

Decision Maker: PORTFOLIO HOLDER FOR CHILDREN, EDUCATION AND FAMILIES

Date: For Pre-Decision Scrutiny by the Children, Education and Families Policy Development and Scrutiny Committee on 13th September 2023

Decision Type: Non-Urgent Executive Non-Key

Title: BUDGET MONITORING 2023/24

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 2023/24 based on activity up to the end of June 2023.

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 £2,142,000 is forecast on the controllable budget, based on information as at June 2023;
- (ii) Note the full year effect cost pressures of £2,200,000 in 2024/25 as set out in section 4;
- (iii) Note the comments of the Department in section 9 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 £2,142,000 is forecast on the controllable budget, based on information as at June 2023.
- (ii) Agree the release of amounts carried forward from 2022/23 as set out in section 5; and
- (iii) Recommend that Executive agree the release of funds from the Central Contingency as set out in section 6.

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: £70,473k
 5. Source of funding: CEF approved budget
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Staff

1. Number of staff (current and additional): 1,250 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: Not Applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2023/23 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 2023/24 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 £2,142k. 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 - £236k underspend

- 3.3 Overall the position for Education is a predicted £236k underspend. The main areas of movement are in staffing where there are vacancies that are expected to be filled in the coming financial year.

Dedicated Schools Grant (DSG) - £4,209k in year overspend

- 3.4 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.
- 3.5 There is a current projected in year overspend in Dedicated Schools Grant (DSG) of £4,209k. This will be added to the £12,706k deficit that was carried forward from 2022/23. There was also an adjustment which resulted in an increase in the 2022/23 Early years DSG of £600k which effectively reduces the negative reserve position. This gives an estimated DSG deficit at the end of the year of £16,315k.
- 3.6 Although additional grant was given by DfE including additional Supplementary grant, demand continues to outstrip funding. Bromley was one of the last authorities in London to fall into a deficit position regarding its DSG. The overspends are in the main in the high needs block area and are related to the cost of placements in all types of education settings.
- 3.7 The unsustainability of the SEN system is a national issue and there are high expectations being set for the DfE's SEND Review. Nevertheless, officers are seeking to further reduce costs, within the tight constraints of the legal framework. Officers are working with DfE and are in discussion with them regarding recovery plans and actions that can be taken to reduce the deficit position.
- 3.8 EHCP's are still increasing but at a lower rate. This has been reflected in the Medium Term Financial Strategy and the position is close to what was expected.
- 3.9 The current number of EHCP's as at the end of June 2023 is 3,832, up 405 from 3,427 at the end of June 2022, an increase of around 11.8%
- 3.10 Section 25 of the Local Government Act 2003 requires the Section 151 Officer to report on the robustness of the budget calculations and adequacy of reserves. The 151 Officer within that commentary is now required to consider the Councils DSG deficit position, despite the statutory override being in place.

The statutory override effectively means that any DSG deficits are not included in the Councils main revenue budgets. However, funding will ultimately need to be identified

In effect the Council has to still set aside resources to meet the DSG deficit and where no ongoing funding is identified such funding will need to come from the Councils reserves. On that basis the budget monitoring report identifies a deficit of £4,209k which has to ultimately be

funded from the Councils reserve.

Although DSG is effectively ring fenced the ongoing increase through funding by reserves (general and earmarked) creates a financially unsustainable position in the medium to longer term

The External Auditor as part of the annual accounts, are required to comment on the Councils Value for money arrangements and will be required to consider any DSG deficit and the impact on the Councils finances

In terms of presentation of the DSG deficit of £12,706k up to 31/3/2023 and the estimated in year sum of £4,209k in 2023/24, there will need to be adequate funding from the Councils reserves unless alternative savings can be found. The use of reserves have been assumed in this report, although the specific reserves to use have not been identified at this stage.

3.11 A summary of the main variations can be found within Appendix 1B.

Children's Social Care (CSC) - £2,378k overspend

3.12 The Children's Social Care division is currently overspending by £2,378k. The main areas of over/underspend are highlighted in the paragraphs below and in Appendix 1B.

3.13 These figures include the contribution from Bromley Clinical Commissioning Group (BCCG) of £2.85m for 2023/24, £500k of which is one off funding.

