

<b>REPORT TO:</b>	<b>Cabinet 8<sup>th</sup> July</b>
<b>SUBJECT:</b>	<b>SEND Post 19 Further Education programme</b>
<b>LEAD OFFICER:</b>	<b>Robert Henderson, Executive Director of Children Families and Education Shelley Davies, Director of Education</b>
<b>CABINET MEMBER:</b>	<b>Cllr Alisa Fleming, Cabinet Member for Children, Young People &amp; Learning Cllr Simon Hall, Cabinet member for Finance &amp; Resources</b>
<b>WARDS:</b>	<b>All</b>

#### **CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON**

The Council's Corporate Plan 2018-2022 includes the following priorities which are relevant to this contract-

1. *Our children and young people thrive and reach their full potential*
2. *Everyone has the opportunity to work and build their career*

Under the Children and Families Act 2014, Section 41 places specific duties on approved Further education colleges, sixth form colleges, 16-19 academies and independent specialist colleges. These duties include:

- The duty to have regard to the 0-25 SEND Code of Practice
- The duty to co-operate with the local authority on arrangements for children and young people with SEND

The education provider is also required to have due regard to Part 3 of the same Act, as covered by the SEN Code of Practice guidance.

This direct contract award will contribute to the ambitions contained in the *Croydon Promise* of being 'The best place to learn in London', and deliver against the priority in the SEND Strategy 2019-22 with regards to improved post 16 learning opportunities for young people with SEND.

**FINANCIAL IMPACT:**

The Direct Award with Croydon College is for a period from 1st September 2019 to the 31st August 2022 (inclusive of the extension period), with a total contract value of £1,916,568 for up to 24 commissioned further education places, funded from the Dedicated School Grant (DSG) High Needs Block

Any budget savings achieved from the establishment of local FE provision will be required to deliver against the targets contained in the SEND DSG Deficit Recovery Plan.

**FORWARD PLAN KEY DECISION REFERENCE NO: 2419CYPL**

This is a Key Decision as defined in the Council's Constitution.

The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.

The Leader of the Council has delegated to the Cabinet Member for Children Young People and Learning, the power to make the decisions set out in the recommendations below:

**RECOMMENDATIONS**

1. The Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Finance and Resources is recommended by the Contracts and Commissioning Board, to approve the award of contract for Post 19 SEND Further Education (FE) places for young people with an Education Health & Care (EHC) plan to Croydon College for a contract term of two (2) academic years, with the option to extend for a further one (1) academic year, at a maximum contract value of £1,916,568.
2. To note that the Director of Commissioning and Procurement has approved to waive the requirement under Regulation 17 for a procurement strategy, and to allow the direct award of contract in accordance with Regulation 18 of the Council's Tenders and Contracts Regulations.

**2 EXECUTIVE SUMMARY**

- 2.1. The direct contract award to Croydon College for a Post 19 SEND Further Education (FE) programme, supports the development of a local provision with a key strategic local partner, which will enable young people with complex and multiple disabilities to access college places which support transition to adulthood in or near their local community.
- 2.2. The initial Phase 1 contract term proposed, is for a period of two academic years, with the option to extend for a further year, to provide adequate time to evaluate the learning outcomes for the initial intake of students.

- 2.3. The Council has committed a capital investment to fund the building works required to create a fit for purpose facility that can accommodate both the learning and physical support needs of the Learners. The location of the permanent provision is subject to a feasibility study that is being commissioned separately.
- 2.4. The content of this report has been endorsed by the Contracts and Commissioning Board.

<b>CCB Approval Date</b>	<b>CCB ref. number</b>
25/06/2019	CCB1499/19-20

### **3. DETAIL**

- 3.1. Croydon's SEND strategy states the Council's aim that the vast majority of children and young people with SEND, should be supported to attend a local mainstream education setting. However, it is recognised that for a small number of students because of the complexity of their disability, they will continue to need a specialist provision or a specially adapted environment within a mainstream provision. This is classified as special educational provision under Section 21 of the Children and Families Act 2014.
- 3.2. This contract award is to support the realisation of the Council's shared ambition with the College to deliver a SEND Centre of Learning Excellence in Croydon, for the delivery of suitable further education opportunities for young learners with severe, complex and/or multiple learning difficulties and disabilities.
- 3.3. Preliminary discussions held with Croydon College indicate a commitment and aligned vision to ensuring Croydon has high quality inclusive SEND college provision, that will enable our young people with the most complex support needs, to remain in the Borough and benefit from high quality learning opportunities.
- 3.4. During this initial contract period, the Council will implement a phased development to the programme through gradually growing the intake of SEND Learners, whilst supporting the development of the teaching and learning curriculum with Croydon College, and working in partnership to design and develop the required learning environment. The Council has therefore committed to provide one-off development funding of £90K for the 2019-20 academic year, to enable the College to engage appropriate specialist advice on the development of a relevant and aspirational education pathway for the young people with complex learning disabilities
- 3.5. The intention is that the Learning programme will be delivered in premises, specially adapted to meet the needs of SEND Young People accessing college. To support this aim, the Council has also committed capital investment of £3.3 million, to establish suitable local facilities within a mainstream campus. This new facility will remain the property of the Council with a lease arrangement in place to retain the use of the space for this purpose.

- 3.6. Phase 1 of the development from September 2019, will see the delivery of a two (2) year programme of learning for up to twenty-four(24) young people aged 19-25, based in temporary facilities at the Coulsdon College campus.
- 3.7. Students accepted on the Post 19 learning programme pathway will attend the college for two (2) consecutive days a week. For the remainder of the week, the young people will be supported by community providers such as the Croydon Disability Youth service (DYS) to participate in skill development activities, which will provide the foundation for the transition to adulthood on completion of the course.
- 3.8. The actual numbers of students that will be appropriate for the College programme will vary, and alternative learning pathways will also need to be identified for the more able students from age 16 +.
- 3.9. The level of complexity of support needs for the 2020 aged 19+ student intake has been projected as follows:

<b>Autistic Spectrum Disorder</b>	<b>43.27%</b>
<b>Hearing Impairment</b>	<b>0.96%</b>
<b>Moderate LD</b>	<b>9.62%</b>
<b>Multi-Sensory Impairment</b>	<b>1.92%</b>
<b>Physical Disability</b>	<b>14.43%</b>
<b>Profound &amp; Multiple LD</b>	<b>7.69%</b>
<b>Severe Learning Disability</b>	<b>21.15%</b>
<b>Speech or Communication</b>	<b>0.96%</b>

- 3.10. All young people attending the Post 19 programme will have a complex learning disability which falls within the category of severe. It is anticipated that the majority may be eligible for continued support from social care into adulthood.
- 3.11. Phase 2 of the programme will see the development of a local SEND college facility offering a two (2) year full time programme for 16-18 year olds which is envisaged to be in place from 2021. The scope and demand for this element is still to be finalised, and will therefore be subject to a separate CCB report and contractual agreement.

#### **4. CONSULTATION**

- 4.1. As part of the consultation with stakeholders in the production of the SEND Strategy 2019-2022, one of the key priorities identified for development over the next 3 years was *'Improved post 16 opportunities and outcomes with a greater number of young people with SEND gaining employment and having choices about how they achieve independence to stay in or near their family and local community.'*
- 4.2. The College will be required to obtain feedback from both students and parents

to inform the development of the course curriculum over the next 3 years, and enable the students to influence their annual learning plans based on their preferences and aspirations.

## **5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

### **5.1. Medium Term Financial Strategy (MTFS) revenue & capital impacts**

It is estimated that currently over 40% of the High Needs spend is on students that are aged 16-25, and that a saving of £630K could be made over a period of five (5) years through the establishment of a local Post 19 education & learning pathway.

- 5.2. The breakdown of the overall cost of the Pathways to Adulthood Post 19 programme (of which the Croydon college contract is a component) to the Council per annum is estimated as follows:

Baseline ESFA funding per student	£10,000
Top-up funding per student	£15,369
Total annual contract cost for 24 student places	£608,856
Development funding to Croydon College in Year 1	£90,000
DYS Social Skills element	£280,000

- 5.3. Where additional costs are anticipated (based on an assessment of individual student support needs) over and above the Top-up funding allocation per student contained within this contract, this will be subject to separate negotiation by the Commissioner to ensure a person-centred offer of support.
- 5.4. The Council is also responsible for the organisation and cost of travel arrangements for young people attending the college with an Education, Health and Care Plan (EHCP) including a requirement for travel arrangements.
- 5.5. The Education capital budget has reserved £3.3 million to fund the capital development required in order to create new adapted college facilities.
- 5.6. The in-house Croydon Disability Youth service provides the remainder of the programme for Post 19 students with an annual revenue cost in the region of £280,000.

