

Clerk: Teresa Buckley
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Wednesday, 13 October 2021

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 13 OCTOBER 2021

I am now able to enclose, for consideration at the Wednesday, 13 October 2021 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant Revised presentation	(Pages 64 - 89)

Yours sincerely

Teresa Buckley
Clerk

Overview and Scrutiny Meeting Higher Needs Funding

13th October 2021

Rachael Williams – Divisional Director for Education, Learning and Skills

Nancy Meehan - Director of Children's Services

Martin Phillips – Head of Finance

TORBAY COUNCIL

Dedicated Schools Grant Higher Needs Funding

- The Higher Needs Block is part of the Dedicated Schools Grant received by the local area and managed through the statutory School Forum.
- The Dedicated Schools Grant is made up of three blocks – Early Years Block, Schools Block and Higher Needs Block.
- The spend within the Higher Needs Block currently exceeds the allocation that is received. Leaving a deficit position on the Dedicated Schools Grant budget.
- A statutory override is currently in place that places this deficit on the Dedicated Schools Grant with no expectation that this is addressed by the Local Authority. The statutory override is in place until 2023.
- The Local Authority has been meeting with representatives of the Education Skills and Funding Agency to review the current spend and mitigating actions.
- The Education Skills and Funding Agency request that all Local Authorities that are in deficit positions work to secure a balanced budget and then work to address the deficit.

Overall Budget Position

DSG Deficit from previous years	£2.655m
19/20 DSG overspend	£1.122m
20/21 DSG overspend	£2.048m
Total deficit at end of 20/21	£5.825m

Unmitigated Budget Position

	2021/2022	2022/2023	2023/2024	2024/2025
Pressures	4,546,000	4,358,592	3,382,706	3,176,009
Reductions	(1,946,000)	(2,060,551)	(1,177,350)	(1,236,218)
Deficit Budget Unmitigated	2,600,000	2,298,041	2,205,356	1,939,791
Cumulative DSG deficit brought forward from previous years	5,825,259	8,425,259	10,723,300	12,928,655
Cumulative mitigated deficit DSG position	8,425,259	10,723,300	12,928,655	14,868,446

Notes

Estimated High Needs Block allocation	21,486,457	23,547,008	24,724,359	25,960,577
Estimated High Needs Block allocation uplift %		9.59%	5%	5%
Deficit DSG budget as % of estimated HNB allocation	12.10%	9.76%	8.92%	7.47%

Mitigated Budget Position

	2021/2022	2022/2023	2023/2024	2024/2025
Pressures	4,546,000	3,930,857	2,846,411	2,410,313
Reductions	(1,946,000)	(2,169,111)	(1,406,751)	(1,245,124)
Deficit Budget Mitigated	2,600,000	1,761,746	1,439,660	1,165,189
Cumulative DSG deficit brought forward from previous years	5,825,259	8,425,259	10,187,005	11,626,664
Cumulative mitigated deficit DSG position	8,425,259	10,187,005	11,626,664	12,791,853

Notes

Estimated High Needs Block allocation	21,486,457	23,547,008	24,724,359	25,960,577
Estimated High Needs Block allocation uplift %		9.59%	5%	5%
Deficit DSG budget as % of estimated HNB allocation	12.10%	7.48%	5.82%	4.49%

SEN Statistics – Torbay Headlines

Number of EHCPs 1507

Up from 1416 (+6.4%) in 2020

England: EHCPs increased by 10% in 2020

Initial Requests for an EHCP 201

Down from 307 (-34.5%) in 2019

England: Initial requests down -10% in 2020

Number of new EHCPs 159

Down from 188 (-15.4%) in 2019

England: New EHCPs increased by 11% in 2020

EHCPs excluding exemptions issued within 20 weeks 53%

Up from 23% in 2019

England down from 60.4% to 58% in 2020

The total number of Torbay EHCPs has continued to rise

- There were 1507 children and young people with EHCPs in Jan 2021. This has increased every year since 2014

The number of new EHCPs made in the calendar year has decreased for the first time

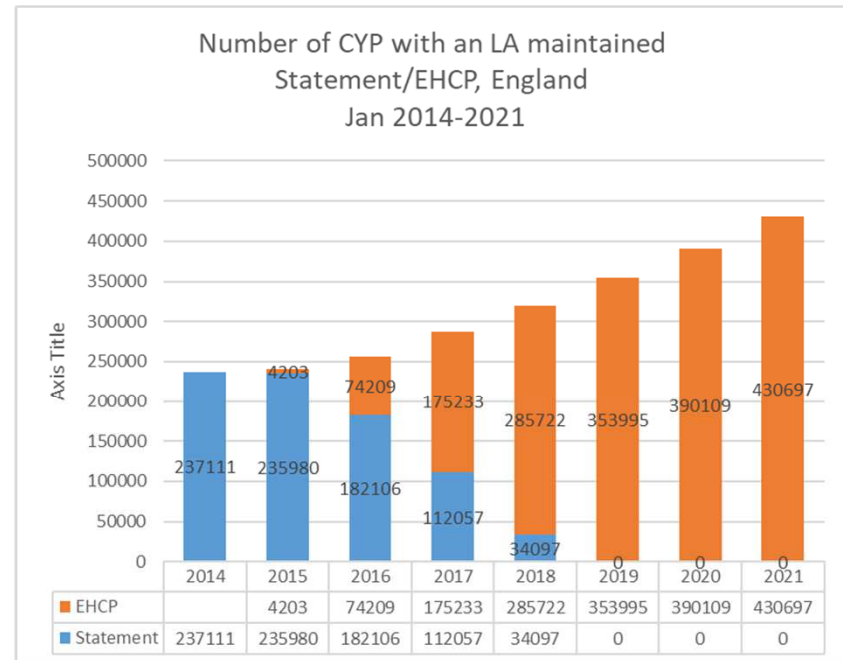
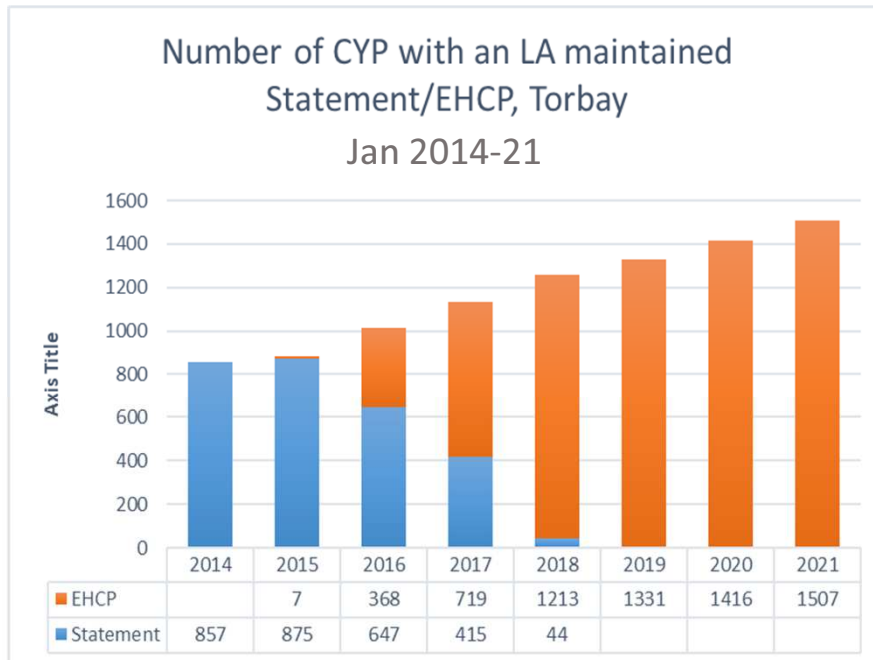
- There were 159 new EHCPs issued in 2020 as opposed to 188 in 2019. This is the first decrease since EHCPs were introduced in 2014
- There were 201 requests for EHCPs in 2020 as opposed to 307 in 2019. This is the first decrease since EHCPs were introduced in 2014.

The performance in meeting the 20 week timescales has improved

- Significant improvements in timeliness have been made since 2019 (23%), with 53% on time in 2020 and current figures in 2021 showing 88% (Capita).

<https://explore-education-statistics.service.gov.uk>

SEN Statistics –Statutory Plans



The number of Torbay statutory plans has increased from 857 in 2014 to 1507 in 2021 (+76%). Nationally the number of plans has increased by 82% for the same period.

<https://explore-education-statistics.service.gov.uk>

SEN Statistics – Statutory Plans

Children and young people with an EHC plan issued by local authority (Source: National SEN2 2021)

Group	2015	2020	2021	% Increase since 2015
Torbay	882	1,416	1,507	71%
Stat. Neighbours	12,711	20,636	n/a	62% (2020)
National	240,183	390,109	430,697	79%

The total number of plans issued by Torbay has grown by 71% since 2015 compared to 79% nationally.

Number of pupils with a statement or EHC plan in Torbay Schools (Source: School Census Spring 2021)

Group	2015	2020	2021	% Increase since 2015
Torbay	833	910*	1127	35%
Stat. Neighbours	12,057	14,263	n/a	18% (2020)
National	236,165	294,615	n/a	25% (2020)

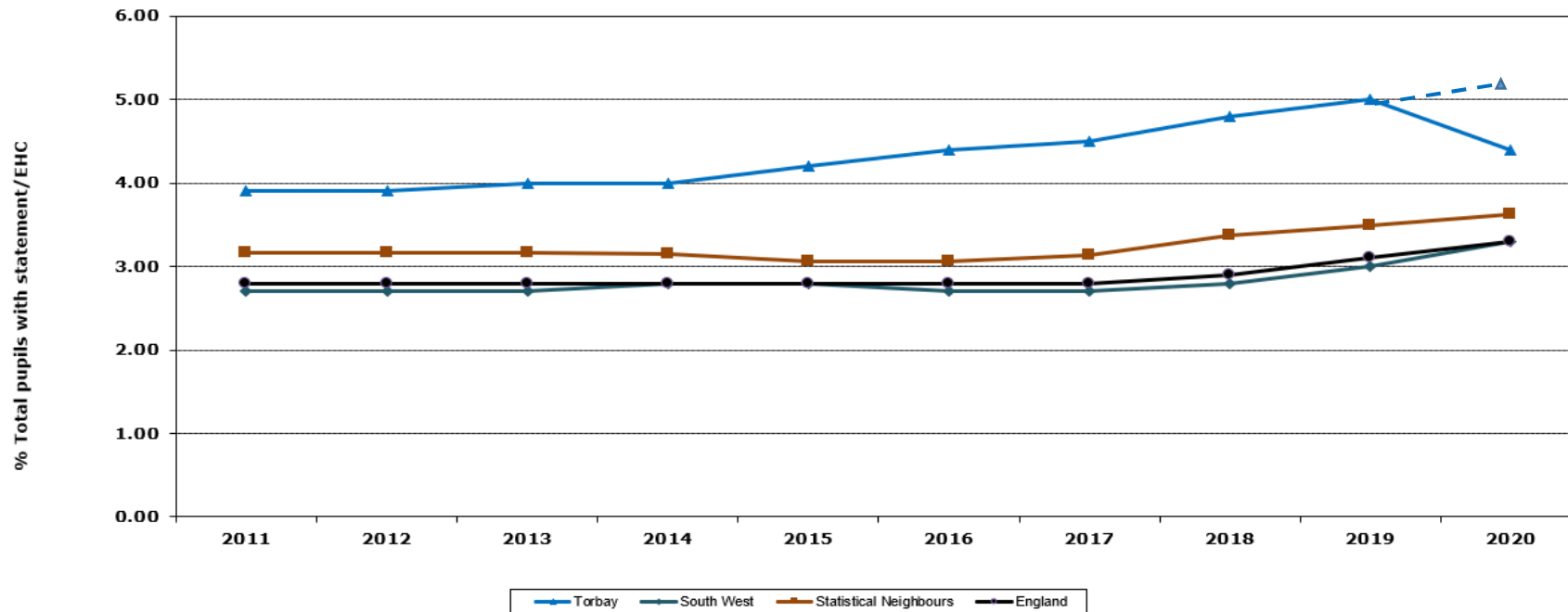
The number of Torbay plans issued in mainstream schools has increased by 35% compared to 25% nationally.

Note: * Actual EHCP total 1040, due to an error in school census submission Spring 2020 . N/A data not available.

SEN Statistics – Statutory Plans

% of Pupils with Statement of (SEN) or (EHC) Plans

	2020	Change from previous year
Torbay	4.40	-0.60
South West	3.30	0.30
Statistical Neighbours	3.63	0.14
England	3.30	0.20



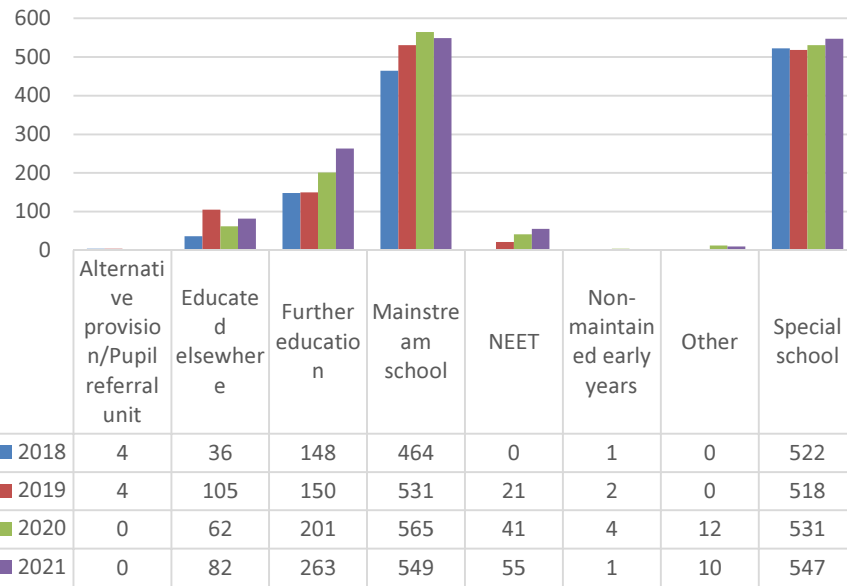
Provisional: Jan21 School Census, 5.5%, a 0.4% increase over 2020 actual below

Note: - - - indicates LA actual due to a incorrect submission on Spring20 school census. Actual number is 5.1% (a 0.1% increase)

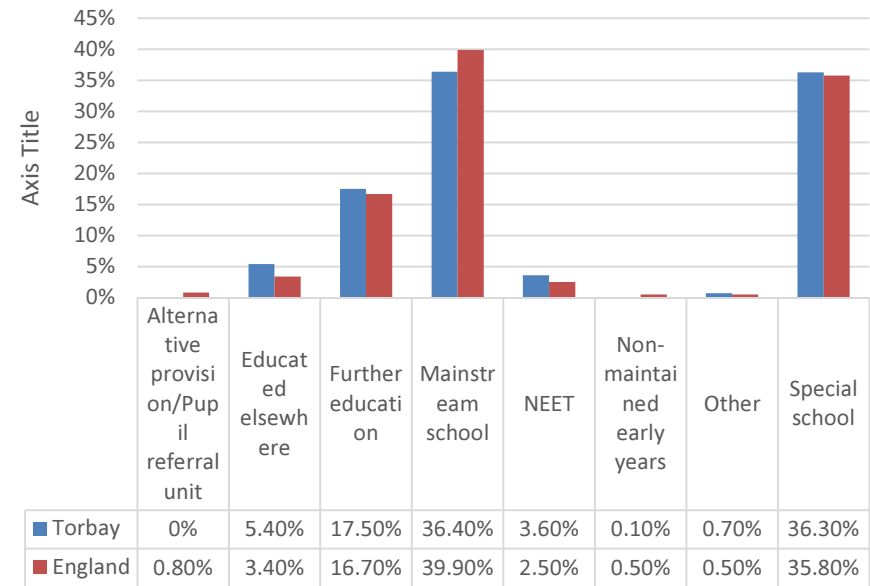
The Torbay % of pupils with a statement or EHCP has risen each year since 2014. Torbay remains significant outlier compared to national, regional and statistical neighbours groups.

SEN Statistics – Statutory Plans

EHCPs by Establishment Type



% EHCPs by Establishment Type - 2021

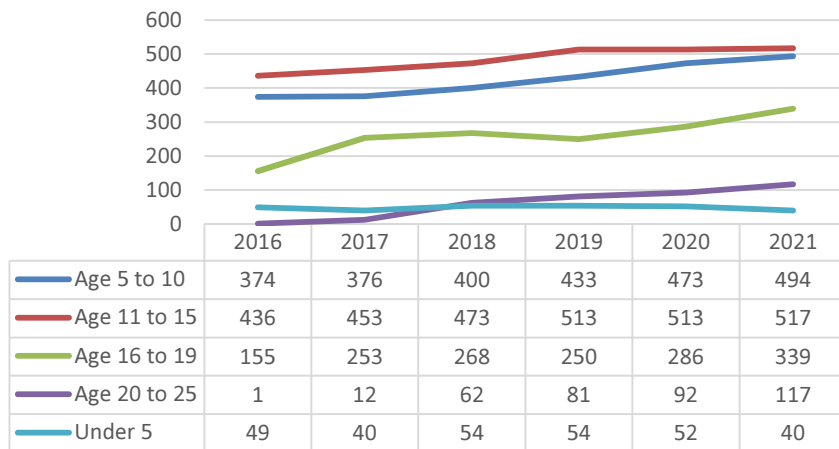


When comparing Torbay figures in 2021 to 2020, the most significant change was the number of children in Further Education which increased from 201 to 263 (+31%) and Educated Elsewhere which increased from 62 to 82 (+32%).

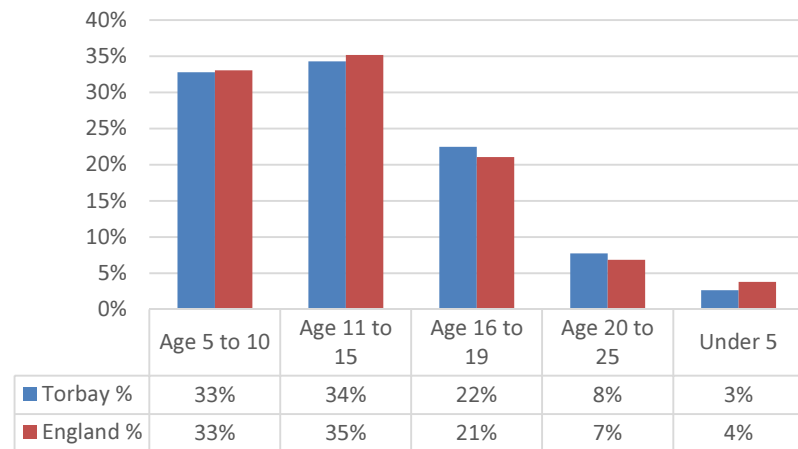
36.4% of Torbay EHCPs are for children in Mainstream Schools compared to 39.90% for England.

SEN Statistics – Statutory Plans

Number of statements and EHC plans combined - by age group - Torbay



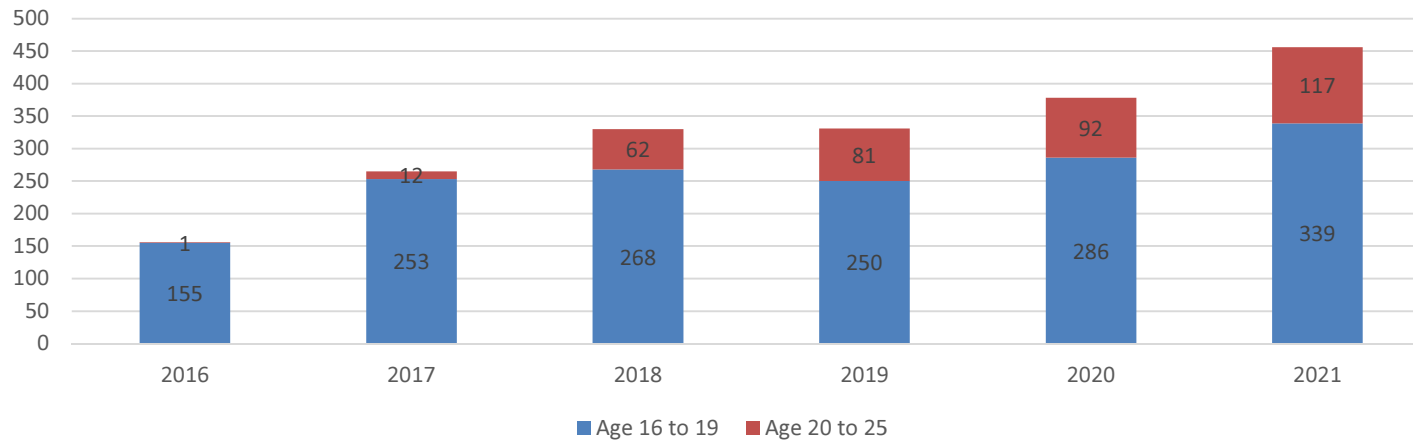
Percentage of EHCP cohort by age group, Torbay and England, May 2021



The number of Torbay EHCPs increased across all age groups except Under 5s in 2021. The distribution of the Torbay EHCP cohort is in line with England.

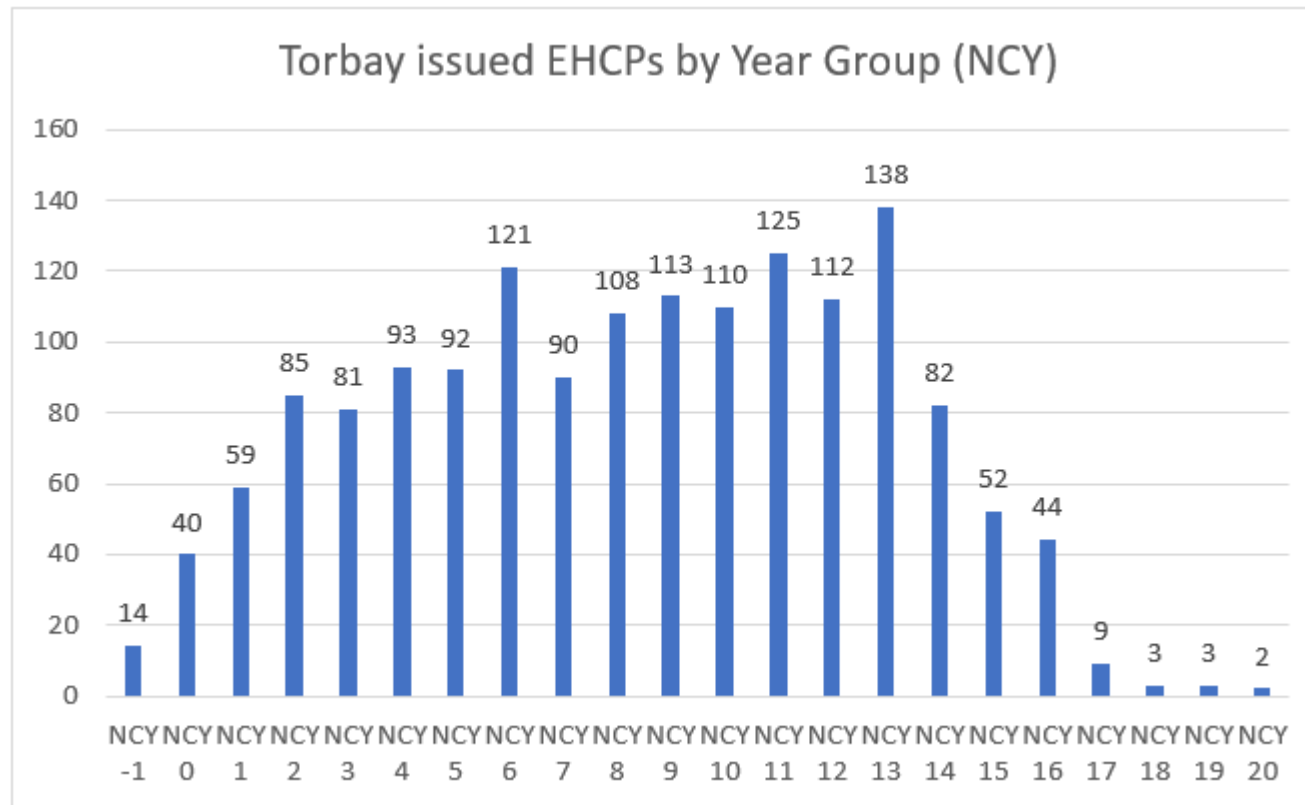
SEN Statistics – Statutory Plans

Number of statements and EHC plans combined - post 16 - Torbay



The number of Post 16 Torbay statutory plans increased by 78 (+21%) from 2020 to 2021 compared to England (+11%).

SEN Statistics – Statutory Plans

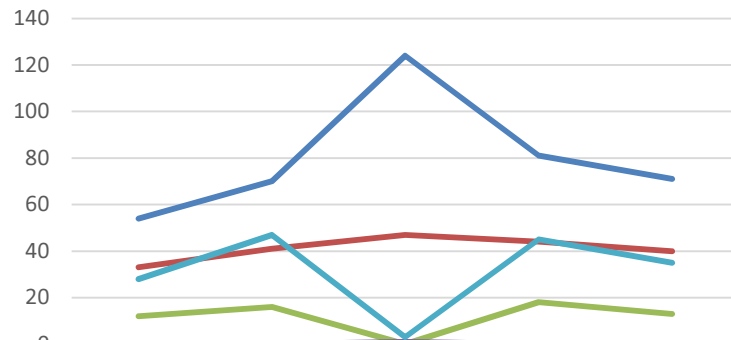


Total: 1576 EHCPs as at 11th May 2021

Source: Capita ONE

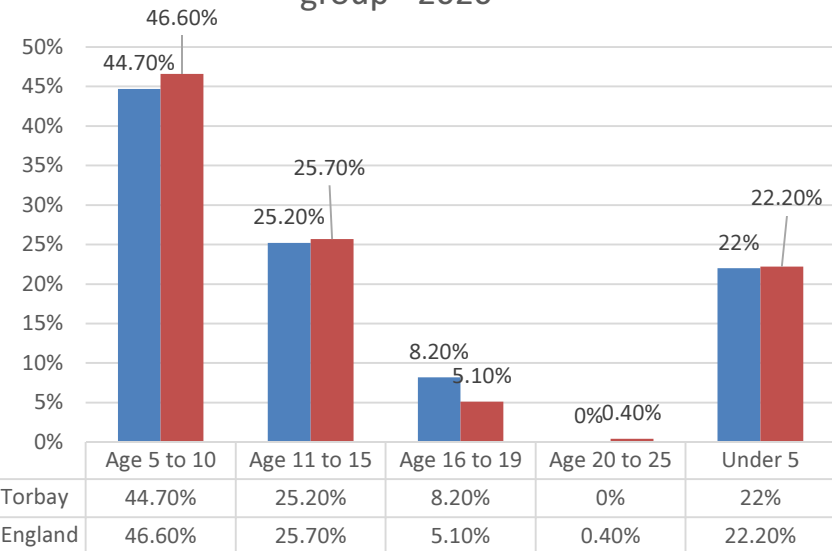
SEN Statistics – New EHC plans

New EHC plans by age group - Torbay



	2016	2017	2018	2019	2020
Age 5 to 10	54	70	124	81	71
Age 11 to 15	33	41	47	44	40
Age 16 to 19	12	16	0	18	13
Age 20 to 25	0	0	1	0	0
Under 5	28	47	3	45	35

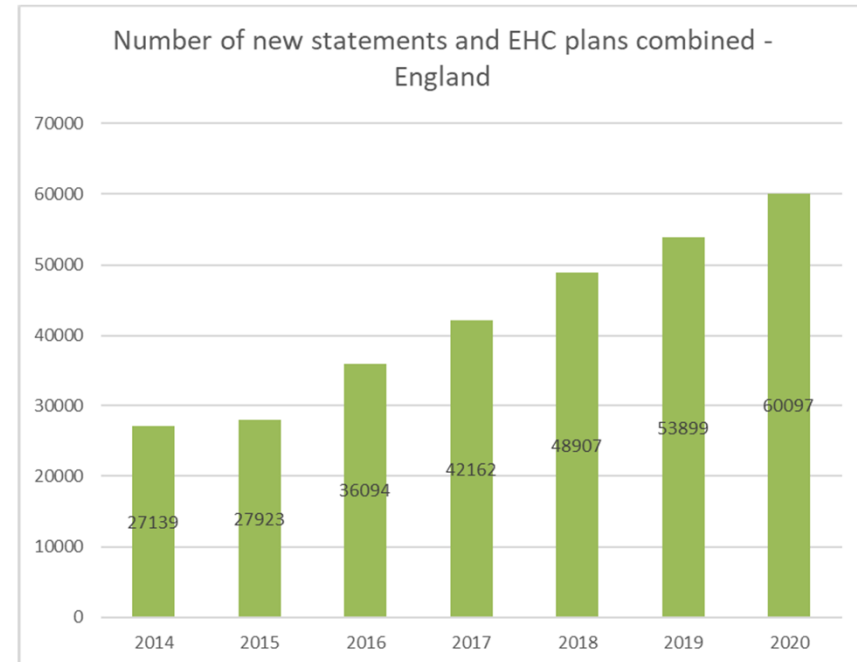
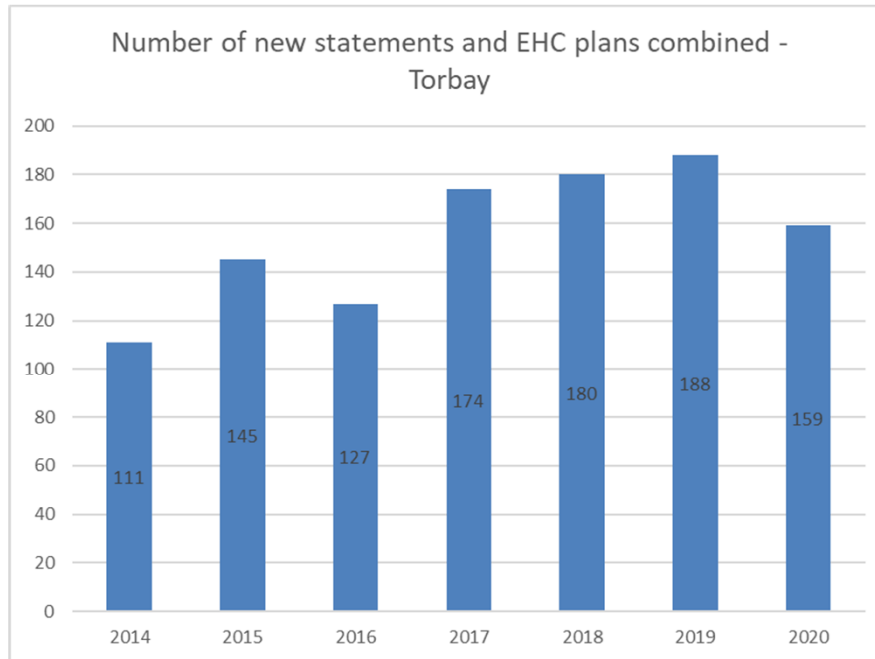
% of First Time LA Maintained EHCPs by age group - 2020



The distribution of newly issued plans in Torbay decreased across each age group at a fairly even rate.

When comparing the proportion of Torbay First Time EHCPs to England the most significant difference is age 16-19 which make up 8.20% of Torbay plans compared to England which is 5.10% for this group.

SEN Statistics – New EHC plans

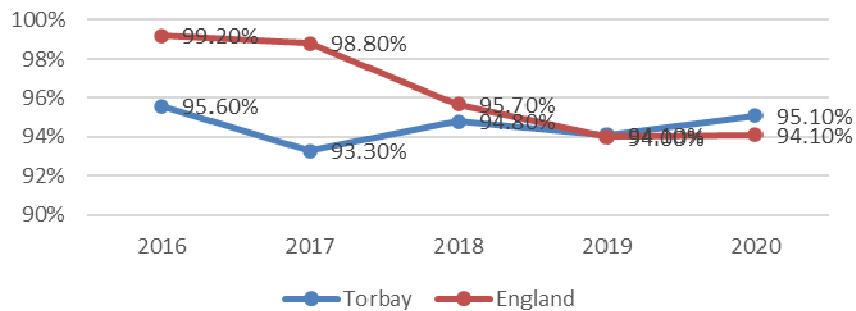


The number of new plans issued within a calendar year has increased from 111 in 2014 to 159 in 2020 (+43%). This compares to an increase of 121% in England.

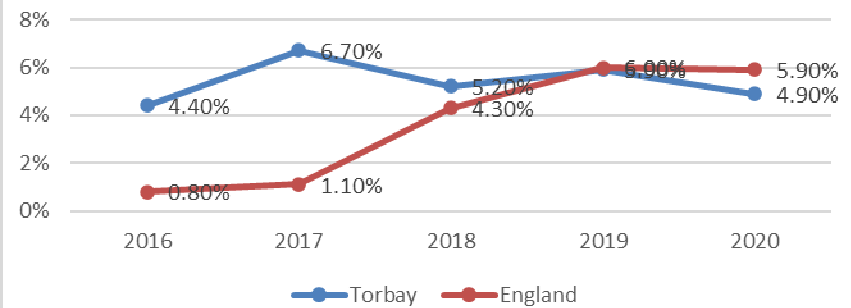
2020 was the first year to see a decrease in new plans since 2016. Based on 2019 figures the above comparison would be Torbay 69%, England 99%.

SEN Statistics – New EHC plans

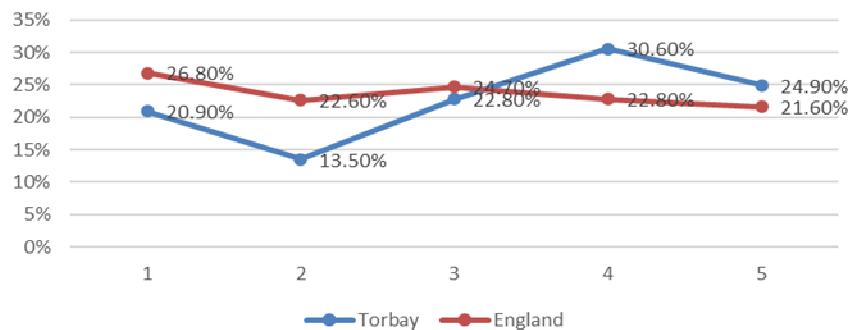
Percentage of children and young people assessed for whom EHC plans were made for the first time during the calendar year



Percentage of assessments during the calendar year where it was decided not to issue an EHC plan



Percentage of initial requests for assessment for an EHC plan that were refused during the calendar year



Torbay did not issue an EHCP for 4.90% of assessments during the calendar year 2020, compared to 5.90% for England.

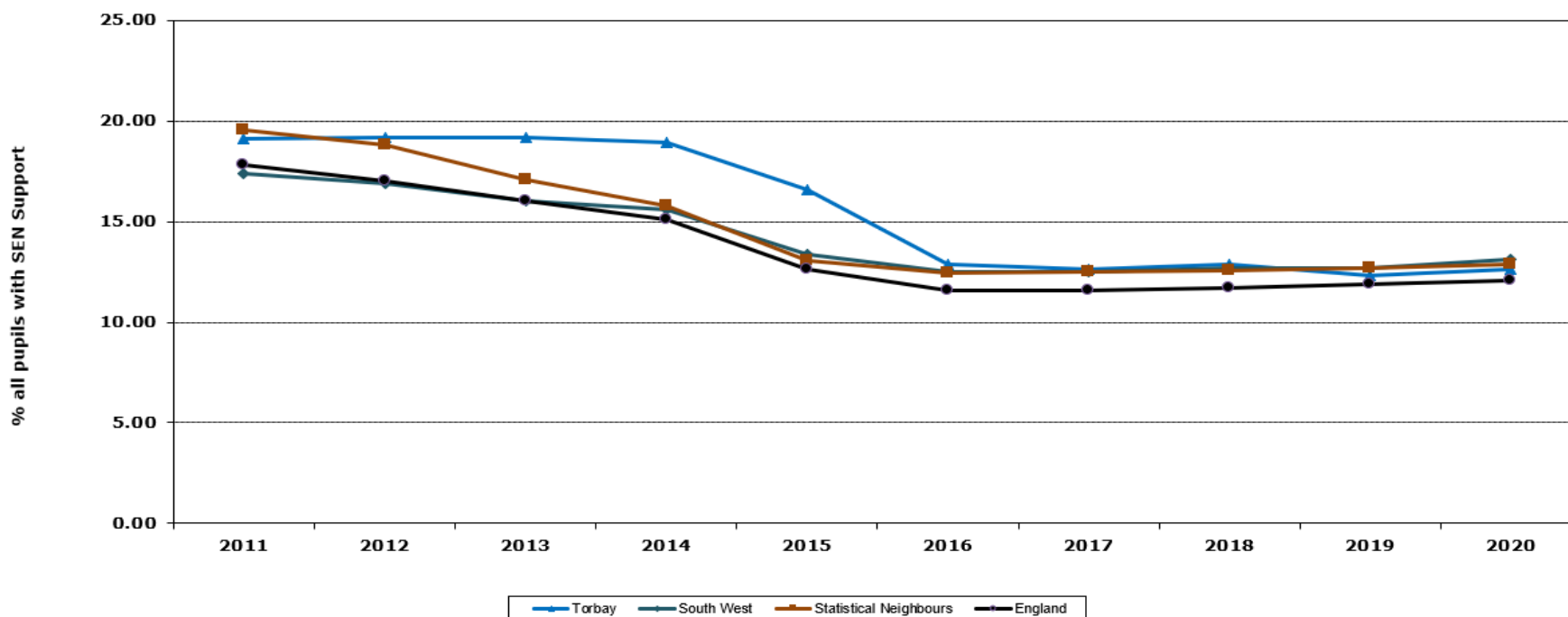
In 2020 Torbay refused 24.90% of initial requests for assessment compared to England at 21.60%. This represents a decrease from 2019 when Torbay refused 30.60%.

SEN Statistics – SEN Support

% of Pupils with Special Educational Needs (SEN) Support

	2020	Change from previous year
Torbay	12.60	0.30
South West	13.10	0.40
Statistical Neighbours	12.85	0.18
England	12.10	0.20

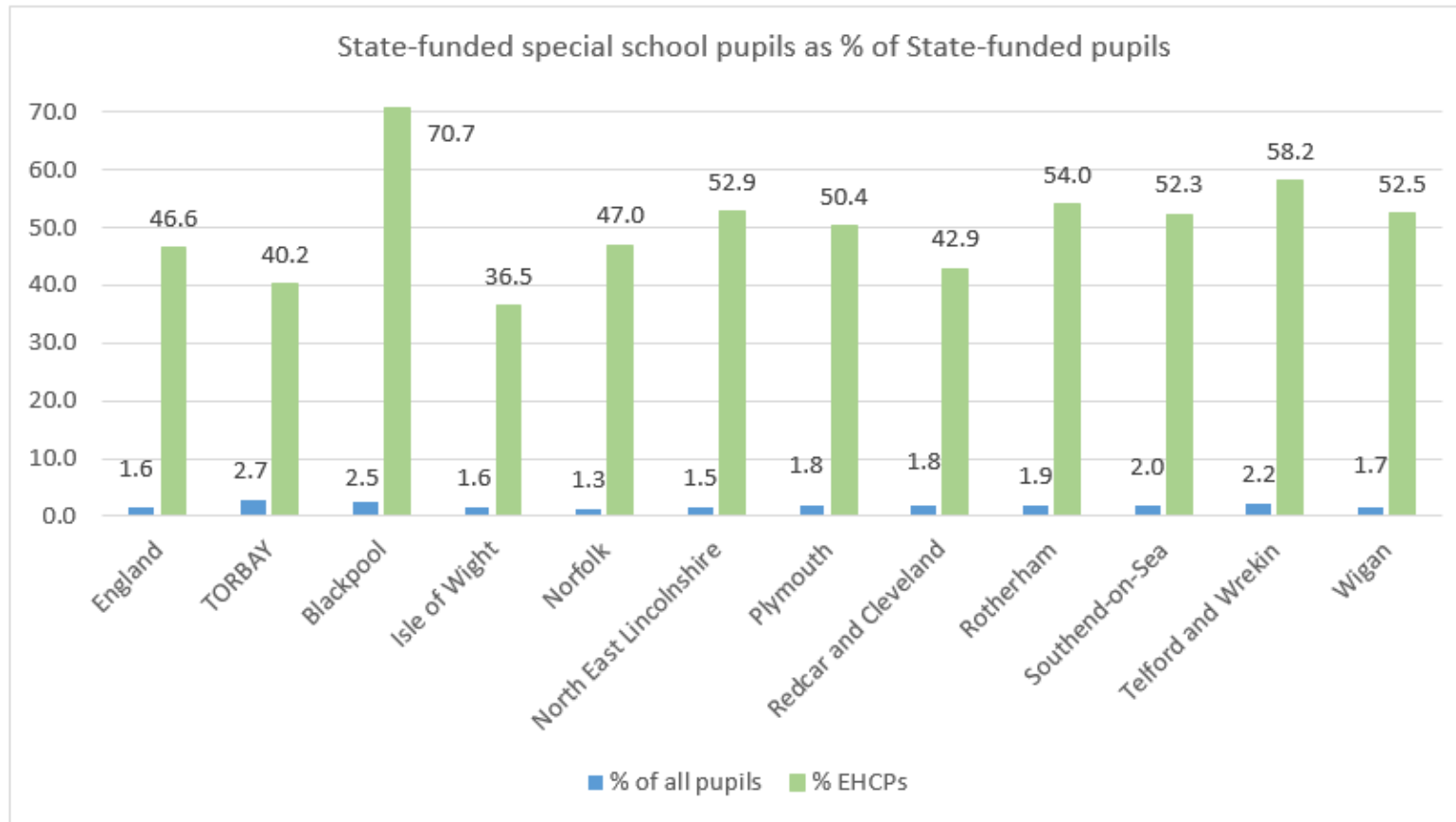
Provisional: Jan21 School Census, 11.8%



Source : LAIT May 21

With 12.6% in 2020 Torbay had a higher % of pupils with SEN Support when compared to England at 12.10%. Torbay is lower than the statistical neighbours group at 12.85%. Provisional figures show this decreasing in 2021.

SEN Statistics - Pupils in Specials Schools



Communicating the issues and the plan . . .

- School Forum Meetings
- School Forum Briefings
- Higher Needs Recovery Group
- SEND Network (including Heads and Governors)
- Individual school conversations
- Joint Funding Panels
- SEND Briefings
- SEND Strategic Board
- Council Corporate Senior Leadership Team
- Elected Members Briefing
- MP Briefing

What have we done to date . . .

Strengthening an inclusive and accountable culture

Action required	Progress to date	Where next?	RAG Rating
<p>Establishment of a Peer to Peer Challenge system</p>	<p>The secondary peer to peer challenge group is well established with regular attendees. The group are pro-actively trying to seek solutions for young people that have vulnerabilities by the use of managed moves and support packages. Young people are being flagged at an earlier opportunity for behavioural needs, allowing a greater amount of planning.</p> <p>It is difficult during this academic year to measure comparator data for exclusions and fixed term exclusions due to the nature of attendance during the pandemic.</p> <p>Managed moves are being used as a successful means of preventing exclusions. They are being overseen by the Pupil Referral Panel and reviewed and managed through the Secondary Peer Group.</p> <p>3 Managed Transfers have been used to prevent Permanent Exclusions. All 3 have been successful to date,</p> <p>5 Permanent Exclusions have been prevented by early work between schools, the SEN team and the Vulnerable Pupils team. 4 of these continue to be successful and one failed as the parents and child refused to attend the new setting.</p> <p>Annual reviews are being better used to establish whether an EHCP can be amended to better meet need and maintain a mainstream school place.</p> <p>Strong evidence of focused work on vulnerable children throughout the pandemic conducted by all schools with a high percentage of vulnerable and SEND pupils still attending throughout all phases of lockdown.</p>	<p>Sharing of data (once available) on exclusions, managed moves back with Heads Forums (Currently shared at the Local Education Board)</p> <p>Primary zero exclusion project</p>	<p style="background-color: yellow;"> </p>

What have we done to date . . .

Revision of the Fair Access Protocol	The Fair Access Protocol has been revised to better meet the needs of vulnerable students and to clarify the circumstances under which the school can make a fair access representation. This has been used for over 18 months and further versions have been consulted upon and adopted.	Keep under review	
Providing independent advice to parents	<p>The service has been commissioned and operational. The service started in January 2020 so has not had a normal year to operate. The service resources were diverted to support a wider range of children and families struggling with Covid related anxiety.</p> <p>Now that the service has returned to its core role, 57 families have been supported with advice about potential exclusions.</p> <p>19 have received a wider needs assessment leading to support from the Imagine This partnership and/or Early Help.</p>	<p>The service resumed from March 2021 and will be monitored against normal KPIs this year.</p> <p>Staff are moving from a mediation to a solution focussed delivery model to empower all parties and increase the capacity of the service.</p>	
Providing training and information to governors – including an SEND Audit	<p>SEND audits conducted in 100% of Schools and Colleges within Torbay (2019/2020)</p> <p>The audits show a good level of engagement and commitment to SEN children and an increased understanding across leadership. The accountability framework for SEN pupils has improved since the previous audits.</p> <p>The findings of the audit demonstrate that more work is required on SEN Support and a common approach to inclusion. There is evidence of some very strong practice in some schools and MATS that needs to be shared.</p> <p>SENDCO network well attended and offered termly. Agenda is both LA and School informed and is driving forward key changes required. Strong evidence in Ofsted reports that schools are offering good SEND services.</p>	Local Authority Graduated Approach document to be updated and consulted upon.	

What have we done to date

Ensuring children and young people have access to alternative and bespoke provision

Action required	Progress to date	Next steps	Trajectory
Exclusion recovery process	The mechanism for exclusion recovery have been adopted and are being used.	Debt recovery process being enacted	
Cost recovery for placements	Cost recovery activity is in place and invoices issued to schools.	EHE decision is being reviewed by School Forum	
Commissioned placement reductions	<p>The commissioned placement costs are rising due to sector pricing and demand. Individual packages are being reviewed and stepped down where appropriate. The savings on individual packages range between £5 - £25k</p> <p>We are commissioning less out of area placements and using local based provisions where we have secured good value for money. The spend on packages in alternative providers has reduced and children are now taught within the area resource bases created.</p> <p>The commission framework for alternative providers has been fully redesigned and is heavily focused on safeguarding and outcomes. Where outcomes are strong block purchasing has started and this has helped to manage overall costs of placements.</p>	Look at further block purchase opportunities to reduce costs or mitigate demand management.	
Alternative provision within our local area.	<p>The STEPS provision continues to provide for children that have previously been taught in out of area provision or bespoke tutoring. The provision is being well managed by PCSA and there is ongoing work between the school and SEND team to ensure pupils needs can be met.</p> <p>The Post 16 Provision at SDC has been expanded to provide for six young people with considerable SEMH needs. Following a successful pilot year this has increased to include 8 young people. Sixth day provision for children excluded from Primary Schools has been enhanced and interim measures have been put in place to have a dedicated space away from Chestnut.</p> <p>The Post 16 Panel considers Post 16 requests for specialist provisions and high cost bespoke packages. The close scrutiny has enabled local providers to offer creative options which have resulted in better outcomes for students and value for money.</p>	Continue to build upon the infrastructure of area resource bases.	
Appropriate contribution from health and social care.	Work has progressed with Health Colleagues to consider funding of children. An agreement has been reached between the Local Authority and Health Colleagues to jointly fund packages of support for children that do not meet the DST criteria but are requiring bespoke packages. A dedicated panel is established and meets frequently. We are assured that we are only providing the funding for education provision within all joint funded placements.	There will be further work with Health colleagues regarding use of Element 3 funding for health related support in schools.	

What have we done to date . . .

Ensuring the right children, achieve the right level of support, at the right cost

Action required	Progress to date	Next steps	Trajectory
Request for statutory assessment stemming demand	<p>The requests for statutory assessments continues to grow, however the number of issued plans have remained consistent with the previous year. The panel has been challenging the need for an EHCP in a rigorous manner and giving advice where appropriate on how the needs of children and young people can be met through SEN support.</p> <p>The Early Help system and SEND process have been carefully considered to ensure that the right help can be given at the right time. The revised way of working in Early Help will be supportive of children not escalating to EHCP.</p> <p>The demand for EHCP reduced during the pandemic, however following the return of children to school in March 2021 the demand has increased significantly. Work is being conducted to consider if this is an ongoing need or a delay in referrals.</p>	<p>Continue the rigorous challenge process around panel decision making.</p> <p>Work with schools to predict the ongoing need emerging from the pandemic</p>	
Element 3 top up and banding review.	<p>Panel for decision making on the top up has been established. Monitoring officers have taken on the responsibility of allocating the funds to each plan and conducting work on the funding as part of the annual review. This has created greater consistency in the plans that have been reviewed but does not bring about the whole scale change.</p>	<p>The review of the banded funding mechanism has been delayed and will be a focus.</p>	

What in addition have we done for Covid . . .

- Allocated £250k of Covid Outbreak Management Funding to children and young people identified as being at risk of longer term SEND as a result of Covid 19.
- Focused all SEND capacity on new requests and assessments, due to a rise in requests during both March, April and May.
- Created additional training and support materials for professionals to manage Emotional Based School Avoidance.
- Created additional links between education and social care to manage and maintain local placements and escalation.
- Established an extension to Post 16 pathways to enable SEND pupils to access work placements as promptly as possible, reducing longer term reliance on Higher Needs Budget. This comes at a cost. For the period November 2020 – April 2021 the cost of these interventions were circa £400k.

What do we still need to do?

- Continue to develop and embed Early Help
- Continue to reduce the use of bespoke arrangements
- Further create consistency of practice across schools
- Further reduce exclusions – zero exclusions vision
- Create banding system for element 3 funding
- Continue to use SEND capital funding to promote inclusion and cost reduction

External factors that can support

- Clarity on the statutory override is required to enable local areas to plan effectively
- The review of SEND needs to be launched nationally