

Decision Maker: Executive

For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on 2nd July 2014

Date: 16th July 2014

Decision Type: Non-Urgent Executive Non-Key

Title: **SUPPORTING YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) TO PREPARE FOR ADULT LIFE – FUNDING PROPOSAL**

Contact Officer: Debi Christie, 16-25 Commissioning Manager
Tel: 020 8461 7896 E-mail: debi.christie@bromley.gov.uk

Chief Officer: Terry Parkin, Director, Education Care and Health

Ward: Borough wide

1. Reason for report

- 1.1 In July 2013, the Education Portfolio Holder approved the Council's 'Statement of intent to support young people with Special Educational Needs and Disabilities (SEND) to prepare effectively for adult life'. The statement of intent specifically focuses on further education placements.
 - 1.2 To support the delivery of the Statement of Intent and to increase young people's levels of independence before leaving formal education Bromley Council has invested £153,835 through an invest to save project.
 - 1.3 This report provides an update on the developments to date in Bromley to support young people with Special Educational Needs and Disabilities (SEND), including savings achieved.
 - 1.4 The report also provides an overview of proposed future developments for young people with SEND, within the context of significant legislative changes (Children and Families Act 2014, Part 3), coming into force on 1st September 2014.
 - 1.5 A request for funding will be presented to the Executive on 16th July 2014 to support the extension of this work, should the approach be supported by the Education Portfolio Holder as a result of this report.
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2. **RECOMMENDATION(S)**

2.1 **The Education PDS Committee is asked to:**

- (i) **consider the content of the report, noting achievements against savings target, together with the wider achievements to date.**

(ii) endorse the proposed future developments to support Bromley young people with SEND to prepare effectively for adult life.

2.2 The Executive is asked to agree the proposed investment that supports future developments for young people with SEND in Bromley in order to help contain future budget pressures in adult services.

Corporate Policy

1. Policy Status: Existing policy
 2. BBB Priority: Children and Young People Excellent Council Supporting Independence
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Financial

1. Cost of proposal: request to the Executive is being made for a two year period from 1st October 2014 to 30th September 2016, totalling £162,508. The total funding required for this project is £212,508, however £50,000 will come from the SEND Reform Grant to cover transition activities. The investment of £162,508 will be used to continue reshaping provision for young people with SEND in Bromley, which at the end of the period, will help to mitigate budget pressures in adult services and support a sustainable local offer.
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: SEN and Inclusion (SEN in Further Education Colleges)
 4. Total current budget for this head: £4,048,700 (2014/15 financial year)
 5. Source of funding: Existing budget (DSG)
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Staff

1. Number of staff (current and additional): 3.5 x FTE to provide strategic and operational assessment and support to develop the local offer in line with the new SEND legislation coming into force from 1st September 2014.
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement: currently ASCL Act 2009 - Education and training for persons over compulsory school age: general duty currently and within the Children and Families Act 2014, chapter 6, part 3 – Children and Young People in England with Special Educational Needs or Disabilities from 1st September 2014.
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 796 young people and families per year.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
 2. Summary of Ward Councillors comments: N/A
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3. COMMENTARY

