

# AGENDA

**Meeting:** Cabinet

**Place:** Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Tuesday 16 April 2024

**Time:** 10.00 am

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Please direct any enquiries on this Agenda to Stuart Figini of Democratic Services, County Hall, Trowbridge, direct line 01225 718221 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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## Membership:

Cllr Richard Clewer	Leader of the Council and Cabinet Member for Military-Civilian Integration, Health and Wellbeing, Economic Development, Heritage, Arts, and Tourism
Cllr Laura Mayes	Deputy Leader and Cabinet Member for Children's Services, Education, and Skills
Cllr Phil Alford	Cabinet Member for Housing
Cllr Ian Blair-Pilling	Cabinet Member for Public Health, Communities, Leisure and Libraries
Cllr Nick Botterill	Cabinet Member for Finance, Development Management and Strategic Planning
Cllr Jane Davies	Cabinet Member for Adult Social Care, SEND and Inclusion
Cllr Nick Holder	Cabinet Member for Highways, Street Scene, and Flooding
Cllr Dominic Muns	Cabinet Member for Waste and Environment
Cllr Tamara Reay	Cabinet Member for Transport and Assets
Cllr Ashley O'Neill	Cabinet Member for Governance, IT, Broadband, Digital, Licensing, and Staffing

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## Part I

*Items to be considered while the meeting is open to the public*

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

### 1 **Apologies**

To receive any apologies for absence.

### 2 **Minutes of the Previous Meeting** (Pages 5 - 16)

To confirm as a true and correct record and sign the minutes of the Cabinet meetings held on the 12 March 2024 and 19 March 2024.

### 3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee or Monitoring Officer.

### 4 **Leader's Announcements**

To receive any announcements from the Leader of the Council.

### 5 **Public Participation**

The Council welcomes contributions from members of the public.

This meeting is open to the public, who may ask a question or make a statement. Questions may also be asked by Members of the Council.


Questions must be submitted to [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) by 12.00 noon on 10 April 2024.

Written notice of a wish to make a statement should also be provided whenever possible.


### 6 **SEND Sustainability Plan and the Safety Valve Agreement** (Pages 17 - 102)

To receive an update from the Chief Executive and the Corporate Director, People.

### 7 **Provision of Education for Learners who Require Alternative Provision** (Pages 103 - 114)

 To receive a report from the Corporate Director, People.

### 8 **Household Support Fund 5 2024/25** (Pages 115 - 122)

 To receive a report from the Corporate Director, People.

### 9 **B4069 Lyneham Banks** (Pages 123 - 150)

🔑 To receive a report from the Corporate Director, Place.

10 **Urgent Items**

Any other items which the Leader agrees to consider as a matter of urgency.

11 **Exclusion of the Press and Public**

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 12 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

*Reason for taking item in private:*

*Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).*

**Part II**

*Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

12 **B4069 Lyneham Banks (Pages 151 - 166)**

🔑 To receive a Part II report from the Corporate Director, Place.

## **Cabinet**

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### **MINUTES OF THE CABINET MEETING HELD ON 12 MARCH 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Jane Davies and Cllr Caroline Thomas

#### **Also Present:**

Cllr Helen Belcher OBE, Cllr Richard Budden, Cllr Gordon King, Cllr Dominic Muns, Cllr Tamara Reay, Cllr Jo Trigg, Cllr Suzanne Wickham, Cllr Graham Wright and Cllr Jon Hubbard

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#### **27 Apologies**

Apologies were received from Cllr Nick Holder and Cllr Ashley O'Neill.

#### **28 Declarations of Interest**

There were no declarations of interest.

#### **29 Leader's Announcements**

There were no Leader announcements.

#### **30 Public Participation**

There was no public participation.

#### **31 Urgent Items**

There were no urgent items.

#### **32 Update on Safety Valve Deal with the Department for Education**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Economic Development, Military-Civilian Integration, Heritage, Arts, Tourism, Health and Wellbeing, introduced the report which provided an update on progress to reach a Safety Valve Deal between Wiltshire Council and the Department for Education (DfE), and setting out the implications of the Deal on the financial position of the council.

The Leader explained that discussions were taking place with the DfE to arrive at a negotiated position to be presented to Ministers for their approval. The outcome of the conversations and status of all Safety Valve deals were currently embargoed until published by the DfE, and therefore discussed under Part II of the agenda. He confirmed that the Council was committed to transparency around this work and the detail of the deal would be made public

as soon as possible and further information would be available at the Cabinet's next ordinary meeting on 19 March 2024.

The Leader reminded Cabinet that the Safety Valve Plan offered councils additional funds from the DfE to help with their historic deficits, so long as the Department is satisfied that the council can return their Dedicated Schools Grant to a balanced position over the period of the deal. In addition, there is the opportunity to bring additional capital investment into the county to address some of the capacity issues that have historically been present. He highlighted that the scale of the challenge should not be understated and required a concerted effort from everyone in the Council's SEND system.

The Leader explained his original views about the proposals and how these had changed over time and in listening to other Cabinet members and officers. He noted that all Councils were facing the same types of challenges to some degree and the issues had been caused by national policy. This created a set of challenges for the Council and delivery would be extremely challenging.

**Resolved:**

**That the public update be noted.**

*Reasons for Decision:*

*The High Needs Block deficit remains the largest financial risk to the council and the Safety Valve programme forms a key part of the financial context for the council. Cabinet will continue to be kept apprised of progress and public approach to it.*

### 33 **Exclusion of the Press and Public**

It was,

**Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 8 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

*Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).*

### 34 **Update on Safety Valve Deal with the Department for Education**

Cllr Layra Mayes, Deputy Leader of the Council and Cabinet Member for Children's Services, Education and Skills, introduced the Part II report which

provided further in-depth detail about progress to reach a Safety Valve Deal between Wiltshire Council and the Department for Education (DfE), setting out the implications of the Deal on the financial position of the council.

Cabinet Members commented on the report and proposals along with additional comments from Cllr Jon Hubbard, as Chair of the Children's Select Committee, and in a personal capacity, Cllr Gordon King as Deputy Leader of the Liberal Democrat Group, and Cllr Suzanne Wickham.

**Resolved:**

**That Cabinet:**

- 1) Endorse the steps being taken to address the financial deficit in the High Needs Block as set out in the High Needs Block Sustainability Plan and the Safety Valve Deal.**
- 2) Delegate authority to the Chief Executive, the Corporate Director for People (DCS) and the Director of Finance & Procurement (S151 Officer) in consultation with:**
  - the Leader of the Council,**
  - the Cabinet Member for Children's Services Education and Skills,**
  - the Cabinet Member for Adult Social Care, SEND and Inclusion,**
  - the Cabinet Member for Finance, Development Management and strategic Planning**

**to sign the deal on behalf of Wiltshire Council.**

*Reason for Decision:*

*If Wiltshire Council and the Department for Education are to enter into a deal, then it must be signed and returned to the DfE by 12 March in order to comply with their requirements.*

*The High Needs Block deficit remains the largest financial risk to the council and the Safety Valve deal forms a key part of the financial context for the council. Cabinet will continue to be kept apprised of progress and public reporting is critical to ensure transparency of the programme and the council's approach to it.*

This decision was published on 12 March 2024, and in accordance with Part 8 of the Constitution the Chairman of the Council agreed that it was reasonable in the circumstances for the decision to be treated as a matter of urgency, and therefore not subject to the call-in procedure.

(Duration of meeting: 10.00 - 10.55 am)

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## Cabinet

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### **MINUTES OF THE CABINET MEETING HELD ON 19 MARCH 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Jane Davies, Cllr Nick Holder, Cllr Dominic Muns, Cllr Ashley O'Neill and Cllr Tamara Reay

#### **Also Present:**

Cllr Sven Hocking, Cllr Gordon King, Cllr Tony Jackson, Cllr Dr Brian Mathew, Cllr Suzanne Wickham and Cllr Graham Wright

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#### 35 **Apologies**

There were no apologies.

#### 36 **Minutes of the Previous Meeting**

The minutes of the meeting held on 6 February 2024 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 6 February 2024.**

#### 37 **Declarations of Interest**

There were no declarations of interest.

#### 38 **Leader's Announcements**

The Leader made the following announcements:

##### **Cabinet Changes**

The Leader provided details of [changes to the Cabinet membership](#). He confirmed that Cllr Caroline Thomas had stepped down from her Cabinet role as Cabinet Member for Transport, Street Scene and Flooding due to family illness. He thanked Cllr Thomas for her service and great commitment to her role and wished her well for the future.

The Leader welcomed Cllr Dominic Muns – Cabinet Member for Waste and Environment and Cllr Tamara Reay – Cabinet Member for Transport and Assets. Cllr Nick Holder would be the Cabinet Member for Highways, Street Scene and Flooding.

### Future of Community Services across BSW

The Leader referred to the document attached to the agenda pack which provided an update to key stakeholders of the Integrated Community Based Care Programme.

## 39 **Public Participation and Questions from Councillors**

[Agenda Supplement 1](#) included details of questions submitted for the meeting, together with responses.

Colin Gale asked a supplementary question in relation to question 24-16(c), about the current status of the proposals, details of consultation, and support for attractions such as Crofton Beam Engine and Winton Windmill. The Leader explained that the number of trails is expanding, the number of downloads is exceeding 4,000, the 'What's on In Wiltshire' website, which links into the same software used by VisitWiltshire, is currently being tested with an expected launch date of May 2024, and consultation with towns has been taking place for a couple of years with good engagement.

## 40 **Arts Council Music Hub Investment Programme**

Cllr Laura Mayes, Deputy Leader of the Council and Cabinet Member for Children's Services, Education and Skills, presented the report seeking delegated authority for officers to agree contract terms, final operational matters, procurement to tie in with the Arts Council and Department for Education timelines.

The Deputy Leader explained how music education currently functions in Wiltshire, and the role of Wiltshire Council in receiving and accounting for a grant from the Department for Education (DfE) via the Arts Council for England (ACE). The grant contributes towards a wider music education economy of over 130 freelance businesses and in the region of 24 music/cultural organisations in the county.

The Cabinet noted that a revised National Plan for Music Education was published in the summer of 2022, with the DfE and ACE setting out plans for a Music (Education) Hub Investment Programme. This will lead to a significant reduction in hub lead organisations from September 2024, down from 120 to about 40. The DfE and ACE have grouped Wiltshire with Swindon and Gloucestershire to work together towards a proposal for a partnership bid, and discussions between the authorities would be taking place to agree a lead authority to host the Hub Lead Organisation function and receive the grant.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, noted the bidding arrangements between Wiltshire Swindon and Gloucestershire and indicated his support for the proposals.

### **Resolved:**

**Cabinet approves:**

**To delegate authority to the Director of Education and Skills, after consultation with the Cabinet Member for Children, Education, and Skills, to agree contract terms, approve any final operational matters and facilitate timely procurement to tie in with the Arts Council and Department for Education timelines, in the event the council is successful in being offered the music education Hub Lead Organisation ‘contract’ by the Arts Council.**

*Reason for Decision:*

*This will give Wiltshire Council and Wiltshire Music Connect the opportunity to enter into funding agreements with The Arts Council in a timely manner.*

*It will also enable a swift transition to become the Hub Lead Organisation should Wiltshire be selected as the lead for Wiltshire, Swindon, and Gloucestershire from 1 September 2024.*

*This will facilitate timely procurement to tie in with the Arts Council timetable.*

#### 41 **Air Quality Action Plan**

Cllr Nick Holder, Cabinet Member for Highways, Street Scene and Flooding presented the report seeking approval of the Air Quality Action Plan.

[Agenda Supplement 1](#) included details of questions submitted for this item, together with responses. There were no supplementary questions.

Cllr Holder, as former Cabinet Member for Environment and Climate Change explained that the Air Quality Action Plan (AQAP) has been produced as part of the Council’s statutory duties under the Local Air Quality Management framework. It outlined the actions to improve air quality in Wiltshire from 2024 to 2029.

Cabinet were reminded that where the Council finds areas that do not comply with the Plan, it must declare an Air Quality Management Area and put an Action Plan in place to reduce pollution to compliant levels. Wiltshire Council has eight Air Quality Management Areas (AQMAs).

It was noted that the existing Air Quality Action Plan (AQAP) is out of date and not in a format that meets the Department of Environment, Food and Rural Affairs’ (DEFRA) current model. The Environment Act 1995 (as amended in 2021) requires that Action Plans be periodically reviewed. The draft Action Plan complies with the requirements now enshrined in the Act.

Cllr Graham Wright, Chair of the Climate Emergency Task Group, reported that the Task Group received a briefing on 15 March 2024. He welcomed the new Cabinet Member for Waste & Environment and thanked him for attending the Task Group meeting at short notice. He also thanked both the previous Cabinet Member and Portfolio Holder for their support and wished them all the best in their new roles. The Task Group considered the Action Plan in great depth and

received very full responses to questions asked. He further reported the following:

- The Plan is a good news story in that harmful nitrogen dioxide emissions are coming down and hopefully several of the Air Quality Management Areas will be compliant in the coming years. However, much of that fall is due to improvements in vehicle and engine technology rather than more localised actions. The Task Group trusts that even with compliance efforts are re-double to deliver countywide programmes that will improve air quality i.e., an EV charging infrastructure, active travel, and investment in sustainable public transport. A joined-up approach is emerging but improving air quality will mean that planning, transport, and public protection must work closely together.
- The Task Group raised two of further points:
  - Firstly, that air quality across the board is improved and other pollutants like particulates are considered; and
  - that consultation processes are reviewed as responses from the public were low for a plan that many people would have been interested in understanding.

The Task Group would continue to monitor the plan and ask for an update in 12 months' time.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, thanked the previous Cabinet Member and wished her well for the future and welcomed the new Cabinet Member for Waste & Environment and Cabinet member for Transport and Assets and wished them well in their new roles. Cllr King noted that the subject matter was a large and complicated one with many outside influences. He commented on Table 3.1 of the Plan and asked about the differences between modelled and required road NO<sub>x</sub>, how nitric dioxide evaporates. Officers explained that for modelling road NO<sub>x</sub> figures related to the original model figures and the required NO<sub>x</sub> figures were those expected for compliance. A technical response was provided in relation to the nitric dioxide question indicating that it was another form of Nitrogen which was omitted through car exhausts. Cllr King supported the Action Plan requirements and indicated that a whole Council response was required making better use of community networks.

Cllr Brian Mathew welcomed the report and Action Plan and asked about the collaborative work with a university, as this wasn't specifically identified in the report. He also asked about the timelines for reopening the High Street in Calne. Cllr Holder reported that Birmingham University was the lead university with 12 other universities involved. The Leader explained that he was not aware of the deadlines for reopening the High Street in Calne and referred Cllr Mathew to the Traffic Regulation Order for this information.

**Resolved:**  
**To adopt the Air Quality Action Plan.**

*Reason for decision:*

*To meet the legal requirements of the Environment Act 1995 (as amended in 2012).*

42 **Update on Community Conversations**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing presented the report which provided an update on the activity arising from the ongoing pilots of community conversations.

The Leader asked officers to comment on the work being undertaken by the Council to create stronger communities. The Director of Public Health and the Director of Business Transformation commented in detail about the Council's commitment to empowering the people of Wiltshire to live full, healthy and enriched lives. The intention of the Community Conversations Programme is to recognise the inequalities effecting the residents of Wiltshire and provides a bold, holistic and innovative approach to understanding the experience of residents across the county. They gave examples of the development of new sustainable methods of support based in the communities of Bemerton Heath and Studley Green, which were also detailed in the report. The Leader reported that officers were being asked to work outside the norms of council work. The programme is in the process of expanding to five communities and expected to expand further in the future. It was noted that there were some issues about how the programmed is rolled out to small rural communities.

Cabinet members welcomed the update and recognised the incredible work being undertaken by the communities. They noted the challenges being faced by communities and the importance of the approached adopted.

Cllr Graham Wright, Chair of the Overview and Scrutiny Management Committee, on behalf of Cllr Johnny Kidney, Chair of the Health Select Committee, reported that this item would be considered by the Select Committee at a future meeting. Cllr Wright welcomed the Programme and felt that the title of the Programme could be changed to include the 'engagement' rather than 'conversations'.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, expressed his support for the programme approach and highlighted those communities that felt they didn't always receive an equal share.

The Leader emphasised the need for an understanding of the broader context. He reminded Cabinet that the two areas identified in the report and initially through national Indices of Multiple Deprivation as the most deprived areas of Wiltshire resulted in community visits to hear directly from residents and other community representatives about the lived experience. The outcome of the initial meetings being the Community Conversations Programme. Officers explained the importance of gaining an understanding of the initial two communities would help inform work with other communities in the future.

**Resolved:**

**To note the range of activity underway to support these communities and the ongoing opportunities for community activism and tailored support.**

*Reason for Decision:*

*To inform Cabinet of the ongoing activity in relation to community conversations.*

43 **The renewal of mail printing and production contract for Revenues and Benefits 2024**

Cllr Nick Botterill Cabinet member for Finance, Development Management, and Strategic Planning presented a report setting out the reasons and requirements for securing a reputable company capable of providing a printing and mailing service to deliver the requirements of the Revenues and Benefits Service.

Cllr Botterill explained that the Revenues and Benefits Service is nearing the end of the current contract with their printing provider and need to retender for this service. The cost of production and postage has risen significantly since the original arrangements were put in place and expenditure over the next 5-year period is anticipated to be in the region of £1.75m requiring approval from Cabinet.

Cabinet were informed that since 2012 the Revenues and Benefits Service has used external contractors for the production of council tax bills, business rate bills and notification letters regarding welfare benefits. Whilst significant effort has been made to provide electronic communication, the number of documents produced each year has increased in line with the growth in news, homes and businesses. The service is reliant on external providers who offer the agility, precision, economies of scale and postage discounts that cannot be achieved in-house.

Cllr Graham Wright, Chair of the Overview and Scrutiny Management Committee, reported that the last Select Committee meeting was cancelled so a briefing was arranged at short notice for the Chair and Vice-Chair of the Management Committee on 13 March 2024. The proposal were supported.

**Resolved:**

**To approve to delegate authority to enter into the contract with the winning provider and any other relevant documentation and decisions required to the Director of Finance and Procurement.**

*Reasons for decision:*

*The report explains the reasons for the council to conduct a tender process for the provision of a printing and mailing contract for the Revenues and Benefits Service and to delegate the final decision at the end of the tender process to enter into the contract to the Director of Finance and Procurement.*

*The Revenues and Benefits Service in Wiltshire manages the administration of council tax for 230,000 households across Wiltshire and is one of the biggest billing authorities in the UK in terms of the number of households who are sent a bill. The service also manages the collection of business rates, income from Business Improvement Districts, the administration of Housing Benefit and assessment of Council Tax Reduction. Each of these services requires the sending of information to the liable household or business or to the individual who qualifies for a welfare benefit.*

*The quantity of information documents produced at annual billing is in excess of 250,000 items which require printing and dispatch within a three-week window. Each month the service issues bills and adjustment notices, reminders, and summonses in pursuit of payment and the maintenance of records and accounts, equating to a further 200,000 items per annum. The service relies on being able to produce print files and send these securely to an offsite print and mailing company to produce these documents and ensure that they are packaged and dispatched precisely, promptly and in an order (walk-sort) that achieves the greatest discount on postage costs. That the council tax bill has been used to convey information about government schemes, energy rebates for example has meant the inclusion of additional information on or together with council tax bills at short notice, which demonstrates the responsive and supportive relationship that the service is seeking along with the efficient, effective and reliable systems and processes of a specialist provider.*

44 **Urgent Items**

There were no urgent items.

45 **Exclusion of the Press and Public**

**Resolved:**

**To agree in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Numbers 46 and 47 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

46 **Update on Safety Valve Agreement with the Department for Education**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing reported that this item was being withdrawn as there was no update available at this time.

47 **Transfer of Local Enterprise Partnership Functions**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing presented a report that provided an update on the return of economic functions to local authorities and the implications for Wiltshire Council.

Comments were received from Cabinet members, Cllr Graham Wright, Chair of the Overview and Scrutiny Management Committee and Cllr Gordon King, Deputy Leader of the Liberal Democrat Group.

**Resolved:**

**That the proposals detailed in the report be noted and approved.**

*Reason for Decision:*

*That the reason for the decision be noted as detailed in the Part II report.*

(Duration of meeting: 10.00 am - 12.00 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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The decisions were published on 21 March 2024 and came into effect on 2 April 2024.



**Wiltshire Council**

**Cabinet**

**16 April 2024**

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**Subject: SEND Sustainability Plan and the Safety Valve agreement**

**Cabinet Member: Cllr Richard Clewer - Leader of the Council  
Cllr Laura Mayes - Cabinet Member for Children's Services, Education, and Skills  
Cllr Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion  
Cllr Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning**

**Key Decision: Non-Key**

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## **Executive Summary**

On 12 March 2024, Wiltshire Council signed a Safety Valve agreement with the Department for Education (DfE). This agreement is supported by the High Needs Block Sustainability Plan which was created with parent carers, schools and settings, and health and care professionals.

These documents, taken together, describe how Wiltshire Council will improve outcomes for children and young people with SEND and, through investment in early help and support, return the High Needs Block (HNB) to a financially balanced position.

The HNB is the part of the DSG that primarily supports pupils who have Special Educational Needs or Disabilities (SEND), and approximately two thirds of councils in England have some level of deficit in their HNB.

In Wiltshire this cumulative deficit has grown from £2.1m in 2018/19 to £35.2m in 2022/23 and it is forecast to continue growing. The Q3 Budget Monitoring paper that was presented to Cabinet forecast a total cumulative deficit of £56.247m by the end of this financial year.

Safety Valve is a DfE programme that supports Councils who have a large or rapidly increasing deficit in the HNB of the Dedicated Schools Grant (DSG).

A Safety Valve Agreement is a formal agreement between a local authority and the DfE which offers councils additional funds to help with their historic deficits and in return the council agrees to deliver a plan to return their DSG to an "in-year" balanced position by the end of the period of the plan.

The agreement confirms the DfE will provide an additional £67m of DSG funding split over the years 2023/24 – 2028/29. The first payment of £26.8m is due to be received on 28 March and future payments are contingent on the Council meeting the terms of the deal.

This money will be used to offset the cumulative deficit which, by the point that the

Council reaches balance is forecast to be £137.2m. This leaves £70.2m which the Council will need to contribute from other funds to completely remove the residual forecast deficit that is a requirement of the agreement.

This agreement was only possible because the plan that the Council submitted was found to be a credible approach to balancing the financial position of the HNB while improving outcomes for children and young people with SEND.

This plan was submitted with endorsement from Wiltshire Schools Forum, Children's Select Committee and a representational board including members from B&NES, Swindon and Wiltshire (BSW) Integrated Care Board (ICB) and Wiltshire Parent Carer Council (WPCC).

The plan sets out how the DSG will be brought back into balance over the next 5 years. This will be done through increased provision of early support and prevention, increasing the number of maintained special school places in Wiltshire to place more children and young people with SEND close to home and without the need to rely on the independent sector.

Wiltshire Council has already put over £4m of pump-priming investment behind this plan to ensure it will deliver the intended outcomes, and further capital investment has been committed.

This is alongside an additional capital request which was made as part of the Safety Valve process to support this plan and was submitted on 5 January 2024. This bid is for £5.7m to expand special school places in the south of the county but this decision has not been made by ministers yet.

Now the Safety Valve agreement has been signed, the work to deliver it will be folded into ongoing SEND improvement and transformation programmes.

## **Proposals**

That Cabinet:

- 1) Welcomes the agreement that was signed and returned to the DfE in line with the Cabinet decision on 12 March 2024.
- 2) Endorses the steps being taken to address the financial deficit in the High Needs Block.
- 3) Approves publication of the High Needs Block Sustainability Plan for Wiltshire which underpins the Safety Valve agreement.

## **Reason for Proposals**

This five-year agreement will shape the provision of SEND services in Wiltshire and will form a key part of the financial context for the authority. Cabinet will continue to be kept apprised of progress and public reporting is critical to ensure transparency of the programme and the Council's approach to it.

**Terence Herbert - Chief Executive**  
**Lucy Townsend - Corporate Director, People**

**Subject: SEND Sustainability Plan and the Safety Valve agreement**

**Cabinet Member: Cllr Richard Clewer - Leader of the Council  
Cllr Laura Mayes - Cabinet Member for Children's Services,  
Education, and Skills  
Cllr Jane Davies - Cabinet Member for Adult Social Care,  
SEND and Inclusion  
Cllr Nick Botterill - Cabinet Member for Finance, Development  
Management and Strategic Planning**

**Key Decision: Non-Key**

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### **Purpose of Report**

1. To update Cabinet on the SEND Sustainability Plan for Wiltshire and the Safety Valve Agreement between Wiltshire Council and the Department for Education which was signed on 12 March 2024.
2. To set out the implications of the Safety Valve agreement on the financial position of the Council.

### **Relevance to the Council's Business Plan**

3. The Safety Valve Agreement will ensure that the Dedicated Schools Grant deficit will be removed, and the High Needs Block will be brought back into an in-year balanced position. This is a significant financial risk and so removing it will support the delivery of the Council's priorities as set out in the Business Plan.
4. The delivery of the Safety Valve plan will also provide better outcomes for children with SEND in Wiltshire, supporting the following Business Plan priorities:
  - a. Resilient Communities
  - b. Empowered People
  - c. Thriving Economy

### **Background**

5. The Dedicated Schools Grant (DSG) is funding which local authorities in England receive to support schools. The DSG is split into four blocks which support different parts of the schools and education system.
6. One of these blocks is the High Needs Block which is used to support children and young people with Special Educational Needs and Disabilities (SEND).

7. Since 2018/19 the High Needs Block has been under increasing pressure. This growth in expenditure has been seen in every council in England, and Wiltshire is no exception.
8. This growth is the result of changing practice following The Children and Families Act 2014, SEND Regulations 2014 and the SEND Code of Practice 2015 which introduced new statutory obligations for local authorities in England in how they support children and young people with SEND.
9. In Wiltshire from 2018/19 to 2022/23, this equated to a 51% growth in the number of children supported by an Education, Health and Care Plan (EHCP), and a 46% growth in the amount of money being spent from the High Needs Block. Over the same period, the money received into the High Needs Block from government only grew by 36%. The Association of Directors of Children’s Services estimate that, as of 2022, this was a £2.6bn issue across England.
10. While High Needs Block income has not kept pace with the growth in demand, there are also changes that councils can make to respond to the new strategic context.
11. This issue has received some attention over recent years, and this is reflected in the introduction by government of a statutory override. This override allows councils to hold their DSG deficit as a negative reserve on their balance sheet, walled off from the rest of the council’s finances. This statutory override, however, is due to expire 31<sup>st</sup> March 2026 and at that point, councils will be expected to make good any remaining deficit that has not been previously addressed.
12. Wiltshire Council’s DSG deficit forecast suggests that, by April 2026, the cumulative unmitigated deficit could be £117m while the current forecast total general fund and earmarked reserves are £90m.
13. The invitation from DfE to join the Safety Valve programme was received in August 2023 and an initial meeting with the Department for Education was held in early October 2023. The plan was submitted in draft form on December 15<sup>th</sup>, it was then amended and resubmitted on January 12<sup>th</sup> 2024.
14. Further negotiations were held between the Council and the DfE to ensure a mutually agreeable position. This agreement received ministerial approval and was signed on behalf of Wiltshire Council on 12<sup>th</sup> of March. The agreement text forms Appendix 1 to this report.

**Main Considerations for the council**

15. The agreement sets out commitments from the DfE and from Wiltshire Council. The DfE has committed to give Wiltshire Council an additional £67m over the 5 years of the agreement. These contributions are paid in instalments, profiled as follows:

<b>Year</b>	<b>The Department agrees to pay to the authority an additional £m of DSG by year end</b>
<b>2023-24</b>	£26.8m
<b>2024-25</b>	£6.7m
<b>2025-26</b>	£6.7m

<b>2026-27</b>	£6.7m
<b>2027-28</b>	£6.7m
<b>2028-29</b>	£13.4m

16. The first payment of £26.8m was received by the council on the 28<sup>th</sup> March 2024.
17. The conditions of the grant are that payments are used to pay down the cumulative Dedicated Schools Grant deficit and that Wiltshire Council makes sufficient progress towards meeting the conditions of the agreement, noted in paragraph 20 of this paper.
18. Future payments will be withheld should the Council fail to meet its obligations under the agreement, however there are no 'clawback' provisions in the agreement.
19. By signing the agreement, Wiltshire Council has committed to reaching an in-year balance in the High Needs Block and to eliminating the cumulative deficit by the end of 2028/29, and also to ensuring that the cumulative deficit does not exceed the maximum deficit profile. This profile, including a Council contribution of £70.2m but excluding the DfE contribution, is as follows:

<b>Year</b>	<b>Maximum Forecast DSG Deficit Profile at year end<sup>1</sup></b>
<b>2023-24</b>	£56.2m
<b>2024-25</b>	£84.5m
<b>2025-26</b>	£94.6m
<b>2026-27</b>	£114.4m
<b>2027-28</b>	£119.1m
<b>2028-29</b>	£67.0m

20. In addition, the Council has agreed to regular monitoring, at least 3 times a year, to check on progress. The DfE will expect the Council to report against the key conditions of the agreement, and on progress to deliver capital projects associated with the agreement. These conditions are:
- a. Maximum Forecast DSG Deficit;
  - b. Provide earlier support for children and young people with SEND, improving inclusion practices and managing pressure points and school transitions;
  - c. Prevent the need for escalation by providing the right support, first time, including a more holistic response alongside health and social care, with improved management and communication;
  - d. Increase the number of special school placements, resourced provision, and alternative provision to ensure that children and young people can access the support they need, with proper reintegration support for children who belong in mainstream provision;

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<sup>1</sup> This profile includes contributions that the council will make from its own resources to reduce the DSG deficit.

- e. Improve transition pathways to provide a range of opportunities for young people with SEND to prepare for adulthood, including training, further education, and employment;
  - f. Foster a culture of change across the Wiltshire SEND and AP system by engaging with partners and parent carers, improving trust and coproduction across the sector.
21. These conditions are focused on activity which will reduce the in-year overspend, but in a way that will maintain, or improve, the quality of support for children and young people with SEND.
22. The agreement is based on the High Needs Block Sustainability Plan for Wiltshire, which was approved by Cabinet for submission in December 2023 with the endorsement of Wiltshire Schools Forum, Children's Select Committee, and a cross-sector board including members from B&NES Swindon and Wiltshire (BSW) Integrated Care Board (ICB) and Wiltshire Parent Carer Council (WPCC). It has been amended in line with feedback from key stakeholders, and this amended version forms Appendix 2 of this paper.
23. These endorsements are an encouraging sign of support from key stakeholders, and an indication that the engagement with stakeholders has been good so far. The Council is conscious that this support is not guaranteed, and so significant work is being put into continued engagement and co-design. The plan becomes almost impossible to deliver without the goodwill of schools, colleges and early years settings; parent carers; the voluntary sector; HCRG and the ICB.
24. Given the need for continued engagement to enable the successful delivery of this plan, the Council wants to be as transparent as possible. As a starting point, the High Needs Block Sustainability Plan for Wiltshire sets out the key workstreams and projects that will be undertaken to help deliver this plan. Many of these projects, already have a clear alignment to the existing SEND and Inclusion Strategy 2020-24, and to the emerging SEND and AP Strategy that is currently being developed.
25. All these plans and strategies will be brought together into a single transformation plan for SEND, Inclusion and AP in Wiltshire, so that the Council can be assured that there is a comprehensive and well supported approach to SEND improvement in the county.
26. The plan, and therefore the agreement, focus on financial recovery, but equally importantly on the quality of provision for our learners with SEND and on getting the right support early to those children and young people.
27. The trajectory set out in the plan is very ambitious and will require a One Council approach and commitment to delivery, alongside support from elected members, schools and parent carers. The delivery phase of this plan will continue to have a focus on co-design and engagement to bring the whole SEND system on this process as well.
28. The 2024/25 budget that Cabinet approved contained investment in preventative programmes that will deliver this financial recovery. The expectation is that this upfront investment will deliver significant savings in year 3-5, but there may be a need to consider further investment.

29. Should the Council fail to deliver against the plan then the DfE will place the Council in “enhanced monitoring”. While in “enhanced monitoring” any additional payments are paused, and the expectation is that the Council will re-baseline and develop a new plan. There is no additional money or support that follows “enhanced monitoring”, however there are also no clawback provisions in the agreement and so the Council would not have to return any payments made to that point.
30. The cumulative deficit that Wiltshire Council is holding in the Dedicated Schools Grant negative reserve is the biggest financial risk that the Council has and without a Safety Valve Agreement it could prove to be impossible to solve.
31. While the £67m contribution from the DfE will not meet the whole cumulative deficit, the Council recognises the vote of confidence in the plan that this level of financial commitment from the DfE demonstrates.
32. At the end of the agreement period, the cumulative mitigated deficit is forecast to be £137.2m. Once the DfE’s contribution of £67m is included, that reduces the residual deficit to £70.2m which Wiltshire Council will need to fund.
33. In preparation for this proposed agreement, the 2024/25 budget included a contribution to a High Needs Block reserve to begin addressing that residual deficit and further contribution will be required as the Council continues to fulfil the conditions of the agreement.

### **Safeguarding Implications**

34. The Safety Valve Plan does not, in and of itself, have any safeguarding implications. It is expected that, if it is fully implemented, it should reduce the risk to children and young people, who we know are 3.7 times more likely to suffer abuse.

### **Public Health Implications**

35. The decision to sign a Safety Valve Agreement with the DfE, does not on its own have public health implications.
36. As the High Needs Block Sustainability Plan reaches the implementation phase, each individual intervention will need to be understood in terms of the public health implications. SEND is a factor that impacts public health, and the Programme Team will continue to work closely with the Public Health team.

### **Procurement Implications**

37. The decision to sign a Safety Valve Agreement does not have procurement implications in and of itself, however as contracts come up for renewal through the commissioning process, the council will need to consider the impact of interventions.
38. The agreement will require us to consider what early intervention and prevention activity can be undertaken to reduce the call on statutory support. This activity could increase some commissioned activity, particularly in the therapies’ contracts.
39. As the High Needs Block Sustainability Plan reaches the implementation phase, each proposal will need to be reviewed by an appropriate Procurement Officer.

## **Equalities Impact of the Proposal**

40. The signing of a Safety Valve Agreement does not, in and of itself, impact people with protected characteristics. The Agreement is primarily a financial agreement between Wiltshire Council and the DfE.
41. However, now the Safety Valve plan has become an agreement, and that includes changes to services, these proposals will be subject to an Equalities Impact Assessment and this has been built into the project plan.

## **Environmental and Climate Change Considerations**

42. This decision does not directly have any environmental or climate change impacts that need to be considered. However, now this plan has become a Safety Valve Agreement the interventions will need to be understood in the context of the environment and climate change.
43. As an example, we anticipate that fewer children will need to be placed out of county and this will result in a reduced carbon footprint for travel.
44. Any environmental or climate change impacts that have already been identified are in the main body of the Safety Valve plan (Appendix 2).

## **Workforce Implications**

45. Delivery of the agreement trajectory will require investment in staff and increased capacity in our SEND system. The funding for these posts has already been identified as part of the budget setting process, but each mitigation will still need the workforce implications to be set out clearly.
46. Anticipated impacts on workforce can be found in the main body of the Safety Valve Plan (Appendix 2)

## **Risks that may arise if the proposed decision and related work is not taken**

47. If the decision is not taken, then the financial liability of the DSG deficit remains on the balance sheet of the Council. There is a risk that, if the statutory override ends as currently set out in April 2026, the entire deficit becomes the Council's to manage. The deficit is forecast to be £113.5m by that point. It is not thought that the Council could effectively manage this liability without the support of a Safety Valve Agreement.

## **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

48. The decision to enter into a Safety Valve Agreement makes the Council responsible for delivering that agreement. There is a risk that, if the Council falls behind on the financial delivery of the plan, further work will have to be undertaken to bring the plan back in line, this may include further investments to ensure delivery. To mitigate this risk, there is a robust process of monitoring in place, with clear measures regularly reported on.
49. There is a risk that the Council will see an increase in legal challenge and tribunals arising from the SEND decision making process. This risk is being mitigated through



the plan, by ensuring the Council is confident in the support being provided to children with SEND, by ensuring that there is efficient and well defined processes in place. Additionally, the plan is being co-designed with parent carers, schools, early years settings and colleges to create shared ownership and buy-in.

## Financial Implications

50. The Safety Valve Agreement reflects the DSG funding settlement announced in December, the current DSG forecast for 2023/24 and the changes required to reflect the children and young people currently awaiting assessment.
51. This therefore assumes mitigations of £83.0m to be delivered over 5 years across the 5 workstreams. This is the net impact after the required investment to deliver increases in support and early intervention, and to cover the revenue costs of additional specialist places across Wiltshire schools.
52. The plan which underpins the agreement includes capital investment in the delivery of new special school and resource bases across Wiltshire. This includes current plans funded by High Needs Places Capital Allocation (HNPCA) grant and Council contributions and incorporates funding already agreed by the DfE to support the development of a new 130 place special free school for pupils with social, emotional and mental health needs.
53. The plan also includes the Council's application for a free school to deliver Alternative Provision, which was approved in the government's budget on 6<sup>th</sup> March.
54. In order to deliver the required place sufficiency across the period of the plan a bid to the additional HNPCA grant made available to councils on the Safety Valve programme has been made for £5.7m in order to accelerate the delivery of additional special school capacity.
55. The profile of the mitigated deficit is summarised as follows:

Provision Type	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
Plan Year	1	2	3	4	5	
Mainstream Provision	22,875	24,019	25,254	20,379	16,112	11,896
Resourced Provision	4,249	5,353	6,295	6,390	6,169	6,325
Special Schools	27,026	32,364	34,952	37,110	38,325	40,229
Independent and Non-maintained Special School Provision	20,207	19,705	19,024	15,110	6,100	4,143
Post 16 Provision	10,881	11,491	11,958	12,107	12,044	12,506
Alternative Provision	10,198	9,464	8,912	8,808	8,623	9,708
Therapies	560	560	773	782	792	801
Other High Needs Block expenditure	1,103	786	810	834	859	885
<b>Total Expenditure</b>	<b>97,098</b>	<b>103,744</b>	<b>107,977</b>	<b>101,520</b>	<b>89,024</b>	<b>86,494</b>
High Needs Block	-70,798	-73,465	-75,669	-77,939	-80,277	-82,685
Block Transfers	-1,797	-2,000	-3,754	-3,867	-3,983	-4,102
<b>In Year Surplus (-)/Deficit(+)</b>	<b>24,504</b>	<b>28,280</b>	<b>28,555</b>	<b>19,715</b>	<b>4,765</b>	<b>-293</b>
Surplus/Deficit from other DSG Blocks	-3,470	0				
Surplus/Deficit Brought Forward from Previous years	35,214	56,247	84,527	113,081	132,796	137,561
<b>Total Deficit Balance</b>	<b>56,247</b>	<b>84,527</b>	<b>113,081</b>	<b>132,796</b>	<b>137,561</b>	<b>137,267</b>

56. The decision to enter the Safety Valve Agreement crystallises the requirement of a contribution from the Council's resources to eliminate the cumulative deficit set out in

the plan less any contribution from the DfE. This figure, based on the plan set out, is £70.2m

57. The Council will be taking an approach of maximising all opportunities to set money aside in a specific earmarked reserve to fund the contribution required. If sufficient funds are not set aside by the end of the plan period (April 2029) then the Council will need to identify funding for the residual balance or exceptional financial support will be required from government.
58. It should also be made explicit that the DfE contribution is a fixed figure which, if the plan is delivered, will not change. If the Council manages to reduce the deficit more quickly than anticipated, then the Council contribution will be reduced. If the Council is slow to deliver the changes required, then the deficit will grow more than anticipated and that financial liability resides with the Council.

### **Legal Implications**

59. The Safety Valve Agreement is a formal written agreement with the DfE. This draft agreement language has been reviewed by Legal Services and amendments were incorporated into the draft.
60. The final agreement was reviewed to ensure that the legal implications were sufficiently considered when the agreement was signed.
61. It was noted that the agreement is subject to review at any time and whilst the agreement does set out examples of events which may lead to review, this list is not exhaustive.
62. In particular, clause 6.3 provides for the agreement to be reviewed in the event of insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan.

### **Overview and Scrutiny Engagement**

63. The sustainability issues with the High Needs Block have regularly been reported on to the Children's Select Committee.
64. Children's Select Committee undertook a High Need Block (HNB) Rapid Scrutiny which produced a report, the contents of which have been used to inform the Safety Valve plan.
65. The Rapid Scrutiny Report also recommended that Children's Select Committee have a representative on the programme board for this work and that member has been included throughout the process.
66. Children's Select Committee received the High Needs Block Sustainability Plan in draft on 7th December 2023 and held a single item meeting to ensure the plan was fully scrutinised before submission to the Department for Education.
67. Questions from members of the Select Committee offered useful challenge, and improvements to the plan were made as a result.

68. Children's Select Committee continues to receive regular updates on progress at their meetings and the High Needs Block Sustainability Plan is now a standing item on their agenda.

### **Options Considered**

69. The option of declining the offer to sign the Safety Valve agreement was considered and rejected. The lack of up-front investment from the DfE would significantly compromise the ability of the Council to deliver the change required. This delay would increase the cumulative deficit still further, which would increase the impact on the council's general fund and contribution to eliminate the deficit when the statutory override is removed.

### **Conclusions**

70. If the Council is to continue to deliver on its statutory duty to children and young people with SEND then we must make changes to the way the SEND system in Wiltshire operates.

71. These changes need to be made to stop the growing deficit, improve outcomes for children and young people, and to reflect the changing strategic context in which the system finds itself. Despite the challenges in delivering this plan, and the increased financial impact of the forecast deficit, this still represents a good way to manage the risk.

72. Safety Valve offers an opportunity to undertake those changes, leveraging additional investment from the Department for Education that will allow such changes to be made more quickly than would otherwise be possible, and to significantly reduce our historic deficit.

73. Cabinet is asked to note that Wiltshire Council has now signed the Safety Valve Agreement and this will formally come into effect from the new financial year. Work has already begun to deliver priority projects.

74. Further updates will come to future Cabinet meetings as officers pull together implementation plans and Children's Select Committee have requested this be a standing item on their future agendas.

**Terence Herbert - Chief Executive**

**Lucy Townsend - Corporate Director, People**

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### **Appendices**

Appendix 1 - The Wiltshire Council Safety Valve agreement

Appendix 2 - The High Needs Block Sustainability Plan for Wiltshire

### **Background Papers**

None

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## Dedicated Schools Grant ‘Safety Valve’ Agreement: Wiltshire

1. This agreement is between the Department for Education and Wiltshire Council, and covers the financial years from 2023-24 to 2028-29.
2. The authority undertakes to reach a positive in-year balance on its Dedicated Schools Grant (DSG) account by the end of 2028-29 and in each subsequent year. The authority undertakes to control and reduce the cumulative deficit as follows:

Year	Maximum Forecast DSG Deficit Profile at Year End <sup>1</sup> £m
2023-24	£56.2m
2024-25	£84.5m
2025-26	£94.6m
2026-27	£114.4m
2027-28	£119.1m
2028-29	£67.0m

3. The authority agrees to implement the action plan that it has set out. This includes action to:
  - 3.1 Provide earlier support for children and young people with SEND, improving inclusion practices and managing pressure points and school transitions;
  - 3.2 Prevent the need for escalation by providing the right support, first time, including a more holistic response alongside health and social care, with improved management and communication;
  - 3.3 Increase the number of special school placements, resourced provision, and alternative provision to ensure that children and young people can access the support they need, with proper reintegration support for children who can be appropriately supported in mainstream provision;

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<sup>1</sup> This profile includes contributions that the council will make from its own resources to reduce the DSG deficit.

- 3.4 Improve transition pathways to provide a range of opportunities for young people with SEND to prepare for adulthood, including training, further education, and employment;
- 3.5 Foster a culture of change across the Wiltshire SEND and AP system by engaging with partners and parent carers, improving trust and co-production across the sector.
4. The authority also agrees to ongoing monitoring of its performance in fulfilling this agreement. The authority will:
- 4.1 Report tri-annually (as a minimum) in writing to the Department (Funding Policy Unit) on its progress towards implementing the plan as per the conditions set out in paragraphs 2 and 3;
- 4.2 The monitoring reports should include progress against the conditions of grant and a financial dashboard detailing various metrics relating to demand and cost. DfE will provide a template for this;
- 4.3 Inform the Department (Funding Policy Unit) of any unforeseen difficulties or impacts of carrying out the agreement, or any significant risks to reaching the agreed financial position as soon as they arise;
- 4.4 Meet with the Department at any time when the Department deems it necessary to discuss progress towards the agreement.
5. The Department agrees to pay to the authority an additional £26.80 million of DSG before the end of the financial year 2023-24. In subsequent financial years, subject to compliance with the conditions set out in paragraph 3, the Department will pay DSG sums as below. This funding will be provided in instalments and subject to continued satisfactory progress. Subject to full compliance, Wiltshire Council should therefore eliminate their cumulative deficit no later than 2028-29.

<b>Year</b>	<b>The Department agrees to pay to the authority an additional £m of DSG by year end</b>
2023-24	£26.80m
2024-25	£6.70m
2025-26	£6.70m
2026-27	£6.70m
2027-28	£6.70m
2028-29	£13.40m

6. This agreement is subject to review at any time, for example as a result of the following events:

6.1 Higher or lower DSG formula funding levels for the authority in future financial years than those the authority has assumed;

6.2 Significant changes to national SEND policy, for example as a result of the government SEND Improvement Plan, which impact on elements of the plan;

6.3 Insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan;

6.4 Whether Wiltshire Council is awarded additional capital funding support following the capital application process.

The review process will include an assessment of the impact of the change in circumstances.

On behalf of Wiltshire Council, signed by:



Terence Herbert, Chief Executive (12/03/2024)



Lucy Townsend, Director of Children's Services (12/03/2024)



Lizzie Watkin, Director of Finance and S151 Officer (12/03/2024)

On behalf of the Department for Education, signed by:



Tom Goldman – Deputy Director, Funding Policy Unit

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# Wiltshire SEND Sustainability Plan

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April 2024

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This document sits alongside the Safety Valve agreement for Wiltshire, [which can be accessed here](#). Together, these documents describe how the Council will invest in SEND support, to reduce our historic overspend.

This plan is not a standalone document and focuses on the activity required to improve our financial position. However, it forms part of the context within which our new SEND and AP Strategy will sit. All these strategic documents will be used to develop an improvement plan for our SEND System, the first iteration of which will be published in mid-2024.

## Executive Summary

For the past six years, Wiltshire Council, in common with many other councils in England, has been spending more on Special Educational Needs and Disabilities (SEND) than it receives from the government to fund these vital services.

We are committed to ensuring that children and young people with additional needs and SEND have the best possible start in life and have access to the support that they need. We must maintain, and improve, the quality of support that children and young people in Wiltshire receive, whilst getting ourselves back to a balanced financial position. This will reflect that we are meeting children's needs at the right time, and in the right way. We know that prevention is more cost effective and produces better outcomes for children.

These aims will only be possible through a fundamental change in approach.

This strategic document sets out the approach we will take over the next five years, and the steps we will take to achieve these joint goals. The approach, and the projects have had significant input from parent carers, schools, colleges, early years settings, health and care staff, SEND professionals, and children and young people.

The priorities contained in this document reflect the priorities that we heard from those stakeholders, which we have applied to the challenge of addressing our overspend.

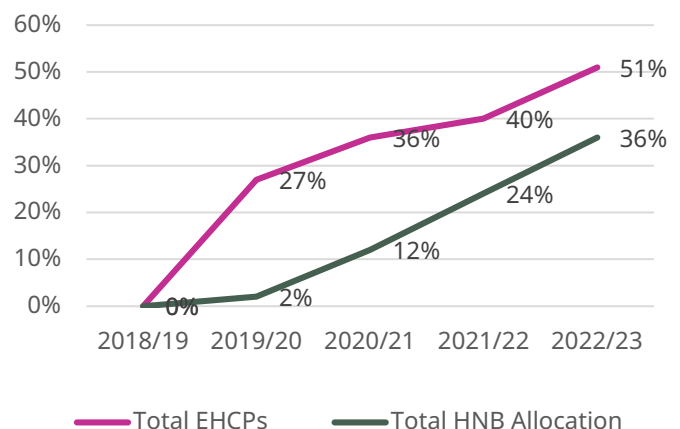
### Background

In 2014, new responsibilities were given to councils, schools and other bodies around the support for children and young people with SEND. These changes encouraged education, health and social care partners to work more closely together to provide better support. These changes were made in government legislation called the Children's and Families Act 2014.

These changes, as well as better identification of needs such as Autistic Spectrum Condition (ASC), have led to significant growth in the number of children with Education, Health and Care Plans (EHCPs).

In Wiltshire, this equates to a 51% growth in children with an EHCP since 2018/19, while the funding from the government has only grown by 36%.

High Needs Block: % increases since 2018/19



This deficit started small but has grown and is growing at a faster rate each year.

If we do nothing, then we expect the number of EHCPs to grow by another 31.5% in the next five years, and our deficit to grow to £222m over the same time.

This is not just a challenge in Wiltshire, it has affected every council in England. While the increases in government funding have not kept pace with demand, there are changes that councils can make to meet the challenge in a financially sustainable way.

### How we intend to resolve the challenge?

This is a joint effort, and we want to achieve this with the support of schools, colleges and early years settings and importantly with the trust and input from parent carers. We want to ensure the right support, at the right time, to children and young people with additional needs and SEND.

We can only solve this by a systemic partnership approach. Better outcomes for children and young people will mean better financial outcomes for the council.

These plans are set out in more detail later in this document. It is important to say that every child will still get the support that they are entitled to.

#### 1. Improving support pre-EHCP to increase parent and professional confidence in mainstream inclusion

By improving the support that all children receive when it comes to SEND needs, we can avoid the costly and often bureaucratic process of an EHCP, getting better outcomes for the child while slowing the growth in the number of EHCPs.

#### 2. Preventing the need for escalation of support by ensuring the right support, first time

If an EHCP is necessary, then we must get the right support quickly to avoid unnecessary Independent Special School placements.

#### 3. Ensuring value for money and the right contributions from partners

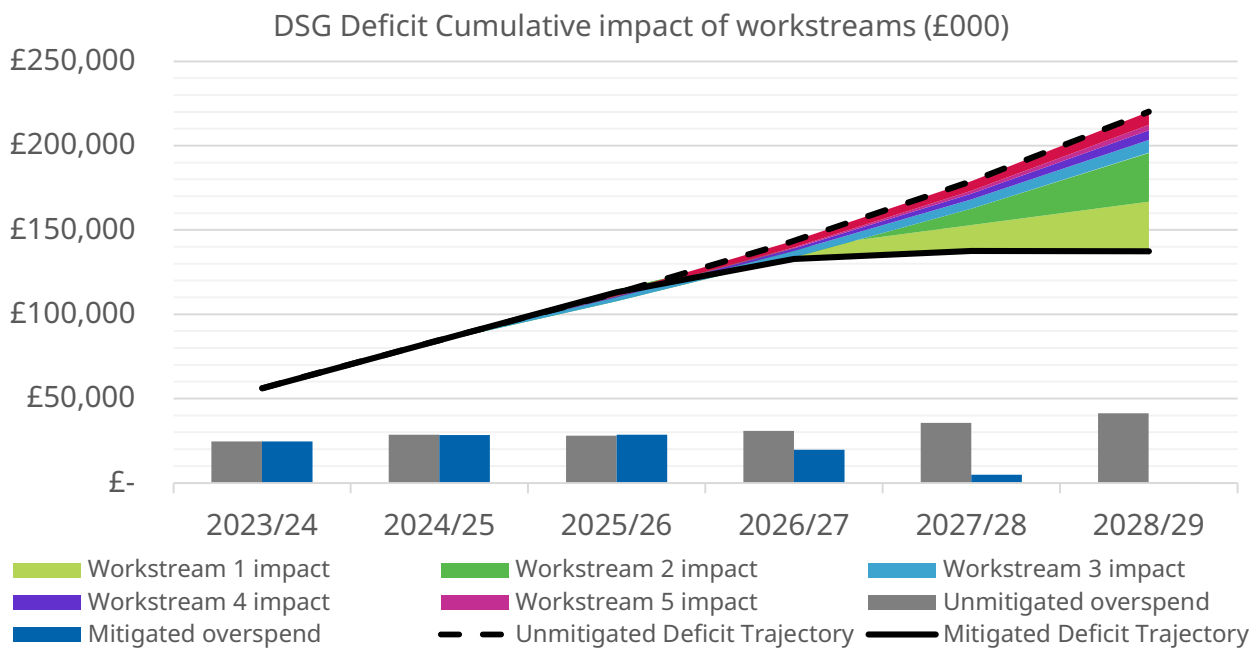
We need to make sure that we are spending money in the right way and buying services in the right way.

#### 4. Enhance transition pathways to provide a range of opportunities to prepare for adulthood

As a young person approaches the end of their EHCP, we need to ensure they feel supported to embrace the employment or education opportunities that are available, with the support they need.

#### 5. Developing better communication and processes to change the culture in our SEND system

The whole plan must be underpinned by improvements to communication and process. This will help build and maintain trusted relationships.



### What we hope to achieve

Over time, if we achieve all five of the workstreams above, we should begin to see an impact on our overspend and the outcomes for children – eliminating it by year five of the plan. This will mean spending more on early intervention and investing in new local special school places to realise those savings in the later years of the plan.

Children and young people with SEND should receive better support outside of an EHCP, require fewer disruptive moves between settings, and support should be more consistent across the county.

For parent carers, we expect them to have increased confidence in the support offer close to home, a greater visibility of decisions being made, and improved communication and support for them directly.

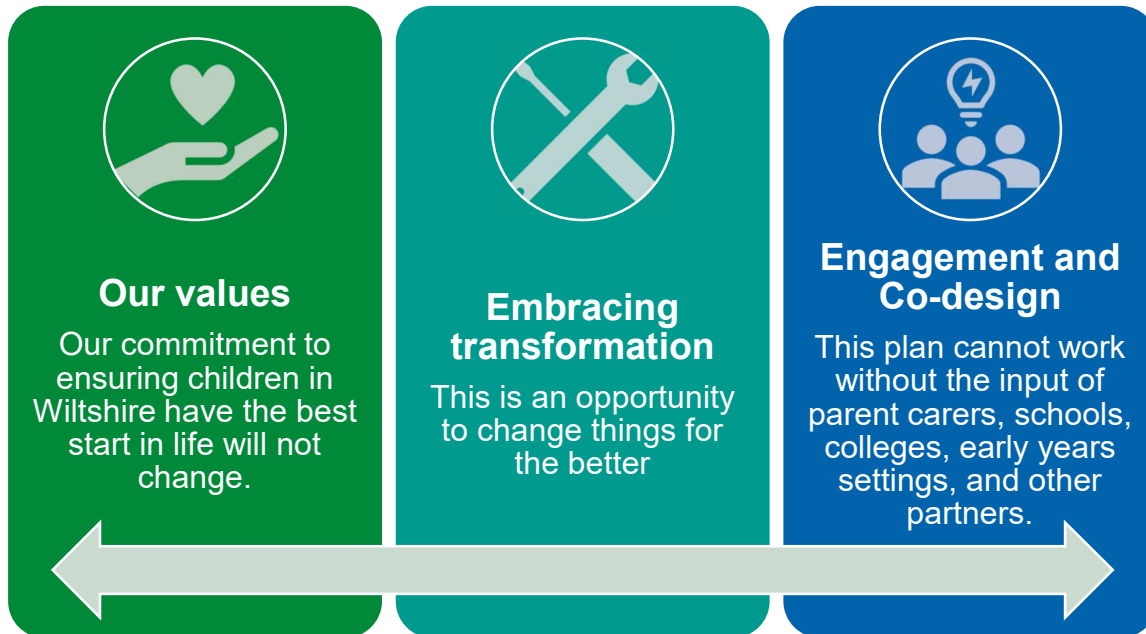
For schools and settings, we want to have a more engaged support and challenge approach to inclusive practice, but we also want to help them in their commissioning decisions and ensure that they feel like they have the resources they need to support children in their setting.

And for our partners in health and care, we expect a greater sense that we are all part of the same system, greater sharing of data and processes, and a better alignment and clarity around decision-.

By working together, as a single Inclusion and SEND system, we can eliminate the overspend – but more importantly, with a renewed energy and urgency, we can tackle some problems that have seemed impossible to solve.

## Our Approach

From the start of this process, we have worked to ensure that this plan aligns with three core components of our approach: we will remain true to our values, we will embrace transformation, and we will work with stakeholders to co-design our plan.



## Our values

Children, their families and carers are at the heart of everything we do here in Wiltshire.

We are ambitious for them, their communities and our staff who work alongside them and we are clear in our vision for all children with special educational needs and disabilities:

*"All children and young people with SEND and their families will have a voice that is heard. They will know how to access, and be able to access the joined-up support they need to thrive in their communities, to enjoy life and reach their full potential"*

*Co-produced SEND Strategy 2020-2024*

Underpinning this, we have a set of key principles that were co-designed as part of our SEND & Inclusion Strategy. These principles remain important to us as we support young people with SEND in Wiltshire.



All children and young people should:



Be safe and feel safe when trying new things



Be able to learn from each other and grow together with all children and young people



Be able to have choice wherever possible



Have access to information and communication for themselves, and the people around them, that helps them along



Experience joined-up help and support because this Strategy is being co-produced



Have additional needs identified early so support can start ASAP



Be educated as close to home as possible

Leaders across the partnership (Integrated Care Board, Wiltshire Council and others) have signed up to these principles as an aligned vision and they impact everything in this plan.

### Embracing transformation

We are committed to delivering positive change and there has been a willingness to embrace the opportunity of transformation through Safety Valve.

Our System of Excellence group brings together special schools in Wiltshire alongside representatives from our mainstream schools and colleges. We shared with them, early on in this process and they understood the need for change here. We have also had positive conversations with the Schools' Forum and headteacher's groups from across the county. Schools' Forum discussed this plan on December 5<sup>th</sup> 2023 and has agreed to support the delivery of it.

Our SEND and Alternative Provision (AP) Improvement Board is co-chaired by the Wiltshire Council Corporate Director of People, who is the Director of Children’s Services (DCS) Lucy Townsend, and by the Chief Nurse for NHS B&NES, Swindon and Wiltshire (BSW) Integrated Care Board (ICB) add name. This board has been updated on the plan as it has been developed and is committed to the delivery of the Safety Valve Plan.

### Engagement and Co-Design

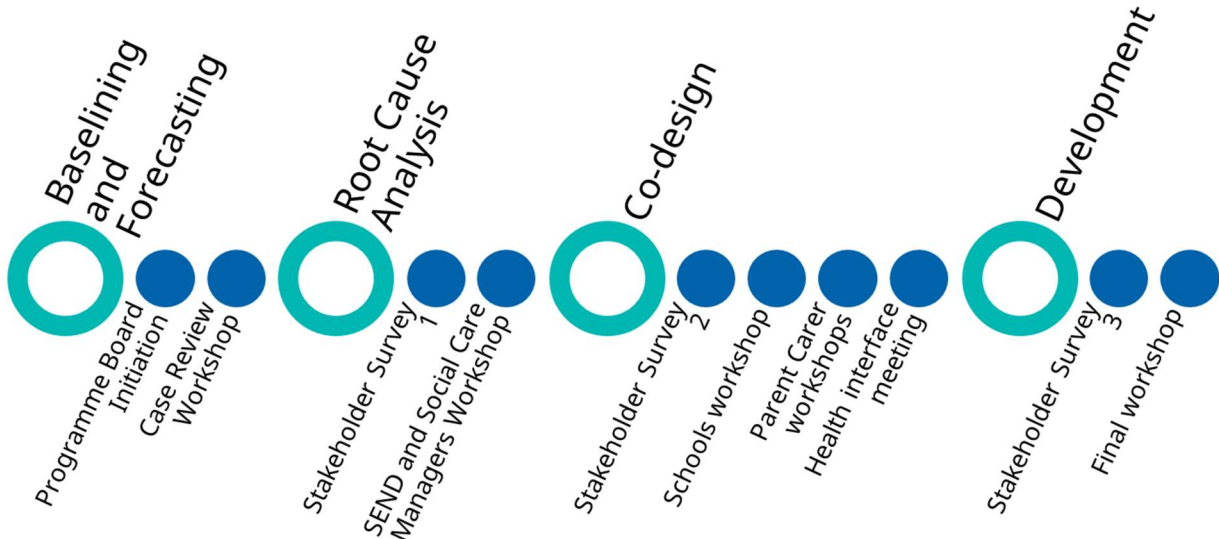
We know that nothing in this plan is deliverable without the support of parent carers, children and young people with SEND, schools, early years settings, colleges, and key partners from social care and health.

Bringing those partners along with us was a key part of why we prioritised engagement and co-design in this plan, but we also know that it generates a better plan at the end of it.

We created a range of co-design opportunities for our stakeholders, using methods that allowed work to take place with each other in the same room, but also approaches that would allow people to participate in their own time.

Given the condensed timeline that the Safety Valve plan needed to be produced in, we had to be conscious of providing the right opportunities in a time efficient way that gave people a genuine and substantive input into the plan. We used data and insights previously collected from other ongoing pieces of engagement, including lots of work undertaken by Wiltshire Centre for Independent Living (CIL) engaging with children and young people on their experience of the SEND system.

We included Wiltshire Parent Carer Council (WPCC), school representation, and health colleagues on the programme board from the start to ensure their input directly impacted the work.





During an early stage of the work, we conducted an initial stakeholder survey which went to parent carers, schools, early years settings, health and care and internal SEND staff. This survey had just under 500 responses which gave us a detailed evidence base to work off.

We continued this approach into the co-design phase, during which we conducted a second, much more detailed survey. This had around 50 responses, reflecting the bigger commitment required to complete that survey.

These surveys influenced the emerging plan, and the workshops offered an opportunity to further develop these themes. We held a workshop for schools, early years and colleges which had 30 attendees from across the system. We also held three parent carer workshops, two in person and one online during the evening. These workshops had about 20 attendees who again came from across the system willing to share their varied experiences.

We would have liked to do more engagement and we are committed to doing more when we begin the detailed design work on the solutions. This will include detailed work with children and young people with SEND.

## Strategic Context

### Wiltshire

Wiltshire has a population of 510,400 (2021 Census), with low population density and wide geographical dispersal. This population is forecast to increase to 531,520 by 2030 (2018 ONS data).

Minority ethnic groups account for 8.31% of the school population compared to 30% across England, and this mirrors the data from the 2021 census which found 90.6% of Wiltshire residents were White British or White Irish<sup>1</sup>.

Wiltshire has a significant military presence, with more than 20% of the regular British Army accommodated in the county.

Wiltshire is ranked 239<sup>th</sup> out of 317 local authority districts, where 1 is the most deprived<sup>2</sup>. 30% of the 285 neighbourhoods in Wiltshire are in the least deprived quintile in England, and just 3% of neighbourhoods are in the most deprived. This focuses deprivation on a small number of communities, Studley Green in Trowbridge, for example, is in the most deprived 10% nationally.

For social mobility, Wiltshire is in the lowest 20% of local authorities according to the latest available LA-level Social Mobility Index published in 2016<sup>3</sup>. The more recent “State of the Nation 2023” report from the Social Mobility Commission shows that our area, comprised of Gloucestershire, Wiltshire, Bath and Bristol, ranks in the bottom 20% for child poverty and disadvantage<sup>4</sup>.

Pupil absence rates in Wiltshire are lower than in the rest of England, peaking in Year 11. For pupils receiving SEN Support, absence is lower than in the rest of England. For pupils with an EHCP, absence is in line with the England rate.<sup>5</sup>

### SEND profile

In Wiltshire, the number of pupils with special educational needs (SEN) grew by over 2,000 between 2015/16 and 2020/21. In Wiltshire, 14.7% of all learners received SEN support, compared to 13% in England and 13.6% in our statistical neighbours<sup>6</sup>.

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<sup>1</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021>

<sup>2</sup> [Exploring local income deprivation \(ons.gov.uk\)](#)

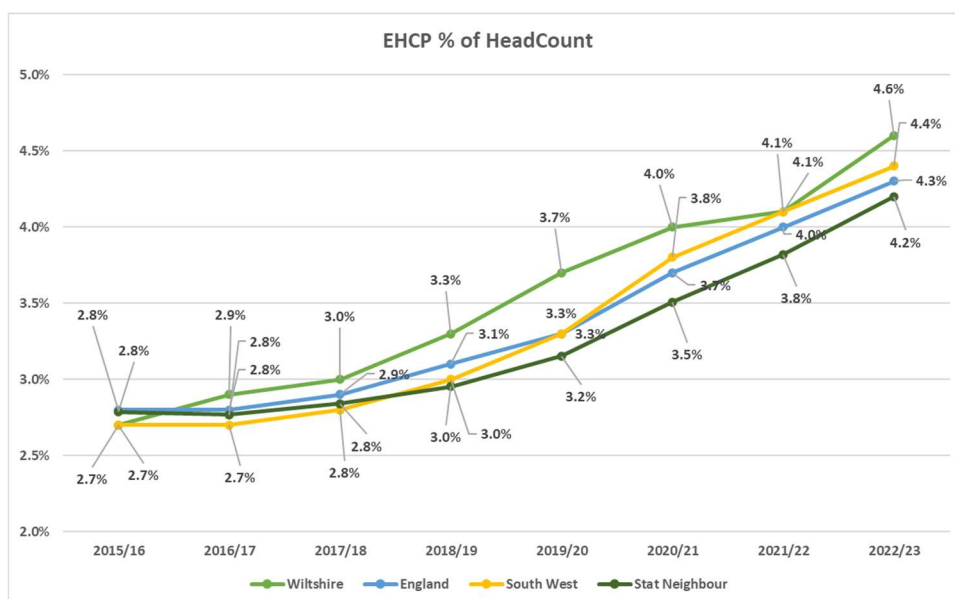
<sup>3</sup> Data Source: [https://assets.publishing.service.gov.uk/media/5a806f1e40f0b623026937c1/Social\\_Mobility\\_Index.pdf](https://assets.publishing.service.gov.uk/media/5a806f1e40f0b623026937c1/Social_Mobility_Index.pdf) accessed 20 Oct 2023

<sup>4</sup> [Gloucestershire, Wiltshire and Bath and Bristol area - GOV.UK State of the Nation \(data.gov.uk\)](#)

<sup>5</sup> Data Source: DfE Pupil Absence in Schools in England Autumn 2022

<sup>6</sup> Statistical neighbours are a group of ten local council areas that Wiltshire is most like.

These figures also show that Wiltshire has a higher-than-average rate of pupils with an EHCP. This is with 4.6% of learners here, compared to the 4.3% average in England and 4.4% across our statistical neighbours<sup>7</sup>.



[Special educational needs in England, Academic year 2022/23 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://www.gov.uk/explore-education-statistics.service.gov.uk)

The latest available local data (October 2023) shows further growth with 5,365 children and young people with an EHCP. This is a rise of 656 net EHCPs from the previous year.

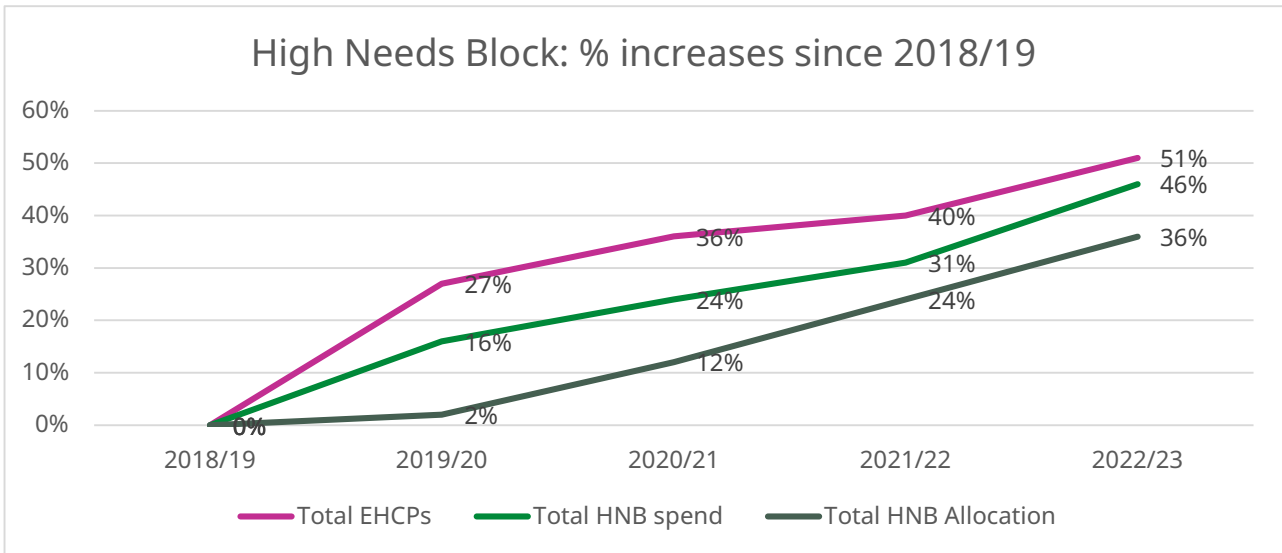
EHCPs are categorised by primary need, indicating what kind of support that child needs. The largest cohort in Wiltshire is Autistic Spectrum Condition (ASC) which accounts for 30.5% of the EHCPs. This percentage has remained steady since 2018, while there has been significant growth in Speech Language and Communication Needs (SLCN) – 21.7% up 4.04% - and in Social-Emotional and Mental Health (SEMH) – 20.5% up 4.12%.

## Financial position

The Dedicated Schools Grant (DSG) is made up of several 'blocks' which are given to local councils to spend on schools and education. The DSG in Wiltshire has been under pressure since 2018/19, and this has been driven by overspends in the High Needs Block (HNB) which is provided to councils to support children with SEND.

Since 2018/19, the number of EHCPs has increased by 51% in Wiltshire and the amount that we are spending on SEND provision has increased by 46%. At the same time, the income into the HNB from the government has only increased by 36%.

<sup>7</sup> Source: LAIT January School Census



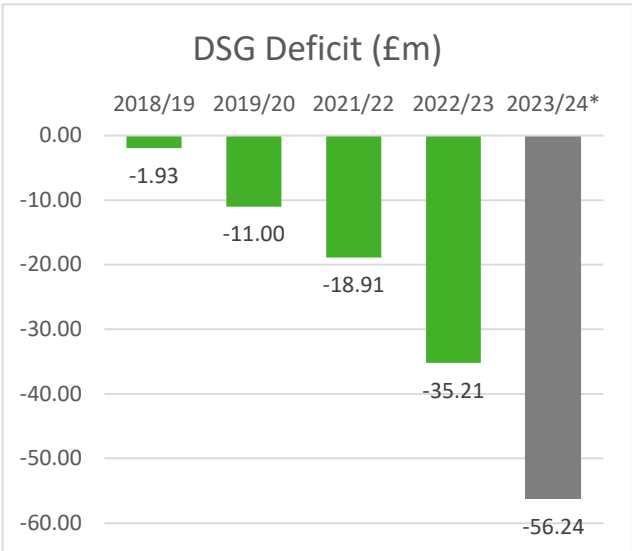
It is worth noting, as well, that there was a lag in the HNB income increases. In 2019/20, the number of EHCPs had grown by 27% but the HNB income had only increased by 2% immediately creating a significant deficit.

This is a national problem, which the Association of Directors of Children’s Services estimates is worth around £2.6bn. However, we need to understand the local impact and what can be done.

For us in Wiltshire, this equates to a cumulative deficit that has grown from just under £2m in 2018/19 to £35.2m in 2022/23. At the moment, we are forecasting that this will grow again to £56.2m by the end of this financial year.

In addition to inflationary pressures, this growth is driven by several factors:

- The growth in the number of Education Health and Care Plans (EHCPs) being issued.
- The growth in the number of Independent Special School placements.
- The growth in the number of Education Health and Care Needs Assessment (EHCNA) requests being submitted.
- The growth in the banding at which new EHCPs are being issued.
- The growth in Alternative Provision (AP) placements.



These factors are the ones that we need to understand, and address, for our plan to be credible and deliverable.

## Forecast position

When generating a forecasted position to support the development of the SEND Sustainability Plan there were key statistical trends which we were able to build into the forecast as assumptions

- Population & Student Growth – Our local growth will broadly be in line with national pupil growth, and our percentage of children with EHCPs or SEN support would be a few percentage points above the national average as it is now.
- Banding shift – There have been increases in EHCP banding across the board.
- Cohort Trends – There have been significant growths in certain primary need groups, for example, SEMH and Autistic Spectrum Condition (ASC).
- Setting Student Structure – There has been a growth in AP/ELP and we have included the existing plans for Special School growth.
- Education Health and Care Needs Assessments (EHCNA) – There has been a significant growth in EHCNA requests.

Given the growth in EHCP numbers nationally and in Wiltshire, we have built in an assumption that we will see the UK reach 21% of pupils in receipt of SEN support by 2030. This means that the current forecast assumes EHCPs will support 6.22% of Pupils in Wiltshire by 2030. It was felt this was a sensible ceiling to place on the forecast to avoid exponential growth which is unrealistic.

Then to apply an adjustment to settings and cohort we focused on reviewing our held data on pupils with an EHCP, accounting for key factors. Taking the composition of needs, the increased banding, and the earlier implementation of EHCPs, this all culminated in a forecast decline in mainstream placement due to an inability to accommodate the complexity of needs in this cohort. This accounts for a growth in Independent Non-Maintained Special Schools (INMSS) & resourced provision.

This forecast also assumes that we will clear the backlog of children awaiting assessment in the next two years. At the moment the backlog is around 320 children and young people, and we expect to clear 60% of that in 2024, and the final 40% in 2025. Despite requiring additional resources to meet this challenging target, we have included this in the unmitigated forecast to ensure that the figures give as much of a complete picture as possible.

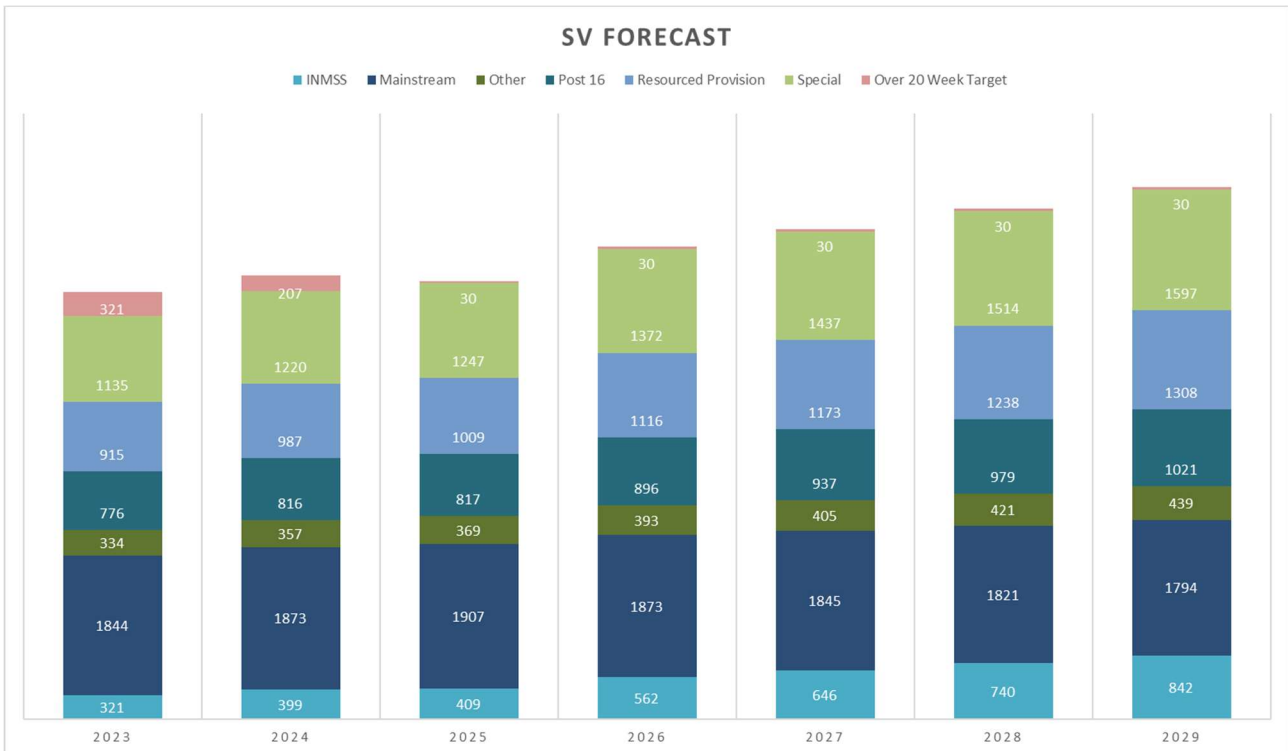


Figure 1 Updated EHCP Pupil Forecast 20/11/23 - Internal Tool

In December, the forecast position, accounting for the current EHCP distribution, has the forecast generated in July coming in within -0.1% of expected growth, which gives confidence in the overall figures. The variance occurs in distribution to settings which has been seen in a shift of students into Mainstream from “Other”, and an increase in INMSS.

### Financial Forecast

Given the forecast above and the financial assumption of continued increases in High Needs Block funding, an estimate of the unmitigated financial position by 2028-29 is shown below.

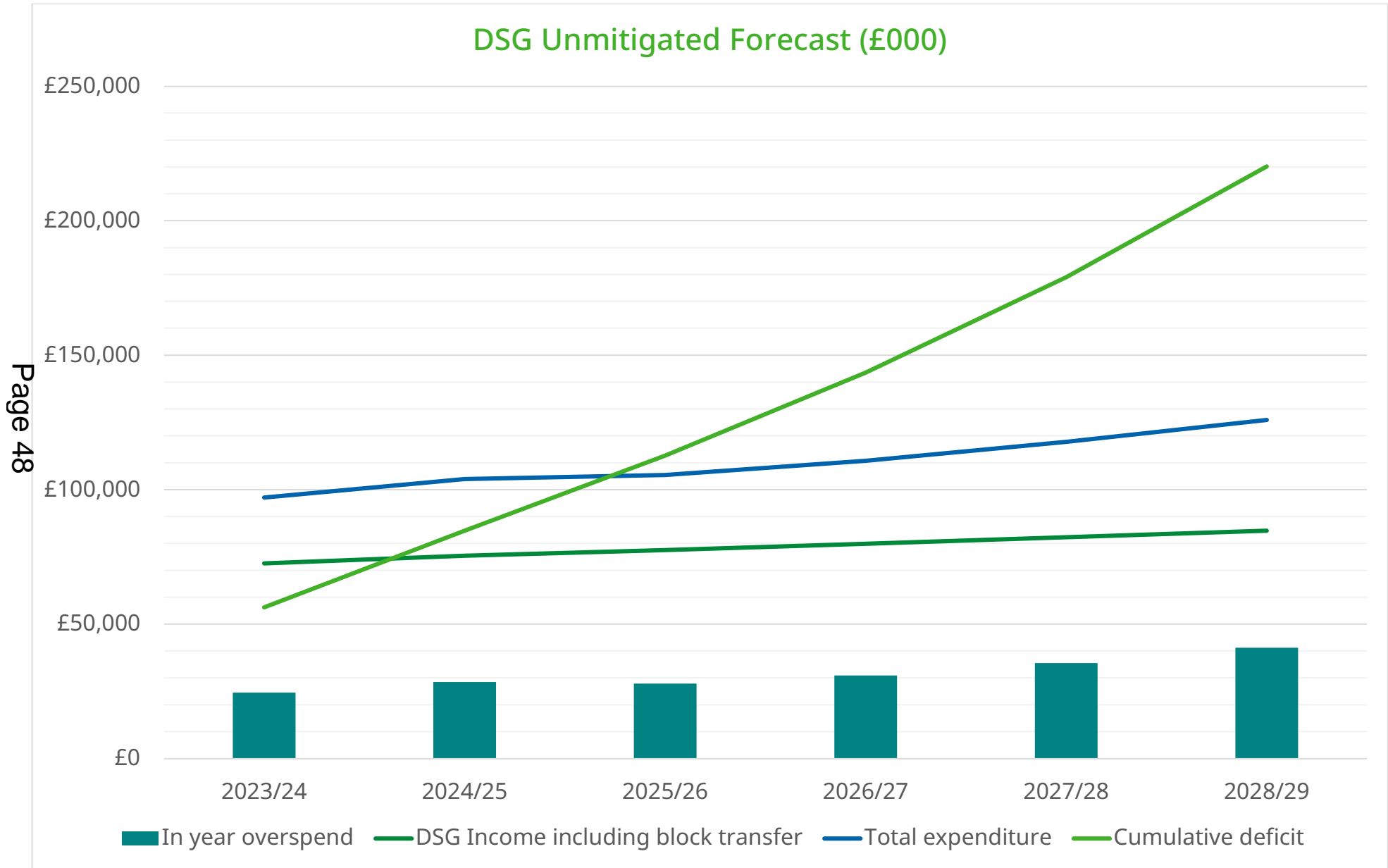
This is based on our current commitment and historic trends as well as projected activity. It does not include any of the interventions, plans or projects that are in the SEND Sustainability Plan.

This indicates that our total cumulative deficit will grow from £35.2m at the end of the last financial year to £220.2m by April 2029.

Our in-year overspend will increase from £28.9m to £41.2m. This is the challenge that the SEND Sustainability Plan is trying to address.

	Unmitigated Forecast					
Provision Type	2023-24 £'000	2024-25 £'000	2025-26 £'000	2026-27 £'000	2027-28 £'000	2028-29 £'000
Plan Year		1	2	3	4	5
Mainstream Provision	22,875	24,093	24,981	24,487	25,059	26,045
Resourced Provision (places)	4,249	5,059	5,408	5,408	5,408	5,408
Special Schools	27,026	29,799	26,071	26,989	27,922	28,918
Independent and Non-maintained Special School Provision	20,207	22,312	25,323	29,228	33,734	38,936
Post 16 Provision	10,881	11,491	12,494	13,180	13,902	14,651
Alternative Provision	10,198	9,831	9,796	10,022	10,240	10,449
Therapies	560	560	569	578	588	597
Other High Needs Block expenditure	1,103	786	826	867	910	956
<b>Total Expenditure</b>	<b>97,098</b>	<b>103,932</b>	<b>105,468</b>	<b>110,759</b>	<b>117,763</b>	<b>125,960</b>
High Needs Block	-70,798	-73,465	-75,669	-77,939	-80,277	-82,685
Block Transfer	-1,797	-2,000	-1,877	-1,933	-1,991	-2,051
<b>In Year Surplus (-)/Deficit (+)</b>	<b>24,504</b>	<b>28,468</b>	<b>27,923</b>	<b>30,887</b>	<b>35,495</b>	<b>41,224</b>
Surplus/Deficit from other DSG Blocks	-3,470	0				
Surplus/Deficit Brought Forward from Previous Years	35,214	56,247	84,715	112,638	143,524	179,020
<b>Total Deficit Balance</b>	<b>56,247</b>	<b>84,715</b>	<b>112,638</b>	<b>143,524</b>	<b>179,020</b>	<b>220,244</b>

### DSG Unmitigated Forecast (£000)





## Workstream Summary

Our plan centres on 5 workstreams where we think there is an opportunity to both improve outcomes and create a more financially sustainable position.

**1. *Improving support pre-EHCP to increase parental and professional confidence in mainstream inclusion.***

This will help manage the demand for EHCPs by ensuring that the support provided in our system is excellent without the need for a plan. At the same time, it will also seek to proactively manage potentially stressful points, such as school transition. This will have a significant budgetary impact but importantly will improve the outcomes and experience for children and young people with SEND by providing support earlier.

*Workstream code: DMI (Demand Management through Inclusion)*

*Forecast financial impact by year 5: £14.1m*

**2. *Preventing the need for escalation of support by ensuring the right support, the first time.***

This will help manage the growth in unwarranted Independent Special School placements and other high-cost interventions that could otherwise be avoided. This should also improve outcomes for young people by offering clearer pathways to step up and down support while remaining closer to home.

*Workstream code: SPE (Support to Prevent Escalation)*

*Forecast financial impact by year 5: £19.4m*

**3. *Ensuring value for money and the right contributions from partners.***

This will provide reassurance that the council is paying what it should be for the placements it commissions directly and will provide clarity around decision-making. It will also seek to make changes to the top up system to reduce the number of ad hoc funding decisions that are made, creating more predictability in the system.

*Workstream Code: VFM (Value For Money)*

*Forecast financial impact by year 5: £2.2m*

**4. *Enhance transition pathways to provide a range of opportunities to prepare for adulthood.***

This will reduce the number of costly Independent Specialist Provision placements in our post-16 cohort and create more opportunities to proactively support young people to step away from their EHCP into employment, education or training. This will significantly improve the outcomes for young people with

SEND, supporting their independence and helping them more readily embrace adulthood.

*Workstream code: PFA (Preparing For Adulthood)*

*Forecast financial impact by year 5: £2.1m*

**5. *Developing better communication and processes to change the culture in our send system.***

This is primarily an enabling workstream that will ensure the deliverability of the other four, but we also expect that there will be a saving from eliminating the need for temporary support payments. By having efficient and effective processes alongside improved approaches to communication, we can drive system change more effectively and mitigate the risks associated with large-scale change programmes.

*Workstream code: CPC (Communication, Process, Culture)*

*Forecast financial impact by year 5: £1.7m*

In addition, we have assumed that the Schools Forum, and the Secretary of State, will approve a 1% block transfer from the Schools Block into the High Needs Block.

In the following pages, we will articulate how we will approach these workstreams, to deliver both better outcomes and a more financially sustainable position.

It is clear from the headline financial figures that something has changed since 2018/19. Each section will have a Case for Change which aims to bring together the evidence and insights we have gathered and articulate what is different.

It also sets out some measures, against which we will assess our progress.

These measures are not targets, and we will not allow the 'numbers' to drive our behaviours. The measures will tell us where we need to work harder to support children in Wiltshire and, through that turn the system around.

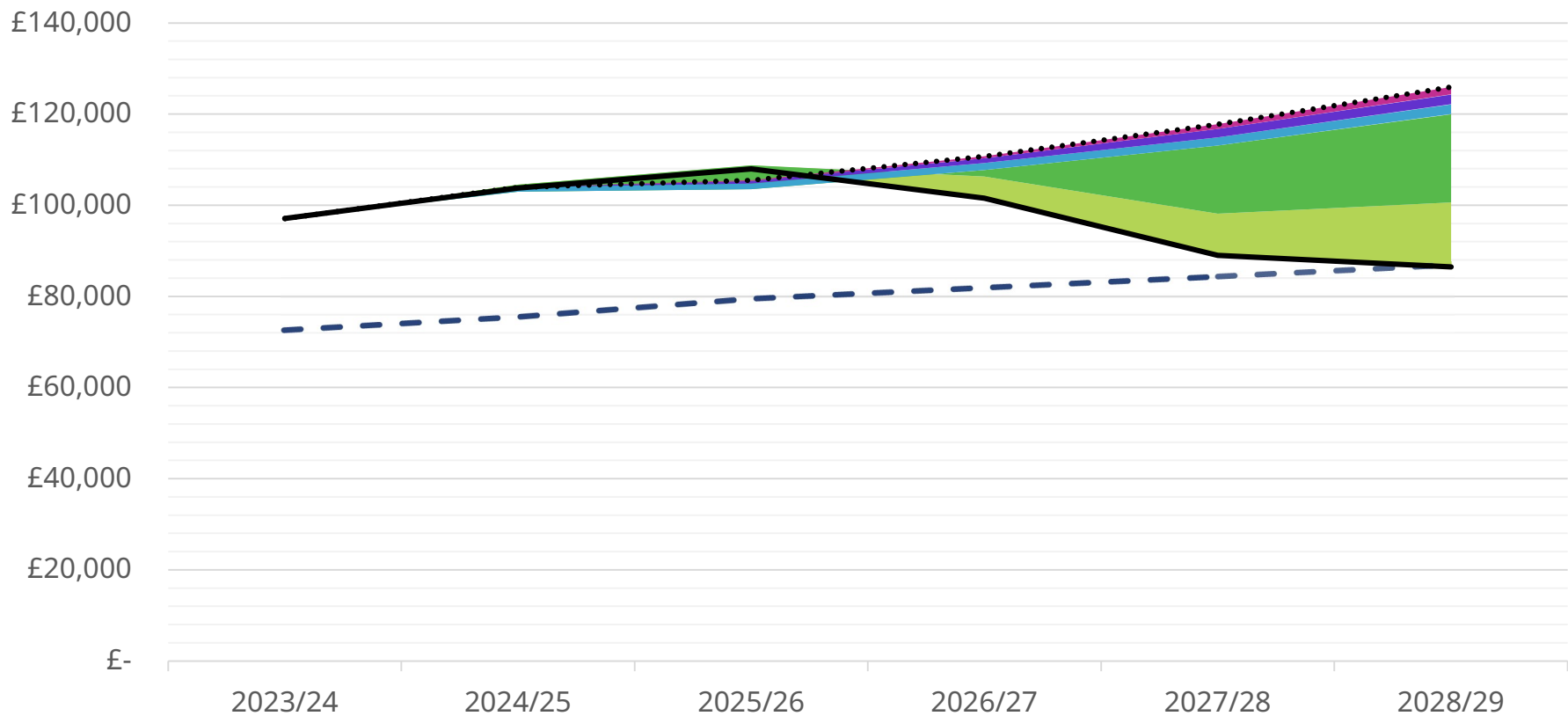
## **DSG spend profile**

By taking this strategic approach to High Needs Block sustainability we are confident that, not only will we improve outcomes for our young people with SEND but, we will deliver a financially sustainable system.

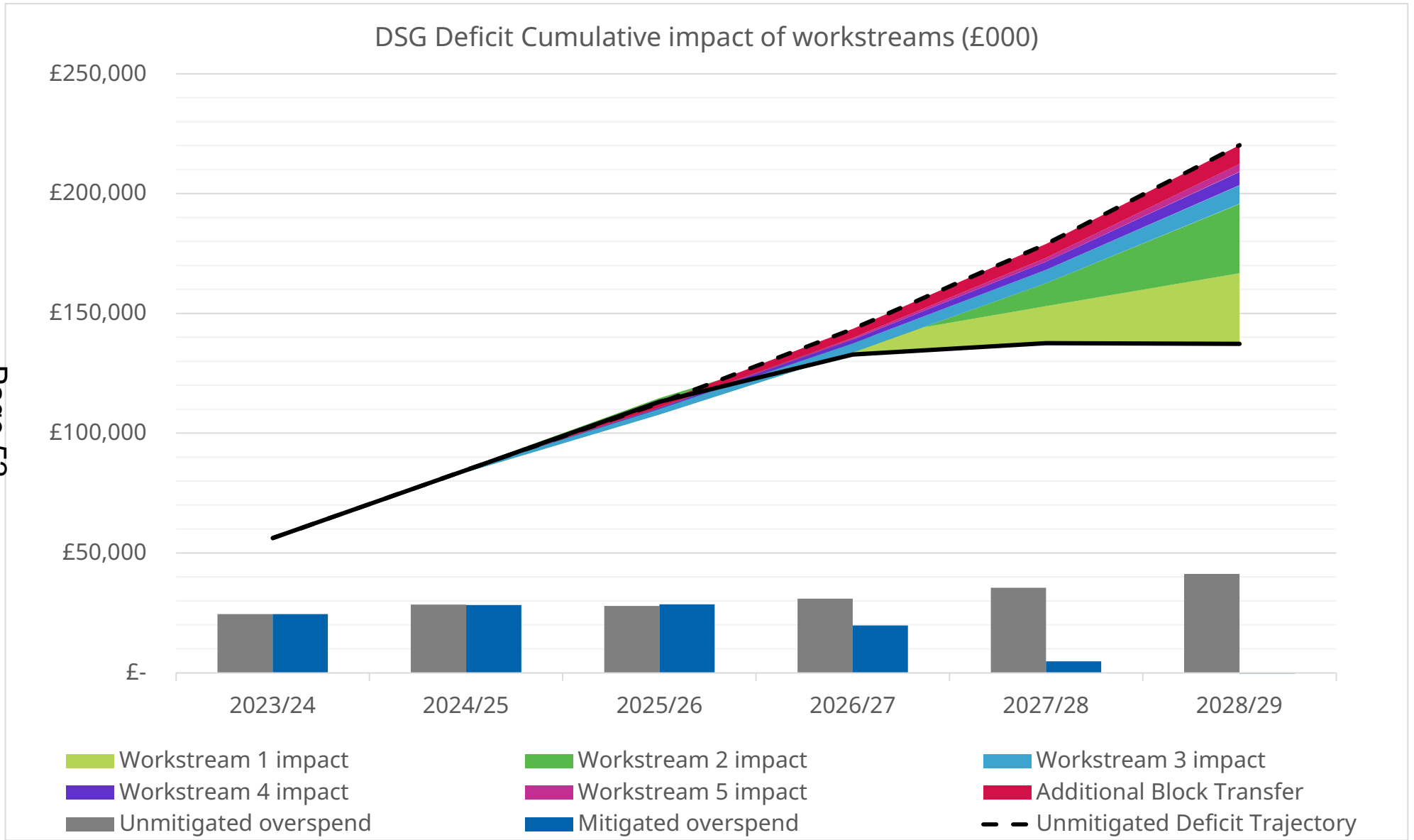
Factoring in the budgetary impact of the workstreams articulated above, the new DSG profile demonstrates that a balanced in-year position is achievable in 5 years.

The anticipated spend profile is mapped below, showing the cumulative impact of the workstreams against the forecast.

Mitigated DSG Expenditure broken down by workstream impact (£000)



- Workstream 1 impact
- Workstream 2 impact
- Workstream 3 impact
- Workstream 4 impact
- Workstream 5 impact
- - - HNB income incl. Block Transfer
- ..... Unmitigated HNB spend
- Mitigated HNB Expenditure



## DMI – Improving support pre-EHCP to increase parental and professional confidence in mainstream inclusion

### Case for change

Wiltshire has seen a significant increase in the number of children with Education Health and Care Plans (EHCPs) in recent years. There has also been an increase in the number of Education Health and Care Needs Assessment (EHCNA) requests that have been submitted. This went up 43% between 2021 and 2022, compared to a 23% increase nationally.

The number of children who have an EHCP, and those receiving SEN support, already track above the national average, indicating that it is more than simply reflective of national trends.

The Case Review Workshops that were undertaken as part of the development of this SEND Sustainability plan have shown a lack of confidence in the support available from across our system before an EHCP is issued. This was echoed in the survey responses which suggested that there is more to be done to support children with Special Educational Needs (SEN).

Parent Carers, in our Stakeholder Survey, supported the idea that more support early on would have been beneficial and understood the link between this and a potential reduction in the growth of EHCPs.

By focussing on improving the support offered in these initial stages, we believe that we will see fewer EHCNA requests as parent carers and teachers feel equipped to support children more readily. We also think that fewer ECHPs will end up being required, as the council will be able to demonstrate that more children are being supported through Ordinarily available Provision for All Learners (OPAL).

#### ***Problem Statement:***

*Despite the best efforts of the council, schools, partners and parent carers, there are too many children who could thrive in a mainstream school instead of being pushed into the EHCP process due to their needs not being met well enough at an earlier stage.*

*This has many impacts, one of which is that the system is struggling to manage the volume of referrals, leaving limited capacity to provide preventative support, such as early intervention and training and development for schools and early years settings. This creates a chain*

*of circumstances that generates more referrals, leaving even less time for preventative support, and so on.*

## Headline measures

- **DMI.a – The number of EHCNA requests that are submitted.**

If we are successful in improving inclusive practice across our system, we should see the number of EHCNA requests fall over time. This will free up capacity in our Statutory SEND team, allowing them to do more preventative, early support work.

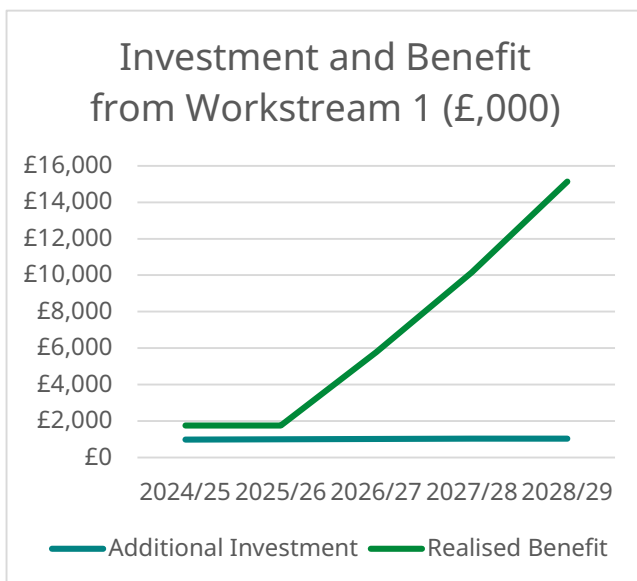
- **DMI.b – The percentage of our school population who have an EHCP**

If we are successful in improving SEN support in our system, we would expect fewer children to need an EHCP because they are enabled to thrive without the need for one.

