

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 06 February 2024

TITLE	Review into the effective and sustainable use of statutory and non-statutory high needs block ('Element 3') funding [Delivering Better Value in SEND, Workstream 2]		
Ward(s)	All Wards		
Author: Reena Bhogal-Welsh	Job title: Director of Education and Skills		
Cabinet lead: Councillor Asher Craig, Cabinet Member for Children's Services, Education and Equalities	Executive Director lead: Stephen Peacock, Chief Executive Officer		
Proposal origin: Other			
Decision maker: Cabinet Member Decision forum: Cabinet			
Purpose of Report: The report presents the key findings and recommendations from the external review into top-up funding for children and young people with special educational needs and disabilities (SEND).			
Evidence Base:			
Introduction:			
<ol style="list-style-type: none"> 1. Bristol City Council recognise that although there are pressures within the local systems of High Needs, children and young people with Special Educational Needs and Disability (SEND) deserve to have better experiences to enrich their lives. As a local authority, our aim is to reform SEND services by listening to partners, leaders and families and rapidly implementing an effective plan, whilst creating a sustainable financial future for children, young people (CYP) and families. 2. We know to achieve a sustainable future it will take good partnership and leadership that is both ambitious and bold in its plans to reform SEND services in Bristol. Through genuine collaboration across Education, Health, Care and Finance we will be able to identify innovative and appropriate strategies and service led solutions maximising delivery with the dedicated schools grant (DSG). To tackle this challenge, it is important to understand that a multi-faceted approach is needed, SEND systems need to be consistent, high quality, integrated, co-produced, shared and financially sustainable. The approach we are taking in Bristol is outcomes focused, evidence based and rooted in co-production. 3. We want to ensure our local offer meets the needs of all our children and young people with SEND, in the right provision, at the right time. This means working collaboratively across all phases from Early Years through to Post – 16 and then into adulthood. Support needs to be available to ensure early systematic identification of need, effective use of resources for children and young people in mainstream settings and equitable experiences for families. We value the voices of families, partners and most importantly CYP. 4. By galvanising the leadership through a city wide SEND Inclusion Strategy, Bristol City Council will be able to ensure there is full, unwavering support and commitment to address the high needs deficit. Our vision of genuine reform and improvement to services will enable us to successfully collaborate, innovate and change the future of SEND for the benefit of all CYP. 			

Delivering Better Value in SEND

5. In early 2023 Bristol City Council was awarded £1m of funding from the DfE's Delivering Better Value (DBV) in SEND programme. To support Workstream 2 of this programme, Bristol City Council commissioned an independent delivery partner to review our use of High Needs Block top-up funding, specifically the element known in Bristol as non-statutory funding. The goal was to design changes to top-up funding that can both improve outcomes for children and young people and help the system find long-term sustainability.
6. This review has arrived at several recommendations. This includes the tightening up of current processes that are cumbersome, resource intensive and over which the council lacks transparency and scrutiny. However, there is also a significant opportunity to re-think how high needs funding is used overall, shifting away from a focus primarily on discharging statutory duties. Instead thinking strategically about how it can be invested at points that can re-focus the whole system towards providing early identification, intervention and inclusion. This is characteristic of the most resilient local authorities' which focus on parents and children not accessing services and target early support to children and young people with primary need types identified through data analysis.
7. Over the next five years Bristol City Council will continue to invest significant levels of funding above the current financial envelope to support children and young people with SEND in Bristol. The mitigations outlined in our High Needs Block (HNB) Recovery Plan, shared with Cabinet in October 2023 is both aspirational and far reaching. It demonstrates our understanding of the challenges we face and what we need to do to meet the needs our most vulnerable children and young people. It outlines our commitment to continued investment in specialist places, early identification, early intervention, and support for mainstream schools. The recommendations outlined in this paper are clearly aligned to this approach ensuring the needs of children and young people are at the centre of our decision making.
8. The findings of our delivery partner's review of our current processes, national best practice, and the subsequent city-wide public consultation, details of which can be found in Appendices A1 & B1, have informed our recommendations. It is our intention to repurpose a proportion of current non-statutory top-up funding and i) create a Targeted Support Fund, and ii) commission two school outreach services. The goal of these changes is to build SEND capability within mainstream schools and improve the quality and consistency of their ordinarily available provision (OAP). This will in turn both improve outcomes of SEN Support pupils and enable greater inclusion of pupils with EHC plans.
9. If these recommendations are approved, the implementation phase must be developed alongside schools, Post-16 providers and families. This approach will strengthen our efforts to improve relationships with schools and provide greater shared leadership around effective SEND practice. With these measures in place, we are confident that schools will see the benefits to their pupils from using high needs funds more effectively and that the changes can help build a more inclusive school system, which is ultimately what will lead to better outcomes and long-term sustainability.

