

Meeting date: 9th December 2021

Report to: Full Cabinet

Subject/report title: SEND Improvement Plan Update

Report from: Cabinet Portfolio Holder for Children, Education and Skills

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood | Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle | Lyndon | Meriden | Olton | Shirley East | Shirley South | Shirley West | Silhill | Smith's Wood | St Alphege

Public report: Choose an item.

1. Purpose of Report

- 1.1 To update Full Cabinet on the developments and activity to improve outcomes for children and young people with additional needs, including Special Educational Needs and Disabilities (SEND).
- 1.2 To set out the High Needs budget forecast for the next three years – from 2022/23 to 2024/25.

2. Decision(s) recommended

- 2.1 To note and endorse the progress to date in improving the Council's support for children with SEND.
- 2.2 To approve the forecast budget position for the High Needs Block (HNB) of the Dedicated School Grant (DSG) 2022/23 – 2024/25.

3. Matters for Consideration

- 3.1 Cabinet will be aware that the Children & Families Act 2014 introduced major changes for children and young people with SEND and that this has resulted in significant pressure for all LAs nationally, both with the increasing demand for statutory support through Education, Health & Care Plans (a 68% national increase and 53% in Solihull) and also the resultant impact on the DSG High Needs budgets.

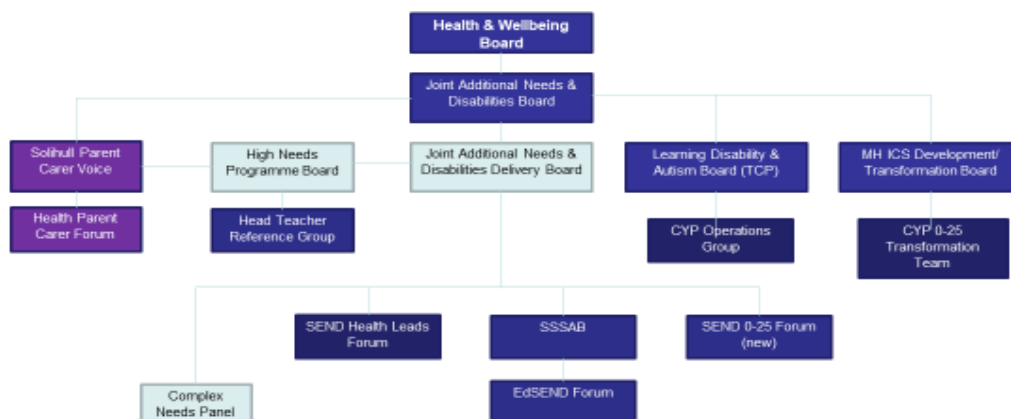
- 3.2 Previous reports to Cabinet have set out the factors driving the current High Needs Block financial position and it is clear that the impact of Covid 19 has also had a significant effect on local authorities and schools since March of last year. In terms of the national position, a survey carried out by f40¹ showed that 89% of LAs that responded expected DSG High Needs budgets to be in deficit for 2020/21 and most LAs say deficit budgets are rising each year, some doubling every year. Three were predicting deficits greater than their HNB budgets. The ability for local authorities to (a) keep up with the amount of local provision needed and (b) keep pace through staffing capacity with the increasing demand from parents is being severely tested and Solihull exemplifies those challenges.
- 3.3 There is an acknowledged problem nationally that the High Needs Block within the DSG is underfunded. Over 80% of local authorities are reporting a High Needs Block deficit and the scale of the shortfall in funding is rapidly escalating – with the pandemic adding significantly to this pressure. The November budget announcement by the Government indicated an additional £2.6 billion for school places for children with SEND. But we do not know, as yet, whether this includes the additional HNB funding set out in the indicative DSG funding for 2022/23 previously announced by the DfE.
- 3.4 At its meeting on 17th June 2021, Cabinet approved additional investment of £1.176 million into Council SEND services to provide the resources required to carry out the SEND Improvement Plan (Appendix 1) – aimed at ensuring the council can fulfil its statutory functions despite the rise in demand, whilst implementing a significant change programme to improve the outcomes of children and young people with additional needs in Solihull.

Strategic Framework & Governance

- 3.5 The education element of the SEND high level Improvement Plan (Appendix 1) sits within the content of wider, multi-agency strategic work across the borough. The Children's & Families Act 2014 created an explicit expectation for Councils (for education and care) and Clinical Commissioning Groups (for health services) to work together as statutory partners, with the Parent Carer Forum (Solihull Parent Carer Voice) within that local area to ensure there is strong and effective multi-agency strategic leadership.
- 3.6 To provide effective governance across the strategic partnership, during 2021 a number of new/revised Boards and Forums were introduced. This has facilitated multi-service and multi-agency working at, and between, operation and strategic levels and enables strong oversight and accountability – as indicated by the governance structure below:

¹ The f40 group was launched over 20 years ago with the aim of influencing significant change in the way government allocates funding to local authorities and schools. It is made up of local authorities who are among the lowest funded for education in England and of which Solihull is part.

Additional Needs & Disabilities Governance



- 3.7 In addition, time-limited Board arrangements have been put in place to oversee specific improvement areas and particularly where strong interdependencies exist across more than one project – for example, the Strategy for Inclusive Education and the Graduated Approach. These will feed into the Inclusion Programme Board to provide cohesive multi-agency scrutiny, support and challenge.
- 3.8 There has been a need for greater strategic direction across the wider Children's Partnership for SEND in Solihull which has affected cohesion in the offer for children and young people. Whilst there have been a number of good initiatives implemented across the borough, the single-focus approach of this work has given more potential for misalignment, duplication and gaps in provision.
- 3.9 The focus of the first year of the SEND improvement plan has therefore been to identify the strategies determined as essential to improving outcomes for children and young people and achieving value for money against the High Needs Block of the DSG. Following prioritisation, each strategy is at a different point in its development – but all are vital components on the improvement journey. The pictogram below identifies the strategic work in progress and a short synopsis on each can be found at Appendix 2.
- 3.10 A number of the key strategies are set out in a separate report on the Cabinet agenda in the item entitled Support for Children and Young People (aged 0-25 years) with Additional Needs, Special Educational Needs and/or Disabilities.



Improvement Capacity

3.11 The Cabinet approved investment of £1.176 million to support the SEND Improvement Journey has supported the creation of the following posts:

Posts	Capacity
SEND Deputy Service Manager	Position filled from 1 st September 2021
EHCP Co-ordinators x3	Positions filled from 1 st September 2021
Complex Case Senior EHCP Co-ordinator	Unable to recruit from recent process. Re-advertising underway*
Independent School EHCP Co-ordinator	Unable to recruit from recent process. Re-advertising underway*
Disagreement Resolution Officer	Unable to recruit from recent process. Re-advertising underway*
Statutory Quality Assurance and Improvement Officer	On-boarding of successful candidate underway
Educational Psychologist	Currently under recruitment

3.12 In addition, 6 one-year fixed term EHCP Co-ordinators have been appointed between August-December 2021 to form the previously approved “Annual Review Backlog” team – amending and finalising all historically outstanding EHCPs.

- 3.13 There have been difficulties in attracting the required calibre of senior staff and those able to manage more complex casework who have the necessary SEND knowledge, skills and experience to carry out some of these essential roles – with some recruitment rounds being unsuccessful this year. The lack of capacity within these front-line roles has placed additional burden on particular managers within the SEND service; and as such has slowed operational improvement in some areas of the improvement plan.
- 3.14 The roles and responsibilities expected of these posts have recently been reviewed so they are more marketable within the local SEND workforce.
- 3.15 In April 2021, the EHCP Team implemented Liquid Logic as the new casework management system. This has been operationally successful in providing greater compliance and consistency with expected processes and procedures. As a relatively new module within the Liquid Logic platform, there have been some teething issues to resolve and work is continuing in this area – with weekly oversight by senior leaders of areas needing to be addressed.