- 3.1 In July 2013, the Education Portfolio Holder approved the Council's 'Statement of intent to support young people with Special Educational Needs and Disabilities (SEND) to prepare effectively for adult life'.
- 3.2 The Statement of Intent (Appendix 1 of this report) was developed as a result of key stakeholders including young people and families setting out their vision for young people in Bromley and through effective partnership work, we have been continuing to work together towards realising this shared vision.
- 3.3 Bromley Council has also invested £153,835 through an invest to save project to support the delivery of the Statement of Intent and increase young people's levels of independence before leaving formal education, to realise savings in the adult social care budget.
- 3.4 The project saw a return to contingency of £66,860 which was presented to The Executive on 10th June 2014. Whilst significant budget pressures on adult social care remain, the return was as a direct result of underspend in the project and was not used to alleviate budget pressures.
- 3.5 Good education and learning opportunities are vital for young people to maximise their potential in preparing for adult life. Through good person centred planning, provision and support will be identified to meet assessed needs across education, health and care. Commissioning of formal education placements must be individualised, realistic and achievable, providing a firm foundation to enable young people to continue learning in context, through living and working in their local community.
- 3.6 The funding invested has provided additional resources to deliver a range of initiatives and support for young people, families, providers and services. A significant part of the investment has seen the creation of the 'Preparing for Adulthood Team' which is managed by the 16-25 Commissioning Manager and has sat within the commissioning division of Education, Care and Health Services.
- 3.7 The project was originally agreed in October 2011, with some activity taking place but needed to be refocused and managed in a more focused way and therefore brought into the Commissioning Division in September 2012 in order to deliver the savings required. The project was integrated into the 16-25yrs commissioning activities, which included the Preparing for Adulthood workstream of the SEND reform programme. Alongside the focus of realising savings in adult social care, the project is supporting the Council to understand how we might model future support for young people that delivers our statutory duty under the new Children and Families Act 2014.
- 3.8 The reworked project was agreed for a period of 18 months from 1st April 2013 to 30th September 2014, with a view to extending if successful.
- 3.9 The total amount of funding, across the entire project, was £220,695 and the projected spend to 30th September 2014 is £153,835, an underspend of £66,860 (returned to contingency). This underspend is in addition to the savings realised in the adult social care budgets and the value currently stands at £193,332 against a target of £175,000. The work has also helped to contain cost pressures in the adult learning disability budget. There have been additional benefits to the education budget, estimated as £110,108, which helps to relieve any pressures on education placements.

FY	Target	Savings in ASC to date	Difference
2012/13	£100,000	£0	-£100,000
2013/14	£75,000	£73,706	-£1,294
2014/15	£0	£119,627	£119,627
TOTAL	£175,000	£193,332	£18,333

- 3.10 The savings realised, discounting the underspend, have equalled the original investment, with an additional £18,333 (10.48%) saved over and above the investment made.
- 3.11 Savings have been realised as a result of developing local provision and support in Bromley that is enabling young people with more complex needs to remain within their local community as opposed to being placed at out of borough residential college placements to access further education provision.
- 3.12 The figures take into account the savings made as a result of the education placement but also include the associated cost of social care packages put in place to meet the needs locally, where applicable.
- 3.13 In September 2013, Bromley College saw its first intake of students with SEND into the new *Nido Volans Centre*, the result of a £2.4million investment (a partnership bid between the Council and the College and funded through the Education Funding Agency) to improve the facilities and provision for young people with SEND in Bromley.
- 3.14 In addition to the investment at Bromley College, there has been a significant amount of work required to develop the post-16 offer, build trust and confidence with young people and families that the local offer in Bromley is able to meet the needs of young people with complex needs.
- 3.15 Activities have focused on three main areas; developing local provision, effective partnership working and culture change, including:
- The new facilities at Bromley College, together with a shift from delivering ‘courses’ to providing personal progression pathways (focusing on life outcomes), provide a more individualised approach with a specific emphasis on employment
 - The Statement of Intent has provided Officers working directly with young people and families with a formal policy that outlines clear stages of the process. This has been shared with all key stakeholders so that there is consistency provided to young people and families, which manages expectations
 - Improved partnership working with both the children’s and adult social care teams, enabling joint planning from an earlier stage and a more coordinated approach towards young people and families, minimising duplication and resources required
 - A strong partnership developed with health, enabling therapies (in particular SaLT, and positive behaviour support) to be integrated into the core curriculum and not separated
 - Secondment of the Preparing for Adulthood team into the SEN department, supporting the development of a full end to end 0-25yrs system and a culture change to think longer term from a much earlier stage
- 3.16 Whilst there have been some very positive outcomes to date, there have also been a number of challenges to success, which include:
- Lack of appropriate housing options and challenging family situations, resulting in out of borough residential college placement being used, driven by care needs rather than education

- Lack of day opportunities for young people in receipt of direct payments – the borough is facilitating the market by bringing together young people, families, providers and professionals to develop an understanding of what’s possible with direct payments and also how providers need to change their business model to adapt to the changing market i.e. a direct relationship between providers and young people/families
- Short breaks for young adults (18-25yrs) not fully utilised – short breaks for children (pre-18yrs) are currently delivered through Hollybank and when young people reach 18yrs they are transferred to the adult service which is a very different environment which they find challenging and also the peer group is often not appropriate given the service supports adults up to the age of 65yrs – the borough is working with both providers to facilitate a more successful transition

- 3.17 Legislation confirms that EHC Plans could run to 25yrs, as long as the young person is in education. The new legislation comes into force on 1st September 2014, but provides a transition period for transferring SEN Statements and Learning Difficulty Assessments (LDA) to Education Health and Care (EHC) Plans. For young people with LDAs, the transition period will be two years (i.e. by 31st August 2016).
- 3.18 At the same time as working with young people to transfer to the new system, local authorities must also ensure that all reviews taking place from year 9 at the latest and onwards must include a focus on preparing for adulthood, including employment, independent living and participation in society. This transition planning must be built into the EHC plan and where relevant should include effective planning for young people moving from children’s to adult care and health services. Review meetings taking place in year 9 should have a particular focus on considering options and choices for the next phase of education.
- 3.19 Given the changing legislative landscape, increase in demographics and complexity and the financial landscape, it is critical that we are supporting young people and families to prepare as effectively as possible for the future, through managing expectations and minimising the risk of legal challenge .
- 3.20 As a result of the Invest to Save funding, which has been aligned to the SEND reform agenda, Bromley has made significant progress in developing the local offer for young people with SEND, through a strong partnership and solution focused approach, whilst achieving a significant level of savings both across the care and education budgets.
- 3.21 The creation of the Bromley Preparing for Adulthood team has provided young people and their families with more focused support from an earlier age to understand what is possible, together with a recognition that living and learning within their local community (where possible) supports more sustainable outcomes.
- 3.22 In the 2014/15 academic year, the number of young people that fall into the ‘Preparing for Adulthood’ cohort (aged 14-25yrs) total 796, which is spread across school, from year 9, up to further education (both mainstream and specialist).
- 3.23 The figures below show the forecasted number of young people that the Preparing for Adulthood team will be responsible for supporting from 1st September 2014:

Type/Year	Number
School Y9	130
School Y10	141
School Y11	185
School Y12	109
School Y13	83
School Y14	51
Further Education - mainstream	49
Independent Specialist Colleges	48
	796

3.24 Alongside the new requirements under the Children and Families Act 2014 to transfer statements of SEN and LDAs to EHC Plans, the support required for young people in this cohort to prepare for adult life will depend on the level of need and complexity. Details of the broad support required can be found at appendix 2 of this report.

3.25 Analysis of the future demand pressures over the next 10 years indicates an increase in both the number of young people with disabilities and in increase in their levels of need. Based on current data 305 young people will transition to adult services over the next 10 years. Over this time frame there are clear indications that not only the numbers but also the levels of need are increasing and the development of an integrated strategy that combines Social Care, Housing and Health provision is critical in helping to ensure that future services are able to meet this increase in service demand.

3.26 In order to ensure that the progress made so far is sustainable in the longer term, it is proposed that investment is continued for a further two years as set out in Section 5 below. It is proposed that at this point the investment is treated as “Invest to Contain” with budget adjustments being made at the end of the relevant financial years in the light of savings achieved. Ongoing resources beyond the proposed Invest to Contain programme will be identified as part of the overall impact of the SEND reforms.

4. POLICY IMPLICATIONS

4.1 This Invest to Contain proposal supports the delivery of priorities for children and young people set out in the Education and Care Services Education Portfolio Plan priorities, in line with the emerging statutory duties as set out in the Children and Families Act 2014.

4.2 The project contributes significantly to the implementation of new SEND legislation and aligns directly with recently published ‘draft SEN Code of Practice’ (April 2014), a document that is expected to be finalised alongside secondary legislation in June/July 2014.

4.3 The draft Code of Practice is not expected to change significantly and sets out clear responsibilities for local authorities to ensure young people are preparing for adulthood from the earliest age (chapter 8).

5. FINANCIAL IMPLICATIONS

5.1 The Executive is asked to support the proposed Invest to Contain programme, should the approach be agreed by the Education Portfolio Holder as a result of this report and PDS on 2nd July 2014.

5.2 To enable the local authority to deliver its statutory duty under new legislation, we are proposing a continuation of the programme, which will maintain the Bromley Preparing for Adulthood team.

The team have now been seconded into the SEN department in order to support service integration and embed a 0-25 years system.

