

**Decision Maker:** EXECUTIVE

For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on Tuesday 30<sup>th</sup> September 2014

**Date:** 30<sup>th</sup> September 2014

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** **DRAWDOWN OF GOVERNMENT GRANT FUNDING HELD IN CONTINGENCY TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SPECIAL EDUCATIONAL NEEDS REFORMS AND PATHFINDER CHAMPION SUPPORT**

**Contact Officer:** Mary Cava, Head of SEN & Disability  
Tel: 020 8461 7633 E-mail: Mary.Cava@bromley.gov.uk

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

**Ward:** All Wards

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1. Reason for report

- 1.1 The Children & Families Act received Royal Assent in April 2014 and will become law from September 2014.
- 1.2 This report is seeking approval for the release of grant funds held in the 2014/15 central contingency for the following:-
- (a) **SEND Implementation (New Burdens) Grant.** This grant is provided by the government to implement the wide ranging statutory reforms of the Children and Families Act 2014 which require statutory compliance from September 2014, and in particular the transfer of Statements of Special Educational Needs and Learning Difficulty Assessments to Education, Health and Care Plans during the transition timeframe. This funding totals £259,317
  - (b) **Bromley Pathfinder Champion Grant.** This funding is allocated to Bromley for Pathfinder Champion work with our partners in Bexley and Enfield. The amount requested from central contingency totals £71,063 and is ring fenced funding to support the implementation of the new SEN and Disability reforms in 15 non pathfinder London local authorities designated as London Region 1.

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2. **RECOMMENDATION(S)**

- 2.1 **The Education PDS Committee is asked to note and consider the contents of this report**
- 2.2 **The Executive is asked to:**
- (i) **Consider the contents of the report**
  - (ii) **Approve the drawdown of £151,960 funding from the Council's central contingency for the 2014/15 SEND Implementation Grant, with the remaining £107,357 ring-fenced for drawdown in 2015/16**
  - (iii) **Approve the drawdown of £71,063 funding from the Council's central contingency for the 2014/15 SEN Pathfinder Champion Grant.**

## 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.
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## Financial

1. Cost of proposal: Estimated Cost: £223,023 in 2014/15, and £107.357 in 2015/16
  2. Ongoing costs: Non-Recurring Cost: One-off payment until March 2015
  3. Budget head/performance centre: SEN Reform Implementation (136034)  
& SEND Pathfinder (136355)
  4. Total current budget for this head: £381,940 (136034), £0 (136355)
  5. Source of funding: DfE grants;- SEND Implementation (New Burdens)  
& SEND Pathfinder Champion Grants
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## Staff

1. Number of staff (current and additional): 8 fte Additional Staff (short term contract)
  2. If from existing staff resources, number of staff hours:
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## Legal

1. Legal Requirement: Statutory Requirement: The Children and Families Act has received Royal Assent and will become law from September 2014
  2. Call-in: Applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Estimated number of users/beneficiaries (current and projected): 1,914 children with a Statement of SEN and 202 students with a Learning Difficulties Assessment.
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## Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 The Children and Family's Act becomes law from September 1<sup>st</sup> 2014. This Act introduces new duties on local authorities in order to improve outcomes for children with SEN or who are disabled, increase choice and control for parents and promote a less adversarial system. There are significant new duties on local authorities in the new legislation. Local authorities have a range of duties which must be implemented immediately and some which require a gradual phasing in of changes over the next three and a half years.
- 3.2 Developmental work has been in progress to deliver the following areas of reform:
- Coordinated assessment and planning & EHC Plans
  - Developing the local authority Local Offer
  - Preparing for Adulthood
  - Personal Budgets
  - Multi-agency working and joint commissioning (including regional commissioning for low incidence needs)
  - Participation of children, young people and parent/carers & educational settings
  - Organisational change and workforce development
- 3.3 Essential statutory targeted work is now required for the conversion of Statements of SEN and Learning Difficulty Assessments into Education Health and Care Plans (EHCP) where appropriate. This involves working closely with a range of partner agencies including Social Care, Health, Clinical Commissioning Groups and education settings including Further Education colleges and other post-16 providers. Conversion must take place over a three and a half year period from 1<sup>st</sup> September 2014 – 30<sup>th</sup> April 2018.
- 3.4 The New Burdens Grant will be used to deliver the transferring of statements and learning difficulty assessments to EHC Plans. The new SEND system will commence operation from September 2014 when the Children and Families Act 2014 comes into being. It will run alongside the old system and the timeframe for the changes to be complete are April 2018 where it is expected that all Statements of SEN will have been reviewed and Education, Health and Care Plans will be in place.
- 3.5 It is also proposed that some of this grant is used to review the SEN Services and provisions within Bromley to ensure the services and provisions are "fit-for purpose" reflecting the new government systems of reforms. This activity will investigate local SEN & Disability prevalence and then inform appropriate place planning for pupils with complex SEN and the central service delivery to ensure needs are met locally through high quality and cost effective provision. Thus avoiding costly out of borough placements.
- 3.6 Transition guidance alongside Statutory Instruments is available and defines the groups of children and young people with whom the transition work should commence. Each local authority must publish a Transition Plan stipulating how and when the transfer of statements will take place.
- 3.7 From 1<sup>st</sup> September 2014 the SEN & Inclusion Service will commence the review process for existing Statements using the new EHCP Template to consider progressing to Education, Health and Care Plans (EHCP). This process, which will be phased, must be completed within 3.5 years.(April 2018).

