides a summary of the Service Level Performance Reporting against the Success Framework 2023-24 – Quarter 1)</i>	127 - 136
8	Children and Young People Scrutiny Committee Work Programme <i>(To receive a report from Tracy Johnson, Senior Scrutiny Officer, which enables the Committee to consider and comment on the contents of its work programme to ensure that its scrutiny activity is focused where it can be of greatest benefit)</i>	137 - 146

9 CONSIDERATION OF EXEMPT INFORMATION

In accordance with Section 100A of the Local Government Act 1972, the press and public are excluded from the meeting for the following items of business on the grounds that if they were present there could be a disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Local Government Act 1972, as amended.

10 Holbeach William Stukeley CofE Primary School - Single classroom extension, hall and staffroom extension.

147 - 162

(To receive an exempt report from Dave Pennington, Head of Property Development and Alison Toyne, Project Manager – Corporate Property, which invites the Committee to consider a report prior to a decision taken by the Leader of Lincolnshire County Council between 18 and 22 September 2023)

<u>Democratic Services Officer Contact Details</u>	
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Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting	
<ul style="list-style-type: none">• Business of the meeting• Any special arrangements	
Contact details set out above.	
Please note: This meeting will be broadcast live on the internet and access can be sought by accessing Agenda for Children and Young People Scrutiny Committee on Friday, 8th September, 2023, 10.00 am (moderngov.co.uk)	
All papers for council meetings are available on: https://www.lincolnshire.gov.uk/council-business/search-committee-records	



**CHILDREN AND YOUNG PEOPLE SCRUTINY
COMMITTEE
21 JULY 2023**

PRESENT: COUNCILLOR R J KENDRICK (CHAIRMAN)

Councillors W H Gray (Vice-Chairman), A J Baxter, A W Briggs, Mrs J E Killey, C Matthews, Mrs S A J Nutman, N Sear, T J N Smith and M A Whittington

Councillor Mrs P A Bradwell OBE was also in attendance.

Officers in attendance:-

Linda Dennett (Assistant Director - Children's Health and Commissioning), Tracy Johnson (Senior Scrutiny Officer), Sarah Nardone (Assistant Director for Sector Led Improvement), Heather Sandy (Executive Director of Children's Services), Martin Smith (Assistant Director for Children's Education), Ethan Thorpe (Strategic Communications Lead) and Jess Wosser-Yates (Democratic Services Officer).

10 APOLOGIES FOR ABSENCE / REPLACEMENT MEMBERS

Apologies for absence were received from Councillor R Wright, and Councillor S Roe – Executive Support Councillor for Children's Services, Community Safety, Procurement and Migration.

Martin Kyle, the Church Representative, and Emile van der Zee, the Parent Governor Representative, also gave apologies.

11 DECLARATION OF MEMBERS' INTERESTS

No interests were declared at this point in proceedings.

12 MINUTES OF THE LAST MEETING HELD ON 16 JUNE 2023

RESOLVED

That the minutes of the last meeting held on 16 June 2023 be approved and signed by the Chairman as a correct record.

13 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLOR FOR CHILDREN'S SERVICES, COMMUNITY SAFETY, PROCUREMENT AND MIGRATION AND CHIEF OFFICERS

The Chairman announced that Dr Emile van der Zee had been elected as a new Parent Governor Representative and looked forward to his attendance at the Committee meeting in September.

Additionally, the Chairman had attended the Lincolnshire Education Excellence Awards which celebrated the exceptional commitment and talent within Lincolnshire's educational sector. The Committee was informed that the Young People's Learning Provision won the Community Involvement Award, which was a Lincolnshire County Council (LCC) commissioned programme which supported young people with Special Educational Needs and Disabilities (SEND) to enter employment.

14 OFSTED INSPECTION OF LINCOLNSHIRE CHILDREN'S SERVICES - OUTCOME REPORT

The Committee received a report and presentation from Heather Sandy, Executive Director – Children's Services, which provided an overview into the findings and judgements from the recent Ofsted inspection of Children's Services. The Council's Service was judged 'overall' as 'Outstanding', and the following matters were subsequently reported:

- LCC was one of 11 out of the 150 Authorities that were rated overall 'Outstanding' nationally.
- The impact of leaders on social work and practice with children and families was rated 'Outstanding'. Young People (YP) were well supported by a strong corporate and political commitment seen through the development of several new children's homes. Additionally, the Service had successfully responded to challenges resulting from the Covid-19 pandemic, and Lincolnshire was influential in sector-led improvements and the Family Hub programme.
- The experiences and progress of children who required help and protection were rated 'Outstanding'. YP benefitted from comprehensive Early Help Assessments, regular and well-attended child protection plan review meetings, and good relationships with practitioners and social workers who centered their voice, and there was a strong partnership approach to help children at risk of child criminal exploitation such as Future4Me.
- The experiences and progress of Children in Care (CiC) were rated 'Outstanding' and resulted in their lives significantly improving. CiC received good educational support and maintained good relationships with Social Workers to ensure their views informed their care plans. Most foster placements were high-quality, and foster parents received exceptional support.
- The experiences and progress of care leavers were rated 'Good'. This was a new judgement area, and it was noted that most care-experienced young people were well supported by care workers and could access a range of special advice and

support for their emotional and mental wellbeing. Most care leavers were also in accommodation that met their needs.

- It was acknowledged that the quality and consistency of planning and case records for care leavers could improve; care leavers were a commissioned service delivered in partnership by Barnardos, and it was assured LCC was currently working with them on conducting a service review.
- The offer to care-experienced young people aged 21 and over also needed to improve, and it was assured immediate actions were underway to address this, as well as a Service Review to ensure the correct level of service was in place.

During consideration of the report, the following points were highlighted:

- The Committee congratulated Children's Services on the overall 'Outstanding' classification.
- Ofsted identified that time scales pertaining to actions in case work could improve, and the Executive Director – Children's Services assured an improvement plan had been developed and was due to be considered by the Directorate Leadership Team (DLT). Additional scrutiny and consideration by the Committee in the future was welcomed.
- Barnardos provided LCC with commissioned guidance and advice and both organisations were assessing their quality assurance processes for care leavers; this collaboration allowed a continuous cycle of improvement through implementing robust standards, particularly when documenting case notes.
- Members were informed that the offer given to care-experienced YP aged 21 was extended until age 25 in Lincolnshire. Additionally, Ofsted assessed that each care leaver should be allocated a case worker, however not all wanted one; the Executive Director – Children's Services consequently emphasised the importance of engaging with CLs directly as part of the Service Review to identify their preferences on this matter.
- Issues around time scales in case work arose as Children's Services did not identify a particular date an action ought to be completed by, despite that these actions were always completed. Some YP appreciated this reflective note-taking, and Members agreed they should be consulted before any changes were made to how case work was documented.
- It was agreed that Officer responses to the questions submitted by the Parent Governor Representative would be circulated to Members of the Committee.

RESOLVED:

1. That the Committee reviews the findings and judgements from the inspection report.
2. That the Committee records its congratulations to Children's Services for the overall judgment of 'Outstanding'.
3. That the Committee receives a progress update in six months' time on the two areas for improvement contained within the inspection report.
4. That a letter be sent on behalf of the Committee to congratulate the staff in Children's Services.

15 SERVICE LEVEL PERFORMANCE REPORTING AGAINST THE CORPORATE PERFORMANCE FRAMEWORK 2022 - 23 - QUARTER 4

Members received a report from Martin Smith, Assistant Director – Children’s Education, and Sarah Nardone, Assistant Director – Sector Led Improvement which provided a summary of the Service Level Performance against the Success Framework 2023-2024 for Quarter 4. The following matters were reported:

Children are healthy and safe

- Juvenile first-time offending was reported to be 108 which exceeded the target of 125 and this figure had reduced from the last quarter due to the work of the Joint Diversionary Panel.
- Children in Care (CiC) per 10,000 children was 49.1 which exceeded the target of 51.9. It was noted this target had been increased to accommodate the impact of the National Transfer Scheme.
- Children subject to a Child Protection Plan (CPP) was 390 which exceeded the target of 370. High figures were welcomed for this KPI as CPP processes were recognised as acknowledging risks to YP.
- The average time taken to match a child to an adoptive family was 165 days, which exceeded the target of 175 days.
- The average time taken to move a child from care to an adoptive family was 505 days, which fell below the target of 450 days. This was attributed to a legacy of impact from court delays from the pandemic.
- Juvenile re-offending was 45.5% which fell below the target of 37.9% because there was a tradeoff between reoffending rates and lower first-time offending rates. Certain cases had a significant impact on data due to the small number of children in the cohort.

Learn and achieve

- The data for these measures was from 2021 due to a delay in national data being reported.
- Permanent exclusions were 0.07%, which exceeded the target of 0.11%. Low exclusion rates were attributed to abnormal school operating circumstances during the pandemic which rendered exclusions unlikely.
- The achievement gap between pupils eligible for Free School Meals (FSM) and their non-FSM eligible peers was 31.1% which did not achieve the target of 30.2%. The impact of the pandemic on school experiences exacerbated complexities around examinations at KS4, although this gap had closed by 1.5% since last quarter. Assurance was provided that the Education Strategic Plan was making good progress.

Readiness for Adult Life

- According to Ofsted, 94% of Care Leavers were in suitable accommodation which achieved the target and young people were making informed choices about their living situations. There was a small number in unsuitable arrangements, although they were in agreement with them.
- 16–17-year-old CiC participating in learning was 83.2% which fell below the target of 90%, although this was an 8% improvement from Quarter 3, and the work of the Virtual School on student participation was noted.

Members were encouraged to review Appendix A which outlined the Service level Performance Indicators, Service Areas and targets.

During consideration of the report, the following was noted:

- The Assistant Director – Children’s Education noted that FSM attainment was a key concern of the service moving forward, as well as reducing the time children are waiting to complete care arrangements. Additionally, the Executive Director – Children’s Services informed the Committee that it was known exclusions were increasing and assured the Service was working to reduce them to relieve pressure on provision.
- Members questioned the extent that LCC could influence academies to reduce the FSM attainment gap. The Assistant Director – Children’s Education noted that work was underway within the Education Strategic Plan to help close this gap and champion outcomes for all YP. It was further noted that it was important to encourage schools to engage with offers available to help attainment, which was communicated through regular leadership briefings and through highlighting activity and appropriate programmes to engage with. It was assured 89% of academies engaged with various offers and activities available.
- It was important that LCC worked with Regional School Commissioners to provide a strong Trust offer for academies.
- Members requested more recent data regarding the time taken to move a CiC to an adoptive family, and it was assured improvements had been observed; typically a child was already with the people they would be living with, but rather there was a delay in the formal conclusion of this process.
- The work of the Joint Diversionary Panel was praised by Officers and Members.
- The number of reoffending young people was small which allowed extensive preventative work to be done with them, and it was assured that criminalising young people was avoided wherever possible. Children’s Services consistently worked closely with Police to disrupt criminal activity, and offered support to families.
- A response would be circulated to Members regarding how many youth reoffenders related to County Lines.
- Members questioned whether FSM eligible children engaged well with education. It was assured that schools offered support through the use of pupil premium and had allocated catch up funding for tuition which most local schools offered. Additionally,

the engagement of FSM eligible children could be observed through the attainment gap with non-FSM eligible children closing by 1.5%.

- It was acknowledged that FSM eligible group grew during the pandemic from around 17,000 to approximately 23,000.
- It was questioned what would be measured by the replacement measure for Juvenile Re-offending from the new KPIs the Youth Justice Board requested. The Assistant Director – Sector Led Improvement assured new KPIs had been identified and were being assessed. There would be governance arrangements around how the new KPIs would fit into the Corporate Plan and the Committee would have the opportunity to consider them.

RESOLVED

1. That the Committee's satisfaction with the Children and Young People Service Level Performance for 2022-23 Quarter 4 be recorded.
2. That the 2023-24 Performance Indicators for Children and Young People as shown in Appendix A be agreed.

16 CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK PROGRAMME

Members received a report from Tracy Johnson, Senior Scrutiny Officer, which enabled the Committee to consider and comment on the contents of its work programme to ensure that its scrutiny activity was focused where it can be of greatest benefit. The following was noted:

- An exempt report on Education Provision Planning was added to the agenda for the 20 October meeting, which was a pre-decision scrutiny item prior to a decision by the Executive Councillor for Children's Services, Community Safety, Procurement and Migration.
- It was requested that item be added regarding mental health service transitions. The Senior Scrutiny Officer highlighted that the Committee would be receiving a report on the children and young people mental health transformation programme on 1 December and would request officers include a section on transitions.

RESOLVED

That the Work Programme be approved subject to the above amendment.

The meeting closed at 10.53 am



**Open Report on behalf of Andrew Crookham, Executive Director - Resources and
Heather Sandy, Executive Director – Children’s Services**

Report to:	Children and Young People Scrutiny Committee
Date:	08 September 2023
Subject:	Lincolnshire Secure Children’s Home – Land Purchase and Section 203

Summary:

This report invites the Children and Young People Scrutiny Committee to consider a report on the Lincolnshire Secure Children’s Home – Land Purchase and Section 203, which is being presented to the Executive for a decision on 03 October 2023.

The views of the Committee will be reported to the Executive as part of its consideration of this item.

Actions Required:

The Children and Young People Scrutiny Committee is invited to: -

1. Consider the attached report and to determine whether the Committee supports the recommendation(s) to the Executive as set out in the report.
2. Agree any additional comments to be passed on to the Executive in relation to this item.

1. Background

The Executive is due to consider a report on the Lincolnshire Secure Children’s Home – Land Purchase and Section 203 on 03 October 2023. The full report to the Executive is attached at Appendix A to this report.

2. Conclusion

Following consideration of the attached report, the Committee is requested to consider whether it supports the recommendation(s) in the report and whether it wishes to make any additional comments to the Executive. Comments from the Committee will be reported to the Executive.

3. Consultation

The Committee is being consulted on the proposed decision of the Executive on 03 October 2023.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire Secure Children’s Home – Land Purchase and Section 203 to be presented to the Executive on 03 October 2023.

5. Background Papers

No Background Papers within section 100D of the Local Government Act 1972 were used in the preparation of this Report.

This report was written by Matthew Stapleton, who can be contacted on 07766 384257 or matthew.stapleton@lincolnshire.gov.uk.

Report on behalf of Andrew Crookham, Executive Director - Resources and Heather Sandy, Executive Director – Children’s Services

The Report and Appendices A, B, C and D are open.

Appendix E is not for publication by virtue of paragraph 3 of part I of Schedule 12A of the Local Government Act 1972

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the Appendix contains confidential information of a third party relating to a land transaction that the third party has not consented to being put into the public domain. If the Council discloses the information, it may leave itself open to legal action and the ability of the Council to undertake negotiations for land transactions in future may be undermined

Report to:	Executive
Date:	3 October 2023
Subject:	Lincolnshire Secure Children’s Home – Land Purchase and Section 203
Decision Reference:	I029669
Key decision?	Yes

Summary:

This paper follows on from the Business Case for the new Lincolnshire Secure Children’s Home (“LSCH”) that was presented to and approved by the Executive Councillor for Children’s Services, Community Safety, Procurement and Migration on 4th July 2022, which set out the rationale behind the replacement of the existing secure unit with a new, larger facility.

Lincolnshire County Council has been running a 12-bedded children’s secure unit in Sleaford since 1997. This has generally been regarded as being highly successful and has been commended for the provision made and the service offered in the building currently used for that purpose. Unfortunately, that building is no longer capable of meeting these high expectations and given the desire to continue to offer that service, there is no realistic option to continue to use that building.

The service has regularly received positive feedback from Ofsted and national

recognition, which the Council is keen to maintain, but it has been agreed by all involved in the service that the current building and the facility which it offers is preventing the service from providing the best service it could. Fundamental change is required to enable the service to care for the increasingly complex and vulnerable children in its care and those presenting wider in the system itself. In reality, and as was accepted in 2022, that means a replacement building needs to be delivered with the modern facilities it can accommodate.

In addition, the current site is problematic and does not offer the opportunity for expansion. It is surrounded by residential properties and the operation of the secure unit has led to some issues with neighbours, with objections being raised to previous planning applications, complaints over noise and external lighting and parking of cars on the residential streets around the unit.

The DfE has been working with Lincolnshire to progress an opportunity for a new build secure children's home since 2017. This project has national significance to become the flagship for the DfE, as both the design of the building and the operational delivery of the service, incorporates sector best practice and learning from homes across the UK and Europe, and input from key stakeholders, covering education, both mental and physical health, the secure estate and other specialist providers. It is centred around the young person's journey while in a secure placement, bringing wrap around professional support and educational opportunities.

The original plan was for a 22 bed unit, but, following discussions with DfE, it was agreed that a 28 bed facility would better address the shortfall in places and would present better value for money. This option has been taken forward and was the design which gained planning approval. As the business case set out both the 22 and 28 bed options and demonstrated how both would be viable, it was accepted that this was still valid and did not need to be revisited.

An extensive, countywide, analysis of over 400 sites was undertaken by Kier Estates in conjunction with the service, to identify a site for the new facility. The specific requirements of the new secure home meant that a vast majority of sites were not suitable and a site at Bonemill Lane, Sleaford ("the Site") emerged as the only suitable site which was available. LCC took an option to purchase the Site earlier this year.

A planning application for the new facility was submitted to LCC as planning authority in April 2023. It went before the Planning and Regulation Committee on 31 July 2023 and formal approval was granted on 1 August 2023. Whilst there are a number of conditions attached to this planning permission, none of these fundamentally affects the viability or deliverability of the project.

The Site is the subject of a restrictive covenant that would prevent use of the Site for residential purposes which would include the secure children's home. This Report sets out the legal basis on which the Council can proceed to construct the LSCH notwithstanding the existence of the covenant and seeks approval to purchase the site and enter into an enabling works contract as the first stage of eventual construction all on the specific legal basis set out in the Report.

The project will continue to move forward, by entering into this enabling works contract, whilst the value and detail of the final build contract are established. This will enable the new home to be delivered as close as possible to the very tight timescale requested by the DfE as a condition of the grant approval.

Recommendation(s):

That the Executive:

1. Subject to the planning permission remaining free of challenge until expiry of the statutory challenge period approves the acquisition for planning purposes, pursuant to Section 227 of the Town and Country Planning Act 1990, of the freehold interest in the land at Bonemill Lane in Sleaford, Lincolnshire shown edged blue on the plan attached at Appendix A
2. Resolves that it is the intention of the Council in acquiring a freehold interest in the relevant land for planning purposes to engage the provisions of Section 203 of the Housing and Planning Act 2016, to the extent of the land in respect of which planning permission was granted on 4 August 2023, shown edged red on the Plan at Appendix A in order to override the restrictive covenants to the full extent of that section, to enable the Council to carry out the development and use of the new Lincolnshire Secure Children's Home.
3. Subject to the planning permission remaining free of challenge until expiry of the statutory challenge period delegates to the Executive Director Resources in consultation with the Executive Councillor for People Management, Legal and Corporate Property the authority to enter into a contract for the detailed design of a 28 bed Lincolnshire Secure Children's Home and enabling works of a value not exceeding the approved DfE grant, with a full scheme appraisal to follow once a greater degree of cost certainty is available.

Alternatives Considered:

- Not to proceed with the purchase, the engagement of Section 203 and carrying out of enabling works.

This is not recommended as it would effectively mean abandoning the business case for the new Secure Unit and the loss of the benefits identified in the business case. It would also mean, in due course, that the current unit would become unviable and would need to close, with a significant negative impact on the children within the secure estate.

Reasons for Recommendation:

- An extensive search of sites throughout Lincolnshire was carried out in 2018 and revisited in 2022. This search used a number of criteria set by the service and narrowed suitable sites down to the land at Bonemill Lane. If this land is not purchased, then it is highly unlikely another suitable site will be found within the timeframe available for the DfE grant funding.
- Planning permission was granted for the Development on the Site in August 2023. There are considerable public and economic benefits associated with the Development but there are covenants associated with the land which currently restrict development of the type proposed.
- There is a significant benefit to Lincolnshire from the DfE funding, which has been allocated for this development. This multi-million pound investment will support local employment, with approximately 65 existing jobs projected to increase to 178, creating another 113 jobs within the new secure children's home. This is in addition to jobs that will be supported within the local supply chain during construction, with a commitment being made from the main contractor to ensure a degree of local spend.
- Planning Permission and land purchase is required to enable works to commence on site and for the S203 powers to be engaged.
- The need for both welfare and youth-justice beds across the country is increasing at an unprecedented rate. DfE have committed funding in excess of £200 million to tackle this issue and have worked closely with existing providers and other agencies to bring forward proposals for new units. Lincolnshire County Council, as one of these existing providers, submitted a grant application in 2021 to carry out a feasibility study and this was approved by DfE. Working closely with DfE, Lincolnshire County Council has developed the scheme proposal and has now reached the detailed design stage with planning approval in place to deliver the project.
- The provision of an additional 16 beds and the creation of a new fit-for-purpose home will help to directly address this national shortfall and is a high priority for both Central and Local Government. The construction of the new home will have a direct public benefit both locally and nationally, giving a desperately needed home for some of the most challenging and at risk children in society.
- There is therefore a compelling case in the public interest for the Council to acquire the Site for planning purposes under S227 of the 1990 Act, to engage S203 of the 2016 Act and enable the development to proceed and the public benefits to be realised. The engagement of these powers is considered to be proportionate and justified, notwithstanding the interference with the private rights of the landowners affected by the overriding of the covenants associated with the land.

- The entering into of the enabling works contract will enable the programme set down by DfE to be met, leading to the new unit being opened in early 2026. It has been a condition of the DfE grant funding that a programme which completes as close as possible to the end of the 2024/25 financial year is vital, otherwise funding could be lost in the next Comprehensive Spending Review (CSR).

1. Background

1.1 Lincolnshire County Council has been running a highly successful 12-bedded secure children's home in Sleaford since 1997. The service has received positive feedback from Ofsted and is well regarded on a national level both by Ofsted and the Ministry of Justice.

1.2 Lincolnshire's secure home has a track record of delivering high quality provision to children and young people in its care over the past two decades. However, over the past few years, the context in which secure units operate has changed:

- The number of children requiring criminal justice and welfare placements has increased (there were approximately 70 more children a day referred than secure units can cater for as of 05/06/23). This new secure children's home will accommodate an additional 16 children.
- There is emerging evidence showing that more children are being placed on welfare grounds (particularly females), and that children placed on welfare grounds have different needs to those placed on criminal grounds. A new unit could reflect the most recent research and evidence base and target these different needs more effectively through in-depth one to one work as well as group work due to the additional rooms available.
- The types of crime that children have committed have changed from minor to major crimes, such as murder or manslaughter, and the behaviour they are displaying is more violent. A new unit would provide a safer environment for children and staff through a better layout, reducing the number of incidents that occur and the amount of time spent managing behaviour, instead enabling staff to focus on effective engagement with children.
- Children are presenting with increasingly complex and multiple needs and vulnerabilities (such as child sexual exploitation, gang-related violence, mental health issues, substance misuse). A new unit could employ more staff with a diverse skillset to support children with varying and multiple needs.
- Technology has advanced in the education and health sectors. A new unit could have integrated systems to reduce staff inefficiency and increase interaction

time with children, signs of life cameras could be introduced to improve child safety, video conferencing could be introduced for children to speak to their families, and ICT could be used for learning online.

1.3 Central government, via the DfE, has committed to addressing the above issues and has allocated a budget in excess of £200 million for the delivery of new secure children's homes across the country. Lincolnshire County Council submitted a successful bid for initial feasibility funding in 2021.

1.4 Exempt reports outlining proposals and a business case for replacing the existing secure children's home with a new facility were subsequently submitted to the Executive Councillor for Children's Services, Community Safety, Procurement and Migration on 4th July 2022 and the Executive Councillor for People Management, Legal and Corporate Property on 17th May 2022 following scrutiny by the Children and Young People's Scrutiny Committee, which led to approval being granted for:-

- the Council progressing the provision of either a new 22 or 28 bed Secure Children's Home on Bonemill Lane, Sleaford;
- the completion and submission by the Council of an application to the DfE for capital funding of up to £63.6m from the c.£65m grant (depending on the decision being a 22 or 28 bed and subject to future uplifts – the DfE's latest preference being a 28 bed home); and
- the signing of an option agreement for the purchase of the Site at Bonemill Lane in Sleaford,

These reports are referred to in the Background Section of this Report and the Executive are referred to those Reports for the detail of the business case for the project. The rest of this Report deals with the specific decisions now required to progress the project in accordance with the approved business case.

1.4 On the basis of these approvals the following actions have been pursued:-

- An option has been secured for the acquisition of the land at Bonemill Lane, from the current landowners;
- An application was made to DfE for grant funding to meet the costs of the detailed design and enabling works for a replacement Children's Home. This grant has now been secured.
- A planning application was made and subsequently approved for the development of the new children's secure unit on the Bonemill Lane site.

- 1.5 The immediate requirement now, to maintain progress with the project is therefore to secure the land, meet the relevant pre-commencement planning conditions and enter into a contract for enabling works.

2 Land Purchase

- 2.1 Following a wide-ranging search for suitable sites across the whole of Lincolnshire, which was led by the Council's professional land agents in 2018 and re-visited again in 2022, the proposed site on Bonemill Lane in Sleaford was identified. The search had focused on sites of 10 acres (4.1 hectares) which would be large enough to accommodate the new home. These needed to be available to purchase or with landowners willing to discuss a potential sale. Sites which did not have an allocation for development were discounted as planning permission would not have been granted. The site needed to have proximity to a sizeable town for access and transport but could not be surrounded by residential neighbours as per the current site, with the associated issues this has caused. This accessibility caused an issue with many of the larger sites as they were remote agricultural land or in industrial areas.
- 2.2 A further relevant consideration was the desire, which has significant weight, to stay as close as reasonably possible to Sleaford so as retain in so far as it can be achieved the experienced and informed staff that work at the current home. In addition there is benefit from the site being well located within the county, making recruitment of new specialist staff easier.
- 2.3 Over 300 sites were examined by Kier Estates and the service and initial approaches made to a handful of owners of sites which were felt to be suitable. The site on Bonemill Lane in Sleaford was finally selected as the preferred site as it met all of the above criteria and the landowner was prepared to discuss a sale.
- 2.4 An agreement with the landowners was reached in February 2023 and an Option fee was paid to secure the land and enable LCC to purchase it once planning had been granted and the project was in a position to proceed. This was the subject of an exempt report which was presented to the Executive Councillor for Children's Services, Community Safety & Procurement in December 2022 and for which approval was granted on 13 December (Decision ref. I026118)
- 2.5 The Option fee was paid to the landowner in 2022/23 and the remainder of the purchase price and associated costs will be met through the new development capital contingency budget in 2023/24. The breakdown of costs and fees relating to the purchase are set out in exempt Appendix E
- 2.6 Now that planning approval for the new Secure Children's Home has been granted, acquisition is needed so that the DfE grant can be formally secured and the contract with the main contractor drawn up and finalised so that the enabling works can commence in October this year.

- 2.7 An early date for the commencement of the enabling works is important due to the works required to stop up a badger sett on site, which can only be carried out between the end of March and the end of November. The necessary licence has been obtained but the carrying out of the works within the allowed window remains critical to the timely delivery of the project.
- 2.8 The Site at Bonemill Lane comprises 24.78 acres/10.03 hectares and located to the northeast of Sleaford town centre, close to the A17 and the River Slea and shown edged blue on the plan attached at Appendix A ("the Site Plan") The Site is larger than is needed to accommodate the proposed LSCH development. The land required for the LSCH development ("the Development Site") is shown on the Plan at Appendix A edged red. At this stage there are no other specific proposals identified for the remainder of the Site as not used for the Development.

Covenants and Legal Basis for the Land Purchase

- 2.9 Whilst the said Site at Bonemill Lane has been identified as the best option available for the construction of the new Secure Children's Home, it currently has a covenant preventing use of the land for residential development, which would preclude the project going ahead. The nature of the covenant was only discovered upon the release of documents from the landowners, when negotiations on the land were already at an advanced stage. The covenant which is found within a Transfer dated 02nd November 2000 between The Farming Investment Company Limited (1) and British Energy Investment (No.2) Limited (2) ("The Covenant") is expressed as follows:

"The Transferor as owner of the Retained Premises hereby covenants with the Transferee and its successors in title the owners and occupiers from time to time of the Property with the intent to bind the Retained Premises into whosoever hands the same may come and with the intent to benefit the Property and each and every part thereof as follows:

13.6.1. Not to permit allow or suffer the construction of any residential building or structure on the Retained Premises or the use of the Retained Premises or any part or parts thereof for residential use nor to permit suffer or allow shop retail use of the Retained Premises or any part or parts thereof which lies to the west of East Road, Sleaford."

- 2.10 The land that has the benefit of The Covenant, originally one parcel of land, has been subsequently sold off and divided into smaller parcels since the year 2000 and now exists as a commercial trading estate known as Sleaford Enterprise Park with each of these landowners having the ability to enforce the covenant on the Bonemill Lane site. There are approximately 20 freehold owners who have the benefit of the covenant and consequently the legal ability to take enforcement action against the Council in the event of a breach of covenant by virtue of the

development and use of the new Secure Children's Home. A Plan is attached as Appendix D showing the extent and position of the Sleaford Enterprise Park in the context the position of the Site.

- 2.11 In addition there is a further covenant (The Further Covenant") preventing nuisance or disturbance from the Site which may be shown to prejudice the owners of land benefitting from this Further Covenant. This is expressed as follows:

"Not to do or suffer to be done on the property any act matter or thing which may be or become a nuisance or damage to the Transferor or the owners or occupiers of any adjoining land or which may prejudice the development of the retained land".

- 2.12 For the avoidance of doubt when this Report discusses below the engagement of S203 of the Housing and Planning Act 2013 it is in terms of The Covenant only and not The Further Covenant. It is not considered that the powers under S203 can assist to override The Further Covenant and consequently the burden of this will continue to affect the Site. However, any allegation of breach of this Further Covenant by the operation of LSCH will need to be proven against an objective test and will only arise once the LSCH is operational and in the light of the way it is actually operated. This covenant does not therefore have the potential to entirely prevent the use of the building for the purpose for which it has been constructed. It is considered the risk presented for any breach of The Further Covenant which may be alleged by the presence and operation of the LSCH is small and as such will instead remain a matter for indemnity insurance, should the same be available.

