

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

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| Report to:          | <b>Executive</b>   |
| Date:               | <b>01 February 2022</b>  |
| Subject:            | <b>Re-commissioning of a Behaviour Outreach Support Service (BOSS) for Children and Young People</b> |
| Decision Reference: | <b>I025458</b>   |
| Key decision?       | <b>Yes</b>   |

**Summary:**

Lincolnshire County Council's Children's Services currently commissions a Behaviour Outreach Support Service (BOSS) on behalf of Lincolnshire schools as part of the Inclusive Lincolnshire Strategy<sup>1</sup>. The current contract commenced in September 2016 and was extended to 31 August 2022. The annual value of the current contract is £1,282,047.

BOSS operates during school term time only and works with Lincolnshire schools and academies to support children and young people (CYP) whose behaviour is compromising their learning and school attendance. BOSS helps build resilience across schools to support all pupils and promote a collective responsibility to reduce exclusion.

A commissioning review of BOSS commenced in February 2020 in anticipation of the contract end date.

This report makes recommendations for the re-commissioning of BOSS from 1 September 2022.

**Recommendation(s):**

That the Executive:

1. Approves the re-commissioning of BOSS, via an open competitive tender process, to commence 1 September 2022 for three years initially, with an option to extend for up to two years to 31 August 2027.
2. Delegates to the Executive Director of Children's Services in consultation with the Executive Councillor for Children's Services, Community Safety and Procurement, authority to take all decisions necessary to conduct the procurement process up to and including the award and entering into of the contract.

<sup>1</sup> The Inclusive Lincolnshire Strategy (December 2015): a joint strategy between the Council and the Lincolnshire Learning Partnership introduced to address the rising and unsustainable rate of permanent exclusions in Lincolnshire.

### Alternatives Considered:

- **Do Nothing:** This is not a viable option as the current contractual arrangement is due to expire on 31 August 2022.
- **Decommissioning:** This is not a viable option as whilst BOSS is not a statutory service, it supports the Council in fulfilling some of its statutory duties as covered within this report. Decommissioning would be likely to result in significant gaps in support, likely increased exclusions and put more pressure on existing services, as well as increased pressure on the High Needs Block of the Designated Schools Grant (DSG). There would be no benefits to children, young people (CYP) and families in Lincolnshire of de-commissioning BOSS and the likely result would mean that our most vulnerable children are not identified quickly and further increasing the pressure on alternative provision, special schools, social care, CAMHS and other services. Children's Services Directorate Leadership Team (DLT) and Children's Services Executive DLT (Exec DLT) have agreed that future BOSS service delivery is required.
- **Influencing:** This is not a viable option as 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 that schools will want to take sole responsibility for the commissioning of a countywide service to support CYP's behavioural concerns. It is therefore unrealistic to consider that they would centrally commission a service via the Council's influence.
- **Insourcing:** The Council could consider insourcing BOSS and integrating the service into the Early Help or Pupil Reintegration Team (PRT) offer. However, this is not a recommended option due to the following identified risks:
  - Potential TUPE implications and additional costs associated with voluntary sector staff and them moving onto Local Government Terms and Conditions creating reduced value for money. The cost of insourcing is anticipated to be higher than the current cost of the outsourced BOSS contract.
  - Potential reduction in workforce if staff chose not to TUPE. As the Council does not currently deliver these services there would need to be an investment of funding to either up-skill existing staff or 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 up-skilled to deliver the service and could put vulnerable CYP at risk of not receiving the right support quickly enough.
- **Partnership:** Children's Services has considered a partnership agreement under Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 as amended. Under the Regulations the Council could enter into the arrangements as long as they are likely to lead to an improvement in the way in which the relevant functions are exercised.

Section 75 Partnership Agreements are currently in place for the commissioning of Child and Adolescent Mental Health Services (CAMHS), Healthy Minds Lincolnshire and Mental Health Support Teams through which the Council delegates functions in as far as they relate to these services. The integration of BOSS into a Section 75 Agreement with these services has been considered, however the implications of potential TUPE to an NHS organisation for this group of staff is felt to be inappropriate and cost prohibitive and therefore this is not a recommended option.