- 5.3 Alongside maintaining the Preparing for Adulthood team, there will be continuing close working with the partnership and key stakeholders to continue development of the local offer, with a particular focus on the barriers identified.
- 5.4 To align with the transition arrangements under the new legislation (see section 3.17), a request to the Executive is being made for a two year period from 1st October 2014 to 30th September 2016, totalling £162,508. Details of the finance across financial years can be found at appendix 3 of this report.
- 5.5 A proportion of the project activity pertains to the transition period for young people with Learning Difficulty Assessments (LDA), which allows two years from September 2014 to transfer existing LDAs to EHC Plans. The SEND Reform Grant is therefore making a contribution of £50,000 to the project costs.
- 5.6 The investment of £162,508 will be used to continue reshaping provision for young people with SEND in Bromley, which at the end of the period, will help to mitigate budget pressures and support a sustainable local offer.
- 5.7 The programme will also reduce the risk of legal challenges, which could result in high legal fees and potentially high ongoing placement costs.
- 5.8 It is proposed that at this point the investment is treated as “invest to contain” with budget adjustments being made at the end of the relevant financial years in the light of savings achieved.

6. LEGAL IMPLICATIONS

- 6.1 The statutory duty on local authorities is stated within the ASCL Act 2009 - Education and training for persons over compulsory school age: general duty currently and within the Children and Families Act 2014, chapter 6, part 3 – Children and Young People in England with Special Educational Needs or Disabilities from 1st September 2014.
- 6.2 Secondary legislation is yet to be published, but is anticipated to reflect the current Draft Special Educational Needs and Disability code of practice: 0-25 years – statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities (April 2014).

PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications arising from this report as there are no proposals for change to current staffing levels. In the event that funding levels reduce or cease to continue in the future this could give rise to potential redundancy implications. Any proposed reduction in staffing would be subject to the Council’s procedures for managing change.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	

Statement of intent to support young people with Special Educational Needs and Disabilities (SEND) to prepare effectively for adult life through Further Education

Statement of Intent

To enable young people with Special Educational Needs and Disabilities (SEND) to live, learn and work within their local community, achieve sustained progression, resulting in better life outcomes

Rationale

Enabling young people to live, learn and work within their own community promotes more sustainable progress, leading to better life outcomes. Placements within out of borough residential colleges can result in social segregation, dependence and inequity. There can be significant challenges for young people (and their families) to reintegrate into their home community, on returning home. Some of the factors that support this rationale are:

- **Promoting Independence and Life Long Outcomes** – learning within the local area enables young people to access local opportunities to maximise independence and provide links with local employers and voluntary sector organisations to support long term goals.
- **Support and Security** – maintenance and development of local friendships, community links and support networks. Continuity of emotional relationships is highly correlated with building resilience in young people and reducing social isolation and mental health difficulties in later life.
- **Monitoring and Safeguarding** – young people can continue to access Bromley services to ensure quality of provision, appropriate support and closer monitoring to ensure safeguarding of this very vulnerable cohort. Any emerging issues can be addressed early to stop escalation.
- **Parental Involvement** – parents can be actively involved with their young person's education and learning, providing support and guidance. Close relationships with education and care staff can help tailor support to their young person's needs and interests.
- **Sustainable Support** – being able to live, learn and work within your own community, leads to the development of more sustainable systems of support, both formal and informal.

Our approach

The duty remains on Local authorities to secure sufficient and suitable education and training provision for young people with SEND up to the age of 24 years¹. This is not an automatic entitlement to education but recognises that for some individuals, it takes longer to learn and consolidate that learning.

Good education and learning opportunities are vital for young people to maximise their potential in preparing for adult life. Through good person centred planning, provision and support will be identified to meet assessed needs across education, health and care.

¹ Statutory Guidance on the Participation of Young People in Education, Employment or Training, March 2013
(<http://media.education.gov.uk/assets/files/pdf/p/participation%20of%20young%20people%20-%20statutory%20guidancev3.pdf>)

Commissioning of further education placements will be individualised, realistic and achievable and sufficiently challenging, providing a firm foundation to enable young people to continue learning in context, through living and working across four key pathways²:

- **Community inclusion** – developing friends, relationships and sustainable networks of support
- **Employment** – opportunities to experience the world of work and get paid employment
- **Independent living** – maximising skills to live as independently as possible
- **Good health** – maintaining good health and a healthy lifestyle

Assessment of need and placement identification

Placement identification is based on each individual's need across education, health and care, which takes account of:

- Young person's aspirations and long term goals
- Views, including young person, family and professionals
- Circle of support, including friends, family and community networks

In identifying an appropriate placement, a variety of options will be considered based on the young person's assessed needs, to support them to achieve their long term goals in preparing for adult life, which could be further education, work based training, employment or a social care placement.

Where work based training, employment or a social care placement is identified as the most appropriate option, the Council will work with the relevant services, partners and providers in the borough to ensure that appropriate support is put in place to enable the young person to progress towards and successfully transition to the identified destination.

Where a further education (FE) placement is identified as appropriate, the following process will be followed:

1. **Local mainstream FE provision** – should an education placement be deemed appropriate to meet a young person's needs, learning within the local FE College is the preferred option.
2. **Mixed provision in borough** – a programme across the local FE College and Specialist College may be considered, should the young person's assessed needs deem this appropriate.
3. **Specialist provision in borough** - where a young person's assessed needs cannot be met in mainstream education or through mixed provision to allow their goals to be achieved, specialist provision in borough may then be considered.
4. **Specialist provision out of borough as a day student** – where a young person's assessed needs cannot be met in specialist in borough provision to allow their goals to be achieved, specialist out of borough provision as a day student may then be considered.
5. **Specialist provision out of borough as a residential student** - where a young person's assessed needs cannot be met in specialist out of borough day placement to allow their goals to be achieved, a residential placement may then be considered. A Monday to Friday placement is the preferred option, which will enable young people to maintain regular links with their local community and integrate their learning into the home environment.

² Getting a Life (<http://www.gettingalife.org.uk/>)

Appendix 2 – support required for young people from 1st September 2014

Provision type	Support required
Schools <i>(mainstream maintained, Academies and special, both independent and maintained)</i>	<ul style="list-style-type: none"> • Transference from SEN Statements to EHC Plans where required (phased approach) • Ensure annual reviews take place within the school setting and attend (where appropriate) and jointly with social care and health if required) • Review EHC Plans on an annual basis, ensuring targets and outcomes remain appropriate • IAG provided for young people and families to plan for adult life with a key focus on outcomes • Support to ensure the placement is meeting assessed needs • Ensuring the school is providing the right support and curriculum to contribute effectively in meeting the identified long term goals
Further education <i>(mainstream colleges, specialist provision, sixth form colleges and training providers)</i>	<ul style="list-style-type: none"> • Transference from LDAs to EHC Plans where required (phased approach) • Ensure annual reviews take place and attend jointly with social care and health where appropriate • Review EHC Plans on an annual basis, ensuring targets and outcomes remain appropriate • Ongoing IAG for young person and family • Support to ensure the placement is meeting assessed needs • Planning, which focuses on outcomes post-college
Does not attend school or other institution <i>(including hospital, youth offending institution and home educated)</i>	<ul style="list-style-type: none"> • Transference from SEN Statements or LDAs to EHC Plans where required (phased approach) • Ensure annual reviews take place within an appropriate setting and attend (where appropriate) jointly with social care and health if required • Compile a report of the review meeting setting out recommendations on any changes required for the EHC Plan and review on an annual basis

Appendix 3 – Financial detail to support Invest to Contain programme

Project

24 months - 1st October 2014 to 30th September 2016

Duration:

Description	TOTAL	Total Annual Figure	2014/15 FY (Oct'14 - Mar'15)	2015/16 FY (Apr'15 - Mar'16)	2016/17 FY (Apr'16 - Sept'16)
Salary and on costs	£175,508	£87,754	£43,877	£87,754	£43,877
Individual projects to support further developments	£31,000	£15,500	£11,500	£17,000	£2,500
Contingency	£6,000	£3,000	£2,000	£2,000	£2,000
	£212,508	£106,254	£57,377	£106,754	£48,377
Contribution from SEND Reform Grant	£50,000	£25,000	£12,500	£25,000	£12,500
Total project funding request	£162,508	£81,254	£44,877	£81,754	£35,877