



*Meeting:* **Children and Families Overview and Scrutiny Committee**

*Date/Time:* **Tuesday, 22 January 2019 at 1.30 pm**

*Location:* **Sparkenhoe Committee Room - County Hall**

*Contact:* **Gemma Duckworth (0116 3052583)**

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### **Membership**

Mrs B. Seaton CC (Chairman)

Dr. R. K. A. Feltham CC    Mr. S. D. Sheahan CC  
Mrs. H. J. Fryer CC    Mr. G. Welsh CC  
Mr. J. Kaufman CC    Mrs. A. Wright CC  
Mrs. C. Lewis    Mrs. M. Wright CC  
Mrs. R. Page CC

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– Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

<b><u>Item</u></b>	<b><u>Report by</u></b>
1. Minutes of the meeting held on 5 November 2018.	(Pages 5 - 18)
2. Question Time.	
3. Questions asked by members under Standing Order 7(3) and 7(5).	
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
5. Declarations of interest in respect of items on the agenda.	



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| 6.  | Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16. |  |                 |
| 7.  | Presentation of Petitions under Standing Order 36.   |  |                 |
| 8.  | Medium Term Financial Strategy 2019/20 - 2022/23.  | Director of Children and Family Services and Director of Corporate Resources | (Pages 19 - 42) |
| 9.  | Special Educational Needs and Disabilities Provision - High Needs Block Development Plan.  | Director of Children and Family Services                                     | (Pages 43 - 72) |
| 10. | School Admissions and Appeals in Leicestershire.   | Director of Children and Family Services                                     | (Pages 73 - 88) |
| 11. | Quarter 2 2018/19 Performance Report.  | Chief Executive and Director of Children and Family Services                 | (Pages 89 - 98) |
| 12. | Date of next meeting.  |  |                 |

The next meeting of the Committee is scheduled to take place on 5 March 2019 at 1.30pm.

13. Any other items which the Chairman has decided to take as urgent.

## **QUESTIONING BY MEMBERS OF OVERVIEW AND SCRUTINY**

The ability to ask good, pertinent questions lies at the heart of successful and effective scrutiny. To support members with this, a range of resources, including guides to questioning, are available via the Centre for Public Scrutiny website [www.cfps.org.uk](http://www.cfps.org.uk).

The following questions have been agreed by Scrutiny members as a good starting point for developing questions:-

- Who was consulted and what were they consulted on? What is the process for and quality of the consultation?
- How have the voices of local people and frontline staff been heard?
- What does success look like?
- What is the history of the service and what will be different this time?
- What happens once the money is spent?
- If the service model is changing, has the previous service model been evaluated?
- What evaluation arrangements are in place – will there be an annual review?

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Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Monday, 5 November 2018.

PRESENT

Mrs B. Seaton CC (in the Chair)

Mrs. H. J. Fryer CC	Mr. S. D. Sheahan CC
Mr. J. Kaufman CC	Mr. G. Welsh CC
Mrs. R. Page CC	Mrs. M. Wright CC
Mr. T. J. Pendleton CC	

In Attendance

Mr. I. D. Ould CC – Lead Member for Children and Families

Mrs. D. Taylor CC – Cabinet Support Member

37. Minutes.

The minutes of the meeting held on 10 September 2018 were taken as read, confirmed and signed.

38. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

39. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

40. Urgent Items.

There were no urgent items for consideration.

41. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mrs. B. Seaton CC, Mrs. H. Fryer CC, Mr. S. D. Sheahan CC, Mr. J. Kaufman CC, Mr. G. Welsh CC, Mrs. R. Page CC, Mrs. M. Wright CC and Mr. T. J. Pendleton CC declared a Personal Interest in the report on the development of a unitary structure of local government for Leicestershire (minute number 51 refers) as they were members of a District or Borough Council.

42. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

43. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

44. Progress Report: Ofsted Recommendations as Part of the Ofsted Continuous Improvement Action Plan 2017-2020 - The Road to Excellence.

The Committee considered a report of the Director of Children and Family Services informing of the progress made against the Ofsted Continuous Improvement Action Plan in responding to the Single Inspection of Children's Social Care in November 2016. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Director informed the Committee of the outcome from the recent Ofsted Focused Visit, which had taken place on 10-11 October. Steady and realistic improvements in relation to the First Response Service had been identified since the 2016 Ofsted inspection along with a more stable workforce. The recent visit had acknowledged a series of positive outcomes including that senior leaders knew the service well and had gained an understanding of social work practice from a range of activities, and that staff felt well supported and safe in their practice. It was noted that senior leaders knew what the strengths of the service were, and were aware that there was much more to do to achieve the goals. Five areas for improvement were identified from the inspection, and these were contained within the letter from Ofsted:

- That partners needed to improve their consideration of thresholds, the quality of referrals and their understanding of consent;
- The timeliness of social worker visiting and talking to children who had initially been assessed as not being at immediate risk of harm;
- The speed and quality of management decisions when making Section 47 Enquiry considerations needed to be more consistent;
- The clarity of recording outcomes;
- The quality of assessments, including these being completed within the child's timescale.

It was reported that good progress was being made against the 17 Ofsted recommendations within the Continuous Improvement Action Plan (OCIAP), with 11 now rated as green.

Arising from the discussion, the following comments were raised:-

- i) In response to a query around the percentage of social worker vacancies in the department, it was agreed that this would be circulated to the Committee. This was a relatively small number, but details would be provided of where the vacancies existed within the department. Consideration had been given to the current level of pay for social workers in Leicestershire, and over the last few months, a market premia had been agreed for Team Manager and Senior Practitioner posts which had resulted in an improved rate of experienced staff applying for these roles. As of 1 October, a similar market premia for Level 3 social worker posts had been agreed.

- ii) There was an improving picture in not only the performance of staff and how they were utilised and supported, but also in the quality. It was difficult to rate the progress around recruitment and retention as no specific target had been set, but the department was well on track to recruit to those posts that needed to be recruited to. However, it was acknowledged that this area remained a key area of challenge, particularly as experienced staff were often replaced by newly qualified social workers, who required more support and training.
- iii) There was also an improving picture around workloads. Agency staff continued to be used where permanent staff were not in place and this helped to ensure that all social workers had an appropriate case load. Some concern was raised around the fact that workload and recruitment and retention were linked, and it was therefore essential that the quality of the service was not undermined by an unstable workforce.
- iv) Action 3 in the OCIAP related to social worker caseloads and was currently rated as amber. The Director of Children and Family Services confirmed that this rating would remain for the time being, as the recruitment of social workers fluctuated so regularly. There was confidence that the Action was heading towards a RAG rating of green, but that it was too early to move to this yet.
- v) In relation to a query around fast tracking, it was confirmed that this did not apply to all the newly qualified social workers. The County Council had bought into the Government's Frontline scheme which was a fast track programme, and the department currently had four trainee social workers who had been recruited via this scheme. These had been through a very rigorous selection process nationally and undertook intensive training during their first year in the role. These were in addition to the current vacancies within the department.

RESOLVED:

- (a) That the report be noted;
- (b) That the letter regarding the outcome from the recent Ofsted Focus Visit be circulated to the Committee;
- (c) That the Committee be provided with details of the level of social worker vacancies in the Department, including percentages.

45. Recruitment and Retention Strategy.

The Committee considered a report of the Director of Children and Family Services providing an update on the department's position in relation to the recruitment and retention of social workers, the national and local issues and some of the measures already taken to tackle the challenges. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) There had been some successful recruitment recently, although this was ongoing and further recruitment was due to take place in the coming weeks. Despite an aspiration of having no vacancies within the department, this was unrealistic. However, it was anticipated that over the next twelve months, there

would be evidence of the progress made in recruitment and retention. It was felt that success would be apparent when children were consistently well supported, caseloads were low, staff were not leaving the service and the department was able to reduce the number of agency staff. Recruitment and retention was the most critical area for the department and success therefore of paramount importance.

- ii) There had been an increase in the use of agency staff over the last 18 months, but this was partly as a result of additional funding received and the need to reduce the caseloads of social workers to a manageable level.
- iii) In relation to a query around dealing with the burnout of staff, a key area was the use of supervision, whereby staff would have a one to one with their manager at least monthly to discuss case work and how this could be affecting them. More reflective supervision was now encouraged, and as part of the service redesign of the Locality Teams, pod working was undertaken whereby partners collectively considered a case to see whether any additional support was required. Co-working was being promoted where appropriate.
- iv) The Lead Member for Children and Families commended the work that staff undertook. Leicestershire faced a challenge in that it was unable to pay the same salaries as some other local authorities, but could pride itself on the level of job satisfaction it offered to staff.

RESOLVED:

- (a) That the report be noted;
- (b) That an update on recruitment and retention be presented to the Committee in six months.

46. Forgotten Children: Alternative Provision and the Scandal of Ever Increasing Exclusions - House of Commons Education Committee Report July 2018: Summary of Report and Leicestershire Children and Families Service Department Update.

The Committee considered a report of the Director of Children and Family Services providing a summary of the House of Commons Education Committee report on the Forgotten Children: alternative provision and the scandal of ever increasing inclusions, along with key recommendations. The report also detailed the position of the Leicestershire Children and Families Service in relation to the findings and recommendations and the department's developments from September 2018. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) It was noted that the County Council now had a formal link with secondary schools around alternative provision. As a result of the review of the Education and Quality Team, the Education Effectiveness Team would now be the first point of contact for all schools, and held the data sets for schools around pupils who were electively home educated, referrals to secondary partnerships and young people who had been taken off roll or had moved to another school. Discussions were now taking place with schools when a child had become



electively home educated to ensure that this was the most appropriate outcome for the child.

- ii) Until 31 October 2018, the department had commissioned services to complete visits and monitor the educational attainment of children who were electively home educated. However, as an interim measure, this facility had been brought in-house whilst a review was undertaken of all the services relating to inclusion. There was a statutory duty to undertake a visit once a child became home educated and, although officers had no formal authority to enter the house, they sought to be actively engaged with families where children were home educated.
- iii) Concern was raised by a member that some children were missing education due to them being unable to travel to the school they had been allocated. As a result, their parents were withdrawing them from school. In response to a query around how this situation could be improved, it was recognised that there were parts of Leicestershire where children were expected to travel further to school as a result of over-subscription at their local school. However, these children were on the roll of a school and would therefore not be categorised as a child missing education.
- iv) Leicestershire County Council was fully aware of the children who were on the roll of a school but were not attending, those who were contesting the allocation of places, and those who had been taken off the roll of a school by parents as a result of the school being too far away. The local authority had a duty to ensure that there were sufficient school places for children within its area, and this was the case in Leicestershire.
- v) In relation to a query around why children in poverty were more likely to be excluded, it was felt that this could be as a result of a number of issues. Assurance was given that the report did not imply that children would be excluded as a result of poverty, but it was known that children living in poverty were often more vulnerable to a variety of outcomes, one of which was exclusion. Leicestershire had relatively low exclusion rates, but the local data had not yet been broken down to see whether there was a prevalence of children living in poverty being excluded.
- vi) The length of time a child spent in alternative provision was dependent on the individual's case. Education in alternative provision was mostly brokered through the secondary partnerships, although consideration was being given to using alternative provision less and to build capacity into the mainstream school system. A large piece of work was currently being undertaken around inclusion, and this included work on alternative provision. It was agreed that it would be useful to present a report on the outcome of this work to the Committee in a year's time.
- vii) The numbers around how many children in Leicestershire were possibly not receiving education, and how many fewer hours education a child in alternative provision was receiving were very variable, and it was therefore agreed to present a more detailed report to the Committee in six months on the data in relation to those who were missing education, electively home educated children and exclusions.

- viii) The Lead Member for Children and Families stated that Leicestershire had already implemented a number of the recommendations from the House of Commons report. He acknowledged that there were some issues where the local authority had no power to do anything, but felt that this needed to change. An area of particular interest was how many children off the roll of a school came into care and this would be looked into.

RESOLVED:

- (a) That the report be noted;
- (b) That a report be presented to the Committee in six months on the current figures in relation to those missing education, electively home educated children and exclusions;
- (c) That a more detailed report, focussing on Inclusion, be presented to the Committee in a year's time;
- (d) That data be provided to the Committee on how many excluded children become children in care.

47. Annual Report of the Independent Reviewing Officer.

The Committee considered a report of the Director of Children and Family Services presenting the 2017/18 Annual Report of the Independent Reviewing Officer (IRO) with regard to children in care and those subject to child protection planning. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) It was confirmed that no cases had been referred to the Children and Family Court Advisory and Support Service in relation to the conduct of the local authority around its provision for a child in care. There had been a small number of cases where the IRO had challenged care planning arrangements and a review had been undertaken.
- ii) Reference was made in the report to the fact that sexual abuse only represented 2% of the Child Protection Plan categories of risk, and was therefore significantly under represented. This was being investigated further to see whether the category was being masked by the use of multiple categories, for example, some children were the subject of a Child Protection Plan due to sexual and physical abuse, but had only been categorised under one area. Where this was the case, it was argued that sexual abuse should be the primary category. A detailed piece of work was also due to be undertaken around whether there was any evidence to suggest that those children displaying harmful sexual behaviour had been abused themselves. An update would be provided to future meetings of the Child Protection Panel and this Committee.
- iii) The Annual Report contained a list of actions identified for service improvements during 2018/19, and an update would be provided on the progress with these.

- iv) The independence of the IRO was questioned, given that they worked for the County Council and were inspecting colleagues within another area of the service. The majority of local authorities had found that the most successful way of providing the oversight that was required was to base the IRO service within the Safeguarding Unit. Independence was assured as the IROs were line managed by an officer who did not have the responsibility for day to day practice and planning so there was no area of conflict. The challenge work undertaken by IROs was already well embedded within the department, and other organisations such as Ofsted provided the necessary external quality assurance and oversight of the department.
- v) Confirmation was given that the capacity of the IRO service had been increased as a result of Ofsted growth money.

RESOLVED:

- (a) That the report be noted;
- (b) That an update be provided on progress with the actions identified for service improvements during 2018/19.

48. Leicestershire Fostering Agency Statutory Report.

The Committee considered a report of the Director of Children and Family Services detailing the activity of the Leicestershire Fostering Service during the period 1 April 2017 – 31 March 2018. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) In response to a query around how the savings target was achievable, it was stated that the local authority had put some growth money into this part of the service. There had been investment in fostering recruitment and campaigns for specific groups, for example increasing the number of parent and baby placements offered to improve outcomes and to reduce the department having to use residential mother and baby units, which could incur a significant cost. There had also been investment to complete assessments in a more timely way, and part of the growth money had been used to commission an organisation to support the completion of additional assessments when required. It was acknowledged that this was a challenging target, and progress was monitored on a monthly basis.
- ii) The report highlighted that the service had an ambitious growth target of 25 mainstream carers and 8 specialist carers for 2018/19. To date, 16 mainstream carers had been approved along with one specialist carer, with two more being considered by the Fostering Panel in December. Assurance was given that the service was on target, and more carers were due to be considered by the Panel.
- iii) The Committee agreed that the report highlighted good performance and congratulated the work of officers. The Lead Member for Children and Families was particularly pleased with the number of potential carers going through the process this year, in light of the challenging targets. He suggested

that a report should be presented to a future meeting of the Committee on the progress of the MISTLE project.

RESOLVED:

(a) That the report be noted;

(b) That a report be presented to a future meeting of the Committee on the MISTLE project.

49. Leicestershire Adoption Agency Statutory Report.

The Committee considered a report of the Director of Children and Family Services detailing the activity of the Leicestershire and Rutland Adoption Agency for the period 1 April 2017 – 31 March 2018. A copy of the report marked 'Agenda Item 13' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) Recent reports had suggested that there had been a significant reduction in the number of prospective adopters as a result of an increase in successful fertility treatments. It was confirmed that this had not had an impact on the figures in Leicestershire.
- ii) Concern was raised by a member that the Adoption Panel had not had access to a legal advisor for some time. However, assurance was given that there was no legal requirement to have a legal advisor for the Panel. Discussions had taken place with colleagues in the Council's Legal Department, and regular advice was offered on individual plans for children.
- iii) The Agency Decision Maker formed part of the quality assurance process of the Adoption Panel, and had identified that only a few things should come from the Panel that would need to be quality assured. Further work was required around this and the Assistant Director was due to attend the next meeting of the Adoption Panel to observe and provide feedback to the Chair.
- iv) Discussions had previously taken place around the creation of a regional Adoption Agency. The East Midlands was split into two halves, with Leicestershire being associated with Leicester City, Rutland and Lincolnshire. The Lead Member stated that Leicestershire had been very effective in its work around adoption and felt that, currently, nothing should change.
- v) A Permanence Team pilot was currently taking place in Loughborough, and the aim of this was for a team to work together better to utilise all their skills and provide additional support. The outcome from the pilot would be reported early in 2019.

RESOLVED:

That the report be noted.

50. Leicestershire Virtual School.

The Committee considered a report of the Director of Children and Family Services providing a summary of the role and work undertaken by the Virtual School. The report also provided a contextual summary of the Virtual School 2017 cohort and their examination results. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

The Committee commended the report and the positive outcomes that the Virtual School had achieved. Arising from the discussion, the following comments were raised:

- i) Each child associated with the Virtual School was monitored on a variety of outcomes, including attendance, extended absences and exclusions. The service also offered advocacy support. For post 16 pupils, the Virtual School monitored attendance at college and offered advice around career opportunities. A scheme had been established to support young people with ring fenced apprenticeship opportunities within the local authority, and one person had commenced on 5 November 2018.
- ii) Confirmation was provided that the additional funding received from the Department for Education was annual and would continue to be received next year.

The Lead Member for Children and Families agreed that the work of the Virtual School was to be congratulated, and in order to raise awareness of the service further, an All Member Briefing would be arranged.

RESOLVED:

- (a) That the report be noted;
- (b) That an All Member Briefing on the subject of the Virtual School be arranged.

*At the conclusion of this item, the meeting was adjourned.*

*-The meeting reconvened at 2.00pm-*

#### 51. The Development of a Unitary Structure for Local Government in Leicestershire.

The Committee considered a report of the Chief Executive which had been submitted to the Cabinet on 16 October in response to the Cabinet resolution of 6 July 2018 to enable the Cabinet to consider outline proposals for the development of a unitary structure for local government in Leicestershire. A copy of the report marked 'Agenda Item 15' is filed with these minutes.

The Director of Corporate Resources was also present to introduce the report and made reference to the Chancellor's budget announcement the previous week, which had been more positive than expected. He suggested that the following caveats should be borne in mind:-

- Whether all Government departments would be treated the same, or whether services such as defence and the police would receive a greater share of funding;
- The Government's funding did not allow for changes in population or demand for services; there was a likelihood that these would increase, particularly for social care, and therefore increase funding requirements;
- The costs could increase at a faster rate than inflation.

The Director reminded members that, for Leicestershire County Council to achieve a balanced budget it would still need to increase council tax and meet its savings targets.

Arising from discussion the following points were raised:-

### Overview

- (i) The Cabinet on 16 October had agreed to invite and encourage all stakeholders, including district councils, to take part in an engagement process. The Cabinet was keen for this to happen over the next few months.
- (ii) Following the publication of a statement by the Secretary of State the previous week that the clause in the Cities and Devolution Act 2016, allowing applications for unitary status to progress without full consent of the affected areas, was due to expire in March 2019, it was confirmed that the legal position set out in the Cabinet report indicated that Leicestershire intended to rely on a different Act of Parliament, should it decide to make an application. The County Council would continue to work on meeting the Government criteria outlined in the report unless those were changed.

### Financial Situation

- (iii) Equalisation of council tax was required so that it was the same across the unitary area. Most areas that had moved from a two tier model to a unitary structure tended to set council tax at the lowest district council charge. However, this would be a decision for the administration of the new unitary authority. Members made reference to the impact of new parish councils on council tax; this would have to be borne in mind.
- (iv) It was confirmed that work on the proposals for a unitary structure of local government for Leicestershire had been undertaken within existing resources. Some staff had been able to re-prioritise their workload to undertake the extra work and some staff had worked additional unpaid hours.

### Model Unitary Structure

- (v) It was confirmed that the Local Area Committees would be decision making bodies. They would differ from district councils in that there would be no infrastructure beneath them; services would be managed centrally.
- (vi) It was acknowledged that, based on the comparative number of electors in existing unitary authorities, Leicestershire would be larger than most. However, the proposed number of unitary councillors was proportionately in-line with that of other unitary councils.
- (vii) The development of a unitary structure for local government in Leicestershire would provide an opportunity to revisit the role of the councillor and enhance the community leadership role. This proposal would be developed further through the engagement and consultation process.

### Options Appraisal

- (viii) A member suggested that the options appraisal should include an analysis of the status quo. However, it was noted that the report implied that the County Council's financial situation was such that the status quo could not be maintained. It was therefore important that debates such as this took place now, when the local area was still in a position to influence its future.
- (ix) Another member queried why work on the proposals was continuing, given that a letter from Leicestershire MPs, who had met with the Secretary of State, had been sent to the Leader requesting that work on this topic ceased. However, it was noted that, since the letter had been received, the Secretary of State had announced the formation of a single unitary council for Buckinghamshire.
- (x) Although the £30 million savings had first been identified in the 2014 EY report, the figures had been updated. EY had set out a model for defining savings; it was partly co-incidental that the figure was still the same. The estimated level of savings had actually increased since 2014 but a level of contingency had now been built in.
- (xi) EY had estimated implementation costs of £13 million. The County Council proposals had increased this to £19 million, using both EY methodology and looking at areas from elsewhere, but this remained an area of uncertainty. Allowance had been made for the cancellation of contracts but more work was needed to clarify these costs. The implementation costs included redundancy, calculated at a higher level than the County Council average as it was more likely that senior staff would be made redundant. It was suggested that future reports should make it clearer that the saving information had been updated since the EY report.
- (xii) Although council tax would be harmonised at the lowest level, every effort would be made to maintain the quality of council services. Savings would be achieved through a reduction in management and back office staff. No service cuts had been assumed in the savings calculation. Instead, consideration would be given to the best and most effective way of delivering services. This would ultimately be a matter for the new unitary authority to decide.
- (xiii) The proposals to date were based on projections and assumptions. For business cases previously submitted the Secretary of State had required an independent validation of the financial model as part of the process.

#### Services in a Unitary Structure

- (xiv) The Children and Families Department already had a needs based approach to delivering services across the county. The current model had services managed centrally but delivered locally. The Supporting Leicestershire Families and IMPACT Teams were good examples of the effectiveness of this model, which could be built on in a unitary structure. It was confirmed that the early help services provided by district councils were valuable. The opportunity though a unitary structure was for these services to be better aligned to County Council services.
- (xv) The current Community Safety Partnerships (CSPs) offered a good and thorough understanding of local need and it would be important to maintain this knowledge as part of a unitary structure. The proposed Area Committees would be able to

pick up this role. A member expressed concern that the Police had mapped services to CSP areas and the model unitary structure did not appear to offer a better service than that which was already in place.

- (xvi) The specific area that would benefit from developer contributions was required to be named in Section 106 agreements. This would prevent money from being used anywhere in the county. However, for specialist provision such as Special Educational Needs or Early Years, a unitary structure would enable a countywide approach to Section 106 contributions to be taken. There would also be a single Local Plan for housing and economic development.
- (xvii) A unitary structure would have benefits through allowing a single approach for housing policy. At the moment, if a family or child moved from one district council area it could be difficult for front line staff, who had to work with two different policies. It was acknowledged that there would be still be a requirement to work with Housing Associations in a unitary structure.
- (xviii) The Cabinet Lead Member for Children and Family Services believed that a unitary structure of local government provided opportunities for alignment of services and a reduction of duplication. It would also reduce the number of partners involved in service delivery. His major concern was that the Department's budgets were demand led and the level of need could be difficult to predict. The Department was already overspent and unless radical change, such as seeking unitary status, was undertaken there was a risk of further cuts to non-statutory services such as Children's Centres. The proposals would generate £30 million savings per year; if the status quo was maintained that £30 million would be spent on structures rather than frontline services.

#### Issues Not Already Covered

- (xix) A presentation on the concept of unitary status had been made by the Cabinet Lead Member to Parish and Town Councils at their annual meeting in July. The response had been mixed, with more information requested. Further events had subsequently taken place and the sector was helping to shape proposals. The Leicestershire and Rutland Association of Local Councils had written to all Parish Councils to seek representation for a focus group, which would address issues such as how they would be supported to take on additional responsibilities as well as how to engage with the sector as a whole. Officers would also attend Parish Council meetings if requested.
- (xx) The County Council had saved £200 million over the last 10 years, with some of the savings attributed to cost avoidance. Some concern was expressed that it would not be long before a new unitary structure also needed to make savings to achieve financial balance and that this could have a negative impact on discretionary services currently provided by district councils. It was suggested that the County Council should instead focus on its fair funding campaign. In response, officers confirmed that the proposals did not assume any benefit from the fair funding campaign. Unitary status would make a significant difference in terms of making the authority more sustainable.
- (xxi) The Cabinet Lead Member reminded the Committee of the context for these proposals. A recent meeting at the Home Office, which he had attended in his capacity as chair of the Regional Migration Board, had confirmed that nationally it



was assumed that there was a single tier of local government; two tier areas were in the minority.

- (xxii) It was confirmed that the County Council would be able to set a balanced budget for the next two years and would look for new savings in the interim period. If a balanced budget could not be set, there was no prescribed pathway but it was clear from examples elsewhere in the country that no bailouts were available from central Government and structural change was likely to be imposed. A single tier of local government was most cost effective.
- (xxiii) Concern was expressed that the district councils had disengaged from the debate about a unitary structure for local government in Leicestershire and it would therefore be difficult to make progress.

The Liberal Democrat Group asked for its view that the £30 million annual savings would be used to fund existing County Council services and would quickly disappear to be placed on record.

RESOLVED:

- (a) That the report and information now provided be noted;
- (b) That the comments of the Committee be forwarded to the Scrutiny Commission for consideration at its meeting on 14 November 2018.

52. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 22 January 2019 at 1.30pm.

10.00am – 12.45pm

2.00 – 3.33pm  
05 November 2018

CHAIRMAN

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**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**  
**22 JANUARY 2019**

**JOINT REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY  
SERVICES AND THE DIRECTOR OF CORPORATE RESOURCES**

**MEDIUM TERM FINANCIAL STRATEGY 2019/20–2022/23**

**Purpose of Report**

1. The purpose of this report is to:
  - a) Provide information on the proposed 2019/20 to 2022/23 Medium Term Financial Strategy (MTFS) as it relates to the Children and Family Services Department;
  - b) Ask members of the Committee to consider any issues as part of the consultation process, and make any recommendations to the Scrutiny Commission and the Cabinet accordingly.

**Policy Framework and Previous Decisions**

2. The County Council agreed the current MTFS in February 2018. This has been the subject of a comprehensive review and revision in light of the current economic circumstances. The draft MTFS for 2019/20–2022/23 was considered by the Cabinet on 18 December 2018.

**Background**

3. The MTFS is set out in the report to Cabinet on 18 December 2018, a copy of which has been circulated to all members of the County Council. This report highlights the implications for the Children and Family Services Department.
4. Reports such as this one are being presented to the relevant Overview and Scrutiny Committees. The views of this Committee will be reported to the Scrutiny Commission on 28 January 2019. The Cabinet will consider the results of the scrutiny process on 8 February 2019 before recommending a MTFS, including a budget and capital programme for 2019/20 to the County Council on 20 February 2019.

**Service Transformation**

5. The transformation programme continues to be targeted at the development and implementation of a sustainable, cost effective operating model for the Children and Family Services Department that improves outcomes for children and young people in Leicestershire.

6. The department has significant transformation projects charged with delivering the Medium Term Financial Strategy (MTFS) savings in relation to the development of the Care Placement Strategy, children's centres and early help services and services for pupils with High Needs;
- Care Placement Strategy – the department continues to develop this key strategy to effectively manage the Looked After Children (LAC) system through keeping numbers as low as possible by diverting children to use new and more forms of family support. This is linked to the changes being delivered through the Early Help Review. It will also enable the delivery of more cost effective placement solutions, including intensive family support, which will reduce the use of residential care. Where residential care is necessary ensuring it is cost effective. Additionally the fostering service will be developed to avoid and reduce the number of more costly Independent Fostering Agency (IFA) placements and extending the use of Adoption to include older and more challenging children. To support the delivery of the strategy a procurement exercise has been completed to secure a strategic partner through the establishment of the Children's Innovation Partnership. The contract was awarded to Barnardo's and the contract mobilised on 1 December 2018.
  - Early Help - The department will deliver the £1.5 million MTFS savings against Early Help (Children's Centres, Supporting Leicestershire Families (SLF), Youth Offending Services). Following extensive consultation the Family Wellbeing Service will become operational on 1 April 2019. The Supporting Leicestershire Families (SLF) programme is currently funded through a combination of the revenue budget, contributions from County Council earmarked funds, partner funding and the Government's Troubled Families grant. During the MTFS contributions from earmarked funds will be extinguished, savings are required as part of the Review of Early Help, and there are uncertainties over future partner contributions and grant funding. It is expected that partner and Government contributions will cease after current commitments have been met. This equates to a loss of £2.3m of income. The 2018/19 MTFS included setting aside £2m in an earmarked fund to allow the transition to a new model when Government and partner funding intentions are known.
  - High Needs – The Cabinet agreed a consultation on the development of local provision for children with Special Educational Needs and Disabilities (SEND) at its meeting on 18 December 2018. The High Needs Development plan will develop and embed an inclusive approach for children with SEND across schools and partners, modernise services and develop cost effective, high quality provision.
7. The programme will be dynamic and respond to;
- Legislative changes in the role of local authorities in education and social care
  - The continued reform in social work practice.

### **Proposed Revenue Budget**

8. The table below summarises the proposed 2019/20 revenue budget and provisional budgets for the next three years. The proposed 2019/20 revenue budget is shown in detail in Appendix A.

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000
Original prior year budget	70,467	73,918	73,628	75,058
Budget Transfers and Adjustments	1,406	0	0	0
<b>Sub total</b>	<b>71,873</b>	<b>73,918</b>	<b>73,628</b>	<b>75,058</b>
Add proposed growth (Appendix B)	4,470	1,635	2,100	2,300
Less proposed savings (Appendix B)	-2,425	-1,925	-670	-700
<b>Proposed/Provisional net budget</b>	<b>73,918</b>	<b>73,628</b>	<b>75,058</b>	<b>76,658</b>

9. Detailed service budgets have been compiled on the basis of no pay or price inflation, a central contingency will be held which will be allocated to services as necessary.
10. The central contingency also includes provision for an annual 1% increase in the employers' contribution to the Local Government Pension in line with the requirements of the actuarial assessment.
11. The total gross proposed budget for 2019/20 is £876.3m with contributions from specific grants, health transfers and service user and partner contributions projected of £218.4m (including £106.9m, excluding schools, of services funded from the Dedicated Schools Grant). The proposed net budget for 2019/20 totals £73.918m and is distributed as follows:

Net Budget 2019/20	£ million	%
Directorate	1,117	1.5
Safeguarding, Improvement and Quality Assurance	1,783	2.4
Children in Care	35,729	48.3
Field Social Work	12,295	16.6
Practice Excellence	321	0.4
Children and Families Wellbeing	10,002	13.5
Education Sufficiency	175	0.2
Education Quality and Inclusion	1,489	2.0
SEND and Children with Disabilities	5,822	7.9
Business Support and Commissioning	5,185	7.0
<b>Department Total</b>	<b>73,918</b>	<b>100.0</b>

### Other Changes and Transfers

12. A number of budget transfers (totalling a net increase of £1.4m) were made throughout the 2018/19 financial year and are now adjusted for in the updated original budget. These transfers relate to inflation and pay awards.
13. Growth and savings have been categorised in the appendices under the following classification:
  - \* item unchanged from previous MTFS;
  - \*\* item included in the previous MTFS, but amendments have been made;
  - No stars new item.

This star rating is included in the descriptions set out for growth and savings below.

Savings have also been classified as Transformation or Departmental and highlighted as “Eff” or “SR” dependent on whether the saving is seen as efficiency or a service reduction or a mixture of both. “Inc” denotes those savings that are funding related or to generate more income.

## **Growth**

14. Growth over the next four years in the local authority budget totals £10.5m, including £4.5m in 2019/20. The budget increases are outlined below and summarised in Appendix B. Before the MTFs report to the Cabinet on 8 February, the provisional MTFs will be reviewed and if appropriate updated by the latest budget monitoring position for 2018/19. The social care placement budget and that for placements for children and young people with special educational needs and disabilities (SEND), in particular is subject to volatility.

15. The following paragraphs provide the detail for each growth item;

### **\*\* G1 Social Care Placements £3.3m 2019/20 rising to £10.2m in 2022/23**

Historically Leicestershire’s LAC population has been significantly lower than comparator authorities. This pattern is changing indicating that the children who need to be in care are coming into care; this position was confirmed by Ofsted. It is expected that this will stabilise over the next 2-3 years, resulting in Leicestershire being in line with new entries into care for other comparator authorities as a result of Edge of Care initiatives as part of the Care Placement Strategy being developed will help some children remain at home.

However, the numbers of Looked After Children (LAC) continues to increase nationally and, whilst the increase appears to be slowing, Leicestershire follows that pattern. The 2018/19 MTFs was based upon an expectation of 610, however based current trends it is expected that the number of LAC in March 2019 will be 600 which is an increase of 8%. A number of actions implemented in 2018, including the management of high cost places, the increased challenge to the type of placement and the introduction of the Dedicated Placement Support Team and the Multi-Disciplinary Intervention Support Team Leicestershire (MISTLE) are beginning to have an impact, particularly to the number of residential placements which are projected to fall from 70 to 58. Overall the number of children in foster placements is forecast to increase from 345 to 433 over the period of the MTFs, however as a result of Staying Put legislation and the Southwark Judgement the number of children in supported and semi-independent living is expected to grow from 54 to 74.

The current assessment of the current LAC trend and the impact of actions taken during 2018/19 result in a revised trajectory of an approximate 8% increase in 2019/20 falling to an annual rate of growth of 4% over the final three years of the MTFs. The financial impact of these changes result in an increased growth requirement of £1.5m from the 2018/19 MTFs, the overall increase over the 2019/20 MTFs period is £5.8m. The expectation remains that the number of LAC will be in line with statistical neighbours, LAC numbers and placement type are shown in the following table;

Placement	Actual	Forecast	Forecast	Forecast	Forecast	Forecast
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
FOSTERING - INTERNAL	124	140	173	206	239	272
FOSTERING - INTERNAL SPECIALIST	3	11	16	21	26	31
FOSTERING - EXTERNAL UASC	16	10	10	10	10	10
FOSTERING - EXTERNAL MAINSTREAM	154	184	180	160	140	120
FOSTERING - TOTAL	<b>297</b>	<b>345</b>	<b>379</b>	<b>397</b>	<b>415</b>	<b>433</b>
CONNECTED FOSTER CARER	97	100	102	104	106	108
RESIDENTIAL CARE	64	58	60	62	64	66
SEMI-INDEPENDENT LIVING	50	54	60	63	68	74
ADOPTION	35	38	42	46	48	50
PLACED WITH PARENTS	10	5	5	5	5	5
TOTAL LAC	<b>553</b>	<b>600</b>	<b>648</b>	<b>677</b>	<b>706</b>	<b>736</b>

\* G2 Supporting Leicestershire Families – transition to a new model when external funding ceases -£1.0m 2020/21

The SLF programme is funded through grant income, partner contributions and from the use of earmarked funds. The 2018/19 MTFs made provision of £1.0m per annum for 2018/19 and 2019/20 in order to maintain the service until autumn 2020, this removes this funding. The government's intentions on funding the national Troubled Families programme is currently uncertain; a review of the programme will be undertaken when the national funding position is identified which is expected to be confirmed in the next Comprehensive Spending Review.

G3 Special Educational Needs Assessment Service £0.575m 2019/20 rising to £0.71m 2020/21

The number of children with an Education, Health and Care Plan (EHCP) has grown by 32% since the introduction of Special Educational Needs and Disability (SEND) reform in 2014. This has created significant pressure on the Special Educational Needs Assessment Service (SENA) where resources have remained at pre-2013 levels. In order to meet the statutory duty for the assessment and monitoring of EHCP's and to respond to the growing challenges being encountered with High Needs expenditure there is a requirement for growth to increase the capacity of the service. It is expected that the SEND Reform grant (£0.309m) will continue until March 2020 before being incorporated into Revenue Support Grant. If this grant ceases then the growth requirement will increase.

G4 Unaccompanied Asylum Seeking Children £0.345m 2019/20

The department has managed overspends in this area over both 2017/18 and 2018/19 and demand continues to increase. This is an exceptionally volatile area with Unaccompanied Asylum Seeking Children (UASC) arriving spontaneously and becoming the responsibility of the Council. Government grant is received but is insufficient to fully meet costs. In March 2018 58 UASC were supported, this had risen to 68 in October 2018. Whilst the overall number of UASC has remained the same the proportion of those in care has reduced and the number accessing care leavers services has increased indicating that UASC are accessing social care services for longer.

G5 Agency Staff – Children's Social Care £0.25m 2019/20

The 2018/19 MTFS provided growth for the development to meet the challenges encountered in recruiting and retaining social workers, however it has remained a continued challenge. The department has introduced a Recruitment and Retention Strategy which is starting to have a positive impact, the social care workforce is subject to significant turnover and in order to retain caseloads at acceptable levels there will be an on-going need for agency staff to cover vacancies. This will be kept under review, particularly in light of the CIP and any resultant changes in working practices.

## **Savings**

16. Details of proposed savings for the local authority budget are set out in Appendix B and total £2.4m in 2019/20 and £5.7m over the next four years in total. Additionally the High Needs Development Plan aims to ensure sustainable services for children and young people with Special Educational Needs (SEN) within the High Needs Block of the Dedicated Schools Grant (DSG). In order to achieve this objective cost reductions of £19.4mm are required over the period of the MTFS.

17. The following paragraphs provide the detail each savings item;

**\* CF1 Eff New Departmental Operating Model - £0.1m 2020/21**

This target is unchanged from the 2018/19 MTFS. During 2018/19 a revised operating structure has been established and embedded for Heads of Service and for all business support across the department. The review of business support has identified further cost saving options for delivery in 2020/21.

**\*\* CF2 Eff Growing Mainstream Internal Foster Carer Provision £0.5m 2019/20 rising to £2.0m 2022/23**

The annual target is unchanged from the 2018/19 MTFS and is extended to a further year. The fostering service has an internal target for the net increase in foster carers of 25 per year; this increase is delivered within the service as business as usual activity. 18 mainstream foster carers have been approved in the first three quarters. The projected gross increase for 2018/19 is 35 foster carers; a further 24 new entries into assessment are expected to be approved in 2019/20. The number expected to leave the service due to retirement or safeguarding issues is projected to be 20. Therefore the projected net recruitment in 2018/19 is 15. This falls short of the target but is offset by the savings achieved from recruitment of specialist carers. The expectation is that the growing success of recent recruitment campaigns the target will be fully achieved in 2019/20 but will be the subject of close monitoring.

**\*\*CF3 Eff Growing Specialist Internal Foster Career Provision £0.2m 2019/20 rising to £0.9m in 2022/23**

The annual target is unchanged from the 2018/19 MTFS other than extending it to a further year. Targets have been set per specialist placement type, requiring a total growth of 11 specialist carers in 2018/19. Between April to December 2018 10 specialist carers have been approved. There are a further 4 carers in assessment. The success of recruitment campaigns indicate that the 2019/20 targets should be fully achieved but will be the subject of close monitoring. It should be noted that campaigns for short breaks and respite carers have been paused due to a decrease in demand for this type of placement.

**\*CF4 Eff Develop Wrap Around Therapeutic Support Services £0.7m 2020/21**



This saving is unchanged from 2018/19. The contract for this intervention was awarded to Action for Children and aims to help children and young people who have experienced significant challenges to move from residential care to foster care. Work has begun with the first cohort of young people; it is expected that savings will accrue from 2020/21.

**\*\* CF5 Eff/SR Early Help Review £1.25m 2019/20 rising to £1.5m 2020/21**

The Cabinet approved the new operating model for the integrated family and wellbeing service on 6 July 2018. The overall level of saving is unchanged, however £0.25m has been re-profiled to 2020/21, and whilst the new service structure will be in place from April 2019, some transitional costs relating to property and staff notice periods mean that the full saving will not now be fully realised until 2020/21

**\* CF6 Eff – Disabled Children’s Respite Care £0.1m 2019/20**

Disabled children’s respite care is externally commissioned; effective contract management has enabled the annual contract value to be reduced. This service is due to be recommissioned in 2019/20.

**\* CF7 Eff – Review of Staff Absence £0.075m in 2018/19 rising to £0.15m in 2020/21**

This saving is unchanged from 2018/19. Staff absence targets have been allocated to all departments based upon the intention to meet or exceed the County Council’s target of 7.5 days per FTE. There has been significant emphasis placed on absence monitoring across the department and the absence rate is reducing.

**\* CF8 Eff/Inc. – Review the Educational Psychology Service £0.1m 2019/20**

This saving is unchanged from 2018/19 and will result from a combination of an increase in traded income and changes in the management structure. A review of the service functions is underway.

**\* CF9 Inc. – Academy Conversion + £0.03m 2021/22**

This saving is unchanged from 2018/19. A savings target based on additional income through charging schools for academy conversion was included in the 2017/18 MTFS based upon the expectation within the White Paper – Educational Excellence Everywhere that by 2020 all schools would be progressing to academy status. Academy conversion however has slowed down and the savings target will be removed in full in 2021/22.

**\* CF10 Eff – Review the Education of Children in Care Service £0.2m 2019/20**

This saving is unchanged from 2018/19. This saving will be achieved through funding non-statutory services from the increased Pupil Premium and the realignment of service contracts.

**Dedicated Schools Grant**

18. For 2019/20 the Dedicated Schools Grant (DSG) is calculated in four separate blocks as set out below;

Funding Block	Areas Funded	Basis for Settlement
<p>Schools Block £394.546m consisting of;</p> <ul style="list-style-type: none"> <li>• School formula funding £392.172m</li> <li>• School Growth £2.374m</li> </ul>	<p>Individual budgets for maintained schools and academies.</p> <p>Growth funding to meet the revenue costs to meet the local authorities duty to ensure a sufficient number of school places through school expansion and the development of new schools</p> <p>DSG is notionally allocated to Leicestershire for all maintained schools and academies. A locally agreed funding formula is applied to this to determine school budgets, for maintained schools these are allocated directly by the local authority, for academies the funding is recouped from the settlement by the Education and Skills Funding Agency (ESFA) who then directly fund academies.</p>	<p>2019/20 is the second year of the National Funding Formula for schools which attributes units of funding to pupil characteristics. The grant settlement is based on;</p> <ul style="list-style-type: none"> <li>• the aggregate of pupil led characteristics for each individual school</li> <li>• an allocation for school led factors based on 2018/19 expenditure.</li> </ul> <p>These allocations will be fully delegated to schools. In addition a formulaic allocation for school growth will be retained to meet the future costs of new and expanding schools</p> <p>In respect of school formula funding this represents an increase of 3.3%, for growth this is an increase of 158.9%</p>
<p>Central School Services Block £3.369m</p>	<p>These funds historic financial commitments related to schools such as premature retirement costs, some budgets related to schools that are centrally retained e.g. admissions, servicing the Schools Forum and school copyright licences. This block now includes funding from the retained duties element of the former Education Services Grant for the responsibilities that local authorities have for all pupils such as school place planning and asset management.</p>	<p>This is distributed through a per pupil allocation basis and is retained by the local authority.</p> <p>Overall this is an increase of 2.5% over the 2018/19 baseline.</p>
<p>High Needs Block</p>	<p>Funds special schools and other specialist providers for high needs pupils and</p>	<p>The formula is based upon population of 0 -19 year olds and proxy indicators for</p>

Est £68.659m	<p>students, the pupil referral unit and support services for high needs pupils including high needs students in further education provision.</p> <p>As with the Schools Block this includes funding for special academies and post 16 providers which are recouped by the ESFA who then directly fund academies.</p> <p>Confirmation of the 2019/20 grant is not expected until March 2019.</p>	<p>additional educational need including deprivation, ill health, disability and low attainment. Also included is an element based on historic spend. The formula also includes a funding floor to ensure that local authorities do not receive a funding reduction as a result of the introduction of the formula; Leicestershire receives £4.337m through this element.</p> <p>The grant allocation includes the additional funding announced by the DfE in December 2018 and is an increase of 3.9% from the 2018/19 baseline</p>
Early Years Est £34.928m	<p>Funds the Free Entitlement to Early Education (FEEE) for 2, 3 and 4 year olds and an element of the early learning and childcare service.</p> <p>The grant is based on the universal hourly base rate plus additional needs measured with reference to free school meals, disability living allowance and English as an additional language. The factors as recorded on the early year's census in January 2019 and updated for the January 2020 census, final grant are not expected to be confirmed until May 2020.</p>	<p>The allocation is based on individual pupil characteristics and converted to a rate per hour of participation. Leicestershire receives the lowest rate of £4.30 per hour for 3 and 4 year olds and the lowest rate of £5.20 per hour for disadvantaged 2 year olds.</p> <p>The funding position is unchanged from the 2019/20 baseline</p>
<b>£501.502m</b>	<b>2019/20 Estimated DSG</b>	

19. The 2018/19 MTFS sets the overall Schools Budget at the level of DSG received and is therefore shown as a net nil budget at local authority level.

### Schools Block

20. The Department for Education (DfE) has confirmed that the 'soft' school funding formula will be in place for 2019/20 and 2020/21. A 'soft' formula is where a National Funding Formula (NFF) calculates notional school allocations based upon pupil characteristics to which local authorities apply their own local funding formula to generate individual school budgets. The Leicestershire School funding formula reflects the NFF and will remain unchanged for 2019/20. The 2019/20 Schools Block DSG settlement is £394.5m (£392.2m NFF / £2.3m School Growth Fund), and this is based upon the 2017 October school census.
21. 2019/20 is the second year of the NFF; schools will receive a minimum per pupil increase in funding of 0.5% and a maximum increase of 3%. Despite the overall increase in budget, at individual school level a number of schools remain on the funding floor with an increase of 0.5% per pupil. These schools, despite additional funding, will experience a real terms decrease in income. As the funding guarantee is at pupil level schools with decreases in pupil numbers will see an overall decrease in budget allocation.
22. Within the Schools Block is a funding allocation of £2.3m to meet the revenue costs of additional school places within new and expanding schools. This allocation is formula based for the first time in 2019/20 and a significant increase from the £0.9m within the 2018/19 DSG. The revenue cost of commissioning a new school ranges from £0.5m to £0.8m for a primary and £2.2m to £2.5m for a secondary depending upon size and opening arrangements. 23 new primary and 2 new secondary schools are expected to be built in Leicestershire in the medium to long term. A reassessment of the financial commitment associated with new schools will be completed early in 2019 once the 2019/20 school funding formula values are confirmed.

### High Needs

23. The provisional High Needs DSG is £68.659m and includes additional funding announced in December, but confirmed funding only to March 2020. Should this level of funding continue the DSG deficit is expected to begin to be recovered in 2022/23 and return to surplus in 2023/24. At the end of the 2019/20 MTFS period the cumulative deficit is estimated to be £5.2m.
24. The December funding announcement coincided with the publication of the 'Have we reached a 'tipping point?' Trends in spending for children and young people with SEND in England' report commissioned by the Local Government Association (LGA). This cites four main factors for increasing expenditure;
- 2014 SEND reform
  - Underlying demographic changes
  - National policy changes that have resulted in an environment in mainstream schools where inclusivity is not rewarded
  - Pressure in mainstream school budgets reducing the level of SEND support schools are able to provide

The report refers to pressures on demand that are beyond local authority control, authorities having no levers to allow them to effect costs and that there are structural features within the current SEND system which means there will continue to be a significant risk of overspending the high needs block, even if budgets were significantly

increased. It also suggests that a fundamental review is needed of the powers that local government need to act as an effective strategic commissioner of SEND provision.

25. The formula allocates funding across a set of pupil related indicators and also includes an allocation based on historic spend. For Leicestershire the grant includes circa £4.3m of protection funding, which is not guaranteed in the long term. The following table sets out the summarised income and expenditure position based on current estimated service demand and includes savings targets based upon the delivery of the proposed High Needs Block Development Plan.
26. The proposed High Needs Development Plan was considered by the Cabinet on 18 December 2018, where consultation was approved on the approach to planning, commissioning, and delivering SEND services. Consultation closes on March 31 2019.
27. The plan has been developed, and recognises and addresses the key cost drivers identified in the LGA research, and will deliver focused activities on three key areas:
  - To develop and embed an inclusive approach and practice amongst schools, LA staff and other settings
  - The modernisation of SEN services through;
    - Improved (joint) commissioning
    - Improved processes and decision making
    - Improved quality and assurance
    - Digitisation to support improved partnership working
  - The development of a range of cost effective, high quality provision for children and young people with special educational needs;
    - SEN units attached to mainstream schools
    - Development of special schools
    - Expansion of existing, or new build, area special school
    - Development of FE provision
28. The High Needs Development plan financial forecast has been updated to reflect the most recent budget and grant forecasts, and further revisions will be required as provision is developed and start up costs are confirmed and the additional places become operational. The revised position is shown in the table below and is dependent on matching individual education need to the timing and the cost of new provision;

	2018/19	2019/20	2020/21	2021/22	2022/23
	£,000	£,000	£,000	£,000	£,000
High Needs DSG	-67.455	-68.659	-68.659	-68.659	-68.659
Estimated Operational Expenditure	69.990	75.284	77.864	81.366	84.132
Estimated Project Expenditure	0.296	1.756	1.046	0.030	0.000
Total Potential Savings	0.000	-2.653	-7.251	-12.467	-19.852
Annual Funding Gap	2.831	5.728	3.000	0.270	-4.379
Funded From Reserve	-2.228				
<b>Cumulative Funding Gap - DSG Reported Deficit</b>	<b>0.603</b>	<b>6.331</b>	<b>9.331</b>	<b>9.601</b>	<b>5.222</b>

\* Dependent on matching individual education need to the timing and the cost of new provision

29. A DSG deficit can be carried forward to the following year with the approval of the Schools Forum. Should approval not be granted then local authorities may seek adjudication from the Secretary of State. The Leicestershire Schools Forum agreed the carry forward of the 2018/19 High Needs Block Deficit at its meeting on 26 November 2018, annual approval will be required. In the short to medium term the High Needs deficit will be offset by funding for new school growth being carried forward.

### Central Services Block

30. The central services block funds a number of school related expenditure items such as existing school based premature retirement costs, copyright licences under a national DfE contract for all schools and other historic costs.
31. This block also includes funding for the statutory duties that local authorities retain for all schools such as ensuring sufficient supply of school places. The 2019/20 provisional settlement is £3.3m an increase of 1.6%.

### Early Years Block

32. There are no changes to the Early Years Block. Grant remains determined by the number of children participating in early years education. The funding will support the 30 hours Free Entitlement to Early Education (FEEE) for eligible parents and continued delivery of the early years offer for disadvantaged two year olds. The rate of funding is unchanged from 2018/19 at £4.30 per hour; a maximum of 5% of the overall settlement is retained to fund the early learning service that fulfils the local authorities statutory duty to ensure sufficiency of places for those parents that request one.

### Other Funding Sources

33. The specific grants for the department are;

- Dedicated Schools Grant (DSG) (£501.5m est). The purpose of this grant is detailed in other sections of this report.
- Maintained School sixth forms (£0.7m est). This funding is paid to the local authority by ESFA) for maintained school sixth forms. The allocations are made according to a national formula and paid over to school in full. Academies with sixth forms receive this funding directly from the ESFA.
- Pupil Premium (£5.6m est). Pass ported to schools to raise the attainment of disadvantaged pupils. This figure excludes academy allocations which are paid directly by the ESFA. Funding rates for free school meal and service children are unchanged from 2017/18, funding rates for looked after children and children adopted from care will increase by £400 to £2,300 per pupil. The DfE has stated it will continue the grant for the term of the current Parliament.
- Universal Infant Free School Meals (£3.8m est). The Children and Families Act 2014 placed a legal duty on all state-funded schools in England to offer a free school lunch to all pupils in reception, year 1 and year 2 from September 2014. This grant is fully pass ported to schools to fund this responsibility. This figure excludes academy allocations which are paid directly by the ESFA. The grant has not been confirmed and is assumed to be at the same level as 2018/19.
- PE and Sports Grant (£1.8m est). The grant is pass ported to schools to deliver additional and sustainable improvements to the provision of PE and sport for the benefit of all pupils to encourage the development of healthy, active lifestyles. This figure excludes academy allocations which are paid directly by the ESFA. The grant has not been confirmed and is assumed to be at the same level as 2017/18.
- Asylum Seekers (£0.4m est). This supports the cost of supporting unaccompanied asylum seeking children. The grant is variable and dependent upon the number and age of children supported.
- Staying Put Implementation Grant (£0.08m est). The Children and Families Act 2014 introduced a new duty on local authorities to support young people to continue to live with their former foster carers once they turn 18 (the 'Staying Put' duty). This duty came into force on 13 May 2014. The grant has not been confirmed and is assumed to be at the same level as 2018/19.
- Virtual School (£0.05m est). The Children and Social Work Act 2017 places a new duty on local authorities to provide for the education of certain previously looked after children and supported by the provision of a specific grant. The grant has not been confirmed and is assumed at the same level as 2018/19.
- Personal Advisors to Care Leavers (£0.04m est). The children and Social Work Act extended the duty on local authorities to provide Personal Advisor (PA) support from age 21 to age 25 if they wish to access this support. The new burdens assessment suggested that this grant will increase in 2019/20; however the grant has not been confirmed and has been assumed to be at the same level as 2018/19.

- Youth Justice Good Practice (£0.5m est). The purpose of the Youth Justice Good Practice Grant is to develop good practice and commission research, with a view to achieving the reduction in youth re-offending, reduction in the numbers of first time entrants to the justice system and reduction in the use of youth custody. The grant has not been confirmed and is assumed to be at the same level as 2018/19.
- SEND Reform Grant (£0.3m est). The Children and Families Act 2014 introduced significant changes in respect of supporting children and young people with special educational needs and disabilities (SEND) including the introduction of Education, Health and Care Plans, publication of the local offer of support services and the introduction of personal budgets. Changes have been supported by specific grant allocations by the Department for Education (DfE) and a further grant for 2018/19 has been confirmed nationally, it is assumed that Leicestershire will receive the same proportion of the national funding as for 2018/19.
- Troubled Families Programme (£1.4m est). Three elements of grant are received from the Government for this national programme, the first for engaging families within the programme; the second is payment for results for meeting the Governments targets and the third to fund service development. The grant has not been confirmed and is estimated based on payment by results targets.
- School Improvement Grant (£0.1m est). This was a new grant from September 2017 for local authorities to co-ordinate school improvement activity in mainstream schools.
- Early Years Disability Access Grant (£0.1m est). Supports access for children with disabilities to attend nursery providers
- Early Years Pupil Premium (0.2m est). Supports deprived children accessing the free entitlement to early education.

### **Capital Programme**

34. The draft Children and Family Services capital programme totals £99.1m over the next four years including £24.6m in 2019/20. The draft programme and funding are outlined below and summarised in Appendix C. The programme for 2018/19 is set out in more detail than that for future years where both the need for school places and the grant funding from the DfE is less certain. It is envisaged that over the four years of the MTFS that an additional 2,500 school places will be created and new provision for children and young people with SEND will be created.
35. The programme is partially funded by external grant and developer S106 contributions:

**Basic Need Grant** - is received from the DfE based upon the need to create additional school places. Grants of £11.5m for 2019/20 and £8.7m for 2020/21 have been confirmed, the timing of announcements of grant for the latter two years of the MTFS are uncertain. The grant reflects the overall place need across the County and will be in both maintained schools and academies. The grant meets the infrastructure costs of creating new places, eligible revenue costs fall to be met from the local authorities growth fund funded from DSG.



Strategic Maintenance Grant – is received from the DfE for the maintenance of maintained schools only. Grant is based on a formula that considers pupil numbers and overall condition of the school estate. Allocations for the MTFS period are yet to be confirmed. It is expected that the grant will reduce as schools convert to academies.

S106 Contributions – it is estimated that a total of £3.463m of S106 contributions will be received in 2019/20 and £4.5m in 2020/21. Estimates for the latter two years of the MTFS are uncertain and are dependent upon the speed of housing developments. It is estimated that the full costs of new schools required on new housing developments will be fully funded from S106 contributions.

SEND Provision Capital Grant – this grant was announced during 2017/18 by the DfE and in response to the introduction of the National Funding formula for High Needs to provide local authorities with capital to develop cost effective SEN provision and is confirmed at £0.709m for 2019/20 and £1.2m in 2020/21. There is no indication that this funding will continue past this point.

#### Free School Bid

The programme includes a bid to the DfE for £8m to build a new 50 place special school for children with Social, Emotional and Mental Health (SEMH) needs, the outcome of this bid is expected early in 2019

#### Draft Capital Programme 2019/20 – 2022/23

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	Total £000
<b>MAIN GRANT FUNDING PROGRAMME</b>					
<b>Provision of Additional School Places</b>	<b>13,740</b>	<b>16,920</b>	<b>18,970</b>	<b>15,680</b>	<b>65,310</b>
<b>SEND Programme</b>					
Social Emotional Mental Health (SEMH) Units	1,250	1,250			2,500
SEMH Special School - LA Developed	2,000	1,000			3,000
SEMH Special School - Free School Bid - subject to DfE approval	0	0	8,000		8,000
Post 16 SEND	500	500			1,000
Communication and Interaction Difficulty Units	770	500			1,270
Communication and Interaction Difficulty School	1,500	2,500			4,000
Expansion of Special Schools	1,500	1,000			2,500
<b>Sub total - SEND Programme</b>	<b>7,520</b>	<b>6,750</b>	<b>8,000</b>	<b>0</b>	<b>22,270</b>
Strategic Capital Maintenance*	2,300	2,000	2,000	2,000	8,300
Schools Devolved Formula Capital *	600	500	500	500	2,100
DDA / Schools Access / Safeguarding	200	200	200	200	800
Early Help - Building reconfiguration and refurbishment	300				300
<b>Other Capital</b>	<b>3,400</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>11,500</b>
<b>Overall Total</b>	<b>24,660</b>	<b>26,370</b>	<b>29,670</b>	<b>18,380</b>	<b>99,080</b>

\* - awaiting Government announcement due, timing of which is uncertain.

<b>Future Developments - subject to further detail and approved business cases</b>
S106 Schemes - externally funded tbc
Early Years Provision
Area Special School

36. The draft programme has been developed on a priority basis and within that schemes are at different stages of development. For some schemes contractors' prices have been obtained, for others costs are indicative and based on exemplar and / or similar schemes. In order to minimise risk where contractors prices have not yet been obtained

contingency is held to mitigate against any increase in cost, and as prices are confirmed schemes will be re-evaluated and re-prioritised as necessary.

37. The programme is focused on two significant areas; the need to provide additional primary school places based on the assessed need through the annual school capacity assessment which also provides the basis for the Basic Need capital grant. It is estimated that 895 additional places will be delivered in 2019/20; the location and number of the additional places can only be confirmed following the confirmation of school admissions in January and April 2019.

#### 2019/20 Capital Programme

38. Schemes are focused on the need to develop additional primary school places. Significant schemes include primary provision at Hugglescote, Nailstone Dovebank and Thurnby Fernvale and contingency to address any unforeseen issues arising from September 2019 admissions data.
39. The programme also includes a total £22.27m investment in SEND provision to increase local provision through the development and expansion of SEN units and special schools to provide the infrastructure upon which the high needs development plan will be delivered.

#### 2020/21 Capital Programme

40. The programme for 2020/21 is subject to change as the pattern of future admissions becomes known but also in respect of S106 schemes which are subject to sufficient housing growth to generate the additional pupils but also in regard to developments. Schemes will remain focused upon the provision of additional primary school places which will be delivered from the Basic Need grant and from specific S106 schemes together with year two of the SEND programme.

### **Background Papers**

Report to Cabinet 18 December 2018 – Medium Term Financial Strategy 2019/20 – 2022/23  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5793&Ver=4>

Report to Cabinet 18 December 2018 – Special Educational Needs and Disabilities Provision – High Needs Block Development Plan  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5793&Ver=4>

Report to Schools Forum 26 November 2018 – Finance Update  
<http://politics.leics.gov.uk/documents/s142494/Schools%20Budget%20Updatev2.pdf>

Report to Schools Forum 6 November 2018 – High Needs Block Recovery Plan  
<http://politics.leics.gov.uk/documents/s142495/High%20Needs%20Block%20Recovery%20Planv3.pdf>

### **Circulation under local issues alert procedure**

None.

## **Equality and Human Rights Implications**

41. Public authorities are required by law to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation;
  - Advance equality of opportunity between people who share protected characteristics and those who do not;  
and
  - Foster good relations between people who share protected characteristics and those who do not.
42. Many aspects of the County Council's MTFs may affect service users who have a protected characteristic under equalities legislation. An assessment of the impact of the proposals on the protected groups must be undertaken at a formative stage prior to any final decisions being made. Such assessments will be undertaken in light of the potential impact of proposals and the timing of any proposed changes. Those assessments will be revised as the proposals are developed to ensure decision makers have information to understand the effect of any service change, policy or practice on people who have a protected characteristic.
43. Proposals in relation to savings arising out of a reduction in posts will be subject to the County Council Organisational Change policy which requires an Equality Impact Assessment to be undertaken as part of the action plan.

## **Appendices**

Appendix A – Revenue Budget 2019/20

Appendix B – Growth and Savings

Appendix C – Capital Programme 2019/20 – 2022/23

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CHILDREN & FAMILY SERVICES DEPARTMENT

APPENDIX A

REVENUE BUDGET 2019/20

Budget 18/19		Employees	Running Expenses	Internal Income	Gross Budget	External Income	Net Total 19/20	Schools	Early Years	High Needs	Dedicated Schools Grant	LA Block
£		£	£	£	£	£	£				£	£
<b>1,388,082</b>	<b>C&amp;FS Directorate</b>	<b>1,198,554</b>	<b>135,228</b>	<b>0</b>	<b>1,333,782</b>	<b>0</b>	<b>1,333,782</b>	<b>18,499</b>	<b>44,230</b>	<b>153,947</b>	<b>216,676</b>	<b>1,117,106</b>
1,636,988	C&FS Safeguarding	1,555,078	259,910	-38,000	1,776,988	-140,000	1,636,988	0	0	0	0	1,636,988
146,038	LSCB	257,548	138,740	-38,222	358,066	-212,028	146,038	0	0	0	0	146,038
<b>1,783,026</b>	<b>Safeguarding, Improvement &amp; QA</b>	<b>1,812,626</b>	<b>398,650</b>	<b>-76,222</b>	<b>2,135,054</b>	<b>-352,028</b>	<b>1,783,026</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,783,026</b>
327,797	Asylum Seekers	322,916	1,205,078	0	1,527,994	-855,197	672,797	0	0	0	0	672,797
2,870,662	C&FS Fostering & Adoption	2,756,082	417,580	0	3,173,662	-303,000	2,870,662	0	0	0	0	2,870,662
27,051,057	C&FS Operational Placements	29,641,057	10,000	0	29,651,057	0	29,651,057	0	0	0	0	29,651,057
1,938,733	Children in Care Service	1,510,031	469,088	0	1,979,119	-40,386	1,938,733	0	0	0	0	1,938,733
796,128	Education of Children in Care	734,894	239,900	-332,700	642,094	-45,966	596,128	0	0	0	0	596,128
<b>32,984,377</b>	<b>Total Children in Care</b>	<b>34,964,980</b>	<b>2,341,646</b>	<b>-332,700</b>	<b>36,973,926</b>	<b>-1,244,549</b>	<b>35,729,377</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,729,377</b>
1,731,613	CPS North	1,721,473	10,140	0	1,731,613	0	1,731,613	0	0	0	0	1,731,613
1,211,546	CPS South	1,209,006	2,540	0	1,211,546	0	1,211,546	0	0	0	0	1,211,546
1,624,410	Childrens Management	1,873,670	740	0	1,874,410	0	1,874,410	0	0	0	0	1,874,410
2,178,513	C & FS First Response	2,177,243	1,270	0	2,178,513	0	2,178,513	0	0	0	0	2,178,513
1,668,589	CPS North/South	1,652,529	16,060	0	1,668,589	0	1,668,589	0	0	0	0	1,668,589
1,947,680	Strengthening Families	1,936,280	11,400	0	1,947,680	0	1,947,680	0	0	0	0	1,947,680
556,759	CSE	490,699	66,060	0	556,759	0	556,759	0	0	0	0	556,759
1,125,635	Social Care Legal costs	0	1,125,635	0	1,125,635	0	1,125,635	0	0	0	0	1,125,635
<b>12,044,745</b>	<b>Field Social Work</b>	<b>11,060,900</b>	<b>1,233,845</b>	<b>0</b>	<b>12,294,745</b>	<b>0</b>	<b>12,294,745</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,294,745</b>
<b>320,820</b>	<b>Practice Excellence Team</b>	<b>281,720</b>	<b>57,100</b>	<b>0</b>	<b>338,820</b>	<b>-18,000</b>	<b>320,820</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>320,820</b>
<b>47,132,968</b>	<b>TOTAL CHILDRENS SOCIAL CARE</b>	<b>48,120,226</b>	<b>4,031,241</b>	<b>-408,922</b>	<b>51,742,545</b>	<b>-1,614,577</b>	<b>50,127,968</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,127,968</b>
<b>11,178,600</b>	<b>Children &amp; Families Wellbeing Service</b>	<b>9,941,457</b>	<b>3,094,470</b>	<b>-725,296</b>	<b>12,310,631</b>	<b>-2,308,199</b>	<b>10,002,431</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,002,431</b>
<b>671,651</b>	<b>Education Sufficiency</b>	<b>933,130</b>	<b>64,150</b>	<b>-180,300</b>	<b>816,980</b>	<b>-250,804</b>	<b>566,176</b>	<b>391,502</b>	<b>0</b>	<b>0</b>	<b>391,502</b>	<b>174,674</b>
35,354,897	C&FS 0-5 Learning	2,106,559	33,865,829	0	35,972,388	-332,290	35,640,098	0	34,108,674	1,196,813	35,305,487	334,611
278,659	C&FS 5-19 Learning	276,957	390,240	-14,680	652,517	-374,568	277,949	248,000	0	0	248,000	29,949
3,446,453	Inclusion	985,379	2,704,488	0	3,689,867	-77,479	3,612,388	0	0	2,699,812	2,699,812	912,576
61,471	Governor Development Services	162,477	118,849	-100,000	181,326	-120,000	61,326	0	0	0	0	61,326
1,241,647	Pupil Referral Unit	0	1,241,647	0	1,241,647	0	1,241,647	0	0	1,091,647	1,091,647	150,000
<b>40,383,127</b>	<b>Total Education Quality &amp; Inclusion</b>	<b>3,531,372</b>	<b>38,321,053</b>	<b>-114,680</b>	<b>41,737,745</b>	<b>-904,337</b>	<b>40,833,408</b>	<b>248,000</b>	<b>34,108,674</b>	<b>4,988,272</b>	<b>39,344,946</b>	<b>1,488,461</b>
57,412,061	C&FS SEN	1,229,981	63,791,553	-2,416	65,019,118	-633,327	64,385,791	0	0	63,482,320	63,482,320	903,471
2,466,922	C&FS Specialist Services to Vulnerable Groups	1,854,538	848,110	-6,000	2,696,648	-272,950	2,423,698	0	0	2,423,698	2,423,698	0
646,567	C&FS Psychology Service	1,130,724	59,855	-205,807	984,772	-200,000	784,772	0	0	0	0	784,772
4,397,395	C&FS Disabled Children Service	1,132,467	3,001,748	0	4,134,215	0	4,134,215	0	0	0	0	4,134,215
0	C&FS HNB Development Programme	972,546	782,500	0	1,755,046	0	1,755,046	0	0	1,755,046	1,755,046	0
0	DSG Reserve Income (HNB)	0	0	-5,669,511	-5,669,511	0	-5,669,511	0	0	-5,669,511	-5,669,511	-0
<b>64,922,945</b>	<b>Total SEND &amp; Children with Disabilities</b>	<b>6,320,256</b>	<b>68,483,766</b>	<b>-5,883,734</b>	<b>68,920,288</b>	<b>-1,106,277</b>	<b>67,814,011</b>	<b>0</b>	<b>0</b>	<b>61,991,553</b>	<b>61,991,553</b>	<b>5,822,457</b>
4,023,844	C&FS Admin & Committees	4,076,567	677,404	-729,852	4,024,119	0	4,024,119	8,570	273,791	220,566	502,927	3,521,192
484,124	C&FS Finance	0	499,200	0	499,200	0	499,200	499,200	0	0	499,200	0
1,519,900	C&FS Human Resources	0	1,579,900	0	1,579,900	-60,000	1,519,900	674,900	0	0	674,900	845,000
598,420	C & FS Commissioning & Planning	654,794	40,400	-0	695,194	-1,000	694,194	0	0	0	0	694,194
2,309	C&FS Sub Transformation	112,926	11,589	0	124,515	0	124,515	0	0	0	0	124,515
<b>6,628,597</b>	<b>Total Business Support and Commissioning</b>	<b>4,844,288</b>	<b>2,808,493</b>	<b>-729,852</b>	<b>6,922,928</b>	<b>-61,000</b>	<b>6,861,928</b>	<b>1,182,670</b>	<b>273,791</b>	<b>220,566</b>	<b>1,677,027</b>	<b>5,184,901</b>
<b>123,784,920</b>	<b>TOTAL EDUCATION &amp; EARLY HELP</b>	<b>25,570,503</b>	<b>112,771,931</b>	<b>-7,633,862</b>	<b>130,708,572</b>	<b>-4,630,617</b>	<b>126,077,955</b>	<b>1,822,172</b>	<b>34,382,465</b>	<b>67,200,392</b>	<b>103,405,029</b>	<b>22,672,926</b>
361,214,719	Total Individual Schools Budget	0	406,823,065	0	406,823,065	-13,305,825	393,517,240	394,546,255	0	-1,029,015	393,517,240	0
1,792,000	Dedicated Schools Grant Recoupment	0	-300,633,995	0	-300,633,995	302,327,995	1,694,000	0	0	1,694,000	1,694,000	0
2,378,699	Central Charges	0	2,378,699	0	2,378,699	0	2,378,699	1,528,162	210,848	639,689	2,378,699	0
-465,817,533	Dedicated Schools Grant	0	0	0	0	-501,211,644	-501,211,644	-397,915,088	-34,637,543	-68,659,013	-501,211,644	0
<b>-100,432,115</b>	<b>TOTAL DSG ITEMS</b>	<b>0</b>	<b>108,567,769</b>	<b>0</b>	<b>108,567,769</b>	<b>-212,189,474</b>	<b>-103,621,705</b>	<b>-1,840,671</b>	<b>-34,426,695</b>	<b>-67,354,339</b>	<b>-103,621,705</b>	<b>0</b>
<b>71,873,855</b>	<b>TOTAL CHILDREN &amp; FAMILY SERVICES</b>	<b>74,889,283</b>	<b>225,506,169</b>	<b>-8,042,784</b>	<b>292,352,668</b>	<b>-218,434,668</b>	<b>73,918,000</b>	<b>0</b>	<b>0</b>	<b>-0</b>	<b>0</b>	<b>73,918,000</b>

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**APPENDIX B**

References	<b>GROWTH</b>		2019/20	2020/21	2021/22	2022/23
			£000	£000	£000	£000
* items unchanged from previous Medium Term Financial Strategy						
** items included in the previous Medium Term Financial Strategy which have been amended						
Eff - Efficiency saving						
SR - Service reduction						
Inc - Income						
<b>Demand &amp; cost increases</b>						
**	G1	Demographic growth- Social Care Placements	3,300	5,800	7,900	10,200
*	G2	Removal of time-limited growth - Supporting Leicestershire Families - transition to a new model when external funding ceases	0	-1,000	-1,000	-1,000
	G3	Special Educational Needs Assessment Service - increased demand on service	575	710	710	710
	G4	Additional Unaccompanied Asylum Seeking Children	345	345	345	345
	G5	On-going requirement for agency staff - Children's Social Care	250	250	250	250
		<b>Total</b>	<b>4,470</b>	<b>6,105</b>	<b>8,205</b>	<b>10,505</b>

	<b>SAVINGS</b>		2019/20	2020/21	2021/22	2022/23	
			£000	£000	£000	£000	
*	CF1	Eff	New Departmental Operating Model	0	-100	-100	-100
**	CF2	Eff	Growing Mainstream Internal Foster Carer Provision	-500	-1,000	-1,500	-2,000
**	CF3	Eff	Growing Specialist Internal Foster Carer Provision	-200	-500	-700	-900
*	CF4	Eff	Develop Wrap Around Therapeutic Support Services	0	-700	-700	-700
**	CF5	Eff/SR	Early Help Review	-1,250	-1,500	-1,500	-1,500
*	CF6	Eff	Disabled Children's Respite Care Review	-100	-100	-100	-100
*	CF7	Eff	Review of staff absence	-75	-150	-150	-150
*	CF8	Eff/Inc	Review the Educational Psychology Service	-100	-100	-100	-100
*	CF9	Inc	Academy conversion (reduced numbers)	0	0	30	30
*	CF10	Eff	Education of Children in Care Review	-200	-200	-200	-200
			<b>TOTAL C&amp;FS Local Authority Budget</b>	<b>-2,425</b>	<b>-4,350</b>	<b>-5,020</b>	<b>-5,720</b>

**Dedicated Schools Grant**

Proposed High Needs Recovery Plan

-2,653	-7,251	-12,467	-19,852
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**CHILDREN & FAMILY SERVICES - CAPITAL PROGRAMME 2019/20 to 2022/23 - Draft**

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	Total £000
<b>MAIN GRANT FUNDING PROGRAMME</b>					
<b>Provision of Additional School Places</b>	<b>13,740</b>	<b>16,920</b>	<b>18,970</b>	<b>15,680</b>	<b>65,310</b>
<b>SEND Programme</b>					
Social Emotional Mental Health (SEMH) Units	1,250	1,250			2,500
SEMH Special School - LA Developed	2,000	1,000			3,000
SEMH Special School - Free School Bid - subject to DfE approval	0	0	8,000		8,000
Post 16 SEND	500	500			1,000
Communication and Interaction Difficulty Units	770	500			1,270
Communication and Interaction Difficulty School	1,500	2,500			4,000
Expansion of Special Schools	1,500	1,000			2,500
<b>Sub total - SEND Programme</b>	<b>7,520</b>	<b>6,750</b>	<b>8,000</b>	<b>0</b>	<b>22,270</b>
Strategic Capital Maintenance*	2,300	2,000	2,000	2,000	8,300
Schools Devolved Formula Capital *	600	500	500	500	2,100
DDA / Schools Access / Safeguarding	200	200	200	200	800
Early Help - Building reconfiguration and refurbishment	300				300
<b>Other Capital</b>	<b>3,400</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>11,500</b>
<b>Overall Total</b>	<b>24,660</b>	<b>26,370</b>	<b>29,670</b>	<b>18,380</b>	<b>99,080</b>

\* - awaiting Government announcement due, timing of which is uncertain.

**Future Developments - subject to further detail and approved business cases**

S106 Schemes - externally funded tbc  
 Early Years Provision  
 Area Special School

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**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**  
**22 JANUARY 2019**

**SPECIAL EDUCATIONAL NEEDS AND DISABILITIES PROVISION -**  
**HIGH NEEDS BLOCK DEVELOPMENT PLAN**

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES**

**Purpose of the Report**

1. The purpose of this report is to set out the High Needs Block Development Plan to develop local Special Educational Needs and Disabilities (SEND) provision, and to seek the views of the Committee on this, as part of the consultation process agreed by the Cabinet at its meeting on 18 December 2018.

**Policy Framework and Previous Decisions**

2. The proposals support the Council's SEND Strategy to develop sufficient high-quality SEND provision across Leicestershire and to address the significant overspend which has arisen due to the failure of national funding formulae to meet local needs and greatly increasing demand.
3. In December 2017 the County Council approved the Strategic Plan 2018 - 2022 and the Single Outcomes Framework. These outline the Council's long-term vision for Leicestershire and are underpinned by other key policies and strategies, including the Medium Term Financial Strategy (MTFS) (reviewed annually) and the Council's Transformation Programme.
4. The Children and Families Act 2014 introduced a number of new duties for local authorities and Clinical Commissioning Groups (CCGs). The County Council's SEND Strategy 2017-2020, agreed by the Cabinet on 10<sup>th</sup> April 2018, outlines these responsibilities and sets out how the Council and its CCG partners will work together to meet these.
5. In March 2017 the Cabinet received a report on the proposed responses to the second stage of consultation issued by the Department for Education (DfE) on the implementation of the National Funding Formula for Schools and the introduction of a formulaic basis for the distribution of the High Needs Block of the Dedicated Schools Grant in 2018/19. At that time, the Cabinet expressed concern about the low levels of High Needs funding in the Dedicated Schools Grant.

6. The financial position of the Council is challenging. To balance the budget, strong financial control plans will be essential. The High Needs Block Development Plan savings are in addition to those contained within the MTFS and will support the delivery of savings by investing in local provision to accommodate current and future demand.
7. At its meeting on 18 December 2018, the Cabinet noted the current overspend and forecast deficit for the High Needs Block budget and agreed that the Director of Children and Family Services be authorised to consult on the High Needs Block Development Plan, specifically the development of Special Educational Needs and Disabilities provision. A further report will be submitted to the Cabinet in early summer 2019 to advise of the outcome of the consultation and seek agreement on how the proposals should be progressed.

### **Background**

8. In September 2014 the Children and Families Act 2014 came into force. Part 3 of the Act sets out the duties required to be met by local authorities and other partners for children and young people in England with Special Educational Needs and Disabilities (SEND). Local authorities have legal duties to identify and assess the special educational needs of children and young people for whom they are responsible. Local authorities become responsible for a child or young person in their area when they become aware that the child or young person has or may have SEN.
9. High Needs funding provides the funding for support packages for an individual with SEN in a range of settings, whilst avoiding perverse incentives to over identify high needs pupils and students. It is also intended to support good quality alternative provision for pupils who cannot receive their education in schools. The High Needs funding system supports provision for pupils and students with SEND from their birth to 25 years.
10. The High Needs Block includes funding for;
  - Placements for children and young people with SEND (£57.4m)
  - Specialist Teaching Services (£2.5m)
  - Secondary Education Inclusion Partnerships – supporting secondary aged pupils excluded, or at risk of exclusion, from school (£2.1m)
  - Oakfield – primary Pupil Referral Unit (£1m)
  - Children and young people unable to access school because of medical needs (£0.6m).
11. The High Needs Block part of the Dedicated Schools Grant (DSG) has overspent and has been funded from DSG reserves built up over a number of years. For 2018/19 there are insufficient reserves to offset the overspend and an overall DSG deficit is forecast. Under the grant conditions for DSG, the County Council may carry forward a deficit to the following year's funding with the approval of the Schools' Forum. Should this not be approved, it has the right to apply to the Secretary of State for permission to transfer money between funding blocks (this has not been considered in Leicestershire to

date). The Leicestershire Schools' Forum approved the carry forward of a 2018/19 deficit on 26 November 2018, and annual approval will be required through the proposed Development Plan.

### **National Situation**

12. Nationally, there are growing concerns about the levels of funding within the High Needs Block;
  - The Association of Directors of Children's Services (ADCS) undertook a survey of financial pressures in 2016/17. It reported that of 85 local authorities only 17 reported spending was in line with the grant and that the remaining 68 authorities had an aggregated overspend of £139.5m.
  - Two local authorities are currently subject to Judicial Review proceedings over savings planned to reduce High Needs expenditure. The High Court has backed campaigners' objections to planned savings of £5m over three years in Bristol for failures in relation to consultation requirements and a failure to properly address the Public Sector Equality Duty. Surrey County Council plans savings of £21m and Hackney LBC £5m, and the decisions made by these two councils are the subject of Judicial Review proceedings with judgements expected later this year. There is also a SEND family group who are using crowd funding to bring an action against the government, arguing that the Secretary of State for Education and the Chancellor of the Exchequer are failing to discharge their legal duties relating to the amount of funding allocated to SEND provision in England.
  
13. The National Association of Head Teachers (NAHT) reports;
  - A shift of 5% of pupils from mainstream to specialist provision between 2010 and 2017. Mainstream curriculum reform is stated to be posing significant challenges to pupils with SEND.
  - An increase of 17% in SEND pupils attending independent schools between 2010 and 2017.
  - An increase of 46% in the number of pupils educated in alternative provision or Pupil Referral Units (PRU) between 2013/14 and 2017.
  - An increase of 151% in pupils being home-educated or educated outside a school setting.
  - A 27% increase in appeals to the First Tier Tribunal (SEND) between 2015/16 and 2017/18, with an 81% increase in the number heard. Almost 80% of the outcomes of the appeals were in favour of the appellant (i.e. the child/ parent).
  
14. There are clear indications that the DfE is aware of the growing financial pressures in this area but to date have offered no solution. The Education Select Committee, on 23<sup>rd</sup> October 2018, heard evidence from people across

the SEND system about the challenges since the SEND Reforms were brought in in 2014.

### **Leicestershire Position**

15. The Children and Family Services departmental High Needs Block DSG Budget for 2017/18 was £61m and overspent by £1.1m. At the end of the first six months of this financial year, the projected overspend on the High Needs Block was £3.6m. The DSG reserve is £2.2m, resulting in an overall deficit of £1.4m.
16. The High Needs Block has been under pressure in recent years and has moved from a position of underspend in 2013/14 to a forecast overspend of £3.6m in the current financial year.
17. To date overspends have been met from funding held in the DSG Reserve but this is now used up and as there is no funding in addition to the grant, it is essential to realign expenditure to the resources available.

<b>Financial Year</b>	<b>Grant Allocation £m</b>	<b>(Under) / Overspend £m</b>
2013/14	49.585	(2.846)
2014/15	52.337	(1.447)
2015/16	52.910	4.431
2016/17	53.950	2.541
2017/18	66.021	1.468
2018/19 Est	65.179	3.623

(Changes in the annual level of grant relate to changes effected by the DfE in the structure of the grant).

18. The projected overspend is as a result of a number of factors; an increase in Education Health and Care Plans (EHCPs), increases in the number of young people over the age of 16 with an EHCP (for whom the local authority must make provision, potentially up until age 25), and an increase in the number of children accessing independent provision.

### **Growth in demand for Education Health and Care Plans**

19. An EHCP is a legal document setting out a child or young person's special educational, health and social care needs and the extra help that is required to meet those needs to support them. EHCPs are drawn up by the County Council after an EHC needs assessment has been undertaken. Over the last four years the number of EHCPs has risen significantly and in particular the number of post-16 EHCPs. This increase is due to the change introduced in the SEN Code of Practice 2014 that extended the responsibility of local authorities to young people with SEND up to the age of 25 years.

	2014/5	2015/16	2016/17	2017/18
<b>Total EHCPs</b>	2,770	2,995	3,350	3,703
<b>Of which EHCPs post-16</b>	429	633	849	1,017

### **National Funding Allocation Formulae**

20. The overspend reflects system-wide issues as to how the funding is determined. Whilst the DSG allocation moved to a formulaic basis in 2018/19 and now includes proxy indicators of SEND within the population, a large element of the grant remains fixed on historic spend and includes £4m of funding protection. The gap between the formulaic allocation and Leicestershire spend is increasing, and there is no indication how long the grant protection will remain, making this a future financial risk.
21. The financial performance of the High Needs Block is affected by both the level of grant and the level of expenditure. The High Needs Funding Formula allocates funding against a range of national indicators chosen because of their correlation to the incidence of SEND in the population. Analysis of the DfE's published High Needs benchmarking tool shows that Leicestershire is below the statistical neighbour average for these characteristics, hence the low level of formula funding, although the percentage of young people with EHCPs is similar.
22. A significant issue in the funding formulae is the use of the 2 to 18 year old population within the financial settlement which supports services for the 0 to 25 years population. DfE headlines suggest that local authorities will see an increase in funding, but comparing the per capita funding for the 0 to 25 population shows a decrease in funding per head between 2018/19 and 2019/20 which equates to £5.1m for Leicestershire.

### **SEND Provision - Current and Future Demand**

23. The total projected increase in provision demand over the next 5 years is 22%. On this basis, without any further transfer between the Schools and High Needs Blocks, and assuming a cash-flat DSG settlement, an increase in SEN numbers and the continuation of current provision use, the expected financial position to 2022/23 is a £44m cumulative deficit. This is clearly financially unsustainable.
24. SEND (home to school) transport is funded and managed by the Environment and Transport Department and does not affect the High Needs Block budget or form part of this Development Plan. However, it is worth noting that SEND transport is projected to overspend by £0.5m this year and growth of £1m is required next year.
25. The table below illustrates the previous and expected growth in demand for SEND placements:

<b>Forecast growth</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>
Leics. Special Schools, Units and Education Resource Provision	1,483	1,562	1,578	1,659	1,693	1,737	1,751
Independent Provision	336	341	387	428	450	472	493
16+ Further Education	173	190	190	200	215	230	245
16+ Specialist FE	66	74	91	109	127	145	163
<b>Total</b>	<b>2,058</b>	<b>2,167</b>	<b>2,246</b>	<b>2,396</b>	<b>2,485</b>	<b>2,584</b>	<b>2,652</b>

### **Current Provision**

26. Leicestershire has a range of high quality provision for children with special educational needs and disabilities:-
- Mainstream Primary and Secondary Schools: All mainstream schools provide a 'core' offer of support to children and additional support to children with Special Educational Needs and Disabilities.
  - Leicestershire Special Schools: There are five area special schools in Leicestershire, all of which have an Ofsted rating of either Good or Outstanding. They support pupils with significant learning difficulties and other complex needs from age 2 or 3 up to 19 years. As well as the area special schools, Maplewell Hall Special School caters for pupils aged 11 to 19 years with moderate learning difficulties and has provision for secondary-aged pupils with higher functioning Autism Spectrum Disorder.
  - Units and Resource Bases: There is a variety of additional provision across the county delivered in mainstream schools over and above the core offer. These include primary and secondary provision and include bases for Speech and Language, Autism, Moderate Learning Difficulties and Hearing Impairments.
  - Specialist Nurseries: There are three nurseries, in Wigston, Burbage and Loughborough, providing support for children with SEND in early years, including those with social, emotional and mental health (SEMH) needs.
  - Post-16: The five local Further Education (FE) colleges and two Independent Specialist colleges in the county have developed their curriculum offer to meet the needs of SEND learners.
27. Whilst the above provision is of high quality and relatively well spread across the county, analysis of current and future demand shows that there are two key issues. Firstly the requirement to increase the provision for children with communication and interaction difficulties (primarily autism) and children with social, emotional and mental health issues to meet the current and projected demands. Secondly the need to ensure provision is of high quality and locally



placed so as to meet the needs of children and young people with SEN. Furthermore this should make the most efficient use of available resources.

### **Proposals in the High Needs Development Plan**

28. The High Needs Development Plan is intended to ensure the better use of available resources in the High Needs Block. The significant capital investment proposed will enable the development of new provision and expansion of existing provision in mainstream or special schools. The fundamental driver for change will be supporting children to be educated locally and developing an inclusive approach within educational settings that meet their assessed needs in a cost-effective manner.
29. Over the next four years it is proposed that SEND provision in Leicestershire will be increased significantly. New provision (detailed in the table below) will be put in place across the county, enabling children to access provision locally to meet their needs.

<b>Provision</b>	<b>Sept 2019</b>	<b>Sept 2020</b>	<b>Sept 2022/23</b>	<b>Total places</b>
SEMH Bases	5 x 10 place units	5 x 10 place units		100
SEMH Special School	50 places	50 places		100
Communication and Interaction Bases	3 x 10 place units	2 x 10 place units		50
Specialist FE	1 x 30 place	1 x 30 place		60
Communication and Interaction Difficulties Special School		80 place school		80
Additional Area Special School or expansion of existing Special Schools			125 places (if required)	125
Expansion of Special Schools/Units/Oakfield PRU	65 Special School Places 25 increased Autism Spectrum Disorder Unit Places (Sept. 2018 onwards)	48		138
	<b>Total</b>		<b>653</b>	

30. Initial discussions with schools (Academies and Maintained) across Leicestershire to support the delivery of the Development Plan have been very

well received. The Plan has also been considered and welcomed by the Schools' Forum at its meeting on 26 November 2018.

31. In order to ensure that the anticipated timescales for the forecasted growth in demand for placements is met, some initial work on the development of the new provisions has commenced. For example, expressions of interest have been invited from schools across Leicestershire to gauge the levels of interest in establishing the new units, and it is intended that the Council will commence work within the coming month on the feasibility of establishing a new special school, under the DfE process for establishing new schools (known as the 'free school presumption').
32. This preparatory work alongside the views of stakeholders arising from the consultation, particularly in relation to how the new provisions should look and function on a day-to-day basis, will help guide the Development Plan proposals as they progress. It should be emphasised that a final decision on the development of the new provisions will not be taken until after the consultation has concluded and the Cabinet has considered the findings and the outcome of any feasibility and other preparatory work necessary to enable the plan to be delivered.

### **Consultation**

33. The consultation helps to meet the statutory duty placed on the local authority under the Children and Families Act 2014, which requires that the local authority must keep under review SEND sufficiency and provision within its area, and in exercising this responsibility consult with a number of people and groups. The local authority is also keen to hear views on the plans from all stakeholders before a decision is taken around the development of new provision.
34. The following groups form the target audience for this consultation –
  - Children and young people in Leicestershire with SEND and their parents/carers;
  - Governing bodies of maintained schools, including special schools and maintained nursery schools;
  - Governing bodies and trustees of academies.
  - Governing bodies, proprietors or principals of post-16 institutions;
  - Providers of relevant Early Years education;
  - Governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales that is likely to be attended by children and young people from Leicestershire.

- The Schools' Forum (comprising representatives from schools and academies and some non-school organisations, such as the respective Diocesan authorities and 16-19 education providers)
  - The Youth Offending Service
  - Other agencies or organisations providing support for children and young people with SEND, for example health and voluntary services.
  - Professional organisations representing particular areas of SEND need.
35. The Local Authority will also have regard to the relevant Joint Strategic Needs Assessment and Health and Wellbeing Strategy as part of the consultation and developments.
36. The consultation, which commenced on 7 January until 31 March 2019, is being undertaken through a range of channels including online and direct contact with service users and their families, educational establishments and other interested parties.
37. The consultation seeks a view on the general principle of establishing local provision and more particularly how this should work alongside other providers to ensure a high quality and inclusive education is provided to all pupils having SEND needs. The consultation document is attached as Appendix A to this report.
38. The outcomes of the consultation will help inform the final model, which will be presented to the Cabinet for approval in the early summer of 2019.

### **Resource Implications**

39. In order to deliver the change required to implement the High Needs Block Development Plan, revenue investment will need to be made alongside the capital investment. The total projected cost of the revenue investment is £3.1m over four years (2018/19 to 2021/22). It is proposed that these costs will be built into the High Needs Block over spend and will be fully recovered in year five. The current estimate of the capital requirement is approximately £32 million overall, £10m of which relates to a new area special school if required. The funding strategy for the programme consists of a mixture of funding sources including Basic Need Grant, a bid to the DfE for funding for a free school, capital receipts and local authority capital.
40. In Leicestershire the Schools Budget, which includes the High Needs Block, is set at zero, so expenditure is set at the level of grant received. The High Needs Block has been under financial pressure in recent years and moved from an underspend of £2.8m in 2013/14 to a projected overspend of £3.6m in 2018/19.
41. To date overspends have been met from funding held in the Dedicated Schools Grant Reserve, but this is now fully expended and, with no funding in addition to the grant, it is necessary to realign expenditure to the resources available. With

no action, the cumulative overspend on the grant in 2022/23 is estimated to be over £40m. The overspend will be recovered from future years' grant with the approval of the Schools' Forum; it is estimated that expenditure aligns with the level of grant in 2021/22 with the deficit fully recovered by 2023/24. It will be necessary to submit an annual report to the DfE on the actions taken to ensure expenditure does not exceed the allocated grant.

42. The finances associated with this development plan are reflected in the MTFs approved by the Cabinet on 18 December 2018. The financial position will be kept under review and may need to be updated to reflect the outcome of the consultation process.

### **Timetable for Decisions**

43. The results of the consultation, including comments made by this Committee, will be presented to the Cabinet in early summer 2019, with recommendations on the way forward.
44. Subject to the above it is expected that the first new SEND provisions will open in September 2019, further details will be provided to members about this as the arrangements take shape.

### **Conclusions**

45. This report sets out the proposals for change to help deal with the increasing demand for SEND places and the pressure this is placing on the High Needs Block budget.
46. For the development of the new provisions proposed to be a success it is important that they are well received by schools, parents and others, and are developed and function in a way that meets their expectations. The consultation now underway is seen as critical to achieving this outcome.
47. The Committee is asked to comment on the proposals in this report.

### **Background Papers**

Leicestershire County Council Special Educational Needs and Disability Strategy 2017-2020.

<http://politics.leics.gov.uk/documents/s136003/Appendix%20A%20-%20Leicestershire%20SEND%20Strategy%202017-20.pdf>

Report to the Cabinet 10 March 2017 - 2018/19 School and High Needs Funding Proposals.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4859>

Report to Cabinet 18 December 2019 – SEND Provision- High Needs Development Plan

<http://politics.leics.gov.uk/documents/s143211/SEND%20Strategy%20Report.pdf>

Report to the Schools' Forum on 26 November 2018 – High Needs Block Recovery Plan

<http://politics.leics.gov.uk/documents/s142495/High%20Needs%20Block%20Recovery%20Planv3.pdf>

### **Circulation under the Local Issues Alert Procedure**

48. None.

### **Relevant Impact Assessments**

#### **Equality and Human Rights Implications**

49. The purpose of the Development Plan is to ensure equality and equity of opportunity for all Leicestershire children and young people irrespective of their need or locality.
50. In keeping with the Public Sector Equality Duty, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not, a full Equality and Human Rights Impact Assessment for the proposed change has been completed to help address any necessary adaptation to the Development Plan. This is attached as Appendix B. At this stage no immediate matters of concern have emerged however the proposed consultation will help identify where revision to the Plan might be needed to take account of the impact to individual families/pupils, and to ensure continued equality of opportunity for those affected.
51. A more detailed EHRIA will be undertaken for each new provision as the particular development moves through the planning stages, and adjustments made accordingly.

#### **Risk Assessment**

52. The risks to the Council arising from the proposals set out in this report will be kept under regular review by the Children and Family Services Department and reported to Members where necessary.

### **Appendices**

Appendix A – Consultation document

Appendix B – Equality and Human Rights Impact Assessment

#### **Officers to contact**

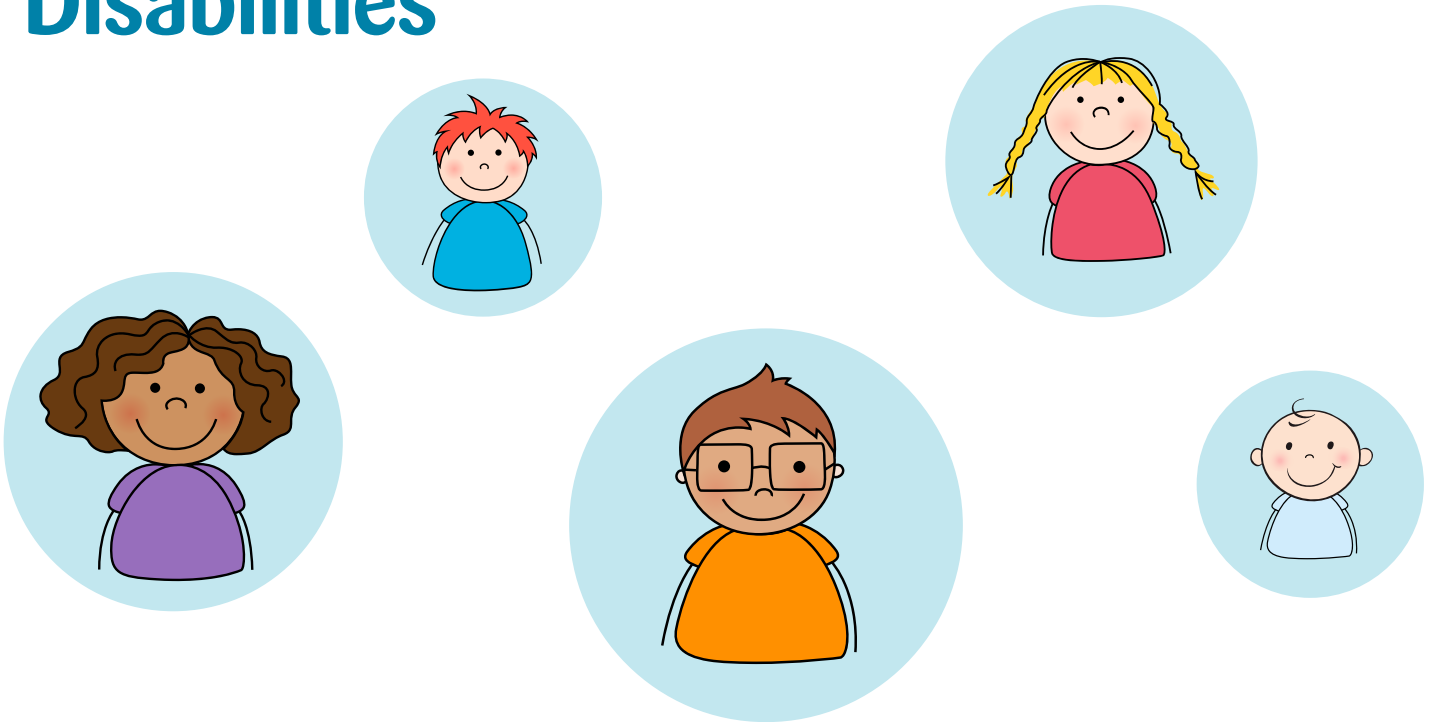
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# Have your say about developing new specialist provision for children and young people with Special Educational Needs and Disabilities



Tell us how this might affect you.

Online: [www.leicestershire.gov.uk/send-consultation](http://www.leicestershire.gov.uk/send-consultation)

For general enquiries or comments about this consultation phone  
**0116 305 7150** or e-mail **SEND-Consultation@leics.gov.uk**

Public consultation: Please submit your views by midnight on  
**Sunday 31 March 2019**

## What is the council consulting about?

We are proposing to create new specialist provision for children and young people who have special educational needs and disability (SEND). Our proposals include expanding our existing special schools and enhanced resource bases in mainstream schools, and developing new enhanced resource bases for children with communication and interaction difficulties, including Autism Spectrum Disorder (ASD) and for social, emotional and mental health needs known as SEMH. Enhanced Resource bases are small specialist facilities with specialist staff where children can benefit from smaller teaching groups and extra help, whilst still having access to the mainstream school for certain activities. This can help to give each child a personal timetable that is geared to their learning, emotional and social needs.

Longer term we would also like to open up to four new special schools.

Further details on these proposals are outlined on page 4 of this document

Before we progress any further we would like to know what you think about our proposals and how effective you think these will be to help meet the increasing demand for places for children and young people with SEND.

We would also like to hear your views on how you think our proposals might impact on you. In giving your views we would also ask that you consider the financial context of Leicestershire County Council and how we make the best use of the budgets available to us.

## Who are we consulting with?

Anyone is welcome to have their say on these proposals. However, we would especially like to hear from groups including:

- Children and young people in Leicestershire with SEND and their parents/carers.
- Governing bodies of maintained schools, including special schools and maintained nursery schools.
- Governing bodies and trustees of academies.
- Governing bodies, proprietors or principals of post-16 institutions.
- Providers of relevant Early Years education.
- Governing bodies, proprietors or principals of other schools and post-16 institutions that are likely to be attended by children and young people from Leicestershire.
- The Schools' Forum.
- The Youth Offending Service.
- Other agencies or organisations providing support for children and young people with SEND e.g. health, voluntary services etc.
- Professional organisations representing particular areas of SEND need.

The council will also have regard to the relevant Joint Strategic Needs Assessment and Health and Well-being Strategy as part of the consultation and developments.



## Why change?

Nationally there is now an increasing demand for places in specialist education provision for children and young people with SEND needs.

The last five years have been characterised by a rapid and unprecedented rise in demand for services for children with SEND. Data published by the Department for Education shows that between 2014 and 2018 the number of children and young people with an Education, Health and Care Plan (EHCP) or statement of SEN increased by 35% from 237,111 to 319,819. This is in stark comparison with the previous five years (2010 to 2014) in which the number of children and young people with statements / EHCPs increased by just 4%. The data published by the DfE is based on a data collection in January 2018. In addition there are now about one million children and young people not on a plan but requiring SEN support.

In Leicestershire the position also reflects the national picture. Our forecast tells us that over the next few years demand for specialist education places will continue to increase - we believe by up to 22% over the next five years.

The further anticipated growth will place an unprecedented demand on our available budgets we therefore need to ensure that we take action now to ensure that we use the funds available to us wisely and, more importantly, ensure that every child has access to appropriate education provision to meet their needs.

The development of more provision will help improve choice for parents/carers and pupils, and will have the added benefit of enabling pupils to be educated in their locality/community. This may also bring added benefits to families, for example reducing the journey to school. It is not envisaged that the new provisions will meet everyone's need and we will continue to place pupils in other specialist provision where there is a need to do so, and this is agreed as in the child's or young person's best interests.

We are mindful that one of the challenges for Leicestershire has been the lack of enough specialist places in our schools. Having specialist resources and staff working in and alongside mainstream schools will help to share expertise so that all providers in the area can benefit from the knowledge and advice available. It is also important that children should have the opportunity to be educated as close as possible to their local communities. We believe that by tackling this and developing more provision we will not only improve choice for parents/carers and pupils but we will also make better use of the funding available.

As a consequence of the rising demand, we have already taken some action. Last summer we opened new ASD resource provisions at All Saints CE Primary School in Wigston, Hinckley Academy and Rawlins Academy in Quorn. Prior to this, in the summer of 2017 we also opened the new Birkett House Special School building. We are grateful to the support given by parents/carers and other organisations in shaping the development of these new provisions. However, whilst we have made some progress to help meet the additional demand there is still much more to be done.



## How does this fit with the SEND Strategy?

In March 2018 Leicestershire County Council's Cabinet agreed the Leicestershire SEND Strategy 2017/20 [www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/6/22/Leicestershire-SEND-Strategy-2017-20.pdf](http://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/6/22/Leicestershire-SEND-Strategy-2017-20.pdf)

The strategy sets the scene clearly with a vision for children and young people with SEND to achieve well in their education, to be cared for in safe and supportive families, participate and be involved in their communities and lead happy, safe and fulfilled lives. In particular, priority three of the strategy aims to:

*Improve the quality and sufficiency of SEND education provision and services by:*

- *Supporting mainstream schools and settings to develop their SEND provision:*
- *Developing local specialist services to ensure sufficiency of places in high quality specialist provision across a continuum*

The county council is committed to working with all partners, including the Parent Carer Forum, schools, academies, further education providers and health to support effective inclusion in mainstream provision. We will do this by working together to make sure that all staff have the right skills, resources and support that they need to provide children and their families with help as early as possible.

## The proposals in detail

We have a statutory duty to meet the needs of children and young people with special educational needs and disabilities, in particular to ensure that good quality places are available for everyone.

Children and young people who attend specialist education provision will have an Education, Health and Care Plan (EHCP), which identifies their primary area of need, this will continue to be the case for the new provisions.

Our data and research shows that whilst demand for SEND places is increasing overall there is a particular need for pupils having communication and interaction (primarily Autism Spectrum Disorder) and also those having social emotional and mental health needs (SEMH). These two particular areas of need form a priority for the development of new provision and meeting identified areas of need.

### **To address the current gaps in our provision we are proposing to:**

- Add a further 80 places to our existing six special schools, which are all rated 'good' or 'outstanding' by Ofsted.
- Create more places in our existing specialist resource bases located in mainstream schools.
- Open up to 15 new resource bases in mainstream schools, five of which could meet ASD needs and the remaining 10 for SEMH needs.
- Build three new special schools to include an 80 place school for communication and interaction/ ASD needs and two 50 place schools for SEMH needs.

Longer term we believe there is a need for a new area special school to meet the needs of pupils arising from housing growth across Leicestershire.

Our plans are ambitious and challenging and represent a significant capital investment spanning a five year period.

For our plans to be successful we will need to continue to work in close partnership with our schools, other providers and agencies, for example health and those that have an interest in meeting the needs of children and young people with SEND. The view of parents/carers and pupils who attend our schools or may do so in the future will also be of great value to us in delivering our plans.

## How the consultation will work?

**The consultation will run from Monday, 7 January 2019 and ends at midnight on Sunday, 31 March 2019.**

The consultation is intended to seek your views on how the new provision should be developed.

Our pupil data already tells us what type of provision we need and where it should be broadly located. However, we would like to hear your views on how this new provision should look, how it should feel and how it might operate. This is explained further on the response form accompanying this consultation.

To support the consultation we will be holding a series of meetings for specialist groups to provide more information and to help views to be submitted. These meetings will encompass discussions with parents/carers and pupils, current providers and their staff and organisations representing particular areas of SEND need. In addition, we plan to hold workshops in the following locations and at the times given to allow the opportunity for everyone to drop in and find out more. There is no need for you to book a place at any of the following meetings.

DATE	TIME	VENUE
Tuesday 26 February	6.00pm – 8.00pm	Birkett House School, Station Road, Wigston LE18 2DT
Wednesday 27 February	1.00pm – 3.00pm	Birch Wood School Grange Drive, Melton Mowbray LE13 1HA
Tuesday 5 March	6.00pm – 8.00pm	Ashmount School Thorpe Hill, Loughborough LE11 4SQ
Wednesday 6 March	1.00pm - 3.00pm	Forest Way School Warren Hills Road, Coalville LE67 4UU
Wednesday 6 March	6.00pm - 8.00pm	Dorothy Goodman School New Upper Building Barwell Lane, Hinckley LE10 3DR

To submit your views, please fill out the consultation survey online

**[www.leicestershire.gov.uk/send-consultation](http://www.leicestershire.gov.uk/send-consultation)**

**Please ensure your response is submitted by midnight on Sunday, 31 March 2019 at the very latest.**

If you need help to complete the response form or have any questions about the consultation please call **0116 305 7150** or email **SEND-Consultation@leics.gov.uk**. Paper copies of the survey are available on request.

## **What happens next?**

Following the consultation, a report detailing the outcome of the consultation will go back to Leicestershire County Council's Cabinet for its consideration and to make a decision on how the proposals should be implemented. Please be assured that we will keep you informed of progress.

Thank you

## You can view the latest information in a number of ways

Visit us online at [www.leicestershire.gov.uk/send-consultation](http://www.leicestershire.gov.uk/send-consultation)

Our web pages will be kept up-to-date with the latest information and developments. You'll also be able to access the survey here.

Send an email to [SEND-Consultation@leics.gov.uk](mailto:SEND-Consultation@leics.gov.uk) to register for the latest news and updates.

Follow us [@leicscountyhall](https://twitter.com/leicscountyhall) for general updates from the council, including the developments on the budget.

Alternatively, you can telephone **0116 305 7150** to ask for information in printed or alternative formats.

જો આપ આ માહિતી આપની ભાષામાં સમજવામાં થોડી મદદ ઇચ્છતાં હો તો 0116 305 7150 નંબર પર ફોન કરશો અને અમે આપને મદદ કરવા વ્યવસ્થા કરીશું.

જેકર તુહાનું ઇસ જાણકારી નું સમજણ વિચ લુહ મદદ ચાહીદી હૈ તાં કિરપા કરકે 0116 305 7150 નંબર તે ફોન કરે અટે અસીં તુહાડી મદદ લઈ કિસે દા પુષ્ટિ કર દવાંગે।

এই তথ্য নিজের ভাষায় বুঝার জন্য আপনার যদি কোন সাহায্যের প্রয়োজন হয়, তবে 0116 305 7150 এই নম্বরে ফোন করলে আমরা উপযুক্ত ব্যক্তির ব্যবস্থা করবো।

اگر آپ کو یہ معلومات سمجھنے میں کچھ مدد درکار ہے تو براہ مہربانی اس نمبر پر کال کریں اور ہم آپ کی مدد کے لئے کسی کا انتظام کر دیں گے۔  
0116 305 7150

假如閣下需要幫助，用你的語言去明白這些資訊，請致電 0116 305 7150，我們會安排有關人員為你提供幫助。

Jeżeli potrzebujesz pomocy w zrozumieniu tej informacji w Twoim języku, zadzwoń pod numer 0116 305 7150, a my Ci pomożemy.



## Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service\*\* for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service\*\* may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or [equality@leics.gov.uk](mailto:equality@leics.gov.uk)

*\*\*Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

### Key Details

<b>Name of policy being assessed:</b>	SEND Strategy – High Needs Block Development Plan
<b>Department and section:</b>	Children & Families Service, School Organisation Service, Leicestershire County Council
<b>Name of lead officer/ job title and others completing this assessment:</b>	Mhairi McDonald, Lead Officer SEN & Disability Inclusion Officer
<b>Contact telephone numbers:</b>	
<b>Name of officer/s responsible for implementing this policy:</b>	David Atterbury Head of Service, Education Sufficiency and Tom Common; Head of Service, SEND & Children with Disabilities
<b>Date EHRIA assessment started:</b>	November 2018
<b>Date EHRIA assessment completed:</b>	

## Section 1: Defining the policy

### Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

<b>1</b>	<p><b>What is new or changed in this policy? <i>What has changed and why?</i></b></p> <p>The High Needs Block, part of the Dedicated Schools Grant, funds SEND provision and is currently overspent. There are insufficient reserves to offset the 2018/19 overspend and an overall DSG deficit is forecast.</p> <p>The strategy proposed, would provide the basis for planning, commissioning, and delivering SEND services, seek to improve the quality and sufficiency of provision and address the overspend. This would ensure that the growth in demand for places could be met and that best use is made of the resources available.</p> <p>The Schools Budget, which includes the High Needs Block, is set at zero, i.e. expenditure is set at the level of grant received. The High Needs Block has been under financial pressure in recent years and moved from an under-spend of £2.8m in 2013/14 to a projected overspend of £3.6m in 2018/19.</p> <p>Whilst to date overspends have been met from funding held in the Dedicated Schools Grant Reserve this is now fully expended and, with no funding in addition to the grant, it is necessary to realign expenditure to the resources available. If no action is taken the cumulative overspend on the grant in 2022/23 is estimated to be over £40m.</p>
<b>2</b>	<p><b>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></b></p> <p>The High Needs Block is a finite resource which is under significant pressure to meet increases in demand for services from the most vulnerable pupils and therefore needs to be prioritised according to assessed need.</p> <p>The Children and Families Act 2014 introduced a number of new duties for local authorities and Clinical Commissioning Groups (CCGs). The County Council's SEND Strategy 2017-2020, agreed by the Cabinet on 10<sup>th</sup> April 2018, outlines these responsibilities and sets out how the Council and its CCG partners will work together to meet these.</p> <p>In December 2017 the County Council approved the Strategic Plan 2018 to 2022 and the Single Outcomes Framework. These outline the Council's long-term vision for the Leicestershire and are underpinned by other key policies and strategies including the Medium Term Financial Strategy (reviewed annually) and the Council's Transformation Programme.</p>
<b>3</b>	<p><b>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</b></p> <p>High Needs funding provides the funding for support packages for an individual with special educational needs (SEN) in a range of settings. It is also intended to support good quality</p>



alternative provision for pupils who cannot receive their education in schools. The High Needs funding system supports provision for pupils and students with SEN and disabilities (SEND), from their birth to 25 years.

Over the next four years it is proposed that SEND provision in Leicestershire will be increased significantly. New provision (detailed in the table below) will be put in place across the county, enabling children to access provision locally to meet their needs.

Provision	Sept 2019	Sept 2020	Sept 2022/23	Total places
SEMH Bases	5 x 10 place units	5 x 10 place units		100
SEMH Special School	50 places	50 places		100
Communication and Interaction Bases	3 x 10 place units	2 x 10 place units		50
Specialist FE	1 x 30 place	1 x 30 place		60
Communication and Interaction Difficulties Special School		80 place school		80
Additional Area Special School or expansion of existing Special Schools			125 places (if required)	125
Expansion of Special Schools/Units/Oakfield PRU	65 Special School Places 25 increased Autism Spectrum Disorder Unit Places (Sept. 2018 onwards)	48		138
	<b>Total</b>		<b>653</b>	

The intended outcome for our children and young people is a strategy that focuses on:

1. Developing an embedded and inclusive approach to practice amongst schools, LA Staff and other settings including:

- Improved early support and inclusion in early years and mainstream schools.
- Reviewing the scheme for top-up funding within mainstream schools.
- Develop effective partnership working to support the transition from school to post 16 and post 19 provision.
- Implement robust systems to encourage, support and challenge schools in making reasonable adjustments and using 'best endeavours' to support children with SEN and Disabilities.
- Offering a range of improved options for Children and Young People to move to their home locality.

2. Modernisation of the service

- Improved (joint) commissioning
- Improved processes/decision making
- Improved Quality & Assurance
- Digitisation to support improved partnership working

3. Development of a range of cost effective high quality provision for children with SEN:

- Increasing the number of Units attached to mainstream schools
- Development of Special Schools
- Expand existing or build new Area Special School
- Development of FE specialist provision.

<b>4</b>	Will this proposed decision meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following objectives? <b>(Please tick and explain how)</b>			
		<b>Yes</b>	<b>No</b>	<b>How?</b>
	Eliminate unlawful discrimination, harassment and victimisation	✓		The completion of the EHRIA and consultation with those affected by the proposals will ensure that Cabinet will have all the information required to ensure proper consideration is given to any equality issues arising.
	Advance equality of opportunity between different groups	✓		
Foster good relations between different groups	✓			

## Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

### Section 2: Equality and Human Rights Impact Assessment Screening


The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

#### Section 2

##### A: Research and Consultation

<b>5.</b>	Have the target groups been consulted about the following?  a) their current needs and aspirations and what is important to them;  b) any potential impact of this change on them (positive and negative, intended and unintended);  c) potential barriers they may face	<b>Yes</b>	<b>No*</b>
			✓
			✓
			✓
A Cabinet paper (18 <sup>th</sup> December 2018) will seek approval for the Director of Children and Family Services to conduct a formal consultation process as required by common law and the Children and Families Act 2014. The Act requires that the Local Authority must keep under review SEND sufficiency and provision within its area, and in exercising this responsibility consult with a number of people and groups. The Local Authority is also keen to hear views on the plans from all stakeholders before a decision is taken around the development of new provision.			

6.	<p>If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?</p> <p>Initial discussions with schools (Academies and Maintained) across Leicestershire to support the delivery of the Development Plan have been very well received and the Plan has been welcomed by the Schools' Forum.</p> <p>Some early work on the development of the new provisions has commenced. For example, expressions of interest have been invited from schools across Leicestershire to gauge the levels of interest in establishing the new units, and it is intended that the Council will commence work early in the New Year on the feasibility of establishing a new special school, under the DfE process for establishing new schools (known as the 'free school presumption').</p>	
7.	<p>Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?</p>	No
8.	<p>*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.</p> <p>The following groups will form the target audience for this consultation –</p> <ul style="list-style-type: none"> <li>• Children and young people in Leicestershire with SEND and their parents/carers;</li> <li>• Governing bodies of maintained schools and maintained nursery schools;</li> <li>• Governing bodies of non-maintained Special Schools;</li> <li>• Governing bodies, proprietors or principals of post-16 institutions;</li> <li>• Proprietors of Academies;</li> <li>• Advisory boards of Children's Centres;</li> <li>• Providers of relevant Early Years education;</li> <li>• Governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales that are likely to be attended by children and young people from Leicestershire.</li> <li>• The Schools' Forum.</li> <li>• The Youth Offending Service</li> </ul> <p>The Local Authority will also have regard to the relevant Joint Strategic Needs Assessment and Health and Well-being Strategy as part of the consultation and developments.</p> <p>As part of the consultation, a report setting out the proposals will be presented to the Children and Families Overview and Scrutiny Committee.</p> <p>The Schools' Forum comprising representatives from schools and academies and some non-school organisations, such as the respective Diocesan authorities and 16-19 education providers. It is consulted on a number of issues, including arrangements for pupils with SEND.</p> <p>Subject to the permission of Cabinet, the public consultation process will be undertaken over 3 months between the beginning of January 2019 and the end of March 2019 through a range of channels including on-line and direct contact with service users and their families, educational establishments and other interested parties.</p> <div style="text-align: center;">  <p>EEH Briefing 3rd December DA.ppt</p> </div>	

<b>Section 2</b>				
<b>B: Monitoring Impact</b>				
<b>9.</b>	Are there systems set up to:		<b>Yes</b>	<b>No</b>
	a) monitor impact (positive and negative, intended and unintended) for different groups;		✓	
	b) enable open feedback and suggestions from different communities		✓	
The planning process for the proposed changes will be designed to ensure that at all stages there are opportunities for people to be engaged in the process of decision making. At all stages feedback is monitored and will continue to be so to identify the impact of the proposal on those who may be affected.				
<b>Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.</b>				
<b>Section 2</b>				
<b>C: Potential Impact</b>				
<b>10.</b>	Use the table below to specify if any individuals or community groups who identify with any of the ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>
	<b>Age</b>	✓		The High Needs funding system supports provision for pupils and students with SEN and disabilities (SEND), from their birth to 25 years. The proposed changes should have a positive impact enabling children to access provision locally to meet their needs
	<b>Disability</b>	✓		The proposed changes should have a positive impact on children with disabilities They will have access to local provision, reduced travel and closer friendship groups.
	<b>Gender Reassignment</b>		✓	There is no known evidence which suggests that a higher percentage of SEND children wish to change their gender than would be found in comparable age groups in the wider population.  Nor is there available evidence to suggest that the percentage of parents or guardians, who have undergone a gender reassignment or who intend to do so, is above the level that may be found within the wider population.
	<b>Marriage and Civil Partnership</b>		✓	The proposal will have a Neutral impact on this characteristic.

	<b>Pregnancy and Maternity</b>		✓	The change will have a Neutral impact on this characteristic.
	<b>Race</b>		✓	The change will have a Neutral impact on this characteristic.
	<b>Religion or Belief</b>		✓	The change will have a Neutral impact on this characteristic.
	<b>Sex</b>		✓	The change will have a Neutral impact on this characteristic.
	<b>Sexual Orientation</b>		✓	The change will have a Neutral impact on this characteristic.
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>		✓	The change will have a Neutral impact on this characteristic.
	<b>Community Cohesion</b>	✓		Positive impact. The proposed new units and schools will provide opportunities for the community to engage with the new provision benefitting both the community, staff and pupils i.e. potential work experience, use of buildings.
<b>11.</b>	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? <b>(Please tick)</b></p> <p>Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>
	<b>Part 1: The Convention- Rights and Freedoms</b>			
	<b>Article 2: Right to life</b>		✓	
	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>		✓	

	<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		✓	
	<b>Article 5: Right to liberty and security</b>		✓	
	<b>Article 6: Right to a fair trial</b>		✓	
	<b>Article 7: No punishment without law</b>		✓	
	<b>Article 8: Right to respect for private and family life</b>		✓	
	<b>Article 9: Right to freedom of thought, conscience and religion</b>		✓	
	<b>Article 10: Right to freedom of expression</b>		✓	
	<b>Article 11: Right to freedom of assembly and association</b>		✓	
	<b>Article 12: Right to marry</b>		✓	
	<b>Article 14: Right not to be discriminated against</b>		✓	
<b>Part 2: The First Protocol</b>				
	<b>Article 1: Protection of property/ peaceful enjoyment</b>		✓	
	<b>Article 2: Right to education</b>		✓	
	<b>Article 3: Right to free elections</b>		✓	
<b>Section 2</b>				
<b>D: Decision</b>				
<b>12.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	a) this policy could have a different affect or adverse impact on any section of the community;		✓	
	b) any section of the community may face barriers in benefiting from the proposal		✓	
<b>13.</b>	Based on the answers to the questions above, what is the likely impact of this policy			

	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
<b>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</b>				
<b>14.</b>	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

## Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to [louisa.jordan@leics.gov.uk](mailto:louisa.jordan@leics.gov.uk), Members Secretariat, in the Chief Executive's department for publishing.

### Section 4

#### A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

**Equality and Human Rights Assessment Screening**

**Equality and Human Rights Assessment Report**

1<sup>st</sup> Authorised Signature (EHRIA Lead Officer):

Date:

2<sup>nd</sup> Authorised Signature (DEG Chair):

Date:

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**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY  
COMMITTEE - 22 JANUARY 2019**

**SCHOOL ADMISSIONS AND APPEALS IN LEICESTERSHIRE**

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY  
SERVICES**

**Purpose of the Report**

1. The purpose of this report is to inform the Children and Families Overview and Scrutiny Committee of:
  - (a) The current arrangements and performance data for admissions and appeals in Leicestershire's maintained schools and academies;
  - (b) The risks, challenges and priorities in relation to the future allocation of school places;
  - (c) To briefly outline the local authority's duties concerning school attendance in Leicestershire.

**Policy Framework and Previous Decisions**

2. For School Admissions and Appeals, the Education Act 1996 places a statutory duty on the County Council to:
  - (a) Ensure a sufficient supply of school places with a view to securing diversity of provision and increasing opportunities for parental choice;
  - (b) Exercise its education functions with a view to promoting high standards.
3. The School Standards and Framework Act 1998 (SSFA 1998) outlines, through the associated School Admissions Code and the Schools Appeals Code, the statutory responsibilities on councils in terms of admissions and appeals.
4. In March 2018, the Cabinet agreed a variation to the local authority's School Admissions Policy, to avoid the risk of being challenged for non-compliance with the national School Admissions Code. The agreed variation ended the practice, as part of Leicestershire's policy, of guaranteeing all children a place at their catchment school even if it exceeded the admission number. More recently, in response to Adjudicator determinations that found two Leicestershire academies in breach of the Code (for attaching attendance conditions to their 'feeder' criterion in their oversubscription criteria);

Leicestershire County Council has removed this condition to avoid challenge and to further ensure Code compliance.

5. In terms of school attendance, the legal framework that underpins this area of work forms part of sections 434(1)(3)(4)&(6) and 458(4)&(5) of the Education Act 1996 and the Education (Pupil Registration) (England) Regulations 2006-2016 that are detailed in the School Attendance Guidance last issued by the Department for Education (DfE) earlier this year.
6. More locally all local authorities are required to have a Code of Conduct document policy in which local requirements are set out. The current Leicestershire Code of Conduct was last reviewed in 2013. However, it has more recently been revised and changes will be implemented in the autumn term 2019 following prior consultation with schools.

## **Background**

### **Admissions**

7. The statutory duty placed on the County Council requires that sufficient school places are available within its area for every child of school age whose parents wish them to have one. This ensures that the County Council is able to:
  - promote diversity, parental choice and high quality educational standards;
  - ensure fair access to educational opportunity; and
  - help to fulfil every child's educational potential.
8. All county councils (including other admitting authorities) must determine their admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. If no changes are made to admission arrangements, they must be consulted on at least every seven years. The School Admissions Code requires the consultation to run between 1 October and 31 January for a minimum period of six weeks.
9. The School Admissions Code places other mandatory obligations on the County Council in terms of compliance with national closing dates and offer dates, how appeals will be conducted, reporting arrangements to the Office of the Schools Adjudicator (the regulatory body for the oversight of fair admissions and appeals), and the operation of Fair Access Protocols.
10. In terms of the application of the School Admissions Code, academies, studio schools and certain types of other schools are defined as 'own admission authorities', and therefore have direct responsibility for the application of fair admissions and appeals. The table below further clarifies the position.

Type of School	Admission authority	Responsibility to deal with complaints about arrangements	Responsibility for appeals against refusal of a place at a school
Academies (inc Free Schools and Studio Schools)	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

## Appeals

11. There is no statutory duty placed on the County Council to lead on providing an appeals service. Schools are free to engage private providers to run their appeals should they wish.
12. The requirements of an appeal are laid out in the national School Admission Appeals Code (February 2012) issued under Section 84 of SSFA. The purpose of this Code is to ensure the independence of admission appeal panels and to ensure that all admission appeals for maintained schools and academies are conducted in a fair and transparent way. The Code is enforceable in law, and designed to give admission authorities the freedom they need to run the appeals process efficiently, whilst maintaining fairness and transparency.
13. The School Admission Appeals Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions by the bodies listed below:
  - a) **admission authorities of maintained schools** as defined in Section 88(1)(a) and (b) of the School Standards and Framework Act 1998;
  - b) **governing bodies and local authorities** (when not admission authorities);
  - c) **admission appeal panels.**
14. These bodies have a statutory duty to act in accordance with the relevant provisions of the Code. Academies can choose who they wish to conduct their appeals, although the majority of Leicestershire academies currently buy into the County Council's appeals service. **Appendix C** of the report provides an overview of the appeals process.

### **Other legislative change**

15. As a consequence of new legislation, the educational system in Leicestershire has, and continues to, undergo substantial organisational change. Currently 46 out of 47 Leicestershire secondary schools are academies; whilst 137 out of 225 primary schools are academies. Many schools have also sought to progress age range changes to give either 4-11, 11-16 or 11-19 status.
16. Added to this momentum of change, other types of secondary provision have been introduced for example Studio Schools in Coalville and Lutterworth for 14-16 year olds wishing to follow a hybrid vocational and academic curriculum. More recently, Primary Free Schools (Fossebrook, Hallam Fields and later this year the new Lubbethorpe primary) have been established in Leicestershire. In addition Further Education Colleges are now entitled to admit students from the age of 14.
17. The net effect of this change has been a significant enhancement to the diversity and choice in Leicestershire schools. At the same time, schools and academies have begun to exercise a greater degree of autonomy which makes the process of managing admissions and appeals much more challenging.
18. Coupled to this, there is a much greater awareness by parents of their rights and choices, largely as a result of a determined effort by the County Council to ensure everyone understands how the admissions and appeals process works.

### **Admissions Policy**

19. Leicestershire's admissions policy for entry in September 2020 was approved by the Director of Children and Family Services in November 2018, as part of the chief officer's scheme of delegation. There was no need for approval by the Cabinet as no change to the 2020 admissions policy was proposed. All admitting authorities are eagerly awaiting a new national Admissions Code, but this unlikely to appear until post Brexit, after which it is suspected that most admitting authorities will consult on changes.
20. Leicestershire's admissions policy sets out for schools, under the control of the local authority, school catchment arrangements with the purpose of ensuring that every child has a designated school.
21. The policy also includes an agreed set of priority criteria that are used to rank applications when offering places in Leicestershire. A copy of the priority criteria can be found at **Appendix A** to the report.
22. The majority of Leicestershire schools are academies with their own criteria and policies ratified following a formal consultation process. Whilst most academies have retained the same oversubscription criteria as the local authority's, some have completely moved away from this.

23. Changes in academy policies now appear to confound many parents, particularly where they have been unable to secure a place for their child, even at their catchment school. The changes made by some academies to their admission criteria include:-
- a) Capping the admissions number so as to not overfill beyond this at the intake round and therefore not accepting children that may subsequently move into their catchment;
  - b) Giving siblings a higher ranking;
  - c) Introducing a new criterion of 'children of staff';
  - d) Making changes to catchment areas – some of which now extend outside the county boundaries.

### **Managing admissions – Leicestershire's approach**

25. There are well established and effective practices within the County Council for the management of school admissions, including:
- a) Implementing robust ICT systems designed to support and encourage online applications;
  - b) Producing an annual 'Your Guide to Education in Leicestershire' to advise parents of their choices and the things that should be taken into account when applying for a school place;
  - c) Support through the Customer Service Centre for general advice and the Admissions team for more detailed enquiries;
  - d) The launch of a media campaign each autumn to alert parents to key dates. This has included articles in Leicestershire Matters as well as in other newspapers, and direct marketing to schools and the Diocese, as well as web related media;
  - e) As a further precaution 'chaser lists' to schools are circulated three weeks before the closing date, and direct 'chaser letters' are sent where applications are known to be outstanding.
  - f) A letter sent to every child the October before they are due to start school in September, reminding parents to apply and setting out information on school readiness.
26. Parents are encouraged to apply online as this provides an immediate acknowledgement on submission of the application form. It allows parents to change their mind and to know the offer to them on the national offer date.
27. The key dates relating to the admissions process are as follows:

**Secondary:**

Closing date 31 October  
 Exchange dates with other Councils  
 late November  
 Provisional allocation list January  
 Final allocation list late February  
**1<sup>st</sup> March** national offer date

**Primary:**

Closing date 15 January  
 Exchange dates with other Councils  
 late February  
 Provisional allocation list March  
 Final allocation list late March  
**16<sup>th</sup> April** national offer date

28. Where parents have not been able to secure a school of their preference, they are automatically placed on the school's oversubscription (waiting) list (OSL) and are ranked using the appropriate priority criteria. If a place becomes available, parents are contacted automatically by the Admission Team. All OSLs maintained by the Admissions Service are closed at the end of the autumn term (when responsibility will be passed to each school).
29. Any applications received after the closing date will be accepted but are considered only after those received by the closing date. If the allocation of a place has been made on the basis of fraudulent or intentionally misleading information, the admitting authority reserves the right to withdraw the place.

**Current demand**

30. The number of compulsory school age pupils currently on roll in Leicestershire schools (including academies) is 90,313- 46,835 pupils in primary schools, 42,254 in secondary schools, 1,210 in special schools, and 14 in the Primary Pupil Referral Unit (PRU).
31. Each year the Admissions service deals with approximately 7,200 primary applications for first time admissions and over 7,800 secondary applications. In addition to these, there is now in excess of 7,000 mid-term applications (i.e. applications received outside of the normal transfer cycle). A full breakdown of the number of applications is provided at **Appendix B**.

**Admissions Performance**

32. The following table illustrates how Leicestershire has performed over the last 4 years.

<b>Year</b>	<b>First Time Admissions 1<sup>st</sup> pref</b>	<b>Primary Online Figures</b>	<b>Secondary – Transfer 1<sup>st</sup> Pref</b>	<b>Secondary Online Figures</b>
<b>2018</b>	<b>92.8%</b>	<b>96.7%</b>	<b>90.7%</b>	<b>96.1%</b>
2017	91.3%	93.9%	93.3%	95%
2016	91.7%	96.1%	95.5%	98.8%
2015	88.7%	94.4%	94.2%	98.6%

33. Of particular note are the high levels of online take-up by parents when making either primary or secondary applications. The impact of this to the authority has been a significant decrease in paper based systems and associated costs.

34. In 2018 the Council saw the highest first preferences rates achieved for primary children since 2010. This is as a result of two factors- firstly awareness amongst parents about applying on time and applying for their local school, and secondly because the School Organisation Service has continued to increase the number of places available in schools by 357.
35. Comparisons with the County Council's 'statistical neighbours' shows that in general, Leicestershire achieves well above the England average in terms of children attaining their first preference school at secondary level.

### Fair Access Protocol

36. All Leicestershire schools have signed up to the Fair Access Protocol in order to make sure that the most vulnerable children are offered a place at a suitable school as quickly as possible. This includes admitting children above the published admission number of a school that is already full. During the last school year 53 Fair Access cases were dealt with and successfully placed.

### Appeals Performance

37. The tables below provide data on appeals considered over the four year period 2015 - 18.

#### Four Year Appeal Breakdowns for **First Time** Admissions

Primary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
<b>2018</b>	7298	191(2.6%)	61	37	93	5(5.6%)	88
<b>2017</b>	7251	270(3.7%)	101	42	127	23(8.5%)	104
<b>2016</b>	7463	372(5%)	97	66	209	48(13%)	161
<b>2015</b>	7476	453(6%)	113	71	269	71(15.7%)	198

#### Four Year Appeal Breakdowns for **Secondary** Admissions

Secondary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
<b>2018</b>	7334	435(5.9%)	132	58	245	50(11.4%)	195
<b>2017</b>	6562	403(6.1%)	64	68	271	75(18%)	196
<b>2016</b>	5991	149(2.4%)	33	12	104	37(25%)	67
<b>2015</b>	5866	190(3.2%)	49	23	118	71(37%)	47

#### Four Year Appeal Breakdown for **Primary Mid-Term** applications

Primary	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
<b>2018</b>	6637	464(6.9%)	110	65	289	87(18.7%)	202
<b>2017</b>	6001	437(7.2%)	142	45	251	74(16.8%)	177
<b>2016</b>	5769	318(5.5%)	133	47	138	54(16.9%)	84
<b>2015</b>	5664	226(3.9%)	113	33	79	14(6.2%)	65

Four Year Appeal Breakdown for **Secondary Mid-Term** applications

<b>Secondary</b>	Number of applications	Appeals Lodged	Conceded by School/ Council	Withdrawn by parent	Appeals Heard	Appeals Upheld	Appeals Not Upheld
<b>2018</b>	3363	186(5.5%)	56	29	101	49(26.3%)	52
<b>2017</b>	2244	137(6.1%)	44	20	73	36(26.2%)	37
<b>2016</b>	1797	54(3.0%)	18	9	27	18(33.3%)	9
<b>2015</b>	1711	33(1.9%)	11	3	19	12(36.3%)	7

38. As illustrated above there has been an increase in the number of secondary appeals being lodged. Analysis of the figures indicates that this is attributable to an increase in popularity of certain schools, schools reducing their admission numbers in response to the age range change and schools capping their in-take.
39. The tables also illustrate a significant fall in primary school appeals over the last four years and an increase of appeals in both primary and secondary schools for mid-term applications. It should be noted that overall the number of schools receiving appeals has increased, including those which have previously not had appeals.
40. Over the last four years, fewer appeals have been successful for first time admission and secondary level. However, more appeals have been successful for mid term applications.

**The Challenges ahead**

41. There is significant ongoing change to the Leicestershire educational system, which can be evidenced by schools wishing to:
- convert to academy;
  - implement age range change (there are five high and three upper schools that have not yet become all through schools)
  - move away (for academies) from the County Council's admissions arrangements;
  - further develop Multi Academy Trust arrangements
42. In addition to the above, there are also schools moving through academy sponsorship due to performance issues and the emergence of new (free) schools as part of the strategy for additional places.
43. The changing environment is having a significant impact on some parents, who are worried about making the right choices for their children. In response to these concerns the Admissions Team is proactively ensuring that there is detailed information on the County Council website and through Customer Service Agents to enable parents to make informed decisions.
44. The other significant challenge is the large increase in the number of mid-term (in-year) applications received. The popularity of some schools has significantly increased with more applications received for limited places.



Also the occupation of new housing is also contributing to increased mid-term applications.

### **Key Areas for Action**

45. In the light of the above challenges there are three key areas for action to be addressed by the Admissions Service:-
- Continuing to develop the strategic approach, placing emphasis on the effectiveness of the planning for additional school places;
  - Strengthening the relationship with academies, to ensure greater co-ordination of the admissions process and catchment arrangements;
  - Meeting increased demand by reviewing the availability and deployment of resources within the Admissions Service and the effectiveness of systems and procedures.

### **Delivery of School Place Planning Strategy**

46. The admissions and appeals arrangements are closely linked to the planning of school places, which is intended to ensure that the County Council keeps abreast of the future demand for school places.
47. At its meeting on 3 March 2014, the Children and Families Overview and Scrutiny Committee considered the strategy 'In the Right Place - Strategy for the Provision of School and Other Learning Places in Leicestershire 2014/18'.
48. The eight key priorities outlined in the Strategy include:
- i. Giving priority to the demand for additional primary school places within the capital programme;
  - ii. Ensuring there is a good supply of secondary places in each locality, offered through well planned , sustainable and viable solutions, underpinned by robust funding arrangements;
  - iii. Securing sufficient capital funding to fulfil the commitment to the programme of Area Special School development;
  - iv. Ensuring that basic need capital allocated to the County Council is targeted towards meeting the need for additional places arising from increased births and general demographic change;
  - v. Seeking to support opportunities to address structural change to the pattern of education, for example age range changes, where this can be linked to basic need requirements in the locality, and where there is a robust case for change;
  - vi. Working with each district council, housing developers, maintained schools and academies to ensure that appropriate contributions are received for new school places arising from new housing;
  - vii. Supporting the development of a vibrant and sustainable mixed market approach to the provision of school and other learning places in Leicestershire, so as to promote the best possible choice and diversity;
  - viii. Further developing strong arrangements for the management of County Council assets, and strengthening the relationship with academies, to ensure all school buildings (irrespective of their designation and howsoever funded) are maintained and fit for purpose.

49. A copy of the strategy may be accessed via the following link –

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/1/21/In-the-right-place-school-places-strategy.pdf>

50. The strategy will be refreshed in the near future as other local and national policy drivers become clear, although most of the priorities are expected to remain. The revised strategy will recognise that the increase in primary school pupil numbers evident over the last few years will soon start to impact on the availability of secondary places. It will also link to separate work concerning the sustainability of schools arising from school budget reform, and the increased demand for SEND provision.

### **Conclusions**

51. The County Council has robust and effective arrangements in place for the management of admissions and appeals as confirmed by performance data and informal feedback from schools /parents. Nevertheless, the education environment is still undergoing rapid change and the Admissions Service will need to keep pace with this through further improvements to its working practices.
52. The change underway has the capacity to improve the choice and diversity in Leicestershire schools and, coupled with admission arrangements, will help enable good access to them. The key areas for action set out in this report are intended to help ensure that the County Council continues to provide a high quality service and the maximum degree of support for schools, parents, and children and young people.

### **Background Papers**

Leicestershire's School Admission Policy and associated co-ordinated schemes - <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-admissions/school-policies>

### **Circulation under the Local Alert Issues Procedure**

53. None.

### **Equal Opportunity and Human Rights Implications**

54. The underlying purpose of the admissions and appeals service is to ensure that the County Council satisfactorily meets statutory obligations to ensure that all parents, children and young people are able to access good or outstanding schools, and offered real choice and diversity of educational provision. Wherever new policies or changes to existing policies are considered they are subject to an Equality and Human Rights Impact Assessment as part of any proposals for change to ensure that individuals are not disadvantaged or discriminated against.

**Risk Assessment**

55. The risks to the County Council arising from admissions and appeals are kept under regular review by the Children and Family Services School Admissions and Pupil Services team; and for matters relating to wider school place planning issues by the Head of Service for Education Sufficiency.

**Appendices**

Appendix A - Priority criteria for entry autumn 2019 admissions and mid-term applications during 2019 / 2020 academic year

Appendix B - Breakdown of admission applications

Appendix C - Overview of the appeals process

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### Priority Criteria for Entry Autumn 2019 Admissions and Mid-term Applications during 2019/2020 Academic Year

If there are too many requests, priority will be given to children, whose parents applied on time, in the following order (see note i below):-

- 1st** Children who are in public care and those children who were previously looked after children. (*See note ii.*)
- 2nd** Pupils who live in the catchment area. (*See note iii.*)
- 3rd** Pupils who will have an older brother or sister attending the same school at the same time. (*See notes iv and v.*)
- 4<sup>th</sup>** Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) (*See note vi.*)
- 5th** Pupils who are attending a feeder school at the point of application. (*See note vii*)
- 6<sup>th</sup>** Pupils starting at an infant school with a sibling attending at the same time in the linked junior school (*see note iv.*)  
*or*  
Pupils transferring to high school who will have an older brother or sister attending the linked upper school at the same time. (*See note iv.*)
- 7th** Pupils basing their application on grounds of 'belief'. (*See note viii.*)
- 8th** Pupils living nearest to the school measured in a straight line distance (home to school front gate). (*See note ix.*)

#### Notes:

- i. Combinations of the above criteria are used where appropriate, in priority order.
- ii. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order Section 19 or special guardianship order).
- iii. The child's place of residence is taken to be the parental home. Living in the catchment area does not guarantee you a place at your catchment school.
- iv. The term "brother or sister" includes half brother or sister or legally adopted child being regarded as the brother or sister.
- v. Regarding brothers or sisters who will be of sixth form age, these are counted as brother/sister connections for criteria 3 or 6 above.

