

**Decision Maker:** Executive  
**For Pre-Decision Scrutiny by the Education Budget Sub-Committee on:**

**Date:** 3rd March 2015

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

**Title:** **PHASE 2:- DRAWDOWN OF GOVERNMENT (NEW BURDENS) GRANT FUNDING HELD IN CONTINGENCY TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SPECIAL EDUCATIONAL NEEDS REFORMS**

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

**Ward:** All Wards

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1. Reason for report

- 1.1 In order to meet statutory duties and deliver the reforms in SEND (Children & Families Act 2014) local authorities must change working arrangements, including the transition of statements to education care and health plans. Local authorities have three years to implement the transitions but must be statutory compliant in all other areas of change from September 1<sup>st</sup> 2014.
- 1.2 The government has provided **New Burdens Grants** commencing 2014/15 and continuing 2015/16 to deliver the reforms. The grant for 2014/15 was announced in August 2014, Executive Committee in October 2014 agreed draw down of part of the grant as requested with remainder to be ring fenced for later in the financial year.
- 1.3 Due to a range of factors including the lateness of grant announcement and the need to create temporary posts and engage skilled personnel to increase staff capacity to deliver the reforms a projected under spend of £200,000 is noted in this budget area.
- 1.4 Whilst manageable with increased capacity in the near future this time lag has resulted in a delay of the volumes of transitions planned for 2014/15.
- 1.5 A further grant of £176,819 for 2015/16 has been allocated by the Government to continue to implement the changes.
- 1.6 This report is seeking approval for the following:-
- (a) **SEN Implementation (New Burdens) Grant 2014/15** - carry forward of current budget £200,000 and release of the remainder of grant monies, £107,357
  - (b) **SEN Implementation (New Burdens) Grant 2015/16** – draw down £148,343 from grant of £176,819

**2. RECOMMENDATION(S)**

**2.1 The Education PDS Committee Budget Sub Meeting 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 carry forward of the under spend in 2014/15 of £200,000 and the drawdown of the remainder £107,357 funding from the Council's central contingency for the 2014/15 SEND Implementation Grant (Total £307,357);**
- (iii) Approve the drawdown of part of the SEN New Burdens Grant 2015/16 of £148,343, with the remaining £28,476 to stay in contingency ring-fenced for drawdown at a later date if required.**

## 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: Carry Forward £200,000 funds and grant £107,357 & £148,343 in 2015/16
  2. Ongoing costs: Non-Recurring Cost: One-off payment until March 2016
  3. Budget head/performance centre: SEN Reform Implementation (136034)
  4. Total current budget for this head:
  5. Source of funding: DfE grants;- SEND Implementation (New Burdens) 1<sup>st</sup> & 2<sup>nd</sup> Year 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 became law from September 2014. There is a phased approach to delivering the transitions from Statements to EHC Plans.
  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): 1,681 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 Government recognise the new duties placed upon local authorities through the Children and Family's Act 2014 and the New Burdens Grant is provided to support local authorities in delivering the reforms. The reforms require total systems change, developing and delivering new systems whilst the old system continues to function. Officers in Bromley, together with partner agencies are progressing these changes, resulting in the following: publication of a Bromley Local Offer at universal, targeted and specialist levels (across all disciplines - Education, Care and Health); development of systems to ensure Bromley are compliant with the delivery of services for students from 0-25 years; streamlining coordinated assessment and administration of the education, health and care plans; developing policy for personal budgets across education and care (and co-ordinating with health); methodology for increasing participation of families and children; organisational change and workforce development and early stage planning for joint commissioning of services.
- 3.2 Some of the above duties must be implemented immediately; the local offer and delivery of EHC plan after new assessments for example, some require a gradual phasing in of changes over the next three and a half years. The New Burdens Grant is provided to ensure that local authorities deliver these changes within a specified period of time. This is the second year of grant funding available to deliver the reforms and ensure a robust system is in place to identify and meet the needs of children and young people with complex and enduring special educational needs and disability.
- 3.3 Essential statutory targeted work is underway in Bromley to transition Statements of Special Educational Needs and Learning Difficulty Assessments into Education Health and Care Plans (EHCP), where appropriate. 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 (see tables over for the plan). The DfE has given clear direction on the process and the cohorts of young people whose statements must be converted during this timeframe. It is expected that Education, Health and Care Plans will be in place for those children and young people with the most complex needs in this timeframe. This involves detailed work 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.) This work is progressing and further temporary staff need to be in place to deliver these changes once resource has been approved.
- 3.4 This grant is also being used to review the SEND Services and provisions within Bromley to ensure the services and provisions are "fit-for purpose" reflecting the new government systems of reforms and Bromley context. This review aims to inform a ten year strategy to deliver high quality, cost effective SEND services in line with the Council's vision and to inform appropriate specialist place planning for pupils with complex SEND. This will ensure the majority of needs are met locally through high quality and cost effective provision, thus avoiding costly out of borough placements.
- 3.5 Bromley's statutory SEN **Transition Plan** is on Bromley MyLife website. The SEN & Inclusion Service and the Preparing for Adulthood Team Service have set aspirational targets to deliver these changes. Reviews are currently underway for the changes to take place. There are currently 162 final Bromley Education Health and Care Plans currently completed which also include new plans as well as transitions. The target number for completion in 2015 is 474.
- 3.6 Due to the lateness in grant notification and the necessary administrative procedures in the drawdown of resource and the creation of temporary posts there has been a time lag in officers being in post to deliver these reforms. Thus an under spend of £190,000 from the original drawdown is noted. Subsequently there has been a time lag in the capacity to deliver the volume of transition changes (statements to EHC Plans). It is requested that this resource is carried over into the 2015/16 budget alongside the extra monies. This will ensure the

