

Tuesday, 5 October 2021

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Wednesday, 13 October 2021

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Douglas-Dunbar (Chairwoman)

Councillor Atiya-Alla

Councillor Mandy Darling

Councillor Barrand

Councillor Foster

Councillor Brown

Councillor Kennedy

Councillor Bye (Vice-Chair)

Councillor Loxton

Together Torbay will thrive

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, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Board.

2. Minutes

To confirm as a correct record the minutes of the meeting of the Board held on 15 September 2021.

(Pages 4 - 6)

3. Declarations of Interest

a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. Urgent Items

To consider any other items that the Chairman decides are urgent.

5. Adult Social Care Improvement Plan

1. To review the effectiveness of the Adult Social Care Improvement Plan to ensure that the changes underway are being delivered as proposed and are meeting the needs of Torbay's residents.

2. To track patients from discharge from hospital to the care they receive in the community to ensure that it is fit for purpose.

(Pages 7 - 32)

(Note: Director of Adults Services, Jo Williams, Torbay Council Head of Commissioning, Steve Honeywill, the Chief Executive of Torbay and South Devon NHS Foundation Trust (TSDFT), Liz Davenport and Steve Holman, TSDFT Associate Director of

Operations for Torbay have been invited to attend the meeting for this item.)

6. Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant (Pages 33 - 58)

To consider the impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant, as a result of the increase in the number of children with an Education and Health Care Plan (EHCP).

(Note: Rachael Williams, Assistant Director of Education, Learning has been invited to the meeting for this item.)

7. Update on Review of Planning Service Action Plan (Pages 59 - 62)

To monitor the progress of the Cabinet's response to the Overview and Scrutiny Review of the Planning Service Action Plan approved on 20 April 2021.

(Note: the Assistant Director of Planning, Housing and Climate Emergency, David Edmondson and the Director of Place, Kevin Mowat have been invited to the meeting for this item.)

Meeting Attendance

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

Minutes of the Overview and Scrutiny Board

15 September 2021

-: Present :-

Councillor Douglas-Dunbar (Chairwoman)

Councillors Barrand, Brown, Bye (Vice-Chair), Mandy Darling, Foster and Loxton

(Also in attendance: Councillors Cowell, Chris Lewis and David Thomas)

15. Apologies

Apologies for absence were received from Councillors Atiya-Alla and Kennedy.

16. Minutes

The minutes of the meeting of the Board held on 14 July 2021 were confirmed as a correct record and signed by the Chairwoman.

17. Health and Wellbeing Support through GPs

Dr Alex Degan, Primary Care Medical Director from the Clinical Commissioning Group (CCG) who was also a GP, outlined the submitted paper, provided examples of his experience of being a GP during the last 18 months and responded to Members' questions. Pat Harris provided examples of her experience working with Healthwatch and how they were trying to help improve services to patients and responded to questions. Kevin Dixon from Healthwatch was also present for this item.

The Board noted that over the last 12 months in Devon, Plymouth and Torbay there had been:

- more than 4 million face to face appointments in general practice;
- more than 2 million telephone consultations (although it was not clear how many of these had resulted in face to face appointments as that data was not currently available); and
- more than 500,000 online consultations.

The Board discussed the benefits and disadvantages of different methods of patients contacting their GP and highlighted the inconsistencies between surgeries with some patients, particularly older patients often giving up when they have been unable to get a response within a reasonable time when telephoning their surgery.

It was suggested that good practice should be shared across surgeries to enable lessons to be learned from those with good patient access.

Pat Harris highlighted the importance of communication and engagement with the community to enable them to better access the correct services at the appropriate time and highlighted proposed work in this respect, which would help free up capacity for GPs and the hospital as patients could go to local pharmacists or community services etc. where appropriate.

Members acknowledged the impact that Covid-19 had on people accessing their GPs with a huge drop off in the early days because of lock down and other reasons and the backlog that this had created as a result of patients not accessing services in a timely manner resulting in multiple issues needing to be addressed, some of which could have been dealt with sooner. GPs and hospitals were working through the backlog, but it was accepted that some non-urgent routine procedures would still be delayed for a significant time e.g. gall bladder surgery.

Members were particularly concerned over delay in cancer diagnosis during the last 18 months and sought assurance that investigations were being carried out on patients journey up to diagnosis and appropriate lessons learned going forward to ensure earlier diagnosis and access to treatment. Dr Degan gave assurance that GP practices were required to review cancer diagnosis and Pat Harris confirmed that where people have raised concern over delay in diagnosis their complaint would be escalated to the Care Quality Commission (CQC) for investigation and recommended action.

It was noted that there were currently no planned mergers of GP surgeries in Torbay, however, the future direction of travel was for larger surgeries with more support within the community working with other local health and care providers and the Local Authority. The CCG would need to work with primary care providers to see what estate they need moving forward as many of the current GP practices were based in old buildings which were no longer fit for purpose with others being more modern.

Resolved (unanimously):

1. that the Board express their thanks and appreciation to Clinical Commissioning Group (CCG) and Healthwatch for their work and support to the local people of Torbay, especially during the Covid-19 pandemic; and
2. that the CCG be recommended to continue to work closely with Healthwatch and other local partners to explore further:
 - options to enable patients to access their GP in an accessible manner;
 - what action has been taken to improve communication with patients to enable them to access the correct services at the appropriate time; and
 - how learning is shared across practices;

and provide an update to the Board on this in 12 months time.

18. Budget Monitoring Quarter 1

The Board considered and noted the budget monitoring report which provided a high level summary of the Council's forecasted revenue and capital income and expenditure for the financial year 2021/2022. It was based on the figures as at the end of Quarter 1.

The Deputy Leader of the Council and Cabinet Member for finance highlighted the key pressures identified in the report. These related to adult social care (which had been restructured to include community services), pressure on temporary accommodation, pressures impacting the collection fund and further predicted impact as a result of changes to Universal Credit, Furlough coming to an end and the increase in the use of food banks, additional costs and investment required for SWISCo (particularly due to pressures on HGV and waste collection staff), and deficit within the Higher Needs Block of the Dedicated Schools Grant (which was a national issue impacted by insufficient funding to cover the additional costs associated with the increasing number of children with Education and Health Care Plans (EHCPs)).

Resolved (unanimously):

1. that the Assistant Director of Education, Learning and Skills be invited to the Board on 13 October 2021 to raise awareness of the impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant, as a result of the increase in the number of children with an Education and Health Care Plan (EHCP); and
2. that the Cabinet be recommended to provide parking incentives on the run up to Christmas to help support the town centres.

19. Update on Review of Planning Service Action Plan - Deferred

This item was deferred to the meeting of the Board to be held on 13 October 2021.

Chairwoman



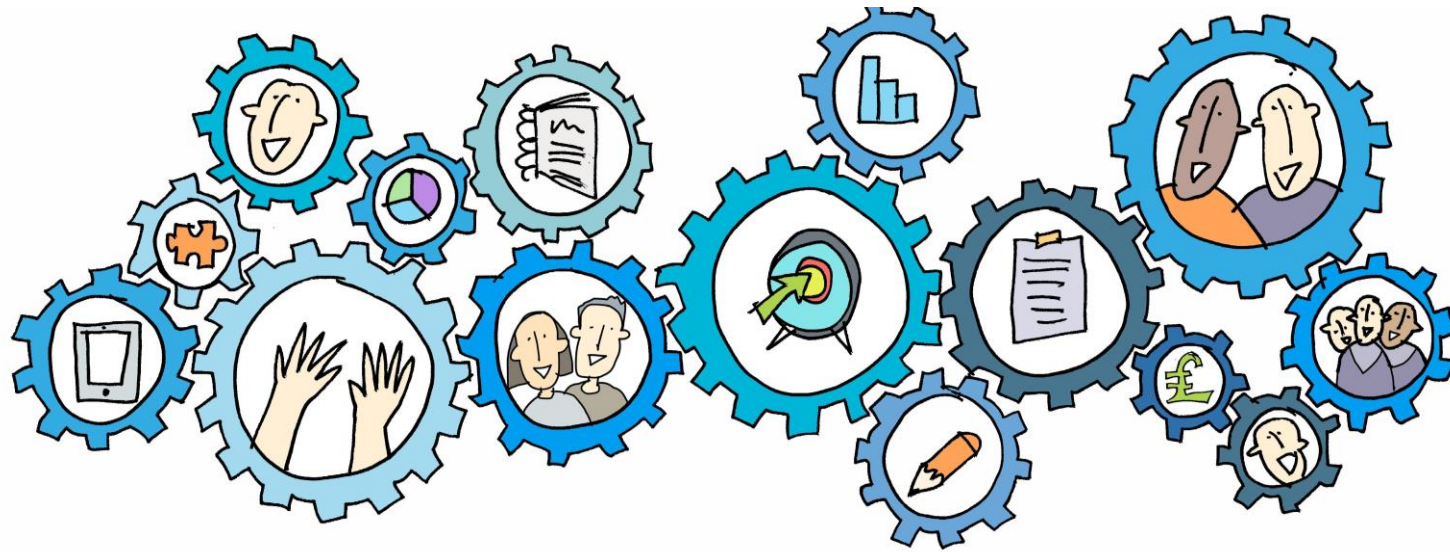
Torbay Council Overview & Scrutiny Board

Wednesday 13th October 2021

Presentation by

Steve Holman, TSDFT Associate Director of Operations for Torbay

Steve Honeywill, Torbay Council Head of Commissioning



Adult Social
Care
Improvement
Plan (ASCiP),
Hospital
Discharge and
Market Shaping



Vision: Thriving people in thriving communities

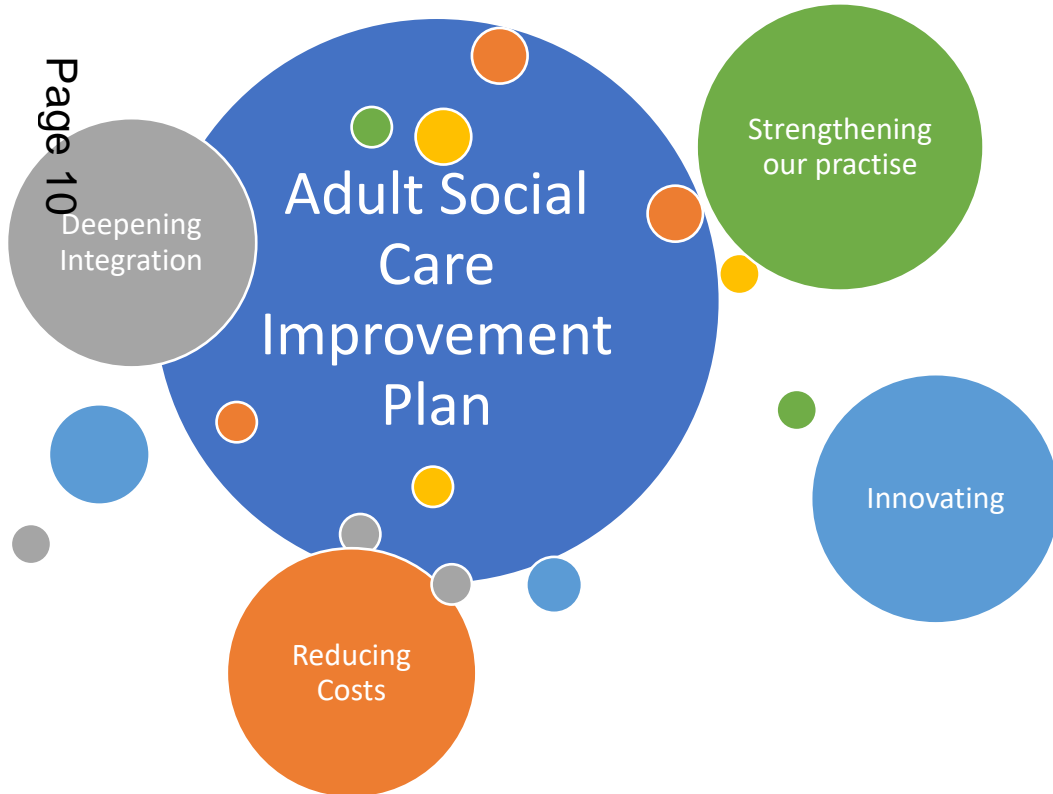
- Our residents have a place to call home in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available.

- **Mission**

- We will work with our local community to support residents in Torbay to maximise their own wellbeing and independence, advising and guiding them around the best health and social care systems for them. Those who offer and provide support services will feel empowered to enable people to engage fully in their own decision making on choices of care. By working with our community this way we will create a new way of supporting each other to achieve wellbeing for everyone - those receiving support and personal assistance and those giving it.
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What drives the ASC Improvement Plan?

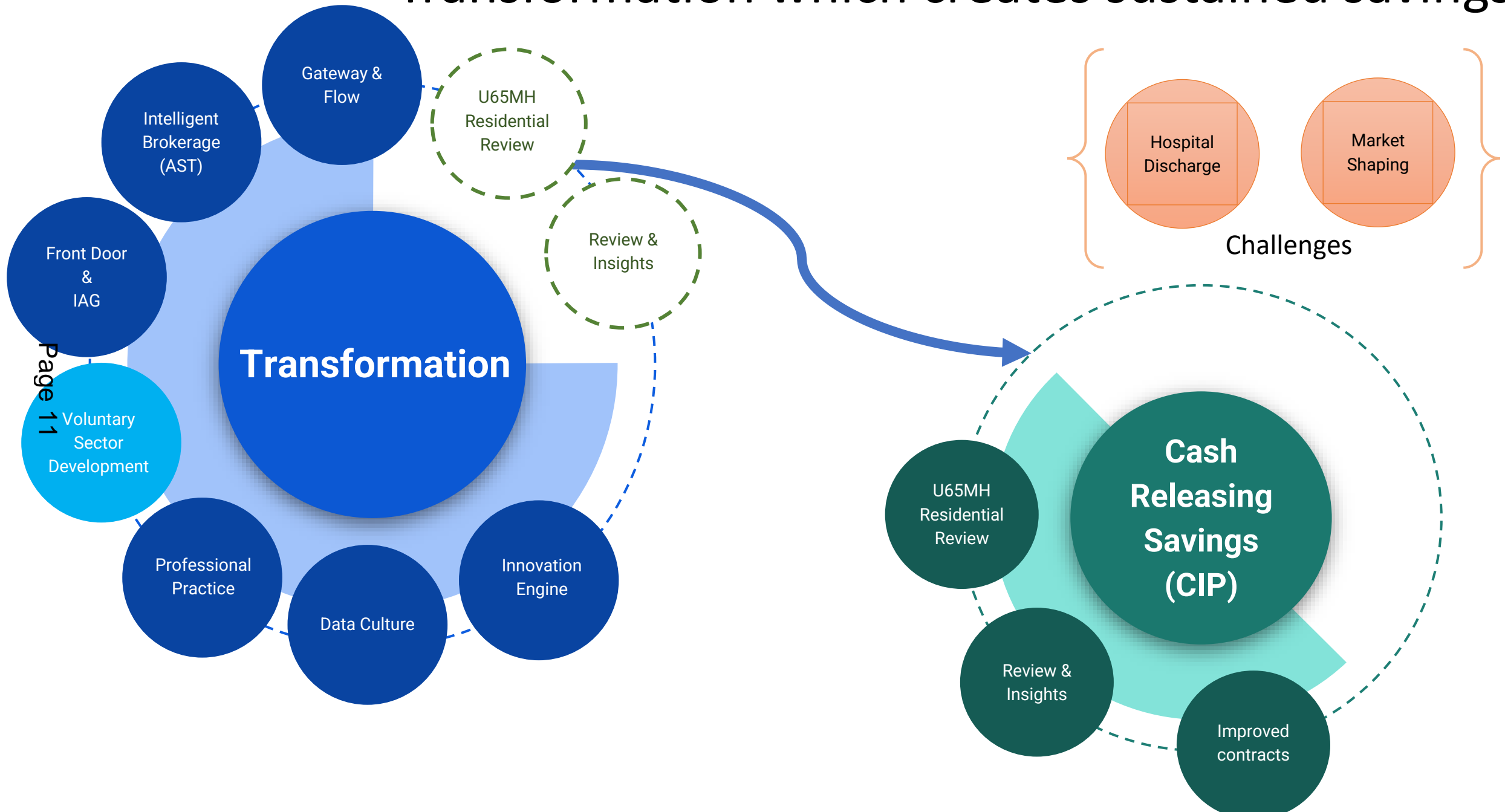
Vision	Transforming Adult Social Care				
Mission	Transforming Torbay Adult Social Care to be the best for innovation, partnership and strength-based working				
Strategic Priority	Cost Reduction	Asset/Strength-based	Innovation	Efficiency	Effectiveness
Strategic Result	The actual cost of ASC in Torbay	Collaboration and values of capacity, skills, knowledge and potential in individuals and communities	Starts with the end in mind” identifies long-term opportunities and then “bridges back to the present”	Input to processes are reasonable: Less at statutory front door, less failures & stops in the process	Staff and Communities who are part of ASC experience good outcomes and positive impacts



Torbay and South Devon
NHS Foundation Trust

TORBAY COUNCIL

Transformation which creates sustained savings



PROJECT	KEY PRIORITIES		
Front Door	Care Act 2014: Prevention	Connecting to our communities	Reducing dependency on ASC
Gateway & Flow	Effective flow of people in ASC	One Bay wide service	Front End & Complex Care Service
Intelligent Brokerage	Care market knowledge	Care market relationships	Arranging affordable care
Information, Advice & Guidance	Understanding demand	Meeting demand	Building relationships between IAG providers
Professional Practice Improvement	Care Act compliance	Effective social work practice	Creative solutions with community partners
Data Culture	Understanding demand for ASC services and flow	Support care market capability	Plan for the future
Innovation Engine	Pipeline ideas from staff quickly	Support improvements across the integrated organisations	Enable change more quickly
Future QAIT	High quality assurance monitoring of Providers	Support Care Providers to be high quality	Improve regulatory compliance monitoring
Under 65 Mental Health Residential Review	Reduce unnecessary reliance on residential care	Support people to make their own decisions	Person-centred approach to accommodation
Review & Insights	Outcome focused packages which support not disable	Review clients in areas where Torbay benchmarks poorly – U65	Use a Community-Led Approach
Improved Contracting	Improve our Provider Frameworks	Ensure Value for Money	
Hospital Discharge	Begin discharge planning on admission	Use a “home first” approach	Analytical tools that can help discharge planning teams

Financial Impact of ASC Improvement Plan

- As part of the Joint Risk Sharing Agreement 2019, a £6 million savings target over 3 years was agreed
- The anticipated target for each year was £2m
- In Year 1 (2021/22) current savings are £1.7m, 86% of the year 1 target



Key areas contributing to a financial saving:

- Working within our Provider Framework
- U65MH Residential Reviews
- Review & Insights: Outcome-focused support packages

ASCiP saving requirement FYE 21/22	ASCiP CIP contribution FYE 21/22	ASCiP % Savings Completed
£2,013,776	£1,729,617	86%

FYE: When the amount entered reflects the whole year
CIP: NHS Cost Improvement Plan

Focus on: Front Door Project

Effectiveness of test of change



ASC Front Door

Overarching objective of finding solutions for people and their problems where impact is demonstrated in terms of diversions from formal care and delivering good outcomes, by:

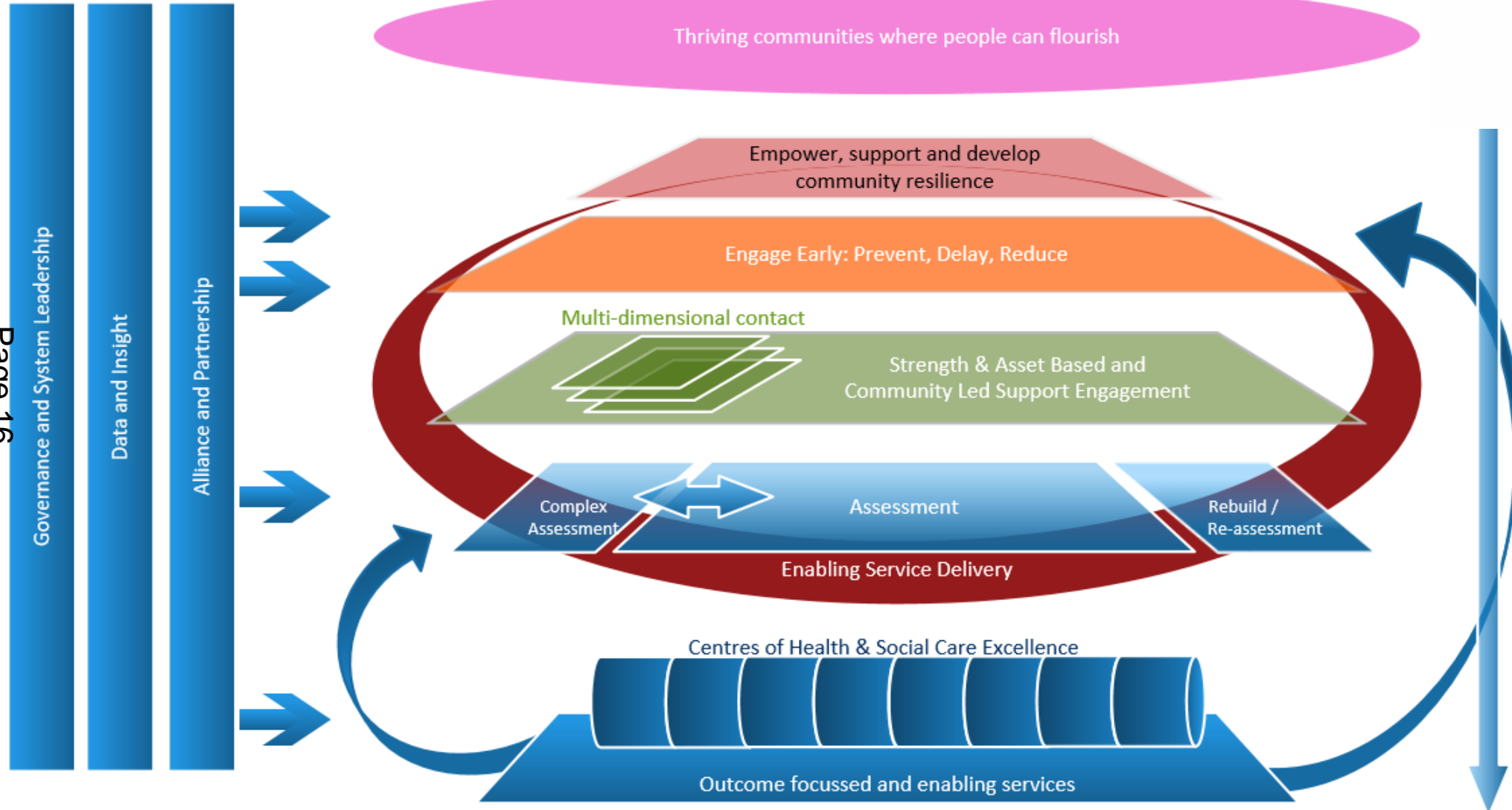
- Rationalise, standardise and improve communication and contact channels
- Further establish, increase and make consistent asset-based working
- Develop organisation, performance and commissioning data and intelligence
- Fit to the broader model of Torbay ASC and support integration
- Under the Care Act 2014: Prevent, Reduce & Delay reliance on statutory services



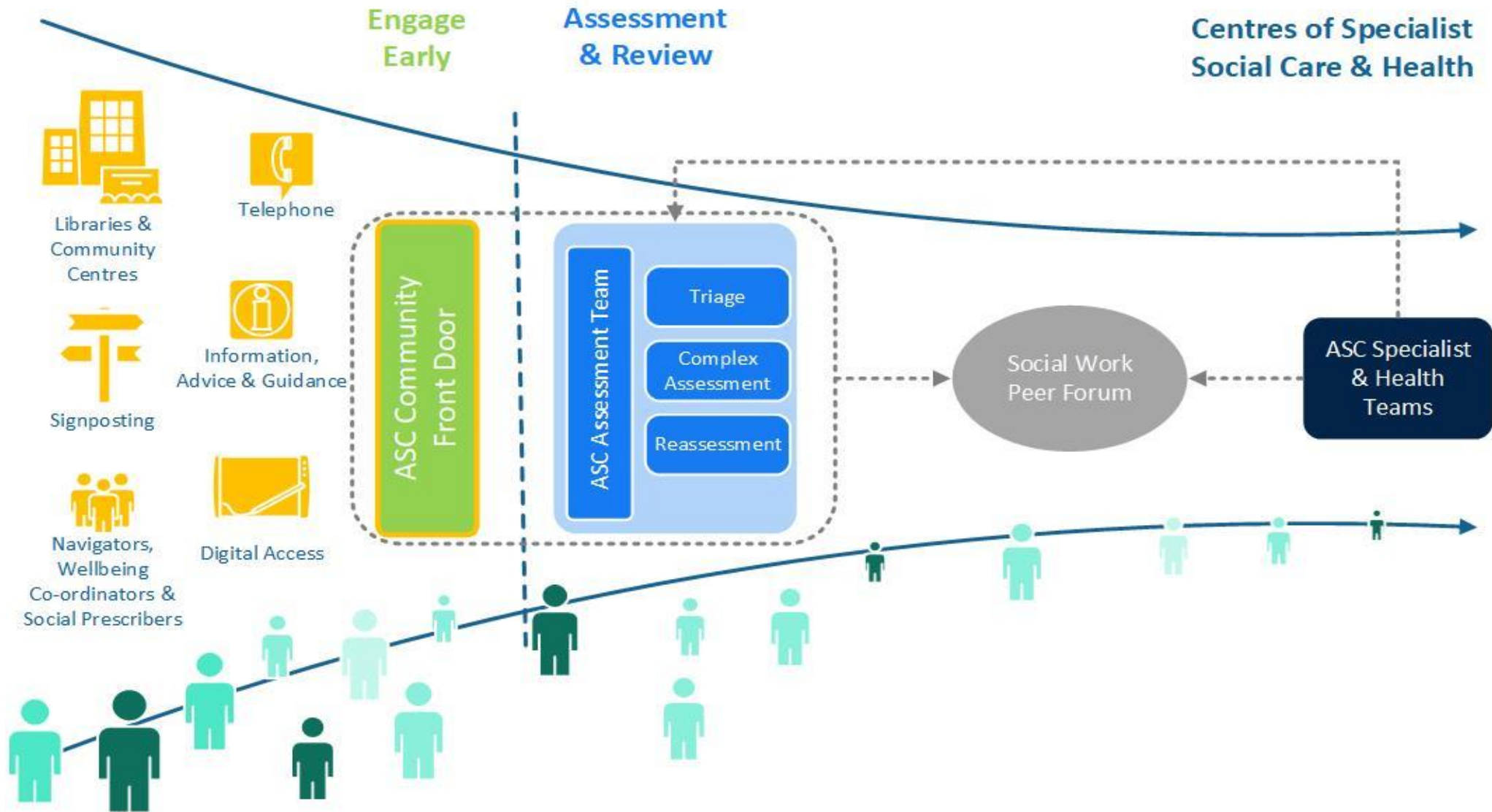
Adult Social Care Model



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Flow through Adult Social Care



How the Front Door meets statutory requirements

The community helpline will help identify preventative services that are already available within the local community and link people in to these.

The community helpline will help to identify gaps in resources that may help prevent further needs arising within the local population.

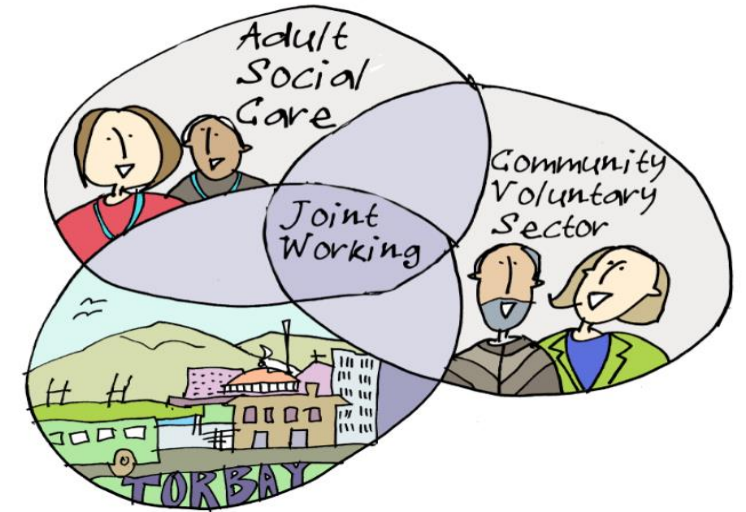
Will provide high quality Information, Advice and Guidance.

Will undertake wellbeing conversations that will help to inform Care Act assessments and promote 'empowerment' giving people control over their day to day lives.

Will provide a proportionate response to people needs.

Will reduce time spent by Social Care staff gathering basic information and allow the workforce to focus on high quality Care Act assessments and support planning.

Promotes partnership working across health, social care and with the community.



Prevention and wellbeing are fundamental in Care Act 2014

Front Door Achievements

Integrated working

- Building on COVID Helpline
- Engaging Community Networks
- Social work & Vol sector joint training
- Data-driven approach – telephony and recording
- Integration between social care, commission and community

Effective Front door

- Over 4 months, 242 people were referred into the Community Helpline
- 47 people came back through to ASC for further assistance
- Of those 47 people, a dual approach between statutory and community/voluntary was found

What support was given?

- Information & Advice
- Community Builders
- Telephone befriending
- Housing
- Mental health
- Finance & Benefits
- Shopping
- 369 total supports were given

Insight

- Loneliness
- Housework and washing – unable to fund themselves
- Sitting service – dementia
- Home visiting – informal chat and company
- Need for improved Information, Advice & Guidance

Improved information for commissioning to support better outcomes in communities

Effectiveness: 20% of people are finding support and solutions within our communities



Hospital Discharge Project Planning

- Torbay Council will work with TSDFT to formulate a plan to improve hospital discharge, and work alongside adult social care and community partners
 - Planning for a patient's discharge from hospital is a key aspect of effective care and some will have ongoing care needs that must be met in the community.
 - Meeting the ongoing care may involve specialised equipment at home or daily support from carers to complete the activities of daily living.
 - Planned in advance of the patient's return home, to ensure that there is no gap in the provision of care between the discharge from hospital and the initiation of community services is widely recognised.
 - Flow of information about the patient must also be handed over from the hospital team to the community team so an informed plan of care can be put into place.
 - Discharge planning is vital: poor discharge planning may lead to reduced quality of patient outcomes and delayed discharge planning can cause patients to remain in hospital longer than necessary.
 - The current challenges in the Provider Market will impact hospital discharge and this is discussed later in more detail under the heading Market Shaping .
-

Focus on: Direct Payments Project

Improving personalisation



Direct Payments

Support for individuals can be delivered in several different ways. Under Direct Payments self-directed support is where the person takes responsibility for managing their own support arrangements.

Using Direct Payments in this way can enable people to find more **creative, personalised** and **effective ways** of getting their needs and outcomes met.

Support plans are developed with their key worker and they will take charge of the money required to meet the eligible care and support needs and outcomes that have been identified.

In Torbay there are currently 453 Adult Social Care Direct Payments in situ (as of 30/07/21)

Direct Payments are a TSDFT corporate risk in terms of the processes which underpin the use of direct payments

The project will also support the re-procurement of a Direct Payments Service and work alongside partners in Plymouth and Devon.

The project has key aims:

ASC Strategy

- A refresh of the strategy for using Direct Payments

Effective process

- Confidence, consistency and clarity in the implementation of Direct Payments

System-wide

- Bringing together the individual, their carer (where appropriate), the practitioner involved and the wider system

Focus on: Review & Insights Project

Ensuring that all support packages are strength-based and outcome-focused.



Review & Insights Project

Progress

Reviewing the following areas has been undertaken since the project started:

- Under 65's

- Direct Payment support packages

Use of the strength-based approach has seen support packages become more outcome focused

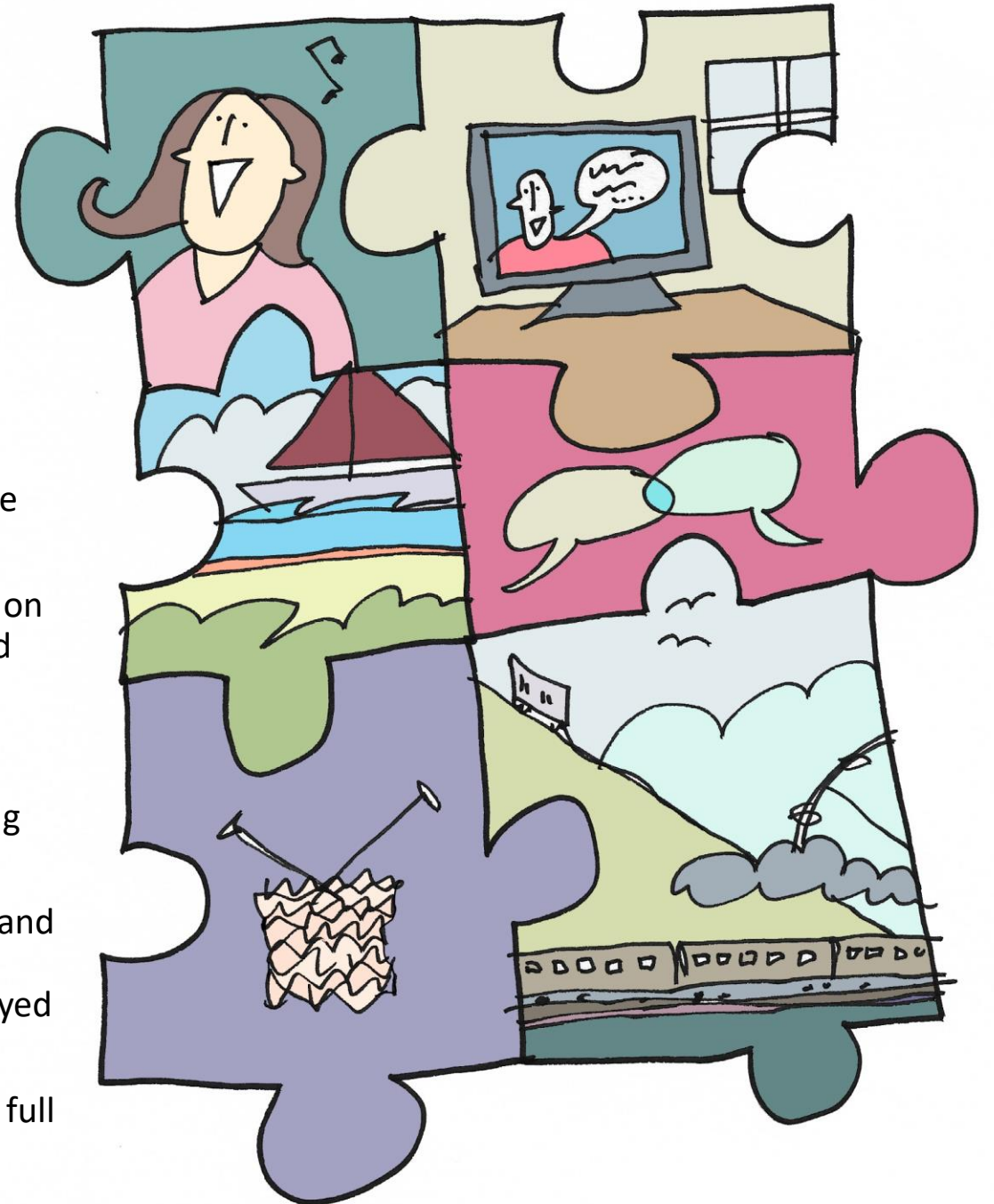
Peer review and support is a critical part of the peer-to-peer challenge on reassessing support packages to ensure key workers are strength-based and this is currently being tested as part of a standard review process

Challenges

TSDFT operational pressures during COVID lockdown and the continuing effect on staff and community services.

Unavailability of community-based and voluntary sector during COVID and the slow return of the voluntary sector as waves of COVID lockdown continued to impact sourcing community-based interventions has delayed the full community-led approach to reviewing packages

Pressures on the operational staff have meant delays in addressing the full overdue reviews list at this present time



Focus on:
Under 65
Mental Health
Residential
Review

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U65MH Residential review

- Reduction in current number of long-term clients aged 18-64 with primary support reasons of mental health & cognition in residential care by moving into supported living – as per STP Housing Strategy for MH, A & LD 2018
 - Reduction in number of long-term clients aged 18-64 with primary support reasons of mental health & cognition being placed in residential care
 - Reduction in all placements (including out of area) to inadequate residential settings, working alongside market management and market shaping
 - 9 people of 44 have been stepped down to supported living in Torbay
-

U65MH Achievements

Case Study 1 - AB

AB moved to Torbay in 2013 and was a carer for her father. In 2019 AB was sectioned under the Mental Health Act (53). After being in hospital AB was then placed in residential care. In February 2021, through the U65MH Review project the client was reviewed and by July was ready to move in to Extra Care Housing.

Today, AB is taking her friend's dog out for walks, does her own shopping, visits her father, helps the Gardener, undertakes and enjoys craft work and has increased her friendship group with other residents in the Extra Care Housing scheme.

The primary aim of the project is to support AB to live in the right accommodation to suit her needs and enable her to have access to the community in which she lives.

Original Residential cost: £825 per week
New Cost: £66 per week

Case Study 2 - JK

JK lived independently in Torbay in for 6 years until having a severe mental health breakdown in 2015 and was admitted to hospital. Over the following 6 years, until 2021 JK had three reviews and all resulted with continued stay in the residential care placement. In October 2020 MHSC commence work and a MHSC Social Worker was allocated. JK was highly anxious, there were provider restrictions and expressed emotion from the family.

In February 2021 JK was allocated to the project team who started working with JK and planned to step down the residential care with a focus on JK's goals, hopes and aspirations. JK's family were engaged too and the Provider's restrictive behaviour towards JK was challenged.

In August 2021, JK moved to supported living , joined a leisure centre to swim, goes on day trips unaccompanied, volunteers in a community support role, enjoys creative witing and has joined the library, cooking, and with some support manages their own budget.

Original Residential cost: £684 per week
New Cost: £618 per week

Information, Advice & Guidance (IAG)

A challenge for our system –
project initiation



Challenges we face as an integrated system with Information, Advice & Guidance

“Information and advice is fundamental to enabling people, carers and families to take control of, and make well-informed choices about, their care and support and how they fund it. Not only does information and advice help to promote people’s wellbeing by increasing their ability to exercise choice and control, it is also a vital component of preventing or delaying people’s need for care and support.”

- Care Act 2014

- Bringing together our knowledge and networks to provide high quality information advice and guidance to our Torbay communities in a way they find accessible
- Knowing when we have failed demand for information and advice, and then working to resolve the issues together
- Taking a system-wide view point, involving stakeholders which includes the communities with whom we work and live alongside, at the beginning of the project to build our strategy
- Improve our Care Act 2014 compliance with regard to information, advice and guidance

Market Shaping

Commissioning support and challenges

Commissioning Support to the independent care sector market

- Support with government grants during the pandemic to maximise use of funding and its impact across the sector to improve care environments and support the work force
- Targeted interventions in the market to endeavour to support providers to ensure key services are maintained. That has ranged from capital funding support to maintain capacity and financial support during the pandemic to those most impacted, e.g., reduced occupancy.
- Approval of the Commissioning Strategy and Market Blueprint earlier this year that outlines clear evidence and messages about market priorities in the long term. We wish to support the development of quality Nursing Care, Domiciliary Care and support for Housing based preventive Care such as Extra Care schemes.
- Commissioning role regarding the function and form of the envisaged two Extra Care Housing schemes at Torre Marine in Torquay and Crossways in Paignton.
- Supporting the sector to encourage vaccination uptake to protect vulnerable clients.
- An enhanced working relationship between the Council Market Shaping function in the Council with colleagues in Torbay and South Devon NHS to better coordinate planning day to day and strategically. With this arrangement we have commenced using Better Care Fund monies to co- design and test practical ideas coming from providers to help their businesses on issue such as recruiting and retaining staff.

Challenges facing the Independent Sector Care market

The Commissioning functions

Enabling the provision of social care to be part of a thriving economy by the Council taking a well-planned, fiscally responsible interventionist approach to the adult social care market in Torbay. Doing so reduces the cost and supply risks inherent in a purely market-led approach, allowing the local system to meet current and future demand with excellent services alongside creation of new jobs, support of local service industries and improvements to Torbay's caring economy

Market challenges

- Recruiting and retaining staff: Providers across all parts of Adult Social Care struggling to recruit in a competitive labour market for pay, terms and conditions and incentives. In recent months it has become an employee's market.
- Some vaccine hesitancy is a concern for some providers who we are working with closely to mitigate this impact on quality and safety.
- Post pandemic hangover – All sectors of providers report fatigue and exhaustion with carers and that they are still managing the pandemic day to day, the “we are all in this together” phase feels like it is behind us, is now often said.
- The commissioning team have good market intelligence and dialogue with the independent care sector, however for natural reasons providers may feel nervous expressing difficulties about their future in the public domain.
- Residential and Nursing homes: Recruitment a key issue and fees levels leading to profitability and sustainability worries.
- Some providers have exited the market on small-scale others and now others are voicing significant concerns regarding viability.
- Domiciliary Care: Our Living Well @ Home framework has been a successful model; however, demands have increased since the pandemic and aligned to recruitment and retention issues the position is now more concerning. We are working closely with the sector to support them.
- Supported Living and Extra Care Housing : This part of the market of raising viability issues, during September we received a range of requests for fee uplifts and some signalling they may leave the market if current rates maintained, a plan with being developed to actively respond to this by the Council and our NHS partners.
- Many providers expressing worries about maintaining the quality of care to their clients given the accumulation of the above factors.
- Loss/reduction in government grants: A reliance of short-term government funding may be an issue when this non recurrent financial support help ends.
- All these matters combined are reducing our ability as a system to maintain our good performance regarding Hospitals Discharge and minimising delays.

Summary

Profitability and sustainability are escalating concerns for providers across the whole care market. Further provider failure and market exit are real possibilities, but we continue to work tirelessly to help and support.

Overview and Scrutiny Board 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	£1.186m
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	4,358,592	3,382,706	3,176,009
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

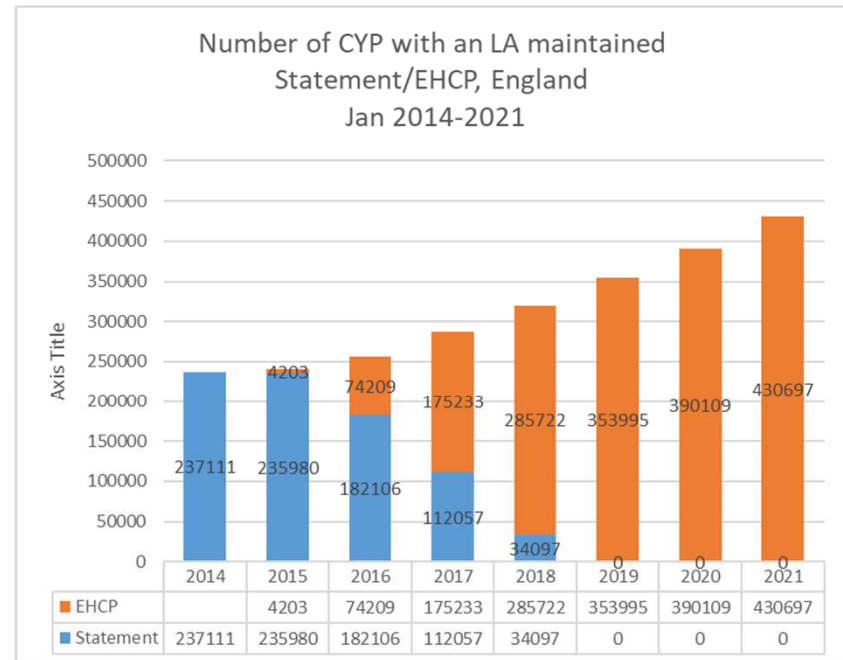
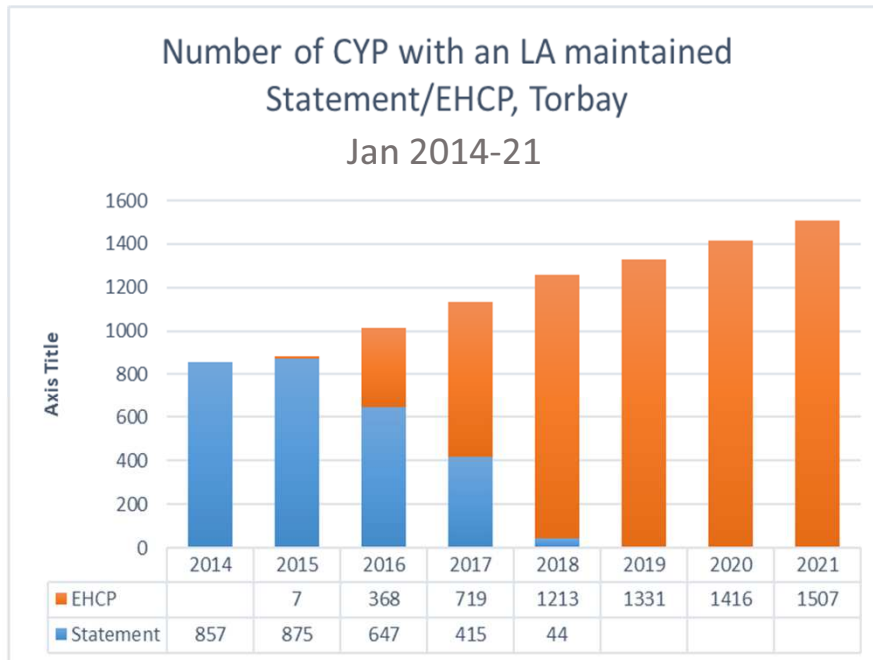
- There were 159 new EHCPs issued in 2020 as opposed to 188 in 2019. This is the first decrease since EHCPs were introduced in 2014
- There were 201 requests for EHCPs in 2020 as opposed to 307 in 2019. This is the first decrease since EHCPs were introduced in 2014.

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)

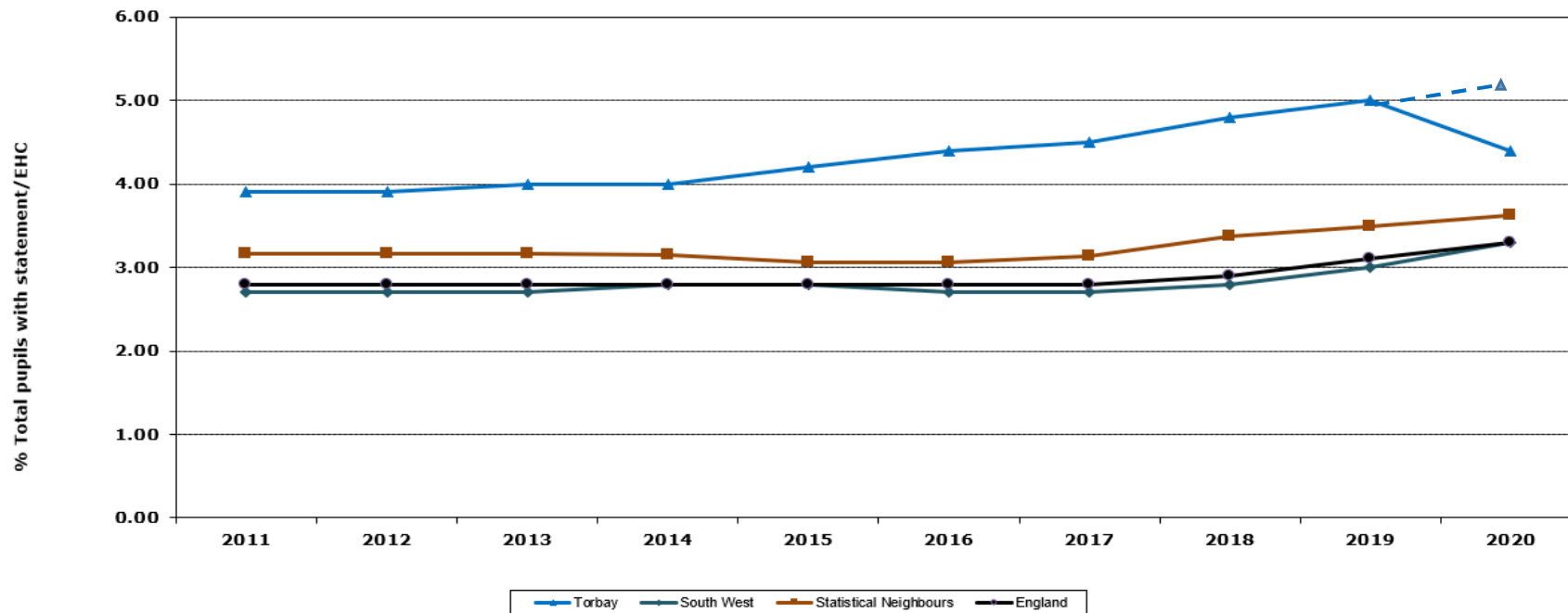
The number of Torbay plans issued in mainstream schools has increased by 35% compared to 25% nationally.

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



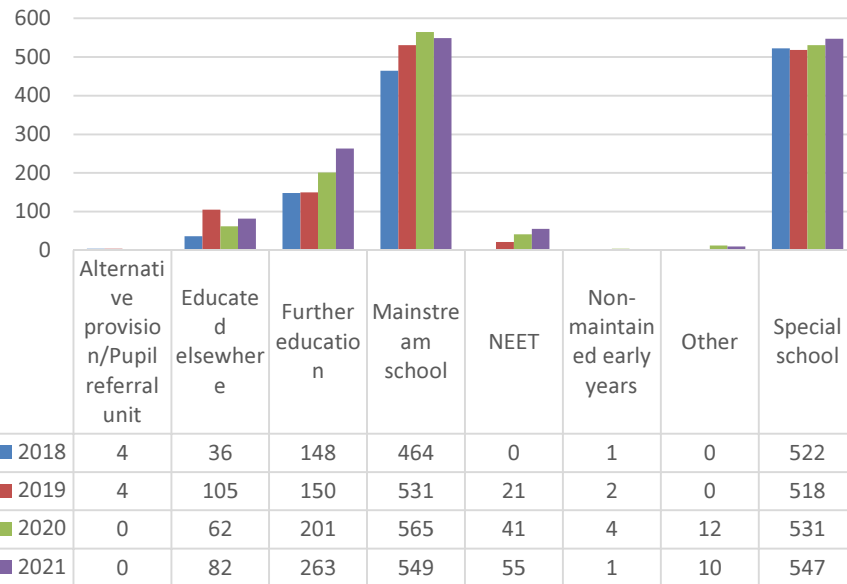
Provisional: Jan21 School Census, 5.5%, a 0.4% increase over 2020 actual below

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

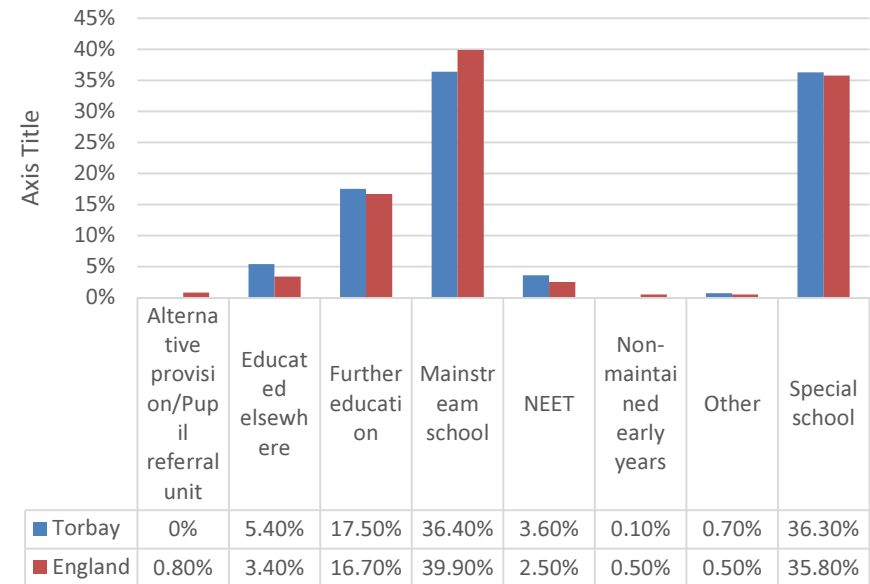
The Torbay % of pupils with a statement or EHCP has risen each year since 2014. Torbay remains significant outlier compared to national, regional and statistical neighbours groups.

SEN Statistics – Statutory Plans

EHCPs by Establishment Type



% EHCPs by Establishment Type - 2021

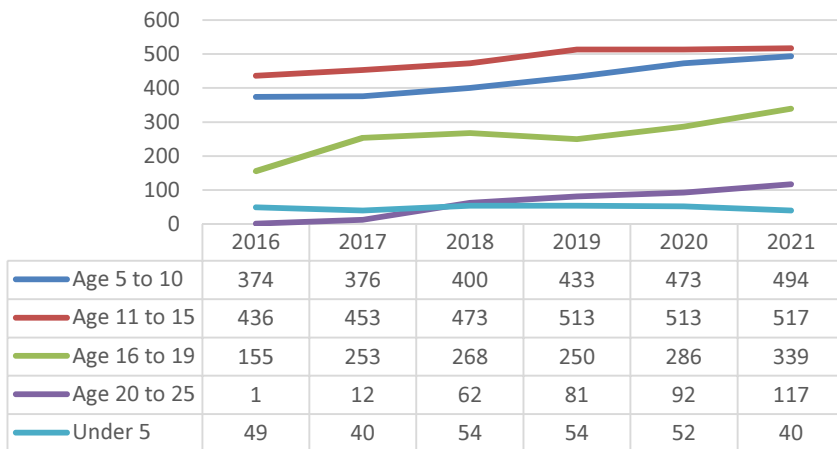


When comparing Torbay figures in 2021 to 2020, the most significant change was the number of children in Further Education which increased from 201 to 263 (+31%) and Educated Elsewhere which increased from 62 to 82 (+32%).

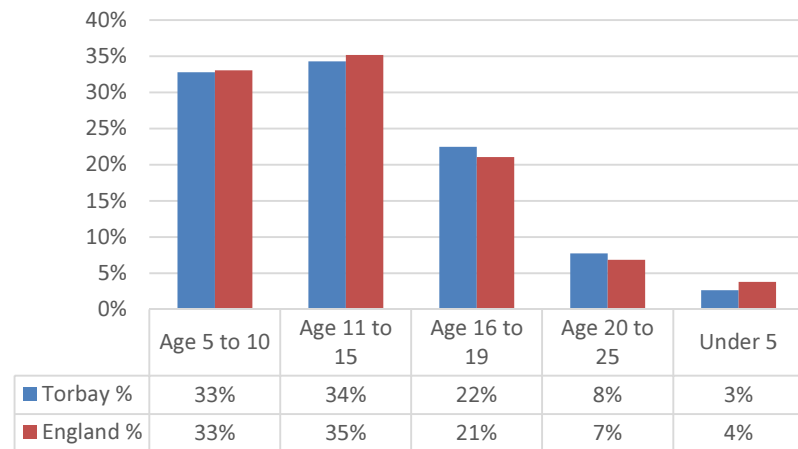
36.4% of Torbay EHCPs are for children in Mainstream Schools compared to 39.90% for England.

SEN Statistics – Statutory Plans

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



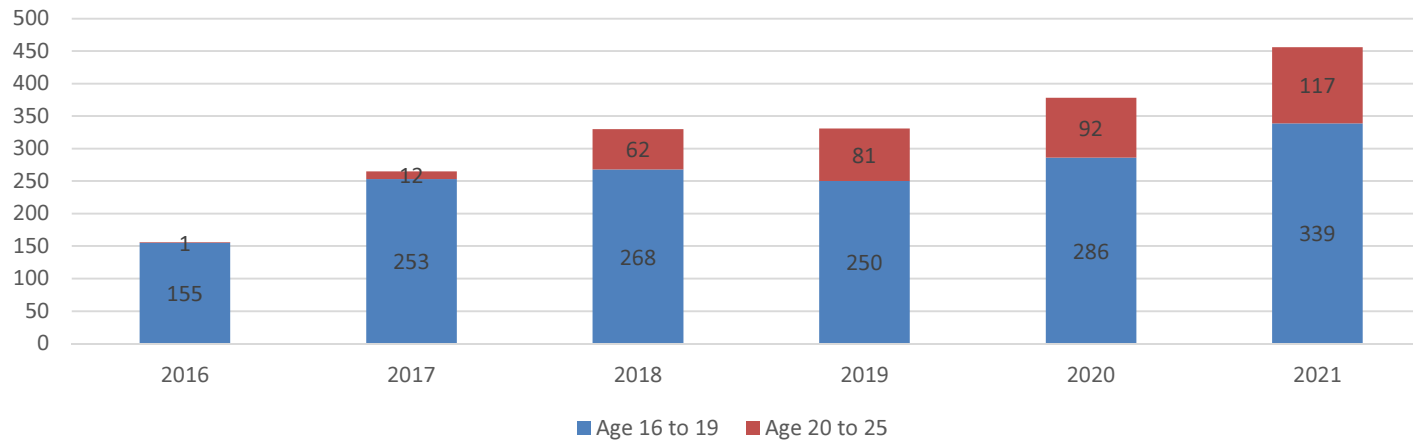
Percentage of EHCP cohort by age group, Torbay and England, May 2021



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.

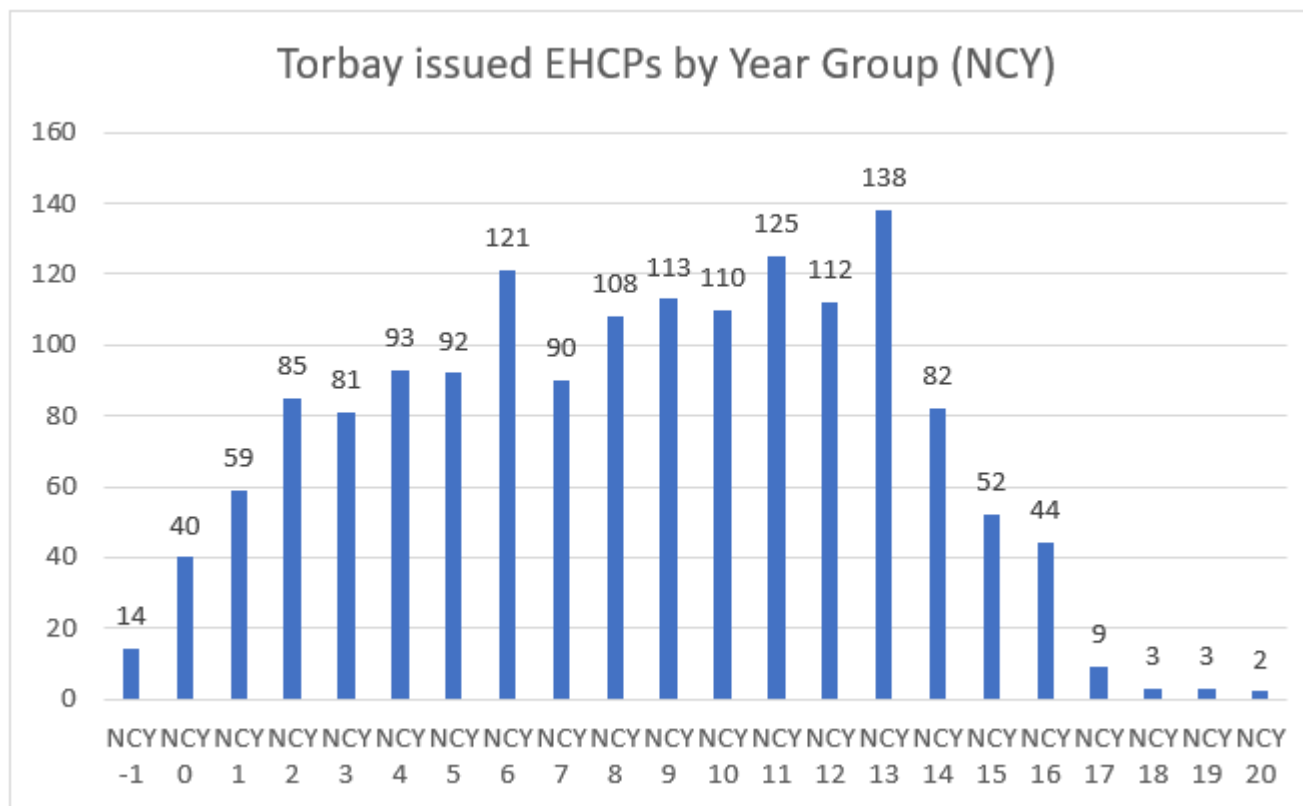
SEN Statistics – Statutory Plans

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

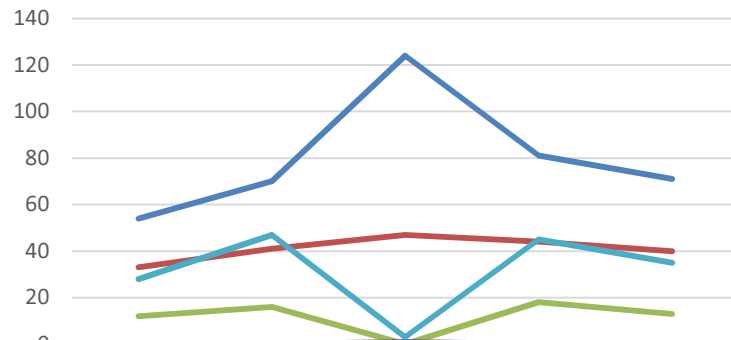


Total: 1576 EHCPs as at 11th May 2021

Source: Capita ONE

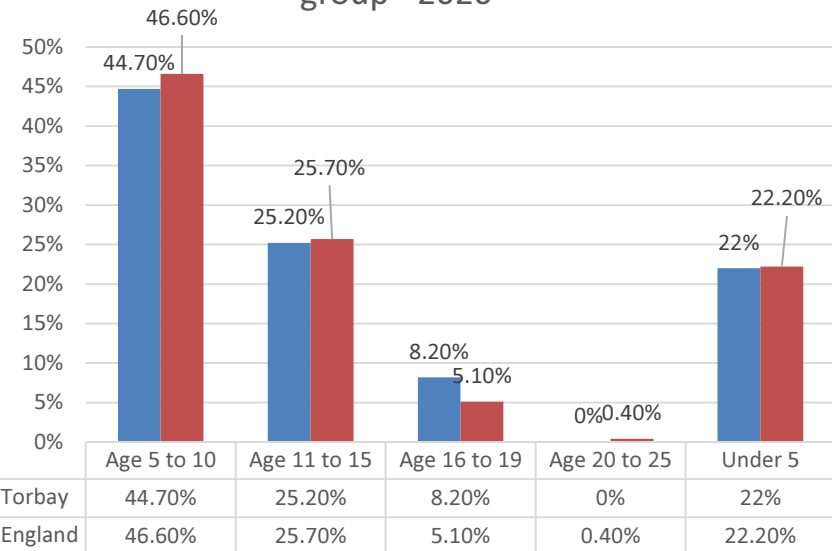
SEN Statistics – New EHC plans

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

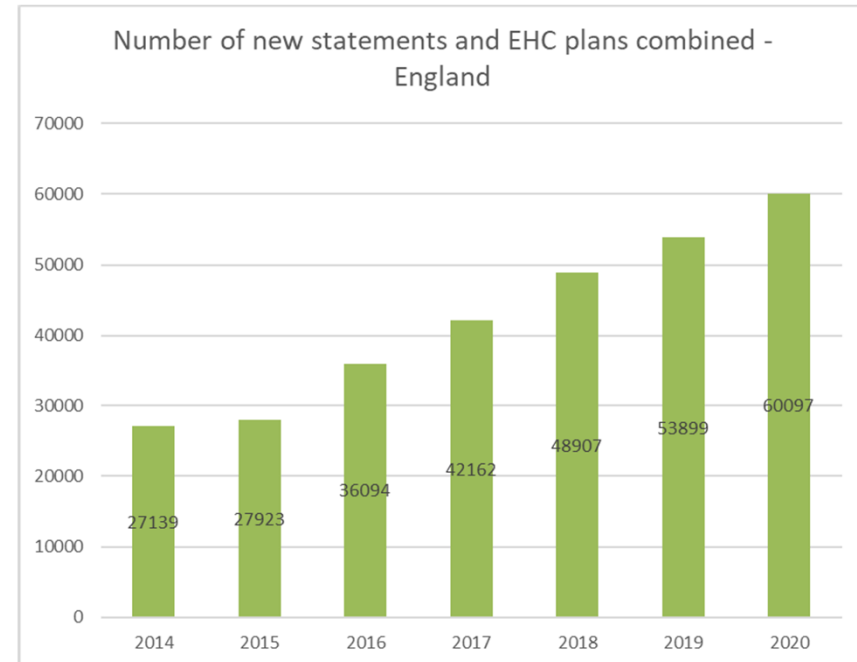
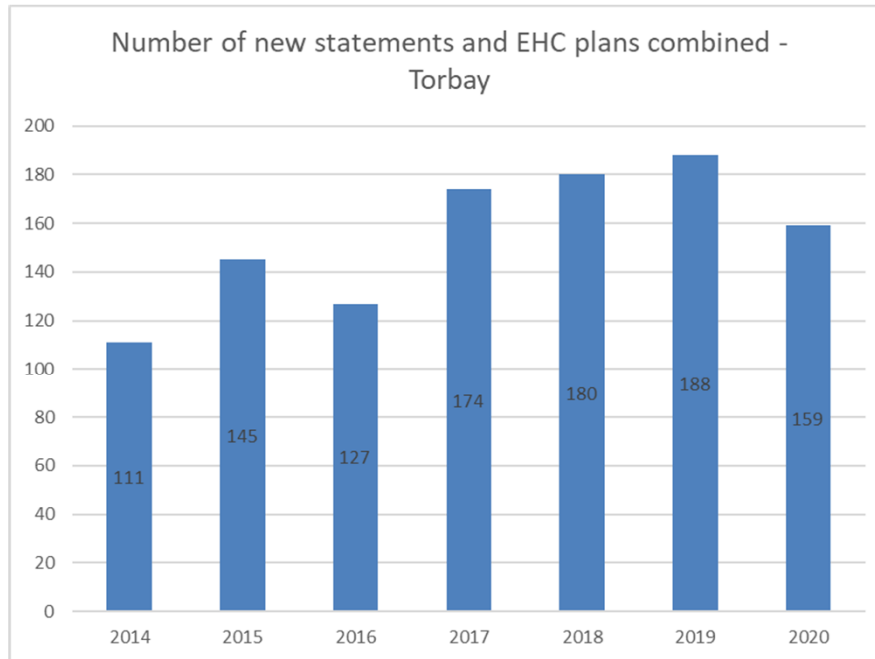
% of First Time LA Maintained EHCPs by age group - 2020



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

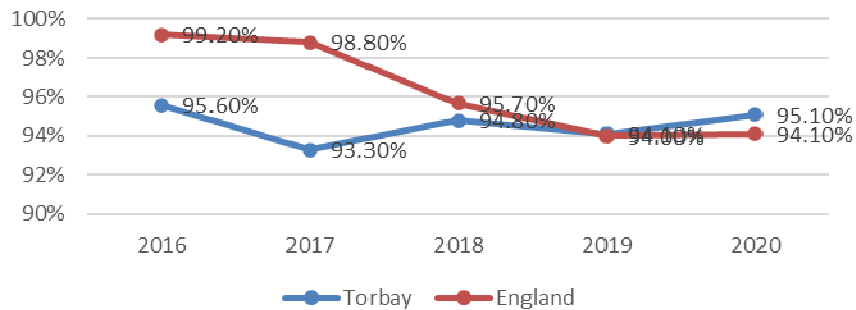


The number of new plans issued within a calendar year has increased from 111 in 2014 to 159 in 2020 (+43%). This compares to an increase of 121% in England.

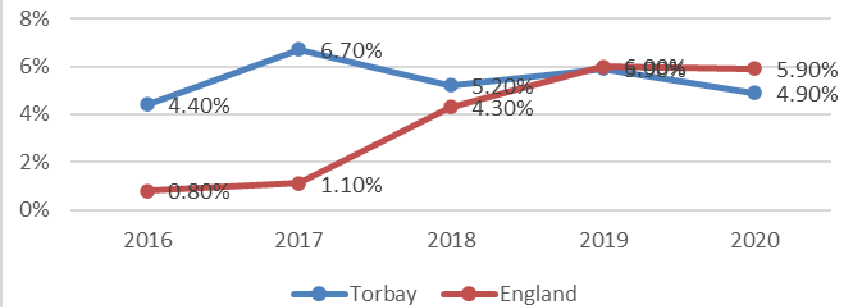
2020 was the first year to see a decrease in new plans since 2016. Based on 2019 figures the above comparison would be Torbay 69%, England 99%.

SEN Statistics – New EHC plans

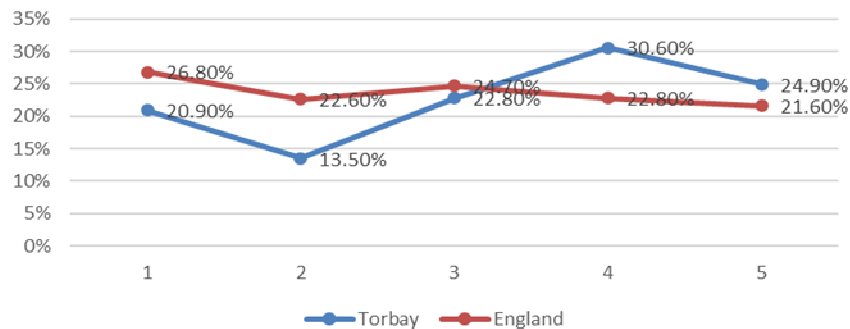
Percentage of children and young people assessed for whom EHC plans were made for the first time during the calendar year



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.

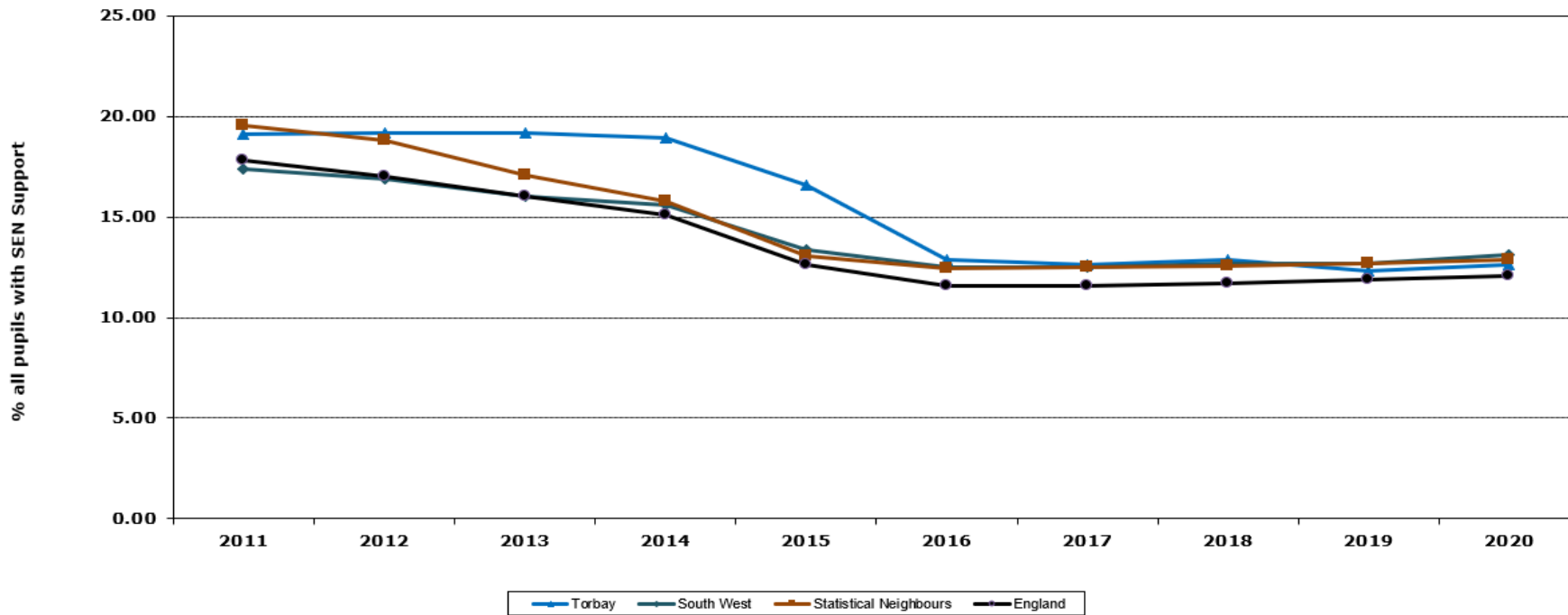
In 2020 Torbay refused 24.90% of initial requests for assessment compared to England at 21.60%. This represents a decrease from 2019 when Torbay refused 30.60%.

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

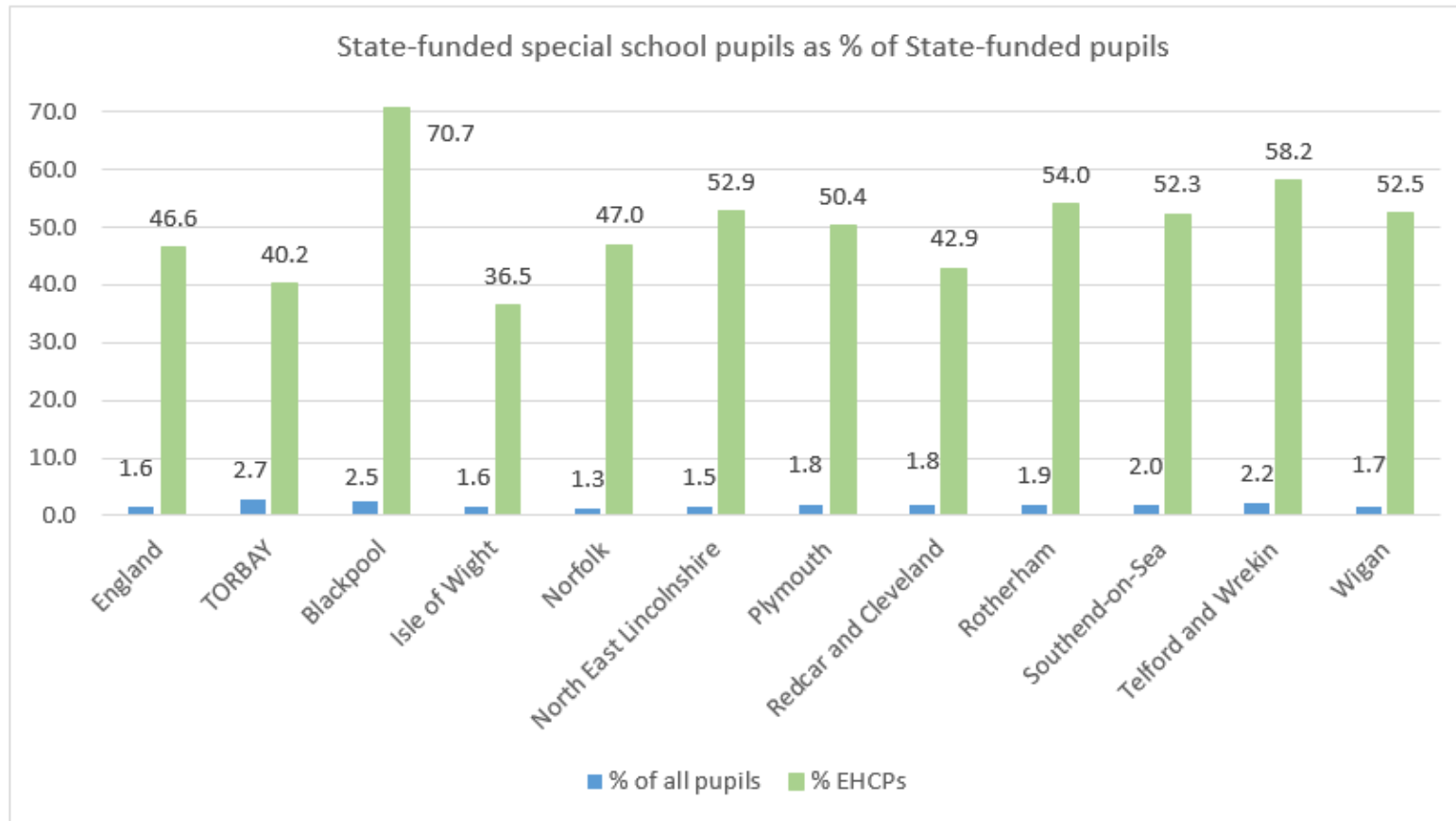
Provisional: Jan21 School Census, 11.8%



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.

Source : LAIT May 21

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>	

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 national

Update on Cabinet Response to the recommendations of the Overview and Scrutiny Board

Review of the Planning Service

Report to Overview and Scrutiny Board on 13 October 2021

Resolutions of the Overview and Scrutiny Board:

No.	Recommendation:	Cabinet Response:	Update:
1.	that the initial Planning Review Action Plan set out in the submitted report be endorsed;	Cabinet endorses the Overview & Scrutiny Board's endorsement of the Action Plan.	
2.	that regular liaison sessions be established with the Scrutiny lead for Place, Cabinet Member for Infrastructure, Environment and Culture and the Assistant Director – Planning Housing and Climate Emergency, these sessions to include an early warning in respect of planning delivery risks;	These regular liaison sessions have started and been diarised for the rest of the year. They are already providing good opportunity for discussion around hot topics within planning and clearer understanding of pressures and priorities. In addition, engagement continues between these key members outside of these sessions, as issues arise.	Liaison Sessions continue with Scrutiny lead and Cabinet Member, good discussions around performance, resource pressures and improvements in communication. Assists that the Scrutiny Lead is a member of the Planning Committee and also so committed to the Neighbourhood planning process.
3.	that the Overview and Scrutiny Board reviews the progress in implementing the Planning Review Action Plan at its	Further report scheduled to be brought to the Overview and Scrutiny Board on 14th July 2021.	Regular updates to continue to be presented to O&S Board.

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No.	Recommendation:	Cabinet Response:	Update:
	meeting on 14 July 2021 and explores further options for improvement;		
4.	that the Assistant Director of Housing, Transport and Climate Emergency be requested to work with the Chairman of the Planning Committee to review the report format for planning applications to ensure that it includes all relevant information and links to policies and legislation to provide balanced recommendations, options and reasons for the recommendations;	First meeting diarised for Chairman of Planning Committee, Development Management Head of Service & Assistant Director, to interrogate Planning Committee Reports - their structure, content and style to ensure they are providing Planning Committee Members with the right information, in a clear format, in order to make their decisions.	Discussions continuing with Chair and with third parties that regularly attend Planning Committee. No fundamental changes to Committee report structure recommended to date, but clear explanation of merits and drawbacks of each scheme to be laid out so that members of the Planning committee can see where the balances is weighted by Officers and allows them the opportunity to explore the contrary view. Better coverage of design aspects within reports.
	that updated information on land supply be published on the Council's website to enable this information to be publicly available	Upon completion of the annual monitoring of housing completions, undertaken in the last week of March, all figures will be publicised clearly on the website and shared with Neighbourhood Forum colleagues. The issue of Land Supply is indeed a cornerstone of all that the Planning Service do and the Assistant Director will ensure that there is no loss of focus on the importance of striving towards and maintaining a 5 year Housing Land Supply. Pro-active engagement continues with registered providers, Homes England, local agents	Report on Housing Land Supply and the HELAA work going to September 28 th September Cabinet Catch-up and on to Cabinet in November, following further engagement with the Forums. Following Members discussions, the Housing Land Supply figure will be published. The focus continues to be on finding additional units in which to count towards the 5year housing land supply. Speedier progress on the progressing of the Inglewood development, allowed on appeal, means some of their units should be able to be included too.

No.	Recommendation:	Cabinet Response:	Update:
		and developers to bring forward priority (stalled) sites.	Further meetings with Homes England on Stalled sites taking place end of September.
6.	That regular update training be provided to members of the Planning Committee to ensure that they are kept up to date with key issues, policy and legislation;	Annual Programme of training being prepared and will be open to all Councillors and our Neighbourhood Forum colleagues, not just to Planning Committee members. Due to start in the next two months with a mixture of external speakers from Statutory Bodies, Partner Organisations, Technical expertise and Council Officers.	LGA – PAS Training on <i>Making Effective Planning Decisions</i> arranged for 12 th October, a series of Modular training Sessions going in Members diaries starting with <i>Drainage & Flooding Issues in Planning</i> in December; <i>Strategic Planning Matters</i> , February; and <i>Climate Emergency Issues and Planning</i> in April.

Overview and Scrutiny Board Recommendations to Cabinet:

No.	Recommendation:	Cabinet Response:	Update:
A.	To ensure that a dedicated resource is established to work with the TDA to progress new housing development working with the Planning Department to ensure that these projects can be progressed at pace.	Discussions taken place between the Assistant Director and the TDA, in order to establish a new Planning Performance Agreement (PPA) which would provide a dedicated planning officer resource to handle the TDA submissions on behalf of Torbay Council.	Regular monthly meetings between TDA and Development Management Team over applications, to iron out issues. Funding not been secured for a dedicated Planning Officer, but had been envisaged to be taken from Project costs, ongoing discussions about how this could be funded.
B.	To consider providing funding for a temporary additional Planning Officer post to help progress the backlog of planning applications.	Six months of an additional planning officer, to assist in clearing the backlog of applications, particularly heritage related cases and allowing the team to provide better levels of service to	Have had Temporary Planning Officer in post for 3 months, there have been some performance issues and not been a great success. However, workloads of certain Officers have been reduced and

No.	Recommendation:	Cabinet Response:	Update:
		<p>applicants, agents and Councillors. Work begun on looking for available Planners in the market, with relevant experience.</p> <p>In addition we are securing additional resource, dedicated planning officer posts, through funding from the NHS Trust and TDA for hospital and TDA promoted developments.</p>	<p>new permanent Planning Officer appointed in March has made a real difference.</p> <p>Additional Planning Performance Agreements (PPA's) being established with Rowcroft Hospice and with Inglewood developers to assist with additional resource.</p>
C.	To support a review and investment in appropriate planning IT software to ensure it is fit for purpose.	New Total Land Charges system links to the planning back office system and along with the wider digitalisation work, will allow for better efficiency in the processing of Land Searches. Support required from specialist company to get s106/CiL back office system set up and operating.	Two staff dedicated to getting s106/Cil Back Office system up and running, now progressing at pace. Land Charges system will follow on afterwards, using same officer to help with the installation, adoption and training for staff.

David Edmondson

Assistant Director Planning, Housing and Climate Emergency