

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE – 24 SEPTEMBER 2010

OUTWITH PLACEMENTS

Report by the Executive Director of Educational and Social Services

1. PURPOSE

- 1.1 To provide Elected Members with a summary of the Department of Educational and Social Services use of outwith placements up to end July 2010.
- 1.2 This report is not intended to consider the specific cases of secure placements made in relation to the Children's Hearing and Criminal Justice System, nor the cases of children educated outwith the authority as a result of Looked After and Accommodated arrangements. Both of these are administered under different arrangements.

2. BACKGROUND

- 2.1 On behalf of the Council, the Department of Educational and Social Services purchases placements for children and young people in establishments outwith the management of East Ayrshire. These placements can be very expensive, and sometimes are a considerable distance from the child's home. It is the Council's policy to educate both within a mainstream setting and to do this as close as possible to the child's home community. For these reasons an outwith placement is therefore only considered when a child's needs cannot be met adequately within the Council's own resources. Some children may be placed externally as a specific outcome of a Children's Hearing.
- 2.2 In its simplest form an outwith placement can result from one of two reasons or a combination of both:

Additional Support Needs: a child may have particular additional educational needs requiring specialist support that lies outwith either the skills and experience of East Ayrshire staff, or the accommodation and resources available. Examples include children who are both hearing and visually impaired, or those who have an extreme autistic spectrum disorder. These placements are traditionally funded out of the Education budget.

Social, emotional and behavioural difficulties: these placements arise from children experiencing difficulties in the community. Often they have come via the Children's Hearing system. Such difficulties may arise from the child's family or social situation, but equally may originate in a diagnosed behavioural disorder such as attention deficit hyperactivity disorder. These placements were traditionally funded jointly from Social Work and Education budgets.

3. HOW THIS PROVISION IS MANAGED

- 3.1 So far as possible, the central aim is to make provision for children within their own community. To this end, the establishment-based resources within the Department are:
- Montgomery Place
 - Kilmaurs Children's House
 - Sunny Side Children's House
 - Park School
 - Witchhill School
 - Woodstock School
 - Hillside School
 - Supported Learning Centres
 - Youth Strategy
- 3.2 The Department uses a system which is known as "staged intervention". In summary this gives children and families access to resources in a structured and considered way. In other words, the start point is low level resource, near to the community. As the assessed needs of children and young people either increases the intensity of support, or access to greater specialist support is considered and by implication costs can increase.
- 3.3 This system is mirrored in the assessment arrangements. Initially, assessments are carried out by a school assessment team (SAT). As the child needs access to wider resources, a community assessment team (CAT) becomes involved with education, social work and health staff as well as parents and the young person. This system has evolved over the years and has been proven to be successful.
- 3.4 When a child's needs go beyond those potentially available to a CAT they are considered by a multi-agency Prioritisation Group.
- 3.5 The Prioritisation Group:
- Consider cases referred to them by the CAT;
 - Consider cases that arise from a direct referral;
 - Monitor the children currently on an outwith placement;
 - Monitor the re-integration of children's return from outwith placements to East Ayrshire.
- 3.6 When a child is approved for an outwith placement by the Prioritisation Group a form is submitted for consideration and authorisation by the Executive Director, Department of Educational and Social Services. Each individual placement is therefore subject to high levels of scrutiny.
- 3.7 Over the last 12 months the Departmental Commissioning officer has been actively engaged in negotiations with service providers in order to ensure clarity in terms of the service being purchased and also ensuring that best value principles are applied at all times.

- 3.8 In striving to improve outcomes for children and young people the commissioning officer has been involved in the following activities:
- Monitoring feedback from a variety of sources, investigating complaints and working with providers to raise the quality of commissioned services.
 - Ensuring that the statutory principles as outlined in relevant legislation, guidance and codes of practice are adhered to by commissioned services.
 - The development of outcome focused service specifications and formal contracts for all commissioned services.
 - Scrutiny of the cost and quality of commissioned services.
 - Benchmarking with comparator authorities on all areas relating to commissioned services.
 - Liaising with the regularity bodies (Care Commission / Hmie) as required.
- 3.9 The task is to continue to work in partnership with providers, stakeholders and colleagues from NHS Ayrshire & Arran to deliver personalised commissioned services that are sustainable and deliver positive outcomes for children, young people and their families.
- 3.10 A more rigorous contractual and commissioning process will result in the authority achieving best value in any placement made.

