

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the Meeting held on 06 November 2023 at 7.00 pm

Present:-

Cllr B Dove – Chair

Cllr S Bull – Vice-Chair

Present: Cllr P Broadhead, Cllr O Brown, Cllr B Chick, Cllr P Cooper,
Cllr E Harman, Cllr B Hitchcock, Cllr S Mackrow, Cllr D Martin, and
Cllr A-M Moriarty

Co-Opted Members: P Martin, M Saxby, and S Welch

30. Apologies

Apologies for absence were received by the Members of Youth Parliament.

31. Substitute Members

There were no substitute members on this occasion.

32. Declarations of Interests

There were declarations of interest for this meeting.

33. Public Issues

There were two questions and a statement received from Mr Adam Sofianos

“I applaud the efforts of the Chair, and officers, to bring this matter to Committee. Safety Valve is a controversial programme and deserves thorough scrutiny.

The Government invitation dated 18th July sets out a process timetable. The critical period is early January, when the draft Management Plan is reviewed and updated.

At this point, officers will also have the final deficit-reduction and payment schedules. These are the key features in any Safety Valve contract.

We don't have the Management Plan or Contract schedules today. But they are critical. So, will Council provide these to Committee members for scrutiny, as soon as each is available?

And will Council facilitate a further Committee meeting, before the “final meeting” with the Government's team, to ensure Scrutiny plays a proper

role in the “political clearance” process referred to in that letter, and ensure these documents are made available to the public?”

Source: [Appendix 1 for Safety Valve Programme.pdf \(bcpcouncil.gov.uk\)](https://www.bcpcc.gov.uk/Appendix%201%20for%20Safety%20Valve%20Programme.pdf)

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

The management plan we have currently for the Delivering better Value programme has been included in the pack for the O&S Committee. We have not yet developed the management plan or contracts for the Safety Valve programme.

These will be completed and reviewed with the DfE support officers prior to submission and can be provided to the committee prior to the final Safety Valve meeting with the DfE. Once the contract is agreed this is published on the DfE website.

Whether the council facilitates a further committee meeting before the “final meeting” with the government team is dependent on the chair and members of this committee with advice from democratic services, with a mind on officer capacity.

Question two:

“The statutory override, which ringfences Dedicated Schools Grant overspending, expires in April 2026. At that point, without further intervention, any council which cannot balance these cumulative DSG deficits, faces a Section 114 notice.

Each of the 34 existing Safety Valve contracts, sets out a schedule for annual reductions in that council's own underlying deficit. But there is not a single contract that projects an elimination of such deficits by 2026.

What of net deficit figures, i.e. including Government payments? The two largest contracts, for Kent and Norfolk, cover deficits well over £100m – a situation likely to be faced here. Yet these contracts forecast net deficits of £74m and £62m in 2026.

This amplifies growing concerns that Safety Valve itself cannot resolve this deficit burden.

So, for this Council, what are the cumulative underlying and net deficits in April 2026, as projected under Safety Valve?”

Source: <https://www.gov.uk/government/publications/dedicated-schools-grant-very-high-deficit-intervention>

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

We do not have a cumulative underlying and net deficits for April 2026, as projected under Safety Valve, as this has not been projected yet. The negotiations are still at an early stage.

Under the Delivering better value programme assuming savings can be delivered, with a high confidence level from the activities identified £157.8m accumulated deficit. Savings are from reducing Education, Health and Care Plans growth, greater proportion of placements in mainstream schools, new places being created in special schools and with better utilisation to reduce use of higher cost independent schools. One example of this is the Cabinet paper 25 October 2023 - Minute No. 49 - SEND Programme of Expansion - Broadstone First School that is I am bringing to full Council tomorrow evening.

A public statement was received from Mr Adam Sofianos as follows:

“Safety Valve is controversial. Two targets are particularly contentious: reductions in EHCPs issued, and increased placements of affected children into mainstream settings. Its Management Plan template requires councils to agree targets for everything, from care plans to transport costs. Based not on need, but on quotas.

Other struggling authorities are moving up to 80% of affected kids into mainstream schools. Or pulling funding from other school services. Or raiding school reserves to meet Safety Valve targets.

EHCPs are a safeguard, a safety net, an assurance that a child will have a fair chance to access education. And, regardless of any Safety Valve incentives, they remain a statutory duty.

Families are afraid, that the future will deliver even worse outcomes. I ask Council to ensure that whatever happens, that will not be the experience for our most vulnerable children.”

Sources:

<https://www.tes.com/magazine/news/general/send-cost-cutting-councils-law>

<https://www.specialneedsjungle.com/dfe-answers-questions-targets-ehcp-cuts-removing-children-specialist-provision-boost-send/>

<https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-deficit-management-plan/dsg-deficit-management-plan-template-guidance-for-local-authorities-2022-to-2023>

<https://schoolsweek.co.uk/kents-mainstream-send-plans-put-pupils-chances-at-risk/>

<https://schoolsweek.co.uk/council-deficits-send-spending-bailouts-funding/>

<https://schoolsweek.co.uk/school-leaders-rebel-over-raid-on-reserves-amid-shameful-bail-out-ultimatum/>

<https://www.specialneedsjungle.com/send-tribunal-2022-3-7-la-success-rate-government-understand-law-matters/>

34. Safety Valve Programme

The Corporate Director for Children's Services presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

A Written Statement of Action was in place to respond to the Local Area Special Educational Needs and Disabilities (SEND) Inspection that took place in June 2021. An improvement programme to deliver this was in train and reports to the SEND Improvement Board. The SEND Inspection identified eight areas of significant weakness which need to be addressed. This resulted in a set of actions being put into the Written Statement of Action to address the weaknesses.

The national picture since 2014 was one of a system that was overwhelmed. Nationally, applications for EHCPs had increased by 215% from 2015 to 2022 and SEND tribunals had tripled.

A huge financial strain had been put on local authorities. The total high needs deficits were estimated to be £1.9bn in March 2022, projected to rise to £3.6bn by 2025. The risk of the statutory override ending after 2026, would potentially force local authorities to issue section 114 notices.

For BCP Council by the 31 March 2024 Forecast Deficit would be £62.9m which would make the Council technically insolvent.

To assist in the management of this the DfE had invited BCP Council to be part of the Safety Valve programme.

The Committee discussed the report and comments were made, including:

- The Committee acknowledged the necessity of the work being done on the Safety Valve Programme and the situation's complexity. They highlighted the importance of prioritising the young people and families in BCP that would be affected by the Safety Valve programme.
- A Committee Member raised concerns that the information provided focussed mainly on the budget and funding and not the outcomes and possible risks of the programme.
- In response to information given by an expert on Safety Valve programmes, it was highlighted that contact should have been made with other local authorities also considering joining the Safety Valve Programme. It was highlighted that BCP could learn from other local authorities going through this process to ensure a joined-up approach to learn from any mistakes.

- In response to queries about the contract and management plan of the Safety Valve programme was confirmed that once the negotiations had taken place with the DfE, the Committee would have the opportunity to scrutinise it. The Committee requested a further additional meeting to allow the Committee to discuss and scrutinise the contract before it was agreed.
- In response to a query, regarding the contract negotiations, the Committee was advised this would be carried out by the SEND team, the Corporate Director of Children's Services and Chief Executive.
- In response to a query regarding the budget deficit and the provision of EHCP, the Committee was advised that to provide the standard statutory service cost more than the budget available. It was highlighted that financing the service was a major concern to BCP council, and the Safety Valve programme could address some of the budgetary issues, however the constraints and requirements were severe.
- The Portfolio Holder for Children and Young People addressed the Committee and highlighted the importance of scrutiny and how it could contribute to this process.
- The Committee acknowledged the importance of a good SEND service and highlighted concern about how this would be done whilst ensuring the best interests of BCP residents was paramount.

The meeting adjourned at 8.01pm and reconvened at 8.14pm

It was proposed, seconded and resolved that

- the Committee understood the necessity for the work underway by officers as part of the safety value process. However, was determined that outcomes for children, young people and families should remain a central part of the negotiations with government. Accordingly, the committee resolved to delegate to the Chair to make representations and hopefully provide input as part of that negotiation process.
- an additional meeting of the Committee be arranged, prior to the conclusion of the safety valve negotiation process, delegate to the chairman to make arrangements with officers.

The meeting ended at 8.26 pm

CHAIRMAN