

Title of meeting:	Cabinet
Date of meeting:	14 th August 2014
Subject:	Special Educational Needs and Disabilities (SEND) Implementation Grant (New Burdens)
Report from:	Julian Wooster, Director of Children's and Adults' Services
Report by:	Julia Katherine, Inclusion Commissioning Manager
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

The purpose of this report is to seek agreement to allocate the Special Educational Needs Implementation Grant to provide the additional staffing capacity required to carry out the 'conversion' statutory assessments, as specified in the new special educational needs and disabilities legislation.

The Children and Families Act 2014 places a number of new duties on local authorities from 1st September 2014, including the requirement to re-assess the needs of children and young people who currently have a statement of special educational needs or learning disability assessment in order to 'convert' their existing statement or Moving-on plan into an Education, Health and Care Plan. In Portsmouth this will involve approximately 1,200 children and young people.

This conversion process will require over 300-400 conversions each year over the next 3 years (8-10 per week during term time). The additional grant funding is to support with the recruitment of the additional staff required to carry out the conversions. The majority of these will need to be completed during the Autumn term so that placements can be confirmed by the cut-off date of 15th February (for Year 6s) and 31st March (for Year 11s). Each conversion will take 14 weeks from start to finish and will open up parents'/carers' right to appeal, should they disagree with the outcome. It is therefore essential that we can start the recruitment process immediately to get the necessary staff in place as soon as possible to ensure compliance with the new statutory duties.

In March, Cabinet approved funding from the SEND Reform Grant to assist with the set-up costs of the new process. On 10th June 2014, the government announced the allocation of further grant funding to local authorities to support with the additional costs associated with the conversion of existing statements and Moving-on plans, and any additional costs associated with the new statutory duties (referred to as 'new burdens'). The conversion

process must be complete by September 2016 for Moving on Plans and by April 2018 for statements.

The amount allocated to Portsmouth for 2014-15 is £188,602.

2. Recommendations

Cabinet are recommended to:

- a) Approve the full allocation of the Special Educational Needs Implementation Grant of £188,602 in 2014-15.
- b) Approve the proposals for utilising the grant to recruit the additional staff required (on a fixed term basis) to enable successful conversion of existing statements and Moving-on Plans to Education Health and Care Plans.

3. Background

The Children and Families Act introduces new duties on local authorities in order to improve outcomes for children and young people with SEN or who are disabled, increase choice and control for parents, and promote a less adversarial system.

The Act outlines 8 new statutory duties for Local Authorities and Health:

1. A duty to jointly commission services across Education, Health and Social Care to meet the needs of children and young people with special educational needs and disabilities.
2. A duty to publish a 'Local Offer' of the services available for children and young people with special educational needs and disabilities.
3. A duty to implement an integrated assessment process to assess the needs of children and young people with special educational needs and disabilities.
4. A duty to issue Education, Health and Care Plans for those with the most complex needs (instead of statements of special educational needs) following assessments.
5. A duty to deliver personal budgets and, where appropriate, direct payments to families with Education, Health and Care plans.
6. A duty to extend the statutory protections currently available to pupils with statements of special educational needs from 0 to 25 years, where appropriate.
7. A duty to commission independent information, advice and guidance for young people and for families, and mediation, where necessary.
8. The same duties apply to all educational providers e.g. Maintained schools, Academies, Free Schools, Further Education and Sixth Form colleges.

All local authorities must be ready to implement these new statutory duties from 1st September 2014.

In Portsmouth, preparation for the implementation of the SEN reforms is integral to Children's Trust Plan Priority G: Improving services and outcomes for children, young people and their families with disabilities.

SEND Reform grant funding has already been used to put in place the new processes and systems that will be required to ensure compliance with the new statutory duties, including a new multi-agency assessment process for new entrants into the system.

The purpose of the SEND Implementation grant is to provide support to local authorities to transfer children and young people from statements and young people in further education or training who had Learning Difficulty Assessments to Education, Health and Care plans. In Portsmouth this will total approximately 1,200 conversions which must be completed within a 3 and a half year period, alongside introduction of the new co-ordinated education health and care assessment process and key working for new entrants to the system (of which there are approximately 100 per year).

The Department for Education has confirmed that further funding has been allocated to local authorities to enable them to meet the costs of transfer to the new system, in particular to provide capacity to transfer those with a statement or learning difficulty assessment across to education health and care plans. The allocation for Portsmouth in 2014/15 is £188,602.

This report sets out how it is proposed that this funding is used to ensure that best value is achieved from the grant and that Portsmouth is able to transfer children and young people from the current system to the new system within the required timescale. The work being undertaken in Portsmouth to implement the SEND Reforms is being project managed by a small implementation team. This work is overseen by the Priority G Board.

The letter outlining the grant allocation is attached as an Appendix.

4. Proposals for the SEND Implementation Grant

Transfer activity (new burdens)	Additional staffing required	Costs 2014-15	Comments
a) To facilitate person-centred annual reviews resulting in the transfer of existing statements and Learning Difficulty Assessments to Education Health and Care Plans (new duty)	SEND Adviser (Grade 8) 3.0 fte SEND Case Worker (Grade 6) 3.0 fte	£ 60k £ 50k	This is the additional capacity that we have calculated we will need in the first year. Due to the short term nature of this requirement, however, we will explore the possibility of secondments from elsewhere in PCC as well as from schools, colleges and from the university, alongside external recruitment, in order to achieve the additional capacity required.

<p>b) To contribute to the additional statutory education, health and care needs assessments arising out of the conversion reviews (new duty)</p>	<p>Designated Medical Officer (to increase capacity within this role)</p> <p>Educational Psychologist (to increase capacity within this team)</p>	<p>Up to a maximum of £15k</p> <p>Up to a maximum of £23k</p>	<p>The 'conversion' assessments will place additional requirements on health professionals as well as on educational psychologists who are required to contribute to new assessments. The grant funding will enable us to increase capacity within these teams. Options will continue to be explored to ensure that this additional capacity is secured as cost-effectively as possible and so it may not be necessary to spend the total amounts indicated.</p>
<p>c) Provision of Independent information, advice and guidance for young people (new duty)</p>	<p>Additional capacity required within ITYSS</p>	<p>Up to a maximum of £8k</p>	<p>We need to put in place interim arrangements for the provision of independent information advice and support for young people, until April, when we will re-commission the Parent Partnership service, to include the provision of information advice and support for young people. Depending on demand, it may not be necessary to spend the total amount.</p>
<p>d) To populate and maintain the Local Offer website (new duty)</p>	<p>Local Offer Officer (Grade 7) 0.5 fte</p>	<p>£17k</p>	<p>The local offer is a new duty to have a 'one stop shop' of information about the services available across education, health, care, leisure and the voluntary sector. During the development phase of this resource, it will be necessary to have some additional capacity to ensure comprehensive representation within the local offer from all services.</p>
<p>e) Processing of additional payments relating to Personal Budgets</p>	<p>Personal Budgets Development Officer (Grade 6) 0.5</p>	<p>£15k</p>	<p>There is a need for additional capacity to process any direct payments, allocated as personal budgets. Once the process is embedded, this function will be incorporated</p>

			into existing teams.
Total cost:		£188k	

NB Staff will be recruited up to the allocation within the above schedule (section 4) alongside full exploration of other options (such as discussions with the University of Portsmouth) in consultation with the Cabinet member for Children & Education. Any external staff will be employed on fixed term contracts.to 31.03.15.

5. Reasons for recommendations

The work that has been undertaken so far in Portsmouth to implement the SEND Reforms has been praised by the Department for Education (DfE), with a recent invitation to take part in a Ministerial round table discussion with Edward Timpson MP, in recognition of the progress made in implementation of the reforms.

The DfE are continuing to monitor closely the way that local authorities are using the grant funding allocated to ensure full compliance with the new legislation and a number of local authority Lead Cabinet Members, Director of Children's Services and Senior strategic leaders have received visits from the DfE where this funding has not been used effectively and/or local authorities have not achieved sufficient progress towards implementation.

6. Equality impact assessment (EIA)

This report does not require an Equality Assessment as the proposal does not have any impact on a particular equalities group.

7. Head of Legal Services' comments

The aims stated in the report are consistent with promoting the changes in the "statement process" and implementing the statutory changes as set out in the Children and Families Act 2014(Special Education Needs and Disabilities Reforms).

8. Head of Finance's comments

The Special Educational Needs and Disability Implementation Grants (New Burdens) is in addition to the SEN Reform Grant already received by the local authority for which Cabinet approved the spending plan in April 2014. The purpose of the grant is to support local authorities with the additional costs associated with the implementation of the SEND reforms, however it is not ring fenced.

The grant forms the first part of a two year allocation to authorities by the Department for Education of £45.2 million in 2014-15 of which Portsmouth's grant is £188,602. The DfE have indicated that an additional grant of £31.7 million will be made in 2015-16, but details of individual authorities' allocations have yet to be published.

Due to the time limited nature of the grant and the uncertainty of the 2015-16 allocation, the additional posts and the commissioned support services will be on fixed term contracts until 31 March 2015.

.....
Signed by Julia Katherine
Inclusion Service Commissioning Manager

On behalf of:
Julian Wooster
Director of Children's and Adults' Services

Appendices:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/318588/S31_SEND_Implementation_Grant_Determination_Letter_2014-15_FINAL_SIGNE....pdf

Background list of documents:

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by: