



### 3b. Five Year Plan Outcomes

The successful delivery of SEND Service contributes directly to both Outcome 1 and Outcome 2 of the Five Year Plan – including support for the most vulnerable children, young people and young adults –

- Our children and young people will have the best start in life and opportunities to give them positive lives.
- Our people will become healthier and will manage their own health, care and support needs.

### 4. Other Implications

#### (a) Financial

Other than the direct staffing budgets, all SEND service activity and commissioning budgets remained with SBC and never fully transferred to the Trust.

The total cost of the SEN responsibilities is (based on 2016/17 budgets) - £13.925m, split between the General Fund £0.845m and the High Needs Block £13.080m

There are significant pressures on those elements of expenditure (the overwhelming majority of the total) which are funded from the Dedicated Schools Grant High Needs Block (HNB). Funding to support children and young people with SEND is determined by demand and therefore difficult to predict.

The HND spend on SEND is monitored by the Schools Forum.

#### (b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
Cabinet approves the return of services for children with SEND to The Council under the leadership of the Director of Children, Learning and Skills	Risk – if the decision is not approved there is a risk of less effective delivery of services to children with SEND as the provision is potentially isolated from other Education and Inclusion services.	Actions are already in place to ensure the joint working of services. The Head of Service operates as a member of the CLS senior management team and attends all relevant shared meetings where SEND expertise is needed. Should the decision be taken not to support the proposal, the joint working will continue.
	Risk: SEND provision for children is subject to a multi-agency Ofsted inspection process. Slough	Preparation for inspection is already underway across the range of inspected

	<p>services have not yet been inspected. Transfer could destabilise one element of the service.</p> <p>Risk: transfer of staff via TUPE processes will be necessary, which may cause some upset from staff who may be reluctant to transfer back to SBC. Opportunity – If the decision is approved Children and Young People with SEND and their families are likely to receive a holistic service joined up at the point of delivery</p> <p>Opportunity: Good quality transition arrangements are crucial to the life chances of children with SEND and are likely to be more streamlined if services to families are part of the same organisation.</p> <p>Opportunity: funding to schools for SEND is complex. The schools finance team currently manage the arrangements . arrangements will be better if spending decisions and financial management are streamlined.</p>	<p>services. The Head of service for SEND plays an instrumental part in co-ordinating self evaluation and preparation data and documents. This arrangement will continue. The outcome of inspection will reflect on a range of partners, not merely the Council.</p> <p>Informal consultation indicates a positive view from staff regarding the possibility of transfer. The process will be sensitively managed according to TUPE regulations and timescales. The consultation process will ensure that staff concerns are addressed</p>
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(c) Human Rights Act and Other Legal Implications

The SEND service is presently provided pursuant to a Service Delivery Contract made between SBC and the Trust on 30 September 2015 pursuant to Directions from the Secretary of State under the Education Act 1996.

The proposed change to the SEND Service would constitute a “Notifiable Change” within the definition of that term in the Service Delivery Contract and hence the proposed change cannot take effect unless whichever of SBC or the Trust have notified the Secretary of State of the proposed change have received written confirmation from a Senior Civil Servant that he or she has determined that the proposed change does not require the consent of the Secretary of State or the written consent from the Secretary of State.

The proposed change is not considered to be one that would constitute a breach of any human rights under the Human Rights Act 1998.

(d) Equalities Impact Assessment

We are obliged to deliver services and meet the legal entitlements specified in the DfE SEND Code of Practice – May 2015 and the Children and Young Peoples Act 2014.

(e) Workforce

Should the decision be approved The Council and The Trust will initiate the TUPE process. This will include agreeing a date of transfer of the service to the Council and commencing the required consultation process with staff. It is envisaged this process will be undertaken jointly by the Council and The Trust to ensure that staff are kept informed and managed sensitively throughout this process.

5. **Supporting Information**

5.1 The key elements that comprise the SEND responsibilities and services are as follows –

- (a) Receiving and agreeing requests for new EHC assessments (via a multi-disciplinary panel); assessment and review of all new Education, Health & Care Plans (EHCP); conversion of existing Statements of SEN to EHCP; identification (in consultation with parents) of suitable school places and formal admissions processes; allocation of top-up funding to meet the child’s individual needs.
- (b) Collecting, editing and publishing all information relevant to families and professionals in the form of the SEND Local Offer, working closely with Special Voices (the Slough Parent Carer Forum).
- (c) Providing (or commissioning) an impartial SEND Advice and Support Service (SENDASS) to work with families, young people and young adults.
- (d) Commissioning SEND support services (such as Speech & Language Therapy) through formal contracts, Joint Agreements and other mechanisms.

5.2 The service works closely with the three Slough Special Schools, all mainstream schools in Slough (including the 12 that operate SEND Units as part of their school) and is responsible for approximately 1,200 children, young people and young adults with high-level SEND.

5.3 Since the original Direction to place SEND services in The Trust, the Council has strengthened its leadership of Education services by ending contractual arrangements with Cambridge Education in November 2016. The Council is now well placed to add the services for educational provision for children with SEND to the existing suite of services held within the council including those of Educational

Psychology and Inclusive Learning. The SEND service is predominantly focussed on education provision rather than safeguarding and fits better with educational services within the Council.

6. **Comments of Other Committees**

None.

7. **Conclusion**

Both the Council and the Trust are in agreement that SEND Services should be part of the suite of services currently within Children, Learning and Skills in order to benefit educational opportunities and life chances for children and young people with SEND. Cabinet is requested to approve the decision to seek approval for transfer from the Secretary of State.

8. **Background Papers**

Report to the SCST Board – 2<sup>nd</sup> February 2017 - Third Direction: Review of services transferred to the Trust.

SEND Code of Practice – May 2015

Children and Young Peoples Act - 2014