**Reasons for Recommendation:**

- The current BOSS contract is due to end on the 31 August 2022 and a commissioning review has recommended the re-commissioning of BOSS in order to ensure a key focus on supporting behavioural concerns and reducing exclusions is maintained, whilst also continuing to support the Council in meeting its statutory duties.
- Re-commissioning of BOSS will continue to support the Inclusive Lincolnshire Strategy and the Lincolnshire Ladder of Behavioural Intervention<sup>2</sup>, ensuring that vulnerable CYP are supported to remain within their mainstream education settings and achieve the best possible outcomes.
- The current BOSS was commissioned through an open competitive tender process, with bids received from six different organisations, and therefore the market has already been tested. There are likely to be providers that would be interested in delivering this service.
- Re-commissioning of BOSS through an open competitive tender will stimulate the market and promote innovation and value for money in line with the Public Contract Regulations 2015. There is also the potential to broaden the market place in Lincolnshire.
- External providers may be able to attract additional funding streams to a service that the Council cannot access.
- The recommended model for BOSS will ensure that there is no reduction in provision for service users whilst also ensuring future BOSS provision is better aligned to national and local priorities.

**1. Background**

BOSS is a term time only service that works with CYP at risk of exclusion from Lincolnshire schools and academies and aims to reduce the number of pupils at risk of exclusion, and those excluded. BOSS delivers direct intervention support with pupils and workshops and training for the school workforce.

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<sup>2</sup>The Lincolnshire Ladder of Behavioural Intervention is at the heart of the *Inclusive Lincolnshire Strategy* and BOSS is an integral part of the Ladder and the Strategy. The "Ladder" provides a protocol for Lincolnshire schools and academies to follow through a stepped approach to supporting the needs of Lincolnshire CYP at risk of exclusion, and signposts schools to their statutory requirements. Step One of the ladder is a school-led approach with BOSS involvement being at Step Two of the "Ladder", at which point a referral for BOSS support is made.

Prior to the current contract, Lincolnshire Schools' Forum agreed to the use of the Designated Schools Grant (DSG) to fund this service as a means to support the sector. The BOSS contract will end on 31 August 2022.

A commissioning review of BOSS commenced in February 2020. The review has considered local and national policy requirements, local need (both pre and during Covid), feedback from service users/professionals, the performance of BOSS, comparisons against other local authorities and the supplier market. The interface between the service and other locally available emotional wellbeing services has been reviewed.

The Commissioning Plan (Appendix 1) provides a comprehensive overview of review findings in relation to the future commissioning of BOSS. Key findings are summarised below.

### **Current Commissioning Arrangements**

BOSS is currently delivered by Family Action via a contract for services following a tender process. The contract commenced 5 September 2016 and was due to cease 31 August 2021. The contract was extended to 31 August 2022 by an exception to the Council's Contract and Procurement Procedure Rules (CPPRs) because of delays to the review caused by the Covid-19 pandemic.

The current annual value of the contract is £1,282,047 and is fully funded from the DSG.

### **Service Performance**

BOSS is rated Good in terms of performance and has received positive feedback from service users who have accessed it.

The Lincolnshire Ladder of Intervention is at the heart of the Inclusive Lincolnshire Strategy and is helping more CYP to remain within their mainstream setting. The Council's Pupil Reintegration Team (PRT) help manage referrals to BOSS with a robust screening process and low numbers of CYP were excluded whilst BOSS was supporting.

BOSS received 408 new referrals during the 2020/21 academic year, with 57 referrals from the 2019/20 academic year continuing to be supported. Of CYP receiving support from BOSS during the 2020/21 academic year, 2% were permanently excluded from their school.

77% of referrals in 2020/21 were for males and supports national data and research that male pupils are more likely to display their emotions through their behaviour.

An analysis of causative factors conducted on 620 referrals identified that there are wider issues often in CYP's home life that are impacting on their ability to interact with people and their surroundings (some CYP had more than one causative factor), for example, 51.5% were exposed to issues within their home environment, with trauma the biggest cause; 51.5% had additional needs that were the underlying factor (mental health

concerns accounted for 13.5% of the additional needs); and 17% were school led factors. More needs to be done to understand the causative factors for the behaviour and better up-skill professionals and parents/carers in order for them to be more confident in supporting male pupils with their emotions and/or behaviour.

There is a correlation between Special Educational Needs and Disabilities (SEND) and behaviour concerns and there is a need to ensure any future BOSS provision is better aligned to the Lincolnshire SEND Transformation Programme, making better use of the tools developed as part of that programme.

### **Statutory Duties**

The Council has no explicit duty to provide BOSS, however BOSS supports the Council's statutory duties outlined below and not to re-commission BOSS could result in the Council not being able to meet some or all of these statutory duties:

- The **Education Act 1996, 2002 and 2011** to ensure the welfare and inclusion of and promoting high standards of education for children and young people. These include:
  - **Section 19 of the Education Act 1996:** to make arrangements to provide "suitable education at school, or otherwise than at school" for compulsory school aged pupils, including pupils excluded from school. This includes making arrangements for suitable full-time education for pupils permanently excluded no later than the sixth day of the exclusion.
  - **Section 51A of the Education Act 2002:** local authorities (or academy trusts) to arrange independent review panel hearings where parent/carers appeal against a governing body decision not to re-instate the pupil; must be arranged within 15 school days from the day the parent/carer application was made.
  - **Section 51A of the Education Act 2002 and the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999** set out the financial statutory guidance for local authorities following a permanent exclusion, including arrangements for adjusting budget shares for maintained schools and pupil referral units and arrangements local authorities may wish to enter into with academy trusts.
- **Section 44 of the Children and Families Act 2014** provides for reviews and reassessments for pupils with Education, Health and Care Plans (EHCPs), including pupils permanently excluded in order to identify the most suitable new education provision.

### **Needs Summary**

- Since 2015/16 the suspension and permanent exclusion (PX) of Lincolnshire pupils from school has reduced significantly, this includes for pupils with SEND and is despite rising numbers of CYP with SEND.
- School closures because of the Covid-19 pandemic meant exclusions reduced nationally in 2019/20 but prior to this evidence shows reduced exclusions locally.

|                              |                        | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 |
|------------------------------|------------------------|---------|---------|---------|---------|---------|
| % PX                         | England                | 0.08    | 0.10    | 0.10    | 0.10    | 0.06    |
|                              | East Midlands          | 0.08    | 0.09    | 0.09    | 0.09    | 0.06    |
|                              | Statistical Neighbours | 0.10    | 0.12    | 0.12    | 0.11    | 0.08    |
|                              | Lincolnshire           | 0.15    | 0.11    | 0.10    | 0.11    | 0.05    |
| % PX SEN pupils with EHCP    | England                | 0.13    | 0.13    | 0.16    | 0.15    | 0.10    |
|                              | East Midlands          | 0.16    | 0.22    | 0.22    | 0.15    | 0.10    |
|                              | CIPFA Near Neighbours  | 0.28    | 0.32    | 0.23    | 0.21    | 0.16    |
|                              | Lincolnshire           | 0.54    | 0.23    | 0.16    | 0.14    | 0.05    |
| % PX SEN pupils without EHCP | England                | 0.32    | 0.35    | 0.34    | 0.32    | 0.20    |
|                              | East Midlands          | 0.36    | 0.35    | 0.35    | 0.31    | 0.20    |
|                              | CIPFA Near Neighbours  | 0.41    | 0.47    | 0.44    | 0.37    | 0.23    |
|                              | Lincolnshire           | 0.62    | 0.36    | 0.35    | 0.36    | 0.16    |
| % Suspensions                | England                | 4.29    | 4.76    | 5.08    | 5.36    | 3.76    |
|                              | East Midlands          | 4.36    | 4.61    | 4.55    | 4.82    | 3.65    |
|                              | Statistical Neighbours | 4.73    | 5.03    | 5.32    | 5.68    | 4.17    |
|                              | Lincolnshire           | 4.36    | 4.72    | 4.40    | 4.66    | 3.47    |

*\*Performance: red- worse than comparators, amber- on a par with comparators, green- better than comparators.*

- Lincolnshire is now performing better than the majority of its statistical neighbours and better than England and East Midlands averages for permanent exclusion and suspension rates.

