

## **Schools Forum Meeting Agenda**

Thursday, 4 May 2023 at 9.00 am  
to be held in Teams - Virtual

### **Membership**

Stewart Biddles  
Lisa Finn  
Steven Hulme  
Stuart Bellworthy  
Mike Lock  
Clive Star  
Jim Piper

Tim Stephens  
Jayne Jones  
Steve Margetts  
Alex Newton  
Sarah Tomkinson  
Kelly Sooben

1. **Apologies/Changes to Membership**
2. **Minutes of the last meeting** (Pages 2 - 7)
3. **Torbay Mediation Service** (Pages 8 - 9)
4. **Element 3 Funding Pilot** (Pages 10 - 18)
5. **School Forum Briefing**
  - Verbal Update
6. **Any Other Business**
7. **Items for next meeting**
8. **Future meeting dates**
  - Thursday 15<sup>th</sup> June 2023, 09:00 (Virtual Meeting)

*For information relating to this meeting or to request a copy in another format or language please contact:*

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## **Minutes of the Schools Forum**

**20 April 2023**

**-: Present :-**

**Stuart Biddles (Chair)** Primary Academy Rep; **Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Stewart Bellworthy**, Primary Academy Rep; **Alex Newton**, Secondary Maintained Head; **Stephen Hulme**, PRU; **Mike Lock**, Special Schools Head; **Jayne Jones**, Early Years Rep; **Sarah Tomkinson**, Primary Maintained Head; **Kelly Sooben**, Post 16 representative

**Rachael Williams**, Assistant Director for Education, Learning and Skills; **Malcolm Coe**, Director of Finance; **Rob Parr**, Principal Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Michael Freeman**, Clerk

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### **1. Apologies/Changes to Membership**

Apologies were received from Steve Margetts, Clive Starr, Jim Piper and Nancy Meehan. The Forum welcomed Malcolm Coe to his first meeting in his new role as Head of Finance.

### **2. Financial Report**

Rachael presented to members the latest financial report. Whilst apologising for the delay in getting this to members, it was explained that this was to ensure the report be as accurate and as up to date as possible at the end of the financial year.

The current position is an overspend of £2.732m, whereas we were at £2.836m at the previous meeting. Whilst still significantly overspent, this is in line with the budget set at the start of the year, a position we have not been able to meet for a number of years.

The good news areas of that budget are the underspend in the joint funded placements, which now stands at £124,000, the independent special schools fees at £19,000 below predicted and the other packages of support and the send personal budgets at minus £17,000. The staffing interventions and the services provided have also brought in significant savings to help the overall picture as well through that that financial report, the areas of significant overspend still are the HTTP (in year adjustments are over £153,000) and the special school numbers where we've had two children move into the area and we've had to place within special schools during that year at a cost of £136,000.

Rachael then shared EHCP top ups and also the special school numbers broken down, as well as the next year school allocations based on all of the drivers that have been agreed by this School Forum.

Pupil growth that Schools Forum previously allocated to St. Cuthbert Mayne for and a bulge year in year seven has not been needed, pupil numbers coming through admissions for secondary haven't resulted in that. However, there has been a significant increase in the number of applications for Paignton and we've had to look at creating an additional 27 places within the Paignton school. Because of this, members were asked for their approval in stepping down the school's money that was allocated to St. Cuthbert Mayne and reallocate that to Paignton. There were no objections.

Rachael then asked members to note one amendment to the year end position on the DSG, after a reduction from the January figure the cumulative overspend now stands at £11.731m.

Members noted the findings of the report and agreed to the recommendation that we continue to work with the Local Authority to make the necessary reductions through the safety valve process.

### **3. Torbay Safety Valve agreement**

Rachael informed members of Torbay's award of the Safety Valve funding. Whilst this was discussed at the extraordinary forum, it was felt that the news should be recorded officially through the School Forums published minutes.

Since that extraordinary meeting, we have now also received information on the process that we need to use with the EFSA to monitor our progress; our first progress report is due in June of this year. Members noted that Torbay has been linking with local authorities that are further down the line of having a safety valve, so we've been trying to learn from them about actually how to continue that positive conversation with the EFSA around the evidence that we're providing, as well and trying to keep on track with that.