Improvement to Date

- 3.16 The operational improvement plans have been developed following feedback from all stakeholders including staff within education, health and care services and settings, children and young people and their parent carers. Additionally, the council has worked with Birmingham & Solihull CCG (the CCG) and other partners to undertake a detailed self-assessment of SEND provision in the borough using the audit template created by the Council for Disabled Children – the LA template can be found online [here](#). Specific areas of identified improvement which have already been addressed include:
- 3.17 *Increasing LA capacity:* To improve performance of the team the initial focus has been on: the recruitment of permanent staff in place of agency workers for stability, a compulsory 4-days per week working in the Council House to share practice and help problem solving, a revised team structure to provide greater accountability and training for staff on essential areas of work. The impact on the performance measures can be seen below.
- 3.18 *Timely Assessment and Review:* To ensure the council complies with the mandatory and expected standards within the Children & Families Act 2014 and the SEND Code of Practice 2015 the initial focus has been on: amending the EHCP template format and content, implementing a quality assurance process and embedding a reviewed decision making process. The impact of this work has been recognised by Solihull's Department for Education (DfE) SEND Advisor who has audited a sample of recent EHCPs for format and quality.
- 3.19 *Increasing Specialist Provision:* To ensure there are more school places providing specialist support to children and young people with a high level of need the focus has been on continuing our sufficiency journey: this year an additional 12 places have been created at Reynolds Cross Special School for children with Severe Learning Difficulties and a new 8 place Additional Resource Provision (ARP) developed at Mill Lodge for children with autism. A new 8 place Key Stage 1 Intervention Provision developed at Refresh (at Coleshill Heath Primary School) for children struggling with their social, emotional and mental health opened in October 2021 and phase 2 of this

development will deliver a further 10 Key Stage 2 places from April 2022. A further 8 places will be delivered at Reynolds Cross Special School from September 2022 as part two of their phased expansion and the 100 place autism special school, The Heights, will open in 2023. Further provision will be implemented as identified within the recently approved [SEND School Place Commissioning Strategy 2021](#). The impact of this work has meant more children and young people have had access to specialist provision within borough.

- 3.20 *Spending money to make the most impact:* To ensure effective oversight of the decision making process for independent schools and robust commissioning of these the initial focus has been on: ensuring requests for these placements are considered, and approved, by senior managers in the SEND service and that robust contracts and outcome measure are in place with providers. The impact of this work will ensure the use of independent schools provides an efficient use of public resources and will be used as the framework to ensure value for money in terms of provision and outcomes going forward.
- 3.21 *Targeting support for children:* To ensure schools and families have access to the support and services which enable early intervention the initial focus has been on: reshaping education to provide an Inclusion Team and Early Years Team dedicated to providing advice and support at a non-statutory level, to review the offer from the Specialist Inclusion Support Service's Autism team so schools can access support for children awaiting diagnosis and continue to provide virtual learning materials so children with disabilities can be better supported (for example, sign language YouTube video's). With implementation of these areas starting in September 2021 it is too early to assess the impact of this work. However, these services are filling a widely recognised gap in Solihull and will ensure that children and young people can access support, regardless of their situation.
- 3.22 *Improving parental confidence:* To ensure all key stakeholders, including parent carers, are involved in the improvement journey the initial focus has been on: establishing a Partnership Agreement between the Council, the CCG and Solihull Parent Carer Voice (SPCV) to agree ways of working across the borough, implementing a termly SEND newsletter to share updates with all key partners and setting up join engagement events with parent carers to feedback on their experiences. The impact of this work has ensured that all partners across education (including schools), health, care and parent carers understand the areas for development within the improvement plan, are able to reflect this in their service or setting and are working together to deliver better outcomes.

Financial Position

- 3.23 At outturn in 2020/21, the High Needs Block of the DSG had an accumulated deficit of £9.147m. In the current financial year, the latest financial forecast position for the DSG High Needs Block is an estimated in year adverse variance of £3.388m giving a projected accumulated deficit for the 2021/22 financial year of £12.535m.
- 3.24 The DSG financial settlement for 2022/23 announced in July 2021 indicated that Solihull will likely receive £2.7m additional DSG High Needs funding in 2022/23. Whilst this has not been confirmed for future years, our working assumption is that we will continue to receive this funding in future as a minimum baseline increase. We still await the details of the headline growth of £2.6b in SEND place funding announced in the Chancellor's recent budget. Any potential future revenue funding for 2023/24 and

beyond may well depend on the outcome of the current SEND Review. However, we have taken a view that further HNB allocations should be forthcoming but assumed a lower level than previously until we know more about the review outcomes.

