



CABINET - 21 JUNE 2024

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

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

PART A

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) delivered by the Council's Adult Learning Service (LALS) and to seek approval on the proposal to close the service.

Recommendations

2. It is recommended that:
 - a) The outcome of the consultation on the future of the Transitions Learning Programme be noted.
 - b) The proposal to close the TLP at the end of the 2023/24 academic year on 5 July 2024, be approved.
 - c) Ongoing support meetings with parents and learners, currently accessing the service, be prioritised to manage a planned transition to alternative provision.

Reasons for Recommendations

3. The current model of delivering the TLP service is not financially sustainable due to reduced funding and low numbers of learners.
4. The TLP is currently operating with two learners and the service is forecasting a deficit of £135,000 for the 2024/25 financial year.
5. The site from which the service operates is in poor state of repair and is reaching the end of its usable life.

Timetable for Decisions

6. Subject to the Cabinet's approval the TLP will close at the end of the 2023/24 academic year on 5 July 2024.

Policy Framework and Previous Decisions

7. 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 the expectations placed upon other agencies.
8. There is a statutory obligation, 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). An EHCP is a legal document that describes a child or young person's special educational, health and social care needs.
9. 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.
10. On 9 February 2024, the Cabinet approved a proposal to progress with a formal consultation on the future of the service.

Resource Implications

11. To continue with the existing delivery model an additional £120,000 per annum would be required, operating at full capacity with seven learners. Additional capital investment will also be required to upgrade the building or move to a new site.
12. 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 seven 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, increasing the deficit to £206,900. In addition, some investment will be required to complete remedial building work to keep the TLP site safe and operational in the short term.
13. 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.
14. The Director of Corporate Resources and Director of Law and Governance have been consulted on the contents of this report.

Circulation under the Local Issues Alert Procedure

15. None.

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PART B

Background

16. Since 2005, TLP has provided a learning provision for young people aged 19-25 years with profound and multiple learning disabilities and 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 and forms part of the County Council's Adult Learning Service (LALS) 'Learning for Independence' programme.
17. 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. In recent years the service has supported six to seven young people during an academic year.
18. Operating 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.
19. A condition survey of the site conducted in June 2023 confirmed that the building is reaching the end of its design life.
20. 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'.

Current TLP Learner Cohort

21. Learners have formal annual reviews to assess individual learner needs and their potential to progress their educational journey in line with those outcomes identified within their EHCPs.
22. The two learners currently accessing the service have educational outcomes that are yet to be completed, therefore the duty on the local authority to identify appropriate support remains until these outcomes are met or the learners reach the age of 25.
23. The SENA Service is continuing to work with the families of these learners, as well as their associated professionals, in order to identify a suitable package of education that meets their needs, as specified in Section F of their EHCP.

Financial Model

24. The TLP is funded from several different income streams detailed below:
 - Element 1 Funding: This is based on student numbers and is allocated directly by the Education Skills Funding Agency (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.
25. 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.
 26. The maximum number of learners the TLP can support is seven due to the limitation of the premises, and as such 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 need to be identified from Council resources 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.
 27. Currently operating with two learners, the service is forecasting a deficit of £135,000 for the 2024/25 financial year.
 28. 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.

Consultation

29. The SEND 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.
30. To capture views on the Council's plan to support learners through externally commissioned services, a public consultation was conducted.
31. 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.

32. 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.
33. Engagement activities were conducted over six weeks 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

34. Over the six-week consultation four responses were received.
35. 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.
36. 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.
37. 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

38. 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

39. 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.
40. 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.
41. 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

42. 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.

43. 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.
44. 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.
45. 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.

