

| | |
|-------------------|---|
| Report subject | SEND Improvement Funding |
| Meeting date | 1 September 2021 |
| Status | Exempt Report (Exempt until 31 August 2021) |
| Executive summary | <p>As advised in the July Budget Overview Report, BCP is required to produce and fund a Written Statement of Action (WSOA), initial indications were a minimum £300k full year requirement and this has been included within the Q1 forecast.</p> <p>Significant work is required to implement the 2014 Special Educational Needs and Disabilities (SEND) reforms, much requiring transformation, which will form part of the Council's wider transformation programme.</p> <p>Additional resource is required to ensure the WSoA is fit for purpose. This business case covers:</p> <ul style="list-style-type: none"> - immediate resources needed to begin the 'develop' phase of the work - some of the resources currently identified moving into the delivery phase <p>Additional resources will be required for the delivery phase – some will be sought from the Department for Education (DfE) and Local Government Association (LGA), where this is not possible, further business cases will be brought forward for this year, or built into proposals for the MTFP 2022-23.</p> |
| Recommendations | <p>It is RECOMMENDED that:</p> <p>a) Cabinet recommends that Council approve £292k of additional resources to support the SEND written statement of action in 2021/22.</p> <p>b) Cabinet recommends that Council approves the £220k additional resources requested in 2022/23 which reduces to £156k in 2023/24, and £137k from 2024/25 onwards.</p> <p>c) Cabinet notes that Council is being requested to approve the additional resources for future years in advance of the formal budget report for 2022/23 as the request includes the appointment to permanent staff posts.</p> |

| | |
|----------------------------|--|
| | d) Receive further business cases as required |
| Reason for recommendations | To ensure the LA is in the best position to meet its statutory responsibilities and to produce a Written Statement of Action which the DfE passes as both 'fit for purpose' and deliverable (as judged through a follow up monitoring and inspection). |
| Portfolio Holder(s): | Councillor Nicola Greene, Portfolio Holder for Covid Resilience, Schools and Skills |
| Corporate Director | Elaine Redding, Corporate Director for Children's Services |
| Report Authors | Sarah Rempel – Director of Education Claire Webb – SEND Programme Manager |
| Wards | Council-wide |
| Classification | For Decision |

Background

1. The Council has extensive legal responsibilities in relation to children and young people 0-25 who have SEND, following reforms in 2014. SEND is a cross-council responsibility including Children's, Adults and Housing.
2. As the primary statutory partners, the Council and Dorset Clinical Commissioning Group, were subject to a Local Area SEND inspection by Ofsted and CQC in late June 2021. Due to the significant concerns found through the inspection and the lack of progress made in implementing the 2014 reforms, the Authority is required to produce and implement a Written Statement of Action – WSoA- that must be judged 'fit for purpose' by Ofsted.
3. This is an extremely significant requirement on the Authority and must be produced at the highest quality and it must be co-produced with partners including families. Delivery against the WSoA will be assessed through a follow up inspection, the plan must therefore also be robust and deliverable to tight timescales. It will have major implications for the direction of travel of the Authority working in conjunction with Health and other partners including schools and providers, and parent/carers and young people.
4. If the WSoA is not judged fit for purpose OR if it is not robust and therefore cannot be delivered, BCP risks intervention by the DfE.
5. Some of the capacity required to develop the WSoA is being found from within Children's Services and discussions will take place with the DfE and LGA about additional funding available to the local area to deliver WSoA priorities.
6. This business case covers additional resources required above those available within Children's Services, primarily for the develop phase of the programme i.e., to create the

WSoA and to support some of the delivery. As work is undertaken to develop the WSoA, further business cases will be brought forward where required to fund further aspects of delivery, where resources are not available from within existing budgets.

Summary of Request

7.

| Item and need | Cost | Impact of not having in place |
|--|--|--|
| <p>Project Managers to support development and delivery of aspects of the WSoA</p> <p>To provide sufficient project support to ensure:</p> <ul style="list-style-type: none"> a) all workstreams are covered b) robust planning c) stress tested timescales that are deliverable d) costed business cases for funding are produced where required e) SMART outputs and outcomes are defined f) links and alignment across workstreams are made g) swift escalation of issues for resolution | <p>£84,000 circa plus oncosts per annum</p> <p>2 x 1 FTE Project Managers for 1 year</p> <p>In addition to Children's Services funding 1 FTE Programme Manager</p> | <p>Unacceptably increased risk of the WSoA not being robust and deliverable</p> |
| <p>Communications</p> <p>To provide sufficient comm's support at Business Partner level to ensure:</p> <ul style="list-style-type: none"> a) Engagement with the wider range of stakeholders is timely and effective, and aligned across partners (there is a need to have a one BCP approach across the system) b) A comm's forward plan is developed and implemented c) Comm's expertise is embedded and utilised in the production and livery of the WSoA d) Comm's at the operational level/service delivery improves | <p>£16, 200</p> <p>Equivalent of 1 day per week (£450 per day) at Business Partner level, 9 months then review</p> | <p>Unacceptably increased risk of not delivering improvement: effective communication is the foundation of good service delivery/ experience and co-production; both require significant improvement which must be demonstrated through the WSoA</p> |
| <p>Enabling parent carer participation</p> <p>To ensure participation of parent carers in co-producing the WSoA and working jointly on its delivery. By providing short breaks type activities alongside co-</p> | <p>£3k</p> <p>£250 for group of 20 ½ day activities</p> <p>Assuming 12</p> | <p>A limited range of parent carers are able to participate, including those with protected characteristics</p> |

| | | |
|--|--|--|
| <p>production workshops and events, a wider range of parent carers will be able to participate, including those with protected characteristics.</p> <p>This will be provided for co-production workshops and events only. It will not be provided for regular meetings such as Boards or Working Groups.</p> | <p>events now to Sept 2022</p> | |
| <p>Participation worker</p> <p>To ensure effective participation of children and young people and parent carers, including through:</p> <ol style="list-style-type: none"> Delivering termly co-production events for children and young people Supporting children and young people and parent carers, including those with complex needs and protected characteristics, to participate in co-production work Championing co-production in the SEND improvement work, sharing the voice of children and young people (their voice in the room), upskilling colleagues, identifying opportunities for meaningful engagement and co-production, and developing deliverable proposal for co-production. <p>This role will also support and be a resource for other service departments to draw on.</p> <p>Co-production is a crucial legislative requirement under the SEND reforms, BCP's ability to co-produce is currently limited by the lack of expertise and capacity.</p> | <p>£35k circa plus on costs per annum</p> <p>1 FTE 2 years fixed term</p> | <p>Failure to support co-production leading to the follow up inspection finding that BCP has not made sufficient progress</p> |
| <p>Statutory SEND team capacity</p> <p>Additional management capacity to cover two senior managers' phased returns</p> <p>Additional case officers in the assessment team to cover additional workload</p> | <p>£550 per day Aug - March</p> <p>2 case officers £35k plus on costs Permanent fulltime posts</p> | <p>Statutory timescales and duties not being met</p> <p>Unable to support actions to manage the HNB deficit</p> <p>Failure to meet statutory timescales and requirements</p> |

| | | |
|--|--|---|
| | | Failure of statutory SEND process to enable wider SEND improvement work and HNB deficit management |
| <p>Local Offer content design and on-going management</p> <p>Create a permanent post to design content and manage the Local Offer, ensuring:</p> <ul style="list-style-type: none"> a) Statutory requirements regarding the Local Offer are met b) Content supports the aims of the SEND improvement plan c) Comprehensive information on local provision is available to inform commissioning decisions d) Content supports the Graduated Response through its use by professionals and in providing access to effective information and self-help materials for families e) The user journey and content is co-designed and owned across BCP Council services, partners and families <p>The Local Offer is a statutory requirement; as with many other areas, more work is needed to develop the Local Offer – currently there is no dedicated resource to support its re-design or on-going management.</p> | <p>£35k circa plus on costs per annum</p> <p>Permanent fulltime post</p> | <p>Failure to meet statutory requirements including failure to provide robust information to inform commissioning decisions</p> <p>Failure to utilise the Local Offer to support the early stages of the Graduated Response</p> <p>Service providers are not aware of what services and support are available and fail to advise families</p> |
| <p>BCP & CCG Project Lead for Joint Commissioning</p> <ul style="list-style-type: none"> a) Understand and analyse current commissioning arrangements and opportunities across the LA, the CCG and others (including any residual role of NHS England in specialised commissioning). b) Through co-production with partners and families, development of a place-based model of ‘team around’ the schools. c) Look at governance arrangements to ensure there is clear accountability for commissioning services for children | <p>£60,000 circa plus on costs per annum</p> <p>Approximately 6 months providing input on a part-time basis (approximately 80 days).</p> | |

| | | |
|---|--|--|
| <p>and young people with SEND (including link with the BCP SEND Improvement Board and the developing ICS Partnership Board/s).</p> <p>d) Develop the programme of work related to accommodation for care leavers.</p> | | |
|---|--|--|

Summary of financial implications

8. A financial overview of the above resource requests can be set out as follows.
 - 2021/22 £292k
 - 2022/23 £220k
 - 2023/24 £156k
 - 2024/25 onwards £137k
9. Council is asked to formally approve the extra £292k of additional resources being requested for 2021/22. As the request is outside the approved 2021/22 budget framework of the council the resources will need to be allocated from the Council's Financial Resilience Reserves.
10. Based on the June MTFP Update report the Council had £20.870m available in its Financial Resilience Reserves not previously committed to either the 2021/22 or 2022/23 budget of the council. Of this amount, it is likely that additional requests will be presented through the 29 September 2021 and 27 October 2021 Cabinet reports.
11. Council is also asked to formally approve the £220k being requested for 2022/23 alongside the slightly reduced funding for future years. This is on the basis that the request is in advance of the annual 2022/23 budget process, to be set out in the February 2022 report to Cabinet and Council and a commitment is being made to the employment of permanent staff or temporary staff where the term of employment covers some or all of the 2022/23 financial year.
12. In considering investing in this SEND improvement funding, members will need to reflect on their responsibility to both current and future taxpayers and its fiduciary duty to be prudent in the administration of its funds. In that regard, members should consider the financial sustainability of the Council in the context of the funding gaps in the MTFP and that any drawdown from the Council's Financial Resilience Reserves will reduce the Council's flexibility in managing these future years funding gaps. It should also be borne in mind that the funding gaps as set out in the 23 June MTFP Update report to Cabinet are after a number of risks including the ambitious £42.4m in annual additional transformation savings in the period before 31 March 2024.

Summary of legal implications

13. The LA has extensive statutory responsibilities under part 3 of the Children's and Families Act 2014. The Children Act 2004 (Joint Area Reviews) Regulations 2005 sets out requirements relating to Written Statements of Action.

Summary of human resources implications

14.

| Posts | Role |
|----------------------------|----------------------------------|
| 1 interim | Communications |
| 1 interim | SEND Management |
| 2 x FTE for 1 year | Project Managers |
| 1 x FTE 2 years fixed term | Participation Worker |
| 2 x FTE permanent post | SEND Case Officers - assessment |
| 1 x FTE permanent post | Local Offer |
| 1 x Part-time post | Joint Commissioning Project Lead |

Summary of sustainability impact

15. None

Summary of public health implications

16. None

Summary of equality implications

17. No EIA or EIA conversation record due to short time frame of preparing report.

Summary of risk assessment

18. If the WSoA is not judged fit for purpose OR if it is not robust and therefore cannot be delivered, BCP risks intervention by the DfE.
19. There is an increased risk of not delivering improvement.
20. Failure to support co-production could lead to the follow up inspection finding that BCP has not made sufficient progress.
21. Failure to meet statutory requirements including failure to provide robust information to inform commissioning decisions.
22. Failure of statutory SEND process to enable wider SEND improvement work and HNB deficit management.
23. Failure to meet statutory timescales and requirements.
24. Increase in Tribunal or Ombudsman awarded costs.

Background papers

25. Letter from Ofsted requiring BCP to produce a Written Statement of Action following the SEND Inspection in June 2021. **NOT IN THE PUBLIC DOMAIN UNTIL 31st SEPT 2021.**

Appendices

26. No appendices to this report.