



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
22 JANUARY 2024

FUTURE OF THE TRANSITIONS LEARNING PROGRAMME

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of the Report

1. The purpose of this report is to seek the views of the Committee on the future of the Transitions Learning Programme (TLP) delivered by the Leicestershire Adult Learning Service (LALS).
2. Subject to the Cabinet's approval on 9 February 2024, a formal consultation on the future of the service will take place.

Policy Framework and Previous Decisions

3. The primary legislation regarding children and young people with Special Educational Needs and Disability (SEND) is the Children and Families Act 2014, supported by the SEND Code of Practice; 0-25 years (CoP) (January 2015) which provides statutory guidance for organisations working with and supporting this cohort of children and young people. These set out the duties placed upon Local Authorities, Integrated Care Board (ICB) and expectations placed upon other agencies.
4. The Local Offer is a statutory obligation which is underpinned by the SEND CoP (2015) which states that local authorities must publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have special educational needs (SEN) or are disabled, including those who do not have Education Health and Care Plans (EHCPs).
5. The Care Act 2014 gives the Council responsibility for ensuring there is a wide range of good quality care and support services available for adults over the age of 18 to choose from. Emphasis is placed on the importance of enabling adults with needs for care and support and carers with needs and support, where they wish to do so, to participate in work, education, or training.
6. The Equality Act 2010 protects people from discrimination in the workplace and in wider society. This includes providing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic.
7. The Council's "Transforming SEND and Inclusion in Leicestershire (TSIL)" programme aims to improve the Authority's support for children with SEND and

their families, working with partners across health, care, education, the voluntary sector, and with parents and carers. The programme's aim is that as a partnership all agencies work together to ensure every child with SEND has the right support, at the right time, in the best setting for them to succeed and thrive in their education. By working together, the programme aims to deliver positive and lasting changes across SEN support in Leicestershire.

8. Leicestershire is part of the Department for Education SEND and Alternative Provision Improvement Plan. The programme was launched in October 2023 and runs across England split into the Department for Education nine regions and carried through a group of local authority Change Programme Partnerships. For the East Midlands region, the local authorities are Leicestershire, Leicester and Rutland (LLR) who will be testing out some of the pilot work over the next two years. The County Council is working with the Department for Education, and Regional Local partners through the Council's Change Programme to trial new ways of working in response to the Government's SEND and Alternative Provision (AP) Improvement Plan.

Overview of Transition Learning Programme

9. Since 2005, TLP has provided a learning provision for young people aged 19-25 years with profound and multiple learning disabilities who have an EHCP. An EHCP is a legal document that describes a child or young person's special educational, health and social care needs. TLP offers a three-year placement for learner enrolled with the service.
10. Finding placements for young adults with an EHCP is the responsibility of the County Council's Special Educational Needs Assessment (SENA) team which commissions learning providers across the County including specialist schools and colleges.
11. The TLP, unlike other provision provided for young adults with high needs within Leicestershire, is a service delivered in-house by the Council. The programme forms part of the LALS' 'Learning for Independence' programme and operates from an adapted portable classroom on the grounds of Rawlins Academy in Quorn.
12. The TLP offers 16 hours of supported learning per individual per week delivered by LALS. Adult Social Care (ASC) provide 14 hours per individual per week wrap-around care to support learners within their educational setting with any assessed care needs.
13. Prior to completion of the learning aims within an EHCP or where the learner approaches the age of 25, a Care Act assessment or review is completed for each young person. Transition to any additional adult social care provision is then managed by agencies, as well as ASC, Public Health, the LLR ICB and SENA in consultation with the young person and their parents/carers to ensure there is an appropriate package to meet individual needs.

Current TLP Learner Cohort

14. In recent years the service has supported six to seven young people during an academic year. Reviews of EHCPs are conducted annually with learners, parents/carers and agencies and the outcome of these reviews dictate the length of time spent with TLP.
15. In the current academic year, only three learners are enrolled to the programme. The current learners enrolled have been subject to formal EHCP reviews to assess individual learner needs and their potential to progress their education journey in line with those outcomes identified within their EHCPs.
16. Where a learner has achieved the outcomes identified within their EHCP, arrangements will be made to support transition to adulthood and the duty on the Authority to support education ends. For others with educational outcomes remaining, the EHCP will be maintained, and ongoing support would need to be provided through an appropriate service according to the needs of the individual. Discussions regarding potential options post July 2024 have been included in the reviews.

