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Children's Services Scrutiny Committee

Date: **Monday, 8th December, 2008**

Time: **10.00 a.m.**

Place: **The Council Chamber, Brockington, 35
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Herefordshire Council



HEREFORDSHIRE
COUNCIL

AGENDA

for the Meeting of the Children's Services Scrutiny Committee

To:	Councillor	SJ Robertson (Chairman)
	Councillor	WU Attfield (Vice-Chairman)
	Councillors	ME Cooper, BA Durkin, P Jones CBE, G Lucas, JE Pemberton, RV Stockton, AM Toon, WJ Walling and JD Woodward
	Church Members	J.D. Griffin (Roman Catholic Church) and Mr T Leach (Church of England)
	Parent Governor Members	Mr N Parker (Secondary School Parent Governor), Mr R Stevenson (Primary School Governors) and Mr A Wood (Special School Governors)
	Teacher Representatives	Vacancy
	Foster Care Representative	Vacancy
	Headteacher Representatives	Mrs D Strutt (Secondary School Headteachers) Mr C Mutton (Primary Schools) Mrs O R Evans (Special Schools)
	Community Representatives	Ms H Tank (The Alliance) Ms K Berry (Connexions)

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES

To receive details of Members nominated to attend the meeting in place of a Member of the Committee.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most

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other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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4. MINUTES	1 - 6
To approve and sign the Minutes of the meeting held on 18 November 2008.	
5. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY	
To consider suggestions from members of the public on issues the Committee could scrutinise in the future.	
6. SEN FUNDING IN MAINSTREAM SCHOOLS	7 - 44
To consider information concerning the provision of additional funding to mainstream schools for the purpose of making appropriate SEN arrangements under the 2001 SEN Code of Practice for children and young people identified as having special educational needs as defined in the code.	
SEN Funding - Summary	
The attached 'Summary of Information' was issued at the meeting.	
7. PROGRESS REPORT: DOMESTIC ABUSE	45 - 52
To inform Scrutiny Committee of progress made since 2006, in addressing the needs of children affected by domestic abuse.	
8. CAPITAL BUDGET REPORT 2008/09	53 - 56
To report the capital budget for 2008/09 for Children and Young People's Directorate.	
9. REVENUE BUDGET MONITORING REPORT 2008/09	57 - 62
To report on the monitoring of the revenue budget for 2008/09 for the Children and Young People's Directorate.	
10. COMMITTEE WORK PROGRAMME	63 - 66
To consider the Committee work programme.	

PUBLIC INFORMATION

HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing, Childrens' Services, Community Services, Environment, and Health. A Strategic Monitoring Committee scrutinises corporate matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

Formal meetings of the Committees are held in public and information on your rights to attend meetings and access to information are set out overleaf

PUBLIC INFORMATION

Public Involvement at Scrutiny Committee Meetings

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There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

1. Identifying Areas for Scrutiny

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

Please note that the Committees can only scrutinise items which fall within their specific remit (see below). If a matter is raised which falls within the remit of another Scrutiny Committee then it will be noted and passed on to the relevant Chairman for their consideration.

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(Please note that the Scrutiny Committees are not able to discuss questions relating to personal or confidential issues.)

Remits of Herefordshire Council's Scrutiny Committees

Adult Social Care and Strategic Housing

*Statutory functions for adult social services including:
Learning Disabilities
Strategic Housing
Supporting People
Public Health*

Children's Services

Provision of services relating to the well-being of children including education, health and social care.

Community Services Scrutiny Committee

*Libraries
Cultural Services including heritage and tourism
Leisure Services
Parks and Countryside
Community Safety
Economic Development
Youth Services*

Health

*Planning, provision and operation of health services affecting the area
Health Improvement
Services provided by the NHS*

Environment

*Environmental Issues
Highways and Transportation*

Strategic Monitoring Committee

*Corporate Strategy and Finance
Resources
Corporate and Customer Services
Human Resources*

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Children's Services Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 18th November, 2008 at 2.00 p.m.

Present:	Councillor	SJ Robertson (Chairman)
	Councillor	WU Attfield (Vice Chairman)
	Councillors	ME Cooper, G Lucas, JE Pemberton, WJ Walling and JD Woodward
	Church Members	Mr T Leach (Church of England)
	Parent Governor Members	Mr R Stevenson (Primary School Governors) and Mr A Wood (Special School Governors)
	Headteacher Representatives	Mrs D Strutt (Secondary School Headteachers) Mrs O R Evans (Special Schools)
	Community Representatives	Ms H Tank (The Alliance)

In attendance: Councillors WLS Bowen, JA Hyde (Cabinet Member - Children's Services) and PD Price (Cabinet Member – ICT, Education and Achievement)

22. APOLOGIES FOR ABSENCE

Apologies were received from: Ms K Berry; Councillor BA Durkin; Mr JD Griffin Councillor Brig P Jones CBE; Mr N Parker.

23. NAMED SUBSTITUTES

There were no named substitutes.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. MINUTES

RESOLVED: Subject to recording apologies from Councillor JA Hyde (Cabinet Member Children's Services) the minutes of the meeting held on 29 September 2008 be approved as a correct record and signed by the Chairman.

26. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

No suggestions were received from members of the public.

27. EXTENDED SCHOOLS IN HEREFORDSHIRE

The Committee considered progress towards the implementation of extended services in and around schools in Herefordshire.

The Early Years and Extended Services Manager presented her report setting out the financial position; background to the provision of the extended service and set out its context in supporting the Every Child Matters agenda. The expectation by the DCSF was that by 2010 every school will offer under a 'core offer': high quality childcare; a varied menu of activities; parenting support; swift, easy and effective referral to a wide range of support services and wider community access to ICT sports and arts facilities. The report also described how the Council was working with its partners to deliver the service and set out that under the new Ofsted inspection framework the effectiveness of extended schools services and educational and support programmes would be evaluated and reported on by Ofsted.

She further reported that by September 2008 the DCSF expected 50% of primary and 33% of secondary schools to be delivering the full core offer. Herefordshire had achieved this target with 64% of primary and 100% secondary schools offering the full core offer. She updated the figures in the report at paragraph 14 by commenting that the actual number of primary schools delivering the core offer was now 67 and that the Steiner Academy, Hereford, would need to be included in the overall figures.

During the course of debate the following principal points were noted:

- The Committee acknowledged that a lot of hard work had gone on to ensure that the delivery programme was on track. However, a member questioned whether schools were actually delivering it on the ground as a number of concerns had been raised. The Cabinet Member (Children's Services) invited the Member to discuss the concerns with her.
- Information was requested concerning which schools were delivering and which were not so that Members could make further enquiries. The Director agreed that it may help Members to undertake an informal visit to schools to see the delivery first hand.
- The Committee noted that due to limited resources, particularly in rural areas, some schools were working to provide services from within their cluster rather than try to provide the full core offer from every school.
- Referring to a chart entitled 'extended schools cluster report' handed out at the meeting, it was clarified that 'full' or 'sustainable' referred to whether the provision at the schools was provided (full) or whether that provision was considered 'sustainable' to 2010 and beyond.
- Responding to whether there was any underlying pattern to those school (19) currently not involved in providing services, the Committee were informed that, no pattern had been detected other than they were mainly rural schools where difficulties had occurred in appointing Extended Schools Co-ordinators to progress the work at a local level.
- The Chairman and Cabinet Member (Children's Services) reported on their recent attendance at a conference when they had established that in comparison with other Local Authorities Herefordshire was going well in its Extended School provision, however, they acknowledged that more needed to be achieved.

RESOLVED: That the report be noted and the Director of Children's Services arrange for Members of the Committee to undertake an informal visit to see the provision of Extended School Services.

28. EARLY YEARS IN HEREFORDSHIRE

The Committee received an overview of Early Years provision with a focus on Children's Centres, number of childcare settings and funding linked to both of these themes and considered progress against objectives.

The Early Years and Extended Services Manager reported that all Sure Start, Early Years and Childcare Grant (SSEYCG) funding should support the delivery of the Government's Ten Year Strategy for Childcare, Choice for parents. The strategy sets out the Government's vision to ensure that every child gets the best possible start in life and to give parents more choice about how to balance work and family life. This was a large area of work and her report set out the headlines in relation to the capital and revenue funding available; the requirements placed on the local authorities and their partners in health services and Job Centre Plus; the key priorities and challenges, and set out some of the implications for Herefordshire. She further reported that the government allocation for Children's Centres now covered phase three and was intended to support refurbishment rather than new build. The number of Childcare setting was adequate for the County, however, the settings would be closely monitored to ensure that they were in the right locations and could, if necessary, provide cover for each other. All childcare settings had covered the basic training course and an audit would now be undertaken to ensure that the training was making a positive difference to the level of provision. Increased funding levels were anticipated in 2009 to ensure the transformation of the disabled children's short break service. Children's Centres in phases 1 and 2 were on target and phase 3 included proposals for a centre in the north of the County to meet an identified need in the Wigmore area.

During the course of discussion the following principal points were noted:

- Questioned on how the Discretionary Grant U4 (£459,390) was distributed the Committee were informed that a panel from the Early Years Forum made the allocation based on the pattern of spend over previous years.
- Responding to what services were provided and whether all Children's Centres would provide them, the Committee were referred to the Council publication 'Children's Centres in Herefordshire: what we have achieved so far...'. The Early Years and Extended Services Manager undertook to provide the details requested and include the reasons why some Centres would be unable to offer the full service.
- It was noted that the government had made local authorities responsible for ensuring 'hard to reach families' were contacted and informed about the service, which many authorities were finding difficult. The Committee noted that wherever appropriate service providers (agencies and voluntary organisations) also undertook home visits. Close links were established, particularly with health visitors, to ensure the early identification of any child/family issues.
- While initial services were being provided in the Golden Valley by a range of existing providers in Kingstone, a more permanent Children's Centre was being developed at Peterchurch.
- The Committee noted that performance benchmarking against other authorities was being investigated.

RESOLVED: That the report be noted and the Committee be provided with information on the range of services provided, and the limitations experienced, by each Children's Centre.

29. PERFORMANCE DIGEST - APRIL - SEPTEMBER 2008/2009

The Committee considered the Performance Digest for Children's Services for the

half year April to September 2008.

The Performance Improvement Manager presented her agenda report which drew the Committees attention to key areas in each of the outcome areas based on Every Child Matters together with Service Management.

In relation to Being Healthy she reported that many of the indicators for this outcome area relied on national or local survey information. The response national Telus3 survey had received such a low response that the results could not be used to measure the indicators. The Authority were looking at undertaking its own survey work.

Questions were raised regarding indicator Staying Safe 2054SC/DIS 1111 – percentage of looked after children fostered by relatives or friends, and in particular how many children were cared for by unofficial carers e.g. other than kinship carers or foster carers. The Director of Children's Services undertook to report to a future meeting.

On a similar theme reference was made to a concern identified in the Scrutiny Review of the Transition from Leaving Care to Adult Life regarding the uncertain number of young people who are resident in Herefordshire but in the care of other local authorities. The Cabinet Member (Children's Services) reported that repeated requests for information concerning this issue had been made to the DCSF.

The Chairman reported that reference had been made at Strategic Monitoring Committee to the appointment of Social Workers and the timeliness of assessments and percentage of referrals. The Committee noted that as a result of recruitment campaigns the authority was on target to increase the number of social workers on the establishment to 55 against the target of 57. The Service were mindful of the need to be vigilant and were currently reviewing CRBs and checking practices.

In relation to Enjoy and Achieve, the Committee noted that a number of indicators related to exam results and targets were set nationally.

The Performance Improvement Manager reported that the percentage of 16-18 year olds who were not in education, employment or training (NI117 and LAA indicator) had risen as at the end of Quarter 2 due to young people leaving school and colleges at the end of the academic year. A more accurate picture was expected at the end of Quarter 3.

Questioned on the strategy for securing suitable accommodation for young offenders (Achieve Economic Well-Being NI 46) the Performance Improvement Manager undertook to provide further information.

RESOLVED: That the report be noted and an item be added to the work programme for future debate concerning the number of children cared for by unofficial carers.

30. APPOINTMENT OF COMMITTEE MEMBERS AS CHAMPION OR VICE-CHAMPION FOR CHILDREN'S SERVICES SCRUTINY COMMITTEE

The Committee considered appointing Councillors on the Committee as Champion or Vice-Champion for Children's Services Scrutiny Committee based on the five areas of Every Child Matters.

The Director of Children's Services welcomed the initiative as it would provide

Committee Members with further opportunities to learn about fast moving areas of work in the Service.

Following discussion about the intentions inferred by the title Champion and the need for clearer terms of reference it was suggested the issue be deferred until all Councillors on the Committee were in attendance.

Reference was made to the benefit governors at Whitecross High School derived from undertaking a similar shadowing role.

RESOLVED: that the title Champion be reconsidered and the terms of reference be reviewed and a further report be brought to Committee.

31. COMMITTEE WORK PROGRAMME

The Committee considered its work programme.

Concerns were raised regarding alleged inequities in the Statemented and Banded funding system, with examples given of schools in the Wigmor school cluster being adversely effected. The Church of England Diocese representative also relayed a number of issues highlighted to him and undertook to provide details. The Committee noted that a report on statemented and banded funding was scheduled for the December meeting.

The Chairman reported that following discussion with the Director of Children's Services the Director intends to provide a list of key issues for the Committee to consider including in its work programme. The issues will be based on the Every Child Matters outcomes and Council objectives.

The Head of Planning, Performance and Development requested that the school transport item, scheduled for the December 2008 meeting, be deferred until such time as the guidance expected from government had been received and a considered report could be made.

RESOLVED: That

- a) **Reports on 'Children cared for by unofficial carers' (referred to in minute No29) and Reconsideration of the appointment of Children's Services Scrutiny Champions (referred to in Minute No 30) be included in the Committee work programme.**
- b) **The report on School transport including reference to the Yellow Buss Scheme be deferred until the receipt of government guidance.**
- c) **Subject to be above amendments the work programme be noted and reported to Strategic Monitoring Committee.**

The meeting ended at 3.32 p.m.

CHAIRMAN

SEN FUNDING IN MAINSTREAM SCHOOLS

Report By: Manager of SEN & Disability

Wards Affected

County-wide

Purpose

1. To consider information concerning the provision of additional funding to mainstream schools for the purposes of making appropriate SEN arrangements under the 2001 SEN Code of Practice for children and young people identified as having special educational needs as defined in the code.
2. This report and background information was requested to enable a full scrutiny of additional funding arrangements in mainstream schools with and without statements of SEN.

Financial Implications

3. Funding for additional educational support where a child has been identified with special educational needs under the 2001 SEN Code of Practice is provided from the Dedicated Schools Grant (DSG).
4. Staff providing administrative and casework services for statutory assessment and the maintenance of statements of SEN are funded through Local Authority Budgets.
5. Schools base budgets include a notional 6% for additional needs.
6. Further funding for SEN is currently retained centrally from the DSG and provided to mainstream schools on a needs basis through the Banded Funding levels with and without statements of SEN. There are currently 4 Band Levels of funding for individual needs ranging from £1830 per annum (Level 1) to £10930 per annum (Level 4).
7. The band level is determined on the basis of evidence about a child's needs gathered as a result of assessment and purposeful interventions as described in the 2001 SEN Code of Practice. There are published criteria to assist in this determination of need, provision and funding level.
8. It is proposed to delegate funding associated with Band Levels 1 and 2 through a formula into schools base budgets. This has been subject to a recent 8-week consultation. The results of the consultation have not been analysed at the time of writing.

Background

9. The expectations for the discharge of duties associated with children with special educational needs are set out in the 2001 SEN Code of Practice (DfES) (Appendix 1).
10. Herefordshire introduced a new system of funding for additional needs in mainstream schools in late 2003. Since that time the capacity to analyse data associated with SEN and the SEN funding system has increased through the purchase and development of an SEN database. Monitoring of SEN trends and funding implications has improved as a result.
11. Work on monitoring outcomes of SEN funding in terms of reasonable pupils progress continues to develop.

Benefits of current funding system without statements of SEN

12. The banded funding available to schools without a statement of SEN being necessary has had benefits in terms of encouraging and enabling schools to make early provision for children identified at School Action and School Action Plus of the SEN Code of Practice and has assisted in schools effectiveness in managing inclusion.
13. Schools involvement in the funding process, and particularly in providing representatives to sit on the decision-making Panel, has raised schools awareness of funding demands and good practice in designing effective provision for a range of special educational needs.
14. It has promoted debate about good practice and raised awareness of the importance of provision that achieves measurable outcomes for children.
15. It has reduced the reliance of schools on obtaining Statements of SEN without disadvantaging those children and young people who require some additional support in respect of their special educational needs. This has enabled the Authority to focus on efficient management of statutory processes and more effective oversight of children with more significant SEN, where a statement of SEN is essential.
16. Moving to a common funding system has provided a more transparent and consistent method of funding linked to published criteria. By September 2009 all additional funding for SEN will be decided by matching evidence about a child against criteria. This is an improvement on a system that involved several different funding arrangements some of which had no published criteria.

Issues concerning the current funding system without statements of SEN

17. The money to fund continued increases in SEN can only be found from other areas of the Schools Budget. This can either be achieved by reducing the core funding allocated to schools through the Age Weighted Pupil Unit funding or other budget savings. The continued growth of SEN funding will reduce core school budgets and the flexibility of local decision making by Headteachers and Governors.

