

MUNICIPAL YEAR 2016/2017 REPORT NO.

MEETING TITLE AND DATE:

REPORT OF:

Tony Theodoulou
Interim Director of
Children's Services

Agenda – Part:	Item:
Subject: SEND Implementation Grant	
Wards: All Key Decision No: KD 4315	
Cabinet Member consulted: Ayfer Orhan	

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1. EXECUTIVE SUMMARY

The Department for Education (DfE) has allocated Enfield £259,395 for the period 2016/17. The grant is to enable Local Authorities to respond to the acknowledged burden of the Special Educational Needs and Disability (SEND) reforms.

It is proposed that the funding is used to increase capacity in the SEN Team, Educational Psychology Service and NHS to deliver the statutory requirements of the SEND reforms, specifically the conversion of existing Statements of SEN to Education, Health and Care Plans (EHCPs). Additionally the funding will allow for continued project management support.

Conversions are additional to the day-to-day work of the SEN Team and other professionals. Significantly it should also be noted that since implementation of the SEND Reforms there has been an increase in the number of requests for an EHC needs assessment, thus increasing the overall SEND workload. Since September 2015 174 cases have been tabled at SEN panel of which 55 or 32% were for Early Years EHCP assessments – a new development. Furthermore, there is a statutory requirement to convert Learning Difficulty Assessments (LDAs) for young people post 16, remaining in education, by August 2016, increasing the workload of the SEN Service and other teams.

The DfE Autumn 2015 survey of Local Authorities identified that 70% stated capacity was a barrier to them completing the statutory assessment process within the 20 week timeframe. Only a quarter of LAs reported confidence in their ability to meet the expectations of the transfer of LDAs to EHCPs in the required timeframe. Following the results of this survey the DfE announced the additional funding to ensure LAs fulfil their statutory responsibilities.

To date Enfield has delivered the required reforms and completed conversions on time through the support of additional staff funded via previous SEND grants. This grant will ensure continuity of delivery through funding the posts outlined below and will relieve the considerable pressure on

resources during this transition phase. It will ensure that the LA can, within the statutory timeframe, continue to convert Statements to EHCPs, and continue to support the development of an electronic EHC needs assessment. It is hoped that this will make processes quicker and more efficient and is clearly in line with Enfield's digital agenda. There is potential for this to be marketed across Local Authorities and Councils nationwide.

Continuation of Project Management from September 2016 – March 2017 will support the following outcomes:

1. The new Ofsted/CQC Inspection Framework goes live in May 2016 which focuses on:
 - How effectively does the local area identify children and young people who are disabled and/or have SEN?
 - How effectively does the local area meet the needs and improve the outcomes of children and young people who are disabled and/or have SEN?
2. Production of a self-evaluation tool in preparation for Ofsted/CQC which identifies progress, areas for improvement and an action plan for all agencies and partners.
3. Ensure that the LA meets its statutory requirement in delivering a Local Offer, reporting annually on feedback received, on subsequent amendments and how this will inform integrated commissioning. Additionally it will address sustainability of the Local Offer including how to mainstream this requirement and embed responsibility across all agencies.
4. Delivery of a Personal Budget pilot with a specific focus on education – a key outcome of the SEND reforms. The pilot will inform our collective learning (parents, young people, schools and the LA) providing schools with greater budget flexibility. It will support schools to think creatively and cost effectively about children's educational outcomes.
5. Production of an electronic EHC Plan Needs Assessment making processes quicker and more efficient and in line with Enfield's digital agenda. There is a potential for this to be marketed across Local Authorities and Councils nationwide.
6. Production of a marketable training pack for SEND.

Detailed costings are included in the financial implications.

2. RECOMMENDATIONS

That approval is given for the full allocation of £259,395 from the non-ring fenced SEND Reform Funding for 2016/2017 as set out within this report in order to fund the additional implementation costs of the reforms until September 2017.

3. BACKGROUND

The Children & Families Act 2014 SEND Reforms received Royal Assent in March 2014. Local Authorities started to implement the reforms in September 2014, and have until September 2018 to implement.

One of one the major changes is the conversion of Statements of SEN and Learning Difficulty Assessments to the new statutory Education, Health and Care Plans.

This has resulted in a significantly increased workload for the Local Authority and its partners and it is therefore proposed that the SEND Grant is used to build capacity in the SEN Team, Educational Psychology Team and the NHS.