opportunity for advanced systematic and responsive planning in the delivery of staff capacity where needed to deliver these reforms and to achieve the target figure of 474 reviews and transitions within the stated time frame.

3.7 **Transition in Bromley - Scope of the Exercise** At the time of writing (February 2015) there are 1,681 children and young people with a Statement of SEN maintained by LB Bromley. There are currently 220 Learning Difficulty Assessments, 1,918 in total.

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

Under Government direction the phased transfer is as follows:-

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

<b>Pupil/Student Groups</b>	<b>Numbers</b>	<b>Current plans in place (including new plans)</b>
Children with a Pathfinder Plan	<b>110</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>474</b>	<b>110</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

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

*The tables provide approximate numbers, given the fact that some young people will leave schools once choices are made after examination results and some statements may cease if objectives are met. Also Pupil Resource Agreements will be promoted, where appropriate, to support more responsive and more flexible intervention. It is estimated that approximately 119 statements will cease through pupils moving on to higher education. The transition plan is constantly under review, taking account of DfE requirements and local needs.*

- 3.9 Early approval of this resource will allow better planning and prevents further delay in progressing the transitions.

### 4. FINANCIAL IMPLICATIONS

- 4.1 There are two grants currently in the Council's central contingency for 2015/16, the remainder of the un-ring-fenced SEND Implementation Grant (New Burdens) totalling £107,357, and the new grant of £176,819 for 2015/16, There is also an under spend of £200,000 from the amount drawn-down for 2014/15 due to the lateness in the grant announcement and the processes required to drawdown resource and recruit temporary skilled staff.
- 4.2 This funding will be used to increase capacity to deliver the transitions of statements to EHC plans or pupil resource agreements; review current SEND services and provisions; embed the new policies and practices; develop robust systems for recording and monitoring the EHC process and ensure the workforce has a clear understanding of policy and practice.
- 4.3 Table A below provides a summary of the planned expenditure, with a more detailed spending plan in Table B.

Table A

	2015/16
Temporary staff	£354,000
Consultancy	£20,000
Third parties	£66,000
ICT	£10,500
Workforce development	£5,200
<b>Total</b>	<b>£455,700</b>

Table B

<b>Funded Element</b>	<b>Detail</b>	<b>2015/16</b>
1. Implementation Manager	Manager to implement changes and co-ordinate activity	£58,000
2. Additional temporary Inclusion professionals across 0-25 age range	Skilled staff to target year groups requiring conversion (see transition table)	£230,000
3. Additional temporary Assessment & Placement Officers plus 1 admin	Transfer of approximately 500 statements to EHC/PRA	£66,000
4. Commissioning consultant to review services and provisions	Delivery of plan to ensure fit for purpose services and provisions – delivery high quality local provision and services	£20,000
5. LBB Partners	Schools, voluntary agencies	£66,000
6. ICT systems		£10,500
Workforce development	Delivery of training on outcomes, personalisation, completing EHC plans, Compliance	£5,200
<b>Total</b>		<b>£455,700</b>

## 5. POLICY IMPLICATIONS

- 5.1 Existing policy to deliver high quality cost effective services. Education Services Plan 2015/16.
- 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 equivalent 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