

TO: Schools Forum
DATE: 13 December 2023

Safety Valve Update
Executive Director: Resources / Executive Director: People

1 Purpose of Report

- 1.1 To update the Schools Forum on the initial Safety Valve proposal to be submitted by Bracknell Forest Council to the Department for Education by 15 December 2023 and to report responses from schools to a consultation on the council's proposal to secure a transfer of the equivalent of 1% of the schools block funding into the High Needs Block, while capping the impact on any individual school budget to a maximum of 0.5%.

2 Recommendations

- 2.1 That the Schools Forum notes and comments on the update provided in the report.
- 2.2 That the Schools Forum confirms their support for the proposed interventions outlined in paragraphs 5.6 and 5.6.
- 2.3 That the Schools Forum notes the outcome of the block transfer (top slice) consultation and takes a formal decision on whether to support the proposal.

3 Reasons for Recommendations

- 3.1 It is appropriate for the Schools Forum to be aware of and offer comment on this significant matter affecting Bracknell Forest Council and maintained and academy schools within the Borough.
- 3.2 An application for the block transfer proposal recommended by the council will need to be submitted to the Secretary of State for Education (SoS) for consideration. It is understood that the SoS is not bound to follow the view of the Schools Forum in her determination but will give significant weight to it.

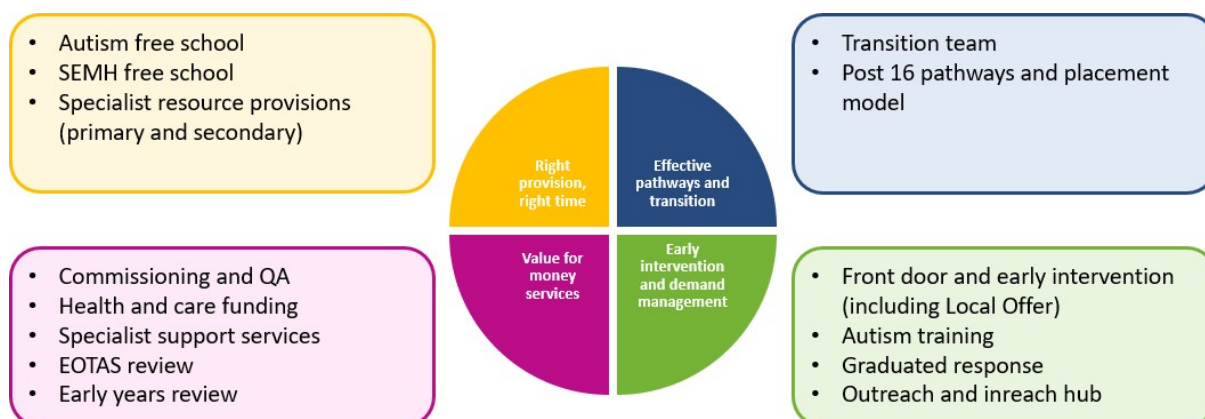
4 Alternative Options Considered

- 4.1 The Council could have declined the invitation to participate in the Safety Valve programme but has not done so as this would mean that the annual and cumulative deficit on the DSG budget would remain a local responsibility. The Safety Valve programme offers financial and other support to help address and fund the deficit.
- 4.2 The alternative option of not recommending a block transfer was considered and rejected by the council on the grounds that the Safety Valve programme expects all parts of the local education, health and care system to play a part in addressing the deficit collectively and it would not be possible to achieve a balanced position on the DSG as required by the DfE without this.

5 Supporting Information

- 5.1 The Council is committed to working with local area partners to develop a sustainable and effective high needs system that will ensure good outcomes for children and young people with special educational needs and disabilities (SEND).

- 5.2 Learning from other areas that have participated in the Safety Valve programme has demonstrated that robust leadership and a strong collaboration across education and finance can significantly improve the sustainability of local systems.
- 5.3 The Council has given careful consideration to research-based guidance on the features of effective high needs systems. The proposed programme builds on the improvement work already being delivered in Bracknell Forest through the Written Statement of Action and the new SEND strategy but looks to significantly accelerate the pace of further improvements.
- 5.4 In developing our Safety Valve programme, the Council held a series of workshops and engagement sessions with headteachers and chairs of governors, as well as a workshop with the Bracknell Forest Parent Carer Forum. Through these workshops, headteachers were invited to offer views on the effectiveness of current spending across a wide range of service funded from the DSG. The findings of these early discussions were presented at the last Schools Forum meeting in November.
- 5.5 Further workshop sessions with headteachers have taken place in recent weeks to co-produce the approach to improvements to both specialist provision and specialist support. The output from these workshops has informed the proposed Safety Valve programme activities. The areas of focus identified will ensure that overall SEND system best meets the needs of pupils and schools and identify areas where current expenditure is not felt to demonstrate value for money. This has led to a programme of activity as summarised in the pictorial below.



