

**CABINET - 9 FEBRUARY 2024****FUTURE OF THE TRANSITIONS LEARNING PROGRAMME****REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES****PART A****Purpose of the Report**

- 1 The purpose of this report is to note the current challenges in delivering the Transitions Learning Programme (TLP) provided by the Leicestershire Adult Learning Service (LALS) and seek approval to undertake a formal consultation on the future of the service.

**Recommendations**

- 2 It is recommended that:
  - a) The issues affecting the sustainability of the Transitional Learning Programme be noted;
  - b) A formal six-week consultation on the future of the Transitions Learning Programme be approved;
  - c) A further report be submitted to the Cabinet in June, presenting the outcome of the consultation alongside recommendations on the future of the Transitions Learning Programme.

**Reasons for Recommendations**

- 3 The TLP is operating at a deficit of £111,203 in the current financial year, rising to £165,203 in the full academic year.
- 4 The site from which the service operates is in poor state of repair and is reaching the end of its usable life.
- 5 The consultation will help determine the future of the service by seeking views of service users, parents and carers, special educational needs (SEN) providers, agencies and partners.

**Timetable for Decisions (including Scrutiny)**

- 6 Subject to the Cabinet's approval, a formal six-week consultation will begin in the week commencing 19 February 2024.

- 7 The Adults and Communities Overview and Scrutiny Committee considered a report on the future of the TLP at its meeting on the 22 January 2024, and its comments are set out in Part B of this report.
- 8 It is intended that further reports will be submitted to the Adults and Communities Overview and Scrutiny Committee and the Cabinet in June 2024 regarding the outcome of the consultation and recommendations for the future of the Programme.

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

- 9 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 (CoP): 0-25 years (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 Boards (ICBs) and expectations placed upon other agencies.
- 10 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).
- 11 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.
- 12 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.

### **Resource Implications**

- 13 The full cost of running the TLP service at maximum occupancy is £319,000 per academic year, however the maximum income that can be achieved is £199,000 creating a financial deficit of £120,000. Given the current pressures on the Council's Medium Term Financial Strategy, the Council needs to consider the future viability of the service.

- 14 Currently operating with three learners, the service is forecasting a deficit of £111,203 for the 2023/24 financial year. A further £54,127 of additional identified funding will be required to maintain the service in its current format to the end the 2023/24 academic year.
- 15 In the event of the need for redundancies the Authority would be required to cover severance/redundancy costs for those employees affected.
- 16 The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

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

- 17 None.

#### **Officers to Contact**

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## **PART B**

### **Background**

- 18 Since 2005, the 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 learners enrolled with the service.
- 19 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.
- 20 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.
- 21 The TLP offers 16 hours of supported learning per individual per week delivered by LALS. The Council's Adult Social Care service provides 14 hours per individual per week wrap-around care to support learners within their educational setting with any assessed care needs.
- 22 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 Adult Social Care, Public Health, the Leicester, Leicestershire and Rutland ICB and the SENA team 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**

- 23 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 the TLP.
- 24 In the current academic year, only three learners are enrolled to the programme. These learners 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.
- 25 Where a learner has achieved the outcomes identified within their EHCP, arrangements will be made to support the transition to adulthood, and the duty on the Authority to support their 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**

- 26 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.
- 27 The 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'.
- 28 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.
- 29 In June 2023, a condition survey of the site completed by the Council's Health and Safety Team confirmed that the building is in poor condition. 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 the prefabricated unit which is already reaching the end of its design life.

### **Financial Model**

- 30 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 the 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 its calculations of core funding is based on the prior year's 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.

- 33 Currently operating with three learners the service is forecasting a deficit of £111,203 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.
- 34 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 running costs (£319,000). 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.
- 35 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.
- 36 Additional funding through adult social care budgets is not possible with significant Medium Term Financial Strategy savings targets in place. LALS budgets are formula funded and assigned to service delivery across priority areas identified and agreed with the ESFA.
- 37 The TLP is not financially sustainable for the Authority, thus it is proposed to consult on the future of the service.

### **Availability of Alternative High Needs Provision for learners**

- 38 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.
- 39 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.
- 40 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**

- 41 Subject to the Cabinet's approval, the future of the TLP will require formal consultation with the current learners, parents and carers, service staff, other SEND providers and wider stakeholders.
- 42 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 CoP.
- 43 To meet this requirement, it is intended that a consultation exercise will commence for six weeks starting the week commencing 19 February 2024 and concluding in the week commencing 1 April 2024.
- 44 The purpose of the consultation is to inform 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 in-person meetings.
- 45 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 draft consultation summary document is attached as Appendix A to this report will be made available in alternative formats as requested.
- 46 Key areas within the consultation will focus on the views of:
  - The approach to current and future learners of the TLP;
  - The impact of proposed changes to the TLP;
  - Alternative options for the future delivery of the TLP.
- 47 The consultation will be managed by the project board, established to oversee the service review, involving representatives from LALS, SENA, Adult Social Care, as well as the Council's Communications Team and People Services.

## **Risk Assessment**

- 48 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.
- 49 Communicating the Council 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.
- 50 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.

- 51 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.

### **Comments from the Adults and Communities Overview and Scrutiny Committee**

- 52 The Adults and Communities Overview and Scrutiny Committee considered a report on the future of the TLP at its meeting on the 22 January 2024.
- 53 In response to points raised the Director of Adults and Communities advised that:
- To avoid disruption to learning, enrolments to the service have been paused. All learners with an EHCP continue to receive appropriate education and support through other appropriate services;
  - The service had last been fully subscribed with seven learners in the 2022/23 academic year. To ensure effective use of resources, service staff have been offered other duties within the Adult Learning Service where appropriate.
- 52 The Committee supported the proposal to formally consult on the future of the service and requested that the draft consultation document be circulated to Members when circulating to Cabinet, and that comments from Members be forwarded to the Director of Adults and Communities, and the Cabinet Lead.

### **Conclusions**

- 53 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.
- 54 Despite the financial difficulties, no decision has yet been made in relation to the future of the service.
- 55 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, in particular in balancing the possible effects on service users against the financial pressures.
- 56 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.

### **Equality Implications**

- 57 The Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment of victimisation and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



- 58 A preliminary Equalities Impact Assessment (EIA), attached as Appendix B 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 will be informed by the outcomes of the proposed consultation.

### **Human Rights Implications**

- 59 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.

### **Appendices**

Appendix A – Draft Consultation documentation

Appendix B - Equalities Impact Assessment – Transitions Learning Programme

Quorn Rawlins

### **Background Papers**

Delivering Wellbeing and Opportunity in Leicestershire – Adults and Communities

Department Ambitions and Strategy for 2020-24

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

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

Report to the Adults and Communities Overview and Scrutiny Committee: 22 January 2024 – Future of the Transitions Learning Programme

<https://democracy.leics.gov.uk/ieListDocuments.aspx?MIId=7450> (Item 11)

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