

Bath & North East Somerset Council

MEETING:	Children, Adults, Health and Wellbeing Policy Development & Scrutiny Panel		
MEETING DATE:	13th May 2024	EXECUTIVE FORWARD PLAN REFERENCE:	
TITLE:	SEND Collaboration for BaNES (Safety Valve)		
WARD:	All		

AN OPEN PUBLIC ITEM

List of attachments to this report:

None.

Please note that we can't provide the draft plans at this stage, as they remain in draft while we work closely with our partners and DfE advisers to finalise them. We have a deadline of the 24th May to submit these to the Department for Education (DfE).

1 THE ISSUE

- 1.1 The Dedicated Schools Grant (DSG) is a ring-fenced budget distributed across four blocks: schools, early years, high needs, and central school services. Since 2019/20, the Council has exceeded the allocated funding, resulting in a deficit primarily within the high needs block, which supports services for individuals with special educational needs and disabilities (SEND). To address this, the Department for Education (DfE) has introduced two programs: the Safety Valve (SV) and Delivering Better Value. These programs collaborate with local authorities to create recovery plans for financial sustainability. The SV program, specifically, provides financial support from the DfE.
- 1.2 In 2022/23, the Council successfully joined the SV program, with an agreed recovery plan and ministerial approval. B&NES secured £19.22m, receiving £7.68m in March 2023.
- 1.3 However, due to slippage, the agreement with the DfE is under review, and grant payments have been suspended pending a revised agreement. In the 2023-24 financial year, the total paid under the agreement was £0.55m. The Council now has until May 24th to submit updated plans to the DfE, working closely with three DfE-appointed SV advisers.

2 RECOMMENDATION

- 2.1 The Panel is briefed on the progress to date on the direction of our safety valve work.
- 2.2 The Panel is assured that the Local Authority and its partners is working to deliver a programme of work that improves services, delivers more school places for children with SEND and reduces financial pressures.
- 2.3 In consultation with parents/carers, and stakeholders we have renamed our programme the SEND Collaboration for BaNES, as this reflects the overarching aims of the work.
- 2.4 Note that the financial issues facing the Council are a national issue affecting all Local Authorities. The council's position is that SEND remains an area of Education policy in urgent need of reform, and that the current system is dramatically underfunded.

3 THE REPORT

The issues

- 3.1 The most recent Strategic Evidence Base in B&NES indicates that the area has a higher than national average percentage of pupils with SEND in all age groups except KS4.
- 3.2 B&NES has seen a considerable rise in the number of requests for EHCPs since 2015. While this is consistent with a rise nationally, the increase in EHCPs issued in B&NES has been more pronounced.
- 3.3 The increased demand for specialist placements and support in school has also meant that our local provision (there are three special schools and six resource bases in B&NES) is either full or oversubscribed, apart from one.
- 3.4 The combination of these factors has meant that a previously high performing SEND Service in B&NES has struggled to meet its statutory duties, additionally our ability to find local school places for children with SEND has meant that the LA has had to rely on expensive out of area placements to ensure children's needs are met.
- 3.5 The impact of the issues above is that the overspend in the High Needs Block is continuing and the LA has been asked to address this through the Safety Valve programme.

What are we proposing to do?

- 3.6 The plans we have made fall into three categories:

3.7 System of SEND support:

- (1) Providing significant investment in school facing support to provide better early intervention and preventative support so that all settings can deliver the inclusion agenda, and parents and carers are confident that their children will be supported well in an inclusive environment.

- (2) A SEND and AP advice service will be launched in September 2024. This will be a support and advice service for professionals working with children and young people from B&NES with SEND and those who may require alternative provision. The service has been developed in response to stakeholder feedback about the current system of support available to Education, Health and Care professionals working with children and young people with SEND and those requiring AP. Continued consultation with stakeholders will be vital to develop and shape the service in line with local need and priorities.
- (3) The aims of this project are:
 - a) Improve the confidence of parent carers in the system of SEND support in BaNES, and the lived experience of children and young people with SEND who need support.
 - b) Early identification.
 - c) Culture of inclusion.
 - d) Aspiration.
 - e) Reduced EHCPs.
 - f) Joined up working.
 - g) Focus on data.

3.8 SEND statutory system:

- (1) Making sure our SEND team is appropriately staffed and supported in order to provide the best possible support to children and young people with SEND and their families in B&NES.
- (2) The council is looking to support the project by funding additional staff, including Safety Valve officers and statutory SEND officers, to ensure the successful initiation and early implementation of our plans. Alongside this, a full business change review of the service has been completed to improve internal processes and external communication.
- (3) The aims of this project are:
 - a) Improve adherence to statutory timeframes.
 - b) Provide high quality professional advice.
 - c) Provide high quality plan writing.
 - d) Provide transparent decision making.
 - e) Ensure appropriate funding.
 - f) Support local first, maintained provision at all key stages.

3.9 Capital and sufficiency planning:

- (1) Making sure we have enough high-quality local placements, of the right specialism and level to meet need now and in the future, and ensuring that we continue to focus on sufficiency as the needs of children and young people with SEND in the area change.

(2) We are bold and ambitious for our capital plans, we have successfully bid for two Free Schools and attracted additional funding to deliver a small residential school. Alongside this we plan to develop an additional seven SEND resource bases to ensure our local area has a good offer for our children, young people and families.

(3) The aims of this project are:

- a) Sufficiency.
- b) Right local support.
- c) Future proofing.

3.10 Each of these business cases is in development at the moment while we work towards the DfE submission date of 24th May.

How do we think it will make a difference?

3.11 Taken together, and assuming our plans are successful and DfE commit to releasing the final tranches of funding, the mitigations are anticipated to deliver the following benefits by 2031-32:

- (1) Children with SEND and those accessing Alternative Provision receive high-quality early, appropriate support within B&NES.
- (2) Children and young people with SEND will be able to remain in B&NES wherever possible to study and live, and not need to attend a school outside of B&NES for their education.
- (3) Sufficiency of places in B&NES increased to a level that meet needs and prevents placements wherever possible in out of area special schools and the independent special school sector.
- (4) Movement from B&NES special schools to mainstream Resource Bases with subsequent movement from Independent Special schools to B&NES special schools.
- (5) Reduction in the numbers of CYP without a designated school place.
- (6) Improve the working lives of staff and colleagues working in the SEND system in B&NES.
- (7) Reduce over time the overspends in the High Needs Block.

How is our work being governed?

3.12 The SEND Collaboration for BaNES is being managed via an Executive Group, which reports in to the Executive Leadership Team of the Council, as well as the Local Area Inclusion Partnership (LAIP), Children's Transformation Steering Group and the ICB, School Standards Board and Schools Forum.

3.13 Working groups for each of the projects report in to the SEND Collaboration for BaNES Executive Group.

3.14 Regular reporting will need to be sent to DfE, to monitor and track our progress against targets. These are anticipated to be required every three months, pending approval from DfE that our resubmission is acceptable.

4 STATUTORY CONSIDERATIONS

4.1 The Local Authority has a broad set of statutory responsibilities to ensure that it can deliver education support and school places for all children with SEND in BaNES. These duties are specifically laid out in the 2014 SEND Code of Practice: The Code explains the duties of local authorities, health bodies, schools, and colleges to provide for those with special educational needs under part 3 of the Children and Families Act 2014.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The Dedicated Schools Grant (DSG) is provided to the Local Authority to support the educational services. The grant is split into 4 blocks and the High Needs Block provides the funding to support the pupils with additional needs. In 2024-25 the total DSG provided to the local authority was as set out in the following table.

DSG	Funding 2024-25
Schools Block	£13,716,954
Central School Services Block	£1,075,500
High Needs Block	£28,938,302
Early Years Block	£18,009,287
Total	£61,740,045

5.2 The total spending on services and support in the High Needs Block have exceeded the budget allocation by £9.3m in 2023-24 and the LA has failed to hit the targets of the safety valve agreement made with the DFE in February 2023. The DFE have therefore requested that we resubmit a revised plan to address the overspend.

5.3 As part of this resubmission the DFE have paused the safety valve payments to the LA in the 23-24 financial year payments of £1.1m were paused and further £0.55m in 24-25 has been delayed until a new plan is agreed with the DFE

5.4 Officers have been working with the DFE financial and SEN advisors to develop the plans with the intention of submitting them by the end of May 2024. Once the new plan is agreed the DFE will continue to make the payments agreed in the original plan.

5.5 The plans include investment in services to schools in delivering to support pupils with SEN and capital investment to create additional local school places for pupils with additional needs. The LA is also investing in the statutory assessment processes to ensure more timely and appropriate EHCPs are created to support the pupils with the additional needs.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 The plans are intended to improve early support, more timely assessments and increase access to specialist local education placements wherever possible, and as such should improve equality for all children with SEND.

7.2 An Equalities Impact Assessment has been completed and has identified intended positive impacts for children and young people- with SEND in the following areas:

- (1) **Age:** Improve the support to prepare young people with SEND for adulthood, to support them to remain within the local area.
- (2) **Race:** Children from ethnic minority groups in B&NES can have lower educational attainments. The development of the SEND and AP advice service will provide more support and challenge to schools around exclusions, and will work closely with our race equality task force to tackle areas of disproportionality in outcomes in schools in B&NES.
- (3) **Socio-economically disadvantaged:** Children on free school meals are more likely to have SEND, and the improvement of support to children with SEND through these plans should improve the life chances of these children in the long term.

7.3 There are not anticipated to be any adverse or negative impacts on the remaining protected characteristics, or on rural communities or the armed forces community.

8 CLIMATE CHANGE

8.1 The plans are likely to have a net positive impact on the climate, as they are intended to reduce the number of children and young people who have to travel outside of our local area for their education. This will reduce our home to school transport emissions, as well as the costs associated with transport.

8.2 The new Resource Bases will be designed and built to our current planning policy and guidance, which includes stringent energy efficiency requirements and sustainable construction.

9 OTHER OPTIONS CONSIDERED

9.1 None.

10 CONSULTATION

- 10.1 Throughout the development of the resubmission of our plans we have worked with the B&NES Parent Carer Forum, as well as statutory partners and colleagues.
- 10.2 The report has been submitted to the S151 officer and Monitoring Officer for review ahead of submission to Scrutiny.

Contact person	Chris Wilford
Background papers	None
Please contact the report author if you need to access this report in an alternative format	