| Stat Neighbours        | PX Rate       | Stat Neighbours        | Suspension Rate |
|------------------------|---------------|------------------------|-----------------|
| England                | 0.06          |                        | 3.76            |
| East Midlands          | 0.06          |                        | 3.65            |
| Derbyshire             | 0.11          | N. Lincs               | 8.27            |
| Cornwall               | 0.11          | Norfolk                | 4.54            |
| Suffolk                | 0.10          | Suffolk                | 4.13            |
| Norfolk                | 0.10          | Nottinghamshire        | 3.79            |
| Staffordshire          | 0.09          | Derbyshire             | 3.75            |
| N. Lincs               | 0.08          | Staffordshire          | 3.55            |
| Worcestershire         | 0.07          | Cumbria                | 3.53            |
| Cumbria                | 0.07          | <b>Lincolnshire</b>    | <b>3.47</b>     |
| <b>Lincolnshire</b>    | 0.05          | Cornwall               | 3.12            |
| Nottinghamshire        | 0.02          | Worcestershire         | 2.87            |
| North Northamptonshire | Not Available | North Northamptonshire | Not Available   |

- Lincolnshire is also performing better than the majority of its statistical neighbours and is performing better than England and East Midlands Averages for permanent exclusions (PX) for SEND pupils both with and without an Education, Health and Care Plan (EHCP).

| Stat Neighbours           | PX rate as a % of school population for SEN pupils with an EHCP | Stat Neighbours           | PX rate as a % of school population for SEN pupils without an EHCP |
|---------------------------|---|---------------------------|--|
| <b>England</b>            | <b>0.10</b>   |                           | <b>0.20</b>  |
| <b>East Midlands</b>      | <b>0.10</b>   |                           | <b>0.20</b>  |
| Derbyshire                | 0.34  | Cornwall                  | 0.42   |
| Suffolk                   | 0.31  | Derbyshire                | 0.38   |
| Staffordshire             | 0.25  | Norfolk                   | 0.37   |
| Cornwall                  | 0.16  | Suffolk                   | 0.32   |
| Norfolk                   | 0.15  | N. Lincs                  | 0.31   |
| N. Lincs                  | 0.14  | Staffordshire             | 0.29   |
| Cumbria                   | 0.09  | Worcestershire            | 0.23   |
| Worcestershire            | 0.08  | Cumbria                   | 0.18   |
| <b>Lincolnshire</b>       | <b>0.05</b>   | <b>Lincolnshire</b>       | <b>0.16</b>  |
| Nottinghamshire           | Not Available   | Nottinghamshire           | 0.07   |
| North<br>Northamptonshire | Not Available   | North<br>Northamptonshire | Not Available  |

- Nationally more CYP are being placed in Alternative Provision (AP) often related to Social, Emotional and Mental Health (SEMH) needs. This trend is apparent in Lincolnshire too; more CYP are receiving education outside of mainstream settings.
- More CYP are expected to have mental health concerns compounded by the Covid-19 pandemic which heightens the risk of more SEMH needs impacting on children's education and their ability to learn in mainstream settings.
- Children in vulnerable groups are more likely to be excluded and in Lincolnshire it is clear that there have been rising numbers of CYP with an EHCP and Children in Care.
- Children's Services is working with key partners to address the concerning trends outlined above through a range of transformation programmes. It is clear that any BOSS service in the future must have an increased focus on understanding and supporting SEMH and SEND needs and their impact on children's behaviour in school and must be focussed on ensuring pupils are supported to remain in mainstream schools and reducing numbers in AP.

### **Evidence Summary**

Key developmental stages in CYP's lives will impact on their emotions and behaviours and the experience of trauma and adverse childhood experiences can have a profound effect on CYP's emotions and behaviours and their ability to learn.

Permanent exclusions can have many negative long-term consequences for all aspects of CYP's lives.

Any future BOSS service should offer high-level training to schools to understand the causes of challenging behaviour, including for children with SEND, to help staff normalise this and provide appropriate support. Direct intervention with CYP must be provided with an understanding of cognitive development, emotional wellbeing, trauma and SEND. It will

be important to have close/joint working with emotional wellbeing services and early help as appropriate so CYP and families can be supported both in school and at home.

### **Stakeholder Engagement**

Case mapping and stakeholder engagement identified that service users valued the support provided by BOSS, particularly the direct intervention support, and that strategies were more effective when both the school and parent/carers engaged in, and mirrored, the same approaches to supporting the CYP.

Any future BOSS provision needs to have more emphasis on engaging parents/carers in the interventions delivered within the education settings, as well as delivering more workshops to both professionals and parents/carers in order to learn strategies together that can be embedded within the education setting and the home.

There is a need for improved pathways between BOSS and other relevant services that allow CYP to move seamlessly according to a continuum of need. Any future BOSS offer needs to have a more streamlined child-centred approach between other relevant commissioned services to support CYP's behavioural concerns, rather than just signposting schools onto other services. There is also a need to ensure a robust partnership approach to working with other key professionals to provide a more holistic offer of support to families, including working with the Council's Early Help team to ensure support for parents/carers can be provided within the home where this has been identified as a need.

More appropriate knowledge and expertise within BOSS is needed at the point of access in order to better support professionals in education settings when working with CYP who are at risk of exclusion, and their parents/carers, to ensure more CYP are supported within their mainstream education setting without the need for more specialist provision.

### **Recommended Model**

Modelling of the service was conducted based on review findings. The recommended model is summarised below with Appendix C of the Commissioning Plan providing further detail.

BOSS should continue to focus on providing support to Lincolnshire schools during term time to continue the positive impact on reducing the number of CYP being excluded from their school.

#### **Training and workshops**

BOSS will deliver training and workshops in person, online and virtually as appropriate. Some training and workshops will be co-delivered with other services e.g. Healthy Minds Lincolnshire/Mental Health Support Teams/SEND/Early Help.

There will be a core offer to all schools. There will be an expectation that education settings fully access the training and workshops available to them, as well as utilise the tools developed through the Lincolnshire Ladder of Behaviour Intervention and the

Lincolnshire SEND Transformation Project before accessing Targeted or Intensive Outreach Support (unless there is a clear escalation of need).

There will be wider non-core training and workshops available to professionals and parents/carers to help better understand and support CYP's behavioural concerns and to embed consistent strategies within the home as well as the education setting.

BOSS will offer training and workshops with a specific focus on CYP with SEND. Restorative Practice will continue to be embedded within the service offer, but this will be delivered by BOSS Workers directly, alongside other evidence-based approaches.

#### Targeted and Intensive Outreach Support

Support will also continue to be provided to Lincolnshire schools and academies via the Council's PRT before the need for referral for Targeted or Intensive Outreach Support is identified. PRT will continue to oversee referrals into BOSS.

Targeted and intensive outreach support will remain a core offer of BOSS for CYP at risk of exclusion, but with a stronger focus on further reducing permanent exclusions and providing more support and challenge to education settings to ensure that more CYP can remain in their mainstream setting without the need for more specialist alternative placement provision.

Direct interventions should involve parents/carers, including a virtual offer for advice/guidance. Parents/carers will be supported alongside professionals within the education setting to ensure consistent and evidence-based strategies can be used within the homes as well as the education setting. Schools and BOSS must work in a coordinated way with Early Help and emotional wellbeing services, and not in isolation from each other. There should be a children-centred multi-disciplinary team approach.

There will be a strong focus on ensuring the appropriate level of expertise is available to better support and challenge Lincolnshire schools and academies.

#### Funding Recommendations for a future BOSS Provision

The current funding for BOSS is £1,282,047 per annum, and staffing includes 4 Senior BOSS Workers and 24 BOSS Workers (term time only). Lincolnshire Schools' Forum previously agreed to BOSS being funded through the DSG from schools' budgets through a 0.65% reduction in Age Weighted Pupil Unit funding. The government's schools National Funding Formula implementation in 2018/19 has since superseded this, and base budget remains in the High Needs block to fund this delivery.

The current funding for BOSS includes funding for restorative practice with some training subcontracted when required. It is not envisaged that subcontracting will be needed in a future BOSS model as staff are sufficiently trained to directly deliver this approach now.

The evidence is clear that the money the Council invests is having a positive impact on children's behavioural concerns and thus improving the lives of CYP and families in Lincolnshire, particularly vulnerable groups. It is recognised however, that in order to

deliver the recommended model there will be an additional cost to increase the training and qualification of workers.

