



Surrey Schools Forum Notes of Workshop Meeting Friday 25 March 2022 2.30pm-4pm Virtual Meeting on TEAMS

Present

Chair

Rhona Barnfield Howard of Effingham School Academy member

Joint Vice Chairs

Kate Keane	Ewell Grove Primary	Primary Head
Justin Price	Freemantles School	Special school head

Other school and academy members:

Donna Harwood-Duffy	Dorking Nursery	Maintained nursery head
Geoffrey Hackett	Burpham Primary	Primary governor
Steph Neale	St Pauls Catholic Primary	Primary governor
Lisa Kent	Manor Mead and Walton Leigh Schools (special governor)	
Elaine Cooper	SWAN academy trust	Academy member
Jo Hastings	Ottershaw Infant and Junior	Academy member
Karyn Hing	Westfield School	Academy member
Paul Kinder	Warlingham School	Academy member
Jack Mayhew	Learning Partners Acad Trust	Academy member
Susan Wardlow	Reigate School	Academy member
Neil Miller	Bramley Oak Academy	Special academy member

Non school members

Joe Dunne	Arundel and Brighton Diocese (RC)
Folasade Afolabi	Unions: Education Joint Committee

Local Authority Officers

Liz Mills (LM)	Director–Education, Lifelong Learning & Culture
Emily George (EG)	Assistant Director (Transformation)
Daniel Peattie	Strategic Finance Business Partner
Louise Lawson (LL)	Deputy Strategic Finance Business Partner
David Green (DG)	Senior Finance Business Partner (Schools Funding)

Apologies for Absence

Katie Aldred	Bagshot Infant School	Primary Head
Clare McConnell	Bisley CE Primary	Primary Head
Paul Jackson	NW secondary PRU	PRU representative
Fred Greaves	Oakwood School	Secondary governor
Matthew Armstrong-Harris	Rodborough	Academy member
Sarah Kober	Darley Dene	Academy representative
Christine Ricketts	Post 16 provider	
Tracy Baker	Unions: Education Joint Committee	
Benedicte Symcox	Family Voice Surrey	

DfE Safety valve agreement

The purpose of the workshop was to discuss the “safety valve” agreement between Surrey County Council and the Department for Education, published on 24 March 2022. This agreement followed confidential negotiations since December 2021, although the Chair and Vice Chair of the Forum had been briefed confidentially and their views had had an impact on negotiations. Members of the Forum were being asked for suggestions as to the structure and content of proposed briefings of headteachers and other significant stakeholders early in the summer term. Stakeholders would be asked to contribute to future plans to develop sustainable support for Surrey’s children and young people.

Background

The purpose of the “safety valve” programme was to accelerate and assure a return to financial sustainability for local authorities with large DSG deficits. In the first year of the programme (2020/21) five local authorities (with the largest proportionate DSG deficits) had been supported. 2021/22 was the second year of the programme, with an additional nine authorities supported, including Surrey.

The agreements (which have been published) included a range of common factors: financial contributions by the DfE and LA/schools, changes in practice to achieve in year balance, and usually capital investment.

Surrey had started from a relatively strong position, with a partnership strategy and governance arrangements and an evidence based plan in place, plus an offsetting general fund reserve. The outcome had been seen as in the interests of Surrey children and young people, supporting sustainable provision.

The process had been challenging: no flexibility over policy had been offered, even though some policy changes were expected in the SEND Green Paper. DfE had also downgraded funding estimates during the process, requiring LAs to assume 3% annual funding growth from 2023/24, rather than 8% as provided in the last few years, thus increasing the funding gap to be closed. There had been tension between setting ambitious plans and having confidence that they were deliverable. The DfE had required confidentiality, which had limited opportunities to involve partners.

Content of the agreement

The LA had committed to nine specific actions, which were set out in the agreement, and which were largely already under way:

- (1) Develop and embed local initiatives that provide information, advice and support early and appropriately, promoting inclusion, improving outcomes and avoiding the escalation of needs. This will include delivering and building on the Learners Single Point of Access, promoting Ordinarily Available provision and embedding the Graduated Response approach. These initiatives will help to ensure that children and families benefit from the full set of services available to them and reduce the number of children requiring EHCPs (the Department had noted that the incidence of EHCPs in Surrey was higher than in comparable areas)
- (2) Review and strengthen all EHC assessment and decision-making processes to ensure all decisions are made transparently, in a timely manner with Children, Young People and families at the centre;

- (3) Develop and implement strategies to further develop skills, expertise, and capacity of school-based staff to support children with SEND in mainstream schools, reducing the escalation of need and the push to move from mainstream to specialist provision.
- (4) Deliver the Team Around the School pilot and learn from the evaluation before embedding or rolling out across the county (as appropriate). This pilot aims to identify Children and Young People with additional needs and intervene early as appropriate, providing higher levels of support immediately and aim to support placements to be successfully maintained;
- (5) Develop and embed appropriate bandings for specialist school placements (this was already being implemented) and a joint commissioning panel, which will see an enhanced process to agree joint health, social care, and education costs (the LA had demonstrated work already being done in this area);
- (6) Develop a Joint Commissioning Strategy with partners to ensure that Children, Young People and families have the best possible experience of services and resources are used as effectively as possible;
- (7) Deliver an ambitious Capital programme that will improve the sufficiency of specialist educational provision that meets the needs of communities in Surrey, enabling more Children and Young People with additional needs to attend a school or setting closer to their home (£140m had been committed already, plus two free schools funded by DfE, Surrey had asked for a further £50m as part of this process, and the funding was not just targeted on special schools but also on centres in mainstream schools);
- (8) Develop enhanced pathways that support Children and Young People to become more independent as they prepare for adulthood, providing enhanced range of opportunities including internships, vocational pathways and apprenticeships. This will also include activity to step down through annual reviews and key stage transfer;
- (9) Continually strengthen the impact of partnership working and accountability through the Surrey SEND Partnership Board, an active Schools Forum, Inclusion Roundtable, local area self-evaluation and improvement, and co-producing a refresh of Surrey's SEND partnership strategy with families and partners

The LA had emphasised the importance of outcomes for children and young people and of working together as a partnership.

The DfE had tested numerous aspects of the SEND transformation plan but had not found any additional activities to add. The DfE had insisted on an in year balance by 2026/27, which had been challenging, particularly within the revised funding assumptions. The proposed cost containment trajectory was ambitious but was seen as deliverable.

The agreement included contributions of 1% of schools block every year from 2023/24 to 2027/28, a total of £40m (compared with a DfE starting point of 1.5%) and use of £15m of the accumulated surplus on other DSG blocks (out of £20m available) plus LA contributions totalling £144m. The Secretary of State had committed to approve the block transfer every year and had also agreed to some flexibility over the operation of the MPPL to share the cost more widely across schools and to mitigate the impact on smaller schools. The LA would work with the Schools Forum to share the impact of the block transfer appropriately among schools. The LA had also obtained approval to vary the

special schools MFG to bring those state special schools which were currently outliers into the banding system more quickly. Individual discussions with those schools would start shortly through existing channels.

Cost containment estimates were based on modelling individual children and placements. Required cost containment in 2022/23 was £26m against a total budget of £200m. (£25m of cost containment had been achieved in 2021/22, otherwise the deficit would already be much higher, but far more would be required in future years).

In addition to the £144m LA contribution and the capital funding, the LA had provided significant funding for the transformation work.

The DfE would require quarterly monitoring, and DfE payments would be paused if targets were not met. Monitoring would include KPIs, financial projections and risk management. If the LA exceeded targets, there might be an opportunity to use some of the block transfer funding differently in future years.

The LA had existing partnership governance arrangements, and aimed to build on these for the governance of the agreement, to minimise the additional effort devoted to governance rather than transformation.

Communication

The LA was sharing the agreement with Schools Forum at the earliest opportunity. The agreement would also be discussed with Surrey's additional needs partnership board, the inclusion round table and other stakeholders. A summary of the agreement had been published, but LM had wanted to share more of the background with the Forum. The information could be shared more widely once other stakeholders had been briefed in the week of 28 March 2022

The LA would write to all headteachers and early years providers early in the following week, including an invitation to quadrant meetings early next term. Public communications had also been prepared. Some press interest was expected.

Opportunities

The agreement offered opportunities to continue to work in partnership to deliver improvement strategies to maximise opportunities for children and young people in Surrey, and to work to deliver Surrey's vision that no-one was left behind. Inclusivity needed to be a consistent reality across schools and other providers. We all needed to hold one another accountable for living within our means and delivering on transformation. DfE and the LA were all contributing significant sums. There was an opportunity to move on from the annual discussion of block transfers to work together to focus on outcomes. LM concluded that the agreement was a good one for Surrey children and young people.

Issues raised in discussion

Has the agreement adequately provided for the current 6% level of inflation? Inflation assumptions and demand growth were built into projections (as were demographic projections) but all of the safety valve agreements were subject to review for major changes in circumstances. Appreciably higher national inflation would be such a change. The proposals were not a cuts agenda but aimed to strengthen some activities and support better decision making.

What might be the role of health services in the process?

The LA was in discussion with health commissioners. Additional funding was being provided by Surrey for mental health and for the autism strategy and there would also be an increase in occupational therapy provision. There had already been an increase in the speech and language therapy workforce.

Concerns were expressed that, if children no longer had EHCPs, they would have limited access to health related support, and that it was important that such support did not require a statutory plan, which limited flexibility and tied up school funding for long periods.

Use of school and early years block surpluses

The maintained nursery representative noted that the early years sector was frustrated that the accumulated early years underspend had been used towards the HNB deficit despite previous assurances that it was “still there”. LM noted that the LA had avoided committing the whole of the unspent school and early years DSG towards the deficit, because all of the blocks needed to be sustainable; £5m had been retained from the existing £20m school and early years surpluses.

What is the role of Schools Forum in respect of the agreement?

One member described the transfer of 1% of mainstream school funding to HNB for the next five years as “significant in affecting schools’ ability to cope”.

The Chair advised that the Forum had only limited decision making rights, and this agreement was not a matter for Schools Forum decision. Surrey wanted to engage with the Forum to help shape future plans to realise the best financially sustainable provision for children and young people.

Could we be certain that the available capital funding was sufficient to fund the planned number of additional specialist places?

It was suggested that a cause of the present deficit was insufficient investment in specialist places many years ago. What would happen now if the capital funding proved inadequate?

LM advised that detailed information on the number of places to be provided existed and had been reviewed as part of the safety valve process. £12m of cost containment had been attributed to capital investment. This was not only in special schools but also in mainstream. She was happy to organise sessions in the quadrant briefings, and/or for the Forum, on the issue.

A Vice Chair noted that the special schools sector had seen a lot of information on sufficiency and that the council had opened new specialist places very quickly. He could see no other way out of the situation. Others noted the need to communicate that this was part of a strategic plan and that it was going to work. The extra places were only part of the solution, alongside greater inclusion, preparation for adulthood etc. LM suggested there was a need for stakeholders to examine individual aspects of the agreement, such as inclusion and preparation for adulthood.

At what stage would the deficit be repaid?

The LA aimed to reach an in year balance in 2026/27. The historic deficit would be repaid gradually up to 2026/27 by the DfE and LA contributions, to a profile agreed with the Department, with much of the DfE contribution in the first few years. So repayment of the deficit and moving to in year sustainability would

occur simultaneously. If the LA was more successful in reducing costs than the agreement required, the deficit would fall earlier.

Transparency with schools was essential

While much of the detail was complex it was important that schools had confidence that nothing was being hidden.

LM suggested that the DfE would not have required contributions from mainstream funding if they didn't see mainstream schools having a role.

All children with SEN needed to have their needs met, not just those needing specialist places

If the number of specialist places was increased, resources such as therapy needed to increase too, and it was important that such resources were not withdrawn from mainstream schools to support the new specialist places.

Children with SEN in mainstream schools were as entitled to the right support as children in specialist places, and more clarity was requested over the support available for SEN in "low SEN" schools. LM emphasised the aim for greater transparency over the impact of resources and whether they are well used. This might mean using resources differently to ensure that the right support was available for children at the right time.

Funding alone would not be sufficient if the resources were not available to buy (eg teaching assistant and education psychology recruitment)

It was accepted that some services may need to be delivered in different ways.

How do we change parental expectations eg of 1:1 support and private education as of right, and share resources most effectively?