- 3.25 The DfE has updated guidance contained in the DSG Conditions of Grant for 2022/23 with new arrangements for handling DSG overspends.
- 3.26 New provisions have been put into the School and Early Years Finance (England) Regulations 2021, so that 'local authorities are required to carry forward overspends to their schools' budget either in the immediately following year or the year after. They can apply to the Secretary of State to disregard this requirement. In the case of the Secretary of State giving such permission, this may be for all or part of the sum requested by a local authority, and permission may be given subject to conditions'.
- 3.27 The impact of these statutory provisions will be that a local authority with a DSG deficit from the previous year must either:
- carry the whole of the deficit forward to be dealt with in the school's budget for the new financial year, deducting all of it from the money available for that financial year
 - carry part of it forward into the new financial year and the rest of it into the following financial year
 - carry all of it into the following financial year
 - apply to the Secretary of State for authorisation to disregard the requirements if it wishes to fund any part of the deficit from a source other than the DSG.
- 3.28 This creates, on a statutory basis, a new requirement that a deficit must be carried forward to be dealt with from future DSG income, unless the Secretary of State authorises the local authority not to do this.
- 3.29 Given the national pressure faced by High Needs budgets around the country, the notion that the current deficit position will be 'recovered' is unachievable. The proportion of children and young people with EHCPs in school has increased significantly since the 2014 reforms, and now accounts for 3.6% of the school age population nationally, and 3.4% in Solihull. Nationally there has been an average increase of EHCPs of between 50-60% per year – with a 58% increase in Solihull so far this financial year compared to the same period last year. In addition, since children have returned to settings and schools following the pandemic, we have seen a significant increase in the level of needs being identified – with a 33% rise in referrals to Solar due to mental health needs and requests for EHCP assessments doubling. Our objective is therefore to create a period of stabilisation of demand and costs.
- 3.30 Solihull, like all other LAs across the country, must continue to focus attention on ensuring value for money within the High Needs budget and ensuring the efficient use of resources is improving outcomes for children and young people. The national SEND system is pending change through the long-awaited SEND review and it is expected that this will attempt to address the parallel challenges of demand, expectation and funding.

- 3.31 Whilst the improvement plan will provide better outcomes for children and young people it must be recognised that at times this will come at a greater cost to the DSG. For example, children who, for a range of reasons, have not been able to engage with full-time education will not have drawn on high needs funding at that time – so transitioning them successfully into a new school place will come at additional cost; especially considering that many children in this category tend to have higher levels of need requiring support and an independent specialist placement costs an average of £55k per annum. Additionally, completing plans within the required 20-weeks will mean that schools will be provided with the associated funding from the high needs block much earlier, and therefore longer, than has previously been the case in Solihull.

Improvement Impact

- 3.32 *New EHC plans:* at the end of 2020, only 29.2% of plans in Solihull were finalised within the 20-week timescale (in comparison to 60.4% nationally). Over the past 6 months, our performance in this area has improved dramatically and is now above 80% each month and reached 100% in October (with national performance averaging around 60%). In addition, at the start of the year there were 51 historically overdue plans (all by many months/years) and all have since been finalised.
- 3.33 *Annual review backlog:* at the start of 2021, there were 1794 EHCPs identified as not having their annual review completed historically. Before the annual review backlog team was in place, staff within the existing EHCP team had already brought this total down to 1282. Staff began to join the annual review backlog team in September 2021 but it will not be at full capacity until January 2022. The teams first month necessitated many training requirements but 41 plans were being processed in this period.
- 3.34 *Current review of plans:* in addition to the annual review backlog, each EHCP will also be required to be reviewed again within the next calendar year. When annual review paperwork is received from schools, the Council is required to advise parents whether it intends to amend the plan within 4 weeks (it is worth noting that following the introduction of a new EHCP template, every plan will require amendment). During September 76% of these letters went out on time. In addition, 85% of plans which were due to be finalised met the required subsequent 8-week timescale.
- 3.35 *Complaints:* whilst levels are reducing, there were 31 formal complaints in 20/21 (in addition to 40 initial contacts which were resolved informally). However, the majority of cases relate to a culmination of historic concerns which are expected to reduce over time. The appointment of a dedicated Disagreement Resolution Officer will enable oversight of thematic concerns being raised and senior capacity for ensuring identified learning points are implemented and have an impact on improving services. In the month of November 2021, the EHCP Service received more compliments than complaints.
- 3.36 *Children receiving education:* historically there has been no overarching system for identifying those children, who for whatever reason, are not attending school and have not registered as being home educated. However, since September work has been focused on tracking all children and young people who have not yet attended school this academic year. Members of the newly formed Inclusion Team have taken responsibility for working with families and schools to ensure all these children are

engaged with learning and there are systems in place across council teams to ensure the appropriate support, and challenge, is in place and monitored going forward.

