



Reading
Borough Council
Working better with you

Peter Sloman
Chief Executive

Civic Offices, Bridge Street,
Reading, RG1 2LU
☎ 0118 937 3787

To: Councillor David Absolom (Chair);
Councillors Grashoff, Hoskin, Jones, Kaur,
Khan, McEwan, McKenna, O’Connell,
Pearce, Robinson, R Singh, Terry, Vickers
and White.

Our Ref: ace/agenda
Your Ref:
Direct: ☎ 0118 937 2332
e-mail: richard.woodford@reading.gov.uk

3 July 2018

Your contact is: Richard Woodford - Committee Services

NOTICE OF MEETING - ADULT SOCIAL CARE, CHILDREN’S SERVICES AND EDUCATION COMMITTEE - 25 JULY 2018

A meeting of the Adult Social Care, Children’s Services and Education Committee will be held on Wednesday 25 July 2018 at 6.00pm in the Council Chamber, Civic Offices, Reading.

Please Note this meeting was originally due to take place on Wednesday 11 July

AGENDA

	WARDS AFFECTED	PAGE NO
1. DECLARATIONS OF INTEREST Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES OF THE MEETING OF THE ADULT SOCIAL CARE, CHILDREN’S SERVICES AND EDUCATION COMMITTEE HELD ON 5 APRIL 2018		1
3. PETITIONS Petitions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee’s Powers & Duties which have been received by Head of Legal & Democratic Services no later than four clear working days before the meeting.		-
4. QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS Questions submitted pursuant to Standing Order 36 in		-

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relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.

5.	DECISION BOOK REFERENCES		-
	To consider any requests received by the Monitoring Officer pursuant to Standing Order 42, for consideration of matters falling within the Committee's Powers & Duties which have been the subject of Decision Book reports.		
6.	CIRCUIT LANE & PRIORY AVENUE GP PRACTICES/PRIMARY AND GP SERVICES ACROSS THE BOROUGH	BOROUGHWIDE	-
	A presentation by Berkshire West Clinical Commissioning Group.		
7.	CHILDREN'S SERVICES IMPROVEMENT BOARD - REPORT OF THE INDEPENDENT CHAIR	BOROUGHWIDE	5
	A report from the Independent Chair of the Children's Services Improvement Board (CSIB) covering the period from December 2017 to June 2018.		
8.	CHILDREN'S SOCIAL CARE, EARLY HELP AND EDUCATION SERVICES IN READING - UPDATE ON DEVELOPMENT OF CHILDREN'S COMPANY	BOROUGHWIDE	10
	A report providing the Committee with an update on the latest position on setting up the Children's company which will be a wholly owned company of the Council for the delivery of Children's Services.		
9.	PROGRESS ON THE DELIVERY OF THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) STRATEGY 2017 - 2022	BOROUGHWIDE	48
	A report providing the Committee with an update on the progress being made to deliver the SEND Strategy for 2017 - 2022 and on the Short Breaks Review work, the Information, Advice and Support Service and the SEND Service performance.		
10.	READING STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION AGREED SYLLABUS 2018 - 2023	BOROUGHWIDE	61
	A report asking the Committee to consider and agree the new Agreed Syllabus for Religious Education 2018-2023		

commissioned by the Reading Standing Advisory Council on Religious Education, for use in all Reading schools.

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| 11. | EDUCATIONAL STANDARDS AND QUALITY | BOROUGHWIDE | 66 |
| | A report providing the Committee with a summary update on the progress and attainment of pupils in Reading's schools, along with data on exclusions. | | |
| 12. | POST 16 EDUCATION TRANSPORT POLICY/SCHOOL TRANSPORT POLICY | BOROUGHWIDE | 74 |
| | A report providing the Committee with details of changes to the Council's policy for Post 16 School Transport. | | |
| 13. | ONE READING SOCIAL IMPACT BOND CAREERS INFORMATION ADVICE | BOROUGHWIDE | 109 |
| | A report informing the Committee about a Social Impact Bond 'One Reading' aimed at improving participation outcomes in education or training for young people and vulnerable groups. | | |
| 14. | CONTINUING HEALTHCARE (CHC) FUNDING | BOROUGHWIDE | 113 |
| | A report providing the Committee with an update on Continuing Health Care, with an analysis to identify why the number of people in Reading accepted as eligible for 100% CHC funding has remained low compared to other local authorities across the south east. | | |

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**ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE
5 APRIL 2018**

Present: Councillor Pearce (Vice Chair in the Chair)
Councillors Eden, Gavin, Hoskin, Jones, Khan, Maskell, McKenna,
O'Connell, Robinson, Vickers and J Williams.

47. MINUTES

The Minutes of the meeting held on 31 January 2018 were confirmed as a correct record and signed by the Chair.

48. COUNCILLOR MCELLIGOTT

The Vice-Chair noted that he would Chair the meeting because the appointed Chair, Councillor Eileen McElligott, had recently stood down as a councillor. He paid tribute to her work as Chair of the ACE Committee and Church ward councillor.

49. MINUTES OF OTHER BODIES

The Minutes of the following meeting were submitted:

- Children's Trust Partnership Board - 17 January 2018
- Minutes and presentation from a meeting of the Joint Health Scrutiny of the Buckinghamshire, Oxfordshire and Berkshire West NHS Sustainability and Transformation Plan held on 6 March 2018

Resolved - That the Minutes be noted.

50. QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS

A question on the following matter was submitted, and answered by the Lead Councillor for Education:

Questioner	Subject
Councillor Josh Williams	Fair Workload Charter for Teachers in Reading

(The full text of the question and reply was made available on the Reading Borough Council website).

51. PROVISION OF SCHOOL CATERING SERVICES- CONTRACT EXTENSION

The Director of Children, Education and Early Help Services submitted a report that set out a proposal to extend the School Meals Contract with the current contractor, Chartwells, for the next extension period of two years. This would run from 1 August 2018 to 31 July 2020.

The report explained that a consultation exercise had been carried out with all schools that were currently part of the centrally managed contract to seek feedback on the service provided by the contractor. Schools had been asked whether to proceed with the two year extension period or to carry out a procurement exercise of re-tendering, and to give their views about seven topics.

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31 responses had been received from a total of 43 schools in the contract. A meeting had been held in August 2017 with the contractor to discuss their offer and proposal for the extension and results from the consultation and Chartwells' extension offer had been shared and discussed with the School Meals Board on 11 October 2017. Based on the consultation responses the Board had recommended that the current contract should be extended for a further two year period.

To date, two schools had indicated that they might not remain part of the central School Meals Contract, this was due to individual circumstances of the schools rather than dissatisfaction with the contractor, and several academies had said the decision whether or not to remain within the central contract would be down to their Academy Trust rather than the individual school.

The report explained that the Living Wage Foundation Living Wage (LWFLW) would be introduced as part of the proposed contract extension. School meals catering had a history of being a comparatively poorly paid industry and the introduction of the LWFLW would have a significant and positive impact on salaries paid to staff across the workforce.

The meal price for primary schools was currently £2.10, this would increase to £2.20 from 1 August 2018 when all Chartwells staff engaged in the Reading School Meal Contract received the LWFLW. The report included a table that set out the impact on all school meal prices and corresponding percentage increases. The risks associated with the proposal were that the price increase might lead to a reduced take up of chargeable school meals and that schools which were accustomed to the differential paid to them for Universal Infant Free School Meals might choose to opt out to the contract. The report stated that it was not possible to predict the number of schools buying back or the impact this might have on the viability of the contract.

Finally, the report explained that with a view to giving added incentive to schools to encourage more children to eat school meals, Chartwells was suggesting introducing a 10% profit share for uptake above current levels. Based on experience in other local authorities, and based on a 10% increase in uptake profit, between £300 and £1400 per annum would be shared with schools, depending on the size of the school.

Resolved -

- (1) That the existing School Meals Contract be extended by a further two years from 1 August 2018 to 31 July 2020;
- (2) That the option outlined in paragraph 4.4 of the report, to introduce the Living Wage Foundation Living Wage into the School Meals Contract with effect from 1 August 2018 be approved;
- (3) That the initiative to introduce profit share be applied to the School Meals Contract from 1 August 2018 until the expiry of the contract extension on 31 July 2020.

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52. SAFEGUARDING ADULTS BOARD ANNUAL REPORT 2016-17

The Director of Adult Care and Health Services submitted for information a copy of the West of Berkshire Safeguarding Adults Board (SAB) Annual Report 2016-17. The following appendices were attached to the report:

Appendix A	Membership of the Board
Appendix B	Achievements by Partner Agencies
Appendix C	Completed Business Plan 2016-17
Appendix D	Business Plan 2017-18
Appendix E	Safeguarding Performance Annual Reports for: <ul style="list-style-type: none">• Berkshire Healthcare Foundation Trust• Reading Borough Council• Royal Berkshire Foundation Trust• West Berkshire Council• Wokingham Borough Council
Appendix F	Safeguarding Adults Training Activity - 1 April 2016 to 31 March 2017

The report explained that the overarching purpose of the SAB was to help safeguard adults with care and support needs and it did this by assuring itself that local safeguarding arrangements were in place, as defined by the Care Act 2014, and statutory guidance. The Annual Report 2016-17 presented what the SAB had aimed to achieve on behalf of the residents of Reading, West Berkshire and Wokingham during 2016-17. This was both as a partnership, and through the work of its participating partners. It provided a picture of who was safeguarded across the area, in what circumstances and why. It outlined the role and values of the SAB, its ongoing work and future priorities.

Resolved - That the West of Berkshire Safeguarding Adults Partnership Board (SAPB) Annual Report 2016-17 be noted.

53. ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2016 - 2017 FOR ADULT SOCIAL CARE

The Director of Adult Social Care and Health Services submitted a report providing the Committee with information on how many complaints had been received in 2016/17 and were dealt with using either the Council's Corporate Complaints Procedure or the Statutory Complaints Procedure for Adult Social Care. It also summarised the main types of complaints that had been received and gave some examples where improvements had been made as a result of learning from the complaints. Information on compliments received was also included. A summary of Adult Social Care Complaints 2016/17 was attached to the report at Appendix A.

It was requested at the meeting that future reports cross-reference complaint outcomes against teams and themes, to provide a fuller picture of where there might be issues within the service.

Resolved -

- (1) That the report be noted;

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- (2) That future reports include cross-referencing of complaint outcomes by team and theme;
- (3) That compliments received continue to be included in future reports.

54. LORD DARZI REVIEW OF HEALTH AND CARE: CALL FOR EVIDENCE

The Director of Adult Care and Health Services submitted a report presenting the Committee with the Council's response to the Lord Darzi Review of Health and Care (Call for Evidence). The Council's response to the Review was attached to the report at Appendix 1.

The report explained that in December 2017 the Government had announced that Lord Darzi had been appointed to lead a review that aimed to examine the state of quality in health and care services and to make recommendations for future funding and reform of the system. The remit of the review was described in two parts:

- An examination of quality - safety, effectiveness, timeliness, efficiency and equitability of care in the NHS and social care service today;
- Developing recommendations about the funding settlement and reforms needed to drive improvements in the quality of care in the coming decade.

The aim was for the review to publish its findings to coincide with the 70th anniversary of the NHS in the summer of 2018.

On 19 February 2018 the Institute for Public Policy Research (IPPR) had issued a Call for Evidence in support of the review with a deadline of 19 March 2018. The Council had received an invitation from IPPR to participate in this exercise on 23 February 2018. In view of the very small window of opportunity to respond to the review, the Council had been unable to endorse a response through an appropriate Committee and therefore an officer response had been submitted which had been based on a desktop review of published reports that had touched on the subject matter of the Lord Darzi review.

Resolved -

That the officer response submitted to the Lord Darzi Review of Health and Care (Call for Evidence), as set out in Appendix 1 attached to the report, be noted.

(The meeting commenced at 6.30 pm and closed at 7.20 pm).

READING BOROUGH COUNCIL

REPORT BY THE INDEPENDENT CHAIR OF THE CHILDREN'S SERVICES IMPROVEMENT BOARD

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 July 2018	AGENDA ITEM:	7
TITLE:	CHILDREN'S SERVICES IMPROVEMENT BOARD - REPORT OF THE INDEPENDENT CHAIR		
LEAD COUNCILLOR:	LIZ TERRY	PORTFOLIO:	CHILDREN
SERVICE:	CHILDREN'S SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	PETER SLOMAN	TEL:	0118 937 2067
JOB TITLE:	CHIEF EXECUTIVE	E-MAIL:	Peter.Sloman@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report is one of a series of reports to ACE Committee from the Independent Chair of the Children's Services Improvement Board (CSIB). The CSIB was established to oversee the implementation of the Improvement Plan and service improvements in Children's Social Care.
- 1.2 The CSIB meets monthly and this report covers the period from December 2017 to June 2018.
- 1.3 During this period, the CSIB has overseen the revised Children's Services Learning and Improvement Plan and monitored progress at each meeting. Each improvement area is given a RAG rating of Red, Amber or Green and the CSIB challenges areas where progress is rated Red to ensure that management oversight is rigorous and that barriers to improvement are identified and addressed. The data which underpins the Learning and Improvement Plan comes under rigorous scrutiny and there are key performance indicators such as the timeliness of visits which have been an area of particular focus. Each meeting of CSIB includes a report from the Independent Chair of the Local Safeguarding Children Board (LSCB) which ensures that partnership working is aligned to the overall improvement programme. The CSIB has also considered additional reports including: an overview report from the Head of the Virtual School, regular updates on the implementation and improvement in functionality of Mosaic (the social care case management system) and progress reports on the development and implementation of the Early Help Strategy.
- 1.4 The period covered by this report has seen some challenges such as the issue relating to unallocated cases and some successes particularly in relation to the

increasing stability of the workforce including the recruitment of permanent managers. The CSIB meetings have been provided with active corporate support particularly in relation to improvements in recruitment and retention and the increased functionality of the Mosaic case management system. The Chief Executive is an active champion of the work of the CSIB and attends regularly. Partner engagement has been a little patchy during the period but there is regular support and attendance from Health colleagues and the Independent Chair of the LSCB.

2. RECOMMENDED ACTION

2.1 That the report be noted.

2.2 That Members identify any issues that they would like to see as a focus in any future report from the CSIB.

3. POLICY CONTEXT

3.1 At the ACE Committee on 29th June 2015 it was agreed that a Children's Services Improvement Board be set up to oversee the implementation of the Children's Services Improvement Plan. Since the publication of the Ofsted report in August 2016 the CSIB has focussed on providing support, challenge and oversight of the Children's Services Learning and Improvement Plan.

3.2 The Terms of Reference and objectives are attached at Appendix 1.

3.3 The Board continues to be supported and attended by key partners and is well served by officers.

4. CONTRIBUTION TO STRATEGIC AIMS

4.1 The work of the CSIB is aligned with the Strategic Priorities of Reading Borough Council as set out in the Corporate Plan and in particular 'safeguarding and protecting those that are most vulnerable'.

5. PROGRESS ON PRIORITIES

5.1 Performance indicators for this period which have shown improvement include: timeliness of Early Help assessments; timeliness of Child in Need visits; percentage of Looked After Children with an up to date Personal Education Plan (PEP); percentage of established social work manager posts and established social work posts filled with permanent staff. In December, January and February an issue emerged relating to a significant number of unallocated Child in Need cases. This was a serious issue which has now been resolved. There were concerns that this issue was not identified quickly enough and as a consequence the number of unallocated cases is monitored rigorously on a weekly basis by the DCS with updates sent to the Chief Executive, the Commissioner and the Independent Chair of CSCB. Data relating to the percentage of cases that have supervision recorded has shown some improvement, but performance is uneven across the different social work

teams. The approach to case supervision is under review and additional support from Achieving for Children has been identified to support those teams that are performing less well.

- 5.2 Quality assurance arrangements have been through a number of changes and a more settled framework of reporting has been developed. A report on all the quality assurance activity undertaken in 2017/18 was presented to the June meeting of CSIB. There is some evidence that there are pockets of improving practice for example in Early Help and the Children in Need Team. In their most recent monitoring visit Ofsted identified improvements in the quality of direct work with children undertaken by the two specialist children in care teams. They noted that 'work is planned, thoughtful and effective. IROs are strengthening their oversight of children's plans and children's progress towards permanent, settled homes. Children are given good support to meet their health and educational needs.' Through the range of quality assurance activity three main areas of practice have been identified as priorities for improvement: timely purposeful visits; management oversight and supervision and quality of recording. These areas will be the focus for improvement activity over the next few months.
- 5.3 The CSIB has maintained its keen focus on securing a skilled and stable workforce at every level as this is essential to ensuring sustainable improvement in children's services. In recent months significant improvements have been made in securing permanent managers and the current position shows the greatest stability for over a year. In addition, the appointment of a substantive Director of Children's Services brings stability to the senior leadership team. This increased stability in leadership and management is of critical importance in assisting Reading to secure embedded and sustainable improvement particularly in relation to the quality of social work practice. The most recent Ofsted monitoring visit commented positively on the increasing stability of the workforce and 'the calm, purposeful working environment in the teams they visited'. Recruitment and retention will remain a priority for CSIB because of its critical importance to the pace and sustainability of improvement.
- 5.4 Ofsted have highlighted that the percentage of distant and out-of-borough placements for looked after children has increased and this is an issue that CSIB will review in the next period. The data shows that current performance is significantly out of kilter with national and statistical comparators. The review will include consideration of the provision of residential therapeutic placements for older children with complex and challenging needs.
- 5.5 The CSIB is well supported by officers from Children's Services. The Interim DCS and her leadership team provide a range of regular reports and performance information which enable the CSIB to monitor, evaluate and challenge improvement. The quality of the reporting continues to improve and there is a tangible and increasing sense that the service understands its emerging strengths and, more importantly, areas requiring more focussed improvement activity. Members of the senior leadership team are increasingly effective at analysing the impact of improvement activity and are actively developing the skills of social work managers to own and manage the performance of their teams.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 Whilst an EAI has not been completed in compiling this report, CSIB members do focus on making sure that the needs of some of the most vulnerable children and young people are met in a timely and appropriate way.

7. LEGAL IMPLICATIONS

- 7.1 There are no known legal implications.

8. FINANCIAL IMPLICATIONS

- 8.1 The CSIB has no budgetary responsibility.

9. BACKGROUND PAPERS

- Minutes of CSIB meetings
- The Children's Services Learning and Improvement Plan updates, storyboards and reports presented by other officers to the CSIB have been used to complete this report.

Appendix 1

Reading Borough Council Children's Services Improvement Board

Objectives for the CSIB

The main objectives for the Board are to ensure that:

- System wide leadership is in place and creates the conditions for effective partnership working and practice which will make a difference to children and young people who fall under responsibility of Reading Borough Council;
- There is a golden thread of oversight from 'top to bottom' with a clear line of sight between leaders, practitioners and children;
- The voice of the child informs everything that the children's services in Reading Borough Council does;
- There are robust and effective quality assurance framework in place to support the Improvement Plan;
- Impactful support and challenge from the board with a clear oversight of the improvement plan and subsequent outcomes for children, young people and families is welcomed and embedded; and
- It supports Reading Borough Council to be a confident learning organisation.

READING BOROUGH COUNCIL

REPORT BY CHIEF EXECUTIVE

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 JULY 2018	AGENDA ITEM:	8
TITLE:	CHILDREN'S SOCIAL CARE, EARLY HELP AND EDUCATION SERVICES IN READING - UPDATE ON DEVELOPMENT OF CHILDREN'S COMPANY		
LEAD COUNCILLORS:	LIZ TERRY ASHLEY PEARCE	PORTFOLIO:	CHILDREN EDUCATION
SERVICE:	CHILDREN, EDUCATION & EARLY HELP SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	ZOE HANIM	TEL:	0118 937 2173
JOB TITLE:	HEAD OF CUSTOMER CARE AND TRANSFORMATION	E-MAIL:	zoe.hanim@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To comply with the in principle direction of the DfE and the recommendation of the Commissioner to establish a 'full service' children's company, the Council agreed to transfer its Children's social care, early help and education services to the Company and this was formally endorsed at Policy Committee on 15 January 2018.
- 1.2 This report provides an update on the latest position on setting up the children's company which will be a wholly owned company of the Council for the delivery of children's services.
- 1.3 This report also refers to the improvement work in children's services and encloses the most recent OFSTED letter following the latest monitoring visit. This most recent letter published on 8 June highlights some real signs of improvement in the service.

2. RECOMMENDED ACTION

- 2.1 That the latest position in the development of the company for the delivery of Children's Services be noted.
- 2.2 That as part of our communications plan for the company that an all Councillor briefing session is being arranged.
- 2.3 That the latest OFSTED letter published on 8 June showing a positive direction of travel for the service be noted.

3. POLICY CONTEXT

- 3.1 Statutory Direction notice from the Secretary of State UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996.

4. BACKGROUND

- 4.1 In August 2016 Ofsted published their findings following an inspection of Children's Services in Reading. Children's Services were rated 'Inadequate'. As a Result, and in line with the Government's reform programme 'Putting Children First' the Department for Education issued a statutory direction notice (September 2016) to the Local Authority and appointed a Commissioner. The direction notice required Reading Borough Council to comply with any direction of the Commissioner in improving services for children.
- 4.2 The recommendation of the Commissioner was to establish a 'full service' children's company and the Council agreed to transfer its Children's social care, early help and education services to the Company by the autumn of 2018 and this was formally endorsed at Policy Committee on 15 January 2018.
- 4.3 In the mean-time work continues to deliver improvement to children's services following the OFSTED inspection and subsequent monitoring visits. The OFSTED letter published on 8 June following the latest monitoring visit is attached. This letter shows that there are very pleasing signs of improvement and it must be recognised that the service must not take its eye off the improvement plan, continued improved performance and its savings targets during transition to the new company.

5.0 LATEST POSITION - KEY DEVELOPMENTS

- 5.1 The Council is working towards the transition to a new company by autumn 2018 and this is being driven via robust programme management of a set of 11 workstreams each led by a senior officer in the Council which together will deliver all the tasks required.
- 5.2 Work is progressing well however we have set an ambitious timescale and this is under continuous review. There are some critical factors which could impact such as the OFSTED registration process and appointment of the Managing Director/Chief Executive following the decision to separate this from the Director of Children's Services role. If nearer the time, a delay is considered to be likely, we would operate the company in a shadow or test and learn environment for longer and any such decision would be in collaboration between the Council, DfE and company representative(s).
- 5.3 Since the report to Policy Committee in January we have delivered some significant milestones towards the establishment of the company.
- 5.4 A memorandum of understanding was agreed between the DfE and the Council on 28 March which underpins the development of the company. This document (attached) sets out:
- key principles for operation of the company,
 - proposed legal form of the company,
 - proposed constitution of the board of directors of the company and associated corporate governance arrangements,
 - the operational framework within which the company will operate and be held accountable
- 5.5 The chair of the company, Deborah Jenkins, has been appointed, who comes with a wealth of experience and is already very actively involved in the establishment of the company. Interviews for Non - Executive Directors to make up the company board have taken place and confirmation of appointments is underway. Work is being done

following the appointment of a new Director of Children's Services, Stephen Kitchman, who joins the Council on 4 July, to agree the makeup of the remainder of management team including agreeing the role of Managing Director. Recruitment of the remaining senior roles will be underway shortly.

- 5.6 The majority of children's services staff will be TUPEd to the new company and they are being briefed regularly including face to face briefings. Formal staff consultation on their transfer to the new company started in 4 July.
- 5.7 The company name was consulted on and agreed to be Brighter Futures for Children. A visioning and branding workshop with staff and service users led by the new Chair took place in May and fed into the brand design and logo concepts which have been developed by a branding agency.
- 5.8 The detailed work on the service specification and contract is well under-way. The service contract will address the requirements of the specification and Council responsibilities, financial matters including the financial mechanism and annual review, performance and key performance indicators. A budget working group is working on the preparation of the company budget.
- 5.9 The service level agreements between the company and the Council for the provision of support functions are also being developed in parallel. The memorandum of understanding specifies that we are working to the principle of buy back of the majority of support functions for a minimum of two years. Detailed work on the scope of this is underway.
- 5.10 Proposals for the client side structure including governance arrangements and the performance mechanism are being developed in order that the Council can hold the company to account for the services it delivers on the Council's behalf. There will be a senior officer responsible for the contract, a contract manager to manage the relationship at an operational level, children's service expertise with the Council to ensure it can act as an 'intelligent client' and regular reporting to the Council as shareholder and as holder of statutory duties.
- 5.11 The Council will have 100% ownership of the company which will be run by a senior management team reporting to the company board of directors. The Board will report to the Council as its shareholder and acts in the interest of the company. The Council will set the Children's services vision, policy and service need. It will commission the services needed and monitor performance against an agreed set of performance metrics.
- 5.12 In order to provide the appropriate assurances to the Council it is anticipated that there will be:
 - Annual report on performance and the Company's business plan to the Council (the shareholder)
 - Reports on performance during the year to the shareholder via Policy Committee
 - Regular meetings between lead members, Chief Executives of the Council and the company
 - Detailed monthly performance and financial monitoring through the contract management function, underpinned by contractual reporting requirements including open book provision of data
- 5.13 The Company will operate from the Council's civic offices and work to create a specific and separate secure space with appropriate branding will be carried out in

the next few months to be completed by August with staff moves planned for August/September.

5.14 As part of the communication plan for the new company we will offering an all councillor briefing in the next few weeks.

5.15 Further reports will come to members as we continue with the set up work including specific reports which will be needed for decisions at either Policy Committee or ACE Committee depending on timing to sign off formally the Company's business plan, the Company Budget and the service contracts.

6.0 CONTRIBUTION TO STRATEGIC AIMS

6.1 The following strategic aims will contribute to the following strategic aims:

1. Safeguarding and protecting those that are most vulnerable;
2. Providing the best start in life through education, early help and healthy living;

7.0 COMMUNITY ENGAGEMENT AND INFORMATION

7.1 The set-up of the company is under the direction of the Secretary of State. We have consulted service users, children's services staff and the Council's citizen's panel on the name of the company.

8.0 EQUALITY IMPACT ASSESSMENT

8.1 An initial Equality Impact Assessment has been undertaken and will evolve as the establishment of the Company progresses. There will be a particular focus on staff who are re-locating to the Civic Offices

9.0 LEGAL IMPLICATIONS

9.1 The Secretary of State for Education's decision to transfer Children's social care functions to a new company has been taken under Section 497A (4B) Education Act 1996.

9.2 A decision to transfer education and early help services, not defined in the Direction, to the new company will involve a significant change to the Council's policy framework and as such will need to be taken formally by full Council.

9.3 The creation of a new Children's Company will require amendments to the Council's Constitution, including changing the terms of reference of Committees, and will therefore need to be agreed by full Council in accordance with Article 4.2.2(a) of the Constitution.

10.0 FINANCIAL IMPLICATIONS

10.1 The costs of setting up the company was requested in a business case submitted to the DfE. The total cost of Company set-up is estimated at £3.496m of which £2.919m has been agreed as a grant from the DfE, leaving £577k of support (mostly in kind) to be delivered by the Council.

10.2 As set out above, the grant of £2.919m will be received in the form of lump sums during the period of set up.

11.0 BACKGROUND PAPERS

11.1 Putting Children First

<https://www.gov.uk/government/publications/putting-children-first-our-vision-for-childrens-social-care>

11.2 Direction Issued to Reading Borough Council September 2016

<https://www.gov.uk/government/publications/direction-issued-to-reading-borough-council>

11.3 Direction Issued to Reading Borough Council September 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/643864/Reading_Direction_Sept-2017.pdf

11.4 Independent Report to the Secretary of State September 2016

<https://www.gov.uk/government/publications/reading-childrens-services-report-to-the-secretary-of-state>

THIS MEMORANDUM OF UNDERSTANDING ("MoU") is made on *28 March* 2018
BETWEEN:

- (1) **The Secretary of State for Education** of Sanctuary Buildings, Great Smith Street, London SW1P 3BT (the "**Secretary of State**") acting through Nick Whitfield c/o Achieving for Children Community Interest Company, 42 York Street, Twickenham, TW1, 3BW in his capacity as the Commissioner for Children's Services in Reading; and
- (2) **Reading Borough Council**, Civic Offices, Bridge Street, Reading RG1 2LU (the "**Council**"),

each a "**Party**" and together "the **Parties**"

1. Background and Purpose

- 1.1 On 12 September 2017, the Secretary of State issued a statutory direction to the Council under Section 497A(4B) of the Education Act 1996 (the "**Act**") (a copy of which is set out in Appendix A to this document) (the "**First Direction**"). The primary purpose of the First Direction is to secure improvements in the performance of the Council's children's social care functions. Pursuant to the First Direction the Secretary of State appointed the Commissioner for Children's Services in Reading (the "**Commissioner**") for the purposes specified in the "Terms of Reference" set out in the Annex to the First Direction.
- 1.2 As part of the Council's initiative to secure improvements in the performance of its children's social care functions, and in consultation with the Commissioner and the Secretary of State, the Council has elected to voluntarily establish a wholly-owned subsidiary company (the "**Company**") to perform specified children's social care and education support functions (the "**Relevant Functions**") on behalf of the Council in the Borough of Reading and to directly award a contract to the Company for these purposes pursuant to Regulation 12 of The Public Contracts Regulations 2015 (the "**In-House Exemption**"). These transition arrangements shall be referred to as the "**Project**" in this MoU and the Parties agree that this Project will support and promote sustainable improvement to children's social care services in Reading.
- 1.3 The intention of the Secretary of State is to issue a further statutory direction under Section 497A(4B) of the Act (the "**Second Direction**") on or around the execution of the Services Contract (as defined in paragraph 1.4 below). In view of the agreed position set out in this Memorandum of Understanding (the "**MoU**"), the intention of the Second Direction is to acknowledge that the Council has voluntarily elected to delegate the performance of specified children's social care functions to the Company. For the purposes of this MoU, the First Direction and Second Direction are referred to collectively herein as "the **Directions**".

- 1.4 Notwithstanding that the Company will be a wholly-owned subsidiary company of the Council, the Council agrees that the new organisation will have operational independence from the Council in respect of the day-to-day management and performance of the Relevant Functions, which will be managed and regulated by the Council pursuant to an arm's length contract to be entered into between the Council and the Company (the "**Services Contract**") as more particularly described in paragraph 7 below. The Council shall remain statutorily responsible and accountable for the performance of the Relevant Functions and shall hold the Company to account in respect of its performance of such functions pursuant to the terms of the Services Contract.
- 1.5 The Parties have now agreed to enter into this MoU to record the following matters:
- 1.5.1 the agreed vision of the Parties in respect of the establishment of the Company and the delivery of high quality and innovative children's social care services to children, young people and their families within the Borough of Reading to meet the requirements of the Directions;
- 1.5.2 the key principles regarding the following:
- (a) the proposed legal form of the Company;
 - (b) the proposed constitution of the board of directors of the Company and associated corporate governance arrangements; and
 - (c) the operational framework within which the Company shall operate and be held accountable, which will address key aspects of the proposed Services Contract such as the development of the proposed budget, performance framework and governance arrangements between the Company and the Council;
- 1.5.3 the proposed timetable from the signing of the MoU, to the formal establishment of the Company through to service commencement under the Services Contract (the "**Service Commencement Date**"); and
- 1.5.4 the commitments of each Party in relation to the transition of children's social care and education support services to the Company and the structures that the Parties have put in place to periodically review and assess the progress of the Project against the agreed timetable and key Project milestones (as more particularly described in paragraph 9 below).
- 1.6 The Parties do not intend this MoU to be legally binding or to create legal relations between them. The Parties agree that they shall use all reasonable endeavours to comply with the terms and the spirit of this MoU.

