

MUNICIPAL YEAR 2014/2015 REPORT NO.

MEETING TITLE AND DATE:

REPORT OF:

Andrew Fraser
Director of Schools and
Children's Services

Agenda – Part: |

Item:

Subject: SEND Implementation Grant

Wards: All

Key Decision No: 4012

Cabinet Member consulted: Ayfer Orhan

Contact officer and telephone number:

Janet Leach
020 8362 3666
janet.leach@enfield.gov.uk

1. EXECUTIVE SUMMARY

A SEND (Special Educational Needs and Disability) Implementation Grant of £320,754 has been allocated to Enfield from the Department for Education (DfE) for 2014/15. This is in addition to the SEND Reform Grant of £547,812 for 2014/15 awarded earlier in the year. While the grant is not ring fenced it is proposed by the DfE that it is used to help Local Authorities to implement the wide-ranging reforms which will become a statutory requirement from September 2014.

The grant is to provide support to local authorities in England towards additional expenditure lawfully incurred or to be incurred by them in implementing the SEND reforms, including transferring children and young people from Statements of Special Educational Need and young people in further education or training who had Learning Difficulty Assessments to Education, Health and Care Plans (EHCP).

In Enfield there are approx 1400 Statements of Special Educational Need that will to be considered for conversion to an EHCP by April 2018. The Government's Transitional Guidance has stated that all those in Year 11 must have their Statement converted to a plan by 31 May 2015. In Enfield there are 296 pupils in Year 11 that this applies to.

It has also been decided that all those pupils in Year 6 with a Statement should also transfer to an EHCP, where appropriate. This will mean they are ready to start secondary school in September 2015 with their new EHCP. There are 110 pupils in Year 6 that this will apply to. These young people must be advised on their secondary transfer option by 15 February 2015.

The Transitional Guidance has also reduced the amount of time for an EHCP conversion to 14 weeks.

The SEN Team has recently undergone a restructure and as a result there are currently 4 vacant posts within the Team. The process for recruitment internally including redeployment is currently being followed. However, even

when the Team is at capacity the transition of Statements to EHCPs will be a challenge, as this will be in addition to their normal workflow. Until April 2018 there will be a dual system in operation for both Statements and EHCPs which have clearly defined processes and procedures that do not overlap. Therefore it is essential that some of the additional funding is used to increase the capacity of the Team to facilitate the transition timetable (attached).

The transition timetable is challenging, and to further facilitate the work, the SEND Project Steering Group have discussed and agreed that the following support will ensure that families are guided through the process and that the timescales are met. The SEND Steering Board have agreed that the additional staff identified below will increase the capacity of the various teams that are required to respond to this challenging 2/3 year transition period. This staffing increase will complement the additional staff already in the process of being appointed from the previous SEND Reform Grant and secure essential further project management support.

- SEN Caseworkers (1 year contract)
- Contribution to Health towards a Health Professional (1 year contract)
- 2 LDA Careers Advisers (1 year contract)
- 1 Parent Support Caseworker for Enfield Parent Partnership Service (1 year contract)
- Project Management

Detailed costings are included in the financial implications section.

2. RECOMMENDATIONS

That approval is given for the allocation of the SEND Implementation Grant 2014 – 2015 as set out within this report in order to fund the additional implementation costs of the SEND reforms.

3. BACKGROUND

There is a significant amount of work required to prepare and equip the Local Authority and its partners to deliver the SEND reforms from September 2014, when they become statutory. It is therefore proposed that the SEND Grant is used to build capacity and facilitate learning until the new systems and processes are embedded.

The main changes include:

- **Replacing Statements of Special Educational Need with the new statutory Education, Health & Care Plans (EHCP) from September 2014**
An EHCP is written in partnership with parents and children and describes the additional specialist support that a child requires to do

well at school, to stay healthy and safe, to enjoy themselves with friends and to develop independent skills leading to longer term opportunities including higher education and employment. Plans will be reviewed at least annually. The new reforms mean that plans may continue up until the age of 25 for those who go on to Further Education or Sixth Form Colleges.

All those with an existing Statement will need to be transferred to an EHCP. Local Authorities have been given a 2 to 3 years transition period to complete this work.

- **A new SEN Code of Practice**
The Code provides advice, information and guidance on how to carry out statutory duties to identify, assess and make provision for children and young people with special educational needs (SEN).
- **Personal Budgets**
Parents and young people will have the right to ask for a personal budget. This option will be discussed with families as part of the EHCP planning process but there is no automatic right to “be given ” a personal budget.
- **The Local Offer**
Local Authorities have a duty to publish a “Local Offer”. The Local Offer brings together in one place all the generic and specialist support available to disabled/SEN children and young people and their families. It includes Education, Health, Social Care and Voluntary Sector services available to support families. It will be available on-line and in printed format.
- **Mediation for Disputes**
Mediation for disputes will be introduced. Prior to this, there will be an opportunity to meet and discuss concerns in order to avoid conflict and resolve disagreements more quickly and effectively.
- **Expressing a Preference**
There will be a new legal right for children and young people with an EHCP to express a preference for state academies, free schools and further education (FE) colleges. This is currently limited to maintained mainstream and special schools.

4. ALTERNATIVE OPTIONS CONSIDERED

No alternative options have been considered given the imperative to be ready to deliver the new SEND reforms by September 2014 and the challenging conversion programme over the next 2 – 3 years.

5. REASONS FOR RECOMMENDATIONS

To allow Children’s Services to fulfil its statutory duties imposed by the new legal and judicial framework. This will include:

- Increased capacity in the SEN Service to ensure that the Service is ready to start delivering the new co-ordinated assessment process and EHCPs from September 2014.
- Increased capacity in the SEN Services to facilitate the transfer of Enfield's existing 1,400 Statements of SEN to EHCPs over the next 2 years.
- Increased capacity in Enfield Careers Service (Skills for Work), given the significant legislative changes which require disabled young people, remaining in education to have an EHCP up to the age of 25 years.
- Essential on-going project management support for the SEND Reform agenda.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

a) Financial Implications

This SEND Implementation Grant of £320,754 is in addition to the SEND Reform Grant of £547,812 which was allocated earlier in the year. The grant conditions state that local authorities can spend this on the additional costs associated with the implementation of the SEND reforms, however the Council may choose to spend the grant in order to best meet local needs elsewhere in the Council.

It is proposed to spend this one-off grant to fund the new staff within SCS and other partner agencies for up to 12 months. The Department for Education have announced that nationally funding of £31.7m will be available in 15/16, which will be less than the £45.2m allocated in 14/15. Therefore once Enfield's specific allocation for 15/16 is known further decisions will be required as to which resources are extended for a further year.

The posts will be fixed term contracts in order to ensure that potential redundancy cost implications are minimised if the posts are not extended.

New Posts	£
4 SO1 posts scp 30 for SEN Services	140,944
Health Professional	65,000
2 SO2 scp 32 LDA Careers Advisers	74,646
Parent Support Caseworker (EPPS)	27,000
Project Management	13,164
Total	£320,754

b) Legal Implications

Part 3 of the Children and Families Act 2014 (the Act) makes significant changes to existing legislation on provision for children and young people with special educational needs as set out in the report.

Part 3 of the Act comes into force on 1 September 2014. Transitional arrangements will apply as set out in the body of the report for the period between 1 September 2014 and 31 March 2018.

Part 3 of the Act imposes duties on local authorities to prepare and maintain Education Health and Care Plans for children and young people with special educational needs. The guidance sets out required timescales.

The proposals set out in this report comply with the requirements set out in the legislation.

The report recommends the creation of a number of new posts. Under the Local Government Act 1972 the Council is able to appoint such officers as it thinks fit for the proper discharge of its functions. Any new posts must be advertised and recruited to in accordance with the Council's applicable policy and procedure. There is a legal responsibility to ensure that no unlawful discrimination occurs in the recruitment and selection process.

The SEN team has recently been restructured which potentially increases the risk of employment claims from affected staff, resulting from any breach of employment law or policy and procedure. As the new posts being created are substantially different posts, the risk of employment claims arising appears to be relatively low.

7. KEY RISKS

There would be significant operational and reputational risks in not allocating the SEND Reform Grant as set out within this report.

- The Local Authority would not be able to transition its existing 1,400 plus Statements of SEN to EHCPs as part of the new statutory system.
- Enfield Careers Service would not be able to comply with its statutory responsibilities of converting LDA assessments to EHCPs, and responding to the increased demand for EHCPs for disabled young people up to the age of 25 who remain in education.

IMPACT ON COUNCIL PRIORITIES

a. Fairness for All

Allocation of the grant, as per the recommendations, will allow the Local Authority to fairly, and transparently deliver on its conversion plan.

b. Growth and Sustainability

EHCPs will help children, young people and their families focus on the transition to adult services sooner, and in a more integrated way. They will encourage aspiration about further education, training and employability for children and young people with SEND.

c. Strong Communities

The SEND reform agenda provides a system that is more inclusive which will strengthen and sustain family life, ensuring improved outcomes for children and young people with SEND.

8. EQUALITIES IMPACT IMPLICATIONS

The SEND reforms will give children, young people with SEND and their parents/carers greater choice and control about the things that affect their lives. It will improve the provision of information, advice and guidance to families so that they know what their options and choices are. An outcomes focussed system will allow professionals, schools and parents to look at children and young people with SEND in a more holistic way. Children and young people with SEND should be supported to have the same aspirations as any other children and young people.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

As set out in the body of this report, the recommendations have been developed to improve performance in a range of areas associated with SEN and disability.

10. HR IMPLICATIONS

In accordance with internal Council recruitment procedures, once the Authority is granted permission for the creation of the additional posts, role profiles should be submitted to HR for to enable the creation of the posts. The opportunities should then be advertised internally. In the event that the posts remain vacant following attempts to recruit internally, authority can be granted for the positions to be filled via Matrix on the basis that they are time-limited special projects.

Whilst the great majority of staffing appointments that will be required in deploying this funding will be recruited to via normal processes, there may be exceptional cases and authority is being sought to go straight to Matrix to make the appointments in these cases on the basis that they would be

highly specialist roles that we do not presently have the internal capacity to recruit to these posts.

11. PUBLIC HEALTH IMPLICATIONS

The proposals will improve the health and well-being of children, young people and their families ensuring that they are able to experience the benefit of family and community life in an inclusive way. There is a clear mandate to ensure that social care, education and health work collaboratively to ensure that services are jointly commissioned to address the identified needs of the local SEND population.

Transition Timetable

The following table details how the LA proposes to manage the transition of existing Statements of Special Educational Needs from September 2014 – April 2018. This will be reviewed annually and may be subject to change.

Year	Year Group	Completion Date	Number of Pupils
2014/2015	11	31 May 2015	416
	6	15 February 2015	112
2015/2016	11	31 March 2016	Approx 100
	6	15 February 2016	Approx 100
	9	To be advised	117
	LAC	To be advised	38
2016/2017	11	31 March 2016	Approx 100
	9	To be advised	Approx 100
	6	15 February 2017	Approx 100
	2	To be advised	To be advised
2017/2018	6	16 February 2018	To be advised
	2	To be advised	To be advised
	4	To be advised	To be advised
2018	6	31 March 2018	To be advised