



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

Report to:	Executive
Date:	08 February 2022
Subject:	Re-commissioning of Autism and Learning Difficulties (ALD) Service for Children and Young People
Decision Reference:	I025457
Key decision?	Yes

Summary:

Lincolnshire County Council's Children's Services currently commissions the Autism and Learning Difficulties (ALD) Service (also referred to as Working Together Team) on behalf of Lincolnshire schools to provide support for autistic children and young people (CYP) and CYP with mild, moderate and severe learning difficulties and social communication challenges which impact on their cognitive development and learning potential.

The Service is a term time only service and is one of three¹ outreach support services that are part of the Inclusive Lincolnshire Strategy² to help build resilience across schools to support all pupils and promote a collective responsibility to reduce exclusion.

The current commissioning arrangement for the ALD Service is via a Public to Public Collaboration Agreement under Regulation 12(7) of the Public Contracts Regulations 2015. The current agreement is due to end on 31 August 2022 and the annual value of the current agreement is £617,500.

A commissioning review of the ALD Service commenced in February 2020.

This report makes recommendations for the re-commissioning of an ALD Service from 1 September 2022.

¹ Alongside the Behaviour Outreach Support Service and Physical Disability Outreach Service.

² 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.

Recommendation(s):

That the Executive:

1. Approves the re-commissioning of an ALD Service, via a Public to Public Collaboration Agreement under Regulation 12(7) of the Public Contracts Regulations 2015. Lincolnshire special schools and academies within the Lincolnshire SEND Alliance will be asked to put forward an expression of interest (EOI) to provide the service. 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.
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 EOI process up to and including the award and entering into of the agreement.

Alternatives Considered:

- **Do Nothing:** This is not a viable option as the current Public to Public collaboration arrangement for the ALD Service is due to expire on the 31 August 2022.
- **Decommissioning:** This is not a viable option as although the ALD Service is not a statutory service, it does support the Council in fulfilling some of its statutory duties as covered in the Section 3.2. It is also anticipated that the ALD Service will support Lincolnshire's Special Educational Needs and Disabilities (SEND) Workforce Development offer. Decommissioning the ALD Service would be likely to result in significant gaps in provision and put more pressure on existing services, as well as increased pressure on the High Needs Block of the Designated Schools Grant. There would be no benefits to CYP and families in Lincolnshire of de-commissioning an ALD Service and the likely result would mean that vulnerable children may not get appropriate support further increasing the pressure on the Designated Schools Budget in relation to increasing Education, Health and Care Plan (EHCP) requests. Children's Services Directorate Leadership Team (DLT) and Children's Services Executive DLT (Exec DLT) have agreed that future ALD service delivery is required.
- **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 that any schools would be willing to deliver the service without additional funding. It is also unlikely that schools will want to take sole responsibility for the commissioning of an ALD Service and it is therefore unrealistic to consider that they would centrally commission a service via the Council's influence.
- **Insourcing:** The Council could consider insourcing the ALD Service and integrating the service into the Council's SEND teams. However, this is not a recommended option due to the following identified risks:
 - TUPE implications and the increased cost from needing to employ staff on

teachers' terms and conditions.

- Potential reduction in workforce if staff chose not to TUPE. As the Council is not an expert in delivering these services there would need to be an investment of funding to either upskill existing staff or 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 and could put vulnerable CYP at risk of not receiving the right support quickly enough.
- **Procurement:** The current ALD Service was not commissioned through an open competitive tender process but rather through partnership arrangements with schools which support a sector-led approach to school improvement and support. The open market is untested but the Council's commitment to working in partnership with schools remains the same. Procurement is not a recommended option due to the risks identified below:
 - The successful bidder(s) may not have the infrastructure in place to deliver the service.
 - The successful bidder(s) may not have existing local knowledge and/or relationships with schools 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 support the Inclusive Lincolnshire Strategy in relation to a sector-led approach to delivering the service or the Building Communities of Specialist Provision Together approach.
 - Significant TUPE implications associated with teachers' terms and conditions should the successful bidder(s) not be able to offer this.
 - The procurement may receive higher costed bids, in particular due to the TUPE implications and overhead costs may be more as the service would not be delivered from a school base, making the service not sustainable for the Council.
 - 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.

Reasons for Recommendation:

- The current ALD Service agreement is due to end on 31 August 2022 and a commissioning review has recommended the re-commissioning of ALD in order to continue to model a sector-led approach to supporting autistic CYP and CYP with mild, moderate and severe learning difficulties and social communication challenges which impact on their cognitive development and learning potential.
- The current commissioning arrangement for the ALD Service is via a Public to Public Collaboration Agreement under Regulation 12(7) of the Public Contracts Regulations 2015. As such they do not need to be subject to a competitive procurement process.

The ALD Service was previously commissioned via an expression of interest to Lincolnshire Special Schools from which one expression of interest was received.

- Although the response to the expression of interest process was low, this was a number of years ago and since that time Building Communities of Specialist Provision Together in Lincolnshire is a key priority for the Council and the Lincolnshire SEND Alliance has formed which includes education leaders from Lincolnshire's 19 special schools and academies, the Lincolnshire Parent/Carer Forum and relevant officers from the Council. It is therefore recommended that the ALD Service is commissioned via an expression of interest to the special schools and academies within the Lincolnshire SEND Alliance. This will promote transparency and equity in the re-commissioning opportunity, whilst also ensuring that the best alignment of the public sector objectives of the schools and the Council and promoting Building Communities of Specialist Provision Together in Lincolnshire.
- Re-commissioning of the ALD Service will ensure our most vulnerable CYP are supported to remain within their mainstream education settings and achieve the best possible outcomes, whilst also ensuring a key focus on greater integration and partnership working with other relevant commissioned and in-house services.
- Re-commissioning of the ALD Service through an EOI process with Lincolnshire special schools and academies will promote transparency and equity in the re-commissioning opportunity in the Lincolnshire SEND Alliance, whilst also promoting Building Communities of Specialist Provision Together in Lincolnshire.
- Re-commissioning of the ALD Service will ensure continued partnership working with the education sector to improve outcomes for Lincolnshire CYP and will continue to support the Inclusive Lincolnshire Strategy, the Building Communities of Specialist Provision Together in Lincolnshire and also support the Lincolnshire SEND Transformation Project and Lincolnshire High Needs Strategy.
- The recommended model for the ALD Service will better align the service to national and local priorities across health, education and social care, so that even more CYP and families get access to the right support, at the right time and by the right professional through a seamless “step-in/step-out” approach.

1. Background

The ALD Service (also referred to as Working Together Team (WTT)³) is a term time only service and is commissioned on behalf of Lincolnshire schools and academies to provide support for autistic CYP and CYP with mild, moderate and severe learning difficulties and social communication challenges which impact on their cognitive development and learning potential.

The Service is one of three separate but complementary outreach support services for schools aimed at providing a holistic, integrated range of specialist intervention that help schools to better support pupils (aged 4 to 19 years) displaying behaviour that challenges which compromises their learning and school attendance or the learning of their peers.

³ WTT is a collaborative body formed between three special school academies in Lincolnshire: Lincolnshire Wolds Federation, Spalding Special Schools Federation and Gosberton House Academy.

Support provided by the Service includes training and workshops, and targeted outreach support to empower and up-skill school staff with the knowledge, tools and confidence to create inclusive autism-friendly environments and support CYP to remain in their mainstream settings. ALD Outreach Workers deliver both training and outreach support and whilst there is no minimum training offer, all schools must have completed whole school Autism Education Trust (AET) training in Making Sense of Autism (Level 1 AET training) before making a referral for outreach support.

Lincolnshire Schools' Forum agreed to the use of the Designated Schools Grant (DSG) to fund this service and it was agreed that Children's Services would lead the commissioning. The current Service agreement is due to end on 31 August 2022.

A commissioning review of the ALD Service commenced in February 2020. The review considered local and national policy requirements, local need (both pre and during Covid), feedback from service users/professionals, the performance of the ALD Service, comparisons against other local authorities and the supplier market. The service has also been considered as part of a wider review of other emotional wellbeing and behaviour outreach support services available in Lincolnshire and as part of the SEND Transformation Project and the Building Communities of Specialist Provision Together in Lincolnshire in relation to SEND workforce development. The findings from the review are set out in the Commissioning Plan (Appendix 1) which provides a comprehensive overview of the key findings in relation to the future commissioning of an ALD Service which are then summarised below.

Current Commissioning Arrangements

The lead provider of the ALD Service/Working Together Team (WTT) is Gosberton House Academy. WTT is a collaborative body formed between three special school academies in Lincolnshire: Lincolnshire Wolds Federation, Spalding Special Schools Federation and Gosberton House Academy.