### **5.7. Revenue and Capital consequences of report recommendations**

- 5.7.1. The expenditure for the placements of pupils will be fully funded from the Dedicated Schools Grant (DSG) High Needs Block allocation. The LA receives

approximately £60m from Government for spending on High Needs. There are significant pressures on the budget with increases in expenditure in recent years as a result of demand (numbers of EHCP's) the extension of EHCP responsibilities beyond 16 and the cost of fulfilling the requirements.

- 5.7.2. The LA, in a move to ensure a more sustainable position, is developing a 5 year High Needs Strategy. One of the key developments is work around a local post 16 provider (Croydon College) to provide more suitable options for students with significant/complex needs. The strategy aim is to support transition to adult social care and reduce reliance on higher cost placements in independent specialist colleges.

### **Risk Assessment**

- 5.8. If the recommendation to approve this direct contract award to Croydon College is not endorsed, the Council would face the following risks:
- Financial- SEND budgets would continue to experience cost pressures in this area as a result of spot purchase provision. Young people with profound disabilities would be required to travel to neighbouring boroughs to continue their learning, which would also be at additional cost to the Council.
  - Reputational-The Council has committed to developing the strategic partnership with Croydon College, and the capital investment plans have already gained approval from Cabinet in 2018.
- 5.9. Quality risk-The College is still developing the specialist expertise in this area. To mitigate this risk, additional funding has been provided by the Council in 2018/19 and 2019/20 to enable the College to commission the required expertise to develop the local programme in Croydon.
- 5.10. There is considered to be minimal risk of challenge from other providers to making this contract direct award, as it enables the implementation of the decision by Cabinet in 2018 to develop the strategic partnership with Croydon College to provide local FE provision for young people with complex needs.

### **Future savings**

- 5.11. Future savings and/or efficiencies will be considered as part of the contract review process, to ensure delivery against the projected savings contained in the DSG Deficit Recovery Plan.
- 5.12. Budgetary provision for this contract already exists.

Approved by: Kate Bingham, Head of Finance -Children, Families and Education

## **6. LEGAL CONSIDERATIONS**

- 6.1 The legal considerations with regards approving the award of this contract are as set out in this report.

Approved by: Sean Murphy, Director of Law and Governance and Deputy Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

- 7.1 This report recommends a direct award to Croydon College and considers that there would be no HR considerations arising from this decision for Croydon Council.

Approved by Nadine Maloney on behalf of the Director of Human Resources

## **8. EQUALITIES IMPACT**

- 8.1. The contracted learning programme is anticipated to promote equality of opportunity for young people with special education needs, in accessing further education and supported employment. The curriculum will be designed to reduce inequalities in educational achievement, to meet the developmental needs of young people with severe and complex additional needs.
- 8.2. An Equality Impact Analysis (EA) will be conducted to ascertain the potential impact of the proposed changes on groups that share a protected characteristic as part of the longer term development of the programme and location for the course delivery.
- 8.3 Where changes to the commissioned provision are being considered for 2020, where young people are being transferred to provision in Croydon, the EA will be reviewed to ensure equality considerations are addressed and for continued validity. Consultation will be undertake with parents of young people using the service

Approved by Yvonne Okiyo, Equalities Manager

## **9. ENVIRONMENTAL IMPACT**

- 9.1 It is considered that there are no increased or decreased environmental sustainability impacts, from the proposed contract award contained in this report.

## 10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no implications from the proposed contract award for the reduction/prevention of crime and disorder.

## 11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 A Direct Award for this provision is considered appropriate for the following reasons:
- The College is working in partnership with the Council to develop a curriculum for a specialist further education programme to meet the learning and development needs of young people with SEND as part of Croydon's Local Offer.
  - The Council has committed the capital investment to create an environment and facilities that is suitably equipped to meet the needs of this age group, given the complexity of physical and learning disabilities of the young people attending the provision.

## 12. OPTIONS CONSIDERED AND REJECTED

- 12.1. **Do nothing:** The Council has committed in the SEND strategy to developing a local FE provision which has been facilitated by a capital investment, to reduce the need for young people travelling to provision in other boroughs and at significant additional expenditure to the Council.
- 12.2. **Open Competitive tender:** This option is not considered reasonable at this stage, as the course delivery requires the availability of local facilities within a mainstream FE provision. Croydon College is considered the only local FE provider with a suitable quality rating that can offer these arrangements for the 19-25 age group.

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### CONTACT OFFICER:

<b>Name:</b>	Kathy Roberts
<b>Post title:</b>	SEND Transformation Lead Officer

**BACKGROUND DOCUMENTS:** None