

MEETING:	CABINET
MEETING DATE:	19 SEPTEMBER 2013
TITLE OF REPORT:	POST 16 LEARNERS WITH LEARNING DIFFICULTIES AND DISABILITIES (LLDD) REVIEW
REPORT BY:	INTERIM HEAD OF SUFFICIENCY & CAPITAL COMMISSIONING
CABINET PORTFOLIO:	CHILDREN'S WELLBEING

1. Classification

Open

2. Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the County.

NOTICE has been served in accordance with Part 3, Section 9 (Publicity in connection with key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

3. Wards Affected

3.1 County wide.

4. Purpose

4.1 For Cabinet to consider the recent review into young people aged over 16 years with Learning Difficulties and/or Disabilities (LDD) and how it addresses the points of the recent petition.

5. Recommendation(s)

5.1 **THAT:**

(a) **the findings of the review, which includes the implementation of a revised Transitions Protocol for Children and Young People with**

Learning Difficulties and Disabilities to improve the experience of young and their families making the transition to adult services be approved;

- (b) to test and develop multi-agency joint commissioning and provider collaboration, a small pilot for further education, independent living and therapeutic services for up to 4 young people aged 19-25 who have learning difficulties and disabilities of a profound, multiple or severely complex nature be undertaken from September 2013.**
- (c) the Cabinet Member for Children's Wellbeing receives monitoring reports and the conclusions of the pilot in July 2014 with a view to agreeing future provision.**

6. Alternative Options

- 6.1 Do nothing and maintain the status quo. This would lead to increased dissatisfaction from families about support and options available. This could lead to further instances of family breakdown and legal challenge. This would not improve outcomes for young people.
- 6.2 Revise the Transitions Protocol only. This would only partially support better outcomes. This alone does not ensure that suitable and sufficient provision is available to meet the need.
- 6.3 Do not test and develop multi-agency joint commissioning, including ending the Pilot. The alternative would be to send increasing numbers of young people out of county rather than investing in local provision. Many young people want to live, work and play in their local communities but find opportunities limited.

7. Reasons for Recommendations

- 7.1 The report and recommendations are a result of analysis and consultation and offer the best opportunity to substantially improve the educational offer for 16-25 year olds with a learning disability assessment. This can be achieved within the funding already available and will enable more successful transition to adulthood for this group. It enables the council and partners to test whether an alternative approach will also be more cost effective than the current pattern of provision. The recommendations also support the local authority to fulfil its current statutory duties and those likely to be required through the Children and Families Bill 2013.

8. Key Considerations

- 8.1 The review of Post 16 Provision for Learners with Learning Difficulties and/or Disabilities (LLDD) was carried out in response to the recommendations and associated action plan from the Review of support for children with disabilities and their families (2011). The strategic priorities guiding our approach are:
 - 1. Developing Choice
 - 2. Professionals working in partnership with families
 - 3. Young people with disabilities living ordinary lives

The purpose of this Post 16 review was to ensure that:

- There is a choice of high quality post 16 provision in Herefordshire to meet the individual learning and support needs of young people 16-25 with a wide range of learning difficulties and/or disabilities and individual requirements;
- The provision offers the appropriate environment, curriculum and support to enable learners to achieve their full potential and move onto their adult lives within their own communities.

- 8.2 More recently, the Coalition Government's green paper and subsequent draft legislation, identified the need to strengthen the educational offer for young people with disabilities aged 16-25. The highlighting of this nationally prompted a group of local parents to press for an improved offer at the age of 19 at the earliest opportunity. The Council received a petition to this effect earlier this year.
- 8.3 Findings in the report have highlighted the urgent need for change to enable young people and their families to plan and prepare early, to make informed decisions and enable a smooth transition into adulthood, enabling the best possible outcomes.
- 8.4 The recommendations seek to maximise the best use of existing and future diminishing resources and value for money.
- 8.5 The recommendations and actions contribute to the priorities set out in Herefordshire Council's Corporate Plan 2013/2015, Child Poverty Strategy, Health and Wellbeing strategy and the Yes We Can Plan and lead to improvement of services, commissioning and performance.
- 8.6 If the proposals were not implemented, the local authority would not be meeting its statutory duties. There would be an increase in dissatisfaction, complaints and likelihood of legal challenge from young people and parents.

9. Community Impact

- 9.1 The recommendations support the most vulnerable members of the community. The recommendations and actions contribute to the priorities set out in Herefordshire Council's Corporate Plan 2013/2015, Child Poverty Strategy, Health and Well-being strategy and the Yes We Can Plan.
- 9.2 The approach described in the attached paper is intended to ensure that:
- Young people with learning difficulties and disabilities (LDD) are able to develop the knowledge, skills and capabilities they will need to lead fulfilling lives, to be able to live as independently as possible and maximise their potential on their transition into adulthood. Thus reducing longer term support needs;
 - Young people with LDD are active in their communities;
 - Young People with LDD are physically and mentally healthy and stay healthy for longer;
 - More young people with LDD in employment, supported employment and enterprise and Herefordshire Council setting an example;
 - There is a spectrum of supported living opportunities to enable young people to live as independently as possible;
- Targets to reduce the number of young people who are NEET (Not in Education, Employment or Training) are met.

10. Equality and Human Rights

- 10.1 This report pays due regard to the Human Rights Act, Equality Act 2010 including section 149, the 'General Duty' on public authorities.
- 10.2 The recommendations and actions if implemented will have a significant positive effect on young people with disabilities lives. The review took into consideration the needs and views of young people with LDD and their families and makes recommendations that will enable them to have greater choice and control over local services and provision. The aim is for young people to be able to participate and have an active role in their communities and be valued for their contribution.
- 10.3 The review takes into consideration the 'general duties' on Public bodies:

- As an employer it seeks for the council to review its own working practices and opportunities and lead by example;
- The pilot will test a multi-agency approach to the design and delivery of provision and the procurement of that provision;
- It asks for the council to review its procurement policies in particular the use of social clauses.

11. Financial Implications

- 11.1 Delivery of the report's recommendations and actions will be undertaken within the constraints of reducing local authority and partnership funded budgets such as the education funding agency allocations, adult social care personal budgets and clinical commissioning group, therefore no additional funding is being sought.
- 11.2 A joint commissioning framework will be in place through the development of the education, health and care plan and resource allocation system to ensure better forward planning, reduce budget pressures and maximise value for money.
- 11.3 Successful outcomes have the potential to reduce longer term costs.
- 11.4 The pilot has is projected to cost £176,000 a year for 4 young people. Funding comes from money allocated to the Local Authority by the Education Funding Agency (EFA) Expenditure on out of county placements for these young people could be circa £76,000 per person. The full profile is attached as Appendix 1

12. Legal Implications

- 12.1 Section 149 of the Equalities Act 2010 imposes a duty on the Council to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (disability being one such characteristic) and persons who do not share it. If implemented, the recommendations will advance equality of opportunity.

13. Risk Management

- 13.1 The risks to Herefordshire Council if the proposals in the report are agreed:
- (a) Demand outstrips resources available – the implementation of the transition protocol and the education, health and care plan will ensure robust forward planning and inform resource allocation, mitigating this risk;
 - (b) Budget withdrawal from any one contributor – the transitions protocol details each contributors responsibilities and will mitigate against this risk;
 - (c) The local authority would not be meeting its statutory duties There would be an increase in dissatisfaction, complaints and likelihood of legal challenge by young people and their families/carers;
 - (d) Families will continue to feel unsupported and the potential for safeguarding issues to arise. Disabled adults are more likely to live in poverty, have poor physical and mental health, and be socially isolated and economically inactive;
 - (e) Poor transition leads to disruption in the continuity of care, disengagement from services and is likely to lead to poorer outcomes. With many young people running the risk of becoming NEET (Not in Education, Employment or Training). Learners with learning difficulties and/or disabilities are twice as likely as their peers to be NEET resulting in more dependency on services. A lack of provision to meet assessed need could lead to more young people becoming NEET;
 - (f) Lack of employment opportunities could lead to a dependency culture;

(g) Lack of housing options could lead to a dependency culture and family breakdown;

(h) Reputational risk created by adverse publicity.

14. Consultees

14.1 A task group was set up to oversee the review membership includes Parents/Carers, young people, Parent Partnership, Herefordshire Carers, Post 16 Education and Training providers, Herefordshire Council SEN team, Children's Commissioning, Adult Social Care Commissioning, Wye Valley Trust.

14.2 Workshops were held with parents/carers and young people.

14.3 Meetings were held and views were sought from post 16 education and training providers, housing, health professionals, adult social care providers, Herefordshire Carers, Department for Work and Pensions, Education Funding Agency.

15. Appendices

15.1 Appendix 1 - Increasing Choice, Improving Outcomes – Post 16 Learners with Learning Difficulties (LLDD) Review August 2013.

15.2 Appendix 2 - Funding for Pilot project.

16. Background Papers

16.1 None identified.