

Decision Maker: EXECUTIVE

For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on Tuesday 18 March 2014

Date: 2nd April 2014

Decision Type: Non-Urgent Executive Key

Title: **DRAWDOWN OF GOVERNMENT FUNDING FOR DELIVERING SPECIAL EDUCATIONAL NEEDS STATUTORY REFORMS ARISING FROM THE FAMILY & CHILDREN ACT 2014 (BROMLEY SEN & DISABILITY SERVICES)**

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Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 This report is seeking approval for the release of government funds held in the 2014/15 central contingency to the SEN Service to deliver the reforms set out in the Children & Families Bill about to be finalised in April 2014 and enacted in September 2014. Bromley continues to have Pathfinder status and has received these funds from the Government over the last two years. The amount requested from contingency totals £381,937. This is year 3 funding for the programme and is likely to be the final year of funding.
- 1.2 This reports also provides a brief update on the progress of Bromley and Bexley SEN & Disability Services in trialling and testing Phase 2 of the reforms. Pathfinder work across 31 local authorities is informing the proposed statutory SEN and Disability agenda which is currently progressing to Royal Assent to be enacted in September 2014. (Children and Families Act 2014.)
- 1.3 Pathfinder funding of £240,000 was released to Bromley by the DfE in Phase 1 (2011/12) and a further £165,000 was released for Phase 2 (2012/13).
- 1.4 To acquire this resource all Pathfinders are robustly scrutinised by DfE appointed evaluation teams (SQW) against specific targets outlined in the Green Paper and updated annually which are agreed within the contract "offer" to Bromley. Conditions of use of the funding include repayment to the DfE if monies are not used to deliver statutory responsibilities relating to the new Act.

2. RECOMMENDATION(S)

- 2.1 The Education PDS Committee is asked to note and comment on the contents of this report
- 2.2 The Portfolio Holder for Education is asked to recommend that the Executive:
 - (i) Consider the content of the report;
 - (ii) Approve the drawdown of £381,937 of funding from the Council's central contingency fund for 2014/15.

Corporate Policy

1. Policy Status: Existing Policy: Draft Education and Care Services Plan for 2013/14 and Government Directed.
2. BBB Priority: Children and Young People: Enjoy learning and achieve their full potential; ensuring the health and wellbeing of children and young people, and their families

Financial

1. Cost of proposal: Estimated Cost: £381,937 in 2014/15
2. Ongoing costs: One-off payment until March 2015. Future years subsumed within the base budget.
3. Budget head/performance centre: Pathfinder 136355
4. Total current budget for this head: £381,937
5. Source of funding: DfE (SEN & Disability Pathfinder/Education Reforms).

Staff

1. Number of staff (current and additional): Currently 3.5 FTE from 01/04/2013 – 31/03/2014. To deliver the transition to EHC Plans it is expected that 1 further FTE (temporary contract) will be required.
2. If from existing staff resources, number of staff hours: 25 per week

Legal

1. Legal Requirement: It is proposed that the new statutory regulations and Bill will become law with Royal Assent (subject to Parliament) in Spring 2014 implementation in September 2014. Integrated work will include the Joint Strategic Needs Assessment and Health and Well Being Strategy linking with the Health and Social Care Bill.
2. A new SEN Code of Practice is currently being finalised which is scheduled to be published in March 2014.
3. Call-in: Applicable

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 2,000 children and young people, together with their parents/carers.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 Bromley has been a SEN Pathfinder since September 2011. This report sets out the request to drawdown funds from the Council's central contingency to continue the delivery of the SEN Reforms as outlined in the Children and Families Bill.
- 3.2 The context of Bromley's Pathfinder work and the new agenda is around the rising numbers of disabled children. The general increase in population and the result of medical advances has led to a large increase in the number of children and young people with more severe SEN and disability, coupled with greatly increased health needs and complex family circumstances. There has also been a large increase in children identified with Autism.
- 3.3 Pathfinder work in Bromley is led by the SEN & Disability Services through Mary Çava, Head of SEN & Disability, reporting to Jane Bailey, the Interim Assistant Director (Education), Education & Care Services. The lead for Bexley is Janine Wooster, Complex Needs Manager.
- 3.4 The work is now at the implementation stage and to progress this crucial stage a Programme Board of senior officers at Assistant Director Level is being established and this will oversee implementation of the SEN reforms. There will be further development and implementation of the following:
- New Single Plans from birth to 25 across Education, Health and Care with agreed assessment and resource systems
 - The development of Personal Budgets
 - Banded Funding
 - Support to Parents, Children and Young People
 - Linking Early Support and Key working/integrated working up through the age range
 - Transition (Preparing for Adulthood) added in March 2012
- 3.5 The funding will be used to cover costs of the following activities while keeping at the centre of the project the need to reduce costs overall and produce a more efficient child centred service:
- Internally appoint a senior level project lead on a temporary basis to drive the implementation of reforms.
 - Embed a robust and transparent EHC process for existing and new cases. This will require a review of the current process and some system redesign as well as officer training.
 - Transition all remaining statements (currently 1,920) to Education Health and Care Plans within the statutory time frame required by the DfE (to be announced within the next few weeks). It is anticipated that this will incur additional cost through the need to employ additional temporary staff in order to ensure that timescales are met.
 - Design a process that can deliver the personal budgets agenda based on robust assessment processes and transparent thresholds.
 - Work with the commissioning team to design a commissioning model that provides value for money and quality services.
 - Develop further and embed the Local Offer across Health, Social Care and Education. This will require dedicated officer time from across a range of services and consequently some additional costs will be incurred.
 - The system also needs to be reviewed to ensure secure transition from Children's to Adults Services in the light of EHC plans finishing at 25 years of age as opposed to 19.
 - Design and develop a working database that offers competent reporting with a high level of security.

- Produce a training programme that ensures all appropriate officers are confident in the implementation of the EHC process as well as communicating an awareness of the changes to those who are on the periphery of the system or who may have episodic involvement in the system.

3.6 Progress to Date

3.6.1 **Personal budgets** - Systems devised and put in place for parent/carers and disabled young people involvement in evaluation of short break procurement. Systems also put in place for future user involvement to determine commissioning strategy from 2014 & beyond.

3.6.2 **Banded Funding/Local Offer** - A Banded Funding Model is now in operation across all Bromley schools. SENCo training has taken place across all phases. Banded funding thresholds have been established and published. A template has been created to enable schools to outline their local offer and over 70% of schools have put this on their website (a statutory requirement from September 2014). Further work needed to develop and embed a banded funding model for all Bromley specialist provision placements.

3.6.3 **Support to Parents & Young People/ Linking Early Support and Key Working** - Parents are involved as per the SEN Code of Practice requirements supporting the development of policy and practice. Use has been made of parent organisations to ensure comprehensive communication. There has been further involvement of voluntary organisations to embed all the above processes, to disseminate information and develop services where appropriate.

3.6.4 **Transition Planning/Preparing for Adulthood (PfA)** - Work has been closely co-ordinated with national PfA team to support young people to achieve better life outcomes. There is now a shared vision with a range of partners and key stakeholders, including young people and families, which has been endorsed by Members through a formal policy.

Bromley College now have state of the art facilities for young people with more complex needs. The college have completely redesigned their curriculum focusing on life outcomes and in particular paid employment. This resource will enable many students to remain local and avoid costly out of borough placements where students may lose contact with family and peers.

The strong partnership in Bromley between FE and Specialist colleges and schools has facilitated the development of holistic and supported transition planning for young people. The partnership has grasped the importance of the 'whole life pathway', supporting young people on both short and long term goals.

A key area for development is to strengthen the local offer through:

- Mixed educational programmes across FE & Specialist colleges
- Meaningful day opportunities and improving the use of direct payments
- Better use of short breaks for young people aged 18-25yrs
- Enabling young people to maximise their independence while remaining in the family home

3.7 **Communications Strategy** - A communications strategy is being developed to ensure all officers, other professional bodies, early years and other education providers and partner agencies understand the statutory changes to SEN & Disability legislation and the processes the Council has in place to ensure compliance while having at its centre the need meet the needs of Bromley's most complex and vulnerable children.

- 3.8 **ICT Systems** - ICT systems are being developed to ensure data collection is robust. Next steps are the development and extension of financial and information systems . A scoping exercise will take place to ensure systems are fit for purpose.
- 3.9 **Transition of statements to EHC Plans** - It is envisaged that the transition of statements to the new EHC Plans will be resourced through the use of drawdown funds. We are awaiting guidance from the DfE as to the detail on a timeframe for this.
- 3.10 **Pathfinder Champion Work** - Bromley achieved Champion Pathfinder status in April 2013 and since then have been supporting 24 local London Authorities in preparing for the statutory changes outlined in the Children and Families Bill. Helen Norris has been leading on a range of workshops and conferences across the London region.

4. POLICY IMPLICATIONS

- 4.1 The funding concerned would contribute to the delivery of priorities for children and young people set out in the Education and Care Services Plan for 2013/14, in line with statutory guidelines and local priorities.
- 4.2 As National Pathfinders, Bromley and Bexley are now in a more favourable position than other LAs, having a much clearer understanding of the new statutory implications and 'management of risk' issues related to the national reform agenda.. We are now at the implementation stage and will be addressing transition from the current SEN system to the new statutory system for Education Health and *Care Plans*; meeting the highest threshold of need through joint commissioning, implementing thresholds and integrated resourcing.

5. FINANCIAL IMPLICATIONS

- 5.1 It is proposed that the £381,937 of Pathfinder money being drawn down is allocated as follows:

	£
Staffing costs (short term contracts for systems change + capacity)	170,000
Voluntary Sector (commissioned)	53,000
LBB Partners, Schools	30,000
ICT Systems/purchase/staff training	70,000
General running costs	23,000
Transition of Statements to EHC Plans temp	35,000
	£381,000
	£381,000

At this stage the spending plans are estimated, a further more detailed plan will be presented to the Education Budget Sub Committee. The table below provides a breakdown of the proposed spending plan:

Budget Area	Description	Amount
Staffing Costs	Lead Programme Manager (Short Term contract April 14- March 15)	£95K inclusive on costs
	Business Management Support (Short Term contracts April 14- March 15)	£40K inclusive of on costs
	1. EHC Programme Co-ordination Officer	£35K
	2. Background administration for new system	
Voluntary Sector	Commissioned Services from Parent Voice	£15K
	Advocacy for all	£23K
	Commissioning of support planning for Personal Budgets	£15K
LB Partner, Schools	Commissioned services from Specialist Head Teachers (local offer/banded funding) and from other partners	£10K
	Health/Social Care partners including resource allocation system development	£10K
		£10K
ICT Systems/Staff Training	New Systems	£40K
	Staff Training – Training the Trainers and roll out of training to all appropriate staff	£30K
General Running costs	Communications, training, room bookings, training materials, banded funding materials, etc..	£23K
Transition of Statements to EHC Plans	Case worker Temp short term contract	£35k

All posts are short term contracts for the length of the grant which will build staff capacity

5.2 Management of risk issues and detailed draft provisions were identified in a paper to Education PDS on 30th January 2014.

6. LEGAL IMPLICATIONS

6.1 There is a general discretion to apply delegated funding for non-specific purposes unless the sum delegated is specifically ring-fenced by central government to provide a specific service. Although not ring-fenced these resources will be required to deliver the changes to the statutory processes for children with SEN and Disability.

6.2 The Authority has a general power to aid and assess the well-being of its residents and facilitate services that promote such well-being.

7. PERSONNEL IMPLICATIONS

7.1 The personnel implications arising from this report lead to an increase in temporary staffing, for the life of the grant only, to deliver the new legislative changes and build frameworks and capacity to deliver a streamlined system in the future.

7.2 There will be a need to review how the SEN Teams function in the light of the new legislation to ensure a fit for purpose service. It is difficult to ascertain the outcomes of this review at this stage.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	Update on the SEN Pathfinder Project and Children and Families Bill Education PDS 30 January 2013