4. THE ISSUES

- 4.1 The pressure on financial resources in relation to outwith placements is extreme. This results from:
- the absolute cost of the placements;
 - the fact that the providers of placements have increased their charges well above annual inflation rates;
 - the increased statutory rights of parents and young people through placing requests;
 - the well-documented increases in the support needs of particular groups of children in terms of volume and intensity; and
 - there is no reliable way of predicting the changes in the profiles of needs of children or families and therefore to predict demand.
- 4.2 Taken together these factors mean that the resources to meet outwith placements are unlikely to match the need. This feature of the management of finances has regularly appeared in the budget reports presented by Educational and Social Services.
- 4.3 Over time it has become increasingly apparent that the old distinctions between categories of children as reflected in paragraph 2.2 are outmoded. This is perhaps best illustrated by the abandonment of the term “special educational needs” and the adoption in new legislation of the term “additional support needs”. This shift recognises that in practice very few children have learning difficulties that can be solely addressed in school. Equally, very few children experiencing problems in the community are able to take full advantage of their learning opportunities. The distinction is therefore artificial and therefore requires to be managed in a more integrated way. Recent

amendments to the legislation will facilitate this more integrated approach to working with vulnerable children and young people.

5. THE CURRENT POSITION

5.1 The main features of provision in this area of service are:

32 separate establishments outwith East Ayrshire are currently used. These are run either by local authorities or the private and voluntary sector.

Category	Current Number of Establishments in use
ASL Aux/Classroom Support	7 (mainstream or specialist provision)
ASL Day	9
ASL Residential	14
Secure	2

- Most placements are in the old Strathclyde area, but three are over 200 miles from East Ayrshire.

5.2 There are currently 54 children in outwith placements, as at July 2010:

Category	Current Number of Children
ASL Aux / Classroom Assistant	10 (mainstream or Education Authority specialist provision)
ASL Day	19
ASL Residential	23
Secure	2 (1 funded by EAC, 1 by Scottish Government)

- The highest number in any single establishment is 5 children and/or young people in both Towerlands and Spark of Genius.

5.3 The number of children who have been placed outwith the Authority during 2010/11 or whose placement has ceased during this period:

Placements Carried Forward (at 1 April 2010)	
Category	Number of Children
ASL Aux / Classroom Assistant	10
ASL Day	18
ASL Residential	23
Secure	2 (1 funded by EAC, 1 by Scottish Government)
	Sub Total: 53
Placements Ceased (during period 1 April 2010 to July 2010)	
Category	Number of Children
ASL Aux / Classroom Assistant	0
ASL Day	1
ASL Residential	4
Secure	1 (100% funded by EAC)
	Sub Total: 6

New Placements (during period 1 April 2010 to July 2010)	
Category	Number of Children
ASL Aux / Classroom Assistant	0
ASL Day	1
ASL Residential	5
Secure	1 (100% funded by EAC)
	Sub Total: 7

5.4 The Executive Director of Educational and Social Services requested an independent review of the Department's arrangements for outwith placements. The review was completed in June 2010. The review had three stages:

- (i) Where are we now?
- (ii) What can we do with what we have got?
- (iii) What can we do better?

5.5 The report recognised the strengths in the staged intervention process; developments in GIRFEC and integrated assessments; the recent developments in children and family social work services and the establishment of the East Ayrshire Additional Support Team (EAST).

5.6 The recommendations in the report centres around the need to further streamline decision making processes to avoid duplication; continue to develop *GIRFEC* and more clearly link individual assessments, action plans and outcomes and to redesign the Prioritisation Group to be more solution focussed.

5.7 Officers are currently considering the recommendations to determine immediate and longer term actions.

6. POLICY/LEGAL IMPLICATIONS

6.1 The Council is under statutory obligations through the Education (Scotland) Act 1980, the Education (Additional Support for Learning) (Scotland) Act 2004 and the Children (Scotland) Act 1995 to make provision which meets the needs of individual children.

7. FINANCIAL IMPLICATIONS

7.1 In financial year 2010/11, the costs for a single outwith placement ranged from £2,623 to £317,081. There were 27 (including Secure) in excess of £50,000 each. (These amounts do not include associated costs such as transport.)

7.2 For 2010/11 the budgeted financial resource available and projected outturn is:

Type of Placement	Financial Resource Available	Outturn
Residential/Day/Classroom Assistant	£3,856,830	£4,618,101
ASL Secure	£580,026	£580,026

- 7.3 Based on the most recent figures available as of July 2010 the projected overspend on budget for all Outwith Placements (excluding Secure Placements) will be **£761,271**.
- 7.4 Based on the level of secure accommodation placements to July 2010, it is anticipated that expenditure will outturn on line with budget for the year. It is important to highlight the largely uncontrollable and needs led nature of this budget and this may be reflected in increased demand for placements in the remainder of the financial year. The projected outturn would require revision to reflect any such changes.
- 7.5 The projected Income stream from other Authorities making placements within East Ayrshire is **£325,658**. Details of this income stream are outlined below in paragraph 7.6. Any income generated over and above this will be used to offset overspend.
- 7.6 Figures available show charges due to East Ayrshire Council which can be seen as income to offset against expenditure, for children placed in this authority is as follows:

Authority	Payment Type	Recharged April to June	Projected Income 10/11
Glasgow City Council	Placement Recharges	£31,856	£124,773
North Ayrshire Council	Placement Recharges	£42,665	£167,106
South Ayrshire Council	Placement Recharges	£8,624	£33,779
TOTAL		£123,867	£325,658

- Costs charged to other authorities for LAAC children in East Ayrshire specialist provision is shown on appendix 1.

8. COMMUNITY PLANNING IMPLICATIONS

- 8.1 This aspect of provision makes a significant contribution to the Improving Community Safety and Improving Opportunities themes of the Community Plan.

9. RECOMMENDATIONS

- 9.1 It is recommended that Members:
- (i) ask the Executive Director of Educational and Social Services to provide future reports at 6 monthly intervals on this aspect of provision;
 - (ii) ask the Executive Director of Educational and Social Services to take whatever action is necessary to ensure that available resources are matched to established needs in this provision and;
 - (iii) otherwise note the contents of this report

Graham Short
Executive Director of Educational and Social Services

GRS/GRS
August 2010
(Enc. 2)

LIST OF BACKGROUND PAPERS

1. An Overarching Strategy on Inclusion, Social Work and Education Committee, 2005
2. Pathways to inclusion, Social Work and Education Committee, 2002
3. Budgetary reports to committee.
4. Education (Additional Support for Learning) (Scotland) Act 2004

Members requiring further information should contact Graham Short, Executive Director of Educational and Social Services, Tel: (01563) 576017.

IMPLEMENTATION OFFICER: GRAHAM SHORT

APPENDIX 1

EAST AYRSHIRE COUNCIL												
Department of Educational and Social Services												
Section 23 Inter Authority Charges 2010/2011												
Establishment	Hillside	Park	Witchhill	Woodstock	Barshare Unit	Cumnock Unit	Grange Deaf Unit	Patna Supp. Learn	Crosshouse Comm Centre	Doon Acad SEN Base	Loudoun Acad SEN Base	
Pupil Roll Sept 2009	22	84	6	30	20	26	12	5	13	17	14	
Establishment Budge 2009/2010	642,853.00	952,080.00	212,118.00	563,325.00	173,930.00	327,309.00	197,227.00	108,790.00	264,817.00	156,930.00	209,412.00	
Establishment Unit Cost	29,220.59	11,334.29	35,353.00	18,777.50	8,696.50	12,588.81	16,435.58	21,758.00	20,370.54	9,231.18	14,958.00	
Central Allocations												
Teaching Cover	14,952.00	16,198.00	2,848.00	7,196.00	1,068.00	1,780.00	16,287.00	0.00	178.00	0.00	0.00	
Non Teaching Cover	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Speech Therapy	13,805.81	19,722.58	1,972.26	15,778.06	7,889.03	0.00	13,016.90	7,889.03	23,667.10	7,889.03	23,667.10	
Audiology / Mobility Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Central Unit Cost	1307.17	427.63	803.38	765.80	447.85	68.46	2441.99	1577.81	1834.24	464.06	1690.51	
Combined Unit Cost	30,527.76	11,761.91	36,156.38	19,543.30	9,144.35	12,657.27	18,877.58	23,335.81	22,204.78	9,695.24	16,648.51	
8% Management Charge	2442.22	940.95	2892.51	1563.46	731.55	1012.58	1510.21	1866.86	1776.38	775.62	1331.88	
Total (before inflation)	32,969.99	12,702.86	39,048.89	21,106.77	9,875.90	13,669.85	20,387.78	25,202.67	23,981.16	10,470.86	17,980.39	
3.0% Inflation	989.10	381.09	1171.47	633.20	296.28	410.10	611.63	756.08	719.43	314.13	539.41	
Total Placement Cost	33,959.08	13,083.95	40,220.35	21,739.97	10,172.18	14,079.95	20,999.41	25,958.75	24,700.59	10,784.98	18,519.80	
ADDITIONAL CLASSROOM ASSISTANT SUPPORT												
2010/2011 Hourly Rate Charge - £10.21 (inc. on costs)												