Comments from the Adults and Communities Overview and Scrutiny Committee

46. The Adults and Communities Overview and Scrutiny Committee were presented with the findings of the consultation on the future of the TLP and considered the proposal to close the TLP at its meeting on 3 June 2024. Arising from discussion the following points were made:
 - i. Two young people continued to access the TLP, both of whom had profound, multiple learning difficulties. When consulting on the service, other similar provision was discussed that would meet the needs of the young people, however, both of the young people's families felt that those schools weren't appropriate.
 - ii. Discussions continued with the families, and packages were being developed around each of the young people, each of whom had an Education Health Care Plan (EHCP), which meant there was a statutory obligation upon the County Council to deliver the provision set out within these. Members were assured that this did not change with regards to their educational needs which would still have to be met. The packages would also need to ensure other provisions, such as access to occupational therapy and a speech and language therapist.
 - iii. From a legal perspective the packages would come under education other than in schools, which were packages developed for other children and young people in Leicestershire. The packages for the two young people involved would be highly complex, because of the complex needs of the two young people, but from a multi-agency perspective. By working with the families, there was confidence that adequate provision would be put in place to satisfy their ongoing needs as currently required in their EHCPs.
 - iv. Members queried what the difference would be for the two young people affected in terms of the service currently provided against what might be proposed, and how their transition across to the new provision would be managed. Members sought assurance that the process would be made as comfortable as possible for

the young people and their families. Officers reported that there were concerns raised by the parents in terms of provision being delivered in the home environment. It was recognised that providing this outside the home did provide an important respite element for the families. However, by looking at alternative providers and working with NHS colleagues to provide a community base that could accommodate equipment required, it was felt that a package could be put in place. Parents would be involved in the discussions throughout to ensure any disruption during the transition would be minimised.

- v. Members queried if the new provision would be detrimental or better than the current TLP provision. Officers reported that the provision would meet the needs detailed with the young people's EHCP but that this would be different, and it was recognised that for young people with significant disabilities, any change could be disruptive and a time of upheaval and stress, for them and their families. Officers would however seek to minimise this as much as possible through continued discussion with the families.
- vi. Work would continue to ensure the new package for the two young people affected was put in place for September. It was acknowledged that the timing would be tight, but that as conversations had taken place over a period of time, with the needs and views of families being considered throughout, officers considered this to be achievable.
- vii. Members were reassured that the young people had some respite outside of school time and that this would remain unchanged irrespective of whether or not the TLP continued.
- viii. In response to a query, Members were informed that each young person with an EHCP had an annual review, so the packages of the two young people would be reviewed in this way and the views of the parents and carers, and the views of both the young people, would be taken into account as part of this process. Though the young people had very limited ability to express views, it was possible to know whether they were happy or experiencing distress and so the position would be monitored throughout.
- ix. Members acknowledged the financial reasons for the removal of the TLP. Members were reminded that the service cost around £350,000 per annum, but at full capacity it would still run at a deficit, as it was costing more than the funding received to run the service. The Programme could accommodate 7 young people in total and so was currently operating at a bigger deficit due to there being only two learners within the programme. The Director explained that the TLP was funded through three routes: Special Educational Needs; Adult and Community Services; Adult Education Services. Funding through special educational needs was funded on an individual basis, therefore, the fewer learners enrolled, the less funding was allocated, which meant the funding received was less than the cost of provision.
- x. A Member queried what would happen if the alternative external provision cost the Council more than the current provision should a provider increase its costs in the future. Officers reported that for the two young people there would need to be very specific commissioning, therefore the package would have a cost implication, but with planning and working with special schools and colleges moving forward

provision would be ensured within the system to be able to manage these costs effectively.

- xi. Members sought assurance that they would be kept informed on the transition of the two young people to their new service provision. The Director undertook to provide Committee Members with an update after a period of settlement.
- xii. Members noted that the support provided to the individuals would, from September 2024, fall under the remit of the Children and Family Services Department and would therefore be reported, as appropriate, to the Children and Families Overview and Scrutiny Committee. Members urged that there be continued monitoring of the provision to the young learners included in the recommendation to the Cabinet.

Risk Assessment

- 47. 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.
- 48. In order that continuity of appropriate provision is maintained it is important that effective engagement with the parents of the two existing learners continues. In addition, frequent reviews to tailor plans will be necessary to minimise the impact of the change in service.
- 49. The EHCP appeals process provides a procedure for parents or carers to challenge decisions made about their child's special educational needs provision.

Conclusions

- 50. 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 in is in poor condition and requires significant capital investment.
- 51. 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.
- 52. 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.

Equality Implications

- 53. 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

54. 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.
55. All commissioned services will be required to meet the Council's equality and human rights expectations before being contracted to deliver services.

Health Implications

56. 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 bespoke 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 will 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)

Report to the Adults and Communities Overview and Scrutiny Committee: 3 June 2024 –
Outcome of the Future of the Transitions Learning Programme

<https://democracy.leics.gov.uk/ieListDocuments.aspx?MIId=7452> (item 11)