KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:	DECISION NUMBER:
Beverley Fordham, Cabinet Member for Education and Skills	26/00071

Executive Decision – key

26/00071-Commissioning Arrangements for Tuition, Therapies and associated provision

Decision:

As Cabinet Member for Education and Skills, I agree to:

Approve the establishment of a contract for commissioning of externally delivered, Tuition, Therapies and other associated provision

Delegate authority 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.

Further delegate authority 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.

Reasons for decision:

Kent County Council requires a safe, coordinated, compliant and financially sustainable route for commissioning Tuition, Therapies 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. The External Tuition Modified Dynamic Purchasing System expires on 31 August 2028, and the Therapies Qualified Provider List 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.

The approach brings the relevant externally commissioned services into one contractual arrangement with discrete lots. This will improve strategic oversight, safeguarding, quality assurance, performance management, data transparency and value for money while preserving the distinct requirements of each service.

The arrangements will strengthen safeguarding, provider assurance, quality monitoring, performance oversight, data transparency, fee management and contract management.

They will support delivery of several areas of improvement (areas 1, 4, 5 and 6) within the SEND Strategic Improvement Action Plan developed in response to the July 2026 Area SEND Inspection.

They will also provide improved visibility of demand, expenditure, attendance, activity and outcomes while retaining flexibility to respond to future SEND reforms, demand changes and Local Government Reorganisation

How the proposed decision supports the Council's Strategic Statement:

The 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.

Financial implications:

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**

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.

Legal implications:

The contract will support KCC's existing statutory duties under Section 19 of the Education Act 1996 , the Children and Families Act 2014, the SEND Code of Practice and the Equality Act 2010.

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

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

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.

Equalities implications:

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 new contract will ensure delivery of an equitable offer (Area 6 within the SEND Strategic Improvement Action Plan) 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.

Data Protection implications:

A Data Protection Impact Assessment will be completed as operational delivery of the new contract is finalised.

Cabinet Committee recommendations and other consultation:

The proposed decision will be considered by the Children, Young People and Education Cabinet Committee on 26 November 2026

Committee Feedback:

Any alternatives considered and rejected:

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

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Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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Signed Date