

**Decision Maker:** Executive

**Date:** For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on Tuesday 8 March 2016

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

**Title:** **SEND REFORMS - DRAW DOWN AND CARRY FORWARD OF GRANT FUNDING(NEW BURDENS) TO SUPPORT THE LOCAL AUTHORITY IN IMPLEMENTING THE SPECIAL EDUCATIONAL NEEDS REFORMS**

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**Chief Officer:** Director: Education (ECHS)

**Ward:** (All Wards);

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## 1. Reason for report

1.1 This report is seeking approval for the following:-

- (a) **SEN Implementation (New Burdens) Grant 2015/16** - carry forward of underspend of £80k and the £28k which was kept in contingency (£108k in total)
- (b) **London SEND Regional Lead Grant 2015/16** – carry forward of underspend of £15k from shared grant (with partner Enfield)
- (c) **SEN Implementation (New Burdens) Grant 2016/17** – draw down £180k from grant of £201k with remaining £21k to stay in contingency for draw down at a later date if required

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## 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 and drawdown of £28k grant for 2015/16 to the 2016/17 budget as detailed in para 4.1.
- (iii) Approve the carry forward to 2016/17 of the underspends in 2015/16 of £80k and £15k as detailed in para 4.2.

- (iii) Approve the drawdown to the 2016/17 budget of part of SEN New Burdens Grant 2016/17 of £180k, with the remaining £21k to stay in contingency ring-fenced for drawdown at a later date if required as detailed in para 4.3.

## Corporate Policy

1. Policy Status : Draft Education and Care Services Plan for 2016/17 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. Ensure those pupils with SEN have good outcomes (Education Commitments 5, 6 & 15)
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## Financial

1. Cost of proposal: Estimated: £303k
  2. Ongoing costs: Non-Recurring Cost: One-off payment until March 2017
  3. Budget head/performance centre: SEN Reform Implementation (136034)
  4. Total current budget for this head: £484k (2015/16 grant funding)
  5. Source of funding: DfE grants;- SEND Implementation (New Burdens) 2<sup>nd</sup> year grant
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## Staff

1. Number of staff (current and additional):6 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): 1,341 children with a Statement of SEN.
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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 This is the second year of a three year Government specified programme for the transition of statements into Education Health and Care Plans (EHCP). The challenge is to transfer all statements of SEN into Education Health and Care Plans where appropriate within a very tight statutory timeframes of 3 years.
- 3.2 Due to the grant resource available last year officers were able to review and transition 509 statements into EHC Plans.
- 3.3 There are currently 1,341 pupils with a Statement of SEN which will need to be reviewed and a plan written within the timeframe above. This involves work with the child, the parent/carer and all other professionals involved in ensuring the child's needs are identified and met appropriately within specific time frames. The grant will be used for the extra staff required to deliver these changes.
- 3.4 Further work will be carried out to ensure robust personal budgets policy and practice is in place to deliver the statutory changes in this area. Training of staff will ensure this work is understood and delivered in accordance with Bromley policy and government requirements.
- 3.5 Government has provided the New Burdens Grant to support local authorities in delivering these reforms. Staff will be increased in the SEN Operations Teams to co-ordinate the assessment and key workers will be put in place to ensure that the new SEND Code of Practice is adhered to. The statute requires Bromley Local Offer to be reviewed and updated this will be carried out during this period.
- 3.6 This grant will 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 requirements. This review will inform a five year strategy to deliver high quality, cost effective SEND services in line with the Council's vision and to ensure appropriate specialist place planning for pupils with complex SEND. This will enable the majority of needs to be met locally through high quality and cost effective provision and avoiding costly out of borough placements.
- 3.7 There is always a time lag with grant usage due to processes that need to be followed to drawdown grants and to employ skilled staff; thus an underspend has accrued. We have now appointed staff and require the funding to continue their employment.
- 3.8 Bromley has been a Pathfinder Champion for the last two years and this has benefited the local authority in accessing high quality training and innovative practice. A carry forward of £15k of this grant is required to continue to deliver the training programme.
- 3.9 At the time of writing (February 2016) there are **1,341 children and young people with a Statement** of SEN maintained by LB Bromley. There are **509 EHC Plans** of which 470 were finalised in 2015. There are **141 transitions currently in process**.
- 3.10 **Prioritising the Phased Transfers:** Under Government direction further planned transfer is as follows:-

Target Groups for Transfer to EHC Plans September 2016- August 2017	497
Target Groups for Transfer to EHC Plans September 2017- August 2018	529

- 3.11 This grant will ensure the transition process meets government regulations

## 4. FINANCIAL IMPLICATIONS

- 4.1 At its meeting on 24<sup>th</sup> March 2015, Executive approved the drawdown of £148k of the non-ring-fenced £176k SEN Implementation (New Burdens) Grant 2015/16, with the £28k remainder to remain in the Council's Central Contingency for drawdown at a later date. It is now requested that this £28k be carried forward and drawn-down into the 2016/17 budget.
- 4.2 A second non-ring-fenced grant was received for 2015/16, the SEND Regional Lead Grant of £62k, which replaced the previous SEND Pathfinder Grant, and which was approved for drawdown by Executive on 14<sup>th</sup> October 2015. Due to the lateness in the grant announcement and the time required to recruit temporary skilled staff, there is a projected underspend of £15k on this grant in 2015/16, and £80k underspend on the SEN Implementation (New Burdens) Grant. It is requested that these underspends are carried forward to the 2016/17 budget.
- 4.3 Confirmation of further funding has recently been received, with the Council allocated £201k SEN Implementation (New Burdens) Grant 2016/17. It is requested that £180k of this is drawn-down to the 2016/17 budget, with the remaining £21k to remain in Central Contingency for drawdown at a later date if required. This will provide a total of £303k funding for 2016/17 as summarised below.

	<b>£'000</b>
SEN Implementation (New Burdens) Grant 2015/16 - in Central Contingency	28
SEN Implementation (New Burdens) Grant 2015/16 - underspend	80
SEND Regional Lead Grant underspend	15
SEN Implementation (New Burdens) Grant 2016/17	180
	<u><b>303</b></u>

- 4.4 This funding will be used to continue the extra 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, Personal Budgets and ensure the workforce has a clear understanding of policy and practice. A total of £32k will be provided to third parties, and £271k used to employ a total of 7 FTE temporary staff, as detailed in the table below.

<b>Funded Element</b>	<b>Detail</b>	<b>2016/17 £'000</b>
Implementation Manager & Temporary inclusion professionals across 0-25 (3 fte)	Implementation Manager & skilled professionals to implement changes, co-ordinate activity, re-organisation of SEN Services. Targeting of year groups requiring conversion	148
Additional temporary Assessment & Placement Officers (3 fte)	Transfer of statements to EHC	94
LBB Partners	Voluntary agencies – delivery of elements of the statutory requirements/co-production/involving young people/delivery of services	32
Extending Social Innovation Project (0.5 fte)	Development of new approach to proportionate methods of assessment for children and families as they enter the statutory system. Testing & delivering approaches that will be value for money and offer potential savings.	15
Regional Lead training (0.5 fte)	Training programme for Bromley and London Region (specified Programme guided by DfE)	14
<b>Total</b>		<b>303</b>

## 5. POLICY IMPLICATIONS

- 5.1 Existing policy to deliver high quality cost effective services. Education Services Plan 2016/17.
- 5.2 BBB Priority: Children and Young People: Enjoy learning and achieve their full potential. Ensure those pupils with SEN have good outcomes – (Education Commitments 5, 6 & 15)

## 6. LEGAL IMPLICATIONS

- 6.1 Legal Requirement: new statutory regulations (Children & Families Act September 2014) ensuring statutory compliance across Bromley and London.

## PERSONNEL IMPLICATIONS

- 7.1 Number of staff; currently the equivalent of 7 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)	Phase 2:- Drawdown of government (new burdens) grant funding held in contingency to support the Local Authority in implementing the Special Education Needs Reforms – Executive 24 <sup>th</sup> March 2015 DfE Documentation: SEN & Disability Code of Practice 0-25, 2014