

- By promoting educational achievement which gives children and young people in care and leaving care enjoyment in learning and increased opportunities for success in adult life.
- By maintaining high levels of Education, Employment or Training (EET) for young people who are looked after beyond 16 years of age.
- By promoting vulnerable young people's social and emotional development alongside advances in educational achievement.
- Safer Communities
 - By offering effective support to families to help them do their best for their children so that children and young people are safe in their families and communities.
 - By recognising that parents are the main carers for their children and by offering services that enable them to continue to care for their children successfully so that children can grow up within their own families and communities wherever possible.
 - By carrying out respective roles across the local authority and partner agencies to ensure that the most vulnerable children in our community are protected from harm and they are enabled to live with their families.
 - By ensuring that children and young people who are looked after have the standards of care and life opportunities that we would want for our own children, with contributions from partner agencies.

3b **Five Year Plan Outcomes**

This report contributes to the following outcome within the Council's Five Year Plan:

- Children and young people in Slough will be healthy, resilient and have positive life chances.

By transferring these services to SCST, the day to day management of the SEN services are brought together under the same management group as the rest of Children Services. By having this consistency of focus it will improve the council's chances of achieving the above outcome.

4 **Other Implications**

(a) Financial

The financial implications are contained within this report.

(b) Risk Management

There are a number of risks arising from the transfer of these additional services to SCST. These are described below along with associated mitigating actions and/or opportunities.

Risk	Mitigating action	Opportunities
<u>Legal</u> There are some legal risks arising externalising additional services to SCST. These include risks relating to the governance arrangements, scope, service delivery vehicle, and client arrangements which will prevent the council from exercising its statutory accountability effectively.	A legally binding contract will be updated to include the additional services being transferred and this will govern the contractual relationship between the council and SCST.	
Property	None	
Human Rights	None	
Health and Safety	None	
Employment Issues	None	
Equalities Issues	None	
Community Support	None	
Communications	None	
Community Safety	None	
Financial	None	
Timetable for delivery	None	
Project Capacity	None	

(c) Human Rights Act and Other Legal Implications

The Secretary of State has exercised her powers under The Education Act 1966 in relation to the Council's children's services functions. The legislative provisions allow either the Secretary of State to exercise the functions or give the Council such directions as the Secretary of State thinks expedient to enable the functions to be performed to an adequate standard.

Through the Direction, the Secretary of State has directed that a separate organisation, SCST should be set up to carry out, what will be some of the Council's Children's services functions. There has been no procurement exercise for the design or selection of the new organisation. The Council has sought the assurances that not liability will rest with it for any breach of procurement regulations.

The Council will enter into a legally binding contract for services with the SCST to deliver children's social care functions. By contracting with the SCST, the Council would retain all its legal obligations for the statutory duties. However, since the Secretary of State has made it very clear that the services will be "out of council control", the Council may have limited control over how the children's social care functions are delivered or indeed to be able to hold to account the CSO for any failings. This is currently a matter under discussion in relation to the services contract. Although there will be no legal relationship between the Council and the DfE, it is understood the DfE will have a direct relationship with the CSO to ensure the terms of the Direction in relation to improvement to children's services continues.

(d) Equalities Impact Assessment

An EIA is needed and will be carried out once the outcome of detailed discussions around the final list of services that are to be impacted by this externalisation is known.

(e) Workforce

The Children's Trust came into establishment in October 2015 which included the transfer of the SEN services. However, these two posts have subsequently been identified as key to the deliver of the SEN services. This has resulted in instigating with the two members of staff, a consultation to TUPE transfer their posts to the Children's Trust. The appropriate consultation has taken place and no issues were identified. .

The two additional posts that are being transferred are:

- a) Strategic Commissioning Manager – C&YP, and
- b) Business Support Officer

5 **Supporting Information**

5.1 **Background**

Cabinet members will be aware that the Council has transferred most of its Children Services to Slough Children's Services Trust (SCST) in October 2015 under the direction of the Secretary of State for the Department of Education.

5.2 The services providing support for children and young people who are assessed as having a Special Educational Need (SEN) were transferred to SCST in October. However both parties agreed that the formal transfer of the funding should be delayed because of the complex financial issues involved.

