

Public Document Pack

MEETING:	Cabinet
DATE:	Wednesday, 15 April 2020
TIME:	9.30 am
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

This meeting is being held in accordance with the provisions for virtual meetings contained in the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be broadcast live for public viewing via the Council webcasting channel:
<https://barnsley.public-i.tv/core/portal/home>

AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

Items for Noting

3. Decisions of Cabinet Spokespersons (Cab.15.4.2020/3) *(Pages 3 - 4)*
4. Actions Taken Under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.15.4.2020/4) *(Pages 5 - 10)*

Petitions

5. Petitions received under Standing Order 44 (Cab.15.4.2020/5)

Items for Decision/Recommendation to Council

Core Services Spokesperson

6. Cyber Security Strategy 2020 - 2021 (Cab.15.4.2020/6) *(Pages 11 - 24)*

Regeneration and Culture Spokesperson

7. Provision of High Needs Specialist Post-16 Education Training (Cab.15.4.2020/7) *(Pages 25 - 30)*
8. Exclusion of Public and Press
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

Regeneration and Culture Spokesperson

9. 2020-21 School Condition Capital Programme (Cab.15.4.2020/9) *(Pages 31 - 44)*

Reason restricted:

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

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Lamb and Platts

Cabinet Support Members:

Councillors Charlesworth, Franklin, Frost, Saunders, Sumner and Tattersall

Chair of Overview and Scrutiny Committee
Chair of Audit Committee

Sarah Norman, Chief Executive
Rachel Dickinson, Executive Director People
Matt Gladstone, Executive Director Place
Wendy Lowder, Executive Director Communities
Julia Burrows, Director Public Health
Andrew Frosdick, Executive Director Core Services
Michael Potter, Service Director Business Improvement and Communications
Neil Copley, Service Director Finance (Section 151 Officer)
Katie Rogers, Head of Communications and Marketing
Anna Marshall, Scrutiny Officer
Martin McCarthy, Service Director Governance, Members and Business Support

Corporate Communications and Marketing

Please contact Martin McCarthy on email governance@barnsley.gov.uk

Friday, 3 April 2020

BARNSELY METROPOLITAN BOROUGH COUNCIL

CABINET SPOKESPERSONS' DECISIONS

Schedule of Decisions taken for week ending 3rd April, 2020

<u>Cabinet Spokesperson</u>	<u>Item</u>	<u>Decisions</u>
1. Place (Environment and Transportation)	Acceptance of Grant to Upgrade Section of the Trans Pennine Trail (TPT) at Worsborough	that approval be given to accept the £400,000 Department of Transport grant, the legal document be signed as appropriate, authorisation to go out to tender, accept tender and implement works.

This page is intentionally left blank

BARNSELY METROPOLITAN BOROUGH COUNCIL

**REPORT OF THE EXECUTIVE DIRECTOR
CORE SERVICES**

**Action Taken under Paragraph B6 of the Responsibility for Executive Functions –
Officer Delegations Contained in the Council Constitution**

1. Purpose of Report

To inform Cabinet of action taken as a matter of urgency under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution.

2. Recommendations

That the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix attached to the report, be noted.

3. Background

Individual actions taken following consultation with the appropriate Cabinet Spokesperson are detailed by Cabinet Portfolio in the Appendix to this report. In accordance with Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution these actions are reported into the next available Cabinet meeting.

4. Implications

There are no local area, crime and disorder, financial, employee or human rights implications arising directly from this report.

5. Background Papers

Decision notices of action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution available for inspection in the Council Governance Unit, subject to the notice not containing personal information as defined by the Data Protection Act 1998 or exempt information as described in Schedule 12A of the Local Government Act 1972.

Officer Contact: Martin McCarthy
Date: 03 April 2020

Email: governance@barnsley.gov.uk

Action Taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations Contained in the Council Constitution

	<u>Date of Decision</u>
<p>1. <u>Borough Strategies for Children and Young People with Special Educational Needs and Disability (2020-22) (Cab.1.4.2020/6)</u></p> <p>(i) that the Borough Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND), as set out in Appendix 1 to the report submitted be approved for adoption; and</p> <p>(ii) that the Children and Young People's Send Plan, attached at Appendix 2 to the report, be approved for adoption;</p> <p>(iii) that the Accessibility Strategy for 2020-2022, as detailed in Appendix 3 of the report, be approved for adoption.</p>	7 th April, 2020
<p>2. <u>Highways Capital Programme 2020/21 (Cab.1.4.2020/7)</u></p> <p>(i) that the detailed Highways Capital Programme for 2020/21, as set out in Appendices 1 and 2 to the report, be approved and that the Service Director Environment and Transport be authorised to implement these schemes;</p> <p>(ii) that the Highways Capital Programme be varied in line with the Council's governance and approval limits (paragraphs 3.8 – 3.13 refer);</p> <p>(iii) that the Service Director Environment and Transport be authorised to:-</p> <ul style="list-style-type: none"> • Obtain tenders for any works, goods and services as necessary, and appoint the successful tenderer on the basis of the most economically advantageous tender; • Adopt the Highways Maintenance Efficiency Programme (HMEP) principle of collaboration and utilise collaborative procurement to engage external consultants to undertake work which cannot be undertaken in-house or secure the services of contractors or consultants via Regional Alliances where available; 	7 th April, 2020

- Appoint other external consultants and contractors as appropriate, within the current procurement rules; and

(iv) that, in the event that the Maintenance, Integrated Transport and Capitalised Highways Maintenance budgets for 2020/21 are not fully expended, the value of any other works be re-phased between financial years, which allows the flexibility to ensure that the available resources are deployed in the most efficient manner possible, whilst maintaining the continuity of the Highways and Engineering Service.

3. **Brierfield Close Area – Proposed Traffic Regulation Order (TRO) Objection Report (Cab.1.4.2020/8)** 7th April, 2020

- (i) that the objections received to the Traffic Regulation Order (TRO) to introduce 'No Loading/Unloading and Waiting at any time' restrictions on parts of Wellbeck Street, Brierfield Close, Bingley Street and Clumber Street in Barnsley be overruled for the reasons set out in the report and the objectors be informed accordingly; and
- (ii) that the Head of Highways and Engineering and the Executive Director Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order as originally published.

4. **European Regional Development Fund (ERDF) Programmes Report (Cab.1.4.2020/9)** 7th April, 2020

- (i) that approval be given to the Executive Director Place to authorise the following contracts on behalf of the Council:-
- a) Business Productivity – Ministry of Housing, Communities and Local Government (MHCLG) (see Appendix A)
 - b) Digital Innovation Grants – MHCLG (see Appendix B)
 - c) Digital Innovation for Growth – Sheffield Hallam University (SHU) (see Appendix C)

- d) Tech Ecosystem Accelerator and Market-Maker South Yorkshire (TEAM SY) – Capital Enterprise (see Appendix D);
- (ii) that approval be given for The Council to act as Accountable body for the Business Productivity Project and Digital Innovation Grants Project;
- (iii) that approval be given for the Executive Director Place in consultation with the Executive Director Core Services to contract with the Business Productivity programme partners Doncaster Metropolitan Borough Council Rotherham Metropolitan Borough Council and Sheffield City Council;
- (iv) that approval be given for the Service Director Finance to amend revenue budgets in accordance with the financial implications embedded within the report submitted; and
- (v) that approval be given for the Executive Director Place in consultation with the Executive Director Core Services to restructure and recruit additional resources to the Enterprising Barnsley team to provide a fit-for-purpose delivery structure.

5. **Inclusive Economy Peer Review Action Plan
(Cab.1.4.2020/10)**

7th April, 2020

- (i) that the key findings arising from the Inclusive Economy peer review and the supporting action plan, as detailed in the report now submitted, be noted; and
- (ii) that the proposed establishment of an Inclusive Economic 'task and finish group' led by the Council incorporating partner and stakeholder representation be noted. The core objectives of the group are defined as:-
 - Oversee the delivery of the peer review action plan contained within this report.
 - Provide strategic direction leading to the establishment of a wider Inclusive Economy Strategy for Barnsley.

*6. **Sale of Plot 2 Rockingham Hoyland to Gregory Property Group (Cab.1.4.2020/12)**

7th April, 2020

- (i) that the Corporate Asset Manager be authorised to negotiate and agree Heads of Terms for the sale of the

former Homes England site at Plot 2, Rockingham in Hoyland to the Gregory Property Group;

- (ii) that the Executive Director Core Services (Legal) be authorised to complete the sale of the site by way of a building lease/licence, subject to the necessary planning consent being achieved as necessary;
- (iii) that on practical completion of the development, the Executive Director Core Services (Legal) be authorised to transfer the freehold interest in the site to the Gregory Property Group; and
- (iv) that the Service Director Finance be authorised to repay Sheffield City Region the agreed £0.891M of finance used for the acquisition of the site and the overage payment of £0.440M to Homes England

* Items not for publication: Contain Exempt Information

This page is intentionally left blank

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the
Executive Director of Core**

CYBER SECURITY STRATEGY 2020 - 2021

1. Purpose of report

The purpose of this report is to provide Cabinet with an update on achievements made and to approve the Cyber Security Strategy.