- 2.13 Powers to override rights over land acquired or appropriated for planning purposes were previously provided in section 237 of the Town and Country Planning Act 1990 ("the **1990 Act**"). These have more recently been replaced by the provisions of section 203 of the Housing and Planning Act 2016 ("the **2016 Act**").

- 2.14 By virtue of the said powers under s203 of the 2016 Act, LCC does have the power to carry out building or maintenance work or use even if it involves interfering with a relevant right or interest providing it can demonstrate the following:

- i) the land has become vested in or acquired by a specified authority [LCC] on or after 13 July 2016 (or appropriated by a local authority for planning purposes) or the land is 'other qualifying land' as defined in s. 205.
- ii) there is planning consent for the building or maintenance work or use
- iii) LCC could acquire the site compulsorily for the purposes of the building or maintenance work or for the purposes of erecting or constructing a building or carrying out any works, or for the use and

iv) the building or maintenance work or use is for purposes related to the purposes for which the land was vested or acquired by the specified authority [LCC].

- 2.15 Where the Council engages the section 203 power, the Council must compensate those affected by the exercise of it. Under Section 204 of the 2016 Act there is a liability to pay compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by Section 203 of the 2016 Act. The compensation is calculated on the same basis as compensation payable under the Compulsory Purchase Act 1965 i.e. based on the diminution of the value, if any, of the affected property because of the interference with the right. In the use of the power it is considered that it should be consistent with the Ministry of Housing Communities and Local Government's Guidance on Compulsory Purchase and Crichel Down Rules (July 2019).
- 2.16 Professional advice has indicated that any loss suffered by landholders would be anticipated to be negligible as the LSCH development is considered to have little or no impact on landholdings who benefit from The Covenant which are in some cases several hundred metres away, on the other side of both a main road and railway line.

Invoking Section 203

- 2.17 In terms of the first limb of the section 203 requirements as set out in paragraph 2.14, now approval has been granted for the acquisition of the Site, the works for the construction of the secure children's home will be carried out on land which has been acquired after 13th July 2016.
- 2.18 In terms of the second limb of the section 203 requirements as set out in paragraph 2.14, there is a planning permission for the construction of the proposed secure children's home on the land at Bonemill Lane as referred to at paragraph 1.4 above. The Council recognises it will not be able to proceed until such time as the statutory challenge period for the planning permission has expired. This period will expire on 12th September 2023. Whilst there are conditions attached to the grant of planning, none of these are considered to present a problem in carrying out the project.
- 2.19 In terms of the third limb of the section 203 requirements as set out in paragraph 2.14 above, Section 226 of the Town and Country Planning Act 1990 provides that a local authority (subject to the authorisation of the Secretary of State) has power to acquire compulsorily any land in their area, if they think that this will facilitate the carrying out of development, re-development, or improvement on or in relation to the land; or which they consider is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area.
- 2.20 Under Section 226 (1A) of the 1990 Act, a local authority may not acquire land compulsorily, for the purpose of facilitating the carrying out of development,

unless they consider that the development is likely to contribute to the achievement of one or more of the following objectives:

- i) The promotion or improvement of the economic well-being of their area;
- ii) The promotion or improvement of the social well-being of their area;
- iii) The promotion or improvement of the environmental well-being of their area

2.21 Section 227 of the 1990 Act provides that the Council may acquire by agreement any land which it requires for any purpose for which it may be authorised to acquire land under Section 226 of the 1990 Act.

2.22 Section 246 of the 1990 Act provides, in this case, that reference to the acquisition of land for planning purposes is a reference to the acquisition of it under section 226 or 227 of the 1990 Act.

2.23 The explanatory note relating to the 2016 Act provides guidance that the requirement of this third limb that the authority 'could' acquire the land compulsorily for the purposes of the building work was intended only to require that the authority had the relevant enabling powers, not that on the facts of the case a compulsory purchase order would be confirmed for the compulsory acquisition of the land.

2.24 As a result of these provisions the Council will meet the requirements of the third limb if:

- The Council thinks that this will facilitate the carrying out of development, re-development, or improvement on or in relation to the land; or they consider it is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area; and
- The Council considers that the development is likely to contribute to the achievement of one or more of the following objectives:
 - The promotion or improvement of the economic well-being of their area;
 - The promotion or improvement of the social well-being of their area;
 - The promotion or improvement of the environmental well-being of their area

2.25 The Council, mindful of the decisions to obtain planning permission for a Scheme, to obtain finance for it with the full support of the DfE, is firmly of the view that the acquisition of the land at Bonemill Lane for the purpose of the secure children's home will facilitate development of the land and improve the land. The land is currently bare arable land which has been used for many years for the storage of agricultural machinery and hay bales for a nearby power station. The proposed development will construct an access road which will enable future development on a site which is allocated for commercial use, as well as carrying out measures to increase the biodiversity of the site in line with planning guidance.

- 2.26 It is also considered that the proposed development meets all of the criteria in section 226(1A) as it will support in excess of 174 jobs, both during construction and in the long term; it will support some of the most vulnerable children in society, within Lincolnshire and beyond. The proposed development will see a new £70 million building constructed, with long term investment in the Sleaford area by both DfE, LCC and the Ministry of Justice who will have a long-term contract with the new home.
- 2.27 In addition, the environmental improvements that will be carried out as part of the project will result in a net improvement to the biodiversity of the site and immediate area. The standard improvement required as part of a planning application is 10%, this project is currently showing a net biodiversity improvement of 36%
- 2.28 In terms of the fourth limb of the section 203 requirements as set out in paragraph 2.13 above, the Council is acquiring the land for planning purposes in accordance with section 227 of the 1990 Act and the construction of the LSCH on the land will be for the purposes for which the land was acquired.
- 2.29 The land in question will be acquired by agreement but, in order to carry out the required works, the covenant will need to be over-ridden.
- 2.30 As a result of the above, the Council can properly conclude that if the recommendations of this Report are approved its construction of the LSCH on the land at Bonemill Lane will meet the requirements of section 203 of the 2016 Act.

Engagement with beneficiaries of The Covenants

- 2.31 Because of the impact of section 203 of the 2016 Act on their rights under The Covenants the Council is required to seek the views of those landowners who have the benefit of the covenants and to take into account their representations (if any) in deciding how to proceed.
- 2.32 LCC has taken active steps to contact the owners of all land benefitting from the covenant and is fully committed to agreeing reasonable compensation to secure release of the affected rights by agreement. A 6-month period of consultation has taken place, with 3 separate letters being issued and direct visits to affected properties being undertaken to alert of the Council's development proposals and the conflict of this with the existing covenant. Whilst LCC is still committed to continuing the discussions with affected landowners it is likely given the lack of engagement to date experienced that agreement will not be reached with all parties in time for the DfE grant funding to be drawn down, thus preventing the development from proceeding.
- 2.33 A summary chronology of the discussions between LCC and the landowners is attached to this report as Appendix C. Only a handful of responses were received

to the initial letter and several of these were only to say that the respondents no longer had any interest in the land. Of the replies received, only two stated that they had engaged agents to look at the proposed development and would respond in due course. Other letters were issued over the course of the planning period, spaced over 6 months, with no further response.

2.34 The Council has taken extensive steps to contact potential beneficiaries of The Covenant to inform them of the Council’s proposal to develop the LSCH in reliance on S203 of the 2016 Act and the consequences of this for their rights under the covenant. No recipient of these communications has chosen, within the clear timeframes set out by the Council, to alert LCC to any concerns and it is therefore considered that LCC is justified in proceeding on the basis that the provisions of S203 will override The Covenant, subject to the compensation considerations.

2.35 In addition, because the effect of the acquisition would be to engage the overriding provisions of Section 203 of the 2016 Act it is necessary to consider whether the facilitation of the development would justify an interference with the rights of third parties. In making that decision regard should be had to the advice and guidance contained in the current DCLG Guidance on Compulsory Purchase (October 2015). Fundamentally, the decision to acquire land in order to engage Section 203 should only be made where it is necessary and there is a compelling case in the public interest. Table 2 below sets out and addresses the relevant considerations in this respect.

Table 1 – Section 203 Considerations

Consideration	How Addressed
<p>i) The infringements cannot reasonably be avoided.</p> <p>ii) The covenant that is to be interfered with cannot reasonably be released by agreement with the affected owners.</p> <p>iii) The development is prejudiced due to the risk of injunction and adequate attempts have been made to remove the injunction risks.</p>	<p>i) The construction of a secure residential home will directly contravene the covenant on the land. No other suitable site is available within the County.</p> <p>ii) Attempts have been made to contact all affected owners (see Appendix C) but many have not responded. The issue cannot be left unresolved for an indefinite period so the use of S203 powers is considered necessary to meet the timeframes of the development of the LSCH.</p> <p>iii) If an injunction was enforced against the project, then the project could not be completed. DfE funding could not be drawn down in time and the development would be unable to proceed. Three letters (Appendix C)</p>

	have been written to all landowners; visits have been made to all affected properties in order to engage them in this process.
2) The use of the statutory powers will facilitate the carrying out of the development.	If S203 is successfully used then the possibility of an injunction halting development will be removed, therefore removing the risk of the project being unviable. This will enable the DfE funds to be drawn down and the secure home to be constructed and opened without the possibility of challenge from the beneficiaries of the covenant.
3) The benefits of the development would not be achieved without giving rise to the infringement of the identified covenant.	The residential nature of the new home is such that it would be in breach of the covenant against residential development. If the project is to proceed, then there would be no way to avoid breaching the covenant
4) Is it in the public interest that the development be carried out?	The need for both welfare and youth-justice beds across the country is increasing at an unprecedented rate. The provision of an additional 16 beds and the creation of a new fit-for-purpose home will directly address this shortfall and is a high priority for both Central and Local Government. The investment of approximately £70 million into Lincolnshire will help support jobs and contribute substantially to the local economy.
5) Is the public interest to be achieved proportionate to the private rights being infringed by the action of Section 203?	The construction of the new home will have a direct public benefit both locally and nationally, giving a desperately needed home for some of the most challenging and at-risk children in society. The loss to the beneficiaries is considered to be negligible as the development of the site is thought to have no negative impact on them. The residential nature of the home will not cause nuisance, reduce the value of their landholding or otherwise affect them.

2.36 The Council should also be sure that the purposes for which the powers are being exercised justify interfering with the human rights of those whose human rights would be affected. Particular consideration should be given to the provisions of Article 8 (right to home life) and Article 1 of the First Protocol (peaceful enjoyment of possessions) to the European Convention on Human Rights.

- 2.37 Article 8 provides that there should be no interference with the existence of the right to home life except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.
- 2.38 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 2.39 The Council has considered Article 8 and does not consider this Article to be engaged. As set out above, the land having the benefit of the covenant now exists as a commercial trading estate known as Sleaford Enterprise Park. None of the land is occupied by residential properties and there is no home life capable of being affected by the LSCH development. If the Council is wrong about this and Article 8 is engaged then as a matter of fact there is no impact on any person's home life both by reason of the lack of homes on the benefitting land but also on the basis of the distance between the LSCH development and the land having the benefit of The Covenant.
- 2.40 The Council considers that Article 1 of the First Protocol is engaged. However, given the distance of the benefitting land from the LSCH development, any interference with the possessions of the landowner is minimal if non-existent. The Council recognises that the benefit of the covenant is itself capable of being a possession for these purposes and there will be interference with this as a result of section 103 being triggered. However, again because of the distance from the LSCH Development Site and because of the commercial nature of the use to which the benefitting land has been put there is minimal impact of this interference both practically and in terms of the value of the land for the reasons given before. In addition, a statutory right to compensation exists which is a sufficient remedy for any interference there may be. Given this entitlement to compensation, the public interest in the development of the LSCH is considered to be sufficient to render lawful any interference with the possessions of the beneficiaries of The Covenant there may be.
- 2.41 The proposed acquisition by the Council of an interest in the relevant land for planning purposes is considered to accord with the statutory requirements for the application of section 203. There is considered to be a compelling case in the public interest for engaging section 203 to deliver the development in this case, and this

is considered to justify the consequent interference with the relevant rights, and to be proportionate to the level of benefits to be delivered.

- 2.42 Given the existence of The Covenant, there is still a residual risk that the development is challenged once it is constructed. It is felt though that the Council's ongoing attempts to contact beneficiaries and give them opportunity to engage with the authority, will reduce the risk of challenge and the likelihood of success to a minimal level. It is therefore considered that the Executive may proceed to approve the recommendations on the basis that future challenge on the basis of The Covenant will not be capable of preventing the development from proceeding. As beneficiaries would need to show demonstrable loss as a result of the development, it is felt highly unlikely that compensation claims will have a significant financial impact.

3 Enabling Works Contract

- 3.1 The Council's Corporate Property team delivers capital projects using the Royal Institute of British Architects (RIBA) 7 stages as a guide for works and planning. This methodology offers a best practise framework for capital project delivery.
- 3.2 In broad terms RIBA Stages 1-4 constitute the design process. The project is taken from an initial idea and concept through to a detailed design whereby the building is designed to the smallest detail and all elements are incorporated.
- 3.3 A preconstruction contract is signed with a contractor at RIBA stage 0/1 to pay for design, and a 'main works' contract is typically signed with a contractor at the end of RIBA stage 4 to pay for construction.
- 3.4 For some projects, to preserve timescales and deliver within overarching project constraints (like funding deadlines), it is essential to commence 'Enabling Works' on site. The contract for this is usually signed during RIBA stage 3. In the construction industry, enabling works refers to following types of activity:
- Site clearance including removing underground obstructions
 - Asbestos surveying and removal
 - Temporary works including haul roads, scaffolding, hoarding and diversion of services
 - Opening up works and strip outs
 - Propping
 - Full and part demolition of buildings and structures
 - Dismantling of old machinery
- 3.5 Enabling works does not constitute main construction (RIBA stage 5), but it will make the site ready to allow construction to start immediately. The enabling works contract will be procured under the Pagabo construction framework and forms part of the previous mini-competition which was used to select the contractor for

Undertake potential vibro-piling to prepare ground for foundations.	
Installation of new electrical connection for temporary building supply.	
Enabling Works Total	£4.66 million
Total Grant	£7.26 million

3.9 These early enabling works will mean that the project can carry on at a pace that will enable the completion of the building within DfE's agreed timescales. If this work cannot be carried out early, and has to wait until full cost certainty is achieved, then it is likely that the programme will not be achieved and grant funding may be withdrawn.

4. Legal Issues:

Equality Act 2010

4.1 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

4.2 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

4.3 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 4.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- 4.6 Compliance with the duties in section 149 may involve treating some persons more favourably than others.
- 4.7 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

The formal Equality Impact Assessment is in progress for this project and will be finalised as part of the ongoing design process, both in terms of service delivery and the construction of the building.

The building itself will be highly accessible, even though it is very specialised in nature and must above all provide a safe and secure environment. All public areas will be on the ground floor with no steps, wide corridors and clear signage being an integral part of the design.

Whilst the design of the building is focussed on security there will be allowances made for residents who may have mobility issues or other impairments. For example demountable handrails and other aids will be available to be installed in residents' bathrooms if required.

The development of a new building, with up-to-date systems and carefully designed spaces, both internal and external, will help staff support children with a wide range of needs.

The location of the building is also felt to be as accessible as possible with the distance to public transport being one of the prerequisites in the choice of site. Whilst the building is on the edge of Sleaford it is still within walking distance of the town centre and access improvements will be made to the local roads as part of the project.

5. Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

- 5.1 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The proposed process will enable the Council to explore improved secure facilities within the county which will equip the Council to better support young people with complex needs and vulnerabilities.

6. Crime and Disorder

- 6.1 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The new build Lincolnshire Secure Children's Home will improve Education and Health opportunities for children and young people and also support their transition back into the community. It will also provide secure facilities for young people who are either within the criminal justice system or who need to be accommodated securely to protect themselves or others. The facility would therefore directly contribute to reductions in crime and disorder.

7. Conclusion

- 7.1 The three recommendations made within the body of this paper are all essential for the Lincolnshire Secure Children's Home project to proceed. The ownership of the land needs to be secured, the risk of challenge from beneficiaries of the covenant is required to be removed and the contract for the enabling works is required to be drawn up and signed, so that LCC can take advantage of the funding offered by DfE to deliver a groundbreaking new facility.
- 7.2 The Executive of the Council is therefore requested to approve these recommendations and support the further development of the project, through to main contract stage.

8. Legal Comments:

The Council has the power to acquire the land and enter into the enabling works contract as proposed.

The legal powers available to the Council to acquire the relevant Land for planning purposes, in order to engage the provisions of Section 203 of the 2016 Act and override third party rights are identified and explained in paragraphs 2.9 – 2.42 of this report.

The decision is consistent with the Policy Framework and within the remit of the Executive

9. Resource Comments:

The recommendations in the report that the Executive to approve the acquisition of the freehold interest at Bonemill Lane in Sleaford, Lincolnshire, and to engage the provisions of Section 203 of the of the Housing and Planning Act 2016, in order to override covenants, as a result of planning permission being received and the consultation exercise, will support the delivery of the new Lincolnshire Secure Children’s Home. The remainder of the land acquisition costs including associated costs to meet legal fees and stamp duty costs is being funded through the Council’s new development capital contingency budget in 2023/24. The Development would contribute to the economic, social, or environmental well-being of the area.

The Department for Education (DfE) has granted funding to the Council for the enabling works together with the detailed design works, professional fees and surveys, to the value of £7.266m in total. This will enable the Council to enter into a contract for the detailed design and enabling works. The capital build project for the new Lincolnshire Secure Children’s Home is funded through DfE monies.

10. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes. Both the Executive Councillor for Children’s Services and the Executive Councillor for Corporate Property have been consulted on this project.

c) Scrutiny Comments

The decision will be considered by Children & Young People’s Scrutiny Committee at its meeting on 8 September 2023 and the comments of the Committee will be passed to

the Executive.

d) Risks and Impact Analysis

There are considerable risks associated with a project of this scale and value. The design process and early engagement with a wide range of stakeholders, statutory authorities and other interested parties has helped to mitigate and reduce this but several do remain:

Table 4 – Risk Register

Risk	Mitigation
Resources inadequate and funding not expended prior to DfE grant expiry date: resulting in damage to reputation	Constant dialogue with DfE has managed expectations over delivery timescales. A programme has been agreed which is both achievable and acceptable to all parties. Resources have been dedicated to oversee delivery of the project.
Land acquisition of site does not progress as planned; prolongation of programme / cost increases	The Option agreement has been completed enabling the Council to require the land transfer to be completed with a realistic completion date triggered upon the Council's exercise of the option. Both parties remain keen for completion to take place as soon as possible following exercise of the option notice. In the event the Council chose not to exercise the option and proceed to purchase of the land the option fee which has been paid would be forfeited.
Utility supplies cannot meet the requirements of the project: gas, electric or water supplies require upstream enhancement or relocation and cost allowance insufficient	Design of the building has focussed on reducing power consumption. Gas has been removed completely, electricity load has been more than halved. Upgrade works will be required to ensure continuity of electrical supply but this is now factored into project costs.
Achieving carbon neutral design increases cost to meet funder / stakeholder requirements not currently captured in Indicative Order of Cost Estimate	Costs of Net Zero design changes and upgrades to specifications have now been captured by the design team. These are estimated at over roughly £6 million. This has been accepted by DfE as scope change and included within funding envelope.
DfE do not agree grant funding to the level required to complete the project. Project cannot proceed	Dialogue has continued with DfE from the very early stages of the project. They have been made aware of the cost estimates at

	every stage and have agreed with the proposals. Commitment has been given to over £9 million in grant already and the likelihood of DfE withdrawing support after this level of expenditure is increasingly low.
LCC purchases the site and carries out enabling works but final project does not proceed.	If LCC purchased the site and carried out the upgrade work to access road, electrical supply, site drainage and boundaries then an enhanced asset would be available either for LCC use in future or sale to others, potentially at a higher value.
Legal challenge is made by a beneficiary of the covenants. Delaying the project and potentially preventing the home opening.	Detailed investigation into the powers available to LCC under S203 of the Housing and Planning Act 2016 has been undertaken. This supports the actions of LCC and the communications with beneficiaries over several months reduce the likelihood of successful challenge to a level that is felt to be extremely low.

12. Appendices

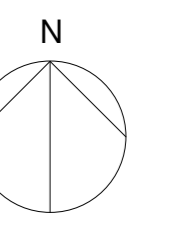
These are listed below and attached at the back of the report:	
Appendix A	Plans and elevations of proposed new home
Appendix B	Planning approval document
Appendix C	Correspondence issued to beneficiaries over covenant.
Appendix D	Plan showing location of Beneficiary sites.
Appendix E (EXEMPT)	Details of land transaction

13. Background Papers

No Background Papers within section 100D of the Local Government Act 1972 have been used in the preparation of this Report

This report was written by Matthew Stapleton, who can be contacted on 07766 384257 or matthew.stapleton@lincolnshire.gov.uk

APPENDIX A



NOTES

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Scale

1:100	mm	cm	m	km
1:200	mm	cm	m	km
1:500	mm	cm	m	km
1:1000	mm	cm	m	km
1:2000	mm	cm	m	km

PLANNING

NOTES - GENERAL

- Dimensions are not to be scaled from this drawing.
- All drawings to be printed in colour or correct scales.
- All dimensions are in millimetres and levels in metres unless noted otherwise.
- All dimensions, when between other dimensions and size dimensions or within these drawings should be brought to the immediate attention of the architect before reaching the works.
- This drawing is to be read in conjunction with all other documentation forming the planning application.
- All existing dimensions / levels / features indicated on drawing are to be verified on site.

NOTES - SITE LOCATION PLAN

- Site Demarcation Boundary 95.66242 / 9.9662 Hectares
- Planning Application Boundary 68.04542 / 8.046 Hectares

(N.B. Planning Application Boundary has been offset for clarity)

- Existing Buildings

Survey Reference Information:

OS Maps: Reproduced from Ordnance Survey mapping with the permission of the Controller of the Map's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and OS License 10002370. Provided by Lincolnshire County Council.

Topographical survey undertaken by Greenhatch Group. Drawing reference 44347. Provided by Willmott Dixon Construction.

GPIS survey undertaken by Greenhatch Group. Drawing reference 44347. Provided by Willmott Dixon Construction.

Agricultural survey undertaken by Focus Environmental Consultants. Drawing reference 2599. Provided by Willmott Dixon Construction.

Footpath and Highway works are subject to review and confirmation from Local Highway Authority and consultation with Network Rail and requirements associated with the level crossing.

Drawing to be read in conjunction with Civil Engineering, Landscape Architect and Highway Engineers Information.



Site Location Plan
1:1250

Rev	Planning Application Issue	CS	ML	LC
Version	Amendment	Drawn	Checked	Approved & Date

KIER

Working Office: Lincoln
Telephone: 01522 836000
E-mail: kornia.crowther@kier.co.uk
Home Project Number: 35276

Client: Willmott Dixon
Project Name: Lincolnshire Secure Children's Home
Drawing Title: Site Location Plan

Scale	1:1250	Original Size	A3	REA 2015 Stage	5
Date	JAN 23	Drawn	DB	Checked	MAJL
Drawing Number	LSCH21-KBS-ZZ-XX-D-A-1000	Issue	01	Approved	LC
Revision		Issue		Number	P06

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Lincolnshire County Council Planning Permission

Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

Date of Proposal: 5 April 2023

Application No. 23/0539/CCC

LCC Ref. No. PL/0029/23

Part 1 Planning Permission

1. On 31 July 2023 the Lincolnshire County Council resolved, for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, to construct a one and two storey 28 bed secure children's home (Class C2a) and associated support accommodation including administration facilities, kitchen and dining spaces, education and teaching spaces, sports facilities (including a MUGA) and external secure courtyard areas. Supporting infrastructure includes: a new service road, a car park, surface water attenuation pond, landscaped areas, renewable energy provision and battery store at Bone Mill Farm, Bonemill Lane, Sleaford.
2. Take notice that Planning Permission is hereby granted by Lincolnshire County Council to carry out the above development in accordance with the application and plans submitted subject to the following conditions.

Part 2 Conditions

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority within seven days of commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Signed *N McBride*
Head of Planning
Lincolnshire County Council

Date 1 August 2023

NOTES:

1. This permission must be entered in the statutory register of planning decisions maintained by the District Council (as required by the Town and Country Planning General Regulations 1992). In addition the District Council is requested to make an entry in the Land Charges Register of any conditions attached to this permission.
2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Mail Merge Name & Address

No 1 in mail merge

No 2 in mail merge

Ref: UPRN N0510

Date: 2023

Dear Sir/Madam,

Proposed Development of Secure Children's Home at Land south of Bonemill Lane, Sleaford, Lincolnshire

Context

Lincolnshire County Council ("LCC") is looking at the purchase of land at the above location and shown on the attached Plan edged red ("the Site") for the purposes of development for a secure children's home and will shortly submit a planning application.

This development to be located on the Site will replace an existing and ultimately outdated secure facility located elsewhere in Sleaford and provide secure purpose built accommodation for young people aged between 10—17 years of age who have been referred to the home through the Youth Custody Service or through the local authority to provide secure welfare accommodation ("the Development"). – As a secure facility the home is to provide all the facilities needed to support the needs of the young people including educational, therapeutic and medical needs.

Why are LCC writing to me?

The Site is subject to a restrictive covenant preventing any building or structure for a residential use. There is a clear risk that the Development will amount to a breach of this covenant. The restrictive covenant can be seen at clause 13.6/13.6.1 of the attached transfer dated 2nd November 2000 between The Farming Investment Company Limited (1) and British Energy Investment (No. 2) Limited (2) ("the Transfer"). – The land you have a legal estate in (freehold owner or other leasehold estate) at (INSERT PROPERTY ADDRESS FROM MAIL MERGE- No. 3) benefits from this restrictive covenant enabling you to enforce any breach of covenant that may arise with the potential to prevent the Development from proceeding.

The Powers available to LCC

Under s203 of the Housing and Planning Act 2016, LCC has statutory powers available to it to "override" this restrictive covenant. Where the requirements of that section are met LCC has the right to carry out building or maintenance work even if it involves breaching a covenant of the kind affecting the Site. This letter explains the legal effect this would have -- and importantly invites your comment and permits you an opportunity to make representations to LCC before LCC make any final decision whether to proceed with construction on the basis of s203 powers.

The impact of any engagement by LCC of s203 prevents a beneficiary from enforcing the covenant and replaces this with compensation reflective on the beneficiaries' loss. Such compensation is calculated under the compensation code and wholly based on the impact of the "loss" of the covenant on your benefitted land. –A diminution in value (if any) of your legal interest.

LCC's approach is to seek a negotiated solution to the matter but where this is not possible would consider use of the aforementioned powers available to it with engagement of s203 and agreement of compensation (or third party determination in the absence of agreement) happening in later course under section 204 of the Act.

Professional Costs and Contact

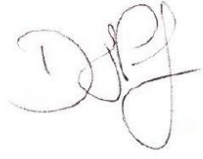
It is our recommendation you seek prompt professional guidance on the content of this letter with chartered surveyor and where appropriate a solicitor. LCC will meet your reasonable and properly incurred professional costs. We would be obliged to hear from you or your professional representatives in early course and ideally before the [date 14 days from the date of the letter] with your comments and observations.

With this in mind please make contact to:

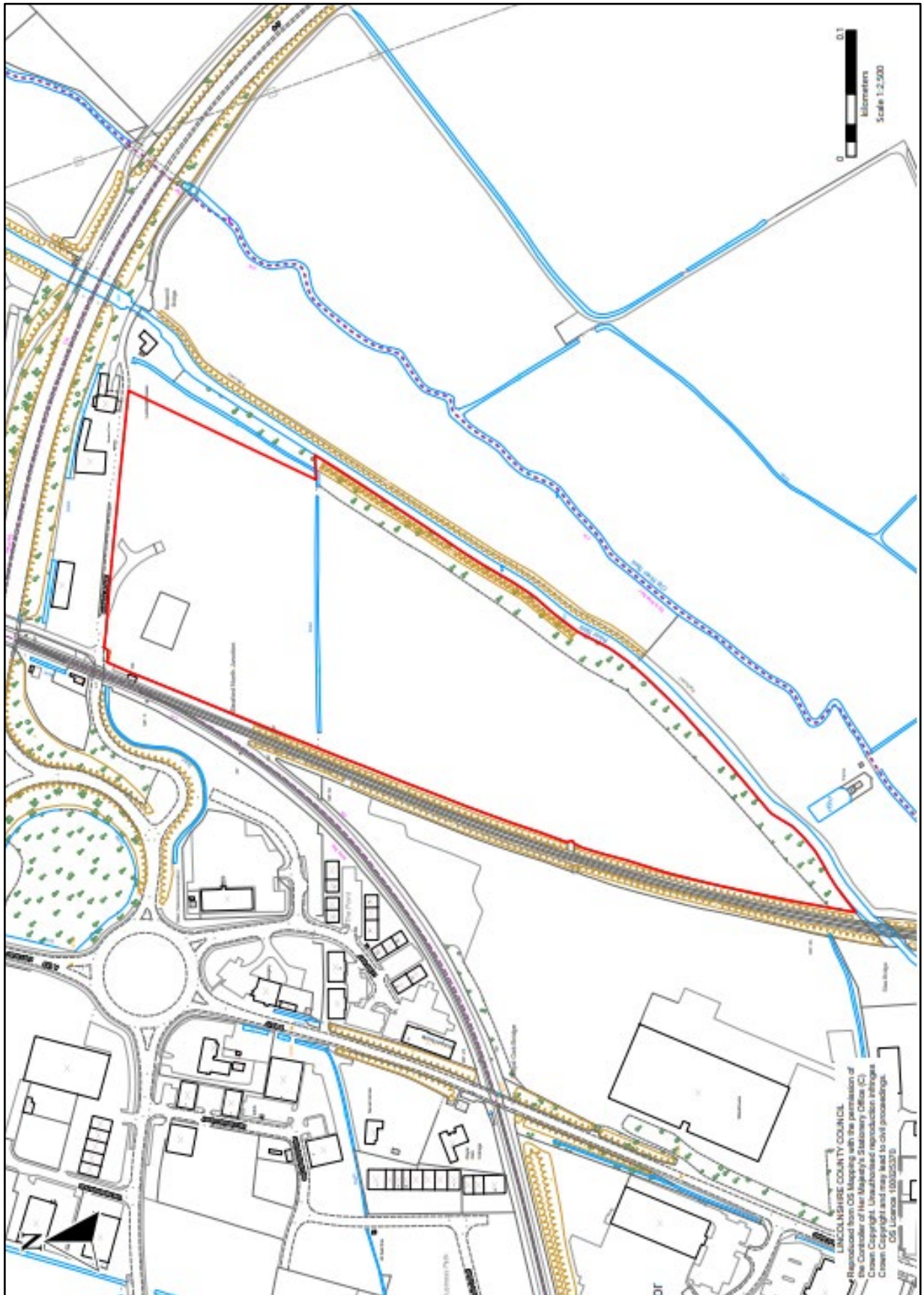
Contact: Angela Calow
Email: angela.j.calow@kier.co.uk
Telephone: 07768 831 777
Postal Address: Kier Design and Business Services
County Offices
Newland
Lincoln
Lincolnshire
LN1 1YL

We thank you for your consideration and look forward to your response please.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Pennington', with a large, stylized 'D' and 'P'.

