

	London Borough of Hammersmith & Fulham CABINET 1 DECEMBER 2014
SPECIAL EDUCATIONAL NEEDS REFORM AND BURDENS GRANT	
Report of the Cabinet Member for Children and Education – Councillor Sue Macmillan	
Open Report	
Classification - For Decision Key Decision: Yes	
Wards Affected: All	
Accountable Executive Director: Andrew Christie, Executive Director of Tri-borough Children's Services	
Report Author: Ian Heggs, Tri-borough Director of Schools	Contact Details: Tel: 020 7745 6458 E-mail: Ian.Heggs@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Children and Families Act, which was implemented in September 2014, contains significant reforms to the way that services for children with special educational needs and disabilities are delivered. The Act signals a different approach to SEN, with a strong emphasis on working with parents as equal partners, focusing on improving outcomes for children and young people 0-25 years to that they can achieve and become as independent as possible in their local community.
- 1.2. The government have recognised the significant work beyond 'business as usual' that local authorities will need to undertake to implement these reforms. They have therefore provided every local authority with funding, in the form of the Special Educational Needs Reform Grant and the Special Educational Needs Burdens Grant. The purpose of the grants is "to provide support to local authorities in England towards expenditure

lawfully incurred or to be incurred by them” when implementing the SEN reforms.

2. RECOMMENDATION

- 2.1. That the grants currently being held in corporate finance accounts be made available to the Children’s Services department to support the additional expenditure that will be incurred by the Education Directorate while enacting the SEN reforms over the next two years.

3. REASONS FOR DECISION

- 3.1. Both the Special Educational Needs Reform Grant and the Special Educational Needs Burdens Grant are un-ringfenced. Areas where additional spend is going to be incurred have been identified for the financial year 2014/15.

4. INTRODUCTION AND BACKGROUND

- 4.1. Under the new legislation Local Authorities are responsible for completing Education, Health and Care assessment and planning within 20 weeks, involving parents and young people in the co-production of plans. Previously there was variable performance across tri-borough SEN Teams in completing within 26 weeks and variability in the approach to resource allocation. Furthermore, the extent to which provision for children with complex needs was joint funded by health, social care and education was inconsistent.

5. PROPOSAL AND ISSUES

- 5.1. Listed below are the key areas of development that have been identified where capacity and expertise is required beyond what is currently available in the service
- 5.2. The delivery of a new single assessment process for Education, Health and Social Care services will require an aligned IT system that allows for sharing of information between the three services. Significant specialist IT support is being utilised to deliver this requirement, while additional capacity is required within the SEN Team while the new process is piloted alongside current systems.
- 5.3. The new legislation signals a different approach to working with parents of children with SEN, moving from an SEN casework role (which is administrative) to one of a key-worker, facilitating parents and professionals working together to assess and plan children and young people’s achievement of co-constructed outcomes. The change in role has required re-organisation of SEN teams and a programme of

workforce development, with a focus on developing a consistent approach to casework through training for designated and non-designated keyworkers.

- 5.4. To bring together the approach to SEN casework in a consistent and effective way and in order to support the implementation of the legislative duties and mitigate the potential for costly challenge to the new system, specialist legal support has been commissioned to provide training and guidance for the SEN teams, schools, and other practitioners.
- 5.5. The requirement to produce a combined 'Local Offer' of services that are available to young people with Education, Health and Social Care Needs has been a significant and ongoing piece of work for the local authority – as these three services were not especially joined up at previously. An initial local offer has been published on the local authority's website, but significant work is still required to ensure that this is developed and made more accessible for parents, children and young people as well as practitioners.
- 5.6. The new legislation extends the eligibility for support from 5-18 years to 0-25 years. This poses a significant financial risk if not managed effectively..A specialist expert consultant has been commissioned to help scope current provision across the three boroughs in terms of current provision for the 16-25 cohort and the projection of future needs. The consultant is working with existing local providers and practitioners to model options for future development in this area to ensure that projected needs can be met.
- 5.7. The Local Offer has been published in a format that is accessible to practitioners, parents and also young people. We are further developing an innovative solution that is able to show young people with special education needs and disabilities how our local offer can support them. We would like to investigate the potential for using a series of short films to achieve this.
- 5.8. In line with developments in the Commissioning Directorate and across Children's Services, 'outcomes' are at the core of the new assessment process. This is a significant departure from current SEN practice, which has historically been based on the allocation of units of provision. It is our intention to develop a wellbeing measure that is specific to the unique circumstances of those young people with special educational needs, so that the provision that is allocated through assessment and is included in the local offer can be reviewed via a robust, evidence-based evaluation process. This will eventually ensure that public funds are only spent on those interventions that are proven to make a positive difference to the lives of young people.

6. CONSULTATION

- 6.1. The principles of the SEN reforms include coproduction and transparency with parents on the changes. On this basis, parent forum group 'ParentsActive' have been consulted with throughout the implementation of the Act and will continue representing parent views on the SEN reforms going forward.
- 6.2. In preparation for the change in legislation, a strategic implementation group was established in July 2013, involving parent groups, health commissioners, social care, schools and LA SEN practitioners. Project governance and workstreams will continue until at least March 2015.
- 6.3. Additionally, a parents' reference group has been established, which has members from a variety of parent representative groups from across Hammersmith and Fulham, Kensington and Chelsea and Westminster. This group will continue to operate on an on-going basis, to ensure that parents' views are part of the on-going development of the SEN Service.

7. LEGAL IMPLICATIONS

- 7.1. There are legal implications around the implementation of the Children and Families Act as a whole and these have been referred to in previous papers and progress updates to cabinet. Specialist legal advice has been commissioned.
- 7.2. There are no legal implications for spending the SEN reform and burdens grant on enacting the changes required by the Act. The reasons for the provision of the grant money and the key areas of development for which the grant money is to be used are contained within the body of this report.
- 7.3. Implications verified/completed by: Joyce Golder, Principal Solicitor, 0207 361 2181

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. The level of the Special Educational Needs Reform and Burdens grants allocated to the London Borough of Hammersmith & Fulham has been set at the following:

Grant	2013/14	2014/15	2015/16	Total
SEN Reform	£75,000	£309,576		£384,576
Burdens		£178,456	£125,156	£303,612
Total	£75,000	£488,032	£125,126	£688,188

- 8.2. Both are one-off un-ringfenced grants. It should be noted that the 15/16 allocation of the Burdens Grant is only an estimate at this time, based on

the same percentage settlement LBHF received in 14/15, on the indicative amount stated by the Department for Education as being the value of the grant for 15/16.

- 8.3. Westminster City Council and the Royal Borough of Kensington and Chelsea have also been allocated grants. As the SEN Service is delivered on a tri-borough basis and to ensure the most efficient use of the funding, the combined total of the grant allocations in each of the three boroughs are being considered in one single spending plan. A spend log has been set up to track expenditure, and there are regular communications with each work stream of the project to ensure we are capturing all forecasted and actual commitments on the grant. To date, very little has been spent but with future commitments set to fully spend the grant. Hammersmith & Fulham's commitment is shown below:

Grant	2013/14	2014/15	2015/16	Total	
SEN Reform Grant	Publishing the Local Offer		£6,667	£6,667	
	Developing an outcomes based approach	£9,067	£7,600		£16,667
	Legal advice & Training		£65,833	£17,500	£83,333
	Consultation and engagement with parents		£5,500		£5,500
	SENCO Working Group		£4,000		£4,000
	Project Management		£86,000	£10,333	£96,333
	Implementing the single assessment process		£158,083	£72,917	£231,000
	Mediation		£8,333		£8,333
	Legal Contingency		£26,667		£26,667
	Achievement for all		£13,167	£13,167	£26,334
	Communications		£15,000		£15,000
	Total	£9,067	£396,850	£113,917	£519,834
Burdens	Publishing the Local Offer		£10,000	£7,333	£17,333
	Developing an outcomes based approach				£0
	Planning for the extension of duties to include 16-25 cohort		£6,667		£6,667
	Legal advice & Training		£11,667		£11,667
	Consultation and engagement with parents				£0
	Consultation and engagement with young people over 18		£1,217		£1,217
	SENCO Working Group				£0
	Project Management			£41,943	£41,943
	Implementing the single assessment process			£45,165	£45,165
	Mediation		£8,333		£8,333
	Training			£23,895	£23,895
	Legal Contingency		£6,667		£6,667
	Property & IT costs		£5,467		£5,467
	Achievement for all				£0
Communications				£0	
Total	£0	£50,018	£118,338	£168,354	
Grand Total	£9,067	£446,868	£232,255	£688,188	

- 8.4. As the borough has received the grant, for 13/14 and partly for 14/15, there is no financial risk to the borough, and we are just asking for a transfer, or a setting aside of the grant from Corporate Services, where it is currently held, to Children's Services, for the specific purpose of

enabling the service to enact the changes as required by the new legislation.

- 8.5. Implications completed by: Alex Ward, Finance Manager, 0208 753 5040

9. RISK MANAGEMENT

- 9.1. There are no risks associated with spending the Special Educational Needs Reform and Burdens grants.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Children and Families Act 2014	Published	