

## Schools Forum Meeting Agenda

Thursday, 10 January 2019 at 9.00 am  
to be held in 4th Floor South meeting room, Tor Hill House

### Membership

Roger Hughes (*Chair & Primary Maintained Head*)  
Stewart Biddles (*Primary Academy Head*)  
Maurice Codd (*Primary Maintained Governor*)  
Adam Morris (*Primary Maintained Head*)  
Lindsey Kings (*Secondary Academy Deputy Head*)  
Sally Timmins (*Secondary Academy Governor*)  
Jayne Jones (*Early Years*)  
Dan Hallam (*Post 16*)

Mike Lock (*Vice-Chair & Special Academy Head*)  
Tim Stephens (*Primary Academy Governor*)  
Jim Piper (*Primary Academy Deputy Head*)  
Daneian Rees (*Secondary Academy Rep*)  
Clive Star (*Secondary Academy Governor*)  
Lisa Finn (*Secondary Academy Rep*)  
Steven Hulme (*PRU*)

1. **Apologies/Changes to Membership**
2. **Minutes of the last meeting** (Pages 3 - 9)
3. **Matters arising**
4. **Future meeting dates**
  - Thursday 7<sup>th</sup> March 2019, 09:00, Mezzanine Room 4, Tor Hill House
  - Thursday 27<sup>th</sup> June 2019, 09:00, Venue TBC
  - Thursday 10<sup>th</sup> October 2019, 09:00, Venue TBC
  - Thursday 29<sup>th</sup> November 2019, 09:00, Venue TBC
  - Thursday 23<sup>rd</sup> January 2020, 09:00, Venue TBC
  - Thursday 12<sup>th</sup> March 2020, 09:00, Venue TBC
5. **Financial Report** (Pages 10 - 14)  
Rachael Williams
6. **DFE announcement of additional Higher Needs Funding** (Pages 15 - 16)
7. **Report on outcomes of consultation** (Pages 17 - 48)  
Rachael Williams
8. **Verbal update on progress with Higher Needs Recovery**

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Michael Freeman, Clerk, [michael.freeman@torbay.gov.uk](mailto:michael.freeman@torbay.gov.uk)

9. **Verbal update on next steps of IOSS**
10. **Planned Pupil Growth** (Pages 49 - 52)  
Rachael Williams
11. **Education services for maintained schools** (Pages 53 - 55)
12. **Items for next meeting**
- Election of Chair
  - Financial Report
  - High Cost Pupils Report (Dorothy Hadleigh)
  - Early Years Funding
  - Permanent Exclusion Data (Dan Hamer)

## Minutes of the Schools Forum

29 November 2018

-: Present :-

**Roger Hughes** (Chair/Primary Maintained Head), **Maurice Codd** (Primary Maintained Governor), **Adam Morris** (Primary Maintained Head), **Sam Meyer** (Primary Academy Rep - substitute for Stewart Biddles), **Tim Stephens** (Primary Academy Governor), **Lindsey Kings** (Secondary Academy Deputy Head), **Mike Lock** (Vice-Chair/Special Schools), **Daneian Rees** (Secondary Maintained Rep), **Dan Hallam** (Post 16), and **Jayne Jones** (Early Years)

**Alison Botham** (Director of Children's Services), **Rachael Williams** (Assistant Director of Education, Learning & Skills), **Dan Hamer** (Head of Vulnerable Pupils), **Rob Parr** (Principal Accountant) and **Mike Freeman** (Clerk)

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### 1. Apologies/Changes to Membership

Apologies were received from Jim Piper, Steven Hulme, Lisa Finn & Clive Star. Stewart Biddles also sent apologies, and Sam Meyer attended as his substitute.

### 2. Minutes of the last meeting

Minutes of both the exceptional meeting held 1<sup>st</sup> October 2018 and the Schools Forum held 11<sup>th</sup> October 2018 were agreed as a true record of the meetings.

### 3. Matters arising

From item 1 of the minutes of 11<sup>th</sup> October, Work is ongoing in trying to source a new Secondary Academy Governor to join the Forum. It is noted that Debbie Horn is attending a meeting with Secondary Heads next week, she will be asking for representatives then.

From Item 3, Members have not received minutes of the Higher Need Recovery Group.

Also from Item 3, Dan Hamer, Head of Vulnerable Pupils, gave a brief update on recruitment. The Elective Home Education Officer has now been increased into a full time position, and a Business Support Officer has also been appointed.

**Action – MF to speak to Sue Moses and ensure HNRG minutes are sent out shortly.**

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*Mike Freeman, Clerk, [michael.freemman@torbay.gov.uk](mailto:michael.freemman@torbay.gov.uk)*

#### 4. Financial Report

An update on the current financial situation was shared with members. The DSG is currently forecast to overspend by £2.695m, an increase of approx. £38k since October's meeting. Main areas of overspend continue to be on EHCPs (Education, Health & Care Plans) and Specialist Provisions.

The Early Years block continues see all statutory offers are being taken up in line with national averages, however members note that there has been a reduction in the number of eligible families for the two year old offer, however take up of three and four year old offers and the 30 hours offer remains high. These take ups are in line with projections, but officers will continue to monitor the situation.

Members asked what will happen with any additional funding that was carried forward from last year, but were assured that discussions on this would take place at the March 2019 Forum, once all Census data has been collated.

In the Higher Needs Block, there continues to be a large number of RSAs (requests for Statutory Assessments), however it was noted that there is now greater scrutiny in the decision making process. Rachael Williams was pleased to announce that Plymouth colleagues will be joining our EHCP panel in January to help with this.

There has been an £8,000 increase in Element 3 top ups since October's Forum. There were concerns that the budget for these continues to rise year on year, and it was suggested by members that the LA could request reductions from schools as part of the Annual Review process.

An overview of Special Schools was then shown to members. It was noted that Special Schools places are currently at capacity, meaning that the LA is forced to look at more expensive external provisions for children needing specialist placements.

The current financial position remains of significant concern. Because of this, members were in agreement that the disapplication request should still be sent to the Secretary of State, and felt that the Higher Needs Recovery Group should continue to meet to create a further financial plan.

#### 5. De-delegation of services

A discussion was then held on whether schools want to continue to de-delegate monies back to the LA to allow them to carry out certain provisions. Members queried what Education Functions are and what would happen if they opted to not de-delegate these. It was felt that the LA would still have to perform these functions for maintained schools, as part of their statutory duty.

Votes were held firstly for maintained schools only, and it was agreed to vote on Education Functions separately from the other provisions:

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*Mike Freeman, Clerk, [michael.freemman@torbay.gov.uk](mailto:michael.freemman@torbay.gov.uk)*

*To de-delegate monies for 19/20 back to the LA for free School Meals, Insurance, EAL, Travellers Educations and Rates:*

Maintained Primary Schools:

**Yes: 3**

**No: 0**

**Abstain: 0**

Maintained Secondary Schools:

**Yes: 1**

**No: 0**

**Abstain: 0**

*To de-delegate monies for 19/20 for Education Functions only:*

Primary Maintained Schools

**Yes: 2**

**No: 1**

**Abstain: 0**

Secondary Maintained Schools:

**Yes: 0**

**No: 1**

**Abstain: 0**

The second part of the item was a vote on de-delegating centrally retained services for 19/20, and was open to all schools.

**Yes: 9**

**No: 0**

**Abstain: 1**

## **6. Virement of permitted 0.5%**

At Octobers' Exceptional Schools Forum, members agreed to submit a disapplication to the Secretary of State of 1.79%. Should this disapplication not get approved, a decision on whether to still vire the maximum allowed, a figure of 0.5% (or £378,000) needed to be taken.

Members noted that the request submitted to the Secretary of State already includes this figure, and any decision made on the 0.5% will only come into effect should the original disapplication request be turned down.

Vote – to agree to vire 0.5% if the disapplication request is turned down:

**For: 9**

**Against: 1**

**Abstain: 0**

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Members were reassured that all funds would be divided based on the same model as the 1.79% disapplication, using figures from 17/18.

## 7. DFE Consultation

Rachael Williams presented to members a consultation document released by the DfE, on how LAs and Schools Forum should be dealing with the deficits of the DSG (Dedicated Schools Grant). Members were reassured that the approach to the deficit position is appropriate, and that the Forum is taking actions that are expected by the DfE.

A response to this consultation has been sent out by F40 members detailing their views, Forum members were in agreement that there is a limited scope for moving monies within the DSG, and that the current position is not sustainable.

## 8. Verbal update on local consultation

Rachael Williams provided an update on the consultation, which closed on the 21<sup>st</sup> November. There has been 994 responses, with the following results:

*1. Do you support the proposals listed in Strengthening an Inclusive and accountable culture?*

Yes 32%

No 48%

No response 20%

*2. Do you support the proposals listed in Ensuring Children have access to alternative and bespoke provision?*

Yes 39%

No 37%

No response 24%

*3. Do you support the proposals listed in ensuring the right children achieve the right level of support, at the right cost?*

Yes: 43%

No: 33%

No answer: 24%

*4. Do you support the Virement application to deal with the deficit budget position?*

Yes: 7%

No: 89%

No Answer: 3%

As well as a public consultation, the proposals were also discussed at a full Scrutiny Meeting, in which councillors wished to make their support of virement known. A response to the consultation is being written and will be published next week.

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## 9. Interim 6 Day Provision for Excluded Primary Students

Dan Hamer presented a proposal for an interim 6 day provision for children who have been permanently excluded. This would be a one year provision from January 2019, based at Occombe House and funded at a cost of £100,000. There will be places for 6 children on 12 week placements, with the expectation that these children would be reintegrated back into mainstream at the end of the placement.

Although not an immediate reduction in pressure on the High Needs block, it is anticipated that this provision would ease the pressure on Mayfield-Chestnut and lead to savings of approximately £148,000. It is also hoped that the new provision will also improve the current reintegration rate of excluded pupils going back into mainstream schools, leading to savings in future.

Vote – to approve the recommendations of the HNRG and establish an Interim 6 day provision.

**For: 9**  
**Against: 0**  
**Abstain: 1**

## 10. Transitional Payment Arrangements for Discretionary Alternative Provision

Due to ongoing pressure in the High Needs Block, it is felt that not charging referring schools for assessment places at Burton or the Medical Tuition Service is no longer feasible. Dan Hamer presented to members a new arrangement whereby schools will be charged the cost of assessment places at these provisions.

As it was considered unreasonable to expect schools to cover these costs immediately, it was proposed that assessment places be charged at a rate of 50% (£270 per week at Burton and £79 per week at MTS) from January 2019, with the full rate commencing on 1<sup>st</sup> April 2019.

Members were reassured that this would lead to minimal impact on schools, and agreed that the current position of providing extra funding to maintain places at the two provisions is not sustainable. Any recoupment will go back into the Higher Needs Block.

Members queried whether it was reasonable to ask schools to pay these costs from January to March when budgets for the financial year have already been planned for. However it was felt that whilst it would be an unplanned cost, the children have already been funded for.

Vote – to agree to the transitional arrangement and charge schools at a rate of 50% for an assessment place from January – March, with the full rate commencing on 1<sup>st</sup> April 2019:

**For: 9**  
**No: 1**

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**Abstain: 0**

### 11. Impact report from head of Vulnerable Pupils

Dan Hamer fed back to members his ongoing work as Head of Vulnerable Pupils, and the impact this has had since he joined the LA in January 2018.

Members acknowledge the impact that Dan has had and feel that his work needs recognising in the wider community. It was requested that an impact report be bought to future forums on an annual basis.

*\*Please note that during this item both Mike Lock and Adam Morris had to leave the meeting\**

### 12. IOSS impact report

Members were shown a progress report on the Intensive Outreach Support Service, written by Sandra Wright, Head of Chestnut Centre. The report raised the continuing issues of staffing, largely due to outreach workers choosing to follow children that are being reintegrated into mainstream schools.

The report highlights the impact of the IOSS, with children under the service seeing a significant de-escalation in their behaviour thresholds.

It was noted that funding for the IOSS is due to cease in January. A decision on the future of the service will be discussed by members at the next Schools forum in January.

Members requested that updated reports on the service be presented at Forum on a 6 monthly basis.

