

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	3169
<b>Author:</b>	Janine Walker
<b>Department:</b>	Children and Adults
<b>Contact:</b>	Janine Walker (Job Title: Service Manager, SEND, Email: janine.walker@nottinghamcity.gov.uk, Phone: 0115 8764698)
<b>Subject:</b>	Approval to spend DfE SEND reforms grant (Part 3 Children and Families Act 2014)
<b>Total Value:</b>	£344,339 (Type: Revenue)
<b>Decision Being Taken:</b>	To approve budget allocation and spend of Department for Education Special Education Needs and Disability (SEND) reform grant as detailed in appendix 1 (Portfolio Holder Decision) To create a fixed term post for 2 years and recruit to the role of Supported Internship Coordinator (1xFTE) grade I (Non-Executive Officer Decision)
<b>Reasons for the Decision(s)</b>	Activity to date to comply with the SEND reform grant has been funded by the 16/17 grant allocation. Further grant funding has been allocated for activity up to 2020. No further grant allocation is anticipated. Activity will support the ongoing implementation of the reforms and preparation for the Ofsted/CQC joint inspection process. Appendix 1 shows a breakdown of the proposed activity and costings for 2018/19 and 2019/20
<b>Briefing notes documents:</b>	Appendix 1 SEND reforms financial plan @ April 2018 with expected outcomes (1).pdf
<b>Other Options Considered:</b>	To do nothing: This option was rejected as failure to implement the proposed action plan will limit the effectiveness of the reforms programme, the outcomes for children and young people and may jeopardise the inspection outcomes.
<b>Background Papers:</b>	

**Published Works:**

**Affected Wards:**

Citywide

**Colleague / Councillor  
Interests:**

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder  
Implications:**

There is evidence to suggest that there is a strong correlation between some forms of SEN (behaviour, mental health and speech and language) and young offenders. The reforms aim to support these cohorts. There is also evidence to show that young people who are participating in education employment and training are less likely to commit crime.

**Equality:**

Please login to the system to view the EIA document: SEND reforms eia\_template-march-2018.doc

**Relates to staffing:**

Yes

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

Yes

**Call In Expiry date:**

05/06/2018

**Advice Sought:**

Legal, Finance, Human Resources, Equality and Diversity

**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 30/04/2018.

**Finance Advice:**

The Children & Families Act SEND reforms create additional burdens on local authorities as recognised by central government in the provision of additional grant funding. Activity to date has been funded by previous year's allocations of SEND grants (DDM 2608).

This DDM requests approval to spend £0.344m arising from 3 further non-ringfenced grant allocations:

1. £0.119m 2017/18 SEND reform grant (£0.121m already having had approval via the Council's Commissioning & Procurement Sub-committee 13/06/17)
2. £0.166m 2018/19 SEND reform grant
3. £0.058m 2018/19 Preparation for Employment Grant

A detailed plan for expenditure from the grant funding is included in Appendix 1. It includes recruitment to temporary posts to support capacity building in schools and the development of efficient and effective models of service delivery. This will help promote increased value for money from the Council's high needs budget.

Advice provided by Kathryn Mair Stevenson (Finance Analyst) on 04/05/2018.

**HR Advice:**

The proposal seeks approval to fund an Apprenticeship position of Personal Budgets Officer. The funding appears to be in place and the apprenticeship approach will support Council agenda.

Management must follow the approved recruitment processes for apprenticeship posts, working with HR for advice and support.

In addition, the proposal appears to establish a new post of Supported Internship Coordinator. This post will be subject to the job evaluation process, it is anticipated that the grading outcome will be GLPC grade I.

Management will need to ensure that recruitment is conducted through the appropriate processes, including redeployment. Management should be aware that the selected postholder(s) should commence on a starting salary of level one within the respective Grade, unless the appointed colleague is already in employment at the council and on level two of the same grade, in which case the employee would be matched over at the rate of pay they currently receive.

There will need to be a support and development plan for the new post holder once appointed in line with managing performance through the new probationary policy.

As the post appears to be temporary subject to funding, an appropriate exit strategy must be in place in order to terminate the contract in line with NCC guidance in the event that the post cannot be made permanent at the end of the fixed term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

Advice provided by Leanne Sharp (HR Consultant) on 02/05/2018.

**Equality and Diversity Advice:**

The proposal offers the opportunity to ensure the Authority supports and meets its public sector equality duty to ensure equality of opportunity for some of the city's most vulnerable citizens. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 16/05/2018.

**Signatures**

<b>Neghat Khan (Portfolio Holder for Education &amp; Skills)</b>
<b>SIGNED and Dated: 25/05/2018</b>
<b>Alison Michalska (Corporate Director for Children and Adults)</b>
<b>SIGNED and Dated: 25/05/2018</b>