

## **CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE**

**15 December 2022**

### **INCLUSION AND ADDITIONAL NEEDS STRATEGY AND SAFETY VALVE UPDATE**

#### **Purpose of report:**

To share the draft Inclusion and Additional Needs Partnership Strategy with the Children, Families, Lifelong Learning and Culture Select Committee and to provide an update on the delivery of Surrey's Safety Valve agreement.

Following feedback from young people with additional needs via the User Voice and Participation 'ATLAS' group, on their preferred terminology and language, we will use the term 'additional needs and disabilities' wherever possible to replace the legal term 'special educational needs and disabilities'.

#### **Introduction:**

1. This report provides an overview of the co-production of a refreshed Inclusion and Additional Needs Partnership Strategy, including feedback from the Surrey Additional Needs and Disabilities Partnership Board.
2. This report also provides an update on the delivery of the Safety Valve Agreement.

#### **Background**

##### **Development of the strategy**

3. The current Surrey 'SEND' Partnership Strategy covers the period from 2019 and 2022 and underpins the additional needs and disabilities transformation programme. The strategy sets out the commitment of the partnership to work together to enable all children with additional needs and disabilities in Surrey to thrive and achieve their full potential.
4. Throughout 2022 a refresh of this strategy has been co-produced with partners. This approach has been overseen by the Inclusion and Additional Needs Strategy steering group, the membership of the group includes key stakeholders from education, health and social care alongside the voluntary sector and representatives of families and children and young people with additional needs and disabilities.
5. The co-production process has included the following activities which led to the development of the draft strategy:

- Regular meetings to develop the strategy from its earliest stages with the Inclusion and Additional Needs strategy steering group
  - Ethnographic research conducted by an independent agency that specialises in social connectedness including six in depth interviews with professionals and sixteen in home ethnographic research interviews with children, young people and families with a broad range of needs, age range and social economic backgrounds.
  - Surveys conducted with parents and carers, teachers and Special Educational Needs Co-ordinators, and professionals (3<sup>rd</sup> sector, Case Officers, Educational Psychologists and Speech and Language Therapists)
  - Collaborative working among the key leads from related strategies from across the partnership to ensure that they are aligned with this overarching strategy, including the Inclusion, All Age Autism, Social Emotional and Mental Health, Best Start and Education strategies
  - Joint working with key partners from the Inclusion and Additional Needs Partnership Board, reviewing the strategy at key milestones
  - Virtual and in-person engagement sessions with parent carers and practitioners
  - Co-production and engagement on the strategy with children and young people with additional needs and disabilities through Accept, Teach, Listen, Access, Support (ATLAS)
  - Consultation work with schools including through the SENCO network and engagement with the Surrey School Phase Councils
  - Joint working with the parent carer forum, Family Voice Surrey (FVS).
6. The draft strategy has been developed, and priorities identified as a result of the co-production approach. The structure includes sections on the context, strategic priorities, and proposed measures of success. The partnership will be co-producing action plans and finalising monitoring arrangements in early 2023. The strategic priorities are:
- Leadership, governance and partnership accountability
  - Co-production
  - Inclusion in education and the community
  - Early identification and support
  - Transition and preparing for adulthood
  - Joint commissioning, sufficiency and evaluation
  - Systems and practice
7. In November 2022 the Surrey Additional Needs and Disabilities Partnership reviewed the draft strategy. The members shared feedback regarding content and language. The key points of feedback are detailed below:

- Board members accepted that the self-evaluation has fed into the strategy, and that partners have been able to input into its development.
  - Governance arrangements with regards to the self-evaluation and the partnership board were accepted, along with the proposed approach to implementation planning and refreshing the self-evaluation on a regular basis.
  - For partnership representation in groups to be reviewed, showing all the representatives within each group, and ensure representation of the voluntary sector.
  - It was reflected that the strategy will be shared with families but the language is not particularly user-friendly for Young People, so it was agreed that an easy-read version will be produced of the signed off strategy.
  - Address environmental factors in the context of the strategy, including workforce and capacity.
  - Changes were requested to update some of the language to ensure accuracy and reflect user feedback on preferred language. The details relating to these wording changes have been included as an appendix to this report.
  - It was noted and agreed that the ambitions for Alternative Provision and Home to School Transport should be stated more explicitly in the section on Joint Commissioning, Sufficiency and Evaluation, making the appropriate links to the relevant strategies and policies in these areas.
8. The draft strategy document is attached as an appendix, with the with amendments made to reflect the partnership board feedback and further document quality reviews underway to finalise the document for submission to Cabinet in January 2023.

### **Safety Valve agreement**

9. The financial pressures on the DSG and High Needs Block (HNB) continue to be a key focus of the Additional Needs and Disabilities Transformation programme. At the end of 2021/22, following a year end overspend of £35.3m, the cumulative deficit on the HNB stood at £118m.
10. Between December 2021 and March 2022 SCC entered robust negotiations with the Department for Education as part of the Safety Valve programme, with the objective of receiving additional funding to achieve a balanced year on year position as quickly as possible.
11. Assurance on both sides concluded that Surrey's AND Transformation plans were comprehensive and ambitious, as well as being achievable. Surrey and the DfE agreed a Safety Valve Agreement committing to the plans and financial trajectory in return for financial contributions from both parties towards the cumulative deficit that will continue to grow until the in-year financial balance is reached.
12. In March 2022 Surrey entered into a Safety Valve agreement with the Department for Education, committing to the delivery of our transformation plans

to improve outcomes for children and young people with additional needs and disabilities and to achieve in year financial sustainability by 2026/27.

13. This agreement and projected trajectory is expected to see the DSG High Needs Block deficit peak at £244m. Contributions of £100m from the DfE and £144m from SCC's dedicated offset reserve have been committed to clear the deficit balance. It should also be noted that this includes contributions from schools' budgets as part of a 1% transfer each year for 5 years (£40m) and a transfer of surplus balances from other DSG blocks (£15m) to maintain a balanced position from 2026/27 onwards.
14. Signing this agreement gave the immediate impact of the Council receiving an additional £40.5m of DSG High Needs Block funding in 2021/22. This meant that the brought forward deficit came down from the previously forecast £118m to £78m.
15. The DfE and SCC also agreed quarterly monitoring arrangements to assure delivery of the improvement plans, linked to quarterly instalments of the DfE's Safety Valve contribution.
16. As of December 2022, two monitoring check points have been passed with the DfE concluding that Surrey remains on the agreed trajectory. This has resulted in a further £6m in Safety Valve payments, taking the total received from the DfE to £46.5m. Provided we continue to maintain the agreed trajectory SCC should not need to add further funds to the offset reserve as we will continue to receive the annual payments of c£12m from the DfE.
17. Since the original agreement was signed the pressures from external factors, in particular inflation, have increased significantly. At present this has not been reflected in a change to the current planned trajectory, but the risks are being monitored and discussed with DfE as part of the quarterly meetings. As a result of the Autumn Statement the DfE have indicated that additional High Needs Block funding is expected to be confirmed to Local Authorities in December 2022, and consequently the third and final monitoring report of 2022/23 has been rescheduled by the DfE for January 2023.
18. Inflationary pressures are also impacting the planned Capital strategy as the costs of development increase substantially. Part of the Safety Valve agreement process included a Capital funding bid, for which the Council requested £56m. The bid also made clear the intended trajectory was dependent on this funding. The award from DfE was for £8m therefore creating a £48m Capital funding gap.
19. Subsequently a new programme of Free School application bids has opened which enables the Council to apply through an alternative funding stream to support some of these schemes. However, there remains a need to seek further funding sources to close the gap or if not possible discuss the implications to the

planned trajectory with the DfE. This is also being considered as part of the current MTFS review for the 2023/24 budget.

### **Conclusion and Recommendations:**

20. It is recommended that the CFLLC Select Committee notes the draft Inclusion and Additional Needs Partnership Strategy 2023-26 which is expected to be adopted in January 2023.
21. It is recommended that the CFLLC Select Committee notes the progress made with the delivery of the Safety Valve agreement.
22. It is recommended that the CFLLC Select Committee notes that the accountability of this area of work is to the Additional Needs and Disabilities Partnership Board and that the CFLLC Select Committee monitors future progress in this area by receiving regular updates, including a summary of the key performance indicators which are reviewed in detail by the Additional Needs and Disabilities Partnership Board.

### **Next steps:**

23. Final updates and amendments to be made to the Inclusion and Additional Needs Partnership Strategy 2023-26 to reflect feedback from across the partnership.
24. Inclusion and Additional Needs Partnership Strategy to be recommended for approval by Cabinet on 31st January 2023.
25. Additional Needs and Disabilities Partnership to develop and update action plans and refresh monitoring.
26. Continue to engage in Quarterly monitoring of the Safety Valve agreement with the Department for Education.

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### **Sources/background papers**

Surrey Community Vision 2030: Community vision for Surrey in 2030

SEND Partnership Strategy 2019-22

Surrey Safety Valve agreement

## **Appendix 1: Changes to language and wording following partnership feedback**

Changes were requested to update some of the language to ensure accuracy and reflect user feedback on preferred language. The details relating to these wording changes have been listed here, organised by the sections of the draft strategy:

### **Our Ambition**

- Strengthen the reference to communities, important to root people not only in Surrey but to ensure they feel confident to be participating in the community.

### **Leadership, Accountability & Governance**

- 'As leaders' to be amended to 'Our partnership recognises leadership at all levels. We will work together to create change and oversee and be accountable for improvements to our services'

### **Coproduction**

- Clarify this section is referring to leaders at all levels.

### **Early Identification and Support**

- Avoid using 'resilience' (negative feedback from children and young people), alternative wording to be used.

### **Inclusion in Education and Community**

- Add narrative to reflect the barrier to access to the curriculum
- Include narrative around empowering our children's system to challenge, judgement, stigma and negativity (discriminatory behaviour).
- Review first sentence, currently a deficit statement, to be more strengths based.

### **Transitions and Preparing for Adulthood**

- Ensure the term 'transitions' reflects transitioning through various points, from the earliest years.
- To consider other alternatives in addition to employment, activities that feel enriching and enable young people to be part of the community. To be revisited in the SEF as well.

### **Joint Commissioning, Sufficiency and Evaluation**

- Ensure sufficiency isn't overshadowed by Joint Commissioning. Pull through the language around shared commitment and quality assurance.

### **Systems and practice**

- Include statement on ensuring their needs are being looked at through a safeguarding lens and sharing information in a timely and appropriate way.
- Change narrative to focus on 'person centred', moving away from conflict and tension.
- Include narrative around workforce training & development and partnership recruitment and retention.
- It was noted that 'EYES' is not yet a partnership recording system giving a 'single view of the child', as not all partners have access to it.

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