



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
3 JUNE 2024

OUTCOME OF THE CONSULTATION ON THE FUTURE OF THE
TRANSITIONS LEARNING PROGRAMME

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of report

1. The purpose of this report is to share the findings of the consultation on the future of the Transitions Learning Programme (TLP) and seek the views of the Committee on the proposals to close the service.

Policy Framework and Previous Decisions

2. The primary legislation regarding children and young people (0-25 years) with Special Educational Needs and Disability (SEND) is the Children and Families Act 2014, supported by the SEND Code of Practice (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.
3. 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).
4. 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.
5. The Committee considered a report on the future of the TLP at its meeting on the 22 January 2024. The Committee supported the proposal to formally consult on the future of the service and requested that the draft consultation document be included in the Cabinet report.
6. On 9 February 2024, the Cabinet approved a proposal to progress with a formal consultation on the future of the service.

Background

7. 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. Unlike other provision provided for young adults with high needs within Leicestershire, the TLP is a service delivered in-house by the Council. The programme forms part of the County Council's Adult Learning Service (LALS) 'Learning for Independence' programme.
8. The TLP operates from a mobile prefabricated classroom on the Rawlins Academy site in Quorn. A condition survey of the site conducted in June 2023 confirmed that the building is reaching the end of its design life.
9. Currently operating with two learners the service is forecasting a deficit of £135,000 for the 2024/25 financial year.

Consultation

10. The SEND Code of Practice (CoP) places a duty on local authorities to ensure that children, young people, and their parents/carers are involved in discussions and decisions about their individual support and local provision.
11. To capture views on the Council's plan to support learners through externally commissioned learning providers, a public consultation was conducted.
12. Information within the questionnaire described how the Council would work with the current service users and their families to review their existing support needs and find appropriate alternative services that will meet their needs. Respondents were asked to what extent they agreed or disagreed with the proposal and for the reasons they chose their response.
13. The consultation also included questions to capture any other suggestions regarding other alternatives for the future delivery of the service and any other comments. These are attached as Appendix A to this report.

Consultation Format

14. Engagement activities included a six-week public consultation from 22 February 2024 to 4 April 2024. To ensure all groups could engage several methods were used to capture the views of those affected, including:
 - a) An online questionnaire within the 'Have your Say' pages on the County Council's website.
 - b) On-site face to face meetings were held with parents and carers advocating for learners currently using the TLP. To help explain the detail and the impact of the proposals, parents were supported by service staff that they already knew and were comfortable with.
 - c) Direct contact was made with the Leicestershire SEND Hub who were invited to engage in the process. The SEND Hub is a parent/carer led organisation for families of children and young people with additional or special educational needs and disabilities.

- d) An on-site consultation meeting with the TLP provided the opportunity for the TLP staff to provide a group response to the consultation questions. Attendees also received paper copies of the questionnaire which staff were encouraged to complete individually.

Summary of Consultation Responses

15. Over the six-week consultation four responses were received.
16. Two parents responded to the online questionnaire and one attended an on-site face to face meeting. Six members of staff attended the on-site consultation meeting where group responses were recorded. Detailed responses are set out in Appendix B attached to this report.
17. Key responses to the questionnaire included:
- a) Parents stated that they strongly disagreed with the proposal to move to a commissioned model (outsourced to the independent sector). They felt that the alternative provision available would not meet the needs of current learners.
 - b) Three responses strongly disagreed with the proposal to support existing learners' transfer to other provision. The remaining respondent neither agreed nor disagreed. Parents were concerned that any change to the service could be disruptive for the young adults and for their families.
 - c) Questions were raised by parents and staff regarding savings likely to be achieved through the proposed commissioning model.
18. Respondents to the consultation were also asked to provide any further comments and responses included:
- a) A parent wished to know, if the TLP must close, whether there was any possibility of the site remaining open until the current learners completed their programme of learning and had met the targets within their EHCPs.
 - b) One member of staff asked if a revised 'slimmed down' offer might be sustainable.
 - c) In the responses there was a suggestion that the service should move to a bigger building to enable more learners to access provision to help make it financially sustainable.
 - d) One response to the online questionnaire suggested having a TLP type service in schools for future learners to remove the pressure on families associated with waiting for placements to be agreed.
 - e) One parent responding online stated. "You need to understand just what TLP is and how important it is, and you cannot do this without knowledge from staff, students, parents."

Responses to Consultation Findings

19. Following the closure of the consultation, the findings have been reviewed to re-assess the impact of the proposed approach and consider the suggestions from respondents.

Alternative Provision and Service Continuity

20. The availability of suitable alternative provision was a concern raised by parents. There was particular concern from one parent who felt that other listed providers would be unsuitable. To provide some reassurance, SENA shared more details of the bespoke packages commonly adopted in the event needs cannot be met by a single provider. Bespoke packages would not replicate the same service offered by the TLP, but each young person would receive a support plan tailored to their individual needs in accordance with their EHCP.
21. To address the concerns related to the continuity of service, it was agreed at the on-site meetings that SENA would initiate some dual planning meetings to ensure suitable provision is identified well in advance of the next academic year should TLP be unavailable. These meetings have been arranged and this work is ongoing.
22. Maintaining the TLP until existing learners' complete aims within their EHCPs would require £135,000 per annum additional funding from Council budgets. The cost would be subject to the point in which each learner completed their EHCP targets. Learners with EHCPs are eligible for support up to the age of 25 to complete their education aims therefore the youngest learner (within the current TLP cohort) is eligible for support for a further five years subject to the annual review of their EHCP.

Delivery Models and Financial Viability

23. Work to find a sustainable financial delivery model for TLP started with the Adult Learning Service restructure in 2022, followed by analysis of options by the Council's Transformation Unit. This extensive work has been unable to establish a viable solution to continue the TLP. It has also not been possible to find an alternative model that maintains the key elements of education and care support through a financially viable 'slimmed down' version of the TLP offer.
24. The consultation meetings provided the opportunity to share more details regarding the current viability compared with external provision the Council is commissioning. Essentially, externally commissioned providers are operating within a funding model that TLP is unable to achieve without an additional £120,000 per year to cover operating costs.
25. Moving to a larger premises has been explored, however, increasing the size of the provision is not a viable solution because the direct staffing cost per learner is higher than the funding available per learner.
26. The suggestion to move to a model where a TLP could be operated within schools, to remove the pressure on families looking for placements, has been shared with the Children and Family Service's SENA team for consideration. This approach, if it were to be adopted, would still not result in a financially sustainable solution for the existing TLP.

Resource Implications

27. To continue with the existing delivery model an additional £120,000 per annum would be required operating at full capacity with seven learners. Additional resource will also be required to upgrade the building or move to a new site.
28. To continue operating the TLP until the remaining two learners complete their learning goals within their EHCPs will require £135,000 of additional funding per annum. This figure includes an Adult Social Care contribution based on eight learners. This is part of the budget but would need to be reduced pro-rata based on the number of learners thus reducing the level of income that TLP would receive. In addition, some investment will be required to complete remedial building work to keep the TLP site safe and operational in the short term.
29. To close the TLP service at the end of the 2023/24 academic year, will incur severance/redundancy costs for those employees affected where redeployment to another role is not possible.
30. The Director of Corporate Resources and Director of Law and Governance have been consulted on the contents of this report.

Timetable for Decisions

31. A report will be submitted to the Cabinet on 21 June 2024, presenting the outcome of the consultation alongside recommendations on the future of the TLP.

Conclusions

32. 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.
33. Extending the TLP until the existing cohort of learners have completed their EHCP would require funding to cover the delivery costs of the service. No additional funding has been identified.
34. The move to the proposed alternative plans will impact on learners currently accessing the TLP service. However, bespoke packages tailored around individual needs will ensure the two existing learners receive the support they require to complete the aims within their EHCP and ensure that the Council is fulfilling its statutory obligations for those learners. With mitigation now in place to address the concerns raised within the consultation, the impact of the proposal will be minimised and will ensure the Council continues to provide the learners requirements to meet their educational needs.

Recommendation

35. The Committee is invited to comment on the proposal to close the TLP at the end of the 2023/24 academic year on 5 July 2024, with a view to transition the two learners currently accessing the service to an alternative support package.

Ongoing support meetings with parents and learners will be prioritised to manage a planned transition to alternative provision tailored to individual needs.

36. The Committee's comments will be presented to the Cabinet on 21 June 2024.

Equality Implications

37. An Equalities Impact Assessment (EIA), attached as Appendix C to this report, has been undertaken to evaluate the impact of changes to the service delivery model. This includes mitigating actions to ensure there are no detrimental impacts upon those with protected characteristics.

Human Rights Implications

38. The consultation on the proposed future of this service has fully considered the impact on those affected and, as a result, individual human rights are maintained.
39. All commissioned services will be required to meet the Council's equality and human rights expectations before being contracted to deliver services.

Health Implications

40. The following potential health implications have been identified:
- a) Social Cohesion and Community- A change in service is likely to be unsettling for this group of learners due to their complex needs. Alternative provision will therefore need to be tailored to provide each young person tailored support in accordance with the SEND CoP. Additional multi-agency reviews with representation from SENA, Public Health and Adult Social Care, will be arranged with each family to ensure that the support provided enables each learner to complete the aims identified within their EHCP and ensure that their health needs are fully met.
 - b) Employment and the Economy - Closing the TLP would result in eight staff being redeployed or being made redundant which is likely to have a negative impact on the individuals involved and their families. Staff will be supported throughout a consultation process and redeployment opportunities will be explored. Staff will also have access to the County Council's Wellbeing Service which they can access to minimise the impact of closing the service.
 - c) Physical Activity - No impact is anticipated in relation to physical activity. TLP learners will continue to receive support through tailored activities that meet their individual needs in accordance with their EHCP. Contact to be made with Public Health case workers regarding each learner's annual review.
 - d) Education and skills - The alternative commissioned service is required to meet the outcomes within each learner's EHCP therefore the change is not expected to have an impact on educational attainment. Each learner's progress will be reviewed against targets identified within their EHCP and future support continues to be tailored to needs ensuring educational targets are fully met.

- e) Access to Public Services - Closing of the TLP will reduce the capacity of education provision for 16–25-year-olds with EHCPs. With two learners currently accessing the TLP, impact is not expected to be significant on the overall availability of provision across the county. The 'Preparation for Adulthood Board' will continue to co-ordinate access to provision for young people with EHCPs to minimise the impact of closure of this service.

Appendices

Appendix A - Consultation questionnaire

Appendix B – Consultation responses

Appendix C - Equalities Impact Assessment

Background papers

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

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)

Report to the Cabinet: 9 February 2024 – Future of the Transitional Learning Programme

<https://democracy.leics.gov.uk/ieListDocuments.aspx?MIId=7503> (item 320)

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