

CABINET

27 July 2021

SEND - APPROVAL OF EXTENSION OF CONTRACT

Report of the Strategic Director for Children's Services

Strategic Aim:	Creating a brighter future for all.	
Key Decision: Yes	Forward Plan Reference: FP/280521	
Cabinet Member(s) Responsible:	Councillor David Wilby Portfolio Holder for Education and Children's Services	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Authorises RCC in acting as the commissioning organisation, mandated by Schools Forum, to extend the contract for the Education Inclusion Partnership (EIP) co-ordination function and:
2. Approves the move to a direct award of contract.

1 PURPOSE OF THE REPORT

- 1.1 Rutland's vision is to support all children and young people with Special Educational Needs and or Disabilities (SEND) to lead healthy, independent, and safe lives, to be a County that promotes inclusion, to maximise their opportunities to be independent and focuses on their abilities not their disabilities and wherever possible, have their needs met locally. (Rutland SEND and Inclusion Strategy 2019).

1.2 The context;

- There has been an uplift in Rutland in requests for assessment for Education Health and Care Plans (EHCPs) which is reflective of the national picture and an increasing number of EHCPs. There are currently 252 Education Health and Care Plans (EHCPs) compared with February 2020 when there were 224, a rise of 12.5% in the past year. There are currently 30 children also in the education health and care assessment process
- Analysis shows increased numbers of children, particularly children with 'behaviours that challenge' are escalating out of mainstream schools, and requiring placement in designated special provision, in special schools or in alternative provision other than at school and resulting in increasingly high-cost independent school placements.
- RCC is responding to feedback from Rutland's school's workforce about a need to grow skills and knowledge in inclusionary classroom practice and to get practical help to support children quickly, to help de-escalate situations and meet children's needs in a different way to EHCPs, if appropriate.

2 HIGH NEEDS BUDGET DEFICIT SEND RECOVERY PLAN

- 2.1 Schools Forum support £357k of additional annual investment from the High Needs Block to implement a range of initiatives aimed at increasing capacity within mainstream schools to support children and young people with SEND, to support them remaining in mainstream education and to succeed in the classroom.

3 RCC GOVERNANCE OF SEND RECOVERY PLAN PROJECTS

- 3.1 RCC's SEND Programme Board examines the deployment of resources within the SEND Recovery Plan, on behalf of Schools Forum and receives performance information and impact reports. Funding for the SEND Recovery Plan is from the Designated Schools Grant (DSG), a ring-fenced grant that can only be applied to meet expenditure included in the schools' budget, as defined in the School Finance (England) Regulations. The Council administer the grant on behalf of schools/Department for Education (DfE).

- 3.2 All projects which are developed under the SEND Recovery Plan have a focus on the three priority areas as agreed through the school summit meetings with Head Teachers, (2019):

- Children with SEND should be supported, as far as is possible and appropriate, within the least restrictive education environment close to home.
- High needs funding and support interventions for children with SEND are not appropriately distributed and requires redistribution.
- Additional support and funding are required earlier in the education system with investment in different types of support within and across mainstream schools.

- 3.3 The SEND Recovery Plan group of ‘key projects’, is designed to bring grip and coherence, to act effectively and early, if a child’s needs escalate, to reduce the inappropriate use and need for Education Health and Care plans for some children.
- 3.4 This work is particularly important for children with Social, Emotional or Mental Health (SEMH) needs since their needs can be met in mainstream education if they are identified appropriately and interventions proactively put in place to help them.
- 3.5 If children’s needs are not effectively identified and supported, they can become disengaged from education, fail to flourish in class, and become disenchanted with school. With an effective plan in place to support them, they are less likely to be disruptive in class, be at risk of exclusion from their education and ultimately are less likely to require either an Education Health and Care Plan or require a high-cost education placement or indeed a statutory social care intervention.
- 3.6 One key area of the SEND Recovery Plan has been to draw resources around schools to give speedy access to help and advice and to provide additional resources to both help meet a child’s immediate escalating needs and also to help model and embed different inclusionary practice with classroom staff. This is always in response to school’s request for assistance and parental consent for any individual case work with a child or young person.
- 3.7 A range of responses have been developed which sit under the co-ordination of a Primary sector led **Education Inclusion Partnership**, (EIP).
- 3.8 The contract that provides the co-ordinator function for the Education Inclusion Partnership, (EIP) developments is the lynch pin for the SEND Recovery Plan project work, particularly in priority area three in Point 3.2 above. The current contract for service is with a highly experienced specialist teacher, who has successfully undertaken this process with schools in another local authority area and has become extremely skilled in this delicate and complex partnership work.
- 3.9 The co-ordinator has used her expertise in Rutland since March 2020 to co-produce the local Education Inclusion Partnership panel processes and paperwork, to design a process and then implement the actions that lead to support; observation of the child in class, assessment of needs with the Special Educational Needs co-ordinator, (SENCo) in school, and provide proposals for suitable interventions which are presented to a sector led Head teachers panel for decision making.
- 3.10 There is already good feedback from Head teachers that the EIP arrangements are changing practice in the way that was envisaged. There are seemingly fewer cases coming for specific support with an encouraging shift towards whole class support which is more cost and time effective and enables earlier intervention and scope to develop practice opportunities.
- 3.11 The co-ordinator is critical in marshalling the resources around schools, on behalf of schools, that begin to give them confidence to act differently. When interventions are agreed at the EIP Panel the co-ordinator works with providers to put in place agreed packages of support for children, such as counselling,

psychological interventions, additional specialist tutoring, or play therapy and monitors the agreed budgets and the outcomes for children accordingly.

- 3.12 The co-ordinator facilitates a monthly ‘providers’ meeting with partners which is designed to problem solve and proactively plan to plug gaps in services across Rutland’s partnership, utilising existing resources and avoiding duplication.
- 3.13 The co-ordination role is designed to grow confidence with leaders and SENDCos in inclusion practice, and offer expert support based on years of experience about what they can do and how they can find resources to respond to situations speedily.
- 3.14 Demand for the support from primary schools has increased partly as a result of the Covid pandemic and partly as a result of increasing awareness of the resources available and its impact for children and schools. This work now requires additional co-ordinator time if it is to continue to have effective impact, specifically to deliver the secondary Education Inclusion Partnership offer and work with all early years settings and schools to develop and implement an effective Transitions Framework for Rutland.
- 3.15 The current contract is purchasing 2 days a week of co-ordinator time, it is proposed to extend this contract to 3.5 days and increase the term of the contract for a further two years, the day rate has also increased in line with other professionals being commissioned as part of the EIP. Schools Forum has allocated a 5-year budget for this work and this spend is monitored and impact reported through Schools Forum.
- 3.16 There is a positive case to extend the contract given that service is already being delivered, is showing good outcomes, will slowly reduce costs associated with increasing demand, and the schools are happy with the delivery so far. It is unlikely that any one other organisation will be able to deliver all of the functions that the current provider brings within the proposed contract value.
- 3.17 It is also unlikely that any one other individual will have the range of skills that the contracted co-ordinator exhibits, to quickly grow complex relationships as well as the comprehensive range of specialist teaching expertise that are the foundation of this work.
- 3.18 There is a risk that a full procurement process could reduce capacity and impact project momentum and is still likely to result in an award to this provider given the specific skill set, experience and other criteria required for successful delivery of this work.

4 FINANCIAL IMPLICATIONS:

- 4.1 Schools Forum met on 17th June 2021 and affirmed the use of its budgeted SEND Recovery Plan funding, which is from the Dedicated Schools Grant (DSG) - High Needs Fund, (HNF) to extend and increase the contract value and wishes to continue with this current provider. The value of the contract will be £65,000 and be for two years.
- 4.2 There is sufficient budget available to fund the annual contract.

5 ALTERNATIVE OPTIONS

- 5.1 RCC would not wish to enter into a direct employment arrangement and incur liabilities for employee status for this post, and the associated risk for the project to be halted if Schools Forum decide not to utilise the budget allocated in this way. This contractual arrangement therefore carries the least risk for RCC.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Commissioning team and Legal and Governance services have been consulted and agree to this course of action, capacity to deliver the direct award has been factored in.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks or issues to the rights and freedoms of natural persons.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 A full Equality Impact Assessment is not required. The Local Authority has a duty under the Children Act and the SEND Code of Practice to meet the needs of children with additional need or deemed to be children in need.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are no community safety implications.
- 9.2 The LA has a statutory obligation to safeguard vulnerable children at home and in the community, some children with SEND may be supported as Children in Need under Section 17 of the Children Act 1989.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 There are no health and wellbeing implications associated with direct award of this contract. It is intended through the interventions described above that children will have their SEMH needs identified and responded to early and therefore reduce the risk of them escalating into specialist mental health services such as CAMHS, which are already under increasing pressure to meet assessment and therapy timescales.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 The Commissioning team and Legal and Governance services have been consulted and agree to this course of action, capacity to deliver the direct award has been factored in.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 Cabinet, agree to extend the contract for the Education Inclusion Partnership (EIP) co-ordination function, and move to a direct award of contract.

13 BACKGROUND PAPERS

- 13.1 There are no background papers.

14 APPENDICES

- 14.1 There are no appendices.

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