Rachael did however explain to members that although a positive step, we haven't seen that in many safety valves that the whole deficit would be written off. It was agreed that it is imperative to make sure that we can meet the requirements of the Safety Valve because actually it's a significant achievement for all schools in Torbay.

On behalf of Forum, Stuart gave his congratulations to everyone who's worked on making it happen. The safety valve agreements are not being rolled out across the board, so it is recognised as a big achievement.

### **4. Safety Valve delivery dashboard & progress report**

Members were shown the Safety Valve progress report that is produced by the LA

for monitoring purposes. Rachael explained that she wanted Forum members to have the opportunity to say what else would they want to see as part of our monitoring and tracking moving forward as well.

The first point to note is for the first time, Torbay has seen a reduction in the number of Education, Health and Care plans this year, down to 1570 plans (just two above the target figure of 1568). This is a significant reduction. It's really been focused on that ceasing work but also actually managing the request coming through the front door. Whilst Requests for Statutory Assessments were reducing at the end of the last academic year, we are now starting to see an increased rate of Request for Statutory Assessments coming back through in January and February. The LA is doing some detailed work and we've put built this into our dashboards to understand the referral source for the RSA's i.e. is this from parents or from schools and what is the make up of those RSA requests.

Members were pleased to note that the refusal rate has also increased this time as well. In January we saw a refusal rate compared to the submissions of 40%. we're being really, really robust in actually how a Request for Statutory Assessment should be awarded within Torbay. We need to see the request coming down aligned with actually the implementation of the graduated response and the graduated response has been piloted across the local area. Rachael gave thanks to colleagues and schools that gave some really good feedback. We've now met as a graduated response group to take all that feedback and read and look at those documents and get them ready for publication from June onwards. It was noted that the areas where there were most feedback in the pilot was on social, emotional, mental health and autism provision. It is anticipated that the Graduated Response will support everybody's understanding of the threshold for a Request for Statutory Assessment.

Tribunals and appeals are now being tracked as well. The LA is being very robust in our decision making around that and also pushing back and going to tribunal when we feel that we've got a really good case to defend, but also using our global mediations and more to actually challenge those decisions as well. We've put in also a new process of next steps meetings within the local area. So when a request is refused, meetings are being held with schools, parents and a caseworker to explain what the next steps are for that child, and why a plan isn't needed and how confidence can be built about the provision without having an EHCP.

The biggest challenge in our safety valve progress remains with our health contributions to our EHCPs. Huge amounts of work is being undertaken, including actually direct work with the Integrated Care Board and the most senior level colleagues around how they make available a budget within the integrated care organization for their contributions into education, health and care plans. Rachael confirmed that the Chief Executive also held a SEND summit with all of those and colleagues yesterday as well, to make our health colleagues are also aware that this forms part of our safety valve agreement and is being reported in that way.

Members asked whether there is a budget figure that we need them to identify which actually fits in with this overall plan for the safety valve, feeling that it would be frustrating if we overspent and it was an amount of money which Health should

have contributed but haven't. It was explained that the LA has a budget and the detailed work has been done about how many plans should have a health contribution. This has been done both historically and for the current plans within the system. The LA would seek to bring in approx. £100,000 each year, but that's based on a very complex criteria.

Members then asked what would be considered the biggest risks of us not meeting our agreement.

Currently this would be the Independent Placements and the need to manage those really carefully. It was also felt that Element 3 and the EHCP top ups, as well as Bespoke Packages that children are placed on, are also areas where we can make the most significant reductions.

Rachael showed to members the Safety Valve dashboard used to monitor refusal rates and other data. It was asked whether this can be shared with members electronically, this will be done on a monthly basis.

The Forum gave thanks to Rachael and colleagues, noting the progress that has been made.

## **5. National Updates**

Members were presented with three key documents recently released by the government. Discussions on each of the documents are recorded in the next three agenda items.

## **6. SEND & Alternative Provision improvement plan**

Rachael asked members to be aware of the impact the governments plans could have on our safety valve, on our progress and the work of Schools Forum as well.

The main points for Forum to note is how do we coalesce around inclusion and inclusive practice, Early Help practice and with our family hubs as well. How do we look at our written statement of action and our SEND inclusion plan and our response to children and families aligned to that new document that's been produced as well.

Whilst more work being done by officer around this internally, Rachael suggested this be added to future agendas as an ongoing item. Schools or system leaders have the opportunity to go respond to the consultation up until the 11th of May.

## **7. Stable Homes built on love**

Rachael encouraged school forum members to take stock of the Stable Homes Built on Love consultation document, noting that it is one of the most fundamental changes within children's social care and wider that the government have proposed

in a number of years. The main proposal of the document is that children on a Child Protection or SIN plan would no longer under these proposals be worked by a social worker. They would be worked by non-qualified staff, potentially. The concern is that there would be a more emphasis back on schools within this document to be providing some of those services that have been historically provided elsewhere. There is also the need for more integration and early help responses from across the system or proposed within this this.

Whilst the proposals appear to come with lots of funding, some of that funding is ear marked for pilot authorities rather than the implementation of this across all areas. This could potentially bring new burdens on all parts of the system.

Members agreed that the schools voice goes into what could appear to be a social care consultation document, noting that the impact will be very significant on everybody.

## **8. Early Years & Childcare**

Discussion then moved onto the Early Years reforms. Rachael warned Forum that we cannot underestimate the amount of work that's going to be needed to bring forward the Chancellors announcements regarding childcare reforms. The proposal for early years and childcare to be available from nine months old for children phased over a period of time will mean Torbay will need 900 new childcare placements across our local area, which is a significant amount of childcare provision that's needed to be provided. With the additional children in provisions, that may mean earlier identification and therefore more demand into our system around EHCPs.

Stuart summarised by noting it's a really positive position that we're in now that the Safety Valve is approved. Now that we have received the first payment, we've got a really solid plan in place which we seem to be adhering to which is really positive.

He then gave thanks to everyone involved for all the work that's gone on to make it happen, and it is positive for Torbay. It is felt that some of the changes that are coming through, particularly around SEND are really positive for our children.

## **9. Future meeting dates**

- Thursday 15<sup>th</sup> June, 09:00 (Virtual Meeting)

## **10. Any Other Business**

Members wanted to discuss the proposed staff pay increases, and the impact this will have on all schools. Concerns were raised as to what the perceived underfunding would mean for staffing levels across schools, particularly those schools where children need 1:1 or 2:1 support, especially in both the Early Years and Special Schools sectors. Officers noted the concerns of members and agreed to meet to discuss ways to address the issues. Findings could then be shared with

members at the end of the academic year.

At the request of members, Rachael also agreed to share with Forum a PowerPoint presentation on the Stable Homes Built on Love document shown earlier.

**Torbay Mediation Service – School Forum 4<sup>th</sup> May 2023**

**TORBAY MEDIATION SERVICE**

**CURRENT POSITION**

The Torbay Mediation Service was stepped up in 2020 with the declared intention of:

*‘the engagement of an **advice and mediation** service for parents of pupils who are at risk of permanent exclusion from education establishments.’*

At the first lockdown the service was not needed for exclusions work so the capacity was used to support families in accessing the support arrangements in the community and from schools.

On return to mandatory full-time education on site. The service has worked with the children outlined in the table below.

The service has been successful in supporting 60 of the 70 referred children to remain on their school roll. In part, this has been through onward referral to VCS partners for 38 children and their families.

	Referrals		Remained on Roll		Referral to VCS Partner	
	Secondary	Primary	Secondary	Primary	Secondary	Primary
<b>2021/22</b>	28	11	26	7	7	5
<b>2022/23 to Date</b>	21	10	20	7	19	7

**REASONS FOR REFERRAL**

	Total	Secondary	Primary
<b>Attendance</b>	39	19	18
<b>Risk of Exclusion</b>	19	15	4
<b>Home/School Communication</b>	9	5	4
<b>Other</b>	3	1	2

The service has not generally been used by schools and families for its intended role. It is far more likely to be engaged as an attendance intervention between that which the school provides and more formal processes.

This is useful work but does overlap other services, such as SENDIAS, and the expectation on schools to provide a full suite of attendance interventions themselves. Given the challenges the local area faces in implementing the expectations within the 1<sup>st</sup> of September 2022 Attendance guidance, any overlap and confusion is unhelpful.

At the same time, the Local Area has stepped up Risk of Exclusion meetings and case conferences that have multi agency representation to address risk of exclusion. This represents a duplication of effort.



## IMMEDIATE ACTIONS

The Mediation Service and Vulnerable Pupils Team are working to ensure that the local area achieves the best value from the service for the remaining 8 months of the contract. This includes:

1. Signposting the service in Risk of Exclusion meetings and Case Conferences.
2. Shifting attendance cases back to schools and the AIO in complex case meetings.
3. Monitoring referral reasons with the service lead and encouraging signposting to more appropriate providers.

## FUTURE SERVICE OPTIONS

The service that was set up by the Forum is due to come to an end in October 2023. The service was established at a time when other panels and provisions were not in place to support needs.

There is an opportunity to re-consider the need for this service moving forward and the potential to pivot the work into wider system change and new duties that are expected with the local area.

Options for consideration:-

- The mediation service is continued
- The mediation service is ceased at the end of the contract in October 2023.
- The funding attached to the mediation service is diverted to support attendance work that will be required from September 2023 onwards within the context of Family Hubs.
- The funding attached to the mediation service forms parts of the savings required within the DSG Management Plan.

## RECOMMENDATIONS

- That School Forum consider the options that are available to them.
- If the mediation service is to cease a notice is provided to the current provider to share a decision that the contract will not be extended in October 2023.



# SEND FUNDING PILOT

Piloting a new way of allocating funding.

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## Version control

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Date	Details	Updated by
02.05.23	Updated for school forum	Rachael Williams
20.01.23	Funding allocation pilot	Hannah Spencer

## The context and intended outcomes

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Torbay use a system of Element 3 called an ALF (Activity Led Funding) which is historical and in need review. The funding system currently used doesn't calculate group intervention and works on an individual basis. Schools have fed back that they do not feel the current allocation is consistent or predictable.

Funding allocation for EHCP's also 'rolls over' and isn't reviewed until Phase Transfer. This means that even if outcomes are met or increase, funding stays the same.

The objectives of the pilot are;

- To try and find a funding formula that supports ensuring the right Element 3 is attributed to the EHCP, the first time and that it is reviewed annually as part of the Annual Review process.
- To ensure that we are more equitable and consistent in decision making.

- If the new funding matrix will be beneficial to both decision making and best use of resources.
- If there are changes that need to be made to the Annual Review document to support making funding decisions

**There will be no changes to funding as a result of the pilot.**

A new Torbay SEND matrix has been developed by the SEND monitoring team with support from our SLIP Islington. The matrix is simple to use and clear for parents/carers and schools/colleges, when moderating, different professionals have been accurate in their estimations for EHCP's.

## Who is part of the pilot?

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- 3 schools with different base funding
- 1 Post 16 provider
- SEND monitoring team
- Senior Officer
- EHCP coordinator
- Educational Psychologist
- SEND Family voice

## Pilot 1

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Starting in Feb 23.

Barton school have been identified due to a large cohort of EHCP's, a more generous base funding and their recent request to work differently with SEND services.

A meeting will be set up to look at the EHCP's for their cohort of children and look at their current Element 3, the funds they receive and compare to the new matrix for funding.

The group will look at their current EHCP's, their Annual Reviews and the provision in situ.

Collectively we will look at the Annual Reviews to ensure that the right information is included to make budget allocations.

## Pilot 2

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Starting in March 23.

Galmpton school have been identified due to a low cohort of EHCP's, a less generous base funding.

A meeting will be set up to look at the EHCP's for their cohort of children and look at their current Element 3, the funds they receive and compare to the new matrix for funding.

The group will look at their current EHCP's, their Annual Reviews and the provision in situ.

Collectively we will look at the Annual Reviews to ensure that the right information is included to make budget allocations.

## Pilot 3

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Starting in March 23.

St Cuthbert Mayne school have been identified due to a low cohort of EHCP's and a generous base funding.

A meeting will be set up to look at the EHCP's for their cohort of children and look at their current Element 3, the funds they receive and compare to the new matrix for funding.

The group will look at their current EHCP's, their Annual Reviews and the provision in situ.

Collectively we will look at the Annual Reviews to ensure that the right information is included to make budget allocations.

## Pilot 4

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Starting in March 23.

Whiterock school have been identified due to a high cohort of EHCP's, a middle ground base funding.

A meeting will be set up to look at the EHCP's for their cohort of children and look at their current Element 3, the funds they receive and compare to the new matrix for funding.

The group will look at their current EHCP's, their Annual Reviews and the provision in situ.

Collectively we will look at the Annual Reviews to ensure that the right information is included to make budget allocations.

## Pilot 5

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Starting in April 23.

South Devon college currently have a funding system in which they determine the high, medium or low funding allocation. This methodology does not align to pre -sixteen process..

Working in partnership with South Devon College we want to ensure that we have co-produced a new model for post 16 aligned to the needs based approach.

## Initial overarching themes that emerging through the pilot

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### Primary

EHCP's are too outdated to effectively make judgements on the Section F required, there were significant differences between the EHCP document and the current presentation of the child/young person

Islington model saved Torbay funding on Element 3 but it is without its yearly uplift

The tool is useful but there are some adjustments required

Some children could cease

There is significant cost differential – Torbay are equally over funding and underfunding pupils

There is too often little health or social care update

There were times where EP input was required but not available

Annual Reviews are not specific enough

HNB is funding a lot of health provision

The Islington model does not include provision which does not educate or train

## Next steps

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- Present the pilot information to Schools Forum, for wider consideration.
- The outcomes from the Pilots with all three schools will be shared with SEND strategic board.
- Present back the findings of the pilot to School Forum
- Devise a period of consultation based on recommendations for next steps , including parents and carers.
- Think about Under 1
- Link to how we support in SEP applications
- Development of Annual Reviews to join up the process.

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This document can be made available in other languages and formats.  
For more information please contact \*\*insert your team email or phone no  
here\*\*

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## High Needs Matrix – Year 1 onwards

	Sensory and/or Physical				Communication and Interaction		Emotional, Social and Behavioural Development			Cognition and Learning	
	Physical disability and/or medical conditions	Hearing	Vision	Personal Care	Speech and language	Social and communication difficulties	Emotional well-being	Social behaviour	Learning behaviour	Cognitive Abilities	Specific Learning Difficulties
<b>0</b>	No needs in this area; physical development and general health within normal limits	Hearing within normal limits	Vision within normal range, including when corrected by glasses	No needs in this area; developing within normal limits for age range	Language communication skills within average levels or above	No significant needs in this area	No significant needs in this area	No significant needs in this area	No significant needs in this area	Cognitive abilities within broad average levels (above 25 centile) and National Curriculum attainment at or close to average	Literacy and numeracy within broad average levels and in line with expectation
<b>1</b>	Mild disability e.g. mild diplegia Poor fine and/or gross motor control Independently mobile without aids.  May need support with administration of medication.	Mild loss of hearing (e.g. conductive or unilateral loss) Can hear without aids	Mild impairment i.e. 6/12 - 6/18 Reads N12 print Mild bilateral field loss or adapted to monocular vision Independently mobile	Needs more adult / peer support for some self-help / self-care activities at home and school than other children of the same age	Moderate delay in expressive and/or receptive language Mild speech sound disorder	Features of Autism / a diagnosis of ASD but academic and behavioural competencies that support ability to manage expectations of school life with some adaptations. Has some sensory processing difficulties	Some inappropriate emotions and responses e.g. lacks empathy Some mood swings Unsettled by change	Some poor interaction with peers Sometimes disrespectful to staff of property Some attention seeking and unable to wait for feedback Low-level, but may be constant	Sometimes distracted from task Sometimes inattentive to staff/does not follow adult direction Some poor organisation skills Sometimes doesn't work well in a group	Presents with some learning delay; shows some difficulty with conceptual understanding in one or more areas 16-25 centile on standardised tests.	Some difficulty reading / spelling high frequency words and the acquisition of phonic skills Reading and/or maths 2 yrs behind chronological age in spite of extensive intervention.
<b>2</b>	Moderate disability Pupil is mobile with the use of walking aids - may require level / supervised access.  Needs daily specialised programme for co-ordination skills  Needs daily support with health care regimes	Moderate hearing loss but oral Uses behind the ear aids Use radio aids	Moderate impairment Needs some work modified 6/19 - 6/36 Moderate bi-lateral field loss Independent mobility in familiar areas Some specialist equipment needed	Needs adult support for dressing, eating and toileting.	Severe language delay or moderate language disorder or moderate speech sound disorder	Diagnosis of ASD and other associated areas of need (learning, attention, behaviour e.g. pre-occupation, unusual responses, stress) and requires additional support / supervised interventions in school. Has moderate sensory processing difficulties	Often shows inappropriate emotions and responses e.g. lacks empathy Often unhappy, disengaged, withdrawn, or anxious, shows mood swings Often upset by change	Often has poor interaction with peers Often disrespectful to staff of property Often attention seeking and unable to wait for feedback Limited awareness of personal risk or danger.	Often distracted from task Often inattentive to staff/does not follow adult direction Often has poor organisation skills Often finds group learning difficult	Mild learning difficulties Needs differentiated work and support with conceptual understanding / reasoning In low range (2-16 centile) on standardised tests, or with a very uneven profile	Uneven profile of skills in core areas Some difficulties with spelling and reading high-frequency words Unrecognisable spelling Reading and/or maths 3-4 yrs behind CA despite purposeful intervention over at least 1 yr.
<b>3</b>	Severe disability Needs access to wheelchair for movement (independent or adult supported) Needs special seating and/or other equipment Needs assistive technology and/or support for access to most of the curriculum	Severe hearing loss Needs aids (e.g. radio aids, sound field system, cochlear implant) to access curriculum May use signing	Severe impairment 6/36 - 6/120 Registered sight impaired (partially sighted) May need short term specialist support for mobility training / independent living skills Significant level of specialist equipment needed	Needs significant support to move safely around the school and for most self-care functions	Severe language and/or speech sound disorder with limited language Uses mix of speech and augmented communication systems	As above, but in addition needs a regulated setting with staff experienced in using approaches suited to autism. Has severe sensory processing difficulties	Frequently shows inappropriate emotional responses Frequently distressed by change / transition Frequently displays bizarre, obsessive or repetitive or impulsive behaviours High level of anxiety	Frequently has poor interaction with peers Frequently disrespectful to staff of property Frequently attention seeking and unable to wait for feedback Threats posed to others Poor understanding of personal risk or danger	Frequently distracted from task Frequently inattentive to staff/does not follow adult direction Frequently has poor organisation skills Frequently finds group learning difficult	Moderate learning difficulties Shows significant delay in reasoning skills with learning difficulties across all areas Extremely low range, between 0.1 and 2 <sup>nd</sup> centile on standardised tests. Needs an individual curriculum	Very uneven profile of skills. Difficulty in all literacy-based subjects. Reading 5 or more years behind CA Exhibits emotional barriers to learning as a result of their difficulties
<b>4</b>	Profound or progressive condition - life expectancy compromised. Wheelchair dependent and needs assistance for mobility Non-weight bearing - needs hoist Requires regular moving / handling Needs specialist health care and multi-agency response	Very limited functional hearing despite aids Signing as first language Those who are multi-sensory impaired	Profound impairment Less than 6/120 Registered Blind Alternative methods of text access Needs on-going specialist support and training for mobility and living skills Needs high level of specialist equipment	Daily living skills and functioning severely disrupted. Completely dependent on adults for all personal care  e.g. tube feeding, catheterisation	Cannot express or understand language. Uses alternative communication systems to make needs / choices known.	As above but difficulties have a profound impact on ability to function, with multiple difficulties attaining developmental expectations	Persistently shows inappropriate emotional responses Regularly distressed by change / transition Regularly behaviour is severely withdrawn, bizarre, or obsessional Extreme level of anxiety	Persistently shows only minimal respect for adults or peers. Persistently intimidates and readily resorts to physical aggression Unable to self-regulate No sense of personal risk or danger	Persistently finds it very difficult to cope with most learning situations as an individual or part of a group Regularly shows very little interest in school work Persistently does not follow adult direction.	Exceptionally low range/severe learning difficulties and global delay, at or below 0.1 centile on standardised tests.  Functions at a level that requires specialised interventions and adaptations to the curriculum	Severe difficulties in accessing any written material or math activities.. Often severe emotional barriers to engaging with learning



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Name	Cognitive abilities	Sp LD	Speech & Language	Social communication	Emotional well-being	Social behaviour	Learning behaviour	Physical/medical	Hearing	Vision	Personal Care		
dan hamer								4				16	£1,240
												0	£0
												0	£0
												0	£0
												0	£0
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