5.3 Both parties are now agreed that the funding for these services can now be transferred. Upon transfer, SCST will transfer assume responsibility for the day to day management of these services.

5.4 The value of services being transferred is just over **£14m**. This is funded from both the ring-fenced Delegated Schools Grant and the General Fund and this is summarised in the table below.

DETAIL	£'000	DESCRIPTION
DSG – High Needs Block	13,080	SEN Related Services
DSG	80	Virtual Schools Head
General Fund	293	Pupil Premium Grant
General Fund	845	SEN Related Services & SEN Staff
Total	14,298	

5.5 A full list and description of the services and associated funding for 2016-17 is shown in the table below

Service	£'000	Description
Special Schools	5,018	Top Up payments to Schools for children assessed as having Special Educational Needs (SEN)
Special Schools (Post 16)	132	
Resource & Special Units	1,768	
Mainstream Schools	1,138	
Independent Schools	800	
Alternative Provision (PRU)	724	
Out of Borough SEN	653	
Contribution to PFI from GF	309	
Refund of PFI (Arbour Vale)	183	
Contingency for Growth	552	
Sub Total (Top Up Funding)	11,277	
Arbour Vale School	252	Provide speech and language service
LAC Children with SEN	107	Supports LAC with SEN
Sensory Needs Service	470	Provide a Sensory Needs Service
Haybrook Provision	131	Provide a "Education Other Than At School" service
Littledown's Behavioural Support	164	Provide behavioural support Service
SEN Support Services	210	Contribution to fund the cost of front line and support staff
Sub Total (Centrally Retained, SBC)	1,334	
Early Years Inclusion	70	Funding for Advisory Teachers
Support for Children with SEN	399	Funds specialist SEN support
Sub Total (Centrally Retained, CE)	469	
High Needs Block Total	13,080	

SERVICE	£'000	DESCRIPTION
Short Breaks	295	Respite for Disabled Children
SEN Support Staff	433	SEN Staff Team including SEN Grant
Other SEN Related Costs	37	Equipment for Children Homes
Sub Total (previously agreed)	765	
SEN Commissioning Post	49	
Business Support Officer	19	
30% Interim SEN Head	12	
Sub Total	80	
GF Total	845	
Virtual Schools Head (DSG)	80	
Pupil Premium Grant (LAC only)	293	
VSH Sub Total	373	
TOTAL	1,218	

The Pupil Premium Grant is specific grant provided by the Department of Education to publicly funded schools in England to raise the attainment of disadvantaged pupils and close the gap between them and their peers. This Looked After Children (LAC) element of this Grant is administered completely by the Virtual Schools Head. As this post and function is being transferred to SCST then it is right that the Pupil Premium Grant is also transferred. Only the amount of funding received will be

transferred and the SCST will be required to contain expenditure for this service within this amount. The amount shown below is the latest indication of the funding available for 2016/17. The amount transferred will be actual amount received by the council.

5.6 Timelines for transfer of funding

The Trust has requested that the transfer of funding is varied as follows:

DETAIL	£'000	Timeline
DSG - HNB - Centrally Retained	1,334	June 2016
DSG - HNB - Top up Funding	11,277	September 2016
DSG - HNB – CE Contract Items	469	Transfer to take place when new contract arrangements are implemented.
DSG – Centrally Retained (VSH) & Pupil Premium (LAC Only)	373	June 2016
General Fund Items	845	June 2016
TOTAL	14,298	

5.7 Total Monies Transferred to the SCST

These new transfers would take the total amount transferred to the Trust to £38.4m. This is summarised in the table below.

DETAIL	£'000	Transfer
Children's Social Care	24.2	1.10.2015
Support Service related to above	0.192	1.10.2015
SEN Changes	13.925	As set out above
Virtual School Head	0.373	June 2016
Total	38.690	

6 Conclusion

The directive of Secretary of State requires the Council to transfer these services to the SCST. Both parties are agreed on all aspects of the services to be transferred and the contract between the council and SCST will be updated to reflect this.

7 Background Papers

None