### 13. Review of Standing Orders

As a result of some confusion at a previous meeting around who can and cannot act as a substitute for members, The Chair presented to members an amendment to paragraph 17 of the Schools Forum Terms of Reference:

*Any member who is unable to attend a meeting may send an eligible substitute (who will have voting rights, as appropriate) on their behalf provided that the Clerk (or the Clerk) is notified in writing prior to the commencement of the meeting. For the avoidance of doubt, a Headteacher who has chosen to be a governor may not act as a substitute for an absent governor.*

A vote was held to approve the above changes:

**For: 8**

**Against: 0**

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**Abstain: 0**

**Action – MF will update Terms of Reference and upload to Schools Forum webpage.**

**14. Audit Action Plan update**

Members received an update on the Audit Action Plan. It was agreed that items 1.6.1, 1.7.1 and 1.9.1 should remain as amber status, as work on these is ongoing.

It was felt by the Chair that updates on this item were no longer necessary at every meeting, and it was instead agreed to provide an update every 6 months.

**15. Items for next meeting**

- Finance Report
- Outcome of Consultation Report
- IOSS funding update
- Meeting dates for 19/20

**16. Future meeting dates**

- Thursday 17<sup>th</sup> January 2018, 09:00, 4<sup>th</sup> Floor Meeting Room, Tor Hill House
- Thursday 7<sup>th</sup> March 2019, 09:00, Mezzanine Room 3, Tor Hill House.

## Schools Forum - 10<sup>th</sup> January 2019

### Financial Report

The following report contains a detailed breakdown of the financial position of the local area for 2018/2019. The report enables members to note the projected outturn position and the significant factors contributing towards the spend. The report covers the following items

- Projected Outturn position 18/19
- Contextual information regarding Early Years Block
- Contextual information regarding Higher Needs Block
- DSG allocation for 2019/2020
- Position and recommendations

#### Outturn Position 2018/2019

Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £2.716m**, this has risen by £21k since the November 2018 paper.

The following table details the main areas of both over and under spend. Many of these budgets are demand led and will be monitored during 18/19 and revisions reported accordingly.

Budget Heading	Budget	Actuals to date	Projected Outturn	Over / (Under) Spend
Early Years 2, 3 & 4 yr old payments – PVI's	£4.924m	£3.6m	£4.924m	£0
Early Years – ALFEY	£250k	£173k	£260k	£10k
Early Years – Pupil Premium & Disability Access Fund	£129k	£61k	£100k	(£29k)
Early Years – 5% retained element	£370k	£240k	£330k	(£40k)
Joint Funded Placements	£550k	£333k	£420k	(£130k)
Recovery of funding from schools for Excluded Pupils	(£150k)	(£52k)	(£150k)	(£0)
Recovery of funding from schools for MTS	£0k	£0k	(£37k)	(£37k)
Independent Special School Fees	£2.720m	£2.051m	£2,600m	(£120k)
Other packages for EHCP pupils / recoupment from other authorities	£355k	£341k	£670k	£315k
Medical Tuition Service / Virtual School / Hospital Tuition	£1.152m	£831k	£1.132m	(£20k)
School contingencies (Rates, planned pupil growth, NQT induction etc)	£291k	£293k	£294k	£3k
EHCP in-year adjustments (see separate paper for details)	£330k	£454k	£514k	£184k
Special Schools / High Needs in-year adjustments	£514k	£875k	£944k	£430k
School Intervention / Commissioning (includes School Improvement Grant)	£209k	£113k	£159k	(£50k)
Required contribution from reserves in 18/19 to set a balanced budget	(£2.2m)	£0	£0	£2.2m

The areas of significant volatility is the Higher Needs Block. The demand led pressures in these areas are detailed the report.

## Early Years Block Overview

The position remains generally consistent with the previous report provided to School Forum. The Early Years Census data (Jan 2019) will provide us with the overall numbers of pupils on role at the calculation date. Any estimated spend will then be identified as part of this return and forum will receive a full update in March 2019. The budget position continues to be treated with caution until the census has been received and adjustments confirmed by the Department for Education.

The Forum have a planned agenda item for March 2019 to discuss the Early Years budget in greater detail.

The take up of all statutory offers within early years remains high and strong against national comparators.

2 year old offer	71%
3 and 4 year old 15 hours	100%
3 and 4 year old 30 hours offer	92%

## Higher Needs Overview

Torbay continues to have a greater number of children requiring additional support up to and including a special school place than the funds available in the higher needs block. This demand pressures is in the great majority driven by schools requesting additional support and/or that children are assessed for an education health and care plan (EHCP). In addition the Local Area has also seen a rise in the number of requests being submitted directly from parents/carers, particularly in the post 16 phase.

In addition to these placements there continues to be an increase in the request for additional funds above the £6,000 allocated to schools. The following table indicates the position to date. The position has worsened by £37k since the November forum report.

Education, Health & Care Plan Funding for 17/18 & 18/19			
	17/18	18/19	Increase / (Decrease)
Number of pupils with EHCP	373	395	22.00
Number of FTE's with EHCP	353	359	6.00
	£	£	£
Funding below £6k allocated through school formula elements	2,047,279	2,129,835	82,556
Funding above £6k allocated as a top-up per eligible pupil	1,234,164	1,507,657	273,493
EHCP Contingency	200,000	330,000	130,000
<b>In-Year adjustments</b>			
April	25,735	175,869	150,134
May	45,249	18,302	(26,947)
June	13,913	25,258	11,345
July	0	0	0
August	127,405	82,018	(45,387)
September	40,866	69,403	28,537
October	32,141	39,935	7,794
November	6,622	43,236	36,614
December	27,323	27,323	0
January	14,088	14,088	0
February	13,992	13,992	0
March	4,404	4,404	0
<b>Total - In-Year adjustments</b>	<b>351,738</b>	<b>513,828</b>	
<b>Projected (underspend) / overspend</b>	<b>151,738</b>	<b>183,828</b>	
<b>Notes</b>			
Based on Apr 18 to Nov 18 in-yr adjustments, and the same allocation for the remainder of the financial year as 17/18, it is anticipated the EHCP contingency will overspend by		<b>£183,828</b>	

The work conducted by the Higher Needs Recovery Group and the subsequent recovery plan actions are being implemented. Initial work to ensure that funding follows the pupil is being introduced during this financial year. It should be recognised that officers do not anticipate, large sums of money being recovered. The work of the peer challenge group demonstrates that for many pupils, schools are proposing to return a pupil to the mainstream school. This is a good indicator of cultural change and one that will be important to support and develop across the education system.

Another continued pressure is the cost of Special School placements and in year adjustments. Since November 2018 the position has increased by £30k.



## DSG Allocation 2019/2020

The following table demonstrates the breakdown of the DSG allocation for 2019/20 compared to 2018/2019. The notes on the chart should be considered as not all information is currently available to the local area.

Comparison of initial DSG funding between 18/19 and 19/20 before academy recoupment				
	18/19	19/20	Increase /	
	DSG	DSG	(Decrease)	
	as at 20/12/17	as at 17/12/18		
	from ESFA	from ESFA		
Funding type	£	£	£	Note
Schools Block	73,843,330	77,986,361	4,143,031	1
Central Schools Block	1,310,985	1,309,864	(1,121)	
Early Years - 3 & 4 Yr Olds	4,699,302	4,704,370	5,068	2
Early Years - 3 & 4 Yr Olds (Increase to 30 hrs)	1,325,500	1,570,396	244,896	2
Early Years - 2 Yr Olds	1,255,474	1,167,010	(88,464)	2
Early Years Pupil Premium	90,661	91,887	1,226	2
Early Years - Disability Access Fund	37,515	44,280	6,765	2
High Needs Block	17,116,539	17,784,239	667,700	3
<b>Total Initial DSG</b>	<b>99,679,306</b>	<b>104,658,407</b>	<b>4,979,101</b>	
<b>Note</b>				
1. The Schools Block allocation for 18/19 was based on 16,963 pupils and for 19/20 is based on 17,376 pupils.				
1. £1.905m of the growth relates to the increase in pupil numbers (£603k Primary and £1.302m Secondary).				
1. Includes Pupil Growth funding of £567k which has been allocated on a formulaic basis for the first time in 19/20, (£147k in 18/19).				
2. The Early Years allocations for 19/20 will be updated in-year by the EFA once the Jan 19 & Jan 20 numbers are known.				
3. Includes £268k growth, this is Torbay's 19/20 part of the £250m additional funding given nationally.				

## Position

The outturn position of the Local Area continues to be of significant concern. The position remains volatile due to the Higher Needs demands and the limited information available regarding early years at this time.

Officers are beginning to implement the proposals of the Higher Needs Recovery plan which will include some aspects of recharging within this financial year, however it should be noted that this will have limited impact, a figure of £37k has been built into the forecasting at this stage.

It remains likely the projected overspend will continue to rise due to the number of requests being received. The outturn position of an overspend of £2.716m should be treated with caution.

The virement application has been submitted to the Secretary of State and School Forum will need to consider this at the point in which the decision is communicated.

## Recommendation

It is requested that Schools Forum

Note the financial position and continue to work with the Local Authority through the mechanism of the Higher Needs Recovery Group to implement the Higher Needs Recovery Plan and consider the next steps.

Rachael Williams

Head of Education, Learning and Skills

## Schools Forum - 10<sup>th</sup> January 2019

### Department for Education Funding for Higher Needs

#### Context

On the 16<sup>th</sup> December, Education Secretary Damian Hinds announced an additional £250 million of funding for high needs, across the two financial years 2018 to 2019, and 2019 to 2020. This will be allocated as an uplift to the higher needs block of the DSG at £125 million for 2018 to 2019 and £125 million for 2019 to 2020.

Torbay Local Area allocation is published at £268,221 for 2018 to 2019, and £268,221 for 2019 to 2020. The EFSA/DFE have requested that local areas who have already proposed to move funding from the schools block to the high needs block of the DSG in 2019 to 2020, review their proposals and inform the DFE/EFSA by the 15<sup>th</sup> January 2019.

School Forum as the statutory body has been rescheduled to enable this important debate to take place and to ensure that a decision can be reached ahead of the DFE/EFSA deadline.

#### Options Appraisal

It is important the School Forum consider how they propose to manage these additional funds in the context of the **forecasted £2.716m overspend**, which continues to rise.

To ensure transparent and open decision making, officers have set out the following three options for School Forum to debate.

<b>Option 1</b>	The additional funds are allocated to the Higher Needs Block to offset the forecasted £2.716m overspend.
<b>Option 2</b>	The additional funds are taken off the virement application and allocated through the Schools block. The virement application would be £1.091m.
<b>Option 3</b>	The additional funds are both allocated to the Higher Needs Block and the Schools Block to offset the virement application and deficit on a 50/50 basis. The virement application would be £1.225m

If either option 2 or option 3 was considered to be the correct course of action, School Forum would then need to take an additional decision on how the funds are to be distributed to schools.

These are presented in the options below

<b>Option A</b>	The minimum per pupil levels are increased in the funding formula (previously consulted upon). This would ensure a closure of the gap for schools that did not meet the minimum levels in the consultation document. The percentage provided back to the Schools Block would impact on the amount allocated.
<b>Option B</b>	The minimum per pupil levels are not increased in the funding formula (previously consulted upon)/ This would allocate funds through the drivers AWPU Lump sum FSM IDACI (Bands A - E) IDACI (Band F – New for 19/20) Prior Attainment

	PFI Split Sites Rates English as an additional language  The percentage provided back to the Schools Block would impact on the amount allocated.
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**Position**

School Forum need to consider the allocation of additional funds in the context of the **£2.716m overspend** and the growing trajectory of costs. Decisions to allocate the funds outside of the Higher Needs Block need to be carefully considered in the context of the future deficit that would need to be recovered. The allocation of any funds to the school block needs to be considered in the context of the formula that was consulted upon in the original virement application.

**Rachael Williams**

**Head of Education, Learning and Skills**





**Local Area Proposals for Achieving and Maintaining a  
Balanced Higher Needs Budget**

**November 2019**

Number of questionnaire responses
994

This survey was open between 10 October 2018 and 21 November 2018



## CONTENTS

1. Summary.....	3
2. Headline Results .....	4
3. Summary of results.....	5
4. Appendix 1 Written Responses.....	20

# 1. Summary

The Government allocates funds for Torbay through the issuing of the Dedicated Schools Grant which is split into three groups:

1. Central Schools Funding Block - money passed to schools to deliver mainstream education.
2. Higher Needs Funding Block - money used to support children with special educational needs that are taught in a mainstream school, support for children in alternative provision, special schools and excluded pupils.
3. Early Years Funding Block - money used to provide 2, 3, 4 year old early years nursery entitlements.

The current level of spend on the Higher Needs Block exceeds that of which is provided. Torbay is not alone in this position; many local authorities across the country are facing pressure and predicting an over spend in their Higher Needs budget. However, Children and Young People with Special Educational Needs (SEN) require sufficient funds to ensure they are able to access learning both within mainstream schools and specialist schools and provisions.

The School Forum (a statutory body), which is made up of a representative group of school leaders, has worked with the Local Authority to produce a series of recommendations that would help to ensure that money is available to support the needs of our SEN pupils.

It is proposed that a proportion of additional funding which is expected from central government is allocated to meet the spend in the Higher Needs Block. This will restrict the amount of new funds that will be given to mainstream and grammar schools within the area on top of what they already receive. This only applies to new government funding, so mainstream and grammar schools in Torbay will not receive less funding than they are currently allocated.

Public consultation on the proposals started on 10 October 2018 and closed on 21 November 2018. The proposals were communicated to the Torbay community via a press release to local newspapers, local radio and posts made on Twitter and Facebook. The proposals were detailed in a consultation document which was made available on the Torbay Council website. An on-line questionnaire was prepared which highlighted the proposals being put forward. Respondents were also able to send representations via email and post.

School Forum hosted an event to brief all School Leaders and Chairs of Governors on the current position of the Higher Needs Budget and the work they have conducted to recommend the proposals included in the consultation document.

The briefing included a detailed overview of all proposals and a technical explanation of the financial models that have been used to demonstrate impact at an individual school level. The briefing provided an opportunity for schools and leaders to seek clarity on the proposals. The briefing enabled all school leaders to understand how they could make consultation responses and gain views through their wider school community and parents.

The results and anonymised feedback from this consultation will be used by School Forum and as part of an evidence base to the Secretary of State.

## 2. Headline Results

There has been a very good response to the consultation with a total of 994 completed surveys.

- 47.1% of respondents did not support the proposals listed in Strengthening an Inclusive and Accountable Culture, 31.7% supported them.
- 38.8% of respondents supported the proposals listed in Ensuring Children and Young People have access to alternative and bespoke provision, 37.0% did not support them. This is only a difference of 1.8% between the two.
- 42.7% of respondents supported the proposals listed in Ensuring the right children, achieve the right level of support, at the right cost, 33.0% did not support them.
- The vast majority, 89.4% did not support the virement application to deal with the deficit budget position. 7.3% did support it.

For each question, respondents were asked if they had any comments. There were 1394 comments in total. Some respondents made comments without answering the questions and some only made comments in the general section at the end of the questionnaire. All comments have been grouped into themes with examples shown alongside. Some span a range of themes. The comments are shown exactly as they were typed by the respondent and have been divided between those who supported a proposal and those that did not.

There were 31 written representations received from individuals and organisations in response to the proposals. These have been anonymised and collated at appendix 2. Representations that were written in a format so as to respond to the questionnaire questions have been added to the database of responses and are part of the calculated figures shown for each question. Where comments have not been included on the database, they are included in appendix 2.

Overview and Scrutiny Board considered the proposals. The Board notes the range of views expressed during the meeting. However, in the absence of alternative proposals and the continued pressure on the Council's revenue budget, the Board believes that the proposals put forward by the Schools Forum in relation the Higher Needs Budget should be supported. The Board would wish that the Council and its partners continue to work together to address the wider demographic issues in Torbay which in turn create pressures within schools. The Board requests that further investigation be carried out to test the thresholds for entry into higher needs provision.

### 3. Summary of results

#### Q1) Do you support the proposals listed in Strengthening an Inclusive and Accountable Culture?

	Number	Percent
Yes	315	31.7%
No	468	47.1%
No answer	211	21.2%
<b>Total</b>	<b>994</b>	<b>100.0%</b>

#### Q1a) Please tell us below if you have any comments about the proposals listed in Strengthening an Inclusive and Accountable Culture?

There were 59 comments from people who supported these proposals. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<b>Other comments (31)</b>	<p><i>"There are many pupils with complex needs. Schools do have access to early help but response is often weak, due to understaffing and demand being too great."</i></p> <p><i>"The proposals do not seem to address the long term issues and does not represent an Authority living within its means."</i></p> <p><i>"Plan for new schools in the future. There appears to be a lot of new housing being built and these will attract more families and children. It is not ideal in the long term to have a 3% over admittance. This of course means investing. I am aware that if children from difficult backgrounds are moved to the south west from another region, their cost is met by the local authority after one month. The government has created a time bomb by cuts in not just schools but across all public services. This will get worse if you don't invest now."</i></p> <p><i>"I do feel that we need to properly fund non academic education"</i></p>
<b>Should be equal (12)</b>	<p><i>"Only if all schools in the bay are treated equitably."</i></p> <p><i>"Children should be treated as individuals, but ultimately taught how to function within the rules of our country. Which should be the same for everyone."</i></p> <p><i>"I believe in inclusive schools as everyone has the right to an education, but we are failing the children who are currently in mainstream education by taking funds away from them. Teachers are underpaid as it is."</i></p>
<b>Support the proposal (10)</b>	<p><i>"With a child in a main stream school and another 1 in special needs school, in think this is a fantastic idea"</i></p> <p><i>"We support all the proposals listed in the Strengthening an Inclusive and Accountable Culture"</i></p>
<b>Better consistency of provision across schools (5)</b>	<p><i>"I feel it is important to support pupils in mainstream education so that they don't end up being excluded and it should be fair access to provision across the school system"</i></p>

There were 183 comments from people who did not support these proposals. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<p><b>Other comments (44)</b></p>	<p><i>"The senior staff and Governors in school should already be focussed in this and do not need the addition of an audit to prove what they should already be aware of"</i></p> <p><i>"This is just adding more bureaucracy into the system. Costs should be cut on ineffective services. For example getting rid of the Episodes of Care system. Too many services like Speech and Language Therapy are ineffective. Focus should be on making those services effective."</i></p> <p><i>"It makes sense to have the peer to peer challenge, however I fail to see how the creation of two posts will do anything than add further costs to the system in the form of additional appeals and delaying school moves which will lead to children spending longer in AP. This is not a solution to reduce future spending - only to increase current spending."</i></p> <p><i>"Additional support and a consensus approach seems good in theory. However if you set schools up as businesses, then you have to trust them to do their job. You can't pick and choose. It will end up as design by committee and overly bureaucratic."</i></p>
<p><b>All children and schools should receive equal funding (38)</b></p>	<p><i>"All pupils should receive the same basic amount of not less than £4,800"</i></p> <p><i>"Redistribution of funds from higher performing selective schools to lower performing schools in the area may seem fair but I am unaware of any evidence that this will improve outcome. Furthermore as a parent of pupils within both school systems I see better resources/clubs and facilities at the academy schools while selective schools reduce GCSE options for pupils to guarantee maintenance of their high standards. We are obviously in a period of gross underfunding for all public sector schools but this does not mean we should support this policy of funding bias rather than parity! Austerity is apparently ending after all!"</i></p> <p><i>"The money earmarked for the mainstream schools in Torbay, to bring them in line with the funding allocated for the rest of the country, should be used for that. Don't take from one child to give to another you feel needs it more. That's not how budgets work."</i></p> <p><i>"Irrespective of whatever background or school the child attends, they should be given equal opportunities and hence the funding shouldn't be disproportionately distributed amongst schools in the bay."</i></p>
<p><b>Discriminating against children who are achieving more (27)</b></p>	<p><i>"Children with higher academic ability still have the same needs and entitlement to funding as others."</i></p> <p><i>"It's totally unacceptable to be reducing vital school funding to Torbay schools. As a teacher at a local Torbay school I have seen first hand the incredible difficulties of the reduction of school funding over the past few years and the negative impact it is having on the children. It doesn't matter whether it is a grammar school or a comprehensive school, they are all children who have a right to a decent education and by reducing their school's funding you are jeopardising that right".</i></p> <p><i>"Yes we should be Inclusive and Accountable - this is by raising the lives of those disadvantaged - it is not achieved by lowering the those of high achievers. We aim to raise society as a whole - not reduce it to a mediocre average."</i></p>

Theme	Examples of comments
<p><b>Effect child's education/future (19)</b></p>	<p><i>"Children need a full education. Reducing funds is denying them of this. Especially those who need extra help. I was one of those children and would've failed my GCSE,s if it wasn't for the added funding."</i></p> <p><i>"It is not fair to cut already tight school budgets &amp; expect the level of education &amp; teaching not to suffer".</i></p> <p><i>"Do not take any more from our schools budget you are ruining our children's future"</i></p>
<p><b>Unfair (15)</b></p>	<p><i>"The system is prejudiced against selective schools. It is wholly unfair."</i></p> <p><i>"The key reason that this proposal is inherently unfair is that it will continue to maintain the underfunding of schools' in Torbay"</i></p> <p><i>"While I feel that inclusion is important - I don't feel it is right to take funding from one child to meet the needs of another."</i></p>
<p><b>Money should be saved/sought from other areas (12)</b></p>	<p><i>"Funding for our schools is extremely important, removing or reducing that funding will affect my children's education, I am not happy about that at all. Surely money can be saved from other areas."</i></p> <p><i>"</i></p> <p><i>Our schools are reaxy under funded. Find the money elsewhere. Sell the redundant Palm tree outside tbe Willows. Wattchout next May when it is election time. Take the money from other budgets ha ds off education."</i></p> <p><i>"There are better areas for money to be saved rather than taking mioney from an already overstretched school budget. Maybe look at current contacts and put a stop on pay increases within higher ranks of Torbay council. Stand our ground and not accept the current budget and actually fight for this areas needed funding."</i></p>
<p><b>Central Government should provide the funding needed for special needs (11)</b></p>	<p><i>"I believe that the pressure should go upwards to government to protect education from austerity measures, and not downward to children, particularly the vulnerable, and to parents to make false choices."</i></p> <p><i>"Torbay is a poor area and the government needs to give more funding"</i></p> <p><i>"The useless government needs to allocate more money for education and to councils from central funds."</i></p>
<p><b>Do not support (8)</b></p>	<p><i>"I disagree with most parts of this"</i></p> <p><i>"main stream education is the bedrock of all of our children's future which is already underfunded. I absolutely do not think taking money away from this is in any way acceptable."</i></p>
<p><b>Should have more funding (7)</b></p>	<p><i>"The funding of individual pupils must not fall below the current, already low level of £4800, considered by the government to be a minimum."</i></p> <p><i>"There is a distinct lack of funding for schools in the Devon area. This needs to be reviewed as a matter of urgency. I do not understand why our children should suffer because they live rurally. This is not acceptable."</i></p>

**Q2) Do you support the proposals listed in Ensuring Children and Young People have access to alternative and bespoke provision?**

	Number	Percent
Yes	386	38.8%
No	368	37.0%
No answer	240	24.1%
<b>Total</b>	<b>994</b>	<b>100.0%</b>

**Q2a) Please tell us below if you have any comments about the proposals listed in Ensuring Children and Young People have access to alternative and bespoke provision?**

There were 76 comments from people who supported these proposals. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<b>Other comments (23)</b>	<p><i>"Recovering costs from schools on behalf of home educated children is only of any point if that money makes its way to the home educated child. As a parent who home educates and has no support of any practical value from the local authority I think that the money would be better kept with the school."</i></p> <p><i>"Mainstream schools in Torbay seem to be very uninclusive. bespoke packages necessary for some children that mainstream are unwilling to educate"</i></p> <p><i>"It is unfair to expect parents of excluded children to give up work and home school them, and not receive any funding. More parents could provide a home schooling service for their SEND children if you provided funding (this may not necessarily be the same as would have been given to their school, so could still be a cost saving)."</i></p>
<b>Not at the detriment of Grammar / mainstream pupils (20)</b>	<p><i>"I think it is important that young people have access to appropriate provision, although this should not have the effect of reducing the funding for any other child's education."</i></p> <p><i>"But not at the detriment of students who are bright, the country's future and want to be at school."</i></p> <p><i>"I agree they should however not using money given to schools, that have been allocated it for a reason not for luxury! Schools try hard to keep children in mainstream and this impacts in their learning by giving funding allocated to these school it will be detrimental to mainstream schooling"</i></p>
<b>Create alternative provision (14)</b>	<p><i>"Creating alternative provision in the area is fundamental to reducing the cost of high needs students as is securing appropriate contributions from health and social care."</i></p> <p><i>"In the school where I am chair of governors we have had to develop our own provision to meet needs of these pupols who are not able to access learning through a standard classroom setting. We can only career for a small number, however, and we have many more who would benefit from alternative provision."</i></p>