2. Term

2.1 This MoU shall come into effect on the date it is signed by both Parties and shall remain in force until the earlier of:

2.1.1 the Service Commencement Date; or

2.1.2 the date on which this MoU is terminated by either Party notifying the other Party of such termination in writing,

the "**Term**".

3. Key Representatives

3.1 The Parties shall (and shall procure that their key representatives as identified in this paragraph 3 shall) work together in good faith and in a collaborative and co-operative manner in order to achieve the establishment of the Company and the delivery of the Project in accordance with the timetable set out in paragraph 9 below.

3.2 The Secretary of State will be represented by the following key persons:

3.2.1 the Commissioner (who shall perform the role as set out in the First Direction); and

3.2.2 a senior civil servant in the Department for Education (as notified to the Council in writing by the Commissioner from time to time).

3.3 The Council shall be represented by the following key persons:

3.3.1 the Chief Executive of the Council (or, where applicable, his replacement from time to time during the Term); and

3.3.2 the Head of Customer Services (or, where applicable, her replacement from time to time during the Term).

3.4 The Company shall be represented by the following key persons:

3.4.1 the Chair (as defined in paragraph 6.4.1 below or, where applicable, his/her replacement from time to time during the Term); and

3.4.2 the Company Chief Executive (as defined in paragraph 6.4.2 below or, where applicable, his/her replacement from time to time during the Term).

4. Stages of the Project

4.1 The Project shall consist of two distinct key stages as follows:

- 4.1.1 the period from the date that this MoU is signed by both Parties up until the Service Commencement Date (the "**Shadow Period**"); and
- 4.1.2 the period on and from the Service Commencement Date when the Services Contract has been entered into by the Council and the Company, all relevant staff have transferred from the Council to the Company and the Company is fully operational and responsible for the performance of the Relevant Functions pursuant to the Services Contract (the "**Operational Period**").

The Shadow Period

- 4.2 During the Shadow Period, the key representatives of the Council and the Company (as further described in paragraph 3 above) and such other representatives of the respective organisations, will work collaboratively with one another (and in consultation with the Commissioner and the Secretary of State) to:
 - 4.2.1 on or before 30 April 2018, establish the Company pursuant to paragraph 6 below and register the company at Companies House for the purpose of preserving the identity of the Company with it not becoming operational until the Service Commencement Date;
 - 4.2.2 define a set of behaviours, values and measures to underpin the way the Council and the Company will work together in respect of the Company's performance of the Relevant Functions during the Operational Period, and which supports the development and establishment of a collaborative relationship between the Council and the Company which achieves an appropriate balance between the need for:
 - (a) the Council to be satisfied that the Company is appropriately performing the Relevant Functions on its behalf; and
 - (b) the Company to have unfettered day-to-day operational independence in respect of its performance and discharge of the Relevant Functions;
 - 4.2.3 enable the Council to design, develop and establish an appropriate, robust and efficient internal contract management function (the "**Intelligent Client Function**") for the purposes of monitoring the Company's performance of the Relevant Functions pursuant to the Services Contract but which does not serve to fetter the operational independence of the Company; and
 - 4.2.4 develop the following key documents based on the principles set out in paragraph 4.2.2 above:
 - (a) a set of Articles of Association for the Company (the "**Articles**") which will, among other things, regulate the internal affairs of the Company

and, in particular, will govern the relationship between the Council (as the sole member of the Company (see paragraph 6.1 below)) and the Company's board of directors in respect of the operation and management of the Company;

- (b) a business plan for the Company, which will, among other things, set out the strategic objectives of the Company for specified periods and detail how the Company intends to achieve those strategic objectives (the "**Business Plan**");
 - (c) an appropriately balanced Services Contract pursuant to which the Company will perform the Relevant Functions on behalf of the Council from the Service Commencement Date; and
 - (d) appropriately balanced support services arrangements which will be provided by the Council to the Company under a "**Support Services Agreement**" to support the Company's operations and its performance of the Relevant Functions.
- 4.3 In addition, during the Shadow Period the Parties shall develop the "Governance Side Agreement" (which is more particularly described in paragraph 6.16 below) with any necessary input from the Company.
- 4.4 It should be noted that although the Articles, the Business Plan, the Services Contract, the Support Services Agreement and the Governance Side Agreement are developed between the Council, the Company and the Secretary of State (as applicable) during the Shadow Period, these documents shall only have legal effect once they are executed (or formally approved, in respect of the Articles) by the relevant parties, which shall be on a date on or around the Service Commencement Date.

The Operational Period

- 4.5 During the Operational Period, the Company will be fully operational and responsible for the performance of the Relevant Functions on behalf of the Council and the Services Contract, Support Services Agreement, Articles, Business Plan and the Governance Side Agreement will all have legal effect during the Operational Period.
- 4.6 It should therefore be noted that, pursuant to paragraph 2.1.1 above, this MoU will terminate on the Services Commencement Date (if not terminated earlier in accordance with paragraph 2.1.2) and therefore will not be in effect during the Operational Period, unless otherwise agreed by the Parties in writing.

5. Objectives and Agreed Vision

- 5.1 The Parties' agreed vision is to establish the Company as a new and distinct legal entity that is operationally independent of the Council, to provide high quality children's services across the Borough of Reading. The Company shall have day-to-day operational independence in the performance and management of these services and will be managed by a strong board of executive and non-executive directors.
- 5.2 The Company will raise the profile of, and measurably improve, children's social care services in the Borough of Reading, providing expert support to managers, staff and local stakeholders. The Council's ambition is that the Company will become a national leader in social work practice and training, putting safeguarding and developing children's life chances at the heart of everything that it does.
- 5.3 It is envisaged that the Company will work collaboratively with partners and key stakeholders in a culture of social enterprise, to improve children's social care services for children, young people and their families within the Borough of Reading at a time of financial constraint by combining a business-like commercial discipline with a public service ethos. The Council and the Company will work with partners to create local centres of excellence and use ICT solutions to provide easy access to services and advice for children, young people and their families to ensure efficient delivery of children's services.
- 5.4 The Parties envisage that the Company's ethos may be summarised as a "TEAM" approach:
- T** – everyone together across all sectors in Reading putting children first;
 - E** – efficient and effective use of public resources to maximise impact;
 - A** – ambitious for Reading children, young people and their families and the Company;
 - M** – monitoring and measuring to make a difference to the life chances of children, young people and their families.
- 5.5 The Parties acknowledge and agree the following:
- 5.5.1 the Company will have a key role to play in pursuing the agreed vision and objectives of the Parties set out in paragraphs 5.1 to 5.4 (inclusive) above, together with the Council and other key stakeholders; and
 - 5.5.2 the Council and the Company will work collaboratively with all key stakeholders to pursue the agreed vision and objectives,
- and, during the Shadow Period, the Council and the Company will work together in good faith to further develop the agreed vision and objectives described above

so that they are capable of being transposed into the Company's Articles and the Services Contract as a statement of the Company's objects and 'shared vision' (as appropriate) in respect of the Company's delivery of children's services.

6. The New Organisation Model, Board Constitution and Decision-Making

Form of the Company

- 6.1 The Company will initially be established in a dormant and 'shadow form' as a wholly-owned subsidiary company of the Council that is a company limited by guarantee, with the Council as its sole member and the Commissioner as its sole director. The Company shall remain in a dormant and 'shadow form' during the Shadow Period and shall not be considered operational until it formally enters into the Services Contract with the Council and commences the performance of the Relevant Functions.
- 6.2 During the Shadow Period, and prior to the Company becoming operational, the Articles of the Company shall be developed and revised so that, together with the Services Contract, the Council is comfortable that the In-House Exemption will apply to the award of the Services Contract to the Company by the Council and also the entering into of any ancillary contracts between the Council and the Company that may be applicable, including the Support Services Agreement.
- 6.3 The Parties agree that the model for the new Company must:
- 6.3.1 comply with the requirements of the Directions to secure the improvement in the performance of the Council's Relevant Functions insofar as they relate to children's social care and to provide confidence to the Parties regarding the future delivery of high quality children's social care services;
 - 6.3.2 establish a new and distinct legal entity which has day-to-day operational independence from the Council in the management and performance of children's social care services in the Borough of Reading through a strong board of executive and non-executive directors;
 - 6.3.3 enable the effective discharge at all times of the Relevant Functions in respect of those children's services that are the subject of the Services Contract and to enable the Council, through its elected members or otherwise, to properly discharge their local democratic accountability in respect of the performance of the Relevant Functions within the Borough of Reading through an appropriate and balanced contractual governance and quality assurance framework in the Services Contract which enables:
 - (a) the Council to have sufficient assurance that the Relevant Functions are being properly discharged by the Company on its behalf; and

- (b) the board of directors and executive management of the Company to have sufficient flexibility to innovatively and independently perform the Relevant Functions on behalf of the Council, and meet the changing demands of children, young people and their families in the Borough of Reading without undue interference from the Council;
- 6.3.4 focus on social objectives and the improvement of outcomes for children, young people and their families in the Borough of Reading with the treatment of any surpluses that are generated by the Company being subject to negotiation between the Council and the Company and documented in the Services Contract in accordance with an agreed mechanism;
- 6.3.5 provide a structure that is lawful and within the scope of the Council's legal powers, including pursuant to Section 1 of the Children and Young Persons Act 2008, the Contracting Out (Local Authority Education Functions) (England) Order 2002 and which complies with The Public Contracts Regulations 2015 and associated State Aid rules. To this end, the Council agrees that the Company will register as an independent fostering agency on or prior to the Service Commencement Date;
- 6.3.6 be capable of facilitating potential future business growth and working with other public sector bodies/customers in accordance with applicable laws; and
- 6.3.7 provide the most tax efficient structure possible in order to minimise additional costs arising under the new model.

Constitution and Appointment of the Company's Board of Directors

- 6.4 Subject to paragraphs 6.5 to 6.15 (inclusive) below, the board of directors of the Company shall comprise the following:
 - 6.4.1 a non-executive director of the Company appointed as chair of the Company by the Secretary of State, in consultation with the Council, during the period of the intervention (the "**Chair**");
 - 6.4.2 up to three (3) executive directors comprising the chief executive of the Company (the "**Company Chief Executive**") and two other executive roles (collectively referred to in this MoU as the "**Executive Posts**");
 - 6.4.3 up to six (6) non-executive directors with collective knowledge, expertise and experience across the range of children's services to be provided by the Company, as well as business development (collectively referred to in this MoU as the "**Non-Executive Independent Directors**" or "**NEIDs**"); and

- 6.4.4 an additional non-executive director nominated by the Chief Executive of the Council, who should be an officer of the Council (other than the Chief Executive of the Council) (the "**Council Nominated Director**").
- 6.5 In respect of the appointment of the Company Chief Executive, the Council, in consultation with the Commissioner, is considering whether that person should also be the Council's Director of Children's Services, or whether that person should be an additional, independent appointment. This is one of a number of options currently being considered by the Council, however, if the Council determines that its Director of Children's Services should also be the Company Chief Executive, then that person shall remain employed by the Council and be seconded into the Company as the Company Chief Executive (see paragraph 7.11 below). If it is agreed that the Council's Director of Children's Services will also be the Company Chief Executive then notwithstanding such appointment, the Council's obligation and discretion to appoint a Director of Children's Services pursuant to the Children Act 2004 shall not be fettered and the Council shall be free, at any time, to appoint another person as its Director of Children's Services at its absolute discretion.
- 6.6 During the Shadow Period, the constitution of the board of directors of the Company will commence in accordance with paragraphs 6.7 and 6.8 below and, although such individuals are not directly appointed to or by the Company at this stage, they will be appointed to the designated posts that they will be due to take up on the board of directors of the Company (the "**Designated Company Board**").
- 6.6A During the Shadow Period it is expected that the Designated Company Board shall:
- 6.6A.1 in relation to the performance of the Relevant Functions during the Shadow Period:
- (a) act in an advisory capacity to the Council with the Company Chief Executive informally reporting to the Designated Company Board during the Shadow Period on the performance of the Relevant Functions and the design of the services that will ultimately be provided by the Company from the Service Commencement Date pursuant to the Services Contract; and
 - (b) be entitled to make recommendations to the Council in respect of such matters so that the Designated Company Board may appropriately influence the delivery and performance of such services to enable the effective transition of the services to the Company on and from the Service Commencement Date;

and

- 6.6A.2 be responsible for working alongside the Council to ensure that the Company is in a position to efficiently and effectively take over the performance of the Council's Relevant Functions pursuant to the Services Contract on and from the Service Commencement Date.
- 6.7 Notwithstanding the appointment of the Designated Company Board as described in paragraphs 6.6 and 6.6A above, during the Shadow Period the Council will continue to be responsible for and directly perform and discharge the Relevant Functions itself, and such functions shall not be performed and discharged by the Company (or the Designated Company Board) until the Service Commencement Date and the Parties acknowledge and agree that the Company shall not be operational during the Shadow Period.
- 6.8 During the Shadow Period, any appointments to the Designated Company Board shall be as follows:
- 6.8.1 the Secretary of State, in consultation with the Council, shall select the person who will have the role of the Chair;
 - 6.8.2 the Company Chief Executive shall be appointed by the Council with the prior written consent of the Secretary of State;
 - 6.8.3 the persons occupying Executive Posts (other than the Chief Executive) shall be appointed by the Council in consultation with the Commissioner and the Secretary of State;
 - 6.8.4 the Non-Executive Independent Directors shall be appointed by a selection committee comprised of the Chair, a representative of the Secretary of State (which is likely to be the Commissioner) and a representative of the Council; and
 - 6.8.5 the Council Nominated Director shall be appointed by the Council in consultation with the Commissioner,
- and, where applicable, the recruitment process for such positions shall reflect good practice for public appointments.
- 6.9 During the Operational Period, and only for so long as the Directions (or any subsequent applicable statutory direction of the Secretary of State that replaces any or both of the Directions) remain in force (the "**Intervention Period**"), the following principles shall apply in respect of the appointment and/or removal of the directors of the Company:
- 6.9.1 the Secretary of State shall, in consultation with the Council, nominate the Chair of the Company whose formal appointment shall be made by the Council following such nomination by the Secretary of State and, during

the Intervention Period, the Secretary of State shall be solely responsible for appointment and removal of the Chair and the remuneration of the Chair; and

- 6.9.2 subject to paragraphs 6.5 and 7.11 of this MoU in relation to the appointment of the Council's Director of Children's Services, the Council shall obtain the prior written consent of the Secretary of State in relation to any decision to appoint or remove the Company Chief Executive, as more particularly described in paragraph 6.15.1(a) below.

Decision-Making and Reserved Matters

- 6.10 Subject to paragraph 6.11 below, during the Operational Period the board of directors of the Company shall:
- 6.10.1 be fully empowered to manage the Company's day-to-day business and affairs in accordance with the Company's approved Business Plan (from time to time – see paragraph 4.2.4(b) above and paragraph 6.10.4 below).
 - 6.10.2 make decisions on a majority basis only and, in the case of an equality of votes, no director (including the Chair) will have a casting vote;
 - 6.10.3 be expected to comply with their duties under the Companies Act 2006 in relation to their decision-making, including the duty to promote the success of the Company; and
 - 6.10.4 in consultation with the Council develop a Business Plan in accordance with paragraph 4.2.4(b) above and on an annual basis refresh and update the Business Plan for approval by the Council pursuant to paragraph 6.11.3 below.
- 6.11 In addition to its statutory rights under the Companies Act 2006 (and associated legislation) and subject to paragraphs 6.12 to 6.15 (inclusive) below, during the Operational Period the Council shall have a right to approve the following key decisions of the Company:
- 6.11.1 subject to paragraphs 6.9, 6.15.1(a) and 6.15.1(b) (as applicable) of this MoU the appointment and removal of the Company's directors;
 - 6.11.2 any change to the membership of the Company;
 - 6.11.3 the approval of the Company's Business Plan (including the approval of any amendments to the Company's Business Plan);
 - 6.11.4 any changes/amendments to the Company's Articles;

- 6.11.5 the voluntary winding up of the Company (save where the Company is insolvent and action is necessary by the directors of the Company in order to comply with their statutory duties or to avoid potential civil or criminal liability);
- 6.11.6 any proposal by the Company to enter into (or the entering into by the Company) of any new third party contracts for the provision of services by the Company to third parties above a pre-agreed threshold (which are outside the scope of the Services Contract and/or the Company's Business Plan);
- 6.11.7 any proposal by the Company to enter into any other contractual arrangement with the Council for the provision of other services to the Council following the Service Commencement Date (unless otherwise expressly provided for in the Services Contract, including pursuant to any change mechanism therein); and
- 6.11.8 any proposal by the Company to form or procure the formation of any other legal entity or undertaking in which the Company would be a member, shareholder or hold any analogous position in any jurisdiction;

together the "**Reserved Matters**".

6.12 The Parties acknowledge and agree that, during the Shadow Period, the Council and/or the Company may identify and collaboratively agree on additional matters that should be added to the list of Reserved Matters set out in paragraph 6.11 above for inclusion in the Company's Articles ("**Additional Reserved Matters**"), and when identifying and agreeing any Additional Reserved Matters with the Company the Council shall:

6.12.1 have regard to the fundamental principle of the operational independence of the Company; and

6.12.2 subject to paragraph 6.13 below, consult the Secretary of State (or his nominee, where applicable) prior to formally agreeing any Additional Reserved Matters with the Company.

6.13 Following consultation with the Secretary of State (or his nominee) pursuant to paragraph 6.12.2 above, the Secretary of State shall be entitled to request consent or consultation rights over any Additional Reserved Matters to the extent that the Secretary of State reasonably believes that such rights are necessary. Following any such request by the Secretary of State, the Parties shall agree (acting reasonably and having due regard to the principles set out in paragraphs 6.12.1 and 6.16 of this MoU) such consent/consultation rights over any Additional Reserved Matters and such rights shall be exercisable by the Secretary of State

during the Intervention Period. No Additional Reserved Matters can be agreed between the Council and the Company until the process set out in paragraph 6.12.2 and this paragraph 6.13 has been followed.

- 6.14 The Reserved Matters (including any Additional Reserved Matters agreed between the Council and the Company pursuant to paragraphs 6.12 and 6.13 above), and the Council's rights in respect of the same, will be set out in the Articles.

The Secretary of State's consent/consultation rights in respect of the Reserved Matters

- 6.15 During the Intervention Period, the Secretary of State shall have:

- 6.15.1 **consent rights** in respect of the following Reserved Matters:

- (a) the appointment and removal of the Company's Chair;
- (b) subject to paragraphs 6.5 and 7.11, the appointment and removal of the Company Chief Executive;
- (c) any change to the membership of the Company;
- (d) the voluntary winding up of the Company (save where the Company is insolvent and action is necessary by the directors of the Company in order to comply with their statutory duties or to avoid potential civil or criminal liability); and
- (e) any other consent rights agreed between the Parties pursuant to paragraph 6.13 above;

- 6.15.2 **consultation rights** in respect of the following Reserved Matters:

- (a) the approval of the Company's Business Plan (including the approval of any amendments to the Company's Business Plan);
- (b) any changes/amendments to the Company's Articles;
- (c) any proposal by the Company to enter into (or the entering into by the Company) of any new third party contracts for the provision of services by the Company to third parties above a pre-agreed threshold (which are outside the scope of the Services Contract and/or the Company's Business Plan);
- (d) any proposal by the Company to enter into any other contractual arrangement with the Council for the provision of other services to the Council following the Service Commencement Date (unless otherwise expressly provided for in the Services Contract, including pursuant to any change mechanism therein);

- (e) any proposal by the Company to form or procure the formation of any other legal entity or undertaking in which the Company would be a member, shareholder or hold any analogous position in any jurisdiction; and
- (f) any other consultation rights agreed between the Parties pursuant to paragraph 6.13 above.

6.16 The consent and consultation rights of the Secretary of State described in paragraph 6.15 above (or any additional consent/consultation rights requested and afforded to the Secretary of State pursuant to paragraph 6.13 above) are only exercisable during the Intervention Period and are intended to preserve the integrity of the intervention pursuant to the Directions, and shall be set out in a legally binding agreement between the Council and the Secretary of State (the "**Governance Side Agreement**") to be entered into between the Parties on or before the Company's Articles are adopted and the Services Contract is entered into between the Council and the Company. The Governance Side Agreement will, among other things, manage the exercise by the Secretary of State of such consultation and consent rights and will stipulate time periods within which the Secretary of State (or his duly appointed nominee) must respond to the Council in respect of its exercise of such rights.

7. The Services Contract

7.1 On or around 30 September 2018 the Council will enter into an arm's length Services Contract with the Company awarded to the Company in accordance with the In-House Exemption. The Services Contract shall be for a term of seven (7) years with an option to break after five (5) years. Under the Services Contract, the Company (in the capacity of a 'supplier') will be required to perform the Relevant Functions on behalf of the Council (in its capacity as the 'customer'). The Council will remain statutorily responsible and accountable for the discharge of the Relevant Functions and the Company will be accountable to the Council in respect of the performance of the Relevant Functions pursuant to the terms of the Services Contract.

7.2 The current proposed scope of children's services to be delivered by the Company is set out in Part A (*List of Transferring Services*) to Appendix B of this MoU. In addition, Part B (*Relevant Support Services*) to Appendix B of this MoU sets out the current proposed scope of relevant support services that the Company will require in order for it to be able to perform its obligations under the Services Contract. It is acknowledged that the content of Appendix B remains subject to ongoing review and, in particular, subject to paragraphs 7.4 and 7.5 below the Council and the Company will work together during the Shadow Period to collectively determine which of these support services will be directly performed by

the Company and which will be purchased by the Company from the Council *via* the Support Services Agreement.

- 7.3 The Parties acknowledge and agree that the Council currently discharges its statutory duties relating to adoption *via* a joint adoption agency agreement led by Oxfordshire County Council, and therefore the Council's statutory functions in respect of adoption will be retained by the Council and will not fall within the scope of, or form part of, the Services Contract and accordingly will not be performed by the Company on the Council's behalf.
- 7.4 The outline scope of the support services which are to transfer to the Company and those support services which are to be purchased by the Company from the Council pursuant to the Support Services Agreement between the Council and the Company shall be determined by the Council's Policy Committee in consultation with the Commissioner by the end of May 2018. Those support services which are not transferred to the Company shall be purchased by the Company from the Council for a minimum period of two (2) years from the Service Commencement Date, on the basis of a one year term with a twelve (12) month notice period to terminate the arrangement thereafter.
- 7.5 It is recognised that the Council's Joint Legal Service (through the Joint Legal Team) under existing arrangements and agreements advises and represents the Berkshire Authorities, including Reading, in connection with children's and adults' social care services which include care proceedings, fostering, assessment of adopters or carers for permanency and special education tribunals etc. Therefore, the Joint Legal Service shall also be purchased by the Company from the Council on a similar basis to that described in paragraph 7.4 above (i.e. one year term with a twelve (12) month notice period to terminate thereafter), however special arrangements will apply to the Joint Legal Service as a twelve (12) month notice period will also be required to significantly reduce its scope.
- 7.6 During the Shadow Period an outcomes-focused service specification and associated contract governance and performance framework, which shall include appropriate performance metrics, will be jointly developed and agreed by the Council and the Designated Company Board in consultation with the Commissioner and the Secretary of State, in respect of the delivery of children's services by the Company. The services specification and performance and governance frameworks will be key components of the Services Contract.
- 7.7 During the Intervention Period the Secretary of State will have the following rights in respect of the Services Contract:

7.7.1 **consent rights** in respect of any proposal:

- (a) to terminate the Services Contract;

- (b) to extend or exercise a break right under the Services Contract;
- (c) to make any major variation to the Services Contract (outside pre-agreed thresholds);
- (d) by the Company to subcontract a substantial part of the services it is performing under the Services Contract to a third party;
- (e) by the Company to assign, novate or otherwise dispose of its rights under the Services Contract;
- (f) by the Council to exercise any rights of 'step-in' it has under the Services Contract; and

7.7.2 a **consultation right** in respect of any proposal by the Council to 'step-out' under the Services Contract following the exercise by the Council of any 'step-in' rights it may have.

7.8 The consent and consultation rights of the Secretary of State described in paragraph 7.7 above shall be capable of being exercised by the Secretary of State through 'Third Party Rights' provisions to be contained within the Services Contract. Furthermore, the exercise of these rights will be governed by the Governance Side Agreement.

TUPE/Employment and Pensions

- 7.9 The persons on the Designated Company Board who hold Executive Posts shall be employed by the Council during the Shadow Period and on the Service Commencement Date such persons will transfer to the Company pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("**TUPE**").
- 7.10 In addition to the transfer of the Executive Posts as described in paragraph 7.9 above, on the Service Commencement Date there shall be a transfer of relevant and appropriately assigned staff from the Council to the Company pursuant to TUPE. The scope of the transferring services and the design of the Council's retained Intelligent Client Function will determine the scope of this TUPE transfer. The Council will be responsible for all pre-transfer employment liabilities of the transferring staff and the Company will be responsible for all post-transfer employment liabilities of such transferring staff insofar as they relate to their employment by the Company following the relevant transfer date.
- 7.11 If it is determined pursuant to paragraph 6.5 that the Company Chief Executive will also be the Director of Children's Services at the Council, then the relevant post holder will remain an employee of the Council and will be seconded to the Company as its Chief Executive in accordance with the terms of a secondment agreement to be entered into between the Council and the Company in respect of

such individual. Under that secondment agreement, the Company will have the necessary day-to-day control in relation to the performance and management of the Company Chief Executive's role and tasks. The Parties envisage an 80/20 split of time between Company Chief Executive duties and Director of Children's Services duties (with the majority being dedicated to the former) in relation to this role. If, pursuant to paragraph 6.5, the Council decides to appoint (in its absolute discretion) another individual as its Director of Children's Services, then it is envisaged that the Company Chief Executive who was previously also the Council's Director of Children's Services will continue to act as the Company Chief Executive but will become an employee of the Company.

- 7.12 It is acknowledged that all staff assigned to the performance of statutory functions relating to adoption shall be retained by the Council and will not be transferred to the Company in accordance with TUPE as the Council will be retaining all its statutory functions that relate to adoption.
- 7.13 The Council is currently in the process of considering its options in relation to matters concerning pensions and is seeking actuarial advice. It is envisaged that the Company will either secure "admitted body status" or be a "designated body" (for the purposes of part 2, schedule 2 of the Local Government Pension Scheme Regulations 2013) in relation to the Local Government Pension Scheme (LGPS), however further work on pensions matters is required before anything further can be said.

8. Finance

Transition Costs

- 8.1 The Parties shall enter into a funding agreement by 31 March 2018 in respect of the Secretary of State's contribution to the funding of the transition costs in respect of the set-up and establishment of the Company. For these purposes, it is agreed that the following non-exhaustive list of cost headings shall be eligible to be treated as transition costs in respect of which the Secretary of State shall contribute:
- 8.1.1 project management costs;
 - 8.1.2 set-up of Company (including appointment costs in respect of the board of directors of the Company);
 - 8.1.3 legal advice and support;
 - 8.1.4 finance advice and support (including the relevant set-up costs in respect of the Council's Fusion finance system);
 - 8.1.5 HR advice and support;

- 8.1.6 communications (with staff and third parties);
 - 8.1.7 set up of accommodation for the Company;
 - 8.1.8 transfer of data and ICT set-up costs;
 - 8.1.9 support services (including changes to business processes and transfer of contracts); and
 - 8.1.10 development of the Council's retained commissioning and contract management function.
- 8.2 A key principle will be that the relevant transition costs should be "additional costs" only – i.e. costs that are a direct result of setting up the Company to deliver the Services Contract, as opposed to costs that the Council would otherwise ordinarily incur if the Company was not being established.

The Company's Budget

8.3 The Council is in the process of setting its three (3) year Medium Term Financial Strategy for the period of 2018 to 2021 and, as part of that process, has agreed an indicative 3-year budget/financial plan for the Company as more particularly described in the table below. This indicative budget remains subject to overall financial settlement from Central Government being as predicted and therefore remains subject to ongoing review.

DCEEHS*	18-19 Budget (Draft)	19-20 Budget (Draft)	20-21 Budget (Draft)
excluding DSG	41,566,000	42,272,400	41,632,000

8.4 This indicative plan excludes the costs of support services and has been set to meet recent growth in demand in children's services and to allow a clear twelve (12) month period to implement efficiency savings. All local authorities in intervention have seen a rise in costs, but as the children's social care services move from inadequate to good, there should be an opportunity to reduce the costs of looking after children. Furthermore, Central Government has set targets for Local Government to reduce costs and therefore the Council's Medium Term Financial Strategy shows a planned reduction in the budget in 2020/21, and accordingly the Company we will be required as part of its business planning process to set targets for efficiency savings which will help to manage the strain on the Council's limited finances and to ensure that children's social care services improve.

- 8.5 The Council will work with the Designated Company Board during the Shadow Period to identify the costs of providing support services to the Company, which the Council wishes to ensure are of the correct quality to enable the company to perform its obligations under the Services Contract. For the avoidance of doubt, the final budget for the Company will include the costs of the required support services.

Approach to VAT

- 8.6 As part of the process of securing the most tax efficient structure possible for the Company, and based on similar alternative delivery models of this nature (i.e. that are not just the simple provision of welfare and education services but include many additional aspects the successful fulfilment of which relates to the discharge of the Council's functions as a whole), the understanding between the Parties is that Company will be delivering a single supply of taxable services to the Council and should be entitled to fully recover VAT it incurs on the cost of making that supply.
- 8.7 The Parties will continue to assess the VAT position during the Shadow Period and where, for whatever reason, whether during the Shadow Period and/or during the Intervention Period, HMRC or another relevant tax authority makes a determination that would result in the Company having an irrecoverable VAT issue in respect of the delivery of the children's services under the Services Contract, then the Parties shall come to an agreement such that the Council and the Company are not liable for any irrecoverable VAT costs that may be associated with the delivery of the children's services pursuant to the Services Contract. Any such agreement will only be in relation to any irrecoverable VAT costs during the Intervention Period and not thereafter.

9. Key Project Milestones and Management of the Project

- 9.1 The Parties shall use all reasonable endeavours to achieve the following key milestones as part of the proposed timetable for this project (these are merely anticipated dates):
- 9.1.1 recruitment and appointment of the Chair by 30 March 2018 (subject to a successful executive search and identification of candidates);
 - 9.1.2 recruitment and appointment of the remainder of the Designated Company Board by 30 April 2018 (subject to a successful searches);
 - 9.1.3 the Designated Company Board operating in 'shadow form' by 1 May 2018 (subject to appointment of positions to the Designated Company Board);
 - 9.1.4 budget for the Company to be agreed by 28 September 2018;

- 9.1.5 Articles of the Company to be revised and finalised by 28 September 2018;
- 9.1.6 Council approval of the Services Contract and ancillary documents by 28 September 2018; and
- 9.1.7 the Services Contract and Governance Side Agreement to be executed by 30 September 2018.
- 9.2 During the Shadow Period the Project shall be periodically monitored, reviewed and effectively managed through the following key groups:
- 9.2.1 the **Strategic Stakeholder Group** – which will meet monthly (or as otherwise agreed) and will provide input into the overall strategic direction of the Project. This group will be chaired by the Commissioner and key attendees at this group will be:
- (a) representatives of the Secretary of State;
 - (b) the Chief Executive of the Council;
 - (c) the Council's Director of Children's Services (if such person is not also the Company Chief Executive); and
 - (d) the Company Chief Executive (if such person is not also the Company Chief Executive);
- 9.2.2 the **RBC Commissioning Group** – which will meet monthly (or as otherwise agreed) and which will oversee the delivery of the Project on behalf of the Council and will be accountable for the delivery of the Project. This group will be chaired by the Chief Executive of the Council and key attendees at this group will be:
- (a) the Council's Director of Finance;
 - (b) the Council's Head of Legal; and
 - (c) the Council's Director of Children's Services; and
 - (d) the Council's Head of Customer Services;
- 9.2.3 the **Project Board** – which will meet fortnightly and which will manage the project plan, track Project risks and issues and generally support the Project and which will report directly to the RBC Commissioning Group. This group will be chaired by a nominated representative and key attendees at this group will be:
- (a) the Project Manager for the Project;

- (b) the Council's Head of Customer Services;
- (c) the Council's project support officer; and
- (d) all workstream leads at the Council.

10. Miscellaneous

- 10.1 Subject to paragraph 1.6, both Parties agree to act at all times in good faith and in the spirit of mutual trust and co-operation in relation to the delivery of the project in accordance with the terms of this MoU.
- 10.2 The Parties shall agree the scope and confidentiality of the information sharing which shall take place during the period of this MoU, including access to the Council's financial and management reporting records and systems.
- 10.3 The Parties agree that the Council shall lead on all external communications in respect of this Project during the period of the MoU in consultation with the Secretary of State and the Commissioner. Save for the purposes of public decision making and/or where required by law, neither Party shall issue any public statements or announcements in respect of this Project without the prior agreement of the other Party.
- 10.4 The Parties may vary the terms of this MoU at any time by the agreement of both Parties in writing.
- 10.5 Any dispute that may arise as to the interpretation or application of this MoU shall be settled by discussion between the Parties. Both Parties agree to use all reasonable endeavours to seek to resolve any such dispute.

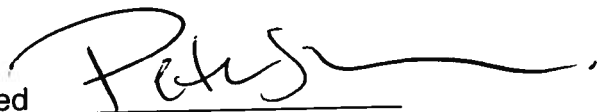
Signed Nick Whitfield

Nick Whitfield

The Commissioner for Children's Services (on behalf of the Secretary of State)

Date 28 March 2018

Classification: OFFICIAL-SENSITIVE

Signed 

Peter Sloman
Chief Executive
Reading Borough Council

Date 28th March 2018

Appendix A

The Direction

Direction to Reading Borough Council in relation to children's services:

STATUTORY DIRECTION TO READING BOROUGH COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS:

1. The Secretary of State for Education ("the Secretary of State") has noted in respect of Reading Borough Council ("the Council") that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 5 August 2016 ("the 2016 Ofsted report").
2. The Council's failure led the Secretary of State to issue a statutory direction on 16 September 2016 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to work with Nick Whitfield, as the appointed Commissioner for Children's Services in Reading.
3. The Secretary of State has carefully considered:
 - a. Ofsted's inspection report of 5 August 2016, which found that children's services are 'inadequate'. The sub-judgments for children who need help and protection, children looked after and achieving permanence, and leadership, management and governance were all rated as 'inadequate';
 - b. The Children's Services Commissioner's report of 7 April 2017 ("the 2017 report"), which concluded that in order to provide sustainable improvements to children's social care services the council should move to an alternative model of delivery; and
 - c. Ofsted's letter of 30 June 2017 to the Council, recording the findings of its monitoring visit of 31 May 2017 – 1 June 2017, that the Council *'is still not making the expected progress in improving services for its children and young people'*.
4. The Secretary of State is therefore satisfied that the Council is still failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely:
 - a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
 - b. the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
 - c. the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
5. The Secretary of State has re-appointed Nick Whitfield as Commissioner for Children's Services in Reading ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with her powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.

NOW THEREFORE:

7. Pursuant to her powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
 - a. To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require;
 - b. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:
 - i. to any premises of the Council;
 - ii. to any document of, or relating to, the Council; and
 - iii. to any employee or member of the Council,which appears to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference;
 - c. To provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities;
 - d. To develop and draft, in consultation and agreement with the Children's Services Commissioner:
 - i. a business case for the agreed alternative delivery model, and outline implementation plan, by 30 September 2017;
 - ii. an updated long-term improvement plan to address the findings of the 2017 report by 30 September 2017, and to include the proposed arrangements for monitoring progress and reviewing the improvement plan as appropriate;
 - e. To co-operate with the Secretary of State and her advisers, including by:
 - i. Attending and participating in reviews of progress on dates to be notified to the Council;
 - ii. Preparing and making available to the Secretary of State's advisers, when requested, up to date improvement plans and assessments of progress evidenced by performance data;
 - iii. Reporting to the Secretary of State on the nature and rate of improvement of children's services when instructed to do so.
8. In consequence of this direction, the Secretary of State for Education revokes the first direction.
9. This direction will remain in force until it is revoked by the Secretary of State.

Signed on behalf of the Secretary of State for Education

A handwritten signature in black ink, appearing to read "Lunn". The signature is written in a cursive style with a large, looping initial letter.

SUZANNE LUNN

A Senior Civil Servant in the Department for Education
12 September 2017

Non-Executive Commissioner for Children's Services

Reading Borough Council

Terms of Reference – September 2017

Given the systemic failures in Reading, and the need to increase the pace of change, the Commissioner has been re-appointed to work with Reading Borough Council to oversee the establishment of an alternative delivery model for services in Reading, and to provide ongoing direction and assurance of service improvements ahead of the transition to the new delivery model.

Specifically, the Commissioner shall:

1. Shape the Council's strategic vision for the transformed service and its scope of delivery;
2. Work with the Council in establishing a business case and outline implementation plan for the agreed alternative delivery model, by 30 September 2017;
3. Produce a high level project plan by 30 September 2017, detailing the proposed approach to provision of support and challenge throughout the establishment and implementation of an alternative delivery model, and ongoing service improvements;
4. Provide ongoing assurance and oversight to the implementation of the agreed new model, and the transition of services;
5. Advise on any senior appointments to the body and lead or participate in recruitment assessment processes as required;
6. Provide advice and direction to the Council to agree a long-term improvement plan to address the findings of his report of 7 April 2017; and provide ongoing monitoring and oversight of progress against implementation of the plan;
7. Support and challenge senior members, corporate senior management and senior partners to work together to create the culture and leadership necessary to bring about and sustain improvements in children's services;
8. Lead, on behalf of the DfE, a formal review of the Council's progress towards improvement within six months of appointment and thereafter on a six monthly basis; and making a recommendation to the DfE on whether progress has been sufficient;
9. Deliver six-weekly written evidence based reports on the authority's improvement progress to the DfE Contract Manager and more frequently if the pace of progress is not sufficient or if the Minister for Children and Families requires it; and
10. Deliver quarterly written updates on the Council's progress to the Minister for Children and Families, and more frequently if the pace of progress is not sufficient or if the Minister requires it.

Appendix B

Part A: The List of Transferring Services

- Single Point of Assessment (including Child Sexual Exploitation Hub and Multi Agency Safeguarding Hub)
- Access & Assessment
- Children in Need (including Edge of Care)
- Looked After Children (including Leaving Care and Contact)
- Fostering Services
- Residual adoption services (non-Regional Adoption Agency functions)
- Residential Units
- Independent Reviewing Officers & Child Protection Chairs
- Youth Service
- Youth Offending Service
- Early Help
- Early Years
- Children's Centres, Under 5s & Nurseries
- Special Education Needs & Disabilities
- Children & Young People with Disabilities
- Education Services & School Support Services (including School Admissions & Pupil Place planning)
- Virtual Head
- Educational Welfare
- Educational & Child Psychologists

Part B: Relevant Support Services (either transferring or being purchased from the Council as Support Services)

The Council and the Company will collectively determine which of these support services will be directly performed by the Company and which will be purchased by the Company from the Council via a support service arrangement.

1. Strategic HR – Advice
2. Employment and Recruitment
3. Learning and Workforce Development
4. Payroll & Pensions
5. Occupational Health
6. Finance
7. Accounts Payable and Receivable
8. Procurement
9. Audit and Investigations
10. ICT Services
11. Health and Safety
12. Legal and Democratic Services (incl. Information Governance)
13. Joint Legal Team
14. Housing and Property Services
15. School Services and Capital Programmes
16. Regulatory Services
17. Emergency Planning, Risk and Business Continuity
18. Building Cleaning Services
19. Transportation and Waste
20. Sustainability
21. Facilities Management (Incl. Pool Cars)
22. Marketing and Communications
23. Income and Assessment
24. Project and Change Management
25. Kennet Day Nursery
26. Customer Services (incl. Complaints)
27. Strategic Commissioning
28. Operations & Support
29. Performance and Data Management
30. Reviewing and Quality Assurance
31. Home to School Transport

8 June 2018

Ms Kim Drake
Interim Director of Children's Services and
Head of Safeguarding
Reading Borough Council
Bridge Street
Reading
RG1 2LU

Dear Ms Drake

Monitoring visit of Reading Borough Council children's services

This letter summarises the findings of the monitoring visit to Reading Borough Council children's service on 15 and 16 May 2018. This was the sixth monitoring visit since the local authority was judged inadequate in June 2016. The inspectors were Nick Stacey and Lorna Schlechte, Her Majesty's Inspectors.

The local authority is gradually improving services for children in care, and many benefit from living in stable, caring homes and receive increasingly attentive and effective support from social workers. However, leaders and managers have considerably more to do to provide a consistently high standard of support and services to all children in care.

Areas covered by the visit

During the course of this visit, inspectors reviewed the progress made in the area of children in care, with a particular focus on:

- the quality of assessments, plans and support provided
- the impact of management oversight and the standard of recording on children's electronic case files
- responses to children in care who go missing from home
- the impact of the independent reviewing service.

A range of evidence was considered during the visit, including electronic case records, supervision notes and other information provided by managers. In addition, we spoke to a range of staff, including social workers, independent reviewing officers (IROs), managers and other staff.

Overview

The quality of early planning for children in care is not yet consistently good enough, with some children, including infants, experiencing delays in planning for permanence. Oversight of pre-, and court, proceedings is insufficiently rigorous and does not prevent children experiencing delay.

The majority of children in care are allocated in the two specialist children in care teams, where they are seen by social workers regularly. The quality of direct work with children in these teams is improving: work is planned, thoughtful and effective. IROs are strengthening their oversight of children's plans and children's progress towards permanent, settled homes. Children are given good support to meet their health and educational needs.

The children in care council (CiCC) has recently broadened its scope, offering more children opportunities to participate in activities, provide feedback and influence the priorities of the corporate parenting board.

Overall, progress in addressing pertinent recommendations of the 2016 inspection has been too piecemeal and fragmented, but plans for accelerating and embedding improved services for children in care are now realistic and achievable.

Findings and evaluation of progress

When children first come into care, their cases are held in the safeguarding and court teams, and the quality of work with children at this early stage is variable. Despite recent measures to strengthen early permanence planning, parallel care planning is not always in place. Inspectors saw delays in early, pro-active planning for possible adoptive placements for some infants, and for older children who had not been formally matched with their long-term foster carers.

Oversight of children who are in pre-proceedings or in care proceedings is insufficient and does not ensure that all assessments are 'front loaded' and completed within prescribed timescales. For some children, assessments of family members during care proceedings are delayed, extending the proceedings. Only just over a quarter of care proceedings are completed within 26 weeks.

Social workers in the specialist children in care teams, where the majority of children in care cases are allocated, carefully build trusting and meaningful relationships with children. Manageable caseloads and a dedicated focus on children in care allows social workers to do more structured and planned work. Social workers use a range of interactive approaches to engage with children of different ages. Social workers work with children to understand their feelings about being in care, their relationships and contact with their families, and how to promote their educational

achievement and engagement in leisure activities. Social workers' records of the visits are improving and some demonstrate well how important objectives of children's care plans are being met. Social workers are exercising more care and attention when they record their direct work with children in care. In many cases, this provides a clear understanding of children's views, achievements, concerns and worries. Examples were seen of children's wishes being actively considered, for example in changing contact arrangements with family members. Social workers, children and their families are generally clear about contact arrangements. However, these are not consistently recorded and should be clearly detailed in children's care plans.

In many cases seen during the visit, life-story work was in progress, but social workers could not always show evidence of this work on children's case files. Some life-story work starts too late. Managers and IROs are aware of this and plans are in place to provide training to staff to support them to complete this important work.

Social workers' reports to children's looked after reviews are helpful information updates, but the majority are not evaluative assessments. This means that children's progress in relation to important objectives of their care plans is unclear. Children's care plans are typically retrospective and repetitive accounts of the circumstances resulting in their entry to care, and a review of their needs rather than a forward-looking, specific and measurable plan. The local authority recognises this shortfall and is on the cusp of launching a new care plan format, the content of which has been helpfully informed through consultation with social workers.

Children in care are supported by an effective virtual school, working closely alongside social workers. Emotional and behavioural impediments to learning are considered in addition to careful targets and support to improve attainment levels. Personal education plan meetings are held regularly and the plans are quality assured, resulting in more refined and measurable targets. The pupil premium is used well to provide both additional tuition and emotional and behavioural support to help children to focus on learning.

Children in care have their health needs assessed and reviewed promptly and regularly. Assessments include a welcome focus on healthier eating and regular exercise. Many assessments are comprehensive, holistic reviews of children's physical, emotional and mental health. Most recommendations are subsequently met through attendance at designated appointments. A dedicated child and adolescent mental health service for children in care facilitates swift access to therapeutic assessments and interventions. However, this service is not available to the majority of children in care who are looked after outside Reading.

The impact and scale of IRO oversight and challenge is increasing through midway checks and visits to children in care. This is in addition to timely reviews and regular contact with social workers to seek updates on the progress of review recommendations. Recommendations are largely detailed, specific and achievable. Review minutes are written in an accessible, child-friendly style, but many take too

long to be uploaded to children's case files. The volume of IRO challenges has significantly increased over the last year, but the tracking of responses to them is not rigorous enough. Senior managers acknowledge this and are tackling the issues raised to generate targeted learning and service improvements.

Although the council has successfully recruited more local foster carers, the percentage of distant and out-of-borough placements has increased. The provision of residential therapeutic placements for older children with complex and challenging needs is often determined by availability rather than diligent, needs-led matching. This results in a small number of children's placements repeatedly breaking down. The required approval of the director of children's services for out-of-borough, 'distant' placements is not clearly evident in children's case files.

The response to a small number of children in care who repeatedly go missing is largely effective. For children living in or close to Reading, a commissioned local provider undertakes return home interviews and additionally deploys creative approaches to engage children in activities that help divert them from risky behaviours. For children living outside Reading return, interviews are 'spot' purchased, although only a small number of interviews are completed as the majority of children refuse them. Imaginative and pragmatic efforts are subsequently made, however, to secure information about missing episodes from carers and others who know the children concerned. The circumstances of and risks to children who refuse interviews are known and monitored.

In some return home interview records, considerable detail is recorded about the missing episode, but this does not consistently lead to a concise analysis of 'push and pull' forces. This means that an informed projection of the likelihood of further missing episodes and a credible risk reduction plan are absent in some cases. Strong multi-agency operational arrangements for reviewing and tracking missing children at higher and lower levels of risk are evident, but decisions and recommendations of these meetings are not reliably and promptly uploaded to children's case files.

The corporate parenting panel closely considers performance information concerning children in care, but the response to challenges arising and issues raised by the children in care council is too slow and unwieldy. The action plan and 'traffic light' system are not achieving timely improvements. More children have participated in the CiCC over the last year through activity-based events promoting greater engagement.

The workforce is increasingly stable. It is positive that 64% of social workers, and 70% of frontline managers, are now permanent members of staff. This is the highest proportion since the inspection. Most third-tier management posts are now also filled with permanent members of staff. Many locum social workers have been in their posts for lengthy periods.

Inspectors observed a calm, purposeful working environment in the teams they visited. This included the safeguarding service, where significant difficulties in

workloads are being purposefully addressed. Morale was positive and workloads considered manageable by social workers. Frontline managers were regarded as accessible and supportive. The children with disabilities team has made substantial progress in addressing the findings of an earlier monitoring visit. A social worker in the team is undertaking effective and important work with a highly challenging young person in care who has a recent history of numerous placement breakdowns.

Management oversight of children in care is largely regular, but there are significant delays in loading notes to children's case files. In a significant minority of cases, considerable gaps in supervision are evident. This was more prevalent where children's cases are not allocated in the two specialist looked after children's teams. Supervision recordings identify tasks to be completed and concise directions are helpful for social workers. However, supervision records do not show how children's changing needs are analysed or how social workers are supported in approaching direct work with children

I am copying this letter to the Department for Education.

Yours sincerely

Nick Stacey
Her Majesty's Inspector

READING BOROUGH COUNCIL

REPORT OF DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 JULY 2018	AGENDA ITEM:	9
TITLE:	PROGRESS ON THE DELIVERY OF THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) STRATEGY 2017 - 2022		
LEAD COUNCILLOR:	LIZ TERRY	PORTFOLIO:	CHILDREN
LEAD OFFICER:	HELEN REDDING	TEL:	74109
JOB TITLE:	SEND IMPROVEMENT ADVISER	E-MAIL:	helen.redding@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update on the progress being made to deliver the SEND Strategy for Reading Borough 2017 - 2022 which was approved by ACE Committee in July 2017.
- 1.2 It also provides an update on the Short Breaks Review work, the Information, Advice and Support Service (IASS), and the SEND Service performance.

2. RECOMMENDED ACTION

- 2.1 To note and comment on the progress made on delivering the SEND Strategy.
- 2.2 To note the work being undertaken to review Short Breaks
- 2.3 To note the developments within the IASS Service

3. CONTEXT

- 3.1 Reading Borough Council's SEND Strategy was approved by ACE Committee in July 2017. It provides a framework for SEND improvement, and the delivery of the provision and support required across key agencies to deliver the Children and Families Act (2014) and SEND Code of Practice (2015) in a coordinated way, ensuring that children and young people's needs are met at the right time, making best use of the resources available.
- 3.2 It sets out key areas for improvement and development that will support universal and specialist provision across a range of agencies in meeting the needs of children and young people with SEND and their families now and into the future.
- 3.3 The SEND Strategy currently consists of 4 strands.

- Analysis of data and information to inform future provision and joint commissioning.
 - Early Identification of needs and early intervention.
 - Using specialist services and identified best practice to increase local capacity.
 - Transition to adulthood
- 3.4 The strategy supports a coordinated approach that will support all stakeholders and partners to:
- understand the profile of children and young people's needs with special educational needs and / or disabilities (SEND) 0-25 within Reading and how that compares to other local authorities;
 - have clarity regarding their responsibilities and their role in identifying and meeting the needs of children and young people with SEND;
 - ensure that there is a continuum of provision to meet the range of needs of children and young people with SEND and their families which is flexible to the changing profile in Reading;
 - understand the pathways to accessing more specialist support when required;
 - have confidence that high needs spending and resources are targeted effectively and support improved outcomes for children and young people;
 - understand what needs to be commissioned, recommissioned and decommissioned to meet the changing profile of needs across Reading both now and into the future.
- 3.5 An initial progress report was considered by ACE Committee in January 2018. This report included an update on the progress of converting statements to Education, Health and Care Plans (EHCPs) and an update on the Information, Advice and Support Service (IASS).
- 3.6 The involvement of parents/carers and young people from the start in developing and then implementing plans and strategies that may impact on children and young people with additional needs is at the heart of the Children and Families Act.
- 3.7 The Children and Families Act (2014) requires local authorities to keep the provision for children and young people with SEND under review (including its sufficiency), working with parents, young people and providers.
- 3.8 Reading Families Forum (RFF) has continued to work closely with all of the SEND Strategy Groups, both contributing to their work plans, and facilitating and supporting additional activities to gain more parental and young person feedback. Members have also been involved in recruitment activities, DfE meetings, peer review of other Local Authorities, and in the IASS and Short Break Review work.
- 3.9 In the last 12 months, our new SEND youth forum have held 4 events. They have chosen their name, Special United, and their logo. Each meeting is free for anyone aged 11 - 25 with SEND or their siblings to attend. 13 young people attended the last event with 8 having attended before.
- 3.10 Special United have contributed to some changes to the Local Offer and provided feedback for the regional Local Peer review on another Local Authority's offer, IASS, short breaks, school exclusions and a leaflet on preparations for adulthood.

3.11 There is always much lively discussion and the next event is planned for 12th July to discuss the role of Children with Disability Social Workers and plans to move young adults to the adult social care team.

4. PROGRESS TO DATE

4.1 Strand 1 - Analysis of data and information to inform future provision and joint commissioning.

4.1.1 Strand 1 has continued to analyse the data report and use that to inform actions for this strand group as well as other strand groups. For example, Strand 2 was asked to track the journey of children who have accessed specialist support in the early years, carry out an audit of pre-schools, look at the mental health pathway in the early years, and develop guidance for school readiness, and Strand 3 was asked to look at operational models for outreach and school to school support. Strand leads report back to Strand 1 on progress against these actions.

4.1.2 Feedback on school cluster funding identified inconsistencies across clusters on how they were using this funding. It has therefore been agreed to hold this budget and the managed moves budget at the centre so best use of it to support inclusion in mainstream schools can be identified. Effective examples from other Local Authorities are being drawn on to inform this. A protocol is being co-developed during the summer term for implementation in September 2018 to support this and will include a requirement to evidence impact.

4.1.3 Work has continued to ensure that spend from the High Needs Block is transparent and is used effectively to impact on outcomes for children and young people. High Needs Block budget information is reported regularly to Schools Forum, as is progress on delivering the SEND Strategy.

4.1.4 A survey has been carried out with schools regarding their commissioning of therapy and other services. The survey was carried out in order to establish what services schools are commissioning and funding themselves, and to see whether there was a more effective way of jointly commissioning some services in larger contracts, e.g. for speech and language therapy. In addition, Strand 3 of the SEND Strategy Board wanted to survey schools on the support they felt they needed to meet the needs and improve the outcomes for children and young people with Autistic Spectrum Condition (ASC) and children and young people with social, emotional and mental health difficulties (SEMH). These questions were included in the same survey.

4.1.5 27 schools responded to the survey: 1 nursery school; 18 primary schools; 6 secondary schools; and 2 special schools.

4.1.6 The amount spent on additional therapies by those schools that responded went up in 2016/2017 to £285,088, and reduced to £268,345 in 2017/2018. Schools cited pressure on budgets as the main reason for stopping buying in therapies. There has been an increase in the number of schools buying in Play Therapy, with over £100k being spent on play therapy in each of the last 2 years.

4.1.7 The full report will be shared with members of the SEND Strategy Board in order to establish next steps.

4.1.8 The Educational & Child Psychology Service, which provides a range of therapeutic and educational assessments and support, continues to have increased buy back from schools, with an increased income predicted for the next academic year to over £200,000, with 90% schools buying the services offered.

- 4.1.9 The Primary Mental Health Workers continue to work closely with schools offering mental health assessments and therapeutic interventions. Demand for their service continues to increase. There is no cost to schools.
- 4.1.10 Work has continued with the schools with specialist provisions, including meeting with parents and students to get feedback, and reviewing starting points of children who go on to access specialist provision in order to determine when their needs were first identified and destinations post accessing the provision. This has helped inform the work of Strand 3 who have looked at what is required in the development of provision in Reading.
- 4.1.11 Investigation has been carried out into effective models of building capacity in supporting schools in managing behaviour that is challenging and reducing exclusions. This work is being taken forward with the Teaching School (Churchend Primary School), Cranbury College and Local Authority Services. A parent guide to exclusions has been co-produced with parent / carers and shared with schools. This includes a section on internal exclusions.
- 4.1.12 As a consequence of feedback, primary and secondary SENCO groups have been re-established.
- 4.1.13 Reading Borough Council has been successful in meeting the requirements of the SEND grant from the Department of Education (DfE) to support SEND capital developments, which the SEND Strategy Board has agreed needs to be focused on supporting delivery of the SEND Strategy and in particular the improvements needed to enable Phoenix School to take girls. Currently girls with these needs are accessing school placements out of area in order to have their needs met.
- 4.1.14 We have developed a methodology for specialist place planning to ensure that we plan sufficient specialist places for the future as well as put in place better tracking of early years children coming through who may require a specialist place. We are proposing to increase the number of specialist provision places in mainstream schools. We have already increased the number of places at the Avenue for 2018, and will increase this again for 2019. There are some capital works taking place over the summer to support this.
- 4.1.15 The head teacher of Brookfields special school which has a large proportion of Reading pupils now attends the regular special school leaders group, which is helping with this work.
- 4.1.16 We have shared the data report framework with other local Authorities in the area so that we have a consistent approach to support cross area place planning.
- 4.1.17 It is anticipated that Strand 1 will be closed in September 2018 as a comprehensive data report has been produced which will be updated annually, once national and statistical neighbour comparisons are published. These are usually published towards the end of June, so the report will be updated over the summer and used by the SEND Strategy Board and the strand leads to inform actions for the next academic year.
- 4.2 Strand 2 - Early Identification of needs and early intervention.
- 4.2.1 In order to understand whether children and young people's needs are being correctly identified and provided with appropriate early intervention, an analysis of Early Years Education, Health and Care Plan (EHCP) Needs Assessments was undertaken. The vast majority of Early Years (EY) statutory assessment requests were from the Portage

Service, or from the Nursery Schools. The children who accessed this specialist support in the early years have been tracked and results indicated the Portage Home Visiting Service are correctly identifying the children they work with who need a statutory assessment and/ or specialist educational provision.

- 4.2.2 Further work is being done with partner agencies to ensure pre-school children are correctly identified by all partners for referrals into the Portage Service. Portage will provide SEN Team a termly identification report of children they have identified as meeting the guidance for an Education, Health and Care assessment and / or access to specialist educational provision in order to help with place planning.
- 4.2.3 In order to understand why there are so few requests for EHCP needs assessments from other EY providers, an audit of pre-school educational providers understanding of how to identify and provide appropriate support or signposting for EY children with SEN was undertaken and a training programme has subsequently been put in place from the findings of the audit, facilitated by the Nursery Schools and the EY Special Educational Needs Coordinator (SENCO).
- 4.2.4 An audit of the funding allocated at the Early Years Intervention Panel (EYIP), which provides funding to support early years settings meet the emerging SEN needs, was undertaken and found inequity of which EY settings applied for funding. The EY SENCO and Nursery Head Teachers are supporting settings in how and when to apply for funding. The EYIP will now meet monthly to ensure easier access for all EY settings. In addition, a system has been agreed to enable EY settings to access Educational Psychologist support and advice via the Panel.
- 4.2.5 Guidance on school readiness has been produced and is being circulated. Guidance on transition from pre-school to school has been completed. This will be extended to transition guidance for primary to secondary school and then linked to the Strand 4 transition to adulthood work. Guidance on deferring, offsetting and summer born children has been written and is being circulated.
- 4.2.6 An audit of the work of the Autism Advisor and the Sensory Integration and Massage Service has been undertaken and reported on, including numbers of cases and primary needs at referral. Annual reports will be produced to monitor needs addressed and outcomes.
- 4.2.7 Strand 2 is supporting an Early Help Project in the Whitely Cluster on supporting schools with early identification and early help with families.
- 4.2.8 The group is now focusing on developing clear pathways that set out expectations of what should be provided by universal services and at what point more specialist services might be required to provide further assessment, advice and support, and/or more specialist provision. Pathways for EY Emotional and Mental Health are being developed.
- 4.2.9 Dingley Specialist Nursery is working closely with Strand 2 to track the children who have attended Dingley, look at how many have received an EHCP and how many are in specialist/ mainstream settings. This data will be reported on in July.
- 4.2.10 Reading Families Forum has provided a report on parents/ carer views on early identification. The summary of the views given suggest that families' experience of early identification and support before any diagnosis is mixed with excellent support being put in place for some. However, this is not consistent. This feedback is being used to support further actions.

- 4.2.11 Strand 2 is working closely with Strand 3 and the broader group with the Teaching School and School Improvement services on meeting the needs of children and young people with SEMH and reducing exclusions in Reading.
- 4.2.12 Screening tools are being developed with the Speech and Language Therapy Service, the Educational Psychologist Service and Cranbury College to screen children and young people who have been excluded or are at risk of exclusion to help understand the profile and target support.
- 4.2.13 The Schools Link Mental Health Project has received funding from the Clinical Commissioning Group (CCG) to continue to help improve outcomes for children and young people with emotional and mental health issues. The project focuses on early recognition of mental health issues and providing improved support and access for children and young people with emotional and mental health issues. The project is closely linked with other partners and agencies and with the Strand 3 work. Quarterly reports will be shared.
- 4.2.14 Strand 2 has written and finalised Graduated Response Guidance for Early Years, Primary and Secondary schools. Post 16 guidance will be produced over the summer. The Guidance gives clear information of what can be provided to meet the needs of children and young people.
- 4.3 Strand 3 - Using specialist services and identified best practice to increase local capacity.
- 4.3.1 Strand 3 has focussed on the two areas of greatest need identified through the data report and from feedback from parent/ carers and schools: children with autistic spectrum condition (ASC) and children with social, emotional and mental health (SEMH) difficulties.
- 4.3.2 In relation to children with ASC a proposal has been developed to meet local need. This is due to be considered by the SEND Strategy Group at its meeting in July and has already been considered by members of Strand 1 and Schools Forum, with both groups being supportive of the proposals. If approved, the proposal would be progressed through Committee with a recommendation to initiate the process for commissioning these, which would include the statutory consultation process.
- 4.3.3 Currently there is 1 x 21 place primary specialist provision at Christ the King Primary School in the south of Reading and 1 secondary specialist provision at Blessed Hugh Faringdon secondary school. Parents that we spoke to fed back the challenges of their child going to a primary school that was not in their community, particularly with regard to it inhibiting the development of friendships close to home. It was felt that this could lead to their child becoming increasingly isolated at weekends and in school holidays. It was also felt that having 1 large primary school provision placed significant pressure on 1 school.
- 4.3.4 The proposal identifies the need for a further 2 smaller primary specialist provision bases across Reading to enable children's needs to be met more locally. It is proposed that all 3 primary specialist provisions would provide capacity for at least 10 places and will provide specialist outreach to schools within their area, as well as being a hub for families to seek guidance and support. It is anticipated that if the proposal goes ahead, numbers at Christ the King would reduce over time, as current children moved on to secondary or other provision.

- 4.3.5 It is proposed that the secondary specialist provision at Blessed Hugh Faringdon, which is due to be expanded, would similarly be commissioned to provide outreach support to schools across Reading.
- 4.3.6 All specialist provision will have a service level agreement (SLA) in place which will be monitored. These will be reported on to Schools Forum annually.
- 4.3.7 A working group consisting of Churchend Teaching School, Cranbury College and Local Authority officers are taking forward the work to reduce exclusions, which will inform proposals to support children and young people with SEMH needs. This will be progressed through Strand 3, and reported on to the SEND Strategy Board.
- 4.4 Strand 4 - Transition to adulthood
- 4.4.1 Since the Strand 4 action plan was developed in April, Strand 4 has focused on actions to deliver Outcome 1, which not only provides a basis for the other 4 outcomes but also underpins the operational work to transfer cases from the Children and Young people with Disabilities Team (CYPDT) to Adult Social Care (ASC).
- 4.4.2 Integral to the delivery of the Strand 4 action plan is joint working with partner agencies, the voluntary sector and families. The views of young people and their families are being sought on a range of their experiences including: the transition process, information, the annual review process, and where the gaps and barriers exist to achieving independence. It is proposed that this learning can be shared at a future meeting of the Health and Wellbeing Board.
- 4.4.3 Outcome 1: We will work with families to develop a Transition to Adulthood Plan (14-25) that outlines how young people with SEND will be supported into adulthood, recognising the extra help that they may need to build their independence and clarifying pathways for accessing more specialist support and funding.
- Current processes for supporting young people with SEND into adulthood are being reviewed in order to identify good practice and areas for development. Essential to this is an understanding of the experiences of young people and their families who have gone through the transition process, and this learning is being coordinated by Reading Voluntary Action, Mencap and Reading Families Forum.
 - An *Approaching Adulthood Policy* has been developed and is being consulted on. A final version is anticipated to be completed by mid-June and will provide a framework for improving practice. The aim of this policy is to enable services to work together to identify early those children and young people and their families who may need support to prepare for adulthood, in line with agreed timescales and a holistic care pathway to access specialist support.
 - The Strand 4 group identified the need for improved and earlier joint working between Children's and Adults' Services and work is underway to align the Council's information, data, finance and commissioning systems to facilitate a smooth transition process.
- 4.4.4 Outcome 2: Everyone who is involved in supporting young people as they approach adulthood will work together to have positive aspirations for them and support them in a way that helps young people to be as independent as possible and achieve their goals.

- Reading Voluntary Action is taking the lead on work to identify and promote areas of best practice (locally and nationally) where young people with SEND are supported to achieve their goals and be as independent as possible.
 - The views of young people and their families about what barriers exist to achieving independence and what needs to improve are being sought.
 - It is anticipated that by August the Annual Review process will be updated to ensure that it is informed by the experiences of young people and their families and that the voice of the young person is heard in transition planning.
- 4.4.5 Outcome 3: Clear and accessible information is available for young people and their parents/carers so that they know what to expect in the future.
- The Strand 4 group is currently seeking the views of young people and their families to help improve information about transitions to adulthood, so that it is relevant, easy to read and widely promoted. Integral to this is the *Local Offer* which is being updated to reflect findings of a peer review.
 - Information requirements will be embedded into the new transitions pathway so that practitioners know what information young people and their families require and when.
 - An information booklet to support transitions has been developed and is being consulted on and this will also be available as an online resource.
- 4.4.6 Outcome 4: Young people from the age of 14 have a person centred approach which supports them to consider options for education, training, volunteering or opportunities for paid employment. Young people are encouraged to aim for the maximum achievable independence including, where possible, meaningful engagement in the world of work.
- The actions for this outcome will be informed by the actions currently being undertaken.
- 4.4.7 Outcome 5: Local businesses and charities provide meaningful opportunities for paid work, education, training and volunteering.
- This work is being aligned with the Social Impact Bond (SIB) developments, to ensure that there is a joined up approach across services to support vulnerable young people into adulthood.
- 4.4.8 Services from across the Council and partner agencies will work together to deliver actions to support Outcomes 4 and 5, primarily to:
- Understand the local demand, effectiveness and sufficiency of current post 16 provision, and current gaps in provision for young people with SEND, and
 - Develop the market to meet needs of individuals locally.
- 4.5 Transfer of cases from Children and Young People's Disability Team (CYPDT) to Adult Social Care (ASC) Locality Teams.
- 4.5.1 An *Approaching Adulthood Policy* has been developed and is being consulted on as set out in paragraph 4.4.3.

- 4.5.2 Since 1st March 2018, all new referrals for adults over the age of 18 years have been directed to the Adult Social Care Locality Teams. There are approximately 90 young people aged 18 - 25 years whose cases are to be transferred from CYPDT to Adult Social Care (ASC) by September 2018.
- 4.5.3 Resources have been identified and put in place to support the transfer of cases from CYPDT to ASC.
- 4.5.4 A sample of cases has been reviewed to determine the quality of cases and subsequent actions and timescales, and a checklist drawn up to highlight to CYPDT what is required for the cases to be transferred.
- 4.5.5 CYPDT social workers are preparing the cases for transfer by reviewing, quality assuring and completing any outstanding tasks.
- 4.5.6 Select cases have been identified for a phased transfer so that they can receive immediate support from adult social care.
- 4.5.7 Work is underway to ensure the data management system (MOSAIC) supports the transition process, including ensuring finance, data and reporting requirements are clarified and aligned.
- 4.5.8 An experienced Adults' social worker is providing advice and guidance to Children's workers on complex cases, and the Eligibility Risk and Review Panel has been extended to provide an opportunity for cases to be reviewed.
- 4.5.9 A communication to families will be developed and sent out to families by the end of July to ensure that the changes are explained and that there is clear information to families regarding next steps.
- 4.5.10 A staff training programme will be co-developed to ensure all staff fully understand the support needs for young people 18 - 25 with SEND

5. Service update

- 5.1 The Schools Forum has continued to receive regular reports on High Needs Block spend and the deficit has been reduced by taking the actions agreed through the SND Strategy Board. The 2018/2019 High Needs Block budgets have been realigned to focus on priority areas. There is now greater transparency on spend and impact of this budget.
- 5.2 The SEND team was successful in meeting the March 2018 deadline for the conversion of statements to Education, Health and care Plans (EHCPs). In 2017/18 401 statements were converted to EHCPs in comparison to 463 in the 3 years preceding. There was 1 outstanding conversion of a student who had moved in to Reading just before the deadline, where the previous local authority had not converted it.
- 5.3 The service has maintained good performance against the measure of completing EHCPs within 20 weeks. Between April and December 2017 88.4% of all new EHCP requests were completed within 20 weeks. This dipped in January to March while the service focussed on ensuring all conversions were completed. By the end of 2017/18, 76.2% of all new EHCP requests were completed within 20 weeks. The new service structure that is being implemented following consultation will ensure capacity to improve this performance and ensure consistency in the quality of plans being produced.

5.4 The DfE SEND Adviser has continued to be positive on progress. The latest report in March 2018 states that 'progress continues to be significant and is becoming robustly embedded. The transfer of all statements to EHCPs is a real achievement given the initial slow progress in this area. 20-week compliance continues to be solid. The regular evidence of co-production with the PCF of a number of workstreams is very encouraging. Increasingly there is a firm foundation for moving forward to realise the potential of the 2014 Act reforms'.

6. UPDATE ON REVIEW OF SHORT BREAKS

6.1 A group has been set up consisting of representatives from Reading Families Forum, the Voluntary Sector, and Local Authority Officers, led by the SEND Improvement Adviser to undertake the review work and develop proposals that build capacity to meet families' needs within universal services as well as ensure the short breaks offer meets the needs and interests of young people.

6.2 This work is including mapping what is in place and benchmarking costs of different opportunities, getting feedback from families/young people, exploring models of good practice elsewhere and working with colleagues in other agencies to ensure opportunities are identified and co-developed to meet young people's interests locally.

7. UPDATE ON INFORMATION ADVICE AND SUPPORT SERVICE (IASS)

7.1 Reading Families Forum has worked with the IASS Manager and the SEND Improvement Adviser to review service delivery. The IASS service manager is now reporting to the SEND Improvement Adviser until transition into the new Children's Company.

7.2 The helpline which operates on Mondays and Fridays from 9.30am - 1pm and on Wednesdays from 10am - 6pm, term time only is working effectively.

7.3 There has been further development on the recruitment of volunteers.

7.4 Communication was received on 29th May on the new contract that has been commissioned to ensure that, in every local authority area, children and young people with SEND and their families have access to impartial information, advice and support covering SEND issues - including through a dedicated national free phone service.

7.5 Local Authorities were required to express an interest in applying for the grant of up to £32k per Local Authority by the 5th of June, and then submit a full application by the 15th June. The grant is for the period up to the end of March 2019. Reading has been successful in being awarded £32,000 (the maximum amount of grant available). The following are criteria that have to be met:

- a) evidence how the IAS service operates as impartial, confidential and at 'arms-length' from the local authority in line with the current IASSN standards and advice
- b) conduct a detailed self- review exercise to establish how the current service offer is meeting its responsibilities required by the Children and Families Act 2014 and SEN code of practice
- c) Identify where the service is not meeting its responsibilities and pre-plan perceived service priorities that the service would need to address
- d) use outcomes of b) and c) to develop a forward look two year service-led operational
- e) plan to commence 1 April 2019 to seek service improvements over time that are benchmarked against new minimum standards

- f) ensure service priorities in the devised plan have been agreed locally, costed and submitted at the appropriate time to CDC for funding consideration from 1 April 2019 onwards
- g) provide management information and data 3 times (September 2018, January 2019 and March 2019) on deliverables as set out in the contract
- h) demonstrate a willingness to work closely with CDC and respect the disciplines of working close to Government policy on the Information Advice and Support Programme.

8. CONTRIBUTION TO STRATEGIC AIMS

8.1 The proposals contained in this report support the following Corporate Plan priorities:

1. Safeguarding and protecting those that are most vulnerable;
2. Providing the best start in life through education, early help and healthy living;
6. Remaining financially sustainable to deliver these service priorities.

8.2 The decision contributes to the following Council strategic aims:

- To establish Reading as a learning city and a stimulating and rewarding place to live and visit
- To promote equality, social inclusion and a safe and healthy environment for all

8.3 The SEND Strategy supports Reading's 2017-20 Health and Wellbeing Strategy by:

- Focussing on children and young people with special educational needs and disability and identifying actions which will lead to improved provision and outcomes for them and their families.
- Working alongside parents/carers and young people to develop and implement the strategy, listening to their views and feedback and using this to inform next steps.
- Ensuring that the Local Offer is of high quality and information is coordinated and clear and supports knowledge and understanding of the services available to support families.

8.4 The SEND Strategy involves a range of partners including health partners, and its delivery will support improving health outcomes for children and young people.

8.5 Once the element of work on deeper interrogation and analysis of the range of data and information on the range and profile of needs and forecast future needs is complete, the Action Plan will be further developed to ensure sustainability of provision.

9. COMMUNITY ENGAGEMENT AND INFORMATION

9.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

9.2 Co-production with parents / carers and young people is at the heart of the Children and Families Act (2014) and SEND Code of Practice (2015).

9.3 Co-production is not the same as consultation, although consultation can form a part of an overall co-production process. Co-production happens when service providers and service users recognise the benefits of working in true partnership with each

other. This process is adopted ‘from the start’, when planning, developing, implementing or reviewing a service. It means that all the right people are around the table right from the beginning of an idea, and that they are involved equally to:

- shape, design, develop, implement, and review services
- make recommendations, plans, actions, and develop materials
- work together right from the start of the process, through to the end.

9.4 As set out in paragraph 3.4, any reorganisation of provision will require an impact assessment that satisfies decision makers that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEND. Statutory processes are required for any significant change in designated specialist provision in schools which include a full process of formal consultation with all interested parties.

10. EQUALITY IMPACT ASSESSMENT

10.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to–

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 All elements of the work involved in delivery of the strategy will support improving outcomes for children and young people with SEND and their families.

10.3 Involving children, young people and their families in the development of services and support is key to the delivery of our equalities duty.

11. LEGAL IMPLICATIONS

11.1 The following Acts are central to the delivery of the SEND Strategy.

11.2 The Children and Families Act, 2014

11.2.1 The Children and Families Act placed a duty on local authorities to ensure integration between education, training and health and social care provision.

11.2.2 Local authorities and clinical commissioning groups (CCGs) must make joint commissioning arrangements for education, health and care provision for children and young people with SEND, both with and without education, health and care plans.

11.2.3 In carrying out the functions in the Children and Families Act, all agencies must have regard to:

- the views, wishes and feelings of children, their parents and young people;
- the importance of the child or young person and the child’s parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions; and
- the need to support the child or young person, and the child’s parents, in order to facilitate the development of the child and young person and to help them achieve

the best possible educational, health and broader outcomes, preparing them effectively for adulthood.

11.3 The Care Act, 2014

11.3.1 The Care Act requires local authorities to ensure co-operation between children and adult services to plan for meeting the future needs of young people as they move into adulthood and become more independent, along with achieving continuity of support between services to enable young people to access timely and appropriate support.

11.4 The Equalities Act, 2010

11.4.1 This defines the equality duties and includes SEN and disability. These duties are the statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12. FINANCIAL IMPLICATIONS

12.1 This proposal will ensure that there is clear information on spend and forecast spend and that high needs budgets are targeted appropriately. It will also seek alternative forms of income where possible. Once detailed analysis of need has been completed, any statutory consultation required to change provision or any requirement to consider capital development would be subject to a further committee report.

12.2 The Council has received grant from the Department for Education (DfE) in 2017 to support review of SEND and an additional grant to support a small amount of capital development. The grants can support implementation of the strategy. Once firm proposals of options for change are established that require capital investment these will be fully costed to inform decision making.

13 BACKGROUND PAPERS

SEND Strategy 2017 - 2022

https://search3.openobjects.com/mediamanager/reading/enterprise/files/approved_send_strategy_august_2017.pdf

READING BOROUGH COUNCIL

REPORT BY THE DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	11 JULY 2018	AGENDA ITEM:	10
TITLE:	READING STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION AGREED SYLLABUS 2018 - 2023		
LEAD COUNCILLOR:	PEARCE	PORTFOLIO:	EDUCATION
SERVICE:	EDUCATION	WARDS:	BOROUGHWIDE
LEAD OFFICER:	PAUL WAGSTAFF	TEL:	0118 9374717
JOB TITLE:	HEAD OF EDUCATION	E-MAIL:	Paul.Wagstaff@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To consider and agree the new agreed syllabus for Religious Education 2018-2023 commissioned by the Reading SACRE (Standing Advisory Council on Religious Education) for use in all Reading schools.
- 1.2 To provide a brief outline of the structure of the Reading Agreed Syllabus for Religious Education 2018 as attached at Appendix A. The full draft of the syllabus is available on request.

2. RECOMMENDED ACTION

- 2.1 That the new agreed syllabus for religious education 2018-2023, commissioned by the Reading SACRE for use in all Reading schools, be approved.

3. POLICY CONTEXT

- 3.1 As part of the curriculum provision, all local authority maintained schools, free schools and academies are required to teach religious education (RE) in accordance with a syllabus, locally agreed by the relevant Standing Advisory Council for Religious Education (SACRE).
- 3.2 Every five years, according to the statutory requirement (1993 Education Act: DfE Circular 1/94, para 29), the SACRE for the local authority, has to revise the syllabus to both reflect the religious education needs of the pupils, and to respect the position of the principal faith communities in their area.

3.3 Jan Lever Education Consultancy and Training Ltd., national experts in Religious Education (RE), along with RE advisers to 4 of the 6 Berkshire SACREs, led the consultation on, and revision of the syllabus. They worked with teachers, SACREs and both faith and belief communities across the unitary authorities. The new agreed syllabus was accepted by the Reading SACRE at its meeting in June 2018. In keeping with the open and consultative nature of the creation of the syllabus, SACRE has requested that implementation of the syllabus is also approved by the Adult Social Care, Children’s Services and Education Committee (ACE).

4. THE LEGAL FRAMEWORK

4.1 The Education Act (1996) requires that:

- RE should be taught to all pupils in full time education in schools except for those withdrawn at the request of their parents (details to be found in DCSF publication: RE in English schools: Non-statutory guidance 2010, p27-30).
- RE in community schools, *academies and free schools**, and foundation schools not of a religious character, should be taught in accordance with the locally agreed syllabus recommended by the Agreed Syllabus Conference to the Local Authority. In schools with a religious foundation, the RE curriculum offered is to be determined by the governing body in accordance with the trust deed. The governing body may recommend that the school follows the local authority’s agreed syllabus.
- As part of the curriculum, RE should promote the ‘spiritual, moral, social, cultural, mental and physical development of pupils’.
- An agreed syllabus should ‘reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain’ (Education Act, 1996)
- The Education Act (1944) requires that an agreed syllabus ‘shall not include any catechism or formulary which is distinctive of any particular religious denomination’ (The Education Act 1944 section 26(2)). This is understood to mean that an agreed syllabus should not be designed to convert pupils, or to urge a particular religion or religious belief on pupils.
- It is the responsibility of the Headteacher and the governing body to ensure that sufficient time and resources are given to RE in schools to meet the statutory requirements.

** Academies and free schools were not in existence when the Education Act 1996 was introduced. However, they are similarly covered under the regulations for teaching religious education outlined in the Act.*

5. THE PROPOSAL

5.1 Current Position:

The 2018-23 syllabus, has been through a consultation process involving the key religious groups within Reading. Suggested changes to the syllabus have been

accepted by SACRE and, subject to approval by ACE, the syllabus is ready to be printed and distributed to all schools.

5.2 Options Proposed.

That the syllabus be approved for distribution.

5.3 Other Options Considered.

The requirement for local authorities to produce a syllabus for the teaching of religious education through SACRE is a statutory requirement. It is statutory that the Religious Education syllabus is reviewed every four years. There are, therefore no other options available to the local authority.

6. CONTRIBUTION TO STRATEGIC AIMS

- 6.1 The syllabus reflects the representation of the principal religions and worldviews in Reading. It encompasses opportunities within its framework for harmony and understanding between peoples of all persuasions.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 Work has taken place with all 5 neighbouring Berkshire authorities, co-ordinated through the Pan-Berkshire SACRE Hub and agreed with SACRE.

8. LEGAL IMPLICATIONS

- 8.1 There are no legal implications on the local authority. The legal implications are on schools to adopt and use the local syllabus to guide provision and teaching of religious education.

9. FINANCIAL IMPLICATIONS

- 9.1 A budget of £6,500 for the production of the syllabus has already been established within the wider Education and Children's Services budget. The creation, publication and distribution of the syllabus will be within that budget.

10. SUMMARY OF THE PROPOSED AGREED SYLLABUS

10.1 The purpose and aim of RE in schools

The purpose of RE is to promote religious literacy. Religious literacy requires pupils to gain knowledge and understanding of a range of religions and worldviews and to use that knowledge to engage in informed and balanced conversations about religions and beliefs. In addition to learning about religions and worldviews, Religious Education offers students the chance to develop spiritually, morally, socially and culturally and to reflect on their own beliefs, being able to be discerning about the many attitudes and opinions they will encounter.

10.2 The non-statutory 2013 National Curriculum Framework for RE states that pupils should:

- Know about and understand a range of religions and worldviews
- Express ideas and insights about the nature, significance and impact of religions and worldviews
- Gain and deploy the skills needed to engage seriously with religions and worldviews.

10.3 To achieve these aims, Religious Education provokes challenging questions about meaning, purpose, beliefs about God, issues of right and wrong and what it means to be human. RE plays an important role in preparing pupils for life in the modern world, and should enable them to flourish as citizens in a pluralistic, global society. The Pan-Berkshire syllabus (2018-2023) is based on similar, but sometimes reworded, “big questions” to those found in the 2012-17 version of the syllabus; the links between the three strands of “Belonging, Believing and Behaving” are made more explicit and there are now expected outcomes to replace the Attainment Levels. The links between “learning about” and “learning from” are made more explicit and integrated into the expected outcomes, as they combine the need to demonstrate knowledge with an understanding of the impact, necessitating the deployment of specific skills. Teachers will need to ensure they cover each strand (*believing, behaving and belonging*) by addressing:

- all the key questions in the study of Christianity in the Primary and Secondary phases
- some of the questions for the other required religions (i.e. Hinduism, Islam, Judaism and Sikhism in the Primary Phase (Key Stages 1&2) and Buddhism, Islam and a non-religious worldview e.g. Humanism in Key Stage 3).

10.4 The syllabus framework

Early Years Foundation Stage (EYFS, ages 3-4)

RE should be aligned to the most recent EYFS framework. During the Reception Year (ages 4-5), pupils MUST encounter Christianity PLUS at least one other religion from Hinduism, Islam, Judaism and Sikhism. It is expected that learning will be experiential and thematic during the EYFS.

Key Stages 1-3

Key Stages 1-3 have been divided into the Primary Phase (Key Stages 1&2) and Key Stage 3. Within the Primary phase, Pupils must have studied Christianity in every year group plus Hinduism, Islam, Judaism and Sikhism by the end of Key Stage 2 (Year 6, age 11). Pupils study Christianity (each year), Buddhism, Islam and a non-religious worldview e.g. Humanism, by the end of Key Stage 3

Key Stage 4

All pupils must receive Religious Education and should follow an externally accredited course for Religious Studies e.g. GCSE, or an alternative, well-

structured and challenging programme of Religious Education. Schools are encouraged to facilitate examination entry for as many students as possible.

Post-16

All students must receive a programme of Religious Education. Students should have the opportunity to follow a course, or modules, which lead to external accreditation e.g. A level Religious Studies. Suggested modules will be set out in the supporting guidance material.

- 10.5 Schools will be supported to make the transition to using the new syllabus by termly teacher/SACRE member network meetings, led by SACRE advisers from Jan Lever Education consultancy and Training Ltd.
- 10.6 Once the syllabus is launched in July 2018, the role of the SACRE is to support and monitor the effective implementation of the syllabus.

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	11 July 2018	AGENDA ITEM:	11
TITLE:	EDUCATIONAL STANDARDS AND QUALITY		
LEAD COUNCILLOR:	PEARCE	PORTFOLIO:	EDUCATION
LEAD OFFICER:	PAUL WAGSTAFF	TEL:	0118 9374717
JOB TITLE:	HEAD OF EDUCATION	E-MAIL:	paul.wagstaff@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide a summary update on the progress and attainment of pupils in Reading's schools, along with data on exclusions. Academic performance is based on external assessment data from summer 2017, with an outline of schools' current Ofsted status and an overview of the LA's intervention strategies in those schools identified as a cause of concern.

2. RECOMMENDED ACTION

- 2.1 To note the overview of standards and quality and understand the actions being taken by the local authority to improve quality

3. POLICY CONTEXT

- 3.1 The local authority (LA) has a legal duty under the section 13a of the Education Act, 1996, as amended by section 5 of the School Standards and Framework Act, 1998, to:

“ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards.”

- 3.2 The LA has further duties under the Education and Inspections Act, 2006, to “intervene where a school is ‘of concern’, though this does

not apply to academies or free schools where the responsibility lies with the Regional Schools Commissioner.

- 3.2 Such intervention includes issuing warning notices, appoint additional governors, withdraw a governing body’s financial and HR powers, and dismiss a governing body, replacing it with an interim executive board (IEB).

4. PUPIL ATTAINMENT 2015-2017

4.1 Early Years Foundation Stage

The percentage of pupils who are assessed as being ‘ready for school’ at the end of the reception year (year R) shows improvement on previous years i.e. pre-2015-16. It remains slightly better than our statistical neighbours and broadly in line with all LAs. The improvement is likely to be an indicator of improving teaching and/or an increasing appreciation of the new Early Years Foundation Stage (EYFS) curriculum and assessment focus. In the Borough, pupils tend to perform better in literacy and mathematical areas of learning.

Table 1: early years foundation stage - percentage of pupils who are 'school ready'

	Reading	SN	Reading rank (/11)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017	70.5	69	4	3	70.7	82	3
2016	71.0	68	2	1	69.3	45	2
Difference	-0.5				+1.4		-1

4.2 Key Stage 1 outcomes

Pupil performance has improved relative to Statistical Neighbours and all English LAs, and is now at the average level against both comparator groups. Whilst recognising that the Borough has pockets of deprivation, given the relative affluence overall within the area, better performance might be expected, and should be better given the 2015 and 2016 EYFS results.

Table 2: key stage 1 - percentage of pupils attaining at the expected standard in RWM

	Reading	SN	Reading rank (/11)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017	62.5	2	6	1	63.7	78	3
2016	61.3	2	6	2	60.3	77	3
Difference	+1.2				+3.4		

4.3 Key Stage 2 outcomes

A new testing system was introduced for Year 6 pupils in 2016. Although Reading's results are still below the national average, there has been remarkable improvement since 2014 where Reading pupils' performance was in the bottom quartile in both statistical neighbours and nationally. In 2016, Reading was second quartile - 5th out of 11 SNs, and 49th out of 152 English areas.

Table 3: Key stage 2 - percentage of pupils attaining at the expected standard in RWM

	Reading	SN	Reading rank (/11)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017	58.2	62.0			61.1		3
2016	55.1	55.0	5	2	53.0	50	2
Difference	+3.1	+7			+8.0		-1

4.4 Through Reading's primary schools, pupils with English as an Additional Language (EAL) generally make good progress. Overall, progress made by disadvantaged pupils and those with SEN support is often lower than the progress made by these groups nationally. This reflects the DfE Social Mobility Index (2016) which places Reading in the bottom quartile nationally based on the proportion of disadvantaged pupils gaining expected standards at the end of Year 6 in reading, writing and mathematics.

4.5 As a small local authority, where a small number of schools under-perform, this has a disproportionate impact on standards overall for the local authority. Eight of the 39 primary (including infant and junior) schools are considered to be a cause of concern in relation to standards and pupil progress. Half of these schools are currently rated as 'good' by Ofsted but our assessment is that two of the four would be rated as being less than good (and possibly requiring intervention) if inspected now. Two of the schools of concern are 'sponsor-led' academies. The table below illustrates the difference between those primary schools causing concern and all other primary schools in the Borough.

Table 1 - EYFS and primary performance - schools of concern compared with all other schools

primary	provisional attainment						exclusions		att
	EFYS 16	EFYS 17	KS1 16	KS1 17	KS2 16	KS2 17	fixed	perm	
schools of concern averages	66%	62%	53%	49%	44%	46%	14	0.1	95.2%
all other school averages	74%	74%	66%	68%	61%	64%	6	0.2	95.9%
points difference	8%	12%	13%	19%	17%	19%	-9	0.0	0.6%
percentage difference	12%	19%	26%	39%	39%	41%	-1	0.3	0.7%

4.6 Key Stage 4 outcomes

The performance of Reading 15-16 years olds between 2016 and 2017 improved significantly on previous years when measured against all English LAs. Reading was above the average for SNs and English LAs in 2016. However, outcomes are sound, but not outstanding with scope for further improvement. This is particularly the case for disadvantaged groups.

Table 4: key stage 4

	GCSE 5+ A-C+ E & M	Ebacc %	Attainment 8 Score
LA 2017	66%	29%	50.05
LA 2016	66%	30%	51.4
Difference	-	-1	-0.9

- 4.7 The attainment 8 score - grade C or above in all the 'core' subjects - English (language and literature), mathematics, history or geography, the sciences and a language, suggest the following, ranked 3rd against our statistical neighbours and in the 2nd quartile nationally.

Table 5: key stage 4 - percentage of pupils achieving 'attainment 8'

	Reading	SN	Reading rank (/11)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017	50.5	2	3	2			
2016	51.2	2	3	2			
Difference							0

- 4.8 Whilst attainment in key stage 4 is generally positive, pupils with SEN and those in receipt of pupil premium grant make the least progress and often fall behind the progress made by their peers. The Social Mobility Index 2016 identifies Reading as within the bottom quartile of local authorities based on the proportion of disadvantaged pupils gaining 5 A*-Cs at GCSE. Disadvantaged pupils are not catching up as well as they should with their peers.

4.9 Key Stage 5 outcomes

Attainment by Reading students in key stage 5, as measured by level 3 points scores (level 3 is A level and equivalents), are outstanding overall. The percentage of students achieving 3 very good A levels is also extremely high, and far out-performs students in SN and all English LAs. Reading performs first in both cases. However, pupil movement including the proportion of students from out of Borough

taught in some of our 6th forms can skew the figures. As most of our secondary schools are academies with some selective grammar schools, it is challenging to capture and separate data within individual schools based on those who are residents in the Borough and those who travel in.

Table 7: key stage 5 - percentage of students achieving 3 A*-A grades or better at A level

	Reading	SN	Reading rank (/11)	Reading quartile	England	Reading rank (/152)	Reading quartile
2016	43.5	31.5	1	1	31.4	1	1
2015	34.4	10.0	1	1	9.2	1	1
Difference							0

5. Ofsted outcomes 2015 to present

5.1 Ofsted ratings of early years settings in Reading are strong, as is expected given the good performance of children in the early years foundation stage. However, settings elsewhere, in the south east and nationally, have improved at a more rapid rate, hence the fall in ranking.

Table 10: percentage of early years settings rated as good or better

	Reading	south east	Reading rank (/19)	Reading quartile	England	Reading rank (/152)	Reading quartile
2016 (December)	93.7%	94.3%	15	4	92.8%	85	3
2015 (August)	87.9%	87.3%	8	2	85.0%	32	1
2015 - 2016 difference	5.8%	7.0%	-7	-2	7.8%	-53	-2

5.2 Ofsted judgements of Reading primary schools have improved strongly between 2015 and 2017. However, the percentage of schools rated good or better is still only within the third quartile compared with all south east LAs, and still in the bottom quarter nationally. Reading has no authority to intervene in schools that are deemed Free Schools or Academies.

Table 11: percentage of primary schools rated as good or better

	Reading	south east	Reading rank (/21)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017 (April)	85.7%	88.7%	15	3	89.6%	132	4
2015 (August)	73.0%	82.2%	21	4	84.6%	141	4
2015 - 2017 difference	12.7%	6.5%	6	1	5.0%	9	0

5.3 Currently, out of all primary schools inspected to date, the following statistics apply:

- Outstanding 7
- Good 25
- Requiring improvement 3
- Inadequate 1
- Not yet inspected 3

*100% of our nursery schools are deemed to be outstanding.

5.4 Far fewer secondary schools are now rated 'good' or better than was the case two years ago.

Table 12: percentage of secondary schools rated as good or better

	Reading	south east	Reading rank (/21)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017 (April)	62.5%	81.1%	20	4	78.9%	133	4
2015 (August)	75.0%	79.0%	10	2	73.9%	72	2
2015 - 2017 difference	-12.5%	2.1%	-10	-2	5.0%	-61	-2

5.5 Since April 2017, the percentage has risen to 71%:

- Outstanding 3
- Good 2
- Requiring Improvement 2
- Inadequate 0
- Not yet inspected 2

* Reading Girls School (previously inadequate) was converted to a new Academy

5.6 Special schools have all been rated at least good though the period, and are first ranked.

Table 13: percentage of special schools rated as good or better

	Reading	south east	Reading rank (/21)	Reading quartile	England	Reading rank (/152)	Reading quartile
2017 (April)	100.0%	96.6%	1	1	94.1%	1	1
2015 (August)	100.0%	90.2%	1	1	91.6%	1	1
2015 - 2017 difference	0.0%	6.4%	0	0	2.5%	0	0

5.7 Our special schools are all currently graded good or better

- Outstanding 1
- Good 4
- Requires Improvement 0
- Inadequate 0

5.8 Between April 2017 and March 2018, 17 schools have been inspected. The outcomes of these inspections show progress made in 2 of the 4 schools previously inspected as requiring improvement or inadequate, with those schools previously deemed good by Ofsted, maintaining their overall, good grading or improving to outstanding.

Name of School	Grade	Inspection date	Previous grade	Previous date
The Heights Primary	1	28.06.17	N/A	
Palmer Academy	2	06.06.18	RI	2015
Meadow Park Academy	RI	15/06/17	RI	2016
Manor Primary School	2	02.10.17	2	2012
St Michaels Primary	2	07.11.17	2	2012
St Marys All Saints	SM	28.11.17	SM	2016
Redlands Primary	2	20.11.17	2	2012
EP Collier Primary	2	05.12.17	2	2012
Southcote Primary	2	01.12.17	2	2012
Katesgrove Primary	2	28.11.17	2	2012
Caversham Park Primary	2	21.11.17	2	2013
Alfred Sutton Primary	2	30.01.18	2	2012
John Madejski Academy	RI	13.10.17	SM	2016
Blessed Hugh Farringdon	2	26.09.17	2	2012
Caversham Nursery	1	03.05.18	2	2014
New Bridge Nursery	1	06.03.18	1	2014
Cranbury College	2	07.02.18	RI	2016

6. Local authority intervention

6.1 The local authority has a well-established system of categorising its schools based upon a range of factors including standards and student performance, but also other factors including governance, safeguarding and exclusions. All schools and academies undertake an annual safeguarding audit, and a conversation on performance data with one of the Borough's senior standards officers. From this, schools that are a cause of concern are involved in a series of visits

and are required to write and implement a Raising Achievement Plan (RAP). Regular reviews and support ensures that the plan is implemented and actions to improve are implemented effectively.

6.2 Where LA maintained schools are unable or unwilling to tackle the weaknesses, or where there are serious concerns that are not being tackled swiftly enough, the LA can put a range of interventions in place which include:

- Appointing additional governors
- Issuing a warning notice;
- Replacing the governing body with an Interim Executive or Management Board;
- Removing delegated powers from the school.

6.3 Where the concerns are expressed about an academy, the LA does not have the powers to intervene but works with the Regional Schools' Commissioner to alert the DfE to the concerns.

6.4 The local authority has currently issued a warning notice to one school and is awaiting the outcome of a governance review to determine whether to formally intervene; removed delegated powers from one school and established a Strategic Management Board to govern the school; and is working with 6 further schools on the development of Raising Achievement Plans.

7. Areas of Development

7.1 There are several priorities that the local authority needs to drive in relation to improving outcomes for pupils and improving the quality of provision. These include:

- Improving the progress made by disadvantaged pupils
- Improving the progress of pupils on SEN support
- Reducing the rate of fixed term and permanent exclusion
- Improving school to school support and expanding access to teaching schools, and national leaders in education
- Improving school based expertise in managing SEND
- Developing effective relationships with academies and the Regional Schools' Commissioner to tackle weaknesses and concerns in academies, where they exist
- Restructuring our approach to schools causing concern in line with new statutory guidance.

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 JULY 2018	AGENDA ITEM:	12
TITLE:	POST 16 EDUCATION TRANSPORT POLICY/SCHOOL TRANSPORT POLICY		
LEAD COUNCILLOR:	PEARCE	PORTFOLIO:	EDUCATION
SERVICE:	EDUCATION	WARDS:	BOROUGHWIDE
LEAD OFFICER:	PAUL WAGSTAFF	TEL:	0118 937 7217 (7217)
JOB TITLE:	SPECIAL EDUCATIONAL NEEDS AND DISABILITY	E-MAIL:	Paul.Wagstaff@reading.gov.uk

1. PURPOSE OF REPORT

- 1.1 In accordance with the statutory provisions of the Education Act 1996, as amended by subsequent enactment, Reading Borough Council is required to have a policy for Post 16 school transport. Any policy must have due regard to the Equality Act 2010. A full Equality Impact Assessment will need to be undertaken.
- 1.2 The Post 16 Education Transport Policy is a DfE requirement. The Policy and Appeals process is included in Appendix One.
- 1.3 The provision of free Post 16 education transport is discretionary to young people with an Education, Health and Care Plan. Although, where a young person is over 16 years old and attending school or college, the law requires a local authority to have home to school/college transport arrangements in place to enable them to attend education or training. For children who are looked after (LAC), the local authority is the corporate parent and therefore responsible for meeting their educational needs, including transport.
- 1.4 The Draft Policy and appeals process is included in Appendix One attached. The criteria for charging is included within the Post 16 Education Transport policy taking account of families on low incomes is included in Section 4. A consultation timeline is included in this paper to plan for the charging of transport for Post 16 to be implemented in September 2019.

- 1.5 There have been minor amendments to the main School Transport Policy, included in Appendix Two, to take account of the introduction of the Post 16 Transport Policy.

2. RECOMMENDED ACTION

- 2.1 That progression with the consultation on the Post 16 Education Transport Policy and Appeals Process At set out in Appendix One be agreed;
- 2.2 That progression with the consultation on amendments to the School Transport Policy to incorporate changes for Post 16 be agreed

3. KEY ISSUES

- 3.1 This is the first specific Post 16 Education Transport Policy for the Borough. This policy takes into the statutory requirement to have a policy that takes into account:
- National guidance in arrangements for home to school transport;
 - Changes in legislation raising the age of participation and 0-25 Special Educational Needs Reforms
 - The Council's direction on including a charging policy as part of provision for Post 16 Education Transport.
- 3.2 There are increasing demands on the School Transport Budget. This is being compounded by an increasing number of young people staying in education post 16 and the extension of Education, Health and Care Plans to cover young people up to 25 years old. Based on pupil numbers by year groups this will be an increasing pressure in future years.
- 3.3 Local authorities have amended their policies in line with national guidance, and introduced an element seeking contributions from Parents/carers. Reading is seeking to follow this lead. There are currently 38 young people receiving free transport to their Special School or College over 16 who would be impacted by the introduction of this policy.
- 3.4 At present Reading Buses have an annual charge of £350 for young people using buses to schools within Reading and £495 outside Reading. Transport to some colleges is arranged by individual colleges accessible from central Reading, for instance Berkshire College of Agriculture and Henley College. Both charge young people for using the coaches.
- ## 4. CHARGING
- 4.1 The Policy outlines the school transport eligibility criteria and the financial contributions for young people in post 16 education.

- 4.2 The policy proposes introducing charges to young people from the academic year after they turn 16 years of age. This would normally be for children in school year groups 12 and upwards and would mean children attending a mainstream or Special Schools will be required to pay a contribution towards the cost of their transport to education, even where they are in excess of 3 miles from the nearest suitable school. The provision of school transport is limited to young people attending mainstream or special schools up to the end of the academic year the young person turns 19 years of age.
- 4.3 A proposed charge or contribution of £720 per annum or £540 per annum if on a low income is suggested. This is in line with other Local Authorities in the South East.
- 4.4 For young people aged 16 years to 25 years old attending a College of Further Education or equivalent reduced public transport passes are available. Support with transport costs to College can also be sought through alternative sources such as College Bursary funding or personal budgets within adult social care.

5. CONSULTATION

- 5.1 Prior to the introduction of the Policy, a consultation with families who are or will be impacted will need to be undertaken. The Policy will be discussed with the Reading Families Forum, Reading Special School Head Teachers and an online consultation undertaken. Consultation with schools and other stakeholders will also need to be undertaken. The proposed timeline is outlined in Section 7 of this report.

6. FINANCIAL

- 6.1 The introduction of charging is likely to save costs through some parent carers taking their children to school and/ or generating an income. Based on 2017/18 figures this would generate in the region of £20,000 to £25,000 income to the Council. However, this may be reduced through the need to put in place systems to collect this money.

7. LEGAL

- 7.1 The Policy and Appeals Process has been passed to Reading Borough Council's Legal Team to check for with statutory requirements.

8. CONSULTATION TIMELINE

The proposed timeline for consultation and implementation is as follows:

Post 16 Transport Policy Consultation Timeline

Pre- Consultation

11/07/18 - 18/07/18

Initial Policy consultation with Families Forum, Special School Heads and Reading College to identify initial views and minor adaptations to the Policy made where appropriate.

18/07/18 - 22/07/18 Policy amended and Consultation documents completed
22/07/18 - 29/07/18 Lead Member consulted with any changes

Consultation

02/08/18 - 24/10/18 12 week consultation period

Post Consultation

24/10/18 - 08/11/18 Policy amended as required
Equalities Impact Assessment completed
Report written
15/11/18 - 19/11/18 DMT Education, Early Help and Children's Services
22/11/18 - 05/12/18 Lead Member consulted

Either/ Or
11/12/18 Policy considered by ACE
Policy announced

September 2019 Policy implemented

Post 16 Education Transport Policy

**THIS POLICY SUPERCEDES ALL PREVIOUS POLICIES AND APPLIES FROM THE
ACADEMIC YEAR 2019/20**

This document outlines the Council's Policy for providing assistance with education transport who are attending education in the academic year after they have turned 16 years old (normally school year 12 and above), and have an Education, Health and Care Plan, and are resident in Reading.

It should be noted that there is no assistance provided for young people over the age of 16 who do not have an Education, Health and Care Plan. For those families who are experiencing financial difficulties, they should contact the further education establishment to access support via their bursary scheme.

This policy is not a definitive statement of the law but takes into account legislation, relevant guidance, regulations, recommended practice and the Council's own experience. Transport to and from school is provided in accordance with various statutory provisions such as the Education Act 1996, as amended by subsequent enactment and the Equality Duty pursuant to the Equality Act 2010.

Whilst the Local Authority is committed to supporting Post 16 education, the Council does not have a statutory duty, only a discretionary power, to provide transport for a student Post 16.

Whilst some children and young people under 16 years old are eligible by legislation for free assistance with transport, for young people educated in the academic year after their 16th birthday, assistance with transport is subject to a financial contribution. Decisions are made based on the young person's individual circumstances.

Decisions will be taken in accordance with this Policy and those decisions will come into effect when this Policy is in force.

This Policy on occasion may be amended in the light of changes in legislation and other such circumstances. In considering the date of implementation of any future change, the Council will consider the effect on students whose school or college attendance, or travel arrangements were made in good faith in the light of this or previous policies. However, the Council reserves the right to implement any change of policy before the end of the school or college career of any particular child or young person.

Throughout this Policy we use the term *parent* to mean one or both parents and to include the young person's main carer(s). We use the term 'assistance' in this Policy as, in some cases, Reading may meet only a part of the cost, or because we need to make it easier for a young person to attend a school or college. It still remains the responsibility of parents in all circumstances to ensure their young person attends school or college.

1. Key Contact Numbers

School Transport Service
Civic Centre
Bridge Street
Reading RG1 2LU
0118 937 2542
School.Transport@reading.gov.uk

2. The Council's Approach

The Council seeks to support all Post 16 students to continue with their education and training by negotiating preferential rates of travel with some rail and bus operators such as Reading Buses. We aim to support parents by running this scheme, and providing information about Bursary funding available to support student access through their Post 16 education provider (FE Colleges and school 6th Forms). The Council considers therefore that it meets its statutory duties with regard to the majority of students.

The Council will only consider providing support and assistance with transport costs in exceptional circumstances. Therefore, parents and carers should ensure that they are aware of the cost of transport, and should take this into account when making choices regarding Post 16 education.

Council Officers will provide both parents and young people with advice both verbally and in writing about the transport options available to them, along with how further education colleges can assist students with information regarding transport. In addition, the Council provides independent travel training schemes to enable young people (often with learning difficulties and/or disabilities) to travel on public transport independently and safely. Information on this can be accessed through the school, or through the School Transport Service. Assistance is normally only provided for education between the hours of 9am and 4pm which will generally be considered the standard school or college day. Transport will only be provided to one site or educational establishment destination.

3. General Entitlements

There is no automatic entitlement to assisted transport once a student is over the age of 16. However, cases will be decided on an individual basis and the local authority will consider any supporting evidence provided as part of a request together with a completed transport application form.

If eligible, transport will only be provided to the nearest appropriate education and /or training provider for learners, and this funding will be subject to the published eligibility criteria outlined in Section 4.

Assistance with transport will not be provided if it is deemed that suitable provision is available at a closer learning provider as measured from the home address.

The nearest suitable learning provider is the closest school or college to the home address able to meet the young person's educational needs. If parents choose to send their young person, or the young person chooses to attend a school or college which is not the nearest suitable provider, assistance with transport will not be provided by the Council. These distances are measured by the nearest available walking route, verified by the Council, or its agents, by appropriate means which might include the use of computer generated mapping systems. The Council views these distances as an exact measure and they cannot be considered as marginal. The measurements are taken from the entrance to the home to the main entrance of the learning provider.

4 Eligibility Criteria

4.1 Eligibility for School Transport

To qualify for consideration for school transport young people must be:

- Resident within Reading
- Aged 16 to 19 (i.e. generally within Year groups 12 to 14)
- Attending a school (including Special Schools and Academies)
- Have an Education, Health and Care Plan

A financial contribution is required and outlined within section 6. Young people are expected to make use of public transport wherever possible, and travel training is available.

For those families on low income a reduced contribution is made.

Low Income is defined as a family or young person that is either entitled to free school meals, or whose families are receiving the maximum level of Working Tax Credit or Universal Credit.

Applicants will be required to provide relevant documents to prove their eligibility to assistance with transport. Other documents may be required, and details should be obtained from the School Transport Service before applying.

Once eligibility on income grounds has been confirmed, the young person will be considered eligible (on these grounds) for the school year for which the assessment has been made. However, if circumstances change, for example the young person moves house, then eligibility will be re-assessed. It is parent's responsibility to inform the School Transport Service of any change of circumstances. Income assessments will be carried out on an annual basis.

4.2 Reduced Cost Public Transport

There are reduced cost passes available for young people aged 16 to 25 if they are attending one of the following:

- A further education institution.
- A local authority maintained or assisted institution providing higher of further education.
- An establishment funded directly by the YPLS (e.g. Independent Specialist Providers) for learners with learning difficulties and/or disabilities.
- A learning provider that is funded by the local authority which leads to a positive outcome (this could include colleges, charities and private learning providers).

Details of the relevant passes can be found on the respective public transport websites and from the School Transport Service.

5. Choosing a School

For young people meeting the eligibility criteria, the Council will only provide assistance with transport costs to the nearest school considered by the local authority to be able to meet the student's identified needs. This may not be their preferred school or college.

Assistance with transport will not be provided if it is deemed that suitable provision is available at a closer school as measured from the home address.

In cases where a parent wishes to choose a different school, discounted or discretionary fares with some public transport providers may be available through the School Transport Service or direct to public transport providers.

If a College of Further Education or equivalent is chosen, an application can be made directly to the education provider's Bursary Fund which is available for low income families (details of which can be obtained from the provider).

6. Contributions to Travel Costs

If a learner meets the Council's eligibility criteria and travel assistance is agreed, a specified contribution toward the travel costs will be required for all learners before transport arrangements are put in to place by the School Transport Service

Payments can be received by the Council termly via monthly direct debit or payment in full, and consent given upon application for transport support.

The table below sets the necessary payments required for all Post 16 SEN Learners meeting the eligibility criteria for the academic year 2019/20.

REQUIRED CONTRIBUTION TOWARDS THE COST OF ASSISTED TRANSPORT

	Annual	Termly	Monthly
Post 16 learners with SEN/LLDD meeting the government eligibility criteria for Free School Meals	£540.00	£180.00	9 instalments of £60.00 (September - May)
Post 16 learners with SEN/LLDD not entitled to Free School Meals	£720.00	£240.00	9 Instalments of £80.00 (September - May)

7. Transport Requests

All transport requests must be made by completing the online application form which is available on Reading Borough Council's website. Paper copies are available from the School Transport Service.

Applications must be made annually and will be reviewed to assess whether or not assistance with transport is still required. In cases where the appropriate criteria are not met, an appeal can be made through the published appeals process.

If the need for assistance with transport is agreed then the School Transport Service will arrange transport to the appropriate educational establishment subject to payment of the appropriate contribution.

There is no guarantee that the transport provided will be the same as that provided when the learner attended school in Year 11. Every encouragement will be made towards independent travel by public transport. However, should there be a need for additional support for the student due to a particular disability, then this will be taken in to consideration.

8. Bus Passes and College Transport

The Council has arrangements with some local bus and train operators for the purchase of annual season tickets at preferential rates e.g. Reading Buses. The parent/young person should contact the relevant transport provider to purchase tickets.

Certain Colleges such as Berkshire College of Agriculture (BCA) and Henley College, provide buses from Reading to the College. There is a charge. For further information please contact the respective college.

9. No School Transport Provision

Transport will not normally be provided in the following circumstances:

- If the student does not fulfil the criteria
- If there is a change of address following issue of a final Education, Health and Care Plan
- If the parent/carer request a place that is not the nearest appropriate establishment at which a place is available
- For young people with an Education, Health and Care Plan where the parents have agreed to make provision for transport
- For after school clubs or school trips
- To work experience placements or other extra-curricular activities
- To dental or hospital appointments
- To clinical, medical or non-educational appointments
- In the event of detention and/or exclusions
- To attend meetings following exclusion
- To attend open days and 'taster sessions' at a setting
- Following continued inappropriate behaviour occurring on transport
- In the event that a young person is unwell

It is the parents' responsibility to provide transport on these occasions.

10. Individual Requirements

10.1 Pupil's Home Address

Transport to and from school will normally be determined from a single permanent residence. This is normally the address where the young person spends most time with the parent/carer and has been used for admission purposes. The Council must be notified in writing of all changes of home address.

10.2 Change of Address

If there is a change of address for a student then parents must inform the School Transport Service immediately. If necessary the School Transport Service will reassess the pupil's entitlement to transport. Proof of residency will be required to ensure the correct entitlement for the pupil.

A change of address does not mean an entitlement to transport although, in exceptional cases, the Council may consider that continuing attendance at the current setting would be in the young person's best interest. In such cases transport will be considered to ensure attendance. Consideration will also be given as to whether the change of address was entirely outside any parental control. This decision is at the discretion of the Council.

Where the change of address affects the designation of the nearest suitable

school or college named in Section I in an Education, Health and Care Plan and parents choose to continue the current placement, parents will be responsible for making suitable transport arrangements and the Plan will be amended accordingly in Section I.

10.3 Moving Into Reading Borough

Families moving into Reading Borough will be subject to the criteria as outlined in Section 9.2.

10.4 Siblings

Siblings of young people with an Education, Health and Care Plan do not have an entitlement to school transport as a result. If the Policy has changed since any older sibling received assistance with transport (e.g. if there has been a change to the designated area), then the younger sibling will be subject to the Policy in force at the time of the latter's application and anticipated start date.

10.5 Medical Conditions

If a young person has a temporary or enduring medical condition making it impossible to walk to school, then assistance may be provided. Applications for assistance on this basis will need to be supported by appropriate evidence from the medical profession. Evidence required by the Council may include, but may not be restricted to, a letter from the young person's General Practitioner or Consultant or both and must be supplied at no cost to the Council.

If you feel the young person may be eligible you need to contact and discuss this with the SEN Team.

The Council reserves the right to require the young person to be examined by its own medical adviser and may choose to seek comment from the educational institution or school attended by the child or young person. In an exceptional case the Council may choose to substitute the advice from its own adviser for that submitted by a parent.

Provision of the assistance will be reviewed from time to time as appropriate.

As with other post 16 pupils a contribution as outlined above will be required if school transport is provided.

10.6 Parents' Disabilities

Assistance is not normally provided for a young person in respect of the disability of either or both of his or her parents. However, each application will be considered on its own merits at the discretion of the Council and in compliance with the Equality Act 2010.

11. General Requirements for Parents / Carers and Young People Using Transport

11.1 Behaviour on Transport

Parents, schools, students, transport contractors and the Council, working in partnership, all share responsibility for ensuring that acceptable behaviour is maintained to ensure safe and stress free transport for all.

The provision of transport maybe withdrawn either for a period of time or permanently should a student misbehave whilst being transported to or from school. Normally a warning letter will be sent to parents/carers prior to transport being withdrawn. However, in the event that any incident is considered serious enough, following an investigation by the School Transport Service, the withdrawal of transport may be immediate. In this instance the responsibility for ensuring attendance at school will remain with the parent/carer of the student.

11.2 Emergency Contact Details

Parents/carers need to provide contact telephone numbers, including alternative numbers in the event of the operator or Council being unable to contact the parent/carer before transport can be provided.

12. Decisions, Reviewing of Decisions, Complaints and Appeals

12.1 Decisions

Decisions as to the eligibility for transport, the mode of transport, and other practical matters of transport for students with Education, Health and Care Plans will be taken by the Council's SEN Officers with particular authorisation to do so.

12.2 Appeals Process

Informal

If a parent is unhappy with a decision that has been made, we recommend in the first instance that this is raised with the SEN Officer that has made the decision.

Formal Process

No appeals will usually be considered regarding the contribution required or the mode of transport provided. The method of transport is provided by the Council's Transport Officer based on the best available, taking into account the young person's needs and the requirement to offer best value.

Parent/carers do have the ability to challenge the decision made by Officers on the grounds of:

- The transport arrangements offered
- Their young person's eligibility
- The distance measured

- The safety of the route

Only one appeal will be given for each transport application unless there has been a significant change in circumstances.

Stage One

A parent/carer/young person has 20 working days from receipt of the Local Authority's school transport decision to make a written request asking for a review of the decision. A form to request a review can be found on Reading Borough Council Website.

The written request should detail why they believe the decision should be reviewed and give details of any personal and/or family circumstances they believes should be considered when the decision is reviewed. If the request is based on medical reasons relating to the child or young person, then professional supporting evidence must be provided at this stage for it to be considered as part of the appeal.

This written request should be made to THE SEN MANAGER, Reading Borough Council, Civic Centre, Bridge Street, Reading RG1 2LU and clearly marked SEN TRANSPORT APPEAL, or online on Reading Borough Council website

SEN@reading.gov.uk

Within 20 working days of receipt of the written request the SEN Manager reviews the original decision and sends the parent/carer a detailed written outcome setting out:

- the nature of the decision reached
- how the review was conducted
- Information about other departments and/or agencies that were consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- information about escalation to Stage Two (if appropriate)

Stage Two

A parent/carer/ young person have 20 working days from receipt of the Local Authority's Stage One decision to make a written request to escalate the matter to Stage Two.

This written request should be made to School Transport Service at School.Transport@reading.gov.uk

Parent/carers/young people should be aware that no appeal at Stage Two will be considered until such time as Stage One has been completed.

Within 40 working days an independent appeal panel considers written and verbal representations from the parent/carer and Officers and gives a detailed written outcome within 5 working days of their meeting setting out:

- the nature of the decision reached
- how the review was conducted
- information about other departments and/or agencies that were consulted as part of the process
- what factors were considered
- the rationale for the decision reached
- information about escalation to the Local Government Ombudsman

The independent appeal panel members are independent of the process to date and suitably experienced, ensuring that a balance is achieved between meeting the needs of parent/carers and the Local Authority.

Local Government Ombudsman

A parent/carer who remains dissatisfied after following this procedure may further complain to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with procedural rules or if there are any other irregularities in the way the appeal was handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply to judicial review. The Ombudsman can be contacted at:

PO Box 4771, Coventry CV4 0EH (tel. 0845 602 1983)

Further information is available on the Ombudsman's website: www.lgo.org.uk

12.3 Special Educational Needs and Disability Tribunal

Where the student in question holds an Education, Health and Care Plan, it may be that a disagreement about transport is part of a wider question of school provision and placement. As mentioned elsewhere in this Policy, in such an instance, it may be necessary for the matter to be considered by the Special Educational Needs and Disability Tribunal.

Please note that this body does not hear appeals specifically about transport, although it may consider it as part of a wider appeal regarding placement. Officers of the Special Educational Needs Team will discuss the appropriate means of appeal in each case as necessary.

Special Educational Needs & Disability Tribunal

1st Floor, Darlington Magistrates' Court
Parkgate, Darlington
DL1 1RU
Telephone: 01325 289350

Fax: 0870 739 4017
sendistquiries@hmcts.gsi.gov.uk

12.4 Corporate Complaints Policy

Parents can also follow the council's Complaints Procedure by contacting:

Customer Relations Team

Reading Borough Council

Floor 1 North Front

Civic Offices

Bridge Street

Reading

RG1 2LU

Tel: 0118 937 2905

E-mail: customer.relations@reading.gov.uk

Website: <http://www.reading.gov.uk/complaintorcomment>

USEFUL CONTACTS

Adviza (formerly Connexions)

Adviza is a charity inspiring people to make better decisions that help them to progress in learning and work

Tel: 0845 408 5001

Email: info@adviza.org.uk

Berkshire College of Agriculture

The college operates their own bus service to the college and students can purchase passes directly from the college. For more information

Tel: 01628 827482

Email: enquiries@bca.ac.uk

Bracknell and Wokingham College

Further Education College offering a range of full and part time courses.

Tel: 0845 330 3343

Email: study@bracknell.ac.uk

Newbury College

Monks Lane

Newbury

RG14 7TD

01635 845312

Info@newbury-college.ac.uk

Henley College

Further Education College offering a range of full and part time courses.

Tel: 01491 579988

Email: info@henleycol.ac.uk

Reading College

Further Education College offering a range of full and part time courses.

0800 371434

<http://www.reading-college.ac.uk/>

Reading Buses

Reading Transport Ltd.

Great Knolly's Street

Reading RG1 7HH

Tel: 0118 959 4000

Email: info@reading-buses.co.uk

Web: www.reading-buses.co.uk

Horseman's Coaches

2 Acre Road

Reading RG2 0SU

Tel: 0118 975 3811

Email: Buspasses@horsemancoaches.co.uk

Web: www.horsemancoaches.co.uk

Rail

16-25 Railcard

Tel: 08448 714036

Web: www.16-25railcard.co.uk

National Rail Enquiries

Tel: 0845 748 4950

Web: www.nationalrail.co.uk

SCHOOL TRANSPORT
POLICY

FEBRUARY 2018



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Introduction

- 1.1 The legal responsibility for ensuring a child's attendance at school rests with the child's parent. Generally, parents are expected to make their own arrangements for ensuring that their child travels to and from school.
- 1.2 A Local Authority is only under a statutory duty to provide transport if the nearest suitable school is not within statutory walking distance of the child's home by the nearest available route (section 444(5) of the Education Act 1996 refers). Otherwise the provision of transport is at the Local Authority's discretion (section 509 of the Education Act 1996)

The relevant legislation is as follows:-

Sections 508A, 508B, 508C, 508D, 508F, 508G and 509AD and Schedule 35B of the Education Act 1996 (The Act), which were inserted by Part 6 of the Education and Inspections Act 2006 (EIA 2006).

Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended

The summary of these sections are as follows:

Section 508A of the Act places a duty on local authorities in England to assess the school travel needs of all children and persons of sixth form age in their area and to assess and promote the use of sustainable modes of travel.

Section 508B of the Act sets out the general duties placed on local authorities to make such school travel arrangements as they consider necessary for 'eligible children' within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.

Section 508C of the Act provides local authorities with discretionary powers to make school travel arrangements for other children not covered by Section 508B but the transport does not have to be free.

Section 509AD of the Act places a duty on the LA, when exercising its travel functions, to have regard, amongst other things, any wish of a parent for their child to be educated at a particular school on the grounds of the parents' religion or belief. Religion or belief in this instance means any religious or philosophical belief.

This duty is in addition to the duty on the LA to make travel arrangements for children from 'low income families' who attend the nearest school preferred on grounds of religion or belief, where they live between two and 15 miles from home.

This duty is complemented by Section 9 of the Education Act 1996, which provides that in exercising all duties and powers under the Education Acts, the Secretary of State and local authority shall have regard to the general principle that pupils are to be educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure. However, there is no general statutory duty requiring the local authority to provide free transport to a faith school.

Section 508F of the Act places a duty on local authorities to make any transport or other arrangements that they consider necessary, or that the Secretary of State directs, for the purpose of facilitating the attendance of learners who are aged 19 or over at certain educational establishments. The transport must be provided free of charge.

- 1.3 School Transport is to assist “the attendance of persons of compulsory school age receiving education”.
- 1.4 Only where students meet the relevant criteria in this policy will they be entitled to transport between home and school free of charge.
- 1.5 In addition to the duty to provide free school transport, there are some other circumstances in which Reading Borough Council will consider whether free transport may be necessary to enable the student to attend school; these are detailed in Section 4.
- 1.6 Reading Borough Council aims to develop a best value School Transport Service that
- is efficient, safe, reliable, and accessible;
 - meets the needs of those who are entitled to a service;
 - is co-ordinated with other Reading Borough Council strategies and policies, including the School Journeys Strategy.
- 1.7 In order to reduce journeys to school by car, Reading Borough Council is working with families, schools, local communities and transport planners to encourage students to walk or cycle to school or, where this is not feasible, to encourage greater use of public transport.

2 DEFINITIONS

In this document, the following definitions apply:

2.1 Maintained School

Maintained School refers to any Community, Voluntary, Special Agreement, Foundation, Free, Academy, Special, or Special Foundation School.

2.2 Parent

“Parent” has the meaning as defined in the Education Acts; it includes anyone with parental responsibility, and anyone with whom the child lives, such as a carer.