18. Expenditure on banded funding in primary school shows a real terms increase of 28% on expenditure compared with a 10% fall in pupil numbers over the same 6-year period.
19. Expenditure on banded funding in secondary school shows a real terms increase of 22% compared to a 4% rise in pupil numbers.
20. The percentage SEN spend of the overall Education budget for high schools remains broadly constant however the % for primary schools reduced initially but is now rising. In total, the percentage spend has risen from 2.99% in 2003/04 to a budgeted 3.58% in 07/08 and a budgeted spend of 4.2% in 08/09
21. £3m was spent on all levels of banded funding with and without statements of SEN in 2007/08 and £3.7m budgeted in 2008/09. This was despite a budgeted reduction of 5% in the value of funding levels for Bands 1 & 2 in 2008/09.
22. The increase is against a background of reductions in pupil numbers of around -1.5% annually. Falling pupil numbers results in a proportionate reduction in Dedicated Schools Grant.
23. Schools Forum considered a report on this trend in October 2007 and judged that at "all other things being equal" the need for SEN expenditure should reduce in line with falling pupil numbers. However Schools Forum members noted that the trend evidence from 2001 indicates the opposite effect, namely of rising costs.
24. Despite access to additional funding without a statement of SEN schools have had continuing reservations about this aspect of funding, particularly in relation to high incidence needs likely to attract Band Levels 1 & 2. This is against a background of rising demand and deployment of funding for without statements of SEN who have low lever, high incidence special educational needs.
25. One of the key trends has been in the increase in allocations of lower levels of funding under the criteria of specific literacy difficulties (SPLD) and that of social, emotional and behavioural difficulties (BESD). Full details of the background data concerning Statutory Assessment and Statement of SEN are included in Appendix 2.
26. The table below shows the substantial increase in specific learning difficulties (SPLD) and the shift from Level 1 to Level 2 over the last 3 full financial years.

		April 05-March 06	April 06-March 07	April 07-March 08
GLDD	Level 1	48	30	4
	Level 2	51	62	28
SPLD	Level 1	29	46	76
	Level 2	26	46	114
BESD	Level 1	25	29	22
	Level 2	32	37	56

27. There are difficulties in formulating criteria based on standardised measures that schools can reliably access and use, as opposed to 'closed' assessment materials or

techniques only able to be used by certain professionals. This is more problematic in some areas of SEN than others.

28. There is no detailed standardised test available to schools in the area of BESD for instance and the Banded Funding Panels find it very difficult to determine the actual level of relatively low-level behavioural difficulties from the results of the available screening tool. The significance of lower level BESD is also highly subjective and its effect on children's learning is often dependant on the management of behaviour within a school.
29. Standardised test materials for reading attainment able to be used by schools give inadequate information about the literacy skills of children who are chronologically aged at or near the threshold of the test.
30. The apparent reduction in the incidence of General Learning Difficulties (GLDD) suggests that the scheme may be encouraging schools to apply for funding under the category of specific learning difficulties (SPLD) by simply assessing poor reading scores as a measure of need.
31. The extent of the increases in funding under the category of specific learning difficulties suggests that the scheme may result in misidentification of children's actual special educational needs. This would benefit from investment in a research project.
32. The growth in the number of applications for banded funding generally and in particular the increasing numbers applying for Level 2 funding in the area of limited literacy attainments and low level behavioural difficulties contributes significantly to the increasing cost of funding special educational needs.
33. The types and levels of need generating the majority of Band 1 & 2 applications should be capable of responding to good early intervention and successful academic and pastoral arrangements made by schools for its more vulnerable learners.
34. There is also trend evidence to suggest that some schools have not achieved the confidence of parents in their arrangements despite additional funding being in place or accessible to schools for different levels of need.
35. This is resulting in an increase in parental requests for statutory assessment and a statement of SEN despite additional funding being available without this being necessary.
36. There is a very significant cost associated with conducting statutory assessments and maintaining statements of SEN. Where children's needs are low level or relatively short term and able to be met through other arrangements this is an unnecessary cost.
37. Parents have extensive rights of appeal concerning statutory assessment and statements of SEN. Appeals to the SEN and Disability Tribunal take around 4 months to come to a hearing and cause some parents great anxiety.
38. Managing such appeals is time-consuming and costly and high levels of Tribunal appeals are a reputational risk to the Authority.
39. Parental confidence in schools' SEN arrangements is fundamental whatever the funding mechanism. There is a currently increasing trend for parents to seek

statutory assessment despite having Level 1 or 2 allocations in place without a statement of SEN.

40. There is also a cost to both schools and the authority in managing the demand for Band Levels without statements of SEN. The demand is primarily focussed on the heavy demand for low level, and generally short term funding allocations at bands 1 & 2.
41. The systems for obtaining lower funding levels may be diverting SENCOs from their proper focus of SEN co-ordination and school improvement in the area of SEN.
42. The money to fund continued increases in SEN funding can only be found from other areas of the Schools Budget. This can either be achieved by reducing the core funding allocated to schools through the Age Weighted Pupil Unit funding or other budget savings.
43. A continued growth of SEN funding will reduce the core school budgets and the flexibility of local decision-making by Head Teachers and Governing Bodies.
44. A return to very high levels of statutory assessment and statements of SEN for low level needs will have a similar effect on the Dedicated Schools Grant but in addition would require increased staffing for the central teams providing associated administrative and casework services. These services are paid for through the Local Authority Budgets.

Current Action

45. In October 2007 Schools Forum tasked a working group, involving extensive school representation, to examine the possibility of delegating some DSG funding currently held back from distribution through schools base budgets. The focus for possible delegation to schools budgets via a formula from April 2009, was identified as the funding for Band Levels 1 and 2 together with associated high incidence SEN service funding.
46. A report recommending a formal consultation with schools on proposals to delegate identified monies using a formula, was considered by Schools Forum in June 2008. There was an agreement to such a consultation.
47. An 8-week consultation proposing delegation of funding currently retained centrally for Band Levels 1 and 2 has recently finished. The outcome will be reported to Schools Forum in December 2008.

RECOMMENDATION

THAT;

- (a) Scrutiny Committee members note the relative responsibilities of schools and the Authority under the 2001 SEN Code of Practice and the way in which these are discharged.**
- (b) Scrutiny Committee considers the complex inter-relationship between the proper identification and assessment of children's special educational needs under the 2001 SEN Code of Practice**

and the way in which schools are assisted to make effective provision with and without statements of SEN.

- (c) **Scrutinise Committee notes the distribution of funding with and without statements of SEN across Herefordshire mainstream schools.**

BACKGROUND PAPERS

Herefordshire Criteria for Statutory Assessment 2005

Banded Funding Documentation revised September 2007

Draft Annual Report on SEN Funding to Funding for Inclusion Group April 2006- March 2007

Summary Annual Report April 2006- March 2007

Banded Funding Process Analysis 06-07

Draft Annual Report on SEN Funding to Funding for Inclusion Group April 2007- March 2008
April 2008

Summary Annual Report April 2007- March 2008

Banded Funding Process Analysis 07-08

The Monitoring of Individual Progress within the Additional funding process (banded funding)
January 2007

Schools Forum Report October 2007

Schools Forum Report June 2008

Consultation September 2008 – 14 November 2008

- Background Information Document
- Consultation Reply Document
- Consultation Financial Spreadsheet

Special Educational Needs Code of Practice 2001

1. The 2001 SEN Code of Practice provides practical advice to Local Authorities, maintained schools, early years settings and others on carrying out their statutory duties to identify, assess and make provision for children's special educational needs (SEN).
2. The Education Act 1993 placed a duty on the Secretary of State to issue a Code of Practice and the power to revise it from time to time. The first Code of Practice came into effect in 1994. Since then the rights and duties contained in the 1993 Act have been consolidated into Part IV of the 1996 Education Act. The 2001 SEN Code of Practice came into effect in January 2002 and replaced the previous SEN Code of Practice.

The Status of the 2001 SEN Code of Practice

3. Local Authorities, schools, early education settings and those that help them – including health and social care services – must have regard to the SEN Code of Practice. They must not ignore it. That means that whenever settings, schools and local authorities decide how to exercise their functions relating to children with special educational needs, and whenever the health and social services provide help to settings, schools and LA's in this, those bodies must consider what the code says. These bodies must fulfil their statutory duties towards children with special educational needs but it is up to them to decide how to do so – in the light of the guidance in the Code of Practice.
4. The SEN Code of Practice helps early education settings, schools and LA's meet their responsibilities for children with SEN.

Definition of Special Educational Needs

The SEN Code of Practice sets out the following definition

Children have a **learning difficulty** if they:

Have a significantly great difficulty in learning than the majority of children of the same age; or:

Have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority

Are under compulsory school age and fall within the definition at (a) or (b) above or would do so if special educational provision was not made for them.

5. Children must not be regarded as having a learning difficulty solely because the language or form of language of their home is different from the language or form of language in which they will be taught.

Special educational provision means:

For children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than in special schools, in the area.

For children under two, educational provision of any kind.

See Section 312, Education Act 1996

Fundamental Principles of the 2001 SEN Code of Practice

- A child with SEN should have their needs met
- The SEN of children will normally be met in mainstream schools or early education settings
- The views of the child should be sought and taken into account
- Parents have a vital role to play in supporting their child's education
- Children with SEN should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the Foundation Stage and the National Curriculum.

Children with a Disability

Definition in the Children Act 1989

A child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed.

Section 17(11) Children Act 1989

Definition in the Disability Discrimination Act 1995

A person has a disability for the purposes of this Act if he has a physical or mental impairment which has substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

Section 1(1), Disability Discrimination Act 1995

6. Part 2 of the Special Educational Needs and Disability Act 2001 amended the Disability Discrimination Act 1995 to prohibit all schools from discriminating against disabled children in their admission arrangements, in the education and associated services provided by the school for its pupils or in relation to exclusions from the school. From September 2002 schools were required not to treat pupils less favourably for a reason relating to their disability. Schools were required to take reasonable steps to ensure that children with a disability were not placed at a substantial disadvantage to those who were not disabled. LA's and schools were also required to plan strategically and make progress in improving accessibility for children with disabilities to schools' premises and to the curriculum, and to improve the delivery of written information in an accessible way.
7. Guidance relating to Part IV of the Disability Discrimination Act helps them meet their responsibilities for children with disabilities.

NB. A child may fall within one or more of the SEN & Disability definitions

Other Relevant Guidance

8. Section 316A of the Education Act 1996 requires maintained schools and local authorities to '**have regard**' to guidance on the statutory Framework for Inclusion.

The separate guidance “Inclusive Schooling – Children with Special Educational Needs” provides advice on the practical operation of the Framework for Inclusion.

SEN Code of Practice -The Role of the Local Authority

9. The School Relations Code of Practice expects LA's to work in partnership with schools, to place the highest priority on their statutory duty to promote high standards of education for all children, including those with SEN.

Effective arrangements for SEN ensure that:

- The needs of children and young people with SEN are identified and assessed quickly and matched by appropriate provision
- High quality support is provided for schools and early years settings – including, through educational psychology and other support services, and arrangements for sharing good practice in provision for children and young people with SEN
- Children and young people with SEN can benefit from co-ordinated provision – by developing close partnerships with parents, schools, health and social services and the voluntary sector
- Strategic planning for SEN is carried out in consultation with schools and others to develop systems for monitoring and accountability for SEN
- LA arrangements for SEN provision are kept under review as required under section 315 of the Education Act 1996
- As part of their role in ensuring that needs are matched by appropriate provision, LA's should work with schools to evaluate the effectiveness of their school funding arrangements in supporting and raising the achievement of children with SEN.

SEN Code of Practice -The Role of Governing Bodies

10. School governing bodies have important statutory duties toward pupils with special educational needs. They must:

- Ensure that teachers in the school are aware of the importance of identifying and providing for, those pupils who have special educational needs.
- Do its best to ensure that the necessary provision is made for any pupil who has special educational needs
- Ensure that a pupil with special educational needs joins in the activities of the school together with pupils who do not have special educational needs, so far as is reasonably practical and compatible with the child receiving the special educational provision their learning needs call for and the efficient education of the pupils with whom they are educated and the efficient use of resources.
- Ensure that, where the ‘responsible person’ – the head teacher or the appropriate governor – has been informed by the LA that a pupil has special educational needs, those needs are made known to all who are likely to teach them
- Report to parents on the implementation of the school's policy for pupils with special educational needs.
- Consult the LA and the governing bodies of other schools, when it seems to be necessary or desirable in the interests of co-ordinated special educational provision in the area as a whole

See Section 317, Education Act 1996

- 'Have regard' to the SEN Code of Practice when carrying out its duties toward all pupils with special educational needs

See Section 313, Education Act 1996

- Ensure that parents are notified of a decision by the school that SEN provision is being made for their child

See Section 317A, Education Act 1996

11. Governors play a major part in school self-review and should establish mechanisms to ensure that they are fully informed about the school, including the systems for and the outcomes of in-school monitoring and evaluation. In relation to SEN, the governing body should make sure that:

- They are fully involved in developing and monitoring the school SEN Policy
- They are up-to-date and knowledgeable about the school's SEN provision, including how funding, equipment and personnel resources are deployed
- SEN provision is an integral part of the school development plan
- The quality of SEN provision in the school is continually monitored
- Provision for pupils with special educational needs is a matter for the school as a whole. In addition to the governing body, the school's head teacher, the Special Educational Needs Co-ordinator (SENCo) or SEN team and all other members of staff have important responsibilities.

School Admissions and Inclusion

12. All schools should admit pupils with already identified special educational needs, as well as identifying and providing for pupils not previously identified as having SEN. Admission authorities may not refuse to admit a child because they feel unable to cater for their special educational needs. Pupils without statements of SEN must be treated fairly as all other applicants for admission. Such children should be considered as part of the normal admissions procedure. Admission authorities cannot refuse to admit children because they do not have a statement of special educational needs or because a statutory assessment is currently in progress.
13. There is a clear expectation within the Education Act 1996 that pupils with statements of special educational needs will be included in mainstream schools.
14. Where a child has a statement of SEN maintained by a Local Authority, that Authority is responsible for arranging the special educational provision and, in finalising the statement of SEN. Where a maintained school is named in a statement of SEN, the Governing Body of the school must admit the child to the school.

Identification and Assessment of Special Educational Needs

15. The way in which a school meets the needs of **all** children has a direct bearing on the nature of the additional help required by children with special educational needs, and on the point at which additional help is required.
16. The SEN Code of Practice describes a **graduated approach** to the identification and assessment of special educational needs. This graduated response takes account of the fact that the majority of special educational needs should be capable of being met by schools through good practice in teaching, monitoring of individual progress and early responsive differentiation where children are not making expected progress.
17. The graduated approach recognises that there is a continuum of special educational needs.
18. Children with more significant special educational needs should have had those needs identified before entry to school as a consequence of early years and other agency duties under the SEN Code of Practice. Their successful entry to school and progress there requires good practice in partnership and liaison with parents and professionals involved with the child.
19. Other children's special educational needs may only be evident once they are in school.
20. The key to meeting the needs of **all** children lies in the teacher's knowledge of each child's skills and abilities and the teacher's ability to match this knowledge to finding ways of providing appropriate access to the curriculum for every child.
21. A schools system for observing and assessing the progress of individual children should provide information about areas where a child is not progressing satisfactorily even though the teaching style has been differentiated. These observations should be enhanced by knowledge built up over time of an individual child's strengths and weaknesses. Using this evidence, class teachers review of current strategies and further development may lead to the conclusion that the strategies they are currently using are not resulting in the child learning as effectively as possible and that the child may need help over and above that which is normally available. Liaison with the school's SENCO and parents may then result in consideration for helping the child through School Action.
22. The triggers for School Action interventions could be concerns, underpinned by evidence, about a child who despite receiving differentiated learning opportunities:
 - Makes little or no progress even when teaching approaches are targeted particularly in a child's identified area of weakness
 - Shows signs of difficulty in developing literacy or mathematics skills which result in poor attainment in some curriculum areas
 - Presents persistent emotional or behavioural difficulties which are not ameliorated by the behaviour management techniques usually employed in the school
 - Has sensory or physical problems, and continues to make little or no progress despite the provision of specialist equipment and appropriate access arrangements
 - Has communication and/or interaction difficulties and continues to make little or no progress despite the provision of a differentiated curriculum

School Action

23. School Action involves the school in providing interventions that are additional to or

different from those provided as part of the schools usual differentiated curriculum offer and strategies.

24. Plans for School Action interventions should be additional to or different from usual curriculum differentiation and should be recorded and reviewed involving parent and child. The interventions will make use of SEN resources and expertise normally expected to be accessible within a school although the school may also seek advice from other sources of expertise.
25. In the majority of cases the interventions at School Action should be expected to meet the child's special educational needs and allow adequate progress to be made. The school should maintain such interventions in order to allow the child to continue to make suitable progress. Some children's special educational needs will be relatively short term and the improved interventions may well not need to be maintained. The child needs will therefore be met through the schools usual curriculum differentiation and individual monitoring processes.
26. For a small proportion of children in receipt of School Action interventions, close monitoring may suggest that despite receiving an individualised programme and/or concentrated support under School Action, a child is still not making expected progress.
27. Liaison with the school's SEN team, parents and any external advisors involved may then result in consideration for helping the child through School Action Plus.
28. The triggers for School Action Plus could be that despite receiving an individualised programme and/or concentrated support under School Action, the child:
 - Continues to makes little or no progress in specific areas over a long period
 - Continues working at national Curriculum levels substantially below that expected of children of a similar age
 - Continues to have difficulty in developing literacy or mathematics skills
 - Has emotional or behavioural difficulties which substantially and regularly interfere with the child's learning or that of the class group, despite having an individualised behaviour management programme
 - Has sensory or physical needs, and requires additional specialist equipment or regular advice or visits by a specialist service
 - Has an ongoing communication or interaction difficulties that impede the development of social relationships and cause substantial barriers to learning

School Action Plus

29. School Action Plus involves the school in taking account of external advice and revising their interventions and strategies in light of the knowledge they have built up about the child's learning needs and progress. There are likely to be more specialist assessments carried out to inform the school's curriculum planning and advise on the types of further interventions and arrangements appropriate to help the child to make better progress and access curriculum opportunities.
30. Plans for School Action interventions should be substantially additional to or different from provision previously made, will require very comprehensive individualised plans that are recorded and regularly reviewed involving parent and child. The interventions will make use of SEN resources and expertise normally expected to be accessible within a school as well as that accessible from external sources.
31. In the majority of cases the interventions at School Action Plus should be sufficient to meet the child's special educational needs and allow adequate progress to be made.

The school should monitor and seek to maintain such interventions where there is evidence that they continue to be necessary in order to allow the child to continue to make suitable progress.

32. Some children's special educational needs at School Action Plus will be ameliorated over time and the more extensive interventions may well not need to be maintained at such a high level forever. The school should reduce arrangements to the level of School Action in such cases and monitor and review the child's continuing progress involving the parent and child.
33. For a small proportion of children in receipt of the highest level of support at School Action Plus, close monitoring may suggest that the Local Authority should consider carrying out a statutory assessment of special educational needs. Every Local Authority has developed criteria by which to judge whether it is necessary to conduct a statutory assessment when asked by a school or parent.
34. Parents have a right of appeal to the independent Special Educational Needs and Disability Tribunal (SENDIST) where a statutory assessment request is refused.

Statutory Assessment of Special Educational Needs under Section 323 of the 1996 Education Act

35. A statutory assessment of special educational needs draws upon all the evidence gathered about a child's educational needs, any health or welfare needs and takes account of both parents and the child's views. It must be conducted by the LA in line with specific regulations and deadlines. There are two major deadlines
 - The conclusion of the advice gathering stage and a proposed decision by the LA on the appropriate outcome – 18 weeks from initial request or proposal to assess.
 - If a statement of SEN is the outcome then it must be confirmed as final - 26 weeks from the initial request or proposal to assess
36. The outcome of a statutory assessment may or may not result in a decision to issue a statement of special educational needs. Parents have a right of appeal within two months of a decision to the independent Special Educational Needs and Disability Tribunal (SENDIST) where a statement of SEN is not issued and also have an appeal concerning the contents of any statement of SEN that is issued.
37. SENDIST appeals are conducted in compliance with strict regulations and they normally take around 5 months from registration through to a hearing and a written decision. SENDIST decisions can be appealed by both parents and Local Authority if they believe that the Tribunal has erred in law.
38. Whether a statutory assessment or a resulting statement of SEN is necessary for a child is largely dependent on the quality of local authority mainstream school provision supported by the availability and partnership with schools on provision of funding, good quality external advice and active monitoring arrangements.
39. It is possible for an authority to meet its duties under the SEN Code of Practice in respect of children with children with the most significant special educational needs in a mainstream setting without the need for statements of SEN where these things are in place and where mainstream schools help parents to be confident in their special educational needs arrangements and expertise.
40. However the law states that a child must have a statement of special educational needs if they attend a school registered as a special school by DCSF.

Government Agenda for SEN since the 2001 Code of Practice

41. In June 2002 the Audit Commission published a report entitled 'Statutory

Assessment and Statements of SEN – in need of review’ questioning the effectiveness of high numbers of statutory assessments and statements of SEN in local Authorities. The report highlighted a need for local Authorities to help schools to identify more needs at an earlier stage and intervene purposefully without the delays associated with statements of SEN. The bureaucracy associated with high levels of statutory assessment and statements of SEN absorbed inordinate amounts of school and authority time to often little positive effect. The conclusion was that there should be a conscious attempt within Authorities to reduce reliance on statements of SEN by finding ways to help mainstream schools to identify, assess and make appropriate school arrangements to manage the majority of children’s needs without them. The report suggested that LA’s should reduce the reliance on statutory assessment and statements of SEN for all but the most significant special educational needs.

42. In July 2002 Ofsted published a report entitled ‘LEA Strategy for the Inclusion of Pupils with SEN’. It reported that the very high numbers of statements of SEN maintained for pupils attending mainstream schools was a potential barrier to inclusion and better achievement. The reliance on statutory assessment and the production and maintenance of statements of SEN tended to be the focus of Authority support services to the detriment of working with schools preventatively. The reliance on statements of SEN did not encourage schools to focus on achieving or reporting positive pupil outcomes because of the funding through a statement.
43. The Government’s 2004 SEN Strategy ‘Removing Barriers to Achievement’ set out the Government’s vision on SEN and provided guidance to Local Authorities. The report drew upon the reports above and one aspect of the guidance was that Authorities should aim to **‘reduce reliance on statements of SEN’** and find ways of enabling earlier identification of SEN in schools and more inclusive practice.
44. The DfES also published Research Report RR508 in 2004 entitled ‘Reducing Reliance on Statements – an investigation into LA Practice and Outcomes’. The research reported on the efforts being made by LA’s to refocus assessment and provision for lower level special educational needs without high levels of statutory assessment and statements of SEN and the effects on outcomes for children.

Arrangements in Herefordshire Prior to Introduction of the Banded Funding Mechanism

45. Herefordshire inherited 3 small special schools for children with Severe Learning and Profound and Multiple Learning Difficulties (SLD/PMLD) on becoming a Unitary Authority in 1997.
46. In addition to two primary schools with established specialist centres for severe language disorders and physical disabilities there was a network of Special Education Centres (SEC’s) in primary schools across the County. This provision was admitted to through a statement of SEN and in many cases gave a right to free transport to schools well outside their local home area.
47. The rights of parents to expect inclusive provision in any mainstream school were however noticeably reducing the viability of such provisions. Parents increasingly chose their local school rather than accepting provision in an SEC in another school at some distance from their home. There were costly vacant places in the SEC’s, high cost transport for those children that did attend SEC’s and increasing demand for costly funding in local schools as well.
48. The funding mechanism for statements of SEN outside of provision of a specialist centre place was not well developed or consistently applied. School Base Budgets had a notional 6% identified for additional needs, but records demonstrate a

widespread expectation by schools that all resources to support children's special educational needs should be provided in addition to base budgets.

49. There were no criteria to guide 'hours' allocations and the system of centrally funded support assistants did not encourage school responsibility, accountability or creativity in terms of planning and delivering effective SEN arrangements appropriate for an individual child.
50. The high number of statements and the very small size of the Authority SEN Team responsible for monitoring and managing demands on provision, together with a lack of any SEN database infrastructure capable of providing management data made it impossible to ensure proper performance, accountability and efficiency at the centre.

Introduction and Development of SEN Funding Mechanism since 2003

51. The Herefordshire Banded Funding Scheme was introduced in late 2003 following a two-year period of development and consultation. The aim was to reduce reliance on statements of SEN and improve inclusive practice while continuing to maintain duties under the 2001 SEN Code of Practice. The scheme's principles aimed to:

- Provide a funding mechanism whereby schools duties to intervene purposefully at School Action and School Action Plus to achieve children's progress could better be supported and monitored.
- Reduce the bureaucracy and delays associated with statutory assessment and statements of SEN in mainstream schools while helping schools to focus on productive provision and reviews of progress.
- Enable schools with higher than general incidence of high incidence special educational needs e.g. general communication delays, generalised delays resulting in slow acquisition of literacy and numeracy skills, general socialisation and interactional delays, to develop group programmes designed to promote educational progress.
- Free support services from statutory assessment tasks to enable schools to benefit from greater access to preventative advice and support
- Increase opportunities for children with SEN to be included and to make progress in their schools through increasing access and sharing of good practice
- Promote schools self evaluation of their SEN provision and promoting parental confidence in schools ability to make provision for a child in their preferred mainstream school.
- Align the funding of statements with the principles of individualised and efficient use of resources and the criteria for band levels without statements of SEN to promote school responsibility and allow consistency and greater transparency across provision for the continuum of special educational need.
- Review and revise Herefordshire criteria for Statutory Assessment for SEN in light of new funding mechanisms. *(See Herefordshire Criteria for Statutory Assessment of SEN 2005)

Consistency and Accountability in SEN Provision

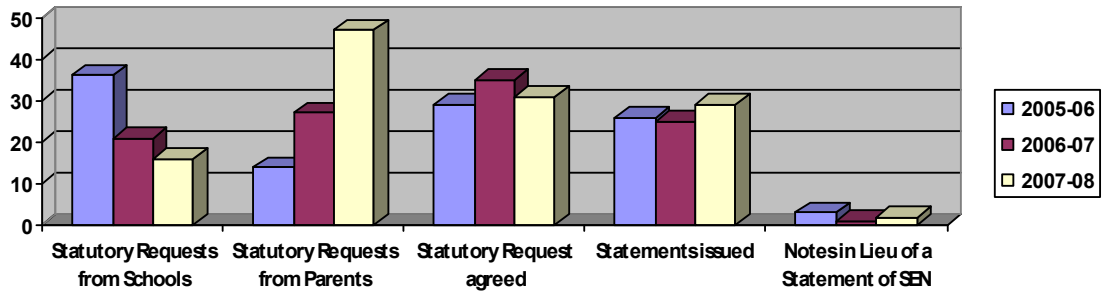
52. Alongside the funding developments a bespoke SEN database was purchased, commissioned and populated. It initially could only be used to manage the statutory assessment and statement maintenance process and to provide management data for a variety of purposes in this area. The database was ready for use in mid 2004 and its continuing development and improved use has allowed better monitoring and provision of data for a variety of purposes.

53. The database was extended to include the banded funding process and case records without statements during 2005/06. The database and the associated staffing is now capable of producing extensive and accurate data on both statutory and non statutory funding allocations. The database has allowed a body of information indicating trends to be monitored over a three-year period.
54. It has not been possible to adapt the Tribal SEN Database to incorporate monitoring of pupil outcomes as a result of additional funding. A system has been developed using a different database system. There are current investigations into use of the Casper system that allows data on the progress of pupils functioning below level 1 of National Curriculum (at P Levels) to be compared with national data.
55. The effect of banded funding has been extensively monitored internally since its introduction and has also been subject to ongoing involvement of and monitoring by the Funding for Inclusion Group. This group includes Head Teachers and SEN Co-ordinators from schools of different sizes and locations across both secondary and primary phases. The group has been essential to the scheme's development, implementation and ongoing monitoring.
56. The Funding for Inclusion Group has extended its scope as a steering/reference group over time and now receives an Annual Statistical Report on all aspects of SEN Funding and approves a summary of this report for distribution to all Herefordshire Schools. The Funding for Inclusion Group also receives a report on Panel processes based on analysis of responses to a questionnaire completed by school Panel members and the SEN Team. The Funding for Inclusion Group decide whether there is the need to investigate and possibly change the scheme in light of feedback from those involved in decision-making and those involved in the administration of the current processes.
57. All reports to the Schools Forum concerning SEN funding are received in draft form by the Funding for Inclusion Group who provide comments for final reports to Schools Forum. The Schools Forum have increasingly referred key investigations and development issues to the Funding for Inclusion Group.

Data concerning Statutory Assessment & Statements of SEN

Table and Chart A - 3 year Trend in the Statutory Assessment Requests and Outcomes

Financial Year	Statutory Requests from Schools	Statutory Requests from Parents	Statutory Request agreed	Statements issued	Notes in Lieu of a Statement of SEN
2005-06	36	14	29	26	3
2006-07	21	27	35	25	1
2007-08	16	47	31	29	2

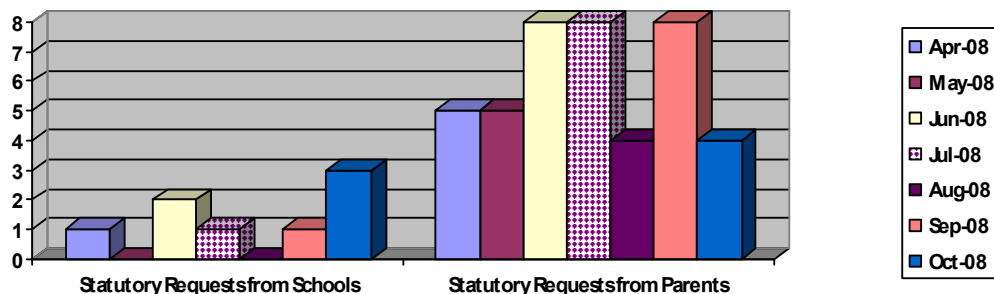


The data indicates a significant trend on terms of requests for statutory assessment from schools to parents over a three-year period despite significant increases in SEN funding through banded funding. Information underpinning the data indicates that requests for statutory assessment from parents are despite the existence of long term banded funding at an appropriate level being in place.

The data and information from meetings with parents suggests that many do not have confidence in schools provision or their ability to arrange necessary to maintain appropriate provision for their child. This is despite the availability of services and funding arrangements to schools to support such responsibilities.

Table and Chart B – Statutory Assessment Requests from April 08 to October 2008

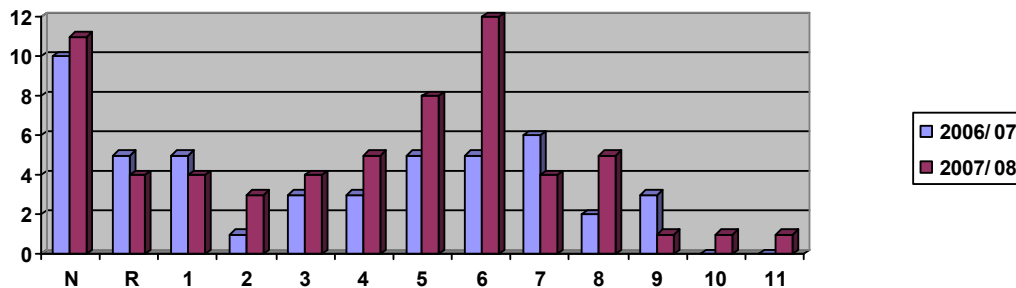
	Statutory Requests from Schools	Statutory Requests from Parents
April 08	1	5
May 08	0	5
June 08	2	8
July 08	1	8
August 08	0	4
September 08	1	8
October 08	3	4



The rise in requests for statutory assessments is continuing through 2008. There have been **42** parental requests since April 2008 and **8** requests by schools since April 2008. To date **34** have been agreed.

Table and Chart C - Requests for Statutory Assessment 2006/07 and 2007/08 by Year Group

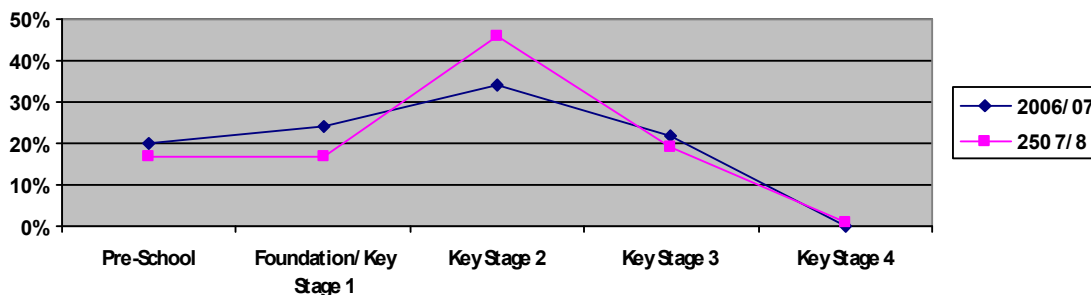
Year Group	N	R	1	2	3	4	5	6	7	8	9	10	11
2006/07	10	5	5	1	3	3	5	5	6	2	3	0	0
2007/08	11	4	4	3	4	5	8	12	4	5	1	1	1



There were 63 new Statutory Assessment referrals received during the financial year 2007 – 2008. This is a 30% increase on the 2006/07 requests

Table and Chart D – Percentage of Statutory Assessment Requests by Key Stage

	Pre-School	Foundation/Key Stage 1	Key Stage 2	Key Stage 3	Key Stage 4
2006/07	20%	24%	34%	22%	0%
2007/08	17%	17%	46%	19%	1%

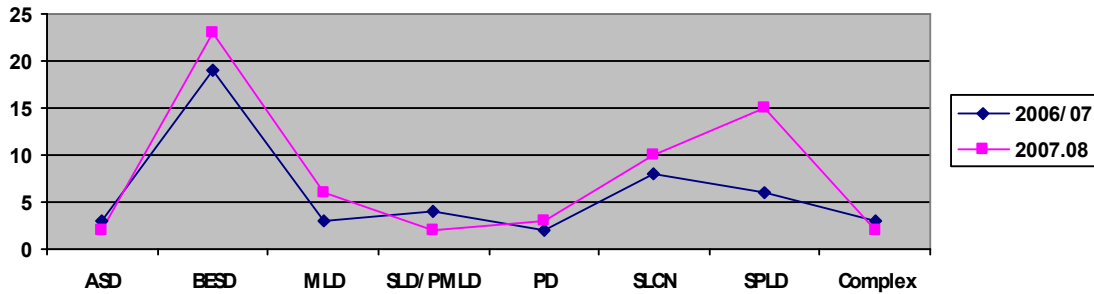


Entry into school transition prompts requests Some of these children with have the most significant special educational needs and may go on to special school provision. These children are generally well known to the LA's SEN Team because of the early notification and early years monitoring arrangements arranged in partnership with colleagues in health.

