

## Schools Forum Meeting Agenda

Thursday, 20 January 2022 at 9.00 am  
to be held via Teams - Virtual

### Membership

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

1. **Apologies/Changes to Membership**
2. **Minutes of the last meeting** (Pages 2 - 6)
3. **Financial Report** (Pages 7 - 11)
4. **Special School Allocation 2022/23** (Pages 12 - 17)
5. **Early Years Funding Rates for 2022-2025** (Page 18)  
Sarah White
6. **Schools Forum and HNRG Workshop next steps**  
Verbal update
7. **Local Area SEND Inspection** (Pages 19 - 29)
8. **Items for next meeting**
9. **Future meeting dates**
  - Thursday 10<sup>th</sup> March, 09:00
  - Thursday 5<sup>th</sup> May, 09:00
  - Thursday 16<sup>th</sup> June, 09:00

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

**Mike Freeman, Clerk**  
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## Schools Forum Meeting Minutes

Thursday, 25 November 2021 at 9.00 am  
Held via Teams - Virtual

### **-: Present :-**

**Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Alex Newton**, Secondary Maintained Head; **Jim Piper**, Primary Academy Deputy Head; **Mike Lock**, Special Schools Head; **Jayne Jones**, Early Years Rep; **Steven Hulme**, PRU; **Steve Margetts**, Secondary Academy Head, **Julie Chubb**, Secondary Academy Rep (replacement for Clive Starr) and **Dave Saunders** (Primary Maintained Rep, replacement for Adam Morris)

### **-: Also in attendance :-**

**Rachael Williams**, Assistant Director for Education, Learning and Skills; **Martin Phillips**, Chief Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Dorothy Hadleigh**, Head of SEN; **Michael Freeman**, Clerk

### **1. Apologies/Changes to Membership**

Apologies were received from Stewart Biddles, Sally Timmins, Clive Star and Adam Morris. The Forum welcomed Julie Chubb and Dave Saunders as replacements for Clive and Adam. Lisa Finn replaced Stewart as Chair for this meeting.

### **2. Minutes of the last meeting**

Rachael Williams updated members on the actions of Octobers Meeting. Nancy Meehan will give feedback on her Croydon visit at January's meeting. We have received a nomination for the vacant Primary Governor post, it is anticipated they will be available for January's meeting.

### **3. Financial Report**

The Forum heard from Rachael Williams, Divisional Director Education, Learning and Skills, with an updated financial report. Since the last meeting, there is now an additional pressure of £210k, meaning the current forecast overspend on DSG funded activities is £3.202m.

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

**Mike Freeman, Clerk**

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Members were shown an additional paper from the Early Years team, detailing the figures from the ESFA on top-up funding for Early Years. Officers are still working through census data, but it is thought the LA should receive top up for 2 year old funding of 85% of the January 2020 census, leading to an estimated adjustment figure of £87k. It was noted that there is unlikely to be any top-up for 3 and 4 year olds.

The Higher Needs block remains volatile, there has been an increase of £34k on the Other packages including SEND budget line, due to staff vacancies and absence within schools. There has also been an increase of £128k on Independent Special School Fees, as three children have required new placements since October. Rachael explained to members that all other options were exhausted before commissioning these placements, and assured them that the LA continues to work with mainstream partners to meet needs locally.

Members noted the findings of the report, and agreed to the recommendations requested by Rachael, that School Forum:

1. Note the financial position and continue to work with the Local Authority through the mechanism of the Higher Needs Recovery Group to enact the financial recovery plan.
2. Request Officers and the Cabinet Member for Children to make representation on the additional demands within the Higher Needs Block on behalf of the School Forum.

#### **4. De-Delegation Decisions**

Rachael explained to members that each year a decision needs to be taken on money that is de-delegated back to the local authority to conduct activities for our maintained schools. Three separate votes are required, firstly for maintained Primary schools only, then maintained secondary schools, with the final vote open to all members.

De-delegations are the same as previous years. Voting was as follows:

*For maintained Primary Schools to de-delegate services to the LA for 2022/23:*

**For: 5**                      **Unanimous**  
**Against: 0**  
**Abstain: 0**

*For maintained Secondary Schools to de-delegate services to the LA for 2022/22:*

**For: 2**                      **Unanimous**  
**Against: 0**  
**Abstain: 0**

The next part of the vote was on Centrally Retained Items, and budget areas that can be retained with the agreement of the Schools Forum. For Torbay this is Planned Pupil Growth, School Admissions Service, Servicing the Schools Forum and the centrally retained element of the Early Years Block (5%). This vote was open to all Forum members:

*For centrally retained services for 2022/23:*

**For: 9**                      **Unanimous**  
**Against: 0**  
**Abstain: 0**

## **5. Recovery Plan update**

Rachael presented an update on the recovery plan. Members were shown templates with further detail of the split of DSG budgets for 2021/22 to 2025/26. Three separate scenarios were presented, one assuming virement, one assuming no virement but 0.5% for the following years from the Schools block to High Needs block, and one final template that assumes no virement or mitigations at all.

Alex Newton asked Dorothy what her biggest concerns were as lead officer for SEN. Dorothy's main concerns were the pressure in demand for special school places, and ensuring consistent and inclusive practice across Torbay. Alex felt that the current way of spending is not working. She echoed the thoughts of other members by asking if it is felt that schools are not being inclusive enough, why is this the case?