Dave Pennington
Head of Property Development, Corporate Property.
The Site



2000 Transfer

**Transfer of part
of registered title(s)**



HM Land Registry

LL 194225

TP1

(If you need more room than is provided for in a particular registration sheet, please staple to this form)

1. Stamp Duty



IRELAND REVENUE
PRODUCED
21 NOV 2000
FINANCE ACT 1931
MANCHESTER STAMP 15



4103225

Place "X" in the box that applies and complete the box in the appropriate certificate.

It is certified that this instrument falls within category in the Schedule to the Stamp Duty (Exempt Instruments) Regulations 1987

It is certified that the transaction effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds the sum of

£

2. Title number(s) out of which the Property is transferred *(leave blank if not yet registered)*

The Whole of title number: LL132358
Part of title number: LL112014



3. Other title number(s) against which matters contained in this transfer are to be registered *(if any)*

LL151025

4. Property transferred *(insert address including postcode or other description of the property transferred. Any physical exclusions eg mines and minerals should be defined. Any attached plan must be signed by the transferor and by or on behalf of the transferee.)*

The property forming part of Sleaford Enterprise Park, Sleaford, Lincolnshire.

The Property is defined: *(Place "X" in the box that applies and complete the statement)*

on the attached plan and shown *(state reference eg "edged red")*
edged red

on the Transferor's filed plan and shown *(state reference eg "edged and numbered 1 in blue")*

5. Date 2nd November 2000

6. Transferor *(give full names and Company's Registered Number if any)*

The Farming Investment Company Limited (Company Number 1719581)

7. Transferee for entry on the register *(Give full names and Company's Registered Number if any; for Scottish Co. Reg Nos. use an SC prefix. For foreign companies give territory in which incorporated.)*

British Energy Investment (No. 2) Limited (Company Number: SC172300)

Unless otherwise arranged with Land Registry headquarters, a certified copy of the transferee's constitution (in English or Welsh) will be required if it is a body corporate but is not a company registered in England and Wales or Scotland under the Companies Acts.

8. Transferee's intended address(es) for service in the U.K. (including postcode) for entry on the register

10 Lochside Place
Edinburgh
EH12 9DF

9. The Transferor transfers the property to the Transferee.

10. Consideration (Place "X" in the box that applies. State clearly the currency unit if other than sterling. If none of the boxes applies insert an appropriate memorandum in the additional provisions panel)

The Transferor has received from the Transferee for the Property the sum of (in words and figures) £1,300,000 (one million three hundred thousand pounds) together with Value also see additional provisions panel
(insert other receipt as appropriate)

The transfer is not for money or anything which has a monetary value

11. The Transferor transfers with (place "X" in the box which applies and add any modifications)

full title guarantee limited title guarantee

For the Purposes of section 6(2) of the Law of Property (Miscellaneous Provisions) Act 1994 the Transferee is deemed to have inspected all registers

12. Declaration of trust. Where there is more than one transferee, place "X" in the appropriate box

The Transferees are to hold the Property on trust for themselves as joint tenants

The Transferees are to hold the Property on trust for themselves as tenants in common in equal shares.

The Transferees are to hold the Property (complete as necessary)

13. Additional Provisions

1 Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- other agreed provisions
- required or permitted statements, certificates or applications

2 The prescribed subheadings printed in the form as set out in Schedule 1 to the Land Registration Rules 1925 may be inserted, added to, amended, repositioned or omitted.

Continued from Clause 10 - Consideration

Added Tax thereon plus the entitlement to receive the Deferred Consideration in accordance with the provisions of the Agreement.

Continued from Clause 11 - The Transferor Transfers

open to public inspection.

Continued from Clause 13 - Additional Provisions

13 1 Definitions

"Agreement" means an agreement dated 17 March 2000 made between (1) the Transferor and (2) the Transferee providing for the sale and purchase of the Property in accordance with the provisions of this Transfer.

"Deferred Consideration" means the Deferred Consideration payable pursuant to the Agreement.

"Development" means the development of the Property or parts thereof as a natural gas fired combined cycle power station and associated infrastructure.

"Disposals" means the sales and transfers by the Transferor of areas of the Transferors Property to Enus Karim and Netagco Sales (UK) Limited pursuant to the transfers dated 1 June 1999 and 10 December 1999 respectively together with any other disposals of areas of the Transferors Property completed prior to the date hereof.

his official copy is incomplete without the preceding notes page.

"Disposal Documents" means firstly a transfer of part of the Transferors Property dated 1 June 1999 made between (1) the Transferor and (2) Enus Karim, secondly a transfer of part of the Transferors Property dated 10 December 1999 made between (1) the Transferor and (2) Metagco Sales (UK) Limited and thirdly any further transfer conveyance or other document transferring or demising to a third party an interest in any part of the Transferors Property and completed prior to the date hereof.

"Necessary Consents" means consents under Section 36 and Section 37 of the Electricity Act 1989 Section 14 of the Energy Act 1976, pipeline consent authorisations, planning permissions IPC or IPPC consents and any other consents or approvals required by the Transferee for the Development.

"Perpetuity Period" means 80 years from the date hereof.

"Retained Premises" means the whole of the Transferors Property other than the Transferred Properties and being the area more particularly delineated and shown edged blue on Plan 1 other than the areas thereof hatched blue on Plan 1.

"Service Corridor" means that part of the land shown coloured brown on Plan 2 which is within the Retained Premises (with the dimensions of the Service Corridor being generally 10 metres in width except where the boundary of the Service Corridor is coextensive with an adopted highway in which area it is 7 metres in width).

"Services" means sewers drains channels watercourses cables pipes wires (including overhead cables wires and lines) ducts conduits laser-optical fibres and electronic data or impulse communication transmission or reception systems and ancillary apparatus.

"Transferors Property" means the areas of land adjacent or neighbouring the Property now or formerly in the ownership of the Transferor being the land more particularly delineated and shown edged blue on Plan 1.

"Transferred Properties" means those areas of the Transferors Property transferred or demised to third parties by the Transferor prior to the date hereof pursuant to the Disposals (being the areas shown for identification purposes only hatched blue on Plan 1).

13.2 Easements and Rights included in the Transfer (Existing Matters)

The Property is transferred together with the benefit of all easements and rights excepted and reserved in the Disposals of the Transferred Properties for the benefit of the Property.

13.3 Benefit of Covenants and Obligations included in the Transfer (Existing Matters)

The Property is transferred together with the benefit of all covenants and obligations imposed upon the Transferred Properties for the benefit of the Property in the Disposals of the Transferred Properties.

13.4 Easements and Rights included in the Transfer (Service Corridor)

The following easements and rights are granted by the Transferor to the Transferee and its successors in title the owners and occupiers from time to time of the Property or part or parts thereof for the benefit of the Property and as appurtenant to it.

13.4.1 Subject as provided below in clause 13.4.3 the full right and liberty within the Perpetuity Period to enter that part of the Retained Premises as is appropriate and/or any part of the Service Corridor with or without workmen or contractors agents vehicle plant and machinery to dig up and excavate within the Service Corridor as may be necessary to lay and install Services to and from the Property.

13.4.2 Subject as provided below in clause 13.4.3 thereafter the right of free and uninterrupted passage and running of water soil gas electricity steam telecommunications sewerage or any other substance from and to all parts of the Property through the Services that are now laid or are at any time during the Perpetuity Period laid by the Transferee (or its successors in title or those deriving title under them) in or under or through the Service Corridor together with the full right and liberty with or without workmen and others and with all plant and materials to enter onto and remain upon such part of the Service Corridor as is appropriate for the purposes of inspecting testing examining repairing cleansing emptying maintaining altering removing relaying renewing replacing installing adding to improving the capacity of or connecting up with the Services.

13.4.3 Any exercise of the rights in clauses 13.4.1 and 13.4.2 involving entry onto the Retained Premises is subject to the persons exercising the same causing as little damage as reasonably possible and making good or paying reasonable compensation in lieu thereof for any damage occasioned to the Retained Premises and the persons so entering giving reasonable notice (save in emergency).

13.5 Easement and Rights included in the Transfer (Retained Premises)

The following easements and rights are granted by the Transferor to the Transferee and its successors in title the owners and occupiers from time to time of the Property or part or parts thereof for the benefit of the Property and as appurtenant to it.

see continuation sheet 1

14. The Transferors and all other necessary parties (including the proprietors of all the titles listed in panel 3) should execute this transfer as a deed using the space below and sign the plan. Forms of execution are given in Schedule 3 to the Land Registration Rules 1925. If the transfer contains transferees' covenants or declarations or contains an application by them (e.g. for a restriction), it must also be executed by the Transferees.

The common seal of The Farming Investment Company Limited was affixed in the presence of:

Common seal of company



Signature of Director

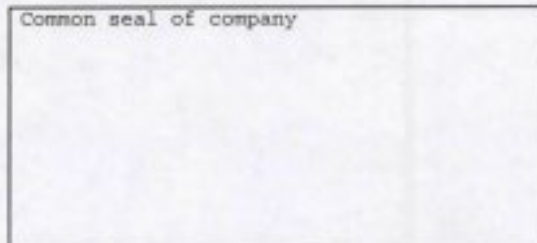
James H Brown

Signature of Secretary

R. C. Brown

The common seal of British Energy Investment (No.2) Limited was affixed in the presence of:

Common seal of company



Signature of Director

Signature of Secretary

1. Continued from Form

TP1

Title number(s)

LL132358 and LL112014

2. Before each continuation, state panel to be continued, e.g. "Panel 12 continued".

Panel 13 continued

13.5.1 Subject as provided below in clause 13.5.3 the right within the Perpetuity Period for the Transferee and its successors in title the owners and occupiers for the time being of the Property to dig up and excavate within such part or parts of the Retained Premises as comprise the Service Corridor and/or as the Transferee or its successors in title may reasonably designate and which are unbuilt upon and are not scheduled to be built upon only insofar as it is necessary to lay new Services for the purposes mentioned in clause 13.5.2 and connect to any buildings or existing services previously installed in the exercise of rights in this paragraph that are laid in the Retained Premises within the Perpetuity Period together with the full right and liberty with or without workmen and others and with all vehicles plant and materials to enter onto and remain upon such part of the Retained Premises as is appropriate for the purposes of inspecting testing examining repairing cleansing emptying maintaining altering removing relaying renewing replacing installing adding to improving the capacity of and connecting up with the said services.

13.5.2 Subject as provided below in clause 13.5.3 the right of free and uninterrupted passage and running of water soil gas electricity steam telecommunications sewerage and any other substance from and to all parts of the Property through the Services referred to in 13.5.1 of this Schedule that are now laid or are at any time during the Perpetuity Period laid in or under or through any part of the Retained Premises.

13.5.3 Any exercise of the rights in clause 13.5.1 and 13.5.2 involving entry onto the Retained Premises is subject to the persons exercising the same causing as little damage as reasonably possible and making good or paying reasonable compensation in lieu thereof for any damage occasioned to the Retained Premises and the persons so entering giving reasonable notice (save in emergency.)

13.6 Covenants on the part of the Transferor

The Transferor as owner of the Retained Premises hereby covenants with the Transferee and its successors in title the owners and occupiers from time to time of the Property with the intent to bind the Retained Premises into whosoever hands the same may come and with the intent to benefit the Property and each and every part thereof as follows:

see continuation sheet 2

Continuation sheet

1

of

4

(Insert sheet number and total number of continuation sheets e.g. "sheet 1 of 3")

1. Continued from Form

Title number(s)

2. Before each continuation, state panel to be continued, e.g. "Panel 12 continued".

Panel 13 Continued

13.6.1. Not to permit allow or suffer the construction of any residential building or structure on the Retained Premises or the use of the Retained Premises or any part or parts thereof for residential use nor to permit suffer or allow shop retail use of the Retained Premises or any part or parts thereof which lies to the west of East Road, Sleaford.

Save that there shall be excepted from the foregoing covenant the following and it shall not prevent or restrict the Transferor or its successors in title from any of the following namely:

(1) constructing a building (to plans previously approved in writing by the Transferor or its successors in title) with a facility for one veterinary practitioner or veterinary nurse to use/occupy the Retained Premises whilst on night duty

(2) using the building constructed pursuant to clause 13.6.1 (1) above as a veterinary surgery which will include the following purposes

(a) as a veterinary surgery, including facilities for X-ray, small and large animal treatment, pathology and animal disposal and

(b) for one veterinary practitioner or veterinary nurse to use or occupy the said building overnight whilst on duty provided it is not a residential use and

(c) for grooming animals and animal welfare education and

(d) (as ancillary to the principal veterinary surgery use) for the sale of drugs, treatments, shampoos, pet food, bedding, carrying baskets and accessories and other products for treating, grooming, keeping or feeding animals

13.6.2. Not to make any objections claims or representations whatsoever in relation to the construction of a power station and/or Energy Park nor the business of or any use ancillary to a power station or any other use carried out on the Property by the Transferee or its successors in title or anyone deriving title thereunder and not to make any objection to or claims or comments on any application for planning permission or for any other Necessary Consents or permits made by the Transferee in respect of the Property (or any part or parts thereof) or on any appeal or public inquiry arising from any such application.

see continuation sheet 3

Continuation sheet of

(Insert sheet number and total number of continuation sheets eg. "sheet 1 of 2")

1. Continued from Form

Title number(s)

2. Before each continuation, state panel to be continued, e.g. "Panel 12 continued".

Panel 13 continued

13.6.3 Not to construct or build nor to permit or suffer anyone to construct or build any erection structure or other works on the Service Corridor provided always that nothing herein contained shall prevent the construction upon and use of the Service Corridor as or as part of a car park service road accessway and the like.

13.6.4 Not to remove any trees hedges or shrubs growing on that part of the Retained Premises adjoining a ditch on the west side of the former rugby pitch field between the points marked "B" and "C" on Plan 1 without the prior written consent of the Transferee.

13.7 Subjections

The Property is transferred subject to the burden of the easements rights and covenants granted to the transferee of the Transferred Properties in the Disposed Documents to the extent that the same are still subsisting and affect or relate to the Property.

13.8 Easements and Rights Excepted and Reserved from the Transfer

The following easements and rights are excepted and reserved from the transfer of the Property:

13.8.1. Excepting and Reserving in fee simple for the benefit of those parts of the Retained Premises lying to the west of East Road the right to connect into and drain surface water from the said part of the Retained Premises by means of the drain adjoining the western boundary thereof within the Property together with the right to go onto such part of the Property as is necessary to repair and maintain such drain adjoining the western boundary thereof subject to the persons so doing causing as little interruption as possible and as little damage as possible and forthwith making good all damage to the Property so caused.

13.8.2. Excepting and reserving in fee simple for the benefit of the Retained Premises and each and every part hereto of the right to connect into and use the gas supply on the Property on the date hereto and such connection subject to the Transferee designating the route of such connection and the Transferee having the right to vary the route of such connection and/or the gas supply on the Property at its entire discretion subject to the requirements of the appropriate undertaker.

see continuation sheet 4

Continuation sheet of

(Insert sheet number and total number of continuation sheets e.g. "Sheet 1 of 3")

1. Continued from Form

Title number(s)

2. Before each continuation, state panel to be continued, e.g. "Panel 12 continued".

Panel 13 continued

13.9 Covenant by the Transferee

The Transferee covenants with the Transferor (by way of indemnity against future breaches only) that the Transferee and its successors in title will forever hereafter observe and perform the obligations on the part of the Transferor contained in the documents mentioned in the Registers of the above numbered titles in so far as the same relate to or effect the Property and are still subsisting and capable of being enforced.

13.10 Agreement and Declaration

The parties hereto hereby agree and declare that:

13.10.1 Other than those specified in this Transfer or the Agreement there shall not be implied herein any rights liberties privileges or advantages over or in respect of the Retained Premises for the benefit of the Property.

13.10.2 No rights of light or air are granted for the benefit of the Property or are reserved for the benefit of the Retained Premises.

13.10.3 The Transferee shall be entitled to vary the route of the drain adjoining the western boundary of the Retained Premises referred to in clause 13.8.1 above and to pipe and fill in the same.

Continuation sheet of

(insert sheet number and total number of continuation sheets e.g. "sheet 1 of 3")

APPENDIX D

Land off Bonemill Lane Sleaford

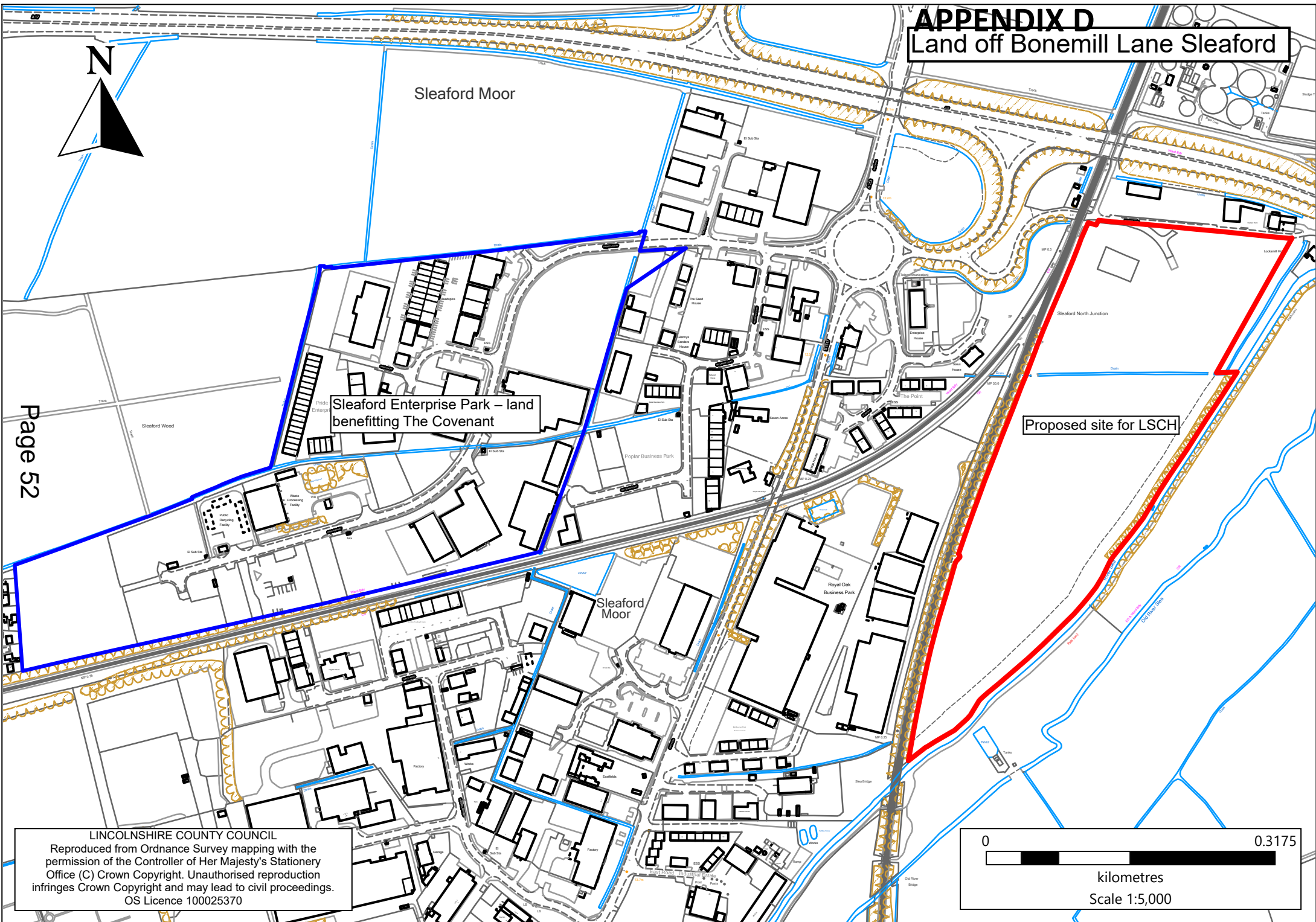
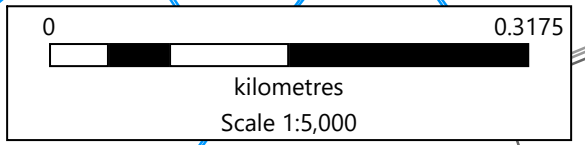


Page 52

Sleaford Enterprise Park – land benefitting The Covenant

Proposed site for LSCH

LINCOLNSHIRE COUNTY COUNCIL
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Open Report on behalf of Heather Sandy, Executive Director - Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	08 September 2023
Subject:	Recommissioning of the Portage Service

Summary:

This report invites the Children and Young People Scrutiny Committee to consider a report on the Recommissioning of the Portage Service, which is being presented to the Executive Councillor for Children's Services, Community Safety, Procurement and Migration for a decision between 18 and 22 September 2023.

The views of the Committee will be reported to the Executive Councillor as part of her consideration of this item.

Actions Required:

The Children and Young People Scrutiny Committee is invited to: -

1. Consider the attached report and to determine whether the Committee supports the recommendation(s) to the Executive Councillor for Children's Services, Community Safety, Procurement and Migration as set out in the report.
2. Agree any additional comments to be passed on to the Executive Councillor in relation to this item.

1. Background

The Executive Councillor for Children's Services, Community Safety, Procurement and Migration is due to consider a report on the Recommissioning of the Portage Service between 18 and 22 September 2023. The full report to the Executive Councillor for Children's Services, Community Safety, Procurement and Migration is attached at Appendix A to this report.

2. Conclusion

Following consideration of the attached report, the Committee is requested to consider whether it supports the recommendation(s) in the report and whether it wishes to make any additional comments to the Executive Councillor. Comments from the Committee will be reported to the Executive Councillor.

3. Consultation

The Committee is being consulted on the proposed decision of the Executive Councillor for Children's Services, Community Safety, Procurement and Migration between 18 and 22 September 2023.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Recommissioning of the Portage Service to be presented to the Executive Councillor for Children's Services, Community Safety, Procurement and Migration between 18 and 22 September 2023.

5. Background Papers

No Background Papers within section 100D of the Local Government Act 1972 were used in the preparation of this Report.

This report was written by Sara Gregory, who can be contacted on 07500 074527 or saraj.gregory@lincolnshire.gov.uk.



Open Report on behalf of Heather Sandy, Executive Director of Children's Services

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor for Children's Services, Community Safety, Procurement and Migration
Date:	Between 18 and 22 September 2023
Subject:	Recommissioning of the Portage Service
Decision Reference:	I029955
Key decision?	Yes

Summary:

Lincolnshire County Council's Children's Services currently commissions the Portage Service which is predominantly a home visiting support service for children in their early years that have suspected or diagnosed special educational needs and/or disabilities (SEND) where there is a learning difficulty, developmental delay or physical difficulty impacting on the child's educational development.

Since the 1990s Portage in Lincolnshire has been provided by special schools who utilise their expertise to provide Portage support and prepare eligible children for school.

Since 2015, the commissioning arrangements for the Portage Service have been via Memorandums of Understanding (MOUs¹) with special schools in Lincolnshire providing Portage support and the current arrangements are due to end on the 31 March 2024. The overall annual value of the current arrangements is £317,322.

A commissioning review of the Portage Service has been completed and the key findings from the review are set out in the Commissioning Plan (Appendix One).

This report makes recommendations for the re-commissioning of a Portage Service from 1 April 2024.

¹ MOUs support close partnership working with schools and are agreements that formally set out what each partner is delivering, committed resources, governance and expected benefits. Whilst not legally binding the MOUs are statements of serious intent that are agreed voluntarily.

Recommendation(s):

That the Executive Councillor for Children's Services, Community Safety, Procurement and Migration:

1. Approves the re-commissioning of a Portage Service from Lincolnshire special schools and academies within the Lincolnshire SEND Alliance from 1 April 2024 for an initial period of three years with an option to extend for up to two years to 31 March 2029; and
2. Delegates to the Executive Director of Children's Services, in consultation with the Executive Councillor for Children's Services, Community Safety, Procurement and Migration, authority to take all decisions necessary to conduct the commissioning process up to and including the award and entering into of an agreement to include determining the form of the process and the nature of the arrangement entered into with the schools.

Alternatives Considered:

- **Do Nothing:** This is not a viable option as the current MOU arrangements for the Portage Service are due to expire on 31 March 2024.
- **Decommissioning:** This is not a viable option as although the Portage Service is not a statutory service, it does support the Council in fulfilling some of its statutory duties as covered in Section 3.1 of the Commissioning Plan. Decommissioning the Portage Service would be likely to result in gaps in provision and put more pressure on existing services. There would be no benefits to young children and their families in Lincolnshire and would likely mean longer term impact on specialist provision due to the lack of available provision for young children with SEND and their families.
- **Influencing:** This is not a viable option as the service cannot be delivered without funding and it is not feasible to think that the service could be delivered through influence alone. It is unlikely the special schools currently providing the Portage offer would be willing to deliver the service without any additional funding. It is also unlikely that any voluntary sector organisation would be willing to take sole responsibility for commissioning a Portage Service.
- **Insourcing:** Consideration was given to insourcing the Portage Service, however, this was not considered a viable option due to the following identified risks:
 - TUPE implications and the financial liabilities associated with staff who TUPE over.
 - It not yet known where in the Council's organisational structure Portage Workers would TUPE into and the potential impact this could have on any existing managers supervisory responsibilities.
 - Potential reduction in workforce if staff chose not to TUPE. As the Council is not an expert in delivering this service there would need to be an investment of funding to either upskill existing staff or on additional recruitment.

- Recruiting to new services can be difficult and there is no guarantee that any in-house service will be ready to launch with a full staffing complement that are sufficiently upskilled to deliver the service. This could put vulnerable young children and their families at risk of not receiving the right support quickly enough.
- Current Portage Workers who are trained and accredited to deliver National Portage Association (NPA) workshops may choose not to insource with the Portage Service and this would put the recommended model at risk by limiting the Portage workshop offer available to families.
- **Procurement:** Consideration was given to procuring the Portage Service via an open competitive tender rather than through a partnership arrangement with schools. However this was not considered a viable option due to the following identified risks:
 - The successful bidder(s) may not have the infrastructure in place to deliver the service. They are also unlikely to have existing local knowledge and/or established relationships and therefore time will need to be spent in the first year of the service developing knowledge and relationships.
 - Will not provide the opportunity to work within a collaborative partnership agreement and therefore less scope to develop the service as the service embeds.
 - Will not promote or support a sector-led approach where special schools utilise their expertise to support mainstream primary schools through short-term transition support in relation to eligible children in receipt of active Portage home visiting support transitioning into their Reception year. Such collaboration strengthens the sector generally in its ability to respond to the needs of children with SEND establishing relationships of support which in turn underpin the Council's wider strategy for SEND provision.
 - Potential loss of expertise should current Portage Workers choose not to TUPE to a new provider, thus leaving a gap in provision whilst any new provider recruits to vacancies.
 - Could leave a gap in provision should the procurement not be successful whilst further commissioning options are explored, putting additional pressure on already busy commissioned and in-house services.
 - Any new Portage provider would need to be NPA registered and would need to demonstrate that they can meet NPA Code of Practice at the point of registration. This could leave a gap in provision whilst the registration process is being completed.
 - An extension of the current MOU arrangements would need to be agreed in order to allow for a sufficient implementation period following completion of an open competitive tender. The current special school providers may not agree to an extension of the current arrangements without any uplift in funding and/or without extending for a full academic or financial year.

Reasons for Recommendation:

- The current commissioning arrangements for a Portage Service are due to end on 31 March 2024 and a commissioning review has recommended the re-commissioning of a Portage Service in order to continue to support eligible children

in their early years with suspected or diagnosed SEND and their families.

- The current commissioning arrangements for a Portage Service are via MOUs under Regulation 12(7) of the Public Contracts Regulations 2015. As such they do not need to be subject to a competitive procurement process. Continuing to commission a Portage Service through a public to public arrangement will continue to support the sector-led approach with special schools, utilising their expertise to support mainstream primary schools through short-term transition support in relation to eligible children in receipt of active Portage home visiting support transitioning into their Reception year.
- Re-commissioning the Portage Service through a public to public arrangement will allow the flexibility for the service specification to continue to be developed in collaboration with the schools to ensure the service fully aligns to future priorities for early years services in Lincolnshire.
- The recommended model for the Portage Service will better align the service to local and national priorities across early years, health and social care. It also enables greater consistency and equity of provision and standards for all eligible children in their early years and their families, provides a single point of access for referrals and ensures a consistent application of the referral criteria. Thus ensuring even more children in their early years, and their families, access the right support, at the right time and by the right professional.

1. Background

The Portage Service is predominantly a home visiting support service for children in their early years (up to the age of five years) with suspected or diagnosed special educational needs and/or disabilities (SEND), and their families, where there is a learning difficulty, developmental delay or physical difficulty that is impacting on the child's educational development.

Portage has been available in Lincolnshire since the early 1990s, provided by special schools who use their expertise to provide Portage support to prepare eligible children for school. The service is delivered during term time and is funded through the High Needs Block of the Dedicated Schools Grant (DSG).

The current commissioning arrangements for Portage are due to end on 31 March 2024 and a commissioning review of Portage has been completed. The review considered local and national policy requirements, local need, feedback from service users/professionals, the performance of the relevant service providers, comparisons against other local authorities and the supplier market. The key findings from the review are set out in the Commissioning Plan (Appendix One) in relation to the future commissioning of a Portage Service which are summarised below.

