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| Report to: | Cabinet | Date: 13 April 2022 |
| Subject: | The Dedicated Schools Grant Deficit Recovery and Special Educational Needs and/or Disability (SEND) Transformation – Programme Safety Valve | |
| Report of | Deputy Leader and Cabinet Member for Children, Young People and Skills | |

1. Summary

- 1.1. Cabinet has previously received reports setting out the significant deficit on the Council’s Dedicated Schools Grant (DSG) and proposed actions to try and reduce this.
- 1.2. This report updates on the revised plan and progress on Project Safety Valve, including how Bury is addressing the financial challenge of eliminating the cumulative DSG deficit by the end of the financial year 2024/25.
- 1.3. The Council has entered into a formal agreement with the DfE on Project Safety Valve which is focused on:
 - 1.3.1. improving SEND services and the experiences and outcomes for children, young people and their families with identified Special Educational Needs and Disabilities
 - 1.3.2. an agreement to eradicate the High Needs Block Deficit by 2024/25. This agreement includes £20m additional revenue funding to be provided in instalments to 2024/25 plus £3.8m additional capital funding provided in 2021/22.
- 1.4. There are five conditions against which progress and performance are measured in quarterly reports to the DfE:
 - 1.4.1. **Agreement Condition 1:**
Strengthen Special Education Needs assessment and placement process
 - 1.4.2. **Agreement Condition 2:**
Ensure robust planning for future provision, including reducing the use of independent school placements by increasing the availability and suitability of local provision within Bury. This should include developing a model for forecasting future needs by March 2022.
 - 1.4.3. **Agreement Condition 3:**
Improve quality and timeliness of management information to enable evaluation of the impact of central services.

1.4.4. Agreement Condition 4:

Support and drive schools in Bury to meet a higher level of need in a more cost effective way within mainstream settings, while maintaining the quality of provision. Develop a culture in which demand is more effectively managed throughout the authority

1.4.5. Agreement Condition 5:

Remodel financial practice to ensure accurate contributions from appropriate funding sources by Dec 2021.

2. Recommendation(s)

Cabinet is asked to:

- 2.1. Note the progress on the DSG recovery agreement between the Department for Education and the Council which forms the basis of the grant agreement that the Council has signed up to.
- 2.2. Support the decisions required by officers to deliver the recovery plan within the agreed timeframe.
- 2.3. Note the financial support provided by the DfE in assisting the Council to recover the DSG deficit and the expectation that this will lead to a balanced position by the end of 2024/25.
- 2.4. Note that the settlement reached with the DfE will bring significant additional government funding into Bury to remove a large proportion of the DSG overspend.
- 2.5. Note that the settlement gives the Council funding to improve services, including services for children and families with SEND; better services here in Bury will replace more expensive services out of borough.
- 2.6. Agree that no decisions for change affecting individual children and families will be made without them.

3. Reasons for recommendation(s)

Cabinet is asked to consider the recommendations in order to demonstrate their ongoing support to Project Safety Valve and SEND Transformation based on the key considerations as follows:

- 3.1. The five conditions of the formal agreement with the DfE outlined at 1.4 form the basis for Bury's delivery plans and associated workstreams as detailed below.
- 3.2. The Project Safety Valve Delivery programme is comprised of six interdependent workstreams. They are:
 - Workforce - recruitment to key roles and performance development
 - Practice and process - revising the processes of the Education Health and Care Plan (EHCP) team
 - Strategy and finance - consultation and changes to top-ups

- Future Provision - planning and implementation of capacity
 - Technology and data - development of systems and reporting capabilities
 - Graduated approach - development and launch of approach.
- 3.3. The governance of the PSV programme sits within the wider partnership arrangements for children and young people in Bury. We are also working closely with schools through the Schools' Forum and High Needs Funding sub-group, in addition to regular communication through existing programme meetings between Bury officers and headteachers. Informal and formal dialogue is being undertaken with relevant Trade Unions and staff representatives.
- 3.4. Progress against the Project Safety Valve Delivery Plan has been made. Recent examples include:
- Cleared the backlog of cases waiting over 20 weeks for the first time.
 - Met the 6-week timescale to enable panels to make informed decisions at pace.
 - Begun to implement person centred planning meetings; this will grow over the next quarter
 - Co-produced processes including recruitment and selection
 - Co-produced the Graduate Approach document
 - Developed sufficiency plan that identifies the need for additional and/or re-designated Resourced Provision and Special Places.
 - Work across partnerships to establish the Free School project, which is on track for pupil admission in September 2023. Capital Programme plans are in place.
 - Implemented LiquidLogic system, including a comprehensive data review and cleansing exercise.
 - Improved data reporting, including visualisation and analysis.
 - Improved governance arrangements to enable development of technology and data,
 - New banding scheme for mainstream top-ups agreed, to take effect from April 2022. This is a key savings target.
 - Agreement with special schools to abolish band D+. Projected savings are on track.
 - Reported the review of High Needs Block back to Head Teachers
 - Co-production with Primary Head Teachers to design operational plans to deliver alignment of Early Help locality teams and Inclusion Partnerships
 - After consultation, the Schools Forum has agreed to the maximum 0.5% transfer (£715k) from Schools to High Needs Funding block for 2022/23.

4. Alternative options considered and rejected

- 4.1. This report details the extensive progress made in respect to SEND Transformation and Dedicated Schools Grant deficit recovery where the recommendations included for consideration by Cabinet form part of the overall delivery requirements in accordance with the formal agreement between the Council and the DfE. There are no alternative options to be considered at this stage. Further recommendations will be brought to Cabinet in due course and in line with the continuing priorities of this programme.

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5. Background

5.1. **PROGRESS AGAINST THE TRANSFORMATION PLAN AND FINANCIAL DEFICIT RECOVERY PLAN**

This section of the report details the progress made against each of the agreement conditions

5.2. **Agreement Condition 1: Strengthen Special Education Needs assessment and placement process**

5.3. Clearing the backlog of cases

The team manager reported a backlog of seven cases on 21st February 2022. This performance improvement needs to be sustained through staff training and support to the decision-making process. The impact on overall performance is considerable: this should result in a reduction in complaints and Quality Assurance concerns, which will enable staff to focus on their current caseload. The impact of this can be seen in the reduction of plans in progress from 258 in January 2021 to 143 in January 2022.

5.4. Improvements to the Education Health and Care Plan service

The team has produced 107 plans within the initial six-week timeframe, 103 of which went to panel on time and with correct and accurate information; this has led to a significant improvement in the pace of the process. The implementation of LiquidLogic has made it easier to monitor and report on progress. Parents are given the required timescale to review and comment on the draft plans. The next priority is to work with parents and stakeholders to review the process and introduce a pilot focussing on the entire process from advice to draft and final plan.

5.5. Transition arrangements

The Education Health and Care Plan (EHCP) team has successfully implemented the review arrangements for children in transition from nursery to reception and from year 6 to year 7. This was completed on 15th February 2022. The reviews for young people transitioning from year 11 to post 16 will be completed by 15th March 2022. Caseworkers have been involving parents, families and educational stakeholders in the reviews.

5.6. Capacity

The new Education Health and Care Plan (EHCP) team structure has been implemented. Since December four new staff have joined. Another eight are expected to start by the end of April 2022. Effective support has been

provided by agency workers. The additional roles are focused on managing the planning process, including quality control and family engagement. The aim is to ensure that the experience of children and families is positive, and the number of complaints will be reduced as a result. However, parents continue to report concerns over caseworker changes and the lack of a key contact. Therefore, workforce stability and workforce development remain a key priority.

LiquidLogic makes it possible to track each case and the progress team members are making. This will help us to foresee delays and address them proactively.

The team will undertake extensive training and development to establish the professional approach that parents and stakeholders should expect. This will include introducing the professional qualification that supports the SEN service.

- 5.7. Children, young people and families: experience and engagement
Person centred planning meetings are taking place for all new assessments as part of the six-week timetable for gathering information. The emphasis is on co-producing the plan, which will reduce the number of complaints and tribunal cases.

Parents have been involved in the recruitment to posts in the Education Health and Care Plan (EHCP) team. This has included co-designing roles, shortlisting and interviewing candidates. Further work is planned to co-produce induction and onboarding so that the perspective of children and families is foremost in the training.

We have received positive anecdotal feedback from parents who are describing an improvement in their experience of engagement with the team; they report being given information more quickly and with higher levels of accuracy.

However, it is still an inconsistent experience and we are committed to co-producing a pilot to improve the EHCP Process which will include co-producing; advice proformas; revising the plan; revising the process; and involving parents in quality assurance. The aim is to ensure the EHCP process has co-production at its heart and that parents' experience improves and that the EHCP demonstrates person centred multi-agency planning.

- 5.8. Graduated Approach
The Graduated Response is on track to be launched in Autumn 2022.

Bury is making good progress to develop a Graduated Approach which sets out the provision schools would be expected to put in place for pupils at universal and SEN Support levels, and the provision schools, the Council and other agencies need to put in place for pupils with an EHCP. This tool helps schools understand when to request a statutory assessment and helps parents to have informed discussions with schools and settings about the support being provided for their child and expectations about a graduated response.

A lot of work has been carried out in the last six months to develop the Graduated Approach and is on track for launch in the autumn term of 2022. This has involved establishing a steering group and eight task and finish groups. These involve schools, SENCOs, colleges and parents with co-production activity at the core. The first two sections are being drafted now; Additional events with parents/ carers, children and young people will complement the work of the Task and Finish Groups.

There are bi-monthly Steering Group meetings to set the direction of the work stream. Work with web developers is underway to make the information accessible for the 0-25 age range, with versions for Early Years, School Age and Post-16. Also, the development of a special school specific supplement.

We are on track to align Early Help Locality Teams and Inclusion Partnerships. This will enable schools to access a wider range of support in a streamlined way across the whole set of SEND services, with the intended outcomes that fewer EHCPs will be required.

Examples of progress with the alignment of Early Help Locality Teams and Inclusion Partnerships include:

- Bury has completed an initial successful consultation with the Headteacher Reference Group to share proposals in November 2021. Further successful consultation with primary head teachers took place through the Inclusion Partnership meetings across the autumn term to launch proposals in principle.
- Co-production activity with primary head teachers (February/March 2022) to design operational plans (3 of 4 meetings completed). Final proposals will be circulated to primary head teachers by the end of March 2022 for trial in the summer term 2022.
- A review is planned for the end of the summer term and full operation is planned to take place from September 2022.

5.9. Priorities

Over the next quarter the priorities are:

- to develop and implement co-production of induction and onboarding arrangements to improve standards and build confidence in the services
- to complete the work on two new sections of the Graduated Approach programme
- to maintain performance standards regarding the backlog of cases
- to build competence in LiquidLogic and start to use the improved management information to make decisions
- to review the way panels are working so that they can be supported more effectively
- to further invest in the EHCP team, including professional skills through induction and ongoing workforce development
- to review and simplify the EHC planning process.

5.10. **Agreement Condition 2**

Ensure robust planning for future provision, including reducing the use of independent school placements by increasing the availability and suitability of local provision within Bury. This should include developing a model for forecasting future needs by March 2022.

5.11. Sufficiency model

The sufficiency modelling process has been completed and gaps in provision have been identified.

This identified the need to develop capacity of Resourced Provision for children and young people with identified Autism Spectrum Condition(ASC) as their primary area of need and those with identified Social Emotional Mental Health (SEMH) needs, and additional specialist provision for SEMH at Key Stage 3 and 4 (secondary aged pupils). The sufficiency plan developed identifies the need for additional and/or re-designated resourced provision and specialist provision

5.12. Resourced Provision development

The specification for Autism Spectrum Condition Resourced Provision and Social Emotional Mental Health Resourced Provision has been produced. The RP Specification was shared with an initial shortlist of six primary schools (previously identified in the capital funding submission).

Detailed delivery plans for the establishment of Resourced Provision will be developed on a school by school basis, with roll-out between September 2022 and March 2023. All schools will be informed of the Resourced Provision specification to enable identification of further host schools for Resourced Provision to meet any remaining gaps, including geographical distribution.

5.13. Free Special Schools

The project to develop a Free Special School (80 place secondary Autism Spectrum Condition) is making good progress, involving the Council, Shaw Trust and the DfE delivery team. The project is on schedule for pupil admission in September 2023. Discussions are pending between the Council and the Shaw Trust to identify the first cohort of pupils to the new school in September 2023.

In addition, a specification has been produced for a further Free Special School (60 places secondary Social Emotional Mental Health). A shortlist of sites has been identified, with further work necessary to confirm preferred location. The target date for opening this school is September 2025.

5.14. Capital programme

Capital programme plans have been developed to support the delivery of these schools and services, alongside the relocation of Spring Lane School, Bury's Pupil Referral Unit from its existing site by September 2023, and the delivery of a Free Secondary School for Radcliffe located on the Spring Lane site, to open September 2024.

5.15. **Agreement Condition 3:**

Improve quality and timeliness of management information to enable evaluation of impact of central services.

5.16. Case management

On 1st February 2022 all active case management record-keeping for the SEN service was migrated onto the LiquidLogic Early Help Module (EHM) system to provide a single source of case management and case reporting data. Previous spreadsheet case management systems have been archived and retired following data migration and assurance. All members of the Education Health and Care Plan EHCP team staff have been fully trained on LiquidLogic, with ongoing one to one support provided. A comprehensive data review and cleansing exercise was undertaken prior to systems migration to update the accuracy of core case data fields, including ethnicity, establishment type, gender, SEN primary and secondary needs and assigned caseworker.

LiquidLogic workflows and forms have been updated and improved to help ensure that core case data is captured consistently and can be monitored through exception reporting. This includes making some fields mandatory, as well as adding additional fields.

Automated dashboards, work trays and report views are now available to all staff on an individual basis to help visualise progress and prioritise effort. Senior team leads, managers and SEN data analysts now have automated live reporting across the team within LiquidLogic to manage the collective cases, identify issues and opportunities and monitor performance.

5.17. Data reporting

The new SEN Data analyst helped prepare the SEN2 and Alternative Provision census statutory returns for timely analysis, assurance and submission with senior leads. The work involved in data assurance also positively contributed to the systems migration meaning core case notes data is the most accurate and complete that it has been for several years.

The latest monthly data pack (and the final one to use data sourced from multiple spreadsheets) was successfully produced at the start of February. See Appendix C. The improved visualisation and analysis has helped provide valuable new insight to senior service leadership which has directly informed conversations and actions with staff, families and partners. All future data packs will be produced more efficiently using data sourced from LiquidLogic.

5.18. Leadership and governance

A new fortnightly "SEN Data Analysis and Action Forum" has been established. This brings together the new SEN data analyst and service leadership to review information about a) data quality and systems usage b) performance and c) forecasting. The forum began meeting in February 2022 and is proving a valuable dedicated space to discuss, decide and evaluate decisions that are informed by data.

A new SEN Data and Technology Systems Governance Group was established in November 2021 to bring together leads from SEN Services, the corporate performance team and Children's IT leads to ensure joined-up analysis and action regarding maintaining and improving core systems and data sets, such as LiquidLogic and statutory returns. This group meets monthly and helps coordinate the successful systems migration.