Actual contract expenditure on the existing contract was impacted by Covid-19 and underspend was recovered by the Council. Equally in previous years any underspend relating to staff turnover has been either recovered or reinvested.

Whilst staffing models for a commissioned contract would be at the discretion of the successful supplier, it is anticipated that in order to deliver the new model and retain the same level of Senior and BOSS Worker resource, that the current investment would be suitable to deliver the future model. The maximum contract value should continue to be £1,282,047 per annum or £6,410,235 over the lifetime of the contract.

## **2. Legal Issues:**

### 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 working document, the current draft EIA is attached as Appendix D with the Commissioning Plan. Given that the recommendation is to re-commission BOSS and that there is no recommended reduction to the BOSS future offer, it is anticipated that there will be no persons negatively impacted on.

The Equality Impact Assessment will be further developed should this be required following decision making processes.

#### Joint Strategic Needs Analysis (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.

Poor social and emotional capabilities increase the likelihood of mental health problems, a decrease in physical health and wellbeing and can lead to a poorer quality of life and lower educational attainment.

Ensuring that the right support is available at the right time for CYP, and families, is essential to effectively meeting their needs, including support within education settings in order to improve CYP's attainment and life chances.

One of the JHWS priorities is the mental health and emotional wellbeing of CYP. This includes taking action on wider determinants and their impact on mental health and emotional wellbeing. Maintaining place in school is essential due to the negative impact that exclusion can have on CYP's wellbeing.

The re-commissioning of BOSS will ensure that there is no gap in provision for CYP and CYP continue to be supported to remain in their education setting.

#### 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 BOSS will ensure that CYP at risk of exclusion continue to be supported to remain in their education setting, thus helping to promote good social, emotional and psychological health in order to protect against poor behaviour, including anti-social behaviour.

### **3. Conclusion**

BOSS is a highly valued and strong performing service that should continue to be commissioned. The current contract budget will be sufficient to deliver the proposed service model which is enhanced but largely the same and there is no planned reduction of this budget from Children's Services or schools. The service should be procured through an open competitive tender process with a new contract in place from 1 September 2022. Previous procurement and current market knowledge indicate there will be sufficient interest. The service will continue to reduce exclusions and most importantly support CYP to achieve the best possible educational outcomes. Schools will be well equipped to understand CYP's behaviours and support them and the service will further support the Council by reducing demands on alternative education provision.

### **4. Legal Comments:**

The Council has the power to enter into the contract proposed.

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

### **5. Resource Comments:**

The recommendation in the report to approve the re-commissioning of BOSS through a competitive tender process will enable the service to continue contributing to the Inclusive Lincolnshire Strategy and support the Lincolnshire Ladder of Behavioural Intervention, ensuring that our most vulnerable children and young people are supported to remain within their mainstream education settings without the need for more specialist provision and achieve the best possible outcomes. This will include training support to the sector, but also targeted and intensive outreach support.

The agreement would commence from 1 September 2022 for three years initially, with an option to extend for up to two years to 31 August 2027.

The service is currently funded as a base budget through the High Needs block of the Dedicated Schools Grant. The financial challenges facing Local Authorities in its management of High Needs monies mean it is imperative that the right support offer is provided to children and young people and that it delivers best value.

## 6. 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 14 January 2022 and the comments of the Committee will be reported to the Executive.

### d) Risks and Impact Analysis

To not re-commission BOSS would:

- Likely result in increasing exclusions and more placements to alternative provision.
- Likely create a gap in support and put more pressure on existing services as well as increased pressure on the High Needs Block of the DSG.
- Not support the Inclusive Lincolnshire Strategy nor the Lincolnshire Ladder of Behavioural Intervention.
- Be a high risk of increased pressure on the Council (reputational and financial) in relation to meeting its statutory duties.
- Not support national and local priorities across health, education and social care to ensure even more CYP and families access the right support at the right time.
- Pose a risk to Lincolnshire's SEND Transformation Project and the High Needs Strategy.

## 7. Appendices

|   |                                |
|---|--------------------------------|
| These are listed below and attached at the back of the report |                                |
| Appendix 1  | Commissioning Plan BOSS Review |

## 8. Background Papers

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

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