Current Commissioning Arrangements

Since 2015 the Portage Service has been commissioned through MOUs with special schools in Lincolnshire. The MOUs have been renewed annually and the current MOUs commenced 1 September 2022 and are due to end on the 31 March 2024 (the current

arrangements were extended to allow time for the review to be completed). An MOU is currently in place with the following special schools for the delivery of Portage:

Special School Provider	Coverage	Annual Funding Allocation
Lincoln St Christopher's School	Lincoln	£35,258
Sandon School (Grantham)	North Kesteven	£35,258
Willoughby Academy (Bourne)	South Kesteven	£35,258
St Bernard's School (Louth)	East and West Lindsey	£70,516*
St Lawrence School (Horncastle)	East Lindsey	£35,258
Eresby Special School (Spilsby)	East Lindsey	£35,258
Boston Endeavour Academy (previously known as Boston John Fielding Special School)	Boston	£35,258
Tulip Academy (previously known as The Garth School) (Spalding)	South Holland	£35,258

*Higher funding as covers both East and West Lindsey.

Statutory Duties

The Council has no explicit duty to commission a Portage Service, however, the service supports the Council's statutory duties outlined below and not to recommission a Portage Service could result in the Council not being able to meet some or all of these statutory duties:

- **Section 17 (1) of the Children Act 1989** imposes a general duty on local authorities to safeguard and promote the welfare of children in need in their area.
- The **Children and Families Act 2014** sets out the general principles and duties on local authorities and health bodies to support children with their development and help them to achieve the "best possible educational and other outcomes". **Part 3** specifically relates to children with SEND.
- The **Special Educational Needs and Disability Code of Practice: 0 to 25 years, 2015 Section 5.13** states that some children need support for SEN and disabilities at home or in informal settings before, or as well as, the support they receive from an early years provider. **Section 5.16** identifies that support can take a number of forms, including home-based programmes such as Portage.
- The **Equality Act 2010** sets out the statutory duties for all public bodies to ensure they play their part in making society fairer by tackling discrimination, equality of opportunity for all and fostering good relations.
- **Section 3(2) of the Childcare Act 2006** sets out the Local Authority's statutory responsibilities to make arrangements to secure integrated early childhood services and maximise the benefit of those services to parents, prospective parents and young children. **Section 1** places a duty on local authorities to improve the wellbeing of young children in their area and reduce inequalities between them.

Evidence Summary

- Evidence is clear that good parenting during the **first 1,001 days of a child's life** can have a significant positive impact on their life chances.
- Increasing parents' knowledge of the **importance of early childhood development** can have a **positive impact on a child's social, emotional and educational development**.

- Children who **do less well at five are more likely to be excluded from school.**
- Integrated working between professionals can have many benefits, including reducing the word gap for children, improving cognitive development, physical health and behaviour.
- **Coordinated multi-agency support** for young children with SEND, and their parents/carers, **can improve their outcomes and life chances and can increase their social inclusion.**

Needs Summary

- Lincolnshire's **early years population is decreasing, however, there is a significant rise in children of this age with an Education Health and Care Plan (EHCP).**
- There are **high numbers of children presenting with social, language and communication needs (SLCN)** with SLCN being the third highest primary need for children with SEND.
- 207 children aged 0 to six years were referred by Health Visitors for Speech and Language Therapy Support (SALT), with a 64% increase in referrals to SALT in 2022 (5,254) compared to 2019 (76% of referrals were for children aged 0 to five years).
- Lincolnshire is below the regional and national averages for Good Level of Development of all foundation stage pupils (including pupils with SEN).

GLD Foundation Stage FSM Eligible Children		2016	2017	2018	2019
	England	54%	56%	56.6%	57%
East Midlands	52%	52%	54%	55%	
Statistical Neighbours	52.6%	52.8%	54.2%	53%	
Lincolnshire	54.1%	52.8%	52.4%	56%	
GLD Foundation Stage All Other Children	England	72%	73%	73.8%	74%
	East Midlands	67.6%	68.8%	69.8%	70.3%
	Statistical Neighbours	71.8%	72.6%	73.1%	74%
	Lincolnshire	73.3%	72.6%	72.1%	72%
GLD Foundation Stage SEN Pupils without EHCP	England	26%	27%	28%	29%
	East Midlands	26%	26%	26%	26%
	Statistical Neighbours	26.56%	26%	26%	26.89%
	Lincolnshire	27%	25%	24%	25%
GLD Foundation Stage SEN Pupils with an EHCP	England	4%	4%	5%	5%
	East Midlands	4%	3%	4%	4%
	Statistical Neighbours	7.25%	5.4%	4.56%	4.11%
	Lincolnshire	6%	Not available	5%	2%

**Performance: red- worse than all or majority of comparators, amber- on a par with all or majority comparators, green- better than all or majority of comparators.*

Service Performance

- All schools providing Portage are rated as Good in terms of performance and are well regarded by the parents/carers who access them. However, there is currently an inequity of provision and service offer across the county due to the different schools delivering Portage.

- The intention of the Portage Service is to build the resilience and skills of families, empowering them to meet their child’s needs without the need for more specialist provision.
- Portage Workers are employed by the different Portage special schools, on different terms and conditions of employment, but all schools providing Portage follow the NPA² Framework which recommends that a full-time Portage Worker holds a maximum caseload of c. 16 to 17 cases at any one time.
- There is a high demand on the Portage Service, and demand varies across the county and for those areas where demand is high, caseloads are above the NPA recommended caseload (in particular East Lindsey, West Lindsey, Lincoln, North Kesteven and South Holland).

School	Coverage	Average FTE of Portage Worker	Number of referrals carried over from end of 20/21 AY	Number on caseload at start of 21/22 AY
Boston Endeavour Academy	Boston	1 FTE	0	11
Eresby Special School	East Lindsey	1 FTE	4	26
Tulip Academy	South Holland	1 FTE	10	22
Lincoln St Christopher’s	Lincoln	1 FTE	39	22
Sandon Special School	North Kesteven	1 FTE	5	20
St Bernard’s School	East and West Lindsey	1 FTE	23 (7 for East Lindsey and 16 for West Lindsey)	41 (24 for East Lindsey and 17 for West Lindsey)
St Lawrence School	East Lindsey	1 FTE	3	12
Willoughby Academy	South Kesteven	0.7 FTE*	13	17
Total			97	171

*0.3 FTE is attributed to portage coordination support through senior leadership within the academy.
 Red – more than the recommended NPA caseload, amber – on par with recommended NPA caseload, green – less than the recommended NPA caseload

- Referrals go directly to each of the different schools providing Portage based on where a child lives and come from a wide range of professionals, with Health Visitors being the highest referrer (c.58% of referrals) to the service. Across all schools providing Portage, referrals between 2018/19 and 2021/22 academic years were as follows:

2018/19 AY	2019/20 AY	2020/21 AY	2021/22 AY
213	189	284	270
	(-11%)	(+50%)	(-4%)
% Accepted n/a	94% accepted	82% accepted	94% accepted

- Suspected autism, social communication and interaction and suspected global developmental delay are the top three reasons for referral for Portage support.
- Wait times are also high in those areas where demand is high, with some families having to wait six months before Portage support commences.
- There has been a focus on reducing case holding with schools. More children who are in receipt of Portage support are being discharged sooner, and the number of children being discharged is increasing, with the large majority discharged due to accessing

² The National Portage Association is a registered national charity which supports Portage services, families and professionals and provides a Code of Practice and framework for Portage services to work to. The NPA framework states that each home visit must include structured teaching for the child with clear goals and time to support the parent/carer.

mainstream school, nursery settings or no further support required. However, there is still a high demand from parents/carers on Portage Workers to hold onto caseload.

School	Coverage	Total number of children supported	Number on caseload at end of 21/22 AY	Number of referrals waiting for support as at end of AY
Boston Endeavour Academy	Boston	26	7	3
Eresby Special School	East Lindsey	31	17	7
Tulip Academy	South Holland	45	23	12
Lincoln St Christopher's	Lincoln	65	21	50
Sandon Special School	North Kesteven	79	23	1
St Bernard's School	East and West Lindsey	81 (36 for East Lindsey and 45 for West Lindsey)	35 (17 for East Lindsey and 18 for West Lindsey)	4
St Lawrence School	East Lindsey	36	13	6
Willoughby Academy	South Kesteven	36	14	2
Total		399*	153*	85

*NB: children and families can be added onto the caseload throughout an academic year.

- 48% of children on the caseload as at end of November 2022 were ages three to five years, all of whom will have been entitled to access their three and four year old early years entitlement funding.

Stakeholder Engagement

- Case mapping and stakeholder engagement identified that service users that accessed the Portage Service highly valued the support provided, especially families who found it difficult to travel.
- There were some examples of positive multi-agency working.
- There was evidence of some inappropriate referrals, including referrals where there was not an identified SEND need. There needs to be a more integrated approach between the Portage Service and the Council's in-house and commissioned early years services to ensure there is a more seamless pathway between services for families.
- Evidence of inconsistencies across the different providers in the processing of referrals, meaning waiting times varied across schools providing Portage; some families who really needed support were not able to access it in a timely manner.
- There were some inconsistencies in the type and level of support provided, especially where there were high levels of demand for Portage Support. There was some evidence of holding onto cases, even though ongoing support was not needed.
- Many families felt their child was able to engage better with support because this was being provided in the home.
- Many families who were able to access support felt that Portage had improved their child's development and had supported families to better understand their child's developmental needs and how to support their needs within the home.
- Families commented that Portage Workers were one of the few consistent professionals within their lives.

- A stronger and more inclusive offer within the local community, e.g. children's centres is needed so that more young children with SEND where there is a learning difficulty, developmental delay or physical difficulty, and their families, can be supported sooner with their educational development, thus reducing the need for home visiting support.
- More partnership working is needed between any future Portage Service, the Council's early years teams and commissioned early years services, e.g. Best Start Lincolnshire.
- The need for a more equitable Portage offer across the county was highlighted by a wide range of professionals.
- There is a perceived duplication between the Portage Worker role and some other roles within the Council, e.g. Early Years Specialist Teachers.

Recommended Model

The recommended model for a future Portage Service offer is a single provider model which provides a consistent countywide offer that ensures staffing and funding resources are needs-led with a single point of access for referrals.

The Service should continue to support eligible children in their early years up to the age of five years, and their families. There will be a strong emphasis on Portage capacity being aligned to areas of demand; this may mean more workers in some areas and less in others but this will ensure there is an equitable offer for all eligible families across the county.

The Service should continue to align to the NPA Code of Practice in relation to home-based support and criteria for accessing Portage support. The Service will also be better aligned to local priorities and will be expected to adapt its offer accordingly as relevant priorities for the Council develop and embed, e.g. Early Childhood Strategy, Family Hubs. The Service will also be expected to work in partnership with the Council to help develop pathways with other in-house and commissioned services to ensure young children with suspected or diagnosed SEND and their parents/carers access the right support, at the right time and by the right professional.

Referral

Under the recommended model, there will be a single point of access for referrals managed by the lead provider. There will be robust partnership working between the Service, Health Visitors, the Best Start Lincolnshire: Early Years and Family Service, Early Support Learning Provision (ESLP) and Early Years Specialist Teachers (where appropriate) in order to ensure eligible children in their early years with SEND, and their families, receive the right support, by the right professional at the right time. Elements of the Valuing SEND Toolkit star analysis will be utilised as part of the referral process to help both referring professionals and the lead provider to identify areas of need.

Group Support/Workshops

There will be a strong emphasis on the Service offering a variety of coordinated and inclusive evidence-based Portage group sessions for children in their early years with suspected or diagnosed SEND, and their families, in partnership with the Best Start Lincolnshire Early Years and Family Service and ESLP (where appropriate) within local children's centres (including children's centres that are also designated Family Hubs) or

other outreach venues. The frequency and delivery of Portage group sessions will be determined based on need within each of the individual Children's Services localities. Families of children referred for Portage support will, in the first instance, be offered group support, unless there is an escalating need. The planning of workshops/group sessions will include coordinating with relevant early years professionals, and professionals working with schools/school-aged children and young people who also offer early years training, to ensure consistency across the county, whilst also ensuring no duplication of provision already available to families (or will become available as the Family Hubs programme develops and embeds in Lincolnshire).

In addition, where there is an identified need, the Service will also offer bookable targeted one to one support for families of eligible children referred for Portage support delivered within a local children's centre (including children's centres that are also designated Family Hubs) or other outreach venue to provide one to one support sooner, tailored to the needs of the child. Bespoke one to one quiet times/drop-ins will also be offered to families in receipt of Portage support in partnership with the Best Start Lincolnshire: Early Years and Family Service.

A virtual workshop offer (following the NPA framework) and a virtual webinar offer will also be available to families of children in their early years with suspected or diagnosed SEND or children identified with developmental delay to provide evidence-based strategies that can be utilised in the home to help support their child's educational development. Tools developed as part of the Lincolnshire SEND Transformation Project, e.g., Valuing SEND Toolkit and Inclusion Toolkit, should be utilised to help identify workshop topics and areas of need to inform planning and the workshop offer to families.

Portage Home-based Support

Home-based support will remain a core offer but will only be accessible where there is an identified need and once the group support and workshop offer has been fully exhausted (unless there is an escalation of need) and/or where a family is unable to travel to a local children's centre or other community venue to access one to one support sooner.

The home-based support will follow the NPA model and will be a time-limited offer of no more than six months with a clear exit strategy agreed with families and other relevant professionals; the group support and workshop offer will continue be available for eligible families during and post the home-based support.

Where children in receipt of active home-based Portage support are transitioning either into an early years setting (as part of their two or three year old early years entitlement) or their Reception year, the Portage Worker will offer in-setting transition support to an allocated key worker within the setting, alongside the Early Years Specialist Teachers and the Autism and Learning Difficulties (ALD) Service (where appropriate for eligible children transitioning in their Reception year). This will be alongside support to the family to ensure that families are confident that the setting understands their child's needs. Transition support will only be available for a maximum of six weeks as part of the exit strategy for children on the Portage caseload and the frequency of support will be dependent on the needs of the child. Where further support is needed for the setting to

meet the child's needs the Portage Worker will liaise with the most appropriate professional within the individual localities to ensure a coordinated approach to meeting the child's needs without the need for ongoing Portage support.

Funding recommendations for the recommended model

The current funding for a Portage Service is £317,322 per annum and staffing currently includes 8.7FTE of Portage Workers (9 workers) who are employed by the individual Portage providers on terms and conditions of employment. Funding also includes leadership, management and administration costs associated with Portage. Since 2015 there has been no financial uplift applied to the funding and as at end of August 2022, salary costs accounted for approximately 82% of the overall value of the MOUs across all providers. Salary costs are expected to increase to 87% due to the recent uplift in NJC Local Government pay scales, plus the increase in on costs (national insurance and pensions). In addition, at the time of writing, the outcome of the [Government's consultation on calculating holiday entitlement](#)³ for part-year and irregular hours workers (fixed 52-week reference point) is still unknown and if this is applied, staffing costs could increase to 91% of the overall current funding for Portage (however this is indicative and would be dependent on the calculation for each individual worker).

The average cost for mid-band EHCPs in mainstream schools in 2022/23 was £4,694 and the average cost of a special school placement was £17,265. As evidenced from the IMPOWER review, earlier support for families with young children may prevent, reduce or delay the need for an EHCP.

According to the National Careers Service, a Portage Worker salary can range from £19,000 per annum to £35,000 per annum (52 weeks a year and excluding national insurance and pension) dependent on experience. The Council has a Portage Worker job description which is evaluated at a GLEA Grade of 5 (c. £30,729 to c.£34,430 full time equivalent including national insurance and pension) and the average cost of a Portage Worker in Lincolnshire ranges from £30,729 to £46,627 (including national insurance and pension) depending on the length of service of the workers.

Taking into consideration the NPA recommendations for caseloads, the workshops/group support offer and the co-ordination/co-delivery requirement with other professionals, there would need to be a level of Portage coordination required in addition to Portage Workers.

The assumption for the financial costings for the future recommended Portage Service model has included taking into consideration the current cost of the provision, including current and future staffing costs, the level of staffing resource required to deliver the recommended model (although the actual staffing resource would be at the discretion of

³ The consultation included the proposal to introduce a fixed 52-week reference period to calculate statutory holiday entitlement for part-year and irregular hours workers. This involves a different calculation method for calculating part-year workers holiday pay, calculating leave entitlement based on the preceding 52 weeks in which a worker was in employment, including any weeks without work. The total hours worked within the 52 week period would be multiplied by 12.07% to calculate the workers' paid annual leave entitlement.

the successful provider), the Government’s consultation on the fixed 52-week reference point (although the outcome is not yet known) and that some Portage providers are anticipating a small cost pressure of c.£5,000 at the end of the August 2023. Therefore, it is anticipated that the required funding for each financial year to deliver the recommended model is as follows:

Annual Cost at 39 weeks a year if no change to the annual leave entitlement calculation	Annual cost at 39 weeks a year if Government’s 52-week reference point implemented for part year workers
£370,270	£373,350*

*Indicative only as the 52-week reference point calculation will be dependent on the calculation for each individual worker.

Lincolnshire Schools’ Forum were supportive of Portage continuing to be funded through the High Needs Block of the DSG.

Although there is a potential cost pressure of £52,948 per annum (if no change to the annual leave entitlement calculation) against the current funding for Portage, the recommended model is anticipated to improve pathways between relevant services and ensure more children in their early years, and their families, access the right support, at the right time and by the right professional. Thus ensuring only eligible children, and their families, who really need Portage home-visiting support are able to access it. As the recommended model embeds and as any vacancies arise, these will be reviewed with the provider to determine if these need to be recruited to and if vacancies are required there will be an expectation that these will be recruited to at a Grade 5 or equivalent. Therefore in time, the cost pressure against the current funding for Portage could reduce as the recommended model is developed and fully embedded.

3. Legal Issues:

Procurement

Under Regulation 12(7) of the Public Contracts Regulations 2015 a contract is not covered by the procurement rules if it is concluded exclusively between two or more contracting authorities and:

- (a) the contract establishes or implements a co-operation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
- (b) the implementation of that co-operation is governed solely by considerations relating to the public interest; and
- (c) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation.

In this case the commissioning arrangements will ensure that the Council and the special schools fulfil their respective obligations in such a way as to enable common objectives relating to support to children with SEND are achieved in the public interest. These services are not performed by either the Council or the schools on the open market.

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

An Equality Impact Assessment (EIA) has been initiated as part of the service review and whilst this is a working document, the current draft of the EIA is included as an appendix within Appendix One (Commissioning Plan). Given that the recommendation is to re-commission a Portage Service and the recommended model for a future Portage Service offer is not to reduce the offer, and to have a greater collaboration between the Portage

Service and other relevant services, it is not anticipated that there will be persons with protected characteristics negatively impacted on. There is a perceived positive impact for children in their early years up to the age of five years, as the recommended model will ensure a more equitable offer across the county and the service will also be better aligned to the NPA eligibility criteria, thus ensuring children who are eligible for Portage home-based support, and their families, will be able to access it at the right time. There is also a further perceived positive impact for children in their early years and their families through the greater partnership working with other relevant services ensuring even more young children and their families are supported to access the right service, at the right time within their local communities.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The first two years of a child's life has been proven to have a monumental impact on children's long-term outcomes. Poor access to early education and support by parents/carers to promote early development can increase the likelihood of poor educational attainment and their future outcomes and life chances, such as securing employment and achieving economic wellbeing.

Ensuring the right support, at the right time and by the right professionals for children in their early years, and their families, is essential in effectively meeting their needs, including their educational development needs, in order to improve their early educational outcomes and later life chances.

Common aims within the JHWS that have been taken into consideration in relation to the re-commissioning of Portage include having a strong focus on prevention and early intervention and a consistent, equitable offer that is needs-led.

The re-commissioning of the Portage Service will ensure that there is no gap in provision for children in their early years, and their families, and will ensure that eligible children in their early years with suspected or diagnosed SEND who are in most need of Portage support will be able to access it in order to improve their early educational development, support parents/carers to continue to be their child's first educator and support eligible children to be ready for school.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Re-commissioning of the Portage Service will ensure that eligible children in their in their early years continue to be able to access support for their early educational development, thus helping to support their long-term outcomes into adulthood.

4. Conclusion

The Portage Service is a highly regarded service by those who are able to access it and there is a high demand for Portage support. The financial challenges facing the Council in its management of High Needs budgets mean it is imperative that the right support offer is provided to children in their early years in order to ensure their educational development needs are met, reducing the need for more specialist provision. It is anticipated that the recommended future model for a Portage Service will achieve this through the robust partnership working with Health Visitors, the Best Start Lincolnshire: Early Years and Family Service and other relevant services, thus reducing escalating needs and delivering a cost avoidance.

Although the recommended budget for a future Portage Service is higher than the current budget available for Portage, it is anticipated that in time, there will be a reduced demand on the Portage Service home visiting support and more children in their early years will have their educational development needs met through services available within local children's centres (including children's centres that are also designated Family Hubs) and other community outreach venues.

The recommendation is to re-commission a Portage Service from Lincolnshire special schools within the Lincolnshire SEND Alliance. The preferred model is to have a lead provider that will co-ordinate the activities of the other schools while not impacting on existing employment arrangements or relationships. This will ensure that special schools expertise can continue to be utilised to provide Portage support for eligible children in their early years up to the age of five years, and their families, thus supporting children to be ready for school. This will also mean that there can be a strong emphasis on Portage capacity being aligned to areas of demand, ensuring an equitable offer for all eligible families across the county as well as also ensuring eligible young children, and their parents/carers, access the right support, at the right time and by the right professional.

5. Legal Comments:

The Council has the power to enter into the arrangements proposed which are lawful.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

6. Resource Comments:

The recommendation in the report to approve the re-commissioning of a Portage Service, either via a Public-to-Public Cooperation Agreement or a Memorandum of Understanding Regulation 12(7) of the Public Contract Regulations 2015 will ensure expertise is retained, provided through a single lead special school ensuring greater consistency and equity of provision and standards for all eligible children across the county, which will provide access to the right support, at the right time and by the right professional.

The Portage service is currently funded as a base budget through High Needs block of the Dedicated Schools Grant. The initial cost increase is manageable within the overall funding with a view that the cost will be managed down, and the Schools' Forum committee were supportive of the recommendation at its June 2023 meeting.

7. Consultation

a) Has Local Member Been Consulted?

Not Applicable

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision will be considered by the Children and Young People Scrutiny Committee on 8 September 2023 and the comments of the Committee will be reported to the Executive Councillor of Children's Services, Community Safety, Procurement and Migration.

d) Risks and Impact Analysis

Despite financial challenges within the High Needs Block of the DSG, the evidence is clear that not to re-commission a Portage Service would likely result in a significant gap in provision and put more pressure on existing services, as well as increased pressure on the High Needs Block of the DSG. In addition, it would likely mean:

- A longer term impact on specialist provision due to the lack of available provision for young children with special educational needs and their families.
- A higher risk of increased pressure on the Council (reputational and financial) in relation to meeting some of its statutory duties outlined in this report.
- Not supporting national and local priorities across health, education and social care to ensure even more young children, and their families, access the right support at the right time.
- More young children being excluded from school due to the risk of them doing less well at age five.
- Even higher numbers of young children starting school with SLCN, putting more

pressure on schools and speech and language therapy services in order to meet the needs of young children with SLCN.

8. Appendices

These are listed below and attached at the end of the report:	
Appendix A	Commissioning Plan Portage Service Review

9. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Sara Gregory, who can be contacted on 07500 074527 or saraj.gregory@lincolnshire.gov.uk.

Commissioning Plan

Children's Services Commissioned Portage Service Review

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Document Control (i)	
Version	
Version Number:	1.2
Version Date:	01/08/2023
Description of Change:	Click here to enter text.
Sponsor Approval	
Name:	Martin Smith and Linda Dennett
Position:	Assistant Directors
Date:	

Contents

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Introduction 2. Current Commissioning Arrangements 3. Portage Review Findings 4. Current Portage Funding 5. Recommended Model including Future Funding Recommendations | <ol style="list-style-type: none"> 6. Options Analysis <ol style="list-style-type: none"> 6.1. Options overview, criteria and approach 7. Recommended Option <ol style="list-style-type: none"> 7.1. Impact Assessment 8. Appendices |
|---|---|

1. Introduction

The Portage Service is predominantly a home visiting support service for children in their early years that have suspected or diagnosed special educational needs and/or disabilities and where there is a learning difficulty, developmental delay or physical difficulty that is impacting on the child's educational development. Since the 1990's, Portage in Lincolnshire has been provided by special schools who utilise their expertise to provide Portage support and prepare eligible children for school.

The current commissioning arrangements for Portage are due to end on 31st March 2024.

A commissioning review of Portage has been completed. The review considered local and national policy requirements, local need, feedback from service users/professionals, the performance of the relevant service providers, comparisons against other local authorities and the supplier market. The Commissioning Plan provides the overview of the key findings for the Portage Service.

Aim of the Commissioning Plan

To inform decision makers of:

- The key findings of the review.
- Recommended model for Portage from April 2024 onwards.
- The funding requirements of the recommended model.
- The recommended approach for re-commissioning Portage.

2. Current Commissioning Arrangements

Since 2015, the Portage Service has been commissioned through Memorandum of Understandings (MOUs) with special schools in Lincolnshire. MOUs support close partnership working with schools and are agreements that formally set out what each partner is delivering, committed resources, governance and expected benefits. Whilst not legally binding, the MOUs are statements of serious intent that are agreed voluntarily. Since 2015, the MOUs have been renewed annually. The current MOUs commenced 1st September 2022 and are due to end on the 31st March 2024. An MOU is currently in place with the following special schools for the delivery of Portage:

Special School Provider	Coverage	Annual Funding Allocation
Lincoln St Christopher's School	Lincoln	£35,258
Sandon School (Grantham)	North Kesteven	£35,258
Willoughby Academy (Bourne)	South Kesteven	£35,258
St Bernard's School (Louth)	East and West Lindsey	£70,516*
St Lawrence School (Horncastle)	East Lindsey	£35,258
Eresby Special School (Spilsby)	East Lindsey	£35,258
Boston Endeavour Academy (previously known as Boston John Fielding Special School)	Boston	£35,258
Tulip Academy (previously known as The Garth School) (Spalding)	South Holland	£35,258

*Higher funding as covers both East and West Lindsey.

The combined annual value of the MOUs is £317,322 which is funded from the High Needs Block of the Dedicated Schools Grant (DSG).

3. Portage Review Findings

3.1 Policy Background, Statutory Duties and Local Priorities

Appendix A provides more detail of how Portage aligns to and supports national and local policy, strategies, and priorities.

The Council has no explicit duty to provide/fund a Portage service, but Portage does support the Local Authority's statutory responsibilities in relation to:

- **Section 17 (1)** of the **Children Act 1989** imposes a general duty on local authorities to safeguard and promote the welfare of children in need in their area.
- The **Children and Families Act 2014** sets out the general principles and duties on local authorities and health bodies to support children with their development and help them to achieve the "best possible educational and other outcomes". **Part 3** specifically relates to children with SEND.
- The **Special Educational Needs and Disability Code of Practice: 0 to 25 years, 2015 Section 5.13** states that some children need support for SEN and disabilities at home or in informal settings before, or as well as, the support they receive from an early years provider. **Section 5.16** identifies that support can take a number of forms, including home-based programmes such as Portage.
- The **Equality Act 2010** sets out the statutory duties for all public bodies to ensure they play their part in making society fairer by tackling discrimination, equality of opportunity for all and fostering good relations.
- **Section 3(2) of the Childcare Act 2006** sets out the Local Authority's statutory responsibilities to make arrangements to secure integrated early childhood services and maximise the benefit of those services to parents, prospective parents and young children. **Section 1** places a duty on local authorities to improve the wellbeing of young children in their area and reduce inequalities between them.

Local Priorities

- Portage aligns to the Council's key priorities of supporting people and communities to have *the Opportunity to enjoy life to the full; Thriving Environments and Good-value Council Services*, as set out in the **Council's Corporate Plan**.
- Lincolnshire's development of its **Early Childhood Strategy** provides a strong basis to further improve outcomes for children *from pregnancy to the end of the foundation stage*.
- The Council's **Children's Services commissioning priorities** include supporting children to reach their potential by ensuring that they are safe and healthy, ready for school and ready for adult life.
- The Council's **Early Help Strategy** provides a strong basis to foster a collaborative approach for every professional working with or engaging with children and families, as a shared responsibility to deliver Early Help and support families to access the appropriate services.

- **The Children’s Health Service 0-19** includes the delivery of health visiting services for children from birth to the end of their reception year, and their families. The Service delivers the **Healthy Child Programme (HCP)**, which is a nationally mandated programme.
- The **Better Births project** launched the Maternity Hubs within children's centres back in 2017 and a recent dual funded post between the Early Years hub and Better Births provides a more combined focus of maternity services and Early Years services.
- Lincolnshire's **SEND Transformation Project** sets out the ambition to improve how the system will work together with families to secure the best possible life chances for CYP with SEND. The **High Needs Strategy for Lincolnshire (2021-2023)** has been developed as a result of this project, which sets out the aims and strategic direction over the next three years to ensure that CYP with SEND are supported to achieve the best possible outcomes in school and in life. This includes supporting CYP with SEND early, and their families, within their local communities through a more inclusive offer in order to better support their needs without the need for statutory intervention.
- **A review of commissioned services to support children with disabilities** concluded in January 2023, which included the Early Support Learning Provision (ESLP) for children in their early years up to the age of five years with disabilities delivered within local children’s centres. Consideration has been given within the review of the Portage Service to the interdependencies with ESLP in order to determine how greater partnership working can take place as part of a more inclusive offer for all children up in their early years with special educational needs and/or disabilities within children’s centres and the wider community.
- **A review of commissioned early years services (Best Start Lincolnshire services)** concluded in July 2022. The re-commissioning of the Early Years and Family Service and the Inclusion Service for ethnic minority children in their early years and their families from 1st April 2023 saw both services better aligned to local and national priorities and includes greater partnership working with other relevant services to ensure a more inclusive offer for all children in their early years with SEND. Consideration has been given to the interdependencies of the Best Start Lincolnshire services with the Portage Service to determine how the services can work together to ensure there are inclusive evidence-based group sessions for children in their early years with SEND within children’s centres and the wider community.
- **Family Hubs** is a government funded initiative to support local authorities to develop and launch Family Hubs to provide high-quality, joined-up, whole family support services within local communities. Hubs deliver services from conception, through to a child’s early years, until they reach the age of 19 (or 25 SEND). A feasibility assessment of the opportunities of moving towards a Family Hub model could bring to all children and families identified that Lincolnshire is already in a good position to build upon its successful children’s centre offer and maternity hubs across the County. The Family Hubs model also fits with Lincolnshire’s Early Childhood and Early Help strategies. Any future provision will need to adapt to possible new ways of working and this consideration will be made within recommendations.