## Financial impact

This workstream is vital to delivering a significant part of the improved financial position, however, it is likely to take time as we build up support and improve practice in our system.

The impact ramps up from year 1 of our plan, where it is expected to be limited but by year 5, this workstream is expected to contribute £14.1m to the mitigated position. This will be achieved by ensuring that children with SEND receive such good support without an EHCP that fewer children end up in the system.



To realise this level of financial benefit, will require significant additional investment, which will need to be front-loaded to deliver the impact in the period of the plan.

This will include:

- Increased number of inclusion advisors
- An inclusion support team to focus on Autistic Spectrum Condition (ASC) learners
- Transition support team and fund

We will also need to remove the income associated with SEND and inclusion training to enable more teaching staff to attend.

## DMI.1 - Improve inclusion practice through training and support

### Overview

We anticipate that supporting schools directly and through training will ensure that more children will remain in mainstream schooling. This should contribute to our headline measures because if children already have their needs met in schools then an EHCP will not be required.

More than a third of survey responses from schools, early years and colleges highlighted this as the key thing that would unlock improved inclusion rates in schools.

We need to ensure that the training and support offered enables schools to be confident in their abilities and to ensure that the local council can be confident in the decisions we make to place children.

Schools are real partners in this, which means that they also have obligations. We need to offer constructive challenge to schools that are not delivering on the inclusive vision we have here. This challenge is not just for Wilshire Council to provide, but also peer-to-peer.

### Success Measures

- *DMI.c – Number of ‘outlier’ schools that have significantly more or fewer EHCNAs being submitted*

If we are successful in getting the support and training for schools right, we should see fewer schools that have rates which are significantly outside of the average.

- *DMI.d – Percentage of schools who have sent staff on SEND-specific training*

If we are successful in getting the training offer right, we should see an increase in schools sending staff to take part. This will lead to an even better-trained workforce.

### Benefits and Milestones

Over the period of the plan, we will aim to deliver:

1. The creation of a SEND Good Practice Network to develop the training and Continuing Professional Development (CPD) opportunities, especially focussed on peer support and early career teachers
  - May 24 – Network scoped
  - Sept 24 – Network launched
  - Apr 26 - Complete benefit realised
2. Increased Behavioural Support offer available to schools, including scoping and development of a secondary school offer and expansion into Early Years.

- June 24 – Offer scoped and developed, including funding mechanism for early years
  - Dec 24 – De-delegation decision for secondary school offer
  - Apr 25 – New offer introduced in Early Years
  - May 25 – New offer fully scoped (and recruited)
  - Sept 25 – New offer introduced in Secondary Schools
3. **The creation of an SEMH-specific graduated response pathway to reflect the increasing challenge in this area.**
    - Aug 24 – Scoping of the challenge
    - Sept 24 – Co-design of new pathways
    - Jan 25 – Introduction of new pathways
  4. **A new team of Inclusion Advisors working in schools to provide support and challenge around inclusive practice.**
    - Nov 23 – Job descriptions written up
    - Jan 24 – Recruitment of the new team
    - Feb 24 – Development of KPIs and targets
    - Apr 24 – New team begins working in school
  5. **Continuation of the dyslexia-friendly schools programme in Wiltshire to give confidence in the offer for dyslexic children.**
    - July 23 – 12 dyslexia friendly schools established
    - Mar 24 – dyslexia friendly training delivered to tranche 2 schools
    - Sept 24 – Further rollout
  6. **Co-production of an inclusion charter in Wiltshire that builds on the work around OPAL to deliver enhanced guidance and tools for inclusive practice.**
    - Feb 24 – Scoping of the work
    - Apr 24 – Begin the co-design process
    - Jun 24 – Agreement of the new charter with Schools Forum
    - Sept 24 – Launch new Inclusion Charter
  7. **The scoping and delivery of a resource library that would allow schools and early years settings to borrow resources that they need to support inclusion.**
    - Jan 24 – Scope the work
    - Apr 24 – Assess viability
    - June 24 – Launch the library
  8. **The right incentives to drive inclusion in schools and, where appropriate, offer supportive challenge to bring schools back to quality inclusive practice.**
    - Aug 24 – Review school data
    - Sept 24 – Discussion with schools
    - Oct 24 – Begin targeted interventions
    - Aug 25 – Review progress and tranche 2



## Expected Impact

### *Workforce impact*

- **Job roles:** It is anticipated that there will need to be several new job roles created to support this workstream. This will include new inclusion advisors, expansion of the behavioural support team and specific support for learners with Autistic Spectrum Condition (ASC).
- **Skill requirements:** The focus of this workstream is on upskilling everyone across our system. We will want to develop the inclusion skills of our colleagues in schools and settings, and this will need to be supported by an upskilled workforce in the council.
- **Structures:** Some new teams may be required. These will sit in the SEND team or in School Effectiveness.

### *Impact on children and young people*

Children and young people will have an improved experience of schooling with better-trained staff.

Children and young people will be supported in an appropriate way within their mainstream school, meaning less disruption to their school progress and a reduced chance of needing to change setting.

### *Impact on parent carers*

Parent carers will know what to expect from the school, early years setting or college and will be empowered to advocate on behalf of their child.

Parent carers will find there is a local school ready and excited to support their child's education.

## Risks and assumptions

- There is a risk that the additional support for schools will not deliver increased confidence and a reduction in the number of EHCNAs, resulting in increased rather than decreased spend.  
Mitigation: Ongoing monitoring to review the position and an escalating process of intervention that will be developed over time. Changes to processes that will support behaviour change.
- There is a risk that the removal of costs associated with SEND training will not result in greater uptake of the SEND training, leading to better practice and delivery of savings.  
Mitigation: Further work to communicate and promote the training will be undertaken, as well as monitoring of practice.
- There is a risk that secondary school behavioural support offer will not be taken up and de-delegated by schools.

Mitigation: Offer will be designed with schools and with a clear understanding of what a minimum viable product looks like for the service.

## DMI.2 – Further development of Early Years inclusion to increase preventative impact

### Overview

We anticipate that developing our early years inclusion support offer will reduce the number of children under 5 who need an EHCP over time and help ensure that children are ready for school.

Our data analysis has highlighted a significant growth in the percentage of EHCPs being issued to children under the age of five. This has grown from just under 10% in 2017 to 36.1% in 2022.

While it is encouraging that needs are being identified early, there does not appear to be an expected impact on the number of EHCPs. Everyone in our system needs to be careful not to push children down the path towards an EHCP before that is right for that child. There may be other support that would better serve that child without an EHCP.

This was supported by parent carers during our stakeholder engagement with one parent saying that they were encouraged that this kind of support would be “in place ASAP without the bureaucracy and expense of undergoing an EHCNA.”

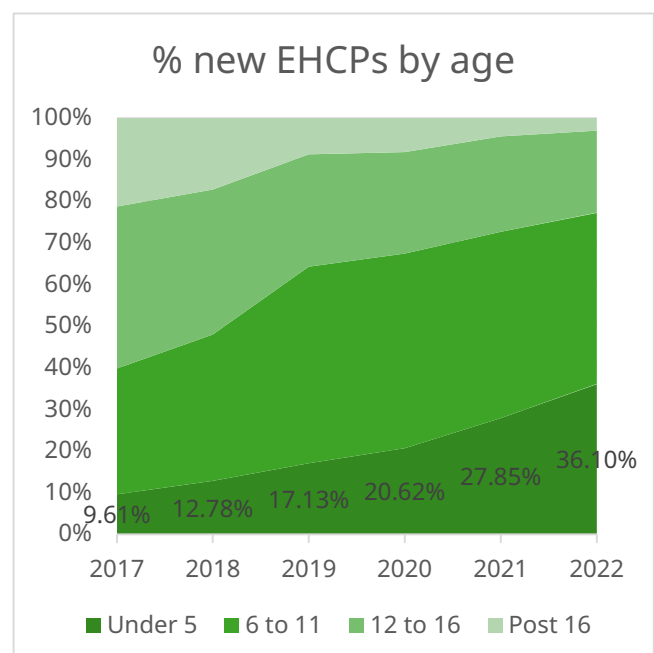
There are already support mechanisms in place, through District Specialist Centres (DSCs) and Portage, which we need to ensure are being effective. Wiltshire Council also has Early Years Inclusion Advisors, who support children’s transition into Primary Schools and help primary teachers with strategies for each child.

### Success Measures

- **DMI.e – Percentage of EHCPs issued at ages 4 and 5**

If we are successful in getting early years support right, we would expect more children to have their needs met effectively without the need for an EHCP. This should result in fewer EHCPs issued to children aged 4 and 5.

- **DMI.f – Percentage of children who access DSC or Portage and end up in a**



### *destination other than a mainstream primary*

If we are successful in getting early years support right, we would expect to be able to evidence the preventative impact that District Specialist Centres and Portage are having in preparing children for mainstream primary education.

## Benefits and Milestones

Over the period of the plan, we will aim to deliver:

1. A strengthened integrated 2-year-old pathway to support early identification and assessment.
  - Jan 25 – Scope the additional work required
  - Apr 25 – Implementation of the new pathway
2. Specialist support offer in Early Years settings to ensure that preventative measures are more effective, this must include SALT and other therapies.
  - For review as part of the commissioning cycle
3. Further improvements to the Early Years Inclusion Advisor model to ensure transitions into primary schools are prioritised and well managed.
  - Apr 24 – Work to understand best practice
  - June 24 – Implementation of new processes around the transition into primary
  - Oct 24 – Review of new processes and further changes
  - Apr 25 – Improvements fully implemented

## Expected Impact

### *Workforce impact*

- Skill requirements: We will need to work with Early Years settings to help upskill them, and we will want to work alongside the Early Years Inclusion Advisors to help them understand the vital role they will play in this plan.
- Structures: We must understand what the best model is to provide the specialist support that early years need, and then it may require changes to our structures to deliver it.
- Culture: We will want to make our early years team feel empowered to deliver high-quality inclusive practice and use their professionalism to make the right judgements about SEND support.

### *Impact on children and young people*

Children in Early Years will benefit from an enhanced focus on their SEND, and an upskilled workforce with access to specialist support and guidance.

Children who have identified SEND will benefit from earlier support that helps ensure the child and their parent carer are better equipped to manage their specific needs.

### *Impact on parent carers*

Parent carers will receive support earlier in their child's development, giving them more time to adapt and utilise age-appropriate support strategies.

### Risks and assumptions

- There is a risk that the specialist support and advice that Early Years settings need are not provided.

Mitigation: We continue to work with colleagues in the ICB to ensure that our joint commissioning arrangements are strong enough to deliver the services that are required. We will also consider what options there may be to deliver advice and training, in lieu of professionals delivering the therapies themselves.

- There is a risk that early identification of need does not lead to fewer EHCPs being required.

Mitigation: Monitoring of data and good practice to deliver this. Evidence would suggest that it can be delivered so we will need to make sure there is a plan in place to ensure that we see the benefit of this increased investment.

## DMI.3 – Proactive support at school transition points

### Overview

We anticipate that, by targeting support at school transition points, we can ensure support is in place at the points of most pressure. There are consistent spikes in the number of new EHCPs issued at key transition points, moving from early years to primary, primary to secondary, and secondary into post-16.

These transition points can be a daunting prospect for all children. We need to ensure the support that is on offer to children with SEND is sufficient to mitigate the stress, and hopefully to avoid the need for an EHCP.

During our case-reviews, we discussed children who had been fine in their primary school, in one case displaying some very low-level anxiety, but the transfer into Secondary School left them unable to cope and led to an EHCP. If the transition had been handled better, with good support in place to help them acclimatise, the EHCP may have been avoided.

### Success Measures

- *DMI.g – Percentage of EHCPs issued in school year 6 and 7*

If we are successful in providing effective support at transition points, we should see increased confidence about moving from primary to secondary school and a resulting reduction in the percentage of EHCPs issued in school years 6 and 7.

## Benefits and Milestones

Over the period of the plan, we will aim to deliver:

1. Improved transition planning for children with SEN that brings schools, colleges and early years settings together, with support from professionals.
  - Apr 25 – Recruitment of new staff to support transition
  - May 25 – Creation of 'at risk' lists
  - Jun 25 – New model of support begins
2. A model of short-term transition funding which provides support to the child without the need for an EHCP.
  - Sept 24 – Deep-dive review of new EHCPs during transition
  - Oct 24 – Co-design new support model

## Expected Impact

### *Workforce impact*

- **Job roles:** We anticipate needing a transition support team to offer short-term targeted support for children who need it.
- **Skill requirements:** We will want to ensure our school training and support offer includes guidance on identifying the children who are likely to need transition support.

### *Impact on children and young people*

Children and young people will be better supported through transitions, with funded support where necessary, to ensure a smooth move.

Children and young people will settle into their new school more easily, and this should lead to fewer unnecessary moves to another setting.

## Risks and assumptions

- There is a risk that new transitional funding becomes a crutch which just generates more expense in the system.  
Mitigation: We will mitigate the risk through the design of the model and by drawing on best practices from other systems that have done this well.

## DMI.4 – Integrated system of early support and intervention

### Overview

We believe that by ensuring there is a network of early support and intervention in place, that looks beyond educational attainment to understand the help that a child and their family might need, we can reduce the number of people who reach for an EHCP as a solution.

Our workshops and case-reviews have revealed a widespread perception that the only way to get support for a child is through an EHCP. This is not true, but we need to ensure that it is widely understood and that it is “felt” in the support offer.

Wiltshire Council is introducing new models of early support through Family Hubs in the Children’s Services Team. We need to ensure that the learnings from these pilot projects are influencing our approach and that, as far as possible, these new models of support are delivered in a way that positively impacts the SEND system.

The insights we gained from the case-reviews also point to a need to be more proactive in our support for children and young people with emerging issues. Evidencing the effectiveness of prevention is challenging, especially in SEND. However, teachers and SENCOs (Special Education Needs Coordinator) certainly believe that, if proactive support for social, emotional, and behavioural concerns was provided, this could reduce the chances of a problem getting worse and avoid the need for an EHCP altogether.

This kind of support requires an integrated approach with contributions from health and social care as well as the education or SEND teams.

### Success Measures

- *DMI.h – Percentage of children who receive early support or family support who go on to receive an EHCP within 6 months.*

If we are successful in delivering high quality early support then we would expect to be able to evidence that children who receive this support are less likely to go on to need an EHCP within 6 months of that support ceasing.

- *DMI.i – Differential EHCP rates between population groups*

There is no statistically significant difference between population groups in Wiltshire now and, if we are successful in our approach to early support and intervention, this will continue.

### Benefits and milestones

Over the period of the plan, we will aim to deliver:

1. A trauma-informed, co-designed, early intervention model for children with mental health or emotional wellbeing concerns.
  - Jan 25 – Scoping
  - Mar 25 – Co-design of the offer
  - Sept 25 – Implementation of the new model
2. A multi-agency approach to supporting families before an EHCP is issued, including outreach and the expertise of the Voluntary, Community and Social Enterprise (VCSE) sector.
  - To be reviewed as part of the regular commissioning cycle

3. Improved early support offer, building on the Warminster/Westbury Pilot, to provide an agile, effective, model of care.
  - Nov 23 – The All Together website is in place and well-publicised
  - Jan 24 – Enhanced workforce development offer in place
  - Sept 24 – Evaluation complete
  - Oct 24 – Review of outcomes and understanding of best practice
4. Clear and sustained monitoring to assure ourselves that we are not creating inequality, and to inform any targeted outreach required to address unwarranted variation.
  - Feb 24 – Delivery focussed HNB Sustainability Board established
  - Mar 24 – Monitoring in place with clear dashboards

### Expected Impact

#### *Workforce impact*

- Skill requirements: We will need to develop and deliver Wiltshire-specific training around identifying needs and distinguishing between SEND and another educational disadvantage which might require a different approach.

#### *Impact on children and young people*

Fewer children and young people will develop needs that require an EHCP by ensuring that issues are proactively managed.

#### *Impact on parent carers*

Parent carers will notice a more integrated approach to managing SEND needs alongside other needs in the system.

### Risks and assumptions

- There is a risk that early support and intervention might not deliver the desired outcomes.  
Mitigation: We will mitigate the risk by monitoring the impact and changing course if required.
- There is a risk that diverting resources 'upstream' to prevent emergent problems, the problems that are already present get neglected.  
Mitigation: We will mitigate the risk by adding resources wherever possible and where that is not possible (e.g. due to a national shortage of Educational Psychologists) we will review what can be done to free up time for non-statutory work, such as prevention, without impacting the day-to-day.

## SPE – Preventing the need for escalation of support by ensuring the right support, first time

### Case for change

The model of support for children with EHCPs in Wiltshire is, rightly, focussed on inclusion. The more opportunities that children with SEND must build peer relationships and be a part of their local community, the better.

This means that, when a purely mainstream placement is not right for a child, our model prioritises approaches that do not separate the child from their mainstream setting. These approaches, including Resource Bases and Enhanced Learning Provision (ELP), are an important intermediary step between mainstream schooling and Special Schools.

However, we are discovering through this process that there is more work to do to improve those provisions. Our case reviews highlighted a few cases where a child with an EHCP was placed in a Resource Base but then very quickly required another move, and this ended up being an Independent Non-Maintained Special School (INMSS) place.

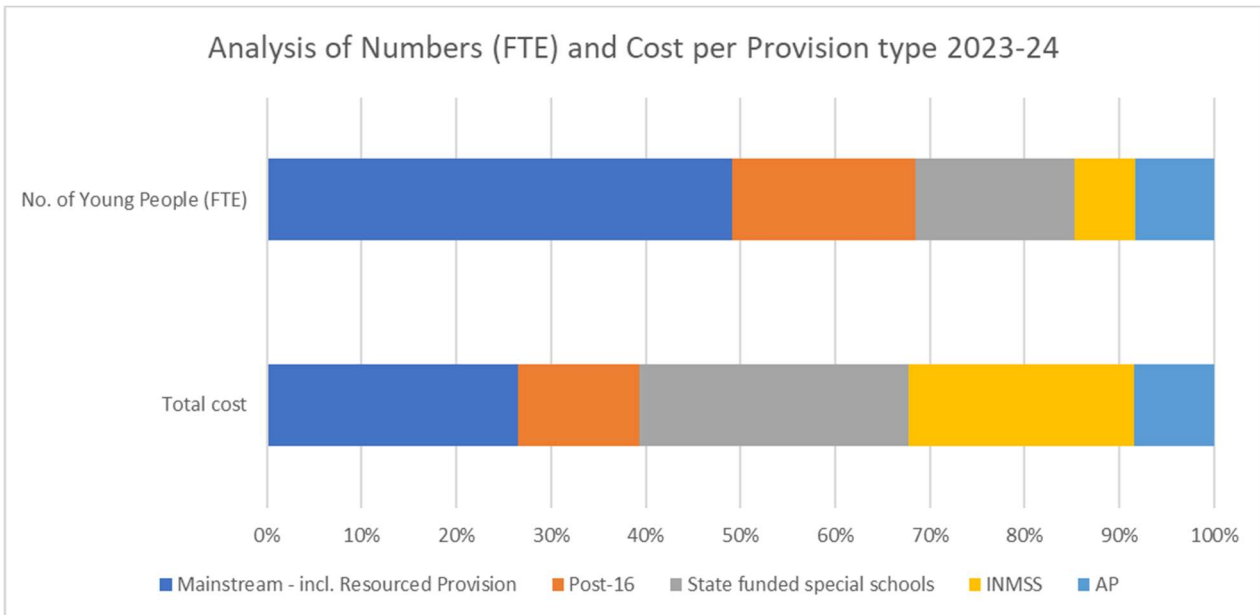
It is thought that this rapid escalation in need, necessitating multiple changes of setting for the child, could have been avoided if there had been sufficient support on offer in the Resource Base, or if that placement had not been made in the first place.

It is also clear from the data that we have a historic shortage of Special School places across the county. This means that if a child requires more support that can be provided in a mainstream setting, or with extra resources, and there are no available Special School places, that child is likely to end up in an INMSS place.

Analysis of our local data undertaken on behalf of the Department for Education also suggests that the growth in the number of EHCPs in our system has not been evenly spread across settings. This analysis of the period 2018 - 2022 points to a 13% growth in mainstream (including resourced provisions), a 15% growth in maintained special schools (MSS) and a 19% growth in Independent Special Schools (ISS). This shift up and into ISS suggests a lack of capacity in MSS, and capacity in mainstream schools.

For some children who have very specialist or complex needs, an Independent Special School placement is the right decision for that child. However, for children who would otherwise be in a resourced provision or maintained special school, these placements often do not provide the best support and do not represent value for money.





We can see that, while less than 10% of pupils are in an INMSS placement, those placements account for around 25% of the spend. This is a similar proportion of the expenditure that also goes to Mainstream settings, where just under 50% of pupils are placed.

The belief is that these very high-cost placements could be avoided with sufficient provision of our own in Wiltshire. A key part of this plan is placement sufficiency. However, simply building new places is not enough, we also need to make sure we are using our current capacity in the best possible way, and this becomes even more important because more places cannot be delivered overnight.

***Problem Statement:***

*Despite the best efforts of the council, schools, partners and parent carers, there are too many children who, due to a lack of the right provision locally, end up in less appropriate settings which often end up being more expensive.*

*This issue causes a knock-on impact for other children with needs that require the specialist provision who then cannot be placed appropriately, leading to a worsening of the problem.*

## Financial impact

This workstream will deliver the biggest savings in-year by the end of our plan. In year 5, the realised benefit will be £34.4m requiring an additional investment of £14.9m, creating a net saving of £19.5m.

This saving primarily comes from delivering our sufficiency strategy, resulting in a reduction in ISS spend.

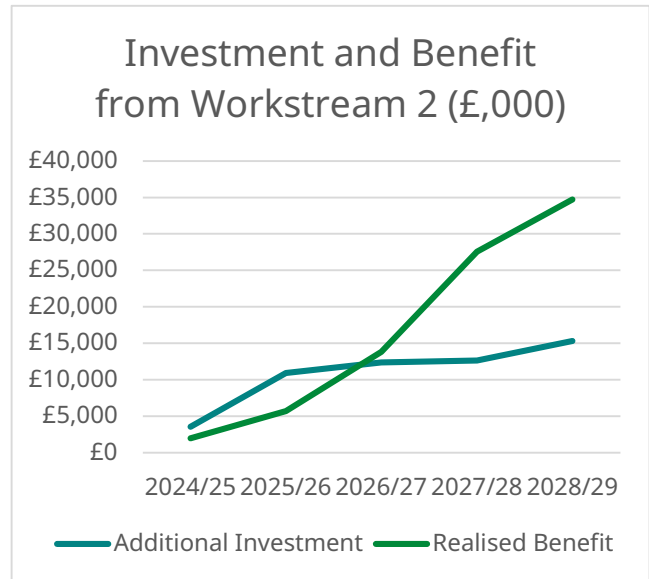
This requires significant investment up front to deliver the savings towards the end of the plan. This financial profile is also impacted by the children we believe are

currently in our system and waiting for a special school place. These factors mean that for the first two years, this workstream does not deliver a net saving. This changes in year 3 when a modest net benefit is achieved before it ramps up quickly in years 4 and 5.

This up-front investment includes:

- New special school places in the north and south of the county.
- New resource base places in primary and secondary schools.

There are also increases in the Statutory SEND team which are not costed against the Designated Schools Grant and School Effectiveness Team which are already included in the additional posts in workstream 1.



## Headline measures

- ***SPE.a – Percentage of children with EHCPs who are in Independent Special Schools***

If we are successful in delivering the right support, first time, for our children with EHCPs, we should see the percentage of children placed in Independent Special Schools coming down as we meet needs in maintained schools which are closer to home.

- ***SPE.b – Percentage of children with EHCPs who move up provision within 1 year***

If we are successful in delivering the right support, first time, for children with EHCPs, we should see fewer children who, once placed, require a further move within a year of placement. This will indicate the packages of support are the right ones for these children.

## SPE.1 – Strategic approach to delivering sufficiency

### Overview

Sufficiency is the process of understanding need and demographic growth, and then looking at how we make sure we have the right placements in the right places.

Capacity in our system was a key concern highlighted by parent carers in our recent stakeholder surveys. This particularly related to special school capacity and wanting to make sure that there was sufficient provision close to home.

Wiltshire has had historically small numbers of special school places, which has now led to an overreliance on the independent sector. This has left children having to travel long distances from their home and their community to attend school.

Wiltshire Council is already working to address this, through investments in additional Special School places and Resource Bases. We will continue to deliver these places, but through our SEND Sustainability Plan, we are making the case for increased investment in our system to deliver the scale of change we need.

There will inevitably be some children who have such specific needs that an Independent Non-Maintained Special School (INMSS) is the right place for them, and we will continue to place those children in INMSS settings.

However, if we get our sufficiency strategy right, and bring forward investment in our system, we will see a reduction in the number of children in unnecessary Independent Special School placements. This will have a significant impact on our system sustainability.

### Success Measures

- *SPE.c – Percentage variance in demand from forecasted model*

If we are successful in our strategic approach to place planning and delivering sufficiency then we should see that our demand forecast is broadly accurate, and if it is not then monitoring this will allow us to adapt where necessary.

- *SPE.d – Percentage of EHCP pupils placed out of county in INMSS*

If we are successful in our approach to delivering capacity in the county, we should see a reduction in the number of children with EHCPs who are placed out of county.

### Benefits and milestones

Over the period of the plan, we will aim to deliver:

1. A clear strategic understanding of the forecast needs and a model that meets that need with the right support.
  - Dec 23 – Specialist Placements Strategy agreed

- Mar 24 – Review of the strategy
  - Apr 24 – Review of the model in Wiltshire and any changes
  - Dec 24 – Updated Specialist Placements Strategy agreed
2. **The building and staffing for the new special schools in the north and south of the county.**
- Sept 23 – Temporary accommodation at Silverwood Rowde
  - Jan 24 – SAIL academy opens
  - Sept 24 – New building open at Silverwood Rowde
  - Sept 24 – Expansion of places at Exeter House
  - Sept 25 – Refurbishment of buildings at Silverwood Rowde
  - Sept 26 – Further places come online
  - Sept 27 – Further places come online
  - Sept 28 – Further places come online
3. **Additional resource bases in both primary and secondary schools.**
- Sept 23 – New and expanded provisions in Primary and Secondary settings
  - Jan 24 – Further expansion in Primary settings
  - Sept 24 – New and expanded provisions in Primary and Secondary settings
  - Sept 25 – New and expanded provisions in Primary and Secondary settings
  - Sept 26 – New and expanded provisions in Primary settings

## Expected Impact

### *Workforce impact*

- **Job roles:** we are anticipating the need for new roles to manage placements effectively and, alongside the requirements for SPE.3 manage step-downs so we can ensure we are using our capacity as effectively as possible.
- **Job roles:** we will need to support our special schools to recruit staff to support the growth in their provision.

### *Impact on children and young people*

Fewer children and young people will need to travel out of county to a placement improving their quality of life and ability to engage with their local community.

### *Climate and environmental impact*

Fewer children will need to travel for their education reducing the climate impact of travel.

Newly created school placements will be built to the latest codes and standards which are more environmentally friendly than predecessor buildings and include climate mitigation.

## Risks and assumptions

- There is a risk that, if we do not get the capital investment into our system, we will not have enough places to reduce our INMSS spend.

Mitigation: we are exploring what options may be available to the council should the capital not become available through any of the channels we are expecting, but this risk cannot be fully mitigated and will compromise the delivery of the plan should capital not become available.

- There is a risk that, due to our historic shortage of places, the benefits may not be realised as quickly as we have anticipated.

Mitigation: we have profiled the benefits cautiously to account for this and have included investment in staff to help manage this specific risk, but we will monitor the situation.

- There is a risk that, if we do not use the places in the best way, we may not see the benefits realised.

Mitigation: we have included investment in staff to manage the placement process more effectively and to step down support where appropriate, to free up places that are not currently being utilised properly.

## SPE.2 – Refine and implement the right model for resourced provision and alternative provision

### Overview

In recent years, we have introduced models like Resource Bases and Enhanced Learning Provision (ELP) into the mix in Wiltshire. This provides an important step between fully mainstream and fully special school provisions.

Because these are new, it is right that we review how they are working and if improvements can be made. The work we have done to support this plan suggests that there are children for whom a resource base provides a good option – but only if the support that sits around them is right. In one case we reviewed, a child who was doing well in a resource base had to be moved on because of a lack of therapeutic support.

Alongside this, we need to consider our Alternative Provision offer in Wiltshire and how that provides the right support for children alongside their placements. The SEND and AP Improvement Plan suggests a three-tier model:

1. Targeted support in mainstream schools to help at-risk pupils stay in school.
2. Time-limited placements that help assess a pupil's needs with the intent of moving them back into a mainstream school.
3. Transitional placements for pupils who need support to move on to a new mainstream school or sustained post-16 destination.

We want to make sure our AP offer in Wiltshire is spread across the county and addresses these three elements. We also know that Wiltshire has a lack of Department

for Education (DfE) registered AP provision. While the quality of an AP placement is not reliant on the DfE registration, we want to increase the number of registered providers in Wiltshire.

### Success Measures

- *SPE.e – Number of children accessing AP for longer than a term*

If we are successful in delivering the right model for alternative provision in Wiltshire, we will see fewer children in long-term placements – as defined by the SEND and AP Improvement Plan 2023<sup>8</sup>

### Benefits and milestones

Over the period of the plan, we will aim to deliver:

1. An improved alternative provision offer that includes more quality, registered providers spread more evenly across the county providing the three-tiered AP model in line with the SEND and AP Improvement Plan.
  - Dec 23 – Purchase of Melksham House as an AP site
  - Apr 24 – AP at Calder House begins
  - Sept 24 – AP at Melksham House begins
  - Further milestones to be added as part of commissioning cycles for AP
2. Further improvements to our Resource Base model to ensure they have the skills and support they need to deliver on our vision for inclusive education.
  - Sept 23 – Deep dive into Resource Base places and impact
  - Jan 24 – Clarity over the expectations and model for Resource Bases
  - Apr 24 – Review of support on offer and changes

### Expected Impact

#### *Workforce impact*

- Skill requirements: We will want to ensure that schools with Resource Bases feel supported to deliver that service and this will include upskilling and training school staff where required.

#### *Impact on children and young people*

Children and young people should have their needs met closer to home and with better support that keeps them in touch with their mainstream school.

### Risks and assumptions

None identified that are not covered elsewhere.

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<sup>8</sup> [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan \(publishing.service.gov.uk\)](https://publishing.service.gov.uk), page 24.

## SPE.3 – Enable a clear pathway to step-down support as appropriate

### Overview

We believe that by ensuring there are proactive approaches to stepping down support we can bring children back into mainstream schooling and the benefits that it brings. In this context, stepping down support is any child with an EHCP who moves from INMSS to a maintained special school, from maintained special school to resourced provision, and from resourced provision into mainstream schooling.

This would happen through open dialogue and the existing annual review process to ensure it becomes part of the culture and the expectations around an EHCP.

This comes back to our belief that, where possible, mainstream schooling is the best place for children, it allows them to access education close to home and in their communities. All these things must mean that, with the right support, the quality of life of children with SEND can be improved.

This approach will also ensure that we are using our special schools, Enhanced Learning Provision (ELP) and Resource Bases appropriately for the children who would most benefit from those placements. This will support our sufficiency strategy but will also allow us to benefit from reductions in Independent Non-Maintained Special School places more quickly.

### Success Measures

- *SPE.f – Number of children with EHCPs who step down their provision*

If we are successful in delivering a clear pathway to step down support, we should begin to see the number of children who step-down their support increase.

- *SPE.g – Number of children who, having stepped down, are still in that reduced support 12 months later*

If we are successful in delivering this pathway, we need to monitor whether this is having a lasting impact or if there are changes that need to be made to make this approach more effective.

### Benefits and milestones

Over the period of the plan, we will aim to deliver:

1. A proactive approach to bringing children back into a mainstream setting where appropriate through their Annual Review.
  - Sept 24 – Co-design approach to step-down
  - Nov 24 – Training and guidance provided

- Jan 25 – New approach implemented
2. Explore and develop a model of Special School satellite provision that provides a stepping stone from Special School back into a mainstream setting.
- June 26 – Scope out new potential model
  - July 26 – Co-design a new model
  - Sept 26 – Go/no go decision on a new model

## Expected Impact

### *Workforce impact*

- **Job roles:** We are anticipating a requirement for additional roles in the Stat SEND team to manage step-downs and support those children.
- **Skill requirements:** We will need to support SEND Lead Workers to have these conversations.
- **Culture:** Step down will become part of our everyday work, as common as increasing levels of support.

### *Impact on children and young people*

Children will be given more opportunities and more support to return to mainstream schooling. This is likely to be in a local school, closer to home and in the local community.

### *Impact on parent carers*

From the start of an EHCP, parent carers will be involved in conversations about stepping down support, when that might be right for their child and what support plans need to be in place.

## Risks and assumptions

- There is a risk that step-down support may not be seen as a positive step leading to further dispute and tribunal.  
Mitigation: We will integrate this into the Annual Review process so it is understood to be a natural part of having an EHCP. Conversations with parent carers will start early and support will be put around the young person as they step down.

## SPE.4 – Ensure holistic support that manages needs at the appropriate level

### Overview

We believe that an integrated system of support for children and young people with SEND is vital to managing their needs and removing the risk of escalating to another setting.



Once an EHCP has been issued, the need for holistic support does not reduce. We need to ensure that children and young people with SEND are seen as the whole humans that they are and that their needs are being met by health and social care as much as education.

This particularly applies to mental health and emotional wellbeing which schools and parent carers consistently raised in our survey and workshop as being something that particularly impacts children with SEND and could be managed more effectively.

As well as providing better care for the children, this would also mean that schools and settings would be better able to support the children in their care reducing another potential avenue for escalation.

### Success Measures

None currently identified – this will be revisited after further scoping

### Benefits and milestones

Over the period of the plan, we will aim to deliver:

1. A focus within our SEND system on supporting children and young people at risk of escalating needs.
  - Apr 24 – Scoping of what this means in practice
  - June 24 – Co-design of the offer and support that will help
  - Further milestones to be developed
2. Proactive management of health concerns, supporting schools and settings to feel confident in managing those needs without seeking specialist placements.
  - Jan 24 – Scoping of what support is needed
  - Reviewed as part of ongoing commissioning cycles
3. A holistic approach to support outside an education setting to manage any risk of escalation.
  - Jan 24 – Scoping of what support is needed
  - Apr 24 – Development of risk register
  - Sept 24 - Implementation of the novel approach

### Expected Impact

#### *Workforce impact*

- Skill requirements: We will need to ensure that all teams know what support is out there so that they can provide advice in an integrated way.
- Culture: Multi-disciplinary, solutions-focused working will become the culture in our organisation.

#### *Impact on children and young people*

Children and young people will have a better experience with their health and wellbeing needs being met.

Children and young people will find their schools are better able to manage their specific health needs which will result in fewer transfers.

*Impact on parent carers*

Parent carers will feel that there is an integrated support structure for their child and that SEND needs are managed alongside other needs.

**Risks and assumptions**

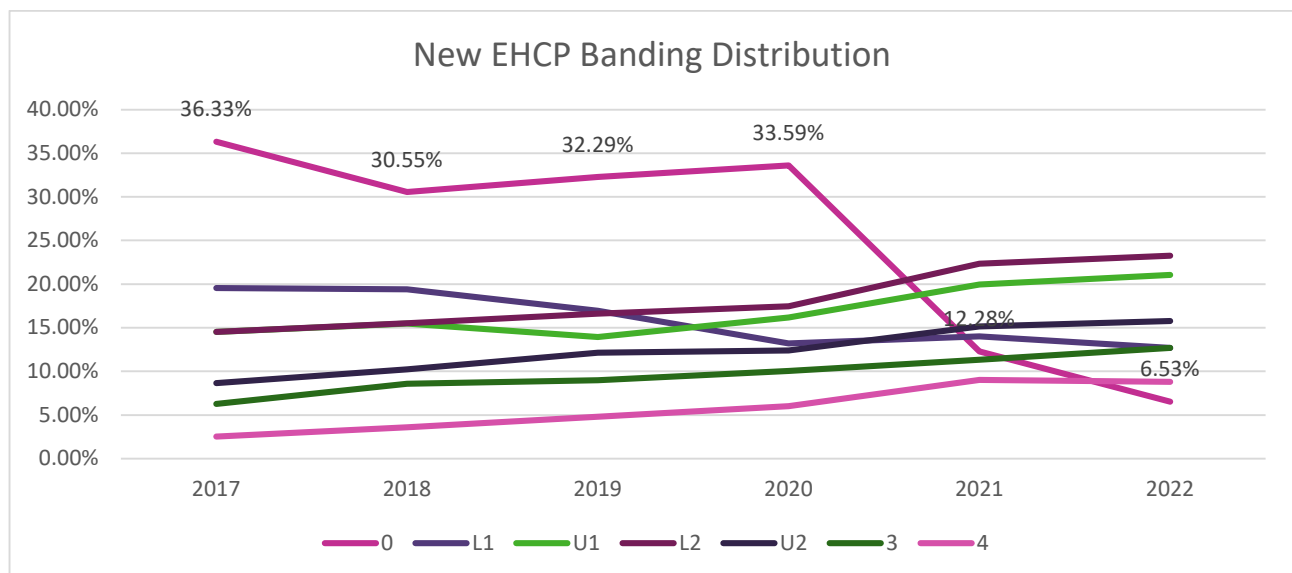
None identified that are not covered elsewhere.

## VFM – Ensuring value for money and the right contributions from partners

### Case for change

Over the past 5 years, there has been a steady but sustained shift in the level of support that children in Wiltshire receive.

Banding is an assessment made about the level of support a child with an EHCP might need and indicates the funding that is attached to an EHCP. These run from Band 0, which has no additional funding attached, to Band 4, which has the most funding attached. It is notable that since 2017, the proportion of new EHCPs being issued at Band 0 has dropped from 36.3% down to 6.5%. At the same time, Band 3 and 4 have steadily risen.



There is no evidence, at this point, to suggest that there has been significant growth in 'need' over that period. We are not seeing large numbers of children who have significantly higher needs, and yet these trends are happening.

Some of this is likely to be 'unwarranted variation', where practice is not consistent across the system and so we need to be conscious of what steps can be taken to improve that consistency. The solutions to this problem are covered more fully under Workstream 5.

Part of this, however, is down to schools feeling that the funding they already receive to support children with SEN is insufficient, meaning that they feel they need more money to deliver the same level of support, hence the higher band. This assessment of the problem is supported by the survey responses where schools were telling us that

money or financial issues were the number one thing that would allow them to deliver more inclusive education practices.

We also heard from the surveys and from focus groups with SENCOs and Headteachers, concerns about Alternative Provision (AP) and the benefits that brings as compared to the rising cost of AP packages. It is not always immediately clear that the increased costs necessarily bring improved outcomes, but this may be because AP is not the right setting for these children who should be placed elsewhere, as addressed under Workstream 2.

It is also clear that partners in our system would like better clarity and improved processes around our financial decision-making. This would ensure that everyone knows who is contributing to the Education, Health and Care Plans, and the process for agreeing those contributions. It should be as efficient as possible to make these decisions, while rigorous enough to satisfy our legal obligations.

As part of this clarity, we are having conversations with our partners about thresholds, contributions, and how we can leverage the funds that we should be contributing to these plans to generate improved outcomes for children and young people with SEND.

***Problem Statement:***

*Despite the best efforts of the council, schools, and partners, we need to do more to make sure we are achieving value for money from our commissioned contracts and ensure that we have the right balance of funding contributions from the three key partners (education, health and social care) to ensure support is closely linked to local needs and delivers value for money.*

## Headline measures

- ***VFM.a – Average cost per EHCP***

If we are successful in providing value for money and spending money wisely, we would expect the average cost per EHCP to come down. This measure is a slightly blunt tool and will not be used on its own to measure progress, however, it is a helpful indicator when taken alongside other measures.

- ***VFM.b – Number of ad hoc funding decisions made***

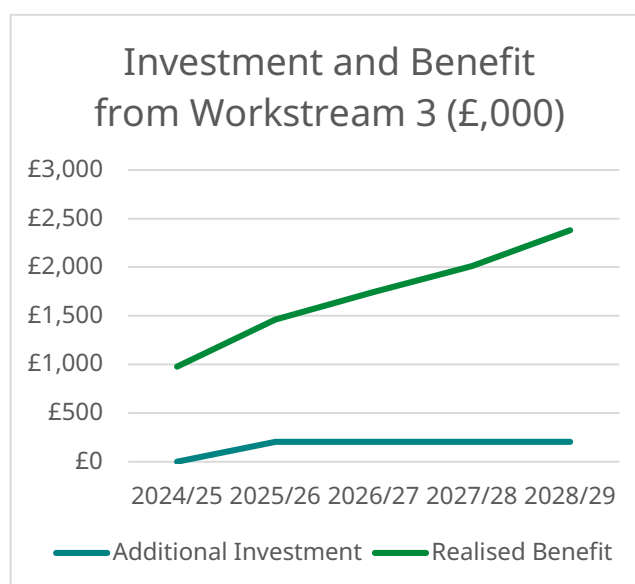
If we are successful in delivering the right funding structure with the intended clarity and assurance, we would expect that fewer decisions will need to be made outside of the normal processes that we have established. This will give everyone more certainty and predictability.

## Financial impact

This workstream is about securing a sound financial basis for our system and so it has a limited direct impact.

There are significant, challenging conversations that will need to take place as part of this workstream, but these conversations will need to take place before we can accurately forecast the change to income that might come from it.

The values in the paper reflect savings from recommissioning Alternative Provision (AP) packages and increased costs in the therapies contract. The figures also assume that the inflation in Independent Non-Maintained Special Schools will be managed.



## VFM.1 – Greater financial assurance for commissioning decisions

### Overview

As part of ensuring we have a financially sustainable system, we need to explore our current contracts and ensure that we are deriving value for money and negotiating hard enough that we do not overpay for goods and services.

This is in part about what the council itself commissions. We need to ensure we are confident that we get what we pay for, and that we are not paying for things that we do not go on and use.

This is also about supporting schools to make better commissioning decisions when they buy services directly. A good example of this is alternative provision (AP) which schools negotiate and buy themselves. However, we heard repeatedly at our workshops and through our surveys that schools would like to be confident that they are not paying over the odds, especially as prices continue to rise.

One of the challenges will be defining what we mean by value for money in this context. At its simplest, value for money is cost divided by outcomes providing a basic calculation of how much each benefit costs. However, this is more complicated in SEND. How do we define positive outcomes? Can we define them in a way that still accounts for each individual's unique needs? We need to co-design an approach, and then we need to help others to understand how to use it.

This novel approach will include a Quality Assurance (QA) approach to review and challenge.

### Success Measures

- *VFM.c – Percentage of commissioned services that deliver “value for money”*

Value for money does not mean cheapest, it is an assessment of outcomes divided by cost. Once we have defined what value for money means in our system, we should begin measuring our contracts against it and offer challenge where value for money is not being delivered.

### Benefits and milestones

Over the period of the plan, we will aim to deliver:

1. A clear articulation of what “value for money” means in the Wiltshire SEND system.
  - Dec 23 – Outcomes framework for commissioning drafted
  - Apr 24 – Co-design process around what value for money means in SEND
  - Jun 24 – Published articulation of what value for money means and how it will be applied.
2. Greater commissioning support within the Council and for schools around their decisions, such as Alternative Provision packages, to ensure better value for money.
  - Apr 25 – Guidance published to support better commissioning
  - Sept 25 – Guidance published to support commissioning by schools
3. Processes that are focussed on delivering value for money and improved outcomes from contracts and independent special school placements.
  - To be developed as part of ongoing commissioning cycles
4. A review of existing commissioned services to consider if there are delivery models that might provide better value for money.
  - To be undertaken as part of ongoing commissioning cycles
5. Improved financial confidence around personal budgets.
  - Dec 24 – Guidance published on personal budgets

### Expected Impact

#### *Workforce impact*

- Skill requirement: We may need to review and upskill staff who commission services to enable and empower them to get the best result. We will also need to support schools with any upskilling they require to better commission.
- Culture: We will need to embed our articulation of what value for money means throughout the SEND system so that there is a shared understanding.

### *Impact on children and young people*

Children and young people will receive better support through better-commissioned services.

### **Risks and assumptions**

- There is a risk that, because the rate of EHCPs has risen during the contract, the new contract value may be higher than it was.

Mitigation: We will monitor this and using our new value-for-money assessment we will be able to ensure any cost increases are part of an improved package of support.

## **VFM.2 – Improve clarity around financial decision making**

### **Overview**

At the moment, we do not have sufficient visibility of the financial decision-making in our system to say with confidence that everything is happening as it should be.

Significant improvements have been made over recent years with the introduction of the Discussion and Delivery (DaD) panels which make decisions in our SEND system. These panels have membership from across our SEND system and Wiltshire Parent Carer Council have observer status on those panels as well. However, these panels could work more effectively if they had better guidance and the right information in front of them.

A review of these panels is already underway and will make recommendations.

Additionally, we have heard concerns from schools about their funding and what they feel they can provide with what they are given. We need to have an open, transparent conversation about those processes so we can assess if they are fit for purpose or if they need to be changed. This will not be a quick process, but if we get it right, we think we can have a system that works for schools and the council, to ensure that children with SEND are well supported but we meet our deficit reduction plan.

Part of this will be a reduction in 'ad hoc' payments that happen outside the normal process. We need to get the process and the funding right, but then we need to stop extra agreements being made.

The final part of this workstream is about joint-funded placements. The ICB has identified that this needs to happen more uniformly and has begun developing a set of principles that will drive joint-funding decisions. Through this process, we want to ensure we end up in a place where there is a shared understanding of who is paying for what, where that decision is made, and how we can make the process as easy as possible.

## Success Measures

No specific measure beyond headline measure VFM.b

## Benefits and Milestones

Over the period of the plan, we will aim to deliver:

1. Further development of our decision-making panels and review related processes.
  - Dec 23 – Completed review of the decision-making panels
  - Jan 24 – Begin delivery of improvement plan
  - Sept 24 – Begin review again
2. A review of school SEND funding including special schools and the top up system.
  - Jan 24 – Begin review of requirements
  - Feb 24 – Discussion about Special School funding
  - April 24 – New banding proposal
  - June 24 – Consultation on new banding
  - Sept 24 – New banding system in place
3. A more open, transparent financial process to give all partners confidence in the decisions being made.
  - Jan 25 – Scoping
4. Clarity over the process for agreeing on joint-funded packages to ensure that they are as efficient as possible while delivering the right support at the right thresholds.
  - Jan 23 – Principles of Joint-Funding decisions drafted
  - Mar 24 - Principles agreed
  - Apr 24 – Review of best practice
  - Jun 24 – Draft proposals around any changes
  - Apr 25 – Implementation of novel approaches

## Expected Impact

### *Workforce impact*

- Structures: We will need to implement the changes suggested as part of the review of the decision-making processes. This may require changes to, structures.
- Culture: There will need to be significant changes in culture to facilitate the openness and transparency we aspire to – this openness and transparency applies to our partnership internally and how we communicate externally.

### *Impact on children and young people*

Children and young people will get better support through improved decision-making and more consistency across the county.



### *Impact on parent carers*

Parent carers will be more confident in the decisions that are being made and will have a better understanding of why decisions are made.

### **Risks and assumptions**

- There is a risk that, because schools already feel under financial pressure around SEND support, the costs will go up.

Mitigation: We are entering into this discussion with an open mind and a determination to find a win-win where schools feel they have a better deal, and the council can continue to meet its financial plan.

- There is a risk that partners will act defensively if there is a perception that the plan requires them to give more than they owe.

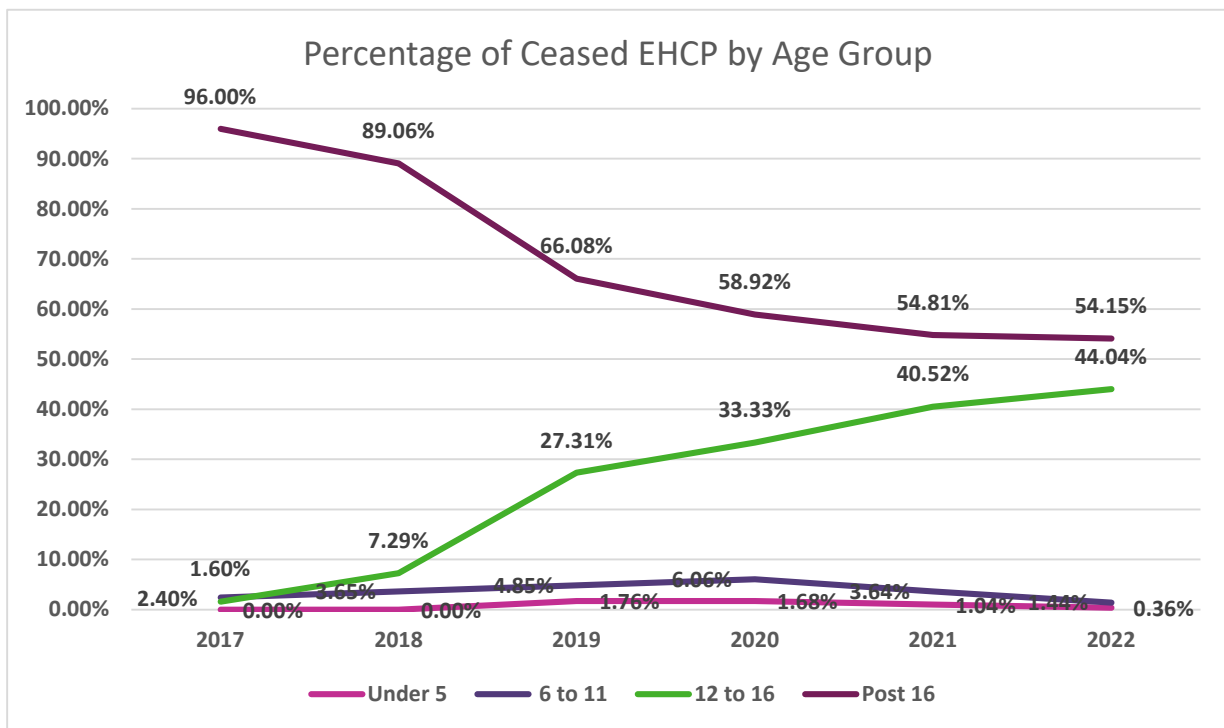
Mitigation: We recognise that all public sector bodies are under pressure, and it does not help to simply 'move' this deficit around the system. Consequently, we have not included assumptions in the plan around any increased partner contributions. We will have these discussions in an open and transparent way. The aim of all partners is that Education, Social Care and Health contribute what they are supposed to for each plan, so we can ensure we have a well-funded system of support.

# PFA – Enhance transition pathways to provide a range of opportunities to prepare for adulthood

## Case for change

We want our young people who have been supported in education with an EHCP to feel supported and ready to move into adulthood. For this to happen, the young people, their parent carers, and professionals must all feel confident in the opportunities and support open to that young person. In those circumstances, an EHCP can be ceased as that young person goes on into employment, apprenticeship or education that does not require an EHCP (such as university).

Over the past five years, the data has shown a shift in the age that EHCPs are being ceased. In 2017 96% of EHCPs that were ceased were ceased in post-16, this dropped to 54% in 2022. The number of EHCPs being ceased has broadly risen, due to the increasing number of EHCPs, so while this does not represent a drop in post-16 EHCPs being ceased it is a striking shift. This could indicate a lack of confidence in the post-16 offer because young people are not continuing into post-16.



	2017	2018	2019	2020	2021	2022
<b>Grand Total</b>	125	192	227	297	385	277

Includes only the following entries only: 1 – Reached maximum age (this is the end of the academic year during which the young person turned 25), 2 – Ongoing educational or training needs that are being met without an EHC plan, 3 – Moved on to higher education, 4 – Moved on to paid employment, excluding apprenticeships, 6 – Young person no longer wishes to engage in education or training, 9 – Other

*Data Source DBV Curated Data from EYES's System 2016 -2022*

This points to a lack of confidence in the readiness of our young people to embrace the opportunities of adulthood. Some of these concerns may be founded, but some of them are because better information needs to be shared.

At the same time, costs per young person have risen in post-16 provision. The analysis done for Wiltshire Council as part of the Delivering Better Value suggested that the unit cost per Post-16 EHCP rose by 16.9% between 2018 and 2022. This is reflected in a rise in Independent Specialist Provider (ISP) placements, which is also a sign that the local provision does not meet need yet.

Our survey responses, and attendees at our co-design workshops, also reflected a lack of confidence. Parent Carers expressed concerns about the options for young people with an EHCP, and a general concern that the end of an EHCP would represent an end of the care and support their child receives. This perception of a 'cliff edge' should an EHCP cease is a significant barrier to moving into adulthood.

***Problem Statement:***

*Despite the best efforts of the council, schools, partners and parent carers, costs are increasing in post-16 without evidence of how this benefits some people.*

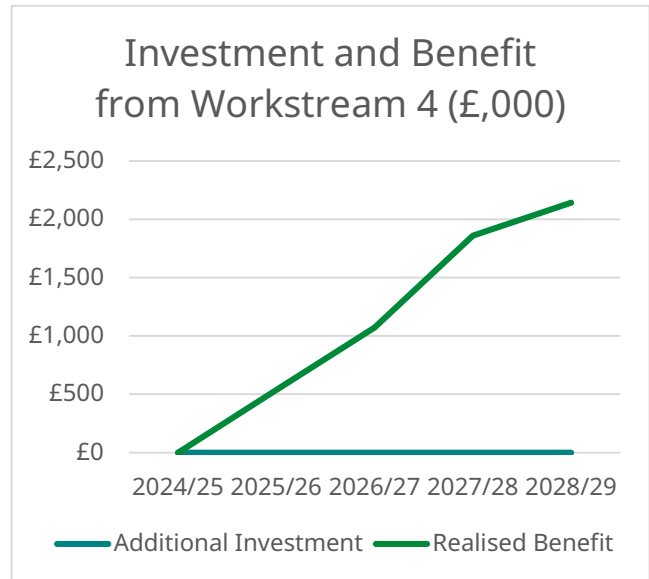
*Young people are repeating education levels because they do not feel prepared to take the next step, and their parent carers do not feel ready for the EHCP to end.*

## Financial impact

This workstream will contribute more to the financial challenge than the figures appear to show, but we were cautious about double counting Workstream 1 and did not want to overstate the impact.

The figures associated with Workstream 4 represent a shift of young people away from expensive Independent Specialist Placements (ISPs) and into mainstream college, university or employment.

The figures also include a stretch target around the increased involvement of adult social care and associated health services.



## Headline measures

- **PFA.a – Number of post-16 EHCPs ceased that do not result in NEET**

If we are successful in our approach to the post-16 transition, we should see more young people ready to cease their EHCP and step confidently into employment or a form of education or training that does not require an EHCP. We must monitor this and ensure that we do not increase the number who end up Not in Education, Employment or Training (NEET) within six months.

- **PFA.b – Percentage of post-16 pupils in an ISP placement**

If we are successful in our post-16 education offer, we should see a reduction in the percentage of young people who are in an Independent Specialist Provider (ISP) placement. These placements are often extremely expensive and should only be sought when there are no appropriate options in a mainstream provider. By ensuring our local offer is right, we should avoid these placements.

## PFA.1 – Give young people and parents confidence in the employability and education offer

### Overview

We will not cease EHCPs before the young person is ready for it to end. However, there is more we could be doing to help that young person be ready.

Through our workshops and surveys, we heard consistent doubt about the post-16 offer from parent carers. While some of this is likely to be because of a lack of

communication about the post-16 offer rather than the offer itself, we do need to constantly check that we have the right options for our young people to progress into.

Anecdotally, we know that there are young people in Wiltshire who are repeating the same level of education over and over. This is not what an EHCP is for, the guidance is clear that there must be 'progression' to qualify for continued support. But more importantly, being stuck in this situation is not the best thing for that young person's aspirations and quality of life.

Something is not right in situations like that, and we need to be more proactive in supporting young people to meet their aims and then supporting them to part with their EHCP.

### Success Measures

- *PFA.c – Number of young people with EHCP who are placed in apprenticeship/traineeship/internship*

If we are successful in developing the post-16 offer in Wiltshire, we would expect to see more young people with EHCPs placed in an apprenticeship/traineeship/internship.

- *PFA.d - % of 14- and 15-year-olds with an EHCP who have begun discussions about their post-16 options as part of their Annual Review*

If we are to be successful in delivering clearer pathways in a post-16 offer, we need to begin conversations about transition when the young person is 14/15 so that they are prepared, and their families are prepared as well. This should lead to better-planned transitions and better outcomes for the young person.

### Benefits and Milestones

Over the period of this plan, we will aim to deliver:

1. A clear set of options for young people with SEND, developed with employers and colleges.
  - Jan 24 – Scope new communications documents for post-16 options
  - Feb 24 – Review quick wins in this space
  - Mar 24 – Co-design new communications documents
  - Jan 25 – Scope work required for new pathways
  - Apr 25 – Begin work with local employers
2. Better support into apprenticeships and self-employment, where that is the right approach.
  - Feb 24 – Review quick wins in this space
  - Jan 25 – Engage partners who can support with apprenticeship and self-employment

3. A shared understanding between learners, parent carers and education providers of the post-16 landscape, what it is, and what is required for post-16 study.
  - Apr 24 – Co-design new guidance for learners going into post-16 study
  - Jun 24 – Implement our innovative approach to transition into post-16 study
  - Jan 25 – Review and refine approaches to deliver better results
4. A strategic approach to post-16 employability and support that provides pathways that support and are aligned to broader economic development in Wiltshire.
  - Oct 24 – Begin work with the Economic Development team to understand gaps
  - Jan 25 – Develop a joint “One Council” approach
  - Apr 25 – Begin work with local employers

### Expected Impact

#### *Workforce impact*

- Culture: Minor cultural changes will be required to achieve this aim, we will need to ensure that staff across our system are solution focussed, and united in their aims.

#### *Impact on children and young people*

Young people approaching post-16 options will be clear about what they can do and will have considered what they will do. Young people will be supported to achieve their aspirations.

#### *Impact on parent carers*

Parent carers will understand the options available to their child and will be confident in the range of options.

### Risks and assumptions

- There is a risk that if we do not get the range of options right then young people and parent carers will not have the right confidence.  
Mitigation: We will work with young people and parent carers to cater for as many needs as possible, providing a wide range of education and training, apprenticeships and supported internships, and employment.

## PFA.2 – Young people who are ready to embrace adulthood

### Overview

Approaching the end of an EHCP can feel like a cliff edge for young people and their families. Multiple times in our surveys and workshops, parent carers expressed real concerns about what might happen after the EHCP is ceased.

We know, for example, that different services have different thresholds and approaches. The thresholds in Adult Social Care are different from Children's Social Care, and Adult Mental Health is different from Children's Mental Health. One parent in a workshop said, "It feels like you're just starting to be an expert on all the services you need for your child, and then it all changes again and you're left like a newbie."

This anxiety can lead to people holding onto EHCPs for longer than they need out of worry that they will not have any support on the other side.

We believe that by becoming more joined up in our working as a System, and then being more proactive about planning and supporting through the transitions, we could alleviate a lot of that anxiety.

### Success Measures

- *PFA.e – Percentage of post-16 EHCPs which have a clear transition plan attached that includes input from Health and Social Care*

If we are to be successful in ensuring our young people with EHCPs are ready to embrace adulthood, we need to ensure that there is a plan in place for their health and care needs beyond an EHCP. We would expect to see more young people with a clear plan for their life after an EHCP that will contain input from health and social care.

- *PFA.f – Percentage of SEND leavers self-reporting positive outcomes*

If we are successful in delivering young people with EHCPs who are ready to embrace adulthood, we would expect to see positive outcomes reported in the SEND Leavers survey. These self-reported measures will give a good impression of how well prepared they were for adulthood and how well they are doing.

### Benefits and Milestones

Over the period of the plan, we will aim to deliver:

1. Development of our post-16 model, building on the successes of preparing for adulthood, so that young people, parent carers and professionals have confidence about the transition to adulthood.
  - Jan 24 – Review of quick wins in this space
  - Jan 25 – Implementation of new models
2. Better link-up between health, social care and education to ensure young people and parent carers feel supported and ready to leave their EHCP behind.
  - Jan 25 – Scope work

## Expected Impact

### *Workforce impact*

- Job roles: There may be some additional roles required to deliver this workstream, but we think they will be covered under Workstream 1.
- Culture: We will need to make sure that our teams are ready to work more collaboratively to support these young people.

### *Impact on children and young people*

Children and young people will know what support is available to them after their EHCP and will have a clear transition plan that gives them confidence that they are ready to cease their EHCP.

### *Impact on parent carers*

Parent carers will feel more confident in the support on offer for their child and will be equipped to support their child to embrace adulthood.

## Risks and assumptions

None identified that are not covered elsewhere.



# CPC – Developing better communication and processes to change the culture in our SEND system

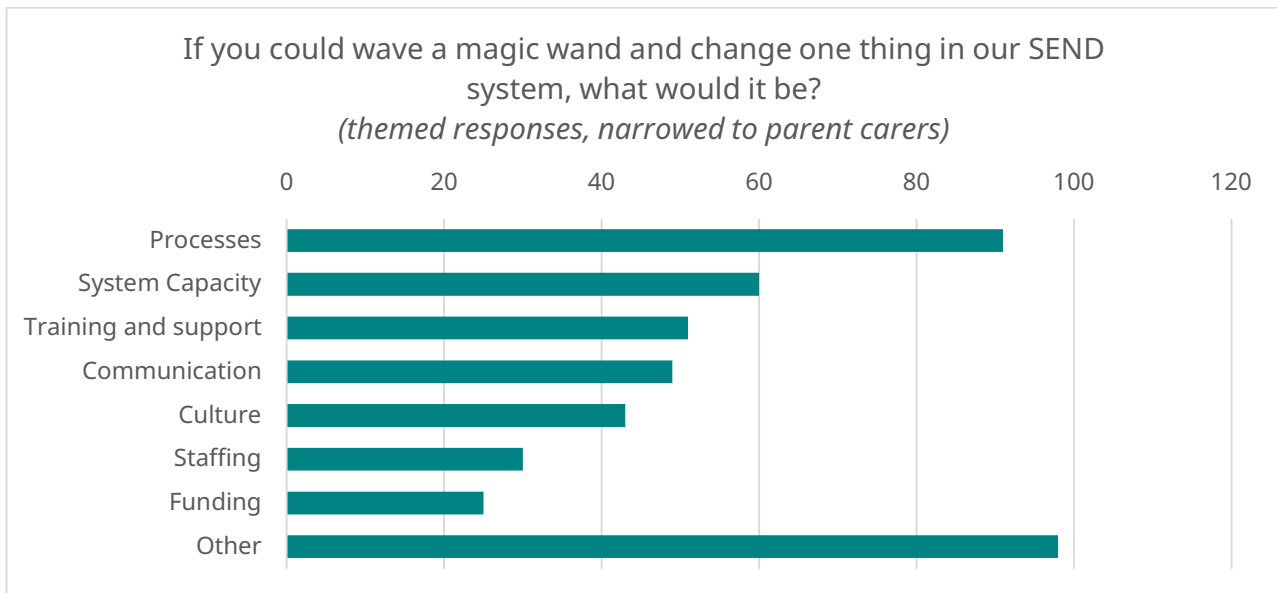
## Case for change

If we are going to deliver this plan, improving outcomes for children and young people with SEND and bringing the system into balance, then everyone has a role to play. It becomes increasingly important that we all feel part of the Wiltshire SEND system, pulling in the same direction.

However, through our data and insight gathering it has become clear that this is not currently the case. Through co-design workshops and case studies, we have consistently heard anecdotes that display a lack of shared culture or inconsistent practice that reflects poorly on the system.

Of course, there have also been examples of exceptional individuals who have gone beyond to support children and their families in the right way. The aim must be to spread this good practice across our entire system and put the right processes in place that steer people towards that good practice.

Changing a system culture is not easy or quick, it takes time and consistency.