The Service commenced 1 September 2015. It was originally delivered via a memorandum of understanding; however, following the school's conversion to an academy, this is now through a Public to Public Collaboration Agreement⁴. The agreement is due to cease on 31 August 2022.

In 2015, Lincolnshire Schools' Forum agreed the Designated Schools Grant should fund this Service and it was agreed Children's Services would lead the commissioning. The current annual value of the agreement is £617,500.

The Joint Local Area SEND Inspection identified the joint commissioning with schools as good practice to reduce fixed term and permanent exclusions of CYP with SEND.

⁴ A Public to Public Collaboration Agreement is a legally binding agreement between different public bodies that want to co-operate together to address public sector objectives that they have in common. Regulation 12(7) of the Public Contracts Regulations 2015 allows parties to enter into these agreements and as such they do not need to be subject to a competitive procurement process.

Statutory Duties

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

- The **Autism Act 2009**: to support the needs of autistic people in the community; including supporting young people move into adulthood.
- **Section 17(1)** of the **Children Act 1989**: to safeguard and promote the welfare of children in need in their area; providing a range and level of services appropriate to those children's needs.
- The **Health and Social Care Act 2012**: to address health inequalities of CYP.
- The **Children and Families Act 2014**: Local Authorities (LAs) and health bodies to work in partnership when commissioning provision for CYP, including CYP with SEND; includes supporting CYP 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 CYP with SEND.
 - **Section 25**: to ensure the integration of educational provision and training provision with health and social care provision where this would promote the wellbeing of CYP with SEND and improve the quality of the provision available to CYP with SEND.
 - **Section 44**: reviews and reassessments for pupils with EHCPs, including pupils permanently excluded in order to identify the most suitable new education provision.
- The **Special Educational Needs and Disability Code of Practice: 0 to 25 years, 2015**: legal requirements that must be followed; explains Part 3 of the Children and Families Act, 2014.
- 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**: LAs (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/carers application was made.
 - **Section 51A** of the **Education Act 2002** and the **Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999**: financial statutory guidance for LAs following a permanent exclusion, including arrangements for adjusting budget shares for maintained schools and pupil referral units and arrangements LAs may wish to enter into with academy trusts.
 - The **Equality Act 2010**: all public bodies to ensure they play their part in making society fairer by tackling discrimination, promoting equality of opportunity for all and fostering good relations.

Needs Summary

- The general population of CYP in Lincolnshire has increased and so proportionally numbers of CYP with SEND would be expected to rise. There has been a rise in the number of CYP with an EHCP and a rise in the number of CYP attending special school in Lincolnshire.
- Prevalence data suggests there should be c. 1,245 autistic CYP of school age in Lincolnshire.
- In one year alone (2019) the Community Paediatrics Service received 1,081 referrals for an autism assessment and c. 50% of CYP were diagnosed as autistic. This is a high diagnostic rate. Improved pathways have been developed to prevent misdiagnosis and provide more joined up support with CAMHS.
- The percentage of CYP with a primary need of Autism Spectrum Disorder (ASD) accessing SEN Support has slightly increased (6.7% 2018; 7.1% January 2021) but there has been a slight decrease in the percentage of CYP with a primary need of Moderate Learning Difficulty (MLD) or Severe Learning Difficulty (SLD), and despite rising EHCP numbers, overall Lincolnshire has a smaller percentage of pupils in their state funded special schools with ASD and SLD than the England and regional average. This can be interpreted that despite potentially having more autistic CYP than prevalence data would suggest, this is not resulting in an over representation in special schools.
- In Lincolnshire the suspension and exclusion of pupils with SEND has reduced significantly, despite rising numbers of CYP with SEND. Lincolnshire is performing better than the England and regional average.
- Children's Services is working with key partners to address the concerning trends outlined around increasing EHCPs and numbers in special school through its SEND transformation programme as well as supporting timely and appropriate assessment for ASD.
- It is clear that any ALD service in the future must continue to support autistic CYP and CYP with mild, moderate and severe learning difficulties and social communication challenges to thrive in mainstream schools with the right support from trained professionals. There must be a strong focus on supporting CYP's needs without an EHCP.

Evidence Summary

CYP's experiences can have a profound impact on their emotions and behaviours and ability to learn, which can be more heightened for CYP with SEND. CYP are often perceived to have poor conduct or ADHD/ASD but are showing distress. Permanent exclusions can have many negative long term consequences for all aspects of CYP's lives.

Any future ALD Service must continue to offer high-level training to schools to help staff understand the needs of autistic CYP and/or CYP with learning difficulties in order that schools are more confident and empowered to better support CYP within mainstream settings.

It will be important for an ALD Service to have close/joint working with emotional wellbeing and behaviour outreach support services, SEND teams and early help as appropriate so that CYP and families can be supported both in school and at home.

Service Performance

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

The ALD Service has supported the Inclusive Lincolnshire Strategy to address the previously rising and unsustainable rate of permanent exclusions in Lincolnshire schools and has received a national commendation from the National Autistic Society (NAS) following NAS's Autism Accreditation Review and was awarded an Advanced Award. WTT also hold the exclusive licence to deliver Autism Education Trust (AET) accredited training in Lincolnshire.

In addition to providing intervention support, the service also supports CYP via the professionals working with them at the pre-referral stage, thus reducing the need for a referral to the Service. However there continues to be a high demand from schools for the service to deliver direct interventions to CYP and a high percentage of referrals are for transition support from early years (EY) into primary.

Clearer pathways/multi-agency partnership working is needed between Health Visitors (HVs), Early Years Specialist Teachers (EYSTs) and Portage Workers at the point of the request for transition support to ensure children and their families are receiving the right support, at the right time and by the right professional.

In addition to maintaining a focus on driving down exclusions, any future ALD Service also needs to have a key focus on more CYP being supported to remain in their mainstream settings (where appropriate), improving the skills and confidence of mainstream setting staff and improving the confidence of parents/carers in mainstream settings being able to meet their child's needs.

Stakeholder Engagement

Case mapping and stakeholder engagement identified that service users highly valued the support provided as it helped to improve relationships between the CYP, school and family. In particular, support worked best when the service, school, parents/carers and CYP worked together to plan the most appropriate support, particularly the direct intervention support, and strategies were more effective when both the school and parent/carers engaged in, and mirrored, the same approaches to supporting the CYP. Headteachers and Special Educational Needs Coordinators (SENCOs) considered the Service to be knowledgeable and responsive.

There needs to be a stronger focus on supporting Lincolnshire's graduated approach to meeting the needs of Lincolnshire CYP. There also needs to be a stronger focus on more high-level consistent and equitable universal training and workshops being available to

Lincolnshire schools and academies, alongside parents/carers and other professionals (including Early Years) which is coordinated and advertised via the Lincolnshire SEND Workforce Development offer and fully utilised before a referral for outreach support is considered.

Recommended Model

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

The ALD Service should continue to focus on providing support to Lincolnshire schools and academies during term time to continue the positive impact on reducing the number of CYP with SEND being excluded from school. The Service should continue to provide support for autistic CYP and CYP with mild, moderate and severe learning difficulties and social communication challenges and continue to participate in accredited training programmes such as NAS and AET.

Training and Workshops Offer

The ALD Service will continue to offer resources and training and workshops in person, online and virtually as appropriate. The centrally held training and workshop offer will be coordinated with and offered through the Lincolnshire SEND Workforce Development Service to ensure a coordinated and inclusive offer that is part of a suite of training available via a range of different partners. The training offer will be available to mainstream settings, special schools and the wider early years workforce. It will also continue to include NAS and AET accredited training.

There will be a greater emphasis on the training and workshop offer, with core and non-core training and workshops being available to professionals and parents/carers to help better understand and support the needs of autistic children and young people and/or CYP people with mild, moderate and severe learning difficulties. There will be an expectation that education settings fully access the training and workshops available to them.

There will be a stronger emphasis on the Service supporting education settings to embed the principles of the AET training into practice alongside utilising the tools developed through the Lincolnshire SEND Transformation Project e.g. the Valuing SEND Toolkit and Inclusion Toolkit.

Outreach Support

Lincolnshire schools and academies will continue to be expected to access advice and guidance via Lincolnshire's AskSALL before the need for referral for ALD Outreach Support.

The ALD Service will be expected to work in partnership with Health Visitors, Early Years Specialist Teachers and Portage Workers when receiving requests for transition support for young children transitioning from their early years settings into their Reception Year to ensure the right support, at the right time and by the right professional. Where a request

for transition support is accepted by the ALD Service, there will be a stronger focus on working with the receiving primary school to ensure the school is confident in meeting the child's need when they transition into their Reception Year. Early years professionals requesting support via the ALD Service will be expected to access the training and workshops available to them via the Lincolnshire SEND Workforce Development offer.

