

Full Council

Supplementary Information



Altered Motion 2 – SEND

To be moved by Cllr Kent





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Altered motion to be moved by: Cllr Tim Kent, Liberal Democrat, Hengrove and Whitchurch Park ward (**additional text to the original motion is shown in track changes & bold print**)

“Council notes ~~that~~ the ~~Mayor decided to propose~~ cuts of £5m to the Special Educational Needs and Disabilities High Needs Block budget in January (referenced as a Deficit Recovery Programme) and regret that this extraordinary reduction in funding for children that need additional support was not fully included in the budget papers for February Full Council.

Council notes that many local authorities have raised concerns with the current Government about the inadequacy of the High Needs funding in the light of the increasing costs of SEND statutory requirements and increasing demand.

Council notes that the High Needs budget in Bristol has had a cumulative deficit for many years which has not been adequately addressed by previous administrations, and forecasted to reach £7.2m at the end of 2019/20 if no action was taken. Council also notes that the Schools Forum for 2018/19 agreed that additional funding could be moved from other parts of the DSG to support the High Needs budget as part of the solution to address this.

Council notes that a judicial review brought by some parents of SEND children and those children themselves was heard on 24th July in the High Court. His Honour Judge Cotter gave his judgement on 3rd August. In this judgement he found that Bristol City Council had acted unlawfully in setting its budget and found against the Council on each and every ground brought by the parents and children.

Council notes that the judges found that the council had breached the Children’s and Families Act 2014. That no consultation was undertaken, that no Equality Impact Assessment was carried out and that no regard at all was given to children when making this decision.

Council notes with grave concern that at the July Full Council meeting, where a motion on SEND was not allowed on the order paper, answers to questions revealed the council has failed to carry out its statutory responsibilities. Questions to the Mayor revealed that of 136 appeals regarding Education Health Care Plan (as per the Children and Families Act) only 9 were upheld in the councils favour by the 1st tier tribunal.

Council notes that in those answers the Mayor admitted that until August 2017 Bristol City Council was failing to use the legal test as specified in the Children’s and Families Act 2014. Council notes that between 2016-17 464 children had been refused assessment and at a 49% refusal rate the authority has one of the highest refusal rates to assess in the country. Only 1 in 10 of parents appealed the decision during a period when the council admits it was not using a lawful test.

Council notes with grave concern that the SEND department struggles to meet demands for assessment at the moment and often finds itself legally challenged following incorrect and unlawful decisions around the education of very vulnerable children and young people.

Council notes that a SEND inspection by OFSTED and CQC is due in Bristol soon and of the 61 inspections 27 have failed and have been directed to write written statements of action.

Council notes that the Director for Education, Learning and Skills Improvement has stated that the outcomes for children with SEND in Bristol is poor **but is putting in place a clear action plan for improvement which councillors will receive regular updates about.**

Council believes that every child is entitled to an inclusive education where their needs will be met and they will have full access to the curriculum.

Council believes that currently Bristol is failing in its legal duty towards SEND children and recognises with grave concern that outcomes for children with SEND in Bristol are poor.

Council believes that SEND is underfunded by central government and asks all political groups on the council to lobby their Westminster parties to increase pressure for more funding in this area.

Council is concerned that the capacity of the SEND team is already unable to meet demand within legal deadlines.

Council welcomes the judgement of the High Court in quashing the excessive and unlawful cut to the High Needs Block **and will take this opportunity to reflect on a partnership approach with schools and parents/carers to agree a way forward.**

Council welcomes the establishment of a Task and Finish Scrutiny Working Group to look at SEND within the city and ask they work with the Cabinet member to draw up an action plan to improve outcomes.

Council endorses the action of Cabinet Member Anna Keen in signing the recent letter to Government along with 38 other councils calling for more funding for SEND.

Council endorses the British Dyslexia Association definition of Dyslexia and pledges to engage with Dyslexia Awareness week (1st-7th October) and go green.

Council calls on the Cabinet to report to next Full Council with an action plan to restore funding to the High Needs Block with a new plan for deficit recovery that does not involve reductions to the High Needs Block. Council also calls on the Cabinet to develop an action plan that will greatly improve the outcomes for children with SEND in this city and recommend this be done over the year along with the Scrutiny Task and Finish Group and report back by January to Full Council.”