

**REPORT TITLE: GCC Education Participation in the
Southwest DfE SEND Change Partnership Programme**

Cabinet Date	22 November, 2023
Cabinet Member	Cllr Philip Robinson, Cabinet Member for Education, Skills, and Bus Transport
Key Decision	Yes
Purpose of Report	To seek approval for Gloucestershire County Council to act as a joint lead authority, with Swindon Borough Council, in the Department for Education (DfE) Southwest DfE Special Educational Needs and Disabilities (SEND) Change Partnership Programme.
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Approves the receipt of £5.8 million of funding from the DfE to support: <ul style="list-style-type: none"> (a) GCC’s participation in the SEND Change Partnership Programme from September 2023 to April 2025; and (b) the appointment of GCC as the financial Lead Authority (LA) under that programme, with responsibility for apportioning the DfE Change Partnership Programme funding to Swindon Borough Council to support its participation . 2. Approves the execution of a Memorandum of Understanding (MoU) between GCC and the DfE relating to piloting and testing proposed SEND reforms under the DfE Change Partnership Programme; 3. Approves the formation of a partnership arrangement between GCC and Swindon Borough Council relating to their joint leadership of the Programme in the Southwest 4. Approves the execution of a MoU between GCC and Gloucestershire Integrated Care Board (GICB) relating to the Early Language and Speech Development programme if GICB is awarded funding for the Early Language Support

	<p>for Every Child (ELSEC) Pathfinder Programme described in the NHS England guidance documentation.</p> <p>If such funding is not received by GICB, ELSEC will not be funded and will not proceed.</p> <ol style="list-style-type: none"> 5. Approves the joint development by GCC and Swindon Brough Council of a Strategic Delivery Plan for the delivery of the Programme in Gloucestershire and Swindon. 6. Delegates authority to the Director of Education in consultation with the Cabinet Member for Education, Skills, and Bus Transport to allocate the above funding, subject to any individual decisions that in the event that the value of any individual proposed procurement exercise or grant exceeds £500,000, a separate key decision shall be sought in order to authorise that procurement exercise or grant.
<p>Reasons for Recommendations</p>	<ol style="list-style-type: none"> 1. To enable GCC to participate as a joint Lead Authority with Swindon Borough Council for the Southwest region in the Department for Education national Special Educational Needs and Alternative Provision Change Partnership Programme. This will help to ensure we are making the most effective provision for children and young people with additional needs in our county and use the learning to contribute to our planned improvements for children with SEND both locally and in the Southwest region. 2. To provide the opportunity for GCC to contribute to the development of the proposed Department for Education national special educational needs and alternative provision reforms by piloting, testing, and providing feedback to the Department for Education programme and delivery partners on the test and pilot elements of the reforms.
<p>Resource Implications</p>	<ol style="list-style-type: none"> 3. GCC will receive £5.8 million grant funding under Section 31 of the Local Government Act 2003 for the purpose of distributing it between Gloucestershire County Council and Swindon Borough Council to use it in partnership with Swindon Borough Council for the purpose of implementing the above Recommendations. 4. Programme funding shall be allocated in the proportions set out in the Strategic Delivery Plan as approved by the DfE.
<p>Background Documents</p>	

Statutory Authority	SEND Code of Practice: 0 to 25 years 2014
Divisional Councillor(s)	All
Officer	Name: Kirsten Harrison, Director of Education Tel. no: 01452 426336 Email: Kirsten.Harrison@gloucestershire.gov.uk
Timeline	If approved, the intention would be to: <ul style="list-style-type: none"> • Agree the sub-memorandum of understanding by Nov/Dec 2023 • Establish the Local Area Inclusion Plan and Strategic Delivery Plan by January 2024

Background

1. The Department for Education published its ‘Special Educational Needs and Alternative Improvement Plan in March 2023 (the “Improvement Plan”), setting out its proposals for reforms to the national SEND system and arrangements in England.
2. The DfE SEND Change Partnership Programme is a national test and learning programme aimed at piloting and testing the proposed reforms set out in the Improvement Plan before any government move towards changes in legislation or any national roll out of changes.
3. The DfE Change Partnership Programme will also inform some of the underpinning assumptions in the Government’s High Needs Budget Forecast, in particular, how effective the proposed reforms will be in reducing unnecessary demand for Education Health Care Plans and High Needs spending.
4. The reforms to be tested are set out from paragraph 2.1 and its following bullet points of the Improvement plan (Appendix B) and include: concept testing of National Standards; development of Local Area Inclusion Plans in line with the DfE template; development of a national standard, digital Education, Health and Care Plan template; development of multi-agency panel operations; development of mediation practice; the trial of the use of advisory lists; the creation and trialling of a three-tier alternative provision system and trialling of a local and national inclusion data dashboard
5. The reforms to be tested are consistent with Gloucestershire’s SEND and Inclusion Strategies 2022-25 , the improvement plan developed following the LGA Peer Review 2023 and the outcomes of the DfE Delivering Better Value (DBV) programme. The Local Area Inclusion Plan (LAIP) which will be developed as part of the programme, will be in harmony with the [Delivering Better Value \(DBV\) plans GCC Education already has in place for phase 2 of the DBV programme.](#)