2.3 Reasonable Journey

Reading Borough Council considers a reasonable journey to be one that allows the child to reach school without undue stress, strain or difficulty such as would prevent him or her benefiting from the education.

To this end, Reading Borough Council operates the following maximum times/distances as being reasonable for School Transport journeys:

- Primary school students: in Reading, primary schools tend to have smaller designated areas, with shorter journeys. Reading Borough Council considers a public transport journey normally not exceeding 45 minutes or six miles to be reasonable.
- Secondary school students: Secondary schools tend to serve a larger area, with more potential for public transport. Reading Borough Council considers a public transport journey normally not exceeding 75 minutes or twelve miles to be reasonable.
- Special school students: In some circumstances, travel to special schools may result in a need for longer travelling times especially when outside the Borough.

2.4 Residence

- 2.4.1 Any reference to a child's residence means the dwelling where the child normally resides with his or her parent. This includes a placement made where a child is in public care.
- 2.4.2 Where a child's parents are separated, the address of the parent with whom the child normally resides will be recognised as the child's place of residence.
- 2.4.3 Where a child is in public care, and it is considered desirable for the child to continue his or her education at a particular school, the School Transport Service will meet the costs of transport, provided that the new address is within the borough boundary. If the address is outside the Borough boundary the costs will be met from the Social Services budget.
- 2.4.4. When a child in Year 11 moves house, transport will be provided until he or she has completed his/her examinations provided that the distance criteria is met. This will normally take the form of a bus pass.

2.5 Suitable School

In determining whether a school is suitable for a student for school transport purposes, Reading Borough Council will consider:

- the age of the child;
- whether the school is the nearest appropriate school;
- the reasonable time and distance that child will have to travel to that school;
- whether the school meets the child's needs as identified in an Education, Health and Care Plan (EHCP) or Statement of Special Educational Need.

A school that selects pupils by ability, aptitude or gender will not be regarded as fulfilling this requirement unless the school is the nearest school to the child's residence - or one of the three nearest if the application is for a secondary school and is based on Low Income.

2.6 Compulsory school age

Education is compulsory for children between the ages of five and sixteen. A pupil becomes of compulsory school age on the first day of the term following their fifth birthday. A pupil ceases to be of compulsory school age at the end of the last Friday in June following the 16th birthday.

2.7 Walking Distance

As defined in the Education Acts, and means

- 2 miles for students under 8 years of age (or 16 for pupils from low income families)
- 3 miles for students aged 8-16 years of age.

Walking distance is assessed by measuring the shortest available walking route between the front gate of the student's home to the nearest school/college entrance. RBC may make allowances for community safety or road safety reasons. The courts have defined a safe route as one "along which a child, accompanied as necessary can walk and walk with reasonable safety to school".

Routes are not unsafe because of dangers that might arise if the child were unaccompanied. Initial checks on the distance are made using a GIS mapping system. If the distance is close to the 2 or 3 mile limit, a physical check may be made using a calibrated measuring wheel.

2.8 Low Income Families

Children entitled to Free School Meals or whose parents receive the maximum level of Working Tax Credit.

3 SCHOOL TRANSPORT POLICY - MAINSTREAM

3.1 On application by the parent, free school transport will be provided by Reading Borough Council if the following conditions are met:

- The child lives in the Reading Borough and is of compulsory school age or a Rising Five; *and*
- The school at which the child is a registered student is beyond walking distance; *and*
- Reading Borough Council is unable to make arrangements for the child to become a registered student at a suitable school nearer to the student's home because:
 - the nearest suitable school has no space for the child; or
 - the school where the student is registered is the nearest suitable school to the child's home, albeit beyond walking distance; or
 - the child has been excluded from the nearest suitable school.

3.2 Parental Preference

If as a result of parental preference, a child attends a school other than the nearest available, free transport is not provided. Parents are responsible for making their own transport arrangements and for all transport costs, for the whole time the child attends the school.

Parents cannot rely on the argument that the Reading Borough Council should provide transport to their preferred school because the nearest school is oversubscribed where a place would have been available at the nearest school had an application been made at the appropriate time.

Where parents have exercised preference and later experience a change of circumstances, which prevent them from meeting their responsibility for transport, Reading Borough Council would expect the child to transfer to the nearest available school. Reading Borough Council will not assume responsibility for transport to the preferred school.

3.3 Pupils below the Compulsory School Age

Transport will be provided for Rising Five's where the child is attending the nearest appropriate school and the home address is over 2 miles from the school by the nearest available walking route, at the start and end of the school day only. There is no transport provision for pupils attending on a part-time basis.

3.4 Safety of Route

The courts have defined a safe route as one "along which a child, accompanied as necessary, can walk and walk with reasonable safety to school". Routes are not unsafe because of dangers that would arise if the child were unaccompanied. Whilst a parent may make a case that a route is believed to be unsafe, it is the Local Authority that determines if a route is safe. The assessment will be made based on the criteria set down in the guidelines in Appendix One.

It is the responsibility of the parent to decide whether to accompany their child to school or make alternative arrangements. They are also expected to provide protective clothing and footwear as necessary.

4 DISCRETIONARY PROVISION

In addition to the reasons outlined in section three, Reading Borough Council may or may not provide free transport on the application of a parent in the following circumstances.

4.1 Medical Conditions and Disabilities

Transport will be provided for a student of compulsory school age or a Rising Five, attending their nearest suitable school but is unable to attend school because of a medical condition or disability.

Application for transport on these grounds must be accompanied by written advice from the appropriate community paediatrician, the child's GP or hospital consultant. The advice must include information on the effect that the disability has on the child's ability to use public transport, and how long the condition could be expected to last, as well as evidence as to why the parent is unable to transport the child.

Discretion is not normally exercised to support pupils attending a school which is not the nearest as transport is a parental responsibility for the whole time a pupil attends a preferred school.

4.2 Denominational Transport

The Education Act does not require Reading Borough Council to provide free transport to faith schools.

Low income families should refer to Section 5.

4.3 Peripheral Activities

Transport assistance, where awarded, is only provided for pupils at the beginning and end of the school day. It will not normally be provided for additional activities, e.g. Induction/Open Days, Interview visits, Work Experience, Homework Clubs, Dental/Medical appointments, Respite Care, Breakfast Clubs or Parental/Carer attendance at school.

Where a pupil becomes ill during the day, it is the responsibility of the parent to collect their child or to agree with the school that they will provide adequate care until the end of the school day.

4.4 Other exceptional circumstances

Parents may make requests for free transport for their children on the grounds of exceptional educational or social need. As such cases are exceptional, it is not possible to specify general criteria which may be applied to judge eligibility. Where an application is turned down an appeal can be submitted on-line (see section 12). An appeal should be supported by appropriate professional advice e.g. GP/Hospital letters, Social Worker/Educational Welfare Officers' reports, etc. Where the need arises as a result of a decision of a court, a copy of the relevant Court order must be submitted.

4.5 Charging

Where a pupil does not qualify for transport assistance, the Authority may be able to assist with provision for which a contribution may be required. This may include:

- Provision of a concessionary fare paying seat, where a seat is available on an existing contract vehicle for which a termly charge is made
- One off contributions for occasional transport to respite placements/After school clubs etc.
- 16-19 year olds with a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (see Post 16 Education Transport Policy)
- Pre-school aged pupils with a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan

5.0 TRANSPORT ENTITLEMENT FOR LOW INCOME FAMILIES

Schedule 35B, added to the 1996 Education Act, includes free school travel for children from low income families. The Act defines low income pupils as those who are entitled to Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit.

Once eligibility has been confirmed, entitlement is until the end of the academic year. A new application must be made prior to the start of each academic year.

5.1 Primary school

The two mile walking limit is extended up to the end of primary education for pupils attending their nearest qualifying school.

5.2 Secondary School

Transport for secondary school pupils will be provided for pupils attending one of their three nearest qualifying schools, where they live more than two miles but less than 6 miles from that school.

Where a preference has been expressed for a school based on the parents' religion or beliefs, then a secondary school pupil from a low income family is entitled to travel assistance where they live more than two miles but not more than 15 miles from that school. A Denominational Certificate signed by the Parish Priest/Minister confirming that the parent is a practising member of their church/congregation will be required. When considering whether a school is preferred on the grounds of religion or belief, the Authority will take into account the nature of other schools that may have been named as a higher preference on the application form. For an application for travel assistance to be agreed under this section, the expectation will be that the faith school that is preferred on the grounds of religion or belief will be named above any non-faith schools that have been named on the application form. The 6 and 15 mile limits are measured along road routes as they are not "walking routes".

6.0 SPECIAL EDUCATIONAL NEEDS

6.1 General Entitlement

Pupils with special educational needs have the same entitlement to school transport provision as any other pupils within the education system. Reading Borough Council is generally only under a duty to provide free transport to a child's nearest suitable school, provided that it is beyond statutory walking distance of his or her home. The nearest suitable school for a pupil with special educational needs may well be different than for other pupils, and transport maybe provided within the statutory walking distance as a reasonable adjustment to the child's disability.

Whilst nothing in this policy should be construed as limiting the schools for which parents of children with statements may express a preference, if a child is attending a school of parental preference (i.e. not the one that Reading Borough Council considers

being the nearest suitable) the child's parents must meet the transport costs. Home to school transport will not be provided.

In exceptional cases, as part of the Education, Health and Care Plan Assessment, or following an Annual Review, Reading Borough Council may identify a child who has particular travel needs requiring specialist transport assistance. Within Annual Reviews, a pupil's transport should be reviewed and may result in alternative arrangements on the advice of professionals or the school.

It is also necessary, where it is appropriate and safe to do so, to develop students' independence as they mature and approach adult life. Where safety permits, Reading Borough Council will promote travel options that encourage students with special educational needs to become responsible for making their own way to school, to increase their independence.

Wherever possible, a student with special educational needs will also be encouraged to travel on public transport or join the Independence Travel Training scheme, especially when this is considered to be a factor in developing their independence, life and social skills

6.2 SEN - Exceptions

6.2.1 Transport assistance will only be provided to students outside the entitlement when it is demonstrated and professionally evidenced that there is a need.

6.2.2 In all circumstances, the factors will demonstrate that the child cannot make the journey to school safely. Any transport provided will be based on the student's needs, not the parent's circumstances. Transport entitlement will not take into account parents' work or other commitments or attendance by siblings at other schools.

6.2.3 Reading Borough Council will consider several factors when determining the mode of transport to use. These include the nature of the child or young person's special educational needs; their age; their medical needs; the viability of using contracted services; public transport or (for a young adult) the person's own transport; the need for specialist transport and/or escorts and the efficient use of resources.

6.3 Special Education Needs (SEN) Application

In most cases for pupils with a Statement of Special Educational Needs or an Education, Health and Care Plan (EHCP), consideration for assisted travel arrangements will form part of the initial assessment, annual review or transition planning process. An application form can be completed and submitted online or telephone the Special Education team on 0118 937 2674 to request a hard copy. The form is also available on the Reading Borough Council website. The eligibility of these applications will be assessed by the SEN Team via the SEN Panel, using the criteria above.

6.4 Escort Provision

Escorts are provided to ensure the safety of passengers travelling to and from school. The provision of escorts is generally restricted to:

a) Special needs pupils under the age of five years

- b) Pupils with complex needs who would be at risk on school transport if travelling unaccompanied e.g. pupils with severe behavioural difficulties, life threatening conditions, mobility problems or pupils unable to communicate effectively.
- c) Vehicles where the number of pupils travelling together necessitates the provision of an escort

Escorts must have an enhanced DBS check and have attended either the Readibus training day or a PATS training day. Attendance at further training sessions maybe required. Unless specifically employed and trained to do so, escorts are not expected to administer medical treatments.

6.5 SEN - Residential Places

Where Reading Borough Council names a residential school or provision at some distance from the parents' home, Reading Borough Council will either provide transport or pay the costs of such students' transport at the beginning and end of each half term, plus any weekend when the school is closed. Payment can include reimbursement of public transport costs, petrol costs or provision of a travel pass. All other transport costs must be met by the child's parents.

The transport is provided for the pupil and does not include transport for the parents to attend Open Days, Annual Reviews etc.

6.6 SEN - pre-school

For children who have a Statement of Educational Needs or an Education, Health and Care Plan (EHCP) and who:

- attend an early years setting, a nursery school, or a nursery class at a primary or infant school, or

However, the Authority may make a charge for this provision.

6.7 SEN - Working towards independent travel

Independence is a key life skill. As students become older a move to more independent method of travel is an important contribution to developing this wherever possible. Although some will require some form of assisted transport throughout their school career, many others should be working towards more independent travel, i.e. no escort followed by a bus pass or walking.

Altering the method of assisted transport for a pupil may well cause concern for both the pupil and the parents. This demonstrates the need for both an appropriate expectation within the school about the importance of independence skills for adult life and careful preparation before the review. While reviews will always take account of the pupil's needs in reaching a decision to recommend a move to more independent travel, it may be wise to raise it as a possibility at least one review before the formal recommendation may be made. Reading Borough Council will take the final decision, with parents being able to appeal to an independent panel where they disagree.

7. APPLICATIONS FOR TRANSPORT PROVISION

7.1 Special Education

Applications are made to the Special Education Team and assessed by a Panel to make a decision. Approved requests for transport provision are passed on to the School Transport Service. These give the pupils details, school, start date and any additional information which may be necessary to provide the required level of service. This should include details of equipment required e.g. tail-lift, car seat, harness or medical

conditions that staff may need to be aware of such as Epilepsy, Autism, visual or hearing impairment and physical disabilities.

The School Transport Service requires 5 days notice to allocate provision and notify operators, parents/carers and schools of the arrangements. Occasionally a longer period maybe required if a new contract is required or a pupil has complex needs.

7.2 Mainstream Provision

Applications can be made online or direct to the School Transport Team. On receipt of an application form, checks will be made with school and other records to confirm eligibility for free transport. A Supplementary form needs to be completed if application is being made based on low income.

Season tickets are issued for the start of term or within two weeks of the receipt of application. Contract vehicles are only provided where there is no suitable public transport.

In special circumstances where this is not appropriate, an alternative form of transport will be provided e.g. for pupils with medical conditions.

7.3 Concessionary Fare payers

Where spare seats are available on school transport contract vehicles, pupils not entitled to free transport maybe allowed to travel on the pre-payment of a fee determined by Reading Borough Council.

This concession can be withdrawn at any time for the following reasons:

- a) the seat is required for a pupil entitled to assistance
- b) the vehicle ceases to operate
- c) non-payment of account
- d) operational requirements egg route re-organisation, provision of a smaller vehicle
- e) misbehaviour by the pupil

7.4 General

To monitor the use and effectiveness of its system, The School Transport Service will keep accurate student records, along with details of service providers, season ticket details, and other statistical information. All information about individuals and their particular requirements will be handled with sensitivity and confidentiality, and in accordance with the Data Protection Act.

8.0 TRANSPORT RESPONSIBILITIES

8.1 Reading Borough Council Responsibilities

Reading Borough Council's School Transport Service is responsible for;

- Determining service provision in accordance with pupil needs;
- Awarding contracts in accordance with the Council's tendering procedures;
- Providing escort training;
- Endeavouring to ensure that pupils travelling time is kept to a minimum;
- Monitoring service provision and taking action to rectify problems.

The Council reserves the right to withdraw transport for any pupil who presents a safety risk to other passengers.

Transport arrangements are subject to change when pupils leave or join a route. The transport provider may also change as the Authority reviews provision to ensure the most cost effective transport.

The Authority will not fund additional journeys or routes which are put in place by anyone other than officers within the SEN or School Transport sections, without prior approval of the relevant budget holder.

8.2 Escort Responsibilities

- Escorts should have undergone an enhanced DBS check attended a Readibus or PATS Training day, and be wearing an identity badge issued by a Local Authority during working hours.
- Escorts should be aware of the Code of Practice and any contingency plans laid down by the contractor regarding breakdowns, accidents or other emergencies. Staff should ensure they have emergency contact numbers for the parents of pupils travelling on their routes.
- Escorts should ensure that pupils board and alight safely by keeping doors closed while vehicle is moving, not allowing children to open or closing doors and ensuring that pupils are well clear of the vehicle before driver moves off. Parents are responsible for bringing pupils to the vehicle and collecting them in the afternoon - the escort should not leave pupils on the vehicle unsupervised at any time.
- The escort should ensure all luggage is stowed safely and that pupils have seat belts or other harnesses and seats secured.
- The escort should, as far as possible, sit where the pupils can be watched. Clear guidelines should be set as to what is acceptable behaviour. Severe or persistent misbehaviour should be notified to the school.
- The escort should exercise reasonable control and ensure pupils do not hinder the driver. Escorts should not engage in confrontational situations with parents but report the incident to the employer or the School Transport Team.
- Under no circumstances should an escort strike a pupil. Where pupils are involved in a fight or confrontation, minimum, appropriate, physical restraint may be used (Where there are concerns, training will be given).
- Escorts should never use foul language or abusive gestures but should maintain a courteous, professionally detached relationship with the pupils, parents, school staff and the driver. Inappropriate conversation topics will be avoided. Staff should not tease, play or 'fool around' with passengers and should not interfere with their belongings. All passengers should be treated with care, respect and dignity.
- Physical contact with pupils will be kept to a minimum. Staff are not permitted to lift children on/off vehicles.
- In the event of an accident or breakdown, the escort will remain with the children.
- The escort will co-operate with Authority staff, teachers and parents to resolve problems, reporting any issues felt to be relevant to the child's well being. Incidents, conversations or behaviour changes can indicate a pupil has a problem.
- Escorts should be aware that some of the information about the pupils is confidential. Any written notes should be kept in a safe place which cannot be accessed by others.
- If no-one is available to receive a pupil at the end of the day, escorts should be prepared to take the child for the remainder of the journey before returning to the pupil's house. It is helpful for staff to ensure they have contact numbers for the parents in case of an emergency.

- Escorts should ensure that pupils do not eat on the vehicles to reduce the risk of choking and to avoid medical conditions and allergies being aggravated.
- No smoking is permitted during working hours.
- Escorts should not be in possession of alcohol, drugs or offensive weapons.
- The Escort should be trained to use any equipment provided e.g., harnesses, car seats etc.

8.3 Driver Responsibilities

- Drivers should not drive a vehicle they consider to be unroadworthy. The vehicle should be plated and the driver should display his Identity Badge at all times.
- The schedule should be followed using only designated pick up points.
- The driver should be aware that the schedules contain information relating to pupils which is confidential and they should not be left in places where they can be accessed by others.
- Always park so that pupils alight on the pavement and not in the carriageway and make sure all pupils are clear of the vehicle before moving off.
- Drivers should not allow any unauthorised passengers to travel.
- A courteous, professionally detached relationship should be maintained with pupils, parents, school staff and escort.
- The driver should exercise reasonable control, assisting escorts when one has been provided. Drivers should not engage in confrontational situations with parents but report the incident to the employer or the School Transport Team
- Under no circumstances should a driver strike a pupil. Where pupils are involved in a fight or confrontation, minimum, appropriate, physical restraint may be used (Where there are concerns, training will be given).
- Drivers should never evict a pupil from the vehicle, but should report misbehaviour to staff.
- Drivers should never use foul language or abusive gestures. Inappropriate conversation topics will be avoided. Staff should not tease, play or 'fool around' with passengers and should not interfere with their belongings. All passengers should be treated with care, respect and dignity.
- Inappropriate conversation topics and language must be avoided. Physical contact with pupils should be kept to a minimum.
- The driver should ensure that school transport signs and route numbers are displayed correctly.
- Children should not open and close doors - childproof locks should be used where available. Before moving away, drivers should ensure that all passengers are seated and that appropriate seat belts/restraints are secured.
- The driver should never leave pupils unattended. When returning pupils home the driver should wait until the child is received by a responsible adult.
- The driver should be trained to use any equipment provided e.g. ramps, lifts, harnesses, fire extinguishers, strap cutters etc.
- Most schools have arrangements for parking, picking up and setting down within the grounds and drivers are expected to co-operate with their procedures-
Drivers should adhere to speed limits, not use mobile phones unless parked and are not permitted to smoke. Where practicable, drivers should switch off vehicle engines to reduce smoke emissions, noise and other pollutants. Vehicles should not be left unattended. If a driver leaves the vehicles it must be secured locked and parked in a safe and appropriate place.

- The driver should be aware of procedures in the event of a breakdown, accident or other hazard such as fire. All incidents should be reported as soon as is possible.
- The driver should not be in possession of alcohol, drugs or offensive weapons.
- The driver should be aware and compliant with regulations relating to Drivers' hours.
- The driver should advise their employer, and, if necessary, the DVLA, Swansea of any change in their medical condition which may affect their fitness to work.

8.4 Operator Responsibilities

- The operators should have read the Code of Practice for School Transport Operations which forms part of the contract between the Operator and the Authority. This covers reliability of operation, procedures for breakdowns and emergencies, customer care, vehicle provision and maintenance, contact details, and service monitoring.
- The operator should ensure that all legislation relating to the transport provision is adhered to including, licensing, badged staff, vehicle maintenance, provision and displaying of school transport signs, wheelchair floor tracking, harnessing and tail lift testing and maintenance, record keeping etc. All records should be available for inspection by the staff from the Council as required.
- The operator is responsible for ensuring that staff are aware of procedures for breakdowns, accidents or other incidents

8.5 School Responsibilities

- Staff should be available to transfer pupils between the vehicle and the classroom. Escorts and driver should not leave pupils unattended while accompanying other pupils from classrooms.
- The school should ensure that loading areas are as safe as possible, minimising the movement of pupils round moving vehicles.
- Changes which affect the transport provision e.g. early closures, school trips, pupils leaving etc should be notified as soon as possible. Minor changes can be notified direct to the operator. Changes which may affect the cost to the Authority should be notified to the School Transport Service.
- The Operators will present a Con 1 form at the end of each month. These should be signed by authorised signatories at the school to confirm the number of days transport has been provided.
- Monitoring forms are available for schools to survey the transport and advise of any concerns they may have.
- Advice maybe sought from school staff regarding problems that may arise with individual pupils.

9 CHANGE OF CIRCUMSTANCES, LOSS, ERRORS, FRAUD

- 9.1 If a child aged less than eight years receives free transport, but would lose this entitlement on turning eight due to the different walking distances involved, free transport will be maintained to the end of the term in which the child's eighth birthday falls.

- 9.2 If a child moves out of Reading Borough, the student must surrender any travel pass with immediate effect. Responsibility for travel will rest with the Local Authority in whose area the student then resides.
- 8.3 Where a child is awarded a season ticket for public transport, he or she must carry the ticket for all home to school journeys, and show them when asked. If a child is unable to attend school because the season ticket has been lost or stolen, the parent is responsible for transporting the child until a replacement ticket is issued.
- 9.4 Where a pupil has been assessed as eligible for transport assistance in error, or as a result of defective information or fraud investigation, the provision will be withdrawn at the end of the term in which the matter is brought to the attention of the parent. Any passes issued to the child must be returned at the end of that period. In the case of a fraudulent application, assistance will be withdrawn at the end of the week in which clear evidence of such fraud is presented.
- 9.5 Reading Borough Council reserves the right to take legal action against any parent who makes a fraudulent application for free school transport.

10 QUALITY AND STANDARDS

10.1 Service Standards and Codes of Practice

In addressing service quality, RBC will set service standards that promote journey quality and effectively address bullying or poor behaviour.

10.2 Parents and Children

Although Reading Borough Council may provide transport assistance, the parent is still responsible for ensuring that their child attends school.

10.3 Contracted Services

RBC issues a Code of Practice for Operators. Where transport is provided through contracted services, as part of the conditions of the contract, RBC requires its contractors, their employees and any sub contractors, to adhere to this Code.

If a contractor, its employees, or any sub-contractor, fails to comply with the Code of Practice for Contractors, RBC may deem the Operator to be in breach of contract.

10.4 Emergency Closures

10.4.1 Severe Weather Conditions

After consideration of the forecasts, Headteachers may decide that the health and safety of pupils necessitate closing the school. Announcements on school closures are made on local radio stations when weather is severe.

If the weather deteriorates once pupils have arrived at school, Headteachers will advise the Authority if they deem it necessary to close and arrangements will be made for vehicles to collect pupils as soon as is practicable. Parents will be contacted to ensure that care is available on their return.

10.4.2 Loss of Essential Services

In the event of heating breakdown or disruption of other essential services (such as water supply), especially during cold weather, the Headteacher may arrange for pupils to be returned home. Parents would be notified accordingly.

10.5 Behaviour on School Transport

For reasons of health and safety your child must always wear an appropriate seatbelt. In addition, pupils should not:

Eat or drink on the vehicle
Stand up in the vehicle whilst it is moving
Distract the driver in any way
Play radios, personal music players (CDs, MP3s, ipods, mobile phones etc) unless using personal headphones
Drop litter inside the vehicle
Smoke on school transport
Parents will be responsible for any damage caused to the vehicle by their children and will have to pay the operator for any repairs that maybe necessary, including cleaning costs where appropriate.

If a child persistently misbehaves, RBC reserves the right to withdraw transport provision - either on a temporary or permanent basis. If it is necessary to take this course of action, the parent is then responsible for ensuring their child's continued attendance at school.

The Education Act 2006 makes it clear that head teachers have the right to address unacceptable behaviour, even when this takes place outside the school premises and this includes behaviour on school transport.

11 COMMENTS AND COMPLAINTS

- 11.1 Reading Borough Council welcomes feedback and constructive comments from its service users. The School Transport Service will pick up all comments about services, whether written or verbal, made face-to-face or over the telephone - including those which are not formal complaints.
- 11.2 If things go wrong, the School Transport Service will endeavour to rectify the situation swiftly, to the satisfaction of all parties, as long as the solution is not outside the boundaries of this policy.
- 11.3 However, the School Transport Service can only deal with complaints about the services that are contracted by the School Transport Service. Complaints about contracted services will be dealt with in accordance with Reading Borough Council's published complaints procedure. Complaints about services provided by train operating companies, or bus companies, must be directed to the company in question.

12 APPEALS

- 12.1 Stage One. If a parent has had an application for free school transport turned down by the School Transport Service, an appeal against this decision can be made. The Parent(s) will be asked to submit an on-line form, within 20 working days from receipt of the Authority's written decision. The statement should include any personal circumstances you feel should be considered, accompanied by any additional supporting evidence from professionals.

The decision will then be reviewed by a Reviewing Officer within 20 working days of receipt of the request and parent(s) will be notified.

If assistance is granted, it will normally take the form of a bus pass or the most economical option possible. If other provision is being sought, the request should form part of your submission.

12.2 **Stage Two.** If you wish to challenge the Stage One Reviewing Officer's decision you have 20 working days from receipt of the Stage One decision to submit your intention to progress your case to Stage Two where your case will be reviewed by an Officer Panel headed by a Manager. You will have the opportunity to submit additional information. Your appeal date will be within 40 working days of receipt of your request and supporting information. Prior to your case being heard, a full copy of all correspondence will be sent to you. The Panel will meet approximately once a month (dependent on demand) and consider each case on its individual merits. A letter will then be sent outlining the Panel's decision.

12.3 **Grounds for Appeal**

You can appeal on one of the following grounds:

- That the policy has not been properly applied
- That the policy has been properly applied but there are exceptional circumstances (Please note - A parent being unable to take their child to school due to work commitments will not be considered as exceptional circumstances)

12.4 Pending a review, it remains the parent/carers responsibility to ensure their child attends school.

12.5 If the appeal is unsuccessful, an appeal can be made to the Local Government Ombudsman. The Ombudsman can be contacted at:
PO Box 4771, Coventry, CV4 0EH (Tel 0845 602 1983)
or through the website: www.lgo.org.uk.

APPENDIX 1 - SAFETY OF ROUTE GUIDELINES

From the 2002 Guidelines: Identification of hazards and the assessment of risk of walked routes to school - Local Authority Road Safety Officers' Association (LARSOA)

1. In assessing the safety of a particular journey, consideration is given only to danger relevant to traffic/highway conditions.
2. It is essential that each case be considered on its merits.
3. The pupil may be assumed to be accompanied as deemed necessary by a normal caring parent or other responsible adult.
4. Judgements should be made fair in regard to both urban and rural routes. The task of a pedestrian in urban areas, even where there are footways, can be difficult when regard is had, for example, to the need to cross main traffic routes.
5. Consideration should be given to the overall nature of the route. It is not unreasonable to expect special care to be taken on short difficult sections.
6. Where difficult sections exist on a road, their locations within the overall journey is relevant since applications for free transport would not normally be entertained in respect of very short journeys.
7. Where a footway, public footpath or bridleway exists such can normally be assumed to provide a safe route for that part of the journey.
8. Where a verge exists along which it is possible for the child and accompanying person to walk, the verge can normally be assumed to provide a safe route for that part of the journey.
9. Where, on lightly trafficked roads, a verge exists which is not easy to walk on but which can be stepped onto by the child and accompanying adults when vehicles are passing, it can normally be assumed to provide a safe route for that part of the journey.
10. Many rural routes may lie along roads having neither footway nor verge. On such roads consideration should be given to the width of the carriageway, traffic flow and composition (such as frequent heavy goods vehicles) and to visibility (i.e. sharp bends with high hedgerows or banks).
11. Where there is evidence that a route is used by children (either accompanied or not) outside school hours this should be taken into account in judging whether it is available for journeys to school
12. Consideration should be given to the relevant accident record of the route with particular regard to the effect on pedestrian movements.
13. Where road crossings are necessary, the availability of justified crossing facilities (zebra, pelican, school crossing patrol) using the laid down criteria should be taken into consideration.

READING BOROUGH COUNCIL
REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 JULY 2018	AGENDA ITEM:	13
TITLE:	ONE READING SOCIAL IMPACT BOND CAREERS INFORMATION ADVICE		
LEAD COUNCILLOR:	PEARCE	PORTFOLIO:	EDUCATION
LEAD OFFICER:	PAUL WAGSTAFF	TEL:	0118 9374717
JOB TITLE:	HEAD OF EDUCATION	E-MAIL:	paul.wagstaff@reading.gov.uk

1. PURPOSE OF THE REPORT AND EXECUTIVE SUMMARY

On behalf of its strategic partners, RBC has developed a full application to the Department for Media, Culture and Support (DCMS) Office for Civil Society (OCS) for the Life Chances Fund (LCF)¹ development grant, to fund a social impact bond 'One Reading' related to improving participation outcomes - in education, employment or training (EET) - for young people from vulnerable groups.²

A social impact bond (SIB) requires strategic partners to act as 'co-commissioners', each making a financial contribution to fund activity to tackle the shared and costly issue of young people 11 to 19 not participating in EET destinations. This approach will maximise resource and support a reduction in operational costs.

RBC has a budget (to be referred to as the 'IAG budget' in this report) worth £250k per year, allocated to fulfil the Council's statutory duty to offer provision of careers information, advice, and guidance (IAG) for young people aged 13-19. This extends up to 25 for young people with SEND. The budget is also to support young people's participation in education, employment and training, as well as reporting on the numbers of 17 to 18 year olds who are NEET (not participating in education employment or training).

Contingent upon the success of the SIB application, to be announced in July 2018, it is proposed that this annual budget of £250k be allocated to the One Reading SIB, each year, for five years effective from July 2019 on commencement of a SIB. This would

¹See the LCF website for further details <https://www.gov.uk/government/publications/life-chances-fund>

² The Government Outcomes Lab (a partnership organisation with the University of Oxford) has provided an accessible overview of SIBs: <https://golab.bsg.ox.ac.uk/basics/introduction-social-impact-bonds/>

provide a total value of £1.25m over the 5 years. One Reading would therefore deliver the above duties along with additional outcomes, set out in the outcomes framework.

2. RECOMMENDED ACTION

2.1 That the NEET budget of £1.25m over five years (£250k per year) be allocated to the One Reading SIB from July 2019, if successful at application stage.

3. POLICY CONTEXT

3.1 Statutory duties related to information, advice and guidance (IAG)

Local authorities have broad duties to encourage, enable and assist young people to participate in education or training³. Specifically these duties are to: To secure sufficient suitable education and training provision for all young people in their area who are over compulsory school age, but under 19, or aged 19-25 and for whom an Education, Health and Care (EHC) plan is maintained. This is a duty under the Education Act 1996⁴.

- To make available to all young people aged 13-19 and to those between 20 and 25 with special educational needs and disabilities (SEND), support that will encourage, enable or assist them to participate in education or training under Section 68 of ESA 2008⁵.

Local authorities are required to collect information about all young people so that those who are not participating, or are NEET, can be identified and given support to re-engage.

4. THE PROPOSAL

4.1 Overview of the 'One Reading' SIB and benefits of the model

One Reading will fulfil the Council's statutory IAG duties as outlined in Section 3.1, including the need to track young people's participation in education and training. The current provision is not targeting those who are most in need (sustained NEETs) including LAC young people, SEND, teenage parents, those with offending or behavioural background and those struggling with their mental health.

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349300/Participation_of_Young_People_Statutory_Guidance.pdf

⁴ Sections 15ZA and 18A of the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009) and Part 3 of the Children and Families Act 2014.

⁵ Section 68 Education and Skills Act 2008 as updated by Section 20 of the Children and Families Act 2014.

One Reading will specifically aim to support these vulnerable groups, via an early intervention model that works with young people from the age of 11 - to ensure those who we know are at risk are supported to remain participating in positive activities.

The One Reading SIB will provide major benefits to the strategic partners and Reading's vulnerable young people including:

- Better education, training and employment outcomes for vulnerable young people through enhanced service provision, helping the Council to achieve its corporate aim to reduce rates of NEETs to 2.5%;
- a closer working relationship between the local strategic partners based on co-commissioning, supporting them to use their collective powers as commissioners to tackle a shared issue;
- the use of social investment as pump-prime money to initiate system change leading to earlier help and reduced costs;
- moving away from resource-based to outcomes-based commissioning of services, meaning that RBC only funds services when specific outcomes are achieved. Reducing costs to public services, through providing early help for young people not in participation (every young person that is NEET has conservatively been estimated to amount to £56,000 in lifetime public service costs), with vulnerable groups that are NEET costing considerably more.⁶
- a SIB will generate around £430k of new funding, from the Cabinet Office, for the benefit of RBC and its strategic partners - to tackle a common and shared costly issue and help support a reduction in operational costs.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 -Safeguarding and protecting those who are most vulnerable;
-Providing the best start in life through education, early help and healthy living;
- 5.2 -Establish Reading as a learning City and a stimulating and rewarding place to live and visit;
-To promote equality, social inclusion and a safe and healthy environment for all

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The One Reading Business Case was co-designed with a range of Voluntary and Community Sector partners, as well as other key stakeholders including Cranbury College, Reading College and a number of Reading Schools where there are young people at risk, or have disengaged. Young people were integral to the design of the new early intervention model.
- 6.2 In the design of One Reading - research from the New Economy Manchester and GoLab was utilised in developing the outcomes framework.

⁶ Coles et al. (2010), 'Estimating the life-time cost of NEET', University of York, <https://www.york.ac.uk/inst/spru/research/pdf/NEET.pdf>

7. EQUALITY IMPACT ASSESSMENT

7.1 One Reading will work with all young people; but have a specific focus on improving outcomes for young people from vulnerable groups. An Equality Impact Assessment is therefore not applicable.

8. LEGAL IMPLICATIONS

8.1 The Council has a duty to enable and support young people to participate in education and training in its area under the Education and Skills Act 2008.

8.2 As a best value authority, the Council is also subject to a general duty under section 3 of the Local Government Act 1999 to “secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.

8.3 Pursuant to its obligations under the Public Services (Social Value) Act 2012, where the Council proposes to procure or make arrangements for procuring the provision of services it must, consider “how what is proposed to be procurement might improve the economic, social and environmental well-being of the relevant area, and how, in conducting the process of procurement, it might act with a view to securing that improvement”.

8.4 Contracts awarded by the Council in relation to the One Reading SIB must be compliant with the Council’s obligations under the Public Contracts Regulations 2015 and internal standing orders.

8.5 The Council intends to enter into agreements with its public sector Co-commissioners, Investors and the delivery organisation. The agreement with the delivery organisation will be outcomes-based in line with the SIB model.

9. FINANCIAL IMPLICATIONS

9.1 Currently, the Local Authority pays a third party provider to deliver its statutory duties, as set out above. This approach has not sufficiently reduced the numbers of young people who are classed as NEET; as it does not take a targeted approach to those young people most in need.

9.2 One Reading will re-engineer existing RBC resource into a more targeted model; delivered in a holistic way with its strategic partners. Using data in a more smart and preventative way will support a reduction in the use of high costs services by vulnerable groups; through earlier intervention.

9.3 As the Life Chances Fund top up the contribution of the co-commissioners - the SIB will generate around 430k of resource for RBC Children’s Services and its strategic partners

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OR ADULT CARE AND HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	11 July 2018	AGENDA ITEM:	14
TITLE:	CONTINUING HEALTHCARE (CHC) FUNDING		
LEAD COUNCILLOR:	COUNCILLOR JONES	PORTFOLIO:	ADULT SOCIAL CARE
SERVICE:	DACHS	WARDS:	BOROUGHWIDE
LEAD OFFICER:	SEONA DOUGLAS	TEL:	0118 9372094
JOB TITLE:	DIRECTOR OF ADULT AND HEALTH CARE SERVICES	E-MAIL:	Seona.douglas@reading.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The Adult Social Care, Children's Services and Education Committee (ACE) on 12th December 2017, requested an update Report in relation to Continuing Health Care, (CHC) with an analysis to identify why the number of people in Reading accepted as eligible for 100% CHC funding has remained low compared to other local authorities across the South East and when considering the national average; and to report actions taken to date.
- 1.2 In responding to ACE regarding the analysis of the data sources explored, Reading remains the lowest in the Country, and, Adult Social Care working with the CCG continues to explore the reasons behind the low levels of eligibility in the area for CHC.
- 1.3 The analysis shows North West Reading were above average for the number of eligible standard submission of CHC checklist in Quarter 3, however the overall total continues to remain low.
- 1.4 The Report highlights the learning and explorations that Berkshire West CCG are undertaking with other CCG areas and highlights national work on the NHS CHC Strategic Improvement Programme in which the CCG are fully engaged.
- 1.5 The Report makes some suggestions for further exploration with Berkshire West CCG in relation to integrated work to improve the individual's experience.

2. RECOMMENDED ACTION

- 2.1 That the analysis of the position related to Continuing Health Care (CHC) in Reading be noted.
- 2.2 That the actions taken to ensure application of the CHC criteria as required be noted.

3. BACKGROUND

- 3.1 NHS Continuing Healthcare (CHC) is a package of ongoing care that is arranged and solely funded by the NHS, where the individual has been assessed and found to have a 'primary health need' as set out in the National Framework. (National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care - (revised) March 2018. Such care is provided to an individual aged 18 or over, to meet the health and associated social care needs that have arisen as a result of disability, accident or illness.
- 3.2 In order to be eligible and receive NHS CHC funding, individuals have to be assessed by Clinical Commissioning Groups, (CCGs) according to legally prescribed national criteria to determine whether the individual is eligible and has a 'primary health need' Eligibility is based on assessed care needs, rather than a particular diagnosis or condition.
- 3.3 It is important to note that it is illegal for the Local Authority to fund care which should be provided by the NHS, as there is an upper threshold on the level of healthcare that can be provided by any Local Authority. So, to explain this does not refer to a financial threshold, but that LAs can only provide healthcare which is 'incidental or ancillary' to social care. No such threshold exists with regard to the NHS providing Social Care under CHC. It's worth noting that Reading is still able to fund some services to people who are eligible for CHC such as disabled facilities grants, assistance with childcare, deputyship and wider support services that are not part of care.
- 3.4 The Responsible CCG for assessing and funding individuals who may be eligible for CHC is the CCG of which the individual's GP is a member at the time they become eligible for CHC funding. This means that if an individual who is eligible for care and support needs, and is funded by the Council, is then placed out of the Reading area, and at a later date they become eligible for CHC funding, the responsible CCG will be the CCG where they are GP, registered at that time, and therefore would not be calculated in the figures presented.
- 3.5 THE ADULT CARE AND EDUCATION COMMITTEE DATED (12th December 2018 resolved)
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 - (1) That the progress of the Continuing Health Care Funding Review and completion of the agreed Joint Action Plan be noted;

- (2) That the changes to the Council and Continuing Health Care application process and new Action Plan be noted;
- (3) That further work be carried out to identify why Reading still had a relatively low level of Continuing Health Care funding compared to neighbours and the national average, and to take further action to address as required;
- (4) That a further update/progress report, including a detailed analysis of the data, be submitted to the meeting on 5 April 2018;
- (5) That the report to be submitted to the meeting in April 2018 also include an investigation of children's CHC funding and an explanation as to why so few children in the Borough were meeting the threshold.

3.6 This report sets out the requests in 3, 4 and 5. The Report was rescheduled from April 2018 due to the benefit of a full year's CHC data being available for analysis.

4. CONTINUING HEALTH CARE IN READING

NHS Continuing Healthcare can be provided in a range of settings, including a specialist environment and the person's own home. The treatments, care and equipment required to meet complex, intense and unpredictable health needs can depend on highly trained professionals for safe delivery, management and clinical supervision. Specialised care, particularly for people with complex needs may only be provided in specialist environments and may be a distance from the patient's ordinary place of residence. For such cases there is likely to be limited choice of a safe and affordable package of care.

Specialist placements can be very costly, and the NHS has a duty to ensure that they represent value for money, that patients' needs are met safely, and that needs are reviewed regularly to ensure that quality of care is provided in the most appropriate environment. This may involve stepping patients down to a less intensive care package if their needs no longer require CHC specialist placement/intervention; this can then impact adult social care.

South Reading, North and West Reading CCG's hold the responsibility to promote a comprehensive health service on behalf of the Secretary of State and to not exceed its financial allocations. It is expected to take account of patient choice but must do so in the context of those two responsibilities. Therefore, it may *not* be possible to support choices in all circumstances on the grounds of unacceptable risk in a preferred placement, or on the grounds of the cost variance between alternative packages of care to meet need.

CHC Decisions being made must be:

- robust, fair, consistent and transparent
- based on the objective assessment of the patient's clinical and social
- need, patient preferences, safety and best interest
- support choice
- involve the individual and their family or advocate
- have regard for the safety and appropriateness of care packages
- provided by those involved in care delivery
- take into account the need for the CCG to allocate its financial
- resources in the most cost effective way
- be consistent with the principles and values of the NHS Constitution

In October 2017, Reading's arrangement with Wokingham Borough Council for processing of CHC applications on behalf of RBC was de-commissioned. The actions in relation to the transfer are now completed. The CHC process for RBC is now managed via the Eligibility and Risk Panel to ensure that any new individuals with assessed care and support needs, or reviewed and changes to packages are overseen, if they require an assessment for CHC, this is identified, and the relevant referral made with a "Checklist". The Checklist is a screening tool which identifies if a person is eligible for a full CHC assessment. It should be noted that the threshold for completing a checklist is set deliberately low and it should be made clear to people and/ or their representatives that a positive checklist does not indicate that the person is eligible for CHC, it only indicates that they are eligible for a full assessment.

Any successful application for CHC means that the individual will not pay financial contributions, towards their care as NHS care is free at the point of delivery. It may be that an individual's CHC needs when subsequently reviewed are found to have reduced so that they cease to be eligible for CHC and Adult Social Care become responsible for meeting their care and support needs, in which case the individual would need to be assessed to contribute to the cost of their care.

The Mental Capacity Act 2005 (MCA) provides a statutory framework to empower and protect vulnerable people who are unable to make their own decisions. The Act ensures that people are given the opportunity to participate in decisions about their care and treatment to the best of their capacity. It covers all aspects of health and social care. Individuals should be given all the appropriate help and support to enable them to make a decision.

The CCG's Nurse Assessor will support an individual in making the decision as to where they wish to live. However, if concerns arise that an individual does not have the mental capacity to make the decision as to where they live. A mental capacity assessment will be undertaken by the professional(s) who are responsible and have good knowledge of the individual and their care needs. If it is assessed that the patient lacks capacity, the Decision Maker will decide which package would support the patient in his/her best interest. This decision will take into account the views of the patient's family and any known wishes of the patient.

Where an individual has previously been self-funding and is found eligible for continuing healthcare, the individual or family must seek prior approval from the CCG for any change in the care package location unless they intend to pay for the full cost of care privately.

The government confirmed their commitment to introduce a 'right to ask' for a personal health budget for people in receipt of NHS Continuing Healthcare by April 2014. A personal health budget is an amount of money to support a person's identified health and wellbeing needs, planned and agreed between the person and their local NHS team. Personal health budgets are to enable people with long term conditions and disabilities to have greater choice, flexibility and control over the health care and support they receive and the personal budgets team in Reading support ten Fast Track CHC cases each week, which remains positive. The person with the personal budget is able to:

- choose the health and wellbeing outcomes they want to
- achieve, in agreement with a healthcare professional
- Know how much money they have for their health care and support
- create their own support plan, with guidance from a
- health professional and a support broker
- choose how their budget is held and managed, including the

- ask for a direct payment
- spend the money in ways and at times that make sense to them, as agreed in their support plan.

4.1 REVIEW OF CONTINUING HEALTH CARE INFORMATION/DATA IN READING

A total number of CHC funded packages for 2017/18 was 209. This is a decrease from 2016/17, however the manual data collection commenced in October 2016. As at 31st March 2017, 134 individuals received CHC funded packages over a 6 month period.

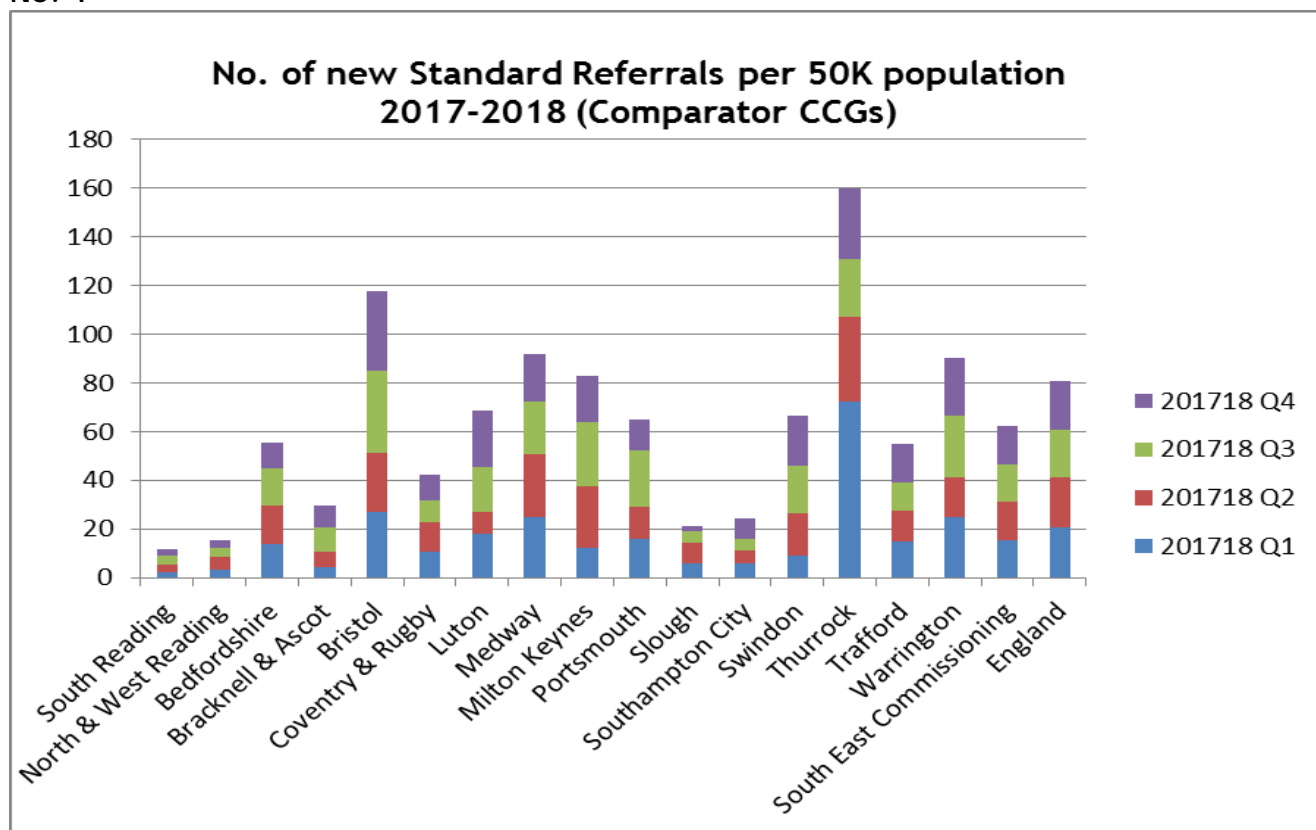
The first stage of the CHC process is to complete a “Checklist” to determine whether a full CHC assessment should be carried out. The Checklist can be completed by a GP, Nurse, Social Worker or other qualified professional. Numbers of referrals from the Council for checklist completion remained low for Quarter 3 and 4 in 2016 - 11 referrals out of a total of 145 in the 6 month period. In 2017/18 the total number referred by the Council was 32 out of 239 for the full year. The highest number of “Checklists” was completed by the acute trust.

The revised National Framework for Continuing Health Care being implemented in October 2018 stipulates that the majority of assessments should take place outside of an acute hospital setting. The Reading Integration Board and the A and E Delivery Board for Berkshire West 10 (BW10) needs to consider how best this can be achieved working with a wide range of partners. The requirement nationally that less than 15% of all full CHC assessments take place in an acute setting was met by both Reading South and Reading North and West CCGs during 2017/18. The percentages completed were 9% and 20% respectively which met the targets in the CHC improvement plan submitted to NHS England, which was a good result.

4.2 DATA ANALYSIS

The data below explains the position in 2017/18.

No. 1



Please Note: The Comparator Groups are the CCGs not Local Authority areas. Gaps are where either is not available or not collected.

The graph above illustrates the number of standard referrals for CHC made in each Quarter in 2017/18, per 50k population. The Reading position has remained unchanged from previous years, and is still low. This has continued to challenge the system to understand the reasons why. It is clear from the data that there is a difference between the numbers of referrals made and the numbers that are being converted to full CHC, once an assessment is completed.

As part of this review the interim Head of Service for Adult Social Care is contacting other Local Authorities that are considerably higher than Reading, to gain insight regarding the CHC process, pathway and overall position. The CCG is equally engaged in work with Health colleagues at both regional and local levels in determining the local Reading position. It is planned that the findings will be reported to the Reading Integration Board in September 2018.

It's worth noting that those areas with higher CHC packages of healthcare have a higher aging older people populations, compared to Reading's higher working age group of need.

(See Appendix 1 - CHC Regional Comparator Group for CHC)

The table below provides the position from 1st April 2017 to 31st March 2018. It is challenging to compare the data with previous years, as the NHS data format has changed for 2017/18

reporting, as part of the need to have a more consistent reporting structure so that comparisons can be made.

It's important to note that there are two different processes when assessing for CHC. Firstly, a standard application is made when a health or social care professional determines, through an initial assessment or review of a person's needs, that the person may fall with the NHS CHC criteria. They would then complete the Checklist which is then referred to the CCG and a full CHC assessment and decision making will follow. All CHC eligibility decisions are subject to appeal. Secondly, a Fast Track application is a process that applies to individuals with a rapidly deteriorating health condition who may be entering a terminal phase and may require immediate provision of CHC. This may include end of life care.

No 2 - CHC Statistics, 31st March 2018.

CCG	No. Eligible for CHC per 50K population (snapshot at Year end)			
	Standard		Fast Track	
	2016-2017	2017-2018	2016-2017	2017-2018
South of Reading	7	8	2	3
North & West Reading	14	14	4	5
Newbury & District	16	14	2	1
Wokingham	16	18	3	1
England	44	40	19	5
South East		32		16
South Central 2016	27		10	
Comparator CCGs	42	39	10	11

Source: NHS England CHC statistics May 2018

The data in (No 2) as in (No 1) supports that Reading CHC eligibility for standard applications per 50K population for both CCGs remains significantly lower than our Comparator CCGs, the South East and the national average in 2016/17 and 2017/18

No. 3

CCG	Referral Conversion Rate 31/3/2018	
	Standard	Fast Track
South of Reading	11%	86%
North & West Reading	19%	95%
Newbury & District	30%	100%
Wokingham	12%	100%
England	22%	93%
South East	22%	95%
Comparator CCGs	25%	93%

Source: NHS England CHC statistics May 2018

No. 4

	Assessment Conversion Rate 31/3/2018	
	Standard	Fast Track
South of Reading	21%	100%
North & West Reading	32%	100%
Newbury & District	38%	100%
Wokingham	24%	100%
England	28%	100%
South East	27%	100%
Comparator CCGs	34%	100%

(No 3) and (No 4) show the conversion rates where applications that have been identified and accepted for full Continuing Health Care funding assessment have then transferred to full CHC funding. The number of assessments that turn into CHC funded care remains low for standard referrals in South Reading but in North and West Reading the assessments are nearer the national average, however somewhat lower than our comparator groups. This data suggests that the number of people who are Fast Tracked shows that those with greatest immediate healthcare needs are receiving CHC funding supporting the most vulnerable in Reading.

The CCG allocate all assessments at the point of referral, and currently have no assessments waiting to be allocated. In Quarter 4 of 2017/18 the CCG achieved 80% of assessments completed within 28 days. Those who were not completed had reasons related to collating of information particularly if it was linked to a specific health condition. This target was met by Reading North and West CCG, but not Reading South CCG.

In 2017/18, 7 cases were heard at the Appeal Panel, a further 5 lodged complaints, with 3 being presented to the Independent Review Panel, and 3 being referred to the Ombudsman. Of the 6 cases which have been heard at Appeal, the CCG have overturned one case and upheld the remainder. Similarly, the Parliament Health Service Ombudsman has overturned one case and upheld the remaining 2. Any lessons from these situations will be shared with the Reading integration Board so that all members of the Board are able to understand if they have a role in ensuring that the assessment and decision making process has been completed, so that individuals receive the most appropriate care to meet their needs particularly if it relates to primary health need.

5. ACTIONS TO SUPPORT CHC

1. The Council ensures through its assessments and reviewing functions that individuals and their families/carers that may be entitled to CHC, receive the correct information so that they are aware of their right to ask for a “checklist” to be completed to see if they satisfy the threshold for proceeding to a full Continuing Healthcare assessment.
2. The Council through its Personal Budgets Team provide a care support service working with the CCGs for Fast Track community based packages of Continuing Healthcare. The team currently support 10 individuals each month to live in the

community receiving Domiciliary Care through the Council's Personal's Budget Support Team funded by CCG. Services are sourced from 32 domiciliary agencies with a range of expertise and skills in meeting the needs of people with social care and CHC needs.

3. Discussions are underway with the CCG to propose that we should consider extending this arrangement to include placements in nursing homes. The Council has 383 nursing beds in the Borough, and whilst we do not commission with all, we have a good oversight of the market place and can support the CCG to ensure a joined up and integrated approach to the provision of services, stabilisation of placement costs to ensure a fair Reading price for the service that is being delivered, and also to enable discharges to care homes pending assessments. This would promote a joined up approach to the negotiations, provision and securing nursing homes as needed, whether it is health or social care.
4. Currently both CHC and ASC access the same Domiciliary care agencies and the same Residential and Nursing Care Homes across Reading, therefore Commissioning are also in consultation with the CCG regarding the strategic review of domiciliary care and residential and nursing care homes across Reading, so as to seek the opportunity to develop a joint framework supporting Care at Home that will develop a more robust CHC pathway, enabling both CHC and ASC packages to access the same set of Domiciliary care agencies across Reading, standardising quality of care, regardless of funding type or person accessing the service, also exploring with CCG joint quality monitoring resources.
5. The Council is engaged in the CHC Panel that considers all applications following the full CHC assessment. If there are any occasions when agreement can't be reached, the Chair of the panel makes the decision on behalf of the CCG. In the event the council disagrees with decision we can then lodge a dispute using the Jointly Agreed Berkshire Policy.
6. Training in CHC is mandatory for all Adult Social Care staff. It is included in the standard induction for all new staff and comprises of the NHS England e-learning tool and training provided by the CCG. Specific training is being sourced for Adult Social Care staff this year from a nationally recognised specialist trainer. This will take place in September 2018.
7. The Council's Internal Audit is currently carrying out an audit of the CHC processes to identify any further improvements which can be made within the Council.
8. The Council continues to review packages of care on an annual basis and currently we have a specialist review team to undertake a number of reviews to ensure equity of care and support packages. There is an 18/19 saving of £500,000 to bring packages in line with care and support plans. The Council will be reviewing the 846 (today's figure) reviews left to be completed. Those reviews with high dependency levels were prioritised in 17/18 for completion; therefore it is unlikely the remaining ones will meet the eligibility criteria for a CHC checklist. 271 reviews have been completed by this team to date and the plan is to have achieved the remaining 846 by March 2019.
9. The Council has been considering ways to work cooperatively with the CCG due to the challenge of the CHC process. We are exploring the feasibility of identifying a specific

dedicated social work resource to be based within the CHC Team undertaking assessments jointly with the nursing staff so we promote a truly multidisciplinary assessment where both health and social care offer a joined up perspective. This also has the benefit for the individual in that the joint assessment can reduce duplicated work and ensure a joined up model of delivering support to support need.

10. The Reading Integration Board acts as the Governance to CHC. A report is produced on a quarterly basis with the data to track progress and ensure clarity regarding the service and any areas for exploration.

6. NATIONAL CONSIDERATIONS OF CHC

When presenting an understanding relating to the CHC situation in Reading, it is helpful to consider some of the national work and the findings of recent work in this area.

In April 2017, the NHS introduced the NHS Continuing Healthcare Strategic Improvement Programme, which will run for two years until 31st March 2019. A key component of this programme is to bring together local healthcare leaders and CHC experts to work together to improve the CHC service so there is less variation across the country, assessments are completed in a timely way, standards are set with clear outcomes, and best practice is implemented. Reading CCG is fully engaged in this work in order to see what can be learnt and to try to understand the reasons for Reading being so low in CHC funding.

In January 2018 the House of Commons of Public Accounts Committee issued a report on CHC. (<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2017/investigation-nhs-healthcare-funding-17-19/>) It highlighted that the system did not support effectively making people aware of the funding available, and that they were not helped to navigate through a complicated process to access funding. The Report referred to variation between areas in the numbers of people assessed as eligible to receive CHC funding and referred to 28 to 365 people per 50,000 population in 2015/16, due to differences in how the criteria are applied throughout the Country. Whilst NHS England has expanded the data set from April 2017, there were comments about the shortage of data on CHC which the Report stated means it is difficult for NHS England to know whether CCG's are fulfilling their duty. It also suggested that the data set is not sufficiently complete to be able to explain the complete picture.

The Report highlights how NHS England wants CCGs to make £855 million of savings by 2020–21 against its predicted growth in spending on CHC and NHS-funded nursing care. The concern expressed was that this would result in giving CHC funding to fewer people, or giving individuals less care, or both. The Department and NHS England assured the House of Commons Committee that there would be no cap on access, and that eligibility criteria have not changed. However, the Report highlights that between 2011–12 and 2015–16, the proportion of people assessed as eligible for standard CHC fell from 34% to 29%.

In March 2018 the Department of Health and Social Care published the revised National Framework

<https://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care> replace the 2012 version. The revised National Framework sets out to clarify a number of policy areas, but of particular note is the change to providing additional advice about when individuals do and do not need to be screened for CHC in order to reduce unnecessary assessment processes. There are no intended changes to

the eligibility criteria, however the Council will be working with the CCG to ensure a transparent process is in place regarding when individuals need to be screened.

7. CHILDREN'S CHC

At present eight children open to the Children and Young People with Disabilities team are receiving (CYPCC) Children and Young People Continuing Care. Continuing Care has also provided support to children and young people at Ryeish Green Short Break Unit to children open to the service as part of their overall care support plan, funded by the CCG.

Work in 2018/ 19 will concentrate on clarifying the application and eligibility processes and identifying a CHC champion within the Children with disability team. Further work will be carried out in tandem with colleagues in Adult Social Care.

The children's and younger person panel is a more refined CHC pathway and process and we are working together to learn from each other - regarding how the panels can best support people, through a seamless and robust process.

In 2018, the young people with disabilities service are due to move across to the Adult Social Care, and CHC application will be a high priority for this team, applications for full CHC assessment are only made once the checklist is completed.

CHC will also be brought into the SEND strategy as far as is applicable.

8. POLICY CONTEXT

The National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care sets out the guidance principles and process of the national framework. This guidance has been revised and is due to be implanted 1 October 2018. The focus of the intervention by the CCG is to determine eligibility for where an individual has a primary health need. Whilst this process and the decision-making rests with the CCG, staff have been keen to be involved and therefore we need to be mindful of the change in enabling us to agree with the CCG when a Checklist Tool is completed.

Reading South, North and West Reading CCG Clinical Commissioning Group implements the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care in accordance with the directions from the Department of Health. The National Framework sets out the principles and processes for the implementation of NHS Continuing Healthcare and NHS-funded Nursing Care and it provides national tools to be used for assessment, applications and for fast track cases.

The determination of eligibility for NHS-funded Nursing Care has been integrated into the National Framework so that the same framework for eligibility determination and care planning for NHS Continuing Healthcare also applies for NHS-funded Nursing Care. It uses the same assessment and decision support tools to reach the determination for the funding stream, although individuals should be considered for eligibility for NHS Continuing Healthcare before a decision is reached about the need for NHS funded nursing care.