SEND Project Oversight

3.37 The Council's HNB Project Board, chaired by the Interim Director of Children's Services and Skills has continued to meet and work has progressed, despite the impact of the lockdown. The Solihull Schools Forum and Head Teacher Reference Group are integral to the oversight of the work being undertaken. However, it is clear that the pandemic has (as in the case of the Autism Free School), and may continue to, push back aspects of our plans.

3.38 The updated three year forecast presented at Appendix 3 uses the carry forward flexibility as permitted. This recognises the following factors:

- The impact of Covid on the timescales for implementing measures. In particular, this reflects the impact on our ability to undertake statutory consultation on our development proposals for new provision.
- That the DfE does not expect local authorities to take such measures to recover the full deficit within three years that would have a detrimental impact upon support and provision for children and young people. Full recovery is likely to take significantly more time than this.
- The allocation of additional HNB funding for 2021/22, provisionally for 2022/23 and estimated for 2023/24 and 2024/25.
- That there is a long lead in time for some of the proposed measures, which means that action and implementation does not immediately result in a financial saving.
- An assumption that new burdens funding will be provided by government for the SEND Review announced by the DfE.
- There are still elements of uncertainty and variability in terms of some of the key assumptions underpinning the plan, especially around future pupil numbers, future levels of government funding and the SEND review. Officers will continue to refine details, revisiting assumptions in the light of emerging information and in the light of consultation and engagement with schools and the School Forum.

What is happening in relation to the demand and financial pressures?

3.39 Over the last five years commissioned places in special schools have increased by 19%, an increase equivalent to a whole special school. Additional places have been added through the SEND School Place Commissioning Strategy which will provide more places in borough at a lower cost and the cost impact of this is reflected in the financial model.

3.40 In terms of developing the financial model, a key piece of work has been to model the individual pupil impact across all settings reflecting changes such as at school Key Stages. This model has now been completed for 2022/23. and now needs development for future years. However, it must be noted that this is not a straight

forward exercise and is dependent on many factors including future DSG financial settlements, future projections about the number and type of places needed and practical issues around developing capacity such as expanding SEND provision locally and building on measures already implemented. It is also acknowledged that whilst there is national evidence of the negative impact of the pandemic on children, especially those with SEND, the long-term effects of that, in terms of their needs, and provision requirements are still unknown.

- 3.41 The model will need to be updated based on refreshed pupil data. The annual January Pupil census which forms part of the statutory return to the DFE will inform the update as will regular update as existing EHCP's are reviewed and/or ceased and new ones agreed.
- 3.42 As it stands, the current model indicates that we will be able to bring the in-year High Needs Block back within budget during the 3rd year of the MTFs period but would require further increases in DSG HNB funding, given the factors set out above. However, the recovery of the current and any future deficit within the current three-year planning horizon will not be achievable under the current assumptions and funding, with the accumulated deficit forecast to be £16.1m in 2024/25.
- 3.43 Furthermore, there is a real need to continue to work closely with our Schools on all these matters. A High Needs reference group has been established with Head Teachers and that will be an important critical friend and voice of schools about the future direction and development of SEND, including the HNB financial plan.

Future Improvement aspects

- 3.44 The full high-level education SEND Improvement Plan included at Appendix 1 outlines the breadth of work planned to take place. This is in addition to the strategic work identified within Appendix 2. Local area SEND inspections carried out by Ofsted and CQC will expect council's to be able to easily evidence children and young people are consistently achieving better outcomes, and feeding back positively, as a result of the local areas work in relation to SEND. Many aspects of the SEND Improvement Plan will be implemented over the next few years but given the current baseline of this work, and the volume of actions identified and lead in time for new specialist provision; it is expected that we will not be in a position to evidence the required sustained and consistent improvement in outcomes much before 2025. The main themes of this plan include:
- 3.45 *Improving the Alternative Provision offer:* the draft Alternative Provision (Appendix 4) discussion document outlines the work undertaken so far to ensure children who have been permanently excluded from school, or for a period greater than 5 days, are able to receive timely and appropriate education through Solihull Academy and for plans by that Multi-Academy Trust to also become the sponsors for Summerfield to enable greater capacity and flexibility of their offer. The scoping element of this work has identified a number of essential actions to ensure that all children and young people in Solihull have access to an appropriate full-time education; recognising that some will need greater flexibility and individual packages to support engagement with learning. Once concluded, the implementation of the Alternative Provision Strategy, and expansion of the provision offer within Solihull, will ensure that children and young people have more timely access to provision, and those with additional needs can be

educated within borough.

- 3.46 *Quality & timeliness of EHCPs:* over the past few months staff across the council, the CCG, University Hospital Birmingham and SPCV have been working with a number of other local areas, the Council for Disabled Children and the DfE on identifying actions to improve the content quality of our EHCPs. A specific action plan is currently being developed and will be overseen by the Joint Additional Needs Delivery Board. The impact of this work will ensure all advice givers into the EHCP are able to write quality and Specific, Measurable, Achievable, Realistic Timed (SMART) assessments and that professionals work closely with children, young people and their families to co-produce an aspirational, clear and relevant plan which settings can implement. This activity will provide greater specificity within EHCPs and ensure High Needs funding is being spent effectively.
- 3.47 *The review of EHCPs:* this aspect of work is multi-faceted in terms of addressing the 'backlog' whilst improving the systems and processes for the future review of all plans. With the dedicated backlog team in place, it is expected that any historically outstanding annual review will be completed before December 2022. Close and regular monitoring of the children and young people's plans within this cohort is in place to ensure that any outstanding review and upcoming review are combined to minimise the impact on the child, young person, and their family. In addition, a Task & Finish group between professionals, schools and parents has recently agreed new processes and paperwork to accompany new annual reviews which will be implemented in the New Year. Over the next year of plans being reviewed all ECHPs will follow this new system – ensuring appropriate plans are in place, provision reviewed, and the council meets the legal timescales within this process. This activity will ensure EHCPs are regularly reviewed so provision, and funding, remains appropriate for the child's or young person's needs.
- 3.48 *Increasing inclusion of children and young people in education settings:* the Inclusion Team within the council will be revising current systems, and introducing new ones, so children and young people who are struggling to access their school place are identified and appropriate pathways followed to support their learning – this will include those children who are being educated at home because the family feel there is no appropriate alternative, those who are missing education or not able to effectively, and regularly, attend school. This team will also support those children for whom the council has deemed that an EHCP is not necessary to meet their needs to ensure schools and families receive the support they need – providing an essential service to ensure children and young people with SEND receive support outside of the statutory process. This activity will support children's and young people's needs being identified and supported earlier; over time reducing the reliance upon EHCPs where needs have unnecessarily escalated.
- 3.49 *Improving education and joint commissioning:* the council is currently undertaking a deep dive SEND needs analysis so the child and young person profile in Solihull is understood. This will provide essential information to help the council and CCG review what provision is needed in the future to meet SEND needs in Solihull – and facilitate plans for considering how joint commissioning could look across statutory partners. In addition, the education services will be continuing improvements in commissioning arrangements to ensure formal procurement processes are used for all education provisions commissioned for children and young people with SEND and that a quality

assurance framework is implemented to ensure these providers deliver the best outcomes. This activity will ensure there is robust review and challenge in place when High Needs funding is being spent.

- 3.50 *Empowering children, young people, and parents:* it is essential for the council to work collaboratively with children, young people, and their parent carers, with co-production being central to achieving this. However, effective co-production happens at a number of levels and all are included within our improvement plans – creating an engagement plan so children, young people and their parent carers understand what they can be involved in at a strategic and operational level, and how, supporting the development of Our Voice's Heard as the new children and young people's forum in Solihull and reviewing information on the Local Offer to ensure that information, advice and guidance to children, young people and their families is up to date, clear and transparent.
- 3.51 *Supporting a young person's preparation for adulthood:* young people with SEND are likely to need additional support as they grow up, but this should not limit the options available to them. Whilst an EHCP supports children and young people across education, health and care services more work is needed to ensure that the transition arrangements between teams and services, especially the move between children's and adult's services, is seamless and managed in a timely way. Additionally, more work is needed to improve the Solihull offer for young people Post 16 – ensuring there are a range of options between schools, colleges and training providers and routes into employment (i.e. through supported internships) which reflects the needs and aspirations of our young people. This activity will ensure a greater variety of provision, so it remains appropriate for the child or young person and effective use of High Needs funding. It will also support the future employability of young people with SEND and their contribution to the economy.
- 3.52 *Performance monitoring:* we can only be assured that the improvement plan is delivering better outcomes for children and young people if we have evidence to support this. With the implementation of Liquid Logic there is work still to do on being able to analyse education performance data, which will lead to clear KPIs at an individual staff, team and service level - but even when complete this will only show one aspect (statutory compliance) of our work. Further development is therefore needed to create a local area wide SEND and additional needs data dashboard which collates data across education, care and health for a full picture across the borough and systematically uses feedback from children, young people and their parent carers to include qualitative information on their experience, life and outcomes. With the implementation of Solihull's Additional Needs Strategy, performance and outcome measures to achieve the aspirations within the strategy will be set and monitored by the Joint Additional Needs Delivery and Management Boards.

Resources required to develop, implement, and monitor the SEND Improvement Plan actions

- 3.53 Given the scale of the challenges and demand pressures both nationally and local for SEND services, £1.176m of interim resources to 23/24 has been allocated to support the work to deliver the plan. Cabinet also requested that, as part of the MTFS, the Budget Strategy Group be requested to consider an allocation of £528,000 per annum from 2024/25, for the on-going resource requirements.

4. What options have been considered and what is the evidence telling us about them?

- 4.1 Maintaining the current offer (provision and practice) for children and young people with SEND will not produce the ambitious outcomes we have for children with SEND and Cabinet has already been highly supportive of the improvement journey in allocating additional resources for this to be achieved. The aim of the Improvement Plan is to ensure the Council can continue to meet its statutory duties and that children and young people with SEND can have better lives and achieve more than they thought possible– recognised by any future Ofsted & CQC Local Area inspection which can take place any time from 2022 onwards.
- 4.2 The council has a legal duty to ensure that all children are in receipt of appropriate, full-time education and that necessary additional funding is provided to settings to ensure that those with an EHCP receive the support deemed necessary to them achieving their outcomes. The view still remains that recovering the full deficit (i.e. the accumulated deficit in addition to the in-year position) would require the implementation of measures that would be detrimental to outcomes and provision for children and young people – leaving the council in a position where it was unable to meet its statutory duties. Further, such measures, whilst delivering an initial reduction in costs would also be likely to increase costs in later years as the true financial consequences become apparent. This option has therefore been discounted.
- 4.3 There also remain several variables which will impact on the delivery of the plan. Key will be the impact of Covid and the effect on both demand and the ability to progress new provisions. The development of the new Free School will also be a key driver in terms of reducing our reliance on external provision longer term.
- 4.4 The headline financial plan is set out in Appendix 3, together with the key planning assumptions around forecast numbers, timescales and level of Government funding.

5. Reasons for recommending preferred option

- 5.1 The SEND Improvement Plan is being driven strategically and operationally to address the aspects of supporting children and young people with SEND in Solihull as identified by children, young people, professionals across the Council, CCG, schools and other provider/community services – and underpinned by the Council for Disabled Children's Council and CCG audit tool.
- 5.2 Whilst the Plan is currently in its first version, this plan will be kept under constant review to ensure it can adapt to meet changing needs in Solihull or any future expectations laid down through the national SEND review.
- 5.3 The wider improvements planned over the next 5 years will provide greater assurance that the High Needs budget is being used effectively and efficiently with the sole aim of providing better outcomes for children and young people with SEND.

6. Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ol style="list-style-type: none"> 1. Revitalising our towns and local centres. 2. Deliver UK Central (UKC) and maximise the opportunities of HS2. 3. Increase the supply, quality and energy efficiency of housing, especially affordable and social housing. 	
<p>Environment:</p> <ol style="list-style-type: none"> 4. Enhance Solihull's natural and physical environment. 5. Improve Solihull's air quality. 6. Reduce Solihull's net carbon emissions. 	<p>Being able to educate more of our young people in the Borough will, over time, reduce travel distances and the use of car and taxi journeys.</p> <p>A key aspect here will be to ensure we maximise the use of school and Council buildings to provide some of our new service provision. This may well require the re-designation of some assets along with some capital investment.</p>
<p>People and Communities:</p> <ol style="list-style-type: none"> 7. Take action to improve life chances and health outcomes in our most disadvantaged communities. 8. Enable communities to thrive. 9. Sustainable, quality care and support for adults & children with complex needs. 	<p>In developing a financially sustainable High Needs Block over time within the Dedicated Schools Grant, the Council will be in a better position to meet needs locally. A key element of the HNB Stabilisation Plans as it develops will be to continue to expand in-Borough provision for children with SEND, working in close partnership with our schools and academies and ensuring families are part of the development of solutions. This will deliver better outcomes for children and families as well as securing financial efficiencies; as previously stated the cost of educating one pupil out of Borough in independent sector provision would meet the costs of education two pupils in maintained or academy provision within Solihull.</p> <p>Improving the council's SEND provision will support more young people to secure employment and training when they leave</p>

Priority:	Contribution:
	<p>school.</p> <p>Parents of children with SEND in Solihull quite rightly have high expectations for their children. As the report highlights, demand for in Borough provision currently exceeds the council's ability to provide it and is causing a significant financial overspend. The proposals in the report are intended to address capacity and meet children's needs in a more cost-effective way.</p>
10. Promote employee wellbeing	Enter text.

7. Consultation and Scrutiny:

- 7.1 The DSG financial position, the factors that have led to the deficit and the actions already taken have been set out in recent reports to the Solihull Schools Forum and its subgroups. The Forum is a key stakeholder in matters relating to the DSG and has statutory duties in relation school funding issues.
- 7.2 Further reports on the consideration of future service options and progress against the recovery plan will go to the Solihull School Forum as required and will be informed by discussion with the Head Teachers' Reference Group. Parental engagement will be a continual feature of this developing Plan.
- 7.3 Officers will continue to work closely with Solihull Parent Carer Voice and Our Voice's Heard to co-produce improvements and consult on proposed changes to improve outcomes for children and young people with additional needs.

8. Financial implications:

- 8.1 The report also notes resources allocated to develop, implement and monitor the Recovery Plan actions.
- 8.2 The financial aspects of the plan are set out in Appendix 3. As with all financial models, certain assumptions have been made around demand, cost, funding and provision. Changes in these assumptions will need to be reflected as part of the implementation and update of the SEND Improvement Plans.
- 8.3 There will also be some capital investment required to deliver several of the planned proposals. Funding for elements of this is already in the approved Children's Services capital programme. As other proposals are developed, the capital implications will be set out as part of the detailed project plans.
- 8.4 The recovery of the ongoing deficit must be in accordance with DfE guidelines and treated in accordance with statutory accounting requirements. The requirements of the School and Early Years Finance (England) Regulations 2021 are for prior year deficits to be deducted from the current year's school budget or carried forward to the next

financial year, unless an application is made to the Secretary of State to disregard this. This means that deficits do not have to be covered by the Council's general reserves. The Chartered Institute of Public Finance and Accountancy (CIPFA) has updated the Code of Practice to allow authorities to charge this deficit to an unusable reserve, the DSG adjustment account, created solely for this purpose.

- 8.5 As set out in the report, it will not be possible to recover the on-going and accumulated deficit over the MTFS period without additional funding. Additional disclosure will continue to be included in the Council's annual Statement of Accounts to explain the DSG funding position.

9. Legal implications:

- 9.1.1 Whilst the council is no longer required to submit a Recovery Plan to the DfE, without robust stabilisation and improvement plans, the council would be at risk of not meeting its statutory responsibilities as specified in the Children and Families Act 2014 and outcomes for children and young people with SEND will deteriorate.

10. Risk implications:

- 10.1 Failure to effectively deliver all aspects of the SEND improvement plan will result in the council being unable to meet its statutory duties for children and young people with SEND and receiving a written statement of action from Ofsted & CQC in any future local area inspection. Resources have been allocated to mitigate this risk
- 10.2 Any risks associated with the elements of the improvement plan itself will be clearly identified and reported to Cabinet accordingly.
- 10.3 The SEND operational and strategic activity has been co-produced with children, young people and their parent carers alongside all statutory SEND partners and services

11. Equality Implications:

- 11.1 Any reviews of service provision would be subject to Fair Treatment assessments. However, the overall objective of the proposals is to improve provision for children and young people with special educational needs and/or disabilities.

12. Linkages to our work with the West Midlands Combined Authority (WMCA), the Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

- 12.1 None as direct consequence of this report.

13. List of appendices referred to

- 13.1 Education SEND high level Improvement Plan – Appendix 1
- 13.2 SEND Strategy Overview – Appendix 2
- 13.3 Financial Plan – Appendix 3

13.4 Alternative Provision discussion document – Appendix 4

14. Background papers used to compile this report

14.1 None

15. List of other relevant documents

15.1 None