Theme	Examples of comments
	<i>"Provision should be given within Torbay to keep travel costs down. Budgets should not be given to parents who choose to home educate students who are school refusers or who have been excluded. The LEA should provide a specialist place for these students to ensure value for money and quality of education by professionals."</i>
<b>Funding follows the child / be recovered (10)</b>	<i>"Yes I agree that the funding should follow the child in order to cover the cost of their Higher Needs Block. However, I believe that Torbay Council must continue to ensure that best value is obtained in order to keep costs to a minimum and that the financial need should not be at the detriment of the Schools Block."</i>  <i>"The exclusion recovery process and an increase in local area solutions appear very sensible"</i>
<b>Equality (3)</b>	<i>"Children should so far as possible be in an appropriate educational setting for their individual needs. However this must be balanced with as equal as possible amounts of money being spent on each child."</i>
<b>Agree (3)</b>	<i>"Yes I feel it is necessary to ensure all children have access to education."</i>

There were 97 comments from people who did not support these proposals. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<b>Other comments (34)</b>	<i>"If children are too sick to attend school then they should have an alternative provided. If they can't behave and are expelled then the schools need to be able to get rid of them and those children do need somewhere that will I still some kind of discipline in them."</i>  <i>"I do not believe that this proposal has been thought through and looking at the whole needs and provision that is required within Torbay."</i>  <i>"The budgets for each area need to be managed through efficiency gains. Increasing funding does not necessarily improve outcomes."</i>  <i>"Again much of it makes sense but there are gaps. What about children joining schools following PEx or EHE. Will funding follow them as well? Many children move straight into another mainstream following a PEx. How can the cost be justified then? Some children go to MTS having never stepped foot in a mainstream school. This would mean the school loses money simply due to being assigned the student and never having the opportunity to work with them to support them."</i>
<b>Unfair (28)</b>	<i>"The key reason that this proposal is inherently unfair is that it will continue to maintain the underfunding of schools' in Torbay. This proposal will take the funding, which has already been allocated to our schools in recognition of the years of underfunding of Torbay's children and divert it to address the local authority's financial position."</i>  <i>"I understand that those in hospital etc require education - but more money, time and attention is given to those with bad behaviour etc than is given to well behaved children - this money again is taken from assisting my child to learn."</i>  <i>"Agree alternative and bespoke provision is important, but source of funding should be consistent and fair to all other pupils in Torbay."</i>

Theme	Examples of comments
Shouldn't be taking from one child to give to another (25)	<p>"All these proposals will take valuable funding away from Grammar Schools who need it also."</p> <p>"I agree children need extra help but not at the cost of children who work hard with the fabulous teachers , who give there all for our children ."</p> <p>"Children should have access to alternative and bespoke provision but this should not be taken from mainstream schools who have been allocated this funding after being underfunded for years"</p>
Better provision (4)	"I support students having access having access to alternative provision as long as there is a clear rationale and not just bowing to parental pressure leaving more vulnerable students not catered for if provision is not appropriate"
Money should be funded from elsewhere (4)	"Because the education system should be inclusive and these children should not be sidelined. If their parents want to provide a bespoke education, they can pay for it. I want my money to go to schools and mainstream education, not private provisions."

**Q3) Do you support the proposals listed in Ensuring the right children, achieve the right level of support, at the right cost?**

	Number	Percent
Yes	424	42.7%
No	328	33.0%
No answer	242	24.3%
<b>Total</b>	<b>994</b>	<b>100.0%</b>

**Q3a) Please tell us below if you have any comments about the proposals listed in Ensuring the right children, achieve the right level of support, at the right cost.**

There were 69 comments from people who supported these proposals. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
Other comments (26)	<p>"In principal yes - what are schools doing with Pupil Premium and Statement funding that follow the child? Are these actually being used to support the individual children or are these funds being subsumed into wider budgets by schools? What scrutiny of this funding is being applied by the LA to ensure it is achieving really good outcomes for the higher need children currently in mainstream schools?"</p> <p>"Torbay's performance is poor in comparison to other authorities and it should therefore work more closely with Plymouth, the partner authority, to achieve cost reductions to put it on a par with other areas in the country"</p> <p>"I don't have any experience in this area. But it should be cost effective, meaningful and not for profit. This should be a public service and not for a private company to deliver so they can profit or their shareholders. Keep services public. education should be free."</p>

Theme	Examples of comments
<p><b>Not at the expense of others (16)</b></p>	<p><i>“But not at the cost of other children. Selective schools may have fewer special needs children, but bright and able children should not suffer at the expense of others. Their needs may be different- able and talented pupils may need other, equally expensive provisions. Bright and able students learn better in small groups, therefore more equipment, more teachers, etc may need to be provided”</i></p> <p><i>“I am concerned about the impact of redistributing funds from mainstream schools which are already under great financial pressure, and the impact this will have on young people in our area. I agree that investing in educational provision for children with additional needs within the area is a good idea and is likely to be more cost effective, but it should not have an adverse effect on the educational provision in mainstream schools.”</i></p> <p><i>“Not at the expense of others, it is divisive.”</i></p>
<p><b>Equity of support / funding / education (11)</b></p>	<p><i>“But, children in Grammar Schools should receive the same funding as those in other main stream schools.”</i></p> <p><i>“The right cost is key here. We must ensure that all children in the Bay get a fair funding allocation across all our schools. The minimum funding of £4800 per student should be just that, the minimum level of funding that every school receives.”</i></p> <p><i>“I think that education is underfunded and something needs to happen to support all children”</i></p>
<p><b>More funding support for Schools needed (9)</b></p>	<p><i>“There is simply not enough money available for education. Schools and their budgets are at crisis point. Poor parenting and disengaged families have led to big social issues. More support for schools is required”</i></p> <p><i>“Go ba k to parliament and deman more. Do not come back until you have it.”</i></p>
<p><b>Eligibility / assessment changes (9)</b></p>	<p><i>“The key issues here are eligibility for the extra funding and the cost of that funding. If the funds will not cover all people who are seeking them then does eligibility criteria need to be re-assessed / tightened? If the costs of the required placements are too high then what is being done to encourage more provision in the market place at a lower cost? As per feedback in the previous section. It is imperative that waste is eliminated before money is taken from other children. So, reclaim the money from establishments from which children have moved.”</i></p> <p><i>“A principle has been established at a national level that the minimum funding required for a decent education is £4800 in secondary. We appear willing to compromise on this. Are we willing to compromise on the quality of alternative provision as well. Can we accept that alternative provision may have to be second rate as well?”</i></p>

There were 100 comments from people who did not support these proposals. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<p><b>Unfair/Not to the detriment of Grammar schools/other pupils (36)</b></p>	<p><i>"If this proposal was just for 'special schools' then yes. However, our schools should not have to pay a premium to support children in other schools with need."</i></p> <p><i>"The implication of this proposal is that pupils who attend selective schools and who are well motivated and achieve are "not right" and do not deserve the same level of support and funding as other pupils even compared to the rest of Devon. This could be detrimental to their education and is negative discrimination. Whilst I recognise that some students need extra support it should not be at the expense of others."</i></p> <p><i>"I don't think it's fair to discriminate against pupils based on their choice of school. The assumption is being made that children from selective schools come from more affluent backgrounds. Presumably this is based on the percentage of pupil premiums at these settings; however, I feel that this should be recognised as a crude measure which is not always fit for purpose."</i></p> <p><i>"They need support. But not at the expense of other school children"</i></p>
<p><b>Other comments (28)</b></p>	<p><i>"The focus is of the plan is on managing demand for a limited resource which is never a successful strategy. A more systemic and creative approach is needed."</i></p> <p><i>"What is "the right cost?" All children learn at different stages and all have different skills and fallbacks"</i></p> <p><i>"In principle I support the proposals but the excessive costs being suggested without any quality assurance leaves me with no confidence. I vehemently disagree with charges for elective home education as it is a parental right to EHE. However the Local Authority have a stat duty to check all provision ."</i></p>
<p><b>Equity of support / funding / education (17)</b></p>	<p><i>"All children have the right to the same level of funding regardless of background or problems. There are children who are receiving far beyond what is required in some schools. This needs careful attention."</i></p> <p><i>"This should be all children should receive the right level of support, at the right time, at a realistic cost."</i></p> <p><i>"Again I state that whilst funding is so tight we should concentrate on providing the best education for the masses and not simply dilute education so that everyone gets a poorer education."</i></p>
<p><b>Should be National Minimum (12)</b></p>	<p><i>"The funding of individual pupils must not fall below the current, already low level of £4800, considered by the government to be a minimum"</i></p> <p><i>"Every school should receive at least the National Funding Formula minimum."</i></p> <p><i>"This support is being provided at the expense of other school children whose funding will fall below the minimum National Funding Formula. This Formula has taken many years to achieve and is there to ensure that all school children receive the minimum for their education. The Council should not be taking money from school education to fund the proposals."</i></p>

Theme	Examples of comments
More funding needed (11)	<p><i>"The cost cannot be at the expense of the other children education. The Council should lobby for extra funding or work with a partner (for example DCC) to reduce running costs"</i></p> <p><i>"There are fundamental issues with the amount of funding for all children, we are not going to be able to attract the best staff to the best schools if we continually underfund all schools, which will produce a cycle of a lack of confidence in the school system within Torbay which will drive down not improve standards across Torbay.."</i></p> <p><i>"I believe that the pressure should go upwards to government to protect education from austerity measures, and not downward to children, particularly the vulnerable, and to parents to make false choices."</i></p>
Eligibility / assessment changes (8)	<p><i>"Yes I support the proposal in principle however it can not be taken in isolation. The risk is that with less EHCPs issued students will not receive the appropriate level of support without the additional funding. Schools will provide support but at a cost. If the virement proposal is accepted then schools will be hit on several fronts. Reduced promised funding and less EHCPs and greater demand for support will cause a perfect storm. The LA have a responsibility to support students and their schools."</i></p> <p><i>"Far too easy to deny children the support they need if budgets are struggling by rearranging the thresholds. A 'one size fits all' approach is unlikely to be effective."</i></p>

**Q4) Do you support the virement application to deal with the deficit budget position?**

	Number	Percent
Yes	73	7.3%
No	889	89.4%
No answer	32	3.2%
<b>Total</b>	<b>994</b>	<b>100.0%</b>

**Q4a) Please tell us below if you have any comments about the virement application to deal with the deficit budget position.**

There were 14 comments from people who supported this proposal. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
Other comments (8)	<p><i>"The amount of money we will be losing equates to approximately 2 Teaching Assistants but we realise that the budget needs to be balanced."</i></p> <p><i>"It is dispiriting that systemic underfunding creates these very significant virement pressures"</i></p>

Theme	Examples of comments
<b>Equity (4)</b>	<i>"Any deficit reduction has to be shared equitably between all recipients"</i>
<b>Fair (4)</b>	<i>"Deal with the budget but fairly and not to impact those students and teachers in mainstream schools working hard daily to educate the young people to high levels of standards"</i>

There were 495 comments from people who did not support this proposal. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<b>Unfair / to the detriment of Grammar &amp; Mainstream schools / other pupils (265)</b>	<p><i>"I feel that the money earmarked for Torbay's mainstream schools, should be given to these schools and not be diverted to other areas. Mainstream school are underfunded and our children need the best education that Torbay can provide to give them the best chances to progress in life. Although I appreciate that Torbay is underfunded, taking the money from mainstream education is not the answer as it will have an impact on so many of our young people."</i></p> <p><i>"The Grammar schools have long been underfunded in comparison to other schools in Torbay as well as compared to the national picture. We finally have a more fairing funding approach from government and this is now being taken away yet again by Torbay. Some schools in Torbay have long been overfunded and enjoyed allocation of extra funds for capital grants which from what I have observed has been denied to the grammar schools. The virement should be more equally spread."</i></p> <p><i>"Grammar schools are asset to Torbay education provision and to lose additional £100k per year would have severe impact. How can we stand by and compromise the ambitions and potential of this next generation."</i></p> <p><i>"I absolutely do not agree with this application, I believe it will be detrimental to the education of all children locally. We have repeatedly seen funding decrease for each child, class sizes increase, pressure on teaching - this proposal is robbing one child to fund another, as opposing to addressing the dire underfunding that exists, the core issues have therefore been missed, robbing Peter to fund Paul is not acceptable and in the long run will cause more extensive harm to all children across the bay."</i></p> <p><i>"Removing funds from a majority to fund the minority needs can never be sustainable. The majority group are perhaps tomorrow's leaders, who will in their turn be paying rates and contributing to the fiscal future of Torbay."</i></p> <p><i>"There needs to be more funding across all schools and I don't agree that you should remove funds needed at paignton sports academy and schools attached to it, to pay for underfunding some where else ! It's not fair on the kids that need their standard of education to be upheld and what's more it should be the case that its expected to improve for the sake of future generations ."</i></p>

Theme	Examples of comments
<p><b>Should be National allocation of funding formula (77)</b></p>	<p><i>"All students should receive fair funding which the government has stated is £4,800 per student. I strongly disagree with going below this funding level as it will significantly impact on the quality of education that the students in the bay receive. If this decision is taken I will campaign against it."</i></p> <p><i>"The children in the three grammar schools in Torbay should receive the minimum funding per child!"</i></p> <p><i>"Funds allocated by the Government for individual pupils ie £4800 should be made available to all secondary schools including the Grammar Schools I Torbay. Children at Grammar schools should not be penalised by school funding not being extended to them"</i></p> <p><i>"Just that I do not think that the grammar school location per pupil should be less than the government says is enough to educate a child at secondary school"</i></p> <p><i>"the Government has raised the funding per student to £4800 because that is the minimum funding necessary for secondary students to be able to receive adequate provision. We have already seen standards of provision falling over period of 'austerity' in some quarters, and schools are very stretched. Squeezing further is unacceptable. Funding for SEN students must come from a different 'pot', not through virement away from mainstream pupils."</i></p>
<p><b>Other comments (72)</b></p>	<p><i>"The school my child goes to has insufficient funding as things stand so while other areas are just as worthy of extra funds I don't wish our school to lose out."</i></p> <p><i>"Don't understand it. As already stated."</i></p> <p><i>"Torbay council needs to manage their budgets better and if the current councillors cant do that maybe they need to step aside and let someone else do the job"</i></p> <p><i>"Maybe if people weren't paid so greatly above other salaries there would be more funds to go around."</i></p> <p><i>"Needs of many - not the few. I believe the general public are tired of the public purse throwing good money after bad for young people who expect rather than are grateful for the investment made in them."</i></p>
<p><b>Don't take the money / find another way (69)</b></p>	<p><i>"I am against any reduction in current funding across any schools. Any increased funding for schools must come from elsewhere"</i></p> <p><i>"This merely " robs peter to pay paul". It addresses a problem by taking resources and adversely impacting across the whole of the non-selective school system. Time to grapple with the complexity of the issue and take a stand with nationally located political colleagues that may be uncomfortable."</i></p> <p><i>"The funds were allocated against the schools for a reason, and should not be removed from them to fill the gap. Alternative funding needs to be sought."</i></p> <p><i>"'Robbing Peter to pay Paul' - it's a terrible example to set children. National minimum funding levels are set to ensure every child receives the same standard of education. Changing budgets to below national levels would be unjust, immoral and possibly illegal. You are proposing just to move the problem elsewhere. Children should not suffer because of poor bureaucratic budgeting. If additional funds are needed you need to find additional resources until you can budget appropriately and fairly. Isn't that what your reserves are for?"</i></p>

Theme	Examples of comments
<p><b>Money should not be removed from where it was intended (56)</b></p>	<p><i>"This money was earmarked for mainstream schools due to them being unfaily under funded for many years. This money should not be taken off them. Maybe some fat cats within the coucil could have a paycut to finace the deficit?"</i></p> <p><i>"I'm shocked that this money is being deferred to a different area when it should be going to the schools in Torquay"</i></p> <p><i>"It is unfair because it will continue to maintain the underfunding of schools' in Torbay. It will take funding, which has already been allocated to our schools in recognition of the years of underfunding of Torbay's children and divert it to address the local authority's financial position. This is wrong and I do not support it."</i></p> <p><i>"In the context of the ongoing budget challenges facing schools I feel very strongly that money should not be taken from school budgets in Torbay to address local authority funding issues."</i></p> <p><i>"The deficit budget position is not the fault of the children in mainstream schooling nor those who need additional and bespoke provision. This funding has been awarded to our five mainstream secondaries and you should not reallocate this. Deal with your budget deficit in another way."</i></p> <p><i>"This is money that should be going directly to my child's school for their education and not being diverted elsewhere. School budgets are tight enough as it is without taking away funds that they need. This will affect my child's education."</i></p>
<p><b>Equity of support / funding / education (54)</b></p>	<p><i>"All students should get the same funding regardless of the school they attend."</i></p> <p><i>"No child should be disadvantaged by taking funding from one school to give to another. Every child should be entitled to the same level of funding, no matter background or ability."</i></p> <p><i>"It is not equitable as proposed. The removal of funds, if that goes ahead, should be split equally across all schools, not just the non-selective schools. However, education funding is in crisis and no funding should be removed in my opinion. Schools are stretched as it is financially and removing up to 20 teachers from 5 schools (which is what the figure amounts to) cannot be good for education in the Bay."</i></p> <p><i>"The government have allocated £4800 per student, it is wrong and unfair of Torbay council to be reducing this amount and using the money elsewhere. Surely all children/ should receive equal funding whether at a grammar school or not."</i></p> <p><i>"all children should receive the same allowance throughout the country"</i></p>
<p><b>More funding needed (26)</b></p>	<p><i>"schools are already struggling, with having to look after send children they need more money not less."</i></p> <p><i>"Virement is a short term solution, proper funding provision needs to be made. Taking the money from mainstream schools which are already under severe pressure to satisfy a growing demand outside of the school will not work in the long run. Children who are vulnerable but still in school will not receive the support needed and may find themselves excluded or subject to deteriorating situation due to lack of adequate care and provision in the mainstream system. It appears to be a 'short term fix' The demand for external provision of services is there and will have to be funded from elsewhere."</i></p> <p><i>"Virement should only be used where budgets have surplus. This is not the case in this instance the schools need all the funding which</i></p>



Theme	Examples of comments
	<i>has already been allocated. The Government should supply additional specific funding. The shortfall should have been identified as a budget pressure previously. This would be robbing Peter to pay Paul!"</i>

**Q5) Please provide any other information and comments you wish to raise about these Local Area Proposals.**

259 respondents gave comments here. A selection of comments which demonstrate the range of themes are shown below.

Theme	Examples of comments
<p><b>Unfair / to the detriment of Grammar &amp; Mainstream schools / other pupils (88)</b></p>	<p><i>"It's extremely disappointing that Torbay council think it's a sensible idea to sacrifice a child's education by cutting vital funds to its own schools. These children are the future and deserve the right of a decent education. The money should not be taken from school budgets."</i></p> <p><i>"I don't think it's fair to discriminate against pupils based on their choice of school. The assumption is being made that children from selective schools come from more affluent backgrounds. Presumably this is based on the percentage of pupil premiums at these settings; however, I feel that this should be recognised as a crude measure which is not always fit for purpose."</i></p> <p><i>"Education is struggling enough - taking money from mainstream is not the answer"</i></p> <p><i>"Not all children that attend grammar schools are from a privileged background As you have assume this she would be less invested in by the government. Completely unfair"</i></p> <p><i>"The key reason that this proposal is inherently unfair is that it will continue to maintain the underfunding of schools' in Torbay"</i></p> <p><i>"I feel our 'main stream schools are squeezed to the point of them having a lack of funds already. They cannot afford to be squeezed ever tighter especially when there are many additional needs children in those very schools who need extra support."</i></p>
<p><b>Other comments (74)</b></p>	<p><i>"Good to hear schools leaders such as Stephen Kings speaking up nationally about the overall funding pressures on schools with growing levels of system high needs funding pressures and the need for government to address core education revenue funding rates not just the "little extras" in the October Philip Hammond budget"</i></p> <p><i>"Take the money from councillors who earn way too much and do nothing for this town. I fear for my children growing up in Torbay."</i></p>

Theme	Examples of comments
	<p><i>"A more intelligent way of addressing the lack of funds needs to be found. Simpler language to describe the issues laid out in the consultation document should have been used, as not everyone will make sense of it and could lead people to answer the questions incorrectly."</i></p> <p><i>"I thought austerity was supposed to be over. Obviously not. I will not be voting for the conservatives at the next general election."</i></p> <p><i>"The problem is Torbay unitary authority being too small to provide the services it is required to provide. It is time to put them in to special measures, remove their unitary authority and incorporate within a new county level unitary authority."</i></p>
<p><b>Equity of support / funding / education (45)</b></p>	<p><i>"As a community we need to ensure that all our children receive the funding they require to ensure their education needs are met - this is an ongoing challenge. However I cannot see why Grammar school children are considered to require less funding than non high needs children in non selective schools."</i></p> <p><i>"For many years, parents fought for inclusion. This came about due to the importance of all children being treated equally. Now we hear some children will receive a BESPOKE EDUCATION. Where is the equality for those not receiving a bespoke tailor-made education? And worse, a proposal for money to be redirected away from our children in mainstream education to pay for it!"</i></p> <p><i>"Equity. Reductions in overall budget and funding. Support for compliance, not support to avoid. Preparation for the real work doesn't include alternative provision, what are we setting these pupils up for!"</i></p> <p><i>"Austerity has failed and it is affecting our children, whether mainstream or with SEN. This is not good enough. Find the money to support ALL children."</i></p>
<p><b>Don't take the money / find another way (27)</b></p>	<p><i>"I urge you to consider not further reducing funding to our schools. We need a council who are creative thinkers and able to stand their ground. Stop taking the easiest route to solving issues and instead look inwards to where the council can save money and influence policy makers."</i></p> <p><i>"The idea of a free school is ridiculous ask the government to just give you the money to fill your deficit. Job done."</i></p> <p><i>"My son's school does a fantastic job please do not take money out of their budget."</i></p>
<p><b>Money should not be removed from where it was intended (22)</b></p>	<p><i>"The key reason that this proposal is inherently unfair is that it will continue to maintain the underfunding of schools' in Torbay. This proposal will take the funding, which has already been allocated to our schools in recognition of the years of underfunding of Torbay's children and divert it to address the local authority's financial position."</i></p> <p><i>"It's extremely disappointing that Torbay council think it's a sensible idea to sacrifice a child's education by cutting vital funds to its own schools. These children are the future and deserve the right of a decent education. The money should not be taken from school budgets."</i></p> <p><i>"If money was given for a reason because it was underfunded for mainstream Torbay schools against other areas , how dare you then think you can dip in to other areas"</i></p>

Theme	Examples of comments
<p><b>Should be National allocation of funding formula (18)</b></p>	<p><i>"The funding of individual pupils must not fall below the current, already low level of £4800, considered by the government to be a minimum"</i></p> <p><i>"The govt has allocated money for my childs education...do NOT steal it to fund those that don't use mainstream education"</i></p> <p><i>"I cannot understand the logic, let alone the unfairness of setting the funding levels differently for selective and non-selective secondary schools in the Bay. The basic per pupil figure should be same regardless of where they attend, there is a premium already for disadvantaged students in addition to this basic level of funding."</i></p>
<p><b>More funding needed (15)</b></p>	<p><i>"The majority of these children with behavioral problems requiring additional support will eventually 'come good'. The issue springs from their up bringing. More emphasis in the county needs to be placed on the 'responsibility of parenthood'. The main underlying issue is social however the education provision available to a minority of children is being adversely affected. Additional funding should be raised by NI contributions not by reducing the funding to existing schools."</i></p> <p><i>"Education needs more funding altogether, both special needs and general provision for all children. I do not support cuts in any area of education"</i></p> <p><i>"The budget for schools need to stay the same or being increased if possible. They are the future."</i></p>
<p><b>Eligibility / assessment / provision changes (11)</b></p>	<p><i>"If we tackled early identification and had proven intervention we'd reduce SEN. Torbay has encouraged a wait to fail approach which exacerbates issues, makes gaps harder to close and harms the well-being of children."</i></p> <p><i>"Quite surprised to see that taxi fares constituting a significant degree of additional burden to cost of additional provisions, Help from parents should be sought to support Education. Empowerment and supporting of parents would be key rather than ramping up costs in alternate arrangements"</i></p>

## 4. Appendix 1 Written Responses

### Local Area Proposals for Achieving and Maintaining a Balanced Higher Needs Budget Consultation Written Responses

It is shocking that the council is removing further educational funding away from the selective schools. All students should be provided with equal opportunities in education and this means the basic level of funding needs to be the same. The government has directed that all schools in Torbay should receive £4,800/student next year and Torbay Council should respect this knowing that school's budgets are already incredibly tight. They should not be removing money from selective schools who will be struggling to maintain their standards. Looking at the distribution of current funding to schools in Torbay as publicised in the consultation, the non-selective secondary schools are receiving £5000plus/student which is far above (about 20% more) funding currently given to selective secondary schools and this is before pupil premium is added. This discrepancy in funding needs to be resolved. I pay my council tax to Torbay Council expecting funds to be distributed fairly. My children attend selective schools in Torbay and they are receiving less funding than others. Why is this? Why doesn't the council raise the funding in selective schools to make sure it is line with funding for non-selective schools? This would mean all students are treated equally. The council should not apply this virement to financially penalise the selective schools. I have written to MP Kevin Foster who is also concerned about this situation. The council should not apply this virement to financially penalise the selective schools. I pay taxes including council tax to Torbay Council and I would like my children who attend selective schools here to receive the same amount of funding/student as other students in Torbay please.

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I feel most strongly about the plan in the Balanced Higher Needs budget consultation, to give less money to selective school children. It is a disgrace that the educational funding is spread disproportionately across the schools of Torbay. Why are children at selective schools receiving less money per child than non-selective schools? This is most unfair. All children should be given the same opportunities to help them achieve their aspirations. This leads to a cohesive community rather than one with tensions and divisions. To do this all students should be given equal educational funding. As it stands special needs already have additional funding which is totally understandable but why penalise those children who are working towards academic success? Selective schools have proven their excellence in facilitating students to achieve their academic potential and producing our next generation of leaders and managers who fill important professional roles in our society. These students need to be celebrated. Selective school students should be given extra funding towards extending the gifted and talented element of society instead Torbay Council is planning to reduce their funding. This is totally incomprehensible. As a resident of Torbay I expect the council tax I pay to be allocated fairly. I have 2 children at selective schools and I expect this tax to be given out equally to each student at secondary school. It would be most unjust if selective school children were given less money from our taxes.

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We are hardworking family living in Paignton with one child at TBGS and our daughter has just received a letter telling us that she has passed the exam and being considered according to our preferred choice of school for her. I am appalled at the prospect of selective schools being given less money than non-selective schools. As a tax paying resident I find these proposals totally unacceptable and quite honestly struggle to understand the thought process behind this. I know how hard my children have worked and continue to work in order to get the best results they can possibly achieve. Why would you penalise the very schools that have gifted pupils many of which will play an important role in our Country's future prosperity, also many of which do not come from privileged backgrounds, but are either naturally gifted or work extremely hard.

I would like to see a level playing field and money allocated evenly across all schools, every pupil deserves the best education we can afford so that each and every student can realise their full potential. I really hope that this proposal is scrapped and a sense of fairness eventually prevails on this matter.

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The Governing body and I want to express our deep concern regarding to the proposed cuts to schools to balance the higher needs budget. The decision will fundamentally affect our most vulnerable children and needs to be reversed now. This may be a short term solution to help balance the books, but the long term effect will cost more to put right. How can Torbay council justify this decision? Where the scrutiny and what are the other options? How can this be deemed acceptable when schools that already are in a funding crisis are hit the hardest? Where is the equality? Where is the compassion? Don't all children deserve the best we can provide and isn't that why we are all here? These are questions which must be answered. Please help us fight this decision.  
The Spires College – Torquay

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I would like to express my concern over the Council's proposals to use schools education funding to balance the Higher Needs budget. As a grandparent of grandchildren at schools in Torbay, I want to see them having the best education possible to enable them to have a good start in life. Removing funding that was intended for education only adds to the difficulties facing many schools in balancing their budgets, and will have a long term detrimental impact on their ability to provide the level of education that parents expect and children deserve.  
Cllr Bent.

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I do not support the virement application. It is simply unacceptable to take funding away from secondary schools who are doing their best to educate our young people in Torbay.

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I am a resident of Torbay. I do not agree with the proposals set out in your consultation document "Local Area Proposals for achieving and maintaining a Balanced Higher Needs budget" as children at several schools across Torbay would receive less than that due under the National Funding Formula. I also think that your consultation document is misleading as it does not state clearly that the proposals would lead to these children suffering in this way.

I have just been reading an article about cutting school funding, surely there are better ways to gain more of a budget control, I've lived here in Torquay for almost 30 years and the councils budget has always been spent 'improving' but nothing's changed in fact even with the economic crisis recently the councils spending is stupid and only puts out to things that attract tourists rather than its own community, the bypass, palm trees, torwood development etc. surely are better things to postpone that children's education

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Please consider the needs of mainstream schools when you are thinking of reallocating funding. Please do not reduce the current level of individual funding in main stream schools as it would adversely affect the education of our children in the Bay Area. It does not make sense that most children should be 'punished' with funding cuts for no fault of their own. Please try and acquire the funding you need from other sources.

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The questionnaire and report attempting to address the high need provision overspend has been circulated to me by the Head teacher at Churston Ferrers Grammar School, as I am a parent of two children at this excellent school. From the information provided in the report, I have more questions than answers, which makes completing the questionnaire, in my view, impossible, other than just say no to all 4 questions. I recognise that this is not helpful, so I am seeking some clarity.

You are asking for one set of children to be the only ones that are disadvantaged. Your starting point should be this is a failing of the Authority so how can this been managed within the Authority, and that includes outside education. What non-essential or non-legally required services could be offset against recovering the overspend of the last two years (this should a reduction in the Authority's capital programme) and the operating budget going forward. I do not believe the answer is we can't do anything else.

How can we be discussing this now in a manner that has an adverse impact on our Grammar Schools? Overspending within any organisation is indicative of poor central leadership and lack of accountability at manager level, neither of which is evident at a local level at Churston Ferrers Gramma School. This has been going on for 2 years! The Council has 322 FTE, of which 56 are employed on school services, which includes SEN – this is not a small team so is there a partial solution around multi-skilling staff and prioritising the services provided?

According to your paper £10m (588 pupils) is spent on special schools and £73m (8,822 pupils) on the mainstream schools, so the special schools are already funded at £16k per pupil and mainstream pupils at £8.2k. In simple terms, social justice for SEN is costing double per pupil. What you want to do is break the mainstream into two further funding categories, Grammar and non-Grammar and fund the former at a lower rate. You are then asking us to vote and agree with you so you can take this to the Government. I would be more than happy to support the initiative if I understood three things:

- Why did the overspend happen (undetected for 2 years) and can we be sure it will not happen again?  
You need to build some trust in the Council!
- How will the pupils in the Grammar schools be affected – the operating budget measure you are forcing on them could mean less staff (£75k could mean 2 less teachers) less resources (? , or not replacing what they have, so they become out of date) - or are you saying this is not your problem and let the schools find the answer. How can I vote in a manner without the full picture?

It is clear that the measure is not supported by the schools subjected to the virement

- Why not share the virement across all mainstream schools based on a relationship to number of SEN pupils, even if inverse in nature - everyone should share the burden to some degree.

Let me illustrate why I would vote no to all questions, by looking at the first one.

You asking for agreement to a commitment of £20k for an independent service to support parent's right of appeal service. I cannot support this initiative as I have a number of issues with this.

How many appeals will be supported by these funds and what happens when it runs out? It just feels like another avenue for overspend as controlling use and budgeting is virtually impossible.

This is an annual operating budget cost and very public in its nature so withdrawing it at a later date (against future budget challenges) would have reputational damage - you should not be creating that opportunity.

Surely there should be (already be) an internal, cost neutral, appeals process.

You are advocating peer review so why not peer managed appeals?

Is the suggestion that the Authority is expecting to increase the number of rejected SENs cases on assessment?

This requires clarity on the criteria.

If budget constraints mean that those criteria are going to be changed, applied consistently and/or interpreted differently – then that is a simple statement of policy.

Disputes, appeals etc, should handle within the organisation as that they will inform on the effectiveness of the policy, develop those who are delivering the policy – all without additional cost.

Spending money on training and information for Governors (at £30k per year) is a substantial commitment. Schools already have trained SEN professions within their organisations so why not get them to provide training/briefs to the Governors. At least then it will be about links between policy and how it impacts on their school. It could be simple annual training day, followed by monthly reports/agenda items on Governor Meeting Agendas, again no cost!

The total of these two initiatives is £50k per year, the impact of the virement at Churston Ferrers is  $738 \times £100 = £73,800$  – I am sure the school's leadership would embrace the different approach rather than a reduction in funding which will mean changes to educational delivery or support. Bringing in the other two Grammar schools, the virement is generating  $712 \times £100 = £71,200$  and  $790 \times £100 = £79,000$  – a total of £224k. Making the budget challenge £50k less, means reducing the virement to £77 per pupil. This could be difference between keeping a teacher, buying books etc and not!

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I have completed the consultation survey and stated that I thought that the detail of how the virement would work was unfair. If money has to be taken from the mainstream schools of Torbay then it should be taken fairly - a set amount per primary student and a set amount per secondary student. Not the situation that is proposed which is that the Grammar schools will get less per student than the other secondary schools in Torbay.

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The council's document is highly technical and horrendous to read.  
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The country is built upon fair and equal rights for all. I am a single father of 2 children. My daughter has achieved entry to the Torquay girls grammar. I find the fact that the consideration to reduce the funding for her education is grossly unfair to her.

Please consider why my child living with an extremely low income family should be further detrementated because all of our efforts are to enable her to access a much better career and lifestyle through her education than I am able to achieve?

Our family never asks for more just fair judgement. Pay grades in employment are level and fair. Why introduce an unbalanced system to the detriment of children irrespective of their ability. The children cannot dispute your decision so why legislate against defenceless individuals.

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Could you explain why for example TBGS will now receive less per pupil than the government agreed minimum. No person wants disadvantaged children to suffer, however it would seem wrong that the council will not fund some students to the government minimum amount, this will then make these children the disadvantaged ones in years to come, not making anything better, just making other children suffer.

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I'm writing to you regarding the proposed Higher Needs Budget. I strongly disagree with the proposed virement that would rob the grammar schools of the minimum funding per pupil, as recommended by the government, to educate a student at secondary school (£4,800). I believe the pupils attending grammar schools are motivated learners and deserve at least the minimum amount of funding. This is not about elitism. This is about providing students in Torbay with fair funding and a level playing field with students across England and Wales, and giving them a chance to succeed. If anything, more funding should go their way, instead of the minimum amount. I feel that the proposed virement will actually have a detrimental impact on children who currently have the opportunity to thrive educationally in our grammar schools on already tight budgets. Removing funds from the grammar schools would effectively be punishing students for being clever, and removing the motivation to do well. They're already receiving less funding than mainstream secondary pupils, e.g. Paignton Community & Sports Academy, which is already a disadvantage and unfair.

I hope that funding for higher needs pupils can be budgeted for more efficiently using the existing pot.

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In response to the consultation document I would like to raise these points please - The virement would mean that students at the three grammar schools in Torbay would not receive the minimum level of funding that the Government has stated is necessary to successfully educate a student at secondary school (£4,800). This is money that the Government has allocated to Torbay. Instead the schools would receive £4,700 per student. I note part of this proposal is with an aim to Strengthen an inclusive and accountable culture - how is this so if pupils at the grammar school are placed in a detrimental position by reducing the basic level of funding for their education. How is ok to be inclusive for some but not for others. I believe the Council's proposal is discriminatory against these schools and pupils and clearly goes against your inclusive and accountable policy. I believe that alternative sources of funding for this deficit should be sought without discriminating against a small group of pupils whose education will potentially be adversely affected.

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Selective schools and in particular my sons school Torquay Boys Grammar School is yet again going to receive less funding per pupil than other non-selective schools in the bay, notwithstanding the uplift they receive via 'Pupil Premium'.

You are treating the Grammar school punitively, it is clear from the table on p.17 of the Torbay Consultation Document the degree to which funding is increased per pupil - by £764 per pupil for 2018-19 for Non-Selective schools.

I have voluntarily contributed a monthly amount to TBGS for several years to help them fund pens, paper and TEACHERS! If our sons and daughters have an academic gift, is it fair that the school at which they study is financially penalised on a yearly basis?

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It is totally unfair and unreasonable to expect Torquay Boys Grammar School to accept a reduced payment per pupil because they are a selective school!

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I would like to comment on the local authority proposal regarding school fund allocation in Torbay. My son goes to Torquay Boys' Grammar School and I believe that his school is unfairly disadvantaged by the new funding proposals. The funding for the school would be £100 below the minimum funding level of £4800. I understand that this is due to the fact that more money had to be clawed back from mainstream education to fund the 'high needs block'. I believe funding for these children outside of mainstream education should come from different income streams. I know that there is a high proportion of children with care plans who require special input which should be adequately funded but this should be separate to mainstream education and not impact on the education of a much bigger majority of children.

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I understand that the selective schools in Torbay are due to receive £4700 per pupil which is £100 LESS per pupil than the Government National Funding Formula Minimum Level. This is not acceptable. They have already received in the past far less than none-selective secondary schools in Torbay. This is wrong and unfair. All schools should have an equal allocation per pupil.

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I have been asked by the Headteacher of my daughter's school to put forward my views in regard to the proposal to reduce funding to the minimum within Grammar schools in Torbay. In my view this is clear discrimination and will have a direct negative impact on my daughter's education. We are also a low income family that receives free school meal entitlement. I am aware that the school will receive a higher level of funding based on the free school meal entitlement. However, this is and has been used by the Headteacher to ensure that my daughter is able to access daily healthy meals and helps towards uniform costs, books etc. However, the Headteacher has gone above and beyond that to enable my child to access a greater level of support across the entire school and curriculum. She has also accessed extra-curricular opportunities that without this financial support, she would not have otherwise been able to access.

Proposing to fund Grammar schools the minimum funding on the basis that they are Grammar schools indicates an erroneous and ignorant view that their students have fewer needs than those of non-Grammar schools. This is a clear case of discrimination to those schools and children within that have higher need levels. This in itself is reason enough to fund all schools equally! However, hopefully the example of the further needs of my daughter, highlighted above and many

other children with similar or greater needs than hers should be reason alone to continue to offer equal levels of funding!

Another example is the parking facilities at my daughter's Grammar school. In comparison to other secondary schools, this is non-existent! Part of my daughter's 'additional needs' requires me to enable her (as her full time carer) to cross roads safely. The virtually non-existent parking at her school puts myself and my daughter in danger every time I drop her off and collect her. I am aware that the Headteacher has previously been able to access a private space opposite the school at a cost. This has now been removed due to an increase of this cost and the limits of spare money within the school's budget.

This may be of little relevance to you but knowing how dangerous the road can be at the very busy drop off and pick up times during the day, causes me huge anxiety every school day! Clearly this is an internal funding issue based on the current funding allocation but should the school receive even less funding, as proposed, this will further impact negatively and directly on my daughter's education and extra support needs!

This cannot be allowed to happen!

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I am concerned to hear that Today Council feel it is OK to discriminate against my daughter and reduce her minimum education allowance funding set down by the Government, just because she goes to Grammar school?! Why not take it from all secondary top set children?

I am disappointed that you think so little of my child reducing her allowance to £4,700 a year. Surely the minimum £4,800 a year should mean the lowest ALL secondary children should receive? This amount is already lower than the national average and puts our children at a disadvantage!

If you have made assumptions about my child that she comes from a well off family you are very wrong. My child was not tutored and has worked hard to get to grammar school. She comes from an ordinary family who are struggling to keep going in today's Brexit climate.

I used to teach SEND children in Torbay before leaving to have my own children. I have seen the funding issues first hand. I ,now, sometimes supply teach, although due to funding cuts and illness finding work is more difficult!

I realise the difficulties the council is facing but taking from a child's minimum education allowance is surely not the way forward and very unethical?

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I understand from your website that you have the portfolio for Children on Torbay Council. Tonight I have completed your online consultation on how to deal with the overspend on the high needs budget. I not believe it is appropriate to remove funding from secondary schools to levels below those stated by the Government as minimum levels necessary to educate a secondary school child (£4,800). This will mean reductions of £100,000 for some secondary schools in Torbay which is clearly unacceptable. At 1/4/18 Torbay Council had stated reserves of over £20m with only £16.7m highlighted as earmarked reserves. I believe that Torbay Council should take the shortfall in High Needs Funding from reserves in year, whilst it determines how best to set a balanced budget for 2019/20 rather than penalising our children. I would urge you to reconsider this course of action.

I am emailing to express my dismay at the Devon's proposal to award some schools below the national guidelines set out.

My children attend Torquay Boys Grammar School.

I have been aware over the past few years of the challenges it has faced in light of the governments antiquated policy along with other schools in the region.

The government have begun to make some strides towards a fairer more equitable system, however I am staggered that Devon can take the decision not to follow this and reduce the amount awarded to TBGS below the national guidelines.

I wholly express my objection to this. I have seen the cuts the school have been forced to make over the past four /five years that have already had a direct impact.

I would urge you to reconsider your decision to reduce the burden and discrimination that Devon students already face by maintaining the funding to at the very least the government guidance.

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This will result in school cutbacks to their own support services that they have had to introduce due to existing council cuts to early intervention This will invariably lead to more pupils being subject to a PEX leading to additional strain on the higher needs Whoever proposed this needs to visit a school and speak to teachers, support staff and pupils who will be impacted.

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Overall this funding is unfairly skewed and will massively impact selective schools. I object to this proposal

Specifically - £30,000 on auditing and training governors - what a waste of resources it is up to governors to keep up to date with current practices - or organise access to someone who is

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I cannot agree to your proposal to provide more funding for the High Needs Block by transferring money from mainstream schools.

While I appreciate the need to provide for students with high needs, I fail to understand why such provision should be to the detriment of other students. Surely, they are also entitled to full funding and any additional funding required for High Needs students should be simply that - additional funding. It should not be taken away from other students. It seems to me that other students, particularly those who are more academically gifted, are thereby being discriminated against. Surely, it is the duty of Torbay Council and the Local Education Authority to provide equal opportunities and the best possible education for all children in the area?

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I cannot understand why Torbay Council would even begin to contemplate such discriminatory and unfair action and to fail in their duty to the community they are supposed to serve. Surely a more logical and fairer way would be to provide mainstream schools with what they need as well as providing High Needs students with what they need.

I trust his proposal will not be put into effect.

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# Brixham Town Council

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Town Clerk: Mrs Tracy Hallett

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[consultation@torbay.gov.uk](mailto:consultation@torbay.gov.uk)

16<sup>th</sup> November 2018

## Local Area Proposals for Achieving and Maintaining a Balanced Higher Needs Budget

We are writing in regard to the above consultation. Below are answers to the consultation questions and further comments, which we would be grateful if you could include within the budget considerations.

1. Do you support the proposals listed in **Strengthening an Inclusive and Accountable Culture?**  
Yes.

### Comment:

Brixham Town Council agrees that provision should be available to support parents and governors. We understand that difficult decisions will have to be made and it is important that both parties have the support required to understand the process. However, the financial need should not be to the detriment of the Schools Block.

2. Do you support the proposals listed in **Ensuring Children and Young People have access to alternative and bespoke provision?**  
Yes.

### Comment:

Brixham Town Council agrees that the funding should follow the child in order to cover the cost of their Higher Needs Block. However, it is firmly believed that Torbay Council must ensure that best value is obtained in order to keep costs to a minimum and that the financial need should not be to the detriment of the Schools Block.

3. Do you support the proposals listed in ensuring the right children, achieve the right level of support, at the right cost?  
Yes.

**Comment:**

Brixham Town Council agrees that the right child should have access to the right level of support. However, it should not be to the detriment of the Schools Block budget.

4. Do you support the virement application to deal with the deficit budget position?  
NO.

**Comment:**

Brixham Town Council strongly objects to the reduction of funding available for Schools Block being reinvested into the Higher Needs Block as to do so will have a detrimental impact on the education of children and young people in our community.

Due to austerity measures it is appreciated that all public organisations are struggling to provide a service. It is recognised that this affects not just local authorities, but police, schools and hospitals, for example.

The consultation document focuses very much on the financial needs of the Higher Needs Block. However, it does not focus on the financial needs of the Schools Block. Both are just as important as the other.

Education provides an opportunity for children to have access to enhance their knowledge, abilities and skills. Therefore, all children, regardless of their background or needs should be treated in a fair manner receiving education that has not been jeopardised by the removal of funding from one educational pot to enhance the other.

Yours sincerely

*Tracy Hallett*

Tracy Hallett  
Town Clerk

CC: Dr S Wollaston MP  
Mr K Foster MP

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## **A Response to the Consultation Document: Local Area proposals for Achieving and Maintaining a Balanced Higher Needs Budget. Submitted by Fr Paul Jones, Vicar of All Saints, Babbacombe**

I write my response to the above as an experienced and long standing School Governor. At present I am a Governor at St Cuthbert Mayne School, All Saints, Babbacombe School as well as a Director of the St Christopher Multi Academy Trust (responsibility for All Saints, Babbacombe, St Marychurch and Upton Primary Schools in the Torbay Council area).

For clarity my response is in three parts:

The Current Position – page 4

Managing the Current Position Pages 4 -14

The Disapplication to the transfer of Funds pages 19 – end

### **The Current Position – Page 4**

The statement that there is, “difference in approach is notable in relation to demand for alternative placement ...” is not entirely evident from the Table: Census Data – Exclusions 2016/17.

Permanent exclusions in the Primary Sector for Torbay are 0.03 compared with a national average of 0.03! This is hardly a significant difference.

In terms of the Secondary Sector the rate of permanent exclusions is 0.33 which I presume equates to 23 pupils compared with a national rate of 0.20 or 14 pupils. (As the Table has note numbers but no legend it is not possible to know if I have got these calculations right)! On this logic it is hard to see how 9 pupils are resulting in a predicted overspend of £2.6 million.

I found the description concerning the overall service to Higher Needs pupils somewhat lacking and the resulting analysis of the overspend and how it arises not at all well developed or conclusive.

### **Managing the Current Position pages 4 -14**

For the most part I felt that this section was positive, forward looking and would make a difference to the Council, Schools and pupils.

I have though a few minor observations:

#### **Providing Training and information to Governors (page 7)**

My experience as a long standing and experienced Governor is that in hearing an appeal against the Headteachers decision to exclude a pupil I have always taken my responsibilities extremely seriously and considered the evidence in an independent and challenging manner. Never have I excluded a pupil for academic reasons. If this is happening then those schools should be named and shamed.

I note the Council is proposing further audits at £30,000 per year. On the face of it this seems very expensive and it is not at all clear what these audits are expected to achieve.

#### **Ensuring Children and young people have access to alternative and bespoke provision (page 8)**

I failed to understand this section.

#### **Reviewing the cost and availability of alternative commissioned placements (page 9)**

This is to be welcomed but does raise the question why this approach wasn't taken some time ago? Especially as the resulting cost savings are considerable.

#### **Creating alternative provision within the local area (page 10) & Special Schools (page 13)**

Creating more alternative provision is to be welcomed but this approach is accompanied by a cut of £106,254 in Special School funding. I fail to see the logic of what seems like contradictory recommendations.

### **The Disapplication to transfer of Funds**

Schools, as responsible public bodies are expected to set three year budget plans and make decisions on staffing and services on the basis of these plans. After the hard work and effective lobbying of local Members of Parliament the Government conceded that Torbay Schools had been historically significantly underfunded. In order to rectify this situation additional money was granted to schools as part of the fairer funding adjustment - this being £2.2million. My

understanding is that this money is meant to improve the education provision for all pupils in the Bay.

Following this announcement Schools included this addition money into their already tight budgetary plans and consequently into their staffing structures.

In order to close the overspend gap of £1.4 million in the Councils Higher Needs budget the Consultation paper recommends diverting the 2/3 of fairer funding grant from schools to the Council!

This has serious consequences for Schools Planned and Strategic Budgets. The papers proposes reducing planned funding by:

**Primary School by £590,944 or £55 per pupil**

**Non Selective Secondary Schools by £768,092 or £107 per pupil**

**Grammar Schools the reduction is nil!**

I cannot see how this level of reduced planned funds can result in anything other than staff reductions.

The policy of reducing Schools funding:

1. Subverts the move to fairer funding and so the majority of pupils will not feel the benefit of the extra funding meant to enhance educational opportunities for all students.
2. It is perverse that the very schools that have the highest ratio of Higher Needs pupils bear the brunt of this disapplication of funds. This will inevitably make it harder to keep such pupils in mainstream education. It also has the serious risk that the result of the policy will be an increase in exclusions as schools capacity to retain pupils is undermined.
3. The fairer funding is fully transferred to Grammar schools but only 1/3 of this funding to non selective secondary schools. This seems very odd.

Schools have considerable sympathy for the financial predicament that the Local Authority finds itself in. Yet to pass this problem on to Schools is hardly to the benefit of all pupils and has the risk of making the situation for Higher Needs pupils worse.

On a parochial level the result of this policy as a Governor is that at St Cuthbert Mayne we will have to reduce planned expenditure by £129,000, in my opinion, this can only be achieved by cutting teaching posts.

**Fr Paul Jones**

**Vicar of All Saints, Babbacombe**

-----  
Tonight I have completed your online consultation on how to deal with the overspend on the high needs budget.

I not believe it is appropriate to remove funding from secondary schools to levels below those stated by the Government as minimum levels necessary to educate a secondary school child (£4,800). This will mean reductions of £100,000 for some secondary schools in Torbay which is clearly unacceptable. At 1/4/18 Torbay Council had stated reserves of over £20m with only £16.7m highlighted as earmarked reserves. I believe that Torbay Council should take the shortfall in High Needs Funding from reserves in year, whilst it determines how best to set a balanced budget for 2019/20 rather than penalising our children. I would urge you to reconsider this course of action.

I have also written to Councillor Cindy Stocks who I understand has the portfolio for Children, and will be contacting our local MP

For further information please contact the Corporate Support Team on 01803 207227 or email [consultation@torbay.gov.uk](mailto:consultation@torbay.gov.uk)

The information used to collate this report has been collected and processed in accordance with the Data Protection Act, 1998.

**Policy, Performance and Review Team**





## Schools Forum – 10<sup>th</sup> January 2019

### Planned Pupil Growth 2019/2020

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#### Context

On the 27<sup>th</sup> November 2018, School Forum took their decision on planned pupil growth. At this meeting it was not possible for officers to report secondary expansion as conversations were still being held with a multi academy trust and the regional schools commissioner.

These conversations have now concluded and it is asked that school forum consider two additional proposals for planned pupil growth a secondary level.

Information has become available to officers regarding the allocation of planned pupil growth funds, which schools forum will need to take a decision upon. This is covered in the financial allocation paragraph of the report.

#### Proposal

1. To allocate an additional 30 places to Paignton Community and Sports Academy for the academic year 2019/2020
2. To allocate an additional 30 places to The Spires to create a bulge class if the admissions information demonstrates the level of demand anticipated.

The proposal should be viewed in the context that Local Authorities should be working within a 5 – 7% surplus capacity to ensure that children and parents have adequate choice.

#### Supporting Information

The following information shows the level of demand that is anticipated. This information has been used for the SCAP return to the DFE. The Local Authority has been praised for the accuracy of the pupil projection numbers.

#### PAIGNTON

Academic Year	PAN	Age 11+	Age 12+	Age 13+	Age 14+	Age 15+	TOTAL Age 11-15
2018-19 (actual)	300	298	272	298	250	219	1337
2019-20 (forecast)	300	306	307	287	268	264	1432
2020-21 (forecast)	300	327	315	323	259	283	1507
2021-22 (forecast)	300	322	337	331	290	273	1553
2022-23 (forecast)	300	340	332	353	296	305	1626
2023-24 (forecast)	300	352	350	348	316	312	1678

Includes adj for housing

## TORQUAY

Academic Year	PAN	Age 11+	Age 12+	Age 13+	Age 14+	Age 15+	TOTAL Age 11-15
2018-19 (actual)	961	957	882	890	839	771	4339
2019-20 (forecast)	991	1013	962	883	869	821	4548
2020-21 (forecast)	961	943	1019	963	862	850	4637
2021-22 (forecast)	991	1041	948	1020	940	843	4792
2022-23 (forecast)	961	1013	1046	949	996	920	4924
2023-24 (forecast)	961	1025	1018	1048	927	974	4992

## BRIXHAM

Academic Year	PAN	Age 11+	Age 12+	Age 13+	Age 14+	Age 15+	TOTAL Age 11-15
2018-19 (actual)	360	361	339	348	349	336	1733
2019-20 (forecast)	360	329	360	340	333	347	1709
2020-21 (forecast)	360	378	329	362	326	332	1727
2021-22 (forecast)	360	342	377	330	346	324	1719
2022-23 (forecast)	360	346	342	379	316	345	1728
2023-24 (forecast)	360	377	346	343	363	314	1743

The Schools Capital & Planning team produce pupil number projections using live birth data. The actual number of pupils from Census Sept 18 is shown in blue for this academic with projected numbers going forward. Additional adjustment to Brixham's figures to allow for CFGS change in intake.

## TOTAL TORBAY

Academic Year	PAN	Age 11+	Age 12+	Age 13+	Age 14+	Age 15+	TOTAL Age 11-15
2018-19 (actual)	1621	1616	1493	1536	1438	1326	7409
2019-20 (forecast)	1651	1648	1629	1510	1470	1432	7689
2020-21 (forecast)	1621	1648	1663	1648	1447	1465	7871
2021-22 (forecast)	1651	1705	1662	1681	1576	1440	8064
2022-23 (forecast)	1621	1699	1720	1681	1608	1570	8278
2023-24 (forecast)	1621	1754	1714	1739	1606	1600	8413

## Financial Allocation

For the first time the funding for Pupil Growth in the 19/20 allocation has been given by formula rather than historic spending levels. Our allocation for 19/20 is £567k which forms part of the schools block. If the Schools Forum select to allocate growth funding from September 2019 to March 2020 based on AWPU as previously agreed, the commitment in

19/20 would be £349k and would cover the following schools, White Rock, Cockington, Warberry, Torre, Roselands, Kings Ash, PCSA and The Spires.

This would leave £218k unallocated. School Forum need to decide whether these funds should be given under the growth calculation to expanding schools or distributed as part of the schools block.

**Recommendation**

That school forum consider the proposals above and commit to the planned pupil growth for 2019/2020.

School Forum review the new funding formula used for allocating growth funds and take a decision on how these funds should be applied.

**Rachael Williams**  
**Assistant Director of Education, Learning and Skills**

SCHOOLS FORUM 10/01/19 - DECISIONS FOR CENTRALLY RETAINED SERVICES 2019/20 - ALL SCHOOLS					
Number	Service Type	2018/19	Proposed 2019/20	Vote Y/N	Note
1	Planned Pupil Growth	£147,300	£349,000		1
<b>All Members of Schools Forum have an equal vote</b>					
<b>Notes:</b>					
1	Planned Pupil Growth in White Rock, Cockington, Warberry, Torre, Roselands, Paighton Academy and The Spires (if the bulge year is required). It is calculated using the AWPU value x number of eligible pupils.				

## Schools Forum – 10<sup>th</sup> January 2019

### Education Services for Maintained Schools

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#### Context

On the 29<sup>th</sup> November 2018, School Forum took their decisions regarding de-delegation and centrally retained funds for 2019/2020. At this meeting the delegation of funds to provide education services for maintained schools resulted in a positive de-delegation decision for primary phase and a negative de-delegation decision for secondary phase.

Following this decision officers revisited the statutory guidance to determine how this could be implemented. Officers found that the EFSA Schools Revenue Funding 19/20 operational guide did not allow for this decision to be taken by phases individually for education services and as such the decision taken by forum could not be implemented into the template that is required back to the EFSA. The EFSA regulations state in the following in the section for Services for maintained schools

- 154 Local authorities can fund some services relating to maintained schools only from maintained school budget shares, with the agreement of maintained school members of the schools forum.
- 155 The relevant maintained schools members of the schools forum (primary, secondary, special, and pupil referral units (PRUs)) should agree the amount the local authority will retain.
- 155.1 If the local authority and schools forum are unable to reach a consensus on the amount to be retained by the local authority, the matter can be referred to the Secretary of State.
- 156 Local authorities should set a single rate per 5 to 16 year old pupil for all mainstream maintained schools, both primary and secondary; in the interests of simplicity, this should be deducted from basic entitlement funding.

#### What action is required of School Forum?

Maintained Schools need to revisit the de-delegation report of 29<sup>th</sup> November 2018 and take a collective vote that can be implemented in line with the EFSA Schools Revenue Funding 2019/2020 operational guide. The original 29<sup>th</sup> November 2018 is included in the paper to enable the decision to be revisited.

Future decision making on de-delegation needs to be taken in the context of maintained schools, rather than phases. Officers need to amend the decision template for School Forum.

#### Recommendation

That school forum reconsider their decision in light of the EFSA regulations and take a decision as a Maintained school sector rather than phase.

**Rachael Williams**

**Assistant Director of Education, Learning and Skills**

SCHOOLS FORUM 10/1/19			
EDUCATION FUNCTIONS FOR 19/20 - DECISION FOR SCHOOL FORUM (MAINTAINED MEMBERS ONLY)			
THESE FIGURES WILL BE UPDATED ONCE OCT 18 PUPIL NUMBERS ARE KNOWN			
DfE No.	School Name	Pupil Numbers NOR Oct-17	Education Functions
2407	Furzeham Primary	275	(1,694)
2439	White Rock Primary	544	(3,351)
2455	Homelands Primary	207	(1,275)
2460	Watcombe Primary	195	(1,201)
2469	Sherwell Valley Primary	645	(3,973)
3103	Brixham Primary	212	(1,306)
	<b>TOTAL PRIMARY SCHOOLS</b>	<b>2,078</b>	<b>(12,800)</b>
4117	The Spires College	728	(4,484)
4601	St Cuthbert Mayne School	768	(4,731)
	<b>TOTAL SECONDARY SCHOOLS</b>	<b>1,496</b>	<b>(9,215)</b>
	<b>TOTAL PRIMARY AND SECONDARY</b>	<b>3,574</b>	<b>(22,016)</b>
PRIMARY / SECONDARY - Is funding going to be retained in 19/20 (Y/N)			
		<b>Unit Value per pupil</b>	
		<b>£</b>	
	Education Support Functions	6.16	

## De-Delegation and Centrally Retained Decisions for 2019/20

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

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

For 2019/20, Torbay Council Children's Services is proposing the option of de-delegation for all of the areas shown in the table below. It is for Torbay's Schools Forum to vote on each on behalf of schools. The vote is being carried out at this time to enable schools and services time plan for their budgets and responsibilities for 2019/20.

Under the national funding arrangements the government wants schools to have the opportunity to have as much funding and responsibility delegated to them as possible.

The vote determines whether or not a range of costs currently met centrally will transfer to maintained schools for them to manage themselves.

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

Actual figures for 2019/20 will change from those presented, as they will be based on the October 18 census, this data will be available towards the end of December. See individual sheet for detail and voting boxes.

### 2. Centrally Retained budgets

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

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

### 3. Recommendations

That the Schools Forum considers the proposals and for:-

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

**Rachael Williams**  
**Assistant Director of Education, Learning and Skills**