

	Community and Wellbeing Scrutiny Committee 21 st September 2023
	Report from the Corporate Director of Children and Young People and NHS Borough Director
	Lead Cabinet Member: Cllr Gwen Grahl
SEND strategy implementation and readiness for a joint Ofsted/CQC inspection	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	1. SEND Strategy 2021-2025
Background Papers:	https://www.gov.uk/government/publications/send-and-alternative-provision-improvement-plan
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1.0 Executive Summary

- 1.1 This report provides an overview of services for Brent's children and young people with Special Educational Needs and Disabilities (SEND). It provides an update on the report on SEND to the Scrutiny and Wellbeing Committee in September 2022 and recommendations arising from that; Brent's readiness to implement the Department for Education's (DfE) SEND and Alternative Provision Improvement Plan and references our position in relation to a future inspection by Ofsted/CQC of the effectiveness of local area SEND partnership arrangements. The report also includes an update

on delivery of the Delivering Better Value (DBV) programme, aimed at reducing pressure on the High Needs Block of the Dedicated Schools' Grant.

2.0 Recommendation(s)

2.1 The Community and Wellbeing Scrutiny Committee is asked to note and comment on the content of the report.

3.0 Detail

3.1 Cabinet Member Foreword

3.1.1 This report provides the Committee with a detailed oversight of Brent's readiness to implement the Department for Education's (DfE) SEND and Alternative Provision Improvement Plan and the borough's position in relation to a future inspection by Ofsted/CQC of the effectiveness of local area SEND partnership arrangements. This is an honest reflection of how well Brent is meeting its duties for children and young people with SEND and their families. This is a continuous journey of improvement and the report sets out areas of development. Local families appreciate Brent's 'open door' approach and co-production of innovative solutions to improving the experience and outcomes of children with SEND.

Contribution to Borough Plan Priorities and Strategic Context

3.1.2 The work within this area offers a key contribution to Borough Plan Priority The Best Start in Life. The paper details elements of how children and young people with SEND and their families receive the support they need when they need it and in particular steps taken to raise aspirations and achievement. This includes local authority investment in a new special school for children of secondary age with autism on London Road in Wembley and new Additionally Resourced Provisions in mainstream schools.

3.2 Background

3.2.1 The Children and Families Act 2014 defines SEND in the following way:

- **Special Educational Needs:** A child or young person has special educational needs if he/she has a learning difficulty or a disability which calls for special educational provision to be made for them.
- **Learning Difficulty:** A child or a young person of compulsory school age has a learning difficulty or disability if they:
 - Have a significantly greater difficulty in learning than the majority of others the same age, or
 - Have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions or in employment without support.

3.2.2 The legal duties introduced in The Children and Families Act 2014 place responsibilities on the local area partnership (the local authority, health partners, settings, schools and colleges) to identify and meet the needs of children aged 0-25 who have SEND. How the Act should be interpreted is set out in the SEND Code

of Practice 2015. The duties and reforms to the SEND system introduced in 2014 aspired to achieve an integrated 0-25 system spanning education, health and care, driven by high ambition and preparation for adulthood.

3.2.3 The Brent SEND Strategy 2021-25 (Appendix 1) details the Brent Children's Trust vision, ambitions and current priorities for children with SEND. The strategy was co-created by parents, carers and those who work with them across the local area partnership. The strategy is the vehicle for the partnership to express how it is implementing the Code of Practice 2015 and builds on the work undertaken under the 2018-21 SEND Strategy. The local area partnership has developed an action plan to support the delivery of the ambitions set out in the SEND Strategy 2021-25, which is reviewed regularly by the Children's Trust. Effective progress has been made in delivery of the SEND Strategy 2021-25.

3.2.4 The Government initially launched the national SEND Review in 2019 in response to growing concern about the challenges facing the SEND system in England and the future of the children and young people it supports. Successive public reports, including those from the Education Select Committee, the National Audit Office, and the Public Accounts Committee, highlighted a range of challenges to be addressed. The government's SEND Review published in March 2022 committed to examining how the system has evolved since 2014, how it can be made to work best for all families and how it can ensure the effective and sustainable use of resources. The SEND and Alternative Provision Improvement Plan was subsequently launched in March 2023.