Summary of Key Findings

- The Council does not have a statutory duty to commission a Portage Service; however, the service does support the Council in relation to a range of statutory requirements

that are specific to the Council and the delivery of recommendations made in national policies and local priorities.

- There is a clear commitment across all local priorities in ensuring children and their families are supported from pregnancy to the end of their early years foundation stage to secure the best possible outcomes for children and their families. Any future Portage Service needs to have strong partnership working between other in-house and commissioned services to ensure a coordinated and inclusive offer for all Lincolnshire young children.
- Future commissioning of Portage needs to be aligned to national and local priorities.

3.2 Evidence Summary

- Evidence is clear that good parenting during the first 1001 days of a child's life can have a significant positive impact on their life chances and there is longstanding evidence that a baby's social and emotional development is strongly affected by the quality of attachment with their caregiver.
- Improving coordinated multi-agency support for children, parents and families during crucial periods of a child's development, including prevention and early intervention support can contribute to improving children's life chances.
- Research undertaken by Public Health England, **Working with Health Visitors to Close the Word Gap** (Nicholson, W; National Lead Nurse Children, Young People & Families, Public Health England, March 2019) identifies that:
 - As many as 1.4 million children and young people across the UK are known to have at least one speech, language, and communication need, for example delayed language or a language disorder associated with another condition such as autism or hearing impairment. Although the real number is expected to be much higher.
 - As many as four in five (81%) children with emotional and behavioural disorders are thought to have a need that is unidentified.
 - Around half of children living in disadvantaged areas are affected by speech, language, and communication needs, compared with one in ten of the general population.
- The **Best Beginnings in the Early Years** report, Children's Commissioner for England, July 2020, highlights that every baby needs a loving, nurturing relationship with parents/carers, a safe home free from stress and adversity, the right help to develop good language and other cognitive skills, support to manage behaviour and regulate their emotions and good physical and mental health and access to health care in order to have the right foundations for a healthy and happy life. The report highlighted those children who do less well at five are:
 - Five times as likely to end up being excluded by the end of primary school (82% more likely after accounting for local demographics).
 - Twice as likely to have had contact with Children's social care at age eleven (46% more likely after accounting for demographics).
 - Three times more likely to be struggling with reading at eleven, even once demographics are accounted for.
 - Four times more likely to be struggling with writing at eleven (three times more likely after accounting for demographics).

- The **State of the Nation: Understanding Public Attitudes to the Early Years** (Ipsos MORI on behalf of the Royal Foundation, 2020) sets out the key findings from, research and national surveys on attitudes in the UK towards bringing up children from conception to five years. They identified that most parents do not see early childhood years as an important time for development and a key link between parental mental health and the subsequent long-term development of children.
- An evidence review undertaken by the World Health Organization (WHO) in 2020 (**Improving early childhood development**), highlighted four key elements to improve early childhood development and secure outcomes, and these were: -
 - Responsive Caregiving: All infants and children should receive responsive care during the first three years of life; parents and other caregivers should be supported to provide responsive care.
 - Promote Early Learning: All infants and children should have early learning activities with their parents and other caregivers during the first three years of life; parents and other caregivers should be supported to engage in early learning with their infants and children.
 - Integrate Caregiving and Nutrition Interventions: Support for responsive care and early learning should be included as part of interventions for optimal nutrition of infants and young children.
 - Support Maternal Mental Health: Psychosocial interventions to support maternal mental health should be integrated into early childhood health and development services.

Early Intervention Foundation (EIF)

- An evidence review undertaken in 2014 (**Getting It Right for Families**) highlighted that effective integrated approaches to supporting parent child interactions within early years can reduce duplication and improve the support available to families. In addition, there was some evidence to suggest that an integrated approach can improve children's cognitive development, physical health, behaviour, and parent/family relationships. The several positive effects and benefits of integrated early years services included:
 - Enhanced communication between services which led to better cooperation and implementation.
 - Services were more responsive and had better accessibility and user engagement.
 - It reduced duplication and were more cost effective.
- Research undertaken on **Closing the Word Gap: learning from five areas who have gained ground, 2020** found six common themes which improved the word gap:
 - Theme 1: Partnerships and integrated working.
 - Theme 2: Early identification and intervention.
 - Theme 3: A focus on the family.
 - Theme 4: Getting it right for 2 year olds.
 - Theme 5: High-quality provision in early years settings.
 - Theme 6: A skilled workforce.
- The EIF's spending review evidence, **the Case for Early Intervention to Support Levelling Up and Covid Recovery (2021)**, identified six key early intervention

approaches to support levelling up from Covid and to improve early intervention and these were:

- Intensive home visiting between birth and two years was shown to reduce income related learning gaps.
- Supporting children’s early language development was shown to improve children’s early language and preliteracy skills.
- Supporting first-time parents, which included co-parenting classes during pregnancy and after birth was shown to improve child behaviour at ages three and seven.
- Parenting support was shown to improve the parent–child relationship, reduce parental use of negative discipline, and reduce child conduct problems at home and at school.

Supporting children with SEND

- Improving coordinated multi-agency support for children with SEND, parents, and families during crucial periods of a child's development, including early intervention support, can contribute significantly to improving the outcomes and life chances for children with SEND.
- The **Global services and support for children with developmental delays and disabilities: Bridging research and policy gaps**, 2017, highlighted that:
 - Assessment linked to evidence-based services in the first years of life can help maximise capabilities and increase chances of social inclusion for children with developmental delays and/or disabilities.
 - Educational programmes for children with developmental delays and/or disabilities whose model and structure supports participation of parents is key and should be encouraged.
 - Training for parents in psychosocial interventions, activities, strategies, or techniques that target behavioural, cognitive, and emotional factors with the aim of improving health and well-being can help children with developmental delays and/or disabilities to thrive.
 - Parental mental health influences the developmental trajectory of children, and it is therefore important to ensure they have access to the right support and services.
 - Access to education remains a critical intervention.

Summary of Key Findings

- The first two years of a child's life can have a profound impact on their future development and long-term outcomes.
- It is important to increase parent’s knowledge of the important of early childhood development.
- Children doing less well at age five are more likely to be excluded from school, have had contact with Children’s social care and struggle to read and write.
- Integrated working between professionals has many benefits including reducing the word gap for children, improving cognitive development, improving physical health, improving behaviour, supporting parent/child interactions, and reducing duplication and costs.

- Coordinated multi-agency early support for young children with SEND, and their parents/carers, can improve their outcomes and life chances and can increase their social inclusion.

3.3 Needs Summary

Lincolnshire's Integrated Care System (ICS) is concerned that high numbers of children in their early years are presenting with speech, language and communication needs (SLCN). As the way we communicate continues to change children have less exposure to day to day spoken conversation from which to learn. The ability to communicate is the most fundamental life skill and if unsupported children's education, social, emotional and mental health and life chances will be impacted. SLCN are a health inequalities issue and children from socially disadvantaged families are twice as likely to be identified with SLCN and due to social clustering more than 50% of children living in areas of high deprivation may start school with SLCN. In Lincolnshire:

- There are c. 47,466 children aged 0 to five years (ONS population estimate mid-2020). A decrease of c. 3% since 2016 and projections show that this is likely to decrease by a further 2% by 2025 (Lincolnshire Population Projection Tool, 2018).
- GP registration estimates of children aged 0 to five years in Lincolnshire are c. 36,066 (January 2022).
- 6.5% of the population live within the top 10% most deprived areas of England (IMD 2019). Areas of deprivation vary across the county, with the urban centres and coastal strip showing higher levels of deprivation than other parts of the county. The Lincolnshire coastline, particularly the towns of Skegness and Mablethorpe, are the most deprived 10% of neighbourhoods in the country.
- 15.4% of children live in low income families.
- As of December 2021 (most up to date available data), 91.9% of children aged 0 to five years with SEND were registered with a children's centre with 58% attending – a correlation was drawn with higher attendance at centres where Early Support Learning Provision for children with a disability is provided by KIDS demonstrating parents accessing more targeted support over universal.
- 12.6% of the SEND requests received (191/1,512) between February 2022 and January 2023 were for early years children (a new Lincolnshire reporting metric).
- The national percentage of Education, Health and Care Plans (EHCPs) for children aged 0 to five years has been reducing from 5% (2014) to a consistent c.4%, whereas in Lincolnshire there was only 1% in 2014 and this had risen above national to 6% in 2021.
- The SEN2 return (March 2023) evidences SLCN as the third highest primary need for children with SEND after Social Emotional and Mental Health (SEMH) and Autistic Spectrum Disorder (ASD).
- The top three SLCNs in early years are: 1) learning how to listen, to be able to develop pre-spoken language skills, 2) lack of incidental language to learn from, 3) a need to improve a child's vocabulary bank and how to use the vocabulary in the right context.
- 82.6% of children nationally achieved the Early Learning Goal in Speaking: there are several districts in Lincolnshire that didn't achieve this percentage; Boston (80.5%), Lincoln (79.1%), East Lindsey (81.4%) and South Holland (81.4%).

- July-Sept 2022, 207 children aged 0-6 were referred by Health Visitors for Speech and Language Therapy (SALT).
- There was a 64% increase in referrals to SALT in 2022 (5,254 referrals) compared to 2019. 76% of referrals were for children aged 0-5years.
- Anecdotal feedback from professionals working with children in schools is an emergence of behavioural issues that are linked to limited communication and language skills and an increase in difficulties with memory and concentration at Reception age.
- As at March 2023, 21% of all open Sensory Education and Support Team (SEST) cases were for children in their early years (84/399); similar to the same time the previous year.
- Early Years Inclusion Funding Data Spring 2023 showed a total of 389 an increase of 92% compared to the pervious term (figure fluctuates across the year with numbers higher in Spring and Summer Terms as more children become eligible).
 - 95 lower band (emerging one) were awarded.
 - 294 higher band (emerging two) were awarded.
- The most common areas of need for children accessing inclusion funding were:
 - Communication and Interaction 315 (81% of all successful applications)
 - Cognition and Learning 19 (5% of all successful applications)
 - Emotional, Behavioural and Mental Health 28 (7% of all successful applications)
 - Sensory and Physical 21 (6% of all successful applications)
 - 6 Unknown
- Although, the number of all pupils in Lincolnshire special schools and academies has increased by c.21% in October 2022 compared to October 2016 (2179/1804), only 2% of those reflect children aged up to five years (145).
- Lincolnshire is below national and regional averages for Good Level of Development (GLD) for all foundation stage pupils, including foundation stage pupils with SEN and is also performing below the majority of its statistical neighbours. (Following Covid-19 most current published data at time of reporting is 2019).

		2016	2017	2018	2019
GLD Foundation Stage FSM Eligible Children	England	54%	56%	56.6%	57%
	East Midlands	52%	52%	54%	55%
	Statistical Neighbours	52.6%	52.8%	54.2%	53%
	Lincolnshire	54.1%	52.8%	52.4%	56%
	GLD Foundation Stage All Other Children	England	72%	73%	73.8%
	East Midlands	67.6%	68.8%	69.8%	70.3%
	Statistical Neighbours	71.8%	72.6%	73.1%	74%
	Lincolnshire	73.3%	72.6%	72.1%	72%
GLD Foundation Stage SEN Pupils without EHCP	England	26%	27%	28%	29%
	East Midlands	26%	26%	26%	26%
	Statistical Neighbours	26.56%	26%	26%	26.89%
	Lincolnshire	27%	25%	24%	25%
		England	4%	4%	5%
	East Midlands	4%	3%	4%	4%

GLD Foundation Stage SEN Pupils with an EHCP	Statistical Neighbours	7.25%	5.4%	4.56%	4.11%
	Lincolnshire	6%	Not available	5%	2%

**Performance: red- worse than all or majority of comparators, amber- on a par with all or majority of comparators, green- better than all or majority of comparators.*

- An IMPOWER review in partnership with the Council to review SEND and high-needs support was undertaken in 2020. This review found that there were significant opportunities to intervene earlier; in up to 69% of cases, children’s needs could have been prevented, reduced or delayed, in many cases avoiding the need for an EHCP.
- Approximately 40% of referrals to the commissioned Autism and Learning Difficulty Service during the 2021/22 academic year, which supports children in mainstream schools, were for children transitioning from early years into primary.

Summary of Key Findings

- The Lincolnshire early years population is decreasing, however, of this population there is a rise in children with an EHCP and high numbers of children presenting with SLCN.
- Of Lincolnshire’s population 6.5% live in the 10% most deprived areas in the county.
- Lincolnshire is worse than the national average for children aged 0 to five years with an Education, Health and Care Plan (EHCP).
- Lincolnshire is below the regional and national averages for GLD of all foundation stage pupils, including foundation stage pupils with SEN.
- The increase in children aged 0 to five years with SEND is evident in rising requests for school transition support for children that are autistic or have learning difficulties during the 2021/22 academic year. As evidenced from the IMPOWER review, earlier support for families with young children may prevent, reduce, or delay the need for an EHCP.

3.4 Service Performance

The Portage Service is predominantly a home visiting service for children in their early years aged 0 to five years with suspected or diagnosed special educational needs and/or disabilities (SEND) and their families, where there is a learning difficulty, developmental delay or physical difficulty that is impacting on the child's educational development. Home visits include supporting children to develop play, communication, learning and relationships as well as supporting families to play and learn together with their child. Portage providers also offer a weekly or fortnightly support groups within community settings such as children’s centres or the school where the Portage Worker is employed to offer advice and guidance where required. The intention of the Service is to build the resilience and skills of families so that they are empowered to meet their child's needs without the need for more specialist provision. Families are also signposted to other local services where appropriate. In addition, the Service also provides advocacy support at professionals' meetings and onward referrals to other services where appropriate or needed. Due to some the Portage providers being schools, service delivery is term time only.

Other key aspects of the Portage Service for noting:

- **Referrals** go directly to each of the different Portage providers based on where a child lives and come from a wide range of professionals, for example, Health Visitors, Early Years Specialist Teachers and Community Paediatricians, as well as early years settings and parents/carers can also self-refer.
- All providers delivering Portage follow the **National Portage Association¹ (NPA)** framework. The Portage Code of Practice is underpinned by three essential elements: family focus; structured teaching; child led play. The NPA framework states that each home visit must include structured teaching for the child with clear goals and time to support the parent/carer. The NPA framework also recommends that each full-time Portage Worker holds a maximum caseload of between 16 to 17 cases at any one time.
- Some Portage Workers in Lincolnshire **are trained to NPA trainer status** and are then able to offer accredited NPA workshops to other early years professionals and settings outside the core hours and delivery of the Portage Service. This is not part of the MOU arrangement and is a traded offer from those providers that have NPA trainer status Portage Workers.
- The new revised MOU for 2021/22 academic year included bi-annual MOU management meetings. In July 2022, both **Sandon and Boston Endeavour Academy** were **rated as outstanding** for performance. Both schools finished the academic year with no waiting list or any children on their caseload being supported past 6 months.
- An executive headteacher has adopted the role of service lead on behalf of all schools, and due to historical variations of delivery across schools, since 2021 the MOU has sought to standardise the offer.

Collated Service Performance of all Portage Providers: September 2021 and July 2022, including pre-Covid comparisons where available:

- At the start of the academic year (AY) across all Portage providers there were 171 children (and their families) on the caseload (6% reduction compared to previous AY). The highest caseloads were in East Lindsey (combined across three providers), Lincoln and South Holland c.77% of total caseload. The lowest caseload was in Boston. In addition, there were 97 referrals on the waiting list that had been carried over from the previous academic year (increase of 15% compared to previous AY), with Lincoln being the greatest area of need. See breakdown below:

School	Coverage	Average FTE of Portage Worker	Number of referrals carried over	Number on caseload at start of AY
Boston Endeavour Academy	Boston	1 FTE	0	11
Eresby Special School	East Lindsey	1 FTE	4	26
Tulip Academy	South Holland	1 FTE	10	22
Lincoln St Christopher's	Lincoln	1 FTE	39	22

¹ The National Portage Association is a registered national charity which supports Portage services, families and professionals and provides a Code of Practice and framework for Portage services to work to.

Sandon Special School	North Kesteven	1 FTE	5	20
St Bernard's School	East and West Lindsey	1 FTE	23 (7 for East Lindsey and 16 for West Lindsey)	41 (24 for East Lindsey and 17 for West Lindsey)
St Lawrence School	East Lindsey	1 FTE	3	12
Willoughby Academy	South Kesteven	0.7 FTE*	13	17
Total			97	171

*0.3 FTE is attributed to portage coordination support through senior leadership within the academy.

Red – more than the recommended NPA caseload, amber – on par with recommended NPA caseload, green – less than the recommended NPA caseload

- Across all Portage providers, referrals between 2018/19 and 2021/22 academic years were as follows:

2018/19 AY	2019/20 AY	2020/21 AY	2021/22 AY
213	189 (-11%)	284 (+50%)	270 (-4%)
% Accepted n/a	94% accepted	82% accepted	94% accepted

- The highest number of inappropriate referrals were within North Kesteven, East Lindsey, West Lindsey and Boston (c. 76% of the overall inappropriate referrals). The main reasons for referrals not being accepted were children already accessing their Early Years Entitlement (EYE) within nursery provision, moving out of area or parent/carer declined Portage support (e.g. circumstances had changed since referral, child was now accessing early years provision or families were planning on moving out of the area).
- Primary referrers for Portage support during the 2021/22 AY were (with comparisons to previous AY):
 - Health Visitors (c. 58%) – same.
 - Early years settings (c. 8.5%) – reduction of 6.5%.
 - Paediatricians (c.7%) – increase of 3.5%.
 - Parents/carers (c. 4.8%) – increase of 2.3%.
 - Early Years Specialist Teachers (c. 4%) – decrease of 2%.
 - ESCO (c.3%) – increase of 0.2%.
 - Speech and language (c.2.5%) – increase of 0.7%.
- The highest percentage of Health Visitor referrals were within Lincoln (c.14%), North Kesteven (c.11%) and South Holland (c.9%).
- The top three reasons for referral to Portage were suspected autism, social, communication and interaction needs and suspected global developmental delay.
- Overall, 3,736 contacts were undertaken across all Portage providers (this included telephone, text messaging support and transition or observational visits). The highest contacts were in the South Holland area (c.14%) and the lowest in the West Lindsey area (c.7%), this is consistent with the number of children being supported within those areas. This is a unit cost of £84.93 per contact.
- As at the end of the 2021/22 AY (with comparisons to the previous AY):

- 85% (231) of all accepted referrals were supported (increase of 19%), in addition to the children already on the caseload.
- 153 children were still receiving Portage support from the previous AY (similar) with 104 children still waiting for Portage support (reduction of 5%).
- The average wait time for Portage support across all providers was 10.6 weeks (compared to 15.5 weeks as at the end of previous AY). The highest wait time was in Lincoln (c. 34.6 weeks from referral to Portage support commencing). The lowest wait times were in the South and North Kesteven, Boston and East Lindsey areas (c. 2-7 weeks from referral to Portage support commencing).
- The average length of time children were open to Portage was 9 months. The highest was in the area of East Lindsey supported by St Lawrence school at 24 months (although this was attributed to Covid and once those children had been discharged reduced to 13 months). The lowest was in Boston (an average of 4 months).
- 11 children were discharged before Portage support could commence due to having started nursery or their Reception Year by the time Portage support could be offered (reduction of 54%). This was primarily within Lincoln where caseloads were the highest.
- The total number of children supported, on the caseload and still waiting for support at the end of the AY differs in each area depending upon demand, with Lincoln being the highest area of need for referrals waiting for support (50 children; 67% of referrals waiting):

School	Coverage	Total number of children supported	Number on caseload at end of AY	Number of referrals waiting for support as at end of AY
Boston Endeavour Academy	Boston	26	7	3
Eresby Special School	East Lindsey	31	17	7
Tulip Academy	South Holland	45	23	12
Lincoln St Christopher's	Lincoln	65	21	50
Sandon Special School	North Kesteven	79	23	1
St Bernard's School	East and West Lindsey	81 (36 for East Lindsey and 45 for West Lindsey)	35 (17 for East Lindsey and 18 for West Lindsey)	4
St Lawrence School	East Lindsey	36	13	6
Willoughby Academy	South Kesteven	36	14	2
Total		399*	153*	85

*NB: children and families can be added onto the caseload throughout an academic year.

- Overall, 246 children discharged from the service following Portage support (increase of 20% compared to previous AY). Of which:
 - 67% (165) moved onto early years setting (New monitoring requirement for 2021/22 AY).

- 13% (33) no longer required support (previous AY reporting included moving onto early years settings).
- Overall 80% (198) no longer required support or moved onto early years settings (110% increase compared to the previous AY).
- 13% (36) moved onto mainstream school (decrease of 24% from previous AY). It should be noted this relates to children being discharged due to starting mainstream school and not a decrease in children moving onto mainstream school.
- 3% (8) moved onto Special school (decrease of 13% from previous AY).
- 0.8% (2) moved onto home schooling (decrease of 0.2% from previous AY).
- 0.8% (2) either deferred their place or no place was available at a special school setting.
- 134 (c.54%) of children were discharged within 6 months (new reporting requirement for the 2021/22 AY).
- Overall, c.18% (c.73) children supported through Portage had a current EHCP in place (reduction of 53% compared to previous AY), and c. 19% (c.78) were going through the EHCP process (reduction of 8% compared to previous AY). (NB: there may be some children double counted where they have been on the caseload for more than one term).

Age range of children on Portage caseload as at November 2022:

- As at November 2022, there were 203 children on the caseload. 105 children were up to the age of three years (c.52%) and 98 children were aged three to five years (c. 48%). The number of children over three on the caseload were slightly higher for the areas covered by Eresby Special School and Lincoln St Christopher's School; some of these children in the area covered by Lincoln St Christopher's could be attributed to the length of wait before receiving Portage support but in comparison for Eresby the wait time is less and therefore this could be attributed to the demand for support for children aged over three.

School	Under 1 year	1-2 years	2-3 years	3-4 years	4-5 years	Total
Boston Endeavour Academy	2	3	7	5	2	19
Eresby Special School	1	5	4	11	6	27
Tulip Academy	0	5	14	10	2	31
Lincoln St Christopher's	0	5	11	13	2	31
Sandon Special School	0	5	11	9	1	26
St Bernard's School (East Lindsey)	0	3	7	7	1	18
St Bernard's School (West Lindsey)	2	3	9	6	0	20

St Lawrence School	0	0	5	10	0	15
Willoughby Academy	1	0	2	10	3	16
Total	6	29	70	81	17	203

- Feedback from service users is positive and the service is highly regarded by families. This included many parents commenting on the excellent knowledge and experience of the Portage Workers and tailoring support to their child's needs. In addition, many parents felt that Portage had supported them to better understand their child's development and how to support their child within the home, leading to their child's development improving.

Summary of Key Findings

- There is still a high demand on the Portage Service, demand varies across the county and for those areas where demand is high, caseloads are above the NPA recommended caseload for Portage Workers.
- The percentage of inappropriate referrals is high, the majority of which are from areas where referral via a Health Visitor is low.
- Although c.58% of referrals to Portage is via Health Visitors there is still a high percentage of referrals from early years settings (although this is reducing).
- Suspected autism, social communication and interaction and suspected global developmental delay are the top three reasons for referral for Portage support.
- Wait times for Portage support are too high (although these are reducing); there is an inequity of provision across the county meaning that for some families where demand is high, they are having to wait for six months or more before Portage support commences. In Lincoln, where demand is the highest, a small number of children and families did not receive any support before commencing nursery or their Reception Year.
- More children who are in receipt of Portage support are being discharged sooner with the large majority accessing mainstream school, nursery settings or no further support required.
- Although the number of children being discharged from the service is increasing, there is still a high demand from parents/carers on Portage Workers to hold onto caseloads. Demand varies dependent on location, with the highest demand in the Lincoln area.
- There is an inequity of service provision across the county, with some children and their families offered weekly visits whereas others are offered fortnightly.
- There are varying levels of quality of provision/ performance across the different Portage providers but all providers are at least rated good.
- The number of young children with an EHCP being supported by the Service has reduced significantly. The number of young children going through the EHCP process who were in receipt of Portage support has also reduced.
- The Service is well regarded by parents/carers who access it.
- As at November 2022, 48% of children on the caseload were ages three to five years all of whom will have been entitled to access their three and four year old early years entitlement funding.

3.5 Stakeholder Engagement Analysis

3.5.1 Case Mapping

A case mapping exercise was undertaken as part of the review with the Portage Service, the mapping involved 6 cases in total and included referrals from a range of different professionals. Below is an overall summary of the case mapping but further detail is available upon request:

Summary of Key Findings

- Families who were able to access the Service highly valued the support provided.
- There were examples of positive multi-agency working to support children and their families, such as ESCO, the Sensory Education and Support Team (SEST), early years settings and other medical professionals such as dieticians. However, there were some examples of where parents/carers had to tell their story numerous times.
- Where Portage Workers were aware of targets by other professionals e.g., physio these would be incorporated within the set targets and goals for Portage.
- Evidence of signposting to voluntary sector organisations to support parents with accessing assessments e.g. sensory assessment, although successful access was dependent on the financial situation of the family.
- Evidence of some inappropriate referrals to the Portage Service, including referrals where there was not an identified SEND need. There needs to be a more integrated approach between the Portage Service and the Council's Early Years services to ensure there is a more seamless pathway between services so that children and their families are supported by the right service, at the right time and by the right professional.
- Evidence of inconsistencies across the different providers to the processing of referrals, meaning wait times varied across Portage providers, with long waiting list in some localities which meant that some families who really needed support were not able to access it in a timely manner.
- Progress against targets and goals for each child was often slow and contributed to the length of time the Portage Worker continued to support the family. This would coincide with the needs of the child and the complexity of their needs.
- There were inconsistencies in the type and level of support provided, especially where there were high levels of demand for Portage support. There was also some evidence of holding onto caseloads, even though ongoing support was not needed.

3.5.2 Stakeholder Feedback

Stakeholder feedback has been gathered throughout the review and taken into account methodology which includes feedback through online surveys, service observation visits, virtual workshops and service-led feedback from:

- Parents/carers of young children accessing Portage support (or waiting to receive support).
- Early Years professionals working with young children and their families across a wide range of organisations including health and the Council.
- Strategic partners.

Summary of Key Findings

- The majority of families in receipt of Portage support who provided feedback were positive about the support provided and thought that the support commenced at the right time. Families of children with physical difficulties particularly valued Portage, especially families who found it difficult to travel. Where feedback was not positive this was in areas where wait times were high, e.g., Lincoln.
- Many families felt their child was able to engage better with support because this was being provided in the home.
- Many families who were able to access support felt that Portage had improved their child's development and had supported families to better understand their child's developmental needs and how to support their needs within the home.
- The knowledge and experience of Portage Workers was perceived positively by families.
- Families who accessed a Portage group offer, in the areas where this was available, valued the group support and felt it was helpful that the Portage Worker was present for additional ad hoc advice/guidance. Families also felt the group offer provided a safe space to meet other families of young children with SEND.
- A third of families who provided feedback did not have any expectations on what Portage could offer and they felt that their child would benefit from Portage support because a professional had told them this. There needs to be a better understanding of the Portage offer and clearer targets for each child to meet their individual needs.
- Only a third of families were provided with support or guidance whilst they were waiting for Portage support.
- Many families commented that Portage Workers were one of the few consistent professionals within their lives and felt they could contact them for advice/guidance.
- Families who were in receipt of bi-weekly visits felt that these needed to be more frequent.
- A stronger and more inclusive offer within the local community e.g., through Children's Centres, is needed so that more young children with suspected or diagnosed SEND where there is a learning difficulty, developmental delay or physical difficulty, and their families, can be supported sooner with their educational development, thus reducing the need for home visiting support. Work has already taken place to improve the inclusive offer through the new Best Start Lincolnshire: Early Years and Family Service from 1st April 2023.
- Over half of families who provided feedback were not supported to access any services within their local community whilst they were in receipt of Portage support.
- More partnership working is needed between any future Portage Service, the Council's Early Years teams and the commissioned Best Start Lincolnshire/ Early Support and Learning Provision services, so that more families of young children with suspected or diagnosed SEND where there is a learning difficulty, developmental delay or physical difficulty are encouraged to access the universal and targeted early years offer within their local community to support their child's educational development sooner.
- There appeared to be a lack of understanding across a number of different professionals on the Portage offer and criteria for Portage support. Although work has taken place to improve this, there still needs to be more robust pathways between relevant services to ensure children receive the right support at the right time.

- The need for a more equitable Portage offer across the County was highlighted by a wide range of professionals. Any future Portage Service must be better aligned to the needs within each locality in order to ensure an equitable offer to support the educational development of all young children with suspected or diagnosed SEND and their families who meet the Portage criteria.
- There is a perceived duplication between the Portage Worker role and some other roles within the Council's Early Years teams, e.g. Early Years Specialist Teachers. Although work has taken place to improve this, more partnership working between Portage and the Council's Early Years teams is needed to reduce any duplication in the wider early years offer to young children and their families.

3.6 Examples of practice in other Authorities

A number of other authorities were contacted to establish their arrangements for Portage support, along with a desktop analysis. These included statistical neighbours and other authorities:

- **Camden:** The London Borough of Camden commission KIDS to deliver a Portage Home Based Learning Service for children under the age of five years with a disability and/or complex needs who are not in an early years setting (full time or part-time) and where there is a developmental delay. Referrals to the Service are through London Borough of Camden's Child Development Team. In addition to the home visiting support, developmental stay and play sessions are also made available to families at various locations across Camden.
- **Cumbria:** Until end of December 2019 Portage was delivered in-house. From 1st January 2020 Portage is delivered as part of a 0-19 Child and Family Support Services offer which was tendered via an open procedure through six lots (split across the different areas of Cumbria). The 0-19 Child and Family Service is delivered across Cumbria by Family Action, Barnardo's and Action for Children. Portage is a home visiting service for children with additional needs up to the age of three years who have a significant developmental delay or diagnosis that may result in a delay in two or more areas of their development.
- **Cornwall:** Portage team is part of Cornwall Council's Disabled Children and Therapy Service and consists of trained Early Years practitioners, with support available for children from 6 months up to the point of transition to an Early Years Setting and consists of home visits.
- **Derbyshire:** An Early Years Special Educational Needs Support Service works with children aged 0 to five who have complex and long-term needs, both with birth diagnosis and emerging developmental concerns. The service comprises of an NPA registered Portage Service and specialist teachers.
- **Leeds:** commission Barnardo's to deliver a Portage Service within the Leeds area. The Leeds Portage Service is a home visiting teaching service for families of children aged 0 to three years with additional needs. A small steps teaching approach is used to support parents to become their child's first educators and to help their children to learn in all areas of their development.
- **Norfolk:** A traditional Portage Service (NPA registered) provides home-based visiting educational support for children in their early years aged 0 to five (only in exceptional circumstances, which is rare, with majority of support ceasing at 3 years), who have a

recognised development delay of six months or more, in at least two areas of development. Support is limited to 12 months or until the child reaches their 3rd birthday, whichever comes first. For children over the age of 3, they are referred to the Early Years SENIT team.

- **Northamptonshire:** A Portage and SEND Early Years Team supports children aged 0 – 4 who have additional educational needs, developmental delay, or disability. This includes support to families and carers through home teaching and support and advice to early years education settings who are working with children with additional needs.
- **North Lincolnshire:** An NPA accredited portage service which sits within the Early Years Inclusion Team and forms part of the Council’s Emotional Health and Wellbeing division.
- **Southwark:** The London Borough of Southwark commission KIDS to deliver a Portage home based learning service for children in their early years under the age of five years with additional support needs, and their families. Portage Home Based Learning Practitioners provide home weekly visits to support families to plan fun activities with their children to help with their child’s development. In addition to home visits, developmental play sessions are also offered weekly at a local children’s centre, term time only.
- **Staffordshire:** A Portage Service which is a home-based service for children in their early years with additional support needs, delivered in partnership by the Council and the NHS and is funded by the County Council Education Service with additional support from Health Authorities.
- **Suffolk:** Do not deliver a Portage service as per other local authorities or the NPA states but do offer the Portage principles through their Early Learning Together Service (delivered by Health and children's centre services); a home or group based early education service for children who, for any reason need extra support to learn and develop. This SEND pathway is for children aged 0-5 years.
- **Thurrock:** commission a special school to deliver a Portage Service within Thurrock. The special school works closely with Thurrock’s early years teams, including health and education, to support children in their early years under the age of five years with additional needs where there is a developmental delay in two or more areas of development. Families cannot access the Service if their child is attending a nursery or pre-school setting. The home visiting educational service supports children’s development through supporting parents and children to play and learn together.
- **Worcestershire:** Dissolved their Portage Service in 2018 following a formal decision in 2016; this led to legal action against the Council from families with four children who were accessing Portage which was upheld by the court.

Summary of Key Findings

- A number of local authorities have either insourced or provided their Portage offer in-house.
- For some local authorities where their provision is in-house the GLD of foundation stage pupils improved.
- Only two local authorities delivered their Portage offer in partnership with health services.

- Only one of the local authorities outsourced their Portage offer to a local special school.
- A number of areas have voluntary and community sector (VCS) organisations providing the service.
- The Portage offer across local authorities is consistent in relation to home visiting support and supporting children with SEND and/or additional needs where there is a developmental delay. However, the offer varies in relation to the age range of children supported (some authorities only support up to the age of three years) or support is not available where a child is attending nursery or pre-school provision.
- The London Boroughs of Camden and Southwark combine Portage home visiting support with developmental stay and play sessions within local children’s centres.

4. Current Portage Funding

The current combined funding for the Portage Service is £317,322 per annum which is currently met from the High Needs Block of the Designated Schools Grant. This currently funds 8.7 FTE of Portage Workers (9 workers), who are employed on different terms and conditions (depending on their employer), as well as costs associated with the leadership, management and administration of Portage. As at end of August 2022, salary costs accounted for approximately 82% of the total overall value of the MOUs:

Cost Description	Annual Cost
Portage Workers Salary Costs (inclusive of on costs)	£259,962
Non-salary costs (including mileage, mobile, resources, etc)	£32,360
Management oversight/leadership	Approx. £25,000
Total Cost	£317,322

However, following the increase in the Local Government NJC pay scales and staffing costs, some of the current Portage providers are anticipating a small cost pressure against the funding (c. £5k each) as at the end of August 2023. Work is taking place with the providers to determine whether efficiency savings can be made in order to reduce cost pressures.

The current financial commitment for the Portage Service to the end of March 2024 is:

Financial Year	Funding Commitment
2023/24 (April 2023 to 31 st March 2024)	£317,322

5. Recommended Model

The recommended model for a future Portage Service offer is a single provider model which provides a consistent countywide offer that ensures staffing and funding resources are needed with a single point of access for referrals. The recommended model is summarised below, with **Appendix B** providing further detail.

The Service should continue to support eligible children in their early years up to the age of five years, and their families. There will be a strong emphasis on Portage capacity being aligned to areas of demand; this may mean more workers in some areas and less in others but this will ensure there is an equitable offer for all eligible families across the county.

The Service should continue to align to the National Portage Association (NPA) Code of Practice (child-led play; family focused; structured teaching) in relation to the delivery of home-based support and criteria for accessing Portage support. The Service will also be better aligned to local priorities and will be expected to adapt its offer accordingly as relevant priorities for the Council develop and embed, e.g. Early Childhood Strategy, Family Hubs. The Service will also be expected to work in partnership with the Council to help develop pathways with other in-house and commissioned services to ensure young children with suspected or diagnosed SEND and their parents/carers access the right support, at the right time and by the right professional.

The Service will ensure it utilises all available Early Years Inclusion Resources from the SEND Transformation Programme, providing consistency for families across early years services.

Referral

Under the recommended model, there will be a single point of access for referrals managed by a lead provider. There will be robust partnership working between the Service, Health Visitors, the Best Start Lincolnshire: Early Years and Family Service, Early Support Learning Provision (ESLP) and Early Years Specialist Teachers (where appropriate) in order to ensure eligible children in their early years with SEND, and their families, receive the right support, by the right professional at the right time. Elements of the Valuing SEND Toolkit star analysis will be utilised as part of the referral process to help both referring professionals and the lead provider to identify areas of need. An integrated pathway to Portage support will be developed in partnership with the lead provider, the Council and other relevant commissioned early years services.

Group Support/Workshops

There will be a strong emphasis on the Service offering a variety of coordinated and inclusive evidence-based Portage group sessions for children in their early years with suspected or diagnosed SEND, and their families, in partnership with the Best Start Lincolnshire Early Years and Family Service and ESLP (where appropriate) within local children's centres (including children's centres that are also designated Family Hubs) or other outreach venues. The frequency and delivery of Portage group sessions will be determined based on need within each of the individual Children's Services localities. Families of children referred for Portage support will, in the first instance, be offered group support, unless there is an escalating need. The planning of workshops/group sessions will include coordinating with relevant early years professionals, and professionals working with schools/school-aged children and young people who also offer early years training, to ensure consistency across the county, whilst also ensuring no duplication of provision already available to families (or will become available as the Family Hubs programme develops and embeds in Lincolnshire).

In addition, where there is an identified need, the Service will also offer bookable targeted one to one support for families of eligible children referred for Portage support delivered within a local children's centre or other outreach venue to provide one to one support sooner, tailored to the needs of the child. Bespoke one to one quiet times/drop-ins will also be offered to families in receipt of Portage support in partnership with the Best Start Lincolnshire: Early Years and Family Service.

A virtual workshop offer (following the NPA framework) and a virtual webinar offer will also be available to families of children in their early years with suspected or diagnosed SEND or children identified with developmental delay to provide evidence-based strategies that can be utilised in the home to help support their child's educational development. Tools developed as part of the Lincolnshire SEND Transformation Project, e.g., Valuing SEND Toolkit and Inclusion Toolkit, should be utilised to help identify workshop topics and areas of need to inform planning and the workshop offer to families.

Portage Home-based Support

Home-based support will remain a core offer but will only be accessible where there is an identified need and once the group support and workshop offer has been fully exhausted (unless there is an escalation of need) and/or where a family is unable to travel to a local children's centre or other community venue to access one to one support sooner.

The home-based support will follow the NPA model and will be a time-limited offer of no more than six months with a clear exit strategy agreed with families and other relevant professionals; the group support and workshop offer will continue be available for eligible families during and post the home-based support.

Where children in receipt of active home-based Portage support are transitioning either into an early years setting (as part of their two or three year old early years entitlement) or their Reception year, the Portage Worker will offer in-setting transition support to an allocated key worker within the setting, alongside the Early Years Specialist Teachers and the Autism and Learning Difficulties (ALD) Service (where appropriate for eligible children transitioning in their Reception year). This will be alongside support to the family to ensure that families are confident that the setting understands their child's needs. Transition support will only be available for a maximum of six weeks as part of the exit strategy for children on the Portage caseload and the frequency of support will be dependent on the needs of the child. Where further support is needed for the setting to meet the child's needs the Portage Worker will liaise with the most appropriate professional within the individual localities to ensure a coordinated approach to meeting the child's needs without the need for ongoing Portage support.

Funding recommendations for recommended model

The assumption for the financial costing for a future Portage Service model has been based on the current cost of the provision but taking into consideration increasing staffing costs. Consideration will also need to be given to the outcome of the Government's consultation on calculating holiday entitlement for part-year and irregular hours workers following the recent Supreme Court judgement in Harpur Trust v Brazel. The consultation closed 9th March 2023 but at the time of writing the outcome is not yet known. The consultation included the proposal to introduce a fixed 52-week reference period to calculate statutory holiday entitlement for part-year and irregular hours workers. This involves a different calculation method for calculating part-year workers holiday pay calculating leave entitlement based on the preceding 52 weeks in which a worker was in employment, including any weeks without work. The total hours worked within the 52 week period would be multiplied by 12.07% to calculate the workers' paid annual leave entitlement. Should this option be implemented,

the Government estimates that employers will face a total cost of c. £72 million across all sectors, plus several one-off costs associated with changes to payroll systems, amending terms and conditions of contracts of employment, etc.

According to the National Careers Service, a Portage Worker salary can range from £19,000 per annum to £35,000 per annum (52 weeks a year), dependent on experience. The Council has a Portage Worker job description, which has been evaluated at a Grade 5 (£30,729 to £34,430, 52 weeks a year equivalent, based on 2023/24 pay scales and including national insurance and pension). The average cost of a Portage Worker in Lincolnshire ranges from £30,729 to £46,627 (52 weeks a year equivalent, including national insurance and pension) depending on the length of service of the workers.

To deliver the recommended model there will need to be a level of Portage co-ordination/management in addition to sufficient Portage Workers to deliver the model.

Given that 82% of the overall combined MOUs value accounts for staffing costs and the recent uplift in NJC Local Government pay scales, plus the increase in on costs (national insurance and pension), efficiency savings against the funding are limited without reducing the staffing resource.

The NPA framework recommends that each full-time Portage Worker holds a maximum caseload of between 16 to 17 cases at any one time and taking into consideration potential future caseloads, the workshops/group support offer and the coordination/co-delivery required with other relevant professionals the staffing resource would need to include 1 FTE Portage Coordinator and a minimum of 8 FTE Portage Workers (0.3 FTE increase to current staffing resource) in order to deliver the recommended model. This would include a Portage Coordinator also delivering home based support and workshops across the county where needed.

Below provides a funding model for the recommended model based on the service continuing to be term time only (39 weeks a year) and based on the staffing costs of Portage Workers in Lincolnshire (given that current workers may be in scope of TUPE). The increase in NJC Local Government pay scales and staffing on costs, means that it is anticipated that staffing costs for current Portage Workers alone (based on current FTE of staffing resource) will increase to £277,547 per annum (including on costs), which will be 87% of the overall funding. If the Government's fixed 52-week reference point is implemented indications are that this could increase to £287,547 per annum (including on costs), which will be 91% of the current overall funding, but this is indicative only as the actual cost will be dependent on the calculation for each individual worker.

To provide the recommended staffing resource to deliver the recommended model the required future funding for a Portage Service is outlined below:

	Annual Cost	Annual Cost
Cost Description	39 weeks a year (if no change to annual leave entitlement calculation for part year workers)	39 weeks a year (if change to annual leave entitlement for part year workers)*
Portage Workers 8 FTE (inclusive of on costs and holiday pay entitlement)	£275,470	£277,530
Portage Co-ordinator 1 FTE (inclusive of on costs and holiday pay entitlement)	£43,070	£43,110
Total direct staffing costs (9FTE)	£318,540	£320,640
Management oversight, admin and non-staffing costs (including IT, travel, resources, NPA registration, mobile phones, etc)	£51,730	£52,710
Total Cost	£370,270**	£373,350**
Cost Pressure	-£52,948**	-£56,028**

*Indicative costings if the fixed 52 week reference period is applied the actual costs will be dependent on the hours worked for each Portage Worker over a 52 week period.

**Although there is a potential cost pressure per annum against the current funding for Portage, as any vacancies arise these will be discussed with the provider to identify whether or not these need to be recruited to as the recommended model is developed and fully embedded. If vacancies need to be recruited to there will be an expectation that these are advertised at the LCC recommended Grade 5 (or equivalent). Therefore, in time, the cost pressure against the current funding for Portage may reduce.

6. Options Analysis

6.1. Options Overview, Criteria and Approach

a) Do Nothing

The MOU arrangements for this service are due to expire on 31st March 2024, and it is not a viable option to do nothing and allow these to expire unless no future service delivery is required.

b) Decommissioning

Whilst the Portage Service is not a statutory service, it does support the Council in fulfilling some of its statutory duties as covered in the Section 3.1. Decommissioning the service would be likely to result in significant gaps in provision and put more pressure on existing services. There would be no benefits to young children and their families in Lincolnshire of decommissioning the Portage Service and the likely result would mean longer term impact on specialist provision due to the lack of available provision for young children with SEND and their families.

c) Influencing

Commercial aspects of the service cannot be delivered without funding, and it is not feasible to think that the service could be delivered through influence alone. It is unlikely the special schools currently providing the Portage offer would be willing to deliver the service without any additional funding. It is also unlikely that any voluntary sector organisations, such as the Lincolnshire Parent Carer Forum, would be willing to take sole responsibility for the commissioning of a Portage Service on behalf of families of young children with SEND. Market analysis has shown that a number of local authorities are jointly delivering and funding their Portage offer through an integrated approach with Health and the Council could seek to develop a more integrated and jointly funded Portage offer with the Integrated Care Board (ICB) via Lincolnshire's Integrated Care System (ICS). However, given that there is already a significant funding investment in children and young people's emotional wellbeing, mental health and Learning Disabilities and Autism it is unlikely that this will be considered before the current MOU arrangements come to an end.

d) Insourcing

This means bringing the Portage Service within the Council with staff potentially being subject to Transfer of Undertakings (Protection of Employment) (TUPE) rights and then being employed and managed by the Council.

The review has identified the need for a more integrated approach between Portage and the Council's Early Years teams, 0-19 Children's Health Service, the Best Start Lincolnshire: Early Years and Family Service and the Autism and Learning Difficulties (ALD) Service to ensure that young children with suspected or diagnosed SEND, where their educational development is impacted on, access the right support, at the right time and by the right professional. This includes ensuring there is a more integrated Portage workshop and group support offer available to families within their local community, e.g., children's centres and other community venues, as well as the home visiting offer.

There are currently 9 Portage Workers across the County employed by different special school Portage providers and on different terms and conditions. Terms and Conditions of employment for Portage Workers employed by academy trusts are not publicly available and therefore a comparison against the Council's terms and conditions has not yet been undertaken; this would need to be undertaken by the Council's HR Team prior to insourcing. The Council does have a Portage Worker job description and a Portage qualification along with previous experience of working with children with SEND is a requirement for the role. Work would need to take place with the individual providers to confirm the level of Portage qualification(s) held by each of the workers in order to determine any training requirements to ensure their qualifications meet NPA quality standards.

Through the Family Hubs programme, work is taking place to enhance the in-house early years and early help offers and further strengthen the universal offer available to children in their early years and their families. In addition, Family Hubs

work also includes looking at pathways to support. However, all of this is still to be completed and embedded, and will not be completed and embedded before the current MOU arrangements come to an end. Consideration cannot therefore be given at this time to how Portage Workers would integrate into the Council's organisational structure, as well as determining where Portage Workers would be based across the county. Consideration would also need to be given to the Council registering with the NPA as a Portage provider. Therefore, this is not a recommended option.

Benefits:

- Greater control and ability to influence the in-house offer.
- Greater control and monitoring of referrals for Portage through an integrated referral system, ensuring that young children with suspected or diagnosed SEND, and their families, who meet the criteria for Portage home visiting support can access support sooner.
- Reduction in duplication of provision and duplication of assessments/referrals for Portage support.
- Greater and more effective information sharing, ensuring more families only need to tell their story once.
- More effective use of shared resources.

Risks:

- TUPE implications, including having staff TUPE over on different terms and conditions.
- The true costs of additional financial liabilities associated with the TUPE of staff will not be known until TUPE is identified. For example, additional potential pension liabilities for staff over the age of 50 (which could not be confirmed until staff had TUPE'd into the Council); redundancy liabilities at the point of insourcing or after staff had TUPE'd into the Council is anticipated to be at least c. £85,000.
- The work taking place to enhance the early years and early help offer through the Family Hubs programme will not be completed before the current Portage MOU arrangements come to an end and therefore it cannot yet be determined where within the organisation structure would the Portage Workers TUPE into. The impact on any existing managers allocation of supervisees is also not known. This would be a risk as it may also impact on job descriptions of existing managers needing to be re-evaluated if their supervisory responsibility falls above their current limit once the workers are in-sourced.
- Potential reduction in workforce if staff chose not to TUPE. As the Council is not an expert in delivering this service there would need to be an investment of funding to either upskill existing staff or on additional recruitment.
- Recruiting to new services can be difficult and there is no guarantee that any in-housed service will be ready to launch with a full staffing complement that are sufficiently upskilled to deliver the service. This could put

vulnerable children and families at risk of not receiving the right support quickly enough.

- Current Portage Workers who are trained and accredited to deliver NPA workshops may choose not to insource with the Portage Service, limiting the Portage workshop offer available to families.
- Property space to house additional staff is limited and the Council is currently working towards reducing its property portfolio further. Although there are only 9 Portage Workers, it is not known at this stage which buildings they would be based, although a flexible working model could be adopted under the Council's flexible working policy.

e) Partnership

The current commissioning arrangement for the Portage Service is via a Public-to-Public arrangement through the separate MOU agreements with the eight different special schools. The Council could consider a Public-to-Public arrangement with a Lincolnshire special school via a one provider-led model either through an MOU (if a local authority maintained special school) or a Public-to-Public Collaboration Agreement (if an academy). Public to Public Collaboration Agreements are allowed for under Regulation 12(7) of the Public Contracts Regulations 2015 and as such do not need to be subject to a competitive procurement process.

The Council could re-commission a Portage Service from Lincolnshire special schools and academies within the Lincolnshire SEND Alliance (which includes education leaders from Lincolnshire's 19 special schools and academies, the Lincolnshire Parent/Carer Forum and relevant officers from the Council). The eight special schools currently delivering Portage are part of the Lincolnshire SEND Alliance.

A lead provider model would still allow for collaboration with other special schools, but with a single lead school being responsible and accountable for the oversight and delivery of the Portage Service, including ensuring a consistent and equitable offer across the county and a single point of access for referrals.

The current Portage referrals are triaged and coordinated through the individual Portage providers with no single arrangement for the coordination of Portage across the county. Through a one provider led model, referrals for Portage would be through a single point of access which would ensure a consistent approach to applying the referral criteria and reduce the number of inappropriate referrals. This would mean that more children in their early years eligible for Portage support will be able to access it sooner either through the group/workshop offer in the first instance or home-based support where there is an escalating need.

Greater partnership working with other relevant services and co-delivery from children's centres and other appropriate venues, in addition to the home visiting support where there is an escalating need, will ensure that more children in their early years with suspected or diagnosed SEND will have greater access to a

strengthened universal offer that can meet the needs of young children and their families without the need for statutory intervention.

The current formal arrangements have been in place since 2015 with informal arrangements prior to 2015 since the 1990s. Engagement with the current Portage providers has indicated that there would be interest from the current providers as a collaboration with a lead provider.

It is recommended that the Council re-commissions a Portage Service, term time only, from Lincolnshire special schools within the Lincolnshire SEND Alliance. The preferred model is to have a lead provider that will co-ordinate the activities of the other schools whilst not impacting on existing employment arrangements or relationships. The agreement would be from 1st September 2023 for three years initially with a possible extension of up to two years (1+1).

Benefits:

- Would ensure greater consistency and equity of provision and standards for children in their early years with suspected or diagnosed SEND, and their families, who are eligible for Portage support.
- Would provide a single point of access for referrals for Portage and ensure a consistent application of the referral criteria.
- Greater control and monitoring of referrals.
- Greater and more effective information sharing, ensuring more families only need to tell their story once.
- More effective use of shared resources.
- Would enable a more robust approach to governance arrangements and performance reporting.
- Would support the sector-led approach with special schools utilising their expertise to support mainstream primary schools through short-term transition support in relation to eligible children in receipt of active Portage home visiting support transitioning into their Reception Year.
- Would strengthen the sector generally in its ability to respond to the needs of children with SEND, establishing relationships of support which in turn underpin the Council's wider strategy for SEND provision.
- Would ensure a key focus on greater integration and partnership working with other relevant commissioned and in-house services.
- Would ensure a key focus on better aligning Portage to national and local priorities across early years, health, and social care.
- Would ensure even more children and families access the right support at the right time and by the right professional.
- Would allow flexibility for a more detailed service specification to be developed in collaboration with the provider to ensure the service fully aligns to future priorities for early years services as well as other local and national priorities as they develop.

Risks:

- There may be TUPE implications should lead school chose to directly employ all Portage workers. However, this risk could be reduced through arrangements between current special school providers and the Portage lead provider to deliver Portage across the county, whilst still ensuring single oversight of Portage.
- Should TUPE implications be realised, may be a risk of losing expertise should existing Portage Workers choose not to TUPE. Thus, leaving a gap in provision whilst vacancies are recruited to.
- Should lead school choose not to directly employ all Portage Workers, there may be a risk associated with line management and performance management of Portage Workers with the lead provider not being directly responsible for all Portage Workers.

f) Procurement

The Portage Service has never been commissioned via an open competitive tender process and therefore the market has been untested. Market research has shown that there are third party providers delivering Portage elsewhere in the country, some of which are also commissioned to deliver other services in Lincolnshire, therefore there is likely to be interested; however this may be at an increased cost. In addition, where authorities are commissioning a separate Portage Service this has been through an open competitive tender, with voluntary sector providers being the winning bidders. However, where competitive tenders have taken place, this has been where Portage was previously delivered in-house. Consideration could be given to an open competitive tender but given the market has been untested this is not a recommended option.

Bids from interested parties would be sought for a single lead provider who would be responsible and accountable for the oversight and delivery of the Portage Service, including ensuring a consistent and equitable offer across the county and a single point of access for referrals.

Portage Workers are employed by the different Portage providers on different terms and conditions of employment.

The current Portage referrals are triaged and coordinated through the individual Portage providers with no single arrangement for the coordination of Portage across the county. Through a one provider led model, referrals for Portage would be through a single point of access which would ensure a consistent approach to applying the referral criteria and reduce the number of inappropriate referrals. This would mean that more children in their early years eligible for Portage support will be able to access it sooner either through the group/workshop offer in the first instance or home-based support where there is an escalating need.

Greater partnership working with other relevant services and co-delivery from children's centres and other appropriate venues, in addition to the home visiting support where there is an escalating need, will ensure that more children in their

early years with suspected or diagnosed SEND will have greater access to a strengthened universal offer that can meet the needs of young children and their families without the need for statutory intervention.

Timescales for an open competitive tender would need to allow for at least a five-month implementation period given that Portage Workers are term time only and there are potential TUPE implications.

Benefits:

- Would ensure greater consistency and equity of provision and standards for children in their early years with suspected or diagnosed SEND and their families who are eligible for Portage Support.
- Would ensure single point of access for Portage referrals and a consistent application of the referral criteria.
- Would enable a more robust approach to governance arrangements and performance reporting.
- Would ensure a key focus on better aligning Portage to national and local priorities across early years, health and social care.
- Would ensure a key focus on greater integration and partnership working with other relevant commissioned and in house services.
- Would ensure even more children and families have access to the right support at the right time and by the right professional.
- Stimulate market competition to promote innovation and value for money.
- There is potential to broaden the provider marketplace in Lincolnshire.
- External providers may be able to attract additional funding streams to a service that the Council cannot access.

Risks:

- The successful bidder(s) may not have the infrastructure in place to deliver the service.
- The successful bidder(s) are unlikely to have existing local knowledge and/or relationships and therefore time will need to be spent in the first year of the service developing knowledge and relationships.
- Will not provide the opportunity to work within a collaborative partnership agreement and therefore less scope to develop the service specification as the service embeds.
- Would not promote or support the sector-led approach where special schools could utilise their expertise to support mainstream primary schools through short-term transition support in relation to eligible children in receipt of active Portage home visiting support transitioning in their Reception Year.
- Potential loss of expertise should current Portage Workers choose not to TUPE to a new provider, thus leaving a potential gap in provision whilst any new provider recruits to vacancies.

- Could leave a gap in provision should the procurement not be successful whilst further commissioning options are explored, putting additional pressure on already busy commissioned and in-house services. This could be mitigated against through an extension to the current MOU arrangements should the special school providers agree to this.
- Any new Portage provider would need to be NPA registered and would need to demonstrate they can meet NPA Code of Practice at the point of registration. Could leave gap in provision whilst registration process being completed.
- Current special school Portage providers may not agree to an extension of the current MOU arrangements, which would be needed in order to complete democratic reporting and an open competitive tender, without any uplift in funding and/or without extending for a full academic or financial year.

7. Recommended Option(s)

The recommended commissioning option is 5.1e:

To re-commission a Portage Service through a single agreement (MOU or Public to Public Collaboration Agreement) under Regulation 12(7) of the Public Contracts Regulations 2015, from Lincolnshire special schools within the Lincolnshire SEND Alliance. The preferred model is to have a lead provider that will co-ordinate the activities of the other schools while not impacting on existing employment arrangements or relationships. The Agreement would be in place for up to three years initially from 1st April 2024 to 31st March 2027, with the option to extend for a further two years (1+1).

7.1. Impact Assessment

The Council must engage with such persons as appear to them to be affected by changes to the current commissioning arrangements. Consideration has been given to the impact of the recommended option for re-commissioning a Portage Service and the impact on eligible children in their early years, and their families. Given that the recommendation is not to reduce the Portage Service offer and to have greater collaboration between the Portage Service and other relevant services it is not anticipated that there will be persons negatively impacted on. **Appendix D** provides the current draft Equality Impact Assessment (EIA) for the recommended model, which will be revisited should this be required following decision-making.

8. Appendices

Appendix	Title
Appendix A	Relevant Legislation
Appendix B	Recommended Model
Appendix C	Example Integrated Pathway to Portage Support
Appendix D	EIA

Appendix A – Relevant Legislation and Priorities

The Council has no explicit duty to provide Portage provision, but Portage does support the Local Authority's statutory responsibilities in relation to:

- The Children Act 1989
- Childcare Act 2006
- the Children and Families Act 2014
- Special Educational Needs and Disability Code of Practice: 0-25 years, 2015
- the Equality Act 2010
- Wider safeguarding of children in relation to the Children Act 1989 and Working Together to Safeguard Children 2018.

In particular:

- **Section 17 (1)** of the **Children Act 1989** imposes a general duty on local authorities to safeguard and promote the welfare of children in need in their area, including providing a range and level of services appropriate to those children's needs.
- The **Childcare Act 2006** sets out the general principles and duties on local authorities regarding early childhood services which support the wellbeing of young children.
 - **Section 1** places a duty on local authorities to improve the wellbeing of young children in their area and reduce inequalities between them.
 - **Section 3** places a duty on local authorities to make arrangements to ensure that early childhood services in their area are provided in an integrated manner in order to facilitate access and maximise benefits of those services to young children and their parents.
 - **Section 3 (2)** places a duty on local authorities to make arrangements to secure integrated early childhood services and maximise the benefit of those services to parents, prospective parents and young children.
- The **Children and Families Act 2014** sets out the general principles and duties on local authorities and health bodies to work in partnership when commissioning provision for children, including children with SEND. This includes supporting children with their development and helping them to achieve the "best possible educational and other outcomes". **Part 3** of the Children and Families Act 2014 specifically relates to children with SEND.
 - **Section 19(d)** places a duty on local authorities to support the child and his or her parent in order to facilitate the development of the child and to help him or her achieve the best possible educational and other outcomes.
 - **Section 32(2)** places a duty on local authorities to arrange for children within its area with a disability, and their parents/carers, to receive advice and information about matters relating to the disabilities of the children concerned.
- The **Special Educational Needs and Disability Code of Practice: 0 to 25 years, 2015** sets out the legal requirements that must be followed and explains the duties of local authorities, health bodies, schools and colleges under Part 3 of the Children and Families Act 2014.
 - **Section 5.13** states that some children need support for SEN and disabilities at home or in informal settings before, or as well as, the support they receive from an early years provider. Provision for children who need such support should

form part of the local joint commissioning arrangements and be included in the local offer.

- **Section 5.16** identifies that support can take a number of forms, including home-based programmes such as Portage.
- The **Equality Act 2010** sets out the statutory duties for all public bodies to ensure they play their part in making society fairer by tackling discrimination, equality of opportunity for all and fostering good relations.

National Strategy/Guidance and Priorities include:

- The **1001 critical days** manifesto highlights the period between conception and a child's second birthday as a critical time.
- The **Healthy Child Programme (HCP)** is a national programme that aims to bring together health, education and other main partners to deliver an effective programme for prevention and support for CYP aged 0 to 19 years, including Health Visitors and CYP Nurses. The Public Health review of the HCP in 2021 identified a need for a stronger emphasis on evidence-based and targeted support and a greater emphasis on addressing vulnerability and reducing inequalities in health and focusing on local solutions with multi-agency working at the heart of community resilience and improving outcomes for children.
- The **Early Years Foundation Stage (EYFS) Curriculum** highlights that a child deserves the best possible start in life and the support that enables them to fulfil their potential.
- The **Unlocking Talent: A Plan for Social Mobility (2017) Unlocking Talent Fulfilling Potential; Ambition 1: Close the 'word gap' in the early years** highlights that a good early years education is the cornerstone of improving social mobility and these key years are the opportunity to make sure that all children develop the strong cognitive, social and emotional foundations on which future success is built.
- The **National Disability Strategy (2021)** highlights the need to ensure support is available for those with SEND including the early years. It references the DfE **SEND Review** which will focus on improving support and preparing disabled children and young people for fulfilled adulthood.

Ofsted

Children's Services is inspected by Ofsted in specific requirements and an inspection undertaken in 2023 of children's social care services rated services for children and families in Lincolnshire as outstanding. The inspection Framework included the following in relation to children and families:

- Children and families in need of help and support have access to appropriate and timely responses from a comprehensive range of support services. The early help system, together with consultants and practitioners, provides helpful advice and support to professionals, alongside direct support to children and families. Strong multi-agency partnership enables children and families' needs to be recognised early and effective support provided to them by people in their communities, including their schools, who most often know them best and are already positively involved in their lives.
- Partnership working is one of Lincolnshire's strengths, which has stimulated creative and innovative practices to support the work with vulnerable children and their

families. Strong partnerships at the strategic senior level are mirrored by strong and effective operational multi-agency working.

- The support provided to schools is particularly impressive, enabling them to positively embrace the council's relationship working model and provide effective early support to children and their families.
- Lincolnshire has maintained a high number of its locally based children's centres (48), which are effective in providing accessible multi-agency services for children and their families.

The **Joint local area SEND inspection in Lincolnshire** conducted by Ofsted and the Care Quality Commission (CQC) in 2018 to judge the effectiveness of the local area of Lincolnshire in implementing the disability and special educational needs reforms (as set out in the Children's and Families Act 2014). The inspection focused on the effectiveness of the local area in:

- Identifying CYP's special educational needs and/or disabilities.
- Assessing and meeting the needs of CYP who have special educational needs and/or disabilities.
- Improving outcomes for CYP who have special educational needs and/or disabilities.

Main identified findings in relation to early years from the inspection included leaders and managers were: -

- Partnership working between midwives, health visitors and early years works in the co-delivery of free universal antenatal education as a strength within Lincolnshire.
- The partnership working between specialist early years teachers and commissioned early years providers was also identified as a strength.

Local Priorities

- The **Council's Corporate Plan** – sets out what the Council wants to achieve for local residents and communities. The Corporate Plan underpins a "One Council" approach, ensuring all services are working towards shared goals and help different areas of the Council to work together more effectively. The Council's vision for *Working for a Better Future* includes the Council leading the way with others to support people and communities in the coming years to have:
 - High aspirations
 - The opportunity to enjoy life to the full – including: to create accommodation options for greater independence and wellbeing; intervene effectively to keep vulnerable people safe, making sure children in care and care leavers get the best opportunities; design an accessible and responsive health and care system within local communities, protecting people and promoting wellbeing; promote and enable better mental health for all.
 - Thriving environments – including: provide sufficient, high-quality and inclusive education places locally.
 - Good-value Council Services – including: innovative services making best use of technology to meet the needs of our customers; effective and efficient partnerships operate across Lincolnshire and are responsible to emerging opportunities; people's needs are met in a timely, responsive and efficient way; high-quality public services are delivered in a cost-effective way.

- Lincolnshire's development of its **Early Childhood Strategy** provides a strong basis to further improve outcomes for children to the end of their foundation stage. The Strategy sets out the primary aim to increase the Good Level of Development (GLD) of all children across Lincolnshire and to improve Lincolnshire's outcomes when compared to statistical neighbours. The five key steps/milestones within the Strategy are:
 - Step 1: Parents access effective antenatal and postnatal care as set out within the Better Births strategy.
 - Step 2: Each child to attend all mandated health checks as set out in the healthy child programme.
 - Step 3: Parents and their children access quality, age appropriate and learning experiences at the earliest opportunity that best meet their needs.
 - Step 4: All children take up their three and four year old early years entitlement in high quality early years provision.
 - Step 5: Parents and professionals work together to ensure transition arrangements meet the needs of the child to better prepare children for school and to make the most out of the reception year.
- The Council's **Children's Services commissioning priorities** include supporting children to reach their potential by ensuring that they are safe and healthy, ready for school (including emotionally ready), and ready for adult life. The principles that underpin how services will be commissioned and delivered to achieve the Children's Services vision of "Putting Children First – everyone working together for all children, young people and families to be happy, healthy, safe and the best they can be":
 - Early Help – strong protective universal services accessible to all with a range of early help available so children have the best start in life and families have extra help when they need it.
 - Safeguarding – a shared responsibility to ensure children are safe at home, school and their community.
 - Aspiration – children are able to thrive and cope with life challenges.
 - Learning and achievement – all children being the best they can be with targeted interventions to close the gap so vulnerable children achieve as well as their peers.
 - Best use of resources – integrated commissioning with a focus on best value, improved outcomes and community engagement.
- **Lincolnshire's All-Age Autism Strategy 2019-2022** sets out Lincolnshire's plan to improve support and services for autistic people, aligned to the government's general plan. The Strategy includes those placed out of county, and their families and carers. It also applies to people who have autism alongside other conditions, for example, a learning disability and mental health problems. Having the right support at the right time was one of the key themes nationally and locally.
- Lincolnshire's refreshed **Early Help Strategy 2021-23** is a collaborative approach for every professional working with or engaging with children and families, regardless of organisation, status or position. The vision of the Early Help system in Lincolnshire is "putting children first and working together with families to enhance children's present and future lives". This includes:
 - Children, young people and families will be helped to make changes for themselves, seen as a positive solution to the challenges they face, are able to get the right service at the right time and are understood as a whole family.

- Supported by skilled professionals that understand and apply Relationship Based Practice, are restorative in approach and are well training and supported.
- Enabled and equipped by clear governance that puts children and families at the heart of planning and delivery with a clear framework and set of tools which builds on families strengths.

The approach of the Early Help system in Lincolnshire is to provide support to families to prevent needs from escalating by ensuring:

- Children have the best start in life.
 - Children learn and achieve.
 - CYP and their families are healthy and resilient.
 - CYP have safe and supportive families, relationships and networks.
 - CYP and their families receive the right support at the right time by the right professional for the right duration.
- The Children’s Health Service 0-19 was insourced into the Council in October 2017 and includes the delivery of health visiting services for children from birth to the end of their reception year, and their families. The Service delivers the **Healthy Child Programme (HCP)**, which is a nationally mandated programme. A recent first phase of a national Public Health review of the HCP has highlighted the need for a greater emphasis on evidence-based and targeted support, as well as addressing vulnerability and reducing inequalities in health, with multi-agency working at the heart of community resilience and improving outcomes for children.
 - The Council's Early Years Peer Challenge Review undertaken in November 2019 and areas highlighted for improvement. Some of the key recommendations included:
 - Engage with those outside Children’s Service and develop a shared understanding of vision, goals, and key terminology such as early childhood, school readiness, home learning environment.
 - Re-balance the focus for Early Years delivery between the children’s centre and the wider community assets.
 - Develop a plan to build capacity of the early years’ workforce across the partnership, maximising skills, and experience Lincolnshire's review of commissioned behaviour outreach support services as part of a wider **mental health, emotional wellbeing, and behaviour outreach support services** review.
 - Lincolnshire's **SEND Transformation Project** sets out the ambition to improve how the system will work together with families to secure the best possible life chances for CYP with SEND. This includes improving the earlier identification of and meeting the needs of CYP with SEND, working with schools and other educational settings to strengthen the graduated approach with the ultimate goal of providing the right support at the right time and in the right place for all CYP and their families in Lincolnshire. Developments that have been achieved so far through this project include more CYP with additional needs have been supported in mainstream schools without the need for an EHCP, advice and guidance for SENDCOs is available via the Ask SALL telephone line and Valuing SEND and Inclusion toolkits have been developed to support settings in delivering the graduated approach. Next steps of the project include embedding the toolkits developed; direct work with schools and settings, using the strengths based

approach and Valuing SEND toolkit to further develop the experience of the annual review process for families and professionals; developments around "Safe Base" provision and updating and improving Lincolnshire's Local Offer website.

- Lincolnshire's **High Needs Strategy for Lincolnshire (2021-2023)** developed as a result of the SEND Transformation Project sets out the aims and strategic direction over the next three years to ensure that CYP with SEND in Lincolnshire are supported to achieve the best possible outcomes in school and in life. Partners in education, social care and health are committed to working together to establish an integrated school system where CYP get the right health, care and education, in the right place at the right time and are able to transition to adulthood and independence when they are ready to do so. Lincolnshire's Inclusion Ambition includes CYP, parents/carers and professionals having a strong understanding of the graduated approach and support available in Lincolnshire. CYP and families will be supported by their community and have confidence with the SEND system. Through a responsive and flexible continuum of SEND provision without walls, the High Needs Strategy will aim to ensure that the great hope which is neural plasticity translates into enhanced outcomes for CYP. Children's progress can be astonishing when the right stimulus is provided, the developing brain being a sponge for learning. The Strategy aims to ensure that increased independence is encouraged, recognised, and celebrated at every opportunity and is underpinned by a moral and ethical commitment to strengths-based practice, the social model of SEND, a trauma-informed and non-pathologizing vision and ultimately equity for all of Lincolnshire's CYP.
- Lincolnshire's **Family Hubs** is a government funded initiative to support local authorities to develop and launch Family Hubs to provide high-quality, joined-up, whole family support services within local communities. Hubs deliver services from conception, through to a child's early years, until they reach the age of 19 (or 25 SEND). In November 2021, the Council on behalf of the East Midland Regional Improvement and Innovation Alliance received funding from the Department for Education to support the roll out of the Family Hub Model. The funding received in November 2021 was to enable each local authority in the region to undertake a feasibility assessment of the opportunities of moving towards a Family Hub model could bring to all children and families. Lincolnshire is already in a good position to build upon its successful children's centre offer and maternity hubs across the County, and the Family Hubs model also fits with Lincolnshire's Early Childhood and Early Help strategies.

The findings from the Lincolnshire Family Hubs Feasibility Assessment were presented to Children and Young People's Scrutiny in June 2022 and included recommendations on the next steps Phase 2 of the Family Hub model, which were agreed by the Executive Councillor for Children's Services, Community Safety and Procurement in July 2022. These recommendations included:

- Self-evaluation against the draft Start for Life and Family Hub Programme Guide.
- Developing the consensus for change with key stakeholders.
- Engagement and co-production with partners, communities and children and families.
- Focus on the changes needed to deliver the opportunities detailed in the feasibility.

- Develop a shared understanding of the model the partnership wishes to aspire to and the outcomes.

At the end of Phase 2 outputs included:

- A business case for a local Family Hub approach.
- A detailed delivery plan for implementing Lincolnshire's Family Hubs.

Appendix B – Recommended Model

Commissioned Early Years Staff (e.g. EYSTs), Education Settings, Parents/Carers	Group/Workshop Offer		Home-based Support		Safeguarding, Early Help, Ask SALL, Social Care, SEND, Education Settings, CYP, Parents/Carers, Inclusion Toolkit, Valuing SEND Toolkit
	Offer	Changes	Offer	Changes	
	<p>Co-ordinated and inclusive evidence-based Portage group sessions in partnership with Best Start Lincolnshire: Early Years and Family Service and ESLP (where appropriate).</p> <p>Bookable targeted one to one support sessions and quiet times for families of eligible children, delivered in partnership with Best Start Lincolnshire: Early Years and Family Service and ESLP (where appropriate).</p> <p>Bi-weekly/weekly drop-in groups in partnership with the Best Start Lincolnshire: Early Years and Family Service and ESLP (where appropriate), for children with suspected or diagnosed SEND and their families focusing on child development and supporting parent/carers as their child's first educator within CCs or wider community venues, dependent on need.</p>	<p>Single provider model.</p> <p>Consistent and equitable countywide offer with a strong emphasis on capacity being aligned to areas of demand.</p> <p>Increased delivery of workshops and groups and greater use of virtual platforms.</p> <p>Robust integrated pathways between Portage, Best Start Lincolnshire: Early Years and Family Service and ESLP (where appropriate).</p> <p>Greater emphasis on encouraging families to access Portage support via children's centres/ community based provision.</p>	<p>Single point of access for referrals managed by lead provider.</p> <p>Robust partnership working between Portage, Health Visitors, the best Start Lincolnshire: Early Years and Family Service, ESLP and Early Years Specialist Teachers (where appropriate).</p> <p>Accessible where there is an identified need and once group support, 1:1 support and workshop offer has been fully exhausted (unless an escalation of need) and/or a family is unable to travel to a local children's centre or other community venue.</p> <p>Time limited (up to a maximum of 6 months unless exceptional circumstances) support package based upon NPA code of practice.</p>	<p>Single point of access for referrals, with robust partnership working with other key early years professionals to ensure children and their families access the right support at the right time.</p> <p>Clear pathway to home-based support with other available support being exhausted first (unless there is an escalation of need).</p> <p>Reduced capacity for Portage home-based support, however greater emphasis on early intervention support through groups and workshops.</p> <p>Better aligned to local priorities with greater emphasis on ensuring the right support is provided at</p>	

	<p>Universal virtual workshops for children with suspected or diagnosed SEND and their parents/carers. These will be topics that are based upon needs highlighted within localities to support children’s early educational development.</p> <p>Joint delivery and robust partnership working with Best Start Lincolnshire: Early Years and Family Service, Health Visitors, Early Years Specialist Teachers and wider early years workforce (where appropriate)./</p> <p>Better alignment to national and local priorities, e.g. Family Hubs and High Needs Strategy.</p>	<p>Greater partnership working with the wider early years workforce.</p> <p>Better aligned to local priorities with greater emphasis on ensuring the right support is provided at the right time.</p>	<p>Clear exit strategy agreed with families and other relevant professionals.</p> <p>Children in receipt of active home-based Portage support transitioning to an early years setting or their Reception year will be able to access time limited (up to maximum of 6 weeks unless exceptional circumstances) transition support, where there is an identified need.</p> <p>Strong partnership working with other key early years professionals to ensure families are accessing the right support, at the right time and by the right professional.</p> <p>Strong focus on supporting children with SEN and/or disabilities without the need for an EHCP.</p>	<p>the right time, without the need for an EHCP.</p> <p>Better aligned to the NPA Code of Practice.</p> <p>Greater partnership working with key early years professionals.</p> <p>Greater emphasis on empowering families and encouraging them to access their two- and three-year EYE.</p> <p>Consistent and equitable offer across the County.</p>	
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Appendix C – Equality Impact Assessment (EIA)

Equality Impact Analysis to enable informed decisions

The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

****Please make sure you read the information below so that you understand what is required under the Equality Act 2010****

Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

Decision makers duty under the Act

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

Conducting an Impact Analysis

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

The Lead Officer responsibility

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

Summary of findings

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

Proposals for more than one option If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.

Background Information

Title of the policy / project / service being considered	Portage Service Review	Person / people completing analysis	Melissa Cullingham and Sara Gregory
Service Area	Children's Services Strategic Commissioning Team	Lead Officer	Sara Gregory and Charlotte Gray
Who is the decision maker?	Lincolnshire County Council: Children's Services Directorate Leadership Team (DLT), Children's Services Exec DLT, Commercial and Commissioning Board (CCB), Executive Councillor for Children's Services, Community Safety, Procurement and Migration (with pre-decision scrutiny from the Children and Young People's Scrutiny Committee).	How was the Equality Impact Analysis undertaken?	Through review and previous and current stakeholder engagement
Date of meeting when decision will be made	Click here to enter a date.	Version control	V0.6
Is this proposed change to an existing policy/service/project or is it new?	Existing policy/service/project	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Re-commissioned
Describe the proposed change	To re-commission the Portage Service following a review of Portage, taking into consideration reviews of other relevant commissioned early years services and the Family Hubs programme.		

Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1st April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

Positive impacts

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

Age	<p>Perceived positive impact for children in their early years (0-5 years) as the recommended model will ensure a more equitable and consistent offer across the county. The Service will also be better aligned to the National Portage Association (NPA) code of practice eligibility criteria, which states Portage is for children from birth up to 5 years with SEND and are experiencing challenges with their educational development, meaning that more young children aged 0-5 years (and their families) who are eligible for Portage home-based support will be able to access it at the right time, thus reducing the wait times for support. In addition, by having more workshops and group support available for parents/carers within their local community (e.g. local children’s centre or other community venue), whose young children may be experiencing challenges with their educational development, will mean that more young children can be supported with their educational development via their parents/carers, with parents/carers being supported and empowered to be their child’s first educator and being provided with strategies that they can utilise within the home, without the need for more specialist support.</p> <p>There will also be further perceived positive impact for children in their early years and their families through the greater partnership working with the Best Start Lincolnshire: Early Years and Family Service (which has recently been retendered with a stronger focus on providing universal and targeted support for children aged 0 to 5 years with SEND) and other relevant services, with co-delivery of sessions/support, where appropriate, to ensure even more young children and their families are supported to access the universal and targeted support available to them within their local communities.</p> <p>The Service will also work in partnership with Health Visitors, Early Years Specialist Teachers, Early Years Practitioners and other relevant Early Years professionals to ensure more children in their early years, and their families, receive the right support, at the right time and by the right professional.</p> <p>Children in receipt of active home-based support who are transitioning into an early years setting (as part of their 2 or 3 year old early years entitlement (EYE) will also have access to in-setting transition support, where this has been identified as a need, to an allocated key worker within the early years setting, alongside the Council’s Early Years Specialist Teachers and the family.</p>
Disability	<p>Perceived positive impact for children in their early years (0-5 years) as the recommended model will ensure a more equitable and consistent offer across the county. The Service will also be better aligned to the National Portage Association (NPA) code of practice eligibility criteria, which states Portage is for children from birth up to 5 years with SEND and are experiencing challenges with their educational development, meaning that more young children aged 0-5 years (and their families) who are eligible for Portage home-based support will be able to access it at the right time, thus reducing the wait times for support. In addition, by having more workshops and group support available for</p>

	<p>parents/carers within their local community (e.g. local children’s centre or other community venue), whose young children may be experiencing challenges with their educational development, will mean that more young children can be supported with their educational development via their parents/carers, with parents/carers being supported and empowered to be their child’s first educator and being provided with strategies that they can utilise within the home, without the need for more specialist support.</p> <p>There will also be further perceived positive impact for children in their early years and their families through the greater partnership working with the Best Start Lincolnshire: Early Years and Family Service (which has recently been retendered with a stronger focus on providing universal and targeted support for children aged 0 to 5 years with SEND) and other relevant services, with co-delivery of sessions/support, where appropriate, to ensure even more young children and their families are supported to access the universal and targeted support available to them within their local communities.</p> <p>The Service will also work in partnership with Health Visitors, Early Years Specialist Teachers, Early Years Practitioners and other relevant Early Years professionals to ensure more children in their early years, and their families, receive the right support, at the right time and by the right professional.</p> <p>Children in receipt of active home-based support who are transitioning into an early years setting (as part of their 2 or 3 year old early years entitlement (EYE) will also have access to in-setting transition support, where this has been identified as a need, to an allocated key worker within the early years setting, alongside the Council’s Early Years Specialist Teachers and the family.</p>
Gender reassignment	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.
Marriage and civil partnership	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.
Pregnancy and maternity	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.

Race	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.
Religion or belief	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.
Sex	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.
Sexual orientation	No perceived positive impact as there are no changes proposed to the current delivery model that will impact on this protected characteristic.

If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

N/A

Adverse/negative impacts

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.

Age	There is no perceived negative impact for children aged 0 to 5 years, and their families, given that Portage will continue to support children aged 0 to 5 years who are eligible for Portage support.
Disability	There is no perceived negative impact for children aged 0 to 5 years, and their families, given that Portage will continue to support children aged 0 to 5 years who are eligible for Portage support.
Gender reassignment	No perceived negative impact.
Marriage and civil partnership	No perceived negative impact.
Pregnancy and maternity	No perceived negative impact.

Race	No perceived negative impact.
Religion or belief	No perceived negative impact.
Sex	No perceived negative impact.
Sexual orientation	No perceived negative impact.

If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at consultation@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

To help inform the review of the Portage Service in order to make recommended changes that better meet the needs of young children and their families and the professionals working with them.

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

<p>Age</p>	<p>Stakeholder engagement has been undertaken to help inform the review. This includes activity undertaken throughout the whole period of the review which included service user feedback submitted to commissioning, discussions with families during service observation visits undertaken by Children’s Commissioning, professional stakeholder feedback from task and finish groups and workshops undertaken as part of a wider review of commissioned early years services. Overall, this took into account feedback from parents/carers of young children aged 0-5 years, including children with SEND, as well as where possible young children themselves, education providers, wider early years and SEND professionals working with children and young people across a range of organisations and other strategic partners.</p> <p>All engagements that have been taken into consideration took place between December 2019 and August 2022.</p>
<p>Disability</p>	<p>As above</p>
<p>Gender reassignment</p>	<p>As above</p>
<p>Marriage and civil partnership</p>	<p>As above</p>
<p>Pregnancy and maternity</p>	<p>As above</p>
<p>Race</p>	<p>As above</p>

Religion or belief	As above
Sex	As above
Sexual orientation	As above
<p>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	Yes – all engagement has taken into account feedback from the whole period of the review which has included feedback from a wide range of stakeholders, including service users and non-service users.
<p>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</p>	A post-project review will be conducted to identify any benefits already achieved. Any new service will be subject to contract management. This will involve tracking performing indicators and other information designed to monitor the effectiveness of delivery in meeting people’s needs, including feedback and views of service users.

Further Details

Are you handling personal data?

No

If yes, please give details.

Page 126

Actions required

Include any actions identified in this analysis for on-going monitoring of impacts.

Action

Lead officer

Timescale

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
V1.0	Issued following Portage review	Mellissa Bennett-Shaul and Sara Gregory	23 rd June 2023		



Open Report on behalf of Heather Sandy, Executive Director – Children’s Services

Report to:	Children and Young People Scrutiny Committee
Date:	08 September 2023
Subject:	Service Level Performance Reporting against the Success Framework 2023-24 - Quarter 1

Summary:

This report summarises the Service Level Performance against the Success Framework 2023-24 for Quarter 1. All performance that can be reported in Quarter 1 is included in this report.




Full service level reporting to all scrutiny committees can be found here: [Corporate plan – Performance data - Lincolnshire County Council](#)

Actions Required:

The Committee is invited to review and comment on the Children and Young People Service Level Performance for 2023- 24 Quarter 1.

1. Background

This report details the Service Level Performance measures for the Children and Young People Scrutiny Committee that can be reported at Quarter 1.

- 1 measure exceeded their target 
- 5 measures achieved their target 
- 1 measure did not meet their target 

1.1 Children are Healthy and Safe

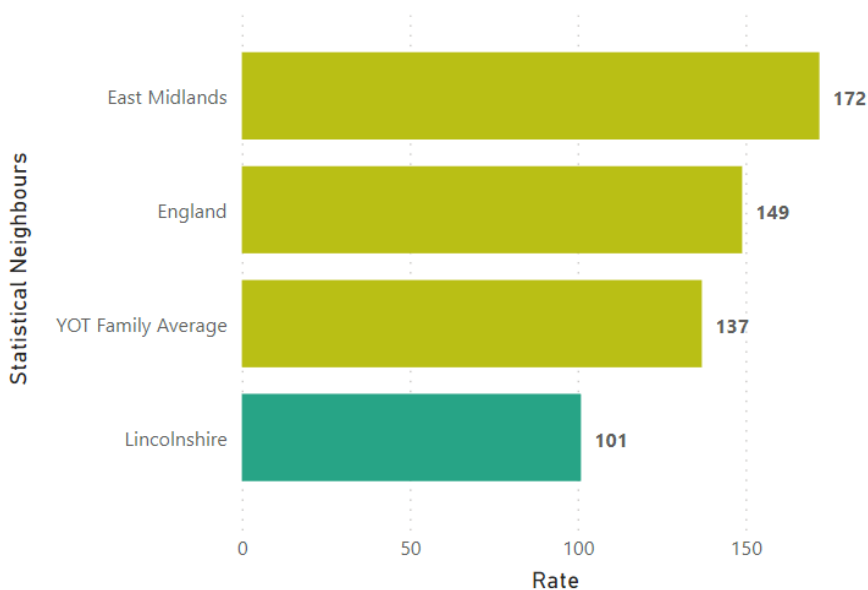
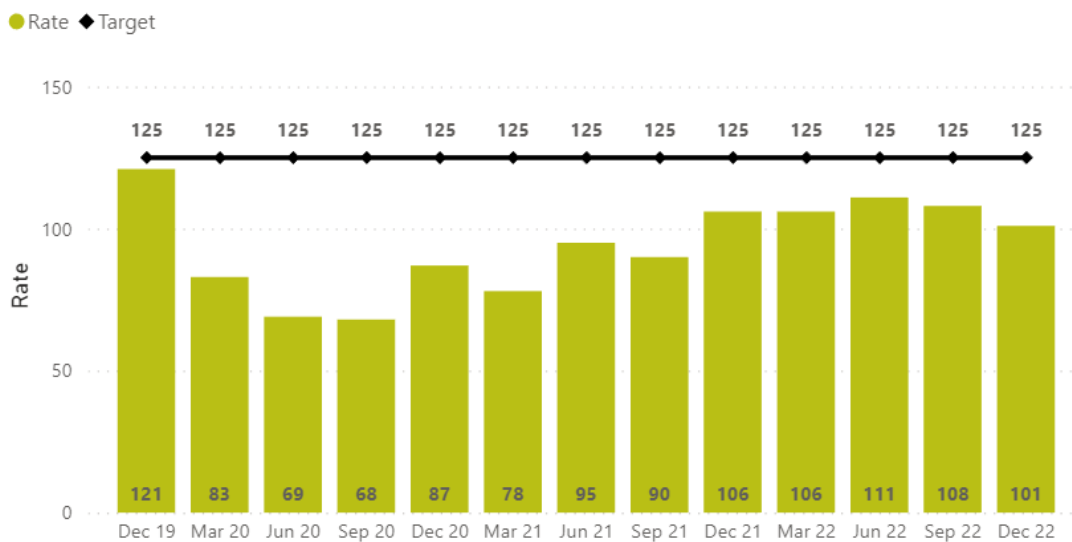
1.1.1 Measures that exceeded their target

PI 15 Juvenile first time offenders ★

Rate: 101

Target: 125

Lincolnshire has seen a continued fall in the rate of first time entrants into the youth justice system from the previous quarter. Further, our strong performance is highlighted when comparing to our Youth Offending Team family, region and the National rate; all of our comparators have seen a further increase in rate. This performance continues to show the success in the Joint Diversionary Panel, and the good work in reducing the criminalisation of our children and young people.



Benchmarking as at December 2022

1.1.2 Measures that Achieved their target

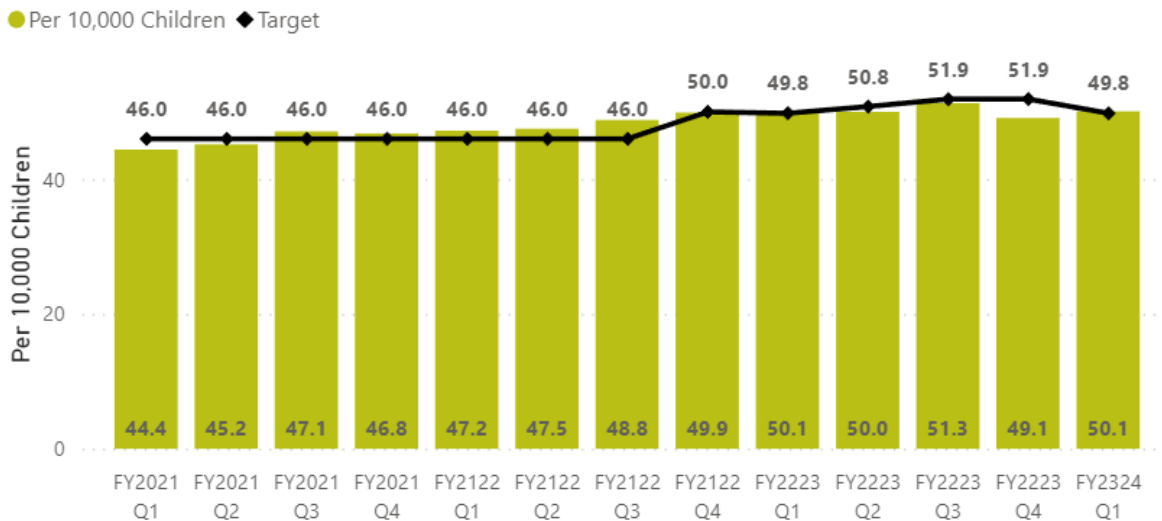
PI 23 Children in Care ✓

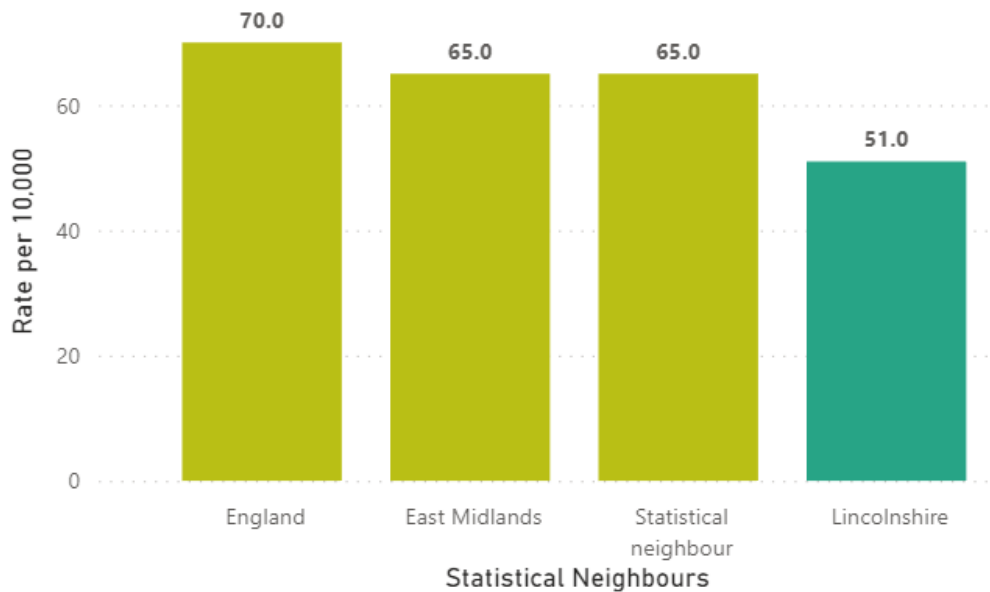
Actual: 50.1

Target: 49.8

This measure is just over the target (49.8%) but is within tolerance and has therefore achieved this quarter. This target has been revised upward in comparison to recent years to take into account the effects of the National Transfer Scheme and the number of children in care per 10,000 remains at a relatively high level compared to recent years. The recent growth in numbers is attributable to the Council’s safeguarding responsibilities and is partly attributable to the number of unaccompanied asylum-seeking children that have arrived as part of the new temporary mandated National Transfer Scheme. The expectation is that Lincolnshire will take a maximum of 144 children which equates to 0.1% of the general child population and therefore there continues to be a likely impact of growth going forward.

