

Schools Forum Meeting Agenda

Thursday, 23 November 2023 at 9.00 am
to be held in Microsoft Teams

Membership

Stewart Biddles	Jim Piper
Steven Hulme	Tim Stephens
Stuart Bellworthy	Jayne Jones
Mike Lock	Steve Margetts
Clive Star	Alex Newton
Jim Piper	Sarah Tomkinson
Lawrence Frewin	Tamsin Summers

- 1. Welcome**
- 2. Voting of new Chair and Vice-Chair**
- 3. Minutes of the last meeting** (Pages 2 - 8)
- 4. Financial Report** (Pages 9 - 12)
- 5. De-Delegation Decisions** (Pages 13 - 15)
- 6. Safety Valve - Data update, Health** (Pages 16 - 19)
- 7. SEND Improvement - New governance and overview, including school representation** (Pages 20 - 27)
- 8. Primary Sixth Day Provision** (Pages 28 - 32)
- 9. Items for next meeting**
- 10. Future meeting dates**
 - Thursday 25th January 2024, 09:00
 - Thursday 21st March 2024, 09:00
 - Thursday 2nd May 2024, 09:00
 - Thursday 20th June 2024, 09:00

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

Mike Freeman, Clerk
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Minutes of the Schools Forum

12 October 2023

-: Present :-

Stewart Biddles (Chair) Primary Academy Rep; **Tamsin Summers**, Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Beth Woodward**, PRU (substitute for Steven Hulme); **Mike Lock**, Special Schools Head; **Jayne Jones**, Early Years Rep; **Sarah Tomkinson**, Primary Maintained Head; **Laurence Frewin**, Post 16 representative

-: Also in attendance :-

Rachael Williams, Assistant Director for Education, Learning and Skills; **Nancy Meehan**, Director of Childrens Services; **Rob Parr**, Principal Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Laura Greenland**, Strategic Commissioner for Education; of SEN; **Michael Freeman**, Clerk

1. Apologies/Changes to Membership

Apologies were received from Jim Piper, Steve Margetts and Alex Newton and Steven Hulme. Beth Woodward of the Lodestar Academy attended in Steven's place.

Members welcomed Laurence Frewin and Tamsin Summers to their first meetings as representatives of Post 16 and Secondary Academies respectively.

After serving as Chair for a number of years, Stewart gave notice of his intention to step down after today's meeting. Whilst he will be happy to attend as a member in future, he felt that the time was right to hand over to someone else to lead the Forum moving forward. With Lisa Finn also resigning her position as Vice-chair at the last meeting, interested parties in either role were invited to contact the clerk of the meeting prior to November, when a vote will be held.

Action - members interested in becoming Chair or Vice Chair to contact clerk prior to the next meeting. For informal conversations members can also contact Rachael.williams@torbay.gov.uk for further information.

2. Minutes of the last meeting

Minutes for the meeting held 22nd June 2023 were agreed as a true and accurate record.

3. Financial Report

Rachael shared with Forum the latest financial report, detailing the latest position on the overspend on the DSG (Dedicated Schools Grant). It was pleasing to note that the current projection is a £929k overspend, down from £1.292m at the end of the financial year. Members were asked to note that this is the known spend in the system at this current time, and that an additional placement or two could create additional demand on the budget.

After discussion around the individual budget lines, the Chair asked for any questions from members. Tim asked whether the recent changes to the Early Years team has been reflected in the report, Rob confirmed that this has been factored in.

Rachael then explained that there had been an error with the DfEs data published in July, and therefore an additional financial paper was sent out to members separate to the original agenda, detailing the national changes. Stewart asked whether this would have any impact on the Safety Valve in terms of predicted funding – Rob clarified that it only affects the Schools Block, and that nothing has changed on Central Schools and Higher Needs. In terms of Special Schools, it was noted that the principles agreed at Forum for the upshift in Special Schools has been applied at the same percentage as mainstream schools.

Members thanked Rachael and Rob for the update, and agreed to the recommendation to note the financial position of the Local Area DSG budget, review the Safety Valve update report and make recommendations to ensure future progress enables the budget position to be held and improved during the financial year.

4. Safety Valve Update

Rachael then gave an update on the Safety Valve progress. The LA had to report to the ESFA (Education, Skills and Funding Agency) on the 15th of September, around the position of the LA in meeting the targets within our safety valve as described at previous Forums.

The main indicator that the ESFA is mindful of is our overall budget position and we were able to report in September that our budget position was aligned to where we had anticipated that it was going to be in our safety valve agreement. We then also were able to provide them with an overview position of the numbers of EHCPs (Education, Health and Care Plans) within the system as well. And that demonstrated that although there are challenges within that process and challenges in the overall numbers, we are still seeing the numbers being fairly maintained within Torbay at this time, and they are reduced from our starting point.

A progress report was shared with members, and Rachael detailed some of the key indicators that remain a significant challenge. What we recognise at the moment is that we're still having a high number of requests for statutory assessment coming into the system above and beyond that we would hoped to have seen through the introduction of our graduated response, whilst recognising that it is early days in

terms of people understanding what is universally available provision and what is graduated response of support. So we are seeing a quite still a high refusal rate compared to the numbers of requests that are coming into the system and what we'd want to see in time is that was picked up through that graduated response and the SCN notional budget. Alongside that there's some really good news where a plan is not agreed, as next steps meeting has been put in place to look at how need can be met through universally available provision and SEND. Rachael was pleased to note the positive outcomes coming out for families about how needs are being met as well with very few of those moving through to actually then require a statutory assessment moving forward.

The other key area of concern is around the health contributions and that remains one of our key focus areas. Rachael stressed to forum that we are pushing at the very highest level that Health need to engage and make available a budget for joint commissioning within our local area. Members were asked to participate in a recent DfE monitoring visit on joint commissioning as well and it's important that we get a budget identified and a process within our local area to be able to do that. Rachael explained that we continue to calculate and keep a running tracker of the health funding that should be available within our plans, but we're not issuing that money through the Higher Needs block as we previously did.

Nancy then informed Forum that partnership summit meetings have been held over the last four months with our chief executive and equivalents within Health. The LA has very clearly said to them that unless they come to the table with some understanding that they need to fund some of the requirements, We will be putting together a pre action letter through the LA's legal team to actually place on record we will start to take legal action if they don't deliver some of the funding that we absolutely know they should be delivering. Nancy will be meeting with Health colleagues again in a couple of weeks to reiterate this. The pre-action letter is being drafted with the agreement of the Chief Executive and will be sent to ICB shortly with a view to getting a response before Christmas. Members did however note that there have been changes within the health colleagues through the ICB and certainly we've got better engagement with them recently where we've pushed on other elements of funding.

Laurence asked what the barrier is to Health contributing. It was explained that through open discussions with Health colleagues there has never been a budget for these contributions. Nancy explained that this is a problem nationally and is not specific to Torbay. With that in mind, Laurence also raised the possibility of reclaiming backdated amounts. Nancy clarified that the LA is exploring this, but it is too early in the process to say whether or not this is an option.

The Chair thanked officers for the update, noting it was pleasing that the LA is having these robust conversations with Health colleagues. Members requested we invite them to the next Forum meeting to discuss further.

Action – Officers to invite colleagues from Health to the next Forum meeting.

5. Element 3 Funding

Rachael shared with Forum the findings of the Element 3 funding pilot that has been implemented during 2022 to 2023.

The overarching feedback from the pilot was that conversations were much more focused on the needs of the child and that the plans that we currently have can be quite outdated. It was felt that our annual review processes would need to change along with our writing of our EHCPs, to be able to then make sure that the needs-based tool that would calculate the funding would actually be fit for purpose.

On an individual basis, there were some significant gains where children's needs were higher than they had been set within the EHCP. And then some where children have made significant progress and schools were saying to the SEND team we are no longer providing the level of provision that is included within the plan where those funds actually went down. Rachael thought there were roughly an equal amount of plans that went up as an equal amount of plans that went down, but overall the budgets that were used in the pilot model did indicate that there would be a reduction in the amount of funding allocated to schools. However, it was explained to members that potentially some of those savings would not be as real as they are in the pilot process, because we would be using the uplifted model for the implementation, reflecting current support staff pay (the current model is based upon pay levels from ten years ago).

Stewart asked for clarity that the Element 3 banding was an LA decision, not a choice for discussion at Forum, rather Forum was being asked to make a decision about the *implementation* of the banding model.

Rachael explained that this model will be taken forward using the funding matrix that was instigated during the pilot. The LA is planning to meet with Islington again for a further meeting, to actually agree that funding matrix for Post 16.

Three options were then presented to members for rolling out the scheme. The first option was to use the new formula for each Annual Review that received in 23-24, although it was felt by all that there was insufficient capacity at the moment to fully enact this.

Option 2 was to use the new formula for every phase transfer plan being amended for 2024 entry and new EHCP's. with a view to a full roll out from 2024 onwards.

Option 3 was to use the new formula for specific and targeted year groups where Element 3 is exceptionally high, or RSA rate is higher than the average, alongside the new formula for Phase transfer and the issuing of new EHCP's, before a full roll out from 2024 onwards.

Before moving to a vote on which option Forum would like to agree to, Rachael invited questions from members. Laurence asked which year groups would be most affected by choosing option 3 – Rachael clarified that years 5 and 10 are the focus of phased transfers.

The Chair then shared a letter from TASH (Torbay Association of Secondary Heads), sharing their concerns regarding the tone of the element 3 paper. Whilst assured it wasn't about saving money, each pilot summary has a headline of the saving made with the exception of one small plus. So there are questions regarding what is going to happen to that money that has been saved given the plan is for this to be cost neutral, will it still go to schools or is there another plan for this sum of money?

Rachael explained that if any savings were to come out of the implementation, it would have to go into our deficit position. We cannot be reinvesting money back that doesn't actually exist within our system. The pilot never had any financial reductions attached to it. The consequence of doing the pilot has actually demonstrated that there may be reductions that can be made based on the needs of the children that we've looked at and the provision that's been put in place by schools. Implementing this goes back into our deficit until we're in a place to be in a surplus and then we can have different conversations at school forum about reinvestment.

Stewart pointed out to members that the idea of the pilot scheme was about looking at what's being done and making sure that it is more impactful, and that it should not be seen as a money saving exercise. Indeed, some colleagues from schools that will be more affected financially were in agreement that it was the right thing to do i.e. It was about putting the money in the right place for the right children.

Laurence asked whether some further modelling could be done around which schools are going to be significantly affected, and what the implications could be. Rob and Rachael were in agreement that this could be done and shared with school colleagues at a later date.

After further discussion, members were asked to vote in favour of one of the three proposals. Voting went as followed:

From September 2023 we use the new formula for each Annual Review that is received in 23-24 and recalculated Element 3; 0

From September 2023 we use the new formula for every phase transfer plan being amended for 2024 entry and new EHCP's, then full roll out from 2024 onwards; 0

From September 2023 we use the new formula for specific and targeted year groups where Element 3 is exceptionally high or RSA rate is higher than the average alongside the new formula for Phase transfer and the issuing of new EHCP's then full roll out from 2024 onwards. 9 **(Unanimous)**

Members were thanked for their vote, whilst recognising it was a difficult decision to make it was felt that this option was the most equitable for all parties moving forward.

6. Alternative Provision Strategy

The Forum then welcomed Laura Greenland, Strategic Commissioner for Education, who shared the work of the Alternative Provision steering group. This has been established and is attended by a wide range of partners to ensure that what is developed meets the needs of the local area. Attendees include representation from SEND, social care, health and education and AP setting colleagues. The parent carer forum is also involved, and work is taking place with the young person panel to ensure their voice and views are embedded. Work is very much centred on what the picture within Torbay is at the moment, but also looking at what's happening within our neighbouring authorities and nationally as well.

Laura explained that a stakeholder feedback survey is due to be circulated next week, which has been developed with the support of the Group – there are separate surveys for APs, mainstream/special schools and other professionals. This is to ensure that we gather as much information about the use and experience of AP to enable us to consider the best way forward. Initial feedback is already highlighting the need to carry out sufficiency analysis in the use and demand for AP, and also the vital requirement to ensure that all commissioners using AP are not unintentionally creating a number of unlawful schools by the increased use of unregulated APs.

Tim asked whether AP providers will be asked to sign up to the SEND pledge, Laura said that this will be an expectation.

Rachael asked members to consider the suggestions which arise from the AP Steering Group, which may have the potential for financial options and decisions to improve the access, use and quality of the AP sector within Torbay.

Members thanked Laura for her time, agreeing to the recommendation to support the work of the steering group and development of the AP commissioning strategy, as well as to feedback to their respective school sectors.

7. Scheme for Financing Schools

Rachael presented to members the latest Scheme for Financing Schools. It was recognised that the LA has previously made tweaks to the scheme year on year, but that now was the time for a fundamental review, to ensure that people have the right information around how we actually provide funding.

Rachael asked the Forum for representation on a small task and finish group to undertake this review, with the aim of presenting any findings at January's Forum. Members were asked to speak to Rachael directly if they or any colleagues were available to attend.

Action – Members to contact Rachael with candidates for the group.

8. Future meeting dates

- Thursday 23rd November 2023, 09:00
- Thursday 25th January 2024, 09:00
- Thursday 21st March 2024, 09:00
- Thursday 2nd May 2024, 09:00
- Thursday 20th June 2024, 09:00

Finance Report - Schools Forum 23rd November 2023

Forecast Outturn Position 2023/2024

Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £1.038m**.

The following table details the main areas of both over and under spend. Many of these budgets are demand led and will be monitored during 23/24 and revisions reported accordingly.

Budget Heading	Budget	Actuals to date	Projected Outturn	Over / (Under) Spend
Early Years 2, 3 & 4 yr old payments – PVI's & Academies	£6.229m	£3.574m	£6.229m	£0k
Early Years – ALFEY	£295k	£190k	£285k	(£10k)
Early Years – Pupil Premium & Disability Access Fund	£158k	£61k	£118k	(£40k)
Early Years – 5% retained element	£383k	£184k	£320k	(£63k)
Joint Funded Placements	£400k	£159k	£300k	(£100k)
Recovery of funding from schools for Excluded Pupils, Medical Tuition Service and Elective Home Education	(£175k)	(£52k)	(£110k)	£65k
Contribution from Health towards EHCP's	(£100k)	(£0k)	(£0k)	£100k
Independent Special School Fees including South Devon College	£3.330m	£1.738m	£3.650m	£320k
Other packages for EHCP pupils and SEND personal budgets	£1.588m	£1.076m	£1.788m	£200k
Payments to / recoupment from other authorities for mainstream and Special School places	(£128k)	(£52k)	(£428k)	(£300k)
Medical Tuition Service	£1.070m	£804k	£920k	(£150k)
Virtual School / Hospital Tuition / Vulnerable Students Team	£519k	£261k	£480k	(£39k)
Refund from Medical Tuition Service from underspend during 22/23		(£200k)	(£200k)	(£200k)
School contingencies (Planned pupil growth, NQT induction etc)	£70k	£59k	£69k	(£1k)
EHCP in-year adjustments (see separate paper for details)	£539k	£569k	£635k	£96k
Special Schools / High Needs in-year adjustments (see separate paper for details)	£400k	£318k	£400k	£0k
School Intervention / Commissioning	£48k	£17k	£38k	(£10k)
Business Support / Business Intelligence	£240k	£129k	£245k	£5k
Senior Management, Central Recharges, Admissions, EAL / Travellers, SACRE,	£612k	£412k	£545k	(£67k)
Visually impaired / Hearing impaired / Advisory Teachers	£166k	£74k	£135k	(£31k)
Deficit DSG budget set for 23/24	(£1.263m)			£1.263m
Total – Forecast Outturn Position 23/24				£1.038m

This represents an increased position of **£109k** from October 2023. The position continues to be dependent upon the referrals and demands within the system which are being carefully managed through appropriate governance. .

Schools Forum – 23 November 2023
Finance Report

Special School and other High Needs funding adjustments for 23/24										
	Combe Pafford	Combe Pafford	Mayfield School	Mayfield Chestnut	Mayfield Total	Brunel SEMH	Lodestar AP	Brunel & Lodestar Total	Totals	Totals £
Number of places - January 23	265		231	32	263	56	55	111.00	639.00	
Number of pupils - January 23	268		229	32	261	55	46	101.00	630.00	
Number of places - September 23	265		231	32	263	55	55	110.00	638.00	
Initial Place led funding		2,650,000			2,630,000	554,167	550,000	1,104,167		6,384,167
Initial Pupil led funding		1,735,096			2,978,478	994,125	607,476	1,601,601		6,315,175
Initial pupil specific additional funding		67,402			193,728			0		261,130
To mirror 3.4% increase in mainstream schools additional grant		145,120			188,342	52,124	42,440	94,564		428,026
Previously Teachers Pay & Pension Grants		174,900			173,580	36,575	36,300	72,875		421,355
Other funding - Outreach / 6th day provision / rent					325,027			0		325,027
Pupil Premium		146,615			187,090	41,400	28,980	70,380		404,085
Total initial funding		4,919,133			6,676,245	1,678,391	1,265,196	2,943,587		14,538,965
In-Year adjustments	Pupils	Funding £	Mayfield Pupils	Chestnut Pupils	Funding £	SEM Pupils	AP Pupils	Funding £	Pupils	Funding £
April	271	29,851	229	35	84,414	55	54	105,648	644	219,913
May	271	0	229	35	0	55	54	0	644	0
June	271	0	229	35	0	55	53	(11,005)	643	(11,005)
July	270	(6,568)	230	35	936	56	44	(75,584)	635	(81,216)
August	270	0	230	35	0	56	44	0	635	0
September	263	6,793	229	32	(56,226)	52	39	(80,693)	615	(130,126)
October	265	9,498	231	32	9,393	52	41	13,206	621	32,097
November	262	(9,219)	231	31	(6,426)	53	45	29,541	622	13,896
December									0	0
January									0	0
February									0	0
March									0	0
Total In-year pupil / place led adjustments		30,355			32,091			(18,887)		43,559
Enhanced Provision (in-year changes in pupil top-ups)										14,701
Enhanced Provision (in-year increases in place numbers)										10,887
Preston Enhanced Provision - Teaching Support Apr - Aug 23										24,245
Additional Funding - Step Provision (Apr - Aug)										33,943
Additional Funding - Step Provision (Sept - Mar)										71,687
Excluded Pupils / 6th Day Provision - Mayfield (Sept - Mar)										15,750
Excluded Pupils / 6th Day Provision - Mayfield (Sept - Mar) - Additional Staffing										103,693
In-year pupil specific additional funding		14,136			82,297			7,260		103,693
Total - In-Year adjustments		44,491			114,388			(11,627)		318,465
Special School / High Needs contingency budget										400,000
Current balance (under) / over										(81,535)

Education, Health & Care Plan Funding for 22/23 & 23/24			
	22/23	23/24	Increase / (Decrease)
Number of pupils with EHCP	512	556	44.00
Number of FTE's with EHCP	463	490	27.00
	£	£	£
Funding below £6k allocated through school formula elements	2,774,332	2,939,171	164,839
Funding above £6k allocated as a top-up per eligible pupil	2,967,540	3,290,903	323,363
EHCP Contingency	550,000	538,500	(11,500)
In-Year adjustments			
April	133,189	106,783	(26,406)
May	97,442	(783)	(98,225)
June	65,574	80,221	14,647
July	116,471	58,835	(57,636)
August	221,556	273,431	51,875
September	35,796	(8,661)	(44,457)
October	(33,353)	58,954	92,307
November	44,883	44,883	0
December	10,002	10,002	0
January	(1,109)	(1,109)	0
February	14,470	14,470	0
March	(2,068)	(2,068)	0
Total - In-Year adjustments	702,853	634,958	
Projected (underspend) / overspend	152,853	96,458	
Notes			
Based on April - October 23 in-year adjustments, and assuming the same as 22/23 for the remaining months.			96,458

The two areas of significant change that are within the report are

- The number of children and young people in Independent Specialist Placement. Since the previous Forum three more children have required this level of provision within our local area. On average each of these providers cost £55k per placement.
- The number of young people being placed within Post 16 education. As our improvement work to engage and support young people progresses, more young people that were NEET are returning to College. This is a positive outcome for the young person that has the potential to bring about life long outcomes. This is the correct decision and is the collective ambition of the local area, however the costs of providing the provision has resulted in an additional spend of £150k.

In line with our safety valve work we continue to review provision against need and will reduce spend for children and young people through appropriate ceasing and adjustments to funding provided to plans.

The work conducted to drive down spend is described in the Safety Valve Progress Report. The overall DSG position is an improving picture however there are many indicators within the safety valve report that detail areas where progress is harder to achieve. The predicted position is aligned to our Safety Valve DSG Management Plan however it is very early in the academic/financial year and the continued scrutiny and partnership response is required to bring the budget in line.

Overall Position

The 23/24 forecast year end overspend projection for DSG is **£1.038m**.

The cumulative deficit on the DSG is £12.660m before ESFA funding, £5.950m after ESFA Safety Valve Funding.

Recommendation and Decision

The School Forum note the financial position of the Local Area DSG budget.

Review the Safety Valve update report and make recommendations to ensure future progress enables the budget position to be held and improved during the financial year.

Rachael Williams
Divisional Director Education and SEND

De-Delegation and Centrally Retained Decisions for 2024/25 Schools Forum – 23rd November 2023

1. Why is this coming here – what decision is required?

Under the Government's current funding rules there is an assumption of delegation for a number of budget areas which are currently held centrally for maintained schools and are delegated for academies. Each year maintained schools' representative on the Schools Forum vote, by phase and on behalf of the schools they represent, to de-delegate these areas i.e. allow the LA to hold the budgets rather than delegate to schools; where it is proposed by the local authority. The outcome of the vote is binding for all maintained schools of that phase.

For 2024/25, Torbay Council Children's Services is proposing the option of de-delegation for all of the areas shown in the table below. It is for Torbay's Schools Forum to vote on each on behalf of schools. The vote is being carried out at this time to enable schools and services time plan for their budgets and responsibilities for 2024/25.

Under the national funding arrangements the government wants schools to have the opportunity to have as much funding and responsibility delegated to them as possible. The vote determines whether or not a range of costs currently met centrally will transfer to maintained schools for them to manage themselves.

Academies are not part of these arrangements since these responsibilities and the funding for them are automatically delegated to academies through the ESFA.

Actual figures for 2024/25 will change from those presented, as they will be based on the October 23 census, this data will be available towards the end of December. See individual sheet for detail and voting boxes.

2. Centrally Retained budgets

These budget areas can be retained with the agreement of the Schools Forum. For Torbay this is Planned Pupil Growth, School Admissions Service, Servicing the Schools Forum, Centrally retained element of the Early Years Block (5%) and request to transfer funds from the School Block to High Needs. The School Forum is required to approve the amounts against each budget area. See individual sheet for detail and voting boxes.

All Members of the Schools Forum have an EQUAL vote on these items.

3. Recommendations

That the Schools Forum considers the proposals and for:-

Maintained schools members vote on the de-delegation items on behalf of the phase of schools they represent.

All schools and academies vote on centrally retained items.

SCHOOLS FORUM 23/11/23

DE-DELEGATION FOR 24/25 - DECISION FOR SCHOOL FORUM (MAINTAINED PRIMARY & SECONDARY SCHOOL MEMBERS ONLY)

THESE FIGURES WILL BE UPDATED ONCE OCT 23 PUPIL NUMBERS ARE KNOWN

DfE No.	School Name	Pupil Numbers NOR Oct-22	Eligible FSM Nos.	EAL Pupils	FSM Eligibility £	Insurance £	EAL £	Travellers Education £	Total De-delegation £
2439	White Rock Primary	624	130.00	6.92	(1,021)	(9,341)	(1,457)	(774)	(12,593)
2455	Homelands Primary	210	73.00	10.50	(573)	(3,144)	(2,211)	(260)	(6,188)
2460	Watcombe Primary	197	76.00	2.35	(597)	(2,949)	(495)	(244)	(4,285)
2469	Sherwell Valley Primary	625	104.00	0.00	(816)	(9,356)	0	(775)	(10,948)
	TOTAL PRIMARY SCHOOLS	1,656	383.00	19.77	(3,007)	(24,790)	(4,163)	(2,053)	(34,013)
4117	The Spires College	1,052	305.00	10.00	(2,394)	(15,748)	(2,106)	(1,304)	(21,553)
4601	St Cuthbert Mayne School	919	352.00	26.06	(2,763)	(13,757)	(5,487)	(1,140)	(23,147)
	TOTAL SECONDARY SCHOOLS	1,971	657.00	36.06	(5,157)	(29,506)	(7,593)	(2,444)	(44,700)
	TOTAL PRIMARY AND SECONDARY	3,627	1,040.00	55.83	(8,164)	(54,296)	(11,756)	(4,497)	(78,713)
PRIMARY - Is funding going to be de-delegated (Y/N)									
SECONDARY - Is funding going to be de-delegated (Y/N)									

	Unit Value per pupil £	Unit Value per FSM pupil £	Unit Value per EAL pupil £
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Travellers Education - EAL	1.24		
Free School Meals eligibility		7.85	
Insurance	14.97		
Support to ethnic minority groups - EAL			210.56

SCHOOLS FORUM 23/11/23 - DECISIONS FOR CENTRALLY RETAINED SERVICES 2024/25 - ALL SCHOOLS

Number	Service Type	2023/24	Proposed 2024/25	Vote Y/N	Note
1	Planned Pupil Growth / Falling Rolls	£456,993	£419,990		1
2	Schools Admissions Services	£126,395	£131,451		2
3	Servicing the Schools Forum	£37,974	£39,493		2
4	Central Early Years Block provision (5% retained)	£382,489	£433,546		3
5	Funding moved from Schools Block to High Needs Block	£0	£0		4

All Members of Schools Forum have an equal vote

Notes:

- 1 The Planned Pupil Growth / Falling Rolls is based on the forecast Oct 23 pupil numbers provided by the Admissions Team, this allocation will change when actual Oct 23 numbers are known. PPG is required for Paignton Academy for April - Aug (30 places) £60k, 30 places for secondary from Sept - Mar (school(s) yet to be determined) £88k & continuing growth of St Michael's Primary £31k.
- 2 The 23/24 figures have been taken from the Section 251 budget return to DfE. 4% has been added for 24/25 potential pay award / increments.
- 3 Assumes that 2 yr old funding will increase by 32.47% and 3 & 4 r old funding by 10.1%, subject to change when final 24/25 Early Years allocations are known.
- 4 0.5% virement (£512k) of the 24/25 Schools Block is allowed to be transferred to assist with High Needs Block pressures, with Schools Forum approval.

Safety Valve Progress Update - Schools Forum 23rd November 2023

Context

The Local Area is working to collectively to achieve a reduction in the higher needs spend to ensure that we are delivering high quality services aligned to the budget available and manage down the historic deficit position. We have all agreed that this is our collective responsibility and can only be achieved through transformational change.

The Local Authority is required to submit a progress report to the ESFA on the work conducted towards the safety valve agreement. The next submission will take place on 15th December 2023 and be reported to School Forum in January 2024.

To review progress the local authority tracks activity and impacts on a fortnightly basis and takes actions to deep dive into areas where progress is challenged. The following report outlines to Forum some of the current data trends:-

Requests for Statutory Assessments

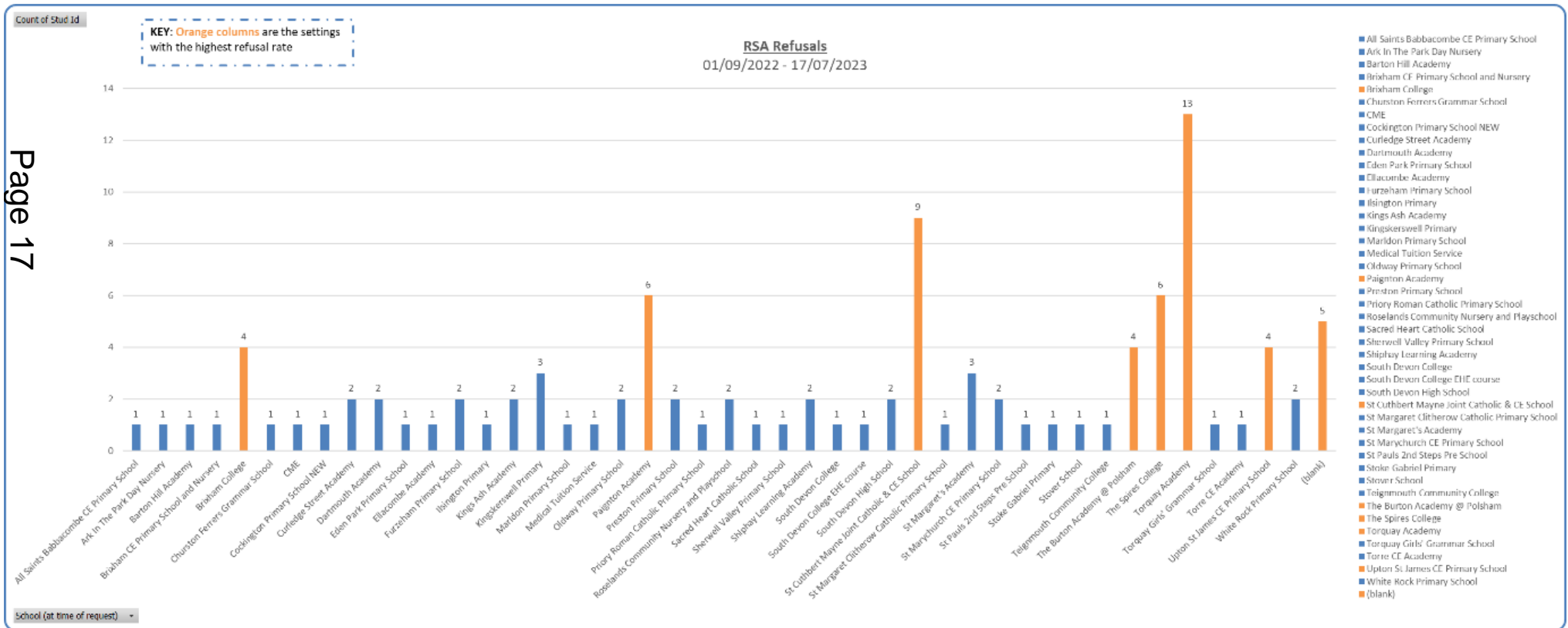
The following chart demonstrates that there continues to be a high level of requests for statutory assessments.

RSAs Tracking 2023	RSAs received per month				Important. The refusal rate is only valid for the month once all RSAs have passed the received and assessment stages								Totals YTD
	01/01/2023 31/01/2023	01/02/2023 28/02/2023	01/03/2023 31/03/2023	01/04/2023 30/04/2023	01/05/2023 31/05/2023	01/06/2023 30/06/2023	01/07/2023 31/07/2023	01/08/2023 31/08/2023	01/09/2023 30/09/2023	01/10/2023 31/10/2023	01/11/2023 30/11/2023	01/12/2023 31/12/2023	
RSAs Received	31	33	41	16	42	34	38	9	20	28	5	0	297
RSA Status													
Received	0	0	0	0	0	0	0	0	4	20	5	0	29
Assmt. Complete	0	0	0	0	0	0	0	0	0	0	0	0	
Awaiting decision to assess	0	0	0	0	0	0	1	0	0	0	0	0	10%
Assmt. in progress	0	0	0	0	0	1	11	6	11	5	0	0	34
Subtotal (in progress)	0	0	0	0	0	1	12	6	15	25	5	0	64
REFUSALS / STOPPED / WITHDRAWN													
Inactive after Recd.	1	1	0	0	1	0	0	0	1	0	0	0	4
Inactive after Assmt Decision	11	10	20	8	14	10	15	3	4	2	0	0	97
Withdrawn EHCP	0	0	2	0	0	0	0	0	0	0	0	0	
Assmt. stopped	0	0	0	0	1	1	0	0	0	0	0	0	
No EHCP Following Assmt	1	1	0	0	4	1	1	0	0	0	0	0	8
RSA Stopped subtotal	13	12	22	8	20	12	16	3	5	2	0	0	113
RSA Refusal Rate	42%	36%	54%	50%	48%	35%	42%	33%	25%	7%	0%	0%	38%
CURRENT STATUS													
Draft EHCP	0	0	0	1	1	7	7	0	0	0	0	0	16
Current EHCP	18	21	19	7	21	14	3	0	0	1	0	0	104
Progressed %	55%	61%	46%	50%	43%	62%	53%	67%	55%	21%	0%	0%	49%
RSAs completed (either Issued or stopped)	31	33	41	15	41	26	19	3	5	3	0	0	217
RSAs completed %	100%	100%	100%	94%	98%	76%	50%	33%	25%	11%	0%	0%	76%

The Local Authority continues to issue plans aligned with the code of practice. However a significant number of referrals continue to be refused. They are refused on the basis that :-

- Child or young person doesn't have or may have SEND needs and or need provision different to or from.
- Lack of evidence that the graduated response has been implemented
- Children's needs are aligned to and could be met at SEN K
- ADPR process hasn't been applied.

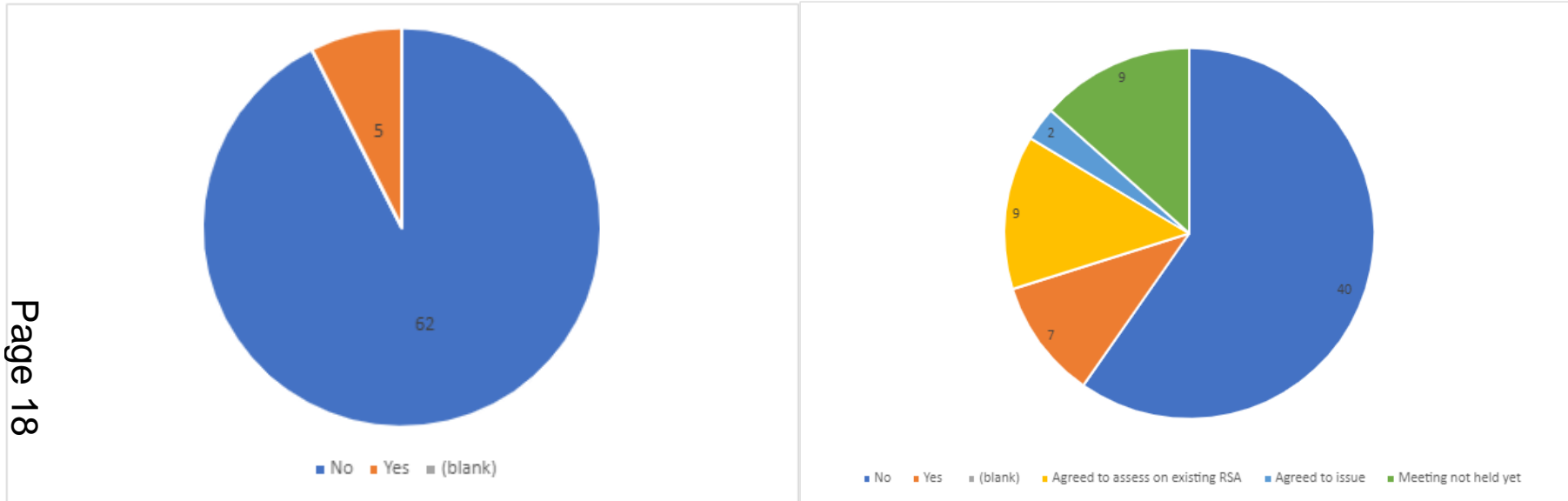
The Local Authority is undertaking deeper analysis of trends over time. The following chart demonstrates refusal rates per school for the last academic year.



Next Steps Meetings

Following a no to assess or not issuing a plan the Local Authority has been conducting Next Steps meetings.

The following graph demonstrates how many proceeded to have an EHC plan, following the Next Steps Meeting and how many proceeded to having an assessment, following the Next Steps Meeting.



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The next step process that continues to be tracked and reviewed for re-referral or subsequent issuing of a plan does demonstrate that a number of requests for statutory assessment should be supported at SEN K. Verbal feedback from the Next Steps process is demonstrating that through a parental conversation and the implementation of a lower level plan the child or young person can be supported and parental confidence maintained. The graduated response is a good framework for these conversations and could be used in this way with parents ahead of a Request for Statutory Assessment.

Tribunal Outcomes

Torbay have proceeded to Tribunal for 3 young people in the last 6 months. Tribunal outcomes have ratified that Local Authority decision making is sound in 100% of cases that have gone to a hearing on decisions not to issue an EHCP. The reasons for Tribunals in Torbay are mixed with some on Section B,F and I, some on Section I and some of refusal to assess or issue.

Informal and formal mediations are offered for all those proceeding to the Tribunal hearing.

Conclusions

Although progress is being made across the local area on the understanding of the graduated response and our decision making on thresholds is being endorsed by the Tribunal, there continues to be work required to create a partnership wide response.

The report highlights a number of concerns regarding the refusal rates following an RSA and the need for Next Steps meetings to ensure planning at SEN K.

Recommendation

School Forum review the information contained within the report and discuss recommendation on how to influence the trends within the data.

Rachael Williams
Divisional Director Education and SEND



SEND Strategic Board Governance Changes

What are the changes?

October 2023

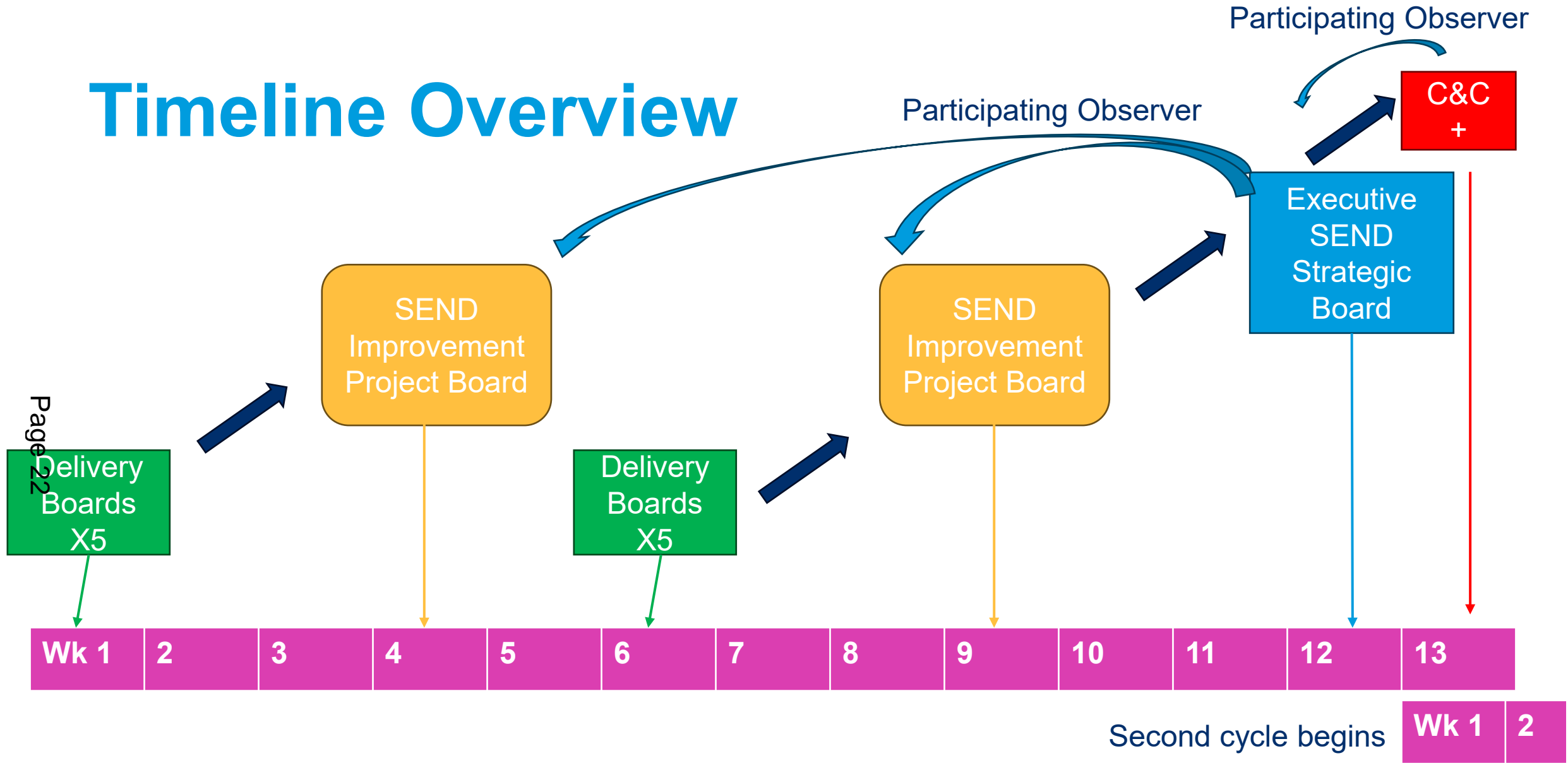
Agenda Item 7



Changes to the SEND Improvement governance structure:

- 1. The 8 WSoA Improvement pillars will now be subsumed into the 5 key priorities of the SEND Strategy** – these 5 priorities will form the new improvement strands. *Important to note we will still be delivering on the WSoA but through the priorities of the SEND Strategy.*
- 2. There will be a SEND Improvement Project (SIP) Board** – this will be held every 6 weeks and will report on the 5 strategy priorities.
- 3. Every quarter the Executive SEND Strategic Board will meet** to hear progress and make necessary decisions (Exception reporting).
- 4. The Check and Challenge Group** will still meet after each Executive SEND Strategic Board (as previously).

Timeline Overview



Therefore, the purpose of the SEND Project Board and Executive SEND Strategic Board will be to:

- To ensure the requirements of the WSOA are responded to and implemented.
- To focus on the voice of the child, young person and parents / carers.
- To ensure any new national guidance is responded and implemented.
- To ensure that the new coproduced SEND strategy is implemented effectively.
- To identify and address risks and issues and escalate them each quarter for resolution.
- To escalate risks and issues that cannot be addressed by the Board to the Children's Continuous Improvement Board
- To make strategic level decisions or escalate these to the Children's Continuous Improvement Board and relevant governance routes.
- To promote good communication between and joint working by all stakeholders
- To ensure local area partners are aware and included in the ongoing monitoring visits as part of the WSOA.
- To focus on upcoming National guidance and changes brought about by the SEND Review and implement any Local Area Inclusion Plan when published.

Proposed Purpose – 5 Priority Delivery Boards

1) SEND IS EVERYONE'S BUSINESS	2) EARLY INTERVENTION & LIVED EXPERIENCE	3) NEEDS AND JOINT COMMISSIONING	4) INCLUSION	5) TRANSITION & PFA
AFI – 1,2,3	AFI - 2	AFI - 7	AFI - 4	AFI - 5
Pillar: Culture Quality Assurance	Pillar: Joint Working Community Engagement	Pillar: Joint Commissioning	Pillar: Graduated Response	Pillar: Becoming an Adult
WSOA Focus Area 3,4,7 15,16,17,18	WSOA Focus Area 5,6,8,9,10,11	WSOA Focus Area 1,2	WSOA Focus Area 11,12,13	WSOA Focus Area 14
Key dependency: Restorative Council AET Project	Key dependency: Family Hubs Project	Key dependency: Gamechanger Project SLCN/keyworker Project	Key dependency: Safety Valve Project Gamechanger Project AET Project SLCN/keyworker Project EHW Group	Key dependency:

Proposed Membership – Project Board

Board	Members (Accountable Officers)
SEND Improvement Project (SIP) Board Page 25	<p>Co-Chairs & Deputy – (one year tenure)</p> <ul style="list-style-type: none"> • Divisional Director of Education & SEND (RW) • Head of Women’s and Children’s Commissioning (HP). • <i>Deputy – (to be agreed at 1st meeting)</i> <p>SEND Strategy Priority Leads:</p> <ol style="list-style-type: none"> 1. SEND IS EVERYONE’S BUSINESS – Public Health Specialist (BB) 2. EARLY INTERVENTION & LIVED EXPERIENCE - Head of Service – Safeguarding & Reviewing (SE) 3. NEEDS AND JOINT COMMISSIONING – Strategic Commissioning Manager, ICB (SG) 4. INCLUSION - Head of Service, SEND & Inclusion (HS) 5. TRANSITION & PFA - Deputy Director of Adult Services (SO) <p>Members of the Project Board:</p> <ul style="list-style-type: none"> • Representatives of children and young peoples’ views (KH and reps from SEND CYP panel) • Co-chairs of SEND Family Voice Torbay Parent Carer Forum • Manager of SENDIASS (KG) • Designated Medical Officer, Child Health (JP) • Designated Social Care Officer (BY) • Divisional Director of Safeguarding (BT) • Divisional Director of Learning Academy (RS) • Head of Business Intelligence – Torbay Council (MG) • Head of Children’s Commissioning – Torbay Council (TT) • Representative from Schools Forum - tbc • Public Health Specialist – (JN) • <i>Participating Observer from the Executive SEND Strategic Board (rolling)</i> <p>Completing communications to board members and our families:</p> <ul style="list-style-type: none"> • SEND Project Manager (SB) • Torbay Council Communications Lead (JP)

Proposed Membership – Executive Board

Board	Members
Executive SEND Strategic Board	<p>Presenting to the board -</p> <ul style="list-style-type: none"> • <i>Reps from Young people and SFVT (to have an opening standing agenda item to present). (Participation Officer to feed CYP views – KH & co-chairs SFVT RB&KR)</i> • <i>Co-chairs of Project Board – Divisional Director of Education & SEND & Head of Women’s and Children’s Commissioning present the highlight report.</i> <p>Accountable Officers from the WSoA - Sitting on this board for decisions:</p> <ul style="list-style-type: none"> • DCS, Torbay Children’s Services (NM) • Director of Public Health (LS – interim chair) • Head of Commercial Services (TF) • Director of Primary Care, Community and Mental health Commissioning (JT) • Deputy Director for Out of Hospital Commissioning (SS) • Chief Nursing Officer (Acting - SM) • Director of Adults and Communities (JW) <p>Also on the Board:</p> <ul style="list-style-type: none"> • Children’s Alliance Director CFHD (BM) • Chief Executive, Healthwatch, Devon (LW) • Chief Executive, Community Development Partnership (MW) • Representative from Local Education Board – tbc • <i>Participating Observer from the Check and Challenge Group (rolling)</i>

Reporting

N.B Reporting may need to be amended once the Local Area Inclusion Plan template has been released by the DfE.

Board	Reporting
SEND Improvement Project Board Page 27	<p>An annual forward plan of agenda items is constructed by the Project Manager – following the sequence of actions defined in the SEND Strategy Action Plans.</p> <ol style="list-style-type: none">1. Priority Leads complete an update 6 weekly – 1 week before project board.2. Project Board Update is published one week before Project Board with the agenda and any additional papers needing to be heard.3. During/after Project Board 1 a highlight report is constructed for the Executive Board. <p>N.B - as there are 2 boards before an executive board numbers 1-3 above can be repeated – the second in the cycle can simply be an “update” on previous summary.</p> <p>The overview which is taken to the Executive Board can be coproduced with members during the meeting and circulated so all members feel part of the proposals being sent to the Executive Board.</p> <p>These highlight reports will include a data overview and an overview of risks and issues.</p>
SEND Strategic Executive Board	<p>One week prior to the Executive board a highlight report will be published.</p> <p>This report will also be sent to the Check and Challenge Group.</p> <p>Co-chairs of Project Board present the RAG rated highlight report and data overview alongside a list of risks and decisions required.</p> <p>After the meeting this is then published to the Project Board, Executive Board and Check and Challenge Group.</p>

6th Day Provision for Primary Phase - Schools Forum 23rd November 2023

Background

The Local Authority has a statutory duty to arrange suitable full-time education for the any pupils that have been permanently excluded from schools. This education has to begin from the sixth day after the first day the permanent exclusion took place. (Suspension and Exclusion Guidance May 2023)

The current mechanism in place for discharging this duty at the Primary Phase is through provision provided by Mayfield Chestnut and delivered at St Margaret Clitherow campus.

The provision being provided by Mayfield is well regarded and the arrangements have provided the necessary flexibility to ensure the duty can be discharged.

Following our School Forum Meeting in June 2023 we agreed to provide additional resources to Mayfield to enable a worker to undertake re-integration work and then take forward a full options appraisal to inform future commissioning models.

The following paper sets out the options that are available to discharge the duty and meet the needs of children subject to an exclusion in the primary phase.

Information on the current provision

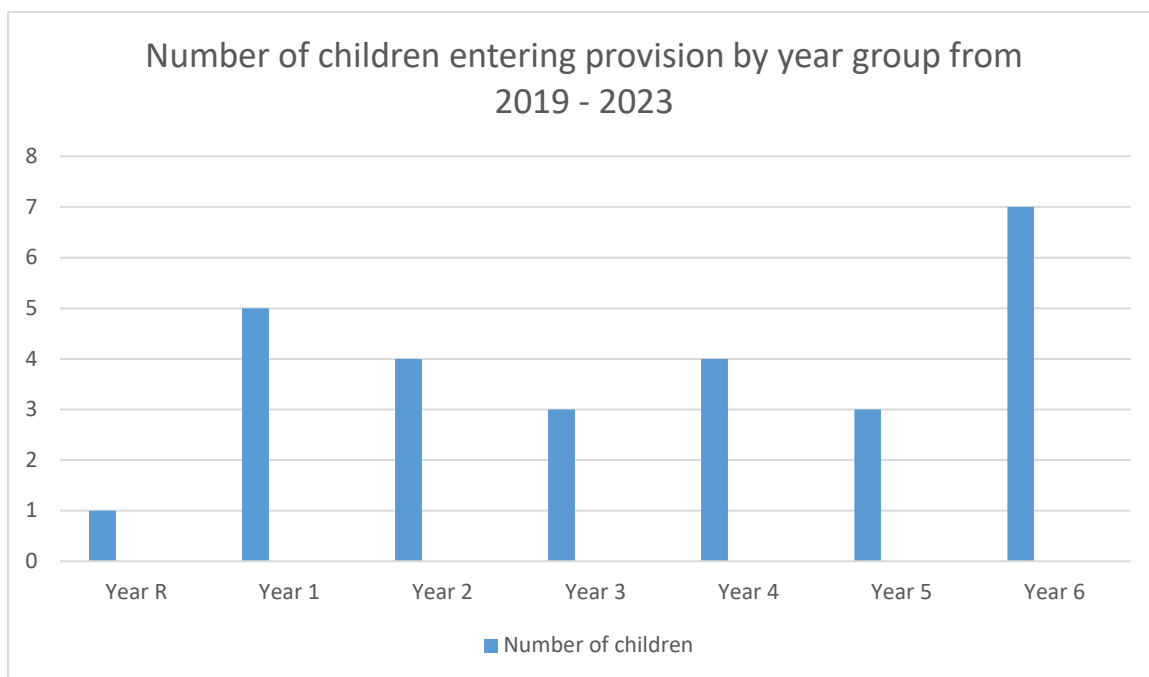
Children are provided with a placement at the sixth day provision following a permanent exclusion from a primary school. The objective of the provision is to ensure an education offer whilst the full range of needs are understood on the suitable education that is required post an exclusion.

The commissioned provision provides 6 XFTE places and has close links with Chestnut provision.

The following table demonstrates the number of children admitted to the sixth day provision over the last three years

2020 – 2021	2021- 2022	2022- 2023	2023 -2024
6	10	10	1

The following table demonstrates the entry point year to the sixth day provision over the period 2020 to November 2023.



Below is a breakdown of the entry year against the year group.

Entry date	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021		1	1		1		3
2021/2022	1	2		2	3	1	1
2022/2023		2	3			2	3
2023/2024				1			

Below are the list of exclusion categories that led to a place at the sixth day provision broken down by year group for the period 2019 to November 2023.

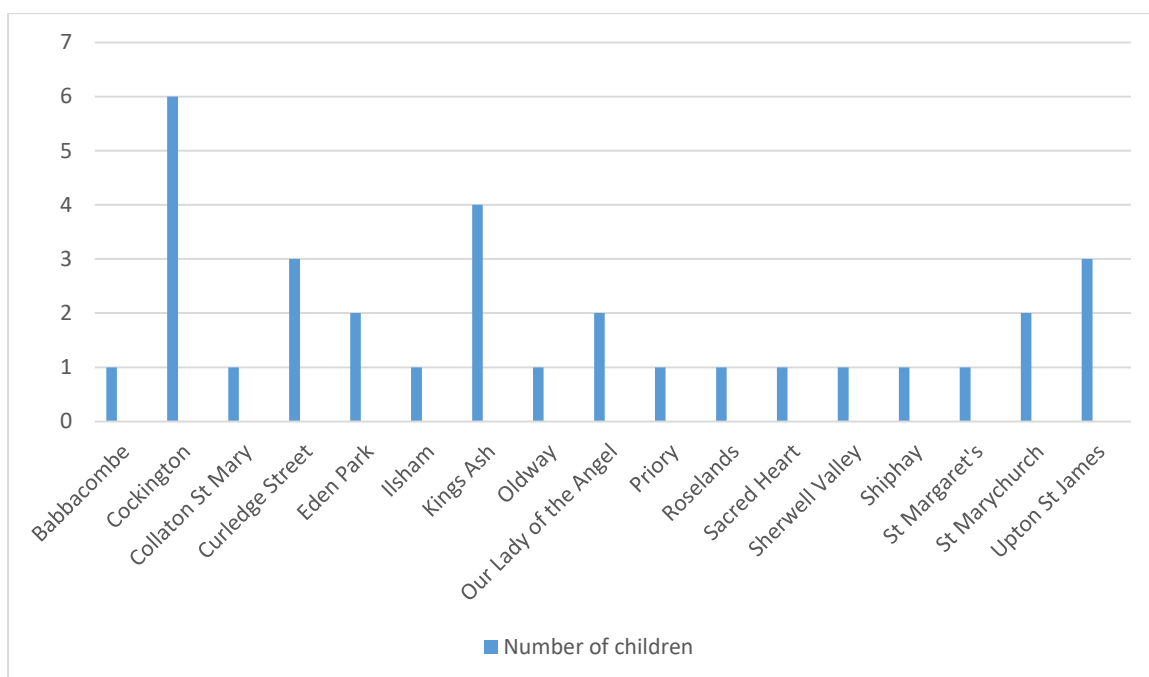
NCY	Assault on an adult	Assault on a peer	Persistent Disruptive behaviour	Sexual misconduct
R	1			
1	1		4	
2	3		1	
3	2	1		
4	2		1	1
5			3	
6	5		2	

In addition to the spend on 6th day provision the Local Authority has also provided Alternative provision offers for 5 children when a placement at the 6th day provision has not been available.

The reasons for exclusions and the NYC year groups for children placed in Alternative Provision are listed below.

NYC	Assault on adult	Persistent Disruptive Behaviour
1	1	
2	1	
5	1	
6	1	1

Below is a chart detailing the original school prior to admissions to the 6th day provision or the Alternative provision offer.



The cost of the provision provided has been managed through a service level agreement. The provision has been provided at the cost of:-

2020 – 2021	2021- 2022	2022- 2023	2023- 2024
£114,000	£114,000	£120,271	£138,642

Analysis of data and information

The figures provided show that the main referring schools are Cockington, Kings Ash and Upton St James. There is a variation between schools on the age of entry through exclusion.

The predominant reason for exclusion is assault on an adult 56% (18) with 37.5% (12) being as a consequence of persistent disruptive behaviour.

The total costs of providing the 6th day provision since 2020 until the end of the financial year 2024 will be **£486,913**

The average cost of placement per child that has accessed the 6th day provision is **£13,395**

The cost of the placement has reduced from **£19,000** in 2020/21 to **£12,027** in 2022/2023. The cost for 2023- 2024 will be determined by the number of children that require the provision during the year.

The cost of providing children with Alternative provision support when excluded from primary is **£32,284**

The total spend on providing 6th day entitlement from 2020 – 2024 is **£519,197**

The Local Authority recouped **£75,464** for children excluded from primary schools. Further recoupment may occur during 2023 –2024

Statutory Duties in relation to 6th day provision

The Local Authority and Governing Bodies play an important role in ensuring that children who have been excluded from school receive a suitable education that facilitates their successful reintegration or meets their long term needs.

The Department For Education Guidance advises below:-

For a suspension of more than five school days, the governing board (or local authority in relation to a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school should collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.

(The education arranged must be full time or close to full time as in the child's best interests because of their health needs)

Source Suspension and Permanent Exclusion Guidance (DFE September 2023)

Work to consider the offer and develop an approach to 6th day provision

The Local Authority in partnership with stakeholders is conducting work on an Alternative Provision Strategy. This strategy is considering the needs of all children that are accessing alternative provision, including those that are accessing a pupil referral unit. The decisions on the future of the 6th day provision should fit within the wider findings of the review to ensure that we create a continuum of support.

The Alternative Provision Strategy Group are also reviewing best practice models.

School Forum received an update on the work of the Alternative Provision group in October 2023. There is still work required to further identify school leaders in the stakeholder group.

There are a number of potential solutions that could be considered as part of ensuring that the statutory duty can be fulfilled. These include but are not limited to the following options:-

- Continuation of the current service provision provided by Mayfield Special School
- Provision provided by another provider.
- Enhanced resource provisions within mainstream schools to enable children to remain within their community.
- Expansion of an already registered PRU
- A commitment to accommodate permanent exclusions back into alternative mainstream schools and the delegation of funding to support an outreach model of support.

Recommendation

- School Forum members review the information within the report.
- School Forum commit to providing representation at the Alternative Provision Strategy Steering Group
- School Forum provide initial feedback on any further information required and the initial view of options.

Rachael Williams
Divisional Director Education and SEND