



## **PEOPLE SCRUTINY COMMITTEE**

**MONDAY, 13 NOVEMBER 2023**

**1.30 pm COUNCIL CHAMBER, COUNTY HALL, LEWES**

MEMBERSHIP - Councillor Johanna Howell (Chair)  
Councillors Sam Adeniji, Charles Clark, Penny di Cara, Kathryn Field,  
Nuala Geary, Wendy Maples, Stephen Shing, Colin Swansborough,  
John Ungar (Vice Chair) and Trevor Webb

Miss Nicola Boulter, Parent Governor Representative  
Trevor Cristin, Diocese of Chichester Representative  
John Hayling, Parent Governor Representative  
Maria Cowler, Roman Catholic Diocese representative

### **A G E N D A**

1. Minutes of the meeting held on 25 September 2023 *(Pages 3 - 8)*
2. Apologies for absence
3. Disclosures of interests  
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
4. Urgent items  
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
5. Work programme *(Pages 9 - 34)*
6. Reconciling Policy, Performance and Resources (RPPR) *(Pages 35 - 60)*
7. Elective Home Education *(Pages 61 - 66)*
8. School Exclusions Scrutiny Review *(Pages 67 - 104)*
9. Any other items previously notified under agenda item 4

PHILIP BAKER  
Assistant Chief Executive  
County Hall, St Anne's Crescent  
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3 November 2023

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## PEOPLE SCRUTINY COMMITTEE

MINUTES of a meeting of the People Scrutiny Committee held at Council Chamber, County Hall, Lewes on 25 September 2023.

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PRESENT Councillors Penny di Cara, Chris Dowling, Kathryn Field, Nuala Geary, Johanna Howell (Chair), Wendy Maples, Stephen Shing, John Ungar (Vice Chair) and Trevor Webb and John Hayling (Parent Governor Representative)

LEAD MEMBERS Councillors Bob Standley

ALSO PRESENT Councillor Bob Bowdler (by MS Teams)  
Seona Douglas (Interim Independent Chair East Sussex Safeguarding Adults Board)  
Alison Jeffery, Director of Children's Services  
Michaela Richards, Head of Safer Communities  
Tim Read, Exploitation Manager, Sussex Police (by MS Teams)  
Chris Robson, Independent Chair East Sussex Safeguarding Children Partnership (by MS Teams)  
Douglas Sinclair, Head of Children's Safeguards & Quality Assurance (by MS Teams)  
Mark Stainton, Director of Adult Social Care & Health  
Rachel Sweeney, Senior Policy and Scrutiny Adviser

### 10. MINUTES OF THE PREVIOUS MEETING

10.1 The Committee agreed the minutes from the previous meeting with an amendment made on the Members present.

### 11. APOLOGIES FOR ABSENCE

11.1 Apologies for absence were received from Councillors Adeniji, Clark and Maria Cowler (Diocesan Representative). Apologies were also received from Lead Member Councillor Maynard.

### 12. DISCLOSURES OF INTERESTS

12.1 There were no disclosures of interest.

### 13. URGENT ITEMS

13.1 There were no urgent items.

### 14. EAST SUSSEX SAFEGUARDING CHILDREN PARTNERSHIP (ESSCP) ANNUAL REPORT

14.1 The Independent Chair of the East Sussex Safeguarding Children's Partnership presented the Annual Report to the Committee. The Chair outlined that the report showed the partnership work between East Sussex County Council, Sussex Police and the NHS, in East Sussex to safeguard children and stated that the report provided assurance about the good work taking place. The Chair noted the strong culture of support, learning and challenge across the Partnership, as well as the exceptional senior leadership team in Children's Services.

14.2 The Chair outlined key findings from the report and highlighted the key priorities of the Board, including safeguarding in education, child exploitation, embedding a learning culture and safeguarding under-fives.

14.3 The Chair informed the Board about upcoming legislation changes, with the possibility that Education could become a fourth strategic partner.

14.4 The Sussex Police Exploitation Manager provided an update to the Committee on the recruitment of an exploitation team as requested by the Committee last year. The Committee heard that this new team was responding to all forms of exploitation, including child exploitation, and noted the good engagement at a partnership level, including with the new restructured Safer Panel.

14.5 The Committee asked questions and made comments on the following areas:

- **Whole family support and wider information sharing** - The Committee asked about wider support offered to families when a child is identified as a victim of crimes such as domestic abuse and sought assurance that adults involved were referred to other agencies. In response the Chair noted that there was a good system in place to work with the whole family and share information between professionals and although the police would deal with certain investigations, they were aware of the wider impact of crimes on families and the community. He also noted the preventative measures in place, including Early Help and social workers to prevent incidents; current work included working with 'invisible' or 'unseen' men to engage fathers with safeguarding issues to reduce incidents with very young children. The Committee asked about the number of fathers who had harmed their child (compared with other men in the family); the Head of Children's Safeguards & Quality Assurance replied that in a sample study conducted by the National Safeguarding Children Panel, the perpetrator was the biological father of the child in most cases.
- **Young People in custody** – The Committee asked for more information on young people in the youth justice system, including those held in overnight police custody. The Chair of the East Sussex Safeguarding Children's Partnership told the Board that there was a Youth Justice Report which explored these figures in more detail.
- **Mental Health** – The Committee were concerned about the number of children needing mental health support. The Director of Children's Services said that information published by the provider trust SPFT showed an increase in the number of children being seen, but also a steep increase in referrals. She noted, too, that there was also a high non-attendance rate for appointments which CAMHS were working on reducing through reminders and working with partners to support attendance. The Director noted the high self-harm rate in East Sussex compared with statistical neighbours.
- **Transition** – The Committee sought clarification on when support is offered to children who are transitioning into adult services. In response, the Director of Children's Services clarified the difference between disabled children transitioning to adult services, which is planned from an early age, and "transitional safeguarding support" which is the term for safeguarding support provided for supporting vulnerable young people over the age of 18, who may not have received support when they were younger.
- **Education**– The Committee asked about the impact and risk from potential legislative changes to make Education a strategic partner in the group. In response the Chair of the East Sussex Safeguarding Children's Partnership said a significant challenge with this was how wide ranging education is, including nursery settings, so it would be vital to get

the right people to represent education within the Partnership. The Director of Children's Services noted the current good engagement with schools across the county with safeguarding issues. The Chair also commented that the Partnership did engage with the voluntary sector on after school provision but noted this provision was not as established as it used to be. The Committee also enquired about the number of children being educated at home and if this was identified in wider statistics on children not attending school and if it was indicative of national statistics. The Director of Children's Services responded to say that the number of children who were "Electively Home Educated" (EHE) had risen since the pandemic, in line with a national trend. Although some families may be doing this well, there were concerns for some children around safeguarding and the quality of education they were receiving. The DFE has said that the Government are looking for opportunities to legislate to create a compulsory EHE register; this was a proposal which was part of the Schools Bill which the Government had withdrawn.

14.6 The Head of Children's Safeguards & Quality Assurance commented that the report was comprehensive and recognised the range of multi-agency safeguarding work in place. The Department were aware of the challenges going forward but were reassured that across the agencies there was a culture of challenge and learning and wanting to achieve best outcomes.

14.7 Committee thanked the Chair of the East Sussex Safeguarding Children's Partnership and noted they were reassured by the good partnership work taking place and RESOLVED to note the report.

## 15. WORK PROGRAMME

36.1. 15.1 The Chair introduced the report which outlined the Committee's latest work programme, noting that the Committee was meeting in October to discuss this in more detail.

### 36.2. Forward plan

36.3. 15.2 The Committee reviewed the Council's Forward Plan of executive decisions.

### 36.4. Work Programme

36.5. 15.3 The Committee RESOLVED to agree the updated work programme and to review the work programme in more detail at the upcoming awayday.

## 16. RECONCILING POLICY, PERFORMANCE AND RESOURCES (RPPR)

16.1 The Chair introduced the report which followed the Committee's review of relevant parts of the End of Year Monitoring report and State of the County report at the July meeting. The Report included an update on the planning process, including scrutiny engagement.

16.2 The Director of Children's Services highlighted key concerns for the Department, including the increased pressure of the Children's Services budget due to higher costs, and increased numbers, of children in care. The Director informed the Committee about the Department's work with the consultants IMPOWER to review current strategies and projections to deliver the right care that is needed, as well as being cost effective. This work was partly in response to the ongoing challenge to replace foster carers who were retiring. The Director informed the Committee that this was resulting in more high cost agency and residential placements, with a children's care market not functioning effectively. There was investment in family safeguarding to keep more families together, with a new service starting in January, which aimed to improve outcomes for children and reduce budget pressures. The Director told the Committee that the Department were committed to identifying cost effective placements, but

that the interests of the child must come first and noted that the challenge was ongoing and would be a significant factor in RPPR planning.

16.3 The Lead Member for Education, and Inclusion, Special Educational Needs and Disability noted the overspend in Children's Services in Quarter 1 and told the Committee that the challenge was to find ways of meeting children's needs which were both more effective and more affordable.

16.4 The Director of Adult Social Care and Health outlined the key issues for the Department including the pressure on the ASCH budget with a projected overspend on the community care budget, and that they were looking into areas of concern, including fees of independent sector providers; the growth and demand of support for older people, and pressures on income (and subsequent debt) due to cost of living. The Department were also seeing an increase in complexity of need, including through safeguarding processes, such as substance misuse and mental health, and there were some high-cost placements which were challenging; the Department was working in partnership with the NHS to manage these.

16.5 The Committee RESOLVED to note the report.

## 17. SAFEGUARDING ADULTS BOARD - ANNUAL REPORT

17.1 The interim Independent Chair East Sussex Safeguarding Adults Board introduced the report and gave a short presentation on the work of the Safeguarding Adults Board for 2022-2023 and the Strategic Plan 2021-2024. The Committee discussed the contents of the presentation and report.

17.2 The Committee asked questions and made comments on the following areas:

- **Mental Capacity Act** – The Committee asked the Chair to comment on implications on funding with the implementation of the Mental Capacity Act. The Chair replied that any health organisation is obliged to operate under the new legislation and undertake mental capacity assessments. The Director of Adult Social Care and Health added that all practitioners were making assessments about clients' mental capacity, and it was part of the core offer.
- **Safeguarding around fraud/financial abuse** – The Committee asked about the risks of fraud with the increase of digital provision. The Chair noted that fraud was a complex national issue with sophisticated, quick changing technology so it was important that all organisations had checks and balances in place. From a safeguarding perspective, the Chair said that it was important to highlight these risks and that national campaigns were helpful in raising awareness of fraud and scams in the community. The Director of Adult Social Care and Health informed the Board that over half of victims of fraud were over 75 years of age but there was ongoing work to address this including through Trading Standards, who run targeted promotions, and work with the Police. The Committee asked about how the Mental Capacity Act addressed risks of financial abuse, especially for older people. The Director of Adult Social Care and Health replied that the Department had raised awareness of this with partner agencies, but this issue mainly arose during financial care assessments which would identify any concerns around people being able to make informed decisions, or any potential financial abuse within families.
- **Private care homes** – The Committee asked about data showing higher incidents of abuse in private care homes. In response the Chair told the Committee that there was very little own care provision within local authorities, most care was contracted out, and people had a choice on where they purchased care. The Chair noted that the local authority played a key role in preventing people from needing to go into care where possible, but there was a strong provider market promoting good care, and who worked

positively with the Safeguarding Adults Board. Where there were safeguarding concerns, the Commissioner was responsible for addressing these with the Board. The Director of Adult Social Care and Health confirmed that the majority of care was purchased from independent care homes which was a regulated service and there were no care homes rated 'inadequate' in East Sussex.

- **Transition** – The Committee asked what age the Department would start looking at the transition of Care. The Chair responded by clarifying that from the age of 14 there would be planning with young people in Children's Services who required support as adults, but there were also families not identified with Children's Services who presented with support needs later on. The Chair also noted the tension for professionals to make right decisions at the right time as support needs could change. The Director of Adult Social Care and Health noted that transition was something the Department had identified as an area to improve on, including identifying the right support at the right time. He also informed the Board that the transition age for people with substance misuse had increased to improve support and outcomes.

17.3 Committee thanked the interim Independent Chair East Sussex Safeguarding Adults Board for their work and RESOLVED to note the report.

## 18. ANNUAL REVIEW OF SAFER COMMUNITIES

18.1 The Head of Safer Communities introduced the report and gave a short presentation on the Safe Communities Annual Review 2022-2023 and the Serious Violence Duty, including local responsibilities. The Head of Safe Communities noted that East Sussex remained a relatively safe place to live but there were ongoing challenges, especially for some groups and areas.

18.2 The Committee asked questions and made comments on the following areas:

- **Anti-social behaviour** – The Committee asked about work to address anti-social behaviour, including noise from motor vehicles, and the role of social housing providers to support this work. In response the Head of Safer Communities informed the Committee that housing and anti-social behaviour was managed at a District and Borough level and that as an upper tier authority, East Sussex County Council were limited in their scope, but street communities had been included into the business plan objectives for the Safer Communities Partnership in response to the rise in this. The local authority was also represented on the strategic housing partnership. The Committee noted the need for a multi-agency and multi-tier response to this issue. In response to the concern about noise, the Head of Safer Communities clarified that this would fall under the remit of the Safer Roads Partnership but would be able to flag this issue with them. The Committee also asked about the role of educating young people on the consequences of anti-social behaviour and heard from the Director of Children's Services that schools were working well to educate children on citizenship and values.
- **Community safety action groups** – The Committee asked about the possibility of reinstating Community Safety Action Groups. The Head of Safer Communities responded to say that the Department, as part of the response to the Serious Violence Duty and with funding from Safer Streets, were seconding a police analyst to carry out an in depth profile of lower super output areas in the District and Boroughs, including community engagement, which would be presented to the local community safety partnerships to take forward more targeted pieces of work.

- **Knife crime** – The Committee noted the work of the intervention project ‘Habitual Knife Carriers Programme’ outlined in the report and the significant impact of young people involved having improved outcomes. The Committee asked if there were other activities that the Council could invest in to produce similar outcomes for young people. The Director of Children’s Services told the Board that the project evaluation had been reviewed at the recent Youth Justice Chief Officers Group and they were looking at how to share the successful outcomes with other parts of Children’s Services. The Director acknowledged the funding from the Safer Communities Partnership to continue the project and stated this was an important piece of work that supported the approach of the connected practice model in social care and the work of Early Help.
- **Gender hate crime** – The Committee asked how the Partnership was responding to the increase in gender hate crime. The Head of Safer Communities responded to say that numbers in this area were still low so there were no current discussions on this at the Partnership Board. It was noted in the report due to the issues of identify politics and polarisation of views so the Partnership were keeping a monitoring brief on this. The Police were also responding proactively to these incidents.

18.3 The Committee thanked officers for their work and RESOLVED to note the report.

The meeting concluded at: 12.47pm

Councillor Johanna Howell (Chair)



<b>Report to:</b>	<b>People Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>13 November 2023</b>
<b>By:</b>	<b>Assistant Chief Executive</b>
<b>Title:</b>	<b>People Scrutiny Committee Work Programme</b>
<b>Purpose:</b>	<b>To review and discuss the People Scrutiny Committee's future work programme</b>

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**RECOMMENDATIONS:** The Committee is recommended to:

- 1) review and agree the latest work programme set out at Appendix 1;**
  - 2) review upcoming items on East Sussex County Council's Forward Plan as set out at Appendix 2 to identify any issues that may require more detailed scrutiny.**
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## **1 Background**

1.1 The work programme is an important tool in ensuring the correct focus and best use of the Committee's time in scrutinising topics that are of importance to the residents of East Sussex, and the efficient and effective working of the Council. It also provides clarity for those who may be requested to give evidence to the Committee on the issues under review, and the questions the Committee requires answers to.

1.2 Discussion of the work programme provides the Committee with the opportunity to consider topics that it may be of value to scrutinise, and to decide whether further scoping work is required. This provides a basis for deciding the best way of scrutinising a topic, the timescale, and who from the Committee will be involved in carrying out the review work. If there are a number of potential topics for review, Members can determine the priority of the work within the resources available to the Committee.

## **2 Supporting information**

### ***Work programme***

2.1 The work programme was reviewed by the Committee at its work planning awayday on 2 October, where it was agreed:

- to establish a People Scrutiny Reference Group to review the Adult Social Care and Health (ASCH) Department's work to prepare for the upcoming peer review and Care Quality Commission (CQC) inspection. It was agreed the first meeting of the Group will take place in December/early January before the peer review which is taking place in February 2024. Further meetings will take place to explore the findings of the peer review and CQC assessment;
- the Committee would receive a briefing on the local and national Suicide Prevention Strategies;
- the Committee would receive a joint report from ASCH and Children's Services (CS) on the transition process from children's to adult services for different groups; and
- the Committee would receive an update on the work of IMPOWER who are supporting CS to develop strategies for providing quality, cost effective children's care.

2.2 Subsequent to the awayday a request was made for the Committee to receive a report on the Youth Employability Service contract.

2.3 These changes are reflected on the latest draft work programme attached at Appendix 1. The Committee is asked to review, discuss any further amendments to, and agree the latest work programme.

2.4 When considering potential topics for inclusion in the work programme, the Committee is asked to consider a range of questions. These include:

- Is the topic relevant to the Council's Corporate Priorities?
- Is the issue of concern or of relevance to East Sussex residents?
- Can Scrutiny have an impact and add value by scrutinising this issue, service or policy?
- Is the issue one that the Committee can realistically influence?
- Are the resources needed to undertake the review available?

### ***Scrutiny Reviews***

#### **School Exclusions**

2.5 The review into School Exclusions has concluded and the final report is included on this meeting agenda.

#### **School Attendance**

2.6 The Committee heard at their 2021 work planning awayday that overall school absence and persistent absence rates across East Sussex are high, when compared to national levels and statistical neighbours. A scoping board meeting was held in March 2022 and the Board agreed that, although the subject was appropriate for a Scrutiny Review, as so much of the current situation regarding school absence rates in East Sussex was related to the ongoing impact of, and disruption from, the coronavirus pandemic, it was too early for the Committee to undertake a scrutiny review of school attendance. The Board therefore agreed that the review should commence in 2023 when there would be a clearer sense of the long-term impact of COVID on school absences.

2.7 A further short scoping board meeting will be held in December 2023 to build on issues discussed at the 2022 scoping board and draft Terms of Reference for this review. To enable this review to progress, it is proposed that the updated Terms of Reference will be circulated and agreed by the Committee virtually.

### ***Reference Groups***

#### **Prevention in Children's Services**

2.8 Following the agreement at the March Committee that the Prevention in Children's Services Review be converted into a Reference Group, the Group held its first meeting on 29 June 2023. The Group heard from the Department about its work on Family Safeguarding and Family Hubs, both of which focus on whole family support and early intervention to prevent the need for more serious intervention later.

2.9 The next Prevention in Children's Services Reference Group is planned for 15 December 2023 which will focus on progress in the development of the safeguarding programme and Family Hubs. The Committee agreed at the work planning awayday to include the provision of youth services in East Sussex under the remit of this Reference Group.

### ***Forward Plan***

2.10 A copy of the Council's Forward Plan of executive decisions for the period 1 November 2023 to 29 February 2024 is included at Appendix 2. The Committee is requested to review the forthcoming items on the Forward Plan to identify any issues within the remit of this Committee that may require more detailed scrutiny. The Forward Plan is revised and published on a monthly basis and Committee members should regularly review the Forward Plan.

### **3. Conclusion and reasons for recommendations**

3.1 An important part of managing the work of the People Scrutiny Committee is regularly reviewing its future work programme. This involves the Committee assessing its priorities, ensuring its ongoing reviews are completed in a timely fashion and identifying new areas for scrutiny.

**PHILIP BAKER**  
**Assistant Chief Executive**

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## People Scrutiny Committee - Work Programme

Current Scrutiny Reviews		
Title of Review	Detail	Proposed Completion Date
School Exclusions	<p>The Committee has accepted the recommendation of the second Scoping Board that the Committee proceed with a review of this area, focusing on role the of the Council in reducing the levels of school exclusion in East Sussex, with a particular regard to vulnerable children and young people. The review will consider preventative strategies, the role of early help, appropriate responses to a child at risk of exclusion, the role of governors and clarity of messaging.</p> <p>Membership of the Review Board: Councillors Adeniji (Chair), Field, Howell, Maples and Nicola Boulter, Parent Governor Representative and John Hayling, Parent Governor Representative.</p>	November 2023
Initial Scoping Reviews		
Subject area for initial scoping	Detail	Proposed Dates
School Attendance	<p>The Committee heard at their 2021 work planning awayday that overall school absence and persistent absence rates across East Sussex are high, when compared to national and statistical neighbours; and that East Sussex has a significant number of children and young people deemed too ill to attend school due to anxiety and poor mental health, and increasing levels of Emotionally-Based School Avoidance.</p> <p>A scoping board meeting was held on 10 March 2022 and the Board agreed that although the subject was appropriate for a Scrutiny Review, as so much of the current situation regarding school absence rates in East Sussex was related to the ongoing impact of, and disruption from, the coronavirus pandemic, it was too early for the Committee to undertake a scrutiny review of school attendance.</p> <p>The Board therefore agreed that the review should commence in 2023 when we expect to have a clearer sense of the long-term impact of COVID on school absences. A further short scoping board meeting will be held in December 2023 to build on issues discussed at the 2022 scoping board and draft Terms of Reference for this review.</p> <p>Membership of the Scoping Board: Cllrs di Cara, Field and Howell and Nicola Boulter, (Parent Governor Representative).</p>	To be confirmed following a further short scoping board in December 2023.

<b>Suggested Potential Future Scrutiny Review Topics</b>		
<b>Suggested Topic</b>	<b>Detail</b>	
<b>Scrutiny Reference Groups</b>		
<b>Reference Group Title</b>	<b>Subject area</b>	<b>Meeting Dates</b>
Prevention in Children's Services	<p>The committee agreed in March 2023 to convert a planned scrutiny Review on prevention in Children's Services into a Reference Group in order to provide regular and timely input into key projects and programmes which are under development and progressing at pace. The group is considering work to develop preventative approaches including Family Hubs and the Family Safeguarding model, providing ongoing scrutiny challenge.</p> <p>This Reference Group met in June 2023 and a further meeting is planned for December 2023.</p> <p>At its 2023 awayday, the Committee also expressed an interest in exploring the provision of youth services in East Sussex through this Reference Group.</p> <p>Membership of the Reference Group: Councillors Adeniji, Field, Howell (Chair) and John Hayling, Parent Governor Representative.</p>	Next meeting: 15 December 2023
CQC Assessment Framework	<p>The Committee agreed at its 2023 awayday to establish a Reference Group to support ASCH with the upcoming CQC inspection and LGA peer review. The Reference Group will consider the work of the Department to prepare for these and will consider recommendations and findings once published.</p> <p>The first meeting is planned for December 2023.</p> <p>Membership of the Reference Group: TBC</p>	13 December 2023
Health and Social Care Integration Programme (HASCIP) Reference Group	<p>The Committee agreed to establish a Reference Group to monitor progress of the East Sussex Health and Social Care Integration Programme and identify areas for future scrutiny. It will review HASCIP progress reports provided to the Health and Wellbeing Board and meet on an ad hoc basis as required to consider issues arising in more detail.</p> <p>The group last met on 01 June 2023 to consider and comment on key elements of the Sussex Integrated Care Strategy Action Plan ahead of it being considered by the Lead Member for Strategic Management and Economic Development (LMSMED). The Group</p>	Next meeting: January 2024

	welcomed the plan and submitted comments to be considered with the report to LMSEMD.  Membership of the group: Councillors Clark, di Cara, Geary (Chair), Ungar and Webb.	
Educational Attainment and Performance Scrutiny Reference Group	The Committee agreed in June 2018 to establish a Reference Group to focus on reviewing data on educational attainment in East Sussex and related issues. The group meets on an annual basis.  The Group met on the 7 March 2023 to review the attainment data is for the 2021/22 academic year.  Membership of the group: Councillors Adeniji, Field (Chair) and Howell and Nicola Boulter, Parent Governor Representative.	Next meeting: March 2024
Adult Social Care reforms Reference Group	The Committee agreed at its 2022 work planning awayday to establish a Reference Group to consider the impact and implementation of the national Adult Social Care reforms. Implementation of the reforms was subsequently delayed in the 2022 Autumn Statement from October 2023 to October 2025 and the first meeting of the Group will take place closer to implementation.  Membership of the group: Councillors di Cara, Geary and Ungar.	First meeting: closer to implementation of the reforms in Oct 2025
Reconciling Policy, Performance and Resources (RPPR) Board	RPPR Board meets annually to agree detailed comments and any recommendations on the emerging portfolio plans and spending and savings proposals to be put to Cabinet on behalf of the scrutiny committee.	Next meeting: 15 December 2023
<b>Reports for Information</b>		
<b>Subject Area</b>	<b>Detail</b>	<b>Proposed Date</b>
<b>Training and Development</b>		
<b>Title of Training/Briefing</b>	<b>Detail</b>	<b>Proposed Date</b>
Suicide Prevention Strategy	The Committee agreed at its 2023 awayday to receive a briefing on the national and local Suicide Prevention Strategies.	TBC (Spring 2024)

<b>Future Committee Agenda Items</b>		<b>Author</b>
<b>11 March 2024</b>		
Loneliness Stewardship Group	<p>The Committee agreed at its December 2022 meeting to request an update on progress with partnership work to address loneliness, particularly on the work of the Stewardship Group established following the conclusion of the 'Community Wellbeing: Connected People and Places' Project.</p> <p>At its 2023 awayday, the Committee agreed to use this item to receive more information about how the work of this group cuts across the work of People and Place, in particular the links between local safety concerns and residents' ability to engage with the community.</p>	Assistant Director – Planning, Performance and Engagement
Use of Digital and Technology in Adult Social Care and Health Scrutiny Review	12 month monitoring report on progress with the Review's recommendations.	Director of Adult Social Care and Health
Youth Employability Service contract	A report on the new Youth Employability Service contract, which commenced in October 2023, and its impact on young people, including vulnerable groups.	Director of Children's Services
Committee Work Programme	To manage the Committee's programme of work including matters relating to ongoing reviews, initial scoping boards, future scrutiny topics, reference groups, training and development matters and reports for information.	Senior Policy and Scrutiny Adviser
Reconciling Policy, Performance and Resources (RPPR)	To provide the Committee with an opportunity to review its input into the RPPR process for 2023/24 financial year.	Chief Executive
<b>11 July 2024</b>		
Equality and Inclusion in Adult Social Care and Health Scrutiny Review	6 month monitoring report on progress with the Review's recommendations.	Director of Adult Social Care and Health
Children's Services work with IMPOWER	The Committee agreed at its 2023 awayday to request an update on the Department's work with consultants IMPOWER to review and develop cost effective and outcome focused children's care arrangements, including the long term use of foster carers in the county.	Director of Children's Services
Committee Work Programme	To manage the Committee's programme of work including matters relating to ongoing reviews, initial scoping boards, future scrutiny topics, reference groups, training and development matters and reports for information.	Senior Policy and Scrutiny Adviser
Reconciling Policy, Performance and Resources (RPPR)	To commence the Committee's involvement with the RPPR process for 2025/26 financial year by reviewing the information in the Quarter 4 (end of year 2023/24) Council Monitoring report and the State of the County report.	Chief Executive



<b>24 September 2024</b>		
Committee Work Programme	To manage the Committee's programme of work including matters relating to ongoing reviews, initial scoping boards, future scrutiny topics, reference groups, training and development matters and reports for information.	Senior Policy and Scrutiny Adviser
Reconciling Policy, Performance and Resources (RPPR)	To continue the Committee's work on the RPPR process for 2025/26 financial year.	Chief Executive
School Exclusions Scrutiny Review	6 month monitoring report on progress with the Review's recommendations.	Director of Children's Services
Safeguarding Adults Board - Annual Report	The Safeguarding Adults Board (SAB) Annual Report outlines the safeguarding activity and performance in East Sussex during the previous financial year, as well as some of the main developments in place to prevent abuse from occurring.	Chair, Safeguarding Adults Board
Annual Review of Safer Communities	To update the Committee on performance in relation to Safer Communities in 2023/24 and the priorities and issues for 2024/25 that will be highlighted in the Partnership Business Plan.	Assistant Director - Planning, Performance and Engagement
East Sussex Safeguarding Children Partnership (ESSCP) Annual Report	Presentation of the annual report of the East Sussex Safeguarding Children Partnership.	Independent Chair, East Sussex Safeguarding Children Partnership
<b>19 November 2024</b>		
Transition in services	To provide the Committee with clarification on the process of transitioning between Children's Services and ASCH.	Director of Children's Services and the Director of Adult Social Care and Health
Committee Work Programme	To manage the Committee's programme of work including matters relating to ongoing reviews, initial scoping boards, future scrutiny topics, reference groups, training and development matters and reports for information.	Senior Policy and Scrutiny Adviser
Reconciling Policy, Performance and Resources (RPPR)	To continue the Committee's work on the RPPR process for 2025/26 financial year.	Chief Executive

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## EAST SUSSEX COUNTY COUNCIL'S FORWARD PLAN

The Leader of the County Council is required to publish a forward plan setting out matters which the Leader believes will be the subject of a key decision by the Cabinet, individual Cabinet member or officer in the period covered by the Plan (the subsequent four months). The Council's Constitution states that a key decision is one that involves

- (a) expenditure which is, or the making of savings which are, significant having regard to the expenditure of the County Council's budget, namely above £500,000 per annum; or
- (b) is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions.

As a matter of good practice, the Council's Forward Plan includes other items in addition to key decisions that are to be considered by the Cabinet/individual members. This additional information is provided to inform local residents of all matters to be considered, with the exception of issues which are dealt with under the urgency provisions. Only key decisions to be taken by officers are included.

For each decision included on the Plan the following information is provided:

- Page 19
- the name of the individual or body that is to make the decision and the date of the meeting or relevant time period for an officer decision
  - the title of the report and decision to be considered
  - groups that will be consulted prior to the decision being taken
  - a list of documents that will be considered when making the decision
  - the name and telephone number of the contact officer for each item.

The Plan is updated and published every month on the Council's website two weeks before the start of the period to be covered.

Meetings of the Cabinet/individual members are open to the public (with the exception of discussion regarding reports which contain exempt/confidential information). Copies of agenda and reports for meetings are available on the website in advance of meetings. Key decisions taken by officers will not be taken at a meeting – documents listed can be made available on request to the contact officer, with the exception of those which contain exempt/confidential information.

For further details on the time of meetings and general information about the Plan please contact Stuart McKeown at County Hall, St Anne's Crescent, Lewes, BN7 1UE, or telephone 01273 481583 or send an e-mail to [stuart.mckeown@eastsussex.gov.uk](mailto:stuart.mckeown@eastsussex.gov.uk). For further detailed information regarding specific issues to be considered by the Cabinet, individual Member or officer please contact the named contact officer for the item concerned.

EAST SUSSEX COUNTY COUNCIL  
County Hall, St Anne's Crescent, Lewes, BN7 1UE

For copies of reports or other documents please contact the officer listed on the Plan or phone 01273 335274.

**FORWARD PLAN – EXECUTIVE DECISIONS (including Key Decisions) –1 November 2023 TO 29 February 2024**

Additional notices in relation to Key Decisions and/or private decisions are available on the [Council's website](#).

Cabinet membership:

Councillor Keith Glazier - Lead Member for Strategic Management and Economic Development

Councillor Nick Bennett – Lead Member for Resources and Climate Change

Vacancy – Lead Member for Economy

Councillor Claire Dowling – Lead Member for Transport and Environment

Councillor Carl Maynard – Lead Member for Adult Social Care and Health

Councillor Bob Bowdler – Lead Member for Children and Families

Councillor Bob Standley – Lead Member for Education and Inclusion, Special Educational Needs and Disability

Date for Decision	Decision Taker	Decision/Key Issue	Decision to be taken wholly or partly in private (P) or Key Decision (KD)	Consultation	List of Documents to be submitted to decision maker	Contact Officer
3 Nov 2023	Lead Member for Strategic Management and Economic Development	Approval for the Local Visitor Economy Partnership application submission, the setting up of Experience Sussex and the Sussex Visitor Economy Strategic Plan Framework To seek approval for the submission of the Local Visitor Economy Partnership application to VisitBritain/VisitEngland responding to the Government's establishment of a new destination management framework across the country to support the tourism and visitor economy sectors, and to approve the framework for	KD		Report, other documents may also be submitted	Sally Staples 07785 453328

		the Sussex Visitor Economy Strategic Plan. The Lead Member will be asked to endorse the future visitor economy arrangements for East Sussex through a pan-Sussex approach with West Sussex County Council and Brighton & Hove City Council, and approve the County Council's role and funding arrangements.				
7 Nov 2023	Cabinet	Reconciling Policy, Performance and Resources (RPPR) update - 2024/25 next steps and Medium Term Financial Plan To consider an update on the reconciling policy, performance and resources process for 2024/25, the next steps and the medium term financial plan	<b>KD</b>		Report, other documents may also be submitted	Victoria Beard 07894 708914
14 Nov 2023	Lead Member for Education and Inclusion, Special Educational Needs and Disability	Revision of Home to School Transport policies The Lead Member is asked to approve the revised Home to School Transport policies, which, while in essence unchanged, have been re-formatted to contain additional information in line with the Department for Education (DfE) guidance published in June 2023.	<b>KD</b>		Report, other documents may also be submitted	Jo Miles, Alison Mills 01273 481911, 07701 020788
14 Nov 2023	Lead Member for Education and Inclusion, Special Educational Needs and Disability	Holy Cross CE Primary School To make a final decision on the proposed closure of Holy Cross CE Primary School following the publication of a statutory proposal by the local authority in September 2023. In accordance with legislation, the proposal	<b>KD</b>		Report, other documents may also be submitted	Gary Langford 01273 481758

		must be determined within two months of the end of the four-week representation period which followed publication.				
14 Nov 2023	Lead Member for Education and Inclusion, Special Educational Needs and Disability	<p>East Sussex School Organisation Plan 2023 to 2027 To seek Lead Member approval to publish a School Organisation Plan for the period 2023 to 2027.</p> <p>The School Organisation Plan sets out how East Sussex County Council (the local authority), in accordance with its statutory duty, seeks to ensure there are sufficient primary, secondary, and special school places in the right locations to meet demand.</p>	<b>KD</b>		Report, other documents may also be submitted	Gary Langford 01273 481758
14 Nov 2023	Lead Member for Education and Inclusion, Special Educational Needs and Disability	<p>St Pancras Catholic Primary School To make a final decision on the proposed closure of St Pancras Catholic Primary School following the publication of a statutory proposal by the governing board of the school in September 2023.</p> <p>In accordance with legislation, the proposal must be determined within two months of the end of the four-week representation period which followed publication.</p>	<b>KD</b>		Report, other documents may also be submitted	Gary Langford 01273 481758

<p>20 Nov 2023</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 23</p>	<p>Lead Member for Transport and Environment</p>	<p>Review of fees and charges for East Sussex County Council's statutory planning consultee roles</p> <p>The Council's Flood Risk Management and Transport Development Control teams perform statutory planning consultee roles, meaning that they have a legal obligation to respond to relevant planning application consultations. To improve the quality of applications that are received, a pre-application advice service is offered, which is a paid-for service. A review of the charges that are applied for this service has been undertaken and new charges are proposed together with an approach to lessening the burden/financial cost to the Council when it comes to providing flood risk/drainage advice to applicants to resolve matters associated with the development proposals.</p>	<p>KD</p>		<p>Report, other documents may also be submitted</p>	<p>Ed Sheath 01273 481632</p>
<p>20 Nov 2023</p>	<p>Lead Member for Transport and Environment</p>	<p>Petition for a safe crossing to Hartfield Square on The Avenue, Eastbourne</p> <p>To consider a petition calling on the County Council for a safe crossing to Hartfield Square on The Avenue in Eastbourne.</p>			<p>Report, other documents may also be submitted</p>	<p>Victoria Bartholomew 01424 724284</p>
<p>20 Nov 2023</p>	<p>Lead Member for Transport and Environment</p>	<p>Alfriston Village Traffic Management Scheme</p> <p>To set out the results of the public consultation on proposals to introduce traffic management measures in Alfriston and to recommend next steps.</p>			<p>Report, other documents may also be submitted</p>	<p>Andrew Keer 01273 336682</p>

20 Nov 2023	Lead Member for Transport and Environment	<p>Application to de-register and replace Common Land 57 and Common Land 96, known as Foulride Green Common, Lower Willingdon, Eastbourne</p> <p>Agreement to East Sussex County Council becoming a joint applicant in the application for the de-registration and replacement of a section of Common Land 57 (CL57) and Common Land 96 (CL96), known as Foulride Green, Lower Willingdon Eastbourne. Delegation of authority to the Director of Communities, Economy and Transport to sign the application form.</p>			Report, other documents may also be submitted	Mary Wise 01273 335617
21 Nov 2023 Page 24	Lead Member for Adult Social Care and Health	<p>Re commission of the Adult Drug and Alcohol Treatment Service</p> <p>The current contract to deliver drug and alcohol treatment in East Sussex ends in March 2025. The process to re-commission these services is a lengthy one in order to ensure we are able to identify a service which meets the needs of the East Sussex residents that use it, meets the outcomes set out by Central Government and provides value for money. The tendering section of the re-commissioning process will begin in May 2024 with the new contract scheduled to begin in April 2025.</p>	KD		Report, other documents may also be submitted	Caz Kearton-Evans 07879 117579



21 Nov 2023	Lead Member for Adult Social Care and Health	<p>Public Health Local Service Agreements with GP Practices and Community Pharmacies</p> <p>The decision required is to continue to procure some Public Health services directly with GP Practices and Community Pharmacies to ensure opportunistic delivery and data returns.</p> <p>Opportunistic delivery is made possible in that people are likely to be visiting their GP or Pharmacy about a range of health conditions which presents opportunities to signpost and refer to available Public Health funded services.</p>	<b>KD</b>		Report, other documents may also be submitted	Darrell Gale 07784921332
November 2023 Nov 25	Chief Operating Officer	<p>Former Hindslands Playing Fields, Eastbourne Road, Polegate - Disposal of Freehold</p> <p>Disposal of the Former Hindslands Playing Fields, Eastbourne Road, Polegate by agreement of the final heads of terms for the sale of the two parcels of land as delegated by the r Lead Member for Resources and Climate Change in May 2023.</p>	<b>P</b> <b>KD</b>		Report, other documents may also be submitted	Rebecca Lewis 07955 312371
November 2023	Chief Operating Officer	<p>Telephony Services contract award</p> <p>Contract award (jointly with Brighton and Hove City Council, and Surrey County Council) of:</p> <ul style="list-style-type: none"> <li>• A Call Plan (the main telephone service)</li> <li>• A replacement Contact Centre telephony solution (including licences)</li> </ul>	<b>KD</b>		Report, other documents may also be submitted	Matt Scott 07552 286752

		<ul style="list-style-type: none"> <li>• Implementation services (specialist knowledge and expertise)</li> <li>• Microsoft Teams telephony licences (enabling the dial pad and unified comms experience to be added to the existing Teams interface).</li> </ul> <p>Decision, as delegated at the 31 March 2023 meeting of the Lead Member for Resources and Climate Change.</p>				
November 2023	Chief Operating Officer	<p>Hye House Farm, Crowhurst - Disposal of Freehold</p> <p>Hye House Farm, Crowhurst – Disposal of Freehold. The Chief Operating Officer will review the offers received for the different Lots following the marketing of the site as approved by the Lead Member for Resources and Climate Change in June 2023.</p>	<p><b>P</b></p> <p><b>KD</b></p>		Report, other documents may also be submitted	Rebecca Lewis 07955 312371
November 2023	Chief Operating Officer	<p>Award a main contractor for the Heathfield Youth Hub</p> <p>This is to appoint a contractor for works to demolish and replace the existing building with a state-of-the-art rural Youth Hub. The works will increase the number of regular positive activities and clubs available to young people aged 11 to 19 (up to 25 for young people with Special Educational Needs and Disabilities) in the areas.</p>	<p><b>P</b></p> <p><b>KD</b></p>		Report, other documents may also be submitted	Nigel Brown 07394 410630

November 2023	Chief Operating Officer	Award a main contractor for The Joff Youth Hub, Peacehaven This is to appoint a contractor for works to extend, reconfigure and renew this existing youth hub. The works will increase the number of regular positive activities and clubs available to young people aged 11 to 19 (up to 25 for young people with Special Educational Needs and Disabilities) in the areas.	<b>P</b> <b>KD</b>		Report, other documents may also be submitted	Nigel Brown 07394 410630
November 2023  Page 27	Director of Communities, Economy and Transport	Allowed for extension to the Services Agreement for the processing and disposal of dry mixed recyclables The Services Agreement for the processing and disposal of dry mixed recyclables is due to expire on 28 June 2024. The decision being made is to exercise the allowed for extension, provided by clause three of the contract 'Commencement and Duration', for a fixed period of two years. The new and final expiry date will be 28 June 2026.	<b>KD</b>		Report, other documents may also be submitted	Laura Tafa 07919 298462
November 2023	Director of Adult Social Care and Health	Approval of award of contract - Integrated Health and Wellbeing Service Following a tender process to commission an Integrated Health and Wellbeing Service, approval of award of contract is to be sought from the Director of Adult Social Care and Health.  The Integrated Health and Wellbeing Service provides evidence-based support to enable people across East Sussex to make changes to their lifestyle to improve their	<b>KD</b>		Report, other documents may also be submitted	Nicola Blake 01273 335060

		health. Such changes include supporting residents to eat well, manage their weight, move more, quit smoking and drink less alcohol.				
11 Dec 2023	Lead Member for Transport and Environment	Community Match - Etchingham The introduction of a 40mph speed limit between the eastern end of Etchingham and Hurst Green. The introduction of a 40mph speed limit between the western end of Etchingham and Burwash.			Report, other documents may also be submitted	Victoria Rojanachotikul 03456 080193
11 Dec 2023 Page 28	Lead Member for Transport and Environment	Response to Defra consultations on implementing Schedule 3 of the Flood and Water Management Act 2010 Under the Flood and Water Management Act 2010, East Sussex County Council became the Lead Local Flood Authority (LLFA) for the county. The LLFA role includes a statutory consultee to major planning applications. Parts of the Flood and Water Management Act have never been implemented and this includes Schedule 3, which will introduce additional duties and burdens to the County Council, including the statutory role of Sustainable Drainage Systems (SuDS) Approval Body and Adopting Authority. The Government has recently indicated its intention to implement Schedule 3 and is due to consult on a series of documents in Autumn 2023, which will set out how Schedule 3 will work in practice, as well as setting out matters such as proposed transitional arrangements			Report, other documents may also be submitted	Ed Sheath 01273 481632

		and any new burdens monies. The report to the Lead Member will set out the County Councils proposed response to this consultation.				
11 Dec 2023	Lead Member for Transport and Environment	Rural Verges as Wildlife Corridors - Trial of Early Season Reduction in Rural Grass Cutting Decision to be taken on any permanent amendments to the rural grass cutting policy, following this year's trial. The trial gave the option of reducing the grass cutting service of rural verges to all Parish and Town Councils, of which 27 areas decided to take part. This change meant that rural verges (except for visibility) would not be cut at a time when flowering is often at its peak and it is the most beneficial time for pollinators.	<b>KD</b>		Report, other documents may also be submitted	Dale Poore 01273 335506
11 Dec 2023	Lead Member for Transport and Environment	East Sussex County Council's Alternative Weed Maintenance Techniques Decision to be taken on the future weed maintenance techniques for East Sussex highways. Information will be provided on the alternative to Glyphosate weed maintenance trials that took place in 2023, including Volunteer, reactive and Road Sweeping.	<b>KD</b>		Report, other documents may also be submitted	Dale Poore 01273 335506
11 Dec 2023	Lead Member for Transport and Environment	Bus Service Improvement Plan (BSIP) - Bus Priority Measures Consultation Outcome Following the close of the BSIP – Bus Priority Measures Consultation on 25	<b>KD</b>		Report, other documents may also be submitted	Indi Hicks 07514 721385

		September 2023, the Consultation and Engagement Report will be presented to Lead Member. A decision will need to be made on which bus priority schemes to take forward for further design work and construction.				
12 Dec 2023	Lead Member for Resources and Climate Change	To approve the granting of a new Lease to the Trustees of the West Hills & District Community Centre The current Lease dated 12 March 2008 expires 11 March 2023 and it is proposed that ESCC grant the Trustees a new Lease for a period of 25 years which will allow the Trustees to be able to seek grant funding.	<b>P</b> <b>KD</b>		Report, other documents may also be submitted	Joanne Johnston, Zoe Tweed 01273 336621, 07701 021868
12 Dec 2023	Cabinet	Council Monitoring: Quarter 2 To consider the Council Monitoring report for the second quarter of the financial year 2023/24 as part of the Council's Reconciling Policy, Performance and Resources (RPPR) budget monitoring process.	<b>KD</b>		Report, other documents may also be submitted	Victoria Beard 07894 708914
12 Dec 2023	Cabinet	Annual Accounts for Lewes Charitable Trust Requirement to report annually to Cabinet in line with the current practice where the County Council is a Corporate Trustee.			Report, other documents may also be submitted	Samantha McManus 01273 482080
12 Dec 2023	Cabinet	The LAC Annual Report 2022 - 2023 Cabinet are asked to receive and consider the Annual Report for the LAC service in their role as Corporate Parents. This will be presented on behalf of the Corporate Parenting Panel which is chaired by Cllr Kathryn Field.			Report, other documents may also be submitted	Kathy Marriott 01273 481274

12 Dec 2023	Cabinet	<p>Treasury Management Annual Report &amp; Mid-Year Report</p> <p>To consider a report on the review of Treasury Management performance for 2022/23 and the outturn for the first six months of 2023/24, including the economic factors affecting performance, the Prudential Indicators and compliance with the limits set within the Treasury Management Strategy.</p>	<b>KD</b>		Report, other documents may also be submitted	Ian Gutsell 01273 481399
14 Dec 2023	Lead Member for Children and Families	<p>Children's Supported Accommodation Approved List Mini Competitions</p> <p>The decision being sought is to approve 6 (six) mini competitions off the Children's Supported Accommodation Approved List (CSAAL).</p> <p>One of the CSAAL mini competitions is for 18+ (Model 3) a proportion of whom will be eligible for housing benefit which would be repaid to ESCC CSD, bringing the estimated total net costs down but the totals for the contract duration remaining above £500K each.</p>	<b>KD</b>		Report, other documents may also be submitted	Lisa Schrevel 01273 481617
December 2023	Director of Adult Social Care and Health	<p>Sexual Health Services Procurement</p> <p>Approve the award of the Specialist Sexual Health Contract that has been subject to competitive tender in line with the Lead Members decision to delegate the decision to the Director of Adult Social Care &amp; Health on 20 April 2023.</p>	<b>KD</b>		Report, other documents may also be submitted	Tony Proom 01273 335252

23 Jan 2024	Cabinet	SELEP Transition Plan The South East Local Enterprise Partnership (SELEP) will be drawn to a close by April 2024. As such, many of the LEP's functions will be transferred to local institutions, including to the County Council, working with Team East Sussex, our de facto local growth board. The SELEP Transition Plan, accompanied by our own local East Sussex Integration Plan, sets out precisely which functions will be transferred to East Sussex, and the actions necessary to integrate those functions over the coming months.			Report, other documents may also be submitted	Richard Dawson 01273 482305
23 Jan 2024 Page 32	Cabinet	Reconciling Policy, Performance and Resources (RPPR) 2023/24 Draft Council Plan Draft Council Plan, revenue budget and savings proposals 24/25 & new Capital programme with EqlAs, Financial monitoring update, Engagement and Scrutiny feedback.	<b>KD</b>		Report, other documents may also be submitted	Claire Lee 07523 930526
January 2024	Chief Operating Officer	Award of main contract for the extension of Robertsbridge Community College Special Educational Needs (SEN) facilities East Sussex County Council Children's Services propose to expand the current Special Educational Needs (SEN) facilities to accommodate an additional 12 full-time equivalent (FTE) pupils with Specific Learning Difficulties. This decision is to appoint a contractor for the building extension. The contractor will be appointed	<b>P</b> <b>KD</b>		Report, other documents may also be submitted	Nigel Brown 07394 410630



		following the Council's Procurement and Tendering process under a Joint Contracts Tribunal (JCT) traditional contract.				
February 2024	Director of Communities, Economy and Transport	Allowed for extension to the Services Agreement for the Provision of Tipping Points handling of dry mixed recyclables The Services Agreement for the Provision of Tipping Points handling of dry mixed recyclables is due to expire on 28 June 2024. The decision being made is to exercise the allowed for extension, provided by clause two of the contract 'Commencement and Duration', for a fixed period of two years. The new and final expiry date will be 28 June 2026.	<b>KD</b>		Report, other documents may also be submitted	Laura Tafa 07919 298462



**Report to:** People Scrutiny Committee

**Date of meeting:** 13 November 2023

**By:** Chief Executive

**Title:** Reconciling Policy, Performance and Resources (RPPR)

**Purpose:** To provide an update on the Council's business and financial planning process, Reconciling Policy, Performance and Resources (RPPR), and the committee's input to the process.

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## **RECOMMENDATIONS:**

**The Scrutiny Committee is recommended to:**

**(1) consider the information in the attached RPPR Cabinet report of 7 November 2023 (appendix A), including the updated Medium Term Financial Plan (MTFP) and capital programme update; and**

**(2) identify any further work or information needed to aid the committee's contribution to the RPPR process for consideration at the RPPR Board, or as part of the committee's ongoing work programme.**

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## **1. Background**

1.1 On 7 November Cabinet considered a Reconciling Policy, Performance and Resources (RPPR) update report. Following on from the State of the County report in June, the report sets out an updated picture of how the Council will need to refresh its service and financial plans to respond to the high level of financial uncertainty and the changing national policy agenda.

1.2 The report (attached at Appendix A) provides an update on the rapidly evolving context that will continue to inform planning for 2024/25, and includes:

- updates on key policy context developments since June;
- updates on the financial context and an updated Medium Term Financial Plan for 2024/25-2026/27; and
- an update on the capital programme and next steps.

1.3 The Cabinet report sets out the broad policy context across the all the Council functions and areas which may be of particular interest to this committee include:

- ongoing growth in demand for children's social care, special educational needs and disability (SEND) and adult social care, due to increased need and demographic change, which is placing significant pressure on local authorities across the country, both financially and in service provision;
- the impact of increases in demand and complexity of cases in children's social care, and related issues in the market for care placements nationally, together with the Children's Services Department's ongoing work with IMPOWER consultants in response to these challenges;
- responses from the Department for Education to national consultations on the overall strategy for transforming children's social care, plans for a national framework and dashboard, and on the child and family social worker workforce.
- immediate issues with a lack of suitable placements for children with SEND, and affordability concerns for the future, as well as our ongoing concerns that the

Government's SEND and Alternative Provision Improvement Plan does not address the underlying mismatch between the current legal framework and available resources;

- allocation of further national funding to support market sustainability in Adult Social Care, and for NHS winter pressures; and
- national developments in relation to migration, including consultation with local authorities on local capacity to support vulnerable and at risk people and the impact of legal action on support for unaccompanied asylum seeking children.

1.4 The report highlights that the RPPR process, which brings together our policy, business and financial planning and risk management, continues to provide the robust mechanism to help us navigate the uncertain environment, supporting planning for 2024/25 and beyond and maintaining focus on our priority outcomes.

## **2. Scrutiny engagement in RPPR planning**

2.1 At the **July** meeting the committee discussed relevant parts of the 2022/23 year end monitoring report and the State of the County 2023 report, both of which had been considered by Cabinet in June. These reports enabled the committee to review current service and financial performance information, as well as considering new developments which will impact on services, to ensure a full understanding of the current context and future pressures for the areas within the remit of the committee.

2.2 At the **September** meetings the committee received an update from Departments on the context and current pressures since the State of the County report. The scrutiny work planning awayday held in October provided a further opportunity to consider issues raised and whether, or how, these should be reflected in the committee's ongoing work programme.

2.3 This **November** meeting provides an opportunity to consider further developments in the policy and financial context and how these will impact on planning for 2024/25 and beyond. The attached Cabinet report provides an update on the significant developments that have occurred since June, including those highlighted above, together with an updated Medium Term Financial Plan. Members are invited to:

- consider and comment on the developments in the planning context, particularly as they impact on services within the committee's remit;
- review the updated Medium Term Financial Plan (appendix 1 to the Cabinet report); and
- review the capital programme update (appendix 2 to the Cabinet report).

2.4 The committee's **RPPR Board** will meet on 15 December 2023 to agree detailed comments and any recommendations on the budget and emerging portfolio plans to be put to Cabinet on behalf of the committee in January 2024. The Chairs of the People and Place Scrutiny Committees are invited to attend the RPPR boards of both committees to support a holistic approach.

2.5 The **March 2024** committee meeting will review the process and its input into the RPPR process and receive feedback on how scrutiny input has been reflected in final plans. Any issues arising can be reflected in the future committee work programme.

2.6 Running alongside this process, there will be a number of opportunities for all Members to engage in the RPPR process.

## **3. Conclusion and reason for recommendations**

3.1 As part of its ongoing input to the RPPR process, this committee is recommended to consider the updated information provided by this report and identify any further information it requires for consideration at its RPPR Board to support further engagement in the planning process. The committee is also recommended to consider any amendments to its work programme to aid its contribution to the ongoing RPPR process.

**BECKY SHAW**  
Chief Executive

Contact Officer: Rachel Sweeney, Senior Policy and Scrutiny Adviser

Telephone: 07561 267461  
Email: [rachel.sweeney@eastussex.gov.uk](mailto:rachel.sweeney@eastussex.gov.uk)

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>7 November 2023</b>
<b>By:</b>	<b>Chief Executive</b>
<b>Title of report:</b>	<b>Reconciling Policy, Performance and Resources (RPPR) – update on planning for 2024/25 and beyond</b>
<b>Purpose of report:</b>	<b>To update Members on the latest policy context, Medium Term Financial Plan and capital programme.</b>

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## **RECOMMENDATIONS:**

**Cabinet is recommended to:**

- i. note the updated policy context as set out in paragraph 2;**
  - ii. note the updated Medium Term Financial Plan as set out in paragraph 3 and appendix 1;**
  - iii. note the reserves summary set out in paragraph 3;**
  - iv. note the capital programme update as set out in paragraph 4 and appendix 2; and**
  - v. agree to continue lobbying for sustainable funding to meet the needs of the residents of East Sussex.**
- 

## **1. Background**

1.1 In June Cabinet considered the State of the County report, a key milestone in the Council's Reconciling Policy, Performance and Resources (RPPR) process, our integrated business and financial planning cycle. The report set out the updated demographic, economic and service evidence base; the national and local policy context; and updates on our medium term financial planning position and capital programme. It set out our latest understanding of how we would need to continue to respond to the broad and evolving range of policy, demographic and financial drivers which influence the outlook for the Council, both in the short and longer-term.

1.2 State of the County painted a vivid picture of the strengths and diversity of our county, as well as needs and challenges. The report illustrated the importance and broad range of support the County Council provides to East Sussex residents, businesses and communities, particularly the most vulnerable. There is much to be proud of, from our leading work on integrating health and social care to maximise people's independence, to the support we are delivering, with partners, to help local businesses thrive, improvements to the county's bus services and the additional investment we are making in the resilience of our roads. The recent peer challenge underlined the Council's strong record of delivery, the value of our partnership working and our good foundations to plan for the longer term future.

1.3 The State of the County report also highlighted the high levels of uncertainty and change that continue to characterise the environment within which we are currently operating and planning. Factors such as the challenging national economic situation and

cost of living pressures on households, growing demand for our support and the impact of national reforms to many of our key service areas, particularly social care, contributed to a highly uncertain financial outlook. As a result of this unclear and evolving picture it was not possible to present an updated Medium Term Financial Plan as part of State of the County.

1.4 Since June, the planning context has developed further, with more national policy announcements and changes which are summarised at paragraph 2 below. Councils across the country, including ESCC, are also facing a rapid escalation in both demand and costs as a result of national factors beyond local control. In particular, ongoing growth in demand for children's social care, special educational needs and disability (SEND) and adult social care, due to increased need and demographic change, is placing significant pressure on local authorities, both financially and in service provision. This growth in need is compounded by difficulties finding the right support, particularly in children's services where there is a real lack of suitable placements to support children with complex needs, and in adult social care where workforce challenges continue to impact on capacity. These demand-led, statutory services are core to supporting the most vulnerable, but the important requirement to respond to all those who need statutory support leaves few options for local authorities to manage growing costs. Preventative work, which can help stop needs escalating and therefore reduce the amount of higher intensity support required, has been reduced over time as councils' resources became more stretched. This leaves very little room for investment in these approaches, which are our best option to manage demand in the longer term, and impacts on the outcomes we want to achieve for local people as services become ever more reactive.

1.5 Many of our public and voluntary, community and social enterprise (VCSE) sector partners are also experiencing high levels of demand in the context of increased need and limited resources to respond. Pressures in the NHS nationally and locally post-Covid not only impact on people's experience of health services, but also have knock-on effects on council services, particularly social care.

1.6 As signalled in June, we continue to take action wherever we can to maximise our resilience as an organisation, to work effectively with our partners and to best manage growing demand for our services. We are putting investment previously agreed by Cabinet to good use in supporting the recruitment and development of the skilled staff needed to deliver effective services, and to ensure we will have the workforce we need for the future. We continue to pursue opportunities presented by new technology to improve efficiency and local people's interactions with our services. Work to reshape our office estate to reflect new working arrangements and reduce costs is ongoing, including making progress on developing options for the future of County Hall. We also continue to use our lobbying activity, building on the voice of the local government sector as a whole, to help ensure that the Government is aware of the needs of East Sussex and the ongoing and urgent requirement for a sustainable funding regime that appropriately reflects local need.

1.7 The RPPR process, which brings together our policy, business and financial planning and risk management, continues to provide a tried and tested approach to help us navigate this increasingly difficult environment. Our robust process, applied over many challenging years, has placed the Council in a stronger position than many other authorities grappling with similar issues in the short term. Thanks to careful management of resources over many years, and with the assistance of Government Covid support during the pandemic, we have not needed to find new savings in recent years and we have not had to draw on our reserves to balance the books. This has enabled us to provide welcome stability in our services and the support we offer to local people. However, given the national issues at play, we are experiencing similar significant financial pressures to others and now face a renewed challenge to maintain the decent and effective services our residents need and deserve in the medium term. This report provides our latest assessment of the current position.

1.8 Planning for 2024/25 and beyond, through RPPR, will maintain focus on our four priority outcomes for the county and the Council:

- Driving sustainable economic growth;
- Keeping vulnerable people safe;
- Helping people help themselves; and
- Making best use of resources, now and for the future - the test applied to all activities to ensure sustainability of our resources, both in terms of money and the environment.

In June Cabinet agreed, for planning purposes, a number of changes to the delivery outcomes which underpin these priorities to ensure they remain up to date.

1.9 This report provides Members with an update on the context for planning and the additional challenges we must take into account. It includes:

- updates on key policy context developments since June;
- updates on the financial context and an updated Medium Term Financial Plan for 2024/25-2026/27; and
- an update on the capital programme and next steps.

## 2. Policy context update

2.1 Key areas in which there have been developments since the State of the County report, or in which further developments are expected in the coming months, are detailed below.

- **National economic context** – Inflation, as measured by the Consumer Prices Index (CPI), stood at 6.7% in the 12 months to September, unchanged from August but down from 6.8% in July. This is the lowest rate since February 2022, helped by falling energy prices and slower increases in the price of food. Inflation is currently forecast by the Bank of England to fall further to around 5% this year and to meet its 2% target by early 2025. The ongoing high rate continues to place cost of living pressures on individuals and families, although average annual growth in regular pay across all sectors in April to June 2023 was 7.8%, matching inflation for the first time in two years. Reflecting the reduction in inflation, the Bank of England maintained interest rates at 5.25% in September, having increased them by a quarter of a percentage point to that level in August. Analysts suggest this may have been the last in the series of recent rises, given that further falls in inflation are predicted, although the Bank has previously indicated that interest rates could remain above 5% until 2026. The Government has confirmed that the Chancellor will make his Autumn Budget Statement on 22 November, which will be accompanied by updated Office for Budget Responsibility (OBR) forecasts for the national economy.

Levels of inflation and cost of living pressures are continuing to impact on pay negotiations and, despite signs the jobs market is beginning to weaken, with fewer job vacancies and rising unemployment, there remains a competitive and challenging environment for recruitment and retention of staff in local government. Locally, as well as contributing to increased demand on services, continued higher levels of inflation also have ongoing impacts on our operating costs as set out in more detail in paragraph 3 below. The deployment of the remaining 2023/24 Household Support Fund for East Sussex was agreed by Lead Members during September and the Government has indicated that there is no intention to continue the Fund beyond March 2024.



- Local government funding** – Financial pressures faced by councils across the country have attracted national attention in recent months. Although some high profile cases of financial distress relate to specific local factors, the majority of local authorities are experiencing significant increases in demand, particularly in children’s services and adult social care and, with limited resources to respond, in-year overspends and increasing medium term deficits have been widely reported. The Local Government Association (LGA) submission to the Chancellor ahead of the Autumn Budget Statement highlighted that councils face a funding gap of £4bn over the next two years. The LGA analysis also indicated that by 2024/25 cost and demand pressures will have added £15bn (almost 29%) to the cost of delivering council services since 2021/22, with high levels of inflation adding unsustainable costs onto council budgets. It identified that children’s social care is increasingly cited by councils with this responsibility as their key source of financial pressure and overspend. The LGA called on Government to provide immediate funding so councils can deliver 2023/24 budgets and meet ongoing cost and demand pressures, including sufficient resources to set balanced budgets next year. There is currently no indication of further national support. The fair funding review and reset of business rates retention will not take place for at least two years and, with a general election expected in 2024, it is very unlikely that any changes would be implemented before the publication of the 2026-27 provisional settlement. The Autumn Statement may provide some initial indications of the position on funding streams relevant to local government for 2024/25, ahead of the provisional local government finance settlement expected in late December.

In July, the Department for Levelling Up, Housing and Communities (DLUHC) published a plan to simplify the funding landscape for local authorities, which included piloting streamlined delivery of some capital funding (including the Levelling Up Fund, Towns Fund and Future High Streets Fund - Lewes District Council is one of the 10 pilot areas) and the introduction of a new ‘Funding Simplification Doctrine’ requiring Government departments to strive for a simpler and more streamlined way of delivering funding to local authorities, including use of allocations rather than bids. The doctrine will not mean the end of competitive funding pots, as these are still considered by Government to be of use in driving value for money and identifying the best projects. DLUHC will encourage the use of allocative methods, where they can achieve specific outcomes and minimise demands on councils and, where practicable, new funding should be delivered through an existing programme rather than creating a new fund.

- Children’s services** – The demand for children’s social care and complexity of cases has continued to increase nationally and locally, resulting in higher numbers of looked after children and very high demand for specialist placements. As reported by the Competition and Markets Authority in 2022, the market for care placements nationally is not effective, leading to high prices for all councils. These issues have become even more acute in the face of escalating demand, affecting children’s services across the region and country. In June, we started an intensive programme with a specialist consultancy, IMPOWER, who are supporting Children’s Services in developing ways to make informed estimates on future numbers and trends in relation to children we care for. They are also helping to review how we can improve the number of available placements for children that best meet their needs, and supporting us to evaluate further mitigations to minimise budget pressures across the system, including achieving better value for money from the commissioning of placements. In September the Department for Education (DfE) published responses to consultations on the overall strategy for transforming children’s social care, and on the national framework and dashboard. The national framework, when published later this year, will clarify expectations and outcomes for what local authorities should achieve in children’s social care. In October DfE published its response to consultation on the child and family social worker workforce, confirming that it will consult on draft statutory guidance to underpin new national rules on local authority engagement of agency social workers in spring 2024.

Subject to this consultation, local authorities will be expected to comply with that statutory guidance in autumn 2024.

Demand and complexity in special educational needs and disability (SEND) also continues to rise, with the main immediate issue for ESCC being a lack of suitable placements, although affordability is also a significant concern for the future. We remain concerned that the Government's SEND and Alternative Provision Improvement Plan does not address the underlying mismatch between the current legal framework and available resources. Without sufficient steps being taken to address the sustainability of the system nationally, councils will continue to face significant pressure on resources for SEND at local level for the foreseeable future.

- **Adult social care** - In July, the Department for Health and Social Care (DHSC) announced the allocation of a further £600m of funding set out in its earlier policy paper *Next Steps to Put People at the Heart of Care*, to be focused on enabling councils to address the staffing crisis in social care, provide more care at home, support carers and meet the challenge of winter pressures. The announcement saw £570m distributed directly to councils through the Market Sustainability and Improvement Fund, with a focus on social care workforce and improvement but flexibility for councils to use the funding over the next two years in the most effective way to support people in their communities. £365m was allocated for the current year (c£4m to ESCC), with the remaining £205m to be allocated in 2024/25. In September, DHSC also announced a further £200m for NHS winter pressures. The short term additional funding is welcome, however there remains an urgent need for a comprehensive plan for the funding and reform of adult social care which will ensure that those that need care services can receive appropriate and timely care.
- **Local economic growth** – In February, the Government announced that it was 'minded to' enable the functions of Local Enterprise Partnerships (LEPs) to be delivered by local government in the future. In August, following consultation, this decision was confirmed. The announcement, welcomed by the sector, confirmed that by March 2024 Government will support upper tier councils (or combined authorities where they exist) to absorb the three main functions of LEPs: business representation, strategic economic planning, and responsibility for the delivery of government economic growth programmes. It also confirmed that transition funding will be provided in 2024/25 to support councils to take on these functions, with future funding to be set out at the next Spending Review. Locally, a transition plan is in development to manage the transfer of relevant South East Local Enterprise Partnership (SELEP) functions to constituent local authorities, including ESCC. SELEP's existing federated model provides a strong foundation for this work. Further national guidance on the transfer of LEP assets and management of ongoing growth programmes is awaited to inform planning. In parallel, and linked to the transition of LEP functions, work is ongoing on the new East Sussex Economic Growth Strategy, with a draft planned to be in place for the new financial year.

In October, Government announced that Hastings and Bexhill would be among 55 towns nationally to receive investment as part of a Long-Term Plan for towns described as 'overlooked and taken for granted'. Each town will receive a £20m endowment style fund over 10 years in return for developing a 10-year Long-Term Plan setting out the town's vision and priorities for investment and regeneration, aligned to three themes: safety and security; high streets, heritage and regeneration; and transport and connectivity. Areas will also be able to use a suite of regeneration powers to unlock more private sector investment. This follows the announcement at the March Budget that Hastings and Rother would also be amongst areas invited to form Levelling Up partnerships with Government to develop bespoke, place-based regeneration plans with access to associated capital funding. We will continue to work with our district and borough

partners and DLUHC to clarify the interaction between the programmes and to maximise the benefit of these opportunities for local communities and the local economy.

- **Levelling Up, devolution and planning** – The Levelling Up and Regeneration Act received Royal Assent at the end of October, bringing into law its provisions relating to Levelling Up, devolution and planning reform. A range of linked planning announcements in July included the launch of a consultation on plan-making reforms which included proposals relating to the content of Local Plans and Waste and Minerals Plans, along with proposals to standardise the evidence base used for Local Plans and proposals on gateway assessments to ensure that a Local Plan is found sound at examination.

July also saw the launch of the Office for Local Government (Oflog), accompanied by a DLUHC policy paper setting out further detail on the rationale and remit for the new body. The paper highlighted the range and importance of services that local government provides, but also that there have been a small number of examples of serious failure where Government has had to intervene. The intention is that the introduction of Oflog will minimise the need for future interventions. Oflog plans to improve the transparency of local authority performance through the publication of selected data to enable understanding and interpretation by its three main audiences – citizens, local and central government – with the range and analysis of data developing over time as Oflog broadens its role.

- **Transport** – Alongside the scaling back of the HS2 high speed rail scheme, Government announced in October a new Network North plan to improve the country's transport. Although the majority of the £36bn investment outlined in the plan is focused on the north of England and the Midlands, it was indicated that the south east, south west and east of England would receive access to a £2.8bn roads resurfacing fund to address potholes; further detail on this is awaited. In addition, the Department for Transport announced an increase to funding for most existing Major Road Network and Large Local Major Road schemes. It has been indicated that these schemes, subject to successful business case approval, will benefit from an uplift in Government contribution from 85% to 100% of their costs at the outline business case stage. The increased funding is intended to help ensure the delivery of these road schemes which include the A22 Corridor Package (Hailsham to Stone Cross) and A259 South Coast Road Corridor (Seaford, Newhaven, Peacehaven). Also, as part of the plan, the £2 bus fare cap has been extended until 31 December 2024.
- **Environment** – In June, the Department for Environment, Food and Rural Affairs (DEFRA) announced it intends to ban councils charging householders for disposing of DIY waste, although we await further details on when this will take effect. In July, it was announced that the Extended Producer Responsibility for Packaging (EPRP) reforms, which were originally planned for 2023, would be delayed by a further year to October 2025. The decision to delay EPRP reforms comes in conjunction with the announcement of revised national requirements for household recycling. DEFRA's 'Simpler Recycling' plans, published in October, set an expectation that all households will be able to recycle the same dry materials (paper and card, plastic, glass, metal). There will also be a requirement to provide weekly food waste collections from all households and to offer garden waste collection. Further consultation is planned on the proposed frequency of residual waste collections. Although the new plan provides some additional flexibility compared to previous proposals, the introduction of additional national requirements continues to present challenges for implementation, which is expected by March 2026.

An updated five year national Climate Adaptation Plan was published in July, setting out the actions that Government and others will take to adapt to the impacts of climate change from 2023 to 2028, including the role of local government. Responsible

authorities for producing Local Nature Recovery Strategies were also confirmed in July, including the appointment of ESCC to produce the strategy for East Sussex and Brighton and Hove over the next 18 months. In September, the Prime Minister recommitted the UK to deliver Net Zero by 2050 but set out a new approach which included: pushing back the ban on the sale of new petrol and diesel cars in the UK from 2030 to 2035; setting an exemption to the phase out of fossil fuel boilers, including gas, in 2035, for households who would struggle to make the switch to low-carbon alternatives; scrapping new policies forcing landlords to upgrade the energy efficiency of their properties; and creating a new £150 million Green Future Fellowship to develop green technologies and climate change solutions over five years. Measures to support energy infrastructure were also announced, particularly to support grid connections for energy projects.

- **Migration** – the response to increased numbers of refugees and people seeking asylum continued to be an area of focus nationally and locally over the summer and autumn. The Illegal Migration Act received Royal Assent in July, bringing into law a range of national reforms to the asylum system. Locally, increased numbers of small boat arrivals, ongoing asylum dispersal and refugee resettlement, including the end of some Homes for Ukraine hosting arrangements, are contributing to significant pressure on district and borough council housing services as demand for accommodation and numbers of people presenting as homeless increases. In September the Home Office confirmed that it is considering using the Northeye site in Bexhill (which it has now purchased) to detain people who have come to the country without permission. No firm decisions have been made and the original proposal to use the site for non-detained accommodation for asylum seekers also remains open. ESCC and our local partners continue to work with the Government to understand their intentions and to assess the impact specific plans would have for the area, especially on local services. A significant number of adult asylum seekers also continue to be housed by the Home Office in contingency hotels across the county. The Home Office recently announced its intention to reduce the number of hotels in use for this purpose nationally, with the first 50 being exited by January 2024. Local authorities are also being consulted on plans to determine an annual cap, to take effect from January 2025, on the number of refugees resettled in the UK each year via safe and legal routes; further details of these routes will be set out early next year. The consultation will seek to better understand local capacity to accommodate and support vulnerable and at-risk people. We are working with district and borough council partners to co-ordinate an East Sussex response.

In August, legal action brought by Brighton & Hove City Council resulted in a court judgement that the use of hotels for unaccompanied asylum seeking children (UASC) on a regular basis by the Home Office was illegal. This resulted in the transfer of a significant number of UASC in hotels to the care of the relevant local authority. This included ESCC, as one of a number of areas where the Home Office had placed UASC in hotels. Affected councils and the courts have asked the Government to ensure the National Transfer Scheme (NTS) is applied effectively to facilitate timely and appropriate transfer of UASC to the care of other local authorities across the country as mandated by the scheme, and legal action is ongoing in relation to this. ESCC continues to call on the Home Office to discharge its responsibility as set out by the court and we continue to play a full part in the NTS.

2.2 The Government's planned legislative agenda in the run-up to the next general election will be set out in the King's Speech on 7 November. We also expect further detail on many of the above policy developments, and the resulting implications for the County Council, to become clearer in the coming months and will continue to factor this information into planning for 2024/25 and beyond.

### 3. Medium Term Financial Plan

3.1 It remains difficult to plan for 2024/25 and beyond. With inflation remaining higher than earlier estimates suggested and demand for services, particularly across social care, continuing to rise, the total level of expenditure required to deliver our services continues to grow. With the level of Government funding that ESCC will receive between 2024/25 – 2026/27 yet to be confirmed (the provisional Local Government Settlement 2024/25 is not expected until late December 2023), the Medium Term Financial Plan (MTFP) has been updated for the best estimated available information.

3.2 The MTFP presented within the State of the County in June estimated a deficit budget position by 2026/27 of £55.499m. Over the summer the MTFP has been updated to include departmental service pressures and updated financial modelling. The impact of the updates is summarised in the table below and provides a deficit budget position by 2026/27 of £64.698m.

Medium Term Financial Plan	2024/25 £m	2025/26 £m	2026/27 £m
Annual Budget Deficit / (Surplus)	27.700	23.114	13.884
<b>Total Budget Deficit / (Surplus)</b>	<b>27.700</b>	<b>50.814</b>	<b>64.698</b>

3.3 A detailed MTFP after normal updates and proposed pressures is shown at appendix 1.

3.4 As set out above, our estimated deficit for 2024/25 is £27.700m. Given the uncertainty around future funding levels, scenarios are being explored to bridge the deficit and present a balanced budget for 2024/25. Current identified options have the potential to reduce the 2024/25 deficit, as set out below:

Scenarios being considered	2024/25 £m	2025/26 £m	2026/27 £m
Council Tax Flexibility: Add 2% to current 2.99% assumption to get to 4.99% (2.99% plus 2.00% ASC Precept)	(7.021)	(0.247)	(0.256)
Business Rate Pooling – continuation for a further year	(2.194)	2.194	0.000
Continuation of the ASC Market Sustainability and Improvement Fund/Grant for a further year	(2.209)	2.209	0.000
Impact on general contingency	(0.114)	0.042	(0.003)
<b>Revised Budget Deficit</b>	<b>16.162</b>	<b>27.312</b>	<b>13.625</b>

3.5 At this point in the RPPR process it is not possible to present a balanced MTFP due to the considerable level of national funding uncertainty.

3.6 We continue to benchmark our services against other local authorities to ensure these provide best value for money and to learn from others. Over the coming months we will explore options that may help to reduce the deficit including:

- Working with district and borough councils to ensure the most up to date Council Tax base figures are available;
- Reviewing the capital programme and impact of potential borrowing;
- Revisiting and refining pressure bids;

- Exploring opportunities for additional income.

If there is a deficit on the 2024/25 budget, and in line with our robust financial management policies and procedures, one option will be to use reserves to mitigate this position until the medium to longer term funding position is clarified.

3.7 The latest projected reserve balances as at 31 March 2028 are set out in the table below. This position is prior to any draw on balances required to set a balanced budget for 2024/25.

<b>Projected Reserve Balances</b>	<b>Actual Balances @ 31-Mar-23 £'000</b>	<b>Est. Balances @ 31-Mar-28 £'000</b>
<b>Held on behalf of others or statutorily ringfenced</b>	<b>34,876</b>	<b>32,320</b>
Corporate Waste	19,883	8,880
Capital Programme	13,426	483
Insurance Risk	7,362	7,314
ASC Reform Reserve	3,099	0
<b>Total Named Service Reserves</b>	<b>43,770</b>	<b>16,677</b>
Priority Outcomes and Transformation	17,398	3,889
Financial Management	41,881	17,559
<b>Total Strategic Service Reserves</b>	<b>59,279</b>	<b>21,448</b>
<b>Total Earmarked Reserves</b>	<b>137,925</b>	<b>70,445</b>
General Fund	10,000	10,000
<b>Total Reserves</b>	<b>147,925</b>	<b>80,445</b>

#### 4. Capital programme

4.1 The programme has been updated for approved variations since the State of the County in June 2023, increasing the gross programme to £722.4m to 2032/33, details of which can be found at appendix 2.

4.2 The 10 year capital programme to 2032/33 and 20 year Capital Strategy 2023/24 to 2043/44 will be updated as part of the RPPR process over the autumn to add a year and to include consideration of the impact and management of inflation and supply chain issues, alongside any updates relating to funding, programme and project profiles and any other investment basic need.

#### 5. Lobbying and communications

5.1 Despite the positive steps we have taken to respond proactively to the changing needs of the county, and our careful management of resources, the medium term outlook has become increasingly challenging. We face a very significant and growing financial gap linked to national factors which are outside of local control and will inevitably persist. Coupled with this, there remains much uncertainty on long-term funding arrangements for local government, which continues to make planning difficult. We also await more clarity on the impact of significant national reforms in major service areas. In the face of these challenges, and the significant savings already delivered by ESCC, there are few options available to close the financial gap. Fundamentally, without further Government support or

sustainable reform of local government finances we will not have the funding we need in the medium term.

5.2 We will continue to pursue all options locally to mitigate the pressures we face. This includes our ongoing work to harness the benefits of new technology, including exploring the potential opportunities presented by developments in artificial intelligence. We remain focused on continuous improvement and seeking out and implementing best practice approaches, such as our work on family safeguarding in Children's Services. We also continue to maximise the value of our partnerships with others to use collective local resources to best effect to support the resilience of our residents and communities.

5.3 However, our lobbying will also be vital to ensure Government is fully aware of the unsustainable situation faced by local authorities, and the specific needs of East Sussex. We will call for recognition of, and support with, the impacts of current demands and market conditions over which we have very limited control locally. We will highlight the lack of funding to invest in the preventative approaches which are the only way to mitigate increasing need, as well as to achieve the best outcomes for our residents. The requirement for Government to fully fund new asks and responsibilities for local authorities as a result of national reforms is also key. Above all, we will continue to strongly make the case for longer term certainty of future funding, and a sustainable funding regime for local government, which is appropriately reflective of local need. This will be essential to ensuring we secure adequate resources to deliver what will be required to support East Sussex residents, communities and businesses with the core services they need in the years ahead. We will work individually, with our partners across the region and with the sector nationally to articulate these messages clearly and actively, supported by local evidence of the issues we face.

5.4 With ongoing uncertainty and increasing demand for our services, a clear and current understanding of the views and priorities of people who live and work in East Sussex is also vital to inform our planning for the future through RPPR. As part of ongoing planning for 2024/25 and beyond, we have launched a public engagement exercise to seek additional feedback directly from local people on priorities and financial choices. This survey, alongside our RPPR engagement with key partners and groups representing local communities, will provide valuable additional insight to inform Cabinet recommendations and Council decisions on our budget and Council Plan in early 2024.

## **6. Next Steps**

6.1 This report highlights the importance of the services the Council provides for the county, the positive achievements we have to build upon, and the strength of our robust planning processes. It also outlines the increased level of uncertainty within which planning for 2024/25 is taking place and the growing pressure on services. Much is to be determined around national spending allocations and priorities for 2024/25 onwards, the impact of national reforms, and the medium to longer term impact of the increases in demand and cost seen already this year.

6.2 Thanks to our sound financial management and clear focus on priorities we expect to be able to manage within existing contingency arrangements this year but the situation for next financial year and beyond presents considerable challenges and our response will depend on levels of national support.

6.3 Work will continue into the winter to understand the detailed funding picture as it emerges, the implications of national policy developments, the views of local people, and to refine our understanding of the county's needs. This analysis will feed into our ongoing business and financial planning.

6.4 Members will continue to be involved in developing plans through Cabinet, County Council, Scrutiny Committees, and specific engagement sessions throughout the 2023/24 RPPR process.

**BECKY SHAW**  
**Chief Executive**



## Appendix 1

### 1. Medium Term Financial Plan (MTFP) Update

1.1 The MTFP has been updated for regularly calculated adjustments, pressure bids, and the additional year of 2026/27. The movements are summarised below. The full MTFP is provided at Annex 1.

	Ref	Estimate (£m)				
		2024/25	2025/26	2026/27	Total	
<b>Council 8 February 2023 DEFICIT/(SURPLUS)</b>		<b>2.196</b>	<b>38.476</b>	<b>0.000</b>	<b>40.672</b>	
<b>Normal Updates:</b>						
Council Tax Inflation (additional year assumed at 1.99%)	A	0.000	0.000	(7.623)	(7.623)	
Council Tax Base (additional year)		0.000	0.000	(5.661)	(5.661)	
Business Rates Retention (inflation, growth and Collection Fund)	B	0.665	(0.594)	(0.153)	(0.082)	
Business Rates Reset	C	0.000	0.000	(3.909)	(3.909)	
Revenue Support Grant inflation update	D	0.058	0.000	0.000	0.058	
Continuation of Adult Social Care grant funding	E	0.000	(28.508)	0.000	(28.508)	
Inflation for contracts (normal and contract specific)	F	10.504	2.877	15.141	28.522	
CET: Waste Housing Growth	G	0.000	0.000	0.331	0.331	
CSD: Family Safeguarding	H	0.000	0.000	(0.604)	(0.604)	
Treasury Management	I	(2.650)	1.000	4.000	2.350	
Pay award	J	0.000	0.000	5.852	5.852	
Levies Increase	K	0.000	0.000	0.013	0.013	
General Contingency	L	0.244	0.208	0.133	0.585	
<b>Pressures added to / (removed from) the MTFP:</b>						
CSD: Payment rates for ESCC Foster Carers 2023/24	M	0.460	0.000	0.000	0.460	
Provision for Energy Price Pressure	N	(1.300)	0.000	0.000	(1.300)	
Local Government Pension Scheme – impact of triennial valuation	O	(0.500)	0.000	0.000	(0.500)	
ASC: Growth & Demography	P	0.000	3.917	3.917	7.834	
CSD: Growth & Demography		0.000	0.000	0.808	0.808	
<b>Pressures bids proposed by CMT:</b>						
ASC: Strategy Implementation		0.330	0.330	0.000	0.660	
ASC: Growth & Demography – above current MTFP		0.000	3.574	0.000	3.574	
CSD: Digital IT Improvements		0.044	0.039	0.144	0.227	
CSD: Foster Care Fee Increase 2024/25		1.476	0.000	0.000	1.476	
CSD: Staffing Capacity		1.549	(0.105)	0.000	1.444	
CSD: Looked After Children Demand – above current MTFP		13.670	1.800	1.800	17.270	
CET Local Planning Advice Resourcing	Q	0.090	0.000	(0.080)	0.010	
CET Access to Employment and Skills		0.200	0.000	0.000	0.200	
CET Local Nature Recovery Scheme		0.000	0.100	0.000	0.100	
CET Pan Sussex Tourism		0.225	0.000	(0.225)	0.000	
CET Highways – Contract Pressure		0.158	0.000	0.000	0.158	
CET Highways – Second Grass Cut		0.080	0.000	0.000	0.080	
BSD IT&D Licensing and Core Service Pressure		0.201	0.000	0.000	0.201	
<b>DEFICIT/(SURPLUS) AFTER NORMAL UPDATES</b>		49	<b>27.700</b>	<b>23.114</b>	<b>13.884</b>	<b>64.698</b>

1.2 The assumption for Council Tax is an increase of 1.99% in all years; the current limit before referendum is triggered. The Adult Social Care precept assumption is for 1% in 2024/25. The Government has provided local authorities in England additional flexibility in setting Council Tax by increasing the referendum limit for increases in Council Tax to 3%, and the ability to increase the Adult Social Care Precept, by up to 2%, in 2024/25.

1.3 In addition to the council tax flexibility in 1.2 above, the extension of business rates pooling into 2024/25, and grant funding for the ASC provider market have the potential to reduce the deficit:

	Ref	Estimate (£m)			
		2024/25	2025/26	2026/27	Total
<b>DEFICIT/(SURPLUS) AFTER NORMAL UPDATES &amp; PRESSURES BIDS</b>		<b>27.700</b>	<b>23.114</b>	<b>13.884</b>	<b>64.698</b>
<b>Updates to be considered – for review of likelihood and for local decision:</b>					
<i>Council Tax Flexibility: Add a further 2.00% to our current 2.99% assumption (1.99% plus 1% ASC Precept) to get to 4.99% (2.99% plus 2.00% ASC Precept) in 2024/25</i>	R	(7.021)	(0.247)	(0.256)	(7.524)
<i>Proceeds of NNDR Pooling (applications submitted)</i>	S	(2.194)	2.194	0.000	0.000
<i>Market Sustainability and Improvement Fund (used to part-fund ASC fees)</i>	T	(2.209)	2.209	0.000	0.000
<i>Impact of above on general contingency</i>	L	(0.114)	0.042	(0.003)	(0.075)
<b>DEFICIT/(SURPLUS) AFTER UPDATES</b>		<b>16.162</b>	<b>27.312</b>	<b>13.625</b>	<b>57.099</b>

### Normal Updates:

#### A Council Tax Inflation and Base

The Government has provided local authorities in England additional flexibility in setting Council Tax by increasing the referendum limit for increases in Council Tax to 3% in 2024/25 and the ability to increase the Adult Social Care Precept by up to 2%. This flexibility is not currently assumed in the MTFP, with council tax inflation assumed at 1.99% for all years and the Adult Social Care precept assumed at 1% in 2024/25 only. Council Tax base growth is being estimated at 1.5% for all years. The assumptions for growth and collection will be reviewed once Council Tax Base returns are made by District and Borough Councils later in November.

#### B Business Rates Retention, Growth and Collection Fund

Business rates have been updated for the additional year and to reflect the latest inflation estimates by the Office of Budget Responsibility (OBR) published in March 2023 (a movement from 6.86% to 5.41% in 2024/25; from zero increase to 0.57% in 2025/26, and a rate of 0.02% in 2026/27). As is normal practice these figures will be updated for the September rates once published in October.

Since Full Council, updated estimates on business rates income from District and Borough Councils (NNDR1 forecasts) have been received. This showed a slight improvement in overall income, however there is still uncertainty of the impact of the cost of living crisis and wider economic factors on the local business community. Growth is therefore estimated at 0.4% in 2024/25 and recovering to 0.7% in 2025/26 and 2026/27 (noting that the average in a normal year is 0.7%). Business rates will continue to be monitored along with the collection fund and reviewed alongside with the District and Borough Councils' latest collection forecasts to understand any further impacts.

#### C Business Rates Reset from 2025/26

Although Government has given a strong commitment to update the current local government funding regime, the Autumn Statement 2022 and Provisional Financial Settlement have set indicative funding

levels for 2024/25. Wider local government funding reforms are confirmed to be delayed until 2025/26 at the earliest, although it is becoming increasingly likely that a new government would struggle to implement any funding reforms in 2025/26. The MTFP therefore reflects the impact of a delay to funding reform to 2025/26. The net impact is taken from the LG Futures model and local assumptions of what reform may look like, and updated for latest inflation estimates. The exact mechanism and impact, however, remain unknown.

#### **D Revenue Support Grant**

The current planning assumptions on Revenue Support Grant (RSG) reflect latest inflation estimates. Ahead of funding reform and a multiyear settlement, the government has compensated for the mechanism which creates negative RSG in some authorities. The current assumption is that government will continue to compensate for negative RSG in the same way it has done in the recent years, before the RSG is reviewed as part of funding reform in 2025/26.

#### **E Continuation of Adult Social Care grant funding**

As part of the Autumn Statement 2022, the Government announced that the planned reforms to Adult Social Care would be delayed until 2025. The MTFP does not currently assume any cost impact of these reforms. The Government also confirmed that grant funding, previously announced in support of the reforms, would continue in support of social care and hospital discharge to 2024/25. We are assuming funding will continue in some form into 2025/26 and beyond.

#### **F Inflation for contracts (normal and contract specific)**

The service inflation model has been updated for an additional year and to reflect the latest inflation estimates by the Office of Budget Responsibility (OBR) published in March 2023 as per normal practice. The inflation model as per the approved pressures protocol allows for contracts to be uplifted annually per the contract conditions but does not provide inflation for utilities and other running costs e.g. building maintenance, communications and software. Contractual negotiations, e.g. Foster Care and Concessionary Bus Fares are considered for inclusion within the MTFP by CMT. As is normal practice these figures will be updated for OBR forecast rates (usually published in November) to inform the final proposed budget.

The table below shows changes in inflation estimates published in March 2023 compared to those included as part of the approved budget in February 2023.

	2023/24		2024/25		2025/26		2026/27	
	Oct 22	Mar 23	Oct 22	Mar 23	Oct 22	Mar 23	Oct 22	Mar 23
CPI	6.86%	5.41%	(0.20%)	0.57%	(1.11%)	0.02%	0.87%	0.67%
RPI	10.47%	8.10%	0.37%	1.19%	(0.62%)	0.97%	1.68%	1.88%
RPIX	8.11%	6.71%	(0.35%)	0.59%	(0.60%)	0.81%	1.78%	1.75%

*Inflation estimates are as of September of each calendar year to provide the best mid-point within each financial year.*

The normal update includes inflation increases from 2024/25 onwards. Normal practice is that in year services would be expected to manage movement in actual inflation through contract/budget management and the pressures protocol.

#### **G CET: Waste Housing Growth**

The forecast pressure for 2026/27 has been added to the current plan. Further review and update will be required to reflect the latest modelling and reflect any offset, such as increased recycling prices.

#### **H CSD: Family Safeguarding**

CSD produced a sustainability plan to improve outcomes for children while reducing costs to the council, primarily through the implementation of the nationally trialled Family Safeguarding model which is also in

line with the recommendations of the recently published Independent Review of Children’s Social Care. This update provides for impact in the added year.

**I Treasury Management**

The additional year of 2026/27 shows the budget estimated to support the borrowing required to fund the approved Capital Programme and Strategy. Longer term higher interest rates have enabled a net budget reduction due to higher projected returns on investments in 2024/25, which has been offset to some extent by the impact of due proposed capital strategy updates requiring increased external borrowing over the MTFP period.

**J Pay Award Added Year and uplift**

A high-level estimate of the additional year of 2026/27 has been included and provision for an award of 5% in 2023/24 and 3% in all years thereafter. Figures will be updated for a more detailed analysis and any pay settlement as part of the RPPR process.

**K Levies Increase**

The figures are reflective of the latest estimates of the Flood & Coastal Protection Levy, Sussex Inshore Fisheries Levy and New Responsibilities Funding.

**L General Contingency**

This is calculated at an agreed formula of 1% of net budget less treasury management. The figures reflect the addition of 2026/27 and impacts of other changes.

**Pressures added to / (removed from) the MTFP:**

**M CSD: Payment rates for ESCC Foster Carers**

There was an in-year increase to foster carer rates in 2023/24. The MTFP has been updated to reflect this impact at £0.460m in 2024/25.

**N Provision for Energy Price Pressure**

The stabilisation of energy prices has meant that the corporate provision made in 2023/24 will not be required on an ongoing basis.

**O Local Government Pension Scheme – impact of triennial valuation**

The 2022 triennial valuation of the East Sussex Pension Fund has now been concluded resulting in a net reduction in the required Council’s overall employer contribution.

**P Services Growth & Demography**

Values for ASC and CSD growth and demography have been included based on a continuation of current pressures. Pressures in addition to these amounts have been included as part of the pressure bids (see below).

		Estimate (£m)			
		2024/25	2025/26	2026/27	Total
ASC: Growth & Demography - above current MTFP	Q	0.000	3.574	0.000	3.574
CSD: Looked After Children Demand - above current MTFP		13.670	1.800	1.800	17.270
<b>In Current MTFP</b>					
ASC: Growth & Demography	P	3.917	3.917	3.917	11.751
CSD: Growth & Demography		0.973	0.808	0.808	2.589
<b>TOTAL</b>		<b>18.560</b>	<b>10.099</b>	<b>6.525</b>	<b>35.184</b>

Pressure bids were submitted for consideration by CMT on 4 October. Following a detailed review, CMT proposed a number of pressures for inclusion in the draft MTFP. These include: costs incurred in the implementation of the ASC Strategy, additional growth in the demand and complexity of ASC packages of care, investment in digital IT services in CSD, increases in fees paid to foster carers, further capacity and resource in CSD social work and commissioning, additional growth in placements for looked after children, continuation of investment in access to employment and skills (previously funded via the Contain Outbreak Management Fund), pressures in planning advice, a commitment to the pan-Sussex tourism partnership, investment in the local nature recovery scheme, a core service pressure in Highways (including grass cutting), and increased costs for licences and resources incurred in maintaining the core IT&D support.

#### **Other Items for Consideration:**

##### **R Council Tax Flexibility**

The Government has provided local authorities in England additional flexibility in setting Council Tax by increasing the referendum limit for increases in Council Tax to 3% in 2024/25 and the ability to increase the Adult Social Care Precept by up to 2%.

##### **S Proceeds of NNDR Pooling**

In September 2023, the Department for Levelling Up, Housing & Communities (DLUHC) invited local authorities to express their interest in business rates pooling for 2024/25. The Council, together with district and borough councils and the East Sussex Fire and Rescue Service, submitted their expression of interest on 10 October 2023. Confirmation is awaited from DLUHC.

##### **T Market Sustainability and Improvement Fund**

New social care grants were announced on 28 July 2023 (nationally £365m in 2023-24 and £205m in 2024-25). These are the latest tranche of Market Sustainability and Improvement Fund grants, with these latest grants focussed on workforce support. They are additional to the grants announced in the 2023-24 settlement intended to “support more workforce and capacity within the adult social care sector”. Grant values have been confirmed for 2023/24, but not yet for 2024/25, so this is estimated at this stage. It is assumed for planning purposes that the grant would offset any increase in ASC fees proposed by the service.

## Annex 1: Detailed MTFP

Medium Term Financial Plan	2023/24 Approved Budget £million	2024/25 Estimate £million	2025/26 Estimate £million	2026/27 Estimate £million
<b>TAXATION &amp; GOVERNMENT FUNDING</b>		(501.446)	(521.305)	(532.553)
Council Tax	(337.353)	(9.239)	(12.831)	(13.284)
Adult Social Care Precept	(14.475)	(3.488)		
Business Rates (Inclusive of BR Pooling in 2022/23)	(95.090)	(4.225)	(0.554)	(0.151)
Social Care Grant	(38.557)	(5.509)		
ASC Market Sustainability and Improvement Grant	(6.055)	(3.017)		
Services Grant	(2.916)	2.916		
Funding reform - net impact			(2.160)	(3.911)
Revenue Support Grant	(4.076)	(0.221)	4.297	
Local Council Tax Support Grant 2021/22	(2.114)	2.114		
Local Tax Income Guarantee for 2020/21	(0.459)	0.459		
New Homes Bonus	(0.351)	0.351		
<b>TOTAL TAXATION &amp; GOVERNMENT FUNDING</b>	<b>(501.446)</b>	<b>(521.305)</b>	<b>(532.553)</b>	<b>(549.899)</b>
<b>SERVICE PLAN</b>				
Service Expenditure	396.461	457.488	501.870	524.995
<b>Inflation</b>				
Contractual inflation (contract specific)	5.140	3.953	0.026	0.300
Normal inflation for contracts	30.405	20.794	13.783	14.828
Allocation of 2021/22 pay award to service departments	2.428			
Allocation of 2022/23 pay award to service departments	8.544			
<b>Adult Social Care</b>				
Better Care Fund - Discharge Funding	(3.053)	(2.035)	5.088	
Better Care Fund - Discharge Funding New Burdens	3.053	2.035	(5.088)	
Growth & Demography	3.413	3.917	3.917	3.917
Future demand modelling net of attrition (Covid-related)	1.133	(0.365)		
Market Sustainability and Fair Cost of Care Fund	1.745			
MSFCC Fund Pressures	(1.745)			
MFSCC - Support for New Burdens (from precept)	(3.149)			
Independent Living Fund rolled into Social Care Grant	0.956			
Voluntary Sector, Community Hubs, Shielded Group	0.440			
Pressure Bids Oct 23		0.330	3.904	0.000
<b>Children's Services</b>				
Growth & Demography (G&D)	1.760	0.973	0.808	0.808
Looked After Children Placements Covid-related	(0.872)	(0.347)	(1.758)	
Covid Grant Funding for Looked After Children Placements	0.077	(0.442)	1.758	
Payment rates for ESCC Foster Carers		0.460		
Financial Sustainability ex. G&D and Covid LAC:				
School Attendance (new duty)	1.500			
Home to School Transport (incl. approved pressures)	4.427			
Family Safeguarding	0.316	(0.194)	(2.075)	(3.533)
Net Operational Pressures incl. Careleavers and Locality	2.285	(0.204)	0.475	2.929
Pressures approved via protocol	(0.124)	0.124		
Pressure Bids Oct 23		16.739	1.734	1.944

<b>Medium Term Financial Plan</b>	<b>2023/24 Approved Budget £million</b>	<b>2024/25 Estimate £million</b>	<b>2025/26 Estimate £million</b>	<b>2026/27 Estimate £million</b>
<b>Communities, Environment &amp; Transport</b>				
Waste PFI Efficiencies	(0.100)			
Waste Housing Growth	0.190	0.267	0.305	0.331
Support to Economic Development	(0.055)			
Highways Contract Mobilisation	2.313	(2.313)		
Highways Contract Mobilisation – Reserve Contribution	(0.817)	0.817		
Pressures approved via protocol	0.815	(0.800)		
Pressure Bids Oct 23		0.753	0.100	(0.305)
<b>Business Services</b>				
Modernising Back Office Systems (MBOS)		0.386		
Pressures approved via protocol	0.551	(0.078)		
Pressure Bids Oct 23		0.201		
<b>Governance Services</b>				
Pressures approved via protocol	0.425	0.104	0.148	
<b>Savings</b>				
Temporary mitigations to savings	(0.100)			
Removal of CET Trading Standards Saving	0.100			
Savings Slippage	(1.347)			
Review of BSD Savings Options	0.373	(0.693)		
<b>NET SERVICE EXPENDITURE</b>	<b>457.488</b>	<b>501.870</b>	<b>524.995</b>	<b>546.214</b>
Corporate Expenditure		43.958	47.135	58.372
Treasury Management	13.930	(1.150)	5.400	4.000
General Contingency	4.880	0.434	(0.022)	0.133
Contingency for Potential Pay, Recruitment and Retention	11.283	5.673	5.840	5.852
Inflation Risk Provision	2.972	0.008	0.007	0.013
Provision for Energy Price Increase	1.300	(1.300)		
Pensions	8.023	(0.500)		
Apprenticeship Levy	0.600			
Levies & Grants	0.970	0.012	0.012	0.013
<b>TOTAL CORPORATE EXPENDITURE</b>	<b>43.958</b>	<b>47.135</b>	<b>58.372</b>	<b>68.383</b>
<b>TOTAL PLANNED EXPENDITURE</b>	<b>501.446</b>	<b>549.005</b>	<b>583.367</b>	<b>614.597</b>
<b>CUMULATIVE DEFICIT/(SURPLUS)</b>	<b>0.000</b>	<b>27.700</b>	<b>50.814</b>	<b>64.698</b>
<b>ANNUAL DEFICIT/(SURPLUS)</b>	<b>0.000</b>	<b>27.700</b>	<b>23.114</b>	<b>13.884</b>

## Appendix 2 - Capital Programme Update

### 1 Background

- 1.1 Through the Reconciling Policy Performance and Resources (RPPR) process the Capital Strategy and programme are reviewed annually to ensure that they support the Council's responsibilities and departmental service strategies. To manage investment to a sustainable level, the Capital Strategy focuses on the delivery of targeted basic need for the council to continue to deliver services as efficiently as possible, rather than rationing through prioritisation. Basic need for the purpose of strategic capital planning is provided below: -
- Place: ensuring we can deliver services by planning for future need.
  - Asset Condition: maintaining our assets to an agreed level.
  - ICT Strategy: ensure that our ICT is fit for purpose for delivering modern council services in a digital era and protecting data.
  - Climate Change: supporting the Council's aim of reaching carbon neutrality from our activities as soon as possible and in any event by 2050 in an appropriate and cost-efficient way.
- 1.2 At Full Council in February 2023 the target led basic need capital strategy of 20 years, supported by a 10-year planned capital programme was approved. The approved programme was further updated at State of the County in June 2023 to reflect the 2022/23 outturn, project and programme reprofiles and approved variations, revising the gross programme to £651.575m to 2032/33. For planning purposes, the first 3 years of the programme, to 2025/26 are considered approved, whilst the remaining years are indicative to represent the longer-term planning for capital investment.
- 1.3 The financial outlook for local authorities is increasingly challenging, with factors such as the volatile economic situation, undefined impact of national reforms and uncertain funding allocations leaving much uncertainty about the Council's future financial position. Capital investment decisions have a direct impact on the council's revenue budget, particularly relating to borrowing costs, and are therefore to be considered in the context of their impact on the MTFP.

### 2 Variations to the Current Approved Programme

- 2.1 The programme has been updated for approved variations and other approved updates since the State of the County in June 2023. These are summarised in the table below with the detailed capital programme provided at Annex A.

Table 1 - Capital Programme (gross) movements (£m)	MTFP Programme			MTFP +1 Year	2027/28 to 2032/33	Total
	2023/24	2024/25	2025/26	2026/27		
<b>Approved programme at State of the County 2023</b>	<b>88.852</b>	<b>91.777</b>	<b>80.239</b>	<b>68.148</b>	<b>322.559</b>	<b>651.575</b>
Other Approved Variations (see 2.2)	18.977	5.923	-	-	-	<b>24.900</b>
Highways Maintenance Investment (see 2.3)	-	5.100	5.100	5.100	30.600	<b>45.900</b>
<b>Total Revised Programme</b>	<b>107.829</b>	<b>102.800</b>	<b>85.339</b>	<b>73.248</b>	<b>353.159</b>	<b>722.375</b>

- 2.2 **Approved Variations:** A gross increase to the programme of £9.200m relating to fully funded schemes having a net nil impact on the capital programme due to the identification of developer contributions and specific grant funding in accordance with the Capital Strategy. In addition, a total increase to the Highways Structural Maintenance programme of £15.700m in 2023/24 was approved by Cabinet in June 2023 and Full Council in July 2023.



- £5.100m to maintain approved 'steady state' road condition target rates of 4% (A Roads), 4% (B&C Roads) and 14% (Unclassified Roads) being in 'red' condition.
- £5.600m spend on additional highways maintenance, comprising £2.500m patching work and £3.100m drainage work, to be funded from the Priority Outcomes and Transformation Reserve set aside for one-off investment.
- £5.000m to provide early improvement and resilience.

The total approved variations are summarised in Table 2 below:

<b>Table 2 – Approved Capital Variations Gross (£m)</b>	<b>Total</b>
Eastbourne/South Wealden Walking & Cycling Package (funding from developer contributions)	0.343
Eastbourne Town Centre Phase 2a (funding from Active Travel England grant)	0.750
Area Wide Traffic Management Schemes – Eastbourne Liveable Town Centre (funding from Active Travel England grant)	0.274
Area Wide Traffic Management Schemes – Schools Streets (funding from Active Travel England grant)	0.200
Community Match Fund (funding from parish council contributions)	0.009
Youth Investment Fund (funded by specific grant funding)	7.624
Highways Maintenance Investment – maintain steady state (funded from borrowing)	5.100
Highways Maintenance Investment – additional maintenance (funded from reserves)	5.600
Highways Maintenance Investment – early improvement and resilience (funded from borrowing)	5.000
<b>Total</b>	<b>24.900</b>

2.3 **Highways Maintenance Investment:** In order to maintain approved road condition target rates in the future, the £5.100 additional investment identified above has been assumed on an ongoing basis to be funded from borrowing. Further one-off investment in 2024/25 is to be considered as part of the RPPR process, giving consideration to the impact on the Council's revenue budget.

### 3 Funding Update

3.1 Table 3 below provides an updated capital programme funding position to reflect the capital programme updates and their associated funding assumptions outlined above.

<b>Table 3 - Capital Programme Funding Update (£m)</b>	<b>MTFP Programme</b>			<b>MTFP +1 Year</b>	<b>2027/28 to 2032/33</b>	<b>Total</b>
	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>		
<b>Gross Expenditure</b>	<b>107.829</b>	<b>102.800</b>	<b>85.339</b>	<b>73.248</b>	<b>353.159</b>	<b>722.375</b>
Specific Funding	(16.372)	(36.994)	(8.828)	(1.041)	(0.202)	<b>(63.437)</b>
Formula Grants	(31.966)	(21.044)	(17.475)	(22.218)	(112.320)	<b>(205.023)</b>
Capital Receipts	(0.817)	(8.676)	(5.327)	-	-	<b>(14.820)</b>
Reserves and Revenue Set Aside	(20.369)	(3.454)	(7.317)	(6.694)	(10.657)	<b>(48.491)</b>
Developer Contributions Target	-	-	-	(2.663)	(15.975)	<b>(18.638)</b>
<b>Borrowing Requirement</b>	<b>38.305</b>	<b>32.632</b>	<b>46.392</b>	<b>40.632</b>	<b>214.005</b>	<b>371.966</b>

3.2 The updated capital programme has a borrowing requirement for the period 2023/24 to 2032/33 of £372m, which represents 51% of the total gross programme funding. This is an increase of £56m compared to that reported in the State of the City 2023 of £316m due to the additional highways

maintenance investment as described in section 2 of this report. The Capital Strategy seeks to maximise the application of other funding sources in order to reduce the council's borrowing requirement which has a long term revenue implication.

- 3.3 Ahead of further announcements there are no updates to the overall funding position currently. As part of the RPPR process capital funding will be reviewed, and this will include estimates of developer contributions (Section 106 and Community Infrastructure Levy), capital receipts and any updates to formula grants following government announcements.

#### **4 Conclusion and Next Steps**

- 4.1 Work will be progressed as part of the RPPR process to ensure continued compliance with the Capital Strategy principles and extend the programme by a further year to maintain a 10-year planning horizon, together with a review of programme profiles across years. The annual review of the Capital Strategy will also be completed to ensure continued links into, and in support of, the Council's other strategies, as well as reviewing latest guidance and best practice.
- 4.2 A £7.5m ongoing risk provision was approved in February 2023 to mitigate against capital programme risks, representing more than 2% of the programme over the MTFP period. This risk provision is a permission to borrow for emerging risks and is managed through ensuring Treasury Management capacity rather than representing funds that are within the Council's accounts. There are several risks and uncertainties regarding the programme to 2025/26 and beyond which have necessitated holding a risk provision, these risks as reported at Budget 2023 include:
- Excess inflationary pressures on construction costs
  - Uncertainty about delivery of projects in the programme, e.g. highways and infrastructure requirements
  - Any as yet unquantifiable impact of supply issues and cost increases
  - Any as yet unknown requirements,
  - Residual project provision (previously removed) if required; and
  - Uncertainty regarding the level of government grants and the ability to meet developer contribution targets.
- 4.3 Any unmanageable risks which have a financial impact are required to be reported to Capital and Strategic Asset Board to be considered as part of the broader RPPR process. This will be done on a case-by-case basis, and in the context of the wider programme, and the fiscal and economic national position. As part of the RPPR process the adequacy of the risk provision will also be assessed.
- 4.4 Decisions on future capital investment should be considered in the context of the impact on the Treasury Management (TM) capacity to fund the investment and the revenue budget, whereby the cost of funding and Minimum Revenue Provision needs to be included within the MTFP. The current capital programme already requires borrowing in future years, which together with the Minimum Revenue Provision accounting requirements, will need the TM budget to be increased beyond the current MTFP. The impact of the proposals within this update on the cost of borrowing have been included within MTFP update at Appendix 1.

## Annex A – Detailed Capital Programme

Capital Programme (gross) (£m)	MTFP Programme			MTFP+1 Year	2027/28 to 2032/33	Total
	2023/24	2024/25	2025/26	2026/27		
<b>Adult Social Care:</b>						
House Adaptations	0.050	0.050	0.050	-	-	<b>0.150</b>
Learning Disability Support Living Scheme	2.177	2.914	0.854	0.104	-	<b>6.049</b>
Greenacres	0.140	-	-	-	-	<b>0.140</b>
<b>Adult Social Care Total</b>	<b>2.367</b>	<b>2.964</b>	<b>0.904</b>	<b>0.104</b>	-	<b>6.339</b>
<b>Business Services:</b>						
Salix Contract	0.350	0.350	-	-	-	<b>0.700</b>
Lansdowne Secure Unit – Phase 2	0.065	-	-	-	-	<b>0.065</b>
Youth Investment Fund	2.745	4.879	-	-	-	<b>7.624</b>
Special Educational Needs	1.692	1.347	-	-	-	<b>3.039</b>
Special Educational Needs – Grove Park	5.422	8.000	5.000	0.429	-	<b>18.851</b>
Disability Children’s Homes	0.716	0.024	-	-	-	<b>0.740</b>
Westfield Land	0.053	-	-	-	-	<b>0.053</b>
Schools Basic Need	1.931	0.837	11.833	19.022	30.155	<b>63.778</b>
Capital Building Improvements (Schools)	5.594	4.199	4.182	3.982	24.092	<b>42.049</b>
Capital Building Improvements (Corporate)	3.509	4.640	4.640	4.640	27.320	<b>44.749</b>
IT & Digital Strategy Implementation	4.742	5.319	7.187	7.872	47.836	<b>72.956</b>
IT & Digital Strategy Implementation - MBOS	3.332	-	-	-	-	<b>3.332</b>
IT & Digital Strategy Implementation - Utilising Automation	0.024	-	-	-	-	<b>0.024</b>
<b>Business Services Total</b>	<b>30.175</b>	<b>29.595</b>	<b>32.842</b>	<b>35.945</b>	<b>129.403</b>	<b>257.960</b>
<b>Children’s Services:</b>						
House Adaptations	0.050	0.050	0.050	-	-	<b>0.150</b>
School Delegated Capital	1.150	1.150	1.150	-	-	<b>3.450</b>
Conquest Centre Redevelopment	0.015	-	-	-	-	<b>0.015</b>
<b>Children’s Services Total</b>	<b>1.215</b>	<b>1.200</b>	<b>1.200</b>	-	-	<b>3.615</b>
<b>Communities, Economy &amp; Transport:</b>						
Broadband	0.160	0.100	5.257	-	-	<b>5.517</b>
Climate Emergency Works	3.095	5.459				<b>8.554</b>
Flood & Coastal Resilience Innovation Programme	0.943	0.930	0.989	0.683	-	<b>3.545</b>
Bexhill and Hastings Link Road – Complementary Measures	0.189	-	-	-	-	<b>0.189</b>
Economic Intervention Fund – Grants	0.175	0.300	0.300	0.300	0.783	<b>1.858</b>
Economic Intervention Fund – Loans	0.300	0.300	0.300	0.300	0.550	<b>1.750</b>
Stalled Sites	0.050	0.050	0.050	0.050	0.070	<b>0.270</b>
Upgrading Empty Commercial Properties	-	0.007	-	-	-	<b>0.007</b>
Community Match Fund	0.149	0.325	-	-	-	<b>0.474</b>

Community Road Safety Interventions	0.485	0.237	-	-	-	<b>0.722</b>
Newhaven Port Access Road	0.086	0.708	-	-	-	<b>0.794</b>
Real Time Passenger Information	0.070	0.094	0.061	-	-	<b>0.225</b>
Passenger Services Software	0.026	-	-	-	-	<b>0.026</b>
Bus Service Improvement Plan	3.245	18.680	-	-	-	<b>21.925</b>
Lewes Bus Station Replacement	0.004	-	-	-	-	<b>0.004</b>
Queensway Depot Development	0.504	-	-	-	-	<b>0.504</b>
The Keep	0.228	0.026	-	0.085	0.738	<b>1.077</b>
Other Integrated Transport Schemes	3.740	3.259	7.324	3.153	17.609	<b>35.085</b>
Area Wide Traffic Management Schemes – Eastbourne Liveable Town Centre	0.274	-	-	-	-	<b>0.274</b>
Area Wide Traffic Management Schemes – Schools Streets	0.200	-	-	-	-	<b>0.200</b>
Integrated Transport Schemes – A22 Corridor	0.100	-	-	-	-	<b>0.100</b>
Exeat Bridge Replacement	2.320	3.612	0.920	-	-	<b>6.852</b>
Libraries Basic Need	0.508	0.799	0.449	0.449	1.347	<b>3.552</b>
Peacehaven Library Refurbishment and Conversion	-	0.027	-	-	-	<b>0.027</b>
Highways Structural Maintenance	35.893	26.788	27.346	27.919	180.586	<b>298.532</b>
Bridge Assessment Strengthening	4.740	1.775	3.025	2.777	11.839	<b>24.156</b>
Street Lighting and Traffic Signals	4.686	3.839	3.888	0.989	7.023	<b>20.425</b>
Street Lighting and Traffic Signals – Salix Scheme	0.219	-	-	-	-	<b>0.219</b>
Visually Better Roads	1.293	-	-	-	-	<b>1.293</b>
Rights of Way Surface Repairs and Bridges	0.552	0.514	0.484	0.494	3.211	<b>5.255</b>
<b>Communities, Economy &amp; Transport (LEP Funded Schemes):</b>						
Eastbourne Town Centre Phase 2	3.296	0.750	-	-	-	<b>4.046</b>
Eastbourne/South Wealden Walking & Cycling Package	2.064	0.343	-	-	-	<b>2.407</b>
Hailsham/Polegate/Eastbourne Movement & Access Corridor	0.275	0.119	-	-	-	<b>0.394</b>
Hastings & Bexhill Movement & Access Package	4.203	-	-	-	-	<b>4.203</b>
<b>Communities, Economy &amp; Transport Total</b>	<b>74.072</b>	<b>69.041</b>	<b>50.393</b>	<b>37.199</b>	<b>223.756</b>	<b>454.461</b>
<b>Total Programme</b>	<b>107.829</b>	<b>102.800</b>	<b>85.339</b>	<b>73.248</b>	<b>353.159</b>	<b>722.375</b>

**Report to:** People Scrutiny Committee

**Date of meeting:** 13 November 2023

**By:** Director of Children's Services

**Title:** Elective Home Education (EHE) in East Sussex

**Purpose:** The Committee has expressed an interest in undertaking a scrutiny review of Elective Home Education (EHE). This report will update the Committee on the priority actions the Department completed, following the previous report in October 2022.

---

**RECOMMENDATIONS: The Committee is recommended to:**

- 1) Note the data assessment of children in East Sussex that are elective home educated for 2022-2023**
  - 2) Note the updates from the twelve-month priority actions by the EHE team from October 2022**
  - 3) Note the priority actions for the EHE team for the next twelve months.**
- 

## **1. Background**

- 1.1. The responsibility for a child's education rests with their parents and parents have a right to educate their children at home if they so choose. There is no requirement on families to notify the local authority (LA) if they are electing to home educate their children.
- 1.2. The legal framework expects that parents must '*...ensure that their child receives an efficient, full-time education suitable to their age, ability and aptitude, to any special educational needs, either by regular attendance at school or otherwise*'. The law also states that '*Parents are not required to engage with a member of the local authority, teach the National Curriculum, provide a broad and balanced education or give formal lessons or mark work*'. Thus, the framework within which the local authority can work with families around Elective Home Education (EHE) is limited. The framework governing schools around EHE is clear and states, "*Schools must not advocate elective home education*".

## 2. Assessment of Current Data

2.1 The number of children who are EHE has risen consistently over the last 5 years, both nationally and locally, across all year groups and school type. During the academic year 2017/18, there were 1254 open cases within East Sussex; for 2022/2023 this number grew to 2101 (an overall increase of 67.5% since 2017/2018). The October Census 2023 data shows there were 1461 open EHE cases which is an 8.3% increase from the same month in the previous year. Children in Key Stage (KS) 3 (332) and KS 4 (226) account for the highest numbers of new EHE cases, with children in Year 10 (146) being the largest cohort of new EHE cases. The overall percentage increase in cases has started to slow as exemplified in the adjacent chart.

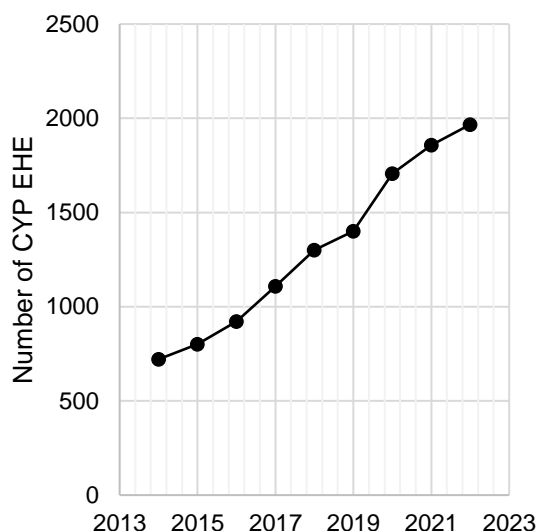


Figure 1. Active EHE Numbers by calendar year (2014 - 2022)

2.2 Currently, 49.5% of EHE families are considered vulnerable (a 0.5% increase from the previous year) and 54% (433) newly opened EHE cases across 2022-2023 were classified as Red 'RAG' indicating that newer cases are increasing in vulnerability and complexity. There were 7 cases that became EHE following permanent exclusion from school.

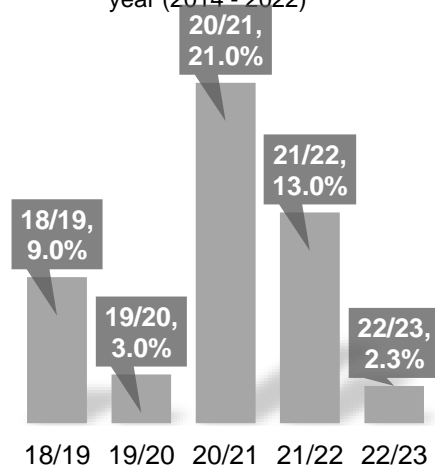


Figure 2. %age increase in EHE numbers from previous academic year.

2.3 The underlying reasons for this long-term growth in EHE numbers are complex and multi-faceted but may include one or more of the following factors:

- dissatisfaction with the school system including lack of curriculum choice and testing at Key Stage 4
- mental health concerns
- unmet Special Educational Needs and/or Disabilities (SEND)
- not being allocated school preference of choice as a reason for choosing EHE.

The EHE team have not encountered an example of a school putting pressure on a family to opt for EHE as an alternative to exclusion; it is possible that poor relationships with a school may have led to a decision by a family, but we are not seeing clear evidence of this.

2.4 During 2022/2023, there were 7 EHE families with a child protection plan (a reduction of 3 from the previous year) and 68 families with a child in need plan (an increase of 423% from the previous year), which is a concerning priority for this coming year.

2.5 In total, there were 89 children with Education, Health and Care Plans (EHCP's) within this time period, an increase of 14% from the previous year. The team have reviewed and embedded robust systems to support these families.

- 2.6 A significant aspect of the team's work is in supporting the reintegration of children who are EHE back into school. During the last academic year 2022-2023, 314 EHE children were reintegrated to their mainstream school following a period of EHE either voluntary or through a school attendance order; this represents an increase of 16% on the previous year.

### 3. 2022-2023 Priority Actions Updates

- 3.1. On the 3 February 2022, the Department for Education (DFE) published results for its 'Children Not in School' consultation, within which Government stipulated its intention to legislate the following four duties through the Schools Bill including:
- *A duty on LAs to maintain a register of children of compulsory school age who are not registered at school, including flexi-schooling arrangements.*
  - *A legal duty on parents to provide information to a register. It will also include securing resources to implement this.*
  - *Place a duty on unregistered settings to register children access settings for the majority of a child's week.*
  - *A duty on local authorities to provide support to EHE families where this has been requested.*

In December 2022, the current government 'shelved' the Schools Bill but stated '*...it is still a priority*'. As it stands, however, there is no legislative pathway to bring the above into force and the LA's powers remain limited in this arena.

- 3.2. Six priority action areas were identified in 2022/23 for the Children's Services Department to focus on in making improvements to our current practice. These are outlined below alongside an update of the work undertaken in each one.

#### **Priority Action 1: Update the EHE policy and parent pack considering national legal changes.**

The EHE policy and parent pack have been updated to reflect the improvements to the Service offer to families. Following the shelving of the Schools Bill, there have been no legal changes to include.

#### **Priority Action 2: Review the success of the early intervention officer pilot.**

The team identified an increased number of families making enquiries about EHE due to perceived unmet needs. An Early Engagement EHE Officer was recruited in May 2023 and, although it is too soon to assess the impact of this new role, 40% of the 84 EHE enquiries received from May to August 2023 are currently still on the roll of the school (as of 1 October 2023). This role offers support and guidance for parent/guardians considering EHE and ensures all options have been considered fully before a move to EHE. Annual data collection will include key trends about families considering a move to EHE, based on vulnerabilities and key indicators of the child; current education settings; reasons for considering EHE and outcome of whether EHE has been prevented.

#### **Priority Action 3: To create a service level agreement with East Sussex further education (FE) colleges offering EHE children part-time 14yrs-16yrs courses to safeguard children, considering recent rapid case reviews recommendations.**

Formalised termly meetings with FE Colleges 14-16 provisions have been embedded to share attendance data and safeguarding information for EHE children and young people accessing these courses. The EHE service supported Standards and Learning Effectiveness Service Safeguarding with safeguarding audits of the key FE College 14-16 provisions in East Sussex. Currently, a Data Protection Impact Assessment is being undertaken to allow for a data sharing and service level agreement to be co-produced with FE colleges, which they are supportive of.

**Priority Action 4: Create pathways to inform wider teams and professionals of their responsibilities to EHE.**

The Education PIP target 3.5 includes an outcome measure to understand the underlying reasons for EHE and to reduce the number of EHE's from schools. This target will be achieved through the development of EHE data reporting systems and monthly analysis to identify key trends to share with the Educational Division, social care services and schools. The EHE service also now reports to the Department for Education (DfE) for the EHE/Children Missing Education (CME) census returns (three times a year). As the team have identified a significant increase in children with Child in Need (CIN) plans within 2022-2023, they have established an ongoing training schedule for professionals within social care, health and educational services to identify vulnerabilities of EHE children, explain the legal framework of EHE and facilitate information sharing and communication. Training sessions were provided to Child and Adolescent Mental Health Service, NHS Safeguarding team, Education Support Behaviour and Attendance Service (ESBAS), Admissions, Youth Support teams, U19s and 9 Secondary schools. An article was published in the Family Focus E-Bulletin (April 2023).

**Priority Action 5: Following the recommendations of the Orbis Internal Audit, to write a separate EHE safeguarding policy.**

The draft policy has now been written and a training video for staff is currently being created.

**Priority Action 6: Explore additional methods of gaining child voice, as a forum or during visits.**

The team have researched a variety of child voice tools used nationally and are currently carrying out a range of pilots to ascertain child voice tools for a variety of ages and aptitudes whilst adhering to legal and safeguarding frameworks.

#### **4. 2023-2024 Priority Actions**

- 4.1 During July 2023, East Sussex Safeguarding Partnership conducted an audit of systems and processes within CME. They concluded a close working relationship and good systems for joint working between the CME and EHE teams. The Safeguarding Partnership are writing to the DfE to highlight the national safeguarding concerns for children who are within the CME processes. The EHE service has contributed to the revised East Sussex Neglect matrix. This Pan-Sussex working party, coordinated by East Sussex Safeguarding Children Partnership (ESSCP), identified the need for the vulnerabilities of EHE children to be considered within the context of the child developmental neglect framework. This is due to be published November 2023.



4.2 As part of our ongoing plan of work in this important area, the CSD have identified eight priority action areas for the current academic year. These are set out below:

**Priority Action 1:** To work collaboratively to design robust joint safeguarding procedures for children moving to CME from EHE (EHE and CME teams).

**Priority Action 2:** To enhance the monthly EHE Drop-In sessions which have been embedded across 4 locations in East Sussex, offering 'resource swaps', effective signposting and participation from other professional services. This will include IRock, Fire service, Amaze, School Health team, Foodbank and CLASS+.

**Priority Action 3:** To define and establish a suitable EHE child voice tool following a series of pilots.

**Priority Action 4:** To further develop and embed the 3 monthly publication of the EHE Newsletter to include updates from the child voice tool and include information sharing of activities, resources, events and effective signposting (e.g., Youth Employability Service, work experience, cost of living crisis). The EHE Newsletter shares examples of children and young people's work and top tips from families in every edition. The East Sussex Facebook page 'Information for Families' is included as further signposting for EHE families.

**Priority Action 5:** To complete the Service Level Agreement process with FE colleges.

**Priority Action 6:** To meet three times per year with the Ofsted Unregistered Schools team inspector to share intelligence regarding potential unregistered settings. HOPE Sussex has been a case that has been inspected but was not found to meet criteria.

**Priority Action 7:** To create EHE bite-size continuing professional development (CPD) sessions from November 2023 for social care colleagues.

**Priority Action 8:** To investigate the rise in new EHE cases following permanent exclusion and to work with Education Division colleagues to find solutions to minimise increased risk in this area.

## 5. Conclusion and reasons for recommendations

5.1 This report highlights the ongoing restrictions of EHE law following the removal of the Schools Bill from the parliamentary timetable. It shares the team's priority, through the Education Division PIP, to train a range of Children's Services professionals to understand the potential vulnerabilities of EHE and to inform them of their roles and responsibilities to find solutions to barriers to learning within schools.

5.2 The report describes the rise in new vulnerable cases linked to permanent exclusion (PEX) and CIN plans; a strategy to find solutions and the establishment of a new early engagement officer to work with schools and families to consider all solutions to their child's barriers to learning before committing to EHE. EHE numbers continue to rise, and the team are committed to working with a wide range of teams within Children's Service to reduce this increase, where this is not appropriate for individual children.

**Alison Jeffery**  
**Director of Children's Services**

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<b>Report to:</b>	<b>People Scrutiny Committee</b>
<b>Date:</b>	<b>13 November 2023</b>
<b>By:</b>	<b>Chair of the Review Board</b>
<b>Title:</b>	<b>Scrutiny Review – School Exclusions</b>
<b>Purpose:</b>	<b>To present the outcomes of the Scrutiny Review and make recommendations</b>

---

## ***RECOMMENDATION:***

**The Committee is recommended to consider and endorse the report of the Review Board, and make recommendations to Cabinet for comment and County Council for approval.**

---

## **1. Background**

1.1 In 2019 the People Scrutiny Committee examined the key issues relating to school exclusions in East Sussex, including that East Sussex was an outlier in terms of the proportion of pupils who were excluded from school and that reducing the number of permanent exclusions was a key target for the County Council. A Scoping Board concluded that there was scope to develop effective recommendations to help reduce school exclusions in East Sussex, however delivery of the review was subsequently paused due to the coronavirus pandemic and the limitations this placed on the capacity of the Children's Services Department, schools, and school leaders to engage with the Review.

2. A further Scoping Board was held in January 2023 to consider the latest position on school exclusions in East Sussex. Data showed that whilst there had been an improvement in county-level data for permanent exclusions, with a reduction in the rate of permanent exclusions for all schools combined (primary, secondary, and special) to below the national average, suspension rates (previously called fixed term exclusions) for all schools combined remained above the national average.

3. The Board concluded that whilst they were encouraged by the work underway, there were current concerns, including that vulnerable pupils, including those with special educational needs and disabilities (SEND) and those eligible for Free School Meals, remained more likely to be suspended than their peers; and that there had been an increasing number of decisions to exclude very young children at primary phase; and these issues could benefit from closer examination by scrutiny through a review.

1.5 The Scoping Board agreed to focus on the following areas, which were subsequently agreed by the committee as the basis for the scrutiny review:

- preventive strategies to help reduce the likelihood of exclusion including how the council could join up early help and education services;
- appropriate responses to a child who is at risk of exclusion including appropriate responses to very young pupils and vulnerable pupils at secondary phase;
- how the Council could develop its training and advice for governors; and
- Council messaging on the need to reduce, and benefits of reducing, school exclusions.

## **2. Supporting information**

2.1 The Scrutiny Review Board was comprised of Councillors Sam Adeniji, Kathryn Field, Johanna Howell, Wendy Maples and John Hayling (Parent Governor Representative). Councillor Adeniji was appointed as the Chair of the Review Board.

2.2 The attached report (Appendix 1) contains the findings and recommendations of the Review Board. Copies of evidence papers listed in the report and other support documentation are available on request from the contact officer.

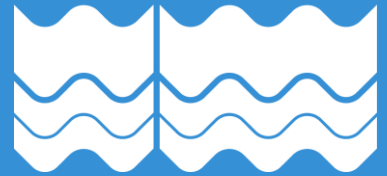
### **3. Conclusion and reasons for recommendations**

3.1 The Committee is recommended to consider and endorse the Review Board's report for submission to Cabinet and County Council on 12 December 2023 and 6 February 2024 respectively.

**Councillor Sam Adeniji**  
**Chair of the Review Board**

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# Scrutiny Review of School Exclusions

## Report by the Review Board:

Councillor Sam Adeniji (Chair)

Councillor Kathryn Field

Councillor Johanna Howell

Councillor Wendy Maples

John Hayling, Parent Governor Representative

People Scrutiny Committee - 13 November 2023

Cabinet - 12 December 2023

Full Council - 06 February 2024

# The report of the Scrutiny Review of School Exclusions

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## Recommendations

Recommendation	Page	
1	The Department should utilise area-based teams to identify and support schools and trusts to provide a graduated response to behaviour.	14
2	The Department should continue to encourage schools and trusts to attend training on whole school relational approaches and develop trauma informed practices so pupils feel safe at school and develop positive relationships. This training should include how to communicate key aspects of these approaches with parents and carers to ensure continuity and support at home.	15
3	<p>The Department should work with schools and trusts to review and make use of available data to:</p> <ul style="list-style-type: none"> <li>a) identify pupils who are at risk of permanent exclusion and identify available support at Inclusion Partnership meetings; and</li> <li>b) monitor pupils identified by the Attendance Support Team who are absent from mainstream education, either through part-time timetables or internal exclusions, and assess what alternative support could be put in place.</li> </ul>	16
4	The Department should develop training for schools and trusts to share best practice on how adaptive teaching can deliver the curriculum to support needs of all pupils, including SEND pupils and pupils facing additional external challenges. This should include developing guidance on assessment to ensure the use of Additional Needs Plans and Personal Education Plans support and address the needs that have been identified.	18
5	<p>The Department should work with schools and trusts to promote the benefits of extracurricular activities, including:</p> <ul style="list-style-type: none"> <li>a) where provided through Early Help, the Holiday and Food Activity Programme, Family Hubs, and Youth Centres, activities which engage pupils throughout the year and incorporate support for families; and</li> <li>b) summer programmes which support transition.</li> </ul>	18
6	<p>The Department should work with schools and trusts to support pupils transitioning into Early Years in primary and Key Stage 3 in secondary by:</p> <ul style="list-style-type: none"> <li>a) working with pre-school settings and primary schools to identify pupils who may need additional support when transitioning to primary/secondary school and referring them to appropriate support and programmes; and</li> <li>b) communicating successful approaches and support at the point of transition at all phases to ensure continuity of provision.</li> </ul>	23

7	The Department should encourage schools and trusts to increase the use of youth voice in preventive strategies and responses to children at risk of permanent exclusion by providing training and guidance for schools and governors on how to embed youth voice into all areas of school policy.	24
8	The Department should work with schools and trusts to further develop and embed parental engagement to ensure all stakeholders understand how and why a child is at risk of permanent exclusion, including the parent/carer and the child, and include parents and carers with decisions around alternative provision, including all available options.	26
9	The Department should embed its multi-agency response, including the use of the new level 2 keywork team in Early Help focused on supporting attendance to: a) promote targeted support, including wider family-based issues, to pupils and families who have been identified as at risk of permanent exclusion and multiple suspensions due to a lack of engagement with the school as a result of persistent absence; and b) promote to schools and families parenting programmes that support interventions and preventative measures in schools.	26
10	To accompany the Alternative Provision Directory, which is to be shared with schools and trusts, the Department should develop guidance on: a) how to make best use of alternative provision, including good communication and ways to provide consistent support once a child reintegrates; and b) how alternative provision, including onsite alternative provision, can be used to prevent permanent exclusion and support pupils with additional needs, including those facing additional external challenges.	28
11	The Department should continue to provide ongoing support and training for governors including whole school training on SEND needs, mental health issues and inclusive behaviour policies, and produce guidance on how to conduct inclusive Governor Disciplinary Committee meetings that prioritise youth voice.	29
12	The Department should develop clear and consistent guidance to share with schools and trusts on the benefits of reducing school exclusions, and the support available, including: a) key findings from the RSA 'Rethinking Exclusions' and ISOS projects; b) using Primary and Secondary Boards to communicate to schools and trusts the benefits of inclusive policies and share best practice for reducing exclusions and agree to a shared responsibility to reducing exclusions; and c) on the appropriate use of part time timetables to ensure these are not being used to manage behaviour. Part-time timetables that are in place must be for the shortest time necessary and reviewed regularly with the pupil and their parents.	31



## Introduction

1. In 2019 the People Scrutiny Committee examined the key issues relating to school exclusions in East Sussex, including that East Sussex was an outlier in terms of the proportion of pupils who were excluded from school and that reducing the number of permanent exclusions was a key target for the County Council. A Scoping Board concluded that there was scope to develop effective recommendations to help reduce school exclusions in East Sussex, however delivery of the review was subsequently paused due to the coronavirus pandemic and the limitations this placed on the capacity of the Children's Services Department, schools, and school leaders to engage with the Review.
2. A further Scoping Board was held in in January 2023 to consider the latest position on school exclusions in East Sussex. Data showed that whilst there had been an improvement in county-level data for permanent exclusions, with a reduction in the rate of permanent exclusions for all schools combined (primary, secondary, and special) to below the national average, suspension rates (previously called fixed term exclusions) for all schools combined remained above the national average.
3. The Board concluded that whilst they were encouraged by the work underway, there were current concerns, including that vulnerable pupils, including those with special educational needs and disabilities (SEND) and those eligible for Free School Meals, remained more likely to be suspended than their peers; and that there had been an increasing number of decisions to exclude very young children at primary phase; and these issues could benefit from closer examination by scrutiny through a review.
4. The Board agreed to focus on the following lines of enquiry:
  - a) Could the Council do more to develop levels of understanding amongst school leaders of preventative strategies, such as Therapeutic Thinking, to help reduce the likelihood of exclusion?
  - b) Could the Council do more to join up early help and education services as a preventative approach to support reduction in school exclusions?
  - c) Could the Council do more to help develop a better understanding amongst schools of what constitutes an appropriate response to a child who is at risk of exclusion? This line of enquiry to include consideration of:
    - the role and status of the Special Educational Needs Coordinator (SENCO) and their involvement in developing appropriate responses to a child who is at risk of exclusion
    - appropriate responses to very young pupils at risk of exclusion in primary school

- appropriate responses to vulnerable pupils at risk of exclusion at secondary phase
- d) Could the Council develop its training and advice for governors around, for example, providing effective challenge in the circumstance where a headteacher has taken a decision to exclude, and the Governing Board are required to consider reinstatement. This line of enquiry could also explore the role of Governors in helping to develop best practice at the school.
  - e) Within consideration of each of the above lines of enquiry, is the Council's messaging clear on the need to reduce, and benefits of reducing, school exclusions?

5. The Board carefully considered a number of limiting factors, including that the decision to exclude is a school one and that academies are wholly outside of the remit of the local authority. However, the local authority retains important responsibilities, including a duty to ensure a child is provided full-time education from the sixth day after a permanent exclusion; ensuring that children with SEN are identified in a timely manner and have their needs met appropriately, especially if they have Education, Health and Care Plans (EHCPs); and more generally, as a provider of advice and guidance and a facilitator of partnership working with and between schools.

6. The Review looked at a range of evidence including information provided by the Department, internal data, external reports, school visits and case studies, and heard from a range of witnesses. The Board was keen to include youth voice as part of the Review and spoke to two young people (and received written responses from one other) who had been, or were going through the process of being, permanently excluded.

7. In exploring the third line of enquiry in relation to the role and status of the SENCO, the Board focussed on the wider support offered to SEND pupils in schools, as well as examples of whole school policies and practices that incorporated the needs of SEND pupils.

8. The Review identified, through national research and local examples, areas of best practice in reducing exclusions and the report addresses these through three key themes: prevention, appropriate responses to children at risk of permanent exclusion, and council messaging and support.

9. The Review looked at data and approaches in local maintained schools and academies and recommendations put forward in this report are recommended to be shared with all schools in East Sussex to encourage a county wide approach.

## Background

### *Local and National Context*

#### National guidance

10. The Department for Education (DfE) [\*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement September 2022\*](#) provides national statutory guidance to schools in England on permanently and temporarily excluding pupils, including the responsibility of headteachers, governors, independent review panels and local authorities. This accompanies the [\*Behaviour in Schools\*](#) guidance which provides advice to schools on implementing a behaviour policy to create a school culture with high expectations of behaviour. The guidance stresses that permanent exclusion should be a last resort and only used when other approaches towards behaviour management have been exhausted. However, the guidance does recognise that school exclusion is sometimes necessary to safeguard pupils and staff and establish high standards of behaviour in schools.

#### *Duties under the Equality Act 2010*

11. Under the *Equality Act 2010 (the Equality Act)* and the *Equality Act 2010: advice for schools*, schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage.

12. These duties need to be complied with when deciding whether to exclude a pupil and schools must ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion.

#### *Other relevant DfE guidance:*

- [\*Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies\*](#)
- [\*Education for children with health needs who cannot attend school\*](#)

#### National statistics and research on school exclusions

13. Nationally there were 6,500 permanent exclusions in the 2021/22 academic year. This was the equivalent of 8 permanent exclusions for every 10,000 pupils. The most common reason across all permanent exclusions was persistent disruptive behaviour, recorded 3,050 times (against 47% of permanent exclusions).

14. The *Timpson Review of School Exclusion* was commissioned by the Secretary of State for Education and presented to Parliament in 2019. It identified areas of best practice in schools and made recommendations to government to ensure that ‘exclusion is used consistently and appropriately, and that enable our schools system to create the best possible conditions for every child to thrive and progress’. Recommendations included statutory national guidance that is accessible, clear and consistent; local authorities playing a key role in advocating for vulnerable children and facilitating local forums to share best practice and identify appropriate support; training for staff and governors on a range of issues including equality and diversity, behaviour management, and SEND; development of alternative provision; strong governance; and using data to identify local trends and patterns.

15. The Royal Society of Arts (RSA) report *Pinball Kids - preventing school exclusions - 2020* claims that school exclusions are a social justice issue with a disproportionate number of pupils with SEND, who have grown up in poverty, who have a social worker, and from certain ethnic minority groups being permanently excluded compared with their peers. The report focussed on wider societal issues contributing to increasing exclusion rates including poverty, the rise of mental health and special educational needs, and the consequences of policy decisions, including curriculum and exam changes.

16. The report identified five conditions necessary for change including children having a strong relationship with a trusted adult; parent/carer engagement; schools having an inclusive ethos; assessment and support for additional needs; and robust data collection.

17. Data from the Department for Education (DfE) and Ministry of Justice in *Education, children's social care and offending* found that children who had been cautioned or sentenced for an offence were more likely to have been both suspended and permanently excluded than the all-pupil cohort. The data also showed that the majority of children who had been cautioned or sentenced for a serious violence offence, who had received a suspension or permanent exclusion, received their first suspension or permanent exclusion before the offence.

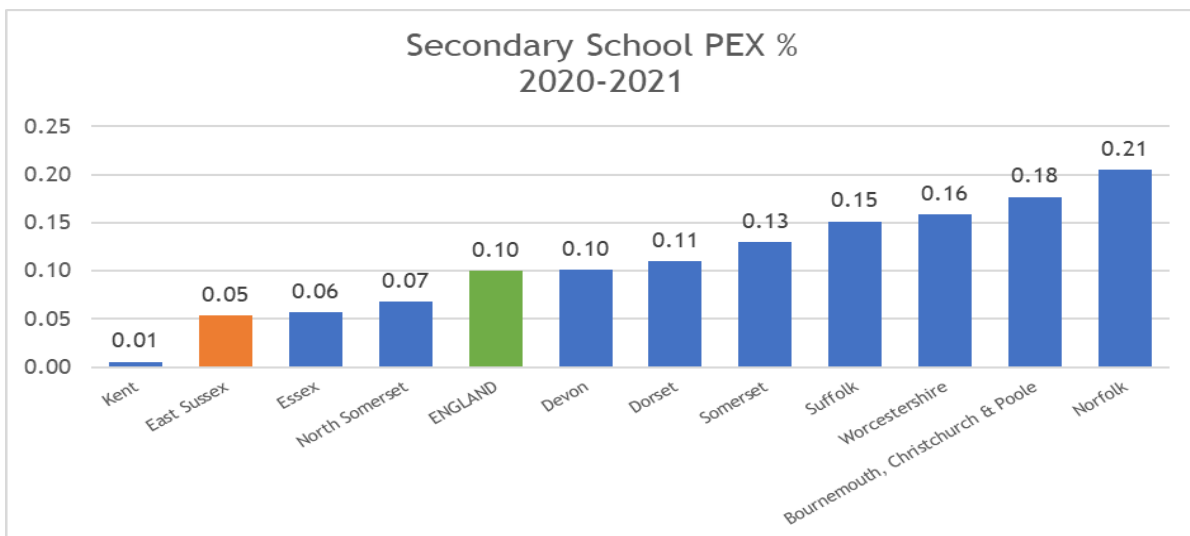
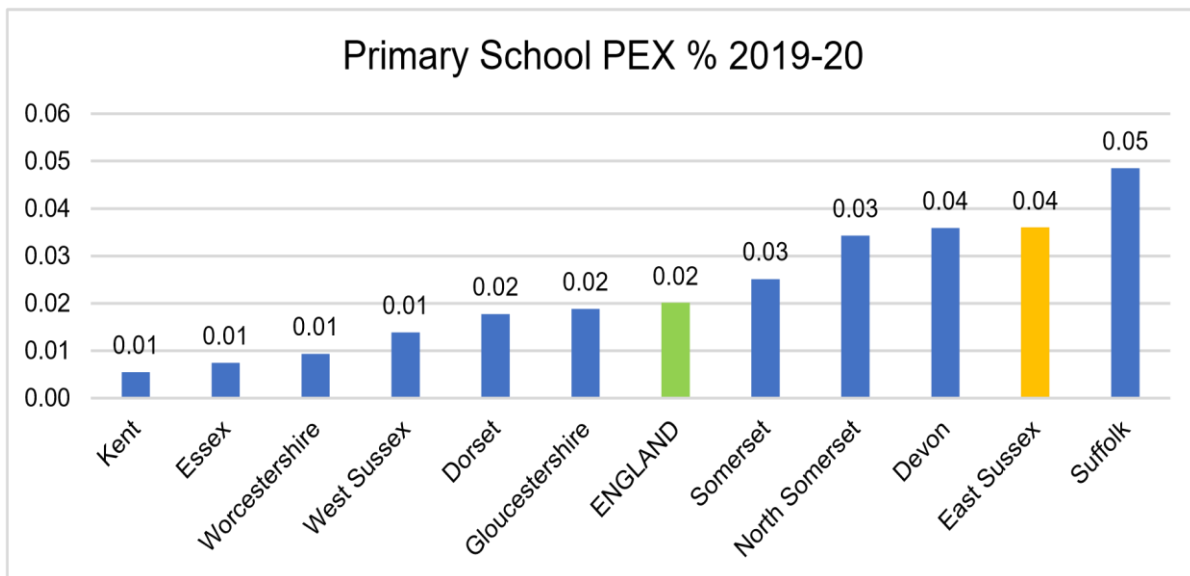
18. The Children’s Society *Youth Voice on School Exclusions* interviewed young people across England on their experiences of exclusion and concluded that:

*“The impact of school exclusions has a profound effect on young people’s sense of identity, both in the present and their hopes for the future and its reach goes beyond what happens in school itself and into the wider contexts of their lives.”*

## Context in East Sussex

19. East Sussex County Council (ESCC) supports 189 schools including 135 schools in the primary phase, 23 secondary schools, and 13 special schools. Of these, there are 79 academy schools.

20. In recent years East Sussex experienced a rise in the number of suspensions and permanent exclusions across primary and secondary schools. Most recent data<sup>1</sup> showed East Sussex was above the national average for the number of suspensions and although 2020-21 data showed it fell below the national average for permanent exclusions for secondary schools, East Sussex remained high in permanent exclusions for primary schools compared with statistical neighbours.



<sup>1</sup> 2020-2021 data for Primary Schools was not available at the time of publication.

21. Exploring this comparative data further, the Board heard that there were multiple approaches being used by other local authorities to manage behaviour which would impact on comparisons, including processes such as school to school moves. The Department had explored some of these approaches and concluded that short term placements at other schools made reintegration to a pupil's original school difficult. Without a fuller understanding of strategies and approaches taken in other local authorities, and in recognition of the national challenges facing most areas, the Review focussed on what could be achieved locally to prevent school exclusions.

22. Data from the DfE for suspensions and permanent exclusions for special schools, secondary and primary schools in East Sussex identified several groups of children at increased risk of permanent exclusion, including pupils who were:

- in receipt of Free School Meals in the last 6 years (FSM6);
- on an Education, Health and Care Plan (EHCP);
- from Gypsy, Roma and Traveller communities;
- in Years 8, 9 and 10, with a higher risk for females in Year 8;
- on the SEND register of the school and not in receipt of an EHCP.

23. Data also showed an increase in the number of pupils in Early Years being permanently excluded.

24. These findings align with national evidence that SEND pupils are disproportionately affected by permanent exclusion<sup>2</sup>.

25. The key challenges identified locally by the Department included reducing exclusions for children in receipt on an EHCP, increasing opportunities for schools to access multi agency support, and making sure that there was appropriate alternative provision for children to receive bespoke support. Staffing and recruitment issues across all schools were also highlighted.

26. At the time of the review, the Department was involved in in two projects to support work in reducing exclusions:

- *RSA Reducing Exclusions Project*, focused on reducing exclusions in primary schools (at the time of the review the project was going into its third year and the implementation stage).
- *ISOS Rethinking Exclusions Project*, focused on reducing exclusions in secondary schools through Inclusion Partnership meetings (at the time of this Review the project was transitioning from the implementation phase into the embedding phase).

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<sup>2</sup> [HM Government, SEND Review: Right support, right place, right time, 2022](#)

# Review Board Findings

## 1. Prevention

27. In order to understand how schools could reduce the number of permanent exclusions and suspensions, the Board sought to understand how preventative strategies could be implemented and developed. The Board found that a combination of whole school approaches, as well as targeted support and intervention was key to keeping pupils engaged in learning and at school.

### i) Preventative strategies and whole school approaches

28. Through the Department's work with the RSA and ISOS projects, a range of interventions and strategies were being developed to prevent pupil behaviour escalating to a permanent exclusion. The ISOS Rethinking Exclusions project promoted a model which identified the first step for addressing challenging behaviour as 'mainstream level of support' which reinforced consistent expectations, quality first teaching, and in class support as tools to prevent many pupils needing more targeted support.

29. The Board heard from the ISEND Engagement and Participation Officer who acknowledged the pressure schools were under to deliver bespoke, complex provision, but advocated whole school relational approaches which would benefit all pupils and could reduce the number of pupils being permanently excluded.

30. The Board agreed that intervention and support at the earliest opportunity would not only benefit pupils and schools but could save costly interventions at a later stage and explored several strategies and approaches including the use of programmes, policies, and data.

### *Preventative programmes*

31. Officers presented information to the Board on 'Therapeutic Thinking', an agreed approach in East Sussex to support behaviour, which focuses on supporting children and responding to need. Schools in East Sussex had been offered free training for their senior leadership team, with the intention they would embed this ethos throughout the school. Additional training and support, including network meetings, was also provided.

32. There had been very positive feedback from schools which had adopted this approach, with many reporting increased staff wellbeing and happiness amongst pupils, and reduced levels of suspensions and permanent exclusion. However, the Board heard that not all schools had engaged with this due to various pressures, including Ofsted and staff capacity. In response the Department was continuing to adapt its offer through bespoke support and training to ensure Therapeutic Thinking was accessible to all schools.

33. The Vice Principal at The St Leonard’s Academy outlined to the Board a number of interventions the school had implemented in order to reduce exclusions, including the use of mental health support and short term intervention programmes such as ‘Believe in You’ and ‘Nurture’ (support for social, emotional and behavioural difficulties) which had supported over 700 students. The Vice Principal stated that 84% of those who had taken part had shown an improvement in their behaviour and, although these programmes were costly, they should be prioritised to help prevent exclusions.

34. Good mental health support was also identified as a key factor in supporting all pupils in schools and crucial to reducing exclusions. The Strategic Lead for Safeguarding and Emotional Wellbeing told the Board that increasing mental health needs since the pandemic were having a significant impact on the capacity of schools and external mental health providers to meet this need. Increased mental health issues, including anxiety, were also having a direct impact on school attendance and in some cases resulting in pupils being permanently excluded. Increased mental health needs amongst school staff were also cited as detrimental to staff and pupil relationships, as well as an additional challenge to staff retention.

35. The Board heard that the Department was providing Mental Health Support Teams and Mental Health and Wellbeing Advisers to work in schools to directly support students as well as develop whole school approaches to meet this need.

### ***Inclusive behaviour policies***

36. Behaviour policies and procedures that focused on being inclusive were noted as key preventative strategies by witnesses and evidence considered by the Board. *Youth Voice on School Exclusions*, a report by The Children’s Society, highlighted the negative impact school exclusions had on young people and their mental health. In their interviews with young people, rigid behaviour policies and approaches were often cited, and there was frustration at what young people saw as an inflexible education system which many did not feel met their needs.

37. Inclusive policies respond to and support all children’s needs and strive to provide a sense of belonging; inclusive policies are cited in national research as being key to improving behaviour across schools and reducing permanent exclusions. Examples of inclusive behaviour policies reviewed by the Board included a focus on

“A child who is fully ‘included’ - given a sense of belonging and opportunities for success - is far less likely to behave in a way that would lead to an official exclusion from school”

RSA Pinball Kids

recognising behaviour as communicating underlying need and encouraged staff to identify and respond to these needs rather than focusing on the presenting behaviour.



38. The Board visited Ore Village Primary Academy to gain insights into how they had reduced the number of permanent exclusions. The school faced a number of local challenges, including having one of the highest numbers of pupils receiving Pupil Premium in the county, and some pupils attending school with additional external challenges at home. A new behaviour policy was developed to be more inclusive. The focus shifted from public rewards and sanctions to having clear expectations of how everyone should behave and pupils being self-motivated to behave positively. The Headteacher reported that hearing that a member of staff was proud of them had a huge impact on pupils' self-esteem and behaviour. The school had worked to embed a cultural change around behaviour and the Headteacher reported having a very supportive and dedicated team of staff who were committed to this, with greatly improved behaviour as a result.

39. The St Leonard's Academy had also created a new behaviour policy which focused on inclusion and positive relationships between pupils and staff. Although there were clear consequences for poor behaviour, the policy outlined the need to identify additional needs when presented with challenging behaviour.

40. The ESCC Senior Educational Psychologist and the SEND CYP Participation Lead, who carried out a number of interviews with young people on their experiences of being permanently excluded, or who were at risk of permanent exclusion, told the Board that many young people cited a sense of belonging as a significant factor in their engagement with education. However, many young people expressed frustration at inconsistent school sanctions with some pupils appearing to be treated differently to others. The Participation Team was supporting inclusion advisers with managing behaviour and working with schools to develop whole school approaches which were needed to ensure good relationships for all pupils.

41. Peacehaven Community School, which from 2018 to 2023 had seen a 100% reduction in permanent exclusions and a significant decrease in suspensions, told the Board it had adopted a more inclusive behaviour policy, moving away from sanctions, such as isolation and suspensions, and towards restorative conversations about behaviour. The Assistant Headteacher noted that suspensions were not only viewed as lost learning, but a potential safeguarding risk for pupils, so a more holistic approach to identifying and supporting needs had been adopted.

42. The Head of Virtual School also advocated the development of inclusive practice and behaviour policies which were trauma informed and supported all pupils, and commented that these policies, as well as programmes such as Therapeutic Thinking, offered alternative responses to pupils at risk of multiple suspensions and permanent exclusion.

43. The Board concluded that behaviour policies which support inclusive practices across the school were effective in supporting all pupils in schools and could reduce behaviour escalating to the point of multiple suspensions or permanent exclusion.

## Recommendation 1

**The Department should utilise area-based teams to identify and support schools and trusts to provide a graduated response to behaviour.**

### *Building and nurturing positive relationships*

44. Many whole school approaches explored by the Board emphasised the importance of building positive relationships between staff and pupils. A key recommendation from the *RSA Pinball Kids Report* was that ‘every child has a strong relationship with a trusted adult in school’ and the report argues that strong relationships are shown to have a positive impact on classroom behaviour.

45. Interviews with young people highlighted the impact of these positive relationships; all of the young people interviewed were able to cite one member of staff they had had a good relationship with and spoke about the positive impact this had on them. However, they also noted the difficulty in using these relationships for ongoing support due to staff capacity. Kara told the Board that schools should make the most of these positive relationships when a pupil is at risk of exclusion, with the trusted member of staff supporting ‘the student to talk to the member of staff who may have been involved and see if they can come to a resolution’. The Board reflected that these relationships had been key to providing a positive and supportive influence in the young people’s lives.

46. This was reiterated by the Senior Educational Psychologist and SEND CYP Participation Lead who informed the Board about the work they were doing to support schools with whole school relational approaches to increase a sense of belonging amongst all pupils. They argued that when pupils were listened to and had positive relationships with adults there is increased motivation and self-efficacy.

47. The St Leonard’s Academy reported seeing an improvement in teacher/student relationships with the adoption of their new behaviour policy and stressed the importance of staff communicating with pupils in a positive way. Staff were trained and carried cards to help with de-escalation, especially for children with SEND, and learnt how their body language could increase their approachability to students. The new behaviour policy encouraged strong relationships between staff and pupils, based on respect, kindness, honesty, resilience and self-discipline. The policy includes guidance for staff to provide pupils with the opportunity for a fresh start at every lesson to enable ‘students [to] reflect on their actions and meet with the staff before the next lesson where practical, to repair relationships’.

48. Ore Village Primary Academy also told that Board that they were prioritising these relationships, ensuring that every child was greeted at the gates each morning.

49. During a visit to Peacehaven Community School the Board heard about the school’s strong ethos of belonging and community, with a focus on pupils building

positive relationships at school and in their local area; the Assistant Headteacher reported this was key to increasing positive behaviour in the school.

## **Recommendation 2**

**The Department should continue to encourage schools and trusts to attend training on whole school relational approaches and develop trauma informed practices so pupils feel safe at school and develop positive relationships. This training should include how to communicate key aspects of these approaches with parents and carers to ensure continuity and support at home.**

### *Using data to identify pupils who need support*

50. National research highlighted the vital importance of using data to identify pupils needing additional support, as well as the risk of pupils regularly missing education if schools did not monitor pupils who were placed in isolation.

51. The Director of ISOS advocated the use of Inclusion Partnership meetings to analyse data and identify pupils who were most at risk of permanent exclusion, as well as monitoring wider trends to identify key vulnerable groups (for example, certain year groups, and children with very low attendance) so that targeted interventions could be put in place.

52. The Board found that the Department was regularly looking at data to identify pupils who were at risk, including national data from the DfE and local schools' data, comparing this with data from geographical areas and statistical neighbours to identify trends and patterns.

53. The Attendance Lead Manager informed the Board that from September 2023 all schools in East Sussex had signed up to provide daily attendance data. This would enable the Department to look at a full data set which could be used to spot patterns, help to safeguard children, and increase attendance.

54. There were also plans for the Mental Health and Emotional Wellbeing Team to offer an audit tool and strategic visit to all schools with improved data and information sharing about children being excluded with social, emotional and mental health (SEMH) needs, with an aim to provide focused work with those pupils.

55. The Board explored how data could be used further within schools; Peacehaven Community School had analysed student data to identify students needing additional support, including those whose attendance was low, pupils on Pupil Premium and Free School Meals and those at risk of permanent exclusion, to raise achievement. The school had looked at barriers facing those pupils and focused on ensuring equity and equality in the school; information on identified pupils was shared with all staff and intensive bespoke support, including for literacy, attendance, and wider family support was provided, with detailed records of successful strategies and approaches for each child.

56. The Board concluded that effective use of data was key to identifying vulnerable groups and students and relevant information should be reviewed regularly at Primary and Secondary Boards and Inclusion Partnership meetings. The Board was concerned about the number of pupils potentially missing education, either through isolation or through inappropriate use of part-time timetables (addressed more in the second half of the report) and data on this should be monitored to identify where alternative support could be put in place.

### **Recommendation 3**

**The Department should work with schools and trusts to review and make use of available data to:**

- a) identify pupils who are at risk of permanent exclusion and identify available support at Inclusion Partnership meetings; and**
- b) monitor pupils identified by the Attendance Support Team who are absent from mainstream education, either through part-time timetables or internal exclusions and assess what alternative support could be put in place.**

### ***Adaptive teaching to deliver the curriculum and extracurricular activities***

57. The RSA *Pinball Kids Report* highlighted that young people studying vocational courses were less likely to be excluded from school, but noted there were now fewer opportunities to study vocational qualifications. It also reported the findings of the Education Select Committee's review of exclusions<sup>3</sup> which 'suggested that curriculum narrowing may be contributing to rising school exclusions'. The RSA report also suggested that a 'rigorous' curriculum introduced in 2010 had resulted in pupils becoming disengaged with education and promoted the use of extracurricular opportunities to engage pupils.

58. The Board concluded that although the current curriculum worked for most pupils, there were a significant number of children who were not able to engage with learning in this way. Although schools were limited with the content of the curriculum, appropriate alternative curriculum activities could help pupils to access this learning in different ways.

59. The Senior Manager, Lewes, Coastal and Wealden ISEND told the Board that schools needed to be creative with engaging children with the curriculum and should consider challenging traditional ways of teaching. Therapeutic Thinking, for example, enabled teachers to develop different group dynamics and challenge conventional larger teaching group sizes by delivering focussed work with smaller groups. The Board heard that, for Therapeutic Thinking to work well, it needed to be embedded

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<sup>3</sup> House of Commons (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions*. Report of the Education Select Committee. Available at: [Forgotten children: alternative provision and the scandal of ever increasing exclusions \(parliament.uk\)](https://www.parliament.uk/publications/2018/06/14/forgotten-children)

into the school culture and influence how staff communicated with young people; when this worked well, staff were better equipped to deliver the curriculum.

60. Interviews with young people also highlighted the challenge larger class sizes presented to some pupils; one young person told Members they did not want to return to mainstream education because the classes were too big and there was too much noise.

61. The Head of Virtual School told the Board about pupils who had thrived in alternative provision where they were able to access vocational courses, and this had had a positive impact on their behaviour. However, due to the costs of external alternative provision, it was important for schools to consider a range of provisions in their own settings.

62. The Board explored this further through visits to Ore Village Primary Academy and Peacehaven Community School which had both adapted how they delivered the curriculum to meet the needs of pupils and improve behaviour in the school. The Headteacher at Ore Village Primary explained how they had done this to suit the needs of the pupils locally, recognising that their cultural, language, and memory needs were unique - for example, many of the children's cultural experiences were only offered through school. The school prioritised activities, including school trips, to enhance cultural experiences. To support very young pupils in their learning and development, the school focused heavily on speech and language, recognising that this was a development need for many of their pupils, and prioritised embedding this throughout school. Funding was also used to bring in specialist teachers, including for PE, dance and music, and sensory circuits were used to support children with additional needs, including those with ADHD and anxiety.

63. Peacehaven Community School told the Board they had adapted their teaching of the curriculum by rearranging the school timetable to offer elected subjects at Key Stage 4 on days when they were seeing higher rates of absence. The school also advocated the use of community enrichment activities outside of the school day to further pupil and family engagement with learning.

64. The Board reflected on the broad range of needs of pupils in schools, including those with SEND, as well as pupils with a lack of stimulating experiences, often due to poverty and other external challenges, and how these could impact on their ability to access the curriculum. The Board recognised the needs of very young pupils who may be starting school with additional needs, including language and memory processing needs. The Board noted the benefits of appropriate alternative activities to support all pupils to access the curriculum, including those who were not engaged with more structured learning, and were impressed with the results of local schools who had achieved this.

#### **Recommendation 4**

**The Department should develop training for schools and trusts and share best practice on how adaptive teaching can deliver the curriculum to support needs of all pupils, including SEND pupils and pupils facing additional external challenges. This should include developing guidance on assessment to ensure the use of Additional Needs Plans and Personal Education Plans support and address the needs that have been identified.**

65. The Board explored how extracurricular activities could also engage pupils with learning and heard that the Department provided a range of extracurricular activities and support which could benefit pupils and families, including through the Early Help Team, the Holiday and Food Activity Programme, Family Hubs and through Youth Centres, and that successfully promoting these to schools and families could encourage greater engagement with education. The Board agreed that these activities could increase engagement and provide vital support for pupils and families, however there was concern about the ongoing sustainability of funding of these activities.

#### **Recommendation 5**

**The Department should work with schools and trusts to promote the benefits of extracurricular activities, including:**

- a) where provided through Early Help, the Holiday and Food Activity Programme, Family Hubs, and Youth Centres, activities which engage pupils throughout the year and incorporate support for families; and**
- b) summer programmes which support transition.**

66. The Board concluded that whilst preventive measures could be expensive, they were a necessary strategy to improve behaviour in schools and reduce permanent exclusions. Moreover, early investment could prevent more costly intervention later on.

#### **ii) Targeted support and intervention**

67. When a child is identified as at risk of permanent exclusion the Board heard it was important for targeted and timely support and intervention to be provided. Moreover, the *Timpson Review* identified local authorities as playing a key role in advocating for children with additional needs and those at risk of exclusion. The Board learned that this support included timely assessment and support for additional needs, including SEND and SEMH, as well as identifying external issues and circumstances which may be affecting the child at school. Support should involve,

where necessary, cross-team working between different professionals to support the pupil and the family. Responses to poor behaviour should also be graduated and appropriate.

68. The Senior Manager for Targeted Support Services informed the Board that the RSA Reducing Exclusions Project was focussed on enabling early identification of needs and support through regular joint working between multiagency partners.

69. The Board also heard that the ISOS Rethinking Exclusions Project identified a model of graduated and appropriate response to all pupils, including those who are vulnerable to multiple suspensions and permanent exclusion, including in-class support, additional in-school support, targeted support, and alternative provision. The model focused on understanding behaviour and identifying the needs of the child.

70. The Head of Virtual School provided insights into her work with Looked After Children to ensure that pupils from this cohort were rarely excluded from school. When a Looked After Child was at risk of exclusion, the Virtual School worked with education settings to provide additional support, including with the East Sussex Behaviour and Support Service (ESBAS), Communication Learning and Autism Support Service (CLASS), and the Educational Psychology Service (EPS) to provide early and targeted support. The Head of Virtual School commented that Personal Education Plans for Looked After Children enabled school staff and social workers to focus and tailor support to the child's needs. She advocated the need to bring in support services at the earliest opportunity, however also acknowledged the limited capacity of these services.

71. 2023 data from the DfE showed an increase of 87,000 pupils nationally with SEN from 2022<sup>4</sup>. The HM Government, *SEND Review: Right support, right place, right time* concluded that outcomes for children and young people with SEN or in alternative provision were poor and that seeking support was difficult for children and their families, often due to late intervention and insufficient resources.

72. The Board heard from interviews, written responses and a discussion with the Special Educational Needs and Disabilities Information Advice and Support Services (SENDIASS) Manager that some parents and carers felt a permanent exclusion could have been avoided if additional needs were identified and supported in school, including through Additional Needs Plans and Personal Education Plans. However, he also noted that there was a wide range of specialist services available to schools and when these had been brought in, parents and carers commented on the positive outcomes they had achieved.

73. The Senior Educational Psychologist reiterated that SEND needs were often not understood, which could lead to an exclusion, and it was crucial for schools to involve supporting services earlier to provide positive intervention and avoid permanent

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<sup>4</sup> National Statistics Academic year 2022/23 [Special educational needs in England](#)

exclusions. Discussions with school governors also suggested that a lack of resources to support SEND needs was a contributing factor to some pupils being permanently excluded.

74. The Department agreed that schools were running on tight staffing, but schools which were achieving good outcomes and low exclusion rates were adopting inclusive practices and investing in pastoral support staff to meet needs. This was demonstrated, for example, by Peacehaven Community School which had recruited a strong pastoral team and effective SEND support across all school years.

75. The Board concluded that although the Review was not able to explore SEND assessment and support in detail, evidence considered did show that ensuring SEND needs were assessed and identified early, and putting appropriate support in place, could reduce the number of suspensions and permanent exclusions for SEND pupils; moreover, schools that were prioritising support for SEND needs were achieving good outcomes for those pupils. This is further addressed in recommendation 4.

### ***Pupils facing additional external challenges***

76. The Board heard that it was not only important to identify and address needs in school, but external issues and circumstances should also be taken into consideration when responding to behaviour issues. In the Board's interview with young people, they heard from Sonny who explained that at the time of his permanent exclusion he was dealing with a family death and had lost motivation at school; Sonny said he felt unsupported in this and believed this contributed to escalating poor behaviour. Moreover, Sonny felt this was not taken into consideration when deciding to permanently exclude or in subsequent appeals. National research also noted challenges outside of school, including relationships and emotional health, which can contribute towards exclusion.

77. The Board reflected that supporting pupils' increasing complexity of needs with limited resources was an increasing challenge facing schools, however schools who had invested in this were seeing positive outcomes in their suspension and permanent exclusion rates, for example noting that Ore Village Primary had taken significant steps to address local challenges and were seeing increased engagement as a result.

### ***Work with key partners***

78. The Board heard that appropriate and effective support for pupils at risk of exclusion often required working with key partners and professionals.

79. The Director of ISOS Partnership explained to the Board that a key component of the Rethinking Exclusion Project was the creation of Inclusion Partnerships where 'school and service leaders meet and work together to take a holistic approach to supporting young people, fostering inclusion, building capacity for improvement, driving innovation and, ultimately, ensuring the best education for all children and young people'. This multi-agency approach included ESBAS, Early Help, Connected



Families, the Virtual School, and CLASS and allowed schools to identify and access the right support for pupils at risk of permanent exclusion.

80. The Board heard about similar work with the use of collaborative partnerships through the RSA Preventing School Exclusions Project. This project used support networks, representatives, and referrals to share knowledge and support for pupils at risk of permanent exclusion and included a focus on supporting pupils to transition from primary to secondary school. The Department also made use of Primary and Secondary Boards to identify pupils who may need additional support. The project interim report highlighted the success of this work:

*“The project is making really good progress and has already created strong links across local authority teams, schools and external agencies. Our local headteachers are working closely together to learn from each other about the best ways to support positive relationships and behaviour. At the recent conference for primary school leaders, headteachers gave an inspiring account of their work to date and the positive difference that the project is starting to make for children in their schools”.*

(Assistant Director, Education, ESCC)

81. The Board heard that the Virtual School successfully worked with a range of partners to develop an understanding of the needs of Looked After Children and put in place the right support such as programmes, key worker provision, resources, and toolkits provided by the local authority and specialist teams. The Virtual School also sat within the Inclusion Partnership to look at alternatives to permanent exclusion and welcomed the effective partnership work across the services.

82. The success of partnership working was demonstrated by Ore Village Primary School; the Headteacher had facilitated a Behaviour Support Network with other primary schools in Hastings to identify children at risk of permanent exclusion. The meeting included a round table discussion and schools were given strategies to support these pupils. This was very positive, and feedback showed this had an impact very quickly, however the Headteacher noted she had little capacity to support these meetings on a regular basis and would support a co-ordinated approach to facilitate professionals working together to improve behaviour in schools.

83. The Board were impressed by the development of support networks for schools, including through Inclusion Partnerships and Primary and Secondary Boards and concluded that through these, key guidance and support could be shared with schools across the county.

#### ***Transition from primary to secondary school***

84. National research noted that transition from primary to secondary school could increase a pupil’s risk of exclusion, especially if there were unmet needs, or if successful strategies put in place in primary school were not continued when a pupil moved onto secondary school.

85. The Senior Manager, Lewes, Coastal and Wealden ISEND and the Director of ISOS informed the Board that post pandemic many pupils were not ready for secondary school in year 7 and Inclusion Partnership meetings had identified a pattern of poor behaviour in year 8 which has been triggered by pupils' experiences in year 7. Issues identified in primary school needed to be supported when a pupil transitions between phases.

86. The Headteacher at Ore Village Primary Academy told the Board she was concerned that the positive impact on behaviour from preventative strategies and targeted support could be lost when pupils moved to secondary school and noted that more work was needed with local secondary schools to ensure continuity of support. The school did have strong links and good communication however with local pre-school settings and had successfully supported young pupils transitioning into Reception. Peacehaven Community School told the Board that although they worked with local primary schools to support transition, including with issues on attendance, there was not currently a consistent behaviour policy between the local primary schools and Peacehaven Community School; instead, expectations would be communicated to pupils before they joined the school and that they would aim to continue provisions established in primary school such as Lego Therapy and Time to Talk.

87. The Board discussed that this was a wider issue within East Sussex and reflected that with children attending different secondary schools to some of their peers, their experience was often dependent on the school's policy, and it appeared there was not enough learning from schools about the strategies put in place by their feeder school. The Board concluded that it was important for secondary schools to see what preventative strategies primary schools were putting in place, including using case studies at Inclusion Partnership meetings, and explore opportunities to continue these. Support from the local authority, including through summer programmes and one to one SEND support, was identified as playing a vital role in supporting pupils to transition, however the Board concluded that a consistent approach to transition across schools would be beneficial.

88. The Board noted the ongoing work of the Department in this area, including the focus in the RSA Preventing School Exclusions Project which was exploring investment in transitions. The interim report noted that across all three localities, including East Sussex, they had found 'primary and secondary schools working individually to support pupils with transition rather than working together'. In the project's Group 3 pilot, a working group of representatives from primary, secondary, and special schools, the local authority and the Parent Carer Forum had been formed to address suspensions and permanent exclusions in years 7 and 8 and create a consistent transition offer.

89. It was agreed that findings of the project should shape this offer in the county. The Board also concluded that successful transition from pre-school settings, with

consistent support and strategies in place to support need, could prevent the risk of exclusion in very young pupils.

#### **Recommendation 6**

**The Department should work with schools and trusts to support pupils transitioning into Early Years in primary and Key Stage 3 in secondary by:**

- a) working with pre-school settings and primary schools to identify pupils who may need additional support when transitioning to primary/secondary school and referring them to appropriate support and programmes; and**
- b) communicating successful approaches and support at the point of transition at all phases to ensure continuity of provision.**

## ***2. Appropriate responses to children at risk of permanent exclusion***

90. Having explored broader preventative strategies, the Board went on to consider appropriate responses to a child who had been identified as at specific risk of permanent exclusion. Research and witnesses identified key factors to consider when responding to pupils at risk, including the use of youth voice, engagement with families and the effective use of alternative provision.

### **i) Youth voice**

91. The national statutory guidance on exclusions states that:

*‘Headteachers should...take the pupil’s views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made.’*

92. Witnesses and evidence suggested that listening to the voice of young people, including when making decisions about their education, produced better outcomes for them. The Board heard directly from young people about the need to feel listened to and given the opportunity to advocate for themselves.

“Ever since I’ve been excluded my anger has got worse. I would like to be listened to more”

Young person interview with Ella

93. However, young people interviewed all reported not feeling listened to, or given the appropriate opportunity to advocate for themselves or be involved in decisions around their education. Two of the young people spoke of multiple challenges they were facing outside of school, including bereavement and

mental health issues, but did not feel these were supported or considered in the decision to permanently exclude them. All the young people did, however, comment on the good support they had received from ESBAS and spoke positively of relationships with staff at alternative provision sites. The Board reflected that the young people they had spoken to had been forthcoming and genuine, with recognition and understanding of how their behaviour had led to a permanent exclusion, but the process had not been fully explained to them.

94. The Board heard about wider engagement work with young people who had been, or were at risk of being, excluded from the Educational Psychologist and ISEND Engagement Participation Officer who had spoken to 40 young people in six different settings across East Sussex, including alternative provisions, about their experiences. The interviews demonstrated the importance of positive relationships between pupils and staff, as well as the need for young people to feel listened to and part of conversations about decisions. The Educational Psychologist shared with the Board that giving young people the opportunity to have an equal weight given to their voice led to improved outcomes including effort and motivation and a reduction in power imbalances.

95. The Assistant Headteacher at Peacehaven Community School explained how youth voice had been successful in developing a number of strategies and policies in the school, including the new behaviour policy, profiles on students identified as needing additional support, SEND support, and safeguarding concerns. The school had invested in training for staff to encourage positive communication between staff and pupils and, in a recent survey, 91% of students reported feeling listened to when speaking to a teacher.

96. The Board acknowledged that, whilst young people should feel listened to in school, teachers were under increasing pressures and capacity was often a barrier to this. However, it was clear that youth voice should be incorporated into school policy where possible, including in meetings about the decision to exclude.

97. It was also noted that youth voice was a key component in the ISOS Rethinking Exclusions Project and would inform the commissioning of targeted provision in schools and of external alternative provision.

#### **Recommendation 7**

**The Department should encourage schools and trusts to increase the use of youth voice in preventive strategies and responses to children at risk of permanent exclusion by providing training and guidance for schools and governors on how to embed youth voice into all areas of school policy.**

## ii) Engagement with parents and carers and family support

98. The Board found that parental engagement was key to preventing pupils from being permanently excluded, but that this was a challenge for many schools, especially with their most vulnerable pupils. However, evidence from parent interviews also showed that many parents and carers did not feel communicated with about decisions to permanently exclude their child.

99. The Board looked at national research which considered the support provided to parents and carers and recommended that engagement from parents and carers with their child's education was a key contributor to preventing exclusion. The *Timpson Review of School Exclusions* recommended that 'local authorities should include information about support services for parents and carers of children who have been, or are at risk of, exclusion, or have been placed in Alternative Provision'.

100. The Board explored what support was available to parents and carers and heard from the Parenting Coordinator from the Early Help Service about a variety of parenting programmes available to parents and carers in East Sussex, including for support with child development, behavioural issues, SEND needs and mental health needs. Although these courses were well attended and gained very positive feedback, there was still work to do to reach the most vulnerable families in need of support and to de-stigmatise parenting support.

101. Although a wide range of support was available to parents and carers across East Sussex, the Board heard of the importance of schools communicating regularly and openly with parents and carers, in an accessible way. The Board explored this through interviews with parents and carers, written responses through the East Sussex Parent Carer Forum (ESPCF) and with the SENDIASS Manager who spoke of the experiences of parents and carers who have accessed the SENDIASS support line. The SENDIASS Manager told the Board one of the most common reasons for calls from parents and carers was not feeling listened to, with poor communication from the school and many reporting that they felt issues could have been addressed at an earlier stage if there had been communication. The Board also heard that when communication was received, it was often not in an accessible or clear format, so parents and carers found it difficult to understand. One parent told the ESPCF 'I had had to make my own way through the appeal process and secure my own support'. Other parents and carers reported having little communication from key staff and if communication was offered, there was little flexibility to adapt to parent/carer needs, including work commitments.

102. The Headteacher at Ore Village Primary Academy noted that despite a focus on supporting families, a lack of parental engagement was one of the biggest challenges to reducing exclusions, and the school was investing significant staff time to build positive relationships and sustained communication, particularly around attendance. This was also noted by Peacehaven Community School who used clear, accessible and regular communication, community events, and enrichment evenings to increase

parental engagement. Both schools acknowledged that key barriers to parents and carers engaging were personal negative experiences with education and school, as well as the need for wider support, including with cost of living and mental health issues. The Headteacher at Ore Village Primary, for example, noted her concern about increasing parental anxiety which was affecting transition for some pupils.

103. The Board concluded that it was important for parents and carers to be able to seek support and advocate for their child when there were issues with behaviour and especially when there were conversations around decisions to permanently exclude. They also noted that for this to work well, there needed to be positive communication and engagement with parents and carers at all stages of education.

#### **Recommendation 8**

**The Department should work with schools and trusts to further develop and embed parental engagement to ensure all stakeholders understand how and why a child is at risk of permanent exclusion, including the parent/carer and the child, and include parents and carers with decisions around alternative provision, including all available options.**

104. The Board also reflected on the concerning increase of parental anxiety and how this was impacting on children's behaviour and engagement with learning. Although there was good support available across the county for parents and carers, there was a need to further develop clear signposting and targeted promotions to ensure schools and parents and carers were aware of this support.

#### **Recommendation 9**

**The Department should embed its multi-agency response, including the use of the new level 2 keywork team in Early Help focused on supporting attendance to:**

- a) promote targeted support, including wider family-based issues, to pupils and families who have been identified as at risk of permanent exclusion and multiple suspensions due to a lack of engagement with the school as a result of persistent absence; and**
- b) promote to schools and families parenting programmes that support interventions and preventative measures in schools.**

#### **iii) Effective use of alternative provision**

105. Alternative provision offers alternative education to children and young people who are not able to be in mainstream education, either due to a suspension or permanent exclusion, or due to identified additional needs. The Board explored how alternative provision was being used locally to respond to pupils who have been

permanently excluded, to prevent exclusion, and/or support children and young people to successfully reintegrate into mainstream education.

106. The Board heard that the Virtual School worked closely with alternative provision providers to support pupil's health and wellbeing, based on the interests of the child, with a focus on returning to mainstream school. The Head of Virtual School told the Board that when children engaged in activities they enjoyed, even for a short time, this had a significant impact. Moreover, positive engagement with alternative provision improved outcomes, including educational and relationships with family members, which in turn, put less pressure on other services and had wider positive impacts on the community and at home. However, there was not sufficient funding to access this long term.

107. The Head also noted that alternative provision worked best when a child could see the school was arranging it and when there were good links and communication between the provider and school, both of which improved the relationship between the child and their school. The Virtual School worked with providers to capture positive experiences and created passports which went back into schools to demonstrate what the children had been doing and successful strategies. This message had been shared by the Educational Psychology Service (EPS) who gave a presentation to the Inclusion Partnerships Conference on the importance of schools maintaining strong relationships with alternative provision providers.

108. In interviews with young people, the Board heard about the positive experiences they had had with alternative provision, including feeling more included, treated as adults and able to explore a range of activities.

109. The Board reflected on the positive impact alternative provision had had on many young people and considered that many children might have benefitted from an early option of alternative provision as a preventive measure, supporting them before they reached the stage of exclusion.

110. The use of alternative provision as a preventative strategy was being developed in several schools. The Board heard from The St Leonard's Academy which had created an alternative provision 'Reboot' on site to support pupils who were struggling to engage in mainstream education. The site was staffed and equipped to support up to 20 students at a time and offered bespoke intervention programmes including sensory circuits, self-regulation, Lego therapy, Therapeutic Thinking, and cooking. The Vice and Assistant Principal told the Board that allowing these students to step out of classrooms and providing them with bespoke support and ongoing strategies, including using passports identifying their triggers and ways to manage feelings and behaviour, enabled them to return to and engage with mainstream education and ultimately prevent permanent exclusion.

111. The Board also visited the onsite alternative provision at Ore Village Primary School. Pupils were supported for varying portions of the school day by a range of staff with their wellbeing, SEND needs and academic learning, with all pupils having

their needs assessed and, when necessary, referrals made to supporting professionals. The focus was on transitioning pupils back into mainstream classrooms and parents and carers were kept informed about their child's attendance at this provision. The Director of the Academy Trust informed the Board that 'appropriate provision' to support children who were at risk of permanent exclusion could prevent more costly intervention later on and help pupils to gain the tools they needed to reintegrate into and engage with mainstream education.

112. This aligns with the national *SEND Review: Right support, right place, right time*, which sets out plans to develop the alternative provision offer to support the needs of SEND pupils. The proposed new model focuses on using alternative provision to tackle barriers to learning, with the aim of reintegrating pupils into mainstream education. It claims, 'over time, this new system will reduce the number of preventable exclusions and expensive long-term placements, as needs will be identified and supported early'. Locally the Department has responded to this by creating an Alternative Provision Directory to enable schools to commission high quality provision.

113. The Board concluded that alternative provision could significantly reduce the risk for some pupils of being permanently excluded and that guidance on options, as well as how to make best use of alternative provision, could support pupils and schools with increased engagement in learning and provide pupils with tools to succeed in mainstream education.

#### **Recommendation 10**

**To accompany the Alternative Provision Directory, which is to be shared with schools and trusts, the Department should develop guidance on:**

- a) how to make best use of alternative provision, including good communication and ways to provide consistent support once a child reintegrates; and**
- b) how alternative provision, including onsite alternative provision, can be used to prevent permanent exclusion and support pupils with additional needs, including those facing additional external challenges.**

#### **iv) Role of governors**

114. The Board explored the role governors play in both supporting schools to adopt whole school approaches and preventative strategies to reduce the number of suspensions and permanent exclusions, and in their response to children who are at risk of exclusion, including decisions to permanently exclude.

115. Once a headteacher has decided to permanently exclude a pupil, Governor Disciplinary Committee (GDC) meetings are held to further investigate reasons for exclusion and governors consider any evidence presented to them. Parents/carers and children can attend these meetings and if the governors disagree with the headteacher's decision, the exclusion does not go ahead.



116. The Board heard from five school governors (representing primary and secondary schools) that a key part of their role was relationship building with pupils, school staff, and parents and carers. All governors were keen to identify alternative support rather than permanently excluding a child, however one governor reported that relationships between governors and the school could be damaged if governors disagreed with the headteacher's decision to exclude.

117. Interviews with young people suggested that GDC meetings were intimidating, and often young people were unable to advocate for themselves. In the discussion with governors, this was acknowledged, with one governor noting that sometimes it would not be suitable to have a young person at the formal meeting because they would be unable to cope with the situation. Moreover, there was concern that there was not always enough of the child's voice when deciding to permanently exclude and although this was covered in governor training, this could be explored further.

118. The Board heard that governors would like to play more of a role in the prevention of exclusion by meeting with the headteacher at an earlier stage to explore alternative options and support. However, as governors on GDC need to remain independent of cases, this was difficult, especially for smaller primary schools.

119. The Board were impressed by the commitment shown from the governors they spoke to and agreed that governors not only play a crucial role in decisions to permanently exclude, but also had an opportunity to influence wider school policy, including supporting schools to become more inclusive and advocating for the needs of pupils, it was therefore vital they could access quality training and guidance to fulfil their role.

#### **Recommendation 11**

**The Department should continue to provide ongoing support and training for governors including whole school training on SEND needs, mental health issues and inclusive behaviour policies, and produce guidance on how to conduct inclusive Governor Disciplinary Committee meetings that prioritise youth voice.**

#### **v) The use of part-time timetables**

120. A part-time or reduced timetable means that, by agreement with the pupil, parent/carer, and school, the number of hours spent in education are reduced. National and local guidance states that this should only be for a time limited period of no more than six weeks and should only be in exceptional circumstances such as for medical reasons, reintegration into school following a trauma, or a family bereavement.

121. The Board were concerned about the reported use of part-time tables in some schools to unofficially exclude pupils for poor behaviour. Officers informed the Board that there were very clear guidelines from the DfE and local guidance from ESCC which stated that part-time timetables should not be used to manage behaviour and should only be used in consultation with parents and carers to support pupils who were unable to attend school full time.

122. This approach was being used effectively by Ore Village Primary Academy; the Inclusion Lead told the Board that pupils who struggled to attend school full time, often due to mental health issues, were supported through the use of alternative provision and part-time timetables to gradually transition into full time education. He reiterated that this had to be in agreement with the parents/carers and it was kept under constant review.

123. However, the Board heard from the SENDIASS Manager that they often received reports from parents and carers with children with SEND needs that schools were placing children on part-time timetables in response to behaviour issues as the school was unable to cope with their needs.

124. The Attendance Lead Manager informed the Board that the use of part-time timetables should be closely monitored, with wider support for the pupils considered, especially in the case of vulnerable pupils, including talking to supporting teams and services. Although schools did not currently report their use of part-time timetables, they were included in wider reporting on unauthorised absences. The Board heard that from September 2023, the Department would be able to monitor this more closely and planned to analyse data which would highlight schools showing a high number of pupils on part-time timetables.

125. The Board concluded that, although guidance from the DfE and ESCC was clear on the appropriate use of part-time timetables, it was not consistently being followed at a local level, with some schools using these inappropriately. There would therefore be benefit in more support, guidance, and monitoring as proposed in recommendations 3b and 12c.

### ***3. Council messaging and support***

126. All witnesses the Board spoke to reported that the Council's messaging around the need to reduce exclusions was clear and that schools were working hard to achieve this. However, there was evidence that schools needed support to achieve this.

127. The Board reflected that although overall intention was clear, the decision to exclude remained with the school, and messaging also needed to focus on what support was available to schools, successful approaches to reducing permanent exclusions through case studies and shared learning, and the benefits to schools of adopting inclusive behaviour policies and support. The Board agreed that consistency in language, for example advocating graduated responses to pupil behaviour, would

encourage more schools to adopt consistent and collaborative approaches to behaviour.

128. The Board also concluded that clear and consistent messaging on appropriate responses to pupils at risk of permanent exclusion could also reduce the use of inappropriate part-time timetables which the Board were concerned were being used to manage behaviour in some cases.

#### **Recommendation 12**

**The Department should develop clear and consistent guidance to share with schools and trusts on the benefits of reducing school exclusions, and the support available, including:**

- a) key findings from the RSA ‘Rethinking Exclusions’ and ISOS projects;**
- b) using Primary and Secondary Boards to communicate to schools and trusts the benefits of inclusive policies and share best practice for reducing exclusions and agree to a shared responsibility to reducing exclusions; and**
- c) on the appropriate use of part-time timetables to ensure these are not being used to manage behaviour. Part-time timetables that are in place must be for the shortest time necessary and reviewed regularly with the pupil and their parents/carers.**

## **Conclusions**

129. The Review Board has considered a broad range of evidence, including listening to the views of young people which has been vital to gaining key insights and forming recommendations. Members concluded that there was a strong commitment from the Department and most schools in East Sussex to reduce the number of permanent exclusions. The Department continues to prioritise this in its work which is reflected in the recent restructure of the Education division.

130. The Board scrutinised a number of ongoing projects and initiatives to address this issue and recognised that some of this work was still at early stages. The impacts of these projects, as well as the emerging complexity of needs of children and their families post pandemic, needed to be measured regularly to identify successful approaches and areas of focus.

131. The Board recognised the limitations of this Review; recommendations focus on how the Council can work with schools and, although they will be shared with schools across the county, the decision to exclude is a school one and academies are wholly outside of the remit of the local authority. However, this Review aims to support schools in East Sussex by making recommendations to help the ongoing development of a consistent, evidence-based approach to reducing permanent exclusion and improving outcomes for all pupils.

132. The Board heard that a range of preventative measures, including inclusive policies, could benefit *all* pupils, including those who are very young and those that are vulnerable, including SEND pupils and those facing additional external challenges. When children are identified as at specific risk of permanent exclusion, appropriate timely support and interventions could offer alternative options.

133. The Board learned that pupils who are persistently absent are at higher risk of permanent exclusion than their peers. The Board concluded that findings from this Review should be considered in the Committee's upcoming scrutiny review of School Attendance.

# Appendix

## Scope and terms of reference of the review

### Terms of Reference

On the recommendation of the Scoping Board, the People Scrutiny Committee agreed that this review should explore what can be done to help reduce the levels of school exclusion in East Sussex and will have particular regard to vulnerable children and young people (as this group are disproportionately at risk of exclusion).

Members agreed that this would be explored through the following **key lines of enquiry**:

- 1) Could the Council do more to develop levels of understanding amongst school leaders of **preventative** strategies, such as therapeutic thinking, to help reduce the likelihood of exclusion?
- 2) Could the Council do more to join up **early help** and education services as a preventative approach to support reduction in school exclusions?
- 3) Could the Council do more to help develop a better understanding amongst schools of what constitutes an appropriate **response** to a child who is at risk of exclusion?  
This line of enquiry to include consideration of:
  - the role and status of the SENCO and their involvement in developing appropriate responses to a child who is at risk of exclusion;
  - appropriate responses to very young pupils at risk of exclusion in primary school; and
  - appropriate responses to vulnerable pupils at risk of exclusion at secondary phase.
- 4) Could the Council develop its training and advice for governors around, for example, providing effective **challenge** in the circumstance where a Head teacher has taken a decision to exclude and the Governing Board are required to consider reinstatement. This line of enquiry could also explore the role of Governors in helping to develop best practice at the school.
- 5) Within consideration of each of the above lines of enquiry, is the Council's **messaging** clear on the need to reduce, and benefits of reducing, school exclusions?

## **Board Membership and project support**

Review Board Members: Councillors Sam Adeniji (Chair), Kathryn Field, Johanna Howell, Wendy Maples and John Hayling (Parent Governor Representative).

The Project Manager was Rachel Sweeney, Senior Policy and Scrutiny Adviser with additional support provided by Rachel Joseph, Strategic Lead: Inclusion and AP, Katie Ridgway, Head of Education: Inclusion and Partnerships and Lucy Owen, Policy Development Intern.

## **Review Board meeting dates**

Scoping Board meeting - 12 January 2023

First Review Board meeting - 12 May 2023

Second Review Board meeting - 09 June 2023

Third Review Board meeting - 20 July 2023

Fourth Review Board meeting - 21 September 2023

Final Review Board meeting - 16 October 2023

## **Witnesses providing evidence**

The Board would like to thank all the witnesses who provided evidence:

### ESCC officers \*

Clare Cornford, Project Co-ordinator: Governor Services

Catherine Dooley, Strategic Lead, Safeguarding and Emotional Wellbeing, Education East Sussex

Liz Eyre, Parenting Co-Ordinator, Early Help Service

Dr Sam Kelly, Senior Educational Psychologist

Mandy Lewis, Head of Virtual School

Vidyulatha Narayan, Area Manager, Education East Sussex

Sallie Thompsett, Practice Manager, Early Help Service

Alice Tigwell, SEND CYP Participation Lead

Vicky Wells, Senior Manager, Lewes, Coastal and Wealden ISEND

Iona Wooderson, Senior Manager Targeted Support Services

### External witnesses

Ella, young person

Kara, young person

Sonny, young person

Ben Bryant, Director, ISOS Partnership

Drew Greenall, Vice Principal, the St Leonard's Academy

Nick Hart, Assistant Principal and Designated Safeguarding Lead, the St Leonard's Academy

Liam Ryan, AMAZE

Nicola Smith, Parent

Michael Smith, Parent

### Site visits

Ore Village Primary Academy

Peacehaven Community School

\*At the start of the Review, the Standards and Learning Effectiveness Service (SLES), within the Children's Services Department, provided support to staff and governors of East Sussex Schools, including guidance, training and support to help schools reduce the number of suspensions and permanent exclusions. This work included governor training and supporting schools with DfE guidance on suspensions and permanent exclusions.

During the Review, the Department launched a re-structured education division, 'Education East Sussex'. The rebranded service combined the teams of the former SLES and Inclusion, Special Educational Needs and Disabilities (ISEND) with a focus on:

- supporting schools with low rates of attendance and high levels of exclusion
- working to help underperforming areas of the county and specific groups
- meeting the challenge of increased pressure on places to meet special educational needs and demand for statutory assessments.

The East Sussex Behaviour and Attendance Support Service (ESBAS) ceased to exist from September 2023; the work of this team was included in the new Education Outcomes and Inclusion and Alternative Provision teams.

Job titles and teams listed in this report are correct at the time of interviews.

## Evidence papers

Item	Date considered
Local data on East Sussex suspensions and permanent exclusions rates	12 May 2023
DfE, <i>Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupils movement, 2022</i>	12 May 2023
DfE, <i>Behaviour in Schools, Advice for headteachers and school staff, 2022</i>	12 May 2023
Bonner CE Primary School & Nursery, <i>Behaviour Policy, 2022</i>	12 May 2023
RSA, <i>Pinball Kids Preventing school exclusions, 2020</i>	20 July 2023
RSA, <i>Preventing school exclusions: collaboration for change, Interim report, 2023</i>	20 July 2023
The Children's Society, <i>Youth Voice on School Exclusions, 2021</i>	20 July 2023
ESCC, <i>ISEND Reduced timetable guidance for schools, academies and settings in East Sussex, 2021</i>	20 July 2023
<i>Timpson Review of School Exclusions</i>	20 July 2023
Minutes from interview with young people	20 July 2023
The St Leonard's Academy, <i>Behaviour Policy,</i>	21 September 2023
DfE, <i>SEND Review, Right support, right place, right time, 2022</i>	21 September 2023
DfE, <i>Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan, 2023</i>	21 September 2023

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