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Date: Thursday, 15 August 2024

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Dear Member

CABINET - TUESDAY, 20 AUGUST 2024

I am now able to enclose, for consideration at the Tuesday, 20 August 2024 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
9.	Proposal for a Locality Model to Support our Children in Torbay who have additional needs including those with Special Educational Needs. Improving Inclusivity and Support.	(Pages 3 - 50)

Yours sincerely

Lisa Antrobus
Clerk

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Meeting: [Cabinet Meeting](#) **Date:** [20 August 2024](#)

Wards affected: [All](#)

Report Title: [Proposal for a Locality Model to Support our Children in Torbay who have additional needs including those with Special Educational Needs. Improving Inclusivity and Support.](#)

When does the decision need to be implemented? [Sept 2024 for a formal consultation with all stakeholders.](#)

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1. Purpose of Report

- 1.1 In 2021, a joint inspection between Ofsted and the Care Quality Commission (CQC) found that Torbay's systems work in silos and do not promote collaboration easily. In addition, they found that parents felt they had to 'fight' for support through an Education, Health and Care Plan (EHCP) and wait for a specialist assessment or diagnosis. Since 2021, a huge amount of improvement work has been happening across the local area, however the impact has been limited for them and their children.
- 1.2 Following a full Needs Analysis and Review of the Special Educational Needs and/or Disabilities (SEND) provision within Torbay, alongside the increasing demand for specialist education support, it is being proposed to consult on the implementation of a locality model across the area, in order to bring services together to support the children and young people of Torbay in their local community, reduce the requirement for an EHCP to receive support and therefore reduce the wait that families are experiencing in receiving the support that their children need to thrive.
- 1.3 This model will see whole communities coming together to support the children within their local area. Torbay's SEND provision will become a needs-led approach, focusing on the needs of children and young people within each local area, and allowing local stakeholders to make decisions on how the children and young people's needs can best be met.

2. Reason for Proposal and its benefits

- 2.1 The proposals which are subject to consultation will help us to deliver our vision of a healthy, happy and prosperous Torbay by ensuring that, where it is appropriate, children and young people are being educated and supported successfully within their home communities. Confidence within the education system will grow and the children and young people of Torbay will thrive within their education journey and into adulthood.
- 2.2 The reasons for the proposed locality model are to repair the current fragmentation within the education and SEND system to bring all stakeholders within communities together to bring about the required improvements for children, young people and their families.
- 2.3 The proposal for a locality model will enable better use of the expertise in the system by developing a way to allow families, colleagues in health, education and social care to work together.
- 2.4 By enabling the school and SEND system to develop into a community-based approach, Torbay will be reducing the need for families and their children to wait to receive a statutory EHCP or a medical diagnosis before any support or specialist provision can be offered. This will enable early intervention to be at the forefront of support for the young residents of Torbay which are maintained in their own local communities.
- 2.5 By enabling local stakeholders within each identified locality area to make decisions on the support and provision required by individual children and young people, and the whole education community, this will support the systems own confidence in their expertise, knowledge and to celebrate their success of the impact that they can achieve.
- 2.6 This proposal will help all children and young peoples to thrive at school, be valued, visible, and supported to feel that they are included in their local communities, and are better prepared for a happy, healthy, and productive adulthood.
- 2.7 This model will offer a more effective use of the money available and therefore develop a more financially sustainable school system.

3. Recommendation(s) / Proposed Decision

- 3.1 That consultation on a Locality Model be undertaken by the Local Area Partnership (as set out at Appendix 1) and the outcome of the consultation, together with recommendations on the new proposed Locality Model for Higher Needs and SEND be presented to a future Cabinet meeting.
- 3.2 That Cabinet notes that the locality model provides the opportunity to ensure that the MySpace Building at Parkfield is utilised to provide maximum benefit for children and young people in Torbay, through a vibrant and active use of the site at all times. That in this respect the Chief Executive be instructed to work with community and voluntary sector partners to develop a proposal to be presented to Cabinet at a future meeting, taking into account the local model proposals.

Appendices

Appendix 1: Locality Proposal Consultation

1. Introduction

- 1.1 In 2021, a joint inspection between Ofsted and the Care Quality Commission (CQC) found that Torbay's SEND systems work in silos and do not promote collaboration easily. In addition, they found that parents felt they had to 'fight' for an EHCP and wait for a specialist assessment or diagnosis. Since 2021, a huge amount of improvement work has been happening across the local area, however parents are not seeing the full impact for them and their children.
- 1.2 The government's SEND and Alternative Provision (AP) Improvement Plan from March 2023 is a step towards a more effective and sustainable high needs system in the future. National research also shows that more consistent and effective support in mainstream schools will lead to positive outcomes for children and young people and help parents to have greater confidence in the educational offer for their child.
- 1.3 This review places greater emphasis on the need to develop a more consistent and effective mainstream offer which will lead to positive outcomes for children and young people and give parents confidence in that mainstream offer.
- 1.4 Like many other Councils in the country, Torbay has found the costs of delivering services to support children with SEND, and other needs for statutory support, has grown faster than increases in grant funding provided by the government (known as the High Needs Block (HNB)). This has resulted in Torbay being part of the Department for Education's (DfE) 'Safety Valve' agreement to lower the spend in the HNB. The agreement means the DfE is making a £12 million contribution towards the accumulating deficit to balance the high needs budget by 2026/27, if Torbay can follow the terms of the agreement over the next two years.
- 1.5 Currently, Torbay schools operate individually, making decisions concerning children and young people with SEND without much opportunity or the resourcing to make collaborative decisions, to moderate thresholds, and make decisions across groups of schools. This leads to inconsistency in mainstream SEND inclusion and provision with potentially some children and young people placed in specialist provision who would be educated successfully in mainstream settings in other local authorities.
- 1.6 Currently, if the school staff consider more resource is needed than the school's budget is expected to afford, they can apply for additional resource through applying for an EHCP. This legal process takes more than 20 weeks in most instances. Much of the targeted and specialist support is only available with an EHCP, meaning families have to wait for support.

- 1.7 Torbay's current process, with its dependence on individual decisions regarding resources, means there are few opportunities for peer challenge and support, and therefore missed opportunities for wider improvement in mainstream support provision.
- 1.8 In Torbay, it is recognised that suspensions and exclusions are still too high, and that Elective Home Education (EHE) is increasing rapidly. Analysis by Public Alchemy (accessed 26/06/24) shows Torbay's exclusion rate to be the highest for children with SEN but not an EHCP and mid range for children without SEN. EHE numbers in Torbay are increasing at the fastest rate in the South West, with an in year increase of 40%.
- 1.9 Over the first quarter of 2024, a series of reviews and analysis have been completed in SEND. There has been a Needs Analysis of all children and young people with SEND looking at need across different areas and for the next five years. There has been some investigation into special school sufficiency due to the continued high demand for special school places and data showing this continued high level of need for the next five years. There has also been a review of the Enhanced Resource Provision across the Bay, as well as an analysis of the use of '6-day provision' and 'section 19' sustainability.

(Notes:

"Enhanced Support Provision" are specialist bases set up in mainstream schools to support particular needs.

"6-day provision" is reference to the Council's duty to put in place educational provision for any child or young person who is permanently excluded by the 6th day of their exclusion.

"Section 19" is the Council's duty to provide medical tuition services for children and young people up until the age of 16, if they are medically unfit to attend their usual school setting.)

- 1.10 The proposed Locality Model requires Torbay Council, Schools, the National Health Service, and other SEND service providers to work together more effectively, to secure improvements. A Locality Model aims to enable SEND support and services to be accessed more easily and delivered in a new way, ensuring needs are met early and supports a wider offer than just special educational needs and disabilities.
- 1.11 This model will help to maximise the impact of available resources for the overall benefit of children and young people with additional needs, and placing the decisions about how best to provide the support needed in the hands of the local stakeholders and thereby increases equitable access to support alongside reducing budget pressures.
- 1.13 These changes would affect all children and young people with SEND aged between 5-18 who may be identified as needing support, as well as young people with a medical condition as indicated by a successful Section 19 referral (which is currently delivered by the Medical Tuition Services, Torbay Education Ltd. which is a wholly owned company of the Council).

- 1.14 The proposed model would see mainstream schools organised into Clusters, which are potentially as listed below:
- Torquay Primary Cluster
 - Paignton and Brixham Primary Cluster
 - Torbay Secondary Cluster
 - Torbay Grammar School Cluster
 - Torbay Post 16 Cluster
- 1.15 Each Cluster will continue to provide specialist provision within them, and the current Enhanced Resource Provisions will be repurposed to ensure that they are able to meet the needs of the wider school community within their cluster.
- 1.16 Torbay's data shows that Speech Language and Communication Needs (SLCN) and Social Emotional and Mental Health Needs (SEMH) are the highest across Torbay. Each Cluster will have specialist support 'Hubs' within them to meet these predominant needs (this is often referred to as Ordinarily Available Provision). Clusters will also have the ability to develop more Hubs in line with the needs that they are seeing directly within their areas. Capital funding will be available to support Hubs to be formed.
- 1.17 There will be an Outreach offer embedded within the Clusters to offer support to children, young people and the schools when needed.
- 1.18 The provision will move away from the requirement of needing an EHCP to access support and will be open to those within the Cluster who need it.
- 1.19 There will be the flexibility of being able to offer short term interventions within the Hubs and not just offering long term placements.
- 1.20 The Clusters will be responsible for supporting all children with SEND within their area, and also for support Section 19 referrals, provision for those with medical needs, those who are at risk of exclusion and supporting those who have been excluded.
- 1.21 Cluster Panels will be established, consisting of experienced school leaders within the local community, who will advise and decide on the support required for the children and young people within their Cluster.
- 1.22 A Team Around the Cluster will be introduced, which will be a multi-agency team of professional support around each Cluster.
- 1.23 Torbay Council will remain responsible for overseeing the operation and workings of the Locality Model and the Clusters, where steering groups will be established, attended by Senior leaders from the relevant partners to ensure sufficient oversight, resulting in the required impact. Torbay Council will continue to have responsibility for the Special School placements who will not be included in the Locality hubs.

- 1.24 The future of Parkfield MySpace site will be considered following the outcome of the consultation on the Locality Model.
- 1.25 Torbay Council will remain in line with the Big Lottery Fund Deed of Dedication that the Council, 'consents not to assign, transfer or charge the land'. The Council will also be following the National Trust consent of 24th July 2019 that places conditions on use including that, Students will have access between 8.45am and 2.45pm, staff between 7.45am and 4.30pm and that the Youth service will operate 4-9pm on weekdays & 9am to 9pm Saturdays & Sunday.

2. Options under consideration

- 2.1 Option 1: The current system and processes could remain the same within Torbay with no changes. This option comes with a number of disadvantages, mainly being that children and young people would continue to experience long waits for the support required, family's distrust in the education and SEND system would continue to grow and the pressures on the budgets would continue to increase. This would pose a high risk in any forthcoming Ofsted Inspection (expected towards the end of 2024) as the Local Authority is not taking action to address systemic failures blocking impact for children and young people with SEND.
- 2.2 Option 2: The proposed option which is a transformative change in supporting additional needs within Torbay. This has been implemented in other Local Authorities who have been experiencing the same challenges and this model brings positive changes to the experiences of the children, young people and their families. This model will align with the Government's aspirations to enhance the inclusivity and provision within mainstream schools and to focus on children and young people receiving the right support, in the right place, at the right time in their own local communities.

3. Financial Opportunities and Implications

- 3.1 Torbay Council would make a financial contribution available to each Cluster to meet predictable needs from the Higher Needs Funds, calculated by using an agreed formula.
- 3.2 Shared resource, rather than smaller amounts of money attached to individuals, would allow schools to explore many more options which can be used more creatively, and would bring the advantage of economies of scale to purchasing support provision.
- 3.3 Torbay Council would set resources aside for exceptional needs which would still be delivered in our Special Schools or through specialist provision.
- 3.4 Current E3 funding attached to ECHP would remain the same but any short-term AP funding would cease and be allocated by the Cluster Panels where appropriate. The entire budget would remain the same but be re-purposed to ensure support is accessed earlier.

4. Legal Implications

- 4.1 Under the Children and Families Act 2014, councils in England must support children, young people, and families, with SEND. The changes in this proposal align with what is set out in this legislation and will improve how the local area meet the expectations.
- 4.2 Education Act 1996 (section 19 duty) outlines the duty of the LA to make arrangements for the provision of suitable education for those unable to attend school due to illness, exclusion or other reasons. This proposal considers this duty and has embedded it within, enhancing the offer will be available for those children and young people.

5. Engagement and Consultation

- 5.1 In the preparation of this proposal, key stakeholders have been informally consulted to gain insight into their experiences, thoughts and views on the potential direction for the Locality approach within Torbay. However, the purpose of this paper would be to request a full consultation with young people, parents and carers and all stakeholders in the Local Area over the next three months.
- 5.2 At the start of 2024, a review was carried out on Torbay's Enhanced Resource Provisions (ERPs) where each provider was given the opportunity to share their thoughts on how the provisions worked and what could be improved. Their initial feedback was considered when the proposal was brought together, aligning a number of elements that they thought could work into the Locality Proposal.
- 5.5 For the ERPs that have health input, discussions have taken place with the health colleagues who directly support the provision to gain their views on what works and what could be improved. This proposal was then discussed with them in greater detail due to the significant changes and request for higher level of health input into the Clusters.
- 5.6 Torbay's AP providers and 6th day provision have been involved in these discussions, in line with the SEND and AP Improvement plan whereby AP is recognised as part of the SEND sector. There is a desire within the system for AP to become early intervention and not solely used for those have received a permanent exclusion.
- 5.8 As this model is proposed to embed a holistic approach to supporting children and young people, this proposal has been raised with leaders within Social Care as there will be a request for joined up support amongst the sectors to better support Torbay's children and young people.
- 5.10 Following this initial consultation to support in the development of the proposal, a full formal consultation will take place from September 2024. This consultation will include a request for survey responses and pre-arranged meetings and forums for interested parties to attend and to offer their verbal feedback will take place

6. Procurement Implications

- 6.1 The changes being proposed will continue to be funded by the current funding stream which is the High Needs Block (HNB) of the designated Schools Grant (DSG). Within the [High needs funding: 2024 to 2025 operational guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/high-needs-funding-2024-to-2025-operational-guide) which is published annually, it outlines the following that *'When a local authority fulfils its statutory duties to make provision specified in an EHC plan or to put in place alternative provision for children of compulsory school age, funded from their high needs budget, it is likely to be delivering public education organised within a national education system. Any disbursement of high needs funding between the local authority and a school or college in fulfilment of such duties will, therefore, not constitute 'economic activity', and any agreement between local authority and a school or college will not be regarded as a public service contract for the purposes of the Public Contracts Regulations.'*
- 6.2 The proposals outlined will result in funding contributions being provided by Torbay Council to each Cluster of registered education settings to support those with SEND. Should the Cluster then decide to utilise any of these contributions to fund external support or intervention outside of their organisations then they will have the responsibility of ensuring that the relevant legislation is adhered to when purchasing services.
- 6.3 Despite this funding being exempt from the Public Contract Regulations, Torbay will issue Service Level Agreements with each Cluster and will establish a full and thorough monitoring process to ensure that the Locality Model is being implemented as expected and has the impact required.
- 6.4 Despite this not being a Procurement requirement, Social Value is being recognised within this process due to the wider community benefits that this proposal will bring to Torbay.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 This proposal will have no negative impacts on the natural environment or risk the commitment of the Council to tackle the climate emergency. It may have positive benefits where we substantially reduce the number of young people being transported to different areas as the approach is based on receiving support near to your home, in your local community.
- 7.2 Due to this proposal aiming to ensure that children and young people can remain within their communities, Torbay are likely to see a reduction in the requirement for them to travel greater distances to specialist education provision, but instead remain within their home school.

8. Associated Risks

- 8.1 Should this proposal not be accepted or implemented, then there is a significant risk of the education and SEND system experiencing further challenges and failures for the families and their children of Torbay. The current system is not working and is not financially sustainable and without these changes, it is likely that the pressures on the High Needs Block and the Dedicated Schools Grant will continue to increase. With no ongoing Safety Valve funding to offset a deficit and our statutory override function ending this will place the financial burden back onto the Local Authority to meet.
- 8.2 Without the proposed changes there will be continued discontent within the communities due to the required support not being available when it is needed the most. This will be felt across the system including families, education settings, Torbay Council and health providers.
- 8.3 There are potential risks associated with implementing this new approach within Torbay, as it will be a big alteration in the processes that currently exist within the area, but also the mindset of all stakeholders. With the correct support and clear steps on how to implement this plan, this will help to mitigate any potential risks that might occur with these changes.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 13	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>This proposal will positively impact those aged between 5-18 due to support and provision being more easily and readily available (without the need for an EHCP) to enable them to progress successfully into adulthood. This will in turn have a long term positive impact as young peoples opportunities will improve throughout their education, making their journey throughout adulthood more achievable. Funding allocated by a Cluster will be moderated to ensure equity across each proposed cluster. The system for under 5s is not included in this proposal but there is scope to expand this once successfully embedded. A full consultation to include children, young people, parents and carers and all stakeholders will inform the finalised proposal. The consultation will be managed in an accessible way to ensure all voices are heard.</p>		

Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	This proposal will positively impact carers in the immediate term and for the future. Ensuring a more successful journey through education will enable young people to become more independent in their own skills and abilities. This will positively impact on the experience of young carers where their siblings will have improved access to suitable education, support networks and lifelong outcomes.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>Children and young people with a disability will be disproportionately affected by this proposal. It is therefore essential that this cohort are given due consideration in our plans and proposals for consultation and the transition process which may then subsequently happen to any new model for service delivery.</p> <p>The consultation will ensure that all young people and their families can feedback their views on the proposal in an accessible way.</p> <p>This proposal will positively impact those with a disability, by enabling support to be available at earlier stages in people's lives. This means that those young people with a disability who may be 'waiting' for support can still access the support alongside those who may have a disability.</p>		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community	There is no differential impact.		

	<p>answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.</p>			
Marriage and civil partnership	<p>Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.</p>	<p>There is no differential impact.</p>		
Pregnancy and maternity	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>There is no differential impact.</p>		
Race	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	<p>There is no differential impact.</p>		

Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact. The consultation would consider the religious designation of some of the schools and ensure that this does not impact on the support received across the locality.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	There is no differential impact.		
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		

Public Health impacts (Including impacts on the general health of the population of Torbay)		Positive – due to earlier support as part of the community model and bringing health, care and education services together.		
Human Rights impacts	Protocol 1, Article 2: Right to Education	Positive – all young people would be supported in their right to have education delivered which meets their needs in their local community.		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive – enabling expertise to be broaden across the locality, supporting children to remain in their community and promoting earlier support.		

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None



TORBAY
COUNCIL



Proposal for a Locality Model for Special Educational Needs in Torbay: Improving Support for SEND

Draft Consultation Document

DRAFT

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Introduction

Torbay is on a journey to improve the standards achieved and progress made by children and young people with Special Educational Needs and Disabilities (SEND) in Torbay. We want every child and young person to thrive and flourish.

Following our Ofsted Inspection in 2021 we have been talking to children, young people and their families to understand what change is needed. We have been working on improvements in the eight key areas set out in our action plan called our Written Statement of Action. The SEND and Alternative Provision (AP) Improvement Plan¹, published in March 2023, sets out the Government's plans for a more effective and sustainable high needs system in the future. National research also shows that more consistent and effective support in mainstream schools will lead to positive outcomes for children and young people and help parents to have greater confidence in the educational offer for their child.

Torbay has signed a Dedicated Schools Grant (DSG) 'Safety Valve' Agreement with the Department for Education (DfE). This is a programme designed to help local authorities tackle overspending on High Needs including SEND services. As part of this agreement, we have successfully negotiated a £12 million contribution from the DfE towards eliminating the deficit arising from existing and forecast overspends on Higher Needs Funds. The Agreement requires Torbay to take specific actions to reduce the number of Education, Health and Care Plans whilst also reducing the spend to the High Needs Budget.

Rather than waiting for any national measures to be implemented Torbay must act now to secure better outcomes for our children and young people. Any changes made to our SEND system will continue to be informed by national developments in SEND.

We are proposing a **Locality Model** which will require Torbay Council, schools, the NHS, and other SEND or High Needs service providers to work together more effectively, in geographically based Clusters, to secure improvements.

¹ <https://www.gov.uk/government/publications/SEND-and-alternative-provision-improvement-plan>

The Locality Model aims to enable SEND support and services to be accessed more easily and delivered in a new way. We hope this proposal will help all children and young people to:

- Thrive at school
- Be valued and visible
- Be supported to feel included in their local communities and better prepared for a happy, healthy, and productive adulthood.

In recent years, many local areas have created a Locality Model for their geographical area. We are proposing the same as we believe it will enable better use of the expertise in the system by developing a way to allow families and colleagues in health, education and social care to work together to:

- Be needs led – providing provision without Education, Health and Care Plans and without the need to wait for diagnosis or processes to happen;
- Provide for those who already have an Education, Health and Care Plan enabling them to stay in their local community;
- Make localised decisions, by local stakeholders, about how children and young people's needs can be best met;
- Share good practice and expertise across different services and providers;
- Increase consistency in provision across schools;
- Reduce bureaucracy whilst embedding effective governance; and
- Make better and more effective use of the money available and therefore develop a more financially sustainable school system.

Within the Torbay Locality Model we want to include both our primary and secondary mainstream schools but also extend this to form locality Clusters for our three grammar schools and all our Post 16 providers so they will also benefit from the points above.

We want to hear your views on the proposed changes as part of this consultation. We invite you to read this document to find out how the proposed Locality Model will support children and young people with SEND and High Needs in Torbay and what the changes could mean for you.

Why are we proposing changes?

Inspection judgements

Under the Children and Families Act 2014² councils in England must support children, young people, and families, with SEND.

Ofsted³ and the Care Quality Commission (CQC)⁴ jointly inspect how well this is done in each area. In 2021 the joint inspection identified eight areas of weakness in Torbay's Local Area's effectiveness in implementing disability and SEND reforms.

One of these eight areas of weakness found that Torbay systems work in 'silos' and that our current systems do not promote collaboration easily. A further consideration in Ofsted's 2021 inspection was that parents felt they had to 'fight' for their Education, Health and Care Plan and wait for a specialist assessment or diagnosis.

This proposal places a needs-led approach firmly at the centre of all arrangements – where an Education, Health and Care Plan is not needed to ensure support and provision is available. This will allow needs to be met with less delay and bureaucracy, with the decisions being placed at local level.

Over the past two years a huge amount of improvement work has been happening across all eight areas of our Written Statement of Action. Unfortunately, our families have not seen the full impact for them and their children and young people due to limited system changes with how SEND provision and support is organised and administrated.

This proposal would make the fundamental changes needed to enable the Torbay SEND system to be fit for the future whilst aligning with Torbay's Safety Valve Agreement and the national SEND reforms.

Over the first quarter of 2024 a series of reviews and analysis have been completed in relation to SEND services. There has been some investigation into special school sufficiency due to the continued high demand for special school places and data showing this continued high level of need for the next five years. There has also been a review of the 'Enhanced Resource Provision' across the Bay as well as an analysis of the use of '6th

² Children and Families Act 2014: an Act in law to make provision about children, young people, families, and people with special educational needs or disabilities; to make provision about the right to request flexible working; and for connected purposes.

³ Ofsted: the Office for Standards in Education, Children's Services and Skills

⁴ Care Quality Commission: the independent regulator of health and adult social care in England

day provision' for excluded children and 'section 19' sustainability for those unable to attend their school (please see our glossary pages for explanations of these).

Torbay's processes today

Currently Torbay schools operate individually, making decisions concerning children and young people with SEND and/or High Needs without much opportunity to make collaborative decisions, to moderate thresholds, or make decisions across groups of schools. This leads to inconsistency in mainstream SEND inclusion and provision with potentially some children and young people placed in specialist provision who would be educated successfully in mainstream settings in other local authorities.

Currently if the school staff consider more resource is needed than the school's budget is expected to afford they can apply for additional resource. However, this is only available to those children and young people with an Education, Health and Care Plan.

Torbay's current process, with its dependence on individual decisions regarding resources, means there are few opportunities for peer challenge and support, and therefore missed opportunities for wider improvement in mainstream support provision.

In Torbay we also know that suspensions and exclusions are still high when compared to statistical and regional neighbours, and that Elective Home Education is increasing rapidly.

National context

The Government published the SEND and Alternative Provision Improvement Plan in March 2023. This communicated a vision for new local SEND partnerships that will create evidence-based Local Inclusion Plans, which 'set out how the needs of children and young people in the local area will be met in line with National Standards'.

This review places greater emphasis on the need to develop a more consistent and effective mainstream offer which will lead to positive outcomes for children and young people and give parents confidence in that mainstream offer. Our proposal will mean that change for families can come sooner rather than later.

Torbay's Safety Valve Agreement

Due to the financial position Torbay is in, with demand for support increasing, Torbay has signed a Dedicated Schools Grant (DSG) 'Safety Valve' Agreement with the DfE. This is a programme designed to help local authorities tackle overspending on SEND and High Needs services.

As part of this Agreement, Torbay successfully negotiated a £12 million contribution from the DfE towards eliminating the deficit arising from existing and forecast overspends on

Higher Needs Funds. The agreement requires Torbay to take specific actions to reduce the number of Education, Health and Care Plans whilst also reducing the spend to the High Needs Budget. This allows us to continue to focus on improving SEND services within the money available.

It means that we must control and reduce the cumulative deficit over the next two years. We cannot sustain the overspends in high needs that we have been experiencing over the last few years.

Therefore, we need to make changes to ensure we can better support children, young people, and their families so they feel the maximum benefit from the resources available.

Torbay's strategic priorities

Our proposal for a Torbay Locality Model aligns with Torbay's SEND Strategy and the strategic vision for children, young people, and families.

Our Strategy⁵ identifies our Torbay commitment to:

Working determinedly for a child friendly Torbay where children and young people with SEND and their families experience a well-planned continuum of provision from birth to 25 and beyond.

Aiming high so that all children and young people with special educational needs and disabilities can reach their full potential, receive the right support, at the right time, with choice and control so that they can lead fulfilling lives.

Aligning our resources to drive sustained improvement.

We are determined to work together to ensure an improvement in the quality of outcomes for those children and young people with special educational needs and/or disabilities.

Overarching aims of this proposal

The changes we are proposing will provide a vision for SEND where every child has the ambition to attend their local school in their local community and have their needs met early and without delay. We want to see parental confidence improved because statutory responsibilities are fulfilled and we want our Higher Needs Resources used make our SEND system sustainable and fit for the future.

⁵ [Torbay SEND strategy 2023 - Torbay Council](#)

This proposed structure and process will help maximise the impact of available resources for the overall benefit of children and young people with SEND. It places decisions about how best to support need in the hands of the local stakeholders and thereby increases equitable access to support and reduces budget pressures in line with the Safety Valve Agreement.

Initial engagement

In developing the proposal for a Locality Model, Torbay Council has undertaken engagement with various stakeholders including:

- Local Authority Governance Groups
- Health
- Children and Young People
- Parent and Carer Forum (SEND Family Voice Torbay)

Further details of the consultation which will now take place are included at the end of this document.

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What changes are we proposing?

The proposed Locality Model

We are proposing to establish a Locality Model, which would help drive necessary Local Area improvements to mainstream inclusion and education for children and young people with SEND or other needs who are of statutory school age (i.e. aged between 5 and 18 years olds).

The Locality Model would allow SEND support and services to be accessed and delivered in a new way which makes better use of local education and SEND expertise. These proposed changes would include Post 16 providers and the selective grammar schools in Torbay.

The proposed changes would not at this point include early years settings or young people between aged 19 to 25. Improvement work in these areas is ongoing and there may be scope to include further groups into any Locality Model once it is established.

The changes would affect all young people with SEND – not just those with an Education, Health and Care Plan but any young person aged 5-18 who may be identified as needing support.

The concepts of 'predictable' and 'exceptional' SEND, as well as Ordinarily Available Provision, would be adopted. This model especially explores how predictable needs could be met through ordinarily available provision in each Cluster.

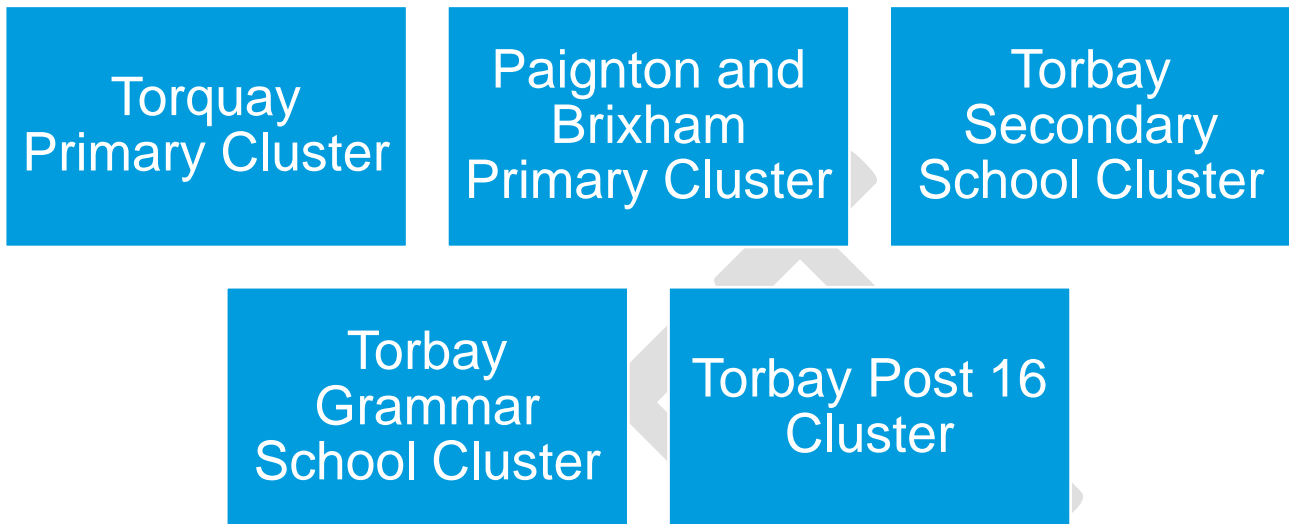
- Predictable needs of children and young people are those which are neither uncommon nor complex, but where the existing universal and targeted whole school provision is not sufficient alone to meet those needs.
- Exceptional needs of children and young people are those which are significant or complex and would present any mainstream school with significant challenges in meeting those needs without further resource.
- Ordinarily Available Provision is the support and provision which should be available in every Cluster and to all children and young people who need it. Currently these are contained with the Torbay Graduated Response Toolkits ([SEND Support and Provision – Graduated Response - Family Hub \(torbayfamilyhub.org.uk\)](#)) but would be further developed in this model.

The full definitions of exceptional and predictable needs will be developed in collaboration with all schools and other stakeholders as part of the continued implementation of our Graduated Response Toolkits and any implementation of this proposal.

Children and young people who have 'exceptional' needs currently attend special schools.

Clusters

The proposed Locality Model would see schools organised into Clusters according to their geographical area. Several different options were considered when drawing up the geographical Cluster areas. It is favoured that we will have a total of five Cluster areas:



Schools, Torbay Council, the NHS, and other SEND service providers would work collaboratively to improve outcomes for all children and young people in their local Cluster, making sure the needs of children and young people with SEND or High Needs are sufficiently planned and provided for.

Each Cluster would be made up of the following settings:

- Torquay Primary Cluster (17 settings)
 - All Saints Babbacombe CofE Primary School
 - Barton Hill Academy
 - Cockington Primary School
 - Ellacombe Church of England Academy
 - Homelands Primary School
 - Ilsham Church of England Academy
 - Our Lady of the Angels Catholic Primary School
 - Preston Primary School
 - Priory Roman Catholic Primary School, Torquay
 - Sherwell Valley Primary School
 - Shiphay Learning Academy
 - St Margaret's Academy
 - St Marychurch Church of England Primary and Nursery School
 - Torre Church of England Academy
 - Upton St James CofE Primary School
 - Warberry CofE Academy

- Watcombe Primary School
- Paignton and Brixham Primary Cluster (14 settings)
 - Brixham Church of England Primary School
 - Collaton St Mary Church of England Primary School
 - Curledge Street Academy
 - Eden Park Primary & Nursery School
 - Furzeham Primary School
 - Galmpton Church of England Primary School
 - Hayes School
 - Kings Ash Academy
 - Oldway Primary School
 - Roselands Primary School
 - Sacred Heart Catholic School
 - St Margaret Clitherow Catholic Primary School
 - St Michael's Church of England Academy
 - White Rock Primary School
- Torbay Secondary School Cluster (5 settings)
 - Brixham College
 - Paignton Academy
 - St Cuthbert Mayne School
 - The Spires College
 - Torquay Academy
- Torbay Grammar School Cluster (3 settings)
 - Churston Ferrers Grammar School Academy
 - Torquay Boys' Grammar School
 - Torquay Girls Grammar School
- Torbay Post 16 Cluster (11 settings)
 - South Devon College
 - Eat that Frog
 - ROC College
 - Sixth Forms (x8)

Key Features of each Cluster

- Torbay Council would make a financial contribution available to each Cluster to meet predictable needs from the Higher Needs Funds calculated by using an agreed formula.
- Shared resource, rather than smaller amounts of money attached to individuals, would allow schools to explore many more options which can be used more creatively, and would bring the advantage of economies of scale to purchasing support provision.

- Torbay Council would set resources aside for exceptional needs which would still be delivered in our Special Schools or through specialist provision.
- Arrangements for our current Enhanced Resource Bases (ERPs) would cease by 1 September 2025. However the bases and skills of the current ERPs could be used within each Cluster as part of their 'hubs' explained later in this section.
- Current E3 funding attached to Education, Health and Care Plans would remain the same (and the rollout of the new funding matrix would continue as planned) but any short-term Alternative Provision funding would also cease and be allocated by the Cluster Panels where appropriate.

A transition period between the current and any new model being implemented following this consultation would be necessary and planned for January to August 2025.

Specialist Hubs in each Cluster

In Torbay our data analysis tells us that, at SEN Support (K), the greatest needs are in Speech, Language and Communication Needs (SLCN) and in Social, Emotional and Mental Health Needs (SEMH).

Therefore, we believe every Cluster should have at least two specialist hubs to develop a Cluster's Ordinarily Available Provision in these areas – a 'Communication' Hub and an 'Inclusion' hub.

This might be existing provision which is adapted or a new type of provision which is created by the Cluster. A Cluster may also seek to develop further specialist 'hubs' to support agreed specific needs in their Local Cluster.

This provision would re-purpose the current Enhanced Resource Bases (ERPs) and would include:

- a greater offer of outreach services to other schools in the Cluster,
- short term and flexible support to young people (rather than a long term 'place' in the hub) and
- be open to young people with and without plans equally.

Capital funding is available to repurpose the current ERPs or create new hubs.

Our current additional ERPs (two Hearing Impairment bases) which do not serve our greatest needs could be re-purposed into new hubs. Each Cluster will have access to outreach services from our Hearing and Visual Impairment service.

Our Clusters will also be responsible for supporting Section 19 referrals within their own Cluster, finding local solutions for children and young people with medical needs, and understanding the section 100 Children and Families Act offer within each school (Children

[and Families Act 2014 \(legislation.gov.uk\)](http://legislation.gov.uk). Please see our glossary for a further explanation.

Our Section 19 duties are currently discharged through an education service based at MySpace at Parkfield, Paignton. We want to ensure that this facility has a vibrant community feel and as part of the consultation we will seek views on how we can enable this to occur outside of school hours, including evenings, weekends and holiday periods.

Clusters will also be responsible for supporting children and young people at risk of exclusion, working together to support them to remain in mainstream education as well as supporting the provision for excluded children.

6th day provision will be provided by schools working together, using powers such as section 29, to support with the management of behaviours within schools and to maximise transfer to a new mainstream setting. This may include the re-purposing the current 6th day provision, to broaden support across Torbay. This will include offering outreach provision and early intervention to promote success.

Cluster Panels and Governance of SEND

Each Cluster would establish a **Cluster Panel**. We propose that that would consist of headteachers, SEND Coordinators (SENDCo) and other school leadership representatives of the mainstream primary and secondary schools within their defined Cluster.

Panel members would have direct experience and expertise in organising and providing support in schools to children and young people with SEND. They would therefore be well placed to advise on how SEND and other needs can be met locally in the most effective way.

There is proposed to be a multi-agency team of professional support around each Cluster, a "**Team around the Cluster**", including identified health staff, Torbay Council commissioned service providers, other agencies that support families, and any additional bespoke service providers commissioned by the Cluster.

Together this Team around the Cluster would ensure a greater proportion of children and young people with SEND within their geographical area can access a high-quality, inclusive education, within a mainstream setting (where this is appropriate to their needs).

How Cluster Panel members would work together?

Cluster Panels would have an agreed Service Level Agreement and terms of reference which set out:

- underpinning principles;
- school representation;

- operational and collective decision-making protocols; and
- monitoring and accountability roles and responsibilities.

They are proposed to meet half-termly (6 times a year) to consider how to meet the needs of children and young people most effectively to secure the best possible outcomes for them. There would be the need to spend time setting up these panels and may be the need for more frequent meetings (potentially meeting every three weeks) in the first term as the Clusters get underway.

Torbay Council would provide a guidance handbook to support the Cluster Panels in their work. This would contain:

- a terms of reference template,
- templates for letters to parents and service providers,
- examples of successful localities work from other authorities, and
- examples of innovative options for use of shared resources.

To facilitate the model, Torbay Council would determine and apply an agreed formula through which an amount of pooled funding can be made available from the High Needs Block to each Cluster to meet predictable needs. Allocating pooled funding to Clusters, rather than allocating funding following applications concerning specific individuals would:

- open-up many more options,
- mean that funding can be used more creatively, and
- bring the advantage of economies of scale to purchasing support provision.

Torbay Council would remain responsible and accountable for administration of the pooled funding.

The Cluster's headteachers, with the support of other members of the panel, would be responsible for collaboratively driving local SEND and inclusive mainstream improvement. They would do this through implementing a school-to-school improvement process, and by influencing the way in which their Cluster's available collective resource and other resources for predictable needs would be used.

The development of a predictable and exceptional needs model in Torbay would require clear agreement between schools as to what kinds of needs are predictable (and what should be ordinarily in place to meet this level of need). This should follow Torbay's recently launched Graduated Response Toolkits.

As the proposed Clusters separate primary and secondary schools, each Cluster would need to have a clear role in supporting transition arrangements for children and young people. This would be achieved through a greater focus on SEND and needs-led cross-phase collaborative planning across Clusters, as schools have greater knowledge of levels of need and interventions that have been effective at earlier education stages. There would

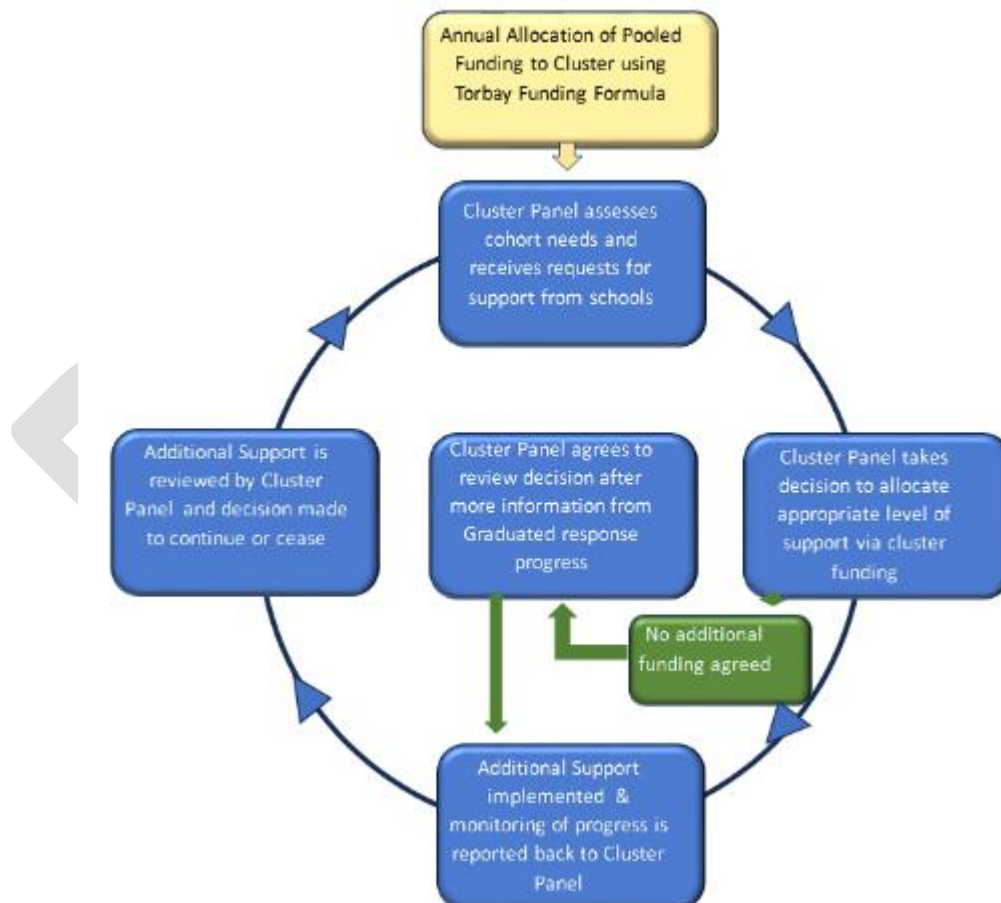
need to be provision within the Terms of Reference to ensure smooth transitions at all levels and phases.

Within our proposal we would also include a Post-16 Cluster. This would be a slightly different model but one where all post-16 providers could come together to support post-16 learners across the Local Area with a formalised way to work together.

A Grammar School Cluster would also be set up. Due to the number of young people within our grammar schools from other Local Areas, a bespoke arrangement for a Cluster would be co-created following the principles agreed for our wider Locality Clusters approach once consultation is completed.

Proposed Locality Model process

The ambition is that children and young people’s needs would be identified accurately and assessed in a timely and effective way, so they receive “the right support, in the right place and at the right time”, regardless of whether their needs are exceptional or predictable.



1. Cluster Panels would clarify the needs of children and young people, and any specific concerns individual schools and parents have about meeting those needs.

2. Torbay's Graduated Response Toolkits would be promoted and used to assess whether a school that shares specific concerns could do anything further within its own resources to meet the needs of its children and young people with SEND. Further developments within the Toolkits would define standards to provide consistent expectations of what should be provided from within a school's own resources. The panel would also consider any available external services the school has or has not already accessed and how effective those services have been or might be.
3. Where considered appropriate by the Panel, local school-to-school support would be provided by the Cluster to the school to increase the quality of their mainstream core offer. This may include suggesting additional strategies to strengthen SEND and inclusion provision, outreach support from the 'hub', and mentoring staff; or recommending ways to make better use of existing external agency support.
4. Sometimes the introduction of more effective strategies, and/or better use of existing available external support, would be sufficient to meet children and young people's needs. Parents would be updated by their child's school about any improvements to provision that result from Cluster support. Together with the school, they would be involved in monitoring and assessing the impact of those improvements.
5. Sharing experience of effective school strategies within Clusters would build upon and add to the existing work of Torbay to share and further develop effective inclusive practice across the Local Area to be developed via the SEND Strategy priority groups.
6. The Cluster Panel would have at least two hubs within their Cluster which could offer a range of support and provisions to all schools within the Cluster. The Cluster may decide on the proportion of this support (for example, whether a greater amount of outreach support is appropriate for the Cluster or whether having a flexible base for children and young people to attend for short periods of support would be more appropriate). The Cluster panel would decide upon capacity and methodology of delivery of each hub. Hubs would be open to children and young people with and without EHCPs.
7. Next, the Cluster Panels would consider the predictable needs of the cohort of children and young people, which are not uncommon or complex but do require more support than an effective mainstream core offer can provide. Panel members would agree the best use of their available resources for this group, including if/how they can make use of support services and whether the criteria are met to make a request for additional funding for the whole group. A Local Authority Multi-Agency Action Team will be able to support each Cluster with Educational Psychology support, support from Family Hubs, Early Help, Vulnerable Children and Young People Team and Specialist Advisory Teachers.
8. The Cluster Panels will monitor the rate and characteristics of the children and young people moving to Elective Home Education and seek to understand the drivers and how the Cluster can address these.

9. The Cluster Panels would make any recommendations for use of the available funding to support individual children and young people, which would remain responsible for making a final decision.
10. Schools would keep parents updated on any decisions and actions that relate to their child or young person. Together with the school, parents would be involved in monitoring and assessing the impact of any additional support agreed and implemented for their child or young person.
11. Assessing and determining support requirements and funding attached to children and young people with exceptional needs would continue to be the responsibility of Torbay Council, including the compliance with the relevant legislative frameworks. Therefore, the current system of Special Educational Panels would continue to be the responsibility of Torbay Council.
12. As part of their quality assurance role, Cluster Panels would strengthen monitoring and evaluation of SEND funding, services, and outcomes with support from the Council. Cluster Panels would measure improvements and could benchmark their performance against other geographical areas.
13. Torbay Council would establish moderation of decision-making and sharing of good practice between Clusters. This would operate through a new Cluster Chairs network and help ensure Local Area themes and improvements to the quality and consistency of mainstream SEND provision.
14. In principle, Torbay Council would redirect the existing levels of funding distributed through 'mainstream top-up' for use by the Cluster panels by an agreed method of calculation.
15. If the proposal is adopted, Torbay Council would continue to feed in the views of young people (via the Point of You Service) and parents and carers (via the Parent Carer Forum, SEND Family Voice Torbay).

Quality assurance of process and outcomes

A live Local Area Dashboard, which tracks outcomes at a school and Cluster level, would be available to all Clusters to:

- provide evidence of outcomes,
- measure improvements, and
- increase transparency between schools.

This information would provide an opportunity for Cluster Panels to benchmark their performance against other geographical areas.

Each Cluster would report themes into the Cluster Chairs meeting so that data can be analysed together, themes raised and fed into the wider Local Area improvement work.

Governance arrangements

Torbay Council would be responsible for overseeing the operation and workings of the Locality Clusters. This would happen through existing governance arrangements of the SEND Executive Board which feeds into the Children's Continuous Improvement Board.

As the proposal supports work in the Safety Valve and the Written Statement of Action, governance would also sit within these existing structures.

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Expected impact

If the proposed Locality Model is embedded and working effectively, we anticipate that greater inclusion within all mainstream schools will be established. Children and young people would be warmly welcomed and valued, and would have their needs met, at their local school, rather than being reliant on securing a place at a school outside their area or a special school placement.

By working in Clusters, we anticipate that professionals would develop a greater understanding of the needs of all children and young people in their area, as well as of the total resources available locally. This shared understanding, together with their combined professional SEND and inclusion expertise, would enable them to inform best use of available resources and maximise positive outcomes for all children and young peoples.

Key benefits we anticipate are:

- A greater proportion of children and young people with SEND accessing a high-quality, inclusive education within a mainstream setting.
- Improvement in outcomes, attainment and progress made by children and young people.
- Improved parental trust and engagement in local mainstream SEND provision.
- Improved parental confidence that their child will get the right support, in the right place, at the right time in Torbay.
- Reduction in suspensions and exclusions.
- Achievement gaps narrowing for children and young peoples with SEND, and for those who are disadvantaged.
- Needs met early with less waiting.
- More consistent decision-making through the use of staff from different organisations to moderate decisions.
- Transparent, fair, and proportionate allocation of mainstream High Needs Funding to schools, which is needs-led.
- Opportunities to take advantage of the economies of scale that shared resources can bring.
- Improved parental experience of navigating and engaging with the local mainstream provision for SEND, including through being involved in monitoring and evaluating the impact of changes to SEND provision.

Draft Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>This proposal will positively impact those aged between 5-18 due to support and provision being more easily and readily available (without the need for an EHCP) to enable them to progress successfully into adulthood. This will in turn have a long term positive impact as young peoples opportunities will improve throughout their education, making their journey throughout adulthood more achievable. Funding allocated by a Cluster will be moderated to ensure equity across each proposed cluster. The system for under 5s is not included in this proposal but there is scope to expand this once successfully embedded.</p> <p>A full consultation to include children, young people, parents and carers and all stakeholders will inform the finalised proposal. The consultation will be managed in an accessible way to ensure all voices are heard.</p>		

<p>Carers</p>	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>This proposal will positively impact carers in the immediate term and for the future. Ensuring a more successful journey through education will enable young people to become more independent in their own skills and abilities. This will positively impact on the experience of young carers where their siblings will have improved access to suitable education, support networks and lifelong outcomes.</p>		
<p>Disability</p>	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>Children and young people with a disability will be disproportionately affected by this proposal. It is therefore essential that this cohort are given due consideration in our plans and proposals for consultation and the transition process which may then subsequently happen to any new model for service delivery.</p> <p>The consultation will ensure that all young people and their families can feedback their views on the proposal in an accessible way.</p> <p>This proposal will positively impact those with a disability, by enabling support to be available at earlier stages in people's lives. This means that those young people with a disability who may be 'waiting' for support can still access the support alongside those who may have a disability.</p> <p>It will be important to collect feedback from this group of lived experience young people and their</p>		

		families to ensure the new proposal can be amended to ensure the proposal meets their needs and addresses the current challenges with the system that they face.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact. The consultation would consider the religious designation of some of the		

		schools and ensure that this does not impact on the support received across the locality.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	There is no differential impact.		
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		Positive – due to earlier support as part of the community model and bringing health, care and education services together.		
Human Rights impacts	Protocol 1, Article 2: Right to Education	Positive – all young people would be supported in their right to have education delivered which meets their needs in their local community.		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and	Positive – enabling expertise to be broaden across the locality, supporting children to remain in		

	care experienced children and young people.	their community and promoting earlier support.		
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Consultation arrangements

The consultation runs from 9 September to 8 December 2024

Details of the consultation will be available at <https://yoursay.torbay.gov.uk> which will also include an online questionnaire.

Alternatively, complete a paper copy of the questionnaire, as well as alternative formats, will be available on request.

A range of face-to-face events will take place to explain the proposals and to respond to questions. Details of these events will be disseminated through the Council website, through newsletters and bulletins to schools and directly to parents/carers.

Equality, diversity, and inclusion are at the heart of our proposals. We are thinking carefully about how we can design services together with service users, so that everyone can access the support they need. This consultation is a vital part of that process, and Torbay want everyone to take part.

If you require any of the consultation material in any other formats or languages, please engagement@torbay.gov.uk

What happens next?

The responses to this consultation will be analysed and presented in a feedback report. This report will be published on our website and presented to Torbay Council's Cabinet in for their consideration.

Any changes would most likely start to take effect from September 2025, although preparation work would commence from January 2025.

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Appendix 1 – Alternative options

Before deciding to consult on our proposal for a Locality Model, other options for how to collaborate and allocate resources to support children and young people with SEND in mainstream schools were considered.

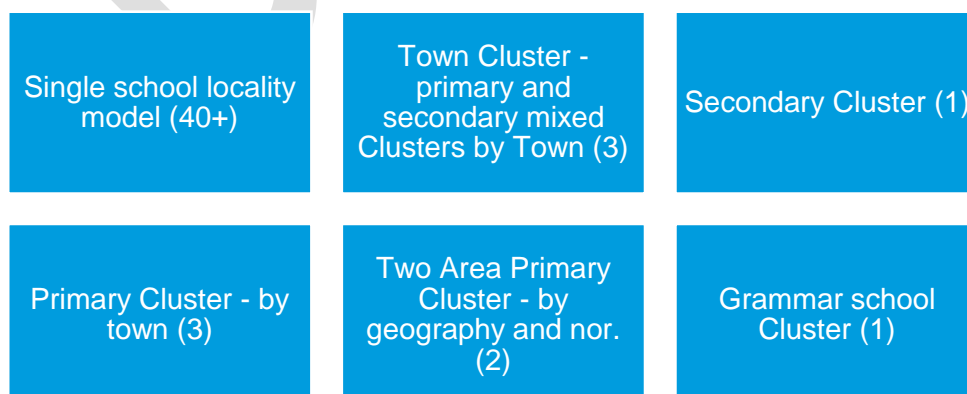
Three main options were considered:

1. **Retain the current approach**, a 'children and young people-led' system where schools work individually and apply for EHCPs and funding through the Local Authority; all provisions are led by whether the young person has an Education, Health and Care Plan.

From all the research evidence and inspection findings mentioned in this document, the key issues leading to the rejection of option one are:

- Poor standards are achieved, and progress made, by too many children and young people with SEND under the current system
- There is much inconsistency in mainstream SEND inclusion and provision across Torbay
- Some parents continue to lack confidence in the quality of the mainstream offer in Torbay, and have concerns about primary-secondary and post-16 transition for their children and young people with SEND.
- The over-reliance on individual funding and the impact of these.
- The lack of effective monitoring systems and accountability, regarding both the use of funding and quality of provision
- The lack of real progress in quality of provision and improvement of outcomes for children and young people with SEND, despite large and rising spend
- Low parental confidence and a high number of applications to special schools.

Therefore a Locality Model was favoured. Several of these models were put forward:



2. A locality model based on mixed schools in a geographical area, i.e a 'town' model.

- The differing size of our three towns would mean different sizes of Clusters.
- Would not enable our secondary schools to work successfully together.
- This would be difficult for grammar schools and post 16 settings to be part of the Clusters.

3. A locality model based on schools by phase, i.e primary school Cluster and secondary school Cluster

- Would not be geographically compatible and would see more young people having to travel to have needs met.
- Would not enable post-16 or other providers to work effectively together.

In assessing the three main options, Torbay Council considered the available research evidence which identified that children and young people-led systems result in less integration, more labelling and higher costs compared with councils that use the predictable/exceptional needs Locality Model.

Our proposals align with the research and are “designed to improve the quality of the mainstream education offer, through early and accurate identification of need, through high quality teaching of a knowledge rich curriculum, and through timely access to specialist health, care support, and AP placements, where that is needed.” Local authorities should not wait for the changes of the SEND and Alternative Provision green paper to further develop their inclusion strategies and should act in the best interests of children and young people, as well as of their financial sustainability.

Appendix 2 - Glossary

Key terms related to this proposal

Cluster

A geographically defined group of schools working together in the proposed Locality Model.

Education, Health, and Care Plan (EHCP)

A document which sets out the education, healthcare and social care needs of a child or young person for whom extra support is needed in school as a result of the child's Special Educational Needs.

High Needs Funding (HNF)

High Needs Funding supports provision for children and young peoples and students with SEND who require additional resources to participate in education and learning in mainstream schools (this is also known as "mainstream top-up funding").

Inclusion

The practice of ensuring that people feel they belong, are engaged, and connected. Inclusion in education can be seen as a universal human right whose aim is to embrace all people. It is about valuing all individuals, giving equal access and opportunity to all and removing discrimination and other barriers to involvement.

Locality Model

The proposed way Torbay will organise resources for SEND Inclusion: a locally managed, collaborative, Cluster-led system.

Ordinarily Available Provision

The term 'ordinarily available provision' comes from the SEND Code of Practice and refers to the support that mainstream schools or settings should be able to provide for a child or young person through their agreed funding and resource arrangements. This couples with the concepts of predictable and exceptional needs as well as Reasonable Adjustments teachers may make for a child or young person, Adaptive Teaching where teaching is differentiated to meet needs and our Graduated Response Toolkits where were launched a year ago [SEND Support and Provision – Graduated Response - Family Hub \(torbayfamilyhub.org.uk\)](https://torbayfamilyhub.org.uk)

Parent/s

Under section 576 of the Education Act 1996, the term 'parent' also includes a person who is not a parent of the child but has parental responsibility or who cares for him or her.

Predictable and Exceptional Needs

Predictable needs of children and young people are those which are neither uncommon nor complex, but where the existing universal and targeted whole school provision is not sufficient alone to meet those needs. Exceptional needs of children and young people are those which are significant or complex and would present any mainstream school with significant challenges in meeting those needs without further resource.

Schools or settings

The terms 'schools' and 'settings' are used in this document to refer to all mainstream education providers, eligible for High Needs Funding, who will participate in the Locality Model. Children and young people in Early Years, or further education schools and settings are not included in the proposed Locality Model at this initial stage of development. All other settings will be clearly classified.

Special Educational Needs and/or Disability (SEND)

A child or young person has SEND if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child or young person of compulsory school age has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age or has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 settings.

Team around the Cluster

A group of professionals who are working with the child or young person, their family, and schools/settings within their dedicated Cluster.

Glossary of widely used SEND terms

Cross-phase

Describes a collaboration between different phases of a child and young person's education, typically early childhood education, primary education, secondary education, and further education.

Dedicated Schools Grant (DSG)

Funding allocated to schools, using a national formula based on characteristics of the children and young people attending the school, to fund direct education provision.

Enhanced Resource Provision (ERP)

Specialist bases set up in mainstream schools to support particular needs. This proposal would seek to retain the concept of these but make the model more flexible to support more needs without an EHCP. In our proposal they would be called 'hubs'.

Engagement

Refers to the involvement of and interaction with a variety of people, including service users/members of the public, to seek their views, and hear their voice about their lived experience

Governance

The system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account.

Mainstream Core Standards

Guidance for schools, parents, and professionals, detailing provision that the local area expects to be made available for children and young people with SEND attending mainstream schools.

Mainstream top-up

Alternative phrase for High Needs Funding – see definition above

Moderation

The process of eliminating, lessening, or avoiding extremes; ensuring things are reasonable.

Notional SEND budget

An identified amount within a maintained school's delegated budget share, or an academy's general annual grant. It is intended as a guide for a school's spending decisions, and is neither a target nor a constraint on a school's duty to use its 'best endeavours' to secure special provision for its children and young peoples with SEND.

Phase transitions

The normally scheduled move between phases of education. This can, for example, include the move from an early year's provision to a primary school, or a post-16 move to alternative education, training, or supported employment.

SEND Information Reports

The 2014 SEND reforms placed a legal duty on schools and settings to publish information about the available extra support for children and young people. This information must be clear and meaningful so parents can use it to understand how their child will access support

if they need it. School SEND information reports should explain how the school's SEND policy is used, how help and support for children and young people with SEND operate in that setting, what happens, how it is made possible, and by who.

Section 19

A duty to provide medical tuition services for children and young people up until aged 16 if they are medically unfit to attend their usual school setting.

6th Day Provision

The Local Authority has a duty to put in place educational provision for any child or young person who is permanently excluded by the 6th day of their exclusion.

Special School

Provides education and support to children and young people with an Education, Health and Care Plan who have complex SEND and require their SEND provision to be delivered in a specialist setting.

Targeted

Targeted services/provisions for children and young people with SEND are over and above what is available to them through universal services, often these services will be short-term interventions running alongside universal services.

Transition

The process of moving from one stage of education to the next, including from home or early years provision to a school setting, or from a school setting into an alternative form of provision, like a further education college or a supported working environment

Universal

Those services which all children and young people can access, with or without SEND. Universal services are expected to make reasonable adjustments to accommodate children and young people with SEND