Despite the recent growth and the potential for future increase there continues to be an emphasis on prevention from children coming into care and exit planning from the care system where it can be achieved. However, even with the increase, the Lincolnshire number of Children in Care (CiC) per 10,000 remains significantly below the most recent published figures both nationally and by our statistical neighbours (70 per 10,000 and 65 per 10,000 respectively as of 31 March 2022).





Benchmarking as at March 2022

PI 24 Children who are subject to a children protection plan ✓

Actual: 405

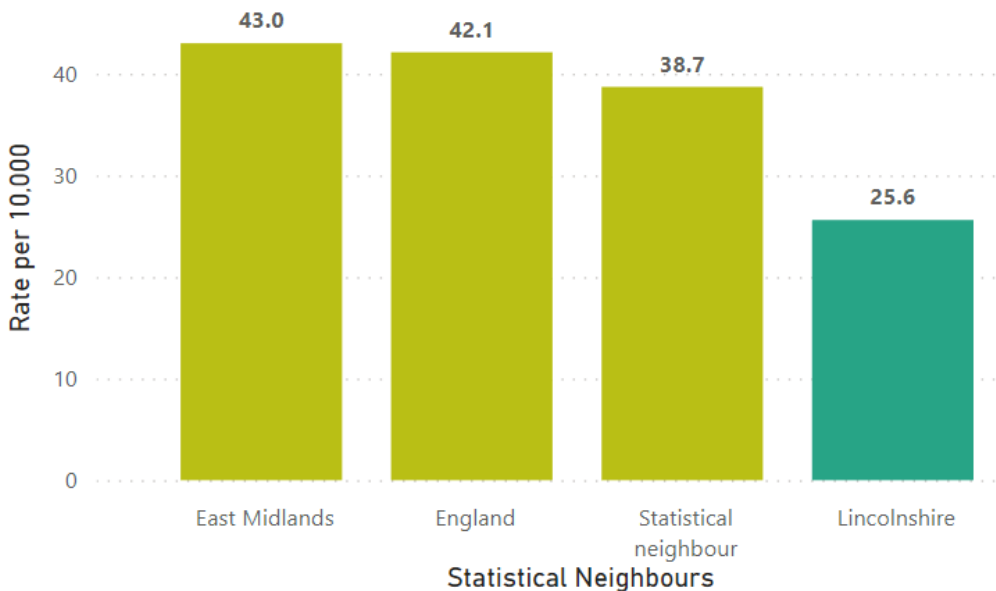
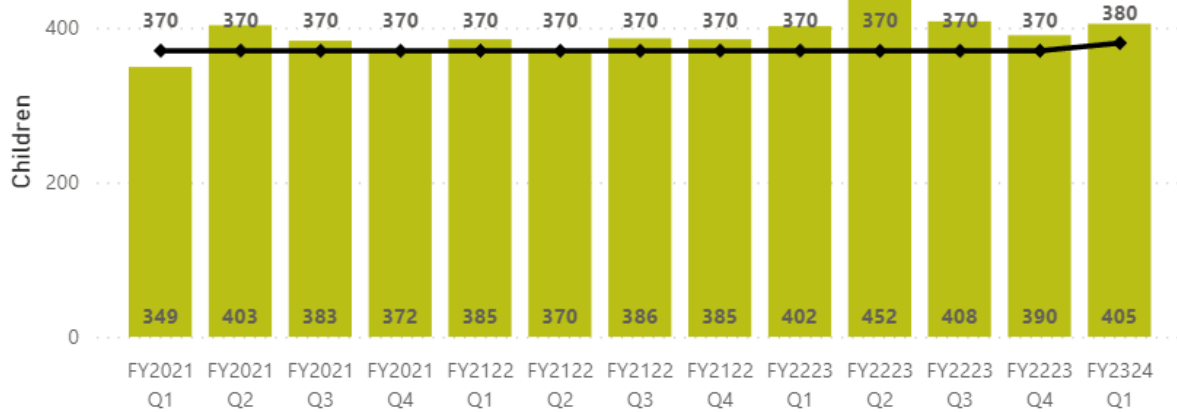
Target: 380

The number of children subject to a Child Protection Plan at the end of Quarter 1 is 405. This is a slight decrease in performance compared to Quarter 4, but the figure remains within the target range and the overall positive trajectory in terms of this measure continues to be seen.

The number of children subject to a Child Protection Plan does fluctuate as the decision for a child to be made subject to, or remain on, a child protection plan is based on the risk factors present for the individual child. We continue to see increased pressures and financial hardship upon families because of the cost-of-living crisis and pandemic recovery. This is particularly evident in families where there are a number of children and the larger sibling groups do lead to variables being seen in the quarterly reporting as reporting counts individual children.

Child protection plans create safety, and it is important that risk is recognised and managed through plans where appropriate. Early intervention with families and effective risk management continues to take place to ensure that only the right children are subject to a child protection plan.

● Children ◆ Target



Benchmarking as at March 2022

PI 25 Average time taken to move a child from care to an adoptive family ✓

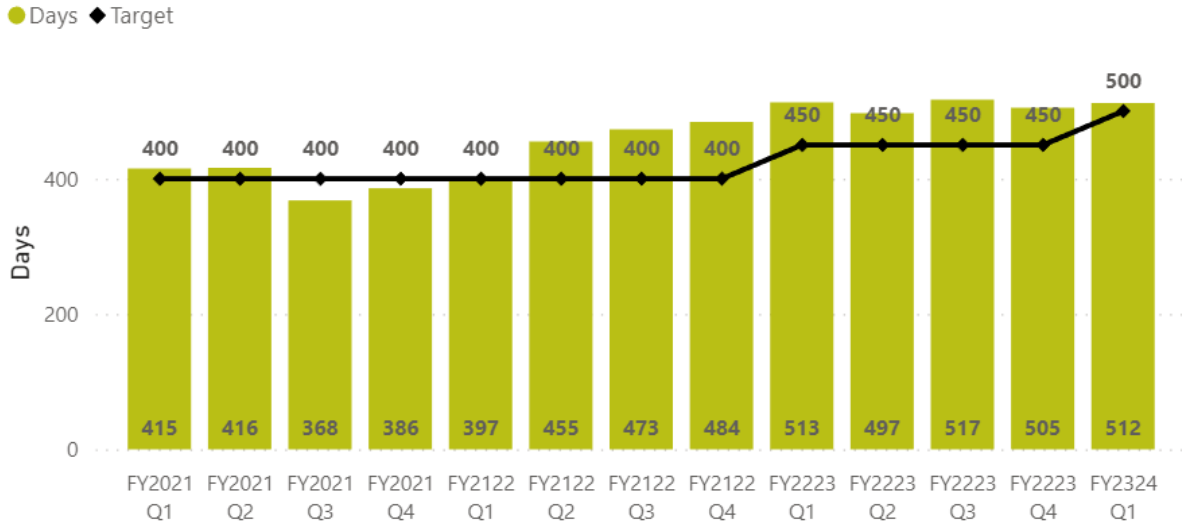
Actual: 512

Target: 500

There has been continued significant delay in the length of time care proceedings are taking. This will continue to have some impact on the statistics and data for this year and accounts for the increased timescales. This measure is a 'rolling' three yearly average. As we have moved forward, the calculation has considered more of the period covered by the pandemic, which has in turn increased the rolling average figure. It is important to note that the figure presented includes some rare anomalies which have also adversely affected the overall timescales, such as one case which lasted for over 2000 days due to

an unusual amount of disruption as well as an increase in the number of children deemed harder to place in general. There are, however some encouraging early signs that the figure is starting to decrease for Quarter 1, and this is something that will be closely monitored.

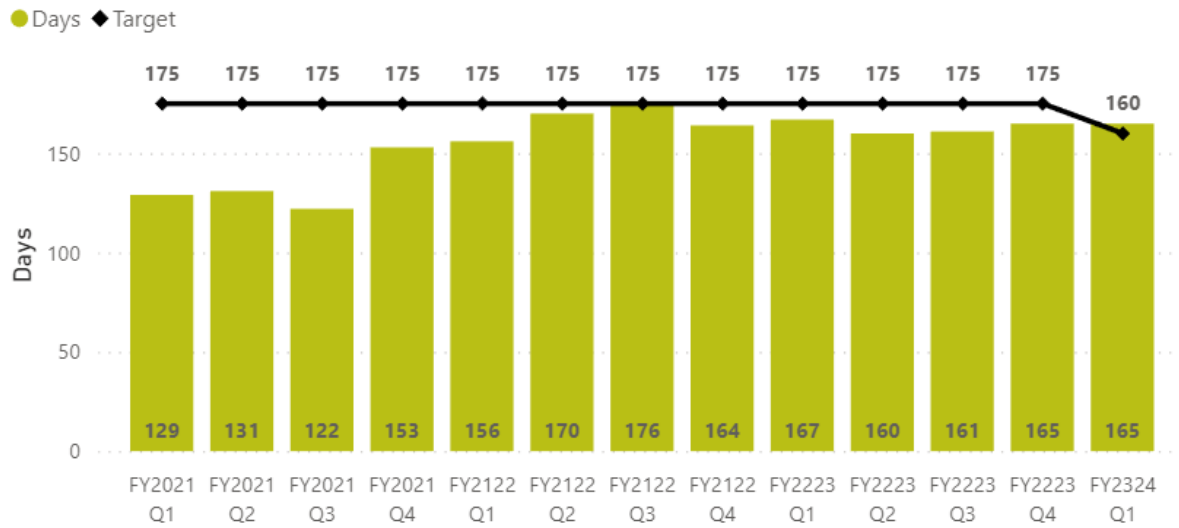
There are also some children later adopted by their foster carers, but this measure does not properly take in to account the time they began living with those families, producing a longer timescale than there was in reality.



PI 26 Average time taken to match a child to an adoptive family ✓

Actual: 165
Target: 160

There are signs that the timescale is continuing to decline. This has, however, been impacted by an increase in the number of birth parents who are appealing the decision to make a Placement order which impacts on the timescales for matching.



Benchmarking data April 2017 – March 2020

1.1.3 Measures that did not meet their target

None in Quarter 1.

1.2 Learn and Achieve

Not reported in Quarter 1.

1.3 Readiness for Adult Life

1.3.1 Measures that exceeded their target

None in Quarter 1.

1.3.2 Measures that Achieved their target

PI 46 Care leavers in suitable accommodation ✓

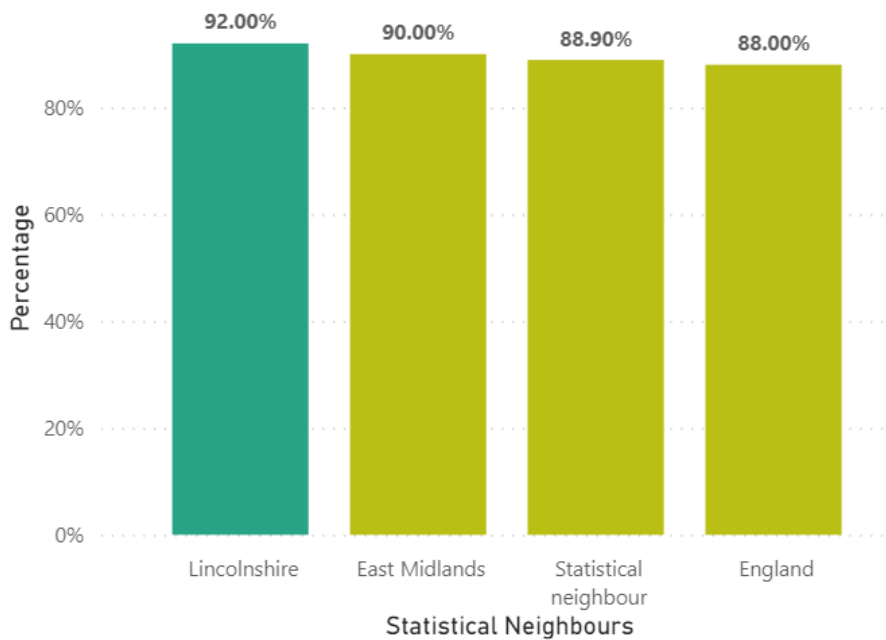
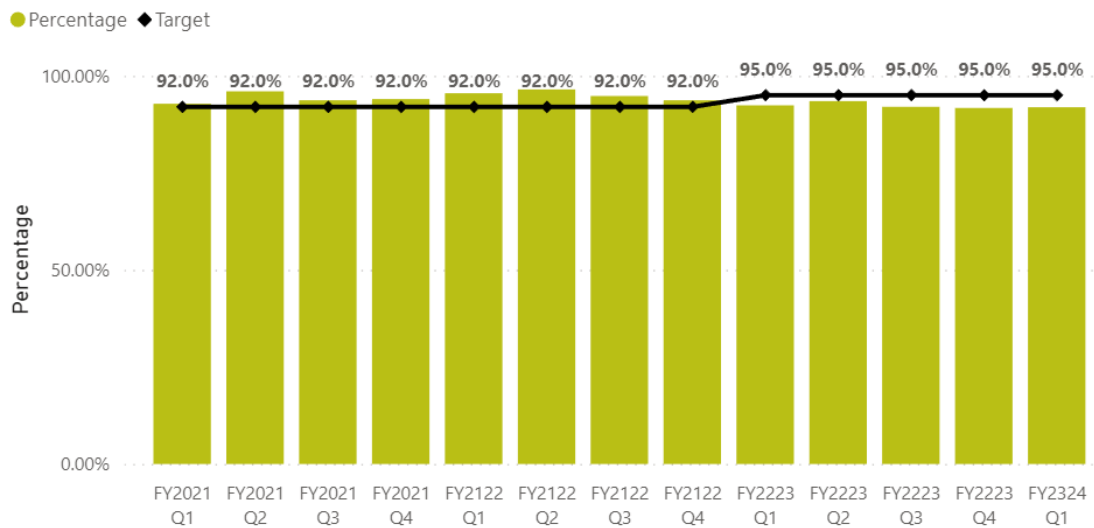
Actual: 91.9

Target: 95

The definition of the suitability of accommodation is very strict, and whilst the definition would deem some of the accommodation options unsuitable, the young person might be making an informed choice (as an adult) about where they live and how they live. For example, the monthly tracker continues to identify a small number of young people who are choosing to live with friends and sleep on their sofa. This is deemed unsuitable, but the decision to live on a friend's sofa is the informed choice of the young person. We also know of one young person who still chooses to live in a caravan on their ex foster carers driveway and another young person who has turned down accommodation to live on their mother's driveway in a car. Both these young people have had multiple offers of supported living but choose to live where they are. This is still deemed as unsuitable by the criteria. There is also a small number of young people in temporary accommodation, provided by the District Council, whilst the housing authority is addressing homelessness and finding a long-term solution with the leaving care service.

In addition to the above, custody is also always deemed unsuitable. There has, however, been a small increase in the numbers of young people in custody. Ironically, being in custody qualifies as being in education, employment and training but is deemed as unsuitable accommodation.

The Head of Service continues to monitor unsuitable accommodation on a case by case basis every month.



Benchmarking as at March 2022

1.3.3 Measures that did not meet their target

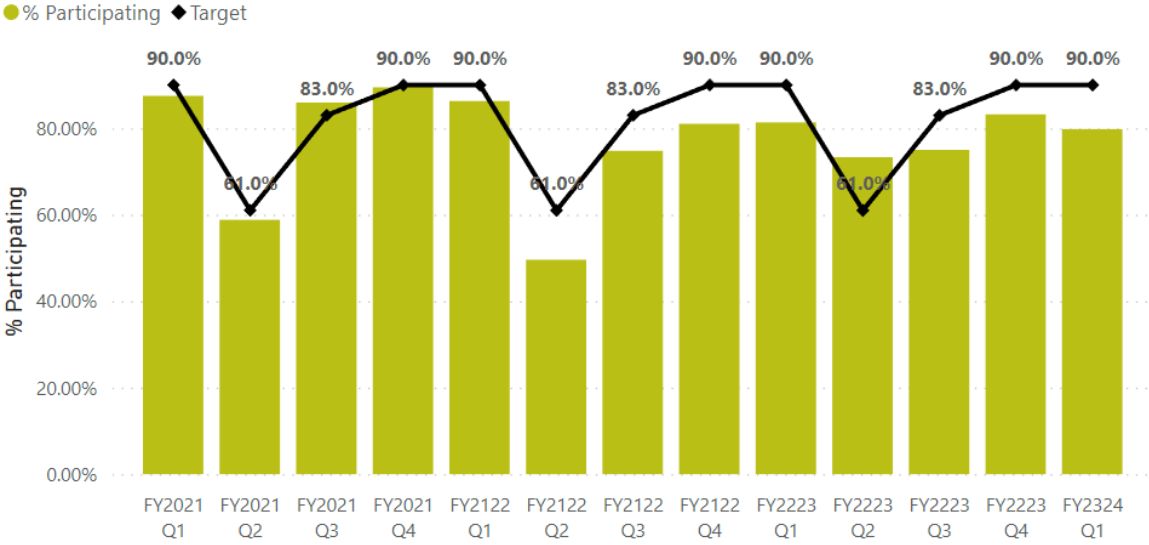
PI 45 16 -17 year old Children in Care participating in learning ✖

Actual: 79.8

Target: 90

The Virtual School co-ordinates Personal Education Plans for all our 16 and 17 year old children in care, ensuring that every young person has a plan which is reviewed termly. These bring young people, their social workers, carers and providers together to focus on educational need, any potential barriers to participation in learning and ensures that our young people are supported appropriately. As some of our young people in care struggle

to access or sustain engagement in learning, access to therapeutic support and/or alternative routes into educational opportunities are explored through the Personal Education Plan and may be supported by Post 16 Pupil Premium funding. Challenges in securing mid year school places and English for Speakers of Other Languages (ESOL) provision for the increased number of recently arrived unaccompanied asylum seeking young people aged 16-17 has impacted on this quarter’s performance. Interim tuition provision is commissioned by the Virtual School to ensure young people have access to learning whilst awaiting a place at an educational setting.



2. Conclusion

The Children and Young People Scrutiny Committee is requested to review and comment on the report.

3. Consultation

a) Risks and Impact Analysis

Not Applicable

4.

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Jo Kavanagh, who can be contacted on jo.kavanagh@lincolnshire.gov.uk



Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	Children and Young People Scrutiny Committee
Date:	08 September 2023
Subject:	Children and Young People Scrutiny Committee Work Programme

Summary:

This item enables the Committee to consider and comment on the content of its work programme to ensure that its scrutiny activity is focused where it can be of greatest benefit. The Committee is encouraged to highlight items that could be included for consideration in the work programme.

Actions Required:

- (1) To review and agree the Committee's work programme as set out in this report.
- (2) To highlight for discussion any additional scrutiny activity which could be considered for inclusion in the work programme.

1. Background

Current Items

For reference, the Committee's items for this meeting are set out below: -

08 September 2023			
Item		Contributor	Purpose
1.	Lincolnshire Secure Children's Home – Land Purchase and Section 203	Dave Pennington, Head of Property Development Matt Clayton, Interim Head of Capital Reform and Education Sufficiency Dave Clarke, Service Lead - Secure Estate Rachel Freeman, Head of Service Children in Care and Residential Estates	Pre-Decision Scrutiny (Executive decision on 3 October 2023)
2.	Recommissioning of the Portage Service	Sara Gregory, Commissioning Manager - Children's Strategic Commissioning	Pre-Decision Scrutiny (Executive Councillor decision between 18 – 22 September 2023)
3.	Service Level Performance Reporting against the Success Framework 2023-24 – Quarter 1	Jo Kavanagh, Assistant Director – Early Help	Performance Scrutiny
4.	Holbeach William Stukeley CofE Primary School – Single classroom extension, hall and staffroom extension (EXEMPT)	Dave Pennington, Head of Property Development Alison Toyne, Project Manager, Corporate Property	Pre-Decision Scrutiny (Leader decision between 18 - 22 September 2023)

Planned Items

The Committee's planned items are listed below:

20 October 2023			
Item		Contributor	Purpose
1.	CYP Online Mental Health Support	Kevin Johnson, Commissioning Manager - Children's Mental Health, LD and Autism Emily Humphries, Commissioning Officer Lynda Whitton, Senior Commissioning Officer	Pre-Decision Scrutiny (Executive Councillor decision between 27 October – 3 November 2023)
2.	The Maples Short Breaks Provision - Re- commissioning	Eileen McMorrow, Programme Manager SEND Strategy	Pre-Decision Scrutiny (Executive Councillor decision between 30 October – 3 November 2023)
3.	Proposals for Scrutiny Reviews	Tracy Johnson, Senior Scrutiny Officer	To suggest topics for in- depth reviews by a scrutiny panel
4.	Education Provision Planning (EXEMPT)	Matthew Clayton, Interim Head of Capital Reform and Education Sufficiency	Pre-Decision Scrutiny (Executive Councillor decision between 27 October – 3 November 2023)
5.	Saxilby Primary School – 3 class extension (EXEMPT)	Dave Pennington, Head of Property Development Ali Toyne, Project Manager, Corporate Property	Pre-Decision Scrutiny (Leader decision between 27 October – 3 November 2023)
INFORMATION ONLY ITEMS			
6.	Update on the Building Communities of Specialist Provision Strategy	Sheridan Dodsworth, Head of Special Educational Needs and Disability Eileen McMorrow, Programme Manager SEND Strategy Dave Pennington, Head of Property Development	Policy Review (Yearly Update)

01 December 2023			
Item		Contributor	Purpose
1.	Lincolnshire Secure Unit (LSU) Catering Service	Mark Rainey, Strategic Commissioning Manager – Children's Services	Pre-Decision Scrutiny (Executive Councillor decision between 8 – 15 December 2023)
2.	Alternative Provision – Myle Cross site	Mark Rainey, Strategic Commissioning Manager – Children's Services	Pre-Decision Scrutiny (Executive Councillor decision between 8 – 15 December 2023)
3.	Children and Young People Mental Health Transformation Programme	Charlotte Gray, Head of Service – Children's Strategic Commissioning	Policy Review
4.	Early Years and Childcare Sufficiency Report	Nicky Myers, Interim Head of Service Early Years and Childcare Support	Policy Review
5.	Service Level Performance Reporting against the Success Framework 2023-24 – Quarter 2	Jo Kavanagh, Assistant Director – Early Help	Performance Scrutiny
6.	Lincolnshire Secure Children's Home (LSCH) (EXEMPT) (TBC)	Dave Pennington, Head of Property Development Matt Clayton, Interim Head of Capital Reform and Education Sufficiency Dave Clarke, Service Lead - Secure Estate Rachel Freeman, Head of Service Children in Care and Residential Estates	Pre-Decision Scrutiny (TBC)

12 January 2024			
Item		Contributor	Purpose
1.	Children's Services Budget Proposals 2024/25	Heather Sandy, Executive Director – Children's Services Mark Popplewell, Strategic Finance Lead – Children's Services	Budget Scrutiny / Pre-Decision Scrutiny
2.	Attendance in Schools, Elective Home Education and Children Missing Education Annual Report 2022/23	Jill Chandar-Nair, Inclusion and Attendance Manager	Annual Report
3.	Children in Care Transformation Programme Update	Matt Clayton, Interim Head of Capital Reform and Education Sufficiency Tracey Robinson, Programme Manager – Sector Led Improvement & Children in Care Transformation Tara Jones, Assistant Director – Children's Safeguarding	Policy Review
4.	Gosberton House Academy - New Block Extension and External Works as part of the SEND Building Communities of Specialist Provision Strategy (EXEMPT)	Eileen McMorrow, Programme Manager SEND Strategy Teri Marshall, Senior Project Manager – Corporate Property	Pre-Decision Scrutiny (Leader Decision between 22 – 26 January 2024)
INFORMATION ONLY ITEMS			
5.	Youth Offending Service – Progress against HMIP Inspection Recommendations	Andy Cook, Head of Service – Future4Me and Youth Offending	Inspection Outcome

08 March 2024			
Item		Contributor	Purpose
1.	Ofsted Inspection of Children's Services - Improvement Plan	Andrew Morris, Head of Service for Leaving Care, Supported Living and Unaccompanied Children	Inspection Outcome
2.	Lincolnshire School Performance 2022 - 23	Martin Smith, Assistant Director – Education Matt Spoons, Head of Service - School Standards Nicky Myers, Interim Head of Service Early Years and Childcare Support	Performance Scrutiny
3.	Children's Services Annual Statutory Complaints Report 2022-23	Jo Kavanagh, Assistant Director - Early Help	Performance Scrutiny
4.	Service Level Performance Reporting Against the Success Framework 2023-24 Quarter 3	Jo Kavanagh, Assistant Director – Early Help	Performance Scrutiny

19 April 2024			
Item		Contributor	Purpose
1.	Lincolnshire Safeguarding Children Partnership (LSCP) Annual Report 2023	Chris Cook, Chair of LSCP Stacey Waller, LSCP Manager	Yearly Update

2. Conclusion

The Committee is invited to review, consider and comment on the work programme as set out above and highlight for discussion any additional scrutiny activity which could be included for consideration in the work programme. A list of all upcoming Forward Plan decisions relating to the Committee is also attached at Appendix A.

3. Appendices

These are listed below and attached at the back of the report	
Appendix A	Forward Plan of Decisions relating to the Children and Young People Scrutiny Committee

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Tracy Johnson, Senior Scrutiny Officer, who can be contacted on 07552 253814 or by e-mail at tracy.johnson@lincolnshire.gov.uk.

FORWARD PLAN OF DECISIONS RELATING TO CHILDREN'S SERVICES FROM 01 SEPTEMBER 2023

DEC REF	MATTERS FOR DECISION	REPORT STATUS	DECISION MAKER AND DATE OF DECISION	PEOPLE/GROUPS CONSULTED PRIOR TO DECISION	DOCUMENTS TO BE CONSIDERED	OFFICER(S) FROM WHOM FURTHER INFORMATION CAN BE OBTAINED AND REPRESENTATIONS MADE (All officers are based at County Offices, Newland, Lincoln LN1 1YL unless otherwise stated)	DIVISIONS AFFECTED
1029262	Holbeach William Stukeley Primary School - Single Class Extension, Hall and Staffroom Extension	Exempt	Leader of the Council (Executive Councillor: Resources, Communications and Commissioning) Between 18 Sep 2023 and 22 Sep 2023	Children and Young People Scrutiny Committee	Reports	Head of Property Development E-mail: dave.pennington@lincolnshire.gov.uk	Holbeach
1029955	Re-commissioning of the Portage Service	Open	Executive Councillor: Children's Services, Community Safety, Procurement and Migration Between 18 Sep 2023 and 22 Sep 2023	Children and Young People Scrutiny Committee	Reports	Commissioning Manager, Children's Strategic Commissioning E-mail: sara.gregory@lincolnshire.gov.uk	All Divisions
1029669	Lincolnshire Secure Children's Home Build	Open	Executive 3 Oct 2023	Directorate Leadership Team Corporate Leadership Team Legal Services Finance Children and Young People Scrutiny Committee	Reports	Interim Head of Capital Reform & Education Sufficiency E-mail: matthew.clayton@lincolnshire.gov.uk	Sleaford

I030126	Education Provision Planning	Exempt	Executive Councillor: Children's Services, Community Safety, Procurement and Migration Between 27 Oct 2023 and 3 Nov 2023	Children and Young People Scrutiny Committee	Reports	Interim Head of Capital Reform and Education Sufficiency E-mail: matthew.clayton@lincolnshire.gov.uk	All Divisions
I030233	Saxilby Primary School - three Class Extension	Exempt	Leader of the Council (Executive Councillor: Resources, Communications and Commissioning) Between 27 Oct 2023 and 3 Nov 2023	Children and Young People Scrutiny Committee	Reports	Head of Property Development E-mail: dave.pennington@lincolnshire.gov.uk	Nettleham and Saxilby
I030207	CYP Online Mental Health Support	Open	Executive Councillor: Children's Services, Community Safety, Procurement and Migration Between 27 Oct 2023 and 3 Nov 2023	Children's DLT Children's Executive DLT Commissioning and Commercial Board Children and Young People Scrutiny Committee	Reports	Commissioning Manager - Children's Mental Health, LD and Autism E-mail: Kevin.johnson@lincolnshire.gov.uk	All Divisions
I029533	The Maples Short Breaks Provision - Re-commissioning	Open	Executive Councillor: Children's Services, Community Safety, Procurement and Migration Between 30 Oct 2023 and 3 Nov 2023	Parents and Carers, and service users Children and Young People Scrutiny Committee	Reports	Programme Manager - Children's Services (SEND) E-mail: eileen.mcmorrow@lincolnshire.gov.uk	All Divisions

I030084	Lincolnshire Secure Unit (LSU) Catering Service	Open	Executive Councillor: Children's Services, Community Safety, Procurement and Migration Between 8 Dec 2023 and 15 Dec 2023	Executive Councillor for Children's Services, Community Safety, Procurement and Migration Children and Young People Scrutiny Committee LSU Staff Legal Services	Reports	Children's Services Strategic Commissioning Manager E-mail: mark.rainey@lincolnshire.gov.uk	All Divisions
I030186	Alternative Provision - Myle Cross site	Open	Executive Councillor: Children's Services, Community Safety, Procurement and Migration Between 8 Dec 2023 and 15 Dec 2023	Executive Councillor for Children's Services, Community Safety, Procurement and Migration, Children and Young People Scrutiny Committee, Children's Services, Legal Services, Property Services	Reports	Children's Service Strategic Commissioning Manager Tel: 01522 554053 Email: mark.rainey@lincolnshire.gov.uk	All Divisions
I028654	Gosberton House Academy - New Block Extension and External Works as part of the SEND Building Communities of Specialist Provision Strategy	Exempt	Leader of the Council (Executive Councillor: Resources, Communications and Commissioning) Between 22 Jan 2024 and 26 Jan 2024	Children and Young People Scrutiny Committee	Reports	Head of Property Development E-mail: dave.pennington@lincolnshire.gov.uk	

Agenda Item 10

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