

Schools Forum Meeting Agenda

Thursday, 25 January 2024 at 9.00 am
to be held via Microsoft Teams

Membership

Sarah Tomkinson
Stewart Biddles
Steven Hulme
Stuart Bellworthy
Mike Lock
Clive Star
Jim Piper

Tim Stephens
Jayne Jones
Steve Margetts
Alex Newton
Tamsin Summers
Laurence Frewin

1. **Apologies/Changes to Membership**
2. **Minutes of the last meeting** (Pages 3 - 9)
3. **Election of Vice-Chair**
4. **Schools Forum Terms of Reference** (Pages 10 - 16)
5. **Financial Report** (Pages 17 - 21)
6. **Early Years Funding report** (Pages 22 - 24)
7. **Safety Valve Summary Update report** (Pages 25 - 42)
8. **Alternative Provision update**
Verbal update
9. **Medical Tuition Service update**
Verbal update

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

Mike Freeman, Clerk
01803 208579
Michael.freeman@torbay.gov.uk

10. Items for next meeting

11. Future meeting dates

- Thursday 21st March 2024, 09:00
- Thursday 2nd May 2024, 09:00
- Thursday 20th June 2024, 09:00

Minutes of the Schools Forum

23rd November 2023

-: Present :-

Stewart Biddles (Chair) Primary Academy Rep; **Tamsin Summers**, Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Steven Hulme**, PRU (substitute for Steven Hulme); **Mike Lock**, Special Schools Head; **Sarah Tomkinson**, Primary Maintained Head; **Stewart Bellworthy**, Primary Academy Rep; **Clive Star**, Secondary Academy Rep; **Alex Newton**, Secondary Maintained Head; **Steve Margetts**, Secondary Academy Head

-: Also in attendance :-

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

1. Welcome

Apologies were received from Nancy Meehan, Jayne Jones and Jim Piper. Due to Jim having difficulties in attending meetings he has decided to step down from Forum with immediate effect. Members thanked Jim for his contributions over the years and will now look to source a new Primary Academy Rep.

Action – Rachael/Clerk to write to Primary Academy colleagues to recruit a new rep for the next meeting.

2. Voting of new Chair and Vice-Chair

At October's meeting, Stewart gave notice that he will be stepping down as Chair of Schools Forum. With this in mind, nominations have been sought from members before today's meeting. We have had one interested candidate, Sarah Tomkinson. Members voted unanimously in favour of Sarah becoming the new chair of Schools Forum, whilst giving thanks to Stewart for his work as chair over the years. Stewart will remain as member of the Forum moving forward.

The position of Vice-Chair is still vacant, a vote on this will be held at January's meeting.

Action – Any parties interested in the role of Vice-Chair to contact Rachael/Clerk before the next meeting.

3. Minutes of the last meeting

Minutes of the last meeting held on Thursday 12th October were agreed as a true and accurate record.

Rachael explained that one action from the meeting, to invite health colleagues to future forums, is still going ahead and we will be inviting them to January's meeting. Rachael also shared with colleagues' details of an Overview and Scrutiny Board taking place on the 7th December, focussing on mental health services for young people in our area. Rachael will send the link round to members for those interested in attending.

Action – Rachael to share link to Overview and Scrutiny Board.

4. Financial Report

Members were shown the latest Finance Report. It was pleasing to note that since we met on October the 28th, there has been an increase in our deficit position by £109k, and we are now at a forecast overspend of £1.038 million.

Rachael explained that in our Dedicated Schools Grant management plan, we were anticipating being in the region of 1.25 million overspent at this point in our safety valve programme, so we are currently ahead of schedule. However, Rachael did stress that the volatility of that budget remains of concern. What we know is that the additional placements in independent schools and the RE engagement work leads to increased cost across our system as well. So we currently are reporting that figure it is that increase when I look at the detail behind that, we've had three additional children going into independent provision since the October date and we've also had a large number of young people now re engaging at the college, taking us over our planned numbers, but really good outcomes in the fact that they are no longer NEAT and they are coming back into provision at our Post 16 provider. Members noted that we are still trying to make savings against other aspects within that budget. The true cost of those provisions at Post 16 and the independent placements have been offset against some of the reductions that have been made in other areas as well.

Members agreed to the recommendations to note the financial position of the Local Area DSG budget, and to 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.

5. De-Delegation Decisions

Members were then shown the De-Delegations and Centrally Retained Decisions for 2024/25. It was noted that the delegations that are proposed in these papers are the consistent with what has been de delegated previously. There are no new items

listed within those delegation schemes. Forum members need to vote separately on these items.

Tim queried whether it was viable to calculate the Early Years figures at 3% now, given that it is moving to that figure in the near future, in order to reduce the impact on the service it will have? Rachael explained that there are some vacancies in the early years team at the moment which we are recruiting for, so that spend will be aligned back to where we had anticipated it being. So that was the Speech and Language Therapist post in particular. Rachael felt that as the 3% figure was part of a consultation document only, it would be better to take a vote on what's in the legislation at this time.

Maintained members were then asked to vote on De delegation as follows:

For funding to be de delegated for Primary Maintained Schools:

For: 2
Against: 0 Motion Carried
Abstain: 0

For funding to be de delegated for Secondary Maintained Schools:

For: 2
Against: 0 Motion Carried
Abstain: 0

A series of votes was then held on each of the individual budget areas discussed, open to all members:

| | <i>For:</i> | <i>Against:</i> | <i>Abstain:</i> |
|---|-------------|-----------------|-----------------|
| <i>Planned pupil growth</i> | <i>10</i> | <i>0</i> | <i>0</i> |
| <i>School Admissions Services</i> | <i>10</i> | <i>0</i> | <i>0</i> |
| <i>Servicing the Schools Forum</i> | <i>10</i> | <i>0</i> | <i>0</i> |
| <i>Central Early Years Block provision (5% retained)</i> | <i>10</i> | <i>0</i> | <i>0</i> |
| <i>Funding moved from the Schools Block to the Higher Needs Block</i> | <i>10</i> | <i>0</i> | <i>0</i> |

All items approved unanimously.

6. Safety Valve - Data update, Health

Members were next provided with an update on the Safety Valve, detailing the latest position that we are seeing regarding requests for statutory assessments and all of the information that we are receiving as a local authority regarding plans at this time, before having to submit our next safety valve progress report to the Department for Education and Education Skills and Funding Agency on the 15th of

December. It was explained that this report is an interim statement before the full overarching report in January's Forum.

Although our financial position is improving, there are significant risks that are being seen in the emerging data and statistics across the Local Area. We are still seeing an increase in the Request for Statutory Assessments across the local area which is then leading to plans being issued. Rachael wanted members to be clear that plans are still being issued as they were previously. Actually what we are seeing is a higher rate of refusal now. We continue to issue the plans in line with the code, but however a significant number of referrals that are coming into us that actually children require an education, health and care plan to have their needs met and that's really coming out of the fact there is some RSAs demonstrating that needs could be met through a graduated response and at SENK support, and that process of reviewing and applying strategies haven't been consistently applied across schools as well so.

Rachael explained that there's a huge amount of work that is coming in, in SEND, but actually that's work that is not leading to an outcome that actually either a school or a parent may have wanted, and actually it's work that actually could be into that SENK aspect as well. Our current refusal rate is 38% at the moment.

Stewart noted the differences in refusal rates between individual schools, and asked whether there could be an opportunity for schools to pair up, allowing SENCOs to work together? Rachael said that good quality referrals are being shared with Schools at our SENCO Forums, also noting that School colleagues being able to observe the SEND Panel process has been really helpful for schools to understand how the decisions are being formed.

Rachael then shared analysis of the next steps meetings, put in place when an RSA is refused. The majority of outcomes from these meetings, parents have been reassured through that process that actually their child's needs can be met at SEMK and we are not seeing that referral into a Request for Statutory Assessment.

Stewart then asked whether there was potential for parents to meet with the LA prior to an RSA being submitted, rather than the current process of a next steps meeting if the RSA is turned down. It was felt that this could mean parents felt more reassured, and also could potentially lead to a reduction in the number of refusals. Whilst Officers were open to the idea it was acknowledged that this would require a huge amount of work and may not be viable at present. With that in mind, Tamsin asked whether this approach could be trialled in a couple of schools, Officers agreed to look into this.

Members were also shown the tribunal outcomes that we've had in the last six months as well. Stewart noted that it is really positive in terms of tribunals are going our way. Parents are feeling reassured and RSAs aren't having to be resubmitted.

7. SEND Improvement - New governance and overview, including school representation

Rachael fed back from yesterday's briefing on SEND improvement and how the SEND governance framework in the local area is now evolving into the next phase of improvement we have secured. The focus is on how we ensure that school system leadership is embedded within that change programme moving forward and that culture shift that is required across our local area.

The latest SEND inspection reports have been really explicit about where accountability lies for those actions and areas for improvement. We've done a huge amount of improvements around working practises, but our parents and carers are telling us that that isn't yet embedded and may not have changed the lived experience.

Rachael was keen for this to be seen as an opportunity for us to really make sure system leadership is joined up and connected. Members agreed and appreciated the opportunity to engage with senior health colleagues about some of those senior issues that actually really are impacting on children.

Rachael explained that Stuart Herron would coordinate trying to work with TAPS, we've put in a conversation how TASH would look at that as well. There weren't any Secondary colleagues available yesterday for the briefing. But it was important that Secondaries are not missed out on that development piece as well.

Both Steve and Alex wanted it noted that the briefing was held at short notice and due to other commitments they were unable to attend. It was felt difficult to determine which meetings should take priority, and felt that TASH could be used as the mechanism in which to get the viewpoint of secondary heads moving forward.

Rachael accepted this point, clarifying that the presentation yesterday was a start of a conversation about how people become part of those reform programmes as well, and the multi-agency nature of those working parties will mean that heads or people from schools will have the opportunity to be alongside health colleagues to be able to actually take forward some of those actions. A lot of the actual tangible changes and work that will need to take place in partnership with other senior colleagues could not be done through TASH and TAPS Due to them not being multi-agency meetings.

8. Primary Sixth Day Provision

Following on from June's Meeting, Rachael presented to members all of the data and the information regarding our primary six day provision, currently being provided by Mayfield School at their Chestnut site.

At June's Forum it was agreed as a group to put in additional funding to the Mayfield provision to be able to offer some of the outreach work that was required for reintegration or integration into the centre as well. As part of also taking that decision, we said we would then take stock of where those referrals are coming from, what's the data and what provision might be needed in the future. Members were shown how many children were admitted, a breakdown of the children's year

groups as well as an overview of the reasons for children needing the 6th day provision.

The cost of the provision that has been provided has remained fairly static with the exception of the increase agreed at Schools Forum in June last year for an additional staff member. The average cost of a placement for 6th day provision is £13,395. When the provision started it was around £19,000 and we've reduced that over a period of time because more children are going there and those numbers are filled as well. The LA also spend more money on alternative provision at present, where alternative packages are put in place where children may not be able to be admitted into the six day provision straight away.

Looking at the schools with the most referrals, Tim asked whether many of those children actually originated in that school from reception or were placed there under managed move to prevent exclusion from another school? Dan clarified that there has not been any children on managed moves in Primaries that have gone on to be excluded.

Outlining the statutory duties that we have around the 6th day provision, Rachael asked members to consider what we want the provision to look like moving forward. Some options included looking at commissioning a new provider for the provision, to enhance resource provision within mainstream to ensure that children remain within their communities, expansion of an already registered pupil referral unit or to look at permanent exclusion back into alternative mainstream and then look for that delegation of funding to provide an outreach model as well.

Whilst acknowledging that Schools Forum is not the right mechanism to make these decisions, Rachael pointed to the work of Laura Greenland and the AP strategy paper, highlighting a need to get the Alternative Provision Strategy group up and running. Some members already attending the group raised concerns about the focus of the initial meetings, Rachael agreed to look into this with officers.

Members thanked Rachael for the report and agreed for this to become a regular update on future Forum agendas.

9. Items for next meeting

- **Election of Vice-Chair**
- **Schools Forum Terms of Reference**
- **Alternative Provision strategy update**
- **MTS update**

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

TORBAY COUNCIL

TORBAY SCHOOLS' FORUM

Terms of Reference **March 2021**

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

Mike Freeman, Clerk of Schools Forum

01803 208261

michael.freeman@torbay.gov.uk

Page 10

Remit of the Torbay Schools Forum

1. By virtue of section 47A of the School Standards and Framework Act 1998 (as amended by the Education Act 2002), Torbay Council was required to establish a schools forum. These standing orders should be read in conjunction with appropriate legislation and relevant guidance.

The Schools Forum will be consulted on matters set out in the Schools Forums (England) Regulations 2012, that is:

- Amendments to the school funding formula
 - Arrangements for the education of pupils with special educational needs
 - Arrangements for the use of pupil referral units and the education of children otherwise than at school
 - Arrangements for early years provision
 - Administrative arrangements for the allocation of central government grants paid to schools via the local authority
2. Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.
 3. Specific delegated powers as outlined in guidance on matters such as the de-delegation of funding.

Membership of the Schools Forum

4. The majority of forum members must be “school and academy members” (see paragraph 5). Up to 33% of the forum’s total membership may be appointed from other organisations.
5. School and academy members must be Headteachers (or deputy Headteacher or bursar elected on behalf of a Headteacher) or governors. They must represent nursery, primary and secondary schools and the relative number representing each should take account of the relative numbers of pupils in those sectors. Membership of the secondary sector should include one representative from selective schools. There must be representation of special schools and the PRU.

The membership of the Torbay Schools Forum will comprise 13 school members and 2 non-school members, as set out below:

| School Members | | |
|-----------------------|--------------------|-----------------|
| Sector | Headteacher | Governor |
| Primary* | 1 | 1 |
| Primary Academy* | 3 | 1 |
| Secondary | 1 | 1 |
| Secondary Academy | 2 | 1 |

2

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

Mike Freeman
01803 208261
Page 11
michael.freeman@torbay.gov.uk

| | | |
|--|-----------------------|---|
| Special Schools | 1 | 0 |
| PRU | 1 | 0 |
| <i>* at least one primary school member will also be a representative with a nursery</i> | | |
| Non-School Members | | |
| Sector | Representative | |
| Early Years PVI | 1 | |
| 14-19 Provider | 1 | |

6. No Academy shall be represented by more than one person on the Forum, unless there are no other nominations from that particular sector, or it is as a result of substitution.
7. Schools members will be elected by that group according to an agreed process.
8. Academy members will be elected by the proprietary bodies of the academies in the local authority's area.
9. In relation to the non-school members, the 16-19 representative will be elected by 16-19 education providers. The early years' representatives will be appointed by the local authority after consultation with the Early Years Advisory Board.
10. If a group is unable to provide an elected representative the LA, in consultation with the chair of Schools Forum, will appoint an appropriate representative.
11. The term of office for members of the Schools Forum will be a maximum of three years, subject to their eligibility. At the end of their term of office, individuals may stand down or the group they represent may replace them. Should an individual wish to stand down upon expiry of their term of office, the clerk should be notified of this in writing before the Local Authority seeks nominations from within the relevant sector. There is no limit to the number of consecutive terms of office an individual may serve, subject to their eligibility, however any individuals wishing to remain a Forum member must notify the Local Authority.
12. The Local Authority may end the appointment of any Forum member before the expiry of his or her term of office if the member concerned ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum.
13. Any resignations must be given in writing to the Clerk of the Forum.
14. The EFA will be entitled to nominate an observer who will be entitled to attend all meetings of the Forum.

Quorum

15. The Forum will be quorate when 40% of the members (excluding vacancies) are present.
16. The Forum can continue to meet if it is not quorate, but any advice given to the Local Authority as a result of such a meeting would not have to be taken into account by the

Authority.

Non-attendance at Meetings and Substitute Members

17. Any member who is unable to attend a meeting may send an eligible substitute (who will have voting rights, as appropriate) on their behalf provided that the Clerk (or the Clerk) is notified in writing prior to the commencement of the meeting. For the avoidance of doubt, a Headteacher who has chosen to be a governor may not act as a substitute for an absent governor.
18. Any member who fails to attend two consecutive meetings of the Forum in a six month period may be asked to resign unless the Forum determines that the absences were authorised. This Standing Order applies even if the member has opted to send a substitute on their behalf.

Chairman and Vice-Chairman

19. The Chairman of the Forum will be elected annually from within the membership of the Forum at the first meeting of the academic year.
20. The Vice-chairman will be appointed annually from within the membership of the Forum.
21. The term of office of the Chairman and Vice-Chairman will be one year although there is no limit on the number of consecutive terms of office that an individual may serve.
22. In the absence of the Chairman at any meeting, the Vice-chairman will preside at the meeting. In the absence of the Chairman and the Vice-chairman at any meeting, a chairman for that meeting will be elected.
23. The person presiding at any meeting of the Forum may exercise any power or duty of the Chairman.
24. The Chairman and/or Vice-chairman shall cease to hold office if they resign from, or cease to be members of, the Forum. The election/appointment of a Chairman/Vice-chairman will then take place at the next meeting of the Forum.

Clerk

25. A Clerk to the Forum will be appointed from nominations from the Local Authority.

Meetings of the Forum

26. A minimum of four meetings of the Forum must be held each year.
27. The Local Authority must arrange for meetings to be held to enable the Forum to be

4

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

Mike Freeman
01803 208261
Page 13
michael.freeman@torbay.gov.uk

consulted on the issues listed in the Schools Forums (England) Regulations 2012

28. Meetings of the Torbay Schools' Forum will be held in public. However, there may be occasions when it is appropriate for the Forum to consider matters without the public and the press present. The Forum may by resolution exclude the press and public if a majority of those voting on the matter consider that because of the nature of the business to be considered it is appropriate to do so.
29. In addition, the Forum may, from time-to-time, invite the attendance of people with particular expertise to meetings. These people may speak but not vote.
30. Agendas, reports and minutes of the Torbay Schools' Forum will be published on the Council's website at www.torbay.gov.uk/education/schools/schoolsforum.
31. The Clerk will convene meetings of the Forum. Whenever possible, two weeks' notice of the date of meetings will be given. An agenda (together with any supporting documents) will be circulated at least five clear working days before the meeting, as far as is practicable.
32. The duration of the meetings will be a maximum of three hours unless agreed by the Forum.

Cancellation of Meetings

33. The Clerk will inform all parties concerned of the cancellation of any meetings of the Forum.

Voting

34. Unless these Standing Orders or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put.
35. If there are equal votes for and against, the Chairman (whether or not he or she has voted) will have a casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
36. The Chairman will take the vote by show of hands unless it is agreed that a secret ballot should take place, in which case the Clerk to the Forum will circulate voting slips to all members, collect and count the votes and announce the results immediately. The numbers of those voting for, against or abstaining will be recorded in the minutes.

Urgent Decisions Taken Under the Five-day Rule

37. With the agreement of the Chairperson, if an urgent decision is required and it is not practical to call a special meeting of the Forum a paper shall be circulated via email to all Members of the Forum. The circulation of the paper will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper they should inform the Clerk. If the issue cannot be resolved the paper will be deferred for consideration at the next meeting

5

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

Mike Freeman
01803 208261
michael.freeman@torbay.gov.uk

of the Forum. If there are no objections to the proposal(s) the paper will be deemed to be approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

Record of Proceedings

38. The Clerk will provide minutes of the proceedings and decisions of the Forum. A copy of the minutes will be signed by the Chairman at the next meeting in order to approve them as a correct record.

39. Roles and Responsibilities

The constituent members of the Forum will be responsible for disseminating the decisions and consultation of the forum to the members they represent. Members will additionally be expected to seek the views of the group they represent, and communicate these effectively at meetings.

Conduct of Members of the Forum

40. Members of the Schools Forum are expected to act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
41. Individual members of the Schools Forum should consider their own position in relation to the declaration of interests and, in exceptional circumstances, may feel it appropriate to declare an interest and possibly withdraw from the meeting.

Expenses

42. Members of the Forum will be eligible to re-claim travel and other expenses in accordance with the Scheme of Allowances appended to these Standing Orders.

Indemnification for Members

43. The Local Authority will indemnify members against reasonable legal costs and expenses arising from recommendations made in good faith.

Terms of Reference

44. A copy of the Terms of Reference of the Torbay Schools Forum will be given to each member of the Forum.

TORBAY SCHOOLS FORUM

Allowances Scheme

1. Members of the Schools Forum who are Headteachers may claim any travel and subsistence allowance in line with their terms and conditions of employment
2. Members of the Schools Forum who are Governors must register as volunteers with Torbay Council in order to claim any travel and expenses allowance. The Council has no obligation to tax any payments to volunteers and does not send any returns to the Inland Revenue in this respect. Volunteers are responsible for reporting to the Inland Revenue any income which they have received that is taxable and it is recommended that they contact their local office if they have any questions.
3. Volunteers can only be reimbursed for actual expenditure and must submit a claim form including receipts (unless claiming for mileage).
4. Volunteers can claim 40p per mile for travel to and from Forum meetings.
5. An allowance of up to £5.84 per hour may be claimed by volunteers when a carer has to be engaged to enable that volunteer to attend meetings of the Schools Forum. The allowance will cover paid care for the following who live with the volunteer:
 - Children aged 15 years and under;
 - Elderly relative requiring constant care;
 - Disabled relative requiring constant care; or
 - Relative with learning disabilities requiring constant care.

The paid carer cannot be a member of the immediate family or household.

6. Any other members of Forum who are not entitled to claim under any other scheme (i.e. from the organisation they are representing) may claim travel and expenses allowances in line with paragraphs 2-5 above.
7. If there is a financial consequence to a school by a representative attending a meeting of the Torbay Schools Forum, a claim may be made under the relevant allowances scheme.

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

Mike Freeman
01803 208261
michael.freeman@torbay.gov.uk

Forecast Outturn Position 2023/24 – Schools Forum 25th January 24

Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £1.262m.**

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 | £4.529m | £6.229m | £0k |
| Early Years – ALFEY | £295k | £190k | £285k | (£10k) |
| Early Years – Pupil Premium & Disability Access Fund | £158k | £64k | £118k | (£40k) |
| Early Years – 5% retained element | £383k | £247k | £313k | (£70k) |
| Joint Funded Placements | £400k | £201k | £240k | (£160k) |
| Recovery of funding from schools for Excluded Pupils, Medical Tuition Service and Elective Home Education | (£175k) | (£52k) | (£120k) | £55k |
| Contribution from Health towards EHCP's | (£100k) | (£0k) | (£0k) | £100k |
| Independent Special School Fees including South Devon College | £3.330m | £2.536m | £3.655m | £325k |
| Other packages for EHCP pupils and SEND personal budgets | £1.588m | £1.327m | £1.848m | £260k |
| Payments to / recoupment from other authorities for mainstream and Special School places | (£128k) | (£70k) | (£150k) | (£22k) |
| Medical Tuition Service | £1.070m | £905k | £920k | (£150k) |
| Virtual School / Hospital Tuition / Vulnerable Students Team | £519k | £347k | £475k | (£44k) |
| Refund from Medical Tuition Service from underspend during 22/23 | | (£200k) | (£200k) | (£200k) |
| School contingencies (Planned pupil growth, NQT induction etc) | £70k | £62k | £69k | (£1k) |
| EHCP in-year adjustments (see separate paper for details) | £539k | £620k | £632k | £93k |
| Special Schools / High Needs in-year adjustments (see separate paper for details) | £400k | £354k | £375k | (£25k) |
| School Intervention / Commissioning | £48k | £22k | £28k | (£20k) |
| Business Support / Business Intelligence | £240k | £180k | £240k | £0k |
| Senior Management, Central Recharges, Admissions, EAL / Travellers, SACRE, | £586k | £461k | £523k | (£63k) |
| Visually impaired / Hearing impaired / Advisory Teachers | £166k | £100k | £137k | (£29k) |
| Deficit DSG budget set for 23/24 | (£1.263m) | | | £1.263m |
| Total – Forecast Outturn Position 23/24 | | | | £1.262m |

This represents an increased position of £224K from November 2023. This position continues to dependent upon the referrals and demands within the system which are being carefully managed through appropriate governance.

| Education, Health & Care Plan Funding for 22/23 & 23/24 - Schools Forum 25/1/24 | | | |
|--|----------------|----------------|--------------------------|
| | 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 | 20,996 | (23,887) |
| December | 10,002 | 30,488 | 20,486 |
| January | (1,109) | (1,109) | 0 |
| February | 14,470 | 14,470 | 0 |
| March | (2,068) | (2,068) | 0 |
| Total - In-Year adjustments | 702,853 | 631,557 | |
| Projected (underspend) / overspend | 152,853 | 93,057 | |
| Notes | | | |
| Based on April - December 23 in-year adjustments, and assuming the same as 22/23 for the remaining months. | | 93,057 | |

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

- The recoupmnt figure from other Local Authorities has now been worked through with neighbouring authorities as we reach the year end dates. The figure has been adjusted by £178k compared to previous reporting.
- There has been an increase of £60k against other packages of support and provision. This represents the work that we are conducting to meet needs and provide provision in line with the plans.

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 a position in line with our DSG Management Plan, however there remains significant volatility in the budget.

Overall Position

The 23/24 forecast year end overspend projection for DSG is **£1.262m**.

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

Comparison of initial DSG funding between 23/24 and 24/25 before academy recoupment - Schools Forum 25/1/24

| Funding type | 23/24 DSG as at 16/12/22 from ESFA £ | 24/25 DSG as at 19/12/23 from ESFA £ | Increase / (Decrease) £ | Note |
|---|--|--|-------------------------------|------|
| Schools Block | 101,091,970 | 102,383,870 | 1,291,900 | 1 |
| Central Schools Block | 859,362 | 842,625 | (16,737) | |
| Early Years - 3 & 4 Yr Olds (Universal Hours) | 4,815,454 | 5,060,363 | 244,909 | 2 |
| Early Years - 3 & 4 Yr Olds (Additional Hours Entitlement) | 2,129,479 | 2,328,966 | 199,487 | 2 |
| Early Years - 2 Yr Olds (Disadvantaged Entitlement) | 1,295,263 | 1,375,185 | 79,922 | 2 |
| Early Years - 2 Yr Olds (Working Parents Entitlement) | 0 | 2,031,882 | 2,031,882 | 2 |
| Early Years - Under 2 Yr Olds (Working Parents Entitlement) | 0 | 1,402,374 | 1,402,374 | 2 |
| Early Years Pupil Premium | 109,397 | 159,053 | 49,656 | 2 |
| Early Years - Disability Access Fund | 65,278 | 122,850 | 57,572 | 2 |
| High Needs Block | 25,634,390 | 27,549,973 | 1,915,583 | |
| Additional High Needs Block | 1,015,718 | 0 | (1,015,718) | |
| Total Initial DSG | 137,016,311 | 143,257,141 | 6,240,830 | |

- Note**
- The Schools Block allocation for 23/24 was based on 17,538 pupils and for 24/25 is based on 17,424 pupils.
 - £3.356m has been added to 23/24 DSG to enable like for like comparison, in 23/24 it was the Mainstream School Additional Grant outside of DSG.
 - Includes Pupil Growth funding of £399k in 24/25, in 23/24 it was £457k.
 - £723k will be recouped by ESFA, they will then pay rates directly to the LA on behalf of schools.
 - £596k has been added to Early Years Funding in 23/24 to enable a like for like comparison. In 23/23 it was allocated as Early Years Supplementary Grant.
 - The Early Years allocations for 24/25 will be updated in-year by the ESFA once the Jan 24 & Jan 25 numbers are known.

**Early Years Funding Formula 2024 2025 – School Forum 25th
January 2024**

| | |
|--|--|
| Prepared By: | Rachel Setter, Emma Kerridge and Rob Parr |
| <p>1. Purpose</p> <p>1.1 The purpose of this paper is to request approval on the local funding formula for the new Early Years entitlements.</p> | |
| <p>2. Rationale</p> <p>2.1 The DfE has confirmed the uplifted funding rates for all Early Years Entitlements which includes the rates to deliver the expansion to offer 15 hours of free early education and care per week (over 38 weeks a year) to working parents of two-year-olds from April 2024 and children from age 9 months from September 2024.</p> <p>2.2 2.88% is retained for deprivation entitlements, paid back to providers who are supporting children living within the top 30% most deprived post codes. We are proposing to maintain 2.88%</p> <p>2.3 2.55% is retained for Activity led Funding for Inclusion (ALFI) Panel, PVI providers are able to apply for funding to support children who experience SEND. ALFI is topped up by £100K from the high needs block funding. Currently School managed Early Years providers are not able to apply to ALFI panel. We are proposing to maintain 2.55% which would support School managed Early Years providers accessing ALFI Panel.</p> <p>2.4 Historically Torbay have retained 5% of the overall budget to pay for systems (Synergy) and staff costs including Early Years Finance and Business Manager and Early Years Advice and Guidance Services.</p> <p>2.5 Due to the expansion of the entitlements, retaining 5% would increase the current retained budget by £227,450. The DfE are encouraging Local Authorities reduce their retained budget to 3% over a period of time to ensure Early Years Providers are benefitting directly from the expansion.</p> <p>2.6 In Torbay, retaining 3% would be less than the current retained budget of £382,489 which is why we are requesting 3.5%. 3.5% would be a £44,468 uplift which would be spent on the re-procurement of the current Early Years System (Synergy). With the further expansion of EY funding in 2025/26 we would look to move toward a retained budget of 3%.</p> | |

3. Proposal:

3.1 We are proposing retaining 2.88% for deprivation and current formula remain the same to encourage to provide spaces to children who are disadvantaged.

3.2 We are proposing retaining 2.55% for ALFI panel remain the same. However, the uplift would be used to increase the hourly rate from £9 per hour to £10 per hour and School managed Early Years Providers will be able to apply to panel.

3.3 We are proposing the £100K from the high needs block remain in place for ALFI Panel whilst we monitor the potential increase in demand.

3.4 We are proposing retaining 3.5% to pay for systems (Synergy) and staff costs including Early Years Finance and Business Manager and Early Years Advice and Guidance Services.

3.6 This proposal would mean providers receive 96.5% of the total funding allocation.

4. Financials

4.1 See Appendix 1.

4.2 Appendix 1 details the hourly rate uplift for providers depending on the level of retained budget from the current 5% to the proposed 3.5%.

POTENTIAL HOURLY RATES FOR EARLY YEARS FOR 24/25 - SCHOOLS FORUM 25/1/24


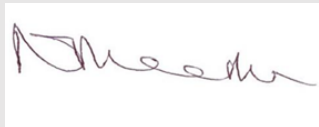
| | 23/24 PTE | Providers Rates | Total Funding | Funding % |
|--|-----------------|--------------------|------------------|----------------|
| Current Year 23/24 (before Early Years Supplementary Grant) | | £ | £ | |
| Early Years - 3 & 4 Yr Olds (Universal Hours) | 1,604.92 | 4.40 | 3,906,868 | 51.07% |
| Early Years - 3 & 4 Yr Olds (Additional Hours Entitlement) | 712.79 | 4.40 | 1,910,580 | 24.98% |
| Total 3 & 4 Yr Olds | 2,317.71 | | 5,817,448 | 76.05% |
| Early Years - 2 Yr Olds (Disadvantaged Entitlement) | 334.71 | 5.42 | 1,034,849 | 13.53% |
| Early Years - 2 Yr Olds (Working Parents Entitlement) | 0 | 0 | 0 | 0 |
| Early Years - Under 2 Yr Olds (Working Parents Entitlement) | 0 | 0 | 0 | 0 |
| 5% retained | | | 382,489 | 5.00% |
| Alfey (per hr or pro-rata of) | | 9.00 | 195,000 | 2.55% |
| Deprivation (per eligible child, based on IDACI) | | 203.72 | 220,000 | 2.88% |
| Total Funding for 23/24 (Excluding Pupil Premium & DAF) | | | 7,649,786 | 100.00% |
| 3 & 4 year old rate from DfE (before adjustments) | | 4.95 | | |
| 2 Year old rate from DfE (before adjustments) | | 5.82 | | |
| Early Years Pupil Premium rate from DfE | | 0.66 | | |
| DAF funding rate from DfE | | 881.00 | | |

| | 24/25 PTE | Funding before adjustments | 5% Retained | 4% Retained | 3.5% Retained | 2.55% Alfey | 2.88% Deprivation | Hourly Rate Funding if 5% retained | Hourly Rate Funding if 4% retained | Hourly Rate Funding if 3.5% retained |
|--|-----------------|----------------------------------|------------------|------------------|------------------|------------------|----------------------|--|--|--|
| Next Financial Year 24/25 | | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Early Years - 3 & 4 Yr Olds (Universal Hours) | 1,546.66 | 5,060,363 | (253,018) | (202,415) | (177,113) | (128,993) | (145,531) | 4,532,821 | 4,583,424 | 4,608,726 |
| Early Years - 3 & 4 Yr Olds (Additional Hours Entitlement) | 711.83 | 2,328,966 | (116,448) | (93,159) | (81,514) | (59,367) | (66,979) | 2,086,172 | 2,109,461 | 2,121,106 |
| Total 3 & 4 Yr Olds | 2,258.49 | 7,389,329 | (369,466) | (295,573) | (258,627) | (188,361) | (212,510) | 6,618,992 | 6,692,886 | 6,729,832 |
| Early Years - 2 Yr Olds (Disadvantaged Entitlement) | 294.22 | 1,375,185 | (68,759) | (55,007) | (48,131) | (35,055) | (39,549) | 1,231,822 | 1,245,574 | 1,252,450 |
| Early Years - 2 Yr Olds (Working Parents Entitlement) | 434.72 | 2,031,882 | (101,594) | (81,275) | (71,116) | (51,795) | (58,435) | 1,820,059 | 1,840,377 | 1,850,537 |
| Total 2 Yr Olds | 728.94 | 3,407,067 | (170,353) | (136,283) | (119,247) | (86,849) | (97,984) | 3,051,881 | 3,085,951 | 3,102,987 |
| Early Years - Under 2 Yr Olds (Working Parents Entitlement) | 220.26 | 1,402,374 | (70,119) | (56,095) | (49,083) | (35,748) | (40,331) | 1,256,177 | 1,270,200 | 1,277,212 |
| Total Funding for 24/25 (Excluding Pupil Premium & DAF) | 3,207.69 | 12,198,770 | (609,939) | (487,951) | (426,957) | (310,958) | (350,824) | 10,927,050 | 11,049,037 | 11,110,031 |
| 3 & 4 year old rate from DfE (before adjustments) | | 5.74 | | | | | | 5.14 | 5.20 | 5.23 |
| 2 Year old rate from DfE (before adjustments) | | 8.20 | | | | | | 7.35 | 7.43 | 7.47 |
| Under 2 yr olds from DfE (before adjustments) | | 11.17 | % Increase | | | | | 10.01 | 10.12 | 10.17 |
| Early Years Pupil Premium rate from DfE | | 0.68 | 3.0 | | | | | | | |
| DAF funding rate from DfE | | 910 | 3.3 | | | | | | | |
| Alfey (per hr or pro-rata of) | | 10.00 | 11.1 | | | | | | | |
| Deprivation (per eligible child, based on IDACI) | | 213.91 | 5.0 | | | | | | | |

| Comparison between 23/24 and 24/25 rates | 23/24 Including EYSG | 5% Retained | 24/25 Increase | 24/25 Increase | 4% Retained | 24/25 Increase | 24/25 Increase | 3.5% Retained | 24/25 Increase | 24/25 Increase |
|---|----------------------------|----------------|-------------------|-------------------|----------------|-------------------|-------------------|------------------|-------------------|-------------------|
| | £ | £ | £ | % | £ | £ | % | £ | £ | % |
| 3 & 4 year old hourly rate for providers | 4.90 | 5.14 | 0.24 | 4.93% | 5.20 | 0.30 | 6.10% | 5.23 | 0.33 | 6.69% |
| 2 Year old hourly rate for providers | 7.31 | 7.35 | 0.04 | 0.48% | 7.43 | 0.12 | 1.60% | 7.47 | 0.16 | 2.16% |
| Under 2 yr olds hourly rate for providers | 0 | 10.01 | 10.01 | 100.00% | 10.12 | 10.12 | 100.00% | 10.17 | 10.17 | 100.00% |

Note: Not included in the figures above is a £100k contribution from High Needs Block towards Alfey.

Torbay Council Safety Valve Summary Update Report Quarter Three 2023/2024

| | |
|--|---|
| Date Submitted: | 15th December 2023 |
| Data date: | 30 th November 2023 |
| Section 151 officer signature: |  |
| Director of Children's Services signature: |  |
| Linked document: | Safety Valve Agreement DSG Management Plan |

This is the third progress report since the agreement of the Safety Valve in March 2023. The report sets out the progress made against each of the conditions of the grant, an overview of the budget position as of 23rd November 2023 and the trajectory of the budget. The report also includes data that demonstrates the impact of our work to date.

Work continues to be implemented delivering the reform programme needed and setting the conditions for future and sustained change. Local scrutiny of performance remains considerable, the work of the safety valve continues to be overseen by the CEO through the executive transformation board and reviewed by School Forum [Browse meetings - Schools Forum \(torbay.gov.uk\)](#). The interdependencies between the Safety Valve and Written Statement of Action for SEND and the implementation of our Family Hubs are understood, and further challenge is provided by the SEND Strategic Board, The Childrens Continuous Improvement Board and DFE/CQC monitoring meetings. A review of the SEND Improvement Governance has further brought School System Leaders into the improvement priorities that underpin the Safety Valve.

Overall progress of our work to date can be seen in two key performance indicators.

Number of Education Health and Care Plans

In this quarter the number of plans within the Local Area have increased by 14 EHCP's since our last submission. The number of plans continues to be below our peak of plans at 1673 in August 2022. We are working towards our action plan submitted for the Safety Valve and have taken action to continue to cease plans and only produce plans where the legal test is met.

Torbay SEND have 41 plans that are in progress to cease that are not yet included in the figure and we recognise that the Autumn Term (quarter 3) supports the identification of young people that may select a different pathway into employment post the publication of their results.

| | Jan-23 | Feb-23 | Mar-23 | Apr-23 | May-23 | Jun-23 | Jul-23 | Aug-23 | Sep-23 | Oct-23 | Nov-23 |
|---|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| EHCPs Start of Month | 1612 | 1591 | 1589 | 1574 | 1574 | 1565 | 1569 | 1564 | 1566 | 1560 | 1583 |
| New Plans Issued | 16 | 10 | 18 | 13 | 17 | 17 | 21 | 14 | 11 | 30 | 13 |
| Transfers In | 2 | 2 | 3 | 1 | 1 | 4 | 2 | 3 | 5 | 3 | 1 |
| Reinstated via Tribunal/Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| EHCPs IN SUBTOTAL | 18 | 12 | 21 | 14 | 18 | 21 | 23 | 17 | 16 | 33 | 16 |
| Ceased Plans | 32 | 11 | 28 | 14 | 26 | 9 | 28 | 14 | 18 | 9 | 11 |
| Moved Out | 3 | 3 | 8 | 0 | 1 | 6 | 0 | 1 | 1 | 1 | 9 |
| Made Inactive Deceased / Other | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| EHCPs OUT SUBTOTAL | 37 | 14 | 36 | 14 | 27 | 16 | 28 | 15 | 19 | 10 | 21 |
| Adjustment (+ / -) (changes to funding LA) | 2 | | | | | | | | 3 | | |
| Difference (EHCPs ins v outs) | 21 | 2 | 15 | 0 | 9 | -4 | 5 | -2 | 6 | -23 | 5 |
| Target | Average reduction required : | | | 3.3 | 3.6 | 3.1 | 3.9 | 3.8 | 4.6 | 4.3 | 9.8 |
| EHCPs Year To Date | 1591 | 1589 | 1574 | 1574 | 1565 | 1569 | 1564 | 1566 | 1560 | 1583 | 1578 |

Financial outturn position at 23rd November 2023

The projected DSG budget position remains aligned to the DSG management plan. The work to reduce spend continues to demonstrate that our financial position is improving. Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £1.038m**. This position is positive against the budget **overspend of £1.263m** in the safety valve.

| 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 |

Progress Update Reports for Each Agreement Condition

| Agreement Condition | Assurance Level | | | |
|---|-----------------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 |
| 3.1 Maintain existing special school numbers through increasing | | | | |

| | | | | |
|--|--|--|--|--|
| parental confidence and provision within mainstream settings | | | | |
|--|--|--|--|--|

Special School numbers continue to be maintained at our agreed commissioned levels. The following chart details our commissioned placements against our position in November 2023.

| Special Schools | Commissioned Number | As at 15 th November 2023 |
|------------------------------|---------------------|--------------------------------------|
| Combe Pafford | 265 | 264 |
| Mayfield | 263 | 262 |
| Brunel | 55 | 53 |
| Lodestar* formally Burton | 55 | 47 |
| Preston ASC ERP | 16 | 15 |
| Barton S&L ERP | 10 | 10 |
| St Margaret's Academy HI ERP | 8 | 5 |
| Brixham ASC ERP | 22 | 21 |
| The Spires HI ERP | 8 | 5 |
| The Spires ASC ERP | 16 | 12 |
| Paignton STEPS ERP | 12 | 11 |
| TOTAL | 730 | 705 |

Through careful management of admissions and prioritising need we have maintained our commissioned numbers aligned to our planning.

There is a reduction in the number of students entering the ERP's and as such there is a new commissioning and procurement exercise to review the designation and capacity in line with our JSNA. This will be a consultative process with a view to implementation for September 2025. In the interim, new SLA's are being created to commence early 2024 for the ERP's in situ.

Whilst the data shows a reduction at the date of entry for Lodestar, this is now fat capacity plus one following 7 secondary exclusions and 3 behaviour referrals across this time. The Vulnerable Pupils team are working to move children back into mainstream and end the behaviour assessments early to create capacity.

Our specialist provision at Combe Pafford School for MLD is in demand in our neighbouring local authority Devon for parental preference. This has resulted in 3 directions by the Tribunal to increase PAN and another 3 in the process of Tribunal. Although this results in no financial burden on Torbay, it is reflected within our growth and also the overall approach/cost to provision that is then needed to be provided to meet the needs of additional children. We have

met with the DFE and Regional Delivery Team to discuss a facilitated conversation/project to consider joint working on this area.

Our Special School trajectory is in line with our agreed budget for 2023/2024. Our numbers are being managed carefully and no financial pressures are identified on this budget line. This includes a new Agreement in Principle form and a new Scheme of Delegation.

Requests for specialist placements are higher at points of transition with parents historically feeling that needs could only be met within the specialist sector, this will be managed by the SEP process which commences in January 2024 for a January start.

As a local area partnership, we are robustly applying thresholds and ensuring consistency in our decision making to ensure that specialist placement and EHCP's are issued in line with assessed need. As a result, we have seen an increase in the number of Tribunals and Appeals.

| Registered cases by calendar year | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|-----------------------------------|------|------|------|------|------|-----------------|
| Tribunals | 6 | 9 | 7 | 9 | 17 | 22 (+2 pending) |
| Mediations | 2 | 0 | 6 | 2 | 19 | 33 |

Torbay have been successful in two Tribunals on refusal to issue, based on our assessment process. We are using both formal mediation and global mediation to manage demand and management of specialist provision numbers. We have Tribunals lodged for a variety of disputes including Section I, Section F, refusal to issue and cessation.

Since the last submission we have had two Tribunals, one resulted in a specialist placement out of area and the other we are awaiting an order on.

Our strategic Tribunals and appeals panel which sits 6 weekly is reviewing emerging issues which include a lack of health contribution to funding EHCP's and robustness of provision from health and care in the Tribunal hearing, as at November 15th there is a request for action to be taken to rectify this.

| Agreement Condition | Assurance Level | | | |
|---|-----------------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 |
| 3.2 Create a culture change in Special Educational Needs and Disabilities (SEND) services, driving forward inclusive practice and workforce development | | | | |

During this quarter we have continued to embed our coproduced SEND Strategy via new action plans which are being delivered through a new five strand project structure based on the key priorities in the strategy. We have also continued work to deliver Restorative training on our Pledge values across the Local Area. These projects continue to underpin our work to change culture and bring confidence in the system for inclusion.

Our key focus, however, this quarter has been the work completed to launch and embed our new coproduced Graduated Response toolkits. This launch featured a brand-new suite of resources on our new Family Hubs website in September which was written with our Parent

Carer Forum to ensure the information and presentation was accessible for our families - [SEND Support and Provision – Graduated Response - Family Hub \(torbayfamilyhub.org.uk\)](https://torbayfamilyhub.org.uk).

After the initial launch of our “SEND bus” we have been touring all mainstream primary and secondary schools with our “SEND Roadshows” where we have launched the new Graduated Response toolkits to both parents, carers and school staff, handed out over 5000 leaflets to parents and having an estimated 1000 conversations with parents on their queries and questions; one parent commented “until I visited the SEND bus I had no idea you could receive support without a EHC plan”. As well as the roadshows we have also hosted four coffee mornings to some of our larger schools, attended the Early Years Conference to talk to practitioners about the new toolkits and delivered 9 staff briefings on the toolkits.

As we know workforce development is a key component to change we have also:

- created a suite of resources and delivered a “Train the trainer” session to our SENDCos so that they could continue to cascade this training at a more in-depth level across the workforce during training time.
- We have also created a specialist professional development area on our learning platform to enhance training for staff and holds sample documents and templates to support their delivery. We plan to host five webinars in the New Year to deliver specialist training to support teachers to embed the toolkits into their daily routines.
- Our well attended SENDCo Forums continue to focus on both the Graduated Response and Funding Formula this quarter.
- Ensured that NASEN training is available through the Local SWIFT Hub and embedded in our local training offer for all schools/practitioners.
- Our AET training for Secondary providers continues to be delivered. With a further planning session in January 2024 to include an expansion of the scheme.

| Agreement Condition | Assurance Level | | | |
|--|-----------------|----|----|----|
| 3.3. Reform Torbay’s graduated response and address multi-agency contributions to Education Health and Care Plans (EHCPs); | Q1 | Q2 | Q3 | Q4 |
| | | | | |

The new graduated response toolkits can be found at [Graduated Response - Torbay Council](#). There has been a train the trainer session for SENDCO’s to roll this out with their schools/colleges. This includes providing schools and colleges with proformas (IEP, SEND Support plans and APDR) and best practice examples as well as training and development on the GR implementation.

The work to ensure that there is a consistent understanding of the graduated response will take time to embed and as such the Requests for Statutory assessments continue to be higher than we would like at this point of our improvement journey. However, not all requests for statutory assessment result in a plan

being issued. Through rigorous processes and ensuring consistency of the offer against our graduated response the refusal rate continues to be high demonstrating our challenge and robust decision making back to the system. Detailed work has been conducted to understand where individual schools/agencies are submitting requests against the refusal rates. This has been used to target our work in Autumn 2023.

| RSA requests | 2019 | 2020 | 2021 | 2022 | 2023 |
|--------------|------|------|------|------|--|
| | 319 | 206 | 309 | 345 | 327 (January to November year to date) |

| Early Years Setting | % of RSAs | Parental request | % of RSAs | School | % of RSAs | Student Request | % of RSAs | Total of sources |
|---------------------|-----------|------------------|-----------|--------|-----------|-----------------|-----------|------------------|
| 50 | 15% | 80 | 24% | 182 | 56% | 15 | 5% | 327 |

| Refusal Rates | 2019 | 2020 | 2021 | 2022 | Jan 23 | Feb 23 | Mar 23 | Apr 23 | May 23 | Jun 23 | Jul 23 | Aug 23 | Sept 23 | Oct 23 |
|---------------|--------------|--------------|--------------|---------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|--------|
| | 97/316 (31%) | 51/206 (25%) | 89/309 (29%) | 119/340 (35%) | 45% | 36% | 54% | 50% | 48% | 35% | 42% | 33% | 38% | 29% |

Important. The refusal rate is only valid for the month once all RSAs have passed the received and assessment stages. The above refusal rates include all refusals, which can occur at different stages of the statutory process.

- For November 2023 there has been an RSA refusal rate decrease of 16%, from the 45% in January.
- Average refusal rate in 2023 so far, is 39% which is higher than the National Average
- We are working to meet our required WSoA target of 15 RSA's per month but we are aware we are not close to this at present
- Schools remain the highest requesters of EHCP's in line with the highest population of students, with the highest age group now being 5-10

| 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 | 21 | 28 | 30 | 1 | | 324 | | | |
| RSA Status | | | | | | | | | | | | | | | | | |
| Received | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 25 | 1 | | 31 | | | |
| 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 | 0 | 8 | 5 | 12 | 15 | 5 | 0 | | 45 | | | |
| Subtotal (in progress) | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 5 | 13 | 19 | 30 | 1 | | 77 | | | |
| 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 | 7 | 8 | 0 | 0 | | 106 | | | |
| Withdrawn EHCP | 1 | 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 | 14 | 12 | 22 | 8 | 20 | 12 | 16 | 3 | 8 | 8 | 0 | 0 | | 123 | | | |
| RSA Refusal Rate | 45% | 36% | 54% | 50% | 48% | 35% | 42% | 33% | 38% | 29% | 0% | 0% | | 38% | | | |
| CURRENT STATUS | | | | | | | | | | | | | | | | | |
| Draft EHCP | 0 | 0 | 0 | 1 | 1 | 7 | 3 | 0 | 0 | 0 | 0 | 0 | | 12 | | | |
| Current EHCP | 17 | 21 | 19 | 7 | 21 | 15 | 10 | 1 | 0 | 1 | 0 | 0 | | 112 | | | |
| Progressed % | 52% | 61% | 46% | 50% | 43% | 62% | 53% | 67% | 57% | 57% | 17% | 0% | | 50% | | | |
| RSAs completed (either Issued or stopped) | 31 | 33 | 41 | 15 | 41 | 27 | 26 | 4 | 8 | 9 | 0 | 0 | | 235 | | | |
| RSAs completed % | 100% | 100% | 100% | 94% | 98% | 79% | 68% | 44% | 38% | 32% | 0% | 0% | | 75% | | | |
| Source | | | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | | | | | | | | |
| Early Years Setting | | | 12% | 10% | 16% | 15% | 15% | 16% | 15% | | | | | | | | |
| Parental request | | | 20% | 25% | 26% | 22% | 23% | 28% | 24% | | | | | | | | |
| School | | | 63% | 62% | 54% | 59% | 59% | 52% | 56% | | | | | | | | |
| Student Request | | | 5% | 3% | 4% | 3% | 3% | 3% | 5% | | | | | | | | |

| | | | | | | | |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Grand Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|

RSAs by Age Group

| | |
|--------------|------------|
| Age 0-4 | 53 |
| Age 5-10 | 128 |
| Age 11-15 | 112 |
| Age 16-19 | 34 |
| Age 20-25 | 0 |
| Total | 327 |

Rigorous processes are in place to ensure that plans are not issued where needs can be met through the effective implementation of the graduated response. To drive forward this change we continue to deliver 'Next Steps' meetings with schools, parents and SEND caseworkers. These meetings discuss the rationale for the decision and support the agreement of a plan that can be delivered under SEN (K).

Between September and November there have been 25 next steps meetings held. Our tracking of data shows that 16 out of 25 in this period have led to no appeal and an agreed plan with multi agency participation. Nine have remained with the intent to appeal the decision which will be further mitigated through our mediations processes or agreement will be given to assess and a further decision to be taken at issuing.

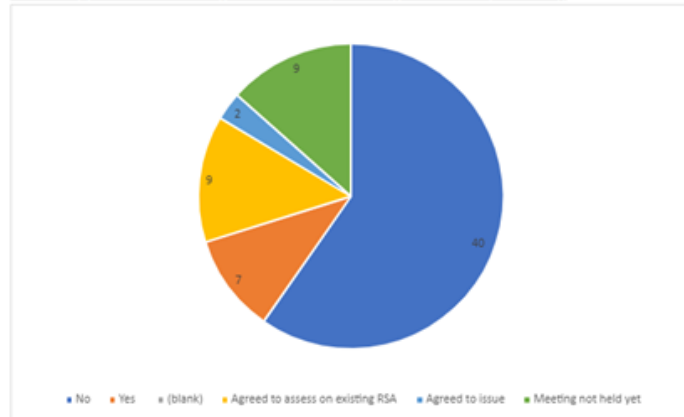
The overarching data from 22-23 for Next Steps meetings shows the impact they are having with just 5 out of 67 Next steps meetings leading to an EHCP within 6 months of the meeting:

Next Steps Meetings

How many proceeded to having a EHC plan, following the Next Steps Meeting



How many proceeded to having an assessment, following the Next Steps Meeting



This process is also building confidence between the parent and school whilst also providing a learning opportunity for schools to become further aware of the expectations of the graduated response toolkit.



Violet the SEND Van has completed the Graduated Response Roadshow which began in September 2023. We visited 34 schools and colleges to promote the SEND support and provision toolkits, attended the Early Years Conference and have been to 9 staff briefings. We have handed out over 5000 Graduated response bookmarks to parents and carers.

As part of our improvement work, we continue to tackle the quality of advice and information to inform decision making and provision within an EHCP and the review and monitoring of information. The Quality of Education Health and Care Plans remains too variable. A Quality Assurance process is in place within the Torbay Learning Academy with two SEND Auditors conducting the reviews and implementation of associated actions plans. The SEND Board continue to review the audit findings are taking forward actions to improve both the timeliness and quality of contributions. The SEND Board including all multi agency partners have agreed the mechanisms for receiving and taking forward learning across the system. The data below demonstrates the current timeliness of appendix returns from all agencies. A SENDCO Forum has focused on learning from audits to further mitigate inconsistency in practice.

| | October 2023 (latest data) | Year to date |
|-----------------------------|----------------------------|-----------------------|
| Health Advice | 55% | 54% |
| Social Care Advice | 81% | 76% |
| Education Psychology | 29% | 43% |
| Finals on time as % | 53% | 44% (rolling average) |

The overall performance for November 2023 has increased. However still remains a concern and is being monitored consistently through the SEND Board. The Head of Service for SEND and Inclusion has requested Action plans from health and care services be submitted to the SEND Executive Board in March 2024 to ascertain how partners are going to increase their timeliness and what mitigations and rationales there are for the decline in performance.

Torbay has received its first Ombudsman direction to pay a financial penalty as a result of a delay in issuing a plan, the failure to issue the plan was due to the lack of assessment being provided by Health. The current direction from the Ombudsman, despite the failings being within the Health system, is for the Local Authority (Higher Needs Block) to pay the compensation. The LA is challenging the individual decision and making representation on the wider change within the directions being given.

The Educational Psychology service engaged in Industrial Action and working to rule from September to November which has impacted upon their timeliness, now this is resolved we plan to see an increase in timeliness.

We also continue to challenge the financial contributions from our health partners. Although it has been identified that there has been no health funding for the last two years for our children with EHCP. We are still not able to gain a response from the ICB regarding the lack of direct health funding. Although we have clearly evidenced the need and provided this to Chief Executive at the NHS Trust there has been no forthcoming resolution. The level of health funding to support our children has not been provided this continues to be tracked by the Local Authority. The work with Health partners to ensure that a budget and process is created continues to be escalated and is understood at a strategic level within the Council, The Chief Nurse, ICB Board and NHS Commissioner are all engaged in the conversations. Despite the escalations there is no identified budget within the ICB to contribute. This remains a key strategic risk. A deep dive into Joint Commissioning has been undertaken and the SEND Executive Group are taking forward a programme of work based on the recommendations.

Not only is there a financial challenge, but there is also a gap in service provision at the level required to meet needs. This results in the local authority making provision through the high needs block.

| Agreement Condition | Assurance Level | | | |
|--|-----------------|----|----|----|
| 3.4. Implement the Independent Placement Overview Panel to ensure that decision making on awarding EHCPs and placements is rigorous and appropriate for children and young people; | Q1 | Q2 | Q3 | Q4 |
| | | | | |

The number of young people in specialist independent placements has increased recently. At the end of November 2023 we had 40 children who attend an independent specialist placement. There are multiple reasons for the increase, our deep dive into young people attending independent provisions indicated that the highest needs being met were SEMH and ASC. We have made a decision to ensure that some children who were previously supported through an EOTAS package have been moved to a registered Independent Placement as they had made sufficient progress to be able to access provision within a group based offer.

This is also linked to our ERP review for 2025.

Torbay SEND are rigorously monitoring attendance and Phase transfer, 13 of the 40 at year 11 and we will be looking at alternative for Post 16 provision.

Two students are Year 6 and we are looking at Secondary options for them locally as alternatives for their out of area placements.

Our Specialist SEMH school will continue to work with us on their improvement journey to try and preclude escalations for provision in ISEP.

| | November 2021 | November 2022 | November 2023 |
|---|---------------|---------------|---------------|
| Number of Independent Specialist Placements | 32 | 39 | 40 |

| Agreement Condition | Assurance Level | | | |
|--|-----------------|----|----|----|
| 3.5. Build confidence within the parental community on the level of provision that can be provided within special schools and enhanced resource bases; | Q1 | Q2 | Q3 | Q4 |
| | | | | |

Parents still lack confidence in the provision of SEND in the wider school and health landscape, this is evident by the significant numbers of RSA. Parents confidence is further impacted by the extremely lengthy waiting lists for specialist assessments. However, the level of confidence that parents have within the offer of special schools continues to be strong. This is demonstrated through the high number of requests that are received each year for consideration of a special school placement. The ability of our special schools to meet needs and maintain parental confidence is supporting us to manage the requests for independent specialist placements and meet need within local provision. The continued focus on the development of the enhanced resource bases within mainstream education has enabled parental confidence to be maintained. Enhanced resource provisions for Autism remain well regarded by parents. Further work has taken place with The Steps provision to ensure that the staffing structure and curriculum offer further meets needs, this has enhanced the confidence of both the young people and parents. Additional work has been conducted to ensure that children needs are further matched to the resource base to promote a positive outcome.

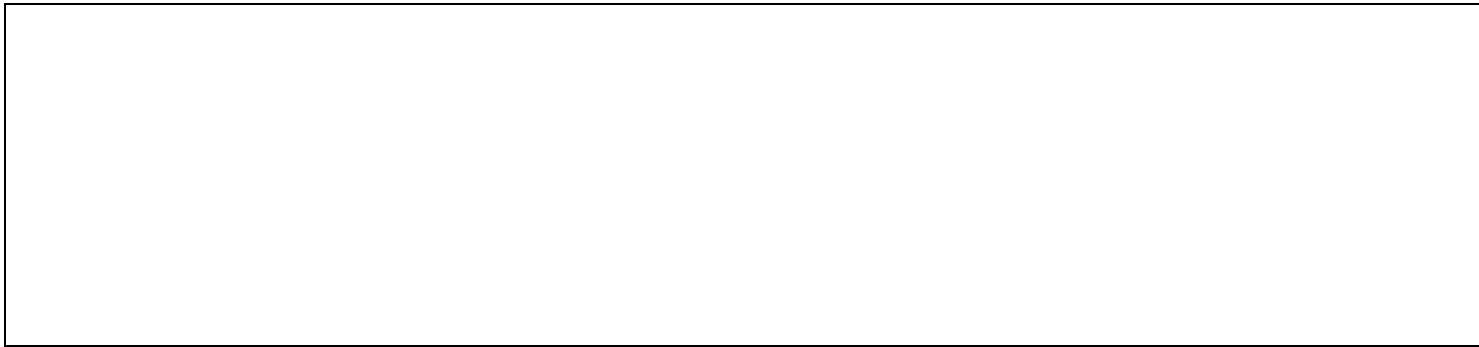
As parents are demonstrating confidence in the special school offers, we are using special school outreach to promote the development of shared approaches for children into other provisions including mainstream. This will extend to our review of ERP's for 2025.

Our focus has widened to building parental confidence in the SEND system across all provisions. We are working directly with SEND Family Voice Torbay, our parent carer forum, to co-produce and design information and forums which support the sharing of information and provide opportunities to explore myths and overcome concerns. To date the following events have taken place for parents and carers:

- Dispelling the Myths about Secondary School for SEND
- Torbay SEND Virtual Drop in (January, March)
- Preparing for Adulthood
- Torbay SEND Graduated Response – Cognition and Learning Needs
- Torbay SEND Graduated Response – Physical and Sensory Needs
- Torbay SEND Graduated Response – Social, Emotional and Mental Health
- Torbay SEND Graduated Response – Neurodiversity Needs
- Torbay SEND Graduated Response – Speech, Language and Communication Needs
- QA on the mental capacity act and lasting power of attorney
- What to do if your child or young person has SEND
- Dispelling the Myths about mainstream primary school

Send Family Voice Torbay have co-produced and delivered an accredited Autism Education Trust Leadership Programme to all Torbay secondary schools. This is led by parents all barr one of Torbay Secondary schools have signed up to receive this training (July to Nov 2023). The design of this programme will enable greater parental and school collaboration and build further confidence.

We are taking forward action to consider the location and resources available within The Steps Provision at Paignton Academy. As a result of a full options appraisal we are relocating the provision to the main site further allowing young people to have full curriculum and integration with peers. This building work is being jointly funded by the LA and Thinking Schools Academy Trust who are investing £500k in the relocation and improvement works. This is a good indication of a Trust's commitment to provide a high quality ERP for the local area.



| Agreement Condition | Assurance Level | | | |
|--|-----------------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 |
| 3.6. Implement a Transitions Panel to ensure timely and effective post-16 planning from an earlier age, including targeted employment and education support, and cessation of Post-16 EHCPs where needs have been met; | | | | |

Torbay continues to have a transitions panel in place that considers children from the age of 14 years. We understand in granular detail the young people with an EHCP and the reasons for them to be NEET. We continue to use the Council opportunities for young people with SEND to gain meaningful work experience opportunities alongside our NDTI programme. This is being co-ordinated through our HR teams with young people accessing work either for a week or a longer period of time to gain experience. Internal work on reviewing apprenticeship opportunities and prioritising care experienced and/or SEND young people is in place. Our new SEND Employment Officer began this project this quarter and has so far created a baseline of all SEND Internships in the Bay. Our new SEND Employment Forum is planned to roll out from January 2024 and has engaged a number of large local employers and educational providers so we can work together to provide more opportunities to provide supported internships in Torbay.

| | Total |
|--|-------|
| NEET - Available, Not Ready | 11 |
| NEET - Available | 10 |
| NEET - Not Available, health prevents engagement | 6 |
| NEET - re-engagement | 3 |

We are proactively working with young people rather than placing them into provisions which they will not attend. This is ensuring that we do not commit funding to unfilled placements but work directly on re-engagement and a suitable offer aligned to the young person's needs.

Significant work continues to be undertaken with South Devon College (the single FE provider for Torbay). This work includes: -

- We are continuing to use the annual review process to recognise when outcomes have been achieved and bringing forward activity to conduct the review to impact on ceasing plans.
- SDC (along with all other providers) will start to use our new Funding formula for new plans and Phase Transfer
- Greater challenge and oversight of consults and decision making regarding the entry of learners.
- Use of directions to take when necessary
- Worked with SDC on a revision of the Risk assessment process for young people with EHCP's
- Implementation of a formal contract management process and the start of greater contractual SLA's for bespoke provisions.
- Linking our College with the SLIP Partner College to share best practice, including funding arrangements.

As a result of our direct work, we have increased the ceasing activity to celebrate the achievements of young people and reduce the EHCP's in line with assessed need. The following data demonstrates the plans that have been ceased/made inactive.

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Year Total |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| 2019 | 15 | 10 | 24 | 4 | 6 | 19 | 24 | 47 | 51 | 32 | 6 | 7 | 245 |
| 2020 | 19 | 15 | 17 | 5 | 9 | 6 | 4 | 3 | 9 | 47 | 10 | 13 | 157 |
| 2021 | 6 | 13 | 6 | 5 | 10 | 9 | 8 | 15 | 33 | 4 | 16 | 8 | 133 |
| 2022 | 7 | 6 | 23 | 11 | 15 | 5 | 21 | 7 | 28 | 17 | 47 | 45 | 232 |
| 2023 | 37 | 14 | 36 | 14 | 27 | 16 | 28 | 15 | 19 | 10 | 21 | - | 237 |

The following data demonstrates the average number made inactive (ceasing, moved out of area, passed away). This demonstrates we continue to improve on our trajectory each month.

| Average - Jan - Nov | |
|----------------------------|----|
| 2019 | 12 |
| 2020 | 13 |
| 2021 | 11 |
| 2022 | 17 |
| 2023 | 22 |

A further 41 are currently ceasing in progress.

The table below illustrates that targeted ceasing activity is taking place in the age categories.

| AGE GROUPS | Ceased/Made Inactive | Ceasing in Prog Total |
|------------------------------------|----------------------|-----------------------|
| Age 0-4 | 1 | 0 |
| Age 5-10 | 25 | 1 |
| Age 11-15 | 30 | 1 |
| Age 16-19 | 123 | 27 |
| Age 20-25 | 58 | 9 |
| Total number of EHCPs by Age Group | 237 | 41 |

By November year to date there have been 237 EHC plans made inactive and with a further 41 that are ceasing in progress. This is an increase from 2022 and shows the progress we are making.

| Agreement Condition | Assurance Level | | | |
|---|-----------------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 |
| 3.7. Develop an early years outreach team as part of the Family Hub, to deliver stronger inclusive practice and early intervention; | | | | |

The Home Learning Environment Outreach worker is now in post and is working alongside the existing teams within the Family Hubs. The Outreach worker has developed provision of resource packs that are provided to families to create learning opportunities and build parental confidence in supporting early development. The Home Learning Environment Outreach worker will focus on working with parents of Early Years children who are not accessing an Early Years provision. A connection process is currently being developed to ensure parents can refer themselves directly to the Outreach Worker. The Early Years team including Education Psychologists are being trained to deliver Early Talk Boost train the trainer to Early Years providers which includes providing advice and guidance to parents.

The Early Language Consultant (ELC) has been appointed and is due to commence in role in January '24. The ELC will be responsible for developing and delivering on Early Language pathways with our health partners. This includes taking forwards the Section 23 process and SLCN Game Changer projects as outlined below.

We have revised our Section 23 process to ensure that a process for identifying needs leads to support and advice at the earliest opportunity. This process is now within Family Hubs we have received notifications during this quarter which has not been evidenced previously within Torbay and in the next quarter we will be tracking and measuring the impact of the interventions and support with a view to further refining our offer.

We have been actively engaged in the SLCN Game Changer project and are creating pathways that better align for children to have access to support. This work will continue alongside our Early Years Graduated Response Framework.

Alongside the direct work there has also been the development of the digital offer through the creation of the Family Hubs website that provides links to advice, resources and guidance. We have moved our local offer to this website alongside our graduated response framework to ensure that this can be accessed by parents and carers. The website has been co-produced with parents and is accessible in the information that can be retrieved.

A train the trainer model on Chat Play and Read has been provided to the community champions delivering early years groups within the community. They have been empowered

with the knowledge and skill base to inform others of early development with the view that this is cascaded through the groups to help develop speech language and communication skills and early parental attachments. Chat Play and Read has also been provided to a range of professionals to ensure consistent messages to families.

The Portage Service are delivering direct family groups in the Family Hubs, this is providing advice to parents regarding first steps, development support and demonstration of early communication tools directly with children. In the next quarter this will be further enhanced by making Education Psychology time available within the Hubs.

Torbay was chosen to be included in year 3 of the Comic Relief Early Years Inclusion Project, run by Dingley’s Promise. The project aims to increase the number of young children with SEND accessing early years and childcare places.

The current shortage of universal places holds back thousands of young children every year, needlessly restricting them to special education, failing to integrate them into mainstream society, and costing the country millions of pounds. Dingley’s Promise research shows that a lack of training and low staff confidence are the main reasons that many settings have limited/no places for children with SEND.

The Comic Relief Early Years Inclusion project runs until June 2026 and will support positive change through 4 interdependent work streams:

1. A comprehensive online training programme for practitioners
2. Strategic support for the LA areas engaged to support long term impact
3. Co-production with families throughout
4. Realising maximum impact nationally and internationally through the steering group

Torbay launched the Comic Relief Early Years Inclusion Project with Dingley’s Promise on the 10th October with a stakeholder meeting including attendance from: Early Help, Action for Children, Early Years providers, health partners and parent/carers. So far 176 training modules have been commenced by internal practitioners, health partners and Early Years Providers. Training has been delivered to Early Years providers to introducing the new paperwork and process for Activity Led Funding for Inclusion (ALFI) Panel

By the end of the course learners will be able to:

1. Use the updated paperwork for ALFI from January 2024
2. Understand the process of making an application
3. To be able to confidently apply for ALFI and participate in the process from January 2024.

ALFI is aimed at supporting all funded pre-school aged children (2-5 years) with an identified SEND need, which meets the criteria for ALFI. Children under 2 years requiring supervised medical intervention are eligible for ALFI.

The “Relationships build resilience” Early Years conference was held on the 30th Nov ‘24.

Speakers were:

Dr Adam Lewis-Cole – Senior Educational Psychologist from Psychology Associates

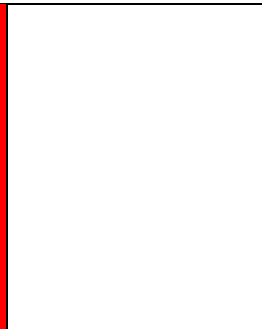
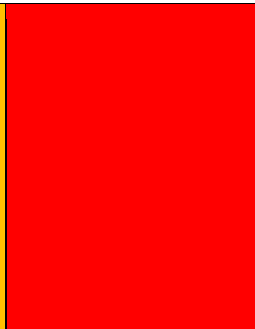
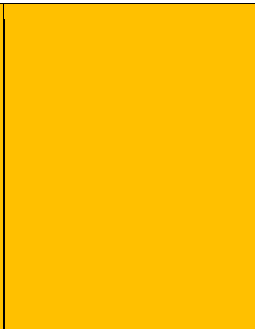
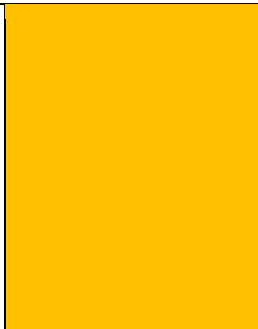
Anne O Connor - Educational consultant, trainer, and writer, specialising in the Prime areas of the EYFS.

Ruth Swailes – Lead Author, trainer, and curriculum consultant.

The conference was also an opportunity to promote Family Hubs, Chat Play Read and Dingley’s Promise Comic Relief Project. Approx. 80 people attended.

| Agreement Condition | Assurance Level | | | |
|---|-----------------|----|----|----|
| 3.8. Implement the co-produced new graduated response for | Q1 | Q2 | Q3 | Q4 |
| | | | | |

Social Emotional and Mental Health (SEMH), led by the commissioner for mental health services, working with early help and education provisions.



The Graduated Response for Social and Emotional Mental Health was launched in June 2023. With a clear spectrum of ordinarily available provision and toolkits for emotional health and well being. The Mental Health and Well Being Group continues to meet led by ICB commissioner for mental health services. The TSCP, Continuous Improvement Board and Overview and Scrutiny have a focus on the improvement of emotional well being and mental health services. There has been a system leader change within the ICB, this unfortunately has not allowed us to have consistent leadership effective decision making to delivery of services on SEMH which have impacted negatively on our families. We are working with our 5th Chief Nursing Officer since May 2023 and as a result we have not been able to have robust decision making on this area of work, this has resulted in further impact on our progress.

We have now issued a pre-action letter of the Council's legal intent to consider appropriate action for the ICB to meet their financial statutory obligations, the response is due on the 22nd December 2023.

Our plans for Social Emotional and Mental Health continue to be below our DSG Management plan target. However, it is recognised that this is an area of pressure in the new RSA's that are being requested.

Our pathways to ensure that families recognise how needs can be met without the need for an EHCP are central to this work. Ensuring that we are clear how children and families can be supported by Early Help and making these connections through early help panels with families consent is essential.

Our reconfiguration of our delivery of services to support poor attendance at school linked to anxiety and well being concerns has been introduced during this quarter. This includes using Youth work provision to be able to reach non attendees, offering reengagement opportunities and a pathway back into education.

Our Education Neglect protocols have been adopted and are being used in the partnership to ensure that attendance is acted upon at a first point, supporting the identification of lower level social and emotional needs.

The work in this area can be evidenced by the reduction in the number of EHCP plans with the primary area of need of Social Emotional and Mental Health.

| EHCP Primary Area of Need | Jan-23 | Feb-23 | Mar-23 | Apr-23 | May-23 | Jun-23 | Jul-23 | Aug-23 | Sept-23 | Oct-23 | Nov-23 | DSG Management Plan Target End of 22/23 |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|--------|--------|---|
| | | | | | | | | | 389 | 395 | 393 | |
| SEMH | 430 | 418 | 405 | 398 | 393 | 390 | 389 | 395 | 389 | 395 | 393 | 455 |

Since (September 2022) our targeted work on ceasing, we have reviewed and ceased 122 plans with the primary area of need of SEMH through celebrating achieved outcomes and meeting needs through a more progressive response.

Emerging risks:

- The current rate of pace in addressing the gap in Health Funding is a significant risk and although there are strategic discussions this has not led to an agreed resolution.
- The reduction in funding to schools through the rigorous process of issuing and reviewing plans will lead to a deficit position for many schools at the time of increased costs. This limits the ability of some schools to provide services that could result in greater escalation, this continues to require careful monitoring and support. This has been subject to School Forum planning as evidenced in the minutes of October 2023.
- The continued extensive lengthy waiting times for SALT, OT, Autism, CAHMS services continues to mean that children and young people do not have up to date assessments to best inform planning around their needs. This can lead to escalation from schools that are trying to meet need in isolation.
- The pace at which we can recommission and procure our ERP's will mean that the impact won't be seen until 2025.
- New unfunded attendance duties will have an impact on the number of children and young people that are identified with unmet needs. Early work indicates that this could have an impact on SEMH and Section 19 requests which could create additional pressures within the higher needs budget.
- There is currently a significant risk that the rise in Tribunals from Devon and subsequent directions to our specialist provisions will impact on delivery of our specialist placements and commissioned numbers. This has been escalated to the DfE who are supporting with discussions.

Any support required:

- Continued work with Islington our Sector Led Improvement Partner and support to ensure this continues beyond September 2023. Currently being re-brokered for a next cycle.
- Region's Group Involvement on the culture change needed within schools.
- Support from the NHS England to support in addressing the identification of ICB Budget
- DFE support/facilitation for cross border working to support mitigating impacts of neighbouring authorities.

Summary of Appendices

- School Forum Minutes [Browse meetings - Schools Forum \(torbay.gov.uk\)](https://www.torbay.gov.uk/schoolsforum)
- SEND Strategy [SEND Local Area Strategy Appendix 1.pdf \(torbay.gov.uk\)](#)
- SEND Pledge [Our pledge - Torbay Council](#)
- [Graduated Response - Torbay Council](#)
- TOR Becoming an Adult [BAA Terms of Reference v1.5 25May23 FINAL VERSION.docx](#)
- TOR Emotional Health and Well Being Group [CYP EHWPB Terms of Reference v1.3 18May23.doc](#)
- Family Hub Website [Family Hub \(torbayfamilyhub.org.uk\)](https://www.torbayfamilyhub.org.uk)

Key contact details:

- Nancy.meehan@torbay.gov.uk
- Malcolm.coe@torbay.gov.uk