3.2.5 The DFE recommends that the Improvement Plan is read alongside reforms to health and social care, including the introduction of Integrated Care Systems and wider reforms to adult social care. The paper also needs to be read alongside the Independent Review of Children's Social Care and the new Ofsted and CQC Inspection Framework for SEND.

3.2.6 The Improvement Plan identifies three key challenges facing the SEND system nationally that it sets out to address:

- a) **Challenge 1:** outcomes for children and young people with SEN or in alternative provision are poor and young people are not as well prepared for adulthood and employment as they should be.
- b) **Challenge 2:** navigating the SEND system and alternative provision is not a positive experience for children, young people and their families, who need confidence that their children will get the right support, in the right place and at the right time.
- c) **Challenge 3:** despite unprecedented investment in the high needs budget, the system is not delivering financial sustainability and value for money in meeting the needs of children, young people and families.

3.2.7 To address these challenges the Improvement Plan signals the intention to implement:

- An inclusive single national SEND and alternative provision system, that starts with improved mainstream provision that is built on early and accurate identification of needs, delivers high quality teaching of a

knowledge-rich curriculum and gives prompt access to targeted support where it is needed. This includes establishing a 3-tier alternative provision system that includes targeted support, time-limited placements and longer-term placements.

- Nationally consistent standards for how needs are identified and met at every stage of a child's journey across education, health and care. This will involve development of a national digitised EHCP process, conflict resolution via mandatory mediation rather than the first level tribunal system only and an Inclusion Plan that for each child or young person includes a tailored list of settings, that are appropriate to meet their needs.
- New statutory guidance to Integrated Care Boards (ICBs) that set out how statutory responsibilities for SEND should be discharged, a new performance framework and a new national framework of banding and price tariffs for funding SEND provision

Brent's SEND Inspection History

3.2.8 The last SEND Inspection in Brent was in 2017 when a written statement of action was required. The area was revisited in 2019 when it was confirmed that all areas requiring improvement had been addressed. The area partnership is therefore anticipating an inspection visit from CQC and Ofsted in the near future. The inspection will provide the opportunity for the area partnership to demonstrate how the partnership is meeting the expectations contained within the area SEND inspection framework.

3.2.9 In the SEND area inspection framework, a local area self-evaluation will take a central role in demonstrating and driving ongoing quality improvement activity. It is important for each local SEND partnership to have a regularly reviewed and updated self-evaluation (SEF) for SEND services. The SEF and supporting action plan will not only be requested ahead of a full inspection as previously, but it will also be required for new annual engagement meetings with Ofsted and CQC and for any monitoring activity. This means that Brent SEND partnership needs to have a current SEF and action plan in place. The Brent SEF was completed in September 2023 and will be kept under review pending notification of an inspection.

3.2.10 Three key questions for the local area partnership are to be covered in the SEF:

- a) What do you know about the impact of your arrangements for children and young people with SEND?*
- b) How do you know what impact your arrangements for children and young people with SEND are having?*
- c) What are your plans for the next 12 months to improve the experiences and outcomes of children and young people with SEND?*

3.2.11 The main areas of strength and those in need of further development for the local partnership are set out below.

Brent's readiness for the implementation of the Improvement Plan and the new Inspection Framework

SEND Prevalence

- 3.2.12 There are currently 3368 children and young people aged 0-25 with an Education, Health and Care Plan (EHCP), which at 4.2% of the school population is similar to national. 10.8% of pupils are identified with additional needs that can be met at SEN support where a need is identified but does not meet threshold for an EHCP (compared to 13% nationally). 54% of children and young people with an EHCP are identified with communication and interaction needs (autistic spectrum disorder and speech, language and communication). The average growth in EHCP numbers has been approximately 10% over the last three years, consistent with the national position.
- 3.2.13 Between 2021 and 2022 the number of EHC Plans increased across all age groups, with the highest in the 20-25 age group (40% compared to 3% nationally) and the 16-19 age group (18%). In Brent the age groups with the largest number of EHCPs are the 5-10 age group (37% of cohort) and the 11-15 age group (32%), with the 20-25 age group accounting for 9%. This means that additional local special places in both primary and secondary are needed to respond to increasing demand, as EHCP numbers increase as well as a growing need for provision for young people in the 16-25 age range.
- 3.2.14 As the number of EHCPs has increased, the number of children with an EHCP placed in mainstream schools has increased from 48% in 2018 to over 60% in 2022. 75.6% of children and young people issued a new EHCP in 2022 are in mainstream settings compared to 69.3% in 2021 (national 74%; statistical neighbours 76.3%) and 17.5% are in special schools (national 12%; statistical neighbours 13.3%) (Source: SEN2 January 2023). Schools are being supported to develop staff capacity and resources to meet these children's needs. However, schools are concerned about how to support children with increasing complexity of needs who are being placed in mainstream schools.

Partnership Activity

- 3.2.15 Governance of the Brent SEND local area partnership is through the Children's Trust, chaired by the Corporate Director, Children and Young People. The Inclusion Strategic Board that reports to the Children's Trust brings together partners to review performance and discuss service developments. There is a strong sense of collaboration across health, education and care and a commitment to work in partnership to make a positive difference to the lives of children and young people, building on the progress noted in the 2019 Ofsted/CQC joint local area SEND Inspection. In September 2022, the Community and Wellbeing Scrutiny Committee recommended that a framework be developed for more joined up working with the Integrated Care Partnership (ICP) on SEND. This was progressed in autumn 2022 with a new set of joint priorities agreed, which are being delivered through CYP sub-groups reporting to four ICP Executive Groups¹. For children with SEND, priority areas of focus are:
- To support children and young people to achieve good mental health and resilience through addressing CAMHS waiting times and implementing the 'Thrive' model.
 - To build whole system pathways to support children with Speech, Language and Communication Needs through early intervention, and to manage rising demand at statutory levels.

¹ Tackling Health Inequalities, Strengthening Primary Care, Developing community care and Mental Health and Wellbeing

- To ensure that neurodiverse children and young people and their families and carers, are able to live well and receive appropriate and timely support when required.
- To address health inequalities.

3.2.16 Engagement with families through the Brent Parent Carer Forum, which has over 500 members, is strong and Brent Parent Carer Forum are active participants in the Inclusion Strategic Board. A young people's network provides the opportunity to co-produce services. Co-production is central to all strategic developments and operates on a 'nothing about you without you' approach. This is clearly demonstrated in the SEND Strategy 2021-25, the ongoing oversight of the Local Offer/Preparation for Adulthood (PfA) website and, more recently, in the design of a new neurodiversity pathway and development of the supported employment programme.

3.2.17 In June 2023 the Brent partnership hosted a SEND celebration event at Brent Civic Centre, as recommended by Scrutiny Community and Wellbeing Committee in September 2022. During the week of 26 -30 June the local area partnership celebrated children and young people with SEND through an exhibition of over 200 pieces of artwork and poetry, which have been collated into a virtual book. Over 300 children/young people and their families attended a reception where children and young people nominated by their school were presented with certificates by the Deputy Mayor of Brent, the Corporate Director for Children and Young People and the NHS Borough Director. The Manor School choir performed at the event, as well as Indian drummers from Woodfield School.



3.2.18 Systems for the early identification of need are well embedded. Multiagency decision-making panels that focus on shared responsibilities, such as the Joint Funding Panel, ensure that children and young people's complex needs are being met, including those of children eligible for Continuing Health Care. The Terms of Reference of the Joint Funding Panel are currently being reviewed to ensure alignment across the NWL ICB.

3.2.19 Through the School Effectiveness Partnership Board and regular meetings with headteachers, the Children and Young People's Department leads an effective partnership with local schools to deliver an inclusive agenda. Developing the capacity of mainstream schools in Brent to identify the SEN needs of pupils early so that they can be supported in the most appropriate way continues to be a focus.

Schools are, however, supporting children with increasing levels of complexity which is placing some pressures on the system. The ongoing support for schools noted in the September 2022 report to Scrutiny and Wellbeing Committee includes implementation of a Graduated Approach (GAF) for children with a SEN need who do not require an EHCP, a SENCO training programme (comprising of Autism awareness in schools, EKLAN, Makaton and Dyslexia), with the addition of a borough wide roll out of SCERTS, an inclusive education evidence-based model that focuses on Social Communication (SC), Emotional Regulation (ER) and Transactional Support (TS). Targeted investment through a £0.5m SEND Intervention Fund from the High Needs Block of the Dedicated Schools Grant (DSG) is supporting training on early identification of children needs early.

