

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I117962
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1. **TITLE:** Safety Valve Programme Plan
2. **SERVICE AREA:** Chief Executive's Office
3. **PURPOSE OF DECISION**

To endorse the Council's initial Safety Valve proposal for submission to the Department for Education (DfE) and recommend submission to full Council of the final proposal, amended as necessary to reflect DfE feedback.

4. **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive
6. **DECISION:**

RESOLVED that the Executive:

- i. Approves the Council's initial Safety Valve proposal detailed in confidential Annex B of the report for submission to the Department for Education by 15 December 2023.
- ii. Delegates authority to the Chief Executive, in consultation with the Leader of the Council, to amend the initial proposal if necessary in response to feedback from the Department for Education prior to a final Safety Valve proposal being presented to the Council meeting on 10 January 2024.

7. **REASON FOR DECISION**

1. The Council was invited by the Department for Education (DfE) to participate in its Safety Valve Intervention Programme 2023/24 in July (the invitation letter to the Chief Executive is attached as Annex A). The Safety Valve programme aims to agree a package of reforms to local education systems for pupils with special educational needs and disabilities (SEND) through which the systems will become financially sustainable within the level of grant provided by the Department for Education, while improving the experiences of children and young people. Bracknell Forest is one of five authorities invited to participate in the programme this year, due to its large and rising deficit.
2. Participation in the programme can secure access to additional capital funding for new local provision and a material financial contribution from the DfE towards the accumulated Dedicated School Grant (DSG) deficit, should proposals for reform submitted by the Council be accepted. A significant financial commitment is also required from the Council, both to secure delivery of the proposed programme of activity and to write off the remainder of the accumulated deficit not funded by the DfE. At the time of this report's publication, discussions are continuing between Council officers and the DfE's Safety Valve team on these details, which will be distributed for Councillors' consideration in confidential Annex B in advance of the Executive's meeting.

8. ALTERNATIVE OPTIONS CONSIDERED

The Council could choose not to participate in the Safety Valve programme. This is not recommended since it would mean that responsibility for funding the DSG deficit would rest entirely with Bracknell Forest Council, with no financial contribution available from the DfE. In addition, the Council would be less likely to receive additional capital funding to support local provision, since priority is given to applications from Safety Valve authorities. While some local authorities with Education responsibilities have not yet participated in the Safety Valve programme, all will face a significant financial challenge if they are in a deficit position when the temporary override enabling deficits to be carried forward is removed, which will inevitably happen at some point. Should an authority face a situation where its total reserves are insufficient to cover the accumulated deficit at that point, the authority would be forced into declaring a section 114 notice, since it would at that point be unable to fund its known liabilities. Bracknell Forest is not currently in this position, but its rapidly rising DSG deficit that is expected to reach a minimum of £45m even with significant mitigations identified and implemented risks triggering that situation in the next few years.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People

10. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023