Steve Margetts felt that schools were being blamed unfairly for the deficit, and asked who is accountable for the budget. Martin explained that it is the responsibility of School Forum, with the support of the LA.

Tim Stephens made the point that Torbay is not alone on this issue, and recognised the need for collective discussions with neighbouring LAs to make fully informed decisions. He then asked when the National Funding Formula is expected to be implemented. Rachael clarified that this work is underway and we have identified 2 authorities already. She also explained that the statutory override process is in place until 2023, and it will be hard to know the impact of the NFF until then.

Julie Chubb asked whether budgets are being set realistically at the start of the year. Martin said that the budgets and actuals are similar each year. Whilst there is always some variance in the two figures, it is not felt that this significant.

Dorothy explained that extending EHCP support until the age of 25 has had an impact on the service, with both the number of young people Post 16 and Post 19 increasing year on year. Whilst the LA does challenge some of these plans, it was noted that other authorities have lost tribunals when doing so.

Rachael spoke about the work of the Higher Needs Recovery Group, and the difficulties they are experiencing. She suggested that a meeting between members of School Forum and the HNRG should be held to workshop ideas and agree a collective decision on the next steps.

**Action – Clerk to arrange workshop between School Forum and the HNRG to discuss future demands.**

## **6. SEND Data - Requests for Statutory Assessment**

Dorothy Hadleigh, Head of SEN, shared analysis of SEN data and the number of Requests for Statutory Assessments received by the LA.

It was noted that the number of new EHCPs (Education, Health & Care Plans) being issued in Torbay is gradually reducing this year, which bucks the trend of our statistical neighbours, who have largely seen their numbers grow. Dorothy explained that there is currently a 25% refusal rate of new RSAs.

Torbay remains an outlier in terms of the percentage of children that have an EHCP, however this percentage has not increased at the same rate as can be seen in other neighbouring authorities or in England as a whole.

Dorothy and her team continue to look at whether some children still need an EHCP, and some ceasing of plans is happening where appropriate. Work is also underway on year 6 transfers, particularly why almost half of those with EHCPs transferring from mainstream primary into secondary are requesting special school places.

Rachael explained to members that this has not been reported on before as officers wanted to make sure that it was not an anomaly, however evidence now suggests that this forward trajectory is being sustained. Members noted the findings of the report and thanks Dorothy and her team.

## **7. Post 16 impact report**

Dorothy presented to members an overview of the Post 16 pathway plan process and the impact this is having. Pathway plans are submitted for each individual learner in a Post 16 placement at the start of the academic year, enabling the LA to monitor the value for money of placements, as well as the outcomes being achieved for Torbay children and young people.

Members were please to note that we have seen a 90% return rate from providers this year, and of these, 77% of students have achieved the majority or all of the targets set for them at the beginning of the year.

There has been some resistance from out of area providers that do not wish to complete pathway plans, as it is not a statutory requirement. Whilst the LA only has a small number of students in these placements, the Post 16 team is continuing to engage with providers to complete plans.

Dorothy then suggested 6 actions for School Forum to consider:

1. School Forum members to agree whether Pathway Plans should continue to be expected of providers.
2. LA Officers to work with Post 16 providers and others who are currently not included in this process. Seek their agreement and co-operation to participate from 2022 onwards.
3. School Forum members to decide course to be taken regarding those Out of Area providers who are resistant.
4. Share detailed information, and this report, with the Post 16 Panel.
5. Use the data to explore to ensure focussed discussions occur with

providers where targets are not being met.

6. Agree an annual update report is returned to Schools Forum.

Members agreed to implement all 6 of the above actions, and thanked Dorothy for her update.

**8. Items for next meeting**

**9. Future meeting dates**

- Thursday 20<sup>th</sup> January, 09:00
- Thursday 10<sup>th</sup> March, 09:00
- Thursday 5<sup>th</sup> May, 09:00
- Thursday 16<sup>th</sup> June, 09:00

**Financial Report School Forum 20<sup>th</sup> January 2022**

**Introduction**

The following report contains a detailed breakdown of the projected position of the Local Area for 2020/2021. 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

**Forecast Outturn Position 2021/22**

Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £3.325m.**

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.

<b>Budget Heading</b>	<b>Budget</b>	<b>Actuals to date</b>	<b>Projected Outturn</b>	<b>Over / (Under) Spend</b>
Early Years 2, 3 & 4 yr old payments – PVI's & Academies	£5.784m	£4.420m	£5.784m	£0
Early Years – ALFEY	£270k	£198k	£285k	£15k
Early Years – Pupil Premium & Disability Access Fund	£133k	£56k	£100k	(£33k)
Early Years – 5% retained element	£345k	£230k	£329k	(£16k)
Joint Funded Placements	£550k	£461k	£520k	(£30k)
Reclaim from ESFA of Early Years pupil number variations between 20/21 and 21/22 lower than anticipated.				(£11k)
Recovery of funding from schools for Excluded Pupils, Medical Tuition Service and Elective Home Education	(£250k)	(£99k)	(£162k)	£88k
Independent Special School Fees	£3.100m	£2.152m	£3.368m	£268k
Other packages for EHCP pupils and SEND personal budgets	£1.407m	£999k	£1.678m	£271k
Payments to / recoupment from other authorities for Special School places	(£260k)	(£145k)	(£230k)	£30k
Medical Tuition Service / Virtual School / Hospital Tuition / Vulnerable Students Team	£1.500m	£1.285k	£1.419m	(£81k)
School contingencies (Rates, planned pupil growth, NQT induction etc)	£308k	£255k	£267k	(£41k)
EHCP in-year adjustments (see separate paper for details)	£340k	£869k	£872k	£532k
Special Schools / High Needs in-year adjustments (see separate paper for details)	£600k	£437k	£500k	(£100k)

School Intervention / Commissioning (includes School Improvement Grant)	£145k	£67k	£96k	(£49k)
Business Support	£195k	£143k	£180k	(£15k)
Other – including Admissions, EAL / Travellers, Advisory Teachers, SEN contracts				(£103k)
Deficit DSG budget set for 21/22	(£2.6m)			£2.6m
<b>Total – Forecast Outturn Position 21/22</b>				<b>£3.325m</b>

The area of significant volatility remains the Higher Needs Block.

### Early Years Block

The Early Years autumn headcount is currently being processed. This information will give us the latest position on uptake in the early years and projections of numbers moving forward.

A separate paper has been prepared on the allocation of the increased budget for Forum's consideration.

### 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. Although the normal pressures on additional requests for support remains, the two areas with significant increase from October 2021 are listed below:-

#### Independent Special School Fees (rise of £68K from previous report)

The increase equates to one student where a new school placement has needed to be commissioned in the last month. This young person is accessing an out of area independent school.

#### Other packages including SEND (rise of £146k since previous report)

There has been a significant growth in the spend based on 30 bespoke packages needing to continue or be established for children that are no longer able to access mainstream education. These packages are with alternative providers, they are as a result of an extension to end dates on original contracts or as a result of new provision being required. Some of these packages are a consequence of schools not being able to recruit to key posts and vacancies.

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



## Reporting table on EHCP Allocation above £6k

The other area of growth can be noted in the comparator report below.

<b>Education, Health &amp; Care Plan Funding for 20/21 &amp; 21/22</b>			
	<b>20/21</b>	<b>21/22</b>	<b>Increase / (Decrease)</b>
Number of pupils with EHCP	470	463	(7.00)
Number of FTE's with EHCP	429	407	(22.00)
	<b>£</b>	<b>£</b>	<b>£</b>
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)
<b>In-Year adjustments</b>			
April	16,946	214,516	197,570
May	(104)	92,973	93,077
June	(11,737)	76,491	88,228
July	4,062	52,297	48,235
August	42,398	32,649	(9,749)
September	115,109	281,701	166,592
October	72,833	43,591	(29,242)
November	50,539	43,590	(6,949)
December	16,915	30,737	13,822
January	(11,583)	(11,583)	0
February	15,276	15,276	0
March	0	0	0
<b>Total - In-Year adjustments</b>	<b>310,654</b>	<b>872,238</b>	
<b>Projected (underspend) / overspend</b>	<b>(39,346)</b>	<b>532,238</b>	
<b>Notes</b>			
Based on April 21 - Dec 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			<b>532,238</b>

**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
<b>Total initial funding</b>		<b>4,229,986</b>			<b>5,954,127</b>	<b>1,479,750</b>	<b>1,198,885</b>	<b>2,678,635</b>		<b>12,862,748</b>
<b>In-Year adjustments</b>	<b>Pupils</b>	<b>Funding £</b>	<b>Mayfield Pupils</b>	<b>Chestnut Pupils</b>	<b>Funding £</b>	<b>SEMH Pupils</b>	<b>AP Pupils</b>	<b>Funding £</b>	<b>Pupils</b>	<b>Funding £</b>
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	253	(14,830)	228	32	(29,004)	54	56	37,196	623	(6,638)
July	252	(5,303)	228	31	(10,005)	54	35	(181,834)	600	(197,142)
August	252	0	228	31	0	54	35	0	600	0
September	269	65,829	233	31	27,146	51	32	(47,856)	616	45,119
October	268	(12,586)	232	30	(10,733)	50	34	3,645	614	(19,674)
November	267	(1,422)	231	31	2,173	48	36	(3,547)	613	(2,796)
December	263	(4,427)	231	31	0	47	38	2,430	610	(1,997)
January									0	0
February									0	0
March									0	0
<b>Total In -year pupil / place led adjustments</b>		<b>114,900</b>			<b>54,190</b>			<b>(98,001)</b>		<b>71,089</b>
Enhanced Provision (in-year changes in pupil top-ups)										26,370
Enhanced Provision (in-year increases in place numbers)										39,167
Excluded Pupils / 6th Day Provision (Sept - Dec) - Mayfield										38,000
Excluded Pupils / 6th Day Provision (Jan - Mar) - Mayfield										28,500
Occombe House - additional rent - Mayfield										12,336
In-year pupil specific additional funding		36,914			158,074			26,549		221,537
<b>Total - In-Year adjustments</b>		<b>151,814</b>			<b>212,264</b>			<b>(71,452)</b>		<b>436,999</b>
Special School / High Needs contingency budget										600,000
<b>Current balance (under) / over</b>										<b>(163,001)</b>

## **Position**

The final outturn position of the Local Area continues to be of significant concern. The position remains volatile and continued actions need to be taken to try and mitigate spend.

**The cumulative overspend of the DSG is now £5.826m**

**The projected cumulative outturn position at the end of 2021/2022 would be £9.151**

## **Recommendation and Decisions**

It is requested that Schools Forum:

1. Note the financial position and continue to work with the Local Authority through the mechanism of the Higher Needs Recovery Group to enact the financial recovery plan.

**Rachael Williams**

Divisional Director Education, Learning and Skills

**Special School Comparison Between 21/22 and 22/23 - School Forum 20<sup>th</sup> January 2022**

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**Introduction**

A supplementary grant will be available in 22/23 (provisionally £2.7m for Torbay) for maintained schools and academies, allocations at school level will be released in spring 2022.

Special schools do not receive the supplementary grant mentioned above, but instead an additional Higher Needs Block allocation of £830k has been allocated for 22/23. The EFSA states in the guidance that

This extra funding recognises the additional costs that LA's and Schools will face in the coming year, which were not foreseen when the original HNB allocations were calculated, including the Health and Social Care Levy. The additional funding also takes into account that colleges and other providers offering extra hours of study to students with high needs may require extra top-up funding to support those students. Special Schools & Alternative Provision should discuss with the LA any increases as part of the top-up funding.

As School Forum has agreed that Special Schools should benefit to the same level as the increases given to Primary and Secondary the modelling below allocated funding to ensure Special Schools receive an equivalent amount to the Supplementary Grant allocated to Primary and Secondary in 22/23.

**Proposed Allocations**

The table below shows the proposed allocations to Special schools based on the following methodology.

The methodology was using the 21/22 Primary & Secondary data to calculate an allocation for each school if the Supplementary Grant had been allocated in 21/22. This allocation was then taken as a percentage of the overall school funding across Primary & Secondary, this created an overall percentage increase of 2.88% which has then been applied to Special School Funding through increased top-up values.

See table attached

**Recommendation and Decisions**

It is requested that Schools Forum:

1. Note the latest announcements on funding allocations and consider the announcements in the context of special schools.
2. Decide if to allocate £334,226 (40.27% of the additional Higher Needs Block) to Special Schools using the funding methodology described.

**Rachael Williams**

Divisional Director Education, Learning and Skills



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## **Recommendation and Decisions**

It is requested that Schools Forum:

1. Note the financial position and continue to work with the Local Authority through the mechanism of the Higher Needs Recovery Group to enact the financial recovery plan.

**Rachael Williams**

Assistant Director Education, Learning and Skills

**Budget Comparison Information 2021-22 / 2022- 23 School Forum  
20<sup>th</sup> January 2022**

**Introduction**

The report is brought to School Forum to give an early overview of the DSG position for 2022/23. The report is brought to keep School Forum Members fully briefed on the information we have received to date.

**Comparison of initial DSG funding between 21/22 and 22/23 before academy recruitment**

The report details for members the anticipated increase against each budget line and it is important that the contextual information included in the notes below the chart is considered.

	21/22 DSG as at 17/12/20 from ESFA	22/23 DSG as at 16/12/21 from ESFA	Increase / (Decrease) £	Note
Schools Block	89,401,896	91,847,445	2,445,549	1
Central Schools Block	1,168,473	1,089,945	(78,528)	
Early Years - 3 & 4 Yr Olds	4,242,887	4,196,543	(46,344)	2
Early Years - 3 & 4 Yr Olds (Increase to 30 hrs)	1,563,301	1,633,510	70,209	2
Early Years - 2 Yr Olds	1,101,889	930,976	(170,913)	2
Early Years Pupil Premium	86,685	101,315	14,630	2
Early Years - Disability Access Fund	46,740	57,600	10,860	2
High Needs Block	21,486,457	23,572,260	2,085,803	
Additional High Needs Block	0	830,496	830,496	3
<b>Total Initial DSG</b>	<b>119,098,328</b>	<b>124,260,090</b>	<b>5,161,762</b>	
<b>Note</b>				
1. The Schools Block allocation for 21/22 was based on 17,515 pupils and for 22/23 is based on 17,459 pupils.				
1. Includes Pupil Growth funding of £460k.				
1. £687k will be recouped by ESFA as from 22/23 they will pay rates directly to the LA on behalf of schools.				
2. The Early Years allocations for 22/23 will be updated in-year by the ESFA once the Jan 22 & Jan 23 numbers are known.				
3. ESFA says, this extra funding recognises the additional costs that LA's and Schools will face in the coming year, which were not foreseen when the original HNB allocations were calculated, including the Health and Social Care Levy. The additional funding also takes into account that colleges and other providers offering extra hours of study to students with high needs may require extra top-up funding to support those students.				

**Additional information that was shared as part of the school funding information**

In addition to the DSG, Primary & Secondary will receive a supplementary grant of approximately £2.7m in 22/23. School level allocations will be published by ESFA in Spring 22. The grant is to provide support for the costs of the Health and Social Care Levy and wider costs.

The funding rates for the allocations will be :	£
Primary pupil	97
Key Stage 3 pupil	137
Key Stage 4 pupil	155
Lum sum	3,680
Primary - Free School Meal - Ever 6 pupil	85
Secondary - Free School Meal - Ever 6 pupil	124

It is the intention of the ESFA that this will be a separate grant in 22/23 and then from 23/24 it will be incorporated within the pupil values allocated out through the national school funding formula.

**As a result of this confirmation we will :-**

Implement the minimum per pupil funding levels for Primary from £4,180 in 21/22 to £4,265 in 22/23.

Implement the minimum per pupil funding levels for Secondary from £5,415 in 21/22 to £5,525 in 22/23.

This will be achieved with no scaling back on the agreed mechanisms for distribution of funding for pupils' needs and characteristics.

**Recommendation and Decisions**

It is requested that Schools Forum:

1. Note the latest announcements on funding allocations.

**Rachael Williams**

Divisional Director Education, Learning and Skills





January 2022

## Early Years Funding – Budget Allocation & Hourly Rates

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### Contextual Information

The Early Years block of the DSG allocation for 2022-2023 was published by the ESFA on Friday 17<sup>th</sup> December 2021. This budget is used to calculate the hourly rates for providers from April 2022 through to March 2023. Local authorities are required to pass through 95% of the EY block to providers.

The budget has provided the Local Area with increased rates, as per the Government's Autumn Budget announcement and Spending Review. Torbay has been allocated the minimum increase with an additional 21 pence per hour for 2 year olds and 17 pence per hour for 3 and 4 year olds.

There is no change to the formula used to calculate the hourly rates.  
The formula is as follows:

Total budget - 5% retained = net budget (95%)

Net budget – (Deprivation budget + SEND budget) = budget remaining for hourly rates

Remaining budget ÷ number of children on census ÷ 570 hours = hourly rate for providers

This is used for both the 2 year old and 3&4 year old funding streams.

### Funding figures and new hourly rate information

5% retained total = £338k (*a decrease of £7,300 compared to 2021-22*)

EY block contribution to SEND Inclusion Funding (known as Alfey) - £195,000

Added to the £100k from HNB gives a total SEND budget of £295k. This budget has been increased due to year on year overspend and increasing need.

Deprivation budget - £120,000

New hourly rate for 3&4YOs = £4.15 per hour

*An increase of 14 pence per hour compared to the current rate of £4.01*

New hourly rate for 2YOs = £5.17 per hour

*An increase of 13 pence per hour compared to the current rate of £5.04*

### Recommendation

It is requested that Schools Forum:

1. Endorse the above budget and hourly rates increases.

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## 5 January 2022

Nancy Meehan  
Director of Children's Services, Torbay  
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TQ1 3DR

Jane Milligan, Chief Executive, NHS Devon Clinical Commissioning Group (CCG)  
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Dear Ms Meehan and Ms Milligan

### **Joint area SEND inspection in Torbay**

Between 15 November 2021 and 19 November 2021, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Torbay to judge the effectiveness of the area in implementing the special educational needs and/or disabilities (SEND) reforms as set out in the Children and Families Act 2014.

The inspection was led by one of Her Majesty's Inspectors from Ofsted, with a team of inspectors including an Ofsted Inspector and a children's services inspector from the CQC.

Inspectors spoke with children and young people with SEND, parents and carers, and local authority and National Health Service (NHS) officers, including staff from the CCG. They visited a range of providers and spoke to leaders, staff and governors about how they were implementing the SEND reforms. Inspectors looked at a range of information about the performance of the area, including the area's self-evaluation. Inspectors met with leaders for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning.

As a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI)

has determined that a Written Statement of Action (WSOA) is required because of significant areas of weakness in the area's practice. HMCI has also determined that the local authority and the area's CCG are jointly responsible for submitting the written statement to Ofsted.

In reaching their judgements, inspectors took account of the impact of the COVID-19 pandemic on SEND arrangements in the area. Inspectors considered a range of information about the impact of the pandemic and explored how the area's plans and actions had been adapted as a result.

This letter outlines our findings from the inspection, including some strengths and areas for further improvement.

## **Main findings**

- Area leaders have only just started to work together to implement the SEND reforms. Leaders have been slow to turn their focus to this important work because of the urgent need to deal with the historical weakness in children's services. Although there are signs that area leaders from the CCG in Devon are working more effectively with children's services, this is very recent. Owing to a long history of inaction centrally, the impact of this new commitment is limited. Consequently, there remains a lack of joint working between services to tackle the issues with the pace of change that is needed.
- Children and young people with SEND and their families are not at the centre of leaders' work to implement the reforms. There are no formal arrangements in place for leaders to engage with children and young people with SEND. Similarly, the parent and carer forum (PCF) has recently ceased to operate. The views of parents and carers are often treated as trivial in the decisions that are made about their children and young people. Many front-line professionals express views that parents and carers are difficult to engage with because of their social deprivation and own personal needs. Too often, this is used as an excuse for poor co-production (a way of working where children, families and those that provide the services work together to create a decision or a service that works for them all), rather than professionals taking ownership to change this situation. Although this is not universal and there are pockets of strong practice, many parents feel that they are kept at arm's length by area leaders. This means that children and young people with SEND and their parents and carers are not able to contribute to strategic and individual planning in the way the reforms intend.
- Joint working between services is limited. Front-line providers recognise that area leaders are looking to promote joint working more. However, a lack of central leadership over many years has led to an entrenched culture among services to solve the challenges they face on their own. For example, school leaders make their own appointments to meet local needs, such as with paediatric nurses, counsellors and therapists. This leads to inequality and varied access for children and young people with SEND in the area. As a result, there is little evidence that

joint working is leading to better outcomes for children and young people with SEND and their families.

- There is too much variability in the implementation of the reforms across services. Many parents say that their experience relies on luck. This is the same across education, health and care. They say that when strong, professionals are 'brilliant'. However, at their worst, the experiences of families are very poor. Some schools show a lack of commitment to the reforms. Historical challenges with the turnover of staff in some services have added to the variability of experiences. For example, parents talk about meeting several different social workers and having to retell their stories each time.
- The quality of education, health and care (EHC) plans reflects the lack of joint working between education, health and care. Plans are generally education plans, with little and often no input from health and care. Some plans include a range of useful information about children's and young people's needs. However, they do not include the holistic outcomes that are planned to be achieved through joint working between services. This is particularly an issue for children and young people who achieve well, but also have medical or sensory needs. Their EHC plans focus too much on education, rather than on supporting independent living as they move into adulthood.
- Joint commissioning is underdeveloped. The 0–19 service is a useful starting point. Nevertheless, there are very few other examples of jointly commissioned services. Some individual children and young people benefit from jointly commissioned provision, but this does not reflect what is needed to secure cost-efficiencies across the area to tackle bigger problems. This all means that opportunities to improve outcomes for children and young people with SEND and their families at the same time as saving money through joint ventures are under-utilised.
- The rate of exclusion of pupils with SEND from school is too high. Weaknesses in the SEND system in Torbay, such as poor joint working and the slow autism spectrum disorder (ASD) assessment pathway, have led to a lack of timeliness in identifying the needs of children and young people. Variability in the strength of school provision means that some pupils go through the system without their needs being properly understood or met. As a result, some children and young people with SEND develop behaviours that challenge. Others lack self-esteem because their needs have not been met for prolonged periods of time. This leads to the high proportion of pupils identified as having primary social, emotional or mental health (SEMH) difficulties. Consequently, there is a high demand on child and adolescent mental health services (CAMHS), which are not able to treat children and young people early. Too many pupils are not accessing education because they are excluded.
- Progress in delivering a cohesive offer for young people with SEND post-16 and up to age 25 across education, health and care has been slow. Some areas of strength, such as the specialist school offer, are not maintained for young people when they turn 19. Similarly, many areas of the health offer for young people

end when they turn 20. Opportunities and choices for young people as they transition into adulthood are limited. Many parents of young people stated that they had to look beyond the local area to find appropriate provision, particularly as their children turned 20. Some families find themselves in a void at this point, accessing little or no services because of the limitations in provision within the area.

- The capacity to make the difference that is needed in the area is stretched. Strategic leaders across education, health and care have recognised the challenges within the system. There is now much greater stability in children's services and better working between the local authority and the CCG. However, the lateness in starting to implement the reforms, combined with large challenges such as the variability across the system and entrenched cultural issues, mean that there is a significant amount for leaders to do. Consequently, there is little evidence that children and young people with SEND and their families benefit from a more joined-up experience.

### **The effectiveness of the local area in identifying children and young people's special educational needs and/or disabilities**

#### **Strengths**

- Services in early years work together well. This leads to effective early identification of children with speech and language difficulties. Area leaders rightly identify that more children than is typical do not reach their speech and language milestones in early years. They have invested in this area. Professionals and parents speak very positively about the 'Let's get chatting' initiative, which has led to useful strategies to improve early identification. For example, one recent strategy allows parents and professionals with concerns about children early access to speech and language therapists prior to the checks on two-year-olds. This is already leading to better information being available about children's needs as they enter early years settings.
- Since the implementation of the reforms, the area has benefited from active and well-attended special educational needs coordinator (SENCo) networks. The networks allow for the sharing of good practice and for information-sharing. This has helped develop some consistency in how some areas of need are identified, including the early years SENCo network, where speech and language initiatives have been shared and developed.
- Speech and language therapy for young people with the youth offending team is strong. Therapists provide front-line staff with the skills to help identify the needs of individual young people. As a result, previously unmet needs are identified and young people receive more effective support.

## Areas for development

- Many children and young people's needs are not identified accurately or quickly enough. This contributes to widespread challenges in the behaviour that children and young people show, because their needs are not met well or early enough. This contributes to a higher proportion of children and young people than is typical being issued with an EHC plan.
- Area leaders do not have a comprehensive knowledge of the needs of children and young people who receive support for their special educational needs but do not have an EHC plan (SEN support) in schools. This means that they are unable to track how well they do academically and how well they are prepared for adulthood. Wide variance in their experience is not understood well enough. Therefore, area leaders cannot commission with accuracy the services and support needed for this key group of children and young people.
- Area leaders have correctly identified that the neurodevelopmental pathway, which includes the ASD pathway, is not effective. Waiting times between referral and identification of need are too long. Although leaders have worked with parents and partners to streamline the process, most children and young people wait well over a year for assessment. Some wait as long as three years. As a consequence, many parents report that this puts unnecessary stress on their family, particularly if their children's needs are not met well at school.
- Area leaders' response to the pandemic has been hampered by weaknesses in joint working and checks on the effectiveness of their initiatives. For example, although the 0–19 service now has two teams in response to challenges created by the pandemic, this did not help services reach the children and young people with SEND and their families in the way that was intended. One team provides the universal services, while the 'plus' team focuses on those children under the statutory care of children's social care. However, the focus of this work was to support social care arrangements. Consequently, many children and young people with SEND needing support as a result of their additional needs were not identified. This has caused a legacy of challenge for these families as the pandemic continues.
- The effectiveness of early identification in schools is too varied. Some schools lack commitment to working with partners to identify SEND needs effectively. Occasionally, parents state that school leaders are a barrier to children's and young people's needs being identified. In particular, parents say that their concerns about their children's presentation is often disregarded. Parents say that too often, the default position is that presentation by children is assumed to be a behavioural issue because of poor parenting, rather than an indication of need. Other parents report that they pay for their children's needs to be assessed themselves. Several parents experience shock and feelings of isolation when their children's needs are identified late. For example, several parents who had their children assessed as being on the autistic spectrum as teenagers said there was little or no information shared with them about how to support their children. This shows that not enough is being done to enable children and young people,

particularly those who are disadvantaged, to have their needs identified in a timely manner.

## **The effectiveness of the local area in meeting the needs of children and young people with special educational needs and/or disabilities**

### **Strengths**

- Services in early years work together to provide a joined-up service for children and families. For example, leaders within early years work closely with nurseries, private early years providers, the portage service, and speech and language therapists. Together, they have developed a range of approaches to promote better language and communication between settings and children, as well as parents. These approaches include, for example, the 'It Takes Two to Talk' strategy, speech and language drop-ins for families looking for individual support and advice, and bespoke workshops such as 'Early Communicators'. These initiatives lead to effective speech and language support for children in the area.
- The SEND information, advice and support service (SENDIASS) in Torbay is a well-led, effective service. SENDIASS staff advocate exceptionally well for children, young people and their parents and carers. Parents who have accessed support from this service say that it makes a real difference to their engagement with other services. Evidence shows that when SENDIASS has been involved, outcomes for families have improved.
- The designated clinical officer (DCO) and designated medical officer (DMO) are making a difference. They work together effectively to provide strategic and operational oversight of SEND across clinical networks. They provide useful professional advice to front-line services. For example, they have introduced an online mandatory SEND training module. Service leaders recognise the impact the DCO and DMO have already had. However, since much of this is relatively new, they also recognise that more time is needed to see the full impact of their work on the outcomes achieved by children and young people with SEND.
- Some schools in the area are highly committed to the reforms and make excellent provision for children and young people with SEND. Where this is the case, parents report very positively about how school staff support their children, advocate for them and signpost them to where they can gain valuable support as a family. Some pupils achieve particularly well in certain settings. They go on to well-conceived programmes of study that meet their aspirations and abilities.
- Specialist school settings provide a strong service for children and young people and their families. Many go the extra mile to advocate for the families they support, even when they have moved into adult services and have left the school. Parents with children and young people in specialist settings say that they feel lucky to have secured the provision. They recognise that their children's needs are particularly well met.
- Some front-line staff go the extra mile for children and young people with SEND and their families. Where this is the case, families feel very well supported. For



example, some families talk about their paediatrician being readily available to them and to their children's education setting. When this has happened, it has aided a more timely meeting of needs for the child and for the family.

- Leaders have implemented some effective systems to meet individual children's and young people's needs. For example, the 'Dynamic Risk Register' helps leaders identify young people at risk of being admitted to a specialist learning disability or mental health hospital. The register allows leaders to allocate a key worker to provide the young person, their families and those who work with them with support in order to reduce the risk of mental health admission or placement breakdown. This has helped avoid the escalation of acute mental health challenges for some children and young and people in the area.
- The short break offer in Torbay, including what is provided through the voluntary sector, is well regarded by those who access it. There is an appropriate range of opportunities for children and young people with SEND and their families to access. However, leaders rightly recognise that there is more to do to develop short breaks once the PCF is re-established to ensure that provision is co-produced and fully meets local needs.

### **Areas for development**

- The quality of EHC plans needs improving. Weaknesses in joint working across education, health and care, and the systems and processes for assessing children's and young people's needs are not strong enough. Consequently, the contribution of health and social care professionals to EHC plans is scarce. EHC plans are too focused on educational outcomes, even when a child or young person is supported by health or care professionals. As a result, those working with families are not able to contribute fully to meeting children's and young people's wider needs, particularly in preparation for adulthood.
- The implementation of the graduated response reflects the lack of consistency in the area. Although the SENCo networks provide the potential to achieve better consistency, these are not led centrally by area leaders. The need to improve children's social care services has contributed to the stalled development of a useful SEND strategy. Consequently, maintained schools and academies have developed their own approaches to implementation of the reforms. Despite some very strong practice, large numbers of families told inspectors that their children's needs are not met well, particularly in the mainstream school system. Area leaders recognise that there is variability in the desire to be inclusive among some schools. However, there is a lack of a coherent strategy to improve this. Current leaders in the authority are now working well with the CCG. They are keen to work more with all services to develop a 'Torbay approach' to the implementation of the graduated response. However, many service leaders have lost faith that any central direction will now make a difference.
- There is variability in the implementation of the SEND reforms across health and care services. For example, general practitioner (GP) services in the area have had varied success in implementing elements of provision that are considered

good practice. The uptake of the annual health review for young people with SEND aged 14–25 years with their GPs is lower than is typical. Although leaders are looking to address these inconsistencies, this work is still at an early stage and it has not yet had an impact.

- Area leaders have failed to sustain effective ways of engaging with parents and carers. Weaknesses in parental engagement leading into the pandemic meant that when PCF members needed to look after their own children, the PCF stopped operating. Area leaders have been supported to begin the process to re-establish a PCF in Torbay. However, at the time of this inspection, the PCF was still not running. Therefore, opportunities for parents to feed into leaders' strategic thinking do not exist.
- Opportunities and choices for children and young people in the area when they reach 16 significantly reduce. This worsens the older young people get and the more complex their needs are. Many families struggle to find appropriate provision for young people as they transition into adulthood within the area. Many young people go on to study programmes at South Devon College. However, beyond this provision, there is very little choice for young people to access education post-16.
- The online local offer has a range of useful information about the services available to support children and young people with SEND and their families. However, because children, young people, and parents and carers have not been involved in the development of the website, leaders have not considered how difficult it is for users to find the information they need. This means that, even where there are useful and strong services, children and young people with SEND and their families are often not aware of these. Most parents were unaware that the website existed. Those who knew about it said that information on it is too difficult to find.

## **The effectiveness of the local area in improving outcomes for children and young people with special educational needs and/or disabilities**

### **Strengths**

- The effectiveness of joint working in early years supports timely and accurate identification of young children's needs. Collaboration between services means that children with SEND often have their needs met well in early years settings. Consequently, children with SEND achieve well at the age of five.

### **Areas for development**

- A legacy of mistrust and poor identification and meeting of needs means that many families still feel that they need to fight for their children's rights. Even when area leaders are attempting to improve provision by meeting needs in a more strategic way, the legacy of mistrust means that many parents still feel the need to battle for what they feel is best for their children.

- The achievement of children and young people with SEND at the end of key stage 4 is poor in Torbay. Following the strong start children make in early years, variations in the quality of identification and in meeting needs lead to a slowing of progress. Children and young people attain particularly poorly at the end of secondary schooling. This reflects the variability in the system as children get older. Despite leaders accurately analysing educational outcomes, the year-on-year trend of underperformance at the end of key stage 4 has not been addressed.
- Children and young people with ASD, SEMH difficulties or similar associated needs do not experience improved outcomes as a result of the reforms. Poor timeliness in identification and variability in inclusive practice mean that many wait a long time before their needs are met. Although there are some initiatives to improve this, leaders' overall plans are not joined up enough to tackle the depth of these issues. This means that there is currently no sign that their work will lead to improved outcomes for these groups.
- There is too little opportunity for young people to achieve positive outcomes as they transition to adult services. Provision post-19 is particularly limited. While some young people are given the support and help they need, this is not the case for most. Some young people with complex needs have little or no meaningful provision once they are 20. This results in uncertainty and anxiety for young people and their families.
- Area leaders' work to improve the life chances of young people with SEND as they move into adulthood has had limited impact. The numbers of young people accessing supported internships and supported living are broadly average, but show little sign of improvement. Similarly, the proportion of young people with learning disabilities who secure paid employment is low.
- The proportions of children and young people excluded from school in the area are high and much higher than is typical. Leaders recognise this weakness. However, there is not a strategy in place to address this as robustly as is needed. Weaknesses in early identification and in meeting children's and young people's needs result in many presenting with behaviour that is challenging and worsening over time. Too often, this presentation is seen as a SEMH need or owing to weaknesses in parenting, rather than understanding that it has come about because of an underlying unmet need. Consequently, too many children and young people are identified as having SEMH needs and end up in crisis. This leads to high levels of exclusion, high referrals to CAMHS and a poor experience of the system for families.
- The outcomes for children and young people with SEND are not improving as a result of the implementation of the SEND reforms by area leaders. The system in Torbay remains disjointed. Staff in front-line services have learned to sort out the challenges they face locally. This has led to a culture of teams working in isolation. Consequently, most parents of children and young people with SEND report having to fight for what they need. They do not recognise any sense of improvement in their experiences as a result of the reforms.

**The inspection raises significant concerns about the effectiveness of the area**

The area is required to produce and submit a WSOA to Ofsted that explains how it will tackle the following areas of significant weakness:

- the lack of a suitably ambitious SEND strategy based on robust self-evaluation, and open co-production, and with the buy-in of all services across education, health and care and that includes measurable criteria for success
- the deep cultural issues leading to weak co-production and the inability of children and young people with SEND and their parents and carers to be equal partners in strategic and local decision-making
- the lack of joint working between services, which prevents area leaders working collaboratively to secure more consistent outcomes for children and young people with SEND and their families
- the variability in the implementation of the graduated response, leading to slow identification, high levels of exclusion, some poor inclusive practices, and inequitable access and experience of the system across education, health and care
- the poor range of opportunities and choice for children and young people with SEND when they reach 16 or transition to adulthood
- the wide variances in the quality of EHC plans caused by weaknesses in joint working, fair access and the timeliness of assessments
- poor joint commissioning arrangements that limit leaders’ ability to meet area needs, improve outcomes and achieve cost-efficiencies
- the lack of impact and of resilience to sustain improvement of recent initiatives due to low capacity in area teams.

Yours sincerely

Matthew Barnes  
**Her Majesty’s Inspector**

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