2. Recommendations

It is recommended that Cabinet:

2.1 The report is noted, and the Cyber Security Strategy approved.

3. Introduction

3.1 The Security team have made significant progress over the last three years specifically in changing the way that cyber security is considered. The Council has changed from a reactive approach to a proactive perspective.

3.2 IT Services analyse thousands of phishing e-mails each year, taking actions where possible to protect not just individual users but the Council as a whole. They have run various phishing campaigns to challenge users and provided specific advice and support to those affected.

3.3 They utilise online services to proactively monitor the dark web looking for new data breaches which contain the details of any Council user; as soon as these are identified then specific advice is provided to those individuals, helping to protect them and indeed the wider Council.

3.4 IT Services have changed the way they procure goods and services by incorporating security into all their tenders and updated the Data Protection Impact Assessment process to ensure these important requirements are included in all system designs and builds - rather than trying to retrospectively apply security after the commissioning activity.

3.5 The Security team have run awareness events for both users and partners, keeping them fully informed of security changes that have been applied or are planned, and provided support for using new functionality.

3.6 IT Services proactively scan the network for vulnerabilities, trying to find issues before they are exploited or result in an accreditation failure. They have processes in place to proactively plan for end of life

hardware/software before it has expired; rather than waiting on health checks and subsequently fail security certifications.

- 3.7 IT Services now have a state-of-the-art machine learning based anti-virus system that has seen no major incidents affect users, which is a fantastic achievement.
- 3.8 The Security team are active members of both Government based Cyber Security Working Groups such as the WARP, MHCLG and NCSC, as well as participants in a cluster group based in Barnsley.

4. Proposal and justification

- 4.1 The following Cyber Security Strategy (Appendix A) was drafted to build on the existing work that has been completed and looks ahead after horizon scanning and taking advice from Central Government and Industry peers.

5. Consideration of alternative approaches

- 5.1 The strategy is not able to formulate an exact plan of the work required due to the ever-changing nature of Cyber Security risks to the Council. It is a vision on where IT Services sees itself and the activities envisaged based on their understanding of National security risks.

6. Implications for local people / service users

- 6.1 The recommendations within this report would provide the public with the reassurance that the Council's infrastructure is adequately protected with a view to sustain Council business without interruption of service.

7. Financial implications

- 7.1 Consultations have taken place with representatives of the Director of Finance (S151 Officer).

There are no direct financial implications associated with this report, as the purpose of the report is to update Cabinet on the achievements made and to obtain Cabinet approval to adopt the Cyber Security Strategy.

8. Employee implications

- 8.1 None.

9. Communications implications

- 9.1 To continue to communicate through Business Relationship Managers and in addition via Straight Talk and the Intranet.

10. Consultations

- 10.1 The Information Governance Board approved the strategy on 20th January 2020.

10.2 The Council's Senior Management Team approved this report during their meeting on 25th February 2020.

10.3 Cllr Gardiner, Cabinet Spokesperson for Core was briefed by the Head of IT (Service Management) on 6th April 2020.

11. Promoting equality, diversity, and social inclusion

11.1 A full Equalities Impact Assessment is not required.

12. Tackling the Impact of Poverty

12.1 N/A.

13. Tackling health inequalities

13.1 N/A.

14. Reduction of crime and disorder

14.1 This strategy will contribute towards the reduction in cyber crime.

15. Risk management issues

15.1 A recent LGA report stated that *"The UK cyber security threat landscape presents high risks for 'UK PLC', government, businesses and councils, requiring all actors to adopt and implement up-to-date protection in line with best practices"*.

16. Health, safety, and emergency resilience issues

16.1 The Security team have undertaken several cyber security events jointly with colleagues in Emergency Planning. The Information Governance Board and IT specialists were invited to participate in several scenarios last year; these were all based around cyber attacks that could happen. These sessions acknowledged the preparedness of the Council, should such an event affect us in the future.

17. Compatibility with the European Convention on Human Rights

17.1 The proposal is fully compliant with the European Convention on Human Rights.

18. Conservation of biodiversity

18.1 N/A.

21. **Background papers**

21.1 Appendix A – Cyber Security Strategy

Financial Implications/Consultation



Avanda Mitchell (11.03.2020)

.....
*(To be signed by the senior Financial Services officer
where there are no financial implications)*

APPENDIX A – CYBER SECURITY STRATEGY



Page 16

Document Control

Organisation	Barnsley Metropolitan Borough Council
Title	Cyber Security Strategy – 2020 - 2021
Author	ICT Technical Security Lead
Owner	Head of IT (Service Management) Customer, Information and Digital Services
Commencement Date	February 2020
Applicable to	All users
Information/Action	For information and appropriate action
Review Date	To be reviewed 1 year from approval or earlier should changes be made to legislation or best practice guidance
Review Responsibility	Information Governance Board and SMT

Revision History

Date	Version	Author	Comments
20/12/2019	0.1	Simon Marshall	First Draft
24/12/2019	0.2	Sara Hydon	Final Draft
20/01/2020	1.0	Simon Marshall	Approved at Information Governance Board
25/02/2020	1.0	Simon Marshall	Approved at SMT

Document Distribution

This document will be distributed to the following for review and feedback prior to approval:

Name
Information Governance Board

Strategy Governance

The following table identifies who within BMBC is Accountable, Responsible, Informed or Consulted with regards to this strategy. The following definitions apply:

- **Responsible** – The person(s) responsible for developing and introducing the strategy
- **Accountable** – The person who has ultimate accountability and authority for the strategy
- **Consulted** – The person(s) or groups to be consulted prior to final strategy implementation or amendment
- **Informed** – The person(s) or groups to be informed after strategy implementation or amendment.

Responsible	Information Security Team Lead
Accountable	Service Director - Customer, Information and Digital Services
Consulted	Head of ICT - Service Management, Information Governance Board, SMT
Informed	All users

Introduction

This strategy sets out Barnsley Metropolitan Borough Council's plan of actions for its information and cyber security standards to protect their information systems, the data held within them, and the services they provide; from unauthorised access, harm or misuse. It is the Council's cyber security commitment to the people they represent and emphasises the importance of cyber security in the role of all Council employees, partner organisations and those whom process data on behalf of the Council.

What is Cyber Security

Cyber security is the practice of ensuring the confidentiality, integrity and availability of information and refers to the technologies, processes, and practices designed to protect the network, devices, applications and data from attack, damage, or unauthorised access.

It protects the technologies, data and information that we use in our everyday lives.

Context

The overarching vision of the Council is "to work together for a brighter future, a better Barnsley, with a thriving and vibrant economy, strong resilient communities, and citizens who achieve their potential." Achieving this vision will require innovation, continued and deeper partnership working, and careful planning based on sound evidence.

This Cyber Security Strategy supports delivery of the #DigitalFirst Programme by providing a framework for the Council to securely harness the benefits of the digital revolution for the benefit of all stakeholders. It is essential to the efficient running and evolution of a future Barnsley.

The strategy sits alongside the Council's Digital strategy and is supported by a suite of operational policies; including but not limited to (Information Security and Computer Usage Policy, System Access Control Policy and Network Security Policy).

Purpose

The Council seeks to deliver its digital strategy through transforming Barnsley into a digital place and a Digital Council, #DigitalFirst is leading on this transformational change programme. The scale and speed of transformation represents an unprecedented culture shift for the Council, residents, partners and businesses.

The Cyber Security Strategy is new, introduced in response to several successful and high-profile cyber attacks on both public and private organisations. The purpose of the strategy is to provide assurance to all stakeholders of the Council's commitment in delivering robust information security measures to protect customer and stakeholder data from misuse and cyber threats, and to safeguard privacy through increasingly secure and modern information governance and data sharing arrangements both internally and with partners.

The strategy covers all Council information systems, the data held on them, and the services they help provide, whether these systems are hosted by the Council or stored in the Cloud. It aims to increase cyber security awareness for the benefit of not just the Council but our residents, businesses, partners and stakeholders; helping to protect their data from cyber threats and crime.

The Challenge

The Council is using an increasing range of technology, from agile working with mobile phones and portable laptop / tablet devices, on premise hosting of applications, cloud-based applications and mobile apps. Much of their business is online: corresponding with residents and local partners, carrying out agile working, and Councillors reviewing reports and papers for Council meetings.

This direction of travel is expected to continue and accelerate; making effective cyber security ever more crucial in protecting against new types of threats, risks and vulnerabilities.

Threats

A threat if left unchecked, could disrupt the day-to-day operations of the Council, the delivery of wider local public services such as the Hospital and ultimately has the potential to compromise National Government security. For these reasons, this strategy will align with the advice of the National Cyber Security Centre (NCSC) part of GCHQ.

The Approach

To mitigate the multiple threats faced and safeguard interests within cyberspace, the Council require a strategic approach that underpins their collective and individual actions in the digital domain over this coming year.

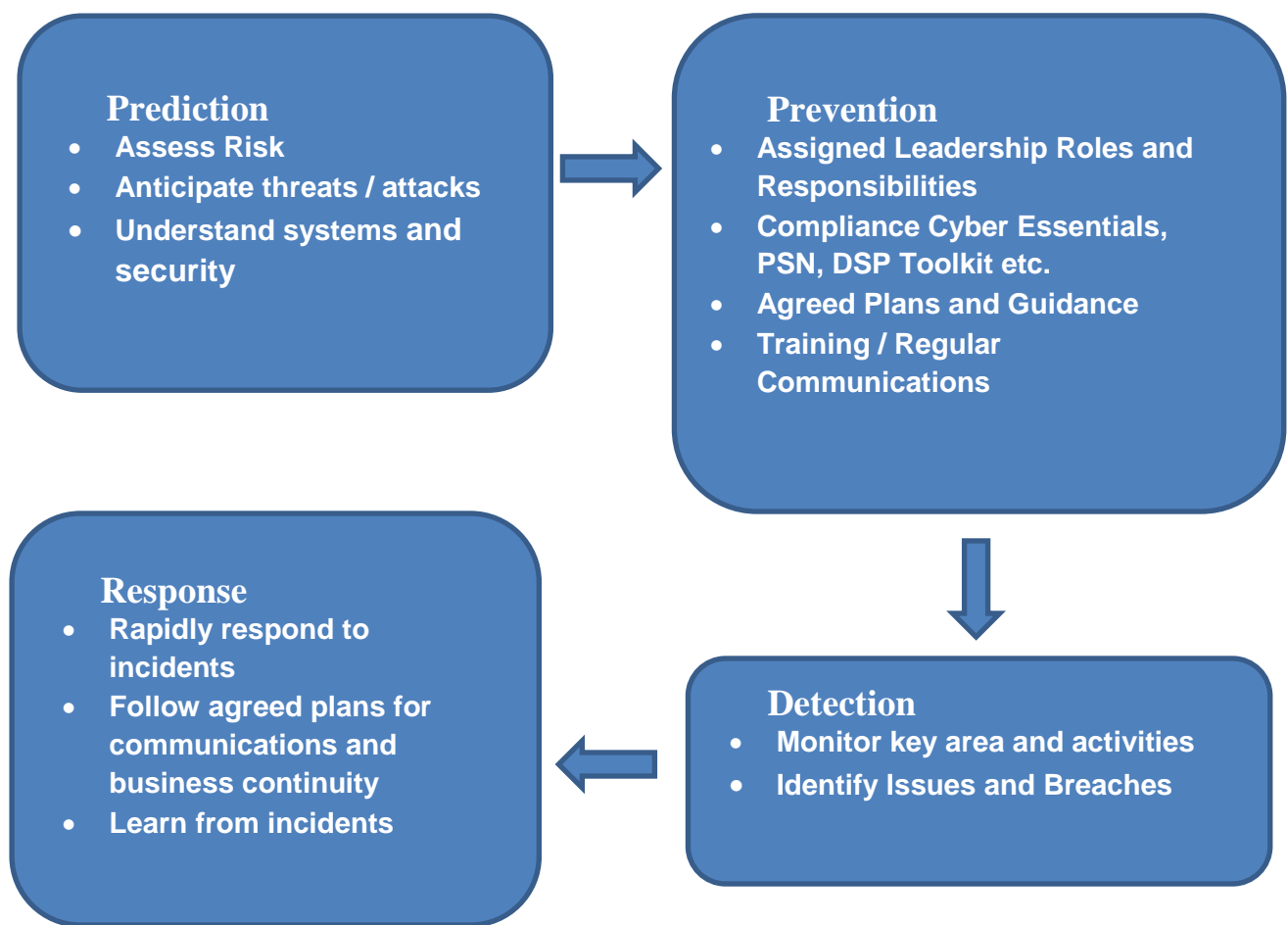
This will include:

A Cyber risk management framework to help build a risk aware culture within the Council, ensuring users understand how to identify and manage risks.

Further, Cyber Awareness training to help mitigate insider threats, understand supply chain risks and ensure all users understand the issues and their responsibilities.

Applying the Cyber Essentials Plus, NCSC controls and complying with frameworks and industry good practice schemes including ISO27001 to ensure that the Council will be able to identify, mitigate and protect against information security risks in a prioritised and resourceful fashion.

The diagram below shows the key steps for protecting the Council and its contractors from cyber attacks:



Success Factors

To continue to provide assurance on the effectiveness and robustness of the Council's arrangements for IT security, the Council will:

- ✓ Develop a defined cyber security governance process.
- ✓ Develop a specific Cyber Risk Management Framework which feeds into the IT and Corporate Risk Registers.
- ✓ Develop policies/procedures to review access on a regular basis.
- ✓ Create a cyber specific Business Continuity Management Plan and/or Incident Plan to include emergency planning for various cyber attacks.
- ✓ Develop an incident response and management plan, with clearly defined actions, roles and responsibilities. A copy of all incidents shall be recorded regardless of the need to report them beyond the Council.
- ✓ Develop a communication plan in the event of an incident which includes notifying internal and external stakeholders and partners.
- ✓ Set up a Playbook to have test incidents on a regular basis, to ensure reaction to the event where an incident is triggered.
- ✓ Create standard test plans with security testing as a standard.
- ✓ Reconcile current systems that are in place and last times these were reviewed (build into Enterprise Architecture principles).
- ✓ Review supplier management, assurance process of assessments of third parties.
- ✓ Explore Active Cyber Defence tools and new technologies to ensure the Council has best solutions to match the threat landscape.
- ✓ Apply the governments cyber security guidance – 10 Steps to Cyber Security.
- ✓ Provide relevant cyber security training for users and elected members.
- ✓ Apply a regular schedule of cyber exercises, within the wider cycle of multi-agency incident response and recovery exercises.
- ✓ Comply with Cyber Essentials Plus, Government Public Sector Network (PSN) Code of Connection and Payment Card Industry (PCI) standards compliance; define a clear minimum requirement for all systems used, audit trails, deletion of data etc.

Roles and Responsibilities

Effective cyber security governance at the Council is delivered through the following roles and functions.

Senior Information Risk Owner (SIRO)

The Council's nominated Senior Information Risk Owner (SIRO), is the Executive Director of Core Services. The SIRO is responsible for the governance of cyber security and information risk within the Council. This includes ensuring that information governance risk is managed in accordance with GDPR.

However, whilst the SIRO is the nominated officer, responsibility for safeguarding information and information systems is shared across the organisation with all users having a role to play.

The deputy is the Service Director of Customer, Information and Digital Services.

Senior Management Team (SMT)

SMT should take an overview of the Cyber Security Strategy via regular updates from the SIRO who sits on SMT, where progress and risks are reported.

Information Governance Board

The Board is comprised of senior representatives from each service area. The group are responsible for overseeing the delivery of the Cyber Security Strategy and monitoring its effectiveness.

Data Protection Officer

The DPO leads on overseeing the Council's implementation of GDPR. They take an assurance view that progress is being made in adoption and implementation of the Cyber Security Strategy, and commission the undertaking of Audits of Information Security as appropriate.

The deputy is the Head of IT (Service Management) within Customer, Information and Digital Services.

Security Team

The Security team will lead on the implementation of the Cyber Security Strategy, preparing regular feedback and updates not only on progress regarding implementation of the tasks identified but also provide an informed view of the threat landscape overall.

Information Asset Owners

Information Asset Owners are responsible for all processing of personal data within their business unit. They are identified as part of the DPIA process undertaken by both Information Governance and Information Security teams.

All Council users and Elected Members

It is the responsibility of all users and Elected Members to comply with the standards set out in this Cyber Security Strategy and within supporting Policies, such as, but not limited to Information Security and Computer Usage Policy.

Ten Steps to Cyber Security (December 2019)

NCSC Tens Steps to Cyber Security is referenced several times throughout this strategy, here is the current executive summary of this piece of guidance supplied by the NCSC part of GCHQ.

Executive summary

This guidance is designed for organisations looking to protect themselves in cyberspace. The 10 Steps to Cyber Security was originally published in 2012 and is now used by a majority of the FTSE350. It sets out what a common cyber attack looks like and how attackers typically undertake them. Understanding the cyber environment and adopting an approach aligned with the 10 Steps is an effective means to help protect organisations from attacks.

An effective approach to cyber security starts with establishing an effective organisational risk management regime (shown at the centre of the following diagram).

This regime and the 9 steps that surround it are described below.



[Download the NCSC 10 Steps To Cyber Security infographic \(PDF\)](#)

This page is intentionally left blank

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has/has not* been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR OF PLACE TO CABINET ON 15 April 2020

Provision of High Needs Specialist Post-16 Education & Training

1. PURPOSE OF REPORT

- 1.1 Highlight identified gap in Post-16 Education & Training (E&T) provision for young people with Education Health & Care Plans (EHCPs) who have complex behavioural needs.
- 1.2 Request approval to commission Specialist Provider to meet these needs in Borough, utilising funds from the Education & Skills Funding Agency (ESFA) via the High Needs Block (HNB).

2. RECOMMENDATIONS

- 2.1 Cabinet note the demand for out of Borough Education & Training provision for young people with EHCPs who have complex behavioural needs, and the impact to resources.
- 2.2 Cabinet approval is given to utilise the High Needs Block funding for a £900,000 3-year contract to commission a Specialist Provider to meet needs in Borough

3. INTRODUCTION

- 3.1 The two most common types of primary need for young people with EHCPs in Barnsley are Social Emotional & Mental Health (SEMH) or Autism (ASC)
- 3.2 The number of young people with SEMH or ASC has grown year on year and is forecast to continue
- 3.3 Out of the 415 young people accessing Specialist provision, 189 have a primary need of SEMH or ASC. This is 45.5%.
- 3.4 Currently there is no Specialist Post-16 E&T provision in Borough for young people with EHCP's who have a primary need of Social Emotional & Mental Health (SEMH) or Autism (ASC) who have varying complex behavioural needs.
- 3.5 Academic year 2019/20, 28 young people with primary need of SEMH or ASC are accessing out of Borough Specialist provision, Post-16. Total cost (excluding transport) £1.22million at an average of £43,604 per young person.

- 3.6 There are currently 29 young people in Year 11 accessing Specialist provision in (Springwell) and out of Borough with these primary needs, who will transition into Post-16 for Academic year 2020-21. A large proportion of these are likely to require Specialist provision, which currently does not exist in Borough. Therefore, where Specialist provision is required currently this will be with expensive out of Borough providers.

4. Proposal

- 4.1 It is proposed the Authority commission a Specialist Post-16 E&T provider that cater for SEMH and ASC (and instances of Mild Learning Difficulty "MLD" where complex behaviour needs are present). The commission would:

- Utilise HNB funding of £300,000 per Academic year over an initial 3-year period (£900,000 total cost over the period), commencing September 2020/21
- Provide a minimum of 20 places in Borough
- Reduce the need to utilise more expensive out of Borough Specialist provision in the Post-16 sector
- Improve the sufficiency of appropriate provision in Borough, enhancing the Local Offer
- Improve accessibility to appropriate provision in Borough

Research carried out indicates a minimum capacity of 20 places and a contract value of £300,000 per Academic year would be required to ensure the feasibility of enabling a Specialist provider to cater to needs in Borough.

- 4.2 It is proposed that progression with the procurement will enable the Authority to provide sufficient Education & Training to meet the needs of Barnsley young people with SEMH and ASC in Borough whilst enabling the effective use of resources, both of which are aligned to the SEND Code of Practice 2014.
- 4.3 Several of the criterion of the SEND Code of Practice's 'Using information to understand and predict need for services - P45' have been utilised in the identification and in turn proposal for this commission, including analysis of out of Borough placements, where young people are educated (mainstream or specialist) and prevalence data of primary need through all year groups. All of which indicate a current and future need for the commission.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 Given there are no Specialist providers in Borough Post-16 that cater to these primary needs, the only alternative is to continue with Barnsley young people accessing costly out of Borough provision where Specialist provision is required.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The implication is positive in that the need/demand for Specialist provision Post-16 will be able to be met locally in Borough