Other changes include:

- **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 deliver over the next 2 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 can continue to deliver the new co-ordinated assessment process and EHCPs introduced in 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 the Educational Psychology Service to support the transition timetable and to respond to increasing assessment requests.
- Increased capacity in the NHS to provide support to the transition timetable through the employment of a "health champion" and to respond to increasing assessment requests.

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

a) Financial Implications

This grant is a non-ring fenced grant from the Department for Education, which totals £259,395 in 2016/17. The grant will be used to continue to increase staffing capacity to implement the SEND reforms within the required statutory timeframe.

The posts will be fixed term contracts in order to ensure that potential redundancy cost implications are minimised if the posts are not extended. However should any redundancy costs arise they will need to be funded by the service revenue budget.

The table below shows how the additional funding will be allocated along with a contribution from the 2015/16 grant and income generated by Enfield's delivery of the Peer Network Support Programme across London for the DfE.

EXPENDITURE		
SEN SERVICES		
Assistant Advisory Officer	To fund Sept 16 – Sept 17	35,400.00
Assistant Advisory Officer	To fund Sept 16 – Sept 17	36,700.00
Assistant Advisory Officer	To fund Sept 16 – Sept 17	35,204.00
Operations Support Officer	To fund Sept 16 – Sept 17	22,283.00
EPS		
Educational Psychologist	To fund Sept 16 – Sept 17	60,000.00
NHS		
Health Champion	To fund Sept 16 – Sept 17	65,000.00
PROJECT MANAGEMENT		
Project Manager	To fund Sept 16 - Mar 17	29,358.00
TOTAL EXPENDITURE		283,945.00

INCOME	£
GRANT 2016/17	259,395.00
PEER NETWORK FUNDING	16,500.00
CARRY FORWARD FROM 15/16	8,050.00
TOTAL FUNDING AVAILABLE	283,945.00

b) Legal Implications

The Council has the general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may generally do provided it is not prohibited by legislation. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

The Council must comply with its contract procedure rules (CPR) in respect of the grant funding agreement.

6.2.2 The Council must comply with its obligations with regards to obtaining best value under the Local Government (Best Value Principles) Act 1999.

6.2.5 As the value of the funding exceeds £250K the Council must comply with Key Decision procedure.

The legal agreements arising from the matters described in this report must be approved by the Assistant Director of Legal Services.

7. KEY RISKS

Operational and reputational risks in not allocating the SEND Reform Grant are set out within this report.

- SEN Services unable to meet statutory requirements to convert the existing 1,400 plus Statements of SEN to EHCPs in line with the SEND Reforms and the additional LDAs.
- The LA and Health services unable to meet statutory requirements in relation to new Education, Health and Care needs assessments.
- The Educational Psychology service and the NHS unable to provide the requisite support to professionals, parents, children and young people regarding conversions.
- Parents, children and young people having a less than positive experience of the SEND reforms, potentially impacting on the outcome of any future Ofsted/CQC Inspection.
- The LA and its partners not sufficiently prepared for the pending Ofsted/CQC local area inspection of the SEND reforms.
- The LA unable to meet its statutory requirements in relation to the Local Offer and reduced capacity to plan for sustainability post March 2017.

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 the SEND reforms.

b. Growth and Sustainability

EHCPs help children, young people and their families to focus on immediate and lifelong outcomes. Transition to adult services is supported through more effective person-centred planning with young people and their families. EHC Plans encourage families and professionals to be aspirational about further education, training and employment opportunities for children and young people with SEND.

The system focusses on ensuring improved life outcomes for children and young people in terms of their immediate and long term futures. It fosters a sense of shared accountability across all professionals. Training professionals and families is central to this cultural change and supports collective learning and collaboration.

c. Strong Communities

The reform agenda provides a system which will strengthen and sustain families, promoting an inclusive agenda within early years' settings, schools and colleges, whilst ensuring improved outcomes for children and young people with SEND.

8. EQUALITIES IMPACT IMPLICATIONS

The SEND reforms will give children and 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 they are fully informed about their options and choices. An outcomes focussed system will allow professionals, schools and parents to consider the needs of children and young people with SEND more holistically. A child or young person with SEND must be supported to have the same aspirations as any other child or young person.

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 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 required in deploying this funding will be recruited to via normal processes, there may be exceptional cases. 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 which cannot be recruited to internally.

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.