- 5.6 Indicative impacts from implementing the interventions outlined in the pictorial above are set out below up to 2029/30, which is the latest realistic date the Council may be able to work towards through the Safety Valve programme.

	Potential Financial Impact (to 2029/30)	Assumed start date
New specialist resource provision (x 2)	-£2.8m	2024/25
Re-provision of College Hall Pupil Referral Unit (PRU) with alternative commissioned services for pupils	-£1.4m	2024/25
Other changes to Education Otherwise than at School Provision (EOTAS) provision	-£0.4m	2024/25
Phased introduction of new banding tool	-£0.4m	2024/25
Changes to Specialist Support Services	-£0.1m	2024/25
Additional Health and Care funding	-£0.1m	2025/26

New SEMH free school	-£0.9m	2025/26
New Autism free school	-£1.4m	2026/27
Sum of mitigations (excluding Block Transfer / Top Slice)	-£7.5m	

- 5.7 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 and its partners including schools be accepted.
- 5.8 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.
- 5.9 At the time of this report's publication, Council officers have identified a potential route to reaching a balanced in-year DSG position by 2029/30 through implementation of a broad range of activities outlined in this report, including making a 1% block transfer to the High Needs Block. As part of this, the maximum contribution sought from any individual school is 0.5% of its 2024/25 funding. The consultation document is set out in Annex A.
- 5.10 The block transfer consultation for headteachers and chairs of governors closes on Friday 8 December, and therefore the results are not available at the time of this report's publication. The results of the consultation will be set out for the Schools Forum's consideration in a supplementary Annex C in advance of the meeting.
- 5.11 Agreement from the Schools Forum to a block transfer from the Schools Block to the High Needs Block is considered by the DfE to represent a commitment from school leaders to the plan. Once the results of the consultation have been shared, the Schools Forum will be asked to make a formal decision on whether it supports the council's proposal for a 1% block transfer, which caps impact on any individual school budgets to a maximum of 0.5%.
- 5.12 Looking ahead, the Council is required to submit an initial proposal to the DfE by 15 December 2023 that sets out proposals to bring expenditure in line with grant levels over a period of around 5 years and a final proposal that addresses any feedback from the DfE by 12 January 2024. This timetable has been set by the DfE and is very tight. The proposal submitted will need to highlight any requests requiring the approval of the Secretary of State, including the 1% block transfer that is beyond flexibilities available to local authorities.

6 Advice Received from Statutory and other Officers

Borough Solicitor

- 6.1 Section 14 of the Education Act 1996 places a general duty upon the Council to secure sufficient schools to provide primary and secondary education in its area and it should have particular regard to securing special education provision. Following the enactment of The Children and Families Act 2014, the Council retains responsibility for commissioning services for children and young people with SEN or a disability. It is required to keep the provision for children and young people with SEN or disabilities under review, including its sufficiency (Section 315 of the Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, young people and providers. This Act and its associated guidance is clear that, when considering any re-organisation of provision, it must be clear how it is satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN or a disability. A final agreement for funding will be entered into in due course with the DfE. The Council's legal team will advise on the terms prior to its execution.

Executive Director of Resources

- 6.2 The Safety Valve programme represents a significant financial challenge for the local authority, requiring the current expected in-year overspend of just under £9m to be mitigated over a period of around 5 years. This will require significant financial contributions from the council both to fund the programme of activities identified and to part fund the deficit that will have accumulated up to this point. While the DfE is expected to make available supporting revenue and capital grant funding, the majority of these costs will need to be borne by the council. If approved, the block transfer proposal will enable an additional £0.96m of funding to be made available to support education services for SEND children.

Equalities Impact Assessment

- 6.3 An equalities impact screening for the proposed Block Transfer (top slice) that is subject to consultation with schools has been completed and is attached at Annex B.

Strategic Risk Management Issues

- 6.4 The level of the deficit on the Dedicated Schools Grant due to rising costs in recent years of SEND services represents the most serious financial threat the Council faces. Participation in the Safety Valve programme provides the impetus to address this through the identification of mitigations that both reduce costs and maintain a focus on educational outcomes, while offering the opportunity to secure both revenue and capital grant funding from the DfE that is not available to authorities outside Safety Valve.

Climate Change Impact

- 6.5 Not applicable at this stage, however increased local school provision will help reduce CO2 emissions associated with transporting pupils to schools outside the Borough's boundary.

Health Impact

- 6.6 The Council's recently approved SEND strategy includes a focus on providing additional school places within Bracknell Forest, that would significantly reduce travelling time for children who require specialist places whose needs cannot currently be met within the Borough. In most instances this will have a positive impact on the health and well-being of those pupils.

7 Consultation

- 7.1 Details of engagement and consultation with key stakeholders regarding Safety Valve is included in the report.

Background Papers

Annex A – Block Transfer Condonation Document November 2023

Annex B – Block transfer initial equalities screening

Contact for further information

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