Service Delivery Model

17. The TLP is managed by a staffing resource provided by LALS and forms part of the core offer for the service. The team consists of:
 - One full-time Grade 10 Learning Delivery and Development Co-ordinator;
 - Two part-time Grade 8 tutors;
 - Eight part-time Grade 6 Learning Support Assistants.
18. TLP is inspected by Ofsted which assesses the educational elements of the programme along with other LALS programmes. At the last inspection in 2018, Ofsted graded LALS Overall Effectiveness as 'Good'.
19. In 2022, LALS were informed by SENA which commissions the service that there was a likelihood of fewer referrals to the TLP and that some of the existing EHCPs would be reviewed.
20. The TLP operates from a mobile prefabricated classroom on the Rawlins Academy site in Quorn. The facilities have been tailored to support the needs of service users and a range of specialist equipment has been installed to enable the delivery of sensory, educational, and emotional support to the learners who may have multiple learning, physical difficulties and needs.
21. In June 2023, a condition survey of the site completed by the Council's Health and Safety Team confirmed that the building is in a poor state of repair. Repairs to the roof of the premises have been completed earlier this year. However, ingress of water through the roof has resulted in significant damage to a prefabricated unit which is already reaching the end of its design life.

Financial Model

22. The income that the TLP service relies on has been reduced due to fewer learners and reduced Element 3 funding from £23.00 to £15.67 per hour. There are three elements to Education and Skills Funding Agency (ESFA) funding, detailed below:
- Element 1 Funding: This is based on student numbers and is allocated directly by ESFA to LALS for students aged 16 to 19 and those aged 19 to 25 with EHCPs. This core funding is calculated using the Department for Education's Post-16 National Funding Formula, and includes various factors including disadvantage block funding for students with SEND. The numbers of students used by the ESFA in their calculations of core funding is based on the prior years Individualised Learning Record submitted by LALS.
 - Element 2 Funding: This is paid by the Local Authority (SENA) to Post-16 Providers at a rate of £6,000 per High Needs student place commissioned for the academic year. Due to potential fluctuations in student numbers between academic years, places may be commissioned in advance via the ESFA, or directly between the commissioning Local Authority and the provider.
 - Element 3 Funding: This is top-up funding for pupils with high needs with additional support costs of more than £6,000, paid on a per pupil basis by the resident (commissioning) Local Authority.
23. Currently operating with three learners the service is forecasting a deficit of £143,000 for the 2023/24 financial year. This forecast assumes that EHCPs for the three learners currently on the programme will continue up to July 2024 which is the end of the academic year.
24. The maximum number of learners the TLP can support is seven due to the limitation of the premises, therefore the income the service can generate at full capacity (£199,000) is insufficient to cover existing running costs. An additional £120,000 per annum would therefore need to be identified from Council resources per year for the service to continue. In addition, the premises that the TLP operates within is in poor condition and capital investment is required to maintain the site.
25. A range of options have been explored to reduce the cost of delivering the TLP including changes to the staff structure, proposed within a wider HR action plan of LALS. This confirmed that the service was already operating with an optimal staffing structure when at full capacity (seven learners). A further review of service costs failed to identify any other opportunities to reduce ongoing expenditure.
26. Additional funding through adult social care budgets is not possible with significant Medium Term Financial Strategy (MTFS) savings targets in place. LALS budgets are formula funded and assigned to service delivery across priority areas identified and agreed with the ESFA.
27. The TLP is not financially sustainable for the Authority thus it is proposed to enter into a consultation process on the future of the service.

Availability of Alternative High Needs Provision for learners

28. All students with an EHCP will have their plan reviewed formally through the statutory Annual Review process and plans made for appropriate options. Plans will be made on an individual basis. In all cases the principles of preparation for adulthood will be followed and consideration will be given to the most suitable pathway and ongoing provision.
29. Where a learner is eligible for further educational provision, they will be supported to access Post-19 provision, either through the Special School estate or from Independent Providers, or supported to access mainstream provision if their outcomes can be met in line with their EHCP.
30. The SENA service will be proactive in working with the young people, and their families to identify suitable onwards provision in accordance with a young person's individual needs and requirements. A list of Post-19 specialist providers within the local area and neighbouring authorities will be made available as part of the consultation process.