Secondary school transition is another area of concern for parents and schools and requests rise in the two years leading up to secondary transfer. There was a noticeable increase in requests from parents of children in Years 5 and 6 in 2007/08. There is evidence that parents may be seeking a statement of SEN in order to ensure admission into a preferred mainstream secondary school.

Table and Chart E – Statutory Assessment Requests by Category of Need

	ASD	BESD	MLD	SLD/PMLD	PD	SLCN	SPLD	Complex
2006/07	3	19	3	4	2	8	6	3
2007/08	2	23	6	2	3	10	15	2



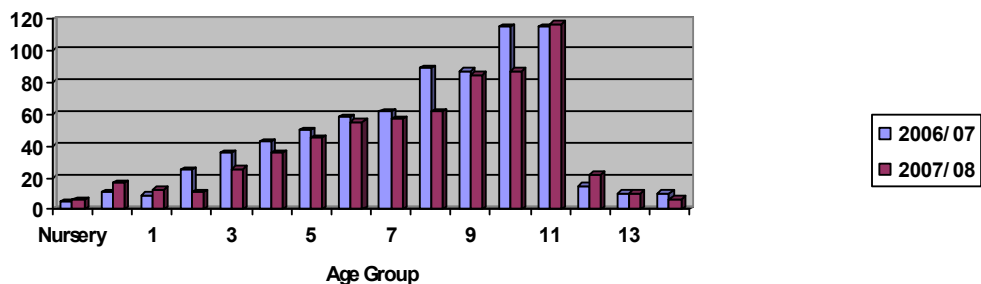
Key			
ASD	Autistic Spectrum Disorder	PD	Physical Difficulties
BESD	Behavioural, Emotional, Social Difficulties	SLCN	Speech, Language and Communication Difficulties
MLD	Moderate Learning Difficulties	SPLD	Specific Learning Difficulties
SLD/PMLD	Severe or Profound and Multiple Learning Difficulties	Complex	

The pattern of requests by type of special educational need over the past two financial years has been consistent with most requests prompted by parents and school concern about children exhibiting 'acting out' behavioural difficulties.

2007/08 has shown a new rise in requests where children are thought to have specific learning difficulties because of poor literacy attainment.

Table and Chart F – Maintained Statements of SEN by Year Group 2006/7 and 2007/08

Year Group	N	R	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Totals
2006/07	5	11	9	25	36	43	50	58	62	89	87	115	115	15	10	10	740
2007/08	6	17	13	11	26	36	45	55	57	62	85	87	117	22	10	7	656

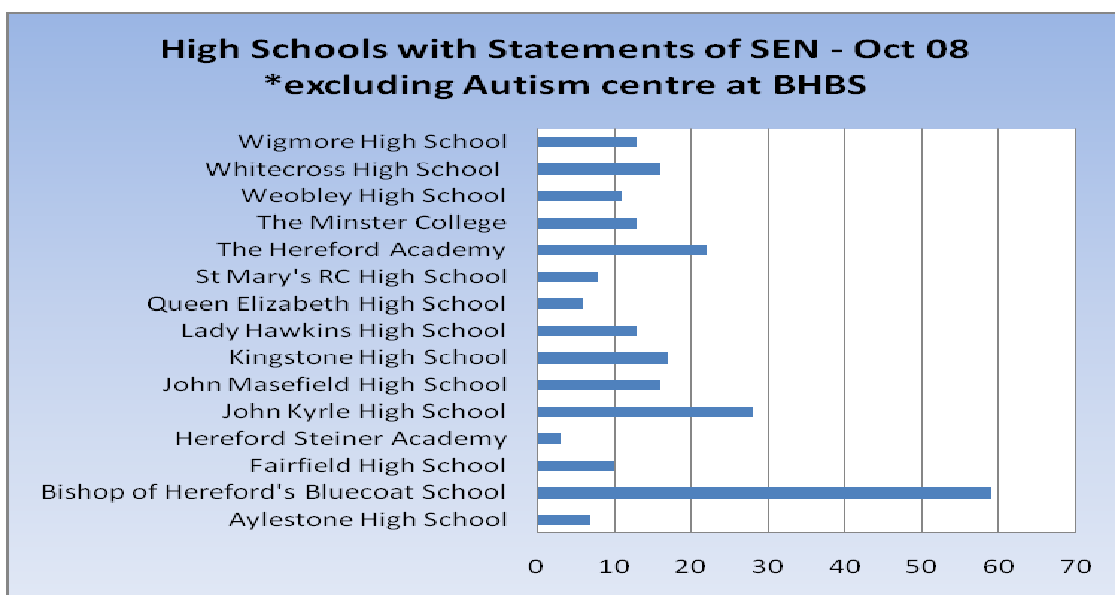
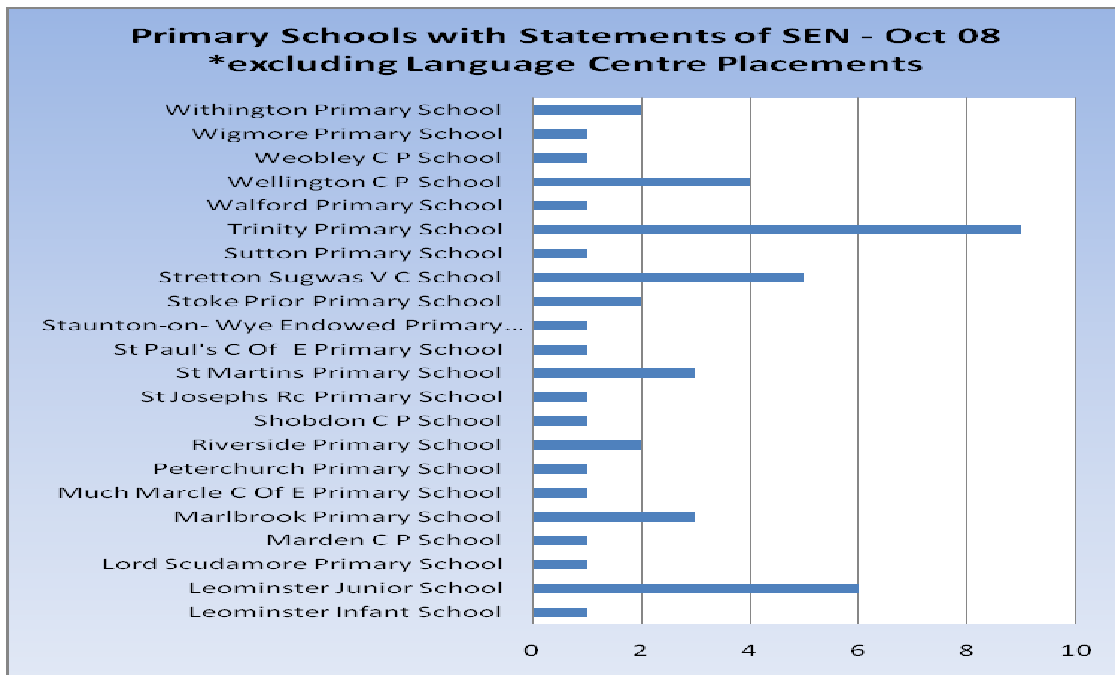


There were **740** pupils with a Herefordshire Statement of Special Educational Needs on **1st**

April 07. Of these **229** were on the roll of special schools either local or other authority maintained special schools or attending independent and non-maintained special schools or other independent provision. The Authority therefore maintained **511** statements of SEN in mainstream schools.

There were **656** pupils with a Herefordshire Statement of Special Educational Needs on **1st April 2008**. Of these **238** were on the roll of special schools either local or other authority maintained special schools or attending independent and non-maintained special schools or other independent provision. The Authority therefore maintained **318** statements of SEN in mainstream schools.

In October 2008 27% of Primary Schools had children with Statements of SEN



100% of Herefordshire High Schools have children with Statements of SEN. The Bishop of

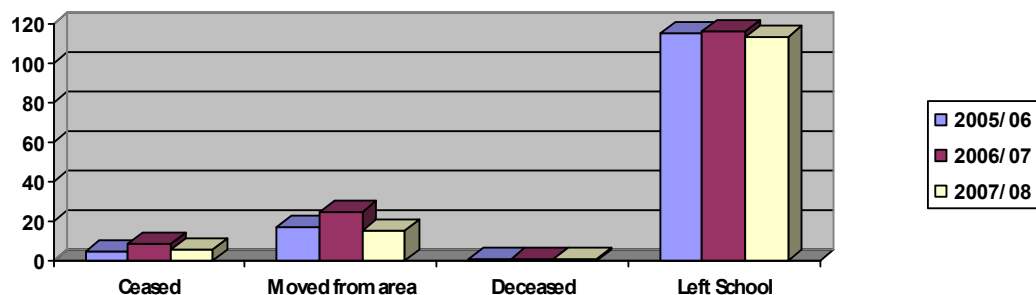
Hereford's Bluecoat School have substantially more children with statements than any other high school. This is undoubtedly linked to the way in which the school has historically provided discrete SEN support arrangements within its Kielder Centre.

Some parents of children with very substantial special educational needs as a result of very low cognitive levels prefer this type of provision in a mainstream school rather than a special school at the secondary stage. These parents have normally wanted their children to be in mainstream primary schools prior to this although a few parents choose The Bishop of Hereford Bluecoat School at year 7 after a primary career at Blackmarston Special School.

The lack of post 16 provision at the Bishop of Hereford's Bluecoat School and the lack of suitable local college courses for young people with significant learning difficulties results in other young people leaving the Bishop of Hereford's Bluecoat School at 16 and transferring to Barrs Court Special school in order to continue their post 16 education in a school setting.

Table and Chart G - Statements of SEN Ceased in 2006/07 and 2007/08

Financial Year	Ceased	Moved out of Herefordshire	Deceased	Left School	Totals
2005/06	5	17	1	115	138
2006/07	9	25	1	116	151
2007/08	6	15	1	113	135



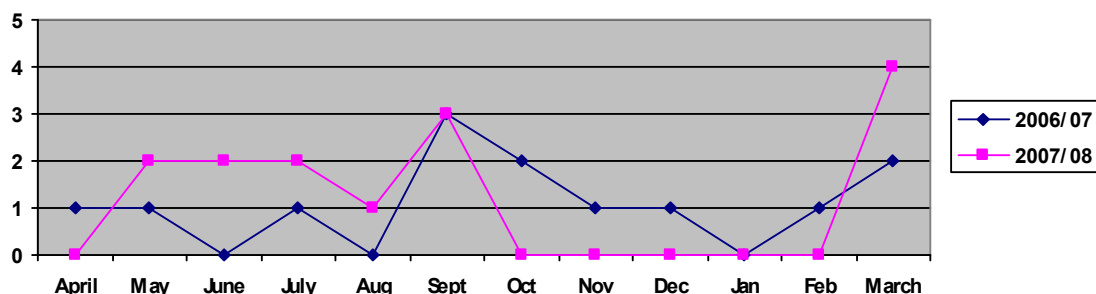
The high levels of relatively low level statements of SEN at the top end of high schools account for the significant reductions in the total numbers of statements of SEN over the past few years.

There were a further 117 young people in year 11 in April 2008. Of these most left school provision in July 2008.

In September 2008 the number of statements of SEN maintained therefore reduced to **535** overall. The balance of statements of SEN in special schools and in mainstream schools at this point is almost 50/50.

Table and Chart H – ‘Movers-in’ with Statements of SEN 2006/07 and 2007/08

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March
2006/07	1	1	0	1	0	3	2	1	1	0	1	2
2007/08	0	2	2	2	1	3	0	0	0	0	0	4



The number of young people moving to live in Herefordshire with existing Statements of SEN has remained relatively constant over time.

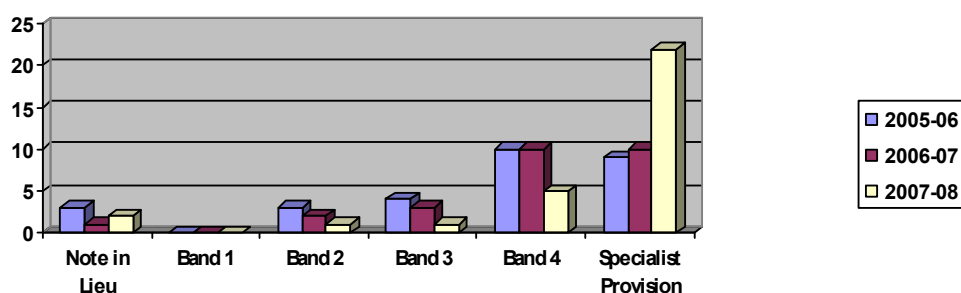
Provision Specified in Statements of SEN - Decision Making Processes

58. Since the introduction of funding through the band level system all new statements of SEN issued to children remaining in mainstream provision, have had a band level specified.
59. Where children have transferred to secondary schools, or have moved between mainstream schools for other reasons, existing statements have been amended to specify an appropriate band level.
60. A band level in a statement of SEN in a mainstream school is determined by matching evidence about a child against the banded funding criteria. The evidence could be from a new or further statutory assessment or as a result of the annual review of a statement of SEN.
61. In common with other Authorities, in the past numbers of statements of SEN were greatest in secondary schools due to both their size and the 'built-in' delays inherent in the statutory process of gaining a statement. In 2004/5 in Herefordshire there were large numbers of statements of SEN for children with low level needs in high schools funded through a mechanism other than band levels (resourced provision).
62. A reduction in the number of statements of SEN in primary schools has had a gradual effect on how children are funded in secondary schools. Banded funding without a statement has been introduced gradually into secondary schools and will be available for years 7 to 11 from September 2009.
63. Statements of SEN in secondary schools funded by previous funding mechanisms have now largely disappeared either through amendment to a band level or ceased as a consequence of better Annual Review processes or as a result of students leaving school.
64. The previous 'resourced provision' funding mechanism for statements of SEN is now confined to current year 11 students. Students who subsequently go on to a school based 6th form, and continue to qualify for additional funding, will have their statements of SEN amended to include an appropriate band level.
65. 2008/09 is therefore the last year in which different funding mechanisms will be applied to statements of SEN.

2008/09 values of each Band level (per annum)	
Level 1	£1830
Level 2	£3585
Level 3	£7000
Level 4	£10930

Table and Chart I – Outcomes following Statutory Assessment over 3 Years

Financial Year	Note in Lieu	Band 1	Band 2	Band 3	Band 4	Specialist Provision
2005-06	3	0	3	4	10	9
2006-07	1	0	2	3	10	10
2007-08	2	0	1	1	5	22



Numbers new statements of SEN issued have remained low and generally stable over the past 3 years. The data shows that statements of SEN are mainly confined to children with the most significant levels of special educational needs. This is in line with the Herefordshire Statutory Assessment Criteria 2005 and the expectations of introducing the banded funding scheme to allow mainstream schools to support children without statements of SEN.

The analysis of trends confirms that the Herefordshire strategy to confine statutory assessments to those young people with the most significant special educational needs, result has been successful to date.

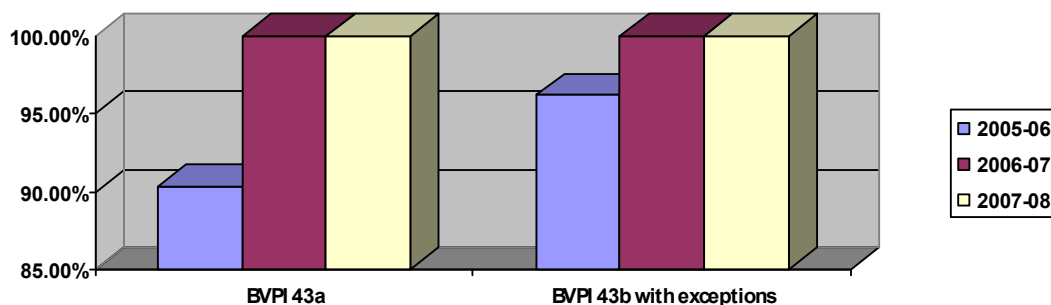
Parents of children with very significant special needs have a legal right to a mainstream education if they want it and Herefordshire is able to demonstrate the ability to meet these parents' expectations with and without statements of SEN.

Data for 2007/08 however shows a significant rise in parents of children with the most significant needs choosing discrete specialist provision rather than high level funding in mainstream.

Authority Performance in Statutory SEN Processes in a Timely Manner

Table and Chart J - Authority Performance in meeting 18week BVPS Indicators 43a and 43b over three years

Financial Year	BVPI 43a	BVPI 43b with exceptions
2005-06	90.32%	96.15%
2006-07	100%	100%
2007-08	100%	100%



Herefordshire has performed in the top quartile of Local Authorities for several years against the Best Value Performance Indicators measuring compliance with the 18-week timescale for issuing proposed statements of SEN following statutory assessments of SEN. Performance has been at 100% for the past two reporting periods.

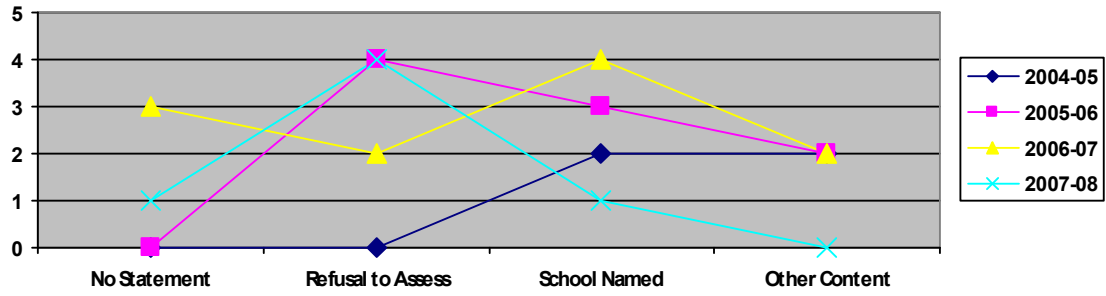
BVPI's 43a and 43b are not now nationally gathered but performance against the 18-week timescale continues to be an important feature of the SEN accountability in Herefordshire and forms part of the quarterly performance reporting system.

National Indicators 103a and 103b measuring Authority compliance with the 26-week timescale for issuing Final statements of SEN have replaced 43a and 43b for national reporting for 2008/09. Herefordshire is currently achieving 100% performance against these new indicators.

SEN & Disability Tribunal Appeals

Table and Chart K – SEN & Disability Tribunal Appeals 2006/07 and 2007/08

Appeal Reason	No Statement	Refusal to Assess	School Named	Other Content
2004-05	0	0	2	2
2005-06	0	4	3	2
2006-07	3	2	4	2
2007-08	1	4	1	0



Herefordshire has maintained low numbers of SEN & Disability Tribunals and works hard to resolve disagreements in the most appropriate way.

Band Level Funding Without a Statement of SEN - Decision Making Processes

66. The banded funding scheme's processes were developed in consultation with Herefordshire schools. Since the introduction of the scheme the processes have been refined as a result of views expressed by schools and the continuing involvement of the Funding for Inclusion Group.

The scheme has extensive documentation and guidance. The scheme documents are:

Criteria for Banded Funding	
across the 4 levels and 10 categories of special educational need.	
VI - Visual Impairment	GLDD - General Learning and Developmental Delay
HI - Hearing Impairment	SPLD - Specific Learning Difficulty
PD - Physical Difficulties/ Medical Difficulties	SLCN – Speech, Language and Communication Difficulties
PDD - Pervasive Developmental Disorder	BESD - Behavioural, Emotional and Social Difficulties
DCD - Developmental Co-ordination Disorder	Complex Difficulties/Other

Other documentation	
Banded Funding Questions & Answers	Tests for Band Levels 1 & 2
Guide for Counter-signatories	Application Forms for each level

2008/09 values of each Band level (per annum)	
Level 1	£1830
Level 2	£3585
Level 3	£7000
Level 4	£10930

Banded Funding without a Statement of SEN

67. Where there is no statement of SEN schools may apply for an appropriate band level under an identified category of need.
68. The application calls for evidence that should have been gathered by a school as a result of following the 2001 SEN Code of Practice's expectations at School Action and School Action Plus.
69. The criteria require a school to provide evidence of their School Action/ School Action Plus identification, assessments, details of their interventions, use of resources and advice as well as an analysis of outcomes achieved by the child. The criteria also require schools to provide a forward plan appropriate to the child that demonstrates effective use of resources.
70. The Banded Funding Panel meets on a Wednesday afternoon every three weeks during term time. This was intended to spread the volume of applications and to enable schools to apply without delay throughout the year when they felt it was

necessary.

71. The Panel comprises Head Teacher and/or SENCo representatives from Herefordshire secondary and primary schools. There is a rolling programme of school panel members to ensure that all schools take part in the decision making and that each panel has a mixture of experienced and new panel members. Schools are encouraged to send observers to the panels to increase their familiarity with the process and to learn more about good practice in for example, provision management, individual education plans, effective identification of SEN and monitoring children's progress.
72. The LA's SEN Team administer the panel process. They receive applications every three weeks. The cut off date for applications is 12 noon on the Wednesday prior to the actual panel meeting. It is usual for applications to be received on the deadline date rather than earlier.

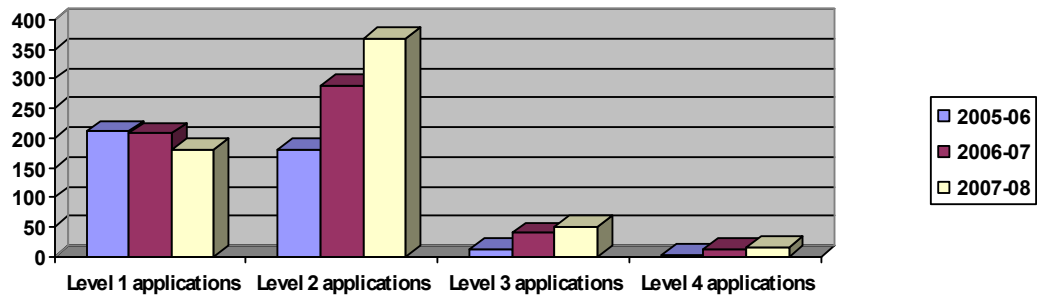
The process then followed is set out below.

Banded Funding Panel – Analysis of Tasks				
SEN Admin	Log applications into the SEN database	Create a pupil file or add papers to an existing paper file	Scan the application form, previous and present IEP and or provision map and burn onto a disc for secure distribution to Panel members	Create the case agenda and distribute to Panel members
Casework Officers	Read applications and tab all reports from external sources included by the school.	Chair the Panel meetings and brief Panel members on the existence of external reports ensuring that these are examined where necessary to a decision	Assist in interpreting reports or understanding the implications of special needs Panel members may not have had direct experience of, for instance, rare genetic conditions or unusual cognitive, behavioural or educational profiles.	Record the Panel discussions and the decisions reached
Schools Panel	Decide whether the within child criteria are met, i.e., whether the evidence about a child confirms the category and level of need applied for by the school	Examine the schools evidence of their intervention to date and their plans for the future	Determine on the evidence whether the school has intervened appropriately and monitored the child's progress effectively to date and if so whether the school's plans build appropriately and necessarily on their previous plans and targets Decide whether the schools' plans have a reasonable chance of being effective and whether they will make proper use of the funding level applied for	Agree on the timescale of an allocation if they determine one is appropriate.
SEN Admin & Casework Officers	Log back all discs for destruction Record decisions on SEN database	Liaise with the Finance Team where applications have been successful	Write explanatory letters based on Panel discussions and recommendations to schools and parents in all cases where applications have been unsuccessful.	Field telephone calls immediately following the Panel meeting

Data concerning Banded Funding without statements of SEN

Table and Chart L - Banded Funding Applications without a Statement of SEN – Demand from Schools

Financial Year	Level 1 applications	Level 2 applications	Level 3 applications	Level 4 applications	Totals
2005-06	211	180	13	4	408
2006-07	208	289	40	14	551
2007-08	180	369	52	16	615



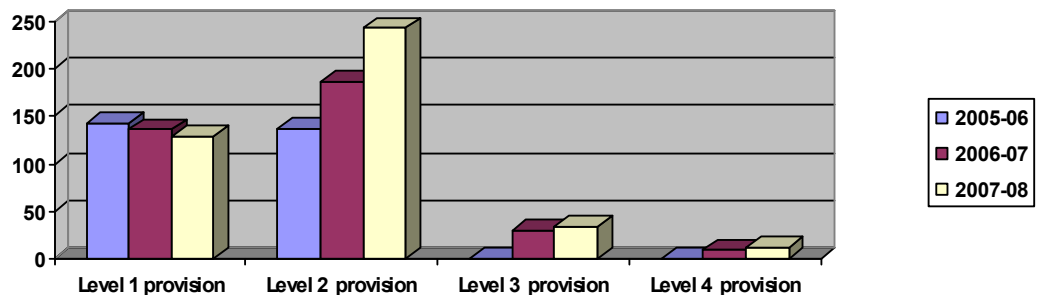
There has been a significant increase in school applications for Band 2 funding with only a small decrease in applications for Band 1 since the introduction of the funding scheme.

Increases in applications for Band Level 3 have been more significant than applications for Band 4.

Band Level 3 applications have also increased steadily.

Table and Chart M - Banded Funding Provision made without a Statement of SEN

Financial Year	Level 1 provision	Level 2 provision	Level 3 provision	Level 4 provision	Totals
2005-06	142	137	0	0	279
2006-07	136	186	30	9	361
2007-08	129	243	34	12	418

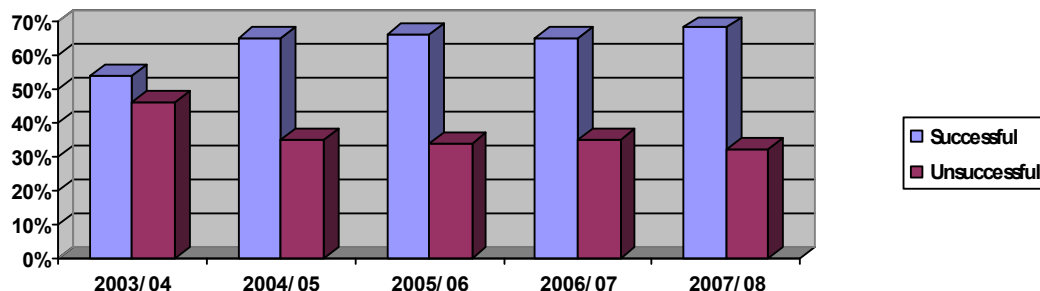


The comparison between the slight decrease in provision at the lowest Band level and the much more significant increase in provision at the higher Band 2 level funding since 22005/06 is very obvious.

This trend has resulted in increased cost of overall provision year on year.

Table and Chart O – Percentage of banded Funding Applications Successful over 5 Years

Financial Year	2003/04	2004/05	2005/06	2006/07	2007/08
Successful	54%	65%	66%	65%	68%
Unsuccessful	46%	35%	34%	35%	32%



The numbers of applications received since the introduction of the scheme have increased year on year. However the proportion of successful and unsuccessful applications has remained very stable over the past 4 full financial years.

There has been significant monitoring of the reasons for unsuccessful applications and follow up by Officers where it is as a result of poor practice in either identification of children's SEN or in planning provision for different types of special educational needs.

There are applications that are received without the inclusion of basic evidence relevant to a school's responsibilities under the graduated response described in the 2001 SEN Code of Practice. These school improvement issues are always followed up and the involvement of SENCO's in banded funding panels and opportunities for training through SENCO Network arrangements continue to support the sharing of good practice at School Action and School Action Plus

The National SEN Strategy and introduction of the Inclusion Development Programme in schools is being further supported by new Access and Improvement Advisory Teams led by the SEN and Accessibility Advisor.

Table and Chart P - Percentage of Successful Applications at each Band Level 2006/07 and 2007/08

Financial Year	Band Level 1	Band Level 2	Band Level 3	Band Level 4
2004-05	68%	32%	0%	0%
2005-06	51%	49%	0%	0%
2006-07	38%	52%	8%	2%
2007-08	32%	57%	8%	3%

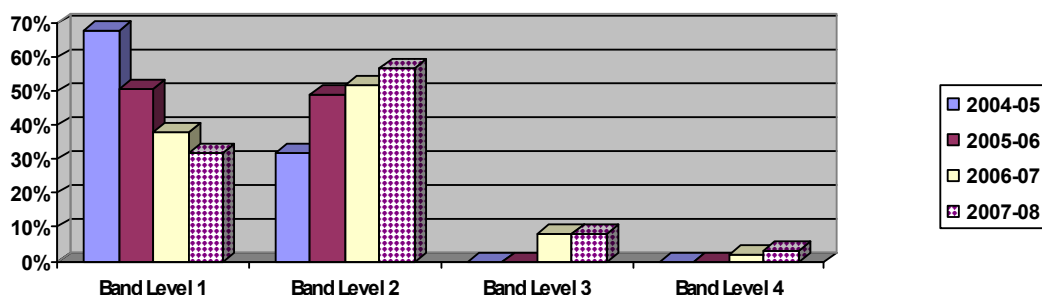
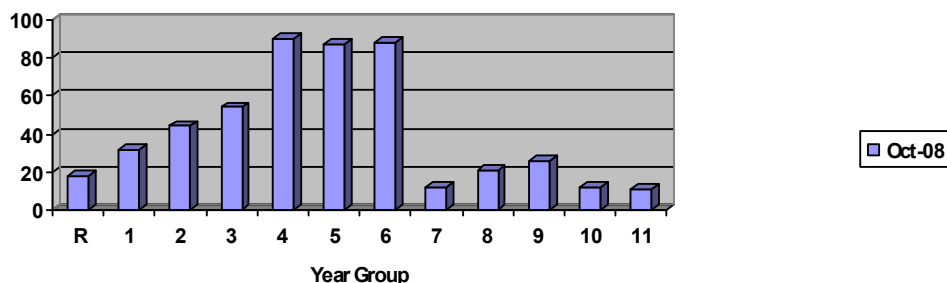


Table and Chart Q - Band Levels without a Statement of SEN by Year Group

Year Group	R	1	2	3	4	5	6	7	8	9	10	11
Oct 08	18	32	44	54	90	87	88	12	21	26	12	11



Banded funding without statements of SEN has been introduced into secondary schools on a year by year basis. High schools have made substantially less use of this funding source than primary schools and have tended to rely on funding from historically high levels of statements in primary schools transferring to them at Year 7.

Two of the largest high schools have obtained more funding through the source of banded funding without a statement of SEN than any others.

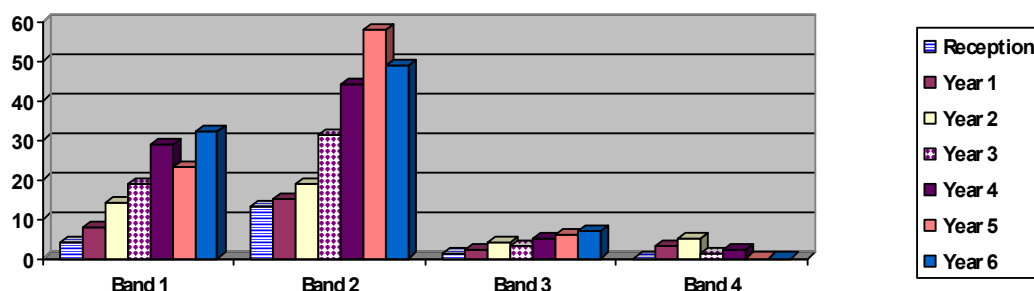
In common with requests for statutory assessment requests demand in primary schools is greatest in Key Stage 2. This reflects primary school perceptions that young people's special educational needs are less able to be managed in a secondary school provision through school base budgets, than at the primary stage.

Primary schools have traditionally been instrumental in paving the way for more funding provided for SEN in secondary schools. This is fuelled by the perception by primary school teachers that children with SEN who have been successfully supported in the primary curriculum will not cope in a high school setting without much more additional funding.

Current Picture (as at October 2008)

Table and Chart R – Band Levels in Primary Schools without Statements of SEN Oct 08

	Band 1	Band 2	Band 3	Band 4
Reception	4	13	1	0
Year 1	8	15	2	3
Year 2	14	19	4	5
Year 3	19	31	3	1
Year 4	29	44	5	2
Year 5	23	58	6	0
Year 6	32	49	7	0

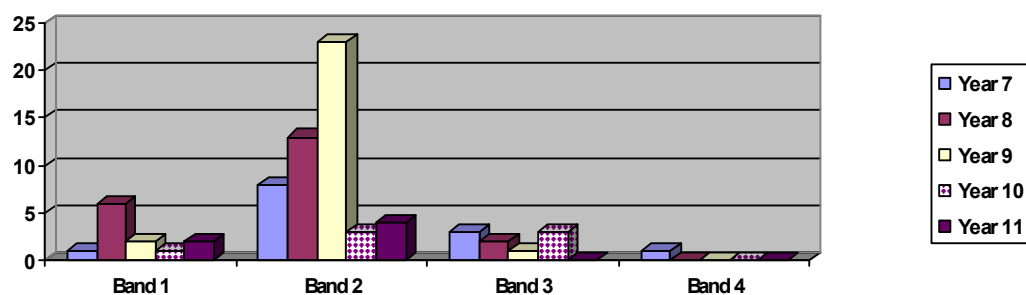


The trend toward increased funding at the higher band levels is continuing with a steady rise in successful Band Level 3 applications for children at the top end of key Stage 2.

The majority of funding at Levels 1 and 2 is focussed on supporting children who have low literacy attainments and/or disruptive behaviour in years 4, 5 and 6.

Table and Chart S – Band Levels in High schools without Statements of SEN Oct 08

	Band 1	Band 2	Band 3	Band 4
Year 7	1	8	3	1
Year 8	6	13	2	0
Year 9	2	23	1	0
Year 10	1	3	3	0
Year 11	2	4	0	0



High Schools have not tended to apply for the lowest level of funding and the concentration of funding in terms of numbers has always been at Band 2.

Year 9 is where numbers of Band 2 funding are currently concentrated and the majority focus on literacy and 'acting out' behaviour difficulties.

The trend for Band 3 funding increases has continued into high schools.

Table T – Banded Funding allocations in High Schools as at October 08

High Schools	Current Number of Allocations
Aylestone High School	7
Bishop of Hereford High School	1
Fairfield High School	4
John Kyrle High School	17
John Masefield High School	4
Queen Elizabeth High school	4

St Mary's High School	1
Hereford Academy	5
The Minster College	14
Weobley High School	4
Whitecross High school	5
Wigmore High School	7

86% of Herefordshire High Schools have Band Levels without statements of SEN.

Table U – Banded Funding Allocations in Primary Schools as at October 08

Primary Schools	Current Number of Allocations
Ashfield Park Primary School	18
Ashperton Primary School	1
Bosbury C Of E Primary School	1
Brampton Abbots Primary School	4
Bredenbury Primary School	2
Bridstow Primary School	4
Broadlands Primary School	18
Brockhampton School	5
Burghill C P School	3
Burley Gate C Of E Primary School	4
Canon Pyon V C School	3
Cleghonger V C School	8
Clifford Primary School	5
Colwall C Of E Primary School	4
Cradley C Of E School	3
Credenhill, St Mary's C E Primary School	6
Eastnor C Of E Primary School	2
Ewyas Harold Primary School	1
Fownhope St Mary's C. E. Primary School	1
Garway Primary School	4
Goodrich School	1
Holme Lacy Primary School	1
Holmer C Of E Primary School	8
Ivington Primary School	7
Kingsland C Of E Primary School	5
Kingstone & Thrupton Primary School	9
Kington Primary School	8
Lea C Of E County Primary School	6
Ledbury Primary School	19
Leintwardine Endowed Primary School	1
Leominster Infant School	6
Leominster Junior School	14
Little Dewchurch School	2
Longtown Primary School	2
Lord Scudamore Primary School	22
Lugwardine Primary School	5
Luston Primary School	3
Madley School	10
Marden C P School	1

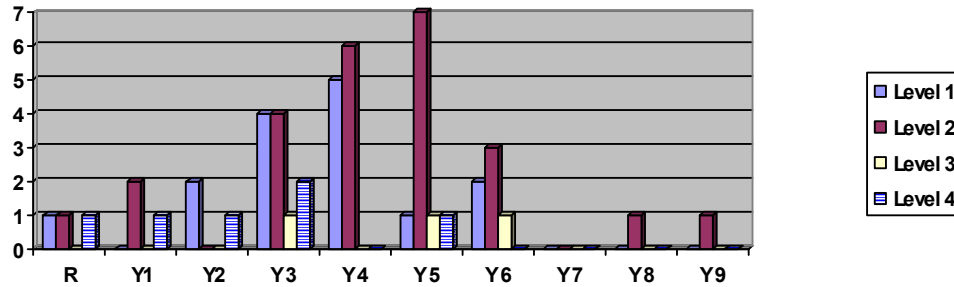
Marlbrook Primary School	13
Michaelchurch Escley Primary School	4
Mordiford C Of E Primary School	3
Much Birch V C School	5
Much Marcle C Of E Primary School	1
Orleton C E Primary School	3
Our Lady's Roman Catholic Primary School	18
Pembridge C Of E Primary School	2
Peterchurch Primary School	2
Riverside Primary School	22
Shobdon C P School	2
St Francis Xaviers R C Primary School	2
St James C E Primary School	5
St Josephs RC Primary School	5
St Martins Primary School	23
St Michaels C Of E Primary School	2
St Paul's C Of E Primary School	5
St Peter's Primary School	6
St Thomas Cantilupe C E School	14
Staunton-on- Wye Endowed Primary School	1
Stoke Prior Primary School	2
Stretton Sugwas V C School	3
Sutton Primary School	1
Trinity Primary School	12
Walford Primary School	1
Wellington C P School	4
Weobley C P School	7
Weston Under Penyard C Of E Primary School	2
Whitbourne School	2
Whitchurch V A School	5
Wigmore Primary School	5
Withington Primary School	2

88% of Herefordshire Primary Schools have band level funding without statements of SEN Oct 08

A typical Banded Funding Panel agenda – Analysis

Table and Chart V – 15th October 2008 Banded Funding Level 1 Applications by Band Level

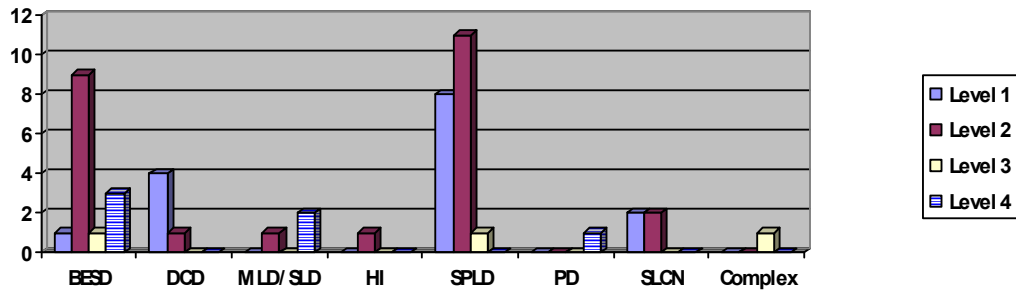
Year	R	Y1	Y2	Y 3	Y 4	Y 5	Y 6	Y 7	Y 8	Y 9
Level 1	1	0	2	4	5	1	2	0	0	0
Level 2	1	2	0	4	6	7	3	0	1	1
Level 3	0	0	0	1	0	1	1	0	0	0
Level 4	1	1	1	2	0	1	0	0	0	0
Totals	3	3	3	11	11	10	6	0	1	1



Applications at the October 15th 2008 Panel meeting followed the identified trends in terms of the proportions of Levels 1 and 2 applied for and the concentration of applications at Key Stage 2. The number of Level 4 applications in comparison with Level 3 shows an increase on previous Panels.

Table and Chart W – 15th October 2008 Banded Funding Applications by category of SEN

	BESD	DCD	MLD/SLD	HI	SPLD	PD	SLCN	Complex	Totals
Level 1	1	4	0	0	8	0	2	0	15
Level 2	9	1	1	1	11	0	2	0	25
Level 3	1	0	0	0	1	0	0	1	3
Level 4	3	0	2	0	0	1	0	0	6



The proportion of applications in the BESD at Level 2 and SPLD at Levels 1 & 2 in this Panel follows the trend seen since the introduction of banded funding without statements of SEN. The trend indicates children who fail to learn to read at an expected rate and children with relatively low level but persistent disruptive behaviour in school.

Monitoring Pupil Outcomes

73. The development of a robust monitoring process has been a priority in the development of banded funding.

The aims of the monitoring process are:

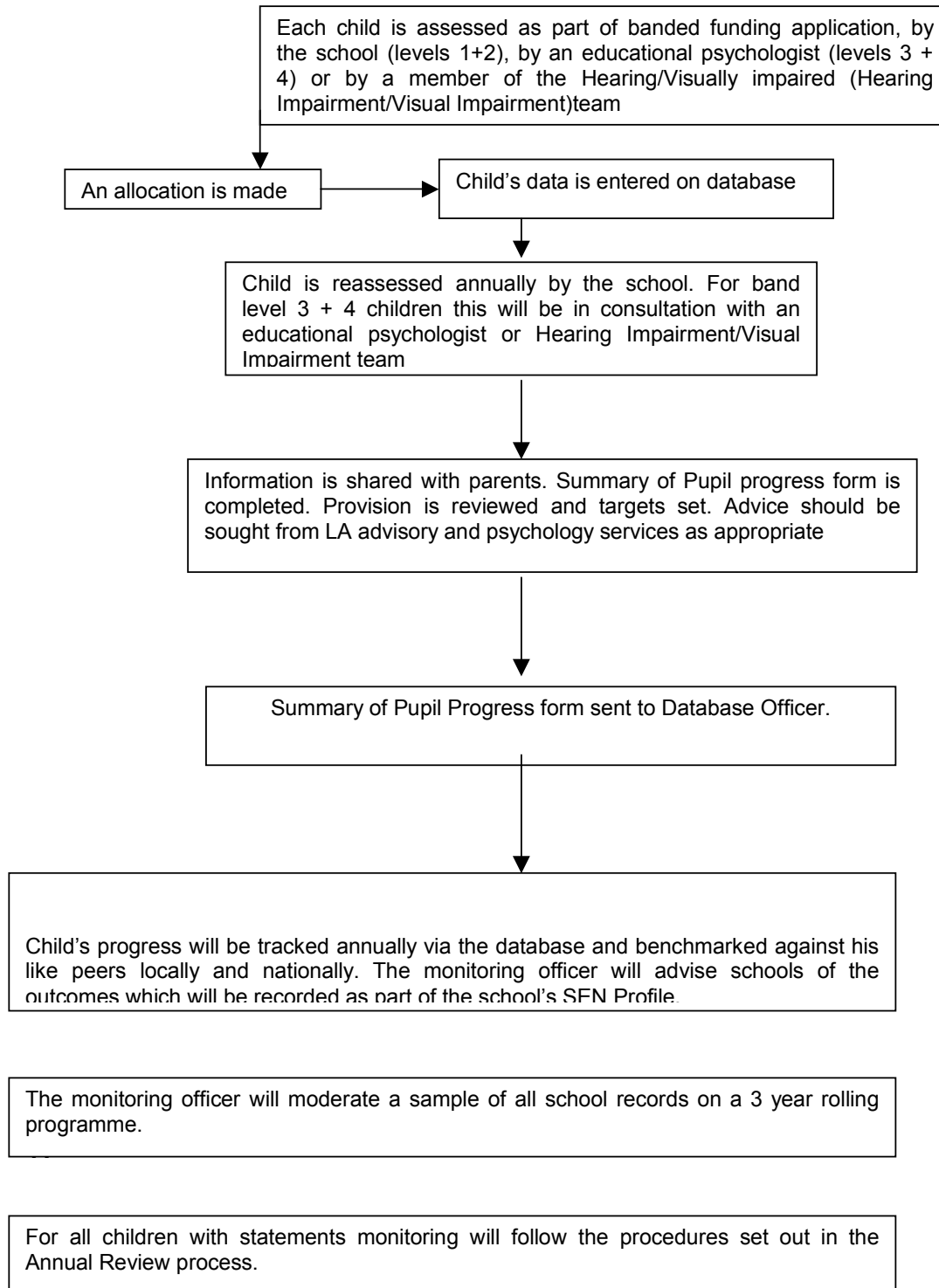
- To ensure that all band level allocations are being used to good effect
- To track the progress of pupils allocated long term provision
- To judge the appropriateness of that progress for each individual
- To raise expectations where necessary
- To make good quality data available to parents, schools and the Council
- To ensure that, for those pupils who formerly would have received a statement of provision and are now receiving either band 3 or 4 allocations, the entitlements are safeguarded
- To share good practice
- To recognise and provide for staff training needs

It is a condition of additional funding (banded funding) that schools participate in the monitoring of the use of these funds.

- Children, who are provided with additional funding (short or long term) must be assessed, at least annually, by the school
- The assessment should monitor the child's progress against the need identified in the initial application as well as providing annual reading data, baseline assessments and end of key stage results where applicable.
- Following assessment the school will:
 - Complete the monitoring paperwork 'SEN Monitoring Summary of Pupil Progress' (Appendix 1) available electronically from the extranet, SENCO website or the monitoring officer
 - Discuss the expectations for the child and the progress made with
 - parent
 - pupil
 - relevant professionals
 - Evaluate the current provision
 - Set new, challenging targets
- Schools may seek advice from the assigned LA Access and Improvement Service with regard to appropriate targets, provision and assessment
- For pupils who are in receipt of banded funding at levels 3 and 4, the educational psychologist who has been involved with the child is involved in the assessment and monitoring of progress
- In the case of pupils with hearing or visual impairment, the relevant specialist advisory teacher are involved (Hearing Impaired/Visually Impaired Service)
- Pupils in receipt of support through a statement of special educational needs have their progress monitored as part of the statutory Annual Review process

Schools are expected to maintain pupil profiles for each child to track that child's progress through the school. Test results should be added to the profile. Pupil profiles also record interventions used at different times with the child and are designed to be a key planning aid in future decision making for that child, assisting both the provision management and IEP target setting processes.

The Monitoring Process



Cost of Banded Funding with & without statements of SEN

	2007/08 Actual	2008/09 Budget
Band 1	£322,000	£203,000 <i>(see Note 1)</i>
Band 2	£1,367,000	£1,100,000 <i>(see Note 1)</i>
Band 3	£583,000	£564,000
Band 4	£687,000	£640,000
New Banding Applications <i>(see Note 2)</i>	Included above	£1,200,000 Anticipated Bands 1 & 2
TOTAL	£2,899,000	£3,647,000

Note 1: Allocations in school budgets continuing from previous year

Background to the current Consultation with Schools concerning Bands 1 and 2

75. Banded Funding trends without statements of SEN have been extensively monitored since its introduction. The Funding for Inclusion Group has been an important reference and steering group. Herefordshire Schools Forum has received reports on the funding mechanism and emerging trends since the scheme's introduction.
76. In October 2007 Schools Forum received a report concerning the effect of the rising cost of banded funding on schools base budgets. The report set out a number of options for reducing the effects.
77. Schools Forum agreed to a 5% cut to the monetary value of Bands 1 and 2 from April 2008 and no inflationary rise in the value of Bands 3 and 4 also from April 2008 following consideration of the facts.
78. Schools Forum also tasked the Funding for Inclusion Group to investigate and report back in June 2008 on the scope for delegation of funding associated with Band Levels 1 and 2 to schools.
79. A further report to Schools Forum in March 2008 concerning Advisory Services resulted in the Funding for Inclusion Group also being tasked with investigating and reporting on the possibility of delegating some of the cost of SEN advisory services to schools.
80. Schools Forum received a report from the Funding for Inclusion Group in June 2008. The report recommended a full consultation with schools in the Autumn Term 2008 concerning a proposal to delegate funding for Band Levels 1 and 2 and funding associated with the provision of central Learning and Behaviour Advisory Services from April 2009.
81. Schools Forum agreed with these recommendations. The Funding for Inclusion

Group were involved in agreeing the content of the consultation and the consultation arrangements.

82. Schools were notified of the consultation in accordance with Council procedures and the actual Consultation Documentation was posted on Schools Online. The 8 week consultation period began on the 22nd September 2008 and finished on the 14th November 2008. Two Question and Answer events were held on the 6th and 8th October 2008.
83. The results of the consultation and a draft report for Schools Forum will be considered by the Funding for Inclusion Group on the 25th November. A final report will then be prepared for consideration by Schools Forum due to meet on the 15th December 2008.

24 November 2008

Summary of Information

1. Funding Sources in Herefordshire to Support Children with Special Educational Needs depending on type and complexity of needs

SEN Code of Practice	School base budget funding	Band Level 1	Band Level 2	Band Level 3	Band Level 4
School Action	Notional 6%				
School Action Plus	Notional 6%	£1830 pa	£3585 pa	£7000 pa	£10930 pa
Statement of SEN	Notional 6%		£3585 pa	£7000 pa	£10930 pa

2. Numbers of Children in Herefordshire across different areas of SEN Code of Practice

	Jan 2003	Jan 2004	Jan 2005	Jan 2006	Jan 2007	Jan 2008
School Action	2303	2390	2235	2211	2443	2507
School Action Plus	1497	1589	1635	1824	1908	1916
Statements Of SEN	822	872	823	783	682	642
TOTALS	4622	4851	4693	4818	5033	5065
% of school population	19.3%	20.3%	19.9%	20.9%	22.1%	22.2%

3. Statutory Assessment of SEN under section 323 Education Act 1996

Financial Year	Statutory Requests from Schools	Statutory Requests from Parents	Requests agreed against criteria	Statements of SEN subsequently issued
2005-06	36	14	29	26
2006-07	21	27	35	25
2007-08	16	47	31	29

4. Cost of Additional Funding - with and without statements of SEN

	2007/08 Actual	2008/09 Budget
Band 1	£322,000	£203,000 (see Note 1)
Band 2 (see Note 2)	£1,367,000	£1,100,000 (see Note 1)
Band 3 (see Note 2)	£583,000	£564,000
Band 4 (see Note 2)	£687,000	£640,000
New allocations	Included above	£1,200,000 Anticipated
TOTAL	£2,899,000	£3,647,000

Note 1: Allocations in school budgets continuing from previous year

Note 2: Including funding of any Statements of SEN specifying this level of additional funding

PROGRESS REPORT - DOMESTIC ABUSE

Report By: Service Manager, Safeguarding and Assessment Service
and Designated Nurse, Safeguarding Children, PCT

Wards Affected

Countywide

Purpose

1. To inform Scrutiny Committee of progress made since 2006, in addressing the needs of children affected by domestic abuse.

Financial Implications

2. A number of service developments are planned, for which funding is required. These are:
 - a) Multi-Agency Risk Assessment Conferences
 - b) Independent Domestic Violence Advisor
 - c) Support to children affected by domestic abuse, living in the community
3. There are no financial implications for the Council in respect of the first two of these developments. The details of the funding arrangements in place or planned are dealt with below, at points 23 and 28. The detail of how it is proposed to fund development of support to children affected by domestic abuse is dealt with below, at point 18.

Background

4. Domestic abuse is a pervasive and frequently hidden problem. Available statistics indicate that domestic abuse incidents account for between 16% and 25% of all recorded violent crime. Approximately 1 in 8 women are thought to have suffered domestic abuse, and women are much more likely than men to experience multiple incidents of domestic abuse (around 89% of those experiencing 4 or more incidents of domestic abuse are women).
5. The Department of Health estimated (2002) that 750,000 children per year witness domestic abuse. These children are at increased risk of behaviour problems and emotional trauma, and mental health difficulties in adult life. On average 75% of children subject to child protection plans and half of all child protection case cases referred to Children's Social Care Services are because of domestic abuse.
6. In Herefordshire, 40% of children who are currently subject to Child Protection Plans require this protection from harm because of their exposure to domestic abuse in their home lives.

Further information on the subject of this report is available from
Linda Maden, Service Manager, Children and Young People's Directorate (01432 261605) or
Lynne Renton, Designated Nurse, Safeguarding Children, PCT (1432 344344)

7. In Autumn 2005 a Joint Area Review of Children's Services was undertaken in Herefordshire. This was an inspection of all services to children in the County provided by all statutory agencies working with children. This found that some of the most vulnerable children and young people were not getting the protection they needed. Children and young people on the Child Protection Register represented a significantly smaller proportion of the population than in similar authorities and referrals of children in need were half the national average. (Please note that the Child Protection Register has been discontinued since April 2008. The requirement now is that children are recorded as being subject to Child Protection Plans. The purpose of this change is to move the focus from registration to actions by professionals to reduce significant harm. A list of children subject to Child Protection Plans is kept, and reported upon using the same indicators as the Child Protection Register). Children suffering domestic abuse were not specifically mentioned in the Joint Area Review report although inspectors expressed a general concern about domestic abuse services, and whether enough was being done to address the needs of children and young people exposed to domestic abuse. Attempts to obtain clarity about the precise nature of these concerns were not successful.
8. An action plan was put in place following the Joint Area Review, which included the following relevant action points:

Review of the threshold criteria for referral of children to Children's Social Care

- 8.1 A review was undertaken; the threshold criteria were amended in March 2006, and approved by the then Area Child Protection Committee (replaced in April 2006 by the Herefordshire Safeguarding Children Board). A key element of revision was the inclusion in the threshold criteria of children living in households where serious and/or recurring incidents of domestic abuse had occurred. All such cases coming to the attention of professionals working with children should be referred to the Children and Young People's Directorate Referral and Assessment Team, with parental consent. If parental consent is withheld, professionals must use their judgement to decide whether or not the likelihood of significant harm to a child will be increased by not referring and therefore whether to do so without consent.

Development of an effective workforce strategy to improve recruitment and retention of social workers

- 8.2 The recruitment and retention strategy has been in place for two years, leading to successful recruitment of 15 newly qualified social workers and a smaller number of more experienced social workers in the last eighteen months, from local and national recruitment campaigns. Investment has also been made in sponsoring Council staff working in the Children and Young People's Directorate to undertake the Social Work Degree training course. Five student social workers sponsored by the Council are in various stages of Social Work Degree courses at present and will return to work as social workers in due course. The strategy is regularly monitored, reviewed and has been refreshed in 2008. The current permanent social worker vacancy rate in Referral and Assessment Teams and Children and Families Fieldwork teams is 18%, reduced to 11% by use of temporary staff.
- 8.3 Overseas recruitment from USA and Australia will help address the shortage of more experienced and skilled social workers, and is expected to reduce the vacancy rate to 5% by January 2009. At the same time, work is ongoing to improve retention rates

of existing staff. This includes extensive induction and support to social workers in their first year after qualifying; post-qualification training programmes; payment of a Market Forces Supplement to social work posts in key teams; and planned development of a career structure linking qualifications and skills to a career pathway, with the aim of encouraging experienced and competent staff to remain with Herefordshire.

Ensuring all professionals working with children understand the threshold criteria and apply them consistently in practice

- 8.4 Training for key professionals to aid understanding of the threshold criteria for referral to Children's Social Care forms a part of the Herefordshire Safeguarding Children Board (HSCB) training programme. HSCB revised the Safeguarding Procedures in October 2007, in a tripartite arrangement with Worcestershire and Shropshire. These are available electronically via the Council website. The Common Assessment Framework (a national initiative which all local authorities are required to have in place) is replacing the Herefordshire Child Concern Model in 2008/9, as Herefordshire's framework for supporting children with additional needs, and a programme of training is currently under way. This includes ensuring that all professionals understand their responsibilities for safeguarding children and how the Common Assessment Framework links with the work of Children's Social Care.
9. Since the Joint Area Review in 2005, the Children and Young People's Directorate has been annually inspected through the Annual Performance Assessment (APA). In 2007 the APA judged the contribution of services to improving Staying Safe outcomes for children and young people to be adequate. Thresholds for service were considered to be understood across agencies, and to have resulted in higher numbers of children receiving support. However, the APA also identified services to combat domestic abuse as a weak area requiring improvement. As indicated above, attempts to obtain clarity about the precise nature of these concerns were not successful.
10. The APA for 2008 has recently taken place and a draft letter from the inspectors was received on 14th November 2008. The final judgement is yet to be confirmed, and the letter is not yet in the public domain. However, the inspectors have indicated, under the Staying Safe judgement, that good progress has been made in identifying, assessing and assisting children, who through exposure to domestic abuse may have suffered significant harm.

Current Position

11. Annual referral rates to Children's Social Care have increased by more than 50% in the last two years. It is not possible to link this directly to domestic abuse because specific figures for numbers of referrals primarily due to domestic abuse are not available (see point 13 below), but it is likely to be partly due to the revised threshold criteria for referral and to partly to increasing professional awareness of the serious adverse impact of domestic abuse on children.
12. Under Section 47 of the Children Act 1989, social workers have a duty to undertake enquiries to ascertain whether any action is required to safeguard or promote the child's welfare, where there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm. Initial and core assessments of children in need will be undertaken, and services provided if required. The percentage of children receiving initial assessment of their needs has increased, as has the number of core

Further information on the subject of this report is available from
Linda Maden, Service Manager, Children and Young People's Directorate (01432 261605) or
Lynne Renton, Designated Nurse, Safeguarding Children, PCT (1432 344344)

assessments being carried out. The number of children subject to Child Protection Plans has doubled, of whom, as indicated above, approximately 40% are children affected by domestic abuse. This reflects the greater awareness of the impact of domestic abuse and the need for inter-agency co-operation to combat the problem.

13. The Police Family Protection Unit informs the Referral and Assessment Team of all cases of domestic abuse to which they have been called, where children are involved, so that a decision can be made about whether assessment and intervention is necessary.
14. The recently implemented first phase of the electronic Integrated Social Care Solution, Frameworki, will support prompt and effective information gathering about children from Police and other agencies, to aid decision making about whether children affected by domestic abuse may be at risk of significant harm. It will also improve the management information available to the local authority in order to analyse the pattern of need and effectiveness of service delivery.
15. The primary local provider of services to women and children affected by domestic abuse is West Mercia Women's Aid (WMWA), largely funded by a "Supporting People" contract. (The "Supporting People" funding stream from central government, managed within the Adults and Community Directorate, is provided to support adults who need additional help to obtain and maintain appropriate housing. The Council commissions a range of such services through the Supporting People Commissioning Board.) Provision includes a 24-hour Helpline, refuge accommodation, and outreach support for women and children moving on from the Women's Refuge into their own accommodation, and to those who remain living in the community.
16. The Children and Young People's Directorate funds provision of services to children in the Women's Refuge and multi-agency work by WMWA, including training and awareness raising activities, children and young people's engagement and consultation in safeguarding issues. Mediation Herefordshire provides counselling services to children whose parents have separated.
17. Health Visitors have, for some time, routinely given pregnant or newly delivered mothers both verbal and written information and support regarding domestic abuse. As a result of last year's APA an audit was undertaken to assess the consistency of the information. An action plan is being developed to review the information given to women regarding domestic abuse and to increase training to support Health Visitors in this work.
18. It is recognised that additional services are needed for children living in the community who are affected by domestic abuse. This is being addressed in a range of ways. The Children and Young People's Directorate intends to commission additional support services for children in the community from April 2009, from within mainstream resources for 2009/10. It is anticipated that this will require allocation of £35,000. The Common Assessment Framework has been implemented locally, and training is under way for all professionals in Herefordshire working with children. Integrated locality teams are planned, which will work with children with additional needs and provide support and guidance to other professionals.
19. The Domestic Abuse Forum is a multi-agency body with specific responsibility for development of a strategy to address domestic abuse in Herefordshire. The Forum works in partnership with the Community Safety and Drugs Partnership, and

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Herefordshire Safeguarding Children Board. The Chair of the Domestic Abuse Forum is also the Vice-Chair of the Herefordshire Safeguarding Children Board. The governance arrangements for the Domestic Abuse Forum and its links to the Children's Trust Board are shown in the Appendix 1 to this report. In 2008, the Domestic Abuse Forum has reviewed and refreshed its strategy for addressing domestic abuse and a number of service developments have been established or are planned, primarily through the Community Safety and Drugs Partnership, as indicated at point 20 below.

20. The Community Safety and Drugs Partnership have published a new Community Safety Strategy. Within that strategy, year one priorities are to support an Independent Domestic Violence Advisor Service, the establishment of Multi-Agency Risk Assessment Conferences (MARAC) and the establishment of Specialist Domestic Abuse Courts.

Independent Domestic Advisor (IDVA) Post

21. Independent Domestic Violence Advisors (IDVA) work from the point of crisis with survivors of domestic abuse; their work is typically short to medium term and they work within a multi-agency setting to manage the risk that survivors face. As of January 2008 Herefordshire employs a full time IDVA. This post is hosted by West Mercia Women's Aid and is a 3-year pilot funded by Supporting People.
22. The IDVA is now at capacity supporting women across Herefordshire. The post holder has received referrals for 120 women (who are carers to 125 children) to her own service since January 2008 and is currently supporting 25 women. It is recognised that as the post becomes more established less development work needs to be undertaken (e.g. informing Police and Courts about the role) and therefore there is an expectation that the numbers of women supported will increase.
23. As a result of the success of the role the numbers of women being referred are increasing greatly. It is therefore necessary to expand the service with a second part time post. Government Office West Midlands (GOWM) has agreed to provide £20,000 GOWM funding to contribute to the first year of the post. Release of funding from GOWM requires a commitment to match funding and evidence of sustainability. A business case has been developed by a sub group of the Domestic Abuse Forum to present to the Community Safety and Drugs Partnership and GOWM, which it is anticipated will be successful. There are no additional costs to the Council as a result of this development.

Dedicated Domestic Abuse Court

24. Victims of domestic abuse are often reluctant to be witnesses in Court because of their relationship with the defendant, particularly where children are involved. Many feel vulnerable and intimidated, and find the prospect of going to Court daunting. Domestic abuse is a historical problem that requires a very modern approach to eradicate it once and for all. An independent report concluded that Specialist Domestic Abuse Courts provide better support for victims and more effective, streamlined ways of dealing with domestic abuse. Accreditation by the Ministry of Justice is required for a Court to acquire the status of Specialist Domestic Abuse Court.
25. As a first step towards this, Herefordshire established a Dedicated Domestic Abuse Court in May 2008, which aims to tackle domestic abuse by ensuring the Criminal

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Justice system is more receptive to the needs of victims. The Court operates weekly and all domestic abuse cases going through the Magistrates Court are heard in this Court. All magistrates who sit on this bench in this Court have received training in domestic abuse (many of these magistrates have also attended specialist training in domestic abuse). The Crown Prosecution Service advocate in this Court is a specialist in domestic abuse, which avoids the risk of compromising the safety of the victim when considering sentencing. The setting up of a Dedicated Domestic Abuse Court in Herefordshire demonstrates that this crime is being taken extremely seriously, by the Police, the Crown Prosecution Service and the magistrates who are making decisions that have a profound effect upon people's lives.

26. The Court is working towards accreditation from the Ministry Of Justice to become a Specialist Domestic Abuse Court; it is expected that this will be achieved by the end of this financial year. Specialist Domestic Abuse Courts are a fundamental part of the government's efforts to improve the support and care on offer to victims of domestic abuse. A multi-agency approach is central to the success of these innovative Courts: Police, prosecutors, Court staff, the Probation Service and specialist support services work together to identify, track and risk assess domestic abuse cases, support victims and share information so that more offenders are brought to justice. There are no additional costs associated with this development.

Multi Agency Risk Assessment Conferences (MARAC).

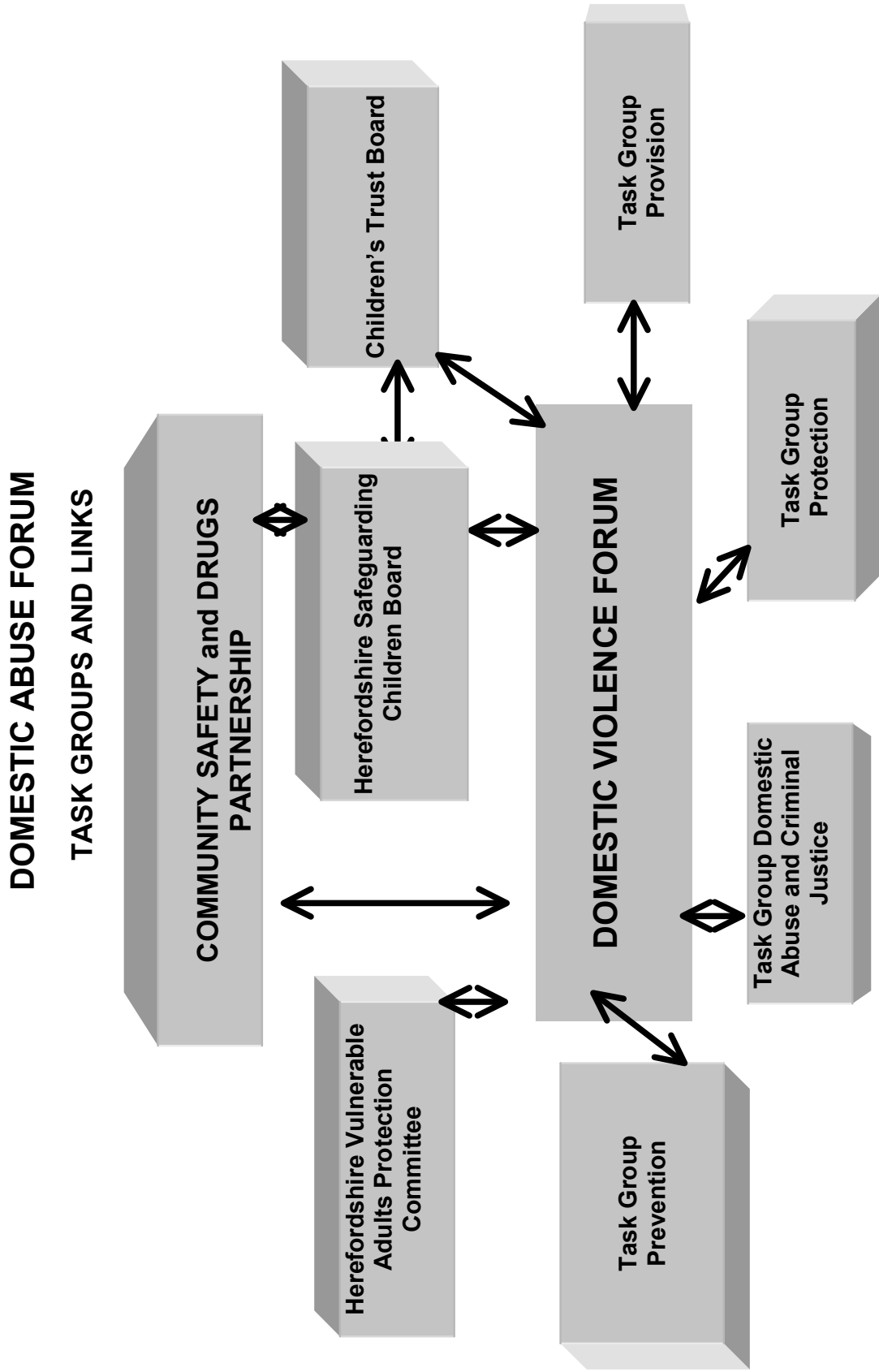
27. The main purpose of the MARAC is to provide a framework for a multi-agency approach to reduce the risk of serious harm or homicide for a victim and to increase the safety, health, and wellbeing of victims, both adults and children. In a MARAC local agencies meet to discuss those victims of domestic abuse in their area who are at the highest risk of harm. Information about the risks faced by those victims, the actions needed to ensure safety, and the resources available locally are shared and used to create a risk management plan involving all agencies. The MARAC model of intervention involves risk assessment in all reported cases of domestic abuse to identify those at highest risk so that a multi-agency approach may be taken. Evidence suggests that this reduces recidivism even among those most at risk.
28. The first MARAC in Herefordshire will take place in November 2008, chaired by West Mercia Police. To enable the Herefordshire MARAC to run smoothly and efficiently a post of co-ordinator is required. Government Office West Midlands have given a commitment to provide a one off grant of £15,000 to support Herefordshire with the administrative costs of establishing MARACs, which includes a co-ordinator post. Herefordshire have to match fund and demonstrate sustainability prior to GOWM support. This has now been achieved; funding for a MARAC co-ordinator has been agreed through the Community Safety Partnership, funded by the Police. The co-ordinator role has been advertised and is expected to be in post in early 2009.

Recommendation

That the Children and Young People's Services Scrutiny Committee notes the progress made in provision of services to children and families affected by domestic abuse in Herefordshire.

Background Papers

- None identified.



CAPITAL BUDGET REPORT 2008/09

Report By: Schools Planning & Access Manager

Wards Affected

Countywide

Purpose

1. To report the capital budget for 2008/09 for the Children & Young People’s Directorate.

Financial Implications

2. As set out in the report.

Background

3. The Capital Programme Budget Monitoring Summary at 31st October is set out in the table below. Full details of all the expenditure on all Children & Young People’s projects are listed in the Appendix.

	£ '000
Original Capital Budget Reported	20,185
Capital Budget Changes:	
Hereford Academy – reprofiling	(3,655)
Other Budget Revisions (each less than £250,000)	25
Revised Capital Budget 2007/08	16,555

This revised figure of £16.5m is fully resourced from a combination of DCSF grant, borrowing approvals support by Council fund, capital receipts and S106 monies.

4. The Academy funding has been reprofiled to reflect the fact that only fee expenditure will be incurred this financial year.
5. The other budget revisions total £25,722 and are made up of budget changes as follows:

Ashperton Primary School	Acquisition of extra land for playing field.	11,811
Property Maintenance	To meet cost of relocating temporary classrooms and maintenance contributions to other schemes.	(52,018)
Temporary classrooms	Relocations	40,500

Further information on the subject of this report is available from Rob Reid, Schools Access and Planning Manager on tel 01432 260920

Hollybush Children's Centre	Work not due to start until 2009/10	(150,000)
Extended Schools	Reallocated Standards Fund	86,490
Childcare Access	Unallocated Children's Centre Grant	171,510
Coningsby Children's Centre	Original budget should have shown £12k, not £120k	(108,000)
LPSA – NEET	Grant	10,000
Other budget changes		15,429

RECOMMENDATION

THAT subject to any comments the Committee wish to make the report be noted

BACKGROUND PAPERS

None identified.

Children & Young People's Directorate: Capital Programme 2008/2009

Code	Scheme	Original Budget	Adjusted Budget	Budget Change	Spend per Cedar
CC			31/10/08		30/10/08
LA Building Schemes completed					
M0007	John Masefield - science labs retention	17,375	19,304	1,929	18,525
M0011	Ashperton - purchase additional playing field		11,811	11,811	11,811
M0018	John Kyrle - access improvement		5,000	5,000	0
M0019	Aylestone - retention		7,000	7,000	0
M0020	Kingstone High - Sports Hall		0	0	602
M0054	Weobley High - Sports Hall		1,500	1,500	26,609
M0073	Mordiford - loan repayment			0	(20,000)
M0111	Kington Youth Centre			0	39,113
M0080	Sutton Primary replacement school	427,000	427,000	0	384,305
LA Building Schemes - in progress					
M0088	Riverside Primary - replacement school	2,742,885	2,742,885	0	1,293,543
M0028	Holmer School Flood Alleviation	190,000	190,000	0	9,541
M0084	Old Whitecross High - demolition	200,000	200,000	0	154,824
M0098	Barrs Court Hydrosense Facility	0		0	193,769
M0408	Hereford Skate Park	50,000	50,000	0	50,000
M0071	Minster School - Replacement	3,881,307	3,881,307	0	500,334
LA Building Schemes - design stage					
M0095	Hereford Academy	3,847,624	192,624	-3,655,000	70,178
LA Building Schemes - maintenance programme					
M0499	Property Maintenance	1,090,000	1,037,982	-52,018	429,043
M0025	Temporary Classrooms	110,000	150,500	40,500	99,345
M0500	Individual Pupil Needs	260,000	260,000	0	40,119
LA Building Schemes Total		12,816,191	9,176,913	- 3,639,278	3,301,661
Children's Centres & Extended Schools					
M0008	Bosbury		-		37,248
M0090	Ledbury Childrens Centre	18,000	18,000		267
M0089	Ross Childrens Centre	30,000	30,000		7,440
M0455	Hollybush Childrens Centre	300,000	150,000	(150,000)	3,132
M0115	Extended Schools	63,778	150,268	86,490	(151,684)
M0117	ISPP	23,499	23,499		0
M0091	Widemarsh Children's Centre, Hereford	922,500	922,500		48,626
M0092	Golden Valley - Peterchurch - Children's Centre	240,000	240,000		42,500
M0110	Childcare	662,134	833,644	171,510	0
M0112	Longtown ES -	10,000	10,000		0
M0113	Garway ES Grant - Pre-school mobile	80,000	80,000		117,093
M0099	John Kyrle ES Grant	117,600	117,600		103,371
M0122	North City 2	50,000	50,000		0
M0123	North County	50,000	50,000		0
M0124	Llangrove	15,500	15,500		0
M0125	Ewyas Harold - ES Grant - Pre-school mobile	30,000	30,000		0
M0126	Gorsley Goffs	50,000	50,000		0
M0121	Coningsby	120,000	12,000	(108,000)	1,006
M0410	Mini Sure Start		-		22,579
Children's Centres & Extended Schools Total		2,783,011	2,783,011	-	231,578
Non-building Schemes					
M0370	Improving Management Information	4,896	4,896	0	3,079
M0371	ICT Mobile Technology for Social Workers	16,000	16,000	0	5,233
M0202	LPSA2 - school attendance	21,720	21,720	0	21,378
M0106	Harnessing Technology	1,317,758	1,317,758	0	153,657

M0107	Youth Capital	76,000	76,000	0	47,218
M0501	Integrated Children's systems			0	1,860
M0076	E-Learning Credits			0	(116)
M0203	LPSA2 - NEET	0	10,000	10,000	3,359
Non-building Schemes Total		1,436,374	1,446,374	10,000	235,668
S106 Agreements - now all coded to M0503					
M0016	Trinity PS - S106	46,879	46,879	0	0
M0030	Old Rd, Bromyard (QE)	17,684	17,684	0	0
M0041	St Martins	34,090	34,090	0	0
M0066	Withington (S106)	63,918	63,918	0	0
M0503	CS S106	182,443	182,443	0	0
M2021	Ross S106	9,000	9,000	0	0
Section 106 Totals		354,014	354,014	-	0
School Devolved Building Schemes					
Zcodes	Devolved Formula Capital	2,795,429	2,795,429	-	1,896,062
Expenditure to be Financed		20,185,019	16,555,741	- 3,629,278	5,664,969

REVENUE BUDGET MONITORING REPORT 2008/09**Report By: Finance Manager****Wards Affected**

Countywide

Purpose

1. To report on the monitoring of the revenue budget for 2008/09 for the Children & Young People's Directorate.

Financial Implications

2. As set out in the report

Background

3. The previous report to Cabinet on the 2nd October 2008 predicted a £267,000 overspend. The Directorate's financial position has now improved by £261k since August 2008. This is mainly because of a £171k improvement in the Inclusion & Improvement service arising from planned better use of General Surestart Grant and a reduction in the Joint Agency Management budget. Additionally a projected overspend of £120k in the Directorate's computer budget has been largely absorbed by an improving school transport position within the Planning, Performance and Development division. Overall a very small overspend of £6k is forecast.
4. A new directorate management structure has been implemented from 1 July 2008. This saw special educational needs (SEN) and school improvement combined in a new Inclusion & Improvement service. A Planning, Performance and Development service has also been established as part of the restructure. Other services (except Safeguarding & Assessment) will be devolved to locality teams in time. Budget monitoring now reflects the new directorate structure for 2008/09 however there will continue to be budget changes in each division as budget responsibilities are finalised.

Directorate Central Budgets

5. The Dedicated Schools Grant funds many central SEN services but does not fund the remaining education services such as strategic management, SEN assessment, asset management and transport which are the Council's responsibility.
6. Some central directorate budgets are not allocated to individual service divisions and these budgets are forecast to overspend; comprising of the savings target of £205k, which will reduce as savings continue to be realised, and an overspend of £58k on advertising for new Heads of Service and interim management costs. The ICT budgets (including an £120k overspend) have transferred to the Planning, Performance and Development Division as part of the Directorate restructuring.
7. The Council is also required to meet any redundancy costs arising from within schools. The budget was overspent by £466k last year and this level of expenditure is expected to continue in future years. For 2008/09 the budget has been increased to

£649k to cover the expected cost however actual costs will not be known until March 2009.

8. The Inclusion and Improvement service budget position has improved since the end of August mainly due to the intended use of General Surestart Grant to offset £100k of family centre costs. The service is now expected to underspend by £120k rather than the previous forecast a £51k overspend as at the end of August. There are some small variances within the service, for example a reduction in School Improvement service income from training courses and forecast underspend on the Joint Agency Management budget and Education Psychology service.
9. Within the Planning, Performance and Development division, School Transport was underspent by £575k in 2007/08. Despite additional school days in the 2008/09 financial year, it is projected that school transport will underspend by £179k. The extra SEN costs following the judicial review are now estimated at £60k. However the cost of DERV has now reduced and is expected to be £100k less than previously expected. Further work is taking place to establish more robust systems of monitoring and forecasting transport expenditure.
10. There are projected overspends of £123,000 on the Directorate's ICT budgets resulting from the ending of standards fund grant and SLA costs. Property and asset management is expected to underspend by £41,000. Overall Planning and Performance is projected to underspend by £118k.
11. Locality teams have not yet been implemented within the Directorate and so the relatively small budget of £100,000 is expected to spend on budget in 2008/09.

Children's Social Care / Safeguarding and Assessment Services

12. Analysis of the number of residential and external agency placements shows a continuing rise in the number of placements. For background it should be noted that there were 24 placements in April 2006, peaking at 35 in May 2007 before falling back to 29 placements in March 2008. This level has continued with 29 placements in July 2008. Although external placements have reduced from last year's high point, the number of future placements can vary. Therefore, it is prudent to expect numbers to rise to an estimated 32 residential and fostering places during the remainder of the year. These placements can be expensive and typically each one costs in excess of £150k. Hence any additional placements will significantly impact on the forecast expenditure. The Council has a statutory responsibility to meet the needs of individual children if such placements are necessary.
13. In-house fostering placements have risen from 102 in April 2007, peaking at 113 in February 2008 before falling back to 98 in September 2008. This gives a projected overspend on the fostering budget of £68k on in-house fostering and £60k on agency fostering.

Dedicated Schools Grant 2008/09

14. Notification of the final grant allocation has been received and the final allocation of £85.16m is £112k more than the budget planning total. Schools Forum in July 2008 agreed to retain the additional grant to cover possible budget overspends in 2008/09.
15. The 2007/08 underspend of £1.2m has been distributed schools and £50k of the underspend used to match fund a pilot scheme in two school partnerships to support integrated partnership working between cluster schools. This pilot scheme has been approved by DCSF.

16. An underspend in DSG of £474k is currently forecast comprising mainly applications for new banded funding (£203k), Joint Agency Management (£127k) and the additional grant (£112K). Dedicated Schools Grant is ring-fenced and any under or over spend must be carried forward to 2009/10.

RECOMMENDATION

THAT the report be noted

BACKGROUND PAPERS

Summary of Cedar financial reports and forecast for October 2008

Children & Young People's Directorate Revenue Budget Monitoring Report – as at October 2008

	2008/09 BUDGET £'000	2008/09 ACTUAL £'000	2008/09 PROJECTION £'000	2008/09 VARIANCE £'000	NOTES
A. Dedicated Schools Grant (DSG)					
Grant Income from DfES	-83,382	-50,156	-83,382	0	Income and high school budgets amended to reflect new Academy.
Primary Schools	37,163	39,551	37,163	0	
High Schools	36,293	36,968	36,293	0	
Special schools	3,580	3,791	3,580	0	
Less LSC income	-2,750	-1,632	-2,750	0	
DSG c/fwd & contingencies	233	-21	234	(1)	
Central spending within DSG					
Special Needs Banded Funding	1,190	643	987	203	Underspend on High schools banded funding.
Special Needs Support Services/Inclusion	1,371	725	1,309	62	
Fees to Independent Schools for SEN placements	1,218	-156	1,091	127	Fewer children than expected due to delayed new placements
Pupil Referral Units	895	895	895	0	
Nursery Education Funding	2,898	1,818	2,900	(2)	
Early Years	459	256	445	14	Incl recharges
Other smaller budgets	832	301	761	71	
Music	0	142	0	0	
Schools absence fund c/fwd	0	-353	0	0	
Dedicated Schools Grant Total	0	-32,772	-474	474	
B. Children's Budget					
Directorate Central costs	524	-493	776	(253)	Savings still to be identified
Locality Teams	100	36	100	0	
Safeguarding - External Agency Placements	2,387	1,184	2,086	301	
Safeguarding – Looked After Children	2,571	1,495	2,715	(145)	Extra placements in year
Safeguarding - Social Work	4,252	2,449	4,365	(113)	
Safeguarding - Assessment & Family Support	1,791	793	1,827	(36)	
Improvement & Inclusion - Children with Disabilities	1,545	1,245	1,446	(99)	Increase on budgeted JAM contribution.
I&I - Early Years	338	196	246	92	General Surestart grant to meet Hollybush costs

I&I - Management	682	299	695	(13)	
I&I - Special Needs	870	400	829	41	
I&I - School Improvement	862	529	991	(129)	Income from training courses less than budgeted
I&I - Youth Offending Team	341	56	307	34	
I&I - Youth Service	1,062	573	1067	(4)	
PPD - Transport	5,396	2,198	5,217	179	Savings from route reviews
PPD - Property	803	831	762	41	
PPD - Management	903	330	1004	(101)	Overspend on ICT
Children's Total	24,427	12,122	24,433	(6)	

**CHILDREN'S SERVICES SCRUTINY COMMITTEE
WORK PROGRAMME****Report By: Assistant Chief Executive – Legal and Democratic****Wards Affected**

County-wide

Purpose

- 1 To consider the Committee work programme.

Financial Implications

- 2 None

Background

- 3 In accordance with the Scrutiny Improvement Plan a report on the Committee's current Work Programme will be made to each of the scheduled quarterly meetings of this Scrutiny Committee. A copy of the suggested Work Programme is attached at Appendix 1.
- 4 The programme may be modified by the Chairman following consultation with the Vice-Chairman and the Director of Children's Services in response to changing circumstances.
- 5 Should any urgent, prominent or high profile issue arise, the Chairman may consider calling an additional meeting to consider that issue.
- 6 Should Members become aware of any issues they consider may be added to the scrutiny programme they should contact either the Director of Children's Services or the Democratic Services Officer to log the issue so that it may be taken in to consideration when planning future agendas or when revising the work programme.

RECOMMENDATION

THAT subject to any comment or issues raised by the Committee the Committee work programme be approved and reported to Strategic Monitoring Committee.

BACKGROUND PAPERS

- None identified.

Children's Services Scrutiny Committee - Work Programme 2008/09 for consideration at 8 December 2008

10.00am 30 March 2009 at Brockington, Hafod Road, Hereford	
Officer Reports	<ul style="list-style-type: none"> • Children Cared for by Unofficial Carers. (Minute No 29) • School transport including reference to the Yellow Bus scheme (subject to receipt of Government guidance) • Capital Budget Monitoring. • Revenue Budget Monitoring • Performance Digest • Reconsideration of Committee appointment of 'Champions'.(Minute No 30) • Committee Work Programme.
Scrutiny Reviews	
July 2009	
Officer Reports	<ul style="list-style-type: none"> • Capital Budget Monitoring. • Revenue Budget Monitoring • Committee Work Programme.
Scrutiny Reviews	
September 2009	
Officer Reports	<ul style="list-style-type: none"> • Capital Budget Monitoring. • Revenue Budget Monitoring • Committee Work Programme.
Scrutiny Reviews	
December 2009	
Officer Reports	<ul style="list-style-type: none"> • Capital Budget Monitoring. • Revenue Budget Monitoring • Committee Work Programme.
Scrutiny Reviews	

Possible future items on:

- The 14 – 19 Strategy
- Foundation and Academy Schools
- Governance arrangements for the Children's Trust and partnerships.
- Delivery plans to be submitted to Committee for the Children and Young People Plan.

In consultation with the Chairman and Vice-Chairman the Director of Children's Services is working up a programme of open seminars for Committee Members based on defined themes.