6. The national SEND Change Partnership programme launch event took place on 19th September 2023 in Westminster where fuller detail of the elements of the reforms to be tested were set out. The elements to be tested and their link to current workstreams may be summarised as:

- i. The introduction of SEND and alternative provision partnerships that bring partners together to plan and commission support for children and young people with additional needs. In Gloucestershire, this element will build on the established Gloucestershire Local Area SEND and Inclusion Partnership Board co-chaired by the Director of Education and the Integrated Care Board SEND Senior Responsible Officer and the equivalent board in Swindon Borough Council.
- ii. The development of a fully integrated intervention model, based on a 3-Tier practice model for alternative provision, including the trialling of the co-location of multi-disciplinary specialist teams in alternative provision settings. Gloucestershire will trial this model in its Alternative Provision service, The Altus School, established as a single school in September 2023.
- iii. Pilot work with early years providers, primary schools, and health professionals from the integrated care system to trial innovative workforce models for early speech and language referrals and therapy.
- iv. To undertake proof of concept testing around the introduction of National Standards, focusing on the use of practice guidance around speech, language, and communication in the early years sector.
- v. The Development of a Local Area Inclusion Plan which will service jointly Gloucestershire and Swindon as a 'local area.'
- vi. The partnership will contribute to the development of a Department for Education local and national SEND Data dashboard, where LAs are asked to use the dashboard and feedback on its presentation, functionality, and user preferences.
- vii. The testing of the Education Health Care (EHC) Plan proposed reforms, including the development of multi-agency panel arrangements; testing a standardised EHC Plan template; strengthening mediation practices and the development of a template and practice principles for the use advisory lists of education settings for parents at phase transfers.
- viii. Engagement with the independent evaluator of the SEND Change Partnership Programme commissioned by the DfE in terms of feedback, surveys and supporting field work studies. The evaluator will look at how to minimise any burdens of the proposed reforms on the LA, look at how the reforms are implemented, identify any unintended consequences, and identify early indicators of the collective impact of the proposed reforms and as well as the impact of individual reforms.

Options

7. Option 1: To participate in the DfE Change Partnership Programme as a joint Southwest lead authority. (Recommended).

8. We have well-recognised improvement ambitions for our SEND services and this programme affords us the opportunity to get those services and provision right for

children and their families, whilst giving us at the same time the opportunity to influence future national reforms and policy around SEND. Gloucestershire will have the opportunity to both test and influence the development of national SEND reforms and policies, whilst learning from the programme work of the eight other Change Programme partnerships across England to bring the strongest practice to Gloucestershire for the benefit of children, young people, and their families.

9. Significant synergies and benefits will be derived from the harmonising of the Delivering Better Value Action Plan, the Gloucestershire SEND Local Area Improvement Plan and the Change Programme Strategy Delivery Plan and Local Area Inclusion Plan, including alignment of local and national policy and development work, the sharing of best and effective practice between local authorities and efficient use of resources.

10. If the reforms are successfully tested and rolled out nationally, Gloucestershire will be well placed for rapid adoption and to benefit from the anticipated reduction in demand on the High Needs Block of the Dedicated Schools Grant.

11. Option 2: To withdraw agreement to participate in the DfE Change Programme as a joint southwest lead authority by giving three months' notice to the DfE.

Risks

12. Risk 1

Increased burden on statutory SEND services at a time of improvement and high workflows may risk relationships with parents and carers and the wider system if we do not communicate effectively with them. The ability to recruit officers and train staff at pace poses a risk of insufficient staff capacity to maintain improving service performance.

13. The Change Programme is Section 31 funded at £5.8 million for the Gloucestershire and Swindon Southwest partnership. The funding will allow for the recruitment of additional leadership, programme management and service officer recruitment to increase capacity and backfill existing capacity to undertake the work required whilst existing improvement work is enhanced by the learning from across the programme. We will establish arrangements with corporate support to enable us to move quickly and communicate effectively. In addition the Parent Carer Forum are already involved. They attended the launch event with officers in London and are supportive and are already working co-constructively around service improvement activity.

14. Risk 2

GCC receives notification of a Local Area SEND Inspection during the roll out of the Change Partnership Programme requiring officers to divert their focus towards responding to the regulatory processes.

15. There is agreement with the Department for Education that Gloucestershire can step back from the Programme during any inspection period. The Memorandum of Understanding allows for Gloucestershire to withdraw from the Programme with 3 months' notice to the DfE if a full withdraw is deemed required.

Financial implications

16. Gloucestershire County Council will receive £5.8 million to be shared across both LAs until April 2025 to be deployed across Gloucestershire and Swindon in line with the Memorandum of Understanding and sub-memorandum with Swindon Borough Council. The programme aims to demonstrate whether proposed system reforms will collectively drive the much-needed improvements in outcomes and experiences for children and young people with SEND or in AP and their families, whilst delivering a financially stable SEND and AP system, avoiding unintended consequences.

17. The costs associated with running the Change Partnership Programme activity, and any subsequent implementation of the proposal, will be met from within the Section 31 programme grant.

18. The Sub- Memorandum of Understanding with Swindon Borough Council will be framed to ensure that GCC is protected in respect of any liability for any ineligible spending undertaken by Swindon Borough Council.

19. Longer-term it is anticipated that the Change Partnership programme will make better and more efficient use of High Needs funding as we see the implementation of the reform proposals move into national legislation and then roll out nationally and locally. Gloucestershire will be well-placed to ensure new national arrangements can be implemented as efficiently as possible.

20. In taking on the role of Financial Lead Authority, GCC will assume responsibility for ensuring that any contract awarded, or grants made using the funding are compliant with the Public Contracts Regulations 2015 and the Subsidy Control Act 2022, respectively. Accordingly, officers shall give due regard to the council's obligations when entering into contracts or grant agreements arising from the programme.

Climate change implications

21. There is no identified negative climate impact.

Ecological implications

22. Has an Ecological Impact Assessment (EclA) been produced, or will one be undertaken at a later stage? No

Equality implications

23. An Equalities Impact Assessment has been completed. Cabinet Members should read and consider the Equalities Impact Assessment in order to satisfy themselves as decision makers that due regard has been given.

24. There is no identified negative impact. All children, young people with additional needs and with an Education Health and Care Plan, and their parents and carers will be given the opportunity to participate in the project activity. We will be expecting the Department for Education to have clear policies and practices in place that actively seek to avoid discrimination against children and young people and families in any form, and these will be closely monitored as an overt element of the Change Partnership Programme roll out.

25. We have considered the potential and actual impacts of initiating the programme on individuals with protected characteristics and our assessment indicates that there will be no negative impact on staff or service users with protected characteristics. The programme is intended to improve the quality of services for children and families with SEN in the county and to have a positive impact for children and young people with SEN and disabilities through the testing of reforms to determine their impacts for them before they are adopted into law. All children and young people's statutory rights will be unaffected by participation in the Change Partnership Programme.

26. All key stakeholders will have the opportunity to be involved in the early engagement activities. Particular care will be given to ensure the views of those from harder-to-reach communities are sought, and barriers to participation are overcome, at all planned engagement, consultation and feedback points.

27. Has an Equalities Impact Assessment (EIA) been completed? **Yes**

Data Protection Impact Assessment (DPIA) implications

28. Having considered the Data Protection Impact Assessment (DPIA) checklist it is judged that a DPIA is not required for this decision.

Social value implications

29. Gloucestershire's participation in the Change Partnership Programme will not result in the loss or reduction of services to the community and will greatly enhance the opportunities available to children and young people with SEND and their families to influence national policy and the refinement of national reform proposals for the SEND system.

Officer recommendations

30. Option 1 - The recommended option will place Gloucestershire in an advantageous position to accelerate its improvement journey in meeting its statutory duties towards children and young people with special education needs.

31. Children, young people and their families will have the opportunity alongside schools and the local authority to feed into and influence national SEND policy reform proposals.

Performance management/follow-up

32. This project will be managed and kept under review by the Director of Education and the Head of SEND through a dedicated project management resource, the Gloucestershire SEND and Inclusion Local Area Partnership Board and a joint project steering group with Swindon Borough Council Director of Education and Head of SEND.