

Minutes of the Schools Forum

22 June 2023

-: Present :-

Stewart Biddles (Chair) Primary Academy Rep; **Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Clive Star**, Secondary Academy Rep; **Alex Newton**, Secondary Maintained Head; **Stephen Hulme**, PRU; **Mike Lock**, Special Schools Head; **Jayne Jones**, Early Years Rep; **Sarah Tomkinson**, Primary Maintained Head; **Kelly Sooben**, Post 16 representative

-: Also in attendance :-

Rachael Williams, Assistant Director for Education, Learning and Skills; **Nancy Meehan**, Director of Childrens Services; **Malcolm Coe**, Director of Finance; **Rob Parr**, Principal Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Hannah Spencer** Head of SEN; **Michael Freeman**, Clerk

1. Apologies/Changes to Membership

The Forum gave thanks to Kelly Sooben for her contributions to the meeting, noting that she will be stepping down from Forum next academic year. She will be replaced by Lawrence Frewin, SDC principal.

2. Minutes of the last meeting

Minutes of the last meeting held 20th April were agreed as a true and accurate record.

3. Financial Report

Rachael and Rob shared with colleagues the latest financial report. Although members recognised it was still early in the financial year, it was pleasing to note that we are currently forecast to overspend by £1.060, and that this is a significantly improved position than previous years. We informed the ESFA (Education, Skills and Funding Agency) as part of our safety valve that we anticipated being in an overspend budget position of £1.2 million at the end of the year. So things are determined to be on track at this point in time which is really good news compared to where we have been previously.

There are some anticipated underspends against the budget headings based on trajectory's that we have previously seen around spend over the year. But we've

also built into this some level of contingency where we know we have some overspend as well. Joint funded placements is projecting a £100k grand underspend, mainly due to our residential placement numbers being a lot lower in the social care side of things. And therefore, our contributions to those being lower. Rob explained that there is £100k overspend against contributions from health towards our EHCPs, but we haven't got agreements in place yet with help and those discussions are ongoing. So potentially there might get some income in on that.

Rob explained that the safety valve information went off to the DfE last week, which gives this picture and gives our out turn from the previous financial year, which was also in line with the budget.

Mike Lock then asked for an update on the Medical Tuition Service, noting that there is quite a big saving there, but also there's quite a big figure next to its budget. Rachael explained that we have had an external consultant looking at the provision of section 19, including the MTS and there will be a report for Forum in the next meeting.

Stewart then asked about Health contributions, and whether it is overly optimistic to put that into the safety valve agreement. Rachael clarified that it is part of the safety valve update later on, but recognised that at the moment it's currently rated as red. So it's still a significant risk at this point, and that's why we've also been really honest with the ESFA that Health have identified a budget or a mechanism for us to be able to access that as well. What we continue to do is track in all of our education, health and care plans and through our meetings the spends that doesn't exist within the system that should be funded by Health.

On behalf of members, Stewart gave thanks to Rachael and officers for the update, recognising the good work that has been done and for evidencing that what the LA has been putting in place is working. The Forum agreed to continue to work with the LA to make the necessary judgement adjustments to support the safety valve process.

4. Torbay Safety Valve agreement

A report was then shared by Rachael with members on the work of the Safety Valve., which has been provided to the ESFA, containing overall and a position statement against each of the grant conditions, This was the first report to the ESFA submitted on the 16th of June, Rachael explained that the LA is yet to have any feedback from the ESFA.

What we are seeing in this report is quite a positive trajectory for our first quarter. The ESFA will be most interested in the overall picture of the number of education, health and care plans and our projected budget position. For the first time ever in Torbay we had now have the number of education, health and child plans reducing on a significant downward trend for the local area.

The next vital piece of information that the ESFA required was for them to

understand that our outturn position was aligned to our anticipated outturn position. So we anticipated that we're at £2.7 million deficit last year and we came out at £2.732 million. It is felt that the ESFA will be assured that we were aligned to our original planning.

Rachael then gave an update in relation to each of the agreements and conditions to the grant. The first condition of the grant was to maintain our existing special school numbers and really think about parental confidence with mainstream provision. We gave them detailed information in this report on the number of special school placements compared to our commissioned number. Members were pleased to see we've got control on the