

Schools Forum Meeting Agenda

Thursday, 17th June 2021 at 9.00 am
to be held via Zoom conference

Membership

Stewart Biddles (*Chair & Primary Academy Head*)
Ken Kies (*Primary Academy Head*)
Dan Hallam (*Post 16*)
Adam Morris (*Primary Maintained Head*)
Steve Margetts (*Secondary Academy Head*)
Sally Timmins (*Secondary Academy Governor*)
Jayne Jones (*Early Years*)

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

1. **Apologies/Changes to Membership**
2. **Minutes of the last meeting** (Pages 2 - 5)
3. **Financial Report** (Pages 6 - 10)
4. **ESFA Visit feedback** (Pages 11 - 36)
5. **Deficit Recovery Plan Template**
Report to follow
6. **Elective Home Education recharge and EHE spend** (Pages 37 - 41)
Dan Hamer
7. **Items for next meeting**
8. **Future meeting dates**
 - Thursday 14th October, 09:00
 - Thursday 25th November, 09:00

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

Mike Freeman, clerk
01803 208261
Michael.freeman@torbay.gov.uk



Minutes of the Schools Forum

6th May 2021

-: Present :-

Stewart Biddles (Chairman), Primary Academy Head; **Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Adam Morris**, Primary Maintained Head; **Ken Kies**, Primary Academy Head; **Jim Piper**, Primary Academy Deputy Head; **Tim Stephens**, Primary Academy Governor; **Alex Newton**, Secondary Maintained Head; **Steve Margetts**, Secondary Academy Head; **Clive Star**; Secondary Academy Rep; **Sally Timmins**, Secondary Academy Governor; **Dan Hallam**, Post 16; **Mike Lock**, Special Schools Head; **Steven Hulme**, PRU Head; and **Jayne Jones**, Early Years Rep

-: Also in attendance :-

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

1. **Apologies/Changes to Membership**

No apologies were received for this meeting.

2. **Minutes of the last meeting**

The minutes of the previous Schools Forum, held 11th March 2021, were agreed as a true record.

3. **Election of Vice-Chair**

In line with the Forums Terms of Reference, Lisa's term of office as Vice-Chair has expired. There were no nominations received prior to this meeting, therefore it was proposed by Stewart and seconded by the rest of the Forum that Lisa be re-elected to Vice-Chair.

4. **Financial Report**

Rachael presented to members the latest financial report, containing a detailed breakdown of the outturn position for 2020/21. Whilst broadly in line with the previous financial report, members noted that the LA COVID grant has been used to offset salaries of employees funded by the DSG by approx. £195k.

In-year DSG funded activities are now overspent by £2.048m, leading to a cumulative overspend of £5.826m, with the main areas of significant pressure being the Higher Needs and Early Years blocks. Rachael explained that reductions in EHCP spend can be attributed to COVID, and that demand for EHCPs continues to grow. The SEN team are now holding additional EHCP panels to cope with this demand.

With this in mind, concerns were raised that the projections for 2021/22 may be understated, and members asked how we are justifying Torbay having the highest number of EHCPs in the country. It was explained that comparisons with other LAs is not possible yet, however SEN2 data is due to be published in mid-May. Rachael assured members that officers are continuing to work with SENCOS and that the LA is satisfied that Schools are doing all they can to manage need in school before requesting EHCPs.

Members noted the findings of the report.

5. School Allocations 2021-22

Members were shown three spreadsheets detailing the school allocations for 2021/22.

6. ESFA Visit and Safety Valve request

Rachael shared news of an ESFA safety valve agreement, whereby some LAs have been given monetary help to reduce their deficits. Members were shown details of the five LAs currently in receipt of this. Whilst it is uncertain how the ESFA has awarded this funding, it was noted that the LAs in receipt all have a deficit of 10-15%. Whilst Torbay's deficit currently stands at approx. 5%, the Forum discussed whether Torbay should apply for this funding.

The ESFA has asked for a balanced recovery plan first, but members felt that lobbying for this help when the deficit is relatively low (when compared to the LAs already in receipt of funding) would give Torbay more chance of achieving a balanced budget. The LA has been in touch with Kevin Foster MP, who advised waiting for the SEND reforms consultation to be published as a mechanism for lobbying. Rachael has also met with the Municipal Journal and has raised the issue with them.

Members were asked to vote on the proposed approach of lobbying for additional funds and submitting a non-compliant recovery plan that is both realistic and achievable:

For: 12 **Unanimous**
Against: 0
Abstain: 0

7. Update report from Higher Needs Recovery Group

Members were shown an overview of the work of the Higher Needs Recovery Group, the progress made and their next steps. It was pleasing to note that the HNRG has used COVID intervention funding to benefit 115 children in Torbay.

A review of the banding system has not yet taken place, but is anticipated that this could lead to savings of £200k. Whilst acknowledging that this is a relatively small figure, members were satisfied that the review was held for reasons of fairness, not financial, and will lead to greater equity.

Dan Hamer assured the Forum that the name of the Zero Exclusion project was in the process of being changed, after concerns from some schools that the name of the project was too emotive.

Members asked whether Governor training has taken place yet, it was explained that this has happened as part of the SEN review.

Members gave thanks for the update and expressed their wishes for the HNRG to continue their good work.

8. Update on Early Years budget

As requested at the March Forum, members were updated on Early Years funding now that national policy has been published. It was noted that 3 and 4 year old universal and extended entitlements are above 85% of the January 2020 census numbers, so no adjustment will be made to these. The 2 year old numbers are below 85%, so Torbay's numbers will be adjusted. The adjustment will not be known until the LA's headcount is submitted to the ESFA in the summer term; this will be submitted in June/July.

9. Elective Home Education proposals and decisions

Following discussions held at the last Forum, Dan Hamer has met with Alex Newton to discuss new proposals for monitoring and supporting schools and families around Elective Home Education. Members had previously enquired as to the legality of the recharging method, however officers explained that whilst there is no statutory guidance, recharging was agreed by Schools Forum.

Four recommendations were put to members, with discussion revolving around recommendation three, that Schools Forum agree a maximum liability for any one case. Members requested a change to the wording of this recommendation, and a vote was held as follows:

For Schools Forum to agree to a maximum liability for any one case, in line with the Minimum Funding Guarantee for the child, pro-rated across the year:

For: 13 **Motion Carried**
Against: 0
Abstain: 1

Members asked if the proposals will be shared with primary colleagues as well. Officers agreed to share with all schools if adopted.

It was asked when this new approach would start. Officers agreed that this would be backdated to the 1st April.

10. AOB

None.

11. Items for next meeting

- EHE spending review

12. Future meeting dates

- Thursday 17th June, 09:00
- Thursday 14th October, 09:00
- Thursday 25th November, 09:00

Financial Report - Schools Forum 17th June 2021

Introduction

The following report contains a detailed breakdown of the projected position of the Local Area for 2021/2022. The report enables members to note the outturn position and the significant factors contributing toward the spend. The report covers the following items

- Forecast Outturn Position 2021/2022
- Contextual information regarding Early Years Block
- Contextual information regarding Higher Needs Block
- Position and Recommendations

Final Outturn Position 2021/2022

Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £2.745m**.

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 21/22 and revisions reported accordingly.

Budget Heading	Budget	Actuals to date	Projected Outturn	Over / (Under) Spend
Early Years 2, 3 & 4 yr old payments – PVI's & Academies	£5.784m	£1.165m	£5.784m	£0
Early Years – ALFEY	£270k	£110k	£285k	£15k
Early Years – Pupil Premium & Disability Access Fund	£133k	£2k	£100k	(£33k)
Early Years – 5% retained element	£345k	£49k	£345k	£0
Joint Funded Placements	£550k	£168k	£600k	£50k
Recovery of funding from schools for Excluded Pupils, Medical Tuition Service and Elective Home Education	(£250k)	£0	(£250k)	£0
Independent Special School Fees	£3.100m	£722k	£3.050m	(£50k)
Other packages for EHCP pupils and SEND personal budgets	£1.347m	£267k	£1.347m	£0
Payments to / recoupment from other authorities for Special School places	(£200k)	£0	(£200k)	£0
Medical Tuition Service / Virtual School / Hospital Tuition / Vulnerable Students Team	£1.500m	£171k	£1.470m	(£30k)
School contingencies (Rates, planned pupil growth, NQT induction etc)	£308k	£182k	£278k	(£30k)
EHCP in-year adjustments (see separate paper for details)	£340k	£215k	£508k	£168k
Special Schools / High Needs in-year adjustments (see separate paper for details)	£600k	£385k	£675k	£75k
School Intervention / Commissioning (includes School Improvement Grant)	£145k	£29k	£145k	£0
Business Support	£195k	£34k	£195k	£0

Other – including Admissions, EAL / Travellers, Advisory Teachers				(£20k)
Deficit DSG budget set for 21/22	(£2.6m)			£2.6m
Total – Forecast Outturn Position 21/22				£2.745m

The two areas of significant volatility are within the Early Years Block and Higher Needs Block. The demand led pressures in these areas are detailed below.

The two areas of significant volatility are within the Early Years Block and Higher Needs Block.

Early Years Block

The impact of the pandemic continues to affect the take up of placements within the early years sector. Torbay has historically noted a significantly high take up of early years entitlements, however research indicates that families have not wished to use these entitlements during Covid 19 in the same way.

	Torbay	South West	National
2 year old	65%	77%	69%
Universal 15 hours	97%	95%	93%
Extended 30 hours	99.9%	No data available on LAIT	No data available on LAIT

We are currently updating the Early Years Sufficiency Strategy to review the impact on provision locally and also to capture learning on what will be the requirements of parents post the pandemic. This work will be concluded by September 2021.

At this stage in the year we have made no assumptions on the outturn position.

Higher Needs Block

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 can meet.

The impact of Covid 19 continues to be noted within the Higher Needs Budget. In the first 5 months of 2021 we have received 149 requests for Statutory Assessment to date. Those assessments which have been initiated (82%) will start to be issued with an EHCP from this month. This will then create a pressure on the High Needs Block as the Element 3 allocations are confirmed. We envisage that the significant pressure will occur in September 2021, as the majority of these assessments are issued for the beginning of the 2021-22 academic year. The number of requests for statutory assessment continues to be high, and we are not anticipating a reduction in the near future. This is a national trend.

Bespoke packages continue to be sought by schools where students are struggling to cope upon their return to school following the lockdowns. These are being used to avoid exclusions, however our expectation is that these should be regarded as a short term option, with a view to re-integration. All of these are reviewed every 6 weeks, and reduced where possible. The Yr 11 students on bespoke packages will be reduced for the remainder of this term, therefore this should result in a slight decrease on this aspect of the budget.

We are also finding that there is an increase in the number of students wishing to remain in education Post 16, this is as a direct result of the pandemic. Therefore the budget pressure Post 16 will increase for September 2021. There are also a number of students where an additional term (autumn term) will be required to complete their courses and achieve the

outcomes expected. The SEN Teams are working with providers, young people and families to ensure the destination is clearly identified for these students with clear anticipated outcomes.

The following table demonstrates the final position on the EHCP allocation of funding above £6k.

Education, Health & Care Plan Funding for 20/21 & 21/22			
	20/21	21/22	Increase / (Decrease)
Number of pupils with EHCP	470	463	(7.00)
Number of FTE's with EHCP	429	407	(22.00)
	£	£	£
Funding below £6k allocated through school formula elements	2,554,879	2,426,210	(128,669)
Funding above £6k allocated as a top-up per eligible pupil	2,122,040	2,206,696	84,656
EHCP Contingency	350,000	340,000	(10,000)
In-Year adjustments			
April	16,946	214,516	197,570
May	(104)	(104)	0
June	(11,737)	(11,737)	0
July	4,062	4,062	0
August	42,398	42,398	0
September	115,109	115,109	0
October	72,833	72,833	0
November	50,539	50,539	0
December	16,915	16,915	0
January	(11,583)	(11,583)	0
February	15,276	15,276	0
March	0	0	0
Total - In-Year adjustments	310,654	508,224	
Projected (underspend) / overspend	(39,346)	168,224	
Notes			
Based on April 21 in-year adjustments, and the same allocation for the remainder of the financial year as 20/21, it is anticipated the EHCP contingency will overspend by		168,224	

The following table demonstrates the numbers of Special School Commissioned Placements and Adjustments.

Special School and other High Needs funding adjustments for 21/22

	Combe Pafford	Combe Pafford	Mayfield School	Mayfield Chestnut	Mayfield Total	Brunel SEMH	Burton AP	B & B Total	Totals	Totals £
Number of places - January 21	262		231	32	263	56	55	111.00	636.00	
Number of pupils - January 21	255		225	32	257	50	50	100.00	612.00	
Number of places - September 21	262		231	32	263	56	55	111.00	636.00	
Initial Place led funding		2,620,000			2,630,000	560,000	550,000	1,110,000		6,360,000
Initial Pupil led funding		1,256,417			2,621,345	790,050	577,250	1,367,300		5,245,062
Initial pupil specific additional funding		40,134			71,198	60,270		60,270		171,602
Previously Teachers Pay & Pension Grants		172,920			173,580	36,960	36,300	73,260		419,760
Other funding - Outreach / 6th day provision / rent					289,174			0		289,174
Pupil Premium		140,515			168,830	32,470	35,335	67,805		377,150
Total initial funding		4,229,986			5,954,127	1,479,750	1,198,885	2,678,635		12,862,748
In-Year adjustments	Pupils	Funding £	Mayfield Pupils	Chestnut Pupils	Funding £	SEMH Pupils	AP Pupils	Funding £	Pupils	Funding £
April	257	91,257	228	32	24,375	51	51	27,346	619	142,978
May	257	(3,618)	229	34	50,238	54	53	64,619	627	111,239
June									0	0
July									0	0
August									0	0
September									0	0
October									0	0
November									0	0
December									0	0
January									0	0
February									0	0
March									0	0
Total In -year pupil / place led adjustments		87,639			74,613			91,965		254,217
Enhanced Provision (in-year changes in pupil numbers)										45,992
Excluded Pupils / 6th Day Provision (Sept - Mar)										66,500
Ocombe House - additional rent - Mayfield										12,336
In-year pupil specific additional funding					22,089			(15,960)		6,129
Total - In-Year adjustments		87,639			96,702			76,005		385,174
Special School / High Needs contingency budget										600,000
Current balance (under) / over										(214,826)

Position

The final outturn position of the Local Area continues to be of significant concern. The budget for 2021/2022 remains volatile and we need to continue to take all actions to mitigate spend.

The cumulative overspend of the DSG sits at £5.826m

Recommendation and Decisions

It is requested that Schools Forum:

1. Note the final outturn position and continue to work with the Local Authority through the mechanism of the Higher Needs Recovery Group to enact mitigations to reduce budget spend in the year 2021/2022..

Rachael Williams

Assistant Director Education, Learning and Skills

Higher Needs EFSA/DFE Visit

18th May 2021

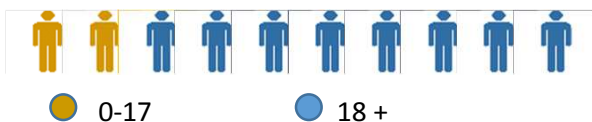
Rachael Williams – Assistant Director for Education

Martin Phillips – Head of Finance

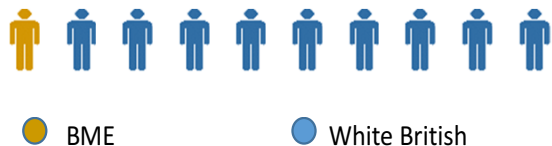
TORBAY COUNCIL

Torbay Snapshot for Children and Young People

18.76% children and young people as a % of total population



4.91% children aged under 18 who are BME (2011 census)

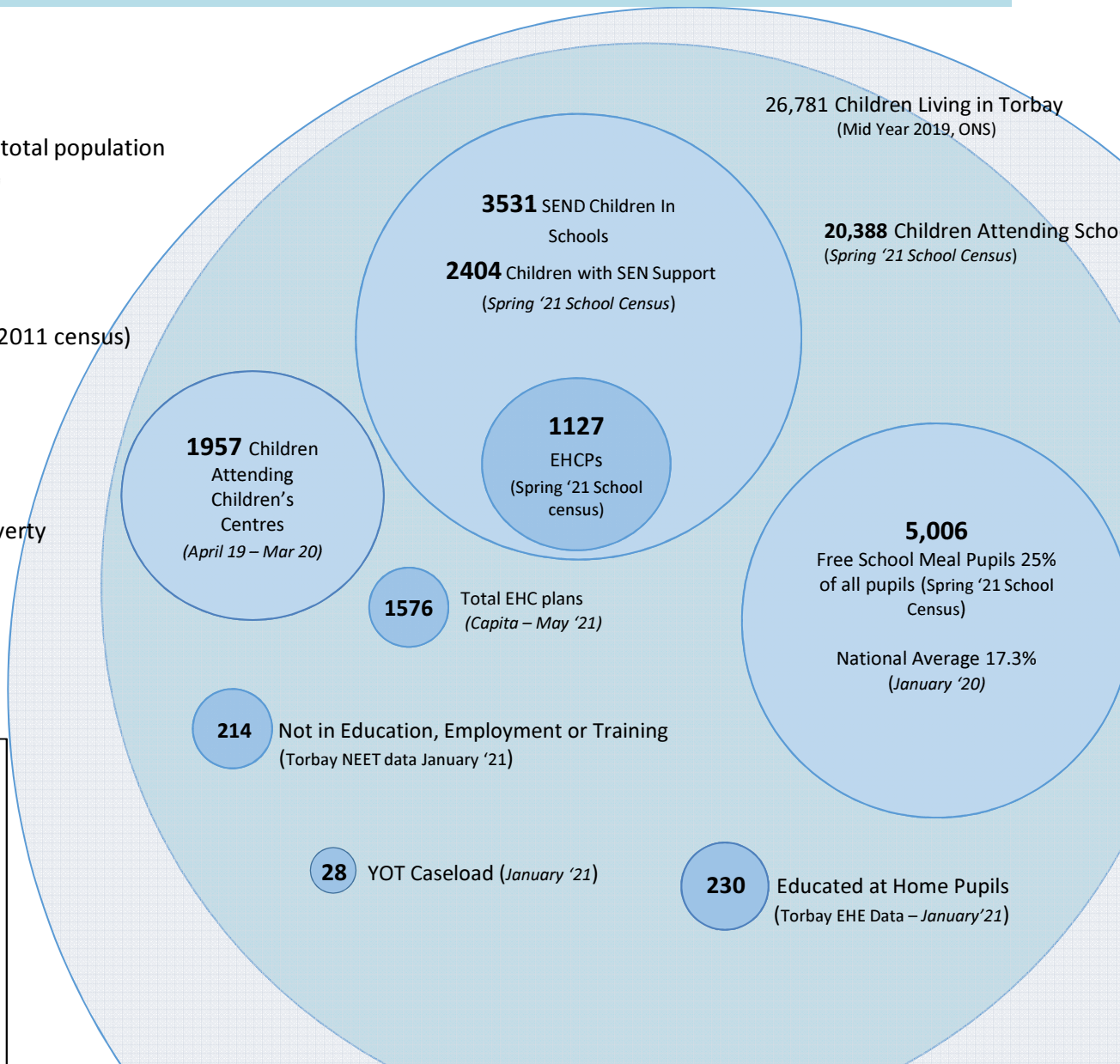
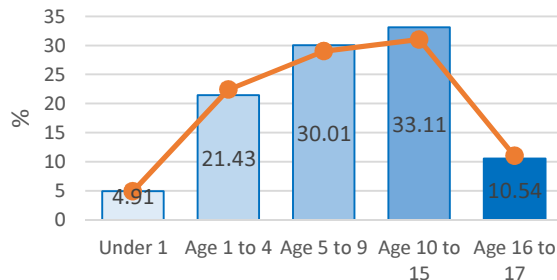


17.1% children and young people living in poverty



14% pupils classed as persistent absentees (end of Autumn Term 2019)

Children and Young People by Age Band - mid year 2019 population estimates (%)



SEN Statistics – Torbay Headlines

Number of EHCPs 1507

Up from 1416 (+6.4%) in 2020

England: EHCPs increased by 10% in 2020

Initial Requests for an EHCP 201

Down from 307 (-34.5%) in 2019

England: Initial requests down -10% in 2020

Number of new EHCPs 159

Down from 188 (-15.4%) in 2019

England: New EHCPs increased by 11% in 2020

EHCPs excluding exemptions issued within 20 weeks 53%

Up from 23% in 2019

England down from 60.4% to 58% in 2020

The total number of Torbay EHCPs has continued to rise

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

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

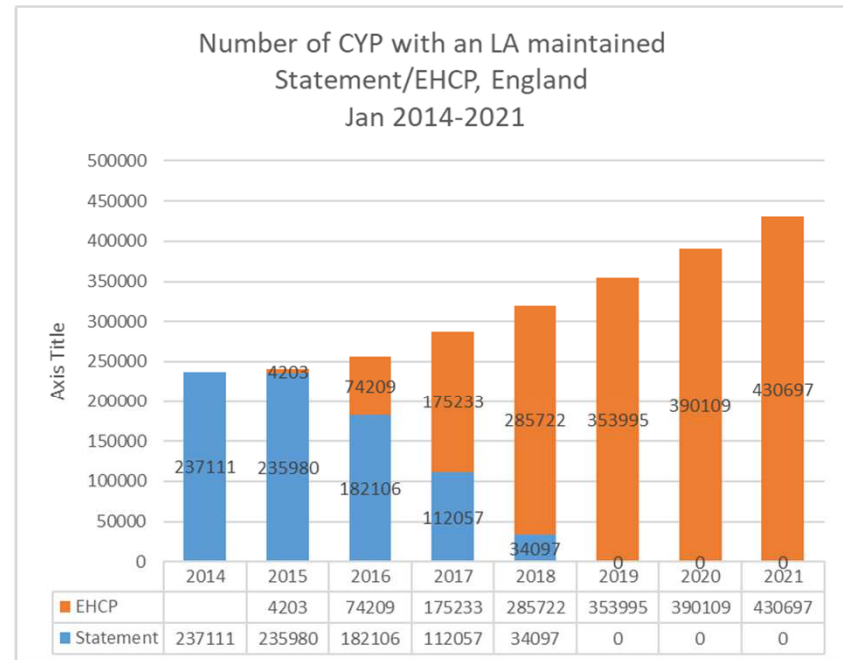
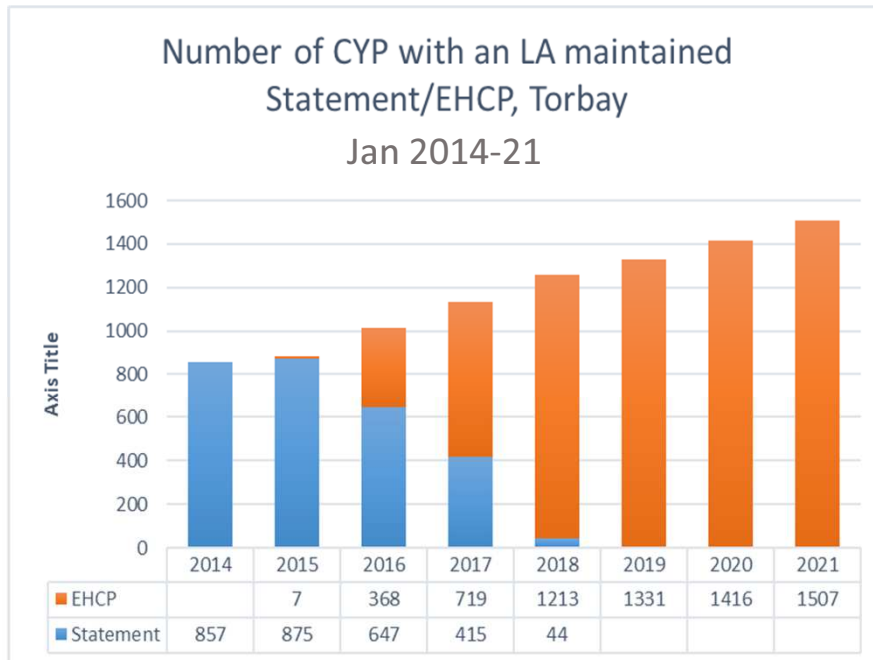
- There were 159 new EHCPs issued in 2020 as opposed to 188 in 2019. This is the first decrease since EHCPs were introduced in 2014
- There were 201 requests for EHCPs in 2020 as opposed to 307 in 2019. This is the first decrease since EHCPs were introduced in 2014.

The performance in meeting the 20 week timescales has improved

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

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

SEN Statistics –Statutory Plans



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

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

SEN Statistics – Statutory Plans

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

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

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

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

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

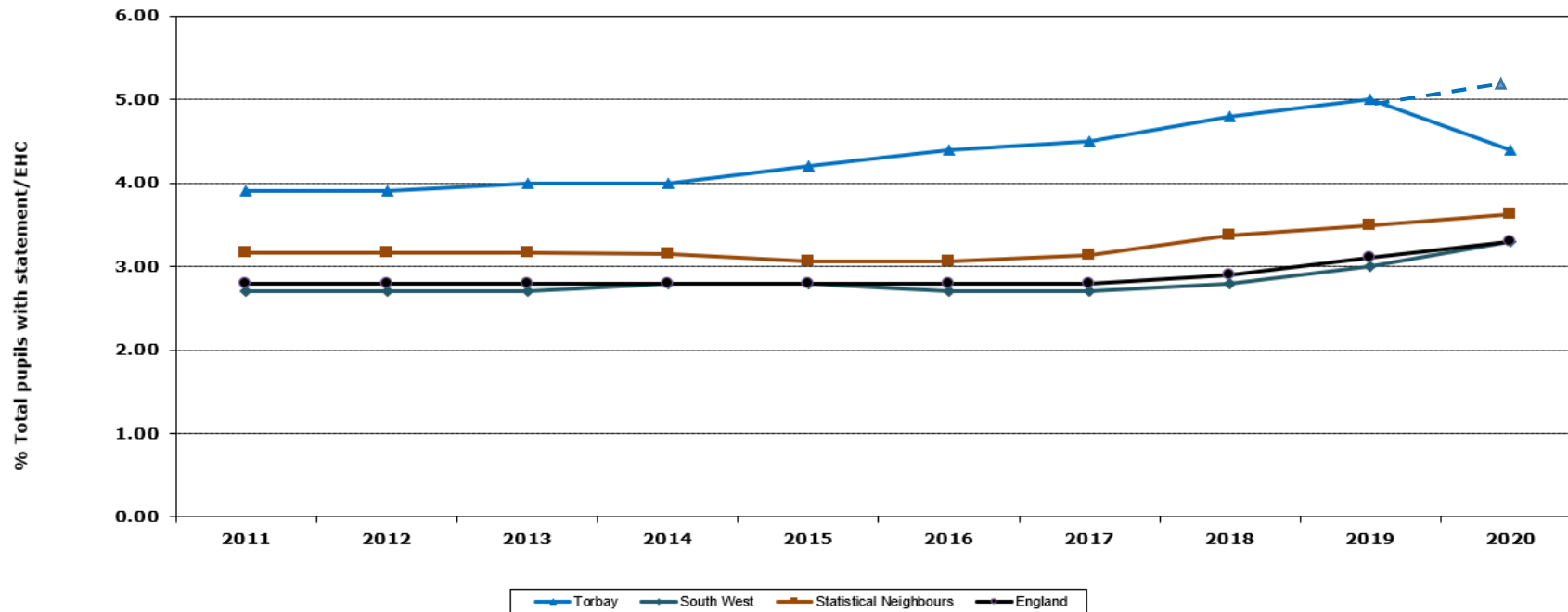
The number of Torbay plans issued in mainstream schools has increased by 35% compared to 25% nationally.

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

SEN Statistics – Statutory Plans

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

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



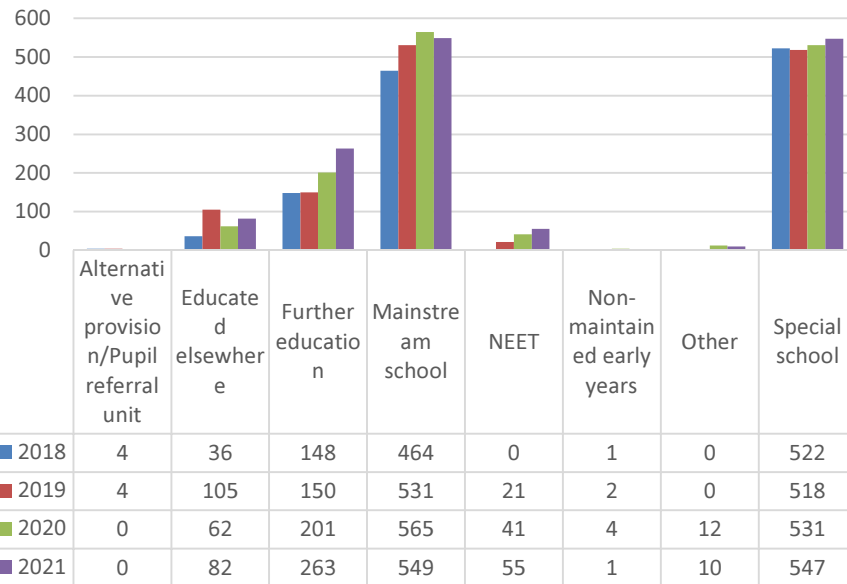
Provisional: Jan21 School Census, 5.5%, a 0.4% increase over 2020 actual below

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

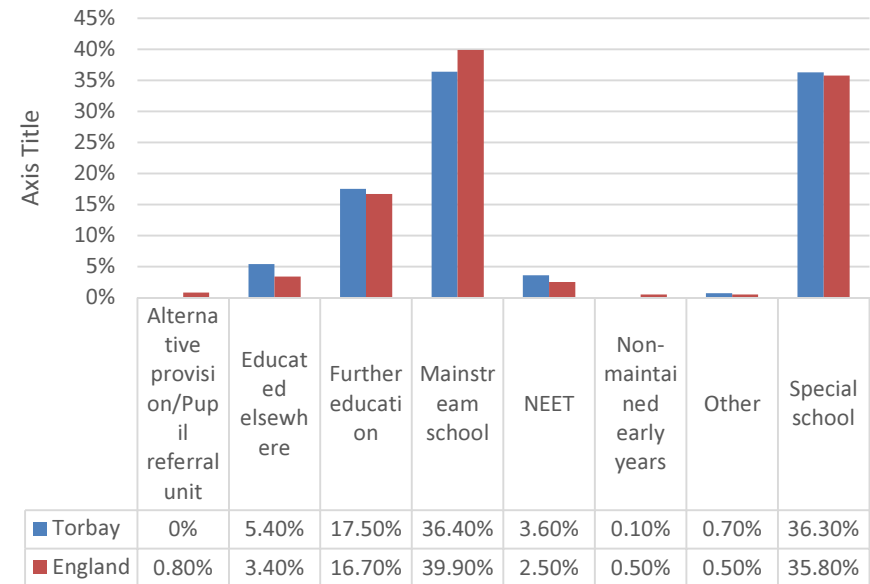
The Torbay % of pupils with a statement or EHCP has risen each year since 2014. Torbay remains significant outlier compared to national, regional and statistical neighbours groups.

SEN Statistics – Statutory Plans

EHCPs by Establishment Type



% EHCPs by Establishment Type - 2021

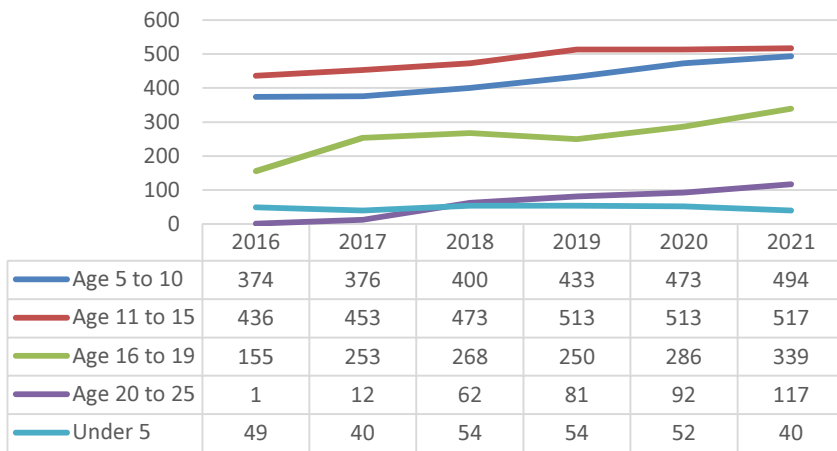


When comparing Torbay figures in 2021 to 2020, the most significant change was the number of children in Further Education which increased from 201 to 263 (+31%) and Educated Elsewhere which increased from 62 to 82 (+32%).

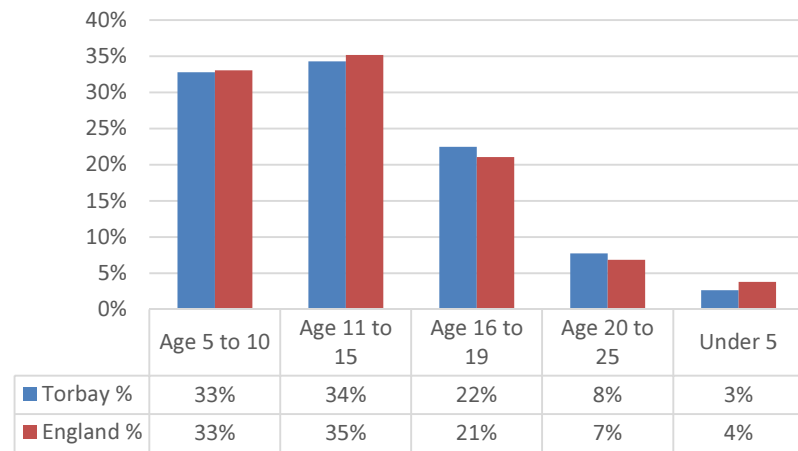
36.4% of Torbay EHCPs are for children in Mainstream Schools compared to 39.90% for England.

SEN Statistics – Statutory Plans

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



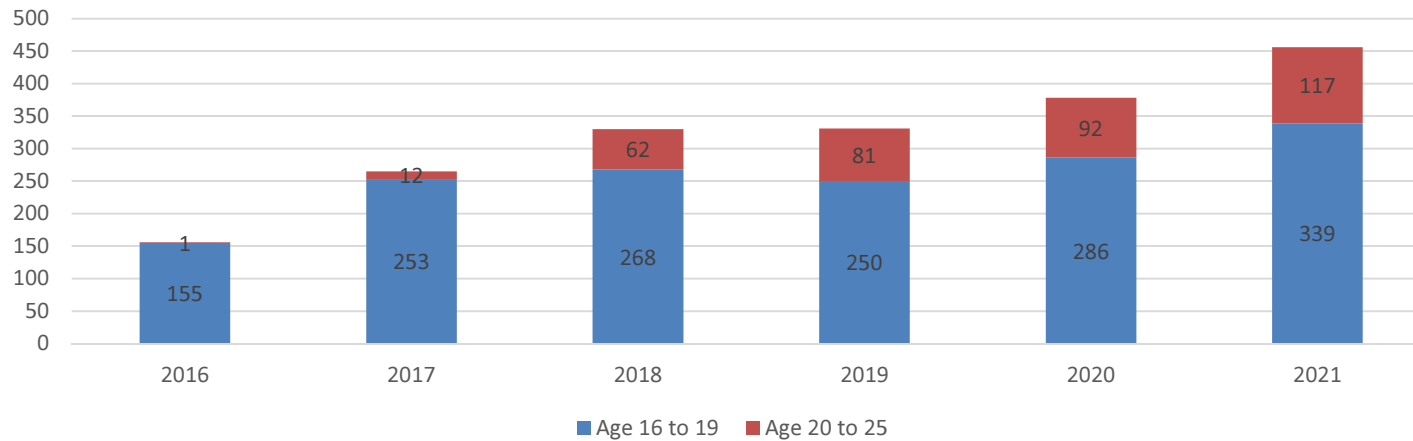
Percentage of EHCP cohort by age group, Torbay and England, May 2021



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

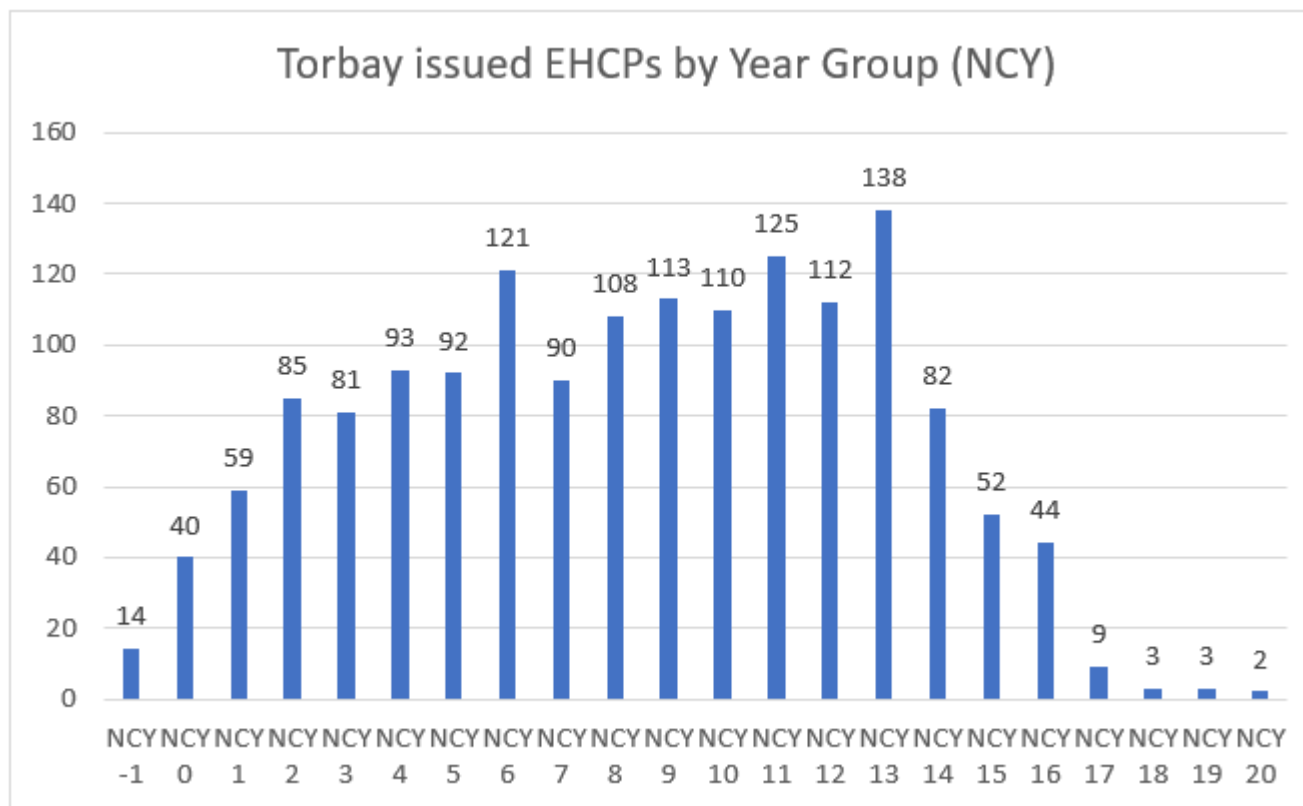
SEN Statistics – Statutory Plans

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



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

SEN Statistics – Statutory Plans

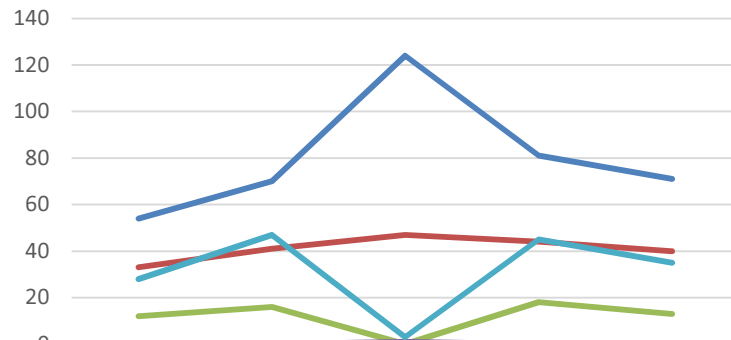


Total: 1576 EHCPs as at 11th May 2021

Source: Capita ONE

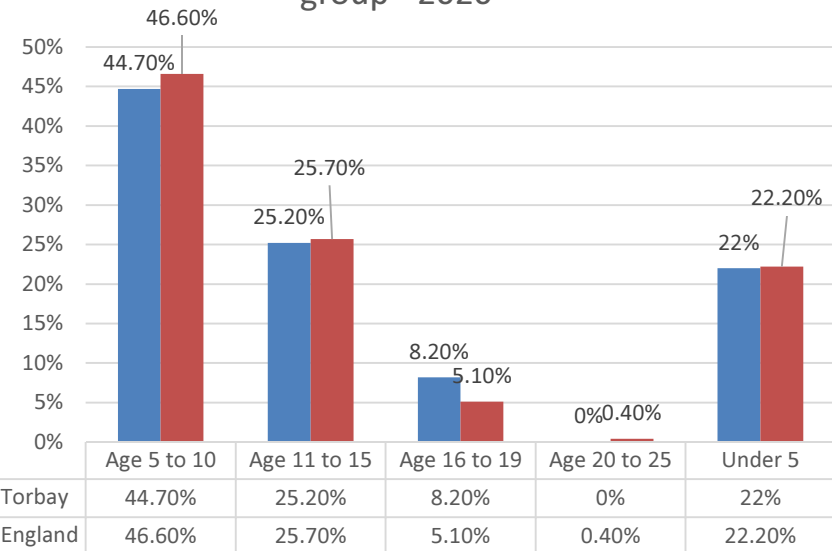
SEN Statistics – New EHC plans

New EHC plans by age group - Torbay



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

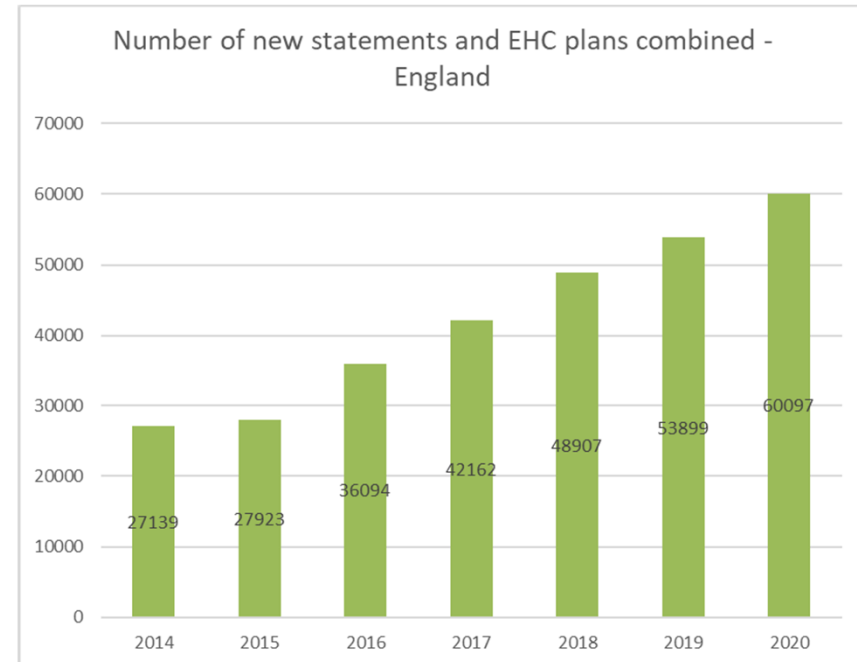
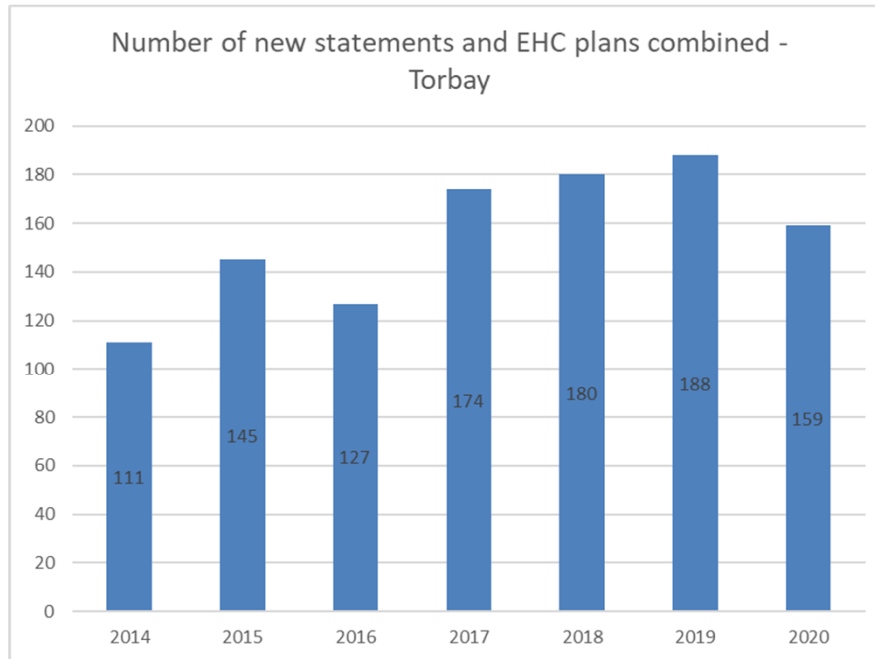
% of First Time LA Maintained EHCPs by age group - 2020



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

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

SEN Statistics – New EHC plans

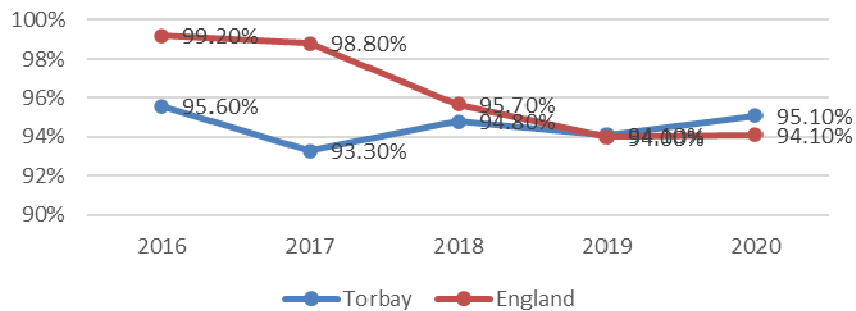


The number of new plans issued within a calendar year has increased from 111 in 2014 to 159 in 2020 (+43%). This compares to an increase of 121% in England.

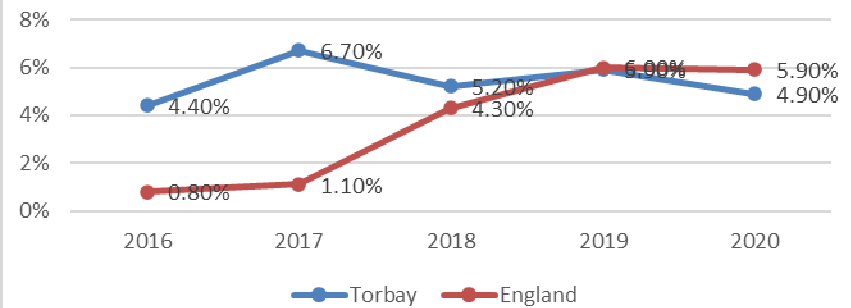
2020 was the first year to see a decrease in new plans since 2016. Based on 2019 figures the above comparison would be Torbay 69%, England 99%.

SEN Statistics – New EHC plans

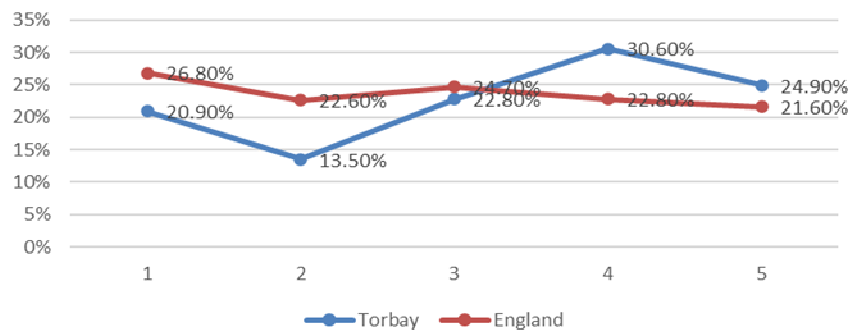
Percentage of children and young people assessed for whom EHC plans were made for the first time during the calendar year



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



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



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

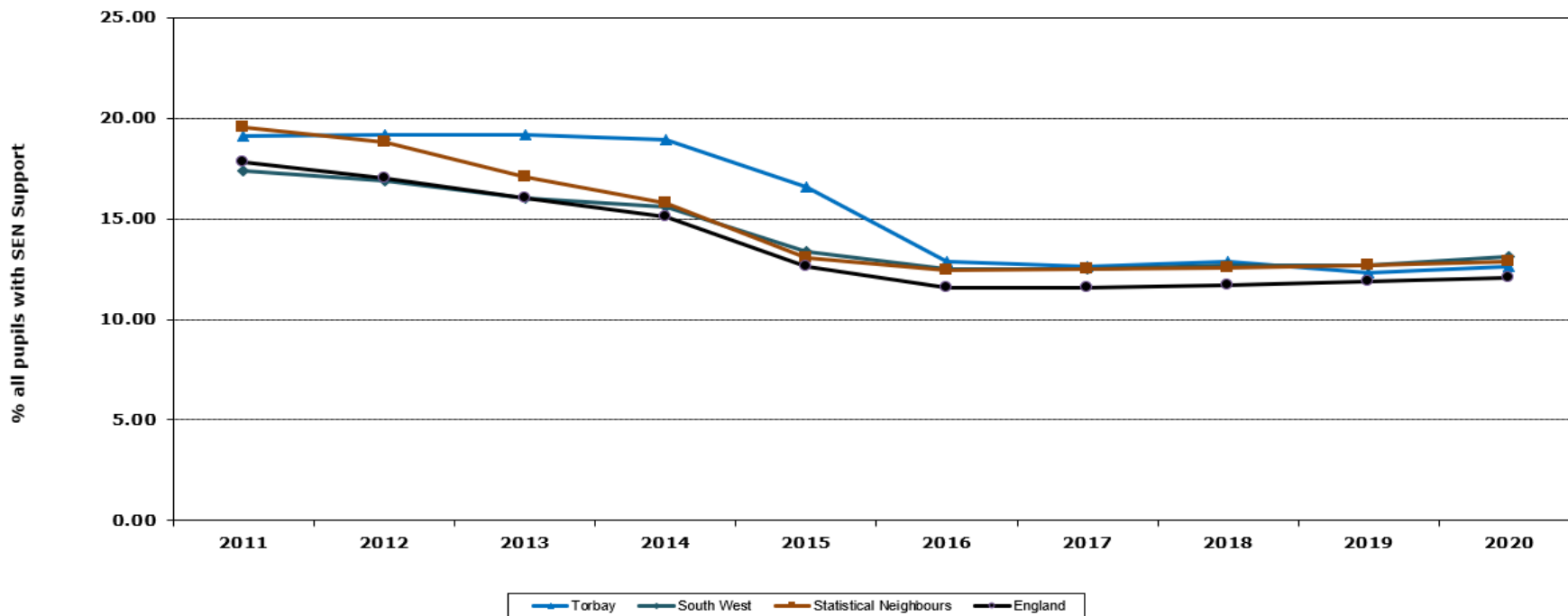
In 2020 Torbay refused 24.90% of initial requests for assessment compared to England at 21.60%. This represents a decrease from 2019 when Torbay refused 30.60%.

SEN Statistics – SEN Support

% of Pupils with Special Educational Needs (SEN) Support

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

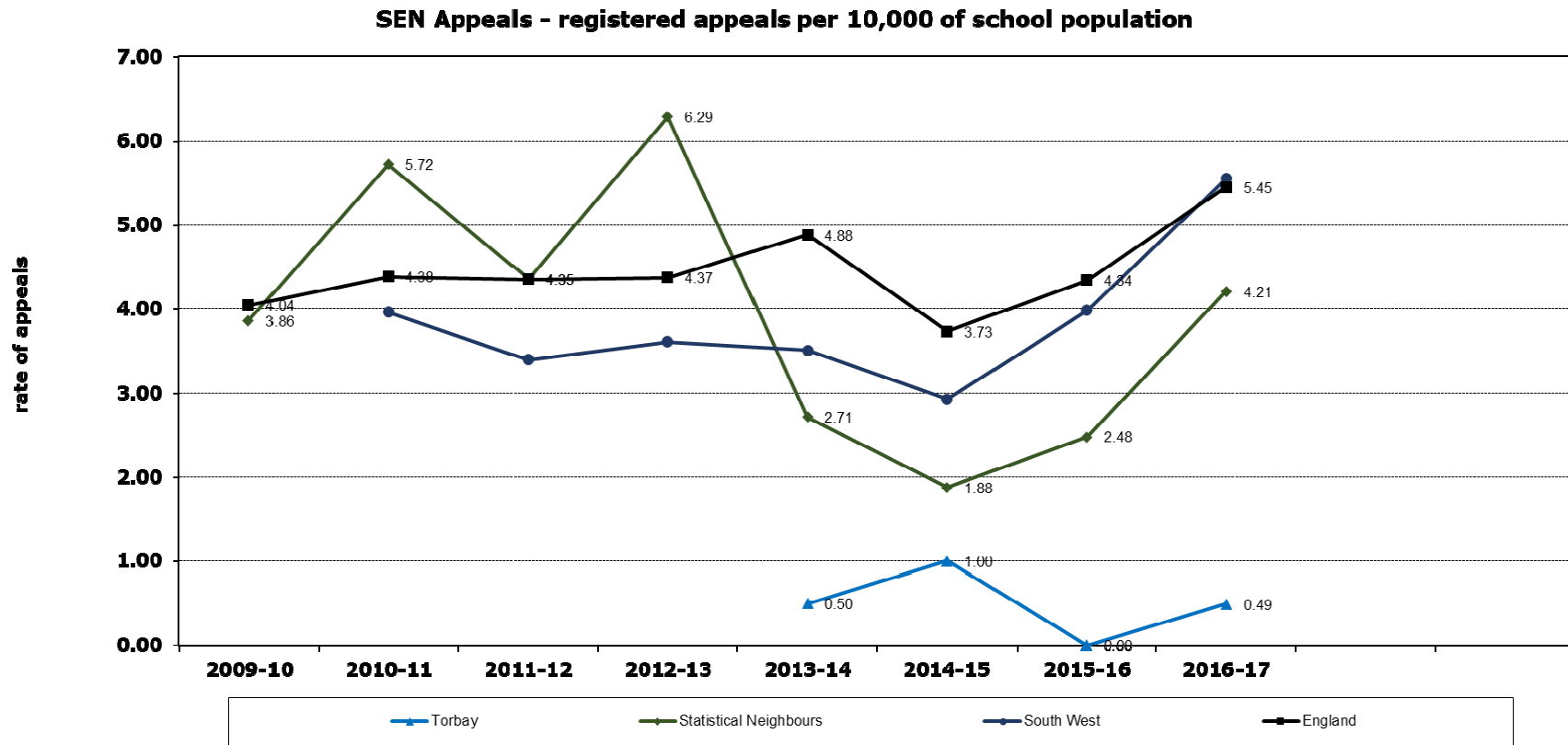
Provisional: Jan21 School Census, 11.8%



Source : LAIT May 21

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

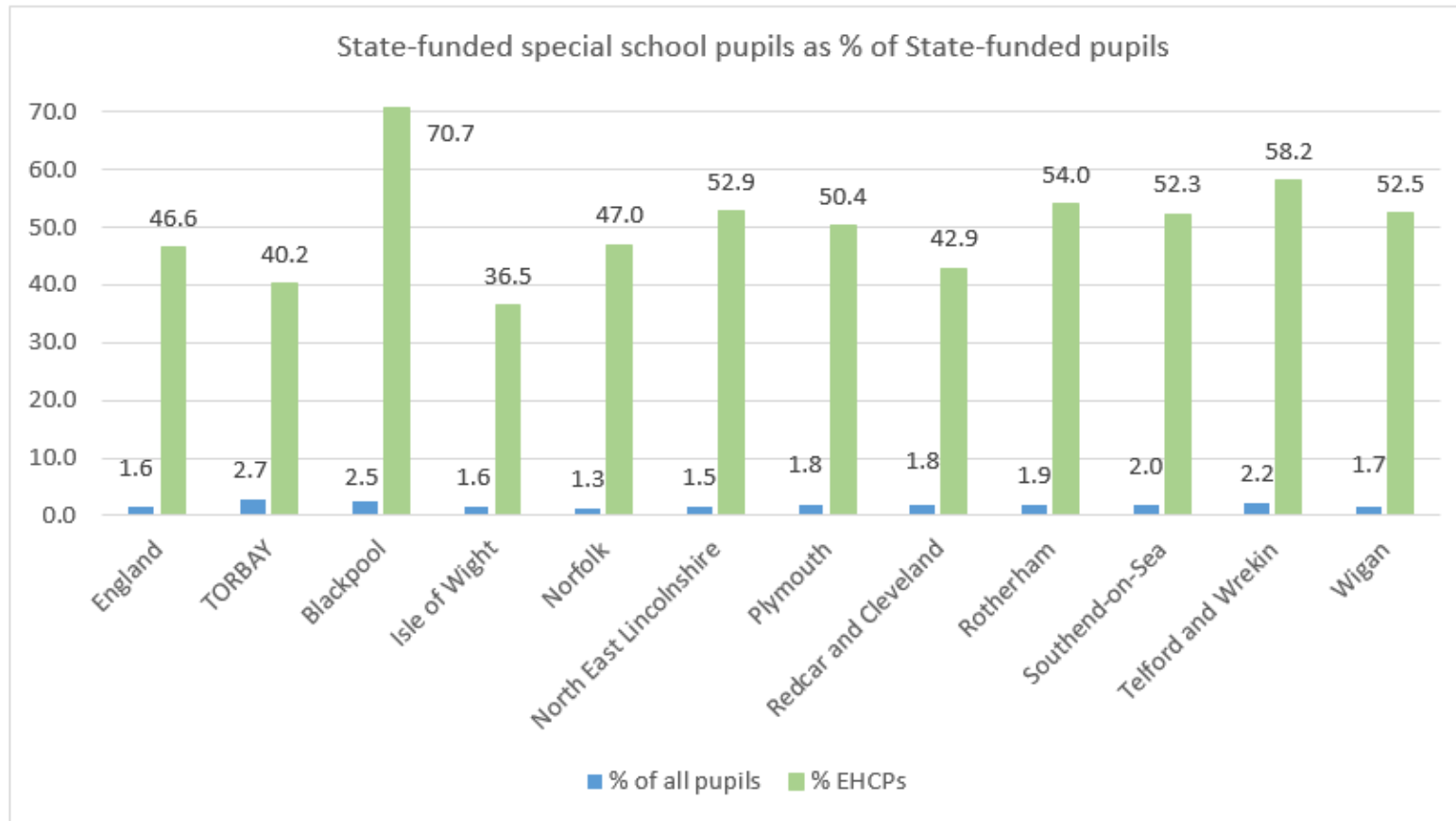
SEN Statistics - Appeals



The % of SEN appeals per 10,000 of school population is significantly lower than England, the South West region and the Statistical neighbours group. Latest figures show 0 mediation cases were reported in 2019 and 2020.

Source : LAIT May 21

SEN Statistics - Pupils in Specials Schools



Overall Budget Position

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

Outturn Position 2020/2021

Budget Heading	Budget	Final Actuals	Over / (Under) Spend
Early Years 2, 3 & 4 yr old payments – PVI's & Academies	£5.638m	£5.533m	(£105k)
Estimated budget clawback from ESFA for changes in Early Years pupil numbers between Jan 20 (9/12ths funding) & Jan 21 (3/12ths funding)			£98k
Early Years – ALFEY	£265k	£282k	£17k
Early Years – Pupil Premium & Disability Access Fund	£130k	£84k	(£46k)
Early Years – 5% retained element	£364k	£333k	(£31k)
Reclaim from ESFA of Early Years pupil no. adjustments between Jan 19 and Jan 20 higher than anticipated.			£45k
Joint Funded Placements	£600k	£585k	(£15k)
Recovery of funding from schools for Excluded Pupils, Medical Tuition Service and Elective Home Education	(£386k)	(£150k)	£236k
Independent Special School Fees	£2.685m	£2.754m	£69k
Other packages for EHCP pupils and SEND personal budgets	£1.125m	£1.375m	£250k
Payments to / recoupment from other authorities for Special School places	(£230k)	(£224k)	£6k
Medical Tuition Service / Virtual School / Hospital Tuition / Vulnerable Students Team	£1.404m	£1.305m	(£99k)
School contingencies (Rates, planned pupil growth, NQT induction etc)	£261k	£169k	(£92k)
EHCP in-year adjustments (see separate paper for details)	£350k	£311k	(£39k)
Special Schools / High Needs in-year adjustments (see separate paper for details)	£600k	£671k	£71k
School Intervention / Commissioning (includes School Improvement Grant)	£142k	£91k	(£51k)
Business Support	£190k	£161k	(£29k)
Other – including Admissions, EAL / Travellers, Advisory Teachers			(£73k)
Delay in opening of St Michael's Primary, no ESFA recoupment of funds in 20/21.			(£217k)
Contribution from LA Covid grants towards salary costs of employees funded by DSG			(£195k)
High Needs in-year pupil number adjustment– Net import of pupils from other authorities reduced from 103 to 95 pupils			£48k
Deficit DSG budget set for 20/21	(£2.2m)	£0	£2.2m
Total – Forecast Outturn Position 20/21			£2.048m

Deficit DSG Budget 2021/2022

Deficit DSG budget for 21/22	
The 21/22 DSG will be set with a deficit budget	
A summary of how this has been calculated is:	
Pressures	£
20/21 deficit budget for DSG	2,200,000
Special schools – full year effect of Sept 20 place increases and changes to category of pupil	204,000
Special Schools - increase in additional funding for specific pupils	40,000
Special schools – 5.03% increase in funding (agreed at Schools Forum)	599,000
Enhanced Provision – 5.03% increase in funding (agreed at Schools Forum)	40,000
EHCP bespoke packages (Emma Walton / YMCA / Evolve Psychotherapy / Simply Great Media / Inspire / Play Torbay etc)	290,000
Reducing the income target for clawback of EHE / MTS & Excluded pupils from schools	136,000
EHCP allocations to schools (increase between 20/21 & 21/22 budget setting)	85,000
Medical Tuition Service - transferring to Independent School	90,000
Reduction in Planned Pupil Growth Funding	214,000
Reduction in Central Schools Block in relation to historic commitments for PFI	46,000
South Devon College placements - increase in commissioned places recouped by ESFA	154,000
South Devon College placements - increase in element 3 top-up for more commissioned places & 12 bespoke places	365,000
Independent Special School Placements	50,000
Staffing / other	33,000
Total Pressures	4,546,000
Reductions	
Additional funding from ESFA for High Needs Block, excluding previous years Teachers Pay & Pension Grants	(1,883,000)
Additional 0.5% virement value above that of the 20/21 contribution of £415k from Schools Block (agreed at Schools Forum)	(13,000)
Joint Funded Placements - less reliance on Residential Placements	(50,000)
Total reductions	(1,946,000)
Deficit DSG budget for 21/22	2,600,000

Communicating the issues and the plan . . .

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

What have we done to date . . .

Strengthening an inclusive and accountable culture

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

What have we done to date . . .

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

What have we done to date

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

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

What have we done to date . . .

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

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

What in addition have we done for Covid . . .

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

What do we still need to do?

- Continue to develop and embed Early Help v EHCP
- Continue to reduce the use of bespoke arrangements
- Further create consistency of practice across schools
- Further reduce exclusions – zero exclusions vision
- Create banding system for element 3 funding
- Continue to use SEND capital funding to promote inclusion and cost reduction
- Request and act on the support of the EFSA/DFE – Safety Valve?

Elective Home Education Costs and Provision – Schools Forum 17th June 2021

ELECTIVE HOME EDUCATION COSTS AND PROVISION

INTENT

This paper outlines the funding and provision for Electively Home Educated (EHE) children in Torbay. It identifies the duties placed on the LA and the cost pressures associated with these duties.

DUTIES

The first duty placed on the LA is;

'Identification of children who have never attended school and may be home educated forms a significant element of fulfilling an authority's statutory duty under s.436A of the Education Act 1996 - to make arrangements to enable the authority to establish, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education.

The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than at school (for example, at home, or in alternative provision). Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty.'

Alongside this:

'as a minimum:

- 1. have a written policy statement on elective home education which is clear, transparent and easily accessible by using different formats as necessary, is consistent with the current legal framework and preferably drawn up in consultation with local families who educate children at home so that it can reflect both the challenges and rewards of educating children in this way. It should take into account local circumstances and set out how the authority will seek to engage and communicate with parents.*
- 2. set aside the resources necessary to implement its policy effectively and consistently. This is not always easy at a time of constrained resources; but effective implementation in conjunction with work in related areas such as education welfare, children missing education and admissions, can reduce spend in the longer term on families where engagement is difficult.*
- 3. consider their organisational structures for dealing with home education and the related areas mentioned above. Although parents who educate their children at home sometimes say that home education should be dealt with in isolation, the reality is that it needs a holistic approach to issues of suitability, attendance, welfare and safeguarding. All of these factors need to be in place to ensure a good education outcome.*

4. *seek to offer guidance to all known home-educating families in their area about their rights and obligations, and also provide advice on good practice and available resources for parents who request it.*
5. *make it clear in all documentation that the local authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, for all children living in its area.'*

(Elective home education Departmental guidance for local authorities April 2019)

Torbay fulfils these duties by working with schools and partners to identify children who are being educated outside of the mainstream. Contact is then made with families and assessments made of the educational provision.

Early work involves understanding the reason EHE has been chosen and any barriers the child may face to receiving a suitable and effective education.

NUMBER OF CHILDREN AND FAMILIES CHOOSING EHE

The number of children moving into EHE had been falling significantly before lockdown one. There is now a marked increase in families choosing EHE as a response to Covid but the pattern is not consistent.

For example – most secondary schools are at 60% of the number choosing EHE compared to 2018/19 but one has seen a 100% increase from 8 to 16 children. The most marked decrease has been in Yr11 children.

	18-19		19-20		20-21	
	No	N of Sch	No	N of Sch	No	N of Sch
Primary	36	19	71	22	68	22
Secondary	69	7	56	7	59	5
AP	0	0	3	1	0	0
Special	3	1	3	2	3	2

CHILDREN NEEDING SUPPORT AND/OR ASSESSMENT ON BECOMING EHE

The number of children moving to EHE where parents claim needs are not being met in mainstream is growing.

	2018/19	2019/20	2020-21
Number of EHE children referred for an EP Assessment:	2	3	6
Number of EHE children where an RSA has also been submitted:	9 *	13 *	7
Number of EHE children where an EHCP has been awarded:	9	13	**
Number of EHE children with an EHCP:	15	20	23
Number of EHE children referred to MTS:	1	4	4
Number of EHE children with additional AP provision:	1	8	9

Approximate cost of additional AP provision:	NK	£6,000	£14,500
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(* In these years parental RSAs supported other than by EHEO were not captured. ** The EHCP process is not complete for many so data is reported at the year's end)

PROVISION

Provision at MTS is costed at the individualised funding for the child so (assuming an average of £6,000)

Provision of MTS places - £24,000

Provision of AP places - £14,500

The AP places cover a wide range of need and provides for Yr11 students, who are deemed to not be in receipt of suitable education, to receive this from an AP setting.

STAFFING

There are 1.6 FTE Elective Home Education Officers within the Vulnerable Pupils team. Both are on Soulbury terms and conditions. They are supported by the Attendance Improvement Officer for legal processes around returning to school and by Business Support Colleagues for the equivalent of 2 days a week.

A legal pathway has been necessary for 15 families across the 3-year period. Recent Covid legislation changes have reduced this demand. All costs are subsumed into the central attendance budget.

EHE Officer Salary and Oncosts - £78,971

Business Support - £5,000

EDUCATION PSYCHOLOGY SUPPORT

To provide support to children who are thought, after initial work with a family, to need EP support, the team have 8 days of EP time budgeted.

Education Psychology Support - £3,296

COST PRESSURE REDUCTION ACTIVITY

To ensure that the pressure on the High Needs Block is minimised the following activities are undertaken:

1. Work with SDC to link the EHE provision there with appropriate families and to signpost to families that this provision is for children who have been EHE for some time. In this way it is not seen as a pathway by parents considering EHE.
2. Early intervention with families where schools have indicated they may be choosing EHE. This was about 3 families a week pre-lockdown.
3. Use of the Mediation Service to support schools and families in exploring options other than EHE.
4. Use of links to social care colleagues to identify children who may be moving to EHE and for whom this would not be appropriate under safeguarding processes.

5. A newly agreed charging process for recouping AP and other costs associated with meeting need.

CHARGES AND EXPENDITURE

The chart below shows all invoiced charges for the last two academic years.

	Invoiced	Outstanding
2019/20	£ 73,404.00	£ 21,877.00
2020/21	£ 58,988.43	£ 25,450.65

The invoiced income still has some outstanding payments.

	Balance Outstanding	Invoiced Amount
TSC	£ 19,323.51	£ 19,323.51
TA	£ 9,455.10	£ 12,761.10

This leads to the following figures for this academic year assuming all outstanding amounts are paid.

Income	£ 58,988.43
Staffing	-£ 83,971.00
EP	-£ 3,296.00
MTS	-£ 24,000.00
AP	-£ 14,500.00
Pressure	-£ 66,778.57

RECOMMENDATIONS

That the Forum:

1. Notes the contents of the report.
2. Advises officers on how to proceed with the outstanding amounts.

Elective Home Education Charging Clarification for HNRG

ELECTIVE HOME EDUCATION CHARGING CLARIFICATION FOR HNRG

PRINCIPLES

After conversation at HNRG and Schools Forum it has been decided to modify the charging for Elective Home Education (EHE). This charging will be in line with the following principles:

1. No school will be charged more than the funding they receive.
2. Charging will reflect provision made to meet need, in cases where the High Needs Block incurs a cost for such provision.
3. The provision will be identified by the Vulnerable Pupils Team and may include, alternative provision, educational psychology and similar targeted on securing 'suitable and effective' education.
4. Reports on all such charging will be provided to the HNRG.
5. The charged school will receive itemised lists of provision in advance of the invoice.

CHARGING

Maximum charging will be as in the table below. This does not include any element three funding which will also be ceased.

	Primary	Secondary
<i>Minimum per pupil funding</i>	£4,180.00	£5,215.00
<i>EAL</i>	£545.01	£1,471.53
<i>FSM</i>	£455.83	£445.83
<i>FSM - Ever 6</i>	£569.78	£832.38
<i>Low Attainment</i>	£1,085.07	£1,644.94
<i>Pupil Premium</i>	£1,345.00	£955.00
<i>Total Liability</i>	£7,724.86	£9,732.30

Charging will be made termly and reflect the support provided over that term.

RECOMMENDATIONS

1. That HNRG note the contents of this clarification and confirms that officers should follow the charging policy therein.
2. That officers should charge according to this clarification from 1st January 2021
3. That the invoicing for Summer Term 2021 will include both Spring and Summer Terms 2021 to enable 2.