Main recommendations – a Targeted Support Fund alongside new commissioned outreach services

10. The first recommendation is that the Council bring the current non-statutory top-up funding arrangements to an end and create instead a new Targeted Support Fund. A transition period will ensure children and young people currently in receipt of this funding continue to receive this support in line with their current agreement and for a period of up to three years. Following a key decision on the recommendations outlined

in this paper the Council will begin co-developing the new model with schools, post-16 providers and families to ensure it meets the needs of and improves outcomes for children and young people.

11. The Targeted Support Fund would come into full effect for new applicants from the start of the next academic year (2024/25). Until the new Fund is ready to launch in September 2024 the non-statutory top up process will continue as normal for panels in February and June, although funding commitments will be restricted to a maximum of one academic year and the panel process will be streamlined.
12. The purpose of this fund is to provide schools with flexible, time-bound funding for a more specific group of pupils than now: those with emerging needs that are beyond what mainstream schools would ordinarily be expected to support, but who, with effective and timely early intervention, can continue to be educated in a mainstream setting without needing to proceed to statutory assessment. Funding would be for specific interventions rather than aligned to a needs banding. The Fund will have a much clearer purpose within the spectrum of available SEND support in Bristol and tighter eligibility criteria. A proposed implementation plan is outlined in Appendix A1 – this report will be used to inform the co-production of this offer with schools, Post-16 providers and families
13. We expect this approach will support pupils to either i) achieve better outcomes through more timely early intervention via the Targeted Support Fund, or ii) be supported by schools' OAP without any additional funding. The outcome of this approach will be continuously reviewed to ensure support is both effective and delivering value.
14. Following a review into national best practice it was found that the most resilient local authorities typically provide additional high needs funding into mainstream schools to help them maintain effective OAP and inclusive practice, which is recognised as good practice by the Department for Education.
15. Our second recommendation is aligned to this model of best practice, whereby we create a newly commissioned outreach service. This would support and challenge mainstream schools to improve the quality and consistency of their OAP and approach to inclusion. The outreach model would use the school improvement model, emphasising the training and capability building of school staff (and families where appropriate), though with some resource for working directly with pupils. It is proposed that the initial focus of this service would be in two areas where needs and expenditure have been rising most rapidly in recent years: emerging Speech, Language and Communication Needs (SLCN) in younger children (early primary), and Social, Emotional and Mental Health (SEMH) in later primary and early secondary. The council could commission either a single combined service to meet these two needs, or two separate services.
16. The full report (Appendix A1) includes initial recommendations from our delivery partner for the more granular design of the outreach services (e.g. staff roles, providers, linkages with current services, commissioning and contracting approach), though these would need to be developed further in a full co-design process over the coming months. Only one additional BCC FTE would be required, to provide a combination of administrative support over the process (e.g. convening panels), and continually communicating the fund purpose and eligibility etc. to school SENCOs. Outreach services would not incur an additional business as usual cost.

Implementation plan

17. The final report deck (Appendix A1) provides further information on the timelines and further considerations for implementation of these recommendations. Whilst some immediate, modest changes will be made for the last two top-up panels this academic year (Feb 24 & June 24), the full implementation of the new process

will be from the 2024/25 academic year – subject to the successful design and implementation of the Targeted Support Fund and Outreach Service. To summarise the implementation plan in brief:

What	By When
Communicate consultation output and Cabinet decision. Move to 1-year maximum (non-statutory) funding allocation for remaining top-up panels in current format.	February 2024 Top-Up Panel (Current Format)
Co-designed new application/allocation process and funding criteria for targeted support fund.	End April 2024
Co-designed new Bristol Universal Descriptors (BUDs) to support statutory top-up standardisation.	End May 2024
Pilot needs matrix and portal with partners; decisions on EHC needs assessment and funding made at single panel.	June 2024 Top-Up Panel (Current Format)
Go Live with new process for targeted support fund.	September 2024 (& Nov 24 Panel)
Changes implemented from one year of ongoing refinement and review of the new process. Transition to Business as Usual.	September 2025

