

Decision Maker: CHILDREN, EDUCATION AND FAMILIES POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE

Date: 15th March 2022

Decision Type: Non-Urgent Executive Non-Key

Title: BUDGET MONITORING 2021/22

Contact Officer: David Bradshaw, Head of Finance, Children, Education and Families
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Chief Officer: Director, Children, Education and Families

Ward: (All Wards);

1. Reason for report

- 1.1 This report provides the budget monitoring position for 2021/22 based on activity up to the end of December 2021.
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2. RECOMMENDATION(S)

2.1 The Children, Education and Families Policy Development and Scrutiny Committee are invited to:

- (i) Note that the latest projected overspend of £1,987,000 is forecast on the controllable budget, based on information as at December 2021;
- (ii) Note the full year effect cost pressures of £5,846,000 in 2022/23 as set out in section 4;
- (iii) Note the comments of the Department in section 7 of this report; and,
- (iv) Refer the report to the Portfolio Holder for approval.

2.2 The Portfolio Holder is asked to:

- (i) Note that the latest projected overspend of £1,987,000 is forecast on the controllable budget, based on information as at December 2021.

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Health and Integration
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: CEF Portfolio
 4. Total current budget for this head: £46,307k
 5. Source of funding: CEF approved budget
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Staff

1. Number of staff (current and additional): 1,154 Full time equivalent
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2021/22 budget reflects the financial impact of the Council's strategies, service plans etc which impact on all of the Council's customers (including council tax payers) and users of the services
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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 2021/22 projected outturn for the Children, Education and Families Portfolio is detailed in Appendix 1a, broken down over each division within the service. Appendix 1b gives explanatory notes on the movements in each service. The current position is an overspend of £1,987k. This position assumes that no further management action will be taken for the remainder of the year. Some of the main variances are highlighted below.
- 3.2 Senior officers meet on a regular basis to scrutinise and challenge the expenditure position and formulate management action to address any issues.

Education - £649k overspend

- 3.3 Overall the position for Education is a predicted £649k overspend. The main areas of movement are as follows: -
- 3.4 SEN Transport - £2,045k overspent - This is due in the main to:-
- a) The number of children requiring transport has increased by circa 17%.
 - b) Unavailability of drivers has resulted in more expensive providers having to be used from the call off framework.
 - c) During the pandemic single transport was required for those vulnerable children attending schools and this further impacted on the cost.
- 3.5 Immediate management action has been taken on the notification of the forecast budget overspend position. A specialist external transport provider has been commissioned to undertake a review of SEN transport, including benchmarking analysis and a full review of processes and eligibility criteria to identify potential savings. Potential areas of mitigation are being explored which may have an impact on future years. These will be reported back to the committee in due course.
- 3.6 There are also overspends due to the under collection of income in Adult Education, Education Welfare Service and Education Psychology. This has been partially offset by underspends in running costs and staffing across the division
- 3.7 The Education Risk Reserve of £500k (ERR) was set aside by the Executive in January 2020 to cover pressures in Special Educational Needs and Disabilities (SEND) which could be called upon if there were gaps in funding that cannot be funded elsewhere. The use of the funding would be subject to Executive approval. Considering the position of SEN Transport and the overspend manifesting itself in this particular area it was agreed at the Executive that this could be utilised as a one off for 2021/22 to offset costs.
- 3.8 Additional General COVID grant support has also been utilised to offset costs in the Division. The amount of General COVID grant used is £1,000k. This is a one off grant only. Additional COVID grant of £33k has also been utilised to offset a small amount of loss of income in the division.

Dedicated Schools Grant (DSG) - £5,183k overspend

- 3.9 An element of the Education Budget is classed as Schools' Budget and is funded by the Dedicated Schools Grant (DSG). Grant conditions require that any over or under spend should be carried forward to the next financial year.
- 3.10 There is a current projected in year overspend in Dedicated Schools Grant (DSG) of £5,183k. This will be added to the £1,139k deficit that was carried forward from 2020/21. Included in this

figure is an in year increase in the High Needs Block DSG of £1,333k and also a decrease in the Early Years Block DSG allocation of £2,410k.

- 3.11 The prior year adjustment to the Early Years Block has now been announced, which decreases the allocation in the early years block by a further £576k. There are some underspends in the Early Years Block that partially offset these reductions. This would give a total DSG deficit of £6,322k. It should be noted that the DSG can fluctuate due to pupils requiring additional services or being placed in expensive placements.
- 3.12 The unsustainability of the SEN system is a national issue and there are high expectations being set for the DfE’s SEND Review which has just been pushed back to Spring 2022. Nevertheless, officers are seeking to further reduce costs, within the tight constraints of the legal framework. Officers are working on a deficit recovery plan ahead of this being required by the DfE.
- 3.13 A summary of the main variations is provided in the table below, and further details of the variations can be found within Appendix 1B.

	Variations £'000
Grant reductions from DfE	1,652
Early Years	-1,676
Primary Support Team	-52
Bulge classes	38
Home & Hospital	296
Behaviour Support	-45
Other Small Balances	9
SEN:	
- Placements, Top up and AP	5,175
- Complex Needs Team	-51
- High Needs Pre-school Service	16
- Darrick Wood Hearing Unit	-85
- Outreach & Inclusion Service	-97
- Other Small SEN Balances	3
Total	<u><u>5,183</u></u>

- 3.12 There has been a significant increase in EHCPs issued, all of which have a varying cost attached. The number of EHC Plans as at 31st December 2021 is 3,241, compared to 3,198 in September 2021 (increase of 43). In total the level of EHCP’s has risen by 257 since the beginning of the 2021/22 financial year.
- 3.13 There continues to be an increase in the number of CYP who have complex SEMH needs, some of which requiring high-cost placements with significant packages of support

Children’s Social Care (CSC) - £1,338k overspend

- 3.14 The Children’s Social Care division is currently overspending by £1,338k. The main areas of over/underspend are highlighted in the paragraphs below and in Appendix 1B.
- 3.15 These figures include the contribution from Bromley Clinical Commissioning Group (BCCG) of £2.35m for 2021/22.
- 3.16 The budgeted number of children looked after was set at 320 at the start of the financial year rising to 327 (excluding UASC) by the end of 2021/22. The average number has been 326 in the current financial year to the end of December 2021, more than budgeted.

- 3.17 Placements are overspending by £1,370k. The profile is slightly different than budgeted with a few more children in residential than expected and more in IFA's leading to an overspend. Further management actions have been removed which has also led to an overall increase in this area.
- 3.18 Leaving care is another area with a significant overspend, currently projected at £479k. There are 3 or 4 placements that are particularly expensive costing £4k per week each which accounts for the majority of the overspend.
- 3.19 The other main area of risk is staffing. Additional staffing costs are in the region of £1m. This is due to higher levels of interims/agency staff, higher staffing costs and continuing temporary staffing beyond budgeted term.
- 3.20 The budget was set on the basis of 85% permanency across all staff in CSC in 2021/22. Levels are currently around the 83% permanent staff, including the 'in the pipeline' appointments. There is an allowance for agency staff within the budget, but this may result in a significant overspend if this continues to be lower than expected. As mentioned above there are staff in pipeline to take the figure to 84%, but this figure will also depend on the level of those leaving the organisation.
- 3.21 These figures are offset by a one off contribution of £2.5m from the COVID Contain Outbreak Management Fund (COMF)/General COVID Grant. There is also an amount of £8k of grant that offsets a small amount of income loss in the division.
- 3.22 Full details of all the over and underspends are contained in Appendix 1.

4. FULL YEAR EFFECT GOING INTO 2022/23

- 4.1 The cost pressures identified in section 3 above will impact in 2022/23 by £5,846k. Management action is assumed and contained within this figure. Management action will continue to need to be taken to ensure that this does not impact on future years.
- 4.2 Given the significant financial savings that the Council will need to make over the next four years, it is important that all future cost pressures are contained, and that savings are identified early to mitigate these pressures. However, the continuation of the impact from Covid is a further factor in relation to these financial pressures. Whether there is an easing of measures in the foreseeable future, the increase in referrals and the complexity is likely to continue over the next year.
- 4.3 Further details are contained within Appendix 1.

5. POLICY IMPLICATIONS

- 5.1 The Resources Portfolio Plan includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.
- 5.2 Bromley's Best Value Performance Plan "Making a Difference" refers to the Council's intention to remain amongst the lowest Council Tax levels in outer London and the importance of greater focus on priorities.
- 5.3 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2021/22 to minimise the risk of compounding financial pressures in future years.

- 5.4 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council's budgetary control and monitoring arrangements.

6. FINANCIAL IMPLICATIONS

- 6.1 A detailed breakdown of the projected outturn by service area is shown in appendix 1(a) with explanatory notes in appendix 1(b). Appendix 1 (c) shows the latest full year effects. Appendix 2 gives the analysis of the latest approved budget. Appendix 3 gives details of the COVID expenditure for the Portfolio in the 2020/21 and 2021/22 financial years. Other financial implications are contained in the body of this report and Appendix 1b provides more detailed notes on the major services.
- 6.2 Overall the current overspend position stands at £1,987k (£5,846k overspend full year effect). The full year effect will need to be addressed in 2021/22 and 2022/23 in due course.
- 6.3 Costs attributable to individual services have been classified as "controllable" and "noncontrollable" in Appendix 1. Budget holders have full responsibility for those budgets classified as "controllable" as any variations relate to those factors over which the budget holder has, in general, direct control. "Non-controllable" budgets are those which are managed outside of individual budget holder's service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service. As such, any variations arising are shown as "non-controllable" within services but "controllable" within the Resources Portfolio. Other examples include cross departmental recharges and capital financing costs. This approach, which is reflected in financial monitoring reports to budget holders, should ensure clearer accountability by identifying variations within the service that controls financial performance. Members should specifically refer to the "controllable" budget variations relating to portfolios in considering financial performance.

7. DEPARTMENTAL COMMENTS

- 7.1 The Children, Education and Families Portfolio has an overspend of £1,987,000 for the year.
- 7.2 The Education Division has an underspend of £649k. This figure has partially been offset by using one off COVID funding to reduce the in year overspend by £1m. The overspend is mainly to do with SEN transport.
- 7.3 Initial analysis indicates that there are two main causal factors resulting in the forecast overspend position on transport:
- 7.4 Increase in number and complexity of Special Educational Needs and Disabilities - The national increase in EHCPs is widely acknowledged as unsustainable and the rate of increase is accelerating across the country. In Bromley, despite gatekeeping measures, the increase in EHCPs has now reached 17%, higher than the projected increase of 14% used to produce Growth funding assumptions. Additionally, the complexity of children and young people's needs is increasing, particularly Covid-related acute social, emotional and mental health needs, which require specialist provision which is typically costly independent provision outside of Bromley. Transport is often required and although officers seek to minimise costs, transport is often required to meet children's needs.
- 7.5 Transport provider pressures arising from the Covid-19 pandemic - The number of children requiring transport has increased by circa 17%, but this only accounts for part of the increase in costs. The outgoing Transport Manager reports that the unavailability of drivers has resulted in more expensive providers having to be used from the call off framework. Anecdotally, there

are reports from across the UK and in Bromley that a large number of former minicab drivers have moved to delivering parcels and takeaway deliveries which were a significant growth area in the pandemic, resulting in drivers and smaller vehicles not being available. In addition, during the pandemic single transport was required for those vulnerable children attending schools and shared cross-Borough arrangements ceased and this further impacted on the cost. Whilst children are now expected to be in school settings post the lockdown the number of drivers available to pick this up has reduced and forced costs up.

- 7.6 Immediate management action was taken on the notification of the forecast budget overspend position. A specialist external transport adviser has undertaken a review of SEN transport arrangements, including benchmarking analysis and a full review of processes and eligibility criteria to identify potential savings. This has enabled significant mitigation proposals to be identified as part of the MTFs process, which would offset the forecast pressures on SEN Transport. In addition work has been undertaken by our AD Strategic Performance resulting in predictive work for the next few years. This work will feature in the regular budget challenge with the Chief Executive and the Director of Finance. We have also recently purchased new software that will assist us to review transport routes and seek to reduce and optimise existing routes so that taxi costs can be reduced .
- 7.7 This is an area of complexity involving children transitioning from pre-school to primary schools and from primary to secondary schools and onward to colleges. Route planning can only take place in September once school places have been confirmed hence the reporting timetable of November.
- 7.8 There is a current projected overspend in DSG of £5,183k. This will be added to the £1,139k carried forward from 2020/21. This gives us an estimated DSG deficit balance of £6,322k into the new financial year. Adjustments relating to the Early Years DSG funding for 2021/22 and a backdated DSG adjustment for 2020/21 have had an impact. Although there are some underspends to offset these in early years they do not cover the whole reduction in grant. There has also been increases in SEN placements and top up funding that have had an impact.
- 7.9 The impact of additional legal duties from the SEND Reforms, has led to unsustainable financial pressures on High Needs costs within the DSG. An increase in Government funding (>£5m in 2021/22) is not sufficient to meet the increased costs. We understand that Bromley is one of the last London Boroughs to incur a deficit in the DSG, with some local authorities having deficits in excess of £20m. The legal framework is heavily weighted in favour of parental preference, which is often for independent day and residential provision. Outcomes from Tribunals on the basis of cost are often unsuccessful, incurring further legal additional costs to the Local Authority A further review will be undertaken over the next few months to look at the panel decisions and a greater onus on parents to make use of mediation before moving to tribunal's. The review will also consider the quality of assessments and consideration of what successful challenges the Local Authority may make to the tribunals.
- 7.10 The number of children and young people requiring an Education, Health and Care Plan and the increase in the complexity of needs is the key driver for increased cost pressures in the SEN placement budget. At 17%, the current growth in EHCPs exceeds the forecast used to project growth funding. In the 2020 calendar year, 453 new EHCPs were issued, up from 274 in 2018 and 352 in 2019. We have sought to commission additional local specialist provision, including a new special free school due to open in 2023, but the needs and tribunal challenges are such that we have no choice but to continue placing children in more costly provision to ensure we are not in default of our legal statutory duties.

- 7.11 The unsustainability of the SEN system is a national issue and there are high expectations being set for the DfE's SEND Review which has continually been delayed and has again now been pushed back further into 2022. Nevertheless, officers are seeking to further reduce costs, within the tight constraints of the legal framework. Officers are working on a deficit recovery plan ahead of this being required by the DfE.
- 7.12 A review of High Needs Funding Bands has commenced, with oversight from the SEND Governance Board and CEF PDS. This will consider how the funding bands can be simplified and to identify where any savings can be made. We continue to work on increases to local specialist provision, including the special free school and increases in Additionally Resourced Provisions, which are specialist classes within mainstream schools.
- 7.13 In Children's Social Care the overspend is £1,338k. This figure has partially been offset by using one off COVID funding to reduce the in year overspend by £2.5m.
- 7.14 The ongoing impact of C19 on Children Services continues especially in respect of contacts into our MASH – these continue to remain consistently around 1,000 contacts per month with little sign of a reduction. This compares to around 600 in April 2020 and it is the complexity of need from the families and children that have an added dimension. The courts are still working to fully recover from the backlog and final hearings are now being scheduled for later in 2022 resulting in children remaining in the care system until that decision is made. The courts are only now returning to face to face tribunals since the pandemic but with little court space and Judges there is still pressure to reduce the backlog. The courts continue to be risk averse in making supervision orders even for those Special Guardianship orders, in usual circumstances no order would be expected to be made if an assessment was completed. Such moves result in social work time and increased caseloads restricting the flow as we have done pre pandemic.
- 7.15 There are currently 92 children waiting court outcomes which is slight reduction from 102 previously. Many of these children's final care plans for permanency are either SGO or Adoption resulting in around 28 children who should come out of the system and would be closed to the LA. The fallout from this pandemic will continue for some considerable time to come particularly in relation to the increasing referral rate and complexity of the children coming into care and we have seen an increase in care for children with disabilities resulting in double the number to 29 which is included in the total number of CLA. The increase in mental health and wellbeing amongst young people has resulted nationally in an increase in suicide and suicidal ideation and with the lack of CAMHS and adult mental health services the risk and support is falling to the Local Authority. To ameliorate this because the Local Authority has no option, we have used the Covid funding to recruit two mental health practitioners to support our children.
- 7.16 We continue to see the significant impact on the most vulnerable families and our efforts to safeguard them but the cost of supporting them through the last year and what will inevitably be the ripple effect in 2021/22. We continue to concentrate on ensuring that children are safeguarded throughout the current crisis and as we move forward over the next year to 12 - 18 months. Of course, if children come into the system and are unable to be reunified within 6 months the likelihood is that these young people will remain long term and move through to increase the numbers and cost as care leavers up until the age of 25 years.
- 7.17 We have returned to face to face visits for some while now. Our Early intervention service for the first time ever has seen waiting lists of 60 plus and as such have pivoted to develop a light touch assessment for some families to ensure that they are supported, preventing crisis and routes into the statutory services.

- 7.18 We are still experiencing families being referred who have not previously been known to the Local Authority. This is an indication of the impact of Covid where prior they would be reliant on families, friends, networks and community – such referrals are not light touch and have resulted in immediate escalation through to the courts particularly where immobile babies and young children are being harmed. CLA numbers remain high and are at higher levels than were budgeted.
- 7.19 There continues to be increased requests for support particularly in CWD which has meant a rise in demand for our short break provision. In response we have sought to increase the number of nights available for the number of families requiring this. Whilst These continued pressures have meant an increase in our looked after population in CWD despite the innovative and expensive care packages put in to support with health provision short breaks. The resilience for some families is now being significantly tested following two years of Covid challenges. This is primarily seen in families for children with profound and complex health and challenging sometimes aggressive behaviour. We review annually the contribution from the CCG and completed this exercise in November to ensure that we obtain the appropriate contribution from partners to meet the costs of these support packages.
- 7.20 During the height of the pandemic we were cautious in relation to closing cases which was acknowledged as good practice by Ofsted, and where children in ordinary circumstances may have been removed from plans multi agency professionals and families have a heightened anxiety requesting the LA to remain involved. We continue to review all CIN cases open over 9 months via our CIN Panel to ensure that we are either able to close or step down. However, as we now move back towards a position where “living with Covid” will be the expectation, we will be reviewing how best to respond to continuing needs and demands and to explore how we might support families in a wider range of ways that will also involve partners and early help services.
- 7.21 Throughout the Autumn we experienced a higher number of positive cases within the younger generation and whilst the increasing numbers of infection do not necessarily warrant hospitalisation it continues to place strain on families. With the roll out of the vaccine to children 12 years and above it is hoped this will stem some of the issues.
- 7.22 The risks in the Children, Education & Families Portfolio are:-
- i) Recruitment and retention of permanent staff/ ability to recruit skilled staff for the posts vacant and competitive salaries being paid at this time
 - ii) Limited supply and increasing costs of residential placements – including the specialist placements for very complex young people. For example Bromley has had in the last 2 years reduced its use of residential mother and baby placements but we have seen an increase in this area with the courts directing such placements which impacts on the cost of our placements budget. The cost of such placements is high and then with the delay to final hearing families are being retained in these placements beyond the assessment.
 - iii) Increase in the Looked After Population due to C19 and families being unable to cope.
 - iv) Increased complexity of children (SEND).
 - v) Impact of Social Work Act 2017 implementation.
 - vi) Whilst we have seen partner agencies returning to their usual practice there is still high anxiety amongst them in relation to referrals and hesitancy in ownership around cases being closed to the statutory services and the universal services being responsible.
 - vii) Long term closure of short breaks throughout 2020/21 resulting in demand and cost pressures.
 - viii) Shortage of local school places.
 - ix) Increasing High Needs Block expenditure not matched by a commensurate increase in Government Grant

x) Continuing impact of 2014 Children and Families Act extending the age range to 25 for Education, Health and Care Plans.

xi) Responsibility of Virtual School (VS) in relation to supporting any child adopted living within Bromley entitled to support – this support can be requested from families and schools and with the Covid this has increased significantly stretching the VS team. We will not know the impact of this change for up to 12 months.

Non-Applicable Sections:	Legal Implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	2021/22 Budget Monitoring files in CEF Finance Section