- 3.8 Existing Learning Difficulty Assessments (LDAs) must be transferred by September 2016.
- 3.9 From 1 September 2014 all requests for statutory assessments will take the form of an assessment of education, health and care needs which may lead to an EHCP.
- 3.10 Directions from the DfE are as follows: within the timeframes stated, Local Authorities MUST transfer children and young people with statements to the new arrangements prior to them transferring from :-
- Year 11
  - Early years settings to schools
  - An infant to a junior school
  - Primary to middle school
  - Secondary school to post 16 institution or apprenticeship
  - Mainstream to a special school or vice versa.
- 3.11 From 1 September 2014 assessments for Statements of Special Educational Needs or Learning Difficulty Assessments will not be offered.
- 3.12 The transition plan will commence in September 2014 and be reviewed and updated on a 6 monthly basis to inform necessary amendments.

#### **Transition in Bromley - Scope of the Exercise**

- 3.13 At the time of writing (August 2014) there are 1,914 children and young people with a Statement of SEN maintained by LB Bromley. There are currently 202 Learning Difficulty Assessments. 2,116 in total.
- 3.14 The majority of children requiring specialist provision at Reception age will be transitioning through the new EHC process. There are 110 children and young people who need their plan(developed in the pilot stage of the new reforms) transitioned into the statutory format proscribed by the DfE.

#### **Prioritising the Phased Transfers**

- 3.15 Following DfE guidelines Officers propose the following transfer for the school year of 2014/15 proscribed by DfE as:- Priority Year 11. In addition Years 1 and 5 capacity permitting.

The tables below provide information as to how Bromley aim to progress the transferring of Statements and early Pathfinder EHC Plans over the next three years.

The tables provided are approximate numbers, given the fact that some young people will leave schools once choices are made after examination results, some statements may cease if objectives are met, also Pupil Resource Agreements will be promoted to support more speedy and more flexible intervention where appropriate.

## Year One Target Groups for Transfer to EHC Plans September 2014 – August 2015

<b>Pupil/Student Groups</b>	<b>Numbers</b>
Children with a Pathfinder Plan	<b>110</b>
Year 1 (end KS1)	<b>79</b>
Year 5 (end KS2)	<b>138</b>
YPs who are transferring from schools (including 6 <sup>th</sup> formers) to a post 16 institution or an apprenticeship	<b>185</b>
16-25yrs with an LDA FE	<b>29</b>
Young People leaving Custody	<b>2</b>
Others	<b>10</b>
<b>Total</b>	<b>553</b>

## Year Two Target Groups for Transfer to EHC Plans 2015/16

<b>Pupil/Student Groups</b>	<b>Numbers</b>
Year 1 (end KS1)	<b>3</b>
Year 5 (end KS2)	<b>106</b>
Year 9	<b>170</b>
Year 11	<b>174</b>
Post 16 (schools)	<b>165</b>
16-25yrs in FE	<b>20</b>
Others	<b>35</b>
<b>Total</b>	<b>673</b>

## Year Three Target Groups for Transfer to EHC Plans 2016/17

<b>Pupil/Student Groups</b>	<b>Numbers</b>
Year 1 (end KS1)	<b>0</b>
Year 5 (end KS2)	<b>98</b>
Year 9	<b>173</b>
Post 16 (schools)	<b>100</b>
NCY 11	<b>171</b>
<b>Total</b>	<b>542</b>

