

# North Yorkshire Council

## Corporate Director's Meeting with Executive Members

24<sup>th</sup> October 2023

### APPROVAL TO APPLY FOR DELIVERING BETTER VALUE IN SEND IMPLEMENTATION DfE GRANT FUNDING

#### Report of the Corporate Director - Children and Young People's Service

#### 1.0 PURPOSE OF REPORT

1.1 To request approval from the Executive Member for Education, Learning and Skills following consultation with the Corporate Director Children and Young People's Services and the Corporate Director Resources to authorise the submission of an application for grant funding of up to £1,000,000.

#### 2.0 BACKGROUND

- 2.1 The Department for Education (DfE) identified that North Yorkshire should be involved in the Developing Better Value in SEND Programme and North Yorkshire Council were invited, as one of 55 local authorities, to participate. Collectively, senior leadership colleagues for Children's Services agreed to participate in the DBV in SEND programme from the DfE, as it offers an opportunity to capitalise on external expertise to identify some possible opportunities to discuss with our key stakeholder groups. Given the strategic priority that we have assigned to ensuring that our high needs budget is both financially sustainable and delivering high quality outcomes for young people with SEND, it was considered that it was essential we participated in the programme.
- 2.2 In June 2023 Executive Members were briefed on the Delivering Better Value (DBV) in SEND Programme sponsored by the Department for Education (DfE). The briefing outlined that North Yorkshire would be eligible to apply for a DBV in SEND Implementation grant for up to £1 million, to support the management of change process in relation to system improvements that were identified as part of the participation in the programme. The grant can only be used to enable transformation of services and cannot be used to meet normal revenue costs that are funded from either the High Needs Block of the Dedicated Schools Grant or SEN administration, management and co-ordination costs that are funded from the local authority.
- 2.3 North Yorkshire Council received a set-up grant of £45k to support the completion of data return exercises and the first significant engagement of the DBV process.

#### 3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 3.1 The North Yorkshire High Needs Block budget is under significant financial pressure, with a cumulative deficit of £9.9m at the end of the 2022-23 financial year, and a forecast in-year deficit in the current year of c.£3m. Recent significant increases in requests for children and young people to be assessed for an Education Health and Care Plan is likely to result in further significant financial pressure on available resources in future years. This financial pressure will be felt across the SEND system in North Yorkshire including mainstream schools and academies, special schools and academies, PRS/AP settings and the local

authority. Whilst there has always been a pressure on the local authority to deliver a financially sustainable high needs budget, this pressure has intensified with:

- DfE regulations effectively prohibiting the use of local authority general fund resources, and;
- a recent CIPFA consultation on local authority financial reporting indicating that Section 151 officers will be required to take into account the medium-term sustainability of the high needs budget in setting out their section 24 opinion in the annual budget and medium-term financial strategy.

3.2 Under the DfE's standardised DBV approach, North Yorkshire have provided baseline performance and financial data to Newton Europe – an independent partner of the DfE. Newton Europe are facilitating a range of face to face workshops and online surveys with North Yorkshire stakeholders, and based on this independent evidence-informed feedback, North Yorkshire will subsequently develop an action plan.

3.3 The identification of high value improvement opportunities from the Delivering Better Value in SEND programme and the underpinning of their delivery through securing the Implementation grant, are key strategic priorities for North Yorkshire Council.

#### **4.0 CONSULTATION UNDERTAKEN AND RESPONSES**

4.1 No formal public consultation has been undertaken as North Yorkshire are currently participating in the 'Diagnostic' stage of the DfE's standardised DBV Programme approach.

4.2 The Diagnostic stage includes North Yorkshire providing baseline performance and financial data to Newton Europe – an independent partner of the DfE. Newton Europe are also facilitating a range of face to face workshops and online surveys with North Yorkshire stakeholders, to provide independent evidence-informed feedback.

4.3 This feedback will be used to develop an action plan which will be discussed further with key stakeholder groups, as part of the DBV Programme process.

4.4 If approval to apply for grant funding is received, North Yorkshire will subsequently use this evidence to develop an action plan.

#### **5.0 CONTRIBUTION TO COUNCIL PRIORITIES**

5.1 Participation in the Delivering Better Value in SEND Programme will provide NYC with an evidenced based approach to identifying options which can be considered to contribute to high value improvement opportunities, which is a key strategic priority for North Yorkshire Council.

#### **6.0 ALTERNATIVE OPTIONS CONSIDERED**

6.1 The alternative option is for North Yorkshire to not apply for funding from the Delivering Better Value in SEND Programme, which would reduce the capacity for the local authority to implement changes that can contribute to improvement opportunities.

