

**Report to:** Lead Member for Education and Inclusion, Special Educational Needs and Disability

**Date of meeting:** 16 July 2018

**By:** Director of Children's Services

**Title:** After School and Holiday Club Provision - proposal to end provision from the Local Authority and for Special Schools to further develop their provision

**Purpose:** To review the public and staff consultations on the Local Authority ceasing to deliver After School and Holiday Club provision and make a final decision on the proposal to cease delivering.

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## **RECOMMENDATIONS**

The Lead Member is recommended to:

- 1) review and consider the outcome of the public and staff consultation on the Local Authority's proposal to cease to provide after schools and holiday clubs in Special Schools and provide 18 months transitional funding to special schools to support the development of new provision; and
  - 2) agree to the closure of the After School and Holiday Clubs provided by the Local Authority.
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### **1. Background**

- 1.1 The Children Services' Department (CSD) has explored alternative options for the delivery of After School and Holiday Club provision, currently provided by the Children's Disability service. The intention is to achieve a more sustainable provision for children and young people with SEND in the future that is aligned to their school communities. While the Department for Education has produced guidance stating schools are to consider parents "right to request" wraparound and holiday childcare, the Local Authority (LA) does not have a statutory duty to provide after school services.
- 1.2 The Local Authority has undertaken a public consultation on the future delivery of after school club and holiday club provision, as agreed by the Lead Member on 18 April 2018, to receive responses on the proposal to cease delivery of the clubs and to support East Sussex special schools in expanding their current extended day provision. These schools have comprehensive after school provision and many offer before school provision. One special school has been successfully operating a model of provision which closely reflects this proposal for a number of years.
- 1.3 The County Council incurs significant overheads for delivering a modest level of provision across six sites. This delivery model has already reduced over time as low demand made provision unviable. There are no options to make it sustainable without significant additional costs being passed to families. Special schools have systems which could manage oversight of this provision and have access to external funding streams that the Local Authority does not. This would mean that they could deliver more cost-effective provision. Furthermore, this model would allow special schools to deliver ongoing service improvements that the Local Authority does not have the capacity or the resource to undertake.

- 1.4 To facilitate a level of continuity for parents and children, the LA is proposing to support special schools with transition funding for a period of 18 months, from September 2018. The LA's ambition is for each special school to develop activities that reflect the needs of their school communities, exploring alternative funding streams and becoming self-sustaining by March 2020.
- 1.5 Since October 2017, the LA has been in negotiations with the Special School headteachers all of whom have submitted plans indicating that they are willing to pick up responsibility for extending their provision to reflect their school's communities and priorities. We have also consulted with the East Sussex Parent and Carers' Council (ESPaCC) who have given their support to the proposals.

## **2. Supporting information**

- 2.1 An Equality Impact Assessment (EQIA) on the proposals was undertaken in March 2018. This showed that, while disabled children who attend special schools will be disproportionately affected by the proposals, this impact can be mitigated by the expansion of extended day provision by the special schools where the provision is currently based. We are optimistic that this strategy will in fact broaden the offer and widen access by embedding it within the schools' programmes of provision that they promote to all parents. Currently only a small proportion of all pupils who attend special schools use this provision. Increased take-up will ensure that the offer is more cost-effective and, therefore in the longer term, more financially viable. Schools will be supported by the Local Authority to explore and pursue grant funding to support this provision. In considering the proposals in this report, the Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty). Equalities Impact assessments (EqIAs) are carried out to identify any adverse impacts that may arise as a result of the proposals for those with protected characteristics and to identify appropriate mitigations. The full version of the completed EqIA is attached at Appendix 2. The Lead Member must read the full EqIA and take their findings into consideration when determining these proposals.
- 2.2 The public consultation regarding the proposal was launched on 20 April 2018 and closed on 31 May 2018. Despite there being 269 children using the clubs, just 100 people responded to the survey; over one quarter of the respondents were not from service users. Of the total respondents, 72 responses were from parents or carers of children accessing a combination of three types of provision in the last year:
- 44 attended after schools clubs
  - 42 attended Saturday clubs
  - 55 attended holiday clubs
- 2.3 We have drawn together the responses from both the public and staff consultations on the proposals and identified seventeen key questions and comments from the stakeholders. These are set out in Appendix 1 alongside our responses to each of them. All responses received during the consultation are available in the Members' Room.
- 2.4 The largest number of concerns (38 in total) from the public consultation related to the costs for schools to make the new provision. The LA has addressed this through the proposed transition funding which means that all schools should be able to make a level of provision that is broadly comparable to the LA offer. The costs for the LA to manage and provide the current provision amount to an average cost of £16 per child per hour, while the charge to parents is £3.50 per hour. If the full cost of the provision to the LA was transferred to the parents the clubs would be

prohibitively expensive. The proposals, therefore, provide greater certainty for parents in terms of future provision and cost.

- 2.5 The value of the transitional funding for each special school represents the difference between what parents are currently charged for a session, i.e. £3.50 per hour, and the staffing costs that would be incurred by the school for each session. The proposed transition funding is based upon the expectation that the schools continue to offer a service which provides for a similar number of children as supported within the current LA provision.
- 2.6 The consultation also highlighted concerns with the current organisation of the provision. For example, almost 30% of respondents said that the location of the provision was not suitable and nearly 20% of respondents said that the timings of the clubs made it difficult for their child to attend. We are confident that the special schools can offer all of the main benefits of the current provision and address existing challenges.
- 2.7 A staff consultation commenced on 23 May 2018 which set out the proposal to close the service run by the Local Authority on 31 August 2018 with Special Schools delivering their own provision from 1 September 2018.
- 2.8 The current staffing complement for the service is made up of 27 permanent LA staff which equates to 16.6 FTE. As the proposals for the school-based provision are significantly different to the current LA provision, TUPE will not apply for the existing staff group. Affected staff will be made redundant from 1 September 2018.
- 2.9 The LA has noted the concerns raised through the consultation by parents in relation to availability of short break provision across the county. The LA has a duty to provide a range of short breaks which it regularly reviews to ensure that there is good availability across the county for children with a range of needs. These services do not have to be directly delivered by the LA and we will be working to develop the market and seeking to commission additional provision over 2018/19 which will increase options for all parents including those in receipt of a Personal Budget.

### **3. Conclusion and reasons for recommendations**

- 3.1 The Lead Member is asked to agree the closure of the After School and Holiday Clubs as provided by the Local Authority and provide 18 months transitional funding to special schools to support the development of the new provision. This recommendation is made on the basis that the proposal represents good value for money for the Council, promotes sustainability, whilst continuing to provide a valuable service to parents and young people.

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### Questions, Comments and Answers Document

The responses from the public and staff covered a small number of specific issues. We have drawn out 17 key questions and comments in response to these points. In addition to this, many of the staff and members of the public have received individual responses to their comments.

	Comments & Questions	Response
1.	The public consultation was felt by some to be confusing.	The 100 responses received suggested a good level of understanding of the proposals and possible impact.
2.	The process was felt by some to be long.	The Local Authority (LA) must adhere to a standard guideline and in this case the staff consultation is 45 days and the public consultation was 30 days. We tried to run the processes concurrently in an effort to reduce the stress on those affected.
3.	Respondents would like to have seen the proposals from the schools.	The LA was provided with fully costed proposals and business plans by the schools. On this basis, the LA undertook providing one-off funding that will cover the costs for 18 months alongside the current contribution from parents.
4.	There was concern that schools would not be able to sustain the provision after the 18 months funding from the LA stops.	We are confident that the funds provided are sufficient to run the provision for eighteen months, alongside the current level of contribution from parents. During that time, the schools can apply for funding to replace the income from sources that the LA cannot access.
5.	Could the LA not encourage the schools to take on the ASCHPS staff directly?	The schools will be making a different provision to that of the LA and need to identify the skills and staff required to deliver that provision.
	The room and time for the staff	We regret not removing the tables in the meeting room as clearly

6.	consultation was not appropriate.	this impinged on the space available. However, it was felt that the meeting room provides a confidential private space in a building that staff are familiar with and have easy access to. We did relocate to the larger play room when that became available. We had considered using alternative venues however they would not have provided the confidentiality that our own establishment did.
7.	The consultation pack was not presented in a way that helped staff understand the process.	The presentation of the consultation pack followed usual LA procedures. There was time during the second meeting where questions were invited and individual discussions were held at the end of the meeting.
8.	There were errors in the original consultation document.	We acknowledge and apologise for the errors in the pack. One error was a misleading timeline that has been corrected and the other, a person was missed from the pack. We regret these errors and that these have caused some confusion and anxiety.
9.	There was concern that this proposal was designed to deliver savings.	Aspects of this proposal are linked to the financial challenges facing the Council. Nonetheless there is a strong commitment to maintain provision, improve quality and secure sustainability. This proposal seeks to do that.
10.	It was thought not to be a true consultation and that the outcome had already been decided.	Where there is significant change proposed to pay, grading or organisational structures or working arrangements, the County Council will seek to consult on these changes with the relevant staff and trade unions, regardless of whether any redundancies are likely to occur and the number of jobs affected.  In addition to the general duty to consult staff and recognised trade unions, there are legal requirements regarding consultation where restructuring may involve collective redundancies.
11.	It was felt the process was rushed and should be delayed so that schools have time to consider their options.	Discussions with the schools about this proposal began in October 2017. In the following months, the LA has provided support to each school to develop their proposal and business model. All tasks were completed and there were no outstanding actions that required more time.
12.	Can you confirm when a decision will be made about the ASCHPS?	The second stage of the consultation with staff concludes on the 6 <sup>th</sup> July. Proposals will be drawn up and submitted to lead member for a final decision on 16 <sup>th</sup> July. Communication with staff and service

		users will follow this meeting.
13.	Why is there an overlap with redeployment and when formal notice is issued?	In proposing to close the service on 31 <sup>st</sup> August 2018, it was felt that it would be best if the closure coincided with the start of the academic year. This has resulted in an overlap between redeployment and formal notice being issued and in cases where employees are entitled to 12 weeks statutory notice, PILON will be applied. Staff will have access to redeployment for 10 weeks and during this time the County Council will do its utmost to support affected staff, however it is not possible to extend the redeployment process beyond 31 <sup>st</sup> August 2018 or pay staff a retainer.
14.	How are parents going to be told about the closure?	We will inform parents once a final decision has been reached by lead member. We know that schools will be keen to be part of this process and to share their proposals for the next academic year.
15.	What will happen if the schools do not or are unable to provide any form of short break/respice?	In addition to this provision there are other voluntary groups and bodies that provide short breaks and respice. The LA will continue to develop the market for short breaks and respice provision.
16.	What will happen if the schools are unable to provide an After school club?	Schools have a duty to consider parents' "right to request" wraparound and holiday day care . East Sussex Special schools have comprehensive after schools provision and many offer before school provision.
17.	There are rumours that ESCC is considering creating a new crisis team within the Children's Disability Service.	There is no specific crisis team planned. As part of ongoing service review, we are acting to ensure that the LA meets its duties to those children and families in crisis to support the continued care of disabled children within their families and communities.

