

CHILDREN'S SERVICES SCRUTINY COMMITTEE

MEETING, 5TH DECEMBER, 2022

Present – Councillors Donaghy (Chairman), Grant (Vice-Chairman), Abdullah, Connor, Finney, Murray, Mort, Priest, Radcliffe, Rimmer, Sherrington, Silvester (as deputy for Councillor McKeon), Taylor-Burke and Walsh (as deputy for Councillor Hill)

Co-opted Members

None in attendance

Also in attendance

- | | | |
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| Councillor Galloway | - | Executive Cabinet Member – Children's Services |
| Ms G. Whitehead | - | Assistant Director of Children's Services – Inclusive Education and Learning |
| Mrs. V. Ridge | - | Democratic Services Manager |

Apologies for absence were submitted on behalf of Councillors Hill, McGeown, McKeon and Sanders and from Reverend Canon Dr Bracegirdle (Co-opted Member)

Councillor Donaghy in the Chair

17. MINUTES OF THE PREVIOUS MEETING

Resolved - The minutes of the proceedings of the meeting of the Children's Services Scrutiny Committee held on 17th October, 2022 were submitted and signed as a correct record.

18. COMMITTEE WORK PROGRAMME 2022/23

The Borough Solicitor submitted the Committee Work Programme for 2022/23 which had been formulated following the informal meeting of this Committee held on 29th June, 2022 and which would guide the work of the Committee over the course of the Municipal Year.

Members expressed an interest in receiving an item on the identification of pre-school SEND and agreed that this would be added to the Work Programme.

Resolved – That the 2022/23 Committee Work Programme, as now submitted, be noted, and that an item on the identification of pre-school SEND be added for future consideration.

19. SEND GREEN PAPER – SAFETY VALVE PROGRAMME

Ms G. Whitehead gave a presentation on the Special Educational Needs and Disabilities (SEND) Green Paper and the Safety Valve Programme.

By way of background, members were advised that

- numbers of Educational Health and Care Plans (EHCPs) had been rising every year and had increased by 101% to 2,522 since 2010;
- numbers on SEN support had declined slightly each year between 2010 and 2013 but began to increase from 2014 onwards with a small dip between 2018 and 2019; and
- overall, the number of children and young people with SEND had increased by 160% to 8,590 since 2010;

This increased demand mirrored that of the national picture. In 2021/22 2,137 or 3.8% of Bolton pupils had an EHC Plan compared to 355,566 or 4% nationally. A further 6,464 (11.5) of Bolton pupils were receiving SEN Support compared to 1,129,843 or 12.6% nationally

It was noted that the increased demand was largely attributed to the 2014 SEND Reforms which extended provision from birth to 25 years and introduced ECH Plans.

The presentation went on to outline the main components of the SEND Green Paper:

- a system where every child and young person could access the right support in the right place at the right time
- commissioned by the Government in September, 2019 as a response to the widespread recognition that the system was failing to deliver improved outcomes, that parental confidence was in decline and that despite additional investment, the system has become financially unsustainable;
- fundamental principles that underpinned the 2014 reforms continued to be broadly supported - co production, joint working, 0 25 child centred approach;
- the review sought to understand what was creating these challenges and set out a plan to deliver improved outcomes, restore parent/carers confidence and secure financial sustainability;
- to be considered in response to the parallel consultation on the Independent Review of Children's Social Care;
- whole system response to address challenges and deliver better outcomes, improved experiences and financial sustainability;
- far more Children and Young People should be able to access the support needed in their local mainstream setting without the need for an EHCP/specialist provision;
- strong specialist sector for those with the most complex needs; and
- clear vision for an improved Alternative Provision system that offers upstream support as well as placements.

The thirteen-week consultation process had closed on 1st July, 2022 and a national SEND delivery plan was expected to be published setting out the Government's response to the consultation and how change would be implemented.

The presentation then went on to outline the new Draft Area Send Inspection Framework which would provide an independent, external evaluation of the effectiveness of the local area partnership's arrangements for children and young people with SEND aged between 0-25 years of age who had an SEN Support and Education Health and Care Plan. It would also include children and young people who lived in Bolton, including those who attended an education setting, or received services outside of the Authority's geographical boundaries. It would also include the commissioning and oversight of Alternative Provision for all Children, not only those with SEND.

There would be a three-week process led by an HM Inspector from Ofsted, Children's Services inspectors from the Care Quality Commission and Education and social care inspectors from Ofsted.

Members were informed of the purpose of the Safety Valve which was a DfE led programme to stabilise Local Authority High Needs budgets and manage historic deficits.

Bolton High Needs cumulative deficit was £18.2m (2021/22 outturn) and Bolton was in the third wave of the programme. The DfE would provide financial assistance subject to Bolton working towards a balanced budget. This would include details of:

- how the deficit would be controlled and an in year balance would be reached (as a minimum) on the DSG, and how quickly - this should also indicate any planned block transfer requests which would be handled through the safety valve programme where required.
- how the Authority would contribute to the reduction of the historic deficit through use of DSG surpluses, in addition to reaching an in-year balance
- how the Authority would ensure that the plan was deliverable and how it would be managed as it was implemented and how this plan would continue to ensure the appropriate support for children and young people with SEND.

- a clear explanation of the financial support needed from the DfE to eliminate the historic deficit over the period of the agreement. This could include, if necessary, a request for some funding to help implement the proposal, as well as funding to eliminate the deficit directly, although the DfE would not expect this to constitute a significant element of the total financial support requested.

The presentation outlined Bolton's approach which would involve quantifying demand, design solutions, model solutions – cost and impact and develop plans and governance for delivery. Full details of the proposed process and timescales were outlined and it was anticipated that notification would be received in December, 2022 with any plans made in 2022/23 being published by the DfE in March 2023.

The presentation also provided of the proposed Governance arrangements which would involve the establishment of a Safety Valve Programme Board comprising representative of the Schools Forum and SEND Executive and Programme Manager and to be chaired by the Chief Executive of Bolton Council. Full details of the proposed governance structure were provided.

Quarterly monitoring reports would be required to ensure the Authority was on track to meet the deficit control or reduction targets. If there was any doubt that the proposals set out in the agreement were not being delivered, the DfE could withhold payment or reduce future instalments that had been agreed.

Following the presentation, members made the undermentioned comments/observations:

- where the greater need had arisen – Ms Whitehead advised that a change in legislation some years ago now required the Authority to continue to look after young adults from 16 until they were 25;
- concerns at the deficit – Ms Whitehead stated that the monies from the DfE would provide the opportunity to

- clear the historic deficit and put measures in place to identify needs earlier and address them; and
- the submission of quarterly monitoring reports was welcomed.

Resolved – That Ms Whitehead be thanked for her informative presentation.

20. MEMBERS BUSINESS

The Committee received the minutes of other meetings of the Council relevant to the remit of this Committee:-

- the Executive Cabinet Member for Children's Services held on 14th November, 2022

Resolved – That the minutes of the various meetings be noted.

(The meeting started at 6.00pm and finished at 6.30pm)