

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

Minutes of the Meeting held on 03 January 2024 at 6.00 pm

Present:-

Cllr B Dove – Chair

Cllr S Bull – Vice-Chair

Present: Cllr P Broadhead, Cllr O Brown, Cllr B Chick, Cllr P Canavan (In place of Cllr P Cooper), Cllr E Harman, Cllr B Hitchcock, Cllr S Mackrow, Cllr D Martin, and Cllr A-M Moriarty

Co-Opted
Members: E Hall and M Saxby

51. Apologies

Apologies of absence were received from Cllr Peter Cooper and Peter Martin.

52. Substitute Members

Cllr Patrick Canavan substituted for Cllr Peter Cooper.

53. Declarations of Interests

Cllr Emily Harman declared an interest as she would be applying to obtain an EHCP for a family member in the future, Cllr Simon Bull declared an interest as a family member was in receipt of an EHCP but had a dispensation for the meeting, Cllr Bobbie Dove declared an interest as a family member was in receipt of an EHCP but had a dispensation for the meeting and Cllr Olivia Brown declared an interest as she helped a close family friend with an application for an EHCP and admission to a special needs school in BCP.

54. Public Issues

The following three questions and statement were received from Mr Sofianos:

Question 1:

As we know, there's currently a statutory override in effect for Dedicated Schools Grant deficits. The override has been ringfencing that accumulating deficit, and keeping it off the main balance sheet.

Paragraph 38 of Appendix 1 suggests that if the override is not extended this year, then the Council would need to issue a Section 114 notice in December.

But the override is not currently due to expire until 31st March 2026. So, can Council just confirm, and explain in more detail, its view on when any such notice would need to be issued?

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

The statutory override falls away on the 31 March 2026. This means in setting the budget for the financial year 1 April 2025 to 31 March 2026 it will need to recognise that the override will not exist at the end of that period and therefore would not be able to set a legally balanced budget for that financial year as at the end of the period it will have a negative reserve position. Consideration in respect of a s114 report will be needed, as a minimum, in late 2024 if the matter has not been resolved before then.

Question 2:

The scenarios set out in Appendix 1 do not include the Government contributions which would be expected under any Safety Valve contract. Agreed contracts would be published in April 2024, but right now these figures are essential to understanding what an overall Safety Valve package would look like.

Can the Council confirm what Safety Valve contributions have been proposed, by Council and Government? And have any such contributions been included in calculations for the Council's forthcoming budget, and how much if so?

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

The proposal has been submitted to DfE. During January we will receive feedback from DfE with regards to the next steps and any Government contributions relating to the Safety Valve proposal. Until this work has been completed there have been no changes to the Council's budget in this regard.

Question 3:

Paragraph 44 is entitled: "Summary of equality implications". Yet this simply states: "The purpose of the DSG management plan is to address the financial sustainability of support for pupils with additional needs."

Obviously this is not in fact an equality statement. But has the Council conducted an equality impact assessment in relation to the Safety Valve scenarios here, and if so, what were its conclusions?

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

This work would be completed when a proposal or agreement would be reached.

Statement:

The scenarios provided for future services are alarming. Even the best-case version shows numerous reductions in services and spend – based not on need, but on quota. And the papers raise concerns about legality, deliverability, cost of appeals, impact on reputation, and above all, the impact on children.

Yet even this scenario leaves in-year deficits at almost the same level as now.

This is a disturbing insight into Safety Valve, which confirms so many fears about this project. And it fails to address the background to this situation: lack of adequate funding, lack of coherent national schools policy, and a refusal to confront the ticking timebomb of the statutory override.

Other approaches are possible – which prioritise the experience and well-being of our children. And a more sustainable national policy is surely inevitable. I therefore ask the Committee to consider a motion to oppose this approach, and reject Safety Valve.

55. DfE Safety Valve Programme Update

The Corporate Director for Children's Services and the Interim Director of Education and Skills 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.

The report provided information on the work carried out by Children's Services and the Corporate Finance team regarding BCP's invitation to join the Safety Valve Programme from the Department for Education.

During October 2023, Officers had been working to identify a proposal which would see the in-year High Needs Block Budget for children and young people with Special Education Needs and Disability to be balanced within a 5-year period.

Despite significant efforts, the Local Authority had been unable to provide a proposal which balanced the budget within the 5-year time period set down by the Safety Valve Agreement framework.

A proposal had been submitted to the Department for Education as detailed within. The Local Authority will be informed of the outcome during January 2024.

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

- In response to a query, the Committee was advised that Children's Services had been working with special education providers and education psychologists to expand an already established programme that would provide mainstream settings specialist support in caring for children with SEND. The support would be

focused on the transfer of skills to enable mainstream settings to provide the right environment for SEND Children. The Safety Valve Programme also looked at how outreach could be improved and would provide provisions to cover that.

- The Committee highlighted the national recruiting crisis teachers were facing and queried how much control BCP had within schools, as most of them were academies. The Committee was advised that it was a partnership, and Children's Services and schools would work together with the support of DfE colleagues.
- In response to a query regarding the Safety Valve proposal and what the reaction had been from schools, the Committee was advised of meetings that had taken place with headteachers regarding this. The officers explained it was positive although there was a lot of stress and anxiety, there was also a desire to get it right and a passion to do things differently.
- In response to a concern regarding the decision-making process of the proposal and at what point Council would have the opportunity consider the final proposal, the Committee was advised that where the DfE requested a five-year proposal, BCP had submitted a 15-year proposal and any final decision could not be considered until a response had been received.
- In response to a query regarding member engagement in the process or negotiation, the Committee was advised that the process had not yet involved negotiations but submitting a proposal to the DfE to which a response was due.
- In response to a query regarding the legality of the decision making with case law being cited, the Monitoring Officer advised the Committee that legally BCP Council would make sure every decision regarding the Safety Valve Programme would be made in the best interest of the council.
- The Committee expressed concern that they did not receive the full proposal as a part of the meeting. The documents that were shared with them only showed an overview of the proposal submitted to the DfE and did not show the full proposal that was submitted.

The Committee requested a short adjournment for the full DfE proposal to be sent to them so they could scrutinise the full document.

The Committee adjourned from 6.56pm and reconvened at 7.30pm once having sight of the full submission.

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

- In response to a concern regarding the possible risks, especially regarding EHCPs and how they could be mitigated, the Committee was advised that risks would need to be mitigated by working closely with partners, detailed on a register and monitored. The Committee was advised that there was a detailed SEND improvement plan which sits behind the safety valve proposal.

- In response to a query regarding health partners contribution to the proposal, the Committee was advised that work had been done with a group of special education headteachers to establish what was needed to support health's engagement which would then go to the SEND Improvement Board for further consideration and action.
- In response to a query regarding the impact COVID had on children and young people, the Committee was advised there had been an impact and increased needs as a result of COVID and it was about how children's services and health needed to support those additional needs, whether through early help or EHCPs.

Following advice from the Monitoring Officer regarding the document circulated in the adjournment being exempt in accordance with paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972, it was Proposed, Seconded and agreed to exclude the public and press at this point:

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

The Committee continued to discuss the report.

It was Proposed, Seconded and RECOMMENDED that the Committee notes the hard work undertaken to date but expresses continued concern of the lack of wider engagement on the issue. The Committee would therefore urge the Leader in consultation with the Portfolio Holder and Chair of the Committee to:

- a) consider what further engagement can happen upon receipt of any offers from the Department of Education.**
- b) consider as wide as possible member engagement in the final decision should one emerge from the Department for Education.**

Voting: For - unanimous

The meeting ended at 8.44 pm

CHAIR