## Year Four Target Groups for Transfer to EHC Plans April 2017/18

<b>Pupil/Student Groups</b>	<b>Numbers</b>
Year 5 (end KS2)	<b>92</b>
Year 9	<b>137</b>
<b>Total remaining statements</b>	<b>229</b>

*It is estimated that approximately 119 statements will cease through pupils moving on to higher education.*

## **The Process of Transfer**

- The current Annual Review Process will become the Transfer Review where the pupil has been prioritised for transfer to an EHC Plan and this will commence the process for conversion to the EHC Plan. Parents will be contacted at the start of the school year to inform them when the Transfer Review is likely to take place. Schools will also be informed and a copy of the parental letter will be sent to schools.
- The EHC Template will be used for the transfer review
- The template will be populated by SEN Assessment, Review and Placement Officers prior to review meeting, draft then discussed and outcomes agreed at person centred meeting.
- It is planned that the education provision (with support from advisory workers) will support Parents to update the Section A "All About Me".
- Local voluntary groups bid for a recent government grant to deliver independent support advice to parents, Bromley Mencap, Bromley Parent Voice, Burgess Autistic Trust and Experts by Experience won the bid and will also be supporting the process. Officers will be working closely with this consortium to deliver co-ordinated advice.
- There is a 14 week timeline to complete the transfer process and this will commence at the meeting date. The draft document will be circulated for amendments following meeting, the final is then sent out to all parties.
- Year 11 Transition Reviews will involve the Preparing for Adulthood Team and Educational Psychologists will support transition reviews to agree format for review reports which are required to focus on outcomes to feed into template.

## **Champion Funding**

- 3.16 The Champion funding will be used by LBB Bromley and Champion partners in Bexley and Enfield to deliver regional support and consistency across local authorities for the statutory changes. This not only benefits other local authorities but also brings resource and considerable benefits to Bromley. As in 2013/14 LB Bromley is the lead authority and holds the funding on behalf of Bromley, Bexley and Enfield to implement the champion programme. The government funding is ring fenced for this purpose
- 3.17 As a Pathfinder authority Bromley has been able to access early funding to test some of the new developments. This has enabled officers to progress systems and processes which other LAs are about to commence.

## **Resourcing**

- 3.18 There is considerable and rapid change required to deliver the changes and move in line with the regulations of this new Act. To achieve the above extra staffing capacity will be required. For young people with low level funded statements where needs can currently be met through the schools notional budget with top up funding there will be the offer of a Pupil Resource Agreement where the resources to meet needs can be drawn down without the need to transfer to an EHC Plan. This will ensure needs can be met through local resourcing without the need to draw down an EHC Plan.
- 3.19 Capacity building (Staffing) will be required across the whole service SEN, Inclusion, Disabled Childrens Service (Social Care), Health and Early Years SEN. In addition it is proposed that additional resources are available for special schools to support the delivery of the Plans.

3.20 Due to the considerable change of emphasis on holistic assessment for and with those young people with the most complex and enduring needs, the age range increasing from 0-19 to 0-25 and the emphasis on outcomes for the young person both short and long term outcomes there is a need for a comprehensive overhaul of the SEN Services and provisions in Bromley. This will ensure a fit for purpose service and a clear and comprehensive SEND strategy for the next five years.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are two grants currently in the Council's central contingency for 2014/15, the new, un-ring-fenced SEND Implementation Grant (New Burdens) totalling £259k, and the third and final year allocation of the ring-fenced SEND Champion Pathfinder Grant totalling £71k.

##### **SEND Implementation Grant (New Burdens)**

4.2 It is intended that this grant will be spent between November 2014 and October 2015, with £152k in 2014/15 and £107k in 2015/16 financial years. Drawdown is initially requested for the £152k required to fund the necessary work in 2014/15, with the £107k ring-fenced for drawdown in 2015/16, subject to members' satisfaction with progress made towards the targets in 3.15 above.

4.3 This funding is in addition to the £382k SEN Reform Grant for 2014/15, drawdown of which was approved by Executive at its meeting of 2<sup>nd</sup> April 2014. This funding has been used to increase capacity to review services across education, care and health and develop the requirements of the reforms. This has included; developing a robust Local Offer framework for the three areas of education, health and care; producing a statutory compliant education, health and care plan template; reviewing of thresholds of personal budgets and direct payments to include personal budget policy and practice in education, health and care; mediation requirements and a robust data managing system to deliver the statutory reforms.

4.4 Table A below provides a summary of the planned expenditure, with a proposed spending plan detailed in Table B.

Table A

	<b>2014/15</b>	<b>2015/16</b>	<b>Total</b>
	£	£	£
Temporary Staff	60,400	76,800	137,200
Training	9,100	12,900	22,000
Consultancy	50,000	0	50,000
Third Parties/Partners	12,460	17,660	30,120
IT	20,000	0	20,000
	<b>151,960</b>	<b>107,360</b>	<b>259,320</b>

**Table B**

<b>Funded Element</b>	<b>Detail</b>	<b>2014/15</b>	<b>2015/16</b>	<b>Total</b>
		£	£	£
1 Additional Inclusion Professional	Target year groups requiring conversion.	25,910	26,090	52,000
2 Additional Assessment and Placement Officers + 1 administrative worker	Work to transfer 500 statements to EHC Plans	31,440	44,560	76,000
Commissioning training for extensive workforce development	Considerable workforce development (Childrens Services, Social Care and Health services) required to deliver specialist and targeted training and also to deliver broader information sharing across the organisations.	9,100	12,900	22,000
Commissioning consultant to review SEN services and provisions	To ensure a fit for purpose, high quality, cost effective service and provisions for the future	50,000	0	50,000
LBB Partners/schools	Extra capacity for specialist schools to support delivery of new plans	12,460	17,660	30,120
Information Managements systems & extra capacity for delivery	New EHC Plan module on ICT systems	20,000	0	20,000
Preparing for Adulthood	Increase capacity of Team to deliver year 11 and above conversion of Learning Difficulty Assessments	3,050	6,150	9,200
		<b>151,960</b>	<b>107,360</b>	<b>259,320</b>

4.5 Indicative figures from DfE suggest that a further £182k will be allocated in 2015/16. A request will be made in due course to draw this down, once the actual allocation is known.

**SEND Pathfinder Champion Grant**

4.6 LBB has been allocated £71,063 grant funding in 2014/15 as lead Pathfinder in the region, in partnership with the London Boroughs of Bexley and Enfield. This will be the third and final year of this grant.

4.7 The table below shows the 2014/15 delivery plan for the grant.

<b>Funded Element</b>	<b>Detail</b>	<b>September 2014 – Mar 2015 (inc. on costs)</b>
1. Training	Deliver two 1:1 training & support days for each borough in London Region 1 (30 1:1 days across 15 local authorities.)	£20,000
2. Further Training	Deliver 25.5 additional flexible training and support days allocated on basis of need and advice from the Mott MacDonald support Team	£16,000
3. Lead Co-ordination	Coordinate regional activity, report back to DfE, DoH and partners on the implementation of the reform.	£2,000
4. Attend four national champion days	To provide and ensure consistent information is disseminated nationally.	£4,000
5. Produce processes and procedures for national distribution	To produce four case studies (EHC Plans) and the “how to” documentation to support the national implementation of the reforms.	£8,000
6. To attend and present at six national champion peer networks	To ensure consistency within and across regions in delivery.	£6,000
7. Administration	Increase capacity of administrative team to deliver the admin required for the above champion authorities.	£15,263
<b>TOTAL</b>		<b>£71,063</b>



4.8 This grant is ring-fenced for expenditure incurred in the delivery plan above which has been agreed with DfE, and cannot be carried forward to 2015/16. These monies are shared with Bexley and Enfield boroughs.

## 5. POLICY IMPLICATIONS

5.1 Existing policy to deliver high quality cost effective services. Education Services Plan 2014/15.

5.2 BBB Priority: Children and Young People: Enjoy learning and achieve their full potential.

## 6. LEGAL IMPLICATIONS

6.1 Legal Requirement: new statutory regulations (Children & Families Act September 2014) ensuring statutory compliance across Bromley and London. A new SEN Code of Practice recently published again ensuring compliance.

## 7. PERSONNEL IMPLICATIONS

7.1 Number of staff; currently the equivalent of 8 full time members of staff to be employed on temporary contracts for a period of one year only.

<b>Non-Applicable Sections:</b>	None.
Background Documents: (Access via Contact Officer)	DfE Documentation: SEN & Disability Code of Practice 0-25, 2014