3.14 A challenging target for the budgeted number of children looked after was set at 321 at the start of the financial year (excluding UASC). At the beginning of April the figure was 329 and although this figure has reduced to 325 by June 2023, this still has a significant impact on the budget position. The CLA per 10,000 figures for Bromley continue to be lower than statistical neighbours.

3.15 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. The trend is seeing this continue as children are presenting with higher end needs than in previous years although the levels of Children Looked After (CLA) appears to be levelling off. There is also increasing pressures in Direct Payments and Domiciliary Care in Children with Disabilities. Officers are looking at further actions that can be taken to mitigate against this.

3.16 Some transformation savings targets have been delayed and therefore are unlikely to be achieved in the financial year, which has caused an overspend position.

3.17 The other main area of risk is staffing. Additional staffing costs are in the region of £1m. This is due to high levels of interims/agency staff, higher staffing costs and continuing temporary staffing beyond budgeted term.

3.18 The budget was set on the basis of 90% permanency across all staff in CSC in 2023/24. Levels are currently around 80% permanent staff, including the 'in the pipeline' appointments. There is an allowance for agency staff within the budget, but this will result in a significant overspend if this continues to be lower than expected. As mentioned above there are staff in pipeline, but this figure will also depend on the level of those leaving the organisation. Like many other professions, recruitment into these roles is becoming increasingly challenging.

3.19 Full details of all the over and underspends are contained in Appendix 1.

4. FULL YEAR EFFECT GOING INTO 2024/25

- 4.1 The cost pressures identified in section 3 above will impact in 2024/25 by £2,200k. 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 and the economic impact of the war in Ukraine continue to remain 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. AGREEMENT TO RELEASE AMOUNTS CARRIED FORWARD FROM 2022/23 BY THE PORTFOLIO HOLDER

5.1 COVID Recovery Grant £130k Dr & Cr

This is an academic year grant. This allows us to carry forward all or part of the grant to be used in the remainder of the current academic year.

5.2 National Tutoring Programme £22k Dr & Cr

This is an academic year grant. This allows us to carry forward all or part of the grant to be used in the remainder of the current academic year.

5.3 GLA Adult Education Grant Repayment £16k Dr & Cr

GLA funding - £15k - this is part of the £25k allocation for the delivery of level 3 provision. This funding has not been spent as level 3 courses have not been running this year so this is likely to be clawed back.

5.4 Deed Settlement for Hawes Down Site £5k Dr & Cr

The funding was received from the DfE as part of a Deed Settlement following Langley Park Free School's temporary use of the Hawes Down Centre. Terms of Deed of Settlement include that the funds can only to be spent on the centre, and not to carry forward the funding would be a breach of the legal agreement.

5.5 Virtual School Children in Need Grant £82k Dr & Cr

This money was part of the £100k allocated to virtual school to carry out the new duties – the guidance states that the money only needed to be allocated by March. Therefore, a plan was put in place that would carry the spend through the academic year September to August. The money has been committed again for 2023-24 so we will be able to roll this plan forward. Although we managed to recruit for the needed post on a fixed term contract due to other pressures and staff absence as well as a maternity cover we have again had to put forward the catch up work on this project until the summer term 2023. Some of the funding is currently being used to collect attendance data for CP children.

5.6 Supporting Families; Investing in Practice Grant £475k Dr & Cr

The new programme, Supporting Families; Investing in Practice, will help families work on issues together, including those impacted by domestic violence, substance misuse or addiction, in order to help create stability in the home for young people and prevent them being taken into

care, where that is in their best interests. This is part of wider Government work to improve outcomes for children in need of support of a social worker, by creating home and school environments in which they can thrive.

5.7 Homes for Ukraine DfE Grant £1,187k Dr & Cr

This Grant is to be used to support Children from Ukraine that have arrived in Bromley. This can be spent on various support to help with their education. The grant can be carried forward to cover on-going support for the children.

5.8 BAEC upgrading hardware and supporting software - GLA Grant £26k Dr & Cr

BAEC received an additional grant allocation of £70k+, of which it was proposed that £50k would be used to improve the IT infrastructure for the service, including an upgrade of the servers. It was agreed that the remaining £20k would be a contribution to the running costs of the service. There has been difficulties with the server supply chain. A new delivery date is yet to be confirmed. Current server hardware is old, inefficient and out of warranty. The upgrade to the server and associated works is urgent to minimise any risk of failure.

5.9 YOT NHS Funding £29k Dr & Cr

This money has been allocated to Bromley Youth Justice Service to be used to support additional health and Justice needs of our children and will be used to fund additional services for children as the need arises. However, an assessment is required (often very lengthy) on every child we work with and based on the assessed needs then services will be commissioned. It is crucial that we have this money to deal with the many trauma's that most of our children experience and to be able to commission to address these needs. The money will be spent by July 2023.

5.10 Homes for Ukraine Main Grant £300k Dr & Cr

This Grant is to be used to additional expenditure in Childrens Social Care, in particular Social Worker posts and Childrens Centre activities. This is an element of the main Homes for Ukraine grant carried forward in the RRH Portfolio.

6. REQUESTS FOR DRAWDOWNS FROM CENTRAL CONTINGENCY

6.1 GLA Free School Meals Grant £6,036k Dr & Cr

The Council has received a one-year (2023/24) grant of £6,036k from the Greater London Assembly for the provision of free school meals (FSM) to Key Stage 3 pupils not eligible under benefit related criteria. The grant criteria indicates an assumption of a 90% take up of meals, with the funding set at £2.65 per meal.

Officers have worked in partnership with Bromley schools, which hold the responsibility for providing free school meals to eligible pupils. Some school leaders have indicated that the level of grant will not meet all costs of extending FSM eligibility at school level, which will create a financial pressure for the school/academy. Schools were provided with the ability to opt out of the scheme, in the event that the associated costs or physical capacity to deliver additional meals was not deemed viable.

The Council will passport funding to Bromley schools in accordance with the grant criteria for the one-year extension of free school meals.

6.2 Above inflation pressures on children's placements £1,370k

The additional budget is requested for two streams of expenditure:-

- The government announced increases across the board for Foster carers allowances. This affects all aspects of fostering including Kinship, Special Guardianship and adoption where payments are made. It will also affect payments to IFA's where rates have increased. The payments are split into four bands according to age group. On average the banded rates increased by 12%

The budget was set at an inflationary rate of 6%. The differential between the two rates equates to approximately £420k.

- Although the number of indigenous children looked after appears to have peaked and plateaued at around 330, price increases continue to rise well above current budgetary inflation levels.

A recent analysis has shown that prices have increased year on year for example in Residential community homes (+17%), Other Community Homes (+9%), Boarding schools (+19%) and Secure accommodation (+34%).

There has also been significant increases in CWD Outreach where costs have risen considerably per person and Direct Payments which have risen year on year by 13%. All areas apart from one (Leaving Care accommodation) have seen large above inflation increases

The impact of these increases is a budgetary pressure of £950k

In total there is a pressure of £1,370k and it is requested that this be drawn down from the contingency to cover additional costs incurred.

Leaving Care allowance uplift Grant £68k Dr & Cr

- 6.3 This is a two year allocation of £68k per year. Statutory guidance requires local authorities to provide a leaving care allowance, to enable care leavers to purchase essentials (such as furniture, white goods and carpets/curtains) when they move into their first home. DfE guidance currently recommends that local authorities should pay a minimum of £2,000.

The independent review into children's social care recommended that the minimum amount should be increased. We are increasing the minimum recommended amount to £3,000 from April 2023. The grant was given to cover Bromley's additional costs.

7. **POLICY IMPLICATIONS**

- 7.1 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.
- 7.2 One of the "Making Bromley Even Better" ambitions is to manage our resources well, providing value for money, and efficient and effective services for Bromley's residents and to meet this we will need to maintain a relentless focus on efficiency, outcomes of services and prudent management of our finances.

- 7.3 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 2023/24 to minimise the risk of compounding financial pressures in future years.
- 7.4 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.

8. FINANCIAL IMPLICATIONS

- 8.1 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. Other financial implications are contained in the body of this report and Appendix 1b provides more detailed notes on the major services.
- 8.2 Overall the current overspend position stands at £2,142k (£2,200k overspend full year effect). The full year effect will need to be addressed in 2023/24 and 2024/25 in due course.
- 8.3 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.
- 8.4 "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.
- 8.5 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.

9. DEPARTMENTAL COMMENTS

- 9.1 The Children, Education and Families Portfolio has a projected overspend of £2,142k for the year.
- 9.2 The Education Division (core funding) has a projected underspend of £236k.
- 9.3 SEN Transport continues to be a risk area. There are a number of causal factors affecting the position on transport:
- An increase in number and complexity of Special Educational Needs and Disabilities over the past five years. 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). However, this rate of increase is lower than the national rate of 21% (DfE 2023)
 - The complexity of children and young people's needs continues to be at a higher level than prior to the Covid pandemic. These high levels of demand have continued for the past 3 years. A number of these cases have 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. In recent months we have begun to see a slight easing in the numbers of SEN referrals, which is positive, although it may be too early to be certain that this is a longer-term trend.

- There is continued Transport provider pressures linked to the cost fuel and wages. The number of children requiring transport has increased by circa 17%, but this only accounts for part of the increase in costs. The reduced availability of drivers has resulted in more expensive providers having to be used from the call off framework.
- 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 has been incorporated into subsequent budget challenge discussions.

- 9.4 There is a current projected in year overspend in Education (DSG funding) of £4,209k in year. This will be added to the £12,706k carried forward in the reserves from 2022/23. There has been a prior year Early Year adjustment which has increased the 2022/23 DSG allocation by £600k, and this is off set against the DSG reserve that effectively reduces the reserve. This gives us an estimated DSG reserve of £16,315k at the end of the financial year.
- 9.5 We have recently met with representatives from the DfE to review our management of the DSG over-spend. They were able to confirm that they were satisfied with the steps that we continue to take and confirmed that they did not wish to meet with us again until next year.
- 9.6 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 are aware 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. We continue to assess all cases carefully and with a view to carefully balancing the education needs of young people and ensuring the best value for money from specialist education placements. Where it is appropriate to do so we continue to defend our decisions at Tribunal.
- 9.7 Nationally, the number of SEND tribunal appeals has increased by 29% from 2021/22 and has tripled since 2014 (DfE, 2023). Out of 5,600 Tribunal hearings last year, only 3.7% of decisions made by local authorities were upheld. The Local Government Ombudsman received 15% more complaints about education and children's services in 2022-23 than in 2021-2022, 84% of which were upheld, higher than any other areas within the LGO's remit.
- 9.8 In the 2022 calendar year, 634 new EHCPs were issued, up from 274 in 2018 and 476 in 2021. We have sought to commission additional local specialist provision, including a new special free school due to open in 2024, 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.

- 9.9 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.
- 9.10 In Children's Social Care the projected overspend is £2,378k.
- 9.11 The ongoing pressures that relate to emotional and mental health concerns for young people, combined with the impact of inflation and cost of living pressures continues, especially in respect of contacts into our MASH. These continue to remain consistently around 1,100 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.
- 9.12 Although much reduced from the previous year, the financial pressures across CSC continue to be primarily driven by placement costs for young people and also by the cost of agency staff.
- 9.13 Nationally, the cost of residential placements increased by 18.78% in 2022/23 (ADCS 2023) as demand continues to be greater than the number of placements available, particularly for children with complex or specialist requirements. Although our recruitment of permanent staff has increased and we now have fewer agency staff than in the past two years, our spend on agency staff still contributes to the pressures on the CSC staffing budget.
- 9.14 There also continues to be a high level of demand 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.
- 9.15 The risks in the Children, Education & Families Portfolio are:-
- Recruitment and retention of permanent staff/ ability to recruit skilled staff for the posts vacant and competitive salaries being paid at this time.
 - Limited supply and increasing costs of residential placements – including the specialist placements for very complex young people. 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.
 - Continued complexity of children (SEND).
 - Shortage of local school places (particularly for Specialist schools).
 - Increasing High Needs Block expenditure not matched by a commensurate increase in Government Grant.

Non-Applicable Sections:	Legal Implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	2023/24 Budget Monitoring files in CEF Finance Section