

Conductive Education The Challenge Of Funding



Relevance

- Public confidence - 2015 was a turbulent year for the charity sector with revelations of fundraising malpractice and the collapse of Kids Company
- CAF UK Giving Report 2018 – only 51% agree charities are trustworthy
- Charities are very much in the spotlight and under more scrutiny than ever before.
- Charities (Protection and Social Investment) Act 2016 received Royal Assent regulating more closely fundraising activities
- New fundraising regulator
- Ongoing cuts to Education, health and social care budgets.



- 97% of smaller charities have a turnover below £1m
- In a 2016 Local Giving survey, almost three-quarters of charity respondents saw rising demands for their services in the past 12 months
- NCVO's data shows one-third of organisations in a particularly precarious position, operating with no reserves.
- Only 46% of respondents to the Local Giving survey were confident their organisation would survive the next five years.
- The overall amount of grant funding from government has more than halved over the last decade

Funding Challenges

- The road to Brexit
- Political showdowns and slowdowns
- Unpredictable economy
- Local Government at tipping point
- Reshaping of public services
- Beyond the internet
- Public trust
- Renewed vision for civil society

The Seven Steps

1. Planning ahead
2. Understanding sustainability
3. Matching income to activities
4. Exploring new income streams
5. Collaborating by choice
6. Digital capabilities
7. Sustaining staff



Statutory Funding

The Press Cuts and more Cuts



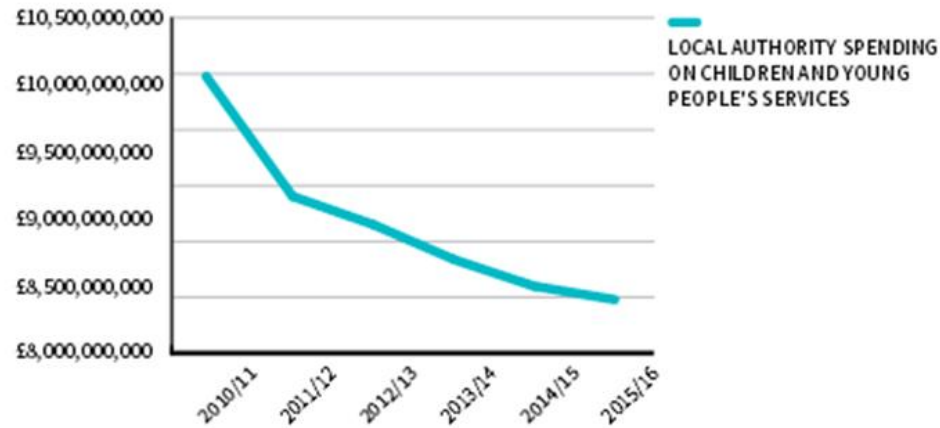
Statutory Funding



**Reduction in Local Government
Spending on Children and Young
Peoples Services**

Statutory Funding

CHART 3: National spending on children and young people's services between 2010/11 to 2015/16 in real terms



The ongoing reductions in funding, and in turn spending, are reaching a tipping point. A survey of local authorities found that nine in ten councils (89 per cent) cited financial pressures as a risk to the effective delivery of children's social care services over the next three years.¹⁴



“We are all different”

Funding Streams

- Gifts and donations
- Grants
- Fees
- Loan financing and equity capital
- Contracts
- Trading
- Local Authority funding
- CCG funding



Legal Framework

- **Children and Families Act 2014**
- **Children Act 1989**
- **Children Act 2004**
- **Chronically Sick and Disabled Persons Act 1970**
- **Health and Social Care Act 2012**
- **Care Act 2014**
- **National Health Service Act 2006**



Children Act 1989

Section 17

A general duty of *every local authority* to:

- Safeguard and promote the welfare of children within their area who are in need; **and**
- Promote the upbringing of such children by their families by providing a range and level of service appropriate to those children's needs.

Children Act 1989

Types of Services:

- Advice, guidance and counselling;
- **Care or supervised activities;**
- Home help Holiday (respite care);
- **Occupational, social, cultural and recreational activities;**
- Provision of family accommodation;
- Financial help; and
- Maintenance of the family home.

R (G) v Barnet London Borough Council [2004] 2 AC 208.

The House of Lords held in this case that the local authority were not under a mandatory duty pursuant to s17(1) CA 1989 to meet every individual child's needs regardless of resources.

Lord Hope said:

“85 ...A child in need within the meaning of s17(1) is eligible for the provision of those services, but he has no absolute right to them.”

And then:

“92...Section 17 refers to a range and level of services appropriate to the children's needs. It is broadly expressed, with a view to giving the greatest possible scope to the local social services authority as to what it chooses to do in the provision of these services”.

Chronically Sick and Disabled Persons Act 1970

Section 2

Services which a local authority can make available to disabled children, including:

- Practical assistance in the home;
- Short breaks;
- Wireless, television, library or similar recreational facilities;
- **Recreational facilities / Educational facilities;**
- Travel to access other services;
- Home aids and adaptations (DFG); and
- Holidays, meals and telephones.

Children and Families Act 2014

Replaces Part IV of the Education Act 1996



SEND REFORMS

- Education, health and care (EHC) plans replacing statements of special educational needs and learning difficulty assessments (LDA).
- EHC plans designed to look at the entirety of a child's needs and bring together education, health and care services to achieve agreed outcomes.
- EHC plans from birth to 25.



CASE LAW SPECIAL EDUCATIONAL PROVISION

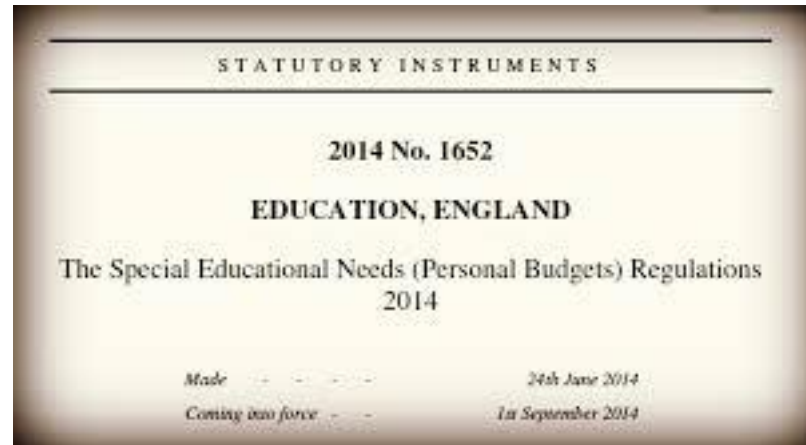
- Bromley LBC v Special Educational Needs Tribunal & Others [1999] ELR 260
- A v Hertfordshire CC [2006] EWHC 3428
- DC and DC v Hertfordshire CC [2016] UKUT 379 (ACC), [2017] ELR 27



Children and Families Act 2014

- Section A – Views, interests and aspirations
- Section B – Special Educational needs
- Section C – Health needs
- **Section D – Social Care needs**
- Section E – Outcomes
- **Section F – Special Educational provision**
- **Section G – Health provision reasonably required**
- **Section H1 – Social Care provision under S 2 of 1970 CSDPA**
- Section H 2 – Any other social care provision reasonably required
- Section I – Placement
- Section J – Personal budgets
- Section K – Advice and information

Personal Budgets / Direct Payments



NHS CONTINUING CARE

National Framework for Children and Young Peoples Continuing Care 2016

What is Continuing Care?

- A continuing care package will be required when:
- A child or young person has needs arising from disability, accident or illness;
- Which cannot be met by existing universal specialist services alone.

NHS Continuing Care

The process in brief:

Assessment



Decision Making



Development of a Care Package.

The preferences of the child or young person and their family

A holistic assessment of the needs of the child or young person and their family.

Assessment



Reports and risk assessments from a multidisciplinary team or evidence collected during the Education, Health and Care plan assessment.

The Decision Support Tool for Children and Young People.

Personal Health Budgets



WHY NOT CONDUCTIVE EDUCATION?

“People should be given a high degree of flexibility and choice to spend their budget on services that make sense to them, which may include those not traditionally provided by the NHS.”

SUMMARY



School Years

- Placement – LA Payment
- Section 17 Children Act 1989 assessment and services
- Section 2 CSDPA 1970
- Personal Health Budgets NHS Continuing Care
- Funding under EHC Plan
- Personal Budgets / Direct Payments EHC Plans

Early Years

- Nursery placement 15 hours
- Low income families 30 hours childcare allowance
- Section 17 Children Act 1989 assessment and services
- Section 2 CSDPA 1970
- Personal Budgets / Direct Payments EHC Plans
- EHC Plan
- Personal Health Budgets NHS Continuing Care





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