The Department of Health published a revised framework in November 2012, which does not change the basis of eligibility decisions for NHS Continuing Healthcare, or the overall principles. However, the revised framework seeks to provide greater clarity in the descriptions within the need domains of the Checklist and the Decision Support Tool, giving

greater clarity about the levels and types of need to be considered, as well as changes to the wider information that needs to be recorded and the Fast Track Pathway Tool.

The Council has a responsibility to ensure that people are identified who may have a primary health need working with our CCG partners, ensuring people are assessed under the CHC Checklist, A determination of health need can only be made by the CCG, following a full CHC assessment.

7. CONTRIBUTION TO STRATEGIC AIMS

7.1 The action taken is in line with 2 of the Corporate Plan priorities which are:

- Safeguarding and protecting those that are most vulnerable;
- Remaining financially sustainable to deliver these service priorities.

7.2 And meets the following strategic aim:

- To promote equality, social inclusion and a safe and healthy environment for all

7.3 As well as making a contribution to:

- Sustainability
- Health

8. COMMUNITY ENGAGEMENT AND INFORMATION

The proposed action did not require user involvement; this should not impact upon the outcome for the individuals assessed for CHC.

8 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been considered and has been deemed not relevant.

10. LEGAL IMPLICATIONS

The National Framework for NHS Continuing Health Care and NHS Funded Nursing Care (November 2012 revised) provides the guidance framework for the provision on Continuing Health Care and NHS Funded Nursing Care. Due to amendments the National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care - (revised) March 2018 will be implemented in October 2018. This does not change the eligibility however states a number of principles to improve the process and raise awareness in terms of guidance and information about the application process.

11 FINANCIAL IMPLICATIONS

The Council has resumed responsibility for identifying and ensuring the CHC process is implemented where necessary and this is managed via the Eligibility and Risk Panel. Since resuming responsibility it is recognised that cases are identified where the individual has been receiving Adult Social Care that dedicated administrative support is required to manage tracking the process and arranging reimbursements of such funds.

The funding that has been identified by RBC where the Continuing Health Care applications were successful for those already receiving Adult Social Care services in 2017/18 was £176K, compared with £225K in 2016/17. It is noted that the CCG will fund from the date the

application when the initial referral is made; with the evidence to identify a full assessment of CHC (a Checklist) is needed.

The CCG budget for Continuing Health Care which also includes NHS Funded Nursing Care - FNC individuals who are not eligible for CHC, but have been assessed as needing care from a registered nurse, and they live in a care home registered to provide nursing care is 8.3 million and the spend in 2017/18 was 7.7 million.

12 BACKGROUND PAPERS

ACE Report CHC - December 2017

<https://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care>

w.england.nhs.uk/statistics/statistical-work-areas/nhs-chc-fnc/2017-18/

<https://www.nao.org.uk/report/nhs-continuing-healthcare-investigation/>

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2017/investigation-nhs-healthcare-funding-17-19>

CCG Coverage of Reading Borough

Appendix 1

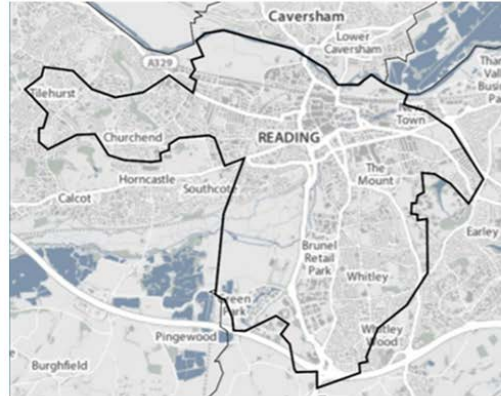
South Reading CCG includes approximately 68% of the population of Reading Borough.

North and West Reading CCG includes approximately 32% of the population of Reading Borough.

North and West Reading CCG



South Reading CCG



Comparing Rate of Continuing Healthcare (CHC) Eligibility by 60+ Population

The number and rate of people eligible for Continuing Healthcare (CHC) in Reading CCGs (North and West Reading CCG and South Reading CCG) appears to be low.

Benchmarking has been undertaken with other similar areas in order to estimate whether this is likely to be linked to Reading's relatively young population.

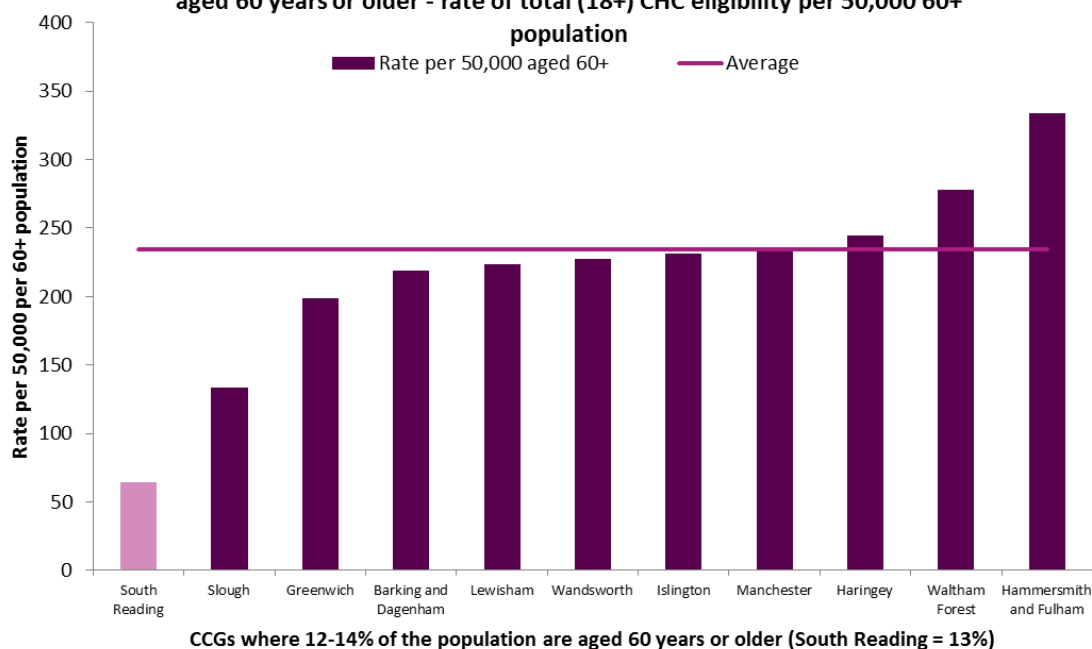
For each CCG in England the Official National Statistics (ONS) data has been used to calculate the number of people in the area aged 60 years or older together with the number of people eligible for CHC at 31st March 2018, to calculate a crude rate of CHC eligibility per population aged 60+. This should mean that differences in the age profiles of the populations are taken into account when making a comparison.

In addition, comparisons of the rate of eligibility in the South Reading and North and West Reading CCGs, with CCGs having similar proportions of people aged 60 years or older in the population have been undertaken.

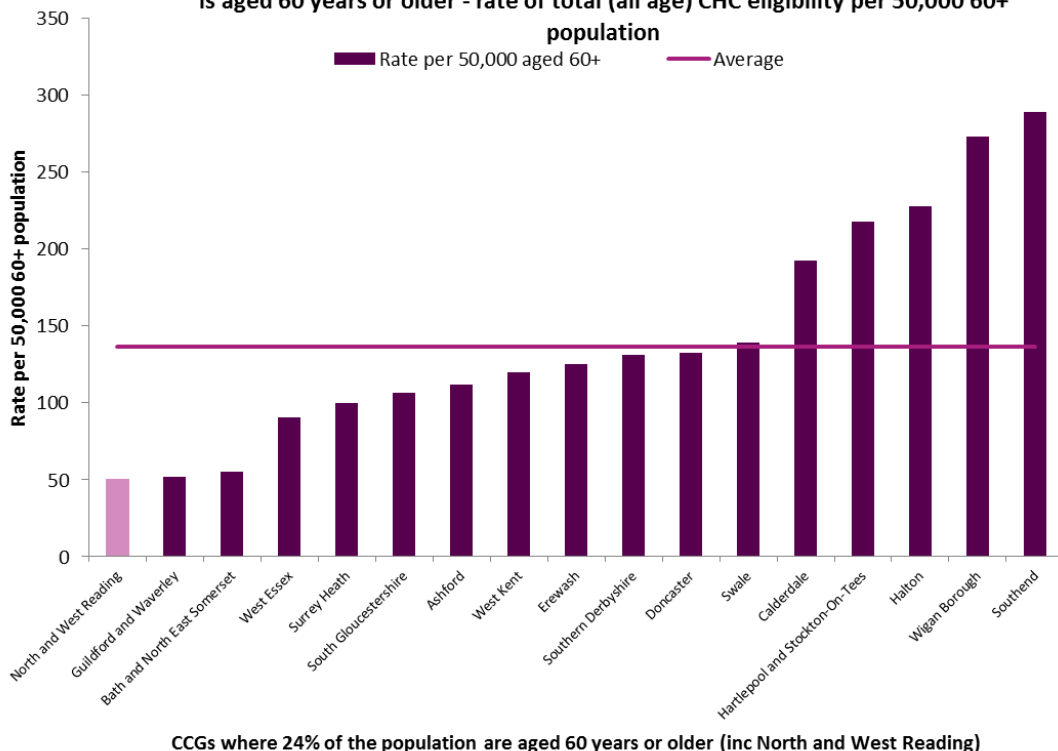
For South Reading CCG, this was CCGs where 12-14% of the population were aged 60+ (13% of South Reading CCG's population are aged 60 years or older). For North and West Reading CCG, this was CCGs where 24% of the population were aged 60 years or older.

These comparisons suggest that the rate of eligibility in both Reading CCGs is still much lower than amongst CCGs with similar proportions of 60+ populations.

South Reading CCG and comparator CCGs where 12-14% of the population is aged 60 years or older - rate of total (18+) CHC eligibility per 50,000 60+ population



North and West Reading CCG and comparator CCGs with 24% of the population is aged 60 years or older - rate of total (all age) CHC eligibility per 50,000 60+ population



Comparing Rate of Continuing Healthcare Eligibility by Deprivation

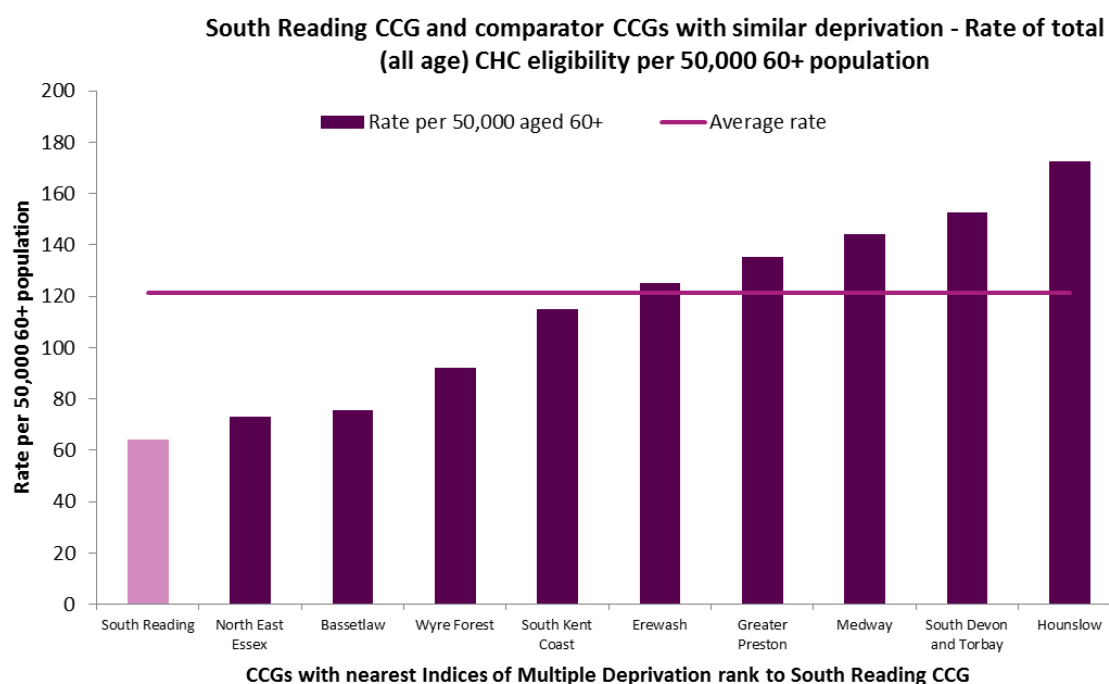
In order to understand whether rate of eligibility is linked to relative deprivation in South Reading and North and West Reading CCGs, we have also compared CHC eligibility per 60+ population with the CCGs with nearest Indices of Multiple Deprivation (IMD)

ranks. Indices of Multiple Deprivation are based on measures in 7 domains – Income, employment, education, health, crime, barriers to housing and services and living environment.

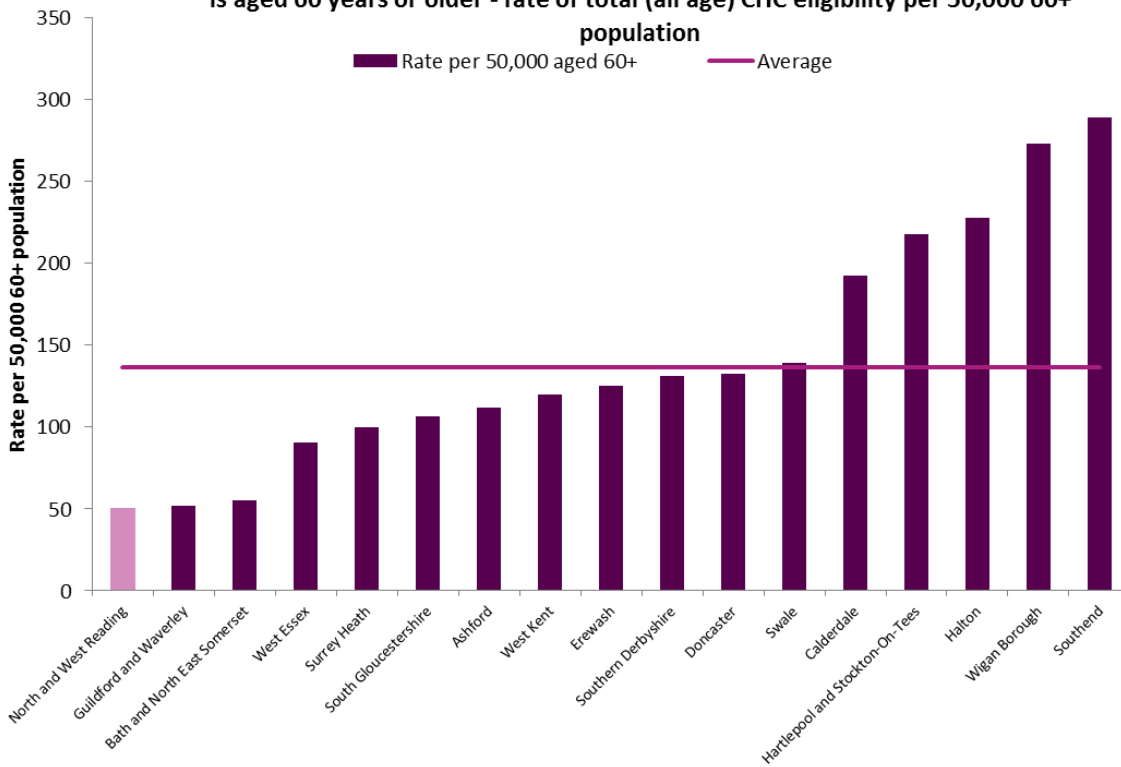
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/464431/English_Index_of_Multiple_Deprivation_2015_-_Infographic.pdf

South Reading CCG, which includes 68% of the population of Reading Borough, is ranked 77th most deprived of 209 CCGs (where 1 is most deprived and 209 is least deprived). North and West Reading, which includes 32% of the population of Reading Borough, is ranked 196th.

These comparisons suggest that the rate of eligibility in both Reading CCGs is still much lower than amongst CCGs with similar levels of deprivation.



North and West Reading CCG and comparator CCGs with 24% of the population is aged 60 years or older - rate of total (all age) CHC eligibility per 50,000 60+ population

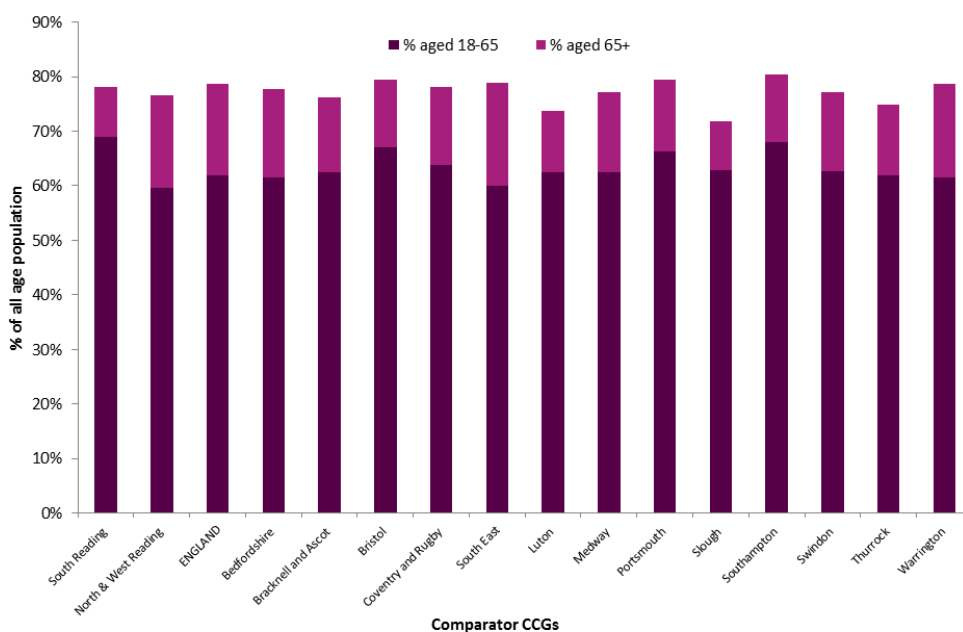


CCGs where 24% of the population are aged 60 years or older (inc North and West Reading)

The number and rate of people eligible for Continuing Healthcare (CHC) in Reading CCGs (North and West Reading CCG and South Reading CCG) appears to be low. We have been asked to compare the percentage of the populations in each of the CCGs in Reading's CCG Comparator Groups and the rate of referrals and assessments completed.

% of the population aged 18-65 years, 65+ or 60+ in Reading CCGs and CCGs in CCG Comparator Group

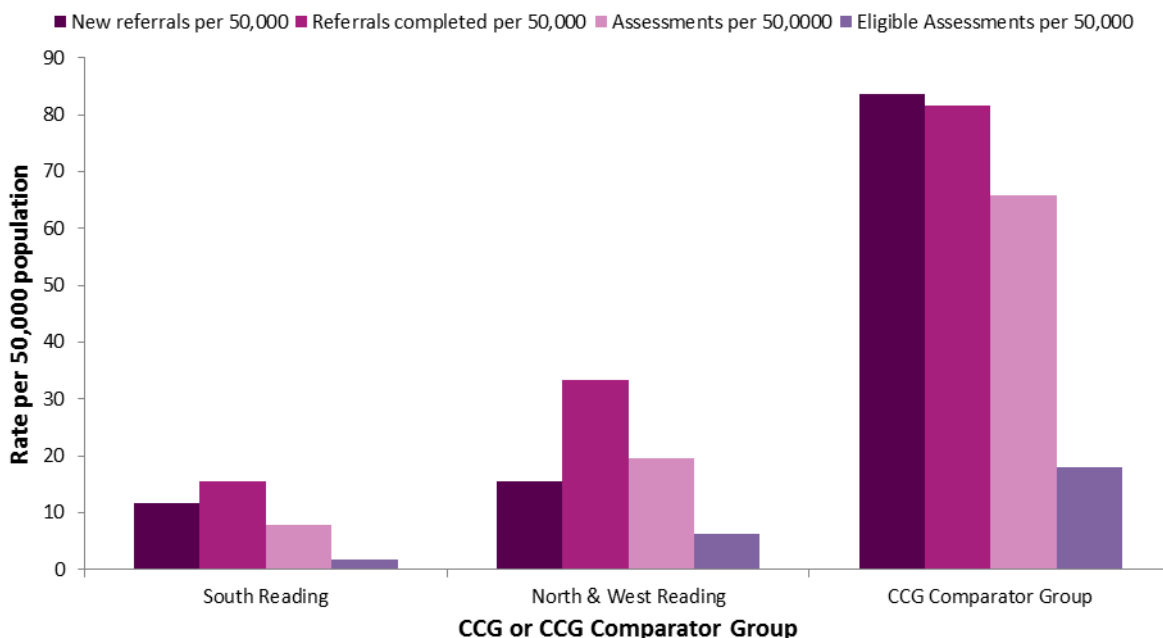
Area	% aged 18-65	% aged 65+	% aged 60+
South Reading	69%	9%	13%
North & West Reading	60%	17%	23%
ENGLAND	62%	17%	22%
Bedfordshire	61%	16%	22%
Bracknell and Ascot	62%	14%	19%
Bristol	67%	12%	16%
Coventry and Rugby	64%	14%	19%
South East	60%	19%	24%
Luton	62%	11%	15%
Medway	63%	15%	20%
Portsmouth	66%	13%	17%
Slough	63%	9%	13%
Southampton	68%	12%	16%
Swindon	63%	15%	20%
Thurrock	62%	13%	18%
Warrington	62%	17%	22%



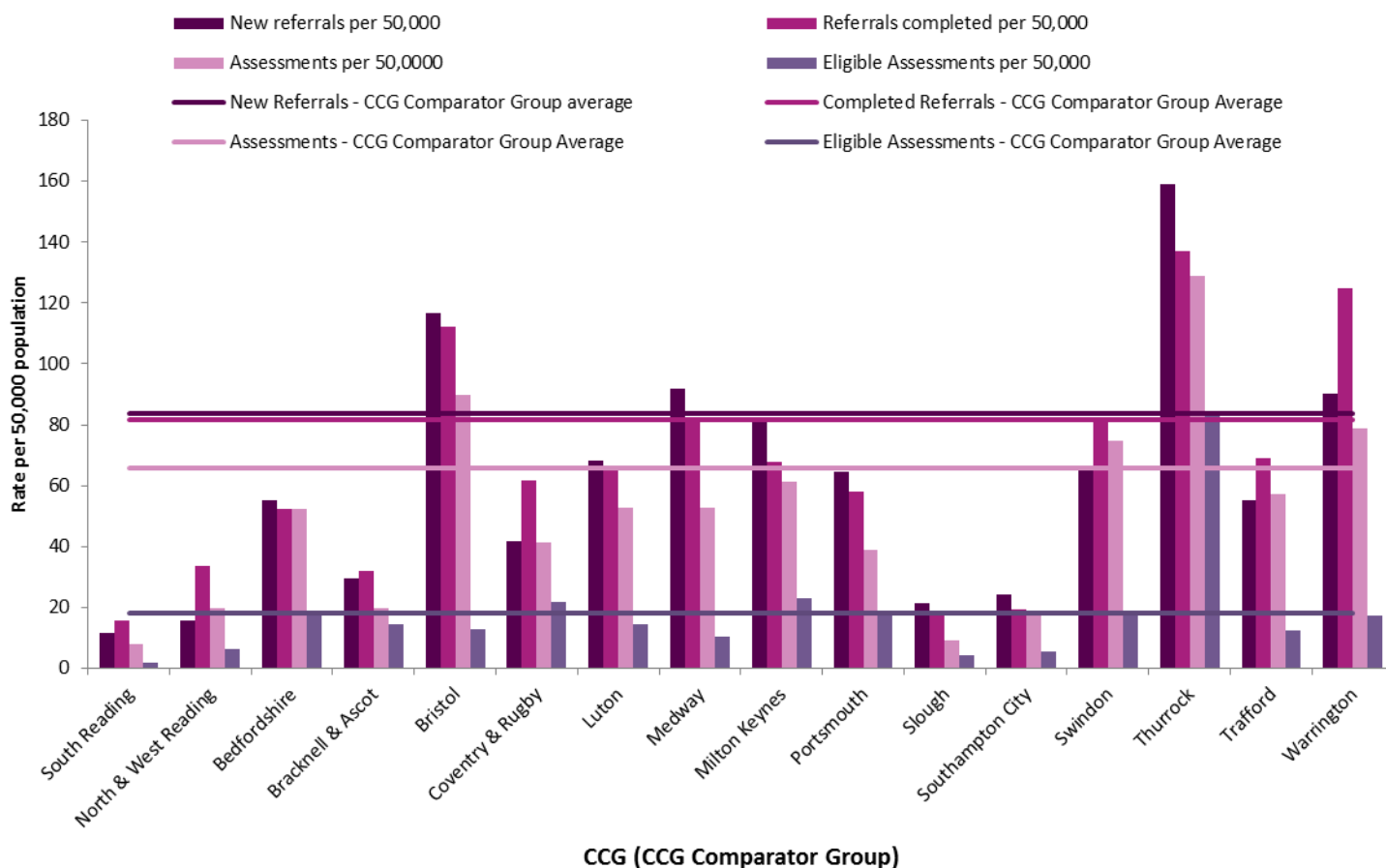
The South Reading CCG population has one of the smallest proportions of people aged 60+ or 65+ in its population in the comparator group (9% aged 65+, compared to an England average of 17% and 13% aged 60+, compared to an England average of 22%). North and West Reading CCG has the one of the highest proportions of people aged 60+ or 65+ in its population in the comparator group and is much closer to the England average (17% aged 65+, compared to 17% in England. 23% aged 60+, compared to 22% in England).

South Reading CCG, Slough CCG, and Luton CCG have the smallest proportions of people aged 60+ or 65+ in their populations (South Reading – 9% and 13%, Slough – 9% and 13%, Luton – 11% and 15%).

Analysis was undertaken of the number of new referrals, completed referrals (referrals accepted by healthcare provider), assessments and assessments where the case was assessed as eligible for CHC in the Reading CCGs and CCGs in the CCG Comparator Group during 2017/18. We calculated each as a rate per 50,000 so that they could be compared with each other.



The rate of referrals, assessments and eligibility was lower in the Reading CCGs than the average of the CCGs in the CCG Comparator Group. The number of completed referrals in Reading CCGs was greater than the number of new referrals. Further analysis showed a spike in completed referrals in Q2, together with a sharp decrease between Q1 and Q2 in the number of referrals that had taken more than 28 days, suggesting that some older referrals may have been cleared at this point. If this is so, the rate of eligibility might be expected to be lower where no accumulation of referrals exists.

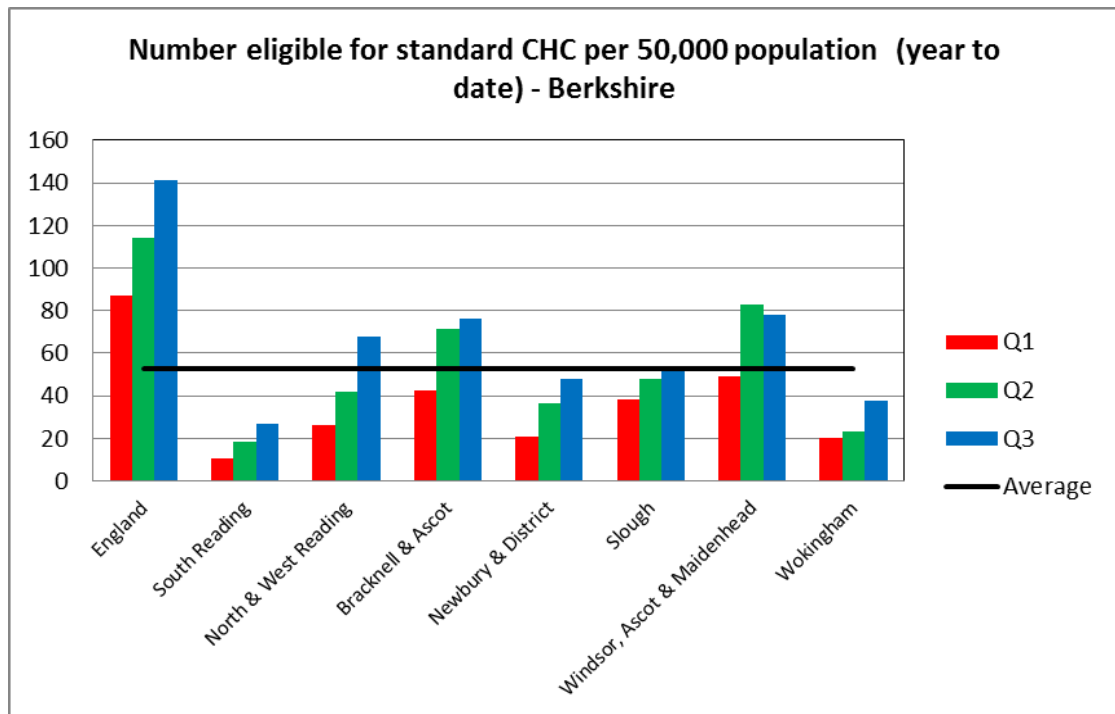


Comparisons were made of the rates of individual CCGs in the CCG Comparator Group. There is some variation between different areas, but the rates in Reading CCGs are considerably lower than elsewhere. Notably, the rates in both South and North and West Reading are lower than those of the other CCGs with a low proportion of people aged 60+ or 65+.

CCG	New Referrals (rate per 50,000)	Completed Referrals (rate per 50,000)	Assessments (rate per 50,000)	Assessed as eligible (rate per 50,000)
South Reading	11.74	15.51	7.97	1.68
North and West Reading	15.57	33.44	19.60	6.34
Slough	21.25	17.85	9.35	4.25
Luton	68.20	66.76	52.95	14.67

Comparisons with local Berkshire CCG's

The table below is concentrated on local Berkshire CCGs, and shows the total eligible for CHC funding per 50,000 population in Berkshire CCGs. Although North and West Reading was above the average in quarter 3, at 63 people per 50,000 of the population, overall the total was low. All Berkshire CCGs were lower than the England average with a difference of 60 eligible per 50,000 population in quarter 3 between the England average and Windsor, Maidenhead and Ascot CCG which reported the highest eligibility for this time period.



Note:

The comparator boroughs are those with similar populations and demographics identified using the data systems Protecting Adult Needs and Service Information System and Projecting Older People Population Information. However, the data relates to CCGs and is not coterminous with Local Authorities so is not a direct comparison. Data for CCG Berkshire West has not been included, as it is a relatively small proportion of the total, it is estimated that RBC residents in the Tilehurst area comprise around 10% of the applications made to this CCG.

CB/SD/LG May 2018