5.19. Next steps

The next priority steps regarding improving the quality and timeliness of management information are:

- Upgrading LiquidLogic Early Help Module (EHM) to include the newly updated SEN2 module to support the service to generate personal level SEN reporting in line with the 2022/23 requirements at any point during the year (aiming for completion by end of March 2022, with records being backdated to Jan 2022)
- Creating and piloting live digital performance dashboards to bring consolidated, real-time insight about key performance indicators to the service (aiming to pilot by April 2022)
- Developing trusted predictive analysis and forecasting reports for individual and team level performance in relation to service strategy. Using the foundation of LiquidLogic data and improvements to demand and financial forecasting modelling frameworks. (aiming to launch and refine by May 2022)

5.20. **Agreement Condition 4:**

Support and drive schools in Bury to meet a higher level of need in a more cost-effective way within mainstream settings, while maintaining the quality of provision. Develop a culture in which demand is more effectively managed throughout the authority.

5.21. Top ups and banding.

A new banding scheme for mainstream school top-ups has been agreed following consultation with all schools and a review by Schools Forum. Assimilation arrangements are in place for implementation from April 2022. All new mainstream school top-ups will be applied via the new banding scheme from April 2022 and existing top-ups will be allocated to the appropriate band. Projected savings of £0.6m are on track.

A review of Alternative Provision and Resourced Provision top-ups will start in March 2022. Implementation is planned for September 2022. Top-up values for new RPs will be on the new banding arrangements. Agreement has been reached with Special Schools to abolish Band D+ from April 2022. Interim moderation arrangements will also be in place for April 2022. Projected savings of £1.0m are on track. Special schools are completing revised banding allocations. These will be used for budget allocations for April 2022.

5.22. Alignment of Early Help Locality Teams and Inclusion Partnerships.

Bury completed an initial successful consultation with the Headteacher Reference Group to share proposals in November 2021. Further successful consultation with primary head teachers took place through the Inclusion Partnership meetings across the autumn term to launch proposals in principle.

Co-production activity with primary head teachers is underway (February/March 2022) to design operational plans (3 of 4 meetings completed). Final proposals will be circulated to primary head teachers by the end of March 2022 for trial in the summer term 2022.

A review is planned for the end of the summer term and full operation is planned to take place from September 2022.

The intended impact of this alignment will be in terms of schools being able to access a wider range of support across Education and Social Care more quickly with an outcome of fewer requests for EHCP Assessment being submitted by schools.

5.23. **Agreement Condition 5:
Remodel financial practice to ensure accurate contributions from appropriate funding sources by Dec 2021.**

5.24. High Needs Funding Block

The review of the High Needs Funding Block is complete and the outcomes were reported to the Schools Forum on 18th January 2022.

The Schools Forum has agreed to the maximum 0.5% transfer (£715k) from Schools to HNF block for 2022/23.

5.25. Inclusion Hubs and Partnerships

Primary and Secondary Inclusion Hubs and Partnerships funding has been reduced by £348k.

5.26. Non-statutory support services

Non-statutory support services will be reduced by £400k from Sept 22, saving £233k in 2022/23.

Other non-statutory services have been moved to the General Fund, saving £694k and moving forward will be reviewed.

5.27. Top-ups: A review of top-ups for AP and RPs is underway. The changes are due to be implemented from September 2022.

The volume top-up scheme, which supports schools with a higher proportion of children and young people with EHCPs than the national average, is under review. New proposals will be worked up with the Bury Schools Forum sub-group for implementation from Sept 2022.

6. CONCLUSION

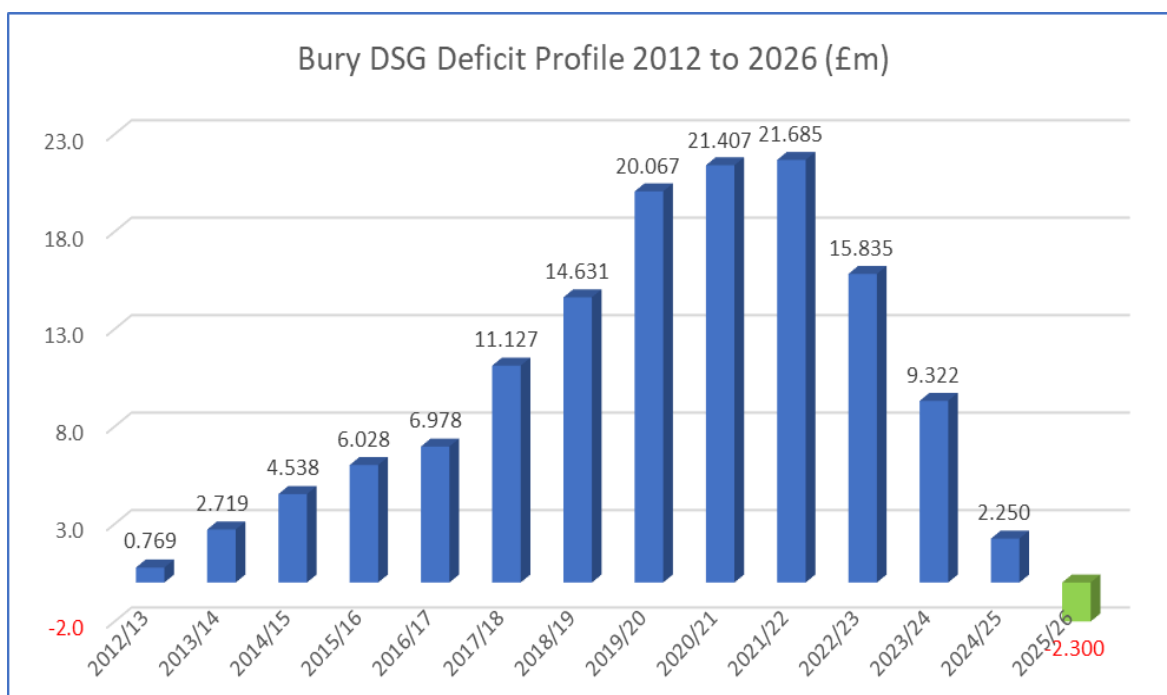
6.1. Improving Special Educational Needs and Disability Services remains a key priority for the Council and Project Safety Valve is a key vehicle to drive that change.

6.2. Although challenges remain in the Education Health and Care Planning process progress has been made with formal agreement with the DfE on Project Safety Valve which is focused on both improving SEND services and the experiences and outcomes for children, young people and their families with identified Special Educational Needs and Disabilities and an agreement to eradicate the High Needs Block Deficit by 2024/25.

- 6.3. Progress has been made around ensuring more robust planning for future provision, improved quality and timeliness of management information to enable evaluation of the impact of central services. Progress has also been made through the work on the Graduated Approach, the development of Resourced Provision to expand the continuum of provision and the re-evaluation of the Education Health and Care Plan funding arrangements to support schools in Bury to meet a higher level of need in a more cost effective way within mainstream settings. In addition progress has been made on the remodelling of financial practice to ensure accurate contributions from appropriate funding sources
- 6.4. Based on all actions taken to date, Bury's deficit recovery profile forecasts that 2022/23 will demonstrate an in-year positive position on Bury's High Needs Block which marks a critical milestone in assuring the DfE of Bury's priority to live within its means of annual High Needs Dedicated Schools Grant (DSG) allocations. The future years forecast subsequently demonstrate the continued reduction of the accumulated deficit in accordance with DfE requirements.
- 6.5. The continued assurance being provided in quarterly monitoring reports to the DfE has secured £6m additional revenue provided in 2020/21, with Bury receiving the full £4m of instalments in 2021/22. The future balance of the £20m remains subject to Bury demonstrating the delivery of all Programme Safety Valve priorities.

For information, the balance of the instalment profile shows the additional funding to be provided as £4m for 2022/23, £3m for 2023/24, and £3m for 2024/25.

- 6.6. With the priorities delivered to date, and future transformation and associated savings profiled through to 2024/25, and into 2025/26 to recognise the timeframe for Bury's second Special Free School development, the deficit that had accrued from 2012/13 is currently demonstrated to recover as follows:



- 6.7. The profile from 2021/22 onwards will continue to be tracked and updated on a quarterly basis to reflect, actual expenditure, demand pressures, mitigations,

High Needs Dedicated Schools Grant, and additional Programme Safety Valve funding allocations.

- 6.8. Positive feedback continues to be received from DfE lead officers on Programme Safety Valve. This feedback is a testament to Bury's delivery to date of the significant SEND transformation and deficit recovery priorities.
- 6.9. The key priorities for the next phase of Project Safety Valve remain improving the experience and effectiveness of the Education Health and Care Plan process and also ensuring that the challenging financial targets continue to be met, monitored and reported to DfE and Cabinet on a quarterly basis.

7. Links with the Corporate Priorities:

- 7.1. The SEND transformation priorities directly contribute to Bury's 2030 strategy and Let's Do It agenda through, for example:

Local developments supporting individuals, families and in-borough infrastructure to deliver the best educational outcomes for all children with, or without, SEND

Enterprising including enhancing the life chances, employment and commercial opportunities within Bury through investment into at least three new schools

Together working in collaboration across the Council, Schools, Parents, Health, Care, and other stakeholders to drive joined up transformation within the required timeframes

Strengths-based through partnership, inclusion, empowerment, multi-disciplinary team approaches, and by valuing the skills and resourcefulness of others.

8. Equality Impact and Considerations:

- 8.1. The Children and Families Act 2014 brought in new legislation and systems for supporting children and young people 0-25 years with special educational needs (SEN) and disabilities. The SEND Code of Practice provides statutory guidance which sets out how local authorities and other services are expected to work and support children and young people with SEN.
- 8.2. The DSG Recovery plan will support the local authority to continue to meet its statutory functions as set out in the SEND Code of Practice and to improve and develop new and existing systems and processes. This will impact positively on children and people with SEND and their families – it is an opportunity to improve co-production with parents and young people, decision making, transparency and equity of service delivery. Children and young people's needs will be identified at an earlier stage and support pathways will be improved.

- 8.3. The SEN service will be integrated more effectively with multi agency partners, ensuring that the holistic needs of children and young people with SEND are met. The school system will be enhanced to increase the range and type of local provision to better meet the diversity of needs and address inequalities in provision.

9. Environmental Impact and Considerations:

None

10. Assessment and Mitigation of Risk:

| Risk / opportunity | Mitigation |
|--|--|
| <p>Opportunity to improve services to the public</p> <p>Opportunity to improve the local offer to CYP with SEND</p> | <p>The Project has been made a priority corporately and across the partnership (Bury 2030, The Corporate Plan, The Children’s Strategic Partnership Priorities, Schools Forum)</p> |
| <p>Opportunity to improve the partnership responsiveness to meeting the needs of CYP earlier and more effectively</p> | <p>The Project is supported by refreshed governance via the newly established CYP Scrutiny Panel</p> |
| <p>Risk of lack of capacity to mobilise the recovery plan due to complex council governance, systems and processes</p> | <p>The Project is supported by external expertise and programme management provided by TPXimpact (Ameo - FutureGov)</p> |
| <p>Reputational risk of not meeting deadlines and expectations in respect of improvements and deficit recovery</p> | |

11. Legal Implications:

Members are asked to note the updates provided in this report, it is incumbent on the Council to have arrangements in place to ensure we meet our statutory duties as set out in the Children Act 2014 and the respective codes of practice. As part of our governance arrangements Members receive regular updating reports in line with our financial framework as set out in the Council constitution.

12. Financial Implications:

The Council is benefitting from being in the Governments’ Project Safety Valve Programme, without which it would take significantly longer to tackle and eradicate the historic dedicated schools grant deficit. This report updates on progress to date and close monitoring, tight budgetary control and continued deficit reduction must be maintained in order to secure future tranches of the funding.

Background papers:

Any background papers are available upon request from Steven Goodwin:
s.goodwin@bury.gov.uk

Please include a glossary of terms, abbreviations and acronyms used in this report.

| Term | Meaning |
|------|--|
| DSG | Dedicated Schools Grant |
| EHCP | Education Health and Care Plan |
| EHM | Early Help Module (LiquidLogic System) |