Outreach support will remain a core offer of the ALD Service for Lincolnshire schools and academies, but only once schools have fully utilised the training offer available to them (unless there is an escalation of need). There will continue to be a strong focus on further reducing permanent exclusions of CYP with SEND, but there will also be a strong focus on 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 provision and also increase the number of CYP who can have their special educational needs supported without the need for an EHCP.

There will be a stronger emphasis on delivering evidence-based interventions alongside school staff to increase the confidence of schools and reduce the reliance on long-term support. Parents/Carers will be supported alongside professionals within education settings to ensure consistent and evidence-based strategies can be utilised within the home as well as the education setting. Schools and the ALD Service must work in a coordinated way with SEND, emotional wellbeing and behaviour outreach support services and not in isolation from each other. There should be a child-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 ALD Service

The current funding for the ALD Service is £617,500 per annum, which is met from the DSG and this includes funding for 9 FTE of ALD Outreach Workers who are employed on teachers' pay and conditions.

There are no efficiency savings that can be made against the current model due to the majority of the cost being attributed to the ALD Outreach Workers and costs associated with teachers' pay and conditions. Whilst staffing models would be at the discretion of the chosen partner, it is anticipated that there will be no reduction to the current ALD Outreach Worker staffing resource.

Having undertaken a financial analysis of actual spend against the current agreement to the end of August 2021, it is anticipated that any future increase in staffing costs will be able to be met from the current funding envelope. Whilst there will be a requirement for some management and admin costs in a future service offer, it will be expected that these are kept to a minimum. In addition, travel costs would also be expected to be reduced through the increased training offer, thus reducing the reliance on in-setting support. Therefore, it is recommended that the funding for the ALD Service remains at £617,500 or £3,087,500 over the lifetime of the agreement.

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 C within the Commissioning Plan. Given that the recommendation is to re-commission an ALD Service 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 objectives is ensuring appropriate support services are in place for pupils with a special educational need and/or disability.

The re-commissioning of the ALD Service will ensure that there is support for autistic CYP and CYP with mild, moderate and severe learning difficulties and social communication challenges which impact on their cognitive development and learning potential.

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.

Criminal justice advice and guidance from the National Autistic Society suggests that autistic people are more likely to be victims and witnesses of crime than offenders. Therefore the re-commissioning of the ALD Service is not anticipated to impact on crime and disorder, however, it will ensure that autistic CYP and CYP with mild, moderate and severe learning difficulties and social communication challenges, which impact on their cognitive development and learning potential, at risk of exclusion continue to be supported to remain in their education setting, thus helping to promote good social, emotional and psychological health.

3. Conclusion

The evidence is clear that the Council's commissioning of this service on behalf of schools is perceived positively by schools, with both SENCOs and Headteachers highly valuing the support provided. It is also clear the support provided is having a positive impact on reducing permanent exclusions of CYP with SEND in Lincolnshire, supporting more autistic CYP and CYP with moderate to severe learning difficulties to remain in their mainstream settings, thus improving the lives of these vulnerable groups of CYP and their families in Lincolnshire.

Whilst it is recognised that the Council is under significant financial pressure both as a result of Covid-19 and the pressures on the High Needs Block of the DSG, further investment in an ALD Service will continue to drive down exclusions for CYP with SEND, whilst also ensuring a strong focus on supporting the Council to meet its local priorities associated with Building Communities of Specialist Provision Together and the SEND Transformation Project; ensuring more CYP with SEND can be supported within their mainstream settings, thus reducing demand on more specialist provision and ensuring more CYP can have their special educational needs met without the need for an EHCP.

The expertise of Lincolnshire's special schools should be utilised to provide support to other schools across the county to ensure a sector led approach. The schools in the SEND Alliance, which includes the current providers, are well placed to provide this service either individually or as a group and a competitive expression of interest process will ensure the highest quality and value for money support service is put in place.

4. Legal Comments:

The Council has the power to enter into the collaborative arrangement proposed which is consistent with the Council's procurement obligations for the reasons set out in the Report.

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 an ALD service through a Public-to-Public Collaboration under Regulation 12(7) by an expression of interest to Lincolnshire special schools and academies will enable the continuation of a sector-led approach to supporting vulnerable children and young people in their mainstream schools and to achieve the best possible outcomes for them. The re-commissioning will support the Inclusive Lincolnshire Strategy, and there will be a focus on improving the skills and confidence of mainstream settings staff to reduce the reliance on long-term support and need for more specialist support and provision, and improving the confidence of parents / carers to meet the child's needs.

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

At its meeting on 14 January 2022, the Children and Young People Scrutiny Committee considered the report and unanimously agreed to support the recommendations to the Executive.

The following points were confirmed:

- The continuation of the service was supported as it had shown benefits in helping to lower exclusion rates and enabling children with autism and learning difficulties to remain in mainstream education. Early intervention was important to give children the best chance to progress in school.
- There were regular and robust meetings with the schools providing the service to monitor and challenge the performance information and data to ensure that the requests for support were matched with the provision offered and that the services were having an impact.
- The service was first commissioned in 2015 and there have been lessons learned throughout the agreement term. There had been periods of underspends which had been either reinvested to develop the service or brought back within the authority to be utilised in a different way. As the budget had not been fully utilised previously, officers were confident that the same budget would be sufficient going forward. If there was a huge increase in demand in future, then officers would seek a further variation or additional funding. It was suggested that it might be useful to keep the Committee informed of the performance and the levels of demand for the service.
- Consideration had been given to how to refine the service moving forward which had shown a trend for quite a large reliance on the outreach element which provided direct work with children and young people. However, a greater focus on training would be needed going forward as this provided greater sustainability and benefitted all children by ensuring the workforce was equipped to really

support children in mainstream education.

- Lincolnshire used to be the second highest excluding authority in the country but had now moved to the bottom quartile for exclusions. The percentage difference was small but represented a significant number of children. Lincolnshire was now at the forefront with managing exclusions through a partnership arrangement with schools. There was a whole suite of services around this need which were currently being reviewed. It was requested that a report be brought back to the Committee regarding this review and setting out how these services complement each other, and that some headteachers be invited to attend to talk about their experiences with accessing these services.
- In relation to benchmarking against other local authorities on spend per child and the delivery of the services, this was difficult to undertake as other local authorities provided different services to Lincolnshire, which was demonstrated by the examples set out in the Commissioning Plan. Lincolnshire had a range of services covering different needs with pathways to support children to move between them where possible. The Executive Director of Children's Services agreed to look into whether any financial benchmarking for this specific area of spend was available.
- The pathway around the diagnosis of autism was not working well and led to families experiencing long waiting times. In addition, when benchmarked against other areas, the rate of assessment and the number of diagnoses of autism in children were higher than expected. Some children may have received an autism diagnosis due to presenting in a similar way to those who have experienced trauma and potentially had other emotional wellbeing concerns and not necessarily autism. There was now a joint pathway whereby community paediatrics and clinical psychologists would triage the referrals to make sure families were not on waiting lists for an autism diagnosis when it was more appropriate to be referred to another service. This was a pilot being funded by Lincolnshire CCG and over the last year the waiting times had reduced significantly, and the pathway was NICE compliant. The Council was working closely with the CCG to have this joint pathway embedded within practice. The data on the pilot could be shared with members of the Committee.
- The service was funded through the Dedicated Schools Grant and the Council worked with the Lincolnshire Schools' Forum to identify what services schools wanted funding through the high needs block. Commissioning the service for all Lincolnshire schools provided much better value for money and resulted in a more joined up system.
- The graduated approach provided a fluid increase in support when a child's needs increased and then a de-escalation when appropriate, so that children were helped within universal services wherever possible. The ALD service targeted really specific cohorts of children but would not necessarily meet all of that cohorts needs, so there were additional services that provided support such as Healthy Minds Lincolnshire and the Behaviour Outreach Support Service. There was a range of services being delivered in relation to early intervention which had seen an incremental climb in demand.

d) Risks and Impact Analysis

To not re-commission an ALD Service would:

- Likely result in significant gaps in provision and put more CYP with SEND at risk of exclusion or not having their needs met within mainstream education and add more pressure on existing services as well as increased pressure on the High Needs Block of the DSG.
- Likely result in our most vulnerable CYP not being identified quickly and further increasing pressure on the DSG in relation to increasing EHCPs.
- Be a high risk of increased pressure on the Council (reputational and financial) in relation to meeting its statutory duties.
- Be a high risk to the Inclusive Lincolnshire Strategy and SEND Workforce Development Strategy (part of the Building Communities of Specialist Provision Together in Lincolnshire; schools identified AET and NAS accredited programmes offered by the ALD Service as essential to the SEND Workforce Development offer).
- 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 ALD Service 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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