From: Beverley Fordham, Cabinet Member for Education and Skills

Christine McInnes, Corporate Director for Children, Young People and Education

To: Children, Young People and Education Cabinet Committee – 26 November 2026

Subject: Commissioning Arrangements for Tuition, Therapies and associated provision

Decision no: 26/00071

Key Decision: Overall service value exceeds £1m and affects more than two Electoral Divisions

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Is the decision eligible for call-in? Yes

Summary: This report sets out the rationale behind the proposal to procure and implement a new contract for externally provided Tuition, Therapies and other associated provision through a single commissioning framework for SEND, Adoption Services and Virtual School Kent.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills in relation to the proposed decision as detailed in the attached Proposed Record of Decision document (Appendix A) which is to approve the establishment of a contract for the future commissioning of externally delivered Tuition, Therapies and other associated provision.

---

1. Introduction

1.1 Kent County Council (KCC) has statutory responsibilities to ensure that children and young people receive suitable education and, where required, appropriate specialist support to access learning and achieve positive outcomes.

1.2 To fulfil these duties, KCC commissions a range of externally delivered services across SEND, Virtual School Kent (VSK) and Adoption Services. These services come under the heading of Alternative Provision, and this

commissioning activity relates to externally provided Tuition, Therapy and other associated provision, such as mentoring, life skills programmes, vocational or enrichment activities which support children and young people who are unable to access, or fully benefit from, mainstream or specialist educational placements.

1.3 The current contractual arrangements that support these services are approaching the end of their available terms. The External Tuition Modified Dynamic Purchasing System (MDPS) expires on 31 August 2028 and the Therapies Qualified Provider List (QPL) must end by February 2029. These are contractual arrangements allowed under the Light Touch Regime of the Public Contract Regulations 2015. Replacement arrangements are therefore required to ensure continuity of provision and maintain compliant routes beyond these dates, under the Procurement Act 2023.

1.4 This decision seeks approval to establish a new contractual arrangement that will commence in September 2028 and have a maximum eight-year term comprising of an initial four-year term, with extensions of up to four years.

1.5 The new contract will provide a sustainable and compliant route for procuring externally commissioned provision beyond the expiry of the existing arrangements. The proposed contract will create a single commissioning structure for externally commissioned Tuition, Therapy and other associated provision whilst retaining flexibility to respond to future service developments, SEND reforms and Local Government Reorganisation considerations.

2. Key Considerations

2.1 The new contract will take into consideration the sustained growth in demand for specialist educational support services that has occurred over recent years, alongside increasing levels of complexity within the cohorts of children accessing provision. Learning from the current contract will be applied to ensure that new contract reflects these demands and establishes a more consistent approach to quality assurance, safeguarding and provider performance.

2.2 The contract will bring together externally commissioned SEND Alternative Provision, which include specialist and complex delivery, post-16 and qualification provision, group and online delivery models, Speech and Language Therapy, Occupational Therapy, Physiotherapy, Virtual School Kent and Adoption Services within a single commissioning structure.

2.3 Each service area will have its own specification, referral pathway, funding arrangements and performance requirements. This will ensure that the differing statutory, operational and professional requirements applicable to each service remain fully reflected within the contract.

2.4 Standardised requirements will support greater consistency across commissioned provision whilst maintaining service-specific delivery requirements where necessary.

2.5 The new contract will strengthen KCC’s ability to monitor demand, expenditure, utilisation, attendance, activity and outcomes across commissioned provision.

This will support improved commissioning intelligence, more informed decision making and greater visibility of provision being delivered across the system.

2.6 The SEND Strategic Improvement Action Plan has been developed in response to six areas for improvement identified through the July 2026 Area SEND Inspection. The new contract will support the delivery of several of these areas including strengthening oversight of children experiencing disrupted education (Action 1.2), strengthening information used for commissioning and sufficiency planning (Actions 1.4 and 4.4), improving preparation for adulthood planning from Year 9 (Action 5.2), strengthening coordination across the 14-25 pathway (Action 5.3), improving oversight of young people at risk of poor transition (Action 5.4) and increasing access to appropriate education with effective transition planning and continuity of support to enable a successful progression into adulthood, including for children with complex needs (Action 5.5).

2.7 The new contract will ensure delivery of an equitable offer (Area of Improvement 6) of Tuition, Therapies and associated provision across Kent and will also form a key part of the Strategy being developed to address improvement of consistency and quality of offer across the range of alternative provision available to support children and young people who, for a variety of reasons, are unable to engage in mainstream provision.

2.8 The arrangements will be designed to remain sufficiently flexible to respond to changes in demand, future commissioning requirements, legislative changes, SEND reform activity and any implications arising from Local Government Reorganisation (LGR). A key feature in addressing implications arising from LGR is the commitment from Medway Council to join the new contract. This flexibility will support the long-term sustainability of the commissioning model whilst maintaining continuity of provision.

3. Background

3.1 KCC currently commissions Tuition, Therapy and other associated provision through a number of separate arrangements. These include the External Tuition Modified Dynamic Purchasing System (MDPS), the Therapies Qualified Provider List (QPL), Virtual School Kent commissioning arrangements and Adoption Services, alongside internally delivered provision through The Education Programme.

3.2 These arrangements have developed incrementally over time in response to differing service requirements, funding streams and operational needs. Whilst each arrangement has supported access to provision for the relevant children, they have evolved independently and are subject to differing contractual arrangements, management processes and commissioning approaches.

3.3 Demand for externally commissioned provision has increased significantly across all service areas. This increase reflects wider pressures relating to complexity of need, placement sufficiency and access to specialist support.

3.4 Kent Analytics identified 285 children and young people receiving external Tuition during 2022/23, increasing to 340 in 2023/24 and 616 in 2024/25. This

represents growth of 116% across the period and significantly exceeds the growth observed for children with Education, Health and Care Plans (EHCPs). As a proportion of all children and young people with EHCPs, those receiving external Tuition increased from 1.5% in 2022/23 to 3% in 2024/25.These changes have predominantly been driven by Kent's improved delivery of SEND services, with a focus on ensuring pupils receive a suitable alternative education while permanent placements are secured.

3.5 More recent commissioning data demonstrates that this growth has continued. During 2025/26, KCC commissioned approximately 1,127 external Tuition arrangements supporting approximately 1,120 children and young people, with annual expenditure reaching approximately £10.9m.

3.6 Demand for Therapies has also increased significantly. Kent Analytics data identified an increase from 119 children and young people receiving Therapies in 2019 to 476 in 2025, representing a four-fold increase over the period. The greatest areas of demand relate to Speech and Language Therapy (SaLT) and Occupational Therapy (OT), with increasing complexity of need and growing demand across mainstream and specialist educational settings.

3.7 A review of current arrangements was undertaken to understand future commissioning requirements and identify opportunities for improvement. This review considered service demand, expenditure, provider activity, contractual arrangements, operational processes and future commissioning needs across all services within scope.

3.8 The review identified a number of recurring themes, including:

- increasing demand and complexity of need;
- pressure on specialist placement sufficiency;
- multiple commissioning routes operating in parallel;
- variation in data collection and reporting arrangements;
- differing approaches to provider oversight and contract management; and
- opportunities to improve strategic visibility of demand, expenditure and outcomes across commissioned provision.

3.9 The proposed contract has been developed in response to these findings. Bringing a range of alternative provision together into a single contract recognises the complexity of children and young people's need and the interdependences between the support they need to engage and actively participate in education. It will enable a more coordinated commissioning structure whilst preserving the distinct operational, statutory, professional and funding requirements applicable to individual services. The approach provides a single route to market, strengthened governance arrangements and greater consistency across commissioned provision whilst maintaining service-specific delivery models.

4. Options considered and discounted, and associated risk

4.1 The following options were considered and discounted:

- Option 1: Maintain current arrangements - Continue with the existing commissioning arrangements. This option was discounted as it will not sufficiently address fragmentation, variable quality assurance, data limitations, market oversight or the need for a sustainable future commissioning solution.
- Option 3: Fully Internal Delivery Model - Expand internal provision to deliver all services directly. This option was discounted due to workforce, capacity and affordability constraints, and limited flexibility to respond to specialist demand.
- Option 4: Fully External Commissioned Model - Procure all services through a wholly external arrangement. This option was discounted as it would increase reliance on external markets and would not provide the optimal balance of oversight, quality assurance, sufficiency and value for money. The internal Education Programme provides a mixed economy of provision

5. Strategic context

5.1 The proposed contract aligns to Reforming Kent 2025-2028 Aim 3; Supporting Residents that need Help by improving access to suitable provision for children and young people who are unable to access education through mainstream or specialist placements alone.

6. Financial Implications

6.1 The services within scope of the proposed contract are funded through a combination of sources as detailed below. Consequently, the proposed arrangements are not expected to have a direct cost to the KCC General Fund.

Service Area	Funding Source	2025/26 Spend
SEND Tuition and Alternative Provision	High Needs Block of the Dedicated Schools Grant	£10.91m
SEND Therapies	High Needs Block of the Dedicated Schools Grant	£2.19m
Therapy and tuition provision - Virtual School Kent	Virtual School Kent Pupil Premium Plus Post-16 Pupil Premium Plus	£0.77m
Therapy provision - Adoption	Adoption and Special Guardianship Support Fund	£0.61m
Total Spend		**£14.48m**

6.2 Based on the 2025/26 spend of £14.5m and acknowledging an increase from the proposed contract commencement date of September 2028, the aggregate value of contracts awarded under the contract is approximately £60m over the initial four-year term and £125m should the full eight-year term, including all extension options, be utilised. The actual procurement contract value will be advertised including Medway Council's spend, as they have indicated that they want to continue accessing the KCC contractual arrangements, as they currently are. The £125m is KCC spend only.

6.6 Spend across these services has increased significantly in recent years, driven by increasing demand for Section 19 provision, growing numbers of children

and young people with complex SEND, specialist placement sufficiency pressures and increasing use of personalised packages of support. Future expenditure may also be influenced by wider factors including demand growth, provider market pressures, inflationary increases, workforce challenges, changes in service utilisation, SEND reform activity, Local Government Reorganisation and future participation by Medway Council.

7. Legal implications

7.1 The proposed contract will support KCC's existing statutory duties under Section 19 of the Education Act 1996[1] , the Children and Families Act 2014[2], the SEND Code of Practice[3] and the Equality Act 2010[4] .

7.2 Services may form part of the special educational provision required for a child or young person, including provision specified within the EHCP.

7.3 The procurement and contract award will comply with the Procurement Act 2023 and KCC's constitutional, financial and governance requirements.

7.4 Key legal risks include service discontinuity, non-compliant procurement, failure to secure required provision and ensuring that future contractual arrangements remain sufficiently flexible to respond to any future Local Government Reorganisation requirements. These risks will be mitigated through early planning, a compliant procurement process, flexible contract design and clear mobilisation arrangements.

8. Equalities implications

8.1 An Equality Impact Assessment (EqIA) has been completed. The new contract is expected to have a positive impact by improving access to commissioned provision through clearer pathways, strengthened oversight, consistent provider standards and improved commissioning arrangements. The contract is intended to support timely access to suitable provision whilst promoting educational participation, inclusion and improved outcomes for children and young people.

8.2 Identified risks include geographical variation in provider availability, accessibility challenges for some children and the risk that standardised commissioning approaches do not fully reflect individual needs and circumstances.

8.3 These risks will be mitigated through service-specific specifications, market engagement, proportionate lot design, mobilisation planning, contract monitoring, provider performance management and ongoing review of access, sufficiency and outcomes across all service areas.

9. Data Protection Implications

---

[1] Education Act 1996
[2] Children and Families Act 2014
[3] SEND code of practice: 0 to 25 years - GOV.UK
[4] Equality Act 2010: guidance - GOV.UK

9.1 A Data Protection Impact Assessment will be completed as operational delivery of the new contract is finalised. The new arrangements will seek to address issues identified within the current arrangements, including variable data quality, inconsistent use of coding on systems, and lack of integrated systems across SEND services. Mitigations include data cleansing, improved definitions, centralised recording, and closer oversight by the SEND Quality Assurance Team.

10. Other corporate implications

10.1 This approach requires support from the Commercial and Procurement Division, Finance, Health and Safety and practitioners across the Children, Young People and Education directorate.

11. Governance

11.1 This report sets out the proposal for the Cabinet Member for Education and Skills to approve the establishment of a contract for the future commissioning of externally delivered Tuition, Therapies and associated provision. The contract will replace existing commissioning arrangements as they expire and will provide continuity of provision from September 2028.

11.2 The proposed contract will operate for an initial period of four years, with provision to extend for up to a further four years, subject to the terms of the contract and the appropriate approvals. Individual contracts will subsequently be awarded to providers under this arrangement in accordance with identified need.

11.3 Subject to the decision being taken, authority will be delegated to the Corporate Director of Children, Young People and Education or other Officer authorised by the Corporate Director, to take relevant actions necessary to implement the decision, including but not limited to, procuring, establishing and implementing the contract; awarding and entering into individual contracts under the contract; managing the resulting contractual arrangements; undertaking contract re-openings; agreeing any variation, novation and disaggregation arrangements permitted under the terms of the contract and any associated contracts; and finalising the terms of and entering into any necessary contracts or other legal agreements.

11.4 Authority will also be delegated to the Corporate Director of Children, Young People and Education (or other officer authorised by the Corporate Director) to exercise any permitted extension of the contract, in consultation with the Cabinet Member for Education and Skills. All delegated authority will be exercised within the scope, maximum term and budget approved through the Key Decision.

12. Conclusions

12.1 The current External Tuition MDPS and Therapies QPL will expire during the period 2028/29 and replacement contractual arrangements are required to ensure continuity of provision and maintain compliant commissioning routes. The proposed contract provides a coordinated commissioning model for

externally commissioned Tuition, Therapies and other associated provision whilst retaining separate service specifications and operational arrangements for individual service areas.

12.2 The contract will strengthen safeguarding, provider assurance, quality monitoring, contract management and financial oversight, whilst improving visibility of demand, expenditure and outcomes.

12.3 The implementation of a sustainable long-term commissioning arrangement will support statutory duties, improve oversight of commissioned provision and promote positive outcomes for children and young people across SEND, Virtual School Kent and Adoption Services.

12.4 It will be designed to provide flexibility to respond to future changes in need, commissioning requirements, SEND reform activity and Local Government Reorganisation.

---

13. Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills in relation to the proposed decision as detailed in the attached Proposed Record of Decision document (Appendix A) which is to approve the establishment of a contract for Tuition, Therapies and other associated provision.

---

14. Background Documents

None

15. Appendices

Equality Impact Assessment
Proposed Record of Decision

16. Contact details

Report Author: Christy Holden Job title: Head of Children's Commissioning Telephone number: 03000 415356 E-mail: christy.holden@kent.gov.uk	Director: Craig Chapman Job title: Interim Deputy Director for Education: Access and Inclusion Telephone number: 03000 415934 E-mail: craig.chapman@kent.gov.uk