Costs and benefits

18. As of October 2023, there were 1,066 non-statutory top-up plans in place with an annual projected expenditure of £5.3m. To minimise the impact of the proposed changes for these children and young people we will continue to meet their needs up to the end of their current plan period which is estimated to cost around £9.0m. At the end of this funding term these children and young people will be supported either through transition onto an EHCP, or via the Targeted Support Fund or through their school's OAP.
19. For the Targeted Support Fund, we propose an annual budget of £1m, which will rise year on year in line with inflation which is estimated to be circa. 3%. In the short-term we recognise that these changes will lead to an increase in Education, Health and Care (EHC) assessment requests, but in the long-term this transformation will aid the strengthening of inclusion in mainstream schools and support children earlier. To mitigate the short-term impact BCC is currently implementing the finding of a review into our current EHCP process to improve the timeliness and quality of plans. In addition to this we are currently redesigning the current operating model for the service to align it with our wider plans for reforms and the implementation of these recommendations.
20. For outreach services, we propose a combined annual budget of c. £1m for both services. This would sustain c. 7 staff members in each service plus a management resource to oversee both. The more universal model for the outreach services (school capability building) means their impact are harder to predict. However, if the services can help schools to continue supporting c. 125 pupils at SEN Support rather than applying for an EHC plan or help schools to continue educating c. 67 pupils with EHC plan in mainstream settings rather than moving to a special school, they will justify the additional investment in this service.

Additional findings and recommendations

21. Non-statutory funding, Post-16: we recommend that the Targeted Support Fund (TSF) covers Post-16 students as well as school-age pupils, with a single set of SENCO guidance and application/panel process, and the same council staff administering and overseeing the process. We would naturally expect a smaller number of applications from Post-16 providers due to the TSF's focus on emerging needs, though we suggest that the SEMH/speech and language outreach service is made available to Post-16 providers to help improve the quality of support for older learners in general. Initial testing of this recommendation has been positive.

22. Funding for pupils with an EHC plan: we recommend that funding decisions for pupils with and without an EHC plan are kept separate in future. Pupils without an EHC plan would be allocated funding via the Targeted Support Fund (as above). For pupils with EHC plans, we recommend that funding decisions are integrated within the usual workflows of the SEND Team. For pupils with a new EHC plan, this would mean funding is discussed and agreed as the final step in the process of approving a new EHC plan. Any subsequent changes would then be decided through the annual review process.
23. Wider changes to amplify the main recommendations: while the two main recommendations above can improve inclusion and help manage future demand, they cannot create a fully sustainable mainstream school system by themselves. Wider changes to relationships, culture, and systems/processes will need to happen at the same time to re-centre the whole SEND system towards early intervention and inclusion. Three specific initiatives suggested by our delivery partner are:
- i) refresh school guidance/support around the graduated response and OAP and embark on a programme of continuous communication and training with schools;
 - ii) build relationships with school leaders, especially around the need for a shared response to SEND;
 - iii) commit additional council resource for scrutiny and stewardship of the SEND system. Detail for these three proposals are included in the full report (Appendix A1). It should be noted that there are already activities either planned or underway in these areas, but it is necessary to re-emphasise them as they will be the bedrock of a sustainable system.

Cabinet Member / Officer Recommendations:

That cabinet:

1. Note the findings of the public consultation, as outlined in this report in brief and in full at Appendix B
2. Approve the implementation of a Targeted Support Fund for children and young people not in receipt of EHC plans
3. Approve the commissioning of Outreach services to support and challenge mainstream schools to improve the quality and consistency of their ordinarily available provision and approach to inclusion
4. Authorise the Director Education and Skills in consultation with the Cabinet Member Children's Services, Education and Equalities to take all steps required to implement recommendations 2 and 3 including procuring and awarding contracts over the key decision threshold.

Corporate Strategy alignment:

This programme is well aligned to priorities for our Children and Young People set out within the Corporate Strategy,

CYP3: Equity in education

Over the course of this Corporate Strategy, we expect our SEND provision to continue improving, co-designing appropriate support with children and families to meet their needs. We want to create the right conditions that will enable more young people with SEND and from disadvantaged backgrounds to enter further education, employment, or training. Supporting children and young people to experience an inclusive education that meets their academic, health, social and emotional needs is a crucial step to entering employment and becoming independent and economically active within the city, which supports their lifelong wellbeing.

Our ambition is that children and young people have access to an education that develops their potential both in what they learn and who they become, so that they have skills for life and work. Additionally, an education that is inclusive and values diversity, and that provides opportunities where they learn from each other and benefit from understanding their different experiences is important. In achieving this, we will work both directly and with partners across the entire system to maximise opportunities for all. This includes access to further and higher education, and other training providers to help people find pathways to employment; acknowledging and building upon much existing work by the council and partners in these sectors to address the educational disadvantage in the city.

City Benefits:

That funding which supports provision for pupils and students with SEND is spent in fair, transparent and sustainable way.

Consultation Details:

Consultation and engagement on changes to non-statutory top-up ran from Wednesday 1st November for 6 weeks, with a short extension for any respondents requesting an easy read version.

- Prior to this consultation, extensive engagement with Bristol council and school stakeholders was conducted to develop an understanding of the “as-is” situation. 61 interviews were held during this period alongside best practice research and data analysis. A first iteration of the options tested in public consultation was presented to Bristol Schools Forum in October 2023 for initial feedback.
- During the consultation period a series of information and engagement sessions were held to capture more qualitative insights and feedback about the proposed options. In total 58 individuals attended, including head teachers, school governors, SENCOs and parent carer forum representatives.
- An online survey was also undertaken and made available in Easy Read format, capturing feedback from 196 respondents.

Schools and VCSE organisations were encouraged to support young people with SEND to also complete the survey. A summary of the consultation findings is included in the main report above, with further detail provided in the Consultation Report submitted at Appendix B1.

Background Documents:

1. DfE [Guidance on our work with local authorities](#), October 2022
2. DfE [Sustainability in high needs systems: guidance for local authorities](#), June 2022
3. [The Dedicated Schools Grant \(DSG\) Management Plan Update including mitigations](#) Sept 22
4. [6a Appendix A DSG Management Plan.pdf](#) Sept 22
5. [6i 2022-09-27 DSG Mitigations Covering Report.pdf](#) Sept 22
6. [Appendix A DSG Mitigations plan](#) Sept 22
7. [Progress Report on the Dedicated Schools Grant \(DSG\) High Needs Block Recovery Plan](#), Oct 23
8. [Report to Bristol Schools Forum, 12 January 2023 – Delivering Better Value in SEND](#) Jan 23
9. Report to Bristol School Forum, [DSG 2023/24 Quarter 1 \(Q1\) forecast report as at May 2023 \(Period 02 / P02\)](#) July 2023
10. Report to Bristol School Forum, [Delivering Better Value \(DBV\) in SEND Programme July 2023](#)

Revenue Cost	General Fund: £75,000 per annum Dedicated Schools Grant: to be determined during co-design process	Source of Revenue Funding	General Fund Dedicated Schools Grant
Capital Cost	£N/A	Source of Capital Funding	N/A
One off cost <input type="checkbox"/> Ongoing cost <input checked="" type="checkbox"/>		Saving Proposal <input type="checkbox"/> Income generation proposal <input type="checkbox"/>	

Required information to be completed by Financial/Legal/ICT/ HR partners:**1. Finance Advice:**

The financial implications of the proposals within this report align with those in the Council’s current Dedicated Schools Grant Management Plan and are therefore within projected available funding resources.

Finance Business Partner: Guy Marshall, Finance Business Partner 23 January 2024

2. Legal Advice: The consultation responses must be conscientiously taken into account in finalising the decision. The leading cases on consultation provide that consultation should occur when proposals are at a formative stage, should give sufficient reasons for any proposal to permit intelligent consideration and should allow adequate time for

consideration and response. There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision.

Legal Team Leader: Husinara Jones, Team Manager/Solicitor 23 January 2024

3. Implications on IT: IT are supportive and available to aid in progressing relevant work and can be engaged through the existing work request process.

IT Team Leader: Alex Simpson – Lead Enterprise Architect, 08 January 2024

4. HR Advice: There are no significant HR implications arising from this report.

HR Business Partner: Lorna Laing, HR Business Partner, 08 January 2024

EDM Sign-off	Vanessa Wilson, Interim Director of Transformation	10/01/2024
Cabinet Member sign-off	Councillor Asher Craig Cabinet Member for Children, Education and Equalities	08/01/2024
For Key Decisions - Mayor's Office sign-off	Mayor's Office - Forward Plan Published	08/01/2024

Appendix A – Further essential background / detail on the proposal A1 – Delivering Better Value in SEND, Workstream 2: Final report	YES
Appendix B – Details of consultation carried out - internal and external B1 – Full Consultation Report	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal E1 – Equality Impact Assessment	YES
Appendix F – Eco-impact screening/ impact assessment of proposal F1 – Eco-impact screening	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO