

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	2960
Author:	Janine Walker
Department:	Children and Adults
Contact:	Janine Walker (Job Title: Service Manager, SEND, Email: janine.walker@nottinghamcity.gov.uk, Phone: 0115 8764698)
Subject:	SEND Strategy Grant Spending 2017
Total Value:	£142,000 (Type: Revenue)
Decision Being Taken:	To spend the SEND Strategy Grant for the purpose it was allocated, which is for the local authority to carry out a strategic review of high needs provision and/or implement the findings of the review. Initial plans to use the grant allocation are outlined below. Once the initial scoping and consultation have been completed a more detailed spending plan will be drawn up including one-off costs anticipated for the implementation phase.
Reasons for the Decision(s)	<p>The Department for Education (DfE) requires all local authorities (LAs), in consultation with stakeholders, to carry out a strategic review of their high needs provision. In December 2016, the DfE allocated funding to each LA to carry out this review. LAs are required to prioritise this review and planning activity working with schools, colleges and other providers and with parents and young people. The DfE has advised that local authorities should use the funding to increase their capacity so that their strategic review and planning of provision is high quality and collaborative. The 5 year SEND strategy and commissioning plan will be published by 1st April 2018 and will be reviewed as part of the Local Area Review.</p> <p>Initial plans are to use the grant allocation for: up to 10 days consultancy from national SEN leads; an additional one day per week finance support dedicated to the project; additional educational psychology and SEN support service capacity to review/further develop the funding allocation processes for pupils at SEN support in consultation with schools and parents; 4 consultation events with all stakeholders and business support.</p>
Other Options Considered:	The review is a legal requirement and is funded through grant by the DfE therefore no other options have been considered
Background Papers:	None

<b>Published Works:</b>	High needs national funding formula and other reforms consultation 2016/17 High Needs Strategic Planning Fund Guidance DfE 2016 Capital allocations and planning for pupils with SEND 2017. Schools Forum Report 22/06/17 SEND Strategic Review
<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	None
<b>Use of Consultants</b>	Number of Days:10 Rate per Day:500 Total value:5000 Start date:04/09/2017 End date:30/03/2018
<b>Reason for using a consultant:</b>	Specialist advice and support and capacity delivered by a DfE advisor and national leads in SEN and disability. These consultants will facilitate consultation with all stakeholders to ensure that the LA develops a long term strategy that meets the needs of young people with SEND and their families in a collaborative way whilst securing buy in from stakeholders including schools, early years providers and further education settings.
<b>Other options considered:</b>	Review to be conducted by LA officers. This has been ruled out as the DfE grant funding has been made available to enable LA's to increase their capacity to ensure that the strategic review is robust, collaborative and of high quality.
<b>Name of consultant:</b>	Charlie Palmer DfE, Pat Bullen NDTI
<b>Reason for selection?</b>	National leads for SEND.
<b>Has the consultant previously completed work for the City Council?</b>	Yes
<b>Specific activities to be undertaken by the consultant are:</b>	Consultation with stakeholders, Advice on best practice models for strategic delivery of SEND services.
<b>Period of engagement:</b>	Sept 2017-March 2018
<b>By what process was the consultant selected?</b>	Direct approach based on national reputation and well established links within the City and regionally.
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	None

**Equality:** EIA not required. Reasons: EIA will be completed when strategy is consulted on.

**Relates to staffing:** Yes

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 09/10/2017

**Advice Sought:** Legal, Finance, Procurement, Human Resources

**Legal Advice:**

The Special Educational Needs & Disability ("SEND") grant funding referred to in this report has been made by the Secretary of State in exercise of powers, including those conferred by section 31 of the Local Government Act 2003. Section 31 of the Local Government Act 2003 gives a Minister of the Crown the power to pay a grant to a local authority in England towards expenditure incurred, or to be incurred, by the authority. Section 31 of the Local Government Act 2003 also gives a Minister of the Crown the power to determine the amount of such a grant, the manner of its payment and any conditions that go with the grant.

Therefore, it is advisable that Nottingham City Council complies with any conditions attached to the grant in spending the grant. It is also advisable that further advice is taken, as appropriate, from Nottingham City Council's procurement officers and Legal Services around the procurement of any service using the grant and any resultant commercial agreements.

Lastly, under section 7 of the Local Government & Housing Act 1989 any appointment to posts in the authority created with the grant should be made on merit. Advice provided by Jonathan Ludford-Thomas (Senior Solicitor) on 18/08/2017.

**Finance Advice:**

In January 2017, Nottingham City Council received a £0.142m S31 grant determination for a strategic high needs planning fund in 2016/17. This proposal seeks approval to spend this grant allocation. The purpose of the funding is to help local authorities to increase capacity to carry out a strategic review of their high needs provision and/or implement the outcomes of the review.

This one-off additional revenue funding which is not ring-fenced was announced alongside the Government's response to the stage 1 consultation on high needs funding reforms. The strategic planning for future high needs provision in the City will need to take into account the level of high needs funding that the LA expects to receive in future under the new high needs national funding formula.

Planned spend from the grant allocation includes a day per week of finance support dedicated to the review to ensure that the financial implications of any funding and provision changes can be modelled in detail and the financial implications are fully understood, including value for money.

The grant will be used to provide other additional internal staffing capacity where required to support the review. There will be some use of external consultancy where necessary to obtain advice and expertise of national SEND leaders. A more detailed plan for spend from the grant will be drawn up once the strategic direction and areas of focus become clearer. The grant allocation may also be required to support implementation costs.

Advice provided by Kathryn Mair Stevenson (Finance Analyst) on 18/08/2017.

**Procurement Advice:**

It is proposed to use some of the SEND grant funding for expenditure on consultancy, engagement events and IT and any expenditure with external providers should be through a compliant process in accordance with the Council's Contract Procedure Rules and the EU and UK Procurement Regulations. The Procurement Team will support this and undertake any procurement process needed to ensure compliance and that best value is secured. Appropriate contractual agreements should be established for any funding arrangements established with external suppliers. Advice provided by Jo Pettifor (Procurement Team Manager) on 25/08/2017.

**HR Advice:**

It is noted that the Special Educational Needs and Disability (SEND) grant funding is to be used to build capacity to review the high needs provision. Management will need to consider the implications of resourcing this capacity and where this is through an employment contract, measures should be taken to build in an exit strategy in the event that the funding should cease. This may mean ensuring that appointments are for a fixed term, with built in reviews. Any fixed term contracts should adhere to the City Council's Fixed Term Contract policies and procedures as contained in the City Council's People Management Handbook.

It is also important for management to consider any exit strategy in terms of financial costs of redundancy compensation payments and potential release of pension benefits and the cost of early pension release.

It should be noted that the City Council's context is one where there are significant budgetary constraints and challenges, and that recruitment to posts may be delayed, unless supported by a robust business case.

Lynn Robinson  
HR Business Partner  
Children & Adults

22 August 2017 Advice provided by Lynn Robinson (HR Business Partner) on 22/08/2017.

**Signatures:**

Jon Collins (Leader of the Council)
SIGNED and Dated: 02/10/2017
Sam Webster (PH for Business, Education and Skills)
SIGNED and Dated: 22/09/2017
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 21/09/2017