Consultation

31. The future of the TLP will require a formal consultation with the current learners, parents and carers, service staff, other SEND providers and wider stakeholders.
32. Local authorities must ensure that children, young people, and their parents/carers are involved in discussions and decisions about their individual support and local provision, in line with their statutory duties and the SEND Code of Practice.
33. To meet this requirement, it is intended that a consultation exercise will commence for six weeks from week commencing 19 February 2024. The Cabinet will be asked to approve this consultation at its meeting on 9 February 2024.
34. The purpose of the consultation is to determine the future of the service. The consultation will seek the views of service users, parents and carers, SEN providers, agencies and partners. Staff will be involved in initial discussions via face to face in person meetings.
35. The consultation is likely to include a snap survey in addition to face to face meetings with parents/carers. Learners will be involved throughout the consultation supported by their advocates. A consultation summary document will be made available in alternative formats as requested.
36. The consultation findings will be collated and analysed and a summary report alongside final recommendations will be submitted to this Scrutiny Committee and to the Cabinet in June 2024.
37. A project board, established to oversee the service review, involving representatives from LALS, SENA, ASC, Communications Team and People Services will manage the consultation.

Risk Assessment

38. The specific circumstance of this service means that currently it is financially unsustainable. Failure to establish a new model of service delivery will result in an unresolved financial liability.
39. Communicating the Local Authority's commitment to maintaining levels of support for young people, alongside the necessity to transform to more sustainable models of delivery, will be important throughout this consultation.
40. To provide continuity of support for the three learners currently enrolled with the TLP, it will be important to provide accessible information so that learners, parents, and carers can actively engage in the consultation and effectively plan for possible outcomes.
41. In the event of closure, the TLP staff would be at risk of redundancy where other suitable roles are not identified through the redeployment process.

Resource Implications

42. Currently operating with three learners the service is forecasting a deficit of £143,000 for the 2023/24 financial year. A further £54,127 of additional unidentified funding will be required to maintain the service in its current format to the end the 2023/24 academic year.
43. In the event of the need for redundancies the authority would be required to cover severance/redundancy costs for those employees affected.
44. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

45. The proposed timetable is as follows:

Activity	Proposed Date
Cabinet	9 February 2024
Proposed start of Consultation	Week commencing 19 February 2024 (6 weeks)
End Consultation	Week commencing 15 April 2024
Adults and Communities Overview and Scrutiny Committee	3 June 2024
Cabinet	21 June 2024

Conclusions

46. The current model of delivering the TLP service is not financially sustainable due to reduced funding and low numbers of learners. In addition, the premises that the service operates is in poor condition and requires significant capital investment.

47. Despite the financial difficulties, no decision has yet been made in relation to the future of the service.
48. Before reaching a determination of the future of the service, decision makers will have to conscientiously take into account the outputs from the forthcoming consultation exercise.
49. In particular, decision makers would have to balance the possible impacts on service users as against the Council's needs to achieve financial savings.
50. The County Council is committed to working with parents, carers, agencies and partners to safeguard the continuity of support required to enable individuals to complete outstanding targets within their EHCPs.

Recommendation

51. The Committee is invited to comment on the proposal to consult on the future of the TLP. The Committee's comments will be reported to the Cabinet on 9 February 2024.

Equality Implications

52. A preliminary Equalities Impact Assessment (EIA), attached as an Appendix to this report, has been undertaken to evaluate the impact of changes to the service delivery model. The final EIA will be reviewed and updated as the consultation progresses, and the final EIA will be informed by the outcomes of the proposed consultation.

Human Rights Implications

53. Consultation on the proposed future of this service will ensure the impact on those affected is fully considered and, as a result, individual human rights are maintained.

Appendix

Equalities Impact Assessment – Transitions Learning Programme Quorn Rawlins

Background Papers

Children and Families Act 2014

<https://www.legislation.gov.uk/ukpga/2014/6/part/3/enacted/data.pdf>

Delivering Wellbeing and Opportunity in Leicestershire – Adults and Communities Department Ambitions and Strategy for 2020-24

<https://bit.ly/3swoTal>

Equality Act 2010

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Transforming SEND and Inclusion in Leicestershire

<https://www.leicestershire.gov.uk/sites/default/files/2023-05/tsil-programme-overview.pdf>

Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP)
Improvement Plan – March 2023

https://assets.publishing.service.gov.uk/media/63ff39d28fa8f527fb67cb06/SEND_and_alternative_provision_improvement_plan.pdf

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