

Report of: **Bristol Schools Forum**

Title: **Indicative DSG Mitigations Plan**

Date of meeting:	Tuesday 27 th September 2022
Time of meeting:	5pm
Venue:	City Hall
Officer Presenting Report:	Richard Hanks

1. Purpose of report

The purpose of the report is to present an indicative DSG Mitigation Plan to Bristol Schools Forum for information, discussion and approval for these proposals to go out for engagement and consultation.

2. Recommendation

The recommendation is that Schools Forum

- note the content of this paper and support the council's proposal to go out for a six week engagement process to help understand and shape the final agreed mitigations.

3. Background and Context

Any local authority that has an overall deficit on its DSG account at the end of the 2021 to 2022 financial year, or whose DSG surplus has substantially reduced during the year, must co-operate with the Department for Education in handling that situation through the DSG management plan.

The plan is intended to help LAs to develop evidence-based and strategic plans covering the provision available for children and young people with special educational needs and disabilities. Completion of the Plan will enable us to comply with the DfE requirement in Paragraph 5.2 of the Condition of the DSG Grant.

The indicative mitigations outlined are the next phase in the development of the DSG management plan. Before progressing with many of the mitigations, further engagement and consultation is required to inform the next iteration of the plan.

The development of this work has been informed by the DfE's research report: [High needs budgets: effective management in local authorities](#). This research focuses on 10 local authorities that are seen to be managing their high needs budgets more effectively, with the intention of identifying positive practice that can be transferred to other areas. The recommendations detailed in the report are grouped under these key headings:

- Capacity
- Partnership Culture
- Developing Local Provision
- Funding Approaches

The mitigations set out below align with the report recommendations and the engagement

process will seek to work through the areas with key partners.

Theme A: Expanding Specialist Provision

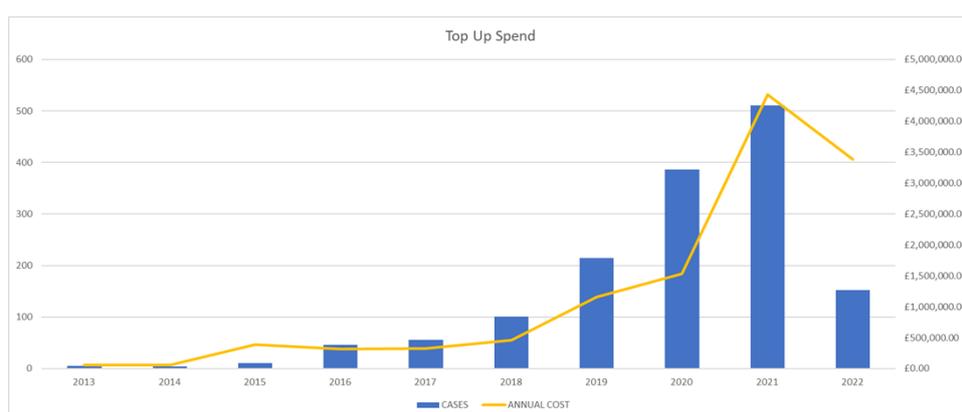
This is an existing programme of work. Increasing the number of specialist places in the city was a priority within the Written Statement of Action (WSOA) resulting from the previous Local Area Inspection. The places are being created to ensure there are sufficient places locally to meet the needs of children and young people with SEND and ensure they are educated as close to their home and community as possible. Work has progressed and is on track to deliver 450 additional places by 2024.

The specialist places programme was set up primarily to ensure sufficiency locally and create greater local options for families. In addition, increased local specialist places will also help make more effective and efficient use of funding by reducing reliance on the independent non-maintained sector and out of authority placements.

Theme B: Non-Statutory Top and Early Intervention

This is a new proposed programme of work. Bristol is one of small handful of local authorities continuing to offer non-statutory top up funding. The funding supports the school-based stages of the SEND Code of Practice and is to fund short term early intervention for one to three years. The funding is for those CYP who are accessing ordinarily available provision (OAP) but may need short term additional intervention as specific gaps in their progress have been identified through the assess, plan, do review process.

Over the last few years, top-up funding has moved away from this targeted, clear approach and the number of applications has significantly increased (see graph below). A review of the top-up process will help us to understand how funding is utilised and the impact on outcomes for CYP. With the introduction of OAP guidance and training, inclusive practice should be more effective at utilising Element 1 and 2 funding to support need.



Theme C: Inclusion Practice in Schools and Settings

This is an existing programme of work. The development of a training and development offer to all education settings was also a focus within the WSOA, including the development of what is ordinarily available within schools. There is now a training and development programme in place for the sector to improve the quality of inclusive practice in schools and settings. Funding for the Belonging in SEND programme has just

begun, following approval of funding from Schools Forum, to develop evidenced-based interventions in schools and settings to reduce suspensions and exclusions of pupils with SEND.

There is an assumption that improvements in inclusive practice and more effective use of Element 1 and Element 2 funding will ensure appropriate early intervention, reduce escalation of need and have a positive impact on outcomes for children and young people.

Theme D: Commissioning Frameworks

This is an existing programme of work. The Therapies Framework was published in July 2022. The aim of the new framework is to ensure therapies, mainly associated with Education, Health & Care Plans, are appropriate and reach quality assurance standards. Implementation of a Preferred Provider List model is estimated to deliver efficiencies compared to the previous procurement approach. A similar approach is also in progress for the commissioning of Alternative Learning Provision.

Theme E: Specialist Place Funding

This is a new proposed programme of work. The aim is to review the statutory funding system to ensure it is in line with other local authorities and implement a standardised banding and process which ensures statutory funding aligns with need. A clear and consistent approach will ensure the most efficient and effective use of funding.

Theme F: Post-16 Funding

This is a new proposed programme of work. Post-16 funding for SEND requires greater clarity and review, to ensure it is fully in line with the ESFA guidelines. There is a need to ensure the process is clear, transparent and equitable. As well as benchmarking against other local authorities, the Local Authority and post 16 settings need to understand and operate in line with statutory requirements.

Theme G: Alternative Learning Provision (ALP)

This is a new programme of work. The previous ALP review identified key recommendations, which continue to be addressed. The next stage of the process is to review ALP based on the proposals in the recent government Green Paper, reviewing the impact of the current model and the benefits of moving to a new model with a greater focus on outreach and early intervention that builds inclusive capacity in schools.

A model that ensures more CYP remain engaged in education within their own school or setting, limits the number of move between settings and builds capacity in schools to meet need has very clear benefits for CYP and families. The associated use of funding will also be more cost effective as it will both support CYP within their own settings but also build long term capacity in the system.

4. Other Options Considered

Further options may be identified through the engagement process and as an outcome of the Delivering Better Value in SEND Programme.

5. Legal and Resource Implications

Legal

The engagement and consultation processes will be supported and guided by advice from Bristol City Council Legal and Consultation Teams.

Financial

Please see the below table which is the total value of indicative mitigations proposals which are aligned with themes that are subject to consultation and changes, many of these themes are still at the infancy stage.

The current DSG deficit is forecasted at £44.5 million by the end of 22/23. The funding gap unmitigated is forecasted at £128.3 million by 27/28. The estimated value of cost avoidance / mitigation measures and further work to sustainability is £48.4 million by 27/28.

High Level Summary					
Mitigation Briefing	Note : Figures are indicatives annual expenditure reduction could be subject to change following consultation and further due diligence				
	A	B	C	D	E
	23/24	24/25	25/26	26/27	27/28
THEMES					
A. Reduce the reliance and placements in independent non maintained schools.	£1,403,000	£4,437,342	£6,193,300	£6,193,300	£6,193,300
B. Review the effectiveness of notional SEND Budget.	£1,693,002	£2,031,603	£2,370,203	£2,708,804	£2,708,804
C. Support and drive mainstream schools to meet a higher level of need.	£232,178	£612,802	£615,330	£615,330	£615,330
D. Therapies Framework.	£300,000	£300,000	£300,000	£300,000	£300,000
E. Review the methodology of top up and funding uplifts.	£0	£2,113,947	£2,852,598	£3,591,249	£3,591,249
F. Review post - 16 offer to ensure full alignment to DFE/ESFA guidance	£0	£1,495,558	£1,794,669	£2,093,781	£2,093,781
G. Review and reform of the Alternative Learning Provision.	£215,000	£215,000	£215,000	£215,000	£215,000
TOTAL MITIGATIONS	£3,843,181	£11,206,252	£14,341,100	£15,717,463	£15,717,463
Less Programme Optimim Bias (20%)	-768,636	-2,241,250	-2,868,220	-3,143,493	-3,143,493
RISK ADJUSTED DRAFT MITIGATIONS	3,074,545	8,965,001	11,472,880	12,573,970	12,573,970
PLEASE SEE APPENDIX A FOR MORE DETAILS					

6. Consultation

Consultation principles for new proposals

The proposed indicative mitigations engagement process will take place for six weeks between October 2022 and November 2022 and will seek views from:

Internal:

- Elected members
- Education and Skills, Children's Services, Adult Services
- Finance

- Legal

External:

- Parents and carers via The Community of Groups
- Leaders/ staff in schools and settings
- Leaders/ staff in specialist settings

The responses to the engagement will help to inform Council's decision on which mitigations to take forward.

7. Risk Assessment

The financial risk is that without any mitigations plan, the DSG deficit may continue to grow to a level that risks the council's financial stability.

8. Public Sector Equality Duties

The key groups affected by the proposals are children and young people with special educational needs and disability (SEND) aged 0-25 in Bristol. The Council is committed to inclusive education for all children and young people with SEND in our mainstream schools, enhanced resource schools and special schools.

The DSG Deficit Management Plan has been developed in order to improve outcomes for children and young people and achieve financial sustainability. The proposals support the needs of children and young people with SEND to be met earlier through evidence-based interventions and aim to reduce our reliance on high-cost placements in the non-maintained and independent sector, by ensuring that children with SEND receive a good education at a school close to their home.

These proposals are subject to EQIAs. Those that are already in progress have full EQIAs that are updated regularly. Those that are proposed have draft EQIAs in progress that will be shaped as the work progresses. All EQIAs will be available as part of the engagement and consultation process and will evolve based on feedback from stakeholders.

9. Appendices:

See Appendix A for more details on the indicative mitigation proposals.