- vi. If criterion 4 is used, professional supporting documentation from the Lead Professional must be supplied and must be submitted with the application. The following list is the areas that are considered exceptional:-
- Crown Servants
  - Children subject to Child Protection Plans
  - Hard to Place children – who fall under the Fair Access Protocol
  - Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional)
  - A child for who transfer to the catchment area school would involve attending a different school until he/she is the right age for transfer. (This is dependent on the child having attended the present school for at least a year.) Each case will be assessed on its individual merits.
- vii. For criterion 5 above, the child must be on roll at the feeder school at the point of application.
- viii. Criterion 7 above only applies to the schools below, a letter of support from your Minister, Religious Leader or Belief Leader will be required explaining how the school caters for your faith or Belief system:

Blaby Stokes C of E Primary	Broughton Astley Orchard C of E Primary	Castle Donington St Edward's C of E Primary
Coalville All Saints C of E Primary	Cossington C of E Primary	Fleckney C of E Primary
Hinckley St Mary's C of E Primary	Husbands Bosworth C of E Primary	Ibstock St Denys C of E Infant School
Long Whatton C of E Primary	Measham C of E Primary	Quorn St Bartholomew's C of E Primary
Swannington C of E Primary	Swithland St Leonard's C of E Primary	

- ix. For criterion 8 above, measurement of distance is in a straight line from the centre point of the property to the school's main designated front gate, using a computerised mapping system (Geocoding). Where there is equal distance then lots will be drawn, supervised by an independent officer.

## Appendix B

## First Time Admissions

YEAR	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of applications received on time	6556	6864	6543	6852	6929	7476	7463	7251	7298
Number of <b>FIRST</b> preferences attained	92.9%	92.2%	91.8%	91.8%	89.5%	88.7%	91.7%	91.3%	92.8%
Number of <b>SECOND</b> preferences attained	4.20%	4.3%	4.41%	4.6%	4.7%	5.0%	4.5%	4.9%	4.3%
Number of <b>THIRD</b> preferences attained	0.70%	1.06%	1.01%	0.8%	1.62%	1.4%	1%	1.0%	0.83%
Number of <b>FIRST, SECOND and THIRD</b>	97.8%	97.6%	95.7%	96.9%	95.8%	95.1%	97.3%	97.3%	98%
Number of <b>ONLINE</b> applications	44.5%	58.6%	75.2%	83.5%	91.8%	94.4%	96.1%	93.9%	96.7%

## Secondary Transfer

YEAR	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of packs sent out	13775	13406	12686	12224	11155	11152	9832	8550	8284	7334
Number of applications received on time	12863	12359	12119	12076	10877	10794	9707	8424	7832	7078
Number of <b>FIRST</b> preferences attained	97.5%	96.5%	98%	98.1%	97.4%	96.2%	94.2%	95.5%	93.3%	90.7%
Number of <b>SECOND</b> preferences attained	1%	2.5%	1.3%	1.3%	1.5%	1.9%	3.1%	2.3%	3.7%	5.0%
Number of <b>THIRD</b> preferences attained	0.1%	0.2%	0.2%	0.1%	0.1%	0.2%	0.43%	0.21%	0.5%	0.7%
Number of <b>FIRST, SECOND and THIRD</b>	98.9%	99.3%	99.5%	99.5%	98.9%	97.2%	97.8%	98%	97.7%	96.5%
Number of <b>ONLINE</b> applications	47%	55.4%	57.9%	95.8%	97.1%	97.3%	98.6%	98.8%	95%	96.1%
<b>NUMBER OF SURPLUS PLACES</b>	9.7%	18.4%	25%	11%	12%	15%	17%	16%	16%	791

### Overview of the Appeals Process

- i) All transfer and FTA appeals must be heard within 40 school days from the deadline of being lodged. The process involves the Admissions Service preparing a detailed statement on behalf of the school detailing the reason for refusal as well as why the school cannot take any further children. A key aspect of the LA's statement will be to evidence that the admission of more pupils would affect the education of other pupils already in the school, and that if there are more pupils admitted to the school then it would prejudice the efficient provision of education as well as the efficient use of resources.

Once the appeal statement is completed parents are written to inviting them to attend the hearing. Panel members receive both the school's case and the parent's case at least two-weeks prior to the hearing.

- ii) On the day of the hearing strict protocol is adhered to administered by the Clerk to the panel. The appeal will run as a two stage process in the following order:

#### *Stage 1-*

- a) case for the admission authority;
- b) questioning by appellant(s) and panel;

- iii) Panel decisions range from; up-holding the appeal in favour of the parent at Stage 1 – often when the school have not made a case, to moving on stage two if the case made – that may up-hold some of the appeals or none of the appeals depending on whether the parent's circumstances out weight the school's pressures:

#### *Stage 2 -*

- a) case for the appellant(s);
- b) questioning by the admission authority and panel;
- c) summing up by the admission authority;
- d) summing up by the appellant(s).

- iv) Decisions are made after the final appeal is heard, and the clerk will write to the parents within five working days outlining in detail the panel's determination.

### Infant Class Appeals

- v) Regulations made under the School Standards and Framework Act 1998 limit the size of an infant class (a class in which the majority of children will reach the age of 5, 6 or 7 during the school year) to 30 pupils per qualified school teacher (this does not include teaching assistants or nursery nurses). Only in very limited and exceptional circumstances can admission over the limit be permitted.

- vi) Therefore, panels considering an infant class size appeal must pay regard to all of the following matters:
  - a) whether the admission of an additional child/additional children would breach the infant class size limit;
  - b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;
  - c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
  - d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.
  
- vii) The panel **may** only uphold the appeal at the first stage where:
  - a) it finds that the admission of additional children would not breach the infant class size limit; or
  - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
  - c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.
  
- viii) The panel **must** dismiss the appeal at the first stage where:
  - a) it finds that the admission arrangements did comply with admissions law and were correctly and impartially applied; or
  - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place; and it finds that the decision to refuse admission was one which a reasonable *admission authority could have made*.

#### The decision

- ix) The appeal panel's decision-making is binding on all parties. If the outcome is not in favour of the parent, the only recourse is to complain to the Ombudsman, to contact the Secretary of State or to seek a judicial review. All these courses of action however cannot overturn the panel decision but may if found in the parent's favour require the appeal to be heard again in front of a new panel.
  
- x) In normal circumstances a parent may only appeal once for the same school per academic year. In very rare instances, a second appeal maybe allowed if the parent can demonstrate a significant and material change in the family's circumstances i.e. a house move.





**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**  
**22<sup>nd</sup> JANUARY 2019**

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES**

**QUARTER 2 2018/19 PERFORMANCE REPORT**

**Purpose of the Report**

1. The purpose of this report is to present the Committee with an update of the Children and Family Services Department's performance for the period July to September 2018 (Quarter 2).

**Policy Framework and Previous Decisions**

2. The Children and Family Services Department's performance is reported to the Committee in accordance with the Council's corporate performance management arrangements.

**Background**

3. A new Strategic Plan 2018-2022 has been agreed by the Council and a small number of new indicators have been added for 2018/19 to reflect the new Outcomes Framework, including additional Social Care indicators that are monitored on the recommendation of Ofsted. The current performance dashboard is attached as Appendix A, and this has been refreshed to concentrate on indicators where new data is available for Quarter 2, including provisional secondary school outcomes. Appendix B supports the Early Help indicator "Feedback from families and evaluation provides evidence of positive impact".
4. Quartile positions are added where comparative national data is available. Comparative data is not available for all indicators.

**Overview**

5. From 33 measures that have been reported, seven have improved, 14 show no significant change and nine have declined. In addition to this, 3 indicators provide information with no polarity.
6. From 21 measures that have a national benchmark, four are in the top quartile, nine are in the second quartile, six are in the third quartile and two are in the fourth quartile.

**Children at most risk are kept safe and protected from harm**

7. The number of 'Child Protection cases reviewed within timescales' was 96.5% in quarter 2, a slightly higher figure than quarter 1. This remains high by national levels and in the second quartile of all local authorities. This equates to 9 of 263 cases not being reviewed in the required timescales.
8. The percentage of 'Children becoming subject to a child protection plan for a second or subsequent time' increased from 12% to 21.5%. Although this is a large percentage rise, this involves relatively small numbers and represents 22 children compared to 15 in quarter 1. This is now in the third quartile of local authorities by available comparisons. The year to date figure is 15.8%.
9. The percentage of re-referrals to Social Care within 12 months was 24.8% (307 children), which was lower than quarter 1 when the figure was 29% (415 referrals). The figure is higher than the national average but closer to the statistical neighbour average of 24.1%. Monthly audits take place within the service to monitor this. This is linked to ongoing work regarding Children in Need which should see an improving picture over the year.
10. The percentage of 'single assessments completed within 45 days' were 68.2%. This was lower than the quarter 1 figure of 76% but represented more assessments taking place – 708 in quarter 2 and 668 in quarter 1. This reflects the higher volume of work being undertaken during the quarter. This is lower than available national and statistical neighbour comparisons, which are both over 80%. This remains an area of focused attention to improve performance.
11. The percentage of Child Protection plans lasting two years or more that were open at the end of quarter 1 was 1.1% (four children). The current figure places Leicestershire in the second quartile of local authorities using available comparators.
12. There were 67 Child Sexual Exploitation referrals in Leicestershire during quarter 2. This is lower than quarter 1 when 81 referrals were made.

### **Children are living in stable and secure environments**

13. The 'percentage of children with three or more placements during the year' was 8.5% (50 children). This is very similar to quarter 1 and places Leicestershire in the second quartile nationally. The 'percentage of children in the same placement for 2+ years or placed for adoption' was 67.1% (102). This is also similar to quarter 1 and places Leicestershire in the third quartile by national levels.
14. The percentage of Care Leavers in Suitable Accommodation was 83% (88 of 106 young people). This is lower than quarter 1 (92.1%) and places Leicestershire in the third quartile of local authorities using available comparisons.
15. The percentage of Care Leavers in Education, Employment or Training was 55.7% (59 of 106 young people). This is similar to quarter 1 and places Leicestershire into the second quartile by comparison with other local authorities.

### **Child Health and Wellbeing**

16. The percentage of 'Children in Care who have had an annual health assessment' within the last 12 months was 79.2% (302 children). This is 4.7% higher than quarter 1. Completion of health assessments continues to be overseen by the

Children in Care Head of Service and Service Manager, with specific actions identified to address delays and barriers including systems support, processes and staffing pressures.

17. The percentage of 'Children in Care who have had a dental check' was 68.4 % (282 children). This is 3.2% higher than quarter 1.
18. The Strengths and Difficulties Questionnaire (SDQ) is a tool which is used to identify Looked After Children who are at risk of developing emotional and behavioural difficulties. The Department for Education (DfE) class a score of 0-13 as 'normal', 14-16 as 'borderline' and 17-40 as 'cause for concern'. The mean score for Leicestershire children was 14 in quarter 1. This figure has been between 14 and 16 in Leicestershire during the past year. A score of 15 for Leicestershire is slightly better than the statistical neighbour average of 15.58. The scores for Leicestershire children range from a low of zero and one to a high of 36 and 37.

### **Families are self-sufficient and able to cope**

19. The number of families receiving targeted Early Help during quarter 2 was 623; this was lower than the previous quarter (829). The number of individuals receiving help was 1,607 and this was also lower than quarter 1. This includes family members and individuals supported through Supporting Leicestershire Families and the Children's Centre Programme. Both figures were affected by decreased capacity within the service during a review of the Early Help service.
20. To date, the Supporting Leicestershire Families programme has claimed Payment By Results (PBR) for 1587 families. This represents 57.3% of the overall target for Leicestershire. Progress towards the target remains strong in Leicestershire compared to available regional comparisons.

### **People are safe in their daily lives**

21. The cumulative 2018/19 figure for 'first time entrants to the criminal justice system aged 10-17' was 52 at the end of quarter 2, which represents exactly half of the whole year figure for 2017/18.
22. The rate of re-offending per young offender is reported a quarter in arrears and was 0.35 for quarter 1 2018/19. The comparative figure for 2017/18 was 0.29.
23. One young person was sentenced to custody during quarter 2. This is similar to previous quarters.

### **Every child has access to good quality education and achieves their potential**

24. Free Early Education Entitlement (FEEE) is collected three times a year (termly). There is no new data to report in quarter 2.
25. The percentage of Leicestershire schools rated as Good or Outstanding and the percentage of pupils in Good or Outstanding schools are both lower than quarter 1. However, this reflects a national pattern and both measures are above statistical neighbours averages. The current figures are 86.3% and 84.9% respectively.

26. The percentage of primary schools rated Good or Outstanding was 87.44% at the end of quarter 2 (195 schools). This has fallen slightly but is above statistical neighbour averages which are also lower than quarter 1. The secondary school figure was 79.16% (38 schools) which is also lower than quarter 1 but remains in the second quartile of local authorities and above statistical neighbours.
27. The percentage of Good or Outstanding Special Schools remained at 100%.

### **Provisional 2018 Key Stage Four (GCSE) and Key Stage 5 (A Level) school outcomes**

28. Key Stage Four performance in Leicestershire schools improved for the two headline measures of Progress 8 and Attainment 8. Progress 8 is a measure where '0' represents the target, indicating that all pupils have made the expected progress between key stage two and four. Attainment 8 takes the average point score (from 1-9) in each of the eight key subject areas.
29. In Leicestershire, Attainment 8 rose from 45.6 to 46.1. This score represents an average grade C compared to old GCSE measures. This is similar to the statistical neighbour average and in the second quartile of all local authorities. Progress 8 rose from -0.11 to -0.03 (better than the statistical neighbour average of -0.08).
30. At Key Stage Five, A Level students in Leicestershire scored an Average Point Score per entry of 30.5. This is higher than 2017 and places Leicestershire in the third quartile of local authorities, which was also the case in 2017. This figure includes state funded sixth forms and colleges.

### **Outcomes for Vulnerable Groups**

31. The provisional Progress 8 figure for children eligible for Free School Meals (FSM) was -0.7. This is the same as 2017. National comparisons are not yet available for this group.
32. The provisional Progress 8 figure for children with Special Educational Needs support was -0.53. This was slightly behind the 2017 figure but there was a small improvement in Attainment 8 for the group. SEN support pupils have previously been identified as an area for improvement in Leicestershire.
33. Outcomes for Children in Care are not yet available.

### **Leicestershire has a highly skilled and employable workforce**

34. Latest NEET data (young people Not in Education, Employment or Training), is for the end of September 2018 and shows a Leicestershire figure of 1.6%. This is lower than quarter 1 and represents 164 young people. Leicestershire is in the highest quartile of local authorities for NEET.
35. The NEET figure for young people with Special Educational Needs and Disabilities was 3.6% at the end of September 2018. This is a slightly higher percentage than quarter 1 but represents 1 less young person; 15 in total.

### **Conclusion**

36. The report provides a summary of performance at the end of Quarter 2 of 2018/19, covering the period July – September.

37. Details of all metrics will continue to be monitored on a regular basis throughout the year and any subsequent changes will be notified in future reports.

### **Background Papers**

Strategic Plan 2018-22 and Outcomes Framework

### **Relevant Impact Assessments**

Equality and Human Rights Implications

38. Addressing equalities issues is supported by this report, with a focus on vulnerable groups within Leicestershire, including children in care. Education data relating to different context groups including children with Special Educational Needs and Free School Meals is reported when data becomes available.

### **List of Appendices**

- Appendix A - Children and Family Services Department Performance Dashboard for Quarter 2, 2018/19

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# Children and Families Performance FY2018/19 Q2

Latest update    Current Performance    Change from previous data point^    Trend Charts    Status RAG    National benchmark (quartile 1 = top)    Most recent Statistical Neighbour average

## Children at most risk are protected from harm and kept safe

	Latest update	Current Performance	Change from previous data point^	Trend Charts	Status RAG	National benchmark (quartile 1 = top)	Most recent Statistical Neighbour average
% child protection cases which were reviewed within timescales.	Q2	96.5% (254)	Similar		G	2	89.9%
% of children becoming subject to a child protection plan for second or subsequent time	Q2	21.5% (22)	Higher		A	3	20.8%
% re-referrals to childrens Social Care within 12 months	Q2	24.8% (307)	Better		R	4	24.1%
% single assessments completed within 45 days	Q2	68.2% (708)	Lower		R	4	82.0%
% of Child Protection plans lasting 2 years or more open at the end of the quarter (low = good)	Q2	1.1% (4)	Similar		G	2	1.8%
Placement stability - % children with 3 or more placements during a year (low = good)	Q2	8.5% (50)	Similar		G	2	11.2%
Placement stability - % children in same placement for 2+ years or placed for adoption	Q2	67.1% (102)	Similar		A	3	68.5%
% of Care Leavers in suitable accommodation (end of quarter)	Q2	83% (88)	Lower		A	3	82.4%
The % of Care leavers in education, employment and training (EET) (end of quarter)	Q2	55.7% (59)	Similar		A	2	48.1%
CSE referrals	Q2	67	Higher - no polarity		n/a	n/a	n/a

Child Health, Wellbeing and SEND							
The % of children in care who have had dental checks within last 12 months (at end of period)	Q2	68.4% (282)	Better		n/a	n/a	n/a
The % of children in care who have their annual health assessment within last 12 months (at end of period)	Q2	79.2% (302)	Better		n/a	n/a	n/a
The average emotional health strengths/difficulties score for children in care. (low = good)	Q2	14	Lower		A	2	15.58
Families are self-sufficient and able to cope							
No. of individuals with an Early Help assessment	Q2	1,607	Lower		n/a	n/a	n/a
No. of families with an Early Help assessment	Q2	623	Lower		n/a	n/a	n/a
No. of SLF families claimed for as a % of overall payment by results target	Q2	1587 (57.3%)	n/a		n/a	n/a	n/a
Feedback from families and evaluation provides evidence of positive impact	See Appendix						n/a
People are safe in their daily lives							
Number of first time entrants to the criminal justice system aged 10-17 (low = good) (year to date)	Q2	52	Similar		n/a	1	n/a
Rate of re-offending by young offenders (low = good)	Q1	0.35	n/a		n/a	n/a	n/a
Number of instances of the use of custody for young people (low = good)	Q2	1	Similar		n/a	n/a	n/a



Every child has access to good quality education and achieves their potential							
The % of all childcare providers rated good or outstanding.	Q2	96.0%	Same		G	1	93.1
The % of schools rated Good or Outstanding.	Q2	86.3%	Lower		A	2	85.0%
The % of Primary Schools rated Good or Outstanding	Q2	87.4%	Lower		A	3	86.5%
The % of Secondary Schools rated Good or Outstanding	Q2	79.2%	Lower		A	2	74.1%
The % of Special Schools rated Good or Outstanding	Q2	100%	Same		G	1	95.0%
The % of pupils in Good or Outstanding schools	Q2	84.9%	Lower		A	3	83.4%
Key Stage 4 - Progress 8	2018	-0.03	Better		A	2	-0.07
Key Stage 4 - Attainment 8	2018	46.10	Better		A	2	46.3%
Key Stage 5 - Level 3 average point score	2018	30.50	Better		A	3	30.96
Education of Vulnerable Groups							
Progress 8 - pupils eligible for Free School Meals	2018	-0.70	Similar		n/a	n/a	n/a
Progress 8 - pupils in receipt of SEN Support	2018	-0.53	Similar		n/a	n/a	n/a
Progress 8 - SEN pupils with an EHCP	2018	-0.77	Similar		n/a	n/a	n/a
Leicestershire has a highly skilled and employable workforce							
% of NEET 16-17 for children with SEN and disability (low = good)	Sep-18	3.6% (15)	Similar		n/a	n/a	n/a
NEET young people aged 16-17 (low = good)	Sep-18	1.6% (164)	Better		G	1	2.2%

**RAG rating key**

- Top quartile of local authorities or high in the second quartile with an improving trend
- Second or third quartile with room for improvement
- Fourth quartile or low in the third quartile with a declining trend

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