

Special Educational Needs Service and Safety Valve Programme Updates

To: Children and Young People Committee

Meeting Date: 10th October 2023

From: Executive Director of Childrens, Education and Families

Electoral division(s): All

Key decision: No

Forward Plan ref: n/a

Outcome: To note the updates provided on SEND in the County, SEND Transformation and Safety Valve Agreement.

Recommendation: The Committee is recommended to note the updates provided on SEND in the County, SEND Transformation and Safety Valve Agreement.

Voting arrangements: Not applicable

Officer contact:

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1. Background

- 1.1 The purpose of this report is to provide the committee with an overview of the current position around Special Education Needs and Disability (SEND) in Cambridgeshire. Nationally there remains significant challenges on the SEND system with increased demand, complexity of need and funding challenges. The government has signalled the need for changes through its recent response to its Green Paper on SEND and locally we are working hard to drive the focus on early intervention and prevention.
- 1.2 The report also covers some the Safety Valve process with the Department for Education which was agreed in March 2023.

2. Main Issues

Special Educational Needs and Disabilities Service Update

- 2.1 The service continues to see high levels of demand within SEND, in line with most local authorities nationally. The challenges coming from Covid-19, the rise in the cases of mental health related challenges and complexity of need continue to raise is a concern. We also believe that the pressure of funding continues to lead to schools seeking further support from the Education, Health and Care plan (EHCP) process.
- 2.2 The demand for SEND provision has placed significant pressures on local authority services and whilst we continue to have challenges in terms of recruiting and retaining highly specialist and skilled staff e.g. education psychologists, the service has continued with its commitment to meet statutory deadlines and work with families and schools to establish support at the earliest opportunity. The volume of work however has impacted on our ability to meet the deadline for issuing EHCPs. Our data at the end of May outlines the following –
- The number of open EHCPs received to date this year has exceeded previous forecasts and is currently 7,294 open cases (31 May 2023), a rise of 12.7% compared to the same period in 2022.
 - The number of new initial requests received is increasing in comparison to the previous year (+22.6% increase). There has been a slight increase in the proportion of new initial requests received from the under 5 age group, while those from the 5-10 and 16-19 age groups have seen a slight decrease. In June and July, the number of requests has continued to increase.
 - The numbers of new EHCPs being issued appears to be slowing compared to 2022 (+2% increase). There has been a slight increase in the proportion of new EHCPs issued to the under 5 and 11 to 15 age groups. The proportion of new EHCPs issued due to Social, Emotional & Mental Health primary need has increased significantly compared to previous years.
 - The overall number of EHCP review meetings held shows a slight increase (2.6%) compared to the previous year, and the proportion of EHCP reviews being completed in timescale is increasing.
 - The number of ceased EHCPs is beginning to increase as reviews are undertaken. We have seen a particular change in the 16+ cohort. The proportion of EHCPs ceased due to the young person not wishing to engage in education increased significantly

compared to previous years.

- 2.3 The table below outlines the rise in open EHCPs since 2018. The increase represents a 84% increase in EHCP within 5 years.

Year	Open EHCP as at May
2018	3,974
2019	4,409
2020	4,890
2021	5,655
2022	6,470
2023	7,315

The latest performance position will be included as part of the quarterly committee performance report.

Safety Valve Programme

- 2.4 At the end of the financial year, Cambridgeshire has an accumulated deficit of £51.2m on its Dedicated Schools Grant (DSG). Negotiations began with the Department for Education (DfE) in May 2022 with Cambridgeshire County Council entered into a [Safety Valve agreement with the DfE in March 2023](#). The Safety Valve programme provides additional resources to Local Authorities to deliver a sustainable position for our children and young people with Special Educational Needs and Disabilities, without impairing their education.
- 2.5 These agreements, hold the local authorities to account for delivery of reforms to their high needs systems, so that they can function sustainably and therefore in the best interests of the children and young people they serve. These local authorities will be expected to reach an in-year balance on their DSG as quickly as possible, and over time eliminate their deficits. The agreements are closely monitored, and if the conditions set in the agreements are not being met, funding is withheld.

The agreement is based on the following funding arrangements:

- Revenue contribution of £49m from the DfE to support the repayment of the deficit, supported by a contribution of £9m from the Council's reserves.
- A further £11.3m for capital funding to support new SEND provision on mainstream school sites.
- Two new special free schools for Cambridgeshire to be established in March (opening September 2026) and Gamlingay (opening September 2025). Significantly, there are also new free schools being established in Bedfordshire and Norfolk which will potentially reduce the number of children accessing our specialist provision from outside of the county.

2.6 We established our SEND Transformation Programme in 2021 to have a focus on delivering better services, with early intervention. This programme formed the basis of our proposal to the DfE and now aligns with the Safety Valve Programme conditions, which are:

- Improve decision making on awarding Education Health and Care Plans (EHCPs) through developing a more consistent and transparent multi-agency decision making process.
- Develop a special schools outreach model to facilitate supporting children and young people with SEND in mainstream provision.
- Review current tuition packages to ensure appropriate and successful reintegration to mainstream school settings.
- Develop a model of investment in ordinarily available provision to support schools in meeting need without an EHCP. This will include developing a system for funding which will provide consistent resources and support across a graduated approach to need including those pupils without an EHCP.
- Review the Needs Assessment and Post-Assessment process to ensure appropriate and consistent provision is put into place.
- Strengthen processes around mediation and dispute resolution in order to reduce the requirement for tribunals.
- Increase independence of children and young people by targeting reviews to ensure provision is appropriate, meets needs and promotes independence.
- Continue offering free access to SEND District Team support to identify training needs, emerging themes and focus less on individualised support and more on upskilling staff knowledge and skills in all areas of SEND.

2.7 The programme agreed aims to balancing our budget by the end of the 2026/27 financial and give us a solid foundation going forward. In response to this programme and the subsequent management of the deficit

2.8 The profile of contribution is shown in the table below –

Year	DfE Safety Valve Funding
22-23	£19.6m
23-24	£5.88m
24-25	£5.88m
25-26	£5.88m
26-27	£11.76m

2.9 As a result of meeting the milestones for the agreement, we received £19.6m from the DfE and contributed £2.5m from reserves to leave a net deficit of £29.1m at the end of the 22/23 financial year.

2.10 Our strategy for managing the number of children and young people receiving individual funding from the High Needs Block is through our SEND Transformation Programme. The overriding principle of our SEND Transformation Programme, in line with our joint SEND Strategy, is early prevention, ensuring support is in place as early as possible to support children and young people and their families with their needs, where possible without the need for an Education Health and Care Plan (EHCP). Our vision is that children and young

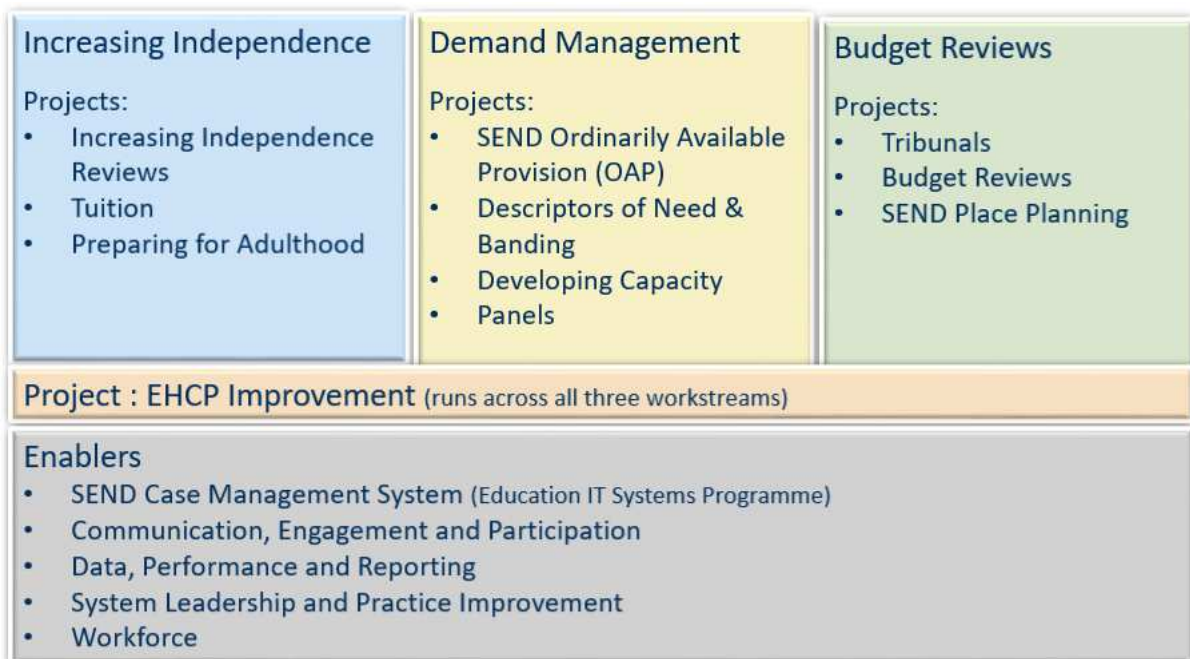
people with SEND will have their needs and outcomes more effectively met at all stages of their journey through the system.

2.11 Through roll-out of strengths-based practice within the system children, young people and their families will be at the heart of all conversations - with an emphasis on their strengths, outcomes and aspirations. By reviewing our Bandings & Descriptor workstream, we will set out clearly how settings can meet the needs of children and young people, ensuring that support is proportionate and enables young people to take steps towards independence. We will be re-structuring our specialist support services, to ensure a focus on early intervention and de-escalation of need. Through increased co-production, promotion and engagement with our SEND Support /Ordinarily Available provision offer, clearly setting out our expectations around Preparing for Adulthood, we will ensure that more young people either transition into independence (if their education is complete or the outcomes of their EHCP have been met) or into other support outside the EHCP process.

2.12 Cambridgeshire is committed to ensuring better outcomes for children and young people with SEND which in turn will mean that the cost to support them reduces. Our transformation work acknowledges that whilst cost reduction remains a key factor of success, outcome improvements are placed front and centre. Our established SEND Transformation principles will continue to underpin the programme, these are:

- Investing in early years and earlier prevention
- Embedding a focus on outcomes
- Developing a system-wide view and working with partners to shape and deliver change
- Measuring and sharing our impact
- Involving parent carers to help inform and shape the transformation programme.

2.13 The programme can be broken down into the following workstreams –



- 2.14 The Safety Valve agreement commits Cambridgeshire to report to the DfE's Funding Policy Unit (FPU) in writing on the progress towards the savings targets and conditions set in the agreement. The Department will use this tri-annual reporting to monitor the progress of the agreement conditions. The agreement also commits Cambridgeshire to highlight to FPU any difficulties in carrying out the agreement as soon as they arise.
- 2.15 The first monitoring was submitted to the DfE on 12 June 2023 and our position showed around £170k variance from the original planned position. Further monitoring reports are required by 15 September and 15 December 2023. The monitoring reports will include progress against the conditions of the grant and a financial dashboard detailing various metrics relating to demand and cost. We have an established SEND Transformation Programme Board which is monitoring performance of the programme in line with the Safety Valve Agreement.
- 2.16 Key headline activity from June/September 2023 monitoring reports are -
- The Cambridgeshire SEND Ordinarily Available online toolkit has been developed and launched, providing a wealth of information and guidance for professionals to support children and young people with SEND in early years settings, primary and secondary mainstream schools. [SEND OAP Toolkit - Learn Together.](#)
 - Cambridgeshire SEND Information Hub (Local Offer) improved site and refreshed content has been launched. [SEND Information Hub \(Local Offer\).](#) This will mean that parents will be able to access support their need directly rather than through other channels.
 - Mainstream banding (categorising need) is being trialed at Post Assessment Panel. This has led to greater consistency in decision making. In addition, should an application be declined at panel, parents and schools are offered a post panel meeting to work with the family and school to establish how the school will support the child or young person.
 - If an EHCP application is declined at Panel, the SEND District teams now undertake an assessment and provide support to the family and school at the earliest possible opportunity. The aim of this enhanced support process is so children and young people get support sooner, improve parent confidence and support schools to meet need appropriately at SEND support. In addition, the SEND District Teams are provide a complimentary rolling training programme to all schools to help support them in meeting the needs of children and young people with SEN.
 - A pilot has been undertaken to deliver outreach support to those children and young people with special education needs in mainstream provision. Feedback from the pilot is being analysed and the model reviewed before a provision launch in Spring 2024.
 - A number of SEND Transformation Parent Carer engagement events have been held. Extensive feedback was captured, and this is being used to inform our planning.
 - We have recruited our 'Increasing Independence' lead and they are taking up post in July, to plan and lead work on targeted reviews to ensure provision is proportionate, meets need and promotes independence.
 - Further successful recruitment campaigns have resulted in an EHCP Improvement Operational Lead, Systems Leadership Coordinator and two Senior Alternative Provision Monitoring Officers. These changes give us capacity to deliver the required change.
 - We have commenced our discovery work around annual reviews as part of our EHCP Improvement project. We are using seconded school SENCOs to deliver this work.

- Budget holders identified for all High Needs Block budget lines, training provided and monthly meetings with finance to be held, ensuring robust financial management.

- 2.17 Capacity for specialist provision has been a major challenge for us and the release of funding in the Safety Valve Proposal will support greater provision in the County. Approval was received for two new special free schools in the county, a 210-place, multiple needs school in March and a 60-place school in Gamlingay for children with Social Emotional Mental Health needs aged 11 to 16. The process to appoint a sponsor has commenced and a briefing session has been held for academy trusts. The newly built and expanded provision at Riverside Meadows Academy in Wisbech opened in September 2023 and we are on track to open the new area special school at Prestley Wood in September 2024.
- 2.15 Three social, emotional and mental health (SEMH) primary phase resourced provisions are progressing, with intention to open between January and Easter 2024 and expressions of interest have been received for primary phase autism resourced provision. These are currently being assessed for suitability. Further resourced provision is required at primary schools in the north and east of the county and at secondary schools. The expression of interest window for both has been extended to invite further interest and direct, targeted conversations are ongoing to encourage interest from schools in ideal geographical locations. A potential barrier to progress, is the presumption that new SEND provision, under DfE requirements, is not set up in schools with requires improvement status. We are awaiting a response regarding the potential implications of seeking to go ahead with setting up resourced provision in such schools, where they show the required drive to improve and in agreement with the DfE for academy schools.
- 2.16 In addition we are actively delivering these schemes -
- A 50-place expansion of Highfield Littleport Academy is progressing towards starting on site.
 - The 63-place expansion of Samuel Pepys has started on site.
 - The 60-place expansion of Martin Bacon Academy through satellite provision at Swavesey Village College (40 places) and an extension post 16 block co-located with Northstowe Secondary College (20 places) are being progressed.
- 2.17 To support the SEND transformation programme and to ensure the Local area response to the SEND agenda is robust, we have updated our governance arrangements following the separation of People Services from Peterborough. The proposed governance system will keep the 'system' accountable in terms of providing the right support in the right place at the right time in line with the vision of the Government's recently launched SEND and Alternative Plan:
- "We have set out a vision for a SEND and alternative provision system where decisions are made, collectively and consistently by partnerships and informed by robust data and evidence. This will be underpinned by strengthened accountabilities for all those responsible for local delivery".*
- 2.18 The new multi-agency structure will ensure leaders from across the system have sight of current priorities and projected financial and performance reporting to ensure they have the right information to inform their strategic decision making. Targets, performance indicators, outcomes and measures will be scrutinised throughout the structure to ensure all

organisations are performing and working together to deliver the best outcomes possible for children and young people with SEND.

2.19 The Cambridgeshire SEND Executive Board (CSEB), supported by a number of multi-agency boards, groups and other working parties that will support the delivery of the Executive's functions and priorities and is chaired by the Council's Section 11 Officer. The first board meeting took place on 17 July 2023 and agreed a number of key actions to include further mapping of accountabilities and priorities of the CSEB and the Child & Maternity Partnership, to limit duplication. The terms of reference of this group can be found in Appendix 1.

National Policy Changes

2.20 In March 2023, the government published their response to the Green Paper as the- [SEND and Alternative Provision Improvement Plan](#).

2.21 The DfE have established a national SEND and Alternative Provision Implementation Board to support the changes. This includes 2 Ministers, the Children's Commissioner and stakeholders from a wide range of backgrounds including Local Authorities. Locally, Mark Vickers, CEO of Olive Academies (who operate bases in Cambridge and Wisbech) represents the AP/SEND CEO Network.

2.22 The Government's response outlines a series of objectives between now and 2025. The position against the 2023 objectives both nationally and locally can be seen below -

Objective for 2023	Update on National Position	Local Response
Set up engagement across education, health and care during spring 2023 to develop national standards		Our Ordinarily Available toolkit set a local standard to support the development of a national standard. These will be developed in line with government changes.
Establish the change programme's regional expert partnerships to test out proposals. Start testing elements of the national standards with regional expert partnerships.	Bedford Borough Council has been designated as the lead for the Eastern Region.	We are actively engaged with the regions SEND partnership.
Introduce local SEND and alternative provision partnerships that bring together partners to plan and commission support for children and young people with SEND and in alternative provision. Work with areas, through the change programme, to create	No guidance has yet been received on expectation and membership of these or details of the change programme.	We have introduced the Cambridgeshire SEND Executive Board (CSEB) and agreeing priorities between partners in the local area. Our transformation programme is heavily linked to the SEND and AP plan and

Objective for 2023	Update on National Position	Local Response
evidence-based local inclusion plans.		the evidence base in the response to this.
Start testing an approach to improve information available to families by providing them with a tailored list of suitable settings. This will be co-produced with children, young people and their families.		We have updated our Local Offer for parents. We have also undertaken a review of all provision in readiness for a more targeted focus on settings.
Announce the successful schools which will be opened as part of the new special and alternative provision free schools.	Announcements took place in June and August.	Our two new special schools were announced in August. The process of appointing a sponsor to operate the schools have commenced.
Launch a pilot to consider the evidence required to access flexibilities to standard English and mathematics requirements for apprenticeships. Support the Department for Work and Pensions' Adjustment Passport pilot. Start to build capacity and strengthen the quality of the supported internship programme. This includes training job coaches and making sure all local authorities have access to a supported employment forum.		Our preparation for Adulthood workstream is looking at different routes for young people into education, community provision and into Adult Services.
Undertake a review of the initial teacher training and early career frameworks. Fund up to 5,000 early years staff to gain an accredited level 3 early years special educational needs co-ordinator qualification. Launch a research project to develop our evidence base on current school approaches for teaching assistants.	The new National Professional Qualification will not commence until September 2024	We continue to provide support for schools to access the NASENCO qualification and we will work with our Teaching School Hub to ensure we have a full offer and high take up within Cambridgeshire. We have commenced work on looking at improving recruitment to TA roles.
Publish local and national inclusion dashboards.		We have produced and will be distributing our new SEND on a Page data analysis to help schools understand their cohort and inclusion.

Objective for 2023	Update on National Position	Local Response
<p>Require every integrated care board to have a named executive board member lead accountable for SEND.</p>		<p>Carol Anderson, Chief Nursing Officer, is the lead for the ICB.</p>
<p>Deliver updated Ofsted and Care Quality Commission area SEND inspections. Give the Secretary of State for Health greater powers through the Health and Care Act 2022. Set up an expert group to support the development of a bespoke national alternative provision performance framework. Improve advice and guidance for families on mediation and update the professional standards for SEND mediators.</p>	<p>Awaiting more information from the Government</p>	<p>We currently have a local AP directory which has quality assured providers. This allows schools to commission provision based upon individual children's need.</p> <p>Our commissioning team is reviewing our arrangements for mediation and the outcomes from all perspectives.</p>
<p>Increase core school funding by £3.5 billion in 2023 to 2024. Almost £1 billion of that increase will go towards high needs. Support local authorities through the delivering better value and safety valve programmes. Publish a response to the consultation on the schools national funding formula. Make significant progress in developing new approaches to funding alternative provision.</p>	<p>Provisional DSG allocations have been released.</p> <p>We await an update on SEND Funding which was no part of the national funding formula response.</p>	<p>Cambridgeshire has received a £2.9m (2.8%) increase in its provisional funding for 2024/25. This is significant lower than previous years but not unexpected.</p> <p>We are actively engaged in the safety valve programme.</p>
<p>Re-examine the state's relationship with independent special schools.</p>		<p>We continue to maintain good relationships with all independent schools in Cambridgeshire and those outside who we commission.</p>

3. Alignment with ambitions

- 3.1 Net zero carbon emissions for Cambridgeshire by 2045, and our communities and natural environment are supported to adapt and thrive as the climate changes

The provision of more specialist provision in local areas means that we should place less reliance on transporting children around their county to access suitable provision.

- 3.2 Travel across the county is safer and more environmentally sustainable

The provision of more specialist provision in local areas means that we should place less reliance on transporting children around their county to access suitable provision.

- 3.3 Health inequalities are reduced

Our focus on early intervention and prevent means that children and young people get the support they need earlier and will reduce the need for greater intervention at a later date.

- 3.4 People enjoy healthy, safe, and independent lives through timely support that is most suited to their needs

Developing our support around preparation for adulthood will ensure that more young people transition successful into adult hood and are support in more independent settings and they can access more community provision.

- 3.5 Helping people out of poverty and income inequality

There are no significant implications for this ambition.

- 3.6 Places and communities prosper because they have a resilient and inclusive economy, access to good quality public services and social justice is prioritised

Local Area Planning for SEND and new specialist provision ensure equity of access for all and choice for parents which is beyond the current level of opportunities.

- 3.7 Children and young people have opportunities to thrive

The report sets out the implications relating to children and young people.

4. Significant Implications

- 4.1 Resource Implications

The funding for SEND from a combination of Dedicated Schools Grant and council funding. The current arrangements outlined in the report form part of the medium term financial and any pressures / new investments will be considered in future budget rounds.

- 4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The SEND Transformation Programme will require procurement processes to deliver some of the key workstreams. Where appropriate, these will be brought back to the Committee for agreement.

4.3 Statutory, Legal and Risk Implications

There are no significant implications within this category.

4.4 Equality and Diversity Implications

There are no significant implications within this category.

4.5 Engagement and Communications Implications

We work closely with all our partners to deliver SEND. This includes early years setting, schools, colleges, parents and children and young people. We have positive working relationships with our parent carer forum, Pinpoint, who play a critical role supporting parent and supporting and challenging leaders across all services on delivering SEND outcomes.

4.6 Localism and Local Member Involvement

There are no significant implications within this category.

4.7 Public Health Implications

Children and Young People with SEND are among the most vulnerable in society. These proposals will contribute to the Health and Wellbeing Strategy ambition to improve outcomes for children and reduce inequalities, specifically in relation to two of the four priorities 'Ensuring children are ready to enter and exit education, prepared for the next phase in their lives' and 'Promote early intervention and prevention measures to improve mental health and wellbeing'.

4.8 Climate Change and Environment Implications on Priority Areas

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Positive/neutral/negative Status: Positive

Explanation: The new special schools in Cambridgeshire will be delivered by the Department for Education. Their specification require all new buildings shall achieve net zero carbon in operation. The Contractor shall provide roof coverage of photovoltaic (PV) panels.

4.8.2 Implication 2: Low carbon transport.

Positive/neutral/negative Status: Neutral

Explanation: It is not anticipated that these recommendations will have either a positive or negative impact related to this implication.

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive/neutral/negative Status: Neutral

Explanation: It is not anticipated that these recommendations will have either a positive or negative impact related to this implication.

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Positive/neutral/negative Status: Neutral

Explanation: It is not anticipated that these recommendations will have either a positive or negative impact related to this implication.

4.8.5 Implication 5: Water use, availability and management:
Positive/neutral/negative Status: Neutral
Explanation: It is not anticipated that these recommendations will have either a positive or negative impact related to this implication.

4.8.6 Implication 6: Air Pollution.
Positive/neutral/negative Status: Neutral
Explanation: It is not anticipated that these recommendations will have either a positive or negative impact related to this implication.

4.8.7 Implication 7: Resilience of our services and infrastructure, and supporting vulnerable people to cope with climate change.
Positive/neutral/negative Status: Neutral
Explanation: It is not anticipated that these recommendations will have either a positive or negative impact related to this implication.

Have the resource implications been cleared by Finance? Yes
Name of Financial Officer: Martin Wade

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement and Commercial? Yes
Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or Pathfinder Legal? Yes or No
Name of Legal Officer: Emma Duncan

Have the equality and diversity implications been cleared by your EqIA Super User?
Yes or No
Name of Officer: Faye McCarthy

Have any engagement and communication implications been cleared by Communications?
Yes
Name of Officer: Simon Cobby

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes
Name of Officer: Jonathan Lewis

Have any Public Health implications been cleared by Public Health?
Yes
Name of Officer: Raj Lakshman

If a Key decision, have any Climate Change and Environment implications been cleared by the Climate Change Officer?
Yes
Name of Officer: Emily Bolton

5. Source documents guidance

5.1 [Green Paper as the SEND and Alternative Provision Improvement Plan](#) .