

## Other Business Report

### Purpose of report

For information.

### Summary

This section provides reports on other business relevant to the Board.

### Recommendation

That the Board note the updates on:

- i. Schools Funding
- ii. Special Educational Needs
- iii. Powers to delegate children's social care functions
- iv. National Children and Adult Services Conference 2014
- v. Social work task and finish group

### Action

LGA officers to action as necessary.

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## **Other Business Report**

### **School Funding update**

#### **Minimum Funding Levels**

1. The DfE consultation on Minimum Funding Levels for 2015-16 closed on 14 May 2014. The DfE propose to distribute £350m to authorities which they consider to be below a minimum funding level set on a variety of characteristics. According to preliminary data 62 authorities would benefit from the uplift.
2. The LGA reply said that schools and councils in the 62 authorities would welcome this additional money, for which they have long been campaigning, but that there are issues over precisely how the minimum funding levels have been derived since the DfE had not shared its detailed modelling with the LGA and colleagues from local authorities. We have also heard concern that the uplift affects only the Schools Block – not the Early Years or High Needs block.
3. The Government is expected to indicate the way forward in a statement in July.

#### **Education Services Grant**

4. A consultation on £200m savings to the Education Services Grant (around 20%) closed on 19 June 2014. The DfE consultation document notes that councils have made savings on services covered by the ESG grant and have increasingly moved to a model of charging both maintained schools and academies.
5. The LGA responded jointly with Solace and a copy of the response is attached at Annex A. It sets out our opposition to the proposed cut, arguing that as councils have already made, and continue to make, cuts and efficiencies in their education services additional cut of 20% will put further pressure on the ability of councils to support schools to improve and hold them to account for their performance. It highlights the difference in expectations on councils between that set out in the consultation document and the Ofsted expectation that councils should hold academies, as well as maintained schools to account. It suggests that the best way forward would be to end the additional ESG funding given to academies and establish the actual costs and spending on central services in academies and councils to see whether savings can be found through this route.

#### **Universal free school meals and schools capital**

6. Members will be aware that the policy of universal free school meals for children in reception and years 1 and 2 comes into effect in September 2014. The government is funding this at a rate of £2.30 per meal for each newly eligible child (i.e. those not already eligible for free school meals) and through an allocation of £130m capital, distributed on the basis of pupil counts for the relevant age group, in addition to £22.5m for small schools (roll up to 150).

7. The LGA has heard concerns that this is not enough and that councils and schools are having to supplement this out of their own resources to meet the full cost. In response we have sent out a survey to all councils to establish whether there is a shortfall and how it is being funded.
8. The survey also asks questions about the sufficiency of basic needs allocations and the priority schools building programme and how any shortfalls are being funded.
9. It should also be noted that a second round of the Priority Schools Building Programme was announced on 1 May 2014, with a total value of £2bn. Expressions of interest from councils, dioceses and academy trusts are currently being sought. The expression of interest system is expected to go live in early June. The deadline for submission is 18 July.

#### **Special Educational Needs and Disabilities update**

10. The Children and Families Act 2014 gives councils the overall responsibility for children and young people with SEN and disabilities in their area. The new law extends the rights that parents of children with SEN statements currently have (to express a preference for the school they wish their child to attend) to young people, and widen the institutions for which they can express a preference to include Academy schools, further education and sixth form colleges, non-maintained and independent special schools and independent special colleges approved for this purpose by the Secretary of State. Councils commission and fund all high needs provision requiring 'top-up' funding over £10K. Reciprocal duties to co-operate are placed on all schools including academies and post-16 institutions, including the duties;
  - 10.1 To admit a young person if the institution is named in an Education Health and Care (EHC) plan.
  - 10.2 To use their best endeavours to secure the special educational provision that the young person needs.
  - 10.3 To review the provision that is available locally and in developing the Local Offer.
11. However, it is not clear what powers local authorities have if schools fail to fulfil those duties or whether they have any specific powers of intervention over academies if they do not cooperate.
12. School and college readiness has also been raised as a potential risk to the successful implementation of the reforms from September. A new system called SEN support is being brought in for those with less complex needs to replace School Action and School Action Plus. It will also be available in colleges. The process will be similar but it will be less about counting the hours or resources given to children and young people and more about what they are achieving as a result. Schools (but not colleges) will also have a new legal duty to make arrangements for supporting pupils with medical conditions.

13. The delay in publication of the new code of practice (which runs to over 250 pages) until well into the summer term has caused some concern, particularly from teachers' unions and parents' lobbying groups. The code was laid before Parliament on 11 June and is awaiting approval from both Houses. Transitional guidance and regulations about the process for transferring statements and learning difficulty assessments to plans have also been published to support the phased implementation to 2018.
14. The DfE's summer readiness survey of councils carried out in May had a response rate of 93% (143 councils) which reported very good progress overall - 96% of respondents are "reasonably" or "very" confident that new entrants would be offered the new legal system from September.
15. Stakeholder engagement is also very positive: 94% reported engaging schools and SENCOs as making "good progress" or complete; and a lower number, 72% reported engaging FE and post-16 providers as making "good progress" or complete.
16. The DfE has recently announced £45million new burdens funding for councils in 2014-15 and an indicative amount of £31.7 million for 2015-16. Councils will receive two instalments of the new funding together at the end of August 2014; and the other instalments at the end of November 2014 and at the end of February 2015.
17. For further detail about the new law, the LGA has published 'Get in on the Act: Children and Families Act 2014' and 'The council role in special education' will be published in July as a brief guide to the reforms with 20 pathfinder case studies.

#### **Powers to delegate children's social care functions**

18. On 17 April 2014, the Department for Education launched a consultation on new freedoms for councils to delegate children's social care functions to third party providers. The LGA welcomed the flexibility for councils to deliver services in the way that works best for local children and young people, highlighting the social enterprise model in Richmond and Kingston as an example of the type of provision that would be made possible by these regulations.
19. However, we expressed concern that allowing commercial organisations to deliver these functions could risk undermining public confidence in child protection services by introducing a perceived profit motive into decisions about vulnerable children and young people. We stressed that any decision to commission out all or part of a service must only be taken by democratically accountable councils, and that councils must continue to oversee and be held accountable for the delivery of those services.
20. Ministers accepted our argument, and have now stipulated that only bodies working on a not-for-profit basis will be able to take on delegated children's social care functions. The draft regulations will now be considered in both the House of Commons and the House of Lords, with DfE hoping to have approval for councils to be using the new freedoms from October onwards.

### **National Children and Adults Services Conference (NCAS) 2014**

21. This year's NCAS conference will be taking place from the 29 to 31 October at Manchester Central conference centre. The LGA Chair, Cllr David Sparks, will open the conference and other confirmed plenary speakers include Jeremy Hunt, Norman Lamb, Edward Timpson, Andy Burnham and Tristram Hunt. To date there are approximately 300 delegates registered (a similar number to this stage in 2013), including representatives of over 60 local authorities.
22. A total of 119 bids were received for sessions and representatives from the LGA, ADCS and ADASS worked together to confirm bids, while leaving a small number of 'hot topic' sessions which can be allocated nearer the time. The following LGA sessions were proposed and have been selected to feature on the conference programme:
  - 22.1 Early years education and childcare
  - 22.2 Implementing special educational needs and disabilities reform
  - 22.3 Raising the participation age- one year on
  - 22.4 Our ambition for children
  - 22.5 What is the Councillor Role in Education?
23. There will also be a meeting of the LGA's Children and Young People Board at the conference with Edward Timpson that will be open to all children's lead Members at the conference. It will take place on Thursday 30 October at 3.15pm, and members of the Board who are not attending conference will be able to access the meeting room if they confirm their attendance in advance.

### **Social Work task and finish group**

24. The Children and Young People and Workforce Boards agreed in January to establish a joint task and finish group to consider the issues of children's social worker recruitment and retention. The group met on 1 May and agreed to map existing good practice across the sector, and in the longer term develop a bid for funding from the DfE's Innovation Programme to support new ways of working.