#### **7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

7.1 Any identified impact on other services or organisations will be considered as part of the submission of the grant application to the DfE. The local authority is currently engaging with a range of stakeholders and will continue to do so, where possible.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 At the final stage of the DBV in SEND Programme, the local authority are invited to submit a grant application to the DfE which includes a clear outline of the scope and timeline of proposed changes, alongside the expected benefits to be achieved.
- 8.2 If the NYC is successful in the grant application, funding must be used to implement the agreed proposals within the implementation plan. DfE will use a framework of eight criteria to assess that the grant application is robust and that the proposals represent an effective deployment of resources. Based on feedback from local authorities who participated in earlier DBV in SEND programme tranches, it is anticipated that there will be robust scrutiny of any grant application. Two of the more significant tests applied by the DfE are that:
- where possible, local stakeholders and partnership groups will be involved in the design of the implementation plan, and;
  - the grant is key to implementing the planned mitigations (i.e. any proposals evidence a very clear correlation between the “high value opportunities” identified in the Deep Dive module of the DBV process and how the local authority plans to deploy the grant.
- 8.3 The deadline for submitting the grant application document to the DfE is 14<sup>th</sup> December 2023. Given that the local authority is working at pace within the DBV in SEND programme to identify the opportunities to improve outcomes and financial sustainability, it is proposed that:
- approval is sought at this stage to the principle that North Yorkshire will submit a Delivering Better Value in SEND grant application of up to £1m
  - the detail of the grant application that is submitted in December 2023 will be agreed by the Corporate Director – Resources (Section 151 Officer) and the Corporate Director – Children and Young People’s Services.
- 8.4 Grant acceptance will be subject to a further report to full Executive and any grant terms and conditions will be agreed by the Corporate Director – Resources in conjunction with the Assistant Chief Executive – Legal and Democratic Services.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 There are no legal implications at this stage and grant terms have not been provided by the Department for Education.
- 9.2 The Grant will be subject to the Subsidy Control Rules (formerly State Aid Regulations). The Subsidy Control Rules will apply in how the Council spends the Grant. Subsidy Control Rules do not apply in the Council’s receipt of the Grant. If the Council spend the Grant pursuant to its own Contract and Procurement Rules, then it is unlikely that Subsidy Control Rules will apply, as they will be inviting bids for paid services. However, if the Grant monies are intended to be awarded to a third party via a grant or similar, then Subsidy Control Rules may apply upon which further advice should be obtained from legal.

## **10.0 EQUALITIES IMPLICATIONS**

- 10.1 There are no direct equalities implications arising from this report. Consideration for equalities issues will be undertaken within the scoping for grant application and grant acceptance, in addition to adhering to any terms and conditions imposed by funding bodies.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

11.1 There are no direct climate change implications arising from this report. Consideration for climate change issues will be undertaken within the scoping for grant application and acceptance, in addition to adhering to any terms and conditions imposed by funding bodies.

## **12.0 PERFORMANCE IMPLICATIONS**

12.1 There are no direct implications on performance arising from this report.

## **13.0 POLICY IMPLICATIONS**

13.1 There are no direct impact on policy implications arising from this report.

## **14.0 RISK MANAGEMENT IMPLICATIONS**

14.1 There are no direct impact on risk management implications arising from this report.

## **15.0 HUMAN RESOURCES IMPLICATIONS**

15.1 There are no direct impact on human resource implications arising from this report.

## **16.0 ICT IMPLICATIONS**

16.1 There are no direct impact on ICT implications arising from this report.

## **17.0 COMMUNITY SAFETY IMPLICATIONS**

17.1 There are no direct impact on community safety implications arising from this report.

## **19.0 REASONS FOR RECOMMENDATIONS**

19.1 Current financial projections, based on published information regarding future funding settlements from the Department for Education, indicate that the local authority and wider SEND system will face some very significant financial challenges in delivering a financially sustainable high needs budget in the short to medium term.

19.2 The local authority remains committed to ensuring that any proposed changes ensure a focus on delivering the best possible outcomes for children and young people with SEND. The ability to apply for grant funding up to £1 million, if successful, will provide some additional capacity for NYC to implement these changes.

## **20.0 RECOMMENDATION(S)**

- i) To request approval from the Executive Member for Education, Learning and Skills following consultation with the Corporate Director Children and Young People's Services and the Corporate Director Resources to authorise the submission of an application for grant funding of up to £1,000,000.

**APPENDICES:**

Appendix A – Initial Equality Impact Assessment Screening Form  
Appendix B – Initial Climate Change Impact Assessment

Stuart Carlton  
Corporate Director – Children and Young People’s Services  
County Hall  
Northallerton  
*11th October 2023*

Report Author – *Martin Surtees, Finance Projects*  
Presenter of Report – *Sarah Whorlton, Senior Project Manager*

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

## Appendix A – Initial Equality Impact Assessment Screening Form

<p><b>Initial equality impact assessment screening form</b>  <b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b></p>			
<b>Directorate</b>	Children and Young Peoples Services		
<b>Service area</b>	Inclusion		
<b>Proposal being screened</b>	To seek approval for the submission of an application for funding (for up to £1 million) from the Department for Education's (DfEs) Delivering Better Value in SEND Programme.		
<b>Officer(s) carrying out screening</b>	Martin Surtees		
<b>What are you proposing to do?</b>	<p>North Yorkshire Council (NYC) are participating in the Department for Education's (DfE) 'Delivering Better Value in SEND Programme' through which we are being supported to identify changes that can be made to improve outcomes for children and young people with SEND, whilst optimising the use of funding.</p> <p>This screening document is in relation to seeking approval from the Executive Member for NYC to be able to apply for grant funding from the DfE under their Delivering Better Value Programme.</p>		
<b>Why are you proposing this? What are the desired outcomes?</b>	<p>If the NYC is successful in the grant application, funding must be used to implement the agreed proposals within the implementation plan.</p> <p>Proposals are not scoped or confirmed at this stage of the Programme.</p>		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	The proposal requires a time commitment from existing NYC employees to participate in the Programme.		
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</b>  As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p><b>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.</b></p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age			<b>Don't know</b>
Disability			<b>Don't know</b>

Sex				<b>Don't know</b>
Race				<b>Don't know</b>
Sexual orientation				<b>Don't know</b>
Gender reassignment				<b>Don't know</b>
Religion or belief				<b>Don't know</b>
Pregnancy or maternity				<b>Don't know</b>
Marriage or civil partnership				<b>Don't know</b>
People in rural areas				<b>Don't know</b>
People on a low income				<b>Don't know</b>
Carer (unpaid family or friend)				<b>Don't know</b>
Are from the Armed Forces Community				<b>Don't know</b>
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (for example, disabled people's access to public transport)? Please give details.	Don't know			
<b>Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	Don't know			
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	<input type="checkbox"/>
<b>Reason for decision</b>	<p>At this early stage, NYC are seeking approval to apply for grant funding under the Department for Education's Delivering Better Value Programme.</p> <p>As such, no proposals are identified and therefore both adverse and/or positive impacts are not known at this stage.</p> <p>Should NYC receive approval to apply, the next stage will be to develop proposals and engage with stakeholders.</p> <p>At which point, NYC would seek approval to accept any grant funding offered by the DfE, and a new EIA Screening Document would be completed.</p>			
<b>Signed (Assistant Director or equivalent)</b>	Janet Crawford, Assistant Director, Inclusion			
<b>Date</b>	4.10.23			

## Appendix B – Initial Climate Change Impact Assessment Form

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	To seek approval for the submission of an application for funding (for up to £1 million) from the Department for Education’s (DfEs) Delivering Better Value in SEND Programme.
<b>Brief description of proposal</b>	<p>North Yorkshire Council (NYC) are participating in the Department for Education’s (DfE) ‘Delivering Better Value in SEND Programme’ through which we are being supported to identify changes that can be made to improve outcomes for children and young people with SEND, whilst optimising the use of funding.</p> <p>This screening document is in relation to seeking approval from the Executive Member for NYC to be able to apply for grant funding from the DfE under their Delivering Better Value Programme.</p> <p>Under the DfE’s standardised approach, North Yorkshire have provided baseline performance and financial data to Newton Europe – an independent partner of the DfE. Newton Europe are facilitating a range of face to face workshops and online surveys with North Yorkshire stakeholders, and based on this independent evidence-informed feedback, North Yorkshire will subsequently develop an action plan.</p> <p>The identification of high value improvement opportunities from the Delivering Better Value in SEND programme and the underpinning of their delivery through securing the Implementation grant, are key strategic priorities for North Yorkshire Council.</p> <p>At this point, this Impact Assessment is to help inform the seeking of a decision by the Executive Member for approval to apply for the grant.</p>
<b>Directorate</b>	Children and Young Peoples Services
<b>Service area</b>	Inclusion
<b>Lead officer</b>	<b>Martin Surtees</b>



**Names and roles of other people involved in carrying out the impact assessment**

**Sarah Whorlton, Senior Project Manager**