

ROYAL BOROUGH OF KINGSTON UPON THAMES
CHILDREN'S AND ADULTS' CARE AND EDUCATION COMMITTEE

7 FEBRUARY 2019

7:30 pm – 9:10 pm

Councillor Margaret Thompson (Chair)
Councillor Diane White (Vice Chair)

Councillor Stephanie Archer, Councillor Mark Durrant, Councillor Sam Foulder-Hughes,
Councillor Ed Fram, Councillor Maria Netley, Councillor Munir Ravalia,
Councillor Anita Schaper, *Councillor Chris Stuart, and Councillor Annette Wookey

Advisory members: Dr Naz Jivani and *Dr Pete Smith and Jane Marwood

32. Public Question Time

There were no public questions on items which were not on the agenda for the meeting.

33. Apologies for Absence and Attendance of Substitute Members

Apologies for absence were submitted from Councillor Christine Stuart for whom Councillor Liz Green attended as a substitute member. Apologies were also submitted by Dr Pete Smith, GP community adviser.

34. Declarations of interest

With reference to Minute item 37 below ('SEND Transformation Plan'):

- Councillor Liz Green declared a personal interest as she has a child with special educational needs, without an Education, Health and Care Plan (within a mainstream borough school).
- Councillor Mark Durrant and Councillor Anita Schaper also declared a personal interest as they each have a child with special educational needs who receives support outside the borough.

35. Petitions

No petitions were submitted.

36. Minutes

Resolved that the Minutes of the meetings held on 22 November 2019 are confirmed as a correct record.

37. SEND Transformation Plan

Appendix A

At its previous meeting on 22 November 2018, the Committee had considered a report on a draft Plan for the transformation of education provision for children with Special Educational Needs and Disabilities (SEND) and the SEND Local Area Inspection undertaken in September 2018.

The report had explained that Ofsted and the Care Quality Commission (CQC) had conducted a joint inspection of the local area of Kingston upon Thames to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014. As a result of the inspection findings, it was determined that a Written Statement of Action was required to address significant areas of weakness in practice and it was also determined that the Council and the area Clinical Commissioning Group would be jointly responsible for submitting this written statement to Ofsted.

Prior to the 7 February meeting (as a late Annex 12 to the report on the SEND Transformation Plan), proposals to deliver this service improvement were circulated and published within a Written Statement of Action which outlines the commitment of Kingston Council, Kingston Clinical Commissioning Group and Achieving for Children to address areas of concern.

In November, the Committee had also been advised that the delivery of an action plan (i.e. the SEND Transformation Plan) that brings Kingston's spending on high needs to a sustainable level that matches spending on high needs to the income it expects to receive in future years is a condition stipulated by the Department of Education of the £3m DSG advance Kingston received in 2018/9. The Committee were further advised that a specific and fundamental financial implication of not agreeing and implementing a SEND Transformation Plan (which would bring expenditure on SEND into balance with the Dedicated Schools Grant) was that the Council might not be able to set a balanced Budget for 2019/2020. The draft Plan therefore reflected the need to reduce forecast growth in spending on Education, Health and Care Plans and SEND support (as well as reflecting the need to improve the quality of provision), and this financial framework would be a key component of the Budget proposals to be considered at Budget Council on 26 February 2019.

The Committee in November had agreed to consult on the draft SEND Transformation Plan which contained proposals (with detailed resource implications) to address five key issues over the next three years:

- developing new approaches to early intervention so that children with SEND are supported to remain in mainstream schools and are supported by their school at SEN Support level without needing EHCPs
- increasing the range and quality of local education, health and care provision for children and young people with SEND
- improving business insight and implementing more commercial approaches to the commissioning of SEND placements and support
- engaging all stakeholders, including all parents and carers, in reforming the SEND system and changing attitudes and behaviours
- promoting independence and strengthening transition for children and young people with SEND through the school phases and into their adulthoods.

The consultation was undertaken from 13 December 2018 to 20 January 2019 and at this (the February) meeting, the Committee received a detailed report back on the consultation within a report which included the following Annexes:

- Annex 1 - SEND Transformation Plan
- Annex 2 - Appendix to SEND Transformation Plan
- Annex 3 - Easy-read SEND Transformation Plan
- Annex 4 - Consultation document
- Annex 5 - Easy-read consultation document
- Annex 6 - Consultation drop-in information

- Annex 7 – Easy-read version of the Committee report
- Annex 8 – Easy-read summary of the consultation findings
- Annex 9 – Summary of responses to the consultation
- Annex 10 – A redacted version of all the online submissions to the consultation
- Annex 11 – Equality Impact Assessment
- (Annex 12 – Written Statement of Action)

The report summarised key findings from the consultation as follows:

- Support for children and young people with special educational needs is a statutory duty and must be funded. Rather than cutting services the Council should lobby central government for adequate funding and find resources from elsewhere in the Council's budget/ assets
- More local provision is welcomed, but must be high quality. Comparable provision must be established before reductions in out of borough/independent placements are implemented
- Early intervention is recognised as impactful but to be successful it must be adequately resourced, and it cannot and must not replace statutory support
- Annual reviews of Education Health and Care Plans (EHCPs) are important and must be focussed on children and young people's needs, not driven by a target to reduce provision
- EHCP Coordinators / SEN Caseworkers need training and support to produce quality documentation and support parents to navigate the process; better retention would be helpful in building relationships
- Achieving for Children and Kingston Council need to regain the trust and confidence of some parents of children and young people with special educational needs
- Children and young people want teachers and professionals to be honest, supportive and work together
- Children and young people want their individual needs and learning styles to be understood and responded to, including appropriate learning environments; a wide range of interesting and fun lessons and leisure opportunities
- Young people want support post 16, work experience and support to prepare for adulthood.

In addition, to assist Members to conscientiously consider the responses to the consultation, a detailed briefing was provided on 5 February for all Members prior to the meeting. The Committee also considered the report within the context of the statutory requirements for provision, including duties under the Children and Families Act 2014, the Children Act 2004 and the Equality Act 2010 (with reference to the Equality Impact Assessment at Annex 11 to the report).

A report was included elsewhere in the Committee's agenda setting out the detail of the Schools Budget and Schools Funding Formula for the 2019/20 financial year. This included proposals for a high needs budget of £23m, and indicated that there remains a significant budget gap for high needs which it is proposed to address through the three-year SEND Transformation Plan, to bring annual spending back in line with Government DSG funding by 2021/22, whilst ensuring the needs of pupils are met and the Council meets its obligations.

The Committee noted (ref. paragraph 10 of the report) that it is intended that the Transformation Plan will be flexible, with a process for regular review and updating at the SEND Partnership Board (six meetings per year) and publishing on an

iterative basis on the AfC Local Offer and Council websites, with effect from the start of the new financial year.

The Committee also heard representations from other councillors and members of the public attending the meeting, including Councillor Falchikov-Sumner, Councillor Jon Tolley and Mr James Giles.

Resolved that:

1. the results of the consultation process on the draft SEND Transformation Plan are noted and considered;
2. the draft Transformation Plan is approved in principle, subject to:
 - a. the approval by Full Council at its meeting in February of the related budget provisions for 2019/20, and to
 - b. the process set out in paragraph 10 of the report: and
3. the proposed Written Statement of Action, as shown in Annex 12, is approved for submission to Ofsted.

Voting:

For: 9 Members (the Chair, Councillor Margaret Thompson, the Vice Chair Councillor Diane White, and Councillors Stephanie Archer, Mark Durrant, Sam Foulder-Hughes, Liz Green, Munir Ravalia, Anita Schaper and Annette Wookey)

Abstaining: 2 Members (Councillors Ed Fram and Maria Netley)

38. Schools Budget Estimates and Schools Funding Formula Appendix B

The Council is required by the School Standards and Framework Act 1998 to set a non-schools education budget and a schools budget each year and to provide delegated funding to schools from the schools budget in accordance with the Schools and Early Years Finance Regulations and DfE Guidance. The Dedicated Schools Grant is a specific grant under the Education Act 2002 provided to support the schools budget. The DSG is the main source of income for the schools budget. Education funded by the High Needs Block of the DSG is provided to meet the Council's statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and the Council's statutory duties under the Children and Families Act 2014 to meet the needs of pupils and young people up to the age of 25 with special educational needs.

The Borough has been allocated £139.371m in Dedicated Schools Grant for 2019/20. This provides an overall increase in funding for 2019/20 of £663k (+0.5%). The Borough is facing a significant amount of financial pressure on services for high needs education. A cumulative overspend of up to £12m is anticipated at 31st March 2019. A draft three year transformation plan has been developed to bring annual spending back in line with Government funding through the DSG by 2021/22 whilst ensuring that the needs of pupils continue to be met.

The Schools Forum have agreed a Targeted High Needs Fund of £300k for 2019/20 which constitutes a transfer from the Schools Block to the High Needs Block. No further transfers from the Schools Block are proposed.

A 'minimum funding guarantee' of -1.5% is proposed for individual schools' budgets. This will ensure that no school loses more than 1.5% on their per pupil funding within their general schools budget and will ensure that schools who are protected by the 'minimum funding guarantee' continue to transition to an allocation based on the standard local formula.

No change to hourly nursery rates is proposed. The rates would remain at £5.92 for two year olds and £5.21 for three and four year olds. A high needs budget of £23m is proposed with the recognition that there remains a significant budget gap for high needs services and this gap will be addressed through the SEND Transformation Plan and a further increase in the DSG deficit carried forward at the end of the financial year.

Resolved that the Finance and Contracts Committee is **RECOMMENDED** to recommend Council that –

1. the Schools Budget for 2019-20 be approved in line with paragraph 17 and Annex 1 of this report;
2. the proposals outlined for the Central School Services Block be approved including the transfer of £27k to the High Needs Block (ref. paras 26-28 of the report);
3. the proposals outlined for the Early Years Block be approved, including the increase of the SEN Inclusion Fund to allow for high needs support for early years children (ref. paras. 29 – 35 of the report);
4. the proposals outlined for the High Needs Block be approved (ref paras. 36-39 of the report);
5. the proposals outlined for the Schools Block (ref. paras. 20-25 of the report) and the Schools Funding Formula outlined in Annex 2 of the report and the Schools Allocations in Annex 3 of the report be approved, including a Minimum Funding Guarantee of -1.5% per pupil (ref. paras 22-23 of the report).

Voting - unanimous

39. Medium Term Financial Plan 2019-20 to 2022-23 and Detailed Budget and Council Tax 2019-20 Appendix C

The Committee considered a report which set out the proposed budget for 2019/20 to 2022/23 and the detailed information required to enable the Committee to make recommendations on the proposals relating to services within the remit of the Committee to inform the Finance and Contracts Committee's recommendations to Budget Council on 26 February 2019.

The report referred to, and was considered in conjunction with, the Budget pack which had been circulated separately to all Members ('Budget Report 2019/20 to 2022/23') which set out the detailed budget proposals for all service areas.

This services within the remit of the Committee include: AfC Commissioning, Education and Skills, Schools and School Place Planning, Special Educational Needs, Children's Centres, Pupil Referral Units, Youth Service, Safeguarding, Looked After Children, Adult Social Care, Public Health, Leisure Services, Mental Health, Equalities, Adult Education, being the services within its remit. In relation to these services, Members' attention was drawn in particular to the following items:

- (a) Budgetary growth proposals set out in Annex 5 of the pack which includes:
- item 1 relating to Kingston Adult Education
 - items 24 to 27 relating to Adult Social Care
 - items 28 to 31 relating to Achieving for Children and
 - item 32 , relating to the Education Reserve
- (b) Budget reductions shown in Annex 6 of the report. These include:
- items 1, 11, 17, 29 to 30, 43 to 45, 63, 101 to 103, 105, 108 to 120 and 127 which relate to Adult Social Care,
 - items 33 to 35, 46 to 47, 104, 106 to 107, 121 to 126 and 128 to 129 which relate to Achieving for Children,
 - item 49 relating to the Leisure Contract
 - items 130 to 134 relating to public health - these are shown separately within Annex 5 as they are implemented to partially mitigate the reduction in public health grant funding received by the public health service and therefore do not contribute to closing the overall budget gap.
- (c) The Capital Strategy is set out in Annex 11 of the pack with the detailed programme provided in Enclosure 1, including item 2 relating to education and items 10 & 15 relating to adult social care.

The report made clear that some of the proposed savings will be subject to separate decision making processes (either by Officer, Strategic Committee or Council) and some require a consultation process to be undertaken from which the responses to the consultation (together with the equality analysis) must be conscientiously taken into account in finalising any decisions. (If, as a result of the consultation process, there are changes to proposed savings alternative arrangements will need to be made to deliver reductions in spend.)

Resolved that the general fund proposals in the budget report regarding the 2019/20 budget for AfC Commissioning, Education and Skills, Schools and School Place Planning, Special Educational Needs, Children’s Centres, Pupil Referral Units, Youth Service, Safeguarding, Looked After Children, Adult Social Care, Public Health, Leisure Services, Mental Health, Equalities, Adult Education be **RECOMMENDED** to the Finance and Contracts Committee.

Voting:

For: 9 Members (the Chair, Councillor Margaret Thompson, the Vice Chair Councillor Diane White, and Councillors Stephanie Archer, Mark Durrant, Sam Foulder-Hughes, Liz Green, Munir Ravalia, Anita Schaper and Annette Wookey)

Abstaining: 2 Members (Councillors Ed Fram and Maria Netley)

40. Amy Woodgate House - Provision of Residential and Day Services for People with Dementia **Appendix D**

Amy Woodgate House is a 44 bed residential care home for older people with dementia. The home supports people with permanent residential and respite needs and also has a day service within the home offering support for up to 30 people per day. The Committee considered a report about tendering for a contract to manage Amy Woodgate House from October 2019 and which recommended arrangements for the Council to manage the service in the interim.

Your Healthcare CIC (YHC) who have managed Amy Woodgate since 2014 have given notice that they no longer wish to provide this service with effect from 31 March 2019. The contract formally expires, anyway, on 31 March 2019 and it could not be legally extended beyond that date.

The Council has produced a business case considering options going forward, from which the recommended option is direct management by the Council as an interim measure and tendering to the market to identify a suitable long term provider.

A soft market exercise in December identified providers who would be interested and suitable. A tender project Board has been established to ensure the exercise is run effectively. There has been engagement with staff and relatives of residents and this will continue. A group of 4 relatives have offered to work with RBK to help select the new provider.

A plan is being progressed to ensure smooth transfer of services from 1 March 2019, including CQC registration, novation of contracts, TUPE transfer of staff, transfer of moveable assets, indemnities to protect both parties and arrangements for the premises. A formal business transfer agreement between the Council and YHC has been prepared to ensure clarity between parties. A detailed risk assessment has been undertaken (from which the key risks identified are listed in the report) and findings from an Equality Impact Assessment are also set out in the report.

Resolved that –

1. the Council agree to tender for a provider to manage Amy Woodgate House from October 2019 for a period of up to 20 years (10 years with two possible 5 year extensions), with a potential life value of £37m; and
2. the Council manage Amy Woodgate, as an interim measure, from 1 March 2019, through a TUPE transfer of existing staff.

Voting – unanimous

41. Urgent Items authorised by the Chair

There were no urgent items.

Signed.....Date.....

Chair