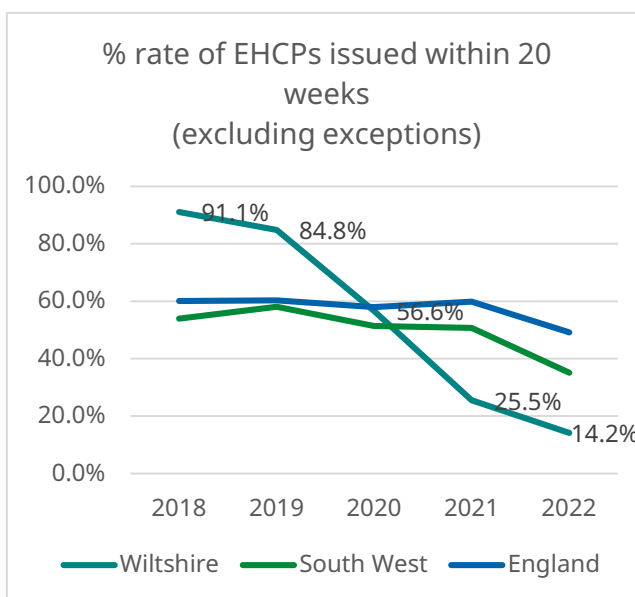


Part of this comes down to communication. Improved communication was the fourth most important thing to parent carers in our stakeholder survey with 15% of parent carers saying if they could just change one thing in our system it would be communication.

This partly explains why there is such a disconnect between parent carers and the SEND system. If we are going to deliver the other workstreams, particularly 1 and 4, then we need to have an improved approach to communicating with parents.

In that same survey, the most important thing that parent carers said they would change in our system was the process. 1 in 5 of the parent carers responding to our survey said that if they could only change one thing in our system it would be the processes. Of those responses, the majority primarily focussed on making processes faster and simpler.

The data does show that Wiltshire has a problem with the timeliness of plans issued. While we know that the unverified data for this year looks much more positive, the latest SEN2 data release, which goes up to 2022, shows that Wiltshire's timeliness has dropped again. Up until the pandemic, Wiltshire outperformed the national and regional average, but this dropped in 2020 and 2021 and has not recovered. Improving this is already a priority in the system but would also give confidence in the system.



***Problem Statement:***

*Despite the best efforts of the council, schools, partners and parent carers, we have work to do to build a sense that everyone in our SEND system is always working together towards a single offer, with a shared culture.*

*Parent carers, schools, colleges, early years settings, and internal staff feel that we need to communicate better and that more information and support is needed.*

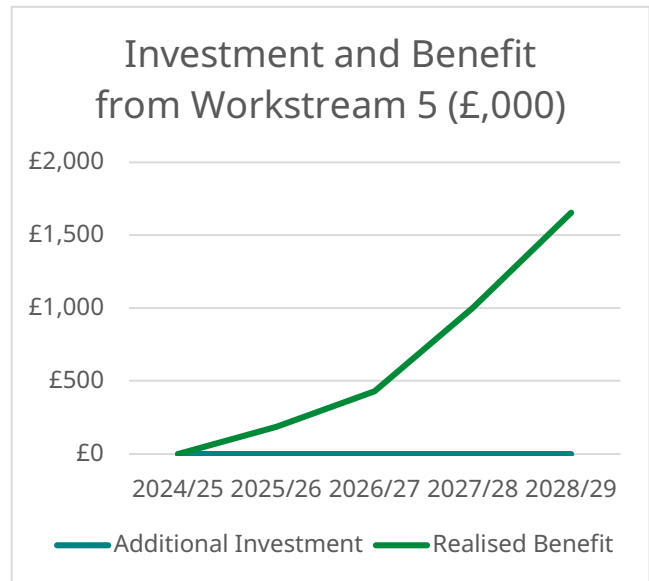
**Financial impact**

This workstream is vital to delivering the plan but it only has a small direct impact on the Dedicated Schools Grant.

The financial contribution of this workstream represents a reduction in transition support fund payments, which are attached to children with SEND while they await the issuing of a plan.

There is also a budgetary impact attached to better communication and culture, which we anticipate will lead to fewer complaints or ombudsman fines. Wiltshire Council already has relatively few ombudsman fines, so there is not a significant impact from this, but we would aim to completely avoid these fines.

The final financial impact directly attributable to Workstream 5 is the reduction in children out of school in AP. This will be achieved through better processes, meaning plans are processed more quickly and the children can get back into school with the right support around them.



## Headline measures

- *CPC.a – Compliance with Statutory SEND timeliness measures*

If we are successful in delivering improved communication and processes, we would expect to see our statutory compliance rates improve. This would indicate we have a well-performing system and would begin to take some of the pressure off the Statutory SEND team so that they can do more non-statutory, preventative work.

- *CPC.b – Percentage of POET survey returns expressing positive experiences*

If we are successful in delivering better communication and processes, we should see that reflected in the positive experiences that parent carers, young people and professionals have in our system.

## CPC.1 – Strategic approach to communication between partners and with parent carers

### Overview

Our system can only develop a successful culture if we have the right communications set up. We will fail to deliver the financial improvements that are expected from this plan if we do not make sure everyone feels part of the team.

Our survey data demonstrated a feeling of disconnect that parent carers feel towards the SEND system, and throughout our case reviews and workshops, we encountered people who had been told the wrong thing by a partner in our system. In addition to

the impact this will have on our system sustainability, we must try to avoid the confusion and added stress it causes if people receive mixed messages.

This is important both internally and externally. We need to reset our approach to providing information to parent carers, SENCOs and other interested parties. One part of this will be a SEND hotline for first contact about SEND concerns. This could be folded into the existing Children's Services Integrated Front Door which already works effectively. This service would give advice and guidance effectively triaging SEND requests so that the right advice is sought from the right place.

We also need a shift in our strategic approach to communicating with parent carers so we can be confident that they are hearing the important messages that we need them to hear. We cannot be surprised the parent carers do not know about key events, services and opportunities if we cannot be confident that they are hearing from us.

All of this is supported by closer working between partners in the system, so we speak with one voice on SEND. Through this, we can ensure that the right messages are being communicated to everyone in the system and that everyone understands the role they play in creating a better, more sustainable SEND system.

### Success Measures

- *CPC.c – Local Offer website meta-data*

If we are successful in improving our strategic approach to communication, we would expect to see evidence in the way parent carers use the Local Offer website. Parent carers will spend time reading the material and will navigate through the site predictably.

- *CPC.d – Percentage of parents filling in the POET survey*

If we are successful in generating a stronger sense of community with our parent carers, we would expect to see more parent carers filling in the POET survey, as well as those responses being positive.

### Benefits and milestones

During the period of our plan, we will aim to deliver:

1. Improved communication channels between partners to develop our shared culture and ensure everyone understands their role in system sustainability.
  - Jan 24 – Role out of comms about the Sustainability Plan
  - Apr 24 – Launch of the Safety Valve Agreement with the DfE
  - Sept 24 – Refreshed partnership for SEND
2. A communications strategy for how the SEND system communicates with parent carers.
  - Apr 24 – Recruit SEND dedicated Communication Officer

- June 24 – Development of Communication Strategy
  - Aug 24 – New review of Local Offer
  - Sept 24 – Implementation of Communication Strategy
3. A SEND hotline, based on best practice models to receive initial queries.
- Jan 24 – Scoping
  - Mar 24 – SEND hotline online

## Expected Impact

### *Workforce impact*

- **Job roles:** may require a dedicated post to support external SEND communication.
- **Skill requirements:** Integrated Front Door staff will require help to become integrated with SEND. All staff will be supported to understand the new approach to communication.
- **Culture:** All staff in the SEND system will need to get used to communicating as a system, with one voice.

### *Impact on children and young people*

Children and young people in Wiltshire will receive clearer messages from the system.

### *Impact on parent carers*

Parent carers will receive clearer information from the system that, as far as possible, reaches them where they are.

## Risks and assumptions

- There is a risk that changes to communications mean that less digitally confident people might get excluded.

Mitigation: We will co-design our approaches to this and consider the needs of all. We will ensure that support is still accessible offline.

## CPC.2 – More effective processes and an improved experience of the process

### Overview

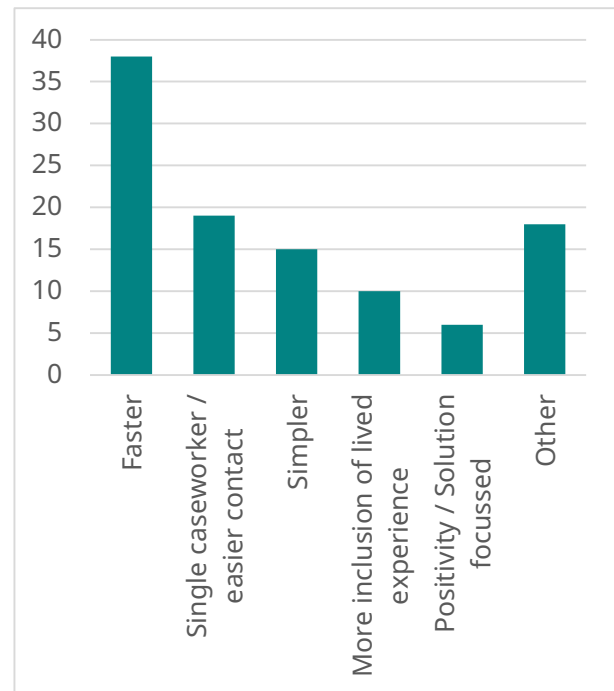
Parent carers, schools, colleges, early years settings, and SEND staff within the council all want improvements to the SEND processes.

Statutory SEND timeliness in our system has not recovered from the pandemic shock. Quick progress is being made in reducing that backlog of applications, but we need to stay on top of that. This also applies to colleagues in other parts of the system, progress is being made in addressing backlog waiting lists, but the waits in health, for example, are still too long.

Processes were the main thing that parent carers wanted to change in our SEND system. When these are sub-themed, faster processes are the main comments that come up, followed by easier contact with caseworkers, and then simpler processes.

We should do everything we can to make the processes more efficient and effective. However, we also need to reflect that, some SEND processes are, by their nature, complex and long, but we can look at what improvements can be made to the experience of the process.

By delivering these improvements, our SEND system will be more efficient and able to manage changing needs, which will make it easier to address the financial challenge.



### Success Measures

No specific measure beyond headline measure CPC.a

### Benefits and Milestones

During the period of the plan, we will aim to deliver:

1. Further integrated processes and paperwork in our system to drive efficiencies and reduce the need for people to tell their story multiple times.
  - Feb 24 – Review quick wins in this area
  - July 24 – Alignment of internal paperwork
  - July 25 – Alignment of external paperwork
2. Improvements to the process that exploit the opportunities of technology to make things more efficient.
  - Dec 24 – Scoping the opportunities and review of best practice
3. A better ‘customer relationship manager’ interface for schools and parent carers that keeps them up to date without the need for multiple emails.
  - May 24 – Implementation of the new portal
4. Improvements to the integration of data flows between organisations to allow better monitoring and a more sophisticated approach to modelling demand.
  - Feb 24 – Review of what data-sharing opportunities there are
  - Jul 24 – Signing of new data-sharing agreement
  - Apr 25 – Completion of integrated data flows
5. More multi-disciplinary working to bring skills and experience together, focussed on generating solutions.

- Apr 25 – Scoping of further opportunities

## Expected Impact

### *Workforce impact*

- Job roles: may require additional admin support in the Statutory SEND team to facilitate more effective processes. May require a new post to manage the customer relationship manager but could be folded into communications support as referenced above.
- Skill requirements: The Statutory SEND team will need upskilling on the new technological approaches and how to respond to parent carers, schools and colleges effectively.
- Culture: Further need to embrace multi-disciplinary approaches across our system and bring teams together to understand each other more fully.

### *Impact on children and young people*

Children and young people in Wiltshire will receive support more quickly.

### *Impact on parent carers*

Parent carers will notice a more efficient system and a reduction in duplicative paperwork.

Parent carers will benefit from a new customer relationship manager so they can see progress through the process and request updates directly without email.

## Risks and assumptions

- There is a risk that by seeking technological solutions to process efficiency, some less digitally confident parent carers or young people might get excluded.  
Mitigation: We will co-design our approaches to this and consider the needs of all parent carers. We will ensure that support is still accessible through offline means.

## CPC.3 – Better support and training for parent carers

### Overview

Everything in this plan needs to sit alongside an improved package of support for parent carers.

One of the main reasons that parent carers contact Wiltshire Parent Carer Council (WPCC) is because they are feeling overwhelmed and like their mental health and emotional wellbeing are being impacted. We should aspire to be a system where that does not happen, but we should not ignore the fact that this will also help deliver financial sustainability for our system.

If parent carers know where to go for information, then the decisions that they make are better informed and everyone has a better understanding of what to expect from the system. Equally, in some cases, if parent carers do not get to the point of feeling completely overwhelmed then they are less likely to seek more intensive intervention for their child.

This was supported at the co-design workshops with parent carers, in particular thinking about the opportunities for peer support among parent carers which is so much more meaningful than someone without that lived experience trying to connect with a parent carer. The point was also made about the need to ensure that some of this provision happens outside the working day so that working parents can engage more readily.

### Success Measures

- *CPC.f – Number of parent carers accessing training through the Council*

If we are successful in delivering better information, advice, guidance and training for parent carers, we would expect to see more training being accessed through the council. This would indicate that we have the offer right, and we are providing something of value.

- *CPC.g – Number of parent carers asking for help with their personal mental health or emotional wellbeing*

If we are successful in delivering better support for parent carers, we would expect fewer parent carers to have to contact WPCC or SENDIASS or the Council with concerns about their mental health or emotional wellbeing. This would indicate that the support on offer is helping reduce the 'overwhelm' that parent carers sometimes experience.

### Benefits and Milestones

During the period of the plan, we will aim to deliver:

1. Further development and embedding of the culture of co-design as standard across the SEND system.
  - Jun 25 – Co-design guidance and templates rolled out across the system
2. Awareness of the range of parental support and training that is on offer.
  - Dec 23 – Initial conversations about mapping the offer
  - June 24 – Fold into the communication strategy approach
  - Sept 24 – Consistent promotion of support and training
3. Tailored training offers that cater to specific needs.
  - Sept 24 – Improved signposting
4. Further development of the information available through the SEND Independent Advice and Support Service (SENDIASS).



- To be reviewed as part of the commissioning cycle

### Expected Impact

#### *Workforce impact*

None identified

#### *Impact on children and young people*

Children and young people in Wiltshire will receive better support in their family home from parent carers who feel more equipped to support.

Children and young people will find more opportunities to co-design services and approaches in Wiltshire, always having a voice in decisions that affect them.

#### *Impact on parent carers*

Parent carers will feel better equipped with information, training and effective strategies.

### Risks and assumptions

- There is a risk that we do not get the offer right and so waste time and effort without seeing the benefit.

Mitigation: We will mitigate the risk by co-designing the offer with parent carers and by working alongside existing providers of this support. We will also ensure we are using the expertise in our system, for example in our Special Schools, so that parent carers can benefit from that.

## Implementation

As has become even clearer in the development of this plan, the SEND system is a large, complex organism with multiple factors influencing the eventual outcomes.

The development of this plan has required thought to be given to how we create a credible, responsive delivery plan.

## Project Management Methodology

To effectively manage the delivery of this ambitious plan, we are adopting an agile approach to project management.

First utilised in software development, agile focuses a small team on delivering specific, measurable tasks at pace. We will adapt this methodology, breaking the projects down into manageable 'products' that will still have a tangible impact on the data. This iterative approach will allow us to run multiple projects simultaneously, see them completed and then review the data to assess which project to move on to next.

These project periods, or Sprints as they are called in agile, will be supported by a project team that pulls specifically from expertise in the system to develop the ideas.

By monitoring the measures suggested in this document, we can see the direction of travel in the data and flexibly respond to an emergent situation. This will be more effective in a complex system than a rigid "waterfall" approach common in traditional project management.

We also want to ensure ongoing dialogue with stakeholders and those impacted by the plan. This 'stakeholder reference group' will include schools, colleges and early years settings, parent carers, children and young people with SEND. That group will meet regularly with the project teams. This will allow effective and efficient use of engagement time with key stakeholders while giving the project team sufficient steer from stakeholders. This would be delivered alongside other co-design activities.

## Integration into the new Strategy

We are in the process of developing a new SEND, AP and Inclusion strategy. This is due to be written in the first half of 2024.

The SEND Sustainability Plan, and any associated Safety Valve agreement with the DfE, will form a key part of the strategic context for that new strategy and so it will be a foundational plank to that piece of work.

The commitments in this plan will be reflected in the new strategy and all these plans will be brought together and delivered in a single SEND and AP Improvement Plan for Wiltshire.

## Monitoring and review

The SEND Sustainability Plan is an ambitious plan which the Council is committed to delivering. To ensure we are successful in both improving outcomes and financial sustainability, we need to have robust processes for monitoring and review in place.

### Live Data Analytics

Education systems are continuously improving to expand for the needs of legislation and performance reporting. Current planned improvements align with this plan; however, some specifics will need to be picked up as part of the implementation plan.

Reporting and dashboard support will be expanded to create high-level summaries that give a clear indication of how we are performing against our key measures. Wherever possible, this will be supported by the introduction of interactive tools to allow the utilisation of live data for performance and solutions monitoring.

There will be a period of transition from reactive reporting to the development of robust performance and solutions measures. This transition will be supported by Performance, Outcomes & Quality Assurance & wider services.

### Data Modelling

Current reports and operations work on a reactive model with simple forecasting approaches. To enhance and evolve the service, an expanded selection of data will be collected. In conjunction with review and improvement of data quality to build a more sophisticated forecasting model that can be adopted across the service.

Initial forecasts will focus on understanding demand and capacity management and likely budgetary impact based on student pathways.

### Governance

We have established a High Needs Block Sustainability Board. This board is chaired by the Chief Executive of Wiltshire Council and has senior representation from both the council and the Integrated Care Board (ICB).

To enable clarity around the solutions, dashboards with supporting measures and delivery timelines will be developed and utilised. This will allow the impact to be monitored and for the Board to act as a 'problem-solving' group that removes barriers to success. This approach should support an agile approach to successful implementation of the strategy while maintaining accountability to our stakeholders.

### Surveys and Stakeholder Engagement

There will be further co-design and stakeholder engagement throughout this period of transformation and improvement.

The development of this plan is not the end of the process, it is the start of it. We will need further input from schools, early years settings, colleges, parent carers and of course, children and young people with SEND as we design the next phases.

The co-design workshops have been an effective, if time-consuming, way to engage with stakeholders so far. We will develop this approach further, creating a series of 'co-design and reference groups' which will bring together our key stakeholders to develop plans in one room.

Surveys have also been effective, and we will continue to utilise these as an effective way to get co-design input asynchronously. These surveys and stakeholder consultation findings will be pooled for increased transparency and utilisation within services.

**Wiltshire Council**

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Wiltshire Council

Cabinet

16 April 2024

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**Subject:** Provision of Education for Learners who Require Alternative Provision

**Cabinet Member:** Cllr Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion

**Key Decision:** Key

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## Executive Summary

Wiltshire Council have a need for providing education for learners who require Alternative Provision (AP). We currently have a significant shortage in Ofsted registered provision at a time where we are seeing an increase in demand for places.

Lack of AP sufficiency means that a higher number of pupils are suspended from school when the school might otherwise arrange AP for the learner at an earlier stage and prevent further escalation. This is particularly true for learners with Special Education Needs and Disabilities (SEND) who might otherwise benefit from a provision that is able to address individual need and support and engage with education at an alternative setting.

For some children and young people with SEND this can lead to placements in high-cost independent special schools to meet their needs which otherwise may have been supported through early intervention and alternative provision.

The Asset Gateway and Capital Programme Board approved in October 2023 for the purchase of Calder House, which was to be leased to a commissioned external provider to deliver alternative provision following required site renovations.

This paper is requesting the commissioning of an external provider to deliver alternative provision from 2024 to meet current levels of demand and reduce suspensions and exclusions, reduce expenditure on expensive independent special school placements and support the objectives of safety valve in reducing the current High Needs Budget deficit.

## Proposals

Cabinet is asked:

- 1) To authorise the award of a 5 plus 5-year contract to an external education provider, to provide high quality OFSTED registered AP education for up to 50 Wiltshire young people aged 11-16 with or without an EHCP who are unable to attend mainstream or specialist schools for

some or all their education. This will include an annual review of the contract.

- 2) To approve that officers continue to undertake to prepare and complete the tender programme, award, and implement a new contract for the provision of OFSTED registered education by 31 July 2024, with a clear mobilisation period to support opening in Autumn 2024.
- 3) To delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director People, in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion.

### **Reason for Proposals**

To ensure children and young people who are unable to attend mainstream or specialist schools are provided with full-time equivalent education in an OFSTED registered Alternative Provision, tailored to their individual needs.

To ensure cost effective placements for children and young people within buildings owned by Wiltshire Council by leasing them to a provider at a peppercorn rent through a new contract.

**Lucy Townsend**  
**Corporate Director, People**



**16 April 2024**

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**Subject: Provision of Education for Learners who Require Alternative Provision**

**Cabinet Member: Cllr Jane Davies, Cabinet Member for Adult Social Care, SEND and Inclusion**

**Key Decision: Key**

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### **Purpose of Report**

1. This report outlines the proposal to commission an external education provider, to provide high quality Ofsted registered AP education for up to 50 Wiltshire young people with or without an EHCP who are unable to attend mainstream or specialist schools for some or all of their education.
2. Cabinet is asked to authorise the method outlined to complete a tender process that delivers sufficiency of places for alternative provision, not currently being met in other Wiltshire provisions.
3. To delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director of People in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion.

### **Relevance to the Council's Business Plan**

4. The proposal is relevant to the following priorities and objectives laid down the Council's Business Plan<sup>1</sup>:
5. To support the working themes in the council's business plan 2022 to 2032, commissioning priorities are to:
  - a. **Priority 1** - ensure services are in the right place at the right time
  - b. **Priority 2** - ensure right people receive services in the right place i.e., to provide more High Needs education opportunities closer to home
  - c. **Priority 3** - ensure right service, right price

### **Background**

6. Wiltshire Council has high number of secondary age young people who need additional social, emotional and/or mental health support to access mainstream provision or to make a successful transition to specialist provision. This has led to increasing demand for short-term and full-time alternative provision packages and increasing rates of suspension of learners with an EHCP.
7. Section 19 of the Education Act 1996 states that 'Each LA shall make arrangements for the provision of suitable education at school or otherwise than at school for those

children of school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them’.

8. Wiltshire Council has a statutory duty to provide appropriate specialist provision for children and young people with an EHCP that can meet their needs.
9. Additionally, Wiltshire Council are required to support all learners in accessing provision.
10. Most secondary schools in Wiltshire use AP to meet the needs of some of their pupils and commission AP as part of a continuum of support. There are currently 2 Ofsted registered providers and 77 unregistered providers listed on the Wiltshire Alternative Provision directory. Unregistered provision means there is a lack of full-time provision for children (i.e. not providing all, or substantially all, of the child’s education), where this would be in the young person’s best interests.
11. Schools are recommended to use the Wiltshire Approved Alternative Provision (WAAP) directory of providers, which is kept up to date and to select provision that best matches the needs of the pupil to create a very personalised timetable. WAAP inclusion aligns with quality assurance practice undertaken by officers.
12. Unregistered AP is not subject to national performance and quality inspection frameworks.
13. The Council and schools use of unregistered AP will be under increased scrutiny following changes to the Ofsted Local Area Inspection Framework which supports improved outcomes for children and young people who are directed off site to AP.
14. AP placements not meeting the child’s needs can result in reputational risk to the Council through SEND tribunal, Ofsted inspections, Local Government and Social Care Ombudsman complaints.
15. Most secondary schools receive funding for inclusion through a Service Level Agreement (SLA). This inclusion funding supports provision of personalised learning to excluded pupils and those at risk of exclusion. It supports delivery of duties under Section 19 of the Education Act (1996) and allows schools to utilise inclusion funding for early intervention and to significantly reduce the risk of permanent exclusion.
16. Wiltshire does not have any pupil referral units (PRU) within its school estate. Some Wiltshire secondary schools use devolved funding to make enhanced provision within their school or setting to support pupils on roll to access suitable learning successfully. This does not fall within the definition of AP.
17. In October 2023, the Asset Gateway & Capital Programme Board agreed to let a Wiltshire owned building at a peppercorn rent in order to reduce the ongoing revenue costs of education provision. This would reduce the rental or capital costs of the provider, with the expectation that these cost savings would be passed on to the Council.
18. By offering this property through the successful provider, the Council will be able to guarantee long term sufficiency and stability to more Wiltshire children with social, emotional and/or mental health needs with or without an EHCP.

19. A new registered Alternative provision will ensure young people have access to safe, high-quality education in line with the DfE SEND and AP Improvement Plan's intention for local areas to provide AP with specialist outreach capacity, time-limited placements and transitional placements.

### **Demand**

20. There is considerable demand for offsite placements by schools and the Council for pupils on a short-term basis for the purposes of improving the pupils' behaviour to prevent permanent exclusion and reduce the need for multiple or long-term suspension from school. This demand has increased in recent years.
21. Lack of AP sufficiency means that a higher number of pupils are suspended from school when the school might otherwise arrange AP for the learner at an earlier stage and prevent further escalation.
22. This is particularly true for learners with SEND who might otherwise benefit from a provision this is able to address individual need and support children and young people to engage with education at an alternative setting.
23. We can forecast, based on previous years, where just 1 secondary school had stepped away from the SLA, more than 10 permanent exclusions took place.
24. Numbers of Electively Home Educated (EHE) children are currently at the highest rate recorded in Wiltshire, at over 950 children. Pre-pandemic numbers were below 600. Whilst a number of parents choose not to provide a reason for their EHE decision when asked, there is an increase in the number of parents citing SEMH needs and school refusal. New provision could provide a transitional educational setting to help these children return to mainstream education. This will be true where parents have felt that mainstream education had not met their child's needs and would welcome a pathway back, or where home education is not suitable and transition arrangements are required.
25. Section 19 enquiries to the Council have increased exponentially with 150 cases discussed in the current academic year. These enquiries arise where there is a potential for the Council to make education provision available for pupils under Section 19 of the Education Act (1996) for pupils who are unable to attend school for reasons of exclusion, illness, or for reasons otherwise.
26. There has been an increase in complaints against the Council to the Local Government and Social Care Ombudsman for failing to make such provision available, with two cases this year where the Council has been instructed to make remedies to families. New registered provision would increase capacity of the Council to meet the Section 19 duty.
27. Of the pupils with an EHCP accessing AP while on roll to a mainstream school, 36% have a primary need of SEMH and another 27% with a primary need of autism spectrum disorder. While the Council cannot predict how many pupils will require AP, our high suspension rates and low permanent exclusion rates indicate a substantial level of need for new registered provision.

## **Main Considerations for the Council**

28. Most Wiltshire secondary schools receive funding for inclusion through a Service Level Agreement (SLA). The proposed provision supports schools in using this funding to be able to meet the needs of learners who require additional off-site support. This proposal also reduces the risk of exclusion from secondary schools.
29. There is a current lack of sufficiency of alternative provision in Wiltshire. Currently 2 Ofsted registered providers and 77 Wiltshire Approved Alternative Provision providers are not Ofsted registered.
30. Schools may commission providers not listed on the Council AP directory. In such cases schools are wholly responsible for the quality assurance of the provision.
31. The Council's use of provision that is not Ofsted registered will be subject to additional scrutiny highlighted through the Ofsted Local Area Inspection Framework which supports improved outcomes for children and young people who are directed off site to Alternative Provision.
32. The low number of Ofsted registered providers represents a risk in Wiltshire and there is a priority to increase this number. The risks are:
- Lack of full-time provision for children in settings that are not DfE registered (i.e. not providing all, or substantially all, of the child's education in any one setting), where full-time in one setting would be in the child's best interests
  - Lack of flexibility in timetabling of sessions for pupils in settings that are not DfE registered, i.e. no more than 5 half days a week in any one setting
  - The Council commissioning AP that doesn't meet the child's needs due to lack of availability of Ofsted registered provision, resulting in reputational risk through SEND tribunal, Ofsted inspection and Local Government and Social Care Ombudsman decisions
  - The Council is not able to secure funding stability for alternative provision
  - Lack of equivalence in inspection frameworks for providers that are not Ofsted registered can bring a risk to commissioners seeking assurance
  - Head teachers are under additional safeguarding scrutiny during school inspections by Ofsted when pupils are attending provision that is not Ofsted registered. Consequently, this may increase the likelihood of permanent exclusion decisions. This would not be the case if there was increased sufficiency in Ofsted registered provision.
33. Most secondary schools in Wiltshire also use AP to meet the needs of some of their pupils and commission AP as part of a continuum of support. Schools are recommended to use the Wiltshire Approved Alternative Provision directory of providers, which is kept up to date and to select provision that best matches the needs of the pupil to create a personalised timetable.
34. There has been an increase in complaints against the Council to the Local Government and Social Care Ombudsman citing a lack of provision in place for young people who need AP. This carries a reputational risk to the Council.

35. In the forum for monitoring the secondary Service Level Agreement, primary behaviour and SENCo network meetings and the In-Year Fair Access Panels, school leaders are expressing a need for increased AP sufficiency across the three tiers set out in the Wiltshire SEND and AP Strategy where sufficiency and quality priorities are clearly set out.
36. To ensure that the contract will meet the needs of children and young people, significant engagement and consultation has taken place across the Council, other local authorities, providers, and head teachers. This has focussed on the opportunities to provide DfE registered alternative provision to prevent permanent exclusion and reduce the risk of multiple suspensions from school and ensure that the Council will be able to deliver a suitable, safe, and good value provision through the contract.

### **Funding and Cost Benefits**

37. It is intended that through the tender process we will be able to appoint an education provider who is able to support Wiltshire Council in delivering high quality provision at a cost that supports with the aims and objective of the High Needs Block sustainability programme.
38. The contract management process will ensure value for money through a rigorous tendering process, and robust contract management.
39. We expect to see a decrease in the daily cost of AP – full time equivalent cost of current AP is £62,892 reducing to a block tendered price of £30,000 x 50 places – due to the provider not having the risk of securing a mortgage, locating a deposit and risk of increasing mortgage payments. This will facilitate a speedier timeframe for us to respond in a timely manner to create capacity for September 2024. When tendering, social value will be explored as part of the new Procurement Bill.
40. With the location of the site, access to the school will support the reduction of costs for SEN Transport, which is a further contributory factor to the current High Needs Block deficit.

### **Highlights of the contract**

41. The contract will allow for the provision 50 places for Wiltshire children aged 11-16 with or without an EHCP who are unable to attend mainstream or specialist schools for some or all of their education. These places will be mobilised and made available over an agreed period, based on demand. This capacity will be provided through the property leased to the provider.
42. The places will be directly commissioned by schools, alongside places commissioned by Wiltshire Council.
43. Evidence informs us that the needs of children change over time and will vary across our children SEND population. Therefore, the Provider is expected to be agile enough to be able to meet any demand as the needs of children change.
44. It is expected that the tendered price for the contract will be below the current rate available. The Council will reserve the right to review any prices submitted and will only award if there is a reduction in the average cost of places.

45. The education provider will meet the running costs of the building, with maintenance costs based on fair wear and tear.
46. There will be quarterly contract monitoring meetings with the provider, which can be increased or decreased as necessary. The contract is expected to develop a close partnership between the Council and the successful provider, and there may also be some additional benefits to the children and the Council as a result of this closer working.
47. There will be an annual contract review with providers, to agree whether a variation needs to be put in place to respond to changing demand, or the changing needs of children. This will be throughout the lifetime of the contract to provide greater flexibility.
48. As there will be an annual review to ensure that current needs are being met, the contract term is intended to be 5 plus 5 years. This will be more attractive to the provider, and promote more competition and investment, and will help to form the foundation for a long-term positive relationship, which will benefit children and young people, and better value for money for the Council.
49. The successful provider will be expected to maintain Ofsted ratings of Good or Outstanding throughout the lifetime of the contract. If this standard was not met, there would be the ability to move children if appropriate to alternative provision, and there will be clauses within the contract to ensure that the Council was not financially disadvantaged through this process.
50. The Provider will make positive links with local health teams and ensure that the appropriate interventions are delivered to children and young people, as necessary.
51. The contract is asking Providers to deliver social value to the children, families, and communities across Wiltshire through this contract. This will form part of the evaluation process through the tender application and will also be monitored throughout the lifetime of the contract to ensure the Provider is able to put something back into the community.
52. To make best use of the building, there will additionally be an expectation from the provider to facilitate the use out of school hours for education and community use.

### **Options Considered**

53. To reduce the demands on the High Needs Block, the following options for Alternative Provision have been reviewed by a SEND & Inclusion Task Group:
54. Do nothing: This option was discounted as the current level of need is recognised as significant and ongoing, and Wiltshire are reliant on non DfE registered provision with associated entitlement challenges.
55. Work with existing mainstream schools/MATs to provide Specialist SEMH Resource Bases in the Centre/West of the County: There are currently limited buildings with potentially appropriate spaces in the right geographical locations. Specialist teams to deliver/support learners would need to be established.

56. Work with independent special school providers: There are no current Day Special SEMH schools within Wiltshire, ISS options for this age-range are all out of county and require children to travel considerable distances to/from daily. However, there are ISS providers showing interest in sourcing premises and establishing provision within Wiltshire.
57. Development of a bespoke offer, commissioned to support secondary aged children from external education providers with the knowledge and experience to deliver high quality provision.
58. Based on the options available the decision was approved by Strategic SEND to develop a bespoke offer at a Council owned premises for an external provider to deliver OFSTED registered education.

### **Market Engagement and Consultation**

59. There has been significant market engagement with providers of specialist education, and their views and ideas have been considered as part of the contract and incorporated where it is appropriate to do so. There has also been considerable interest and support for the project, and the approach from the provider market.
60. Market Engagement has been undertaken with parents and carers of children and young people in Alternative Provision to understand the current strengths and challenges of the service available to ensure that the specification meets the needs of our families.
61. Engagement with headteachers has been held through site visits to Calder House.
62. Potential providers have had the opportunity to visit the proposed site at Calder House to understand the space available and ensure that it will be able to meet the needs of all learners.
63. We will continue with further market engagement events as we move towards tender go-live date.
64. An indicative timeline has been developed which is outlined below:

7 May 2024	Tender Goes Live
14 June 2024	Tender Closes
17 – 28 June 2024	Evaluation and Moderation
2 July 2024	Announcement
3 to 14 July 2024	Standstill
15 July 2024	Commencement of Mobilisation Period

### **Safeguarding Implications**

65. Contracts give clear direction on how and when to raise a safeguarding alert to avoid any confusion about who will do this and/or assumptions that someone else will raise

the alert.

66. Contracts also ensure that any issues relating to child protection are identified and appropriate referral made to Multi Agency Safeguarding Hub (MASH).

### **Public Health Implications**

67. The Alternative Provision Contract will benefit the overall health and wellbeing outcomes of children and young people in Wiltshire in terms of service continuity and reducing the risk that their health and care outcomes could be compromised if the service was not in place.

### **Procurement Implications**

68. A compliant procurement process will be followed in line with Public Contract Regulations 2015.
69. The procurement process will be designed and run, in conjunction with the Commercial and Procurement team.
70. Consideration to social value implications will be informed through our socially responsible procurement policy and will be taken into consideration when developing the specification for the service. Providers are expected to deliver high levels of social value through this contract.

### **Equalities Impact of the Proposal**

71. The equalities impact of the proposed decision is low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required.

### **Environmental and Climate Change Considerations**

72. It is anticipated that the energy consumption and associated emissions will not alter from their current levels as a result of this proposal.

### **Workforce Implications**

73. These proposals relate to a service that will be delivered through external suppliers, so, there is no direct impact on Council employed staff.

### **Risks that may arise if the proposed decision and related work is not taken**

74. Lack of full-time provision for children in settings that are not DfE registered (i.e. no more than 5 half days a week in any one setting), where full-time in one setting would be in the child's best interests.
75. Lack of flexibility in timetabling of sessions for pupils in settings that are not DfE registered, i.e. no more than 5 half days a week in any one setting.
76. The Council commissioning AP that doesn't meet the child's needs due to lack of availability of Ofsted registered provision, resulting in reputational risk through SEND



tribunal, Ofsted inspection and Local Government and Social Care Ombudsman decisions.

77. The Council is not able to secure funding stability for alternative provision.
78. Lack of equivalence in inspection frameworks for providers that are not Ofsted registered brings a risk to commissioners seeking assurance.
79. Head teachers are under additional safeguarding scrutiny during school inspections by Ofsted when pupils are attending provision that is not Ofsted registered. Consequently, this may increase the likelihood of permanent exclusion decisions. This would not be the case if there was increased sufficiency in Ofsted registered provision.
80. There is also a risk that the average weekly, and overall cost of independent specialist education provision will rise more significantly, as placements will be sourced through more expensive framework contracts, or on a spot purchase basis.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

81. There is a risk that a suitable provider is not identified through the tender process to operate the contract, in which case the Council will review the contract proposals, arrange further market engagement, and offer a new contract to the market in a timely way.
82. Another risk is related to the speed of mobilisation of the education spaces, which will be managed through engagement with the commissioning team and the provider. The benefit of supplying property to the successful provider means that they will be able to mobilise much faster as they will not need to purchase property initially.
83. If the number of children who require a place reduces the Council will be left with void placements. The annual contract review will ensure that the number of commissioned places remain appropriate to the demand, and regular contract management and communication with the provider and with operational teams will reduce this risk.

### **Financial Implications**

84. Costs for independent special school places account for 23% of High Needs education costs, but for only 6% of children. Reducing our reliance on this type of provision will reduce costs.
85. As part of the contract, there will be a price review mechanism which will be reviewed to ensure continued best value throughout the lifetime of the contract.
86. In conjunction with the ability to request a fee increase, there is also the expectation that providers will be delivering social value in the community to benefit the children and families of Wiltshire. The amount of social value delivered each year will also form part of the decision-making process when considering any request for a fee increase, as this an expectation on the Provider, and does have a financial impact.
87. The cost of one permanently excluded child is around £370,000 in potential additional education, health, and criminal justice costs across a lifetime.

## **Legal Implications**

88. Legal Services has been instructed to advise on this matter and will prepare the new contract. Legal advice will continue to be sought until the conclusion of the project.
89. The proposals will be implemented using a Council template contract which has been tailored to protect the interests of the Council and will remain commercial.
90. The procurement will be undertaken in accordance with Constitutional and Legal requirements under the Public Contracts Regulations 2015.

## **Overview and Scrutiny Engagement**

91. A briefing has been held with the Chair and Vice-Chair of the Children's Select Committee to discuss this paper and proposals.

## **Conclusions**

92. The Council needs to meet the growing demand for SEMH provision and specialist support for secondary aged learners, support the reduction in expenditure on high-cost Independent Special School placements and ensure that children and young people receive high quality education in county.
93. This report recommends Cabinet agree the following proposals:

- i. To award a 5 plus 5 year contract to an external education provider, to provide high quality OFSTED registered AP education for up to 50 Wiltshire young people aged 11-16 with or without an EHCP who are unable to attend mainstream or specialist schools for some or all of their education. This will include an annual review of the contract.
- ii. That officers continue to undertake to prepare and complete the tender programme, award, and implement a new contract for the provision of OFSTED registered education by 31 July 2024, with a clear mobilisation period to support opening in Autumn 2024.
- iii. To delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director, People, in consultation with the Cabinet Member for Adult Social Care, SEND & Inclusion.

## **Kathryn Davis - Director, Education & Skills**

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Report Author: Kai Muxlow, Commissioning Manager, Specialist Services

## **Appendices**

None

## **Background Papers**

None

**Wiltshire Council**

**Cabinet**

**16 April 2024**

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**Subject: Household Support Fund 2024 1 April 2024 – 30 September 2024**

**Cabinet Member: Cllr Ian Blair-Pilling - Cabinet Member for Public Health, Communities, Leisure, and Libraries**

**Key Decision: Key**

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## **Executive Summary**

The purpose of this report is to provide Members with an overview of the Household Support Fund April 2024 – September 2024 as the grant exceeds £500,000 as determined by the Council's constitution.

Wiltshire Council has been allocated £2,728,656.41 from the Department for Work and Pensions (DWP). The Fund is being provided to support households, who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs to help them with significantly rising living costs for the following 6 months: 1 April 2024 - 30 September 2024.

## **Proposals**

That Cabinet:

- 1) Notes the content of the report;
- 2) Delegates the payment criteria of the grant to the Director, Finance and Procurement (S151 Officer), Corporate Director, People, and the Director, Public Health in consultation with the Cabinet Member for Public Health, Communities, Leisure, and Libraries.

## **Reason for Proposals**

To inform Members of the Household Support Fund allocation Wiltshire Council has been awarded by the Department for Work and Pensions.

**Lucy Townsend**  
**Corporate Director, People**

**16 April 2024**

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**Subject: Household Support Fund 2024**

**Cabinet Member: Cllr Ian Blair-Pilling - Cabinet Member for Public Health, Communities, Leisure, and Libraries**

**Key Decision: Key**

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### **Purpose of Report**

1. The purpose of this report is to provide Members with an overview of the Household Support Fund 2024 (1 April 2024 - 30 September 2024). Wiltshire Council has been allocated £2,728,656.41 from the Department for Work and Pensions (DWP).
2. The Fund is being provided to support households, who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs to help them with significantly rising living costs for the following six month period: 1 April 2024-30 September 2024.

### **Relevance to the Council's Business Plan**

3. The proposal is relevant to the following mission statements laid down in the Council's [Business Plan 2022 to 2032](#):
  - Prevention and early intervention
  - Improving social mobility and tackling inequalities
  - Understanding communities
  - Working together

### **Background**

4. Up to the end of March 2023 previous Household Improvement Funds have been allocated and distributed over separate 6-month periods since 2021. Each fund allocation has had a slightly different spend criteria and focus of support.
5. In April 2023 the Household Support Fund 4 (HSF4) was announced, running for a period of 12 months. Wiltshire Council was allocated £5,457,313.
6. Public Health administered the distribution of HSF4 via 87 schemes. 23 internal within the council and 64 external through third sector partners.
7. Across all schemes 25,000 households in Wiltshire have been supported with food provision totalling £3.4 million of the total allocation. Within this, families eligible for free school meals have been supported through the school holidays.

8. Through the schemes, households with children, disabled persons and pensioners have been supported. Help has included food and fuel vouchers, housing costs, advice services, white goods, warmth packs, furniture poverty and flooring.
9. The Gypsy, Roma, Traveller, Boater community were identified as having missed out on the national energy support given to all households. HSF4 has allowed the council to support boaters and travellers with fuel, food and energy payments.
10. £420 million has been made available in this most recent round of funding to County Councils and Unitary Authorities in England to provide support to households, who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional cases of genuine emergency), to help them with significantly rising living costs.
11. The funding is being provided by The Department for Work and Pensions (DWP) to County Councils and Unitary Authorities (including Metropolitan Councils and London Boroughs), under section 31 of the Local Government Act 2003, to administer the scheme and provide assistance to households most in need.
12. This funding covers the period 1 April 2024 to 30 September 2024 inclusive. Local Authorities have discretion on exactly how this funding is used within the scope set out in the accompanying grant determination and guidance.
13. The expectation is that the Fund should primarily be used to support households in the most need; particularly those who may not be eligible for the other support government has recently made available but who are nevertheless in need and who require crisis support. The Fund is intended to cover a wide range of low-income households in need including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people.

### **Main Considerations for the Council**

14. The Fund should primarily be used to support energy bills for any form of fuel that is used for the purpose of domestic heating, cooking, or lighting, including oil or portable gas cylinders. It can also be used to support water bills including for drinking, washing, cooking, as well as for sanitary purposes and sewerage. Energy bills may be of particular concern to low-income households during the period of the Fund.
15. The Fund can also be used to support households with the cost of food and essential costs related to energy, food and water such as warm clothing, blankets, the purchase of equipment such as fridges, freezers, ovens, slow cookers. The Fund can additionally be used to support housing costs where existing housing support schemes do not meet this need.
16. The Fund can be used to support wider essential needs not linked to energy and water should Authorities consider this appropriate in their area. These may include, but are not limited to, support with other bills including broadband or phone bills, clothing, essential transport-related costs such as repairing a car, buying a bicycle, or paying for fuel.
17. The Fund may be used to provide supplementary advice services to award recipients, including debt and benefit advice, where Authorities consider this appropriate.

18. Reasonable administrative costs incurred by the council may be funded by the Fund. This includes reasonable costs incurred administering the Fund and will be required to be reported to DWP as part of the management information and analysis of spend. (see delivery plans section below).
19. The Fund can additionally be used to support housing costs where existing housing support schemes do not meet this need.
20. Authorities have the ability to deliver the scheme through a variety of routes including providing vouchers or cash to households, making direct provision of food and goods, or issuing grants to third parties.
21. Every area must operate at least part of their scheme on an application basis enabling residents to have the opportunity to come forward to ask for support. Authorities should offer application-based support throughout the duration of The Fund, either continuously over the majority of The Fund Period or in regular intervals throughout the scheme.
22. It is mandatory for Authorities to reference that the grant is funded by the UK Government in any publicity material, including online channels and media releases.
23. It is mandatory for Authorities to make public their plans for The Fund, including how and when they intend to deliver the application-based portion of their scheme. This should be through a website page dedicated to the Fund headed with 'Household Support Fund' on their Authority website. This webpage must be easily accessible for residents and outline the Authority's plans for funding, including with details of who is eligible in the area, as well as how and when residents might be able to apply for the application-based element of the scheme. Links to the Government's Cost of Living Hub should be included, as well as a specific reference that the grant is funded by the UK Government.
24. Authorities are required to complete a delivery plan to outline their intentions for The Fund, clearly setting out their priorities and approach for use of the Fund, and to demonstrate the ways in which they intend to allocate their funding
25. Authorities are required to send the delivery plan to DWP by 10 May 2024. At the end of The Fund the authority will be required to provide a summary of spend against the final delivery plan with this due at the same time as the final Management Information (MI) in October 2024.
26. Delivery plans must be signed off by the Section 151 Officer and responsible Cabinet Member before submission to DWP.
27. Authorities are required to make 2 Statements of Grant Usage and Management Information returns outlining grant spend and the volume of awards.

<b>MI return</b>	<b>Reporting period: from</b>	<b>Reporting period: to</b>	<b>Deadline</b>
Interim 1	1 April 2024	30 June 2024	19 July 2024
Final MI	1 April 2024	30 September 2024	25 October 2024

28. Grant payments will be made to authorities in arrears on receipt of a fully completed and verified MI return.

### **Safeguarding Implications**

29. There are no safeguarding implications from administering the Household Support Fund April 2024 - September 2024.

### **Public Health Implications**

30. This fund will help to provide support to vulnerable and low-income households in Wiltshire. By utilising data from the Joint Strategic Needs Assessment and council data sets we can ensure that resources are targeted where they are most needed with the aim of reducing inequalities across our population.

### **Procurement Implications**

31. There are no procurement implications from administering the Household Support Fund April 2024 - September 2024.

### **Equalities Impact of the Proposal**

32. The equalities impact of the proposed decision is believed to be low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required.

### **Environmental and Climate Change Considerations**

33. There are no perceived negative impacts on environment and climate change from administering the Household Support Fund.

### **Workforce Implications**

34. There are no perceived adverse implications on the employees working on the administration of the Fund and it is expected that existing staff will administer the Fund.

### **Risks that may arise if the proposed decision and related work is not taken**

35. The Council must submit a delivery plan to DWP by the 10 May 2024 to comply with the conditions of the Household Support Fund. It is, therefore, good practice to provide this report as an overview for Cabinet and to request the delegation included in the proposals for transparency. If the delegation is not approved there could be delays in the administering the Fund and making payments to those households most in need.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

36. The Household Support Fund does not require a decision to be made at this stage. Due to the requirements set out by DWP for reporting and to ensure there is not a delay for administering the scheme and making payments to those in need, the proposal is made for delegation of the payment criteria of the grant to the Director of Finance (S151 Officer), Corporate Director for People and Director of Public Health in

consultation with the Cabinet Member for Public Health, Leisure, Libraries, Facilities Management, and Operational Assets.

### **Financial Implications**

37. The DWP set out requirements for reporting, which are included above in the body of the report, As grant payments will be made to authorities in arrears on receipt of a fully completed and verified MI returns there is a risk that the DWP may consider some of the payments made by the council to not be in line with the criteria and, therefore, may not reimburse the council for these payments. This will be mitigated by setting out the criteria for payment, ensuring the criteria is met and undertaking appropriate control processes, such as validation of any applications made through the application process.
38. As grants payments will be made to the council in arrears the council will lose the interest that would have been earned on the cash value of payments made until the reimbursement is received, however, this is not considered to be significant due to the four reporting periods for the year and the relatively low interest rates and the expected value of the payments.
39. Reasonable administrative costs incurred by the council may be funded by the Fund. It is expected that existing staff will support the administration of the Fund and their costs will be reclaimed and included within the summary of spend and in the Statements of Grant Usage and Management Information returns. It is also expected that any additional administrative costs such as IT costs and the cost of making payments will also be included within the summary of spend and be reclaimed from DWP.

### **Legal Implications**

40. There are no specific legal implications arising from the proposal, however the Council will need to ensure compliance with any grant conditions and ensure any subsidy control requirements are met.

### **Overview and Scrutiny Engagement**

41. The Household Support Fund is a government led scheme with funding criteria set by government. This report to Cabinet provides Members with an overview of round 5 of the Household Support Fund (April 2024 - September 2024). There has been no engagement with the Overview and Scrutiny Management Committee or Select Committees.

### **Options Considered**

42. Due to the nature of the grant requirements of the Household Support Fund, no other options are required to be considered at this stage.

### **Conclusions**

43. It is recommended that the Cabinet notes the contents of this report and delegates the spend of the grant to the Director, Finance and Procurement (S151 Officer), Corporate Director, People, and Director, Public Health in consultation with the Cabinet Member for Public Health, Communities, Leisure, and Libraries.

**Lucy Townsend - Corporate Director, People**

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## **Appendices**

None

## **Background Papers**

To include links to government guidance and grant determination once released

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Wiltshire Council

Cabinet

16 April 2024

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**Subject:** B4069 Lyneham Banks

**Cabinet Member:** Cllr Nick Holder - Cabinet Member for Highways, Street Scene, and Flooding

**Key Decision:** Key

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## Executive Summary

In February 2022 the B4069 experienced a major land slip at Lyneham Banks which resulted in the road having to be closed to traffic. A length of about 90 metres of road was displaced and moved by up to 25 metres downhill, making the road impassable.

The movement of the landslip slowed towards the end of 2022 when it was considered safe to carry out a detailed ground investigation of the road and the wider area. This involved 31 boreholes, 21 trial pits, sampling, and the installation of devices to monitor water levels and ground movement. The survey was carried out with the co-operation of the adjoining landowners who provided access to their land for the surveys.

The indications are that the landslip occurred within a layer of weathered clay at a depth of between 2 and 4 metres. It is likely that the failure resulted from a combination of factors, including an existing weakness at a historic landslip location which may have been re-activated, increased groundwater flows following recent storms, and increased loading because of earth moving operations in connection with an adjacent development.

Various options have been considered with the assistance of ground engineering specialists and quantity surveyors from Atkins under the highways consultancy contract. The preferred option is to construct a retaining wall using bored piles and ground anchors to stabilise the hillside and the road, with drainage to control the groundwater flows in the scheme area.

This would be the quickest and least expensive option to reopen the road and it would have the least environmental impact, however it would still be a major construction project costing in the region of £5 million and the road would be expected to be opened towards the end of 2024.

Tenders have been invited for the scheme, and the detailed scoring and financial information on the bids are contained in a confidential report to be considered in **Part 2** of this meeting.

## **Proposals**

Cabinet is asked to approve the appointment of the contractor detailed in the exempt appendix for construction of the B4069 Lyneham Banks scheme.

The proposal is to be considered as a **Part 2** Item at this meeting.

## **Reason for Proposals**

- 1) There is a need to repair the B4069 at Lyneham Banks which has been closed because of a major landslip,
- 2) The temporary road closure has caused significant disruption to road users, residents, and businesses, and the road should be reopened to traffic,
- 3) Various options have been considered and a retaining wall offers the best and most cost-effective means of stabilising the ground and reinstating the road,
- 4) The future stability of the road needs to be ensured by carrying out substantial works on land adjoining the road to ensure suitable drainage and to stabilise the ground and support the road.
- 5) A suitably experienced contractor is required to carry out the works and tenders have been returned and assessed and a preferred contractor has been identified.

**Parvis Khansari**  
**Corporate Director, Place**

**16 April 2024**

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**Subject: B4069 Lyneham Banks**

**Cabinet Member: Cllr Nick Holder - Cabinet Member for Highways, Street Scene, and Flooding**

**Key Decision: Key**

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### **Purpose of Report**

1. To award a contract for repairs required to the B4069 at Lyneham Banks.

### **Relevance to the Council's Business Plan**

2. The Council's Business Plan 2022 to 2032 sets out themes for Thriving Economy, Resilient Society, Sustainable Environment and Empowered People. The following objectives are particularly relevant to the current proposals:
  - a. We have vibrant well-connected communities,
  - b. We ensure decisions are evidence-based,
  - c. We take responsibility for the environment,
  - d. We are on the path to carbon neutral (net zero),
  - e. We are safe.
3. The temporary closure of the B4069 at Lyneham Banks for safety reasons is having an adverse impact on local communities and businesses, and there is a need to reopen the road.

### **Background**

4. The B4069 between Lyneham and Chippenham is the most direct route between Royal Wootton Bassett and Chippenham. In February 2022 the B4069 experienced a major land slip at Lyneham Banks which resulted in the road having to be temporarily closed to traffic.
5. The hillside at Lyneham Banks is known to be unstable and landslips have previously affected the B4069, most notably in June 1981 following which major repairs were carried out by the County Council.
6. The road has been monitored frequently over the years to ensure that any cracks and deformation because of ground movement do not result in an unsafe road surface. Sections of the road have been resurfaced as required to keep it safe and seal the surface to reduce the risk of water ingress and further land slips. Work has sometimes been needed annually because of cracking or movement of the road surface.
7. The landslip in February 2022 was first noticed when trees adjacent to the road began to lean and the carriageway started to deform. The rate of deformation soon

accelerated, and material from uphill started to spill onto the road, reducing its available width.

8. Temporary traffic signals were installed on the B4069 to enable shuttle working of traffic over the damaged section, but it soon became apparent that the road was sliding downhill to such an extent that it would have to be closed to traffic for safety reasons.
9. The hillside continued to move slowly during the following weeks. Eventually a length of about 90 metres of road was displaced and moved by up to 25 metres downhill. The carriageway surface broke into sections and became impassable as the road continued to move slowly over several months.

### **Main Considerations for the Council**

#### Road closure and traffic diversions

10. Prior to the landslip the B4069 was carrying over 5,500 vehicles per weekday, and over 35,000 vehicle movements per week. The signed diversion route for traffic between Royal Wootton Bassett and Chippenham because of the closure is via the A3102 through Calne to the A4.
11. The length of the diversion route between Lyneham and Chippenham is 13 miles compared to the previous 9.4 miles, and some drivers have been choosing to use shorter routes on the unsuitable minor lanes in the area instead, with consequent damage to road surfaces and verges, and with associated safety concerns.
12. Some traffic continued to use the B4069 route after the closure by taking the minor road through Bradenstoke and Clack Hill to bypass the closed section of road. It became apparent that the volume of traffic attempting to use this narrow road was unsuitable as vehicles were often unable to pass each other, resulting in congestion, particularly in the peak periods.
13. Following discussions with the Parish Councils and local Council members, traffic management measures were introduced in November 2022 on some of the minor roads in the area. This included a restriction to allow only one-way traffic northbound on Clack Hill.
14. The closure of the B4069 has had an adverse impact on businesses and agricultural operations in the area and has affected residents not only because of the inconvenience but also because of the increased volume of traffic using minor roads in the area. Weight limits and speed limits have been introduced but damage is being caused to the verges of some of the minor roads where vehicles cannot pass each other easily, and consequently repairs are having to be carried out.

#### Ground Investigations

15. There was information available from previous ground investigations and studies in the area, but it was important that these should be augmented by a ground investigation focussed on the location of the current failure as there were indications of local variations in ground conditions in the area.
16. During 2022 surveys using drones were carried out by Atkins, the council's highways consultant, to monitor the ground movement. When it became safe to do so towards the end of the year, a ground investigation was carried out involving 31 boreholes, 21

trial pits, material sampling, and the installation of devices to monitor water levels and ground movement. This work was carried out with the co-operation of the adjoining landowners who provided access to their land for the surveys.

17. We now have a better understanding of the local geology. Lyneham airfield is on a plateau comprising a layer of limestone underlain by clay. The clay on the hillside to the north at Lyneham Banks has a layer of less stable weathered material overlaying the firmer clay. This shows evidence of historic failures and previous landslips.
18. The upper limestone layer is generally porous, whereas the clay beneath it does not readily absorb water. There is a tendency for groundwater to emerge from the limestone and run downhill through the weathered clay, where it can act as a lubricant for existing weaknesses in the material or increase water pressure which can contribute to or trigger a landslide.

#### Building Works adjacent to the road

19. Prior to the landslide, building works were taking place on the land immediately to the south of the road. Planning permission had been granted on 15<sup>th</sup> July 2019 (19/00670/FUL) for the demolition of an existing dwelling, garage, workshop and the erection of a detached two storey dwelling, garage with associated works.
20. The permission includes conditions that no development should commence on site until the trees to be retained have been enclosed by protective fencing, and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.
21. It was noted that the original dwelling and garage/workshop were demolished without consent, and a new dwelling and garage were being constructed on built up land, and in the wrong place, with large amounts of spoil containing broken roof tiles, bricks and other detritus being imported. This was contrary to the conditions, and there was no valid Building Regulations application.
22. The works included the removal of trees and vegetation and the importation of fill material, which potentially increased the loading at the location of the historic failure. The planning application did not indicate that any substantial earthworks were proposed, and there does not appear to have been any testing or calculations carried out by the owners prior to the placing of that material.
23. The developer stopped work after the landslide started. The Council's Planning Enforcement Officer advised the owner's agent on 2<sup>nd</sup> March 2022 that any recommencement would result in a Temporary Stop Notice being issued at the first available opportunity after any works recommenced. There has been no further substantial works on the site by the developer since then, and there is no valid planning permission for the works undertaken on the site.

#### The February 2022 Landslip

24. The indications are that the February 2022 landslide occurred within the weathered clay and was at a depth of between 2 and 4 metres. The location of the major slip appears to coincide closely with a similar historic event, which suggests that there was an established weakness which may have been susceptible to failure and that an old landslide was re-activated.

25. The landslide occurred after a period of heavy rain and adverse weather, which included three named storms. An increase in groundwater flows may have affected an existing slip plane, increasing the likelihood of a failure occurring. The previously recorded landslips in the area, in June 1981 and a recent smaller landslide to the west of the major landslide on 5th January 2023, also happened after periods of heavy rainfall.
26. The frequent resurfacing of sections of the B4069 road indicates that there was settlement or displacement of material over many years prior to the 2022 landslide. This was apparent from the depth of materials, including concrete slabs possibly placed during repairs or improvements during the second world war, which were exposed as the road collapsed.
27. The hillside at Lyneham banks is known to be unstable and evidence suggests that there has been gradual movement of the ground for many years, with the occasional major landslide occurring, especially in wet weather.
28. It is likely that the February 2022 landslide resulted from a combination of factors:
  - a. the existing weakness at a historic landslide location,
  - b. increased groundwater flows following recent storms and
  - c. increased loading because of earth moving operations in connection with the adjacent development.
29. The indications are that the stability of the area is very sensitive to change in slope profile and groundwater conditions and this risk needs to be managed within any proposed slope management or remediation scheme. The potential remedial works are complicated by the presence of waste material some of which is contaminated and disposing of this could add significantly to the cost of works.

#### Proposed Works

30. Options for reinstating the B4069 have been considered, including reviewing whether the road does need to be reopened. However, the Council has a duty as Highway Authority to repair the road and not to do so could result in a legal challenge and a legal notice has already been served.
31. The closure has had an adverse impact on residents and businesses and there is clearly a local desire to have the road reopened. During the flooding in January the closure of the B4069 between Sutton Benger and Christian Malford caused problems for residents of Christian Malford because the alternative route via Lyneham Banks was not fully available.
32. Rebuilding the road on the ground as it is now would not be feasible because it is not stable. It is necessary to carry out major civil engineering works to stabilise the hillside and provide a suitable foundation for the road construction and to install suitable drainage to control the surface and groundwater.
33. Various options have been considered with the assistance of ground engineering specialists and quantity surveyors from Atkins under the highways consultancy contract. The main options have been examined in more detail (See **Appendix 1**). These were:
  - excavation of the existing ground and replacement with imported fill,



- soil stabilisation by treating the ground,
  - construction of a retaining wall,
  - construction of bridges to span the landslip area.
34. Removing the slipped material and replacing with suitable fill material would cost twice as much as a retaining wall because of the high cost of removing and disposing of material and the presence of some contaminated material.
  35. The use of soil stabilisation techniques would be similar in cost to a retaining wall solution but may not be as robust in the longer term because it may not deal with all the potential failure planes deeper in the weathered material.
  36. A multi-span bridge to span the area of the landslip is not considered to be a feasible solution to remediate the landslip. It would have an extremely large deck structure and associated abutment foundations, and intermediate pier foundations would be located within the landslip itself, and potentially subject to high lateral forces. This would necessitate large, piled foundations, which would be more difficult to construct on an active landslip, and would be a more expensive solution.
  37. A bridge structure would not address the underlying landslip failure currently impacting the land to the north and south of the B4069 which is a safety risk to the public and potentially to the properties of adjacent landowners. It is considered necessary to address these risks.
  38. The preferred option is to construct a retaining wall to support the road and stabilise the hillside. This option would be the quickest, least expensive and have the least environmental impact. It would however be a major construction project costing in the region of £5 million and taking several months to complete.
  39. The retaining wall would have an in-situ reinforced concrete capping beam supported on a single row of 600 mm diameter bored concrete piles. The capping beam will be 1,000 mm wide and 1,500 mm deep and structurally connected to the piles and to tension micropiles to provide additional lateral support to the retaining wall. The wall would be below ground with only a small part of it above ground to enable future inspection and maintenance.
  40. The works would include extensive surface water drainage and ground works both uphill and downhill from the road, which would need to be protected from future disturbance and have access for maintenance. The drainage would be mainly by filter drains, pipes and ditches which would discharge into existing ditches and minor water courses. Some works would be required to ensure the watercourses can accommodate the flows.
  41. It would be desirable to remove some material from the hillside, especially the tipped material uphill from the road, to reduce the loading which could increase the risk of a further ground failure. The remains of the old road would also be removed and potentially crushed for reuse in the works. It is proposed to reprofile the land downhill from the road to remove the undulations caused by the slip as this would enable the land to continue to be used for grazing where appropriate. The scheme would include tree, hedge, and landscape planting to help replace some of that lost in the land slip.
  42. The ground conditions limit the size and type of vehicles and equipment that can be used in some locations, and this has been considered in the design and will be taken

into consideration in the contractor's working methods, choice of plant and processes to carry out the works safely.

43. In order to implement the scheme, additional land and rights outside the highway boundary are being acquired for the installation of a substantial drainage system to reduce the risk of future failure. Negotiations have been opened with the landowners to seek access and acquire the required land by agreement, but to ensure delivery and to avoid potential delays it is proposed to use the council's statutory powers if necessary.
44. Planning permission for the proposed works has been applied for and the timing of the works may depend on its successful progress through the planning approval procedures.
45. It is anticipated that works would start in summer 2024, with the road being reopened towards the end of the year, subject to weather and progress of the works. Most of the construction will be carried out in the summer when weather conditions are more likely to be favourable. Some advance vegetation clearance has already been undertaken to allow surveys to be completed and to facilitate the timely implementation of the works.
46. During the main works the opportunity will also be taken to carry out drainage, stabilisation, and other works on other sections of the B4069 where surface cracking and movement has been detected. Monitoring of the road has been taking place during the closure and some areas of movement have been noted. This is fairly typical for this section of the road and remediation measures will be required alongside the main works to reduce the risk of further major failures and allow the route to be reopened.

#### Public Engagement

47. Since the landslip and the road closure, a series of online Teams meetings have been held with the local council members and the representatives of the Parish Councils. These focussed on the temporary traffic management arrangements and diversion routes, and following these discussions speed limits, weight restrictions and signing changes were made on various roads in the area.
48. A series of newsletters have been issued to provide updates on the ground investigation, design and traffic management measures. There is a scheme webpage at:  
  
<https://www.wiltshire.gov.uk/highways-b4069-lyneham-banks>
49. A webinar was held on 24th April 2023 to explain the situation and the options which were being explored to reopen the road. The questions raised at the webinar were mainly in connection with the timing of the proposed works and the adverse effects of diverting traffic on the minor roads. The questions and presentation are included on the scheme webpage.
50. When the construction starts further newsletters will be published, the webpage will continue to be updated and information will be provided to the local communities, which is likely to include a meet the contractor event or webinar.

#### Procurement

51. Consideration was given to procurement options, which were assessed against criteria for time (speed or certainty of completion date), cost (price level and cost certainty),

and quality (functionality and performance). They were assessed in the knowledge that the scheme has been developed to a good level of detail with design drawings, quantities and estimated costs prepared.

52. The traditional contract approach was preferred as this procurement method is suitable for this type of scheme as the scope and design have been well developed so that bidders have a good understanding of what work is required. This approach has recently been followed for other major improvement schemes which were all delivered successfully. It is expected to provide time predictability and good cost certainty for the current works.
53. A single-stage procurement exercise has been undertaken with the tender assessment based on Price (60%) and Quality (40%). This approach is something that the market is familiar with and is often used.
54. Supplier engagement was undertaken by a webinar presentation to potential bidders on the 14 December 2023. The main aim of the exercise was to proactively engage with potential suppliers and inform them of the opportunity, and to offer the opportunity for feedback from the market regarding the procurement approach and strategy being adopted.
55. The market engagement presentation attracted interest from 11 potential suppliers, including major national contractors, medium sized organisations, and local suppliers. It appeared to be well received and it seems that the contract would be attractive to bidders. Detailed comments were received from one contractor and two others requested visits to inspect the site, and others subsequently requested the opportunity to visit.

#### Procurement Process

56. The procurement was advertised on Find a Tender Service (FTS). The tenders were invited using the single stage open procedure based on the NEC4 form of contract. All the documents were made available to the potential bidders to allow them to fully understand the requirements and make an informed decision regarding whether to complete and submit a bid.
57. The tender documents were published on 5 January 2024 for return by 8 March 2024. As well as the full package of design drawings and an activity schedule to be priced, there was a questionnaire which required information on the suppliers' policies, capacity, and capability. There were specific questions asking for examples of previous schemes, delivery, and commercial management.

Tender Process During the tender period clarification questions were received from bidders, which were answered. From the questions received it was apparent that the bidders had a good understanding of the requirements of the contract. A total of 10 contractors made accompanied visits to the site during the tender period.

58. At the close of the tender period on 7 March 2024 there had been 9 tenders received.

#### Tender Assessment

59. The received tenders were reviewed and assessed in accordance with the methodology set out in the tender documentation, which set out the tender assessment process based on Price (60%) and Quality (40%) (see **Appendix 2**).

60. The total score for the Quality evaluation was broken down into the following elements:
- Q1 Organisation, Key People and Delivery - 21%
  - Q2 Programme and project risks - 33%
  - Q3 Construction Process – 20%
  - Q4 Social Value - 16%
  - Q5 Minimising Carbon/ Climate Emergency - 10%
61. The bidders had to provide information on their proposed staffing, resources sub-contractors and approach to delivery, including an organogram which showed linkages to stakeholders and the Council.
62. An indication of the proposed outline programme for the works had to be provided, with a narrative to describe the proposed resourcing phasing and key construction processes.
63. The bidders were requested to set out how they would communicate with local communities and the social value commitments that they were prepared to make when delivering the project.
64. Bidders were asked to set out what measures they would implement to minimise the climate/carbon impact project, and how this may have influence and impact beyond the delivery of the scheme.
65. The Quality of the bids was assessed and scored by a panel of council and consultant staff who have extensive experience of the type of work proposed to be undertaken through the contract. The scores awarded for each question could range from 5 for an excellent response, which exceeds the requirements, to 0 for an unacceptable one that does not meet the requirement.
66. The Price element representing 60% of the overall score consisted of two elements:
- Tendered Total of the Prices - 51%
  - Compensation Event Scenarios - 9%
67. The tendered total was based on the activity schedule of the work to be undertaken, and three Compensation Event scenarios were used to assess the contractors submitted fees to be paid in the event of variations to the work.

#### Assessment of Bids

68. All of the bids were considered and assessed in line with the tender documentation. Quality and price scores were combined in accordance with the 60/40 Price/Quality proportions to obtain an overall score for each bidder.
69. The tender assessment process recognised the vital importance of delivering cost-effective works but also acknowledged the importance of the quality of the work to be carried out by the contractor. The robust process applied to the tender assessment has enabled a preferred bidder to be identified for the contract.
70. The full details of the results of the assessments are described in the **Part 2** item to be considered at this meeting.

### Next Stages

71. Following a decision to award the contract there will be a ten-day standstill period during which other tenderers may make a legal challenge to the award of the contract.
72. Subject to the outcome of the decision by Cabinet, and assuming no legal challenges are received, the intention is to complete the legal processes to award the contract and for the contractor to mobilise the necessary resources as soon as possible, subject to the necessary planning and land permissions being in place.
73. A communications strategy will be developed with the contractor to ensure that residents and businesses are kept informed regarding the proposed start and progress during the works. It is intended that a 'meet the contractor' event or webinar will be held prior to the start of the main works, and the dedicated webpage will provide updates on progress.

### **Safeguarding Implications**

74. The proposal is for the repair and construction of a road and is not considered to have any safeguarding implications.

### **Public Health Implications**

75. Landslides can have serious consequences and can result in fatalities or injuries as well as damage to property. Prompt action to ensure the safety of the public was taken at Lyneham Banks as soon as the landslip became apparent.
76. The B4069 initially had temporary traffic control, but as the road continued to deteriorate in condition it had to be closed to traffic for safety reasons. It was appreciated that this would cause serious disruption and inconvenience for road users, residents, and businesses, but safety was the priority.
77. The site became the subject of local interest and soon attracted visitors and media coverage. It was particularly attractive to skateboarders as it provided a challenging obstacle course. Consequently, the security of the site had to be improved for safety reasons with additional fencing to prevent any public access to the road.
78. The use of other minor roads in the area as unsigned and unofficial diversion routes has had potential safety implications because of the increased volume and speed of traffic and the nature of the lanes which are generally narrow with limited visibility. There are safety benefits in reopening the B4069 as it would provide a better route for this traffic.
79. The reinstatement of the road will be carried out using working methods which aim to reduce the risk of further landslips and hazards for road users and residents.
80. The tender evaluation process has included an assessment of the contractor's health and safety policies and procedures before award of the contract.

### **Procurement Implications**

81. The initial geotechnical advice in connection with the landslip was provided by Atkins under the Council's Highway Consultancy contract, and a specialist team was assembled to implement the ground investigation and subsequent design work. The Council has framework contracts in place for various specialist services, and these were used to procure the ground investigation.

82. The Council's Procurement Team has been actively involved in the procurement for process for the proposed works and has monitored the procurement and tender assessment to ensure they are carried out properly and to reduce the risk of a legal challenge at a later stage.
83. The procurement has followed a single stage process. The relevant notices and procedures have been complied with. The scope and details of the contract considered several factors, including the type of work required and the need to make the contract attractive to bidders by managing risks and providing a procurement process that is easily understood, clear and fair.
84. The detailed scoring and financial information on the tender assessment are contained in a confidential report to be considered in **Part 2** of this meeting.

### **Equalities Impact of the Proposal**

85. The proposals involve the reinstatement of a road which has had to be temporarily closed because of a landslip and is not considered to require an Equality Impact Assessment.

### **Environmental and Climate Change Considerations**

86. The frequency of landslips does appear to be increasing nationally, particularly after periods of heavy rainfall. The increase in storms and severe weather events associated with climate change could lead to an increase in these incidents.
87. The landslip at Lyneham Banks occurred shortly after three named storms. The increase in groundwater in the layer of weathered clay probably contributed to the failure. Ensuring adequate drainage to avoid a repeat of the situation has been an important design consideration.
88. The scheme has been developed to build resilience into the highway infrastructure. The choice of materials and construction processes has been made considering the whole life implications and the need to provide a durable and resilient highway network.
89. The carbon impact has been considered in assessing the scheme options. The removal and transport of large volumes of material and the import of fill material will be kept to the minimum with the preferred option as this will reduce the transport carbon implications.
90. With the type of work required at Lyneham Bank there is currently limited scope for reducing the carbon impact of many of the construction processes because of the limited choice of suitable materials, equipment, and processes currently available, but the carbon impacts of the bidders' policies and proposals were taken into account in assessing the tenders for the contract.

### **Workforce Implications**

91. There are no significant workforce implications with this proposal and there are no TUPE implications. The construction work will be carried out by external contractors under the supervision of the Council's Major Highway Projects team supported by staff provided through the Highways Consultancy Contract.

92. The opportunity will be taken to provide site experience to Council staff, especially apprentices, as a large scheme of this type enables experience to be gained in a wide range of construction methods which would not be possible on smaller schemes. This will contribute to staff development and improving capability.
93. Some support from other disciplines has been required, including legal, land valuation and environmental aspects and further requirements will continue to be reviewed as the construction proceeds.

**Risks that may arise if the proposed decision and related work is not taken**

94. Not proceeding with the reinstatement of the road would result in continuing traffic delays, increased journey lengths and times, and could result in a legal challenge, as well as an increased risk of vehicle collisions because of traffic using unsuitable roads. The disruption to business and residents would continue.
95. Businesses have been disrupted by loss of passing trade and longer journey times. Agricultural operations have been affected by the closure as some movements have had to use other roads and longer routes. This would continue in the event of the works not being undertaken.
96. Delaying the start of works would be expected to result in increased costs because of inflation and it is unlikely to result in reduced prices in the current circumstances with uncertainty about future inflation.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

97. In view of the complex slip planes within the weathered material and because of the disturbance caused by the ground movement, there is a risk of the need for some additional ground treatment being identified during construction, which could have cost implications. The adopted design for the scheme, the detailed ground survey and testing, the use of competent designers and contractors, and an identified risk allowance in the estimate should reduce the main risks associated with the construction stage.
98. Monitoring ground movements and groundwater levels are ongoing. If further monitoring reveals additional zones of movement, the ground model may need to be revised, and further remedial measures may need to be considered. However, it is considered that the preferred option presents a robust solution that should be able to be amended to cope with any minor changes to the observed conditions.
99. The proposed scheme would stabilise the road at the location of the landslip and the opportunity will be taken to address other locations where movement has been identified but other sections of the road may be subject to movement in the future. Stabilisation works on much longer lengths of the road would be very expensive and are not considered to be justified based on the current information, but repairs will be made where required and the situation will continue to be monitored.
100. The award of the contract and the start of works will depend on the necessary planning, land arrangements and other approvals being in place. Any delay to finalising these issues could delay the start of works, but current indications are that a summer start on construction is realistic.

101. A contributory factor to the landslip appears to have been high rainfall following storms, so there is a possibility that adverse weather could affect the construction programme. This could lead to the temporary suspension of the work, with consequent time and cost implications. The project programme and resource levels will be managed and adjusted as necessary to reduce this risk.
102. During the construction works the contractor's performance will be managed using suitably experienced supervising staff, performance milestones and key performance indicators to ensure that the project is delivered to the required quality and programme. The potential safety issues are appreciated, and comprehensive site supervision and contract management will be put in place to manage those risks.
103. Increasing workloads in the public and private sectors, and national skills shortages, could cause resource issues which could affect scheme delivery. The appointment process that has been followed for the contract award should reduce these risks.

### **Financial Implications**

104. The construction of a retaining wall is considered to offer the most cost-effective means of reinstating the B4069, and it would require less maintenance than the other options. The scheme cost estimate of £5 million includes contingency and inflation allowances typical for a scheme of this complexity, as well as supervision costs.
105. The possibility of obtaining additional funding from DfT has been explored and representations were made to them, but the indications are that additional funding would not be available and that legal action against third parties would be unlikely to be successful. It was therefore considered prudent to make financial provision for these works.
106. Consideration has been given to a range of funding options for these works. The full cost of the construction is not recommended to be taken from the Structural Maintenance capital budget in 2024/25 as the impact would be too significant on other road maintenance schemes in one year, especially in view of the recent winter damage to the roads and drainage systems across the county.
107. Borrowing for the £5m constructions costs would have revenue implications of circa £0.280m per year for 50 years from 2025/26 based on a forecast interest rate of 3.6%. This revenue impact would need to be captured as part of 2024/25 Budget Setting and compensating savings or cost reductions identified to cover the pressure, which could adversely affect routine highway maintenance or other service delivery.
108. An alternative would be to top slice £1m every year for 5 years from the annual Structural maintenance capital grant and fund in 2024/25 by other unapplied grants. The impact of this would be that £5m less maintenance would be undertaken over the 5 years, which has particular risks in view of road conditions and winter damage.
109. Community Infrastructure Levy is not a viable option as the scheme is not bringing forward or supporting new development.
110. The Council receives commuted sum payments from developers towards the future maintenance costs of infrastructure which is adopted by the council and thereafter becomes the council's responsibility. The commuted sums can be used to rectify any design or construction defects that become apparent after the maintenance period has



ended, but in some cases, it has been used to contribute to the cost of other improvement schemes where maintenance funding would otherwise have been used. This is on the understanding that the maintenance liabilities which it would have funded remain and may have to be paid for out of future maintenance budgets.

111. It has been prudent to ensure that the commuted sums pot remains large enough to meet potential liabilities resulting from issues with developer provided infrastructure. However, in recent years there has been a limited call on the fund, mainly because of the effective supervision of developers’ designs and construction, and consequently the fund has increased considerably. As of 31<sup>st</sup> January 2024, the balance for highway commuted sums stood at £3,505,596.65, and it is proposed to use the majority of this to fund the Lyneham Banks works.

112. It is proposed that funding for the scheme should be provided from:

Source	Funds	Comments
Highways Maintenance Budget 2024/25	£1,000,000	To be allocated in next year’s budget
Additional Highways Capital Funding	£1,000,000	Identified in budget proposal
Commuted Sums	£3,000,000	Could be increased if funding available
Total	£5,000,000	

113. This funding package will enable works to commence in 2024/25 for completion later in the year.

**Legal Implications**

114. The Council’s legal services team became involved as soon as the landslip occurred and have provided advice during the development of the scheme.

115. The Council is the local highway authority and has a duty to maintain the highways network and related infrastructure. Failure to reopen the road could result in a legal challenge, and a legal notice has already been received. The cost of repairs is unlikely to be a valid reason to fail to reopen the road.

116. The proposed scheme will reinstate the highway capacity and improve the safety of the network and will be carried out under the provisions of the Highways Act 1980 and related legislation. The reinstatement of the road and the associated works to stabilise the adjacent land requires work outside of the highway boundary on adjacent private land, and the agreement of the landowners or statutory powers will be used to enable the works to proceed.

**Overview and Scrutiny Engagement**

117. A briefing on the contents of this report will be given to the chair of the Environment Select Committee and any comments will be reported to this meeting.

**Options Considered**

118. Not proceeding with the reinstatement of the road is not considered appropriate because of the disruption to the road network caused by the road closure, the possibility of a legal challenge if not reopened, the effects of the closure on residents and businesses, and the safety and environmental implications of the displaced traffic.

119. Delaying the start of construction would mean that the existing disruption and disturbance would continue, and it would be likely to result in increased costs because of inflation when the scheme does proceed.
120. The development of the current scheme has considered a range of options including importing fill material, soil stabilisation treatment, piling, and a bridge. Consideration was also given to the drainage and road construction aspects. It was concluded that the currently proposed retaining wall would be the best approach overall and would offer good value for money and ensure timely delivery of the scheme.
121. Extending the retaining wall to cover a longer length of road was considered but would not be justified because of the high cost and the substantially lower risk of a major failure on those sections of roads in the current circumstances. Instead, localised repairs and works will be undertaken at other sections of the road showing signs of cracking and deformation. Consideration may need to be given to further works in the future if the monitoring indicates serious causes for concern, but in the current circumstances the priority is to reopen the road as soon as possible.

### **Conclusions**

122. The landslide on the B4069 at Lyneham Banks has had a major impact on the highway network and has caused significant disruption to local residents and businesses. There is a need to reinstate the road for legal, practical and safety reasons.
123. The ground investigations and surveys undertaken last year have provided sufficient information to enable a feasible scheme to be designed to stabilise the hillside and reinstate the road.
124. A robust procurement process has been undertaken to ensure an appropriate contractor is appointed for the construction of the B4069 Lyneham Banks scheme.
125. The most advantageous tender for the Council, taking into account quality and price, has been identified in accordance with the procurement procedures. The results of the assessment to identify the preferred bidder are described in detail in the **Part 2** item to be considered at this meeting.

### **Samantha Howell – Director, Highways and Transport**

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### **Appendices**

- Appendix 1 – Summary of Options Considered
- Appendix 2 – Tender Assessment process

### **Background Papers**

None

## B4069 LYNEHAM BANKS COMPARISON OF OPTIONS

A range of options have been considered for reinstatement of the existing B4069 at Lyneham Banks following the major landslip. Some options such as soil nailing and piled raft foundations were discounted at an early stage because of the characteristics of the site, which would make them less suitable and more expensive. Four main options have been compared in more detail.

### Remove and replace with suitable fill

The stability of the slope could be improved by the excavation and removal of existing weaker and tipped material, and its replacement with engineering fill laid and compacted in controlled layers. It is a proven technique and is often used in these situations. A similar process was used for the smaller scale repairs made elsewhere on the road in the 1980s. It would require a substantial volume of fill to be removed, likely to be in the region of 10,000 to 15,000 cubic metres, requiring a significant number of lorry movements to and from the site. Drainage provision would be required to intercept groundwater. Consideration would need to be given to the disposal of excavated material because of the presence of contamination in some of the tipped material.

### Soil Stabilisation

The landslide material could be excavated and mixed on site with cement or other treatment to increase its strength. It could then be re-laid in layers and keyed into the undisturbed ground. Consideration would need to be given to drainage provision as the treated material would be less permeable. The main advantage of the process would be that less material would have to be taken off site. It would require careful testing and monitoring of the operation to ensure that adequate strength is achieved, especially in view of the variability of the landslip material. Drainage of the slope above and below the road would be required, connecting into existing watercourses.

### Piled Retaining Wall

A contiguous piled retaining wall could be used to stabilise the slope and support the reinstatement of the road. The bored piles of about 600mm diameter and 15 meters in length could extend into the unweathered Oxford clay. The use of micropiles would enable a more efficient and cost-effective design. Some material may need to be removed to reduce loading uphill and to allow the slope to be reprofiled downhill. The retaining wall would require drainage provision to be made for ground and surface water, which would connect to existing watercourses.

## Bridge

It has been suggested that the road could be reinstated by constructing a bridge or series of bridges to span the landslip area. In view of the width of the landslip a multi-span bridge with piers on piled foundations going into the underlying clay is likely to be more efficient than a single span bridge. Some material removal would be required to facilitate construction, and access for the abutment and pier construction. Drainage provision and soil removal could be minimal if stabilising the hill side was not included.

## Comparison of Options

The key factors in connection with the options are described in the table below.

It is concluded that the Piled Retaining Wall is the preferred option because of the lower cost, moderate carbon impact and lowest risks.

B4069 Lyneham Banks – Comparison of Options

<b>Criteria</b>	<b>Excavate and replace</b>	<b>Soil Stabilisation</b>	<b>Piled Retaining Wall</b>	<b>Bridge</b>
Construction type	Remove existing material and replace with suitable imported compacted fill.	Treatment of existing material by mixing on site to stabilise ground.	Bored pile retaining wall with micropiles to stabilise hillside.	Bridge to span slipped material without stabilisation of hillside.
Buildability	Good. Does not require specialist equipment or construction processes. Major earth moving operation and removal and import of material.	Moderate. Requires specialist treatment and testing to ensure stability. Major earth moving operation and treatment mainly on site.	Moderate. Requires specialist piling and equipment, with consideration of temporary works to facilitate construction.	Moderate. Requires substantial plant to construct abutments, piers and bridges, with consideration of temporary works.
Cost	Very High. £12.4m Costs are associated with removal of existing fill, deposition off site and import of replacement material. Includes drainage provision.	Moderate. £5.9m In-situ treatment of material avoids the high costs associated with fill removal and replacement. Includes drainage provision.	Moderate. £5.9m Retaining wall avoids high volumes of fill having to be replaced or treated. Includes drainage provision.	High. £6.8m – £8.8m Long or multi-span bridge would allow most fill material to remain in place.
Maintenance and associated whole life costs	Moderate. Periodic maintenance required to toe drainage ditch and other drainage infrastructure.	Moderate. Periodic maintenance required upper slope counterfort and other drainage infrastructure.	Moderate. Low maintenance post-construction. May require inspections to ensure drainage remains effective and checking of condition of retaining wall.	Moderate. Requires regular inspections of beams, bearings and bridge bearings and structural condition which may be difficult because of the unstable ground remaining with this option.
Health and Safety	Good. Does not require specialist equipment or labour. Straightforward construction method. Any contaminated material removed would need to be disposed of carefully.	Moderate. Specialised construction plant and operation required for construction. Soil mixing process 'locks in' any contamination.	Moderate. Plant and materials pose risk to construction workers during installation. Any contaminated ground remains on site and will need consideration.	Moderate. Plant and materials pose risk to construction workers during installation. Any contaminated ground remains on site and will need consideration.

Criteria	Excavate and replace	Soil Stabilisation	Piled Retaining Wall	Bridge
Effectiveness	Moderate. Potential risk of historical slips in lower slope being re-activated in future, resulting in movement within the engineered fill slope. May require periodic patch road repair on a more frequent basis than other options.	Moderate. Potential risk of historical slips in lower slope being re-activated in future, resulting in movement within strengthened materials supporting the road.	Good. Lower risk of slip remobilisation and the need for future repairs due to certainty in intercepting failure surface. Long expected design life anticipated.	Poor. Would reinstate road but without further extensive works would not stabilise the hillside with continuing risk of landslips potentially affecting properties further up the slope requiring further interventions.
Environment/Carbon	Poor. No steel or concrete required in the construction which decreases carbon footprint, but significant carbon footprint due to material haulage.	Good. No steel or concrete required in the construction which decreases carbon footprint, and limited material removal required.	Moderate. Use of reinforced concrete piles incurs significant carbon footprint. Will require moderate amounts of fill to be disposed in landfill, with associated carbon footprint.	Moderate. Use of reinforced concrete piers and bridge beams and parapet materials incurs significant carbon footprint.
Programme	Moderate. Relatively short design programme. Moderate construction programme. Straightforward work could be procured through framework contract.	Moderate. Moderate design programme. Potentially relatively long construction programme. Procurement of specialist contractor required.	Good. Moderate design programme and relatively short construction programme. Procurement through tender for civil engineering contractor.	Good. Moderate design programme and relatively short construction programme. Procurement through tender for civil engineering contractor.
Land	Moderate. Requires earthworks and drainage over wide areas adjacent to road. Some could return to agricultural use subject to suitable arrangements.	Moderate. Requires earthworks and drainage over wide areas adjacent to road. Some could return to agricultural use subject to suitable arrangements.	Moderate. Requires earthworks and drainage over wide areas adjacent to road. Some could return to agricultural use subject to suitable arrangements.	Moderate. Requires less land but unstable ground remains which would limit future use for safety reasons.

Criteria	Excavate and replace	Soil Stabilisation	Piled Retaining Wall	Bridge
Risks	Moderate risks. Uncertainty around the extent of fill degradation and true depth of the slip surface may result in actual excavation extents being greater than anticipated, leading to programme delays and additional costs.	Moderate risks. Uncertainty of success of soil treatment which will require extensive testing. Required treatment depths may be greater than anticipated, leading to programme delays and additional costs.	Low risks. Retaining wall will stabilise hillside as well as road. Extent of works can be well defined.	High risks. Bridge would reinstate road but would not stabilise hillside. Risk remains of further landslips affecting adjoining area, potentially including residential properties, requiring further remedial work.
Summary	Expensive option with poor carbon impact and some risks associated with effectiveness.	Lower cost with less carbon impact but with some risks associated with effectiveness.	<b>Preferred Option.</b> Lower cost with moderate carbon impact and lowest risks.	Moderate cost with moderate carbon impacts but higher risks as would not improve the stability of the hillside.

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## TENDER EVALUATION PROCESS

The following information is based on the instructions issued to tenderers.

The overall weighting for this tender was 40% Quality, 60% Price.

### QUALITY ASSESSMENT

There were five questions that tenderers had to answer.

**Q1** Bidders were asked to set out the following:

- Their approach to delivery,
- Who will be involved in delivering the works Project; and
- What are, and how they will manage, the key interfaces – internally within the Project team, and externally.

**Q2** Bidders were asked to provide the following:

- Proposed programme with narrative.
- Key project risks and mitigating actions.

**Q3** Bidders were asked to provide the following:

- Description of approach and methodology to deliver the retaining wall and structural elements of the project (including management of the supply chain) as detailed in the Scope, and to achieve delivery to time, quality, and value for money.
- Consideration of what temporary works may be required, how these would be implemented and managed, and what control measures to monitor the performance of temporary works would be put in place.
- Consideration of potential Value Engineering initiatives, how these would be proposed for consideration, and the benefits and savings that might be achieved.

**Q4** Bidders were asked to set out:

- How they will communicate with the local communities to keep them up to date with progress
- How they will proactively engage with adjacent landowners through delivery.
- How they will engage with specialist and voluntary groups in demonstrating and highlighting the complex civil engineering involved in this project.
- How will you deliver a lasting legacy with community value in the area.

**Q5** Bidders were asked to:

- Demonstrate what approaches will be taken to minimise the carbon footprint of the works through the construction phase of project, and how this may have influence and impact beyond the delivery of the scheme.

All responses were limited to a maximum allowable number of pages. One page was considered the equivalent of one side of A4 at Arial font size 11 point excluding question reference.

All questions were given an individual weighting and questions were scored out of 5 with the maximum score for any question being 5. Bidders were asked to note that the responses to each element within a question would not be given an individual mark, rather they would be marked and assessed by the Council as one 'package' of information and a single mark per question would be awarded.

### Scoring Criteria for Quality Submission

The following scoring matrix was used when evaluating responses to the quality submission.

Assessment	Interpretation	Score
Deficient	A significantly deficient answer, the response provides no confidence of successful delivery <b>OR</b> a response has not been provided to this question.	0
Very Poor	A very poor answer that gives very little detail or evidence. The response does not show understanding of the requirement and provides little confidence of successful delivery.	1
Poor	A poor answer that only partially addresses the requirement. The response illustrates some understanding of the requirement but provides does not provide sufficient confidence of successful delivery.	2
Acceptable	An acceptable answer meeting the requirement with a sufficient level of detail and evidence. The response illustrates an understanding of the requirement and provides sufficient confidence of successful delivery.	3
Good	A good answer, with a comprehensive level of detail and strong evidence. The response illustrates a comprehensive understanding of the requirement and provides good confidence of successful delivery.	4
Excellent	An excellent answer with exceptional detail and evidence. The response illustrates an excellent understanding of the requirement and provides an excellent level of confidence of successful delivery.	5

The total score for the Quality evaluation was broken down as follows:

	<b>Subject</b>	<b>Percentage</b>
<b>Q1</b>	Organisation, Key People and Delivery	21%
<b>Q2</b>	Programme and project risk	33%
<b>Q3</b>	Construction Process	20%
<b>Q4</b>	Social value	16%
<b>Q5</b>	Minimising Carbon	10%

The Scores from the Quality Questions were converted into weighted scores as the following example demonstrates:

<b>Question</b>	<b>Weighting</b>	<b>Score (max 5)</b>	<b>Quality Score x Weighting</b>	<b>Weighted Score</b>
Q1	21%	4	$(4/5) \times (21)$	16.8
Q2	33%	5	$(5/5) \times (33)$	33.0
Q3	20%	4	$(4/5) \times (20)$	16.0
Q4	16%	4	$(4/5) \times (16)$	12.8
Q5	10%	3	$(3/5) \times (10)$	6.0
<b>Total Quality Score</b>	<b>100%</b>			<b>84.6</b>

If a Tenderer were to score 5/5 for every question, the sum of all their weighted scores would be 100 marks, since the sum of the questions weightings is 100 marks.

The tenderer with the highest total quality mark would receive a total score of 40%, with all other tenderers compared pro-rata as demonstrated in the table below:

<b>Contractor</b>	<b>Weighted Score (out of 100)</b>	<b>Quality Score (out of 40%)</b>
Contractor 1	81.0	38.30
Contractor 2	84.6	40.00
Contractor 3	75.2	35.56
Contractor 4	82.0	38.77

## PRICING ASSESSMENT

### Price Submission - Tender Price and Compensation Event Scenarios

The Total Price was the Tendered total the bidder's submitted Form of Tender and the Compensation Event (CE) Scenarios (calculated from rates and percentages submitted in a Tenderer's Contract Data Part Two) were assessed. A Compensation Event occurs when unplanned work, design changes or other events occur that vary the work required.

The total percentage weighting applied for these elements of the evaluation was 60%, broken down as follows:

	Element	Percentage
1	Tendered Total of the Prices	85% of 60% = 51%
2	Compensation Events Scenarios	15% of 60% = 9%

Tenderers are to keep their bid open until 1 June 2024.

Any Contractor risk values that the Tenderer considered necessary were to be allowed for within the total of the Prices. Such a value had to be allocated within the rates in the Price List and Tenderers must ensure that their submitted programme reflected any time issues due to the identified risks. The Tenderers had to include only mitigation, cost and time allowances for risks that were priced for in their Tender. Tenderers were not allowed to allocate risks to the Client.

### Evaluation Criteria

The lowest Tendered Total of the Prices for a response which met the pass criteria were awarded a score of 100. All other bids were scored on a pro rata basis in relation to the lowest price. For example:

- Bid 1 £100,000 scores 100
- Bid 2 £120,000, differential of £20,000 or 20% remove 20% from price scores 80
- Bid 3 £150,000, differential £50,000 remove 50% from price scores 50
- Bid 4 £175,000, differential £75,000 remove 75% from price scores 25.

The lowest score possible is 0. All scores were then subjected to a multiplier, these scores were weighted to the related percentage i.e., Compensation Events 9% and Tendered Price 51%.

Tenderers were required to complete the Activity Schedule included in the tender documentation. The Tenderers returned the Bill of Quantities in Excel format as provided without amendment. All prices quoted were inclusive of all costs associated in the delivery of this Contract but exclusive of VAT. All costs had to be included in this section, as costs appearing elsewhere in the proposal but not mentioned in the Pricing Schedule were presumed waived.

## Compensation Event Assessment

The evaluation of the financial element of the tender included an assessment of the rates the Tenderer submitted as set out in the Contract Data Part 2. This was accomplished by way of an evaluation of three potential Compensation Event Scenarios. these represented potential unplanned works or changes to the scheme. The profile of costs varied between the Scenarios as set out in the table below:

Item	Scenario 1	Scenario 2	Scenario 3
Works value (approximate)	£100,000	£100,000	£100,000
People cost (approximate - to be sourced from person categories)	£40,000	£45,000	£50,000
Equipment cost (published list excluding adjustment)	£30,000	£45,000	£25,000
Other cost elements	£30,000	£10,000	£25,000
Sub-total	£100,000	£100,000	£100,000
Fee (as tender submission)	TBA	TBA	TBA
Total	TBA	TBA	TBA

Using the information above, and the rates and fee percentages submitted in the Contract Data Part 2 submitted with the tenders, the total Compensation Event prices were calculated.

The prices from the three CE scenarios were converted into scores and weighted as the following example demonstrates:

Scenario	Contractor 1	Contractor 2	Contractor 3
CE Scenario 1	£105,350	£90,200	£108,120
CE Scenario 2	£102,663	£82,775	£106,000
CE Scenario 3	£107,500	£90,750	£111,300
Total value	£315,513	£263,725	£325,420
Score (max 100)	80.04	100.00	76.60
Weighted score (max 9)	7.24	9.00	6.90

The number of contractors shown is illustrative only, and assessment of all compliant tenders was undertaken.

All the scores attained for each area were combined resulting in overall score for Price.

## AWARD CRITERIA

The breakdown of questions and associated weightings from the Quality Questions and the Pricing Schedule are identified below:

No	Section 1 - Quality	Weighting (Out of 100%)
1	Organisation, Key People and Delivery	21%
2	Programme and project risk	33%
3	Construction Process	20%
4	Social Value	16%
5	Minimising Carbon/ Climate Emergency	10%
		<b>100%*0.4</b>
	<b>Sub-total</b>	<b>40%</b>
	<b>Section 2 - Price</b>	
n/a	Submitted Price (As submitted on Form of Tender derived from Activity Schedule - Volume 5)	51%
n/a	Compensation Event Assessment	9%
	<b>Sub-total</b>	<b>60%</b>
	<b>Total</b>	<b>100%</b>

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