

20 February 2017**Agenda Item: 08****REPORT OF THE SERVICE DIRECTOR, YOUTH, FAMILIES AND CULTURE
SPECIAL EDUCATIONAL NEEDS AND DISABILITY REFORMS 'NEW
BURDENS' GRANTS 2016/17 AND 2017/18****Purpose of the Report**

1. The purpose of the report is to:
 - a. report on current expenditure against the 2016/17 Special Educational Needs and Disability (SEND) Reforms 'New Burdens' Grant
 - b. seek approval for spend against the 2017/18 Grant
 - c. seek approval for the establishment of five temporary posts within the Integrated Children's Disability Service (ICDS).

Information and Advice

2. The Children and Families Act 2014 introduced new duties on local authorities to improve outcomes for children and young people with SEN or who are disabled.
3. In the financial year 2016-2017 Nottinghamshire received a grant totaling £489,821 to support implementation of the reforms and fund the cost of new burdens arising from the legislation. A carry forward of £114,274 from the 2015/16 reform grant was added to this allocation, giving a total amount of £604,093 available in 2016/17.
4. The 2016/17 'New Burdens' grant was allocated against three implementation priorities (described below). Proposed expenditure against the grant was agreed by Children and Young People's Committee in May 2016.

2016 - 2017 Priorities and expenditure**Priority 1: SEND Reform Implementation**

Expenditure	Outcome
IT and Multimedia Advocacy	The Wiki project was reviewed in partnership with the University of East London and the application process for a Wiki extended to the Centres of Excellence. The Council is continuing to progress the roll out of Wikis across Nottinghamshire.

Transfer of Statements of SEN and Learning Disability Assessments (LDAs) to Education, Health and Care Plans (EHCP)	Phase 1 and 2 complete within statutory timeframe. Phase 3 to be completed 2017/18.
Participation of parents, carers and young people through the parent/carers forum NPH (Notts Participation Hub)	Grant has supported NPH to become increasingly independent of Local Authority funding.
SEND Local Offer	Website and administrative support maintained. Communication improved through the production of leaflets.
Complete the establishment of an impartial advice and support service	Achieved without grant support.
In Control	A successful regional 'In Control' event was hosted by Nottinghamshire in November at Center Parcs for children and young people with a disability. This has resulted in attracting external funding for future events.
Additional staffing	These posts supported specific areas of reform implementation including, preparation for adulthood and the resulting Transitions Pathway Protocol

5. The total amount spent in 2016/17 against Priority 1 was £170,000.

Priority 2: Integration of Children's Disability Service and Special Educational Needs and Disability

6. In March 2016 Committee approved the integration of the Children's Disability Service (CDS) and Special Educational Needs & Disabilities (SEND) staffing structures. The integration of these services formed part of the Improving Outcomes for Children and Young People with Disabilities Project and aimed to improve the experience for children, young people and their families.

Expenditure	Outcome
Workforce development	Delivery of an induction and training programme to the new team. Areas covered included assessing and planning for positive and measurable outcomes, principles and practice of co-production, legal responsibilities, SEND code of practice and Nottinghamshire's graduated response.
Commissioning of EHCP Plan writing	To support the induction process within the ICDS Assessment Team.

Launch Events	Internal and external events held to launch the new ICDS service. In addition to this, two Family Information events were held in October 2016 at North Notts Arena and Harvey Hadden Stadium, which were well attended by children, young people and their families.
Communication and publicity	To promote understanding of the new service.

7. The total amount spent in 2016/17 against Priority 2 was £184,000.

Priority 3: Quality Assurance and Preparation for Inspection

Expenditure	Outcome
Data Business Partner	Not required, therefore no expenditure against this priority
Temporary Project Manager	It was proposed to use the grant to support the local area's preparation for inspection, including the coordination and completion of a self-evaluation report, by establishing one temporary fte Project Manager. However, the Local Area Inspection occurred before a post holder was appointed. The inspection took place in June 2016. A Project Manager has now been appointed to support the post inspection action plan and the development of an ongoing quality assurance framework, including the establishment of a SEND Accountability Board

8. The total amount spent in 2016/17 on Priority 3 was £20,000. This leaves an anticipated underspend of £230,093.

9. Further details of 2016-2017 expenditure are included in **Appendix 1**.

2016/17 Reform Grant predicted underspend

10. The New Burdens Grant is intended to support programmes of change and development in the area of SEND. However, local authorities may choose how to spend the money to best meet local need. The £230,093 underspend on the 2016/17 grant will therefore be used to help mitigate current budget pressures in short breaks provision which total in excess of £300,000, pending a review of Nottinghamshire's short break offer to children and young people with disabilities.

