



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

**Date/Time:** Tuesday, 25 January 2022 at 1.30 pm

**Location:** Sparkenhoe Committee Room, County Hall, Glenfield

**Contact:** Damien Buckley (Tel: 0116 3050183)

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### **Membership**

Mrs. H. J. Fryer CC (Chairman)

Mr. M. Frisby CC	Mr. N. Lockyer
Mr. L. Hadji-Nikolaou CC	Ms. Betty Newton CC
Mr. R. Hills CC	Mr. C. A. Smith CC
Mrs. C. Lewis	Mr. G. Welsh CC

**Please note:** this meeting will be filmed for live or subsequent broadcast via the Council's web site at <http://www.leicestershire.gov.uk>  
– Notices will be on display at the meeting explaining the arrangements.

### **AGENDA**

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 2 November 2021	(Pages 5 - 12)
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.	
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 2022/23-2025/26. | Director of Children and Family Services and Director of Corporate Resources | (Pages 13 - 34) |
| 9. | Development of Family Hubs in Leicestershire.   | Director of Children and Family Services                                     |                 |

A PowerPoint presentation will be delivered at the meeting.

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|-----|--|--|-----------------|
| 10. | Inclusion in Leicestershire Schools.   | Director of Children and Family Services | (Pages 35 - 46) |
| 11. | Unaccompanied Asylum Seeking Children. | Director of Children and Family Services | (Pages 47 - 52) |
| 12. | Date of next meeting.                  |  |                 |

The next meeting is scheduled to take place on 8 March 2022.

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 Governance and Scrutiny

<https://www.cfgs.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 Tuesday, 2 November 2021.

PRESENT

Mrs. H. J. Fryer CC (in the Chair)

Mr. M. Frisby CC

Ms. Betty Newton CC

Mr. L. Hadji-Nikolaou CC

Mr. C. A. Smith CC

Mr. R. Hills CC

Mr. G. Welsh CC

Mr. R. Martin

In Attendance.

Mrs. B. Seaton CC – Cabinet Support Member.

28. Minutes.

The minutes of the meeting held on 7 September 2021 were taken as read, confirmed and signed.

29. Question Time.

The following question, received under Standing Order 34, was put to the Chairman of the Children and Families Overview and Scrutiny Committee:

**Mrs Sue Whiting asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:**

Could the Chair please explain how Panels for deciding on provision for Children with Special Education/Health/Care Needs/Disability are appointed, especially where a Joint Commissioning of Services between the local authority and Clinical Commissioning Group is relevant?

**Mrs H Fryer CC replied as follows:**

Panels to support decision making around SEN provision are made up of a range of multi-agency representatives including SENA Service staff, a Senior to the Principal Educational Psychologist, Health Designated Clinical Officer, Social Care Representative, Specialist Teaching Service Manager, SENCO representative and a Special School Representative. The Panel meets weekly and makes recommendations, based on the needs set out in the Education Health and Care Plan on the best provision for a child or young person. This includes those children where a Joint Commissioning of Services between the local authority and Clinical Commissioning Group is relevant.

**Supplementary Question:**

Mrs Whiting asked a supplementary question which asked for clarification that each panel, to decide on EHCP provision for a child where joint commissioning is required, consists of a member of the SENA staff, a senior or principal psychologist, a health

designated officer, a social care representative, the specialist teaching service manager, a SENCO representative and a special school representative, making a total of at least seven people?

At the invitation of the Chairman, the Director of Children and Family Services stated that a written response to Mrs Whiting's supplementary question would be sent to her after the meeting.

30. 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).

31. Urgent Items.

There were no urgent items for consideration.

32. 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.

No declarations were made.

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

There were no declarations of the party whip.

34. Presentation of Petitions under Standing Order 36.

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

35. Engagement of the Council's Strategic Plan.

The Committee considered a report of the Chief Executive which presented the draft Strategic Plan for the period 2022-26. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

A twelve week public consultation had commenced on 1 November and this included an opportunity for Overview and Scrutiny Committees and key Partnership Boards to comment on the Plan. Findings from the consultation would be used to inform development of the final Plan. A report would be presented to the Scrutiny Commission in March 2022, followed by a report to the Cabinet presenting the outcome of the consultation and seeking agreement for the revised draft Plan to be submitted to the County Council for approval in May 2022.

The strategic outcomes in the Plan were intended to broadly reflect the remits of departments and the portfolios of lead members. Progress in delivering the outcomes would be monitored and the Committee would receive a quarterly update on the outcome most directly related to Children and Family Services.

Arising from the discussion, the following comments were received:

- i) A member commented that more detail was required in the Plan around how outcomes would be achieved and it was agreed that more information would be provided on this.
- ii) In relation to sub-outcome 7.1, a query was raised around how collaboration between partners would be strengthened. The Director of Children and Family Services explained that this work was far reaching and linked to the Children and Families Partnership Plan. A number of actions were proposed, including strengthening pathways, continuing to work with families and strengthening the Children and Families Wellbeing Service. Key was ensuring that the focus of any work was achieving the right outcome for the child. A lot of work had been undertaken around issues relating to the youngest children and those who would benefit from additional support being identified at the earliest opportunity. It was acknowledged that the number of children taking up the free early education entitlement had decreased as a result of Covid-19 but work was now taking place to promote the benefits of early education.
- iii) A question was asked in relation to sub-outcome 7.2, in particular the building of new schools and the number of independent school places being funded by the County Council. The Director reported that there was a five year strategy for the provision of mainstream school places and the development of SEND provision, which had been included in the High Needs Plan. Over the last three years, £20m had been invested in SEND provision but it was acknowledged that more was still required. The Director stated that a number of independent school places were still used and although the preference was for children to attend a school within Leicestershire, key was ensuring that they were in an appropriate setting that met their needs.
- iv) In terms of EHCP processes, it was important to ensure that children's needs were clearly identified within a school setting as soon as possible so that the necessary support was provided in accordance with the SEND Code of Practice. A Multi-Agency Panel was now in place to determine whether it was appropriate to assess a child for an EHCP and where it was not agreed to undertake an assessment, other support was suggested. This process had led to more consistent decision making.

RESOLVED:

- a) That the update on the work undertaken on the Council's Strategic Plan be noted;
- b) That the Chief Executive be requested to consider the comments now raised as part of the consultation on the Council's draft Strategic Plan 2022-26.

### 36. Defining Children and Family Services for the Future.

The Committee considered a report of the Director of Children and Family Services which provided an update of the progress made with respect to the Defining Children and Family Services for the Future programme. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

It was noted that the design stage had been concluded for all the workstreams and the new ways of working were now being rolled out across the service. At 9 September, the new ways of working were delivering an annualised benefit of £7m, which was progress towards the target of £8.7m. As the implementation period progressed and new ways of working became embedded, it was expected that the annualised benefit which could be achieved would approach the stretch target of £13.4m.

In response to a query around the view of the programme roll out, the Director stated that the main purpose of the programme was to meet the needs of children and families and the results thus far had exceeded expectations. There was confidence that the benefits related to children and families and this had led to an impact on demand. Assurance was also given that staff within the department had fully engaged with the work.

RESOLVED:

That the update be noted.

37. Written Statement of Action and High Needs Block Development.

The Committee considered a report of the Director of Children and Family Services which provided an update on the progress being made against the Written Statement of Action and High Needs Development Programme. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from the discussion the following comments were raised:

- i) A Neurodevelopmental Pathway delivery model had been developed, although a clearly defined pathway had yet to be agreed. The timescales for implementation would be presented to a future meeting of the Committee.
- ii) In response to a query around the areas of weakness highlighted in the Written Statement of Action, assurance was given that good progress was being made. A Joint Commissioning Strategy with Leicester and Rutland was now in place and all actions within the Strategy were on track to be delivered. Monitoring by the Department for Education had been positive and suggested improvements were now being captured. Although an exact timescale was unknown, it was anticipated that a revisit to the Local Area would take place next year, which would focus on the two previous areas of weakness.
- iii) The restructure of the SENA service was commended and it was acknowledged that this was beginning to have a positive impact. In relation to SEND annual reviews, these were a statutory requirement although it was not a statutory duty for a local authority to attend every review. There were currently over 5,500 SEN Plans in place and the service was prioritising those where the child had more complex needs or attended a setting outside of the locality.
- iv) There was currently no specific hard data to suggest a delay in the service as a result of Covid-19. There had been a decrease in the number of referrals for an assessment at the height of lockdown and although an increase had been anticipated at the beginning of this academic year, the number had been in line with previous years. The number of children recorded as being electively home educated was beginning to decrease. It would not be known for some time whether children had received the full provision stated in their individual plan but



this was being monitored. An update would be provided to the Committee when any data became available.

RESOLVED:

- a) That the report be noted;
- b) That the timescales for implementation of a Neurodevelopmental Pathway be presented to a future meeting of the Committee;
- c) That an update be provided to the Committee when any data relating to delays arising from Covid-19 became available.

38. Quarter 2 2021/22 Performance Report.

The Committee considered a joint report of the Chief Executive and Director of Children and Family Services which provided an update on the Children and Family Services Department's performance for the period July – September 2021. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

From the 19 measures that had been reported, two had improved, six showed no significant change and four had declined. From 12 measures that had a national benchmark, two were in the top quartile, six were in the second quartile, one was in the third quartile and two were in the fourth quartile.

Arising from the discussion, the following comments were raised:

- i) A member raised concern around the number of second or subsequent child protection plans and queried whether previous plans had been ended appropriately. This was an area of work that continued to be monitored closely and it was agreed that a further, more detailed, discussion would take place at a future meeting of the Children's Social Care Panel.
- ii) It was suggested that reducing the number of EHCP assessments would not reduce the number of children with an EHCP in mainstream settings. The Director responded that there was an aspiration to have more children supported in mainstream schools without the need for a statutory assessment. It was the intention for children to receive the right support at the right time, albeit at the earliest opportunity.

RESOLVED:

- a) That the report be noted;
- b) That a discussion take place at the Children's Social Care Panel around the number of second or subsequent child protection plans

39. Leicestershire Fostering Agency Statutory Report.

The Committee considered a report of the Director of Children and Family Services which presented the activity of the Leicestershire Fostering Agency between March 2020 – March 2021. 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 question about gaps in foster care provision, the Director reported that there had not been an increase in mainstream carers over the last year. However, there had been more kinship carers and more mainstream carers were now being approved. In terms of support for young carers, assurance was given that this was very good and any gap in foster carer provision would not see an increase in the number of young carers.
- ii) The Committee was advised that kinship care had a benefit over mainstream foster care in that the carer was someone who had a significant link with the child. However, it was acknowledged that this was not the correct option for all children and key was ensuring an appropriate placement to meet the individual child's needs. It was stated that kinship carers went through the same assessment process as a prospective foster carer and it would be possible to provide the number of children in kinship care and the duration of the placements.
- iii) In terms of the timescale, it was reported that an initial assessment for a kinship carer could be undertaken within days. It would then be possible to place the child whilst a full assessment was completed; this could take up to three months after which approval would be required from the Fostering Panel.

Members agreed that this was a very positive report and that thanks should be given to foster carers as well as the service.

RESOLVED:

That the report be noted.

#### 40. Leicestershire Adoption Agency Statutory Report.

The Committee considered a report of the Director of Children and Family Services which presented the Annual Report of the Adoption Service. This evaluated the extent to which Leicestershire County Council had fulfilled its responsibilities to children for the period 1 April 2020 – 31 March 2021. A copy of the report marked 'Agenda Item 13' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) It was noted that there had been some delay in the time for a child to be placed with an adoptive family. However, this primarily related to a small group of children who had more complex needs. Although these children had been successfully placed, the time for this to be achieved had been impacted.
- ii) Adoption funds were used to support families in getting a specific piece of equipment or to assist with additional care. The local authority could also apply for funding for therapy work. It was, however, unusual for this funding to be used for an adaptation to someone's home.
- iii) Members were advised that adoption was very different to fostering in that adopters had already made a decision that they wanted to become parents and

wanted to parent a child on a permanent basis. An overview of the Adoption Service would be presented to the Committee at a future meeting.

RESOLVED:

- a) That the report be noted;
- b) That an overview of the Adoption Service be presented to a future meeting of the Committee.

41. Leicestershire's Response to Tackling Child Criminal Exploitation.

The Committee considered a report of the Director of Children and Family Services which provided an overview of the work and progress of the Child Criminal Exploitation, Missing and Modern Slavery Hub. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

Assurance was given that, despite the Office of the Police and Crime Commissioner withdrawing funding, the Hub at Wigston Police Station was still operational and now hosted two permanent teams from the County Council.

RESOLVED:

That the report be noted.

42. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 25 January 2022 at 2.00pm.

Future meetings of the Children and Families Overview and Scrutiny Committee would be held at 2.00pm on the following dates:

8 March 2022  
7 June 2022  
6 September 2022  
8 November 2022.

2.00 – 4.08pm  
02 November 2021

CHAIRMAN

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**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**  
**25 JANUARY 2022**

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

**MEDIUM TERM FINANCIAL STRATEGY 2022/23–2025/26**

**Purpose of Report**

1. The purpose of this report is to:
  - a) Provide information on the proposed 2022/23 to 2025/26 Medium Term Financial Strategy (MTFS) as it relates to the Children and Family Services (CFS) Department;
  - b) Request 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 MTFS is the financial plan that is updated annually to set out the resource intentions of each department and the Council overall. The current MTFS was approved by the County Council in February 2021. The draft MTFS for 2021/22–2024/25 was considered by the Cabinet on 14<sup>th</sup> December 2021.
3. The Children and Family Services Department is subject to a number of legislative duties to ensure the wellbeing and safeguarding of all children as comprised within the following:
  - The Children and Families Act 2014
  - The Care Act 2014
  - The Children Act
  - 'Working Together to Safeguard Children 2018' guidance.
4. Other relevant policies include:
  - Children and Family Services Departmental Plan 2020-2023;
  - Voice and Influence Strategy 2020-2023;
  - Children and Family Services – Quality Assurance and Improvement Framework (QAIF).

**Background**

5. The draft MTFS is set out in the report to the Cabinet on 14<sup>th</sup> December 2021, 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.

6. Reports such as this one is being presented to the relevant Overview and Scrutiny Committees. The Cabinet will consider the results of the scrutiny process on 31<sup>st</sup> January 2022 before recommending a MTFS, including a budget and capital programme for 2022/23 to the County Council on 11<sup>th</sup> February 2022.

### **Service Transformation**

7. Demand for Children and Family Services continues to increase with growth of £25m projected as the requirement to meet CFS needs before intervention arising from demographic growth and an increased need for social care. The pandemic provided additional challenges and these are likely to be far-reaching as the effects have a cumulative impact on families, increasing the likelihood of family breakdown and the need for care services.
8. In response to these pressures, the department has embarked on a fundamental transformation over the last year working with consultants, Newton Europe and corporate colleagues on the Defining Children and Family Services for the Future programme (DCFSF) and through other partnerships like the Children's Innovation Partnership (CIP) with Barnado's. There is more to do but the department now has new tools and ways of working to respond to the ongoing pressures and continue to create a more efficient and effective service.
9. The four main programmes of work are encapsulated in the following :

#### **High Needs Development Programme**

A new approach to the delivery of the High Needs Development Plan is being developed supported by the Council's Transformation Unit and other corporate services along with harnessing the expertise provided by Newton Europe through a diagnostic analysis of the programme and its activities which commenced in January.

A whole system mapping exercise has been completed to identify the key aspects of the system that will leverage the necessary changes based on two hypotheses considering the two significant variables:

- The number of funded placements in Leicestershire is too high
- The average cost of placements in Leicestershire is too high

The revised approach will ensure that all activities that contribute to addressing the above variables be brought in scope of the programme, providing transparency, accountability and prioritisation across all service developments so that the services efforts are aligned and focussed on activities that contribute the most financial benefit and enable effort to be focused on those with the most impact.

#### **Defining Children and Family Services for the Future** (DCFSF)

This programme commenced a year ago working intensively with consultants Newton Europe to develop and future-proof Children and Family Services so that the right interventions are delivered in the right way, at the right time, to ensure that children, young people and families achieve the best possible outcomes while also ensuring that

the service is financially sustainable going forwards. The focus has been on optimising practice, systems, culture, and operational delivery across the department.

### **The Children's Innovation Partnership (CIP)**

In partnership with Barnardo's, alternative service delivery models are being designed culminating so far with an Assessment and Resource Team (ART), hub and assessment bed model and a residential build and conversion plan to improve the sufficiency and quality of residential provision.

### **Departmental Efficiencies**

A programme of work to identify and deliver further efficiencies in the services and back office support functions that aren't in the scope of the other programmes. So far c£1m has been delivered up to and including 2021/22.

### **Proposed Revenue Budget**

10. The table below summarises the proposed 2022/23 revenue budget and provisional budgets for the next four years. The proposed 2022/23 revenue budget is shown in detail in Appendix A.

	<b>2022/23 £000</b>	<b>2023/24 £000</b>	<b>2024/25 £000</b>	<b>2025/26 £000</b>
Original prior year budget	89,086	90,536	92,921	96,986
Budget Transfers and Adjustments	-215	0	0	0
<b>Sub total</b>	<b>88,871</b>	<b>90,536</b>	<b>92,921</b>	<b>96,896</b>
Add proposed growth (Appendix B)	5,435	6,260	6,665	6,765
Less proposed savings (Appendix B)	-3,770	-3,875	-2,690	-4,165
<b>Proposed/Provisional net budget</b>	<b>90,536</b>	<b>92,921</b>	<b>96,896</b>	<b>99,496</b>

11. 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.
12. The total gross proposed budget for 2022/23 is £703.1m including £482m Dedicated Schools Grant budget. The proposed net budget for 2022/23 totals £90.5m and is distributed as follows:

<b>Net Budget 2022/2023</b>	<b>£000</b>
Directorate	1,194
Safeguarding, Improvement and Quality Assurance	2,338
Children in Care	48,744
Field Social Work	15,045
Practice Excellence	342
Children and Families Wellbeing Service	8,278
Education Sufficiency	444
Education Quality and Inclusion	1,601
SEND and Children with Disabilities	6,646
Business Support and Commissioning	4,455
<b>Department Total</b>	<b>90,536</b>

## **Other Changes and Transfers**

13. Net budget reductions totalling £0.2m were made during the 2021/22 financial year and are now adjusted for in the updated original budget. These transfers comprise :
- £196k+ inflationary increases primarily for foster carer payment rates and the Disabled Children's Service.
  - (£282k) transfer of budget for the Occupational therapy service from CFS to A&C
  - (£188k) of centralised budgets relating to the Ways of Working programme

14. 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.

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

## **Growth**

16. Growth over the next four years in the Children and Family Services budget totals £25.1m. The majority of this growth requirement relates to continued increases in demands (and the complexity of those needs) for children's social care services culminating in increased placement costs and social workers.
17. The budget increases are outlined below with details for each growth item and summarised in Appendix B :

### **\*\* G1 - Social Care Placements £2.22025/267m 2022/23 rising to £19.25m by**

There has been a trend of demographic growth for Children's Social Care locally and nationally with budgetary increases of 9% seen in recent years.

This budgeted growth of £19.25m over four years assumes a 5% increase on the basis that there has been significant work undertaken within the department within the Defining Children & Family Services (DCFS) programme on prevention and drift and also to ensure the right setting is available first time.. Without these interventions the growth included would be more like 7%.

This growth has been projected based on the number of children expected to be in care over the next four years and the type of placements expected. The focus is on more internal fostering and supported living arrangements reducing the reliance on the more expensive mainstream fostering and commissioned residential placements.



Average unit prices for placements have also seen an increase in recent years with a 35% increase in the overall average unit cost over the past four years. There are multiple factors that could be affecting unit costs including increasingly more complex needs of children and young people; increased competition for limited placements and national pressures such as the pandemic and increasing inflation. As mitigation, placements and their costs are continuously reviewed within the department and further investment is being made to build LCC owned residential homes with care provided in partnership with Barnado's as part of the Children's Innovation Partnership (CIP).

**\*\* G2 – Front Line Social Care Staff – Increased Caseloads £3.1m 2022/23 rising to £5.6m 2025/26**

Investment in additional front-line social care staff capacity is required to ensure appropriate caseload levels and to continue to meet statutory duties. Assumptions around caseloads and the resources required in each team have been reviewed as part of the DCFSF programme.

This growth is based on the number of social workers and supporting staff required to support the number of projected contacts and children and is aligned to the placement growth.

The department has historically had to use agency staff to maintain manageable caseloads across social workers and recruitment and retention strategies and plans were updated to reduce this reliance. Some positive progress was made towards recruiting and training new social workers however the pandemic and ongoing need for more staff has impacted this somewhat and the use of some agency staff will be required and has been built into these budget growth assumptions.

Within the DCFSF programme further work is continuing to re-design the social care pathway and target operating model ensuring further consistency and productivity improvements.

**\*\* G3 - Social Care Staff Market Premia - £20k 2022/23 rising to £80k in 2025/26**

This growth remains unchanged from the previous MTFS other than extended for the new fourth year of the MTFS of 2025/26. This growth enables the council to continue to recruit and retain key social work staff in an extremely competitive market place where there are significant differences in pay structure and grades across the East Midlands.

Further market premia may be required and payable on a grade by grade basis depending on local pressures and their implications but any increased budget will be funded from G2 and reduce the need and cost for agency expenditure.

**\*\* G4 – Unaccompanied Asylum Seeking Children- £50k 2022/23 rising to £200k 2025/26**

Despite growing numbers of unaccompanied asylum seeking children the budgetary growth has been reduced to £50k per annum to reflect the increase in rates by the Home Office in 2021.

**Savings**

18. Details of proposed savings for the local authority budget are set out in Appendix B and total £3.77m in 2022/23 and £14.5m 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 £25.8m are required over the period of the MTFs.
19. The following paragraphs provide the detail of each savings item;

**CF1 Eff – Defining Children and Family Services for the Future Programme - £3.27m 2022/23 rising to £12.25m by 2025/26**

Over the last 12 months the CFS department in collaboration with consultants Newton Europe and other County Council colleagues have been developing and implementing a number of transformational opportunities as identified from the initial diagnostic undertaken.

The aims of the programme were to implementing change to future-proof Children and Family Services so that the right interventions are delivered in the right way, at the right time, to ensure that children, young people and families achieve the best possible outcomes while also ensuring that the service is financially sustainable going forwards.

The Design Stage has now concluded for the Pathways and Settings workstreams and the new ways of working are now being rolled out across the service. This includes the development of new processes, ways of working, reporting and digital tools.

Just a few examples include :

- Risk of Residential meetings to ensure children have access to family-based placements and/or service that will reduce the need for residential care,
- Residential review meetings led by Heads of Service that focus on the robust use of trajectory planning to ensure children and young people exit residential care in a timely way,
- A new domestic abuse toolkit and the introduction of a domestic abuse intervention worker,
- New focus for child in need plans for children with a disability, focusing on the future and preparing for adulthood.

The new ways of working have been piloted and tested with practitioners in real world situations, with digital tools being developed to support and embed these. Training has been provided to front line practitioners accompanied by intensive support to practitioners in order to apply the training in new ways of working to their caseloads.

Regular reports have been shared with the Cabinet, Children and Families Overview and Scrutiny Committee and CMT with total annualised benefits expected to be in excess of £13m. Positive early indications have been seen in the current financial year resulting in an underspend of c£2m against budget.

**CF4 -Eff – Children’s Innovation Partnership - Assessment and Resource Team, Hub and Residential re-design - £250k in 2022/23 rising to £1.25m by 2025/26**

These savings are attributable to the new models of care that have been co-designed within the Children’s Innovation Partnership with Barnardo’s with investment included in the capital programme.

The two main components that these savings are based on :

1. An **Assessment and Resource Team (ART) and Hub** to work with children and young people in both an outreach capacity and within assessment beds held in the hub. This ART comprises of a number of specialist roles to support up to 12 young people at a time with support including crisis intervention, comprehensive assessment and care planning, transitional support packages and family work to facilitate a return to home where possible. Land that the County Council already owns in Coalville has been identified as the location for the hub with an expected completion date for the hub build later in 2022.
2. Build **Multi-functional Residential Properties** to create more capacity that can be used flexibly to meet ever changing demands, for example to meet the current increasing need for parent and baby placements. So far, properties at Market Harborough, Glenfield and Hinckley have been purchased and further suitable properties are being identified.

This programme is designed to improve the outcomes of children and young people in care in Leicestershire and enable the Department to ensure effective provision to the most vulnerable children and at an agreed cost. This will allow for children to be placed in the right placements first time and receive the most appropriate support tailored to their needs and improve placement stability as well as delivering efficiency savings.

The financial benefits are expected to materialise from reduced placement costs and reduced social worker resource through less placements being made out of county and reduced placement breakdown which often results in higher cost placements. Each property scheme has been and will be evaluated on its own merits.

#### **CF5 - Eff – Departmental Efficiency Savings - £0.25m in 2022/23 to £1m by 2025/26**

These savings will continue the work commenced in the last financial year to identify short term savings to mitigate some of the in-year increased social care staff and placement costs and to incorporate the additional corporate spend controls implemented across the authority. To date c£1m has been identified through vacancy controls and reduced printing, travel and other running costs although some of this has been centralised within the Corporate Resources department.

Further savings opportunities are currently being identified and evaluated focusing on the service areas that are not in the direct scope of the other savings programmes outlined already.

#### **Savings Under Development**

20. As the Defining Children & Family Services for the Future (DCFSF) programme new ways of working are embedded, further analysis and strategic review will be undertaken to identify potential new opportunities to take forward in the following areas:
  - Review non statutory and lower priorities, recognising the upstream value add of early intervention preventative services
  - Identifying any services to outsource or bring in-house

- Placement Unit Costs and the Commissioning framework and processes – including 16+ placements and further SCIP investment
- Edge of Care
- Use of Systems & Back Office Support Functions
- Commercial opportunities
- Partnerships – health, education, police, community
- Maximising the potential of grants and funding identified in the Spending Review

As the savings opportunities are identified they will be prioritised based on amount of savings, impact and deliverability.

### **Dedicated Schools Grant**

21. For 2022/23 the Dedicated Schools Grant (DSG) remains calculated in four separate blocks as set out below;

<b>Funding Block</b>	<b>Areas Funded</b>	<b>Basis for Settlement</b>
<p>Schools Block Est £470.7m consisting of;</p> <ul style="list-style-type: none"> <li>• School formula funding £467.6m</li> <li>• School Growth £3.1m</li> </ul>	<p>Individual budgets for maintained schools and academies.</p> <p>Growth funding for the revenue costs of delivering additional mainstream school places and to meet the local authorities duty to ensure a sufficient number of school places.</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>2022/22 reflects the DfE's intention for the a National Funding Formula (NFF) 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.</li> </ul> <p>These allocations will be fully delegated to schools.</p> <p>The NFF means that all local authorities receive the same amount of funding for a number of pupil related characteristics. Difference in funding levels relate to the incidence of pupil characteristics rather than differing funding levels</p> <p>The allocation of funding to support new school growth will be retained to meet the future costs of new and expanding schools.</p>

		In respect of school formula funding this represents a cash increase of 3.9%
Central School Services Block £3.7m	This 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>This is distributed through a per pupil allocation basis and is retained by the local authority.</p> <p>The funding allocation for some historic financial commitments is being reduced nationally as the DfE have an expectation that these financial commitments will naturally expire. However, this element of funding meets the cost of historic premature retirement costs for teaching staff that will remain. This will be a financial pressure for the medium term as this funding is phased out but commitments retained.</p>
High Needs Block £94.8m	<p>Funds special schools and other specialist providers for high needs pupils and 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 is recouped by the ESFA who then directly fund academies.</p>	<p>The formula is based upon population of 0-19 year olds and proxy indicators for 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 £2.6m through this element.</p> <p>The grant allocation includes the additional funding announced by the DfE following the December Spending Review and is a cash increase of 14%</p>

Early Years Est £36.1m	<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.</p> <p>The initial settlement is based on the October 2021 census. The grant will be updated in July 2022 for the January census and again in June 2022 for the January 2022 census. The final grant will not be confirmed until June 2023.</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 £4.61 per hour for 3 and 4 year olds and the lowest rate of £5.57 per hour for disadvantaged 2 year olds.</p> <p>This position is an increase of funding of £0.21 per hour for 2 year old funding and £0.17.</p>
<b>£605.3m</b>	<b>2022/23 Estimated DSG</b>	

22. The 2022/23 MTFS continues to set the overall Schools Budget as a net nil budget at local authority level. However, in 2022/23 there is a funding gap of £9.1m on the High Needs Block which will be carried forward as an overspend against the grant.

### **Schools Block**

23. The DfE have further stated their intention to move to a 'hard' National Funding Formula (NFF) whereby budget allocations for all maintained schools and academies is calculated by the DfE. The NFF funds all pupils at the same rate irrespective of the authority in which they are educated. The NFF uses pupil characteristics each with a nationally set funding rate to generate school level funding to local authorities. Within the NFF only the per pupil entitlement is universal to all, other factors reflect the incidence of additional needs such as deprivation and low prior attainment. Funding levels between local authorities and individual schools within those local authorities will, and continue to, vary as a result of pupil characteristics rather than national funding levels.
24. School funding remains a 'soft' school funding formula for 2022/3 which allows local authorities able to adopt their own funding formula. A consultation was undertaken by the DfE in the summer on the next steps towards a 'hard' formula in which proposals would restrict the local authority flexibility for 2023/34 where a local formula is adopted with a potential hard formula in 2024/25, the outcome of this consultation is unknown at this point.

25. Within the Schools Block, but separate to funding for individual schools, local authorities receive funding for the initial revenue costs of commissioning additional primary and secondary school places. The allocation for 2022/23 is £3.1m. 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. 26 new primary and 3 new secondary schools are expected to be built in Leicestershire in the medium to long term. The revenue requirement for new schools is difficult to assess as it is dependent upon the speed of housing developments, growth in the basic need for additional school places, the school funding formula and the level and the methodology for the DSG growth funding calculation. The DfE summer consultation on school funding proposed moving to a national system to meet the cost of new school growth.

### **School Funding Formula**

26. The NFF delivers a minimum amount of funding per pupil, £4,265 for primary and £5,321 for Key Stage 3 and £5,831 per Key Stage 4 pupil. Despite the overall increase in budget, at individual school level 72 (32% of primary schools) and 7 (16% of secondary schools) remain on the funding floor and is a slight improvement from 40% of primary and 19% of secondary schools for 2021/22. These schools, despite additional funding, may 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.
27. Schools will also receive grant to offset additional costs including such as those encountered through the Introduction of the Health and Social Care Levy and the Pupil Premium where rates have also increased for 2022/23.
28. The NFF for schools is based upon the 2021 School Census but funding for local authorities is based upon the pupil characteristics recorded on the 2020 school census. Nationally a concern remains that the number of pupils recorded in receipt of Free School Meals and pupils that trigger deprivation funding may have increased as a result of the Coronavirus Pandemic. Any increase would be unfunded and could result in the cost of fully delivering the NFF being unable to be met from the Schools Block DSG. This position will be reviewed once individual school data from the 2021 Census has been analysed. The national regulations allow for an adjustment within the formula to ensure the budgets for schools can be met from the DSG allocation.
29. It remains possible for local authorities to transfer up to 0.5% of the Schools Block DSG to High Needs following consultation with schools and with the approval of the Schools Forum. Secretary of State approval can be sought where Schools Forum do not agree a transfer, where local authorities wish to transfer more than 0.5% and for local variations to some of the technical aspects of the NFF. Consultation was carried out with schools on two options for a transfer in September to which thirteen responses were received from a total of 271 consultees. Of the twelve complete responses 10 disagreed with the transfer with two agreement.
30. The Schools Forum were recommended to approve the transfer on 15 November 2021 but voted to reject the transfer. A request for Secretary of State approval for the transfer was submitted for both options set out within the consultation, the Secretary of State has not approved the transfer which would have reduced the deficit by £2.3m for 2022/23.
31. Local authorities are required to submit their funding formula to the ESFA in mid January.

## High Needs

32. 2022/23 is the final year of a three-year settlement for school funding which also provides the High Needs Block. The Spending Review included additional funding within the formula and an additional allocation to reflect the additional costs for providers from the Social Care Levy and other cost pressures.
33. The High Needs DSG is £94.7m and an increase of 14%. The formula allocates funding across a set of pupil-related indicators and also includes an allocation based on historic spend. A review of the formula was expected alongside the publication of the findings of the long awaited national SEND Review. However, this appears to be further delayed.
34. The forecast position on the High Needs element of the DSG is shown below:

	2022/23 £,000	2023/24 £,000	2024/25 £,000	2025/26 £,000
High Needs Dedicated Schools Grant	-91,393	-95,963	-98,842	101,807
Additional DSG - 2022/23 settlement	-3,676	-3,676	-3,676	-3,676
Placement Costs	95,163	101,052	109,361	117,271
Other HNB Cost	9,381	9,381	9,381	9,381
Commissioning Cost - New Places	3,131	3,664	3,727	2,221
Invest to Save Project Costs	989	465	0	0
<b>Total Expenditure</b>	<b>108,664</b>	<b>114,562</b>	<b>122,469</b>	<b>128,873</b>
<b>Funding Gap Pre Savings</b>	<b>13,595</b>	<b>14,924</b>	<b>19,952</b>	<b>23,390</b>
Demand Savings	-282	-1,009	-2,048	-3,376
Benefit of Local Provision and Practice Improvements	-4,215	-6,190	-8,844	-11,072
<b>Total Savings</b>	<b>-4,497</b>	<b>-7,200</b>	<b>-10,892</b>	<b>-14,447</b>
<b>Annual Revenue Funding Gap</b>	<b>9,098</b>	<b>7,724</b>	<b>9,060</b>	<b>8,943</b>
<b>2019/20 Deficit Brought Forward</b>	<b>7,062</b>			
<b>2020/21 High Needs Deficit Brought Forward</b>	<b>10,387</b>			
<b>2021/22 High Needs Deficit Brought Forward P6 Forecast</b>	<b>10,521</b>			
<b>Cumulative High Needs Funding Gap</b>	<b>37,068</b>	<b>44,792</b>	<b>53,852</b>	<b>62,794</b>
Surplus (-ve) / Deficit Other DSG Blocks Forward	-8,163	-10,125	-5,497	-997
Surplus (-ve) / Deficit Other DSG Blocks In Year	-1,962	4,628	4,500	997
<b>Dedicated Schools Grant Surplus (-ve) / Deficit</b>	<b>26,943</b>	<b>39,295</b>	<b>52,855</b>	<b>62,794</b>
<b>Surplus / Deficit as % of Total DSG</b>	<b>4%</b>	<b>6%</b>	<b>8%</b>	<b>10%</b>



35. The financial plan will be subject to change following the findings of the diagnostic work currently being completed by Newton Europe. This will reflect any savings opportunities identified and any potential impact on the expected growth trajectory from any internal system changes.
36. National research sets out systematic problems with the SEND system that are responsible for high needs deficits, yet to date there is no response to addressing them by the DfE with the exception of additional funding in the 2022/23 high needs settlement. However, increased funding levels do not provide a solution, research by the Local Government Association reported that there are structural features of the SEND system which would lead to deficits even if budgets were significantly increased and that local authorities bear all the risk in this area but have no levers with which to influence demand and cost. The DfE have undertaken a review of the SEND system but it is unclear when any findings from that research will be published.
37. Local authorities are now required to carry forward DSG deficits to the following year and may only now contribute to DSG with the approval of the Secretary of State. Whilst this is the approach the DfE have encapsulated in legislation in the medium term, it is not a sustainable or reasonable approach. Without the DfE addressing this through additional funding, local authorities will be required to set aside resources to offset the deficit.

### **Central Services Block**

38. The central services block funds 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 and the settlement is £3.1m for 2022/23 and includes funding transferred in respect of the former teacher pay and the provisional settlement continues an annual reduction of 20% for the Historic Costs element of the settlement but a guarantee remains in place to ensure that funding doesn't decrease below the financial commitment to meet former teacher employment costs. This block also provides an element of funding to support the Education Effectiveness function. The recent funding consultation asked for views on transferring this funding from DSG into the Local Government Funding Settlement from 2023/24.

### **Early Years Block**

39. The provisional settlement is £36.1m and is the only DSG block that takes account of demand changes across the financial year, the final allocation will not be confirmed until June 2023. Nationally funding for early years has increased by £160m and the Spending Review set out further increases in both 2023/24 and 2024/25. For 2022/23 the increase equates to an increase in the hourly rate for 2 year olds of £0.21 per hour and £0.17 for 3 and 4 year olds. Leicestershire remains on the funding floor and receives the lowest rate of funding. The maximum allowable 5% of this block is retained to fund the Early Learning Service which fulfils local authority's statutory duty to ensure sufficiency of places for those parents that request one.
40. There are further increases to the Early Years Pupil Premium of £0.07 and funding for the Disability Access fund increases by £185 to £800 per year which fulfils local authority's statutory duty to ensure sufficiency of places for those parents that request one.

### **Capital Programme**

41. The proposed Children and Family Services capital programme totals £94.1m, for which the majority (£89.1m) there is external funding expected, resulting in only £5m call on LCC capital funding over the four year life of the proposed MTFS. The programme continues to focus upon the delivery of additional primary and secondary school places and additional places to be delivered to support the High Needs Development Plan. £62m is proposed to be invested in the provision of additional placements; £7m for SEN. £7m for investment in residential homes and £10.6m for other schemes as per the summary table below and further details in Appendix C:

<b>CFS Capital Programme</b>	<b>2022/23 £000</b>	<b>2023/24 £000</b>	<b>2024/25 £000</b>	<b>2025/26 £000</b>	<b>Total £000</b>
Additional School Places	24,113	19,342	14,591	4,250	<b>62,296</b>
SEND Programme	5,912	8,000	0	0	<b>13,912</b>
Residential Investment	2,259	1,500	1,750	1,750	<b>7,259</b>
Other Capital	2,700	2,700	2,700	2,500	<b>10,600</b>
<b>Total</b>	<b>34,984</b>	<b>31,542</b>	<b>19,041</b>	<b>8,500</b>	<b>94,067</b>

### **Provision of Additional School Places**

The investment in additional school places totals £62.3m over four years including £24.1m next year. The programme is funded through the Basic Need grant from the DfE and S106 developer contributions. For the latter it is assumed that the receipt will fully fund the scheme.

### **SEND Programme**

The total investment in the SEND programme is £13.9m and contains funding for completion of the developments to support the High Needs Development plan and the completion of the Department for Education (DfE) funded school for pupils with Social, Emotional and Mental Health Needs (SEMH).

### **Residential Design Brief**

A capital investment budget envelope of £2.5m was previously included in the MTFS to develop an assessment hub and flexible multi-functional properties to create in-house capacity to provide a better suitability of placements and at lower cost. This phase is progressing well with properties purchased and currently being renovated ready to be in use some time in 2022.

This investment is for the next phase in this programme with another 4 properties being sourced to create further additional residential capacity up to a total cost of £1.9m with £0.95m of this being provided by a DfE grant and the rest match funded by LCC.

Over the next four years a further £5m capital investment has been included subject to a review of the business case and individual property and need evaluations.

42. The majority of the capital programme is likely to be funded by external grant and developer S106 contributions as follows:

Capital Resources	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000	Total £000
Grants	12,245	1,000	1,000	1,000	15,245
External Contributions / S106	9,698	2,000	2,000	2,000	15,698
Earmarked capital receipts	2,685	500	500	500	4,185
Discretionary Capital Funding	10,301	1,500	1,750	1,750	15,301
<b>Total Resources</b>	<b>34,929</b>	<b>5,000</b>	<b>5,250</b>	<b>5,250</b>	<b>50,429</b>

Basic Need Grant - is received from the DfE based upon the need to create additional school places. Grant of £8.8m for the year 2022/23 has been confirmed but estimates of £1m have been included for the final three years of the programme. The grant reflects the overall place need across the County and for both maintained schools and academies. The grant meets the infrastructure costs of creating new places in primary and secondary schools. Eligible revenue costs fall to be met from the local authorities growth fund funded from DSG for primary and secondary schools. No funding is received for the revenue and capital costs of additional places for SEND.

Strategic Maintenance Grant – is received from the DfE for the maintenance of maintained schools only. This grant is based on a formula that considers pupil numbers and the overall condition of the school estate. The grant reduces as schools convert to academies. Local authority allocations are yet to be confirmed. An assumption of £2m per annum has been included in the MTFS.

S106 Contributions – it is estimated that a total of £45m of S106 contributions fund the proposed programme, £9.7m in 2022/23. Estimates for the latter two years of the MTFS are less certain 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.

## **Background Papers**

Report to Cabinet 14 December 2021 – Medium Term Financial Strategy 2022/23 to 2025/26.

## **Equality and Human Rights Implications**

43. 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.
44. 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.

45. 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.

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

None.

### **Appendices**

Appendix A – Revenue Budget 2022/23

Appendix B – Growth and Savings 2022/23 to 2025/26

Appendix C – Capital Programme 2022/23 – 2025/26

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**CHILDREN & FAMILY SERVICES DEPARTMENT****REVENUE BUDGET 2022/23**

Budget 21/22		Employees	Running Expenses	Internal Income	Gross Budget	External Income	Net Total 22/23
£		£	£	£	£	£	£
1,332,067	C&FS Directorate	1,290,861	80,547	0	1,371,408	-39,341	1,332,067
2,256,323	Safeguarding, Improvement & QA	2,479,391	323,919	-69,364	2,733,946	-261,517	2,472,429
47,831,127	Children in Care	9,072,341	42,946,203	-408,117	51,610,427	-3,258,970	48,351,457
15,150,952	Field Social Work	13,238,303	2,231,099	-36,987	15,432,415	-29,000	15,403,415
509,998	Practice Excellence	576,505	37,077	-67,584	545,998	-36,000	509,998
8,248,405	C&FS Children & Families Wellbeing	11,043,640	2,323,324	-2,285,459	11,081,505	-3,129,148	7,952,357
831,298	Education Sufficiency	1,174,484	116,943	-48,851	1,242,576	-365,200	877,376
42,805,316	Education Quality & inclusion	4,609,234	39,317,525	-218,942	43,707,817	-691,165	43,016,652
82,529,955	SEND & Children with Disabilities	6,615,180	97,065,865	-9,449,507	94,231,538	-677,550	93,553,988
9,889,148	Business Supp & Commissioning	8,350,213	3,383,844	-1,453,034	10,281,023	-50,000	10,231,023
-123,925,931	C&FS Dedicated Schools Grant	0	-11,310,190	-400,555	-11,710,745	-122,991,512	-134,702,257
0	Targeted Early Help	0	0	0	0	0	0
1,452,816	Delegated School Budgets	0	482,621,573	0	482,621,573	-481,083,604	1,537,969
<b>88,911,473</b>	<b>Total</b>	<b>58,450,151</b>	<b>659,137,728</b>	<b>-14,438,400</b>	<b>703,149,479</b>	<b>-612,613,007</b>	<b>90,536,473</b>

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**CHILDREN & FAMILY SERVICES****Appendix B**References **GROWTH**

References	<u><b>GROWTH</b></u>	2022/23	2023/24	2024/25	2025/26	
		£000	£000	£000	£000	
	<b>Demand &amp; cost increases</b>					
**	G1	Demographic growth- Social Care Placements	2,265	7,715	13,075	19,250
**	G2	Front-line social care staff - increased caseloads	3,100	3,840	5,075	5,595
**	G3	Social Care market premia to support recruitment	20	40	60	80
**	G4	Unaccompanied Asylum Seekers - additional demand	50	100	150	200
	<b>TOTAL</b>	<b>5,435</b>	<b>11,695</b>	<b>18,360</b>	<b>25,125</b>	

References **SAVINGS**

References	<u><b>SAVINGS</b></u>			2022/23	2023/24	2024/25	2025/26
				£000	£000	£000	£000
**	CF1	Eff	Pathways workstream - Focus on prevention, drift and duration of interventions across all pathways	-1,055	-1,270	-1,335	-1,450
**	CF2	Eff	Settings workstream - Reduced care placement costs through growth of in-house capacity & supported lodgings and a review of placements	-2,115	-5,175	-7,250	-10,500
**	CF3	Eff	Disabled Children's Service Enablement Workstream	-100	-200	-250	-300
			<b>Total Defining CFS For the Future Programme</b>	<b>-3,270</b>	<b>-6,645</b>	<b>-8,835</b>	<b>-12,250</b>
**	CF4	Eff	Innovation Partnership - Creation of Assessment & Resource team and Hub and investment in residential accomodation	-250	-500	-750	-1,250
**	CF5	Eff	Departmental efficiency savings	-250	-500	-750	-1,000
			<b>TOTAL</b>	<b>-3,770</b>	<b>-7,645</b>	<b>-10,335</b>	<b>-14,500</b>

**References used in the following tables**

\* 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

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# CHILDREN & FAMILY SERVICES - CAPITAL PROGRAMME 2022-26

			Capital Programme 2022-26				
Estimated Completion Date	Gross Cost of Project £000		2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000	Total £000
		<b>MAIN GRANT FUNDED PROGRAMME</b>					
		Admission Requirements / Minor Schemes to be defined	3,928	500	1,000	0	5,428
		Anstey Martin High School	783	0	0	0	783
		Hinckley New School	3,390	2,183	0	0	5,573
		Oadby Beauchamp	1,295	0	0	0	1,295
		Thurnby St Lukes Primary School	800	200	0	0	1,000
		Waltham on the Wolds Primary	575	0	0	0	575
		Barrow Humphrey Perkins	0	1,071	0	0	1,071
		Birstall Primary	0	3,000	0	0	3,000
		Donisthorpe/Moira/Blackfordby Primary	0	1,200	0	0	1,200
		Kibworth School	0	1,656	0	0	1,656
		Lutterworth Secondary	0	2,000	0	0	2,000
		Market Harborough S106 New Primary School	0	2,000	3,573	0	5,573
		Oadby Primary	0	1,500	3,000	0	4,500
		Shepshed Iveshead	0	3,500	0	0	3,500
		Anstey Woollen Hill Primary	0	0	1,500	1,500	3,000
		Broughton Astley Primary	0	0	1,500	1,500	3,000
		Ibstock High School	0	0	2,768	0	2,768
		Rothley Primary (Phase 2)	2,497	0	0	0	2,497
		Barrow Hall Orchard Primary	1,500	0	0	0	1,500
		Melton Secondary	3,000	532	0	0	3,532
			0	0	0	0	0
		Fully Funded S106 Passported Schemes:	0	0	0	0	0
		Castle Donington Secondary	1,289	0	0	0	1,289
		Market Harborough	3,628	0	0	0	3,628
		Broughton Astley School Places	928	0	0	0	928
		Long Clawson	0	0	1,250	0	1,250
		Whetstone	0	0	0	1,250	1,250
		Zero Carbon/COVID Contingency	500	0	0	0	500
Mar-26	62,296	<b>Provision of Additional School Places</b>	<b>24,113</b>	<b>19,342</b>	<b>14,591</b>	<b>4,250</b>	<b>62,296</b>
		<b>SEND Programme</b>					
Mar-24	9,000	SEMH Special School - Free School	1,000	8,000	0	0	9,000
Mar-23	2,300	Expansion of Special Schools	2,300	0	0	0	2,300
Mar-23	2,612	New/Expansion of Special School	2,612	0	0	0	2,612
		<b>Sub-total - SEND Programme</b>	<b>5,912</b>	<b>8,000</b>	<b>0</b>	<b>0</b>	<b>13,912</b>
Mar-26	8000	Strategic Capital Maintenance	2,000	2,000	2,000	2,000	8,000
Mar-26	2000	Schools Devolved Formula Capital	500	500	500	500	2,000
Mar-25	600	Schools Access / Security	200	200	200	0	600
		Children's Social Care Investment Plan (SCIP)	0	0	0	0	0
Mar-23	2,500	Assessment & Residential - Multi-functional properties x 4	259	0	0	0	259
Mar-23	2,000	Residential Homes - phase1	1,945	0	0	0	1,945
Mar-26	5,000	Residential Homes - subject to business cases	0	1,500	1,750	1,750	5,000
		<b>Other Capital</b>	<b>4,904</b>	<b>4,200</b>	<b>4,450</b>	<b>4,250</b>	<b>17,804</b>
		<b>Overall Total</b>	<b>34,929</b>	<b>31,542</b>	<b>19,041</b>	<b>8,500</b>	<b>94,012</b>
		<b>Capital Resources</b>	<b>2022/23 £000</b>	<b>2023/24 £000</b>	<b>2024/25 £000</b>	<b>2025/26 £000</b>	<b>Total £000</b>
		Grants - Basic need*	8,800	1,000	1,000	1,000	11,800
		Grants - Condition	2,000	2,000	2,000	2,000	8,000
		Grants - DFC	500	500	500	500	2,000
		Grants - Free SEMH Free School	0	8,000	0	0	8,000
		Grants - High Needs Provision	0	0	0	0	0

Grants - Match Funding Residential Homes - 40 Places	945	0	0	0	945
External Contributions - S106 Named Schemes	9,698	12,042	10,218	3,250	35,208
External Contributions - S106 Named Passported Schemes	0	0	0	0	0
External Contributions - S106 New School	0	6,500	3,573	0	10,073
External Contributions - S106	0	0	0	0	0
External Contributions - S106	0	0	0	0	0
<u>Earmarked Capital Receipts</u>	0	0	0	0	0
SEND - Birkett House	650	0	0	0	650
SEND - Holliers Walk	750	0	0	0	750
SEND - Heathfield	1,035	0	0	0	1,035
SEND - Estimated increase in existing Ear.CReceipts	250	0	0	0	250
	0	0	0	0	0
Disc. Capital Programme Funding	10,301	1,500	1,750	1,750	15,301
	0	0	0	0	0
<b>Total</b>	<b>34,929</b>	<b>31,542</b>	<b>19,041</b>	<b>8,500</b>	<b>94,012</b>
<b>Net Funding Required</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* - awaiting Government announcements for 23/24 onwards.

<b><u>Future Developments - subject to further detail and approved business cases</u></b>					
New Area Special School					
Additional School Infrastructure arising from Housing Developments					
SEN Provision arising from new housing development					
Further Residential Opportunities					



## **CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**

**25 JANUARY 2022**

### **INCLUSION IN LEICESTERSHIRE SCHOOLS**

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

### **Purpose of the Report**

1. The purpose of this report is to provide an overview of the functions of the Inclusion Service and of the new strategic duty to promote the education of all children known to a social worker.

### **Policy Framework and Previous Decisions**

2. A previous report presented to the Children and Families Overview and Scrutiny Committee (January 2020) focussed primarily on the local authority's response to the national reports 'Forgotten Children: Alternative Provision and the scandal of ever-increasing exclusions (2019) and the report on Children Missing Out on Education (2020)'.

### **Background**

3. In November 2013, Ofsted published a report entitled 'Pupils Missing out on Education' which detailed how local authorities are required to fulfil their statutory duties regarding educational provision and safeguarding for those children who do not, or cannot, attend full time education. The report defined Pupils Missing out on Education (PME) as children of compulsory school age who are not accessing full-time education (either in school or in alternative provision). In its guidance to schools and local authorities, Ofsted advised that all schools (including academies, free, independent, private, and non-maintained schools), must monitor pupils' attendance through their daily register and must inform local authorities of pupils who are regularly absent from school or have missed 15 days or more (whether consecutive or cumulative) without permission.
4. In July 2018, 'Forgotten Children' (July 2018) and 'Skipping School: Invisible Children' (2019) highlighted concerns around the children who are missing out on educational opportunities due to a rise in exclusions; an increase in the numbers of children having poor quality outcomes when accessing alternative provisions; families opting to home educate due to unmet SEN needs in

mainstream settings; and children who are 'off rolled' when their needs are not being met within a mainstream setting.

5. Following these reports, there were two papers that set out recommendations in response. 'The Timpson Review of School Exclusion' (2019) highlighted 30 recommendations in which the Government, Department for Education, Ofsted, Local Authorities and Schools had to respond to in order to develop a consistent approach therefore minimising the need to exclude children. The Timpson Review concluded that that there was more that could be done to ensure that every exclusion is lawful, reasonable, and fair and that permanent exclusions should always be a last resort, used only when nothing else will do.
6. An Ofsted research study within the East Midlands, 'Moving to home education in secondary School' (2019) raised concerns that the decision for parents to home-educate was not always a positive one for all involved and suggested there was an increasing evidence-base that home education can be a last resort for some families when relationships have broken down between schools and children or parents. The findings arising from this report strongly recommended that Local Authorities and schools should develop clear processes for working together as soon as there are indications that a family may be considering home education. Both reports highlighted the importance of children being visible to ensure they are safeguarded from potential harm and receiving an adequate education.

### **Statutory Duties of the Local Authority and Parental Requirements**

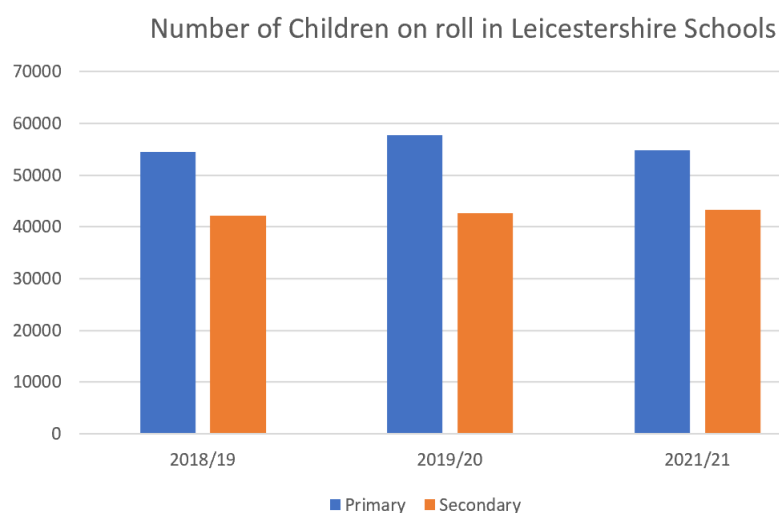
7. Schools must monitor pupils who are missing out on education and in most cases, they will remain the responsibility of the school where they are on roll. However, in some cases the statutory duty for a child's education becomes the responsibility of the local authority, for example:
  - Children Missing Education (CME) - Children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise,
  - Children with Medical Needs - Local authorities must arrange suitable fulltime education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness would otherwise not receive suitable education,
  - Elective Home Education - Since April 2019 local authorities' duties have been further clarified by the DfE. There are no direct legal requirements for the local authority regarding Home Education; however, the local authority does have powers at its disposal if it appears that a child is not receiving an adequate, safe, or appropriate education.
8. Section 13A of the Education Act 1996 – gives local authorities the duty to ensure that its relevant education functions and training functions are (so far

as they are capable of being so exercised) exercised by the authority with a view to:

- promoting high standards,
- ensuring fair access to opportunity for education and training, and
- promoting the fulfilment of learning potential by every person to whom this subsection applies.

9. Section 7 of the 1996 Act requires parents to provide an efficient, full- time education suitable to the age, ability and aptitude of the child and any special educational needs which the child may have. Section 437(1) of the Education Act 1996 sets out that the local authority must act if it appears that parents are not providing a suitable education. Section 175 of the Education Act 2002 requires local authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.
10. Within Leicestershire, DfE guidance is followed in that informal enquiries are made that include a request for the Inclusion Team to see the child, either in the home or in another location. Although the parent is under no legal obligation to agree to this simply in order to satisfy the local authority as to the suitability of home education, a refusal to allow a visit can, in some circumstances, justify service of a notice to the parent or if safeguarding concerns exist, a referral to children's social care.
11. Excluded Pupils: The Education Provision of Full-Time Education for Excluded Pupils (England) Regulation 2007 states that for permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority. In addition, where a pupil has an Education Health and Care plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

## Leicestershire Children



12. The graph above sets out the number of children on the roll of Leicestershire schools, split by primary and secondary schools, which gives some context for the numbers of children who are not accessing education through school, as outlined in the sections below.

### **Leicestershire Inclusion Service**

13. The primary purpose of the service, created in September 2019, is to ensure the inclusion of all children and young people in education as well as considering the challenges and subsequent responses within the service prompted by Covid-19. Since its inception, demand on the services offered has grown.
14. The Inclusion Service (the Service) responds to the educational needs of children and young people who are missing out on education. Pupils missing out on education (PME) are children of compulsory school age who may be on the roll of a school or setting but aren't accessing full-time education, either in school or in alternative provision. These children and young people generally fall into one of the following categories:
- Children Missing Education (CME): children who are on roll but not attending a school or an educational setting, and children who are not on the roll of a school,
  - Children with Medical Needs (CMN),
  - Young People Not in Employment, Education or Training (NEET).
15. The Service also works with schools who have children and young people who are PME due to low attendance through supporting schools to adopt inclusive practices and providing challenge and support where necessary.
16. Families who have elected to home educate their children (EHE) are also the responsibility of the Service and the Local Authority's statutory duties are fulfilled through the work carried out with this group of children.
17. Where children and young people are also known to the Special Educational Needs Assessment Service, Children's Social Care or Children and Families Wellbeing Service, a lead professional or service is identified, ensuring a coordinated approach to the management of the child's case. However, regular liaison with the Inclusion Service will take place through the Inclusion Pathway Manager, who maintains oversight of these children and young people and ensures that the Inclusion Service takes ownership, if appropriate, when other service involvement is completed or no longer required.
18. The Service is led by a service manager who is supported by three other managers within the Service. The Pathway Manager is responsible for overseeing cases that come in and ensuring that they are referred to the correct service, whether that is Inclusion or in another area. The Pathway Manager's team consists of the coordinators for each area within Inclusion. These coordinators deal with new cases, gathering information by contacting families and schools before working with the Pathway Manager to ensure that the correct support is put into place for the child or young person.

19. The remaining two managers are Team Managers; they each have oversight of a team of Education Officers, Graduated Response Inclusion Practitioners and Youth Workers. The Education Officers will work with families and schools to ensure that a clear plan for education is in place and reviewed regularly. Education Officers may meet children and young people in their homes or in public places as well as attending meetings in schools.
20. During the course of the Covid-19 pandemic, much of this work has had to take place online but virtual meetings have proved to be successful for many young people, although it is not their preferred method of communication. Where cases are complex and more intensive support is required to encourage a child or young person into school, a Graduated Response Inclusion Practitioner may carry out very focused work with the child or young person. If there is a need for mental health support, a youth worker may be allocated to provide this. Work will be face to face unless restrictions due to Covid-19 prevent this.

## Leicestershire Data

### Children Missing Education

21. Children Missing Education (CME) are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. There has been a marked increase in the number of CME over the past three years. Pre-Covid-19, this number was at 250, almost doubling in the 19/20 academic year as the pandemic hit and doubling again in the 20/21 academic year as infections, restrictions and school closures continued.

	2018/19	2019/20	2020/21
<b>On roll</b>	182	376	682
<b>Not on roll</b> Statutory Duty cohorts	68	70	198
<b>total</b>	<b>250</b>	<b>446</b>	<b>880</b>

22. Reasons for children and young people (CYP) not attending school include; anxiety about Covid-19, family anxieties around Covid-19, Incident in school that family feels is unresolved, school place in desired location not available, risk of exclusion, family move (without notifying school or local authority), other mental health concerns and trauma experienced by CYP or the family.
23. Families, children, and young people who have experienced trauma are signposted to support services by education officers dealing with their case.

### Exclusions

24. The pandemic saw a reduction in the number of exclusions due to pupils not being in school at all times. However, this academic year has seen a rise in exclusions

with November 2021 seeing eight permanent exclusions and a very steep rise on the average number of monthly exclusions from Leicestershire schools.

*National and regional Comparator data* (The East Midlands and National data is taken from the DfE reporting using the School Census. National and regional Data is not yet available for 2020/21).

	Fixed period exclusions (rate)	Permanent exclusions (rate)
East Midlands Average - 2018/2019	4.82	0.09
East Midlands Average - 2019/2020	3.65	0.06
National Average - 2018/2019	5.36	0.1
National Average - 2019/2020	3.76	0.06
Leicestershire - 2018/2019	3.64	0.02
Leicestershire - 2019/2020	2.66	0.02
Leicestershire - 2020/2021	2.95	0.01

*Leicestershire exclusion data* (number of exclusion (fixed or permanent) not the number of young people).

School Type	Exclusion	2018/19	2019/20	2020/21	2021/22 to end of Nov 21
Primary	Permanent	5	9	1	2
	Fixed term	455	467	366	31
Secondary	Permanent	14	13	6	10
	Fixed term	3101	2153	2563	176

25. The Inclusion Service works alongside Oakfield (Leicestershire's short stay school for those primary aged children who have been or are at imminent risk of being excluded). For secondary aged pupils Leicestershire has established five Secondary Education Inclusion Partnerships (SEIPs). The primary purpose and objective of the SEIPs is to prevent permanent exclusion wherever possible. The SEIPS work alongside secondary schools to put provision in place for those young people who are facing challenges in engaging with the formal school environment and cannot continue to attend a particular setting.
26. Parents and carers are supported in making their decision for future provision for their child. Where an agreement can be reached to use alternative provision for a child or young person, a permanent exclusion can be avoided.

#### Children with Medical Needs

27. There was a significant rise in the past two academic years of children with medical needs. Much of this increase relates to the mental health of children and young people that has been significantly impacted by the pandemic and the effects of isolation. After one term of 2021/22, Leicestershire experienced a higher number of cases than in the whole of the academic year 2019/20.



	2019/2020	2020/2021
<b>Total CMN cases</b>	91	161

28. Children with medical needs are defined as those who are too ill to attend school and have medical evidence to support this. Some of these children may be in hospital and are tracked by the CMN coordinator and those based in their own homes are supported by education officers who plan and oversee provision.
29. There are two offers from the Service to support these children; one being tuition which can be either in groups or one to one. Tuition can be delivered online or in person depending upon the needs of the individual. There are two providers, commissioned by the Local Authority who deliver this. Progress meetings between the Inclusion Service, tutor, and school help to ensure that the young person is following a suitable curriculum to support their transition back into school at the appropriate time.
30. Through the Local Authority's recoupment policy, the Inclusion Service is able to claim the Age Weighted Pupil Unit funding (AWPU) from schools to help meet the costs of tuition.
31. The second service offer is an AV1 Robot. The robot is placed in the classroom where the child would normally attend school. It acts as the eyes and ears of the child at home who can access the camera and microphone through an application on a mobile phone. The application can be used to raise a virtual hand and express concern or satisfaction. This approach allows the child to see their peers and to feel involved in school life. While there was an initial capital outlay involved in the purchase of the robots, the annual service package is relatively low, making it a very cost-effective way of providing education for children with medical needs.

#### Young People Not in Employment, Education or Training (NEET)

32. Each Local Authority's post 16 data relating to children who are Not in Education, Employment or Training (NEET) is compared with that of other local authorities in England. When reporting Local Authorities are placed in quintiles according to their performance. For 2020/21 the performance was as follows:

Unknown (16-17)	6.3%	Quintile 5
NEET (16-17)	2%	Quintile 2
Overall (16-17)	8.3%	Quintile 5
Sept Guarantee	94.6%	Quintile 4
Participation	92.1%	Quintile 4

33. The September guarantee is where a Year 11 pupil has an offer for post 16 education. Those students classed as *unknown* are those for who the service holds no information about post 16 destinations. Information about destinations comes into the service from schools, colleges, and other providers as well as from the families and young people themselves.

34. As of September 2021, Leicestershire was placed in the 3<sup>rd</sup> quintile, which is an improvement on the previous two years. The introduction of the Notify System, which is an automated service used to send texts and emails directly to young people and their families in order to ascertain the post 16 provision in place, had a significant impact. A huge amount of data is now returned as a result of this that allows for mass updates, thus reducing the amount of young people in the 'unknown' category. Schools are also forthcoming with information and share data in a timely manner as they feel confident in sharing this with a service that is within the Local Authority.

#### Figures for 21/22 academic year:

2021/2022	September	October	November
NEET	196 (1.29%)	154 (1.08%)	160 (1.12%)
Unknown	8932 (59%)	2055 (14.40%)	1416 (9.91%)
Overall	9128 (60.3%)	2209 (15.48%)	1576 (11.03%)

35. As the current academic year progresses, the number of NEET cases has increased overall but the number of unknown students continues to fall steeply. As data becomes available, the service can identify the destination of students. The number of NEET students is expected to be higher at this time of year as students' placements fail in some instances or students still require support to secure their first place. This is a seasonal trend; as new provision is secured and support is put in place through the NEET education officers, numbers decline during the spring.
36. The Inclusion Service offers a high level of support to vulnerable young people, ensuring that they are aware of the opportunities open to them, through job, apprenticeship, and education provision searches. The officers then identify suitable opportunities as well as upskilling the young people to conduct their own searches. Further support is given to ensure that young people can make successful applications and perform well at interview.

#### Electively Home Educated Children (EHE)

37. EHE Children are those children who are educated at home through parental/carer choice. They are not on the roll of any school; families are responsible for planning, resourcing, and delivering all aspects of their education. The annual totals for the last three years of EHE children are:

Year	Annual Total	Autumn Term	Spring Term	Summer Term
2018/19	<b>810</b>	506	626	660
2019/20	<b>832</b>	627	707	735
2020/21	<b>1058</b>	729	811	877

#### Monthly Snapshot Trends

EHE	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
<b>2020/21</b>	666	785	700	764	777	801	825	841	912	942	777
<b>2021/22</b>	750	765	803								

## New EHE Cases Per Month

EHE	September	October	November
<b>2021/22 Primary</b>	Primary & Secondary total: 51	Primary & Secondary total: 43	14
<b>2021/22 Secondary</b>	N/A	N/A	36

38. As in other areas of the country, there has been a marked increase in the number of families opting for home education. Referrals continue to come in at a steady pace and increases are anticipated as Covid-19 cases are rising once again. As with other areas of increasing demand, the service is looking at ways of working and reviewing capacity to ensure that it can respond to the increase in cases. While some children who are electively home educated may have special educational needs, this is not a clear pattern that can be seen in new referrals.
39. The main reason for families choosing this option over the past eighteen months has been due to concerns around Covid-19 and its impact on health. The national survey conducted in October 2020 by The Association of Directors of Children's Services found that there had been a 38% rise in the number of children who are electively home educated over a twelve-month period. The initial findings for the 2021 survey indicate that there was a further 7% rise in the period between October 2020 and October 2021.
40. To date, there are still a significant number of referrals that state Covid-19 related anxiety as the reason for choosing EHE. The data below is taken from November 2021 and gives a sample of the reason's families have stated as their motivation for choosing EHE:

School Anxiety	18
Lifestyle/Cultural/Philosophical	4
Medical-child	2
School unable to meet needs	5
Attendance difficulties	12
None recorded	12
SEN provision problems	2
School relationship breakdown	2
Non-preferred school	4
"Other"	2

41. Where schools have expressed concerns over a family's decision to opt for EHE from an education perspective, the Inclusion Service has held additional conversations with those families to ensure that they are fully informed and aware of the commitment that they are undertaking. Their education plans are also prioritised for scrutiny by Education Officers within the Inclusion Service. The Service ensures all families are invited to a meeting to discuss the implications of EHE.
42. This system has recently been streamlined to ensure that there are no delays in processing cases, and that schools advise the service via an online referral form once they have had a discussion with families who are considering EHE for their child. This is then triangulated by Education Officers through a

conversation with parents. If the school has not held a meeting with the family, the Inclusion Service will then coordinate this meeting ensuring the school is involved in the process.

43. The Inclusion Service is currently reviewing its arrangements as referrals continue to increase. While new referrals continue to be dealt with swiftly, the overall case load is growing. The Local Authority has a duty to review the education plans of families on an annual basis and to assess whether they are suitable.

### **The Education of Children Known to Children's Social Care (Virtual School Head for Children with a Social worker)**

44. In June 2021 the DfE set out plans to extend the virtual school head role to champion children with a social worker and promote their education. In Leicestershire, this duty has been added as an extension to the role of the Inclusion Service Manager.
45. This role has been funded on a temporary basis by the Government to put provision in place for children who are currently classed as a Child in Need, on a Child Protection Plan or have been known to a social worker in the past. The role is a strategic one and involves work across different Leicestershire County Council services, partner agencies, schools, and colleges.
46. While there are currently 2630 children in Leicestershire who are known to social care, there are a number of children provided for by the Inclusion Service who are currently known to a social worker:

	Total current cases as of 23/12/21	Total number of children known to Social Care
CME	493	36*
CMN	110	1*
EHE	799	57*

\*Includes Looked after Children

47. The Inclusion Services will fulfil the local authority's duty by ensuring that robust and appropriate processes are developed, implementation and monitored in order to ensure a quality education for those young people known to a social worker. The service will ensure that it reports performance through the correct governance arrangements within the local authority and safeguarding partners.

### **Background Papers**

Ofsted press release 2013: Local Authorities Failing Children who are Missing Education

<https://www.gov.uk/government/news/local-authorities-failing-children-who-are-missing-education>

[House of Commons Education Committee 2017-19 Forgotten children: alternative provision and the scandal of ever increasing exclusions](https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf)

<https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf>

Children's Commissioner 2019: Skipping School: Invisible Children

<https://www.childrenscommissioner.gov.uk/report/skipping-school-invisible-children/>

Timpson Review of School Exclusion 2019

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

Education Act 1996

<https://www.legislation.gov.uk/ukpga/1996/56/contents>

Ofsted 2019: Exploring moving to home education in secondary schools: research summary

<https://www.gov.uk/government/publications/exploring-moving-to-home-education-in-secondary-schools/exploring-moving-to-home-education-in-secondary-schools-research-summary>

Section 175 Education Act 2002

<https://www.legislation.gov.uk/ukpga/2002/32/section/175>

DfE 2021 Promoting the education of children with a social worker

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/994028/Promoting the education of children with a social worker.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/994028/Promoting_the_education_of_children_with_a_social_worker.pdf)

Transparency data 2012 NEET and participation: local authority figures

<https://www.gov.uk/government/publications/neet-and-participation-local-authority-figures>

ACDS Press release 2021 EHE survey

<https://adcs.org.uk/education/article/ehe-survey-2021-press-release>

ACDS 2020 EHE survey 2020

[https://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_2020\\_FINALweb.pdf](https://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_2020_FINALweb.pdf)

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

None

### **Equalities and Human Rights Implications**

48. There are no equality or human rights implications arising from this report.

### **Officers to Contact**

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## **CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**

**25 JANUARY 2022**

### **UNACCOMPANIED ASYLUM SEEKING CHILDREN**

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

### **Purpose of the Report**

1. The purpose of this report is to provide an overview of Leicestershire County Council's duties and responsibilities to Unaccompanied Asylum Seeking Children (UASC) and the context in which the County Council delivers services to these children and young people.

### **Policy Framework and Previous Decisions**

2. The provisions for the transfer of responsibility for relevant children fall under Part 5 of the Immigration Act 2016.
3. The National Transfer Scheme is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the Children Act 1989, simply by virtue of being the point of arrival of a disproportionate number of UASC, and in doing so to ensure that all appropriate services are available to all unaccompanied children.
4. Local authorities have a duty to support young people who cease to be looked after (for example those referred to in legislation as 'relevant' and 'former relevant children'). The main aim of the Care Leavers Regulations and of this guidance is to make sure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make their transition to adulthood. The Care Leavers (England) Regulations 2010 are made under the Children Act 1989.
5. For the purposes of the dispersal hotels, an asylum seeker is a person aged 18 and over who has fled persecution and has made an asylum claim under the 1951 UN Convention on Refugees,<sup>1</sup> or against a breach of the European Convention on Human Rights.

## **Background**

### **National Transfer Scheme**

6. The National Transfer Scheme (NTS) was established in 2016 to provide a mechanism for the statutory responsibility for a UASC to be transferred between an entry local authority and another local authority in the UK, ensuring UASC get the crucial care placements that they need whilst facilitating a more equitable distribution of responsibility for UASC across the UK.
7. Participation in the NTS was voluntary. In August 2020 a joint Home Office and Department for Education consultation was launched with local authorities.
8. On 14 December 2021 the Home Office issued formal notice to direct local authorities to comply with the National Transfer Scheme under Section 72\*5 of the Immigration Act 2016.
9. The exact numbers of children to be allocated to each local authority over the course of the mandatory scheme will be dependent on numbers of UASC arriving in the UK and the length of time a mandatory scheme remains in place (i.e. demand led).

### **Spontaneous Arrivals**

10. Most UASC arrive in the UK by their own means, usually by truck, and are encountered at their 'port of entry', at the Asylum Intake Unit in Croydon or are otherwise encountered by police/social services.
11. The local authority in which the child first presents is responsible for their care.

### **Children Arriving Through the Adult Asylum System Dispersal (also known as Contingency) Hotels**

12. Due to the unprecedented arrivals into the UK, adult asylum seekers or families, if they have nowhere to live, are being placed in temporary accommodation (often a hotel) or by the Home office, until their application is processed and they are moved to more permanent accommodation.
13. Individuals placed at the hotels have an initial Home Office determination of being an adult, however on arrival in Leicestershire there have been a number of individuals who have identified themselves as a child, and therefore require assessment.
14. Leicestershire currently has two dispersal hotels.

## **Local Context**

15. There are two types of UASC that the County Council provides a service to – those who are children (under 18 years of age) who are looked after (children in care), and those 18-25 years of age to whom the local authority has a care leaver duty.



16. Leicestershire County Council has 38 children in care who are UASC and 75 UASC Care Leavers (as at December 2021), a total of 113 children and young people open to the UASC Team.
17. This compares to 26 UASC Children in Care and 67 UASC Care Leavers at a similar time in 2020, totalling 93 children and young people.

### **Spontaneous Arrivals**

18. Between April and the end of December 2021, the County Council accommodated 14 spontaneous new arrivals (an average of 1.6 children arriving per month).
19. This compares to 11 spontaneous arrivals accommodated during the 2020-2021 financial year (average of 0.79 children per month).
20. This does not include any transferred through the NTS or referred from Adult Asylum Dispersal Hotels (as detailed below).
21. This also does not include those who arrive in the area who are deemed to be adults following an age assessment by the UASC Team and are therefore not accommodated.

### **The National Transfer Scheme**

22. During the financial year 2020-2021, whilst Leicestershire County Council was not part of the NTS, it did accept five urgent transfers of young people from the Kent and South Coast.
23. In July 2021, Leicestershire joined the voluntary NTS and through this, during the financial year 2021-2022 to date has received nine transfers of young people (an average of 0.9 children per month)
24. The NTS became mandatory in December 2021 and Leicestershire is expected to take four children in cycle.
25. The County Council is also expected to continue to accept children through the scheme and accommodate them within ten working days of referral.

### **Children Arriving Through the Adult Asylum System**

26. From October 2021 onwards, the County Council has received 15 requests to accommodate people placed in Asylum Dispersal Hotels in Leicestershire. They have been deemed adults by the Home Office and subsequently claimed to be children.
27. Of the 15 referrals:
  - Eight have been accommodated by Leicestershire as children in care,
  - Three have full age assessments underway,
  - Three have been assessed to be adults,
  - One was moved by the Home Office to a hotel in another local authority.

28. If Leicestershire continues to receive an average of five referrals per month as it has in October to December so far, this would be an average of 3.6 children accommodated per month. the impact of this would be primarily around resource requirement to undertake assessments and resources to support those assessed as children both in staffing and accommodation.

### **Service Response for UASC**

29. Based on these figures, Leicestershire can expect to accommodate (spontaneous, NTS and via hotels) an average of 5.29 children per month into its care, or 64 children a year.
30. Children who are looked after by the UASC Team receive a specialist service. This includes the allocation of a social worker and personal advisor, accommodation, specialist support with the asylum process, appropriate interpreter support and specialist support from the Virtual School.
31. The UASC Team works closely with the Virtual School, which has a dedicated worker for UASC and close links with local schools and colleges. Some UASC are able to access education within two days of being accommodated.
32. The Council uses specialist UASC providers where the staff have a good understanding of the asylum process and are able to offer support. UASC also have an opportunity to meet other young people in similar situations and often who share the same language and culture.
33. The UASC Team ensures that the young people have religious and cultural items and are supported to access a place of worship as soon as possible, if desired. Matching young people to placements and communities always considers access to shops that provide for their dietary needs and familiar cuisine.
34. The UASC Team has a good understanding of trauma informed practice and culture shock, and advocate well on behalf of young people.
35. The young people go on to achieve well in education and achieve good health and accommodation outcomes.

### **Resource Implications**

36. In order to support local authorities in supporting children, any local authority receiving a child transferred under the national transfer scheme will now receive a funding contribution at the higher rate of £143 per child per night. (£52k annually). This is currently equal to the full cost of every UASC supported in Leicestershire.
37. In addition, whilst there is a funding enhancement for carer leavers, which would see current funding rates for UASC Care Leavers increase to £14k, Leicestershire's average cost incurred in support and care of one former UASC care leaver per annum remains at £21k, which is above the East Midlands Average of £17k. There is therefore a subsequent funding gap for Leicestershire of £7k per child per annum. This would result in a continued future funding pressure for every UASC coming through this scheme, with

pressures potentially continuing through the care system up to the age of 25 years.

38. The rapid increase in UASC in care and care leavers has required a greater resource requirement to meet their needs. A combination of Home Office funding and an annual current Leicestershire County Council revenue budget contribution of £1.5m is absorbing such demands and funding shortfalls. This should be able to absorb such potential increases in demand/costs in the short to medium term without the need for any further budget growth, although this position will need to be kept under continual review given its volatility.

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

39. All assessments and services provided for UASC are done so in a framework of respecting equality and diversity for young people. The Children and Family Services department is committed to equality and ensuring the human rights of all users, and importantly to support those young people who have arrived here from other countries as unaccompanied children.

### **Background Papers**

None identified

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

None

### **Officer(s) to Contact**

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