- 3.2.20 Whilst initiatives to support inclusive mainstream schools are beginning to gain traction, the impact of the pandemic on the emotional regulation, communication, and interaction skills of children under 7 years of age has seen demand rise. Participation in the Department for Education's Delivering Better Value (DBV) Programme (see High Needs Block (HNB) Current Position section below) has been purposefully targeted in Brent towards developing an area wide response to this, moving towards provision based on intervention first as opposed to an EHCP for young children. A new model of working with schools and partners to deliver early intervention is being piloted during the 2023/24 academic year with the Harlesden cluster of schools.
- 3.2.21 The DBV change programme has two further elements; firstly, consideration of how funding is used in schools and settings to deliver provision to young people at a school/setting and pupil level and secondly developing a model that better uses resources across the system while improving outcomes. For this second element a SEN Commissioner has been appointed to lead on this work across the system working as part of the ICP to review current resources for SEND across the ICP/ICB and the local authority to identify opportunities for aligning funding streams for therapies to deliver a sustainable new targeted support offer (which would be piloted again with the Harlesden cluster). This will be rooted in a needs analysis and analysis of workforce capacity and development and will draw on good practice, taking into consideration the financial envelope.
- 3.2.22 Due to expansion in the number of children and young people identified with SEND over the past few years, there are insufficient local places for Brent children of both primary and secondary age and the 16-25 age group. A capital programme has been developed to meet this demand and reduce dependence on out-of-borough independent special schools, which are expensive and can mean stressful journeys for vulnerable children as well as limit the access of children and their families to local support networks. In January 2022 Cabinet approved £44m of capital investment for 427 additional specialist places across mainstream and specialist provision, including a new secondary special school. The expectation is that the places will be made available by 2025. Despite the planned capital investment, increasing demand means that further local specialist places are needed. This could include additional Additionally Resourced Provision (ARPs) in mainstream schools and special school satellite provision utilising spare primary accommodation. 117 children and young people currently require a placement move from a mainstream school to a special school place as mainstream schools are not able to meet their complex needs. The schools where they are currently placed are being supported with additional resources from the High Needs Block and targeted training and support made from the CYP teams, while appropriate places can be secured.

3.2.23 The government drive for improved engagement post-16 in supported employment and more paid employment opportunities has placed an additional focus on local authorities to drive forward an expansion in supported internships and opportunities for young people to prepare for adulthood through employability skills and work experience. As the number of young people with an EHCP continues to grow, the demand in this area will continue. There is an expectation in the Code of Practice that a full range of opportunities must be provided to support young people to become visible, active members of society. This message is both embedded within the Brent Borough Plan 2023-2027 and the SEND Strategy 2021-2025. The Council has recently committed to developing post-16 SEND provision to meet this demand for places for young people with SEND, in particular young people aged 16-25 with complex learning difficulties. A new Post-16 Skills Resource Centre operating on two sites (Welsh Harp and Airco Close) was agreed by Cabinet in May 2023 and is aimed at addressing the current lack of in-borough provision for young people aged 16-25 with complex learning difficulties. To ensure efficiencies in how this is delivered, the Post-16 Skills Resource Centre at Airco Close will operate from the same building that will deliver agreed expansions of places at The Village and Woodfield Schools.

3.2.24 A partnership wide Supported Employment Forum has been established to ensure that the offer developed for young people is meaningful and sustainable. The Council, working with anchor organisations, has expanded the offer of supported internships. There have been over 50 supported interns over the last two academic years, 18 of whom had placement rotations in the Council and Wembley hotels. The remaining interns were located within the Imperial College Healthcare NHS Trust.

After getting a permanent role at Brent Civic Centre a young person who was on the supported internship programme said:

'I am really delighted I have been offered a job. When I told my mum she was speechless with happiness! She was really worried about me travelling because I was not an independent traveller, but I am now. I am happy because I will be more independent and will have a job I love.'

3.2.25 The Council is looking to support employers across Brent to be autism aware and to expand the number of employers who are achieving the disability confident standards. Brent Works and CYP lead the supported employment forum and through continued development of the post-16 offer, the Brent Partnership will enable more young people with SEND to secure meaningful employment and improved life chances. The aim is to support young adults to become more independent and economically active so that they no longer require the additional provision of an EHCP. A future focus will be placed on strengthening transitions across the partnership between children's and adult services including adult social care and health services.

3.2.26 There is effective oversight of the placement of young people who cannot settle in mainstream in alternative provisions, including Brent's Pupil Referral Unit (PRU) Brent River College and Ashley College, Brent's medical PRU. A panel oversees the referral and placement process for the 6-day statutory exclusions timeline and for health needs provision. To improve decision-making for children with health needs, a separate panel is being established in September 2023 that combines education, health, and care specialists to oversee the placements of children with medical needs. The Council also works closely with Roundwood School and Community Centre – an alternative provision free school established in 2019 and

run by the Beckmead Trust, to respond to an identified need for local alternative provision to meet the needs of local children who cannot settle in mainstream. The school receives referrals from local schools as well as the local authority.

- 3.2.27 In March 2022 the Council recognised the need to increase the capacity of the team supporting children with an EHCP given growth in demand for assessments. The team also includes a dedicated SEND Resolutions Officer to meet the requirement for mandatory mediation meetings that are expected to be a key outcome of the new statutory duties arising from the Improvement Plan. The expanded team has taken some time to become embedded but is now working effectively. However, despite investment in the SEND team, SEND case officers hold 300 cases each (the average in London ranges from 165-325 per case officer). Continued demand for EHCP assessments, places pressure on both the Educational Psychology (EP) service and SEND case officers. Recruiting for the EP workforce has been challenging with reliance on agency staff, given that there is a national shortfall of trained staff. A Brent recruitment and retention strategy is being developed to respond to this. At 53.8% of EHCPs issued within 20 weeks (the agreed measure of timeliness) for the first quarter of 2023/24, Brent is at the national average.
- 3.2.28 Investment in a digital case management system will make it easier for multi-agency partners (including parents) to share information about individual children. The project to establish this has been delayed due to software issues identified by the chosen provider and will be reviewed in six months. It will also be reviewed in the context of the emerging proposed national system for digitising EHCPs.
- 3.2.29 Steps have also been taken to improve collaboration with families to enable a better experience of the SEND system through improved transparency and shared decision making. This includes bi-monthly 'meet the leaders' workshops and in Spring 2023 the Corporate Director for Children and Young People held a workshop with parents of children and young people with SEND at Chalkhill Community Centre. The agenda of the workshops is set by parents and the actions followed up reflect their concerns and priorities. Additionally, all council departments such as Brent Hubs work with the Brent Parent Carer Forum (BPCF) to shape the offer for families with children with SEND. At a case level, BPCF has worked with the SEND management team to draft template letters to families and annual review documentation, and they are now embarking on helping to develop a new EHCP template and guidance notes.
- 3.2.30 Services and systems are designed around the needs of children and young people to achieve the principles in the SEND Strategy. A neighbourhood model of service delivery is established in Brent through Family Wellbeing Centres (FWC) that deliver services in the community and, building on this model, health partners are developing paediatric and health focused hubs. FWC staff have been trained as SEND navigators to help parents access the support they need. FWCs offer a range of co-located multiagency and multi-disciplinary services for children and young people with SEND. From April to December 2022 313 children and young people with an identified disability were registered with a FWC, 114 of whom were under 5s, 109 were 6–11-year-olds, 80 were 12–18-year-olds and 10 were 19–25-year-olds. Ante-natal and post-natal clinics are provided along with healthy living provision and Cygnet and Stepping Stones parenting programmes. The Council outreach teams for autism, early years intervention, deaf and visual impairment services all deliver out of the FWCs as well as in schools and settings. Below is a snapshot of feedback on SEN Outreach Services:

Brent Outreach Autism Team (BOAT)

'I want to thank you for the amazing opportunity to get more information about the transition for secondary school. It clarified many things.' (Parent following training session to support secondary transition)

'I know your involvements with my son will be coming to an end soon, however it would be unfair not to appreciate your extensive support. You have been our lifeline especially when we felt all hope was lost. Your knowledge and honest professional view have helped us made informed decision about our son's progress, future, and right placement.' (Parent)

Early Years Inclusion Support Team (EYIST)

'Thank you to you for all the support, guidance, and advice you have given us over the years. All of it has helped us develop and evolve our practices and provide better support for all children.' (Brent EY Provider email to EYIST March 23)

- 3.2.31 The multiagency quality assurance and performance framework continues to be effective. This has identified a need for further work to be undertaken to sharpen SMART outcomes within EHCPs. Parents/carers and young people regularly provide feedback on their satisfaction with services and the Inclusion Service review tribunals and complaints to understand if there are any recurrent themes in the issues raised that require a systemic response. As a result, guidance has been developed for officers on how to ensure that all processes and procedures and how decisions are made are clearly articulated; a new EHCP template is being developed with input from BPCF and increased training is planned across professional groups on ways to meet SEN needs.
- 3.2.32 The priority since the pandemic has been strengthening earlier intervention and the quality, impact and experience of the SEND system. While progress has been made, there remain areas that require further enhancement. Areas identified for improvement include:
- a) Improving the timeliness and quality of EHCPs to reach a target of 65% issued with 20 weeks (see paragraph 4.5).
 - b) The implementation of the neurodevelopment pathway for the assessment of conditions such as autism spectrum disorder, which will require the joint commissioning and delivery of targeted and specialist support with the Integrated Care Partnership (ICP)/ Integrated Care Board (ICB) and into adult services. A primary focus is on addressing the neurodiversity assessment waiting lists and establishing effective interventions. For example, 302 children under 5 were on the waiting list for a social communication assessment (SOCA), with the average waiting time at 87 weeks in Q1 2023/24.
 - c) Implementation of the Thrive Framework so that there is a no wrong door policy for young people with mental health and emotional wellbeing needs.

This should see a redistribution of resources to early identification and intervention services to prevent escalation to specialist CAMHS, and therefore address current waiting lists for services. There is a need to secure additional appropriate investment in clinical services through the ICB, as Brent is currently underfunded compared to other North West London boroughs. 54% of young people were seen by 4 weeks by and there are 394 waiting for CAMHS treatment, with an average wait of 2 years (Q1 2023/24).

- d) Rethinking how integrated therapies can be delivered via the Delivering Better Value Programme, aligning and streamlining funding across Public Health, ICB and CYP. This will be challenging given new health structures, which have centralised commissioning to the wider footprint of the ICP, away from a borough-level approach, and given health providers are commissioned via the NHSE.
- e) Growing a workforce for the future and designing a whole area partnership workforce strategy for SEND. A significant barrier to accessing services at the right time in the right place is the vacancy rate across health, education, and care services, including educational psychologists, speech and language therapists, occupational health therapists, school SENCOs and specialist SEN teachers.
- f) Ensuring vulnerable children and young people are more effectively supported across the partnership in school attendance and improving oversight and transparency of pupil movements in relation to alternative provision.
- g) A dedicated JSNA for SEND to inform joint commissioning requirements.

3.2.33 The areas for improvement above have been identified as priorities by the local area partnership. Progress is tracked in the Inclusion Strategic Board (reporting to the Children's Trust).

High Needs Block (HNB) Current Position

3.2.34 The costs for children with EHCPs are funded from the High Needs Block (HNB) element of the DSG while the care element is funded from the Council's General Fund. The consequence of the 2014 reforms which expanded the SEND duties to support young people with an EHCP up to the age of 25, has led to increasing pressure on resources. The increasing number of children and young people with EHCPs has led to the overall DSG being in deficit. However, at the end of 2022/23, the DSG outturn returned an in-year surplus of £1.3m with the HNB accounting for £0.3m of the surplus balance and the Early Years Block accounting for £1m. This outturn position is the most favourable since the deficit started in 2019/20. Therefore, the 2022/23 cumulative deficit carried forward 2021/22 of £15.1m was reduced to £13.8m. This is due in part to a larger proportion of children being educated in local, mainstream schools, rather than out-of-borough special schools or independent non-maintained special schools.

3.2.35 Table 1 below shows the funding allocated to the HNB of the DSG increasing over the period 2019/20 – 2023/24. On average, the funding gap had been in the region of c£5m per annum and this has created a deficit year on year. There has been significant investment against the HNB to mitigate further pressures:

Table 1	HNB Funding £m	Recoupment £m	Total HNB Funding after recoupment £m	Year on year % Increases	HNB Overspend £m	Overall DSG (Surplus)/ Deficits £m
2023/24	82.2	(8.8)	73.4	10%	0.0	0.0
2022/23	74.7	(8.2)	66.5	13%	(0.3)	(0.3)
2021/22	66.4	(7.6)	58.8	10%	5.3	4.6
2020/21	60.4	(7.4)	53.0	7%	6.2	5.6
2019/20	56.3	(7.2)	49.1		3.8	4.9
HNB Cumulative Deficit:						14.8
Early Years Block surplus 22/23:						(1.0)
Overall DSG Cumulative deficit:						13.8

3.2.36 The funding gap has led to year-on-year deficits since 2019/20. Local authorities with deficits are expected to have in place a Management Plan to mitigate the deficit. Brent's Deficit Management Plan in place has been agreed by and is monitored by the Schools Forum.

3.2.37 The Management Plan is reported against three themes: Managing Demand, Improving Sufficiency of Places and Financial Management. The plan is updated as part of the budget monitoring process and presented at 2 out of the 4 Schools Forum meetings each academic year. Table 2 below summarises the indicative cost avoidance of the actions identified in this report where quantifiable.

Table 2 Indicative Cost Avoidance	2023/24	2024/25	2025/26	2026/27
	£000	£000	£000	£000
In year Forecast (Deficit)/Surplus *Unmitigated* forecast	(4,601)	(9,251)	(14,876)	(19,366)
Schools Block 0.5% Income Transfer to High Needs Block	1,299	1,299	1,299	1,299
In year Revised Forecast (Deficit)/Surplus *Unmitigated* forecast	(3,302)	(7,952)	(13,577)	(18,067)
Managing Demand				
- EHC Plans ceased to maintain	400	400	400	400
- Impact of the Graduated Approach	177	193	208	223
Improving Sufficiency of places				
- New secondary special school	330	797	1,446	2,259
- ARPs and Special school expansion	649	1,802	2,868	3,816
- Alternative Provision				110
- Post 16 skills resource centre				100
Financial Management				
- Realign DSG funded SEN support services	120			
- 5% Administrative charges	72	77	82	87
Total Indicative cost avoidance	1,748	3,269	5,004	6,995
Net Revised Forecast	(1,553)	(4,683)	(8,573)	(11,072)
Cumulative Forecast Deficit 2023/24 – 2026/27:				(25,882)
Carried Forward DSG deficit 2022/23:				(13,829)
Forecast Cumulative Deficit 2026/27:				(39,711)

- 3.2.38 The increase in SEND places in borough will lead to a reduction in out-of-borough placements and placements in independent non-maintained special schools.
- 3.2.39 With regards to financial management a lens has been placed on how funding from the HNB is used. A number of areas that should be funded through other means have been identified, such as medical needs provision, a reduction in additional top up funding and full cost recovery from other local authorities. A review of the health needs offer between the ICP, Public Health and the CYP Inclusion Service is planned to develop a jointly commissioned system wide approach to meeting needs.
- 3.2.40 Part of the plan includes increased income because of a 0.5% transfer (£1.3m) from the Schools Block to the High Needs Block. This was approved by the Schools Forum to support the HNB in 2023/24 and it is assumed that this request will continue in future financial years to support the pressures in the HNB.
- 3.2.41 Brent Council, as other local authorities, continues to lobby central government for funding increases, which properly match the levels of need via the Society of London Treasurers (SLT) and London Councils, with the Deputy Leader of the Council actively engaged in the lobbying process.

Delivering Better Value (DBV) in SEND Programme

- 3.2.42 As a result of the deficit, in 2022/23 Brent was invited by the DfE to participate in the Delivering Better Value (DBV) in SEND programme. The programme provides dedicated support and funding to help local authorities reform their high needs systems. Brent successfully bid for £1m funding over the two financial years 2023/24 and 2024/25. The DBV programme will not address the historic deficit and the estimated efficiencies as a result of the programme are forecast to be in the region of £1.5m. The current Management Plan and efficiencies identified from the programme may allow funds to be released to address historic deficits. A combination of these longer-term recovery actions and anticipated funding increases will reduce the deficit.
- 3.2.43 The findings from the DBV programme analytical phase identified a number of opportunities to tackle rising demand which included:
- Supporting the goals of the child being achieved without the need for an EHCP, but through targeted support.
 - Ensuring EHCPs are of the right duration (i.e., more time limited EHCPs).
 - Focus on fewer support hours being put in place when children start school and building support over time as needs develop.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 The Lead Member for Children, Young People and Schools is regularly updated on matters related to SEND services.
- 4.2 Sections 3.3.12 to 3.3.33 include examples of stakeholder engagement, including Brent Parent Carer Forum, parents and children and young people to inform service developments.

5.0 Financial Considerations

- 5.1 Nationally the pressures against the HNB have led to local authorities accumulating deficits of about c£1.9bn as at March 2022 and therefore the School and Early Years Finance Regulations 2021 agreed a statutory override which enabled local authorities to carry forward any cumulative DSG deficit to be held in a separate reserve. This arrangement was due to end in 2022/23, but the government has now extended the arrangement for another three financial years from 2023/24 to 2025/26.
- 5.2 As reflected in Table 2 above, the current Brent Management Plan assumes that the deficit is likely to grow with the unmitigated forecast reflecting a funding gap leading to a pressure of £5.6m in 2023/24 and £19.4m by 2026/27. This modelling is based on DfE guidelines with a rate of growth in HNB funding of 3% in 2024/25 and 3% in future years. The 3% funding increase in 2024/25 is the lowest increase the HNB has received compared to previous years and is significantly lower than the cost of inflation. Nor does it consider the inflationary pressures that schools and independent non maintained special schools are facing.
- 5.3 The Management Plan also assumes an average 10% growth in the number of EHCPs in 2023/24 with a 1% reduction in future years, a 6% increase in the costs for placements made in Independent Non-Maintained Special Schools and a 6% increase in staffing costs for 2023/24 with a 1% reduction in future years.
- 5.4 The working assumption is that the indicative cost avoidance in Table 2, which ranges from £1.748m in 2023/24 to £6.995m in 2026/27 would reduce the funding gap, and that if the Schools Forum/Secretary of State continue to agree a 0.5% Schools Block transfer which equates to c£5.2m over four years, the gap would reduce further. However, this will not be enough to secure a balanced in year position and the cumulative deficit would grow to £39.7m. The potential cost avoidance arising from the DBV programme of £1.5m, will reduce the deficit further to £38.2m.
- 5.5 In summary, if the number of children and young people with EHCPs, which is the main cost driver of the deficit, continues to grow and additional HNB funding is not provided in line with the growth and inflationary pressures, the deficit will increase. Also, if the historic deficit is not cleared by 2025/26, there may be a risk to the Council's General Fund balances.

6.0 Legal Considerations

- 6.1 The Children and Families Act 2014 introduced a new legislative framework for children and young people aged 0-25 with SEND. It brought in a single system of integrated Education, Health and Care Plans (EHC plans) to cover all students from 0-25 years of age. The reforms aimed to increase protection for young people with SEND and to promote a greater focus on outcomes and preparing for adulthood. The Code of Practice 2015 (COP) provides statutory guidance on duties, policies and procedures.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 Pursuant to s149 of the Equality Act 2010 (otherwise known as the Public Sector Equality Duty). The Council must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment and victimisation
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

7.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This paper demonstrates activity that positively supports the Council and the local area partnership in meeting this Public Sector Duty and actions that aim to ensure anti-discriminatory practices are in place.

8.0 Climate Change and Environmental Considerations

8.1 The SEND Strategy 2021-2025 supports children and young people to remain in their local communities and engage positively within their communities. Expanding SEND provision in Brent will reduce travel to schools out of the borough and as a result will have a positive impact on the carbon footprint. The development of Welsh Harp as an environmental education centre supports the Council's climate change strategy.

9.0 Human Resources/Property Considerations (if appropriate)

9.1 Clarity on the duties arising from any new legislation will indicate the impact on human resources.

10.0 Communication Considerations

10.1 Reports on the readiness of the local area SEND Partnership are regularly shared with Cabinet, the Health and Wellbeing Board, the Executive of the ICP and Brent Children's Trust Board.

Report sign off:

Nigel Chapman

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