2017 - 2018 Priorities and proposed expenditure

11. In December 2016, the Department for Education (DfE) announced a further grant would be made available to local authorities to enable them to continue to meet the cost of implementing the reforms. Nottinghamshire's allocation for 2017-2018 is £544,158. It is proposed to focus the grant priorities in the following three areas:

Priority 1: SEND Reform Implementation

12. To further develop areas of SEND Reform priorities, including extending the roll out of Multimedia Advocacy through the creation of a one year temporary 1 fte Wiki Coordinator post (Band 4) to progress roll out of Wiki's in Nottinghamshire and embed the Wiki in the EHCP process.
13. The total amount allocated for Priority 1 in 2017/18 is £115,500.

Priority 2: Improving outcomes for children and young people with an EHCP, including those that are EOTAS (Educated other than at School) and NEET (Not in education, employment or training)

14. To further support the work of the newly established ICDS Assessment Team through the creation of the following temporary posts:
- 1 fte (full-time equivalent) qualified Educational Psychologist – EP pay scale Scale A (EP1-EP11) range £46,200 - £68,965 (maxima)
 - 1 fte additional Assessment Senior Practitioner – Hay Band C - £44,630 (maxima)
 - 1 fte Team Leader, Grade 4, £24, 621 (maxima)
 - 1 fte Assessment Officer, Grade 5, £29,848 (maxima)
15. Brief rationale for the above posts:
- **Educational Psychologist post:** since the establishment of the ICDS there has been a very significant increase in the number of requests for Education, Health and Care Plan Assessments. This is having a major impact on the workload of Nottinghamshire County Council's Educational Psychology Service, which is required to submit a record of involvement when a new request is made and, more significantly, to provide a full assessment and report whenever an agreement to assess decision is taken. The appointment of a dedicated Educational Psychologist within ICDS on a one-year fixed term contract would provide capacity to undertake much of the initial assessment work for those children and young adults not already open to the core Educational Psychology Service, thereby relieving much of the pressure reported by the Principal Educational Psychologist and enabling his team to dedicate more time to their vital work with families and schools. It is also anticipated that the appointment of a dedicated Educational Psychologist embedded within the team would provide an expert advisory resource for complex casework resolution and would also provide specialist input on mediation and tribunal cases. It is anticipated that line management responsibility will sit within ICDS but it is hoped that peer guidance and support will be offered from the Council's Educational Psychology Service.

- **Assessment Senior Practitioner post:** the ICDS also works very closely with the Schools and Families Specialist Service (SFSS) which, like the Educational Psychology Service, is located within the Education Standards and Inclusion division. Both operationally and strategically it is believed that the work of the SFSS and ICDS Assessment function would be enhanced by the establishment of a one year fixed term secondment at Senior Practitioner level, ring-fenced for a member of the SFSS team, to work within the ICDS Assessment team. As well as increasing capacity, the post will specifically bring extensive working knowledge of the school and education sector and will help to promote a shared understanding of thresholds and inclusion across the two teams.
- **Team Leader and Assessment Officer posts:** these posts will be used to support the development of an EOTAS/ Preparing for Adulthood Pilot. One of the key priorities for the Council is to develop more coherent and transparent transition pathways for young people with learning difficulties and/or disabilities as they move into adult life. A cohort of young people has been identified for whom this transitional journey is particularly challenging and important – young people whose legal designation is Educated Other Than At School because their needs are deemed to be too complex to be met within a structured school setting (either mainstream or special) and who likewise struggle to access a college placement post-16. In Nottinghamshire currently there are 43 young people with an EHCP who are designated EOTAS and who access dedicated, and high cost, alternative provision. The purpose of this one year pilot, which is co-sponsored by the Early Support and Assessment functions within ICDS, is to undertake person-centred, holistic reviews of all EHCP EOTAS placements, including those for an additional 21 young people in Year 12, to see if pathways can be identified into school or college settings. The cost of some of the alternative provision models currently being commissioned is such that if even one or two of these can be replaced by placement in a structured setting the Pilot will be cost neutral and provide a best practice model moving forward.

16. In addition to the above, it is proposed to fund three Reviewing Officer posts from the grant. These posts are already established and have historically been funded through the Reform Grant and Futures. The Council is awaiting confirmation of Futures funding for the financial year 2017/18. As such, three posts have been accounted for in the grant but this spend will be adjusted if funding is confirmed from Futures. The permanent funding of these posts will need to be balanced against any efficiency savings identified within the service.
17. The total amount allocated for Priority 2 in 2017/18 is £374,039.

Priority 3: Quality Assurance and post Local Area Inspection improvement plan

18. A SEND Accountability Board has been established to provide strategic oversight and accountability of SEND development and delivery across Nottinghamshire. An action plan has been developed to address the recommendations of the SEND Local Area CQC/Ofsted inspection, the local area SEND Review and the Improving Outcomes for Children & Young People with Disabilities Project. One fte Project Manager post has been appointed to for one year to oversee this work, as well as the development of a robust Quality Assurance Framework.

19. The total amount allocated for Priority 3 in 2017/18 is £45,750.
20. Further details of 2017-18 expenditure are included in **Appendix 2**.

Other Options Considered

21. Consideration has been given to increasing the current number of EHCP assessment workers within the team to address the capacity and development issues described in **paragraph 15**. This was discounted however as, whilst it would offer a short term solution in terms of capacity, it would not help to address the service development issues described.

Reason/s for Recommendation/s

22. To support continuous development of Nottinghamshire's response to the SEND Reforms and ensure good outcomes for children and young people with disabilities.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

24. The Reform Grant should be viewed as one-off temporary funding, which has been confirmed for the 2017/18 financial year.
25. Financial information is contained in **Appendices 1 and 2**.

Human Resources Implications

26. All temporary posts will be recruited to in line with the Council's recruitment policy and requirements.

Implications for Service Users

27. Children, young people and families will receive support and services that meet the requirements of the SEND Reforms and that are joined up, holistic and achieve good outcomes.

RECOMMENDATION/S

That Committee:

- 1) notes the summary of expenditure against the 2016/17 Special Educational Needs and Disability Reforms 'New Burdens' Grant

- 2) approves the proposed spend against the 2017/18 Reform Grant, as detailed in paragraphs 11 – 20 of the report and Appendix 2
- 3) approves the establishment of the following five temporary posts within the Integrated Children's Disability Service:
 - 1 fte (full-time equivalent) qualified Educational Psychologist – EP pay scale Scale A (EP1-EP11) range £46,200 - £68,965 (maxima)
 - 1 fte additional Assessment Senior Practitioner – Hay Band C - £44,630 (maxima)
 - 1 fte Team Leader, Grade 4, £24,621 (maxima)
 - 1 fte Assessment Officer, Grade 5, £29,848 (maxima)
 - 1 fte Wiki Coordinator, Grade 4, £24,621 (maxima) - subject to NJE

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Constitutional Comments (SMG 03/02/17)

28. The proposals outlined in this report fall within the remit of this Committee.
29. The Employment Procedure Rules provide that the report to Committee include the required advice and HR comments and that the recognised trade unions be consulted on all proposed changes to staffing structures (and any views given should be fully considered prior to a decision being made).

Financial Comments (TMR 08/02/17)

30. The financial implications are set out in the report and appendices.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Integration of Children's Disability Service (CDS) and Special Educational Needs and Disabilities (SEND) staffing structures – report to Children and Young People's Committee on 21 March 2016

Special Educational Needs and Disability Reform Grant 2016/17 - report to Children and Young People's Committee on 23 May 2016

Electoral Division(s) and Member(s) Affected

All.

C0935