7. FINANCIAL IMPLICATIONS

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The annual revenue cost of commissioning x20 post-16 SEMH or ASC specialist places with an independent education and training provider is estimated at £300k per annum. This will be paid to the provider in the form of ‘top up payments’ under a block contract arrangement. The contract value equates to £15k per place or pupil.
- 7.3 The above additional cost has already been reflected and will be contained within the proposed 2020/21 budget (£1.6m) for Post 16 Specialist Provision (funded from the Dedicated Schools Grant (DSG) high needs budget allocation for the Council). Part of the additional cost would be offset by a positive adjustment (£120k) to Barnsley’s high needs budget following the planned reduction to post 16 places in mainstream FE providers e.g. Barnsley College.
- 7.4 The new commissioned provision provides scope / flexibility to manage current and anticipated financial pressures within the post 16 specialist budget in the following ways:
- Assumed that a number of current high cost tariff placements (9 learners with estimated cost of £252k) would be displaced and provided for locally in Barnsley.
 - In addition, the proposed provision provides additional capacity in the system for managing projected growth in learner numbers / placements at less cost (£15k per learner) compared to current out of borough placement cost (£44k per learner with SEMH or ASC). Currently anticipated that 9 learners likely to require specialist provision would be placed in this new commissioned provision as oppose to an out of borough placement.
- 7.5 There is a financial risk if the 20 places are not filled – as the Council would effect be paying for vacant places under the block contract arrangement. However, the number of young people with SEMH or ASC accessing Specialist provision has continued to grow. There are also increasing numbers accessing out of Borough Post-16 specialist provision with these primary needs. Therefore, this mitigates the risk of low numbers accessing the proposed commissioned provision.
- 7.6 The new provision will include the stipulation within the contract and value (£300k) of home to school transport being provided for eligible learners. This would reduce the demand and rising cost pressures on the home-to-school transport budget.

8. EMPLOYEE IMPLICATIONS

- 8.1 There are no direct employee implications

9. COMMUNICATIONS IMPLICATIONS

- 9.1 There are no communication implications at this stage

10. CONSULTATIONS

10.1 The following partnerships have been consulted:

- Education & Training providers
- Targeted Information Advice & Guidance (TIAG) Team
- Education Health & Care (EHC) Team
- SEND Sufficiency Group
- SEND Oversight Board

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

11.1 The project supports Outcomes 1 and 2

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

12.1 The commission will enable young people to participate in E&T nearer their own homes thereby encouraging social inclusion.

13. TACKLING THE IMPACT OF POVERTY

13.1 There are no direct implications

14. TACKLING HEALTH INEQUALITIES

14.1 There are no direct implications

16. RISK MANAGEMENT ISSUES

Risk Detail	Probability and Impact	RAG	Mitigation
Failure to attract an appropriate provider for services being requested versus the value of the contract	Probability – Low Impact - High	Green	Research carried out with a wide range of specialist providers, which have informed contract value against the services required.
Contract value is lean – the quality outputs required against the value of the contract does not permit for any extraordinary and/or exceptional cases	Probability – High Impact - Low	Amber	There is little to mitigate this, other than increase the value of the contract. Extraordinary and/or exceptional cases dealt with on an individual basis and to pass through Post-16 Outcomes and Resources Panel to ensure appropriate rigour, Governance and fair value in any increase in cost for individual cases.
Insufficient pupil numbers to utilise the minimum number of spaces	Probability – Low Impact -		No. young people with SEMH or ASC accessing out of Borough provision, collaboration with

	Medium	Green	Springwell and other providers, Targeted Information Advice & Guidance (TIAG) and EHC Team supports the consensus of demand for places
--	--------	-------	--

17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

There are no implications at this stage. Whichever provider is commissioned will be responsible for ensuring all relevant Health, Safety and Emergency Resilience Issues are adhered to in relation to any relevant legislation

18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

There are no implications

19. CONSERVATION OF BIODIVERSITY

There are no implications

20. GLOSSARY OF TERMS AND ABBREVIATIONS

EHCP = Education Health and Care Plan
E&T = Education & Training
TIAG = Targeted Information Advice & Guidance
SEND = Special Educational Needs and/or Disabilities
ESFA = Education & Skills Funding Agency
SEMH = Social Emotional & Mental Health
ASC = Autism
MLD = Mild Learning Difficulty

21. LIST OF APPENDICES

N/A

22. DETAILS OF BACKGROUND PAPERS

BMBC SEND Sufficiency Strategy

Financial Implications/Consultation



Joshua Amahwe 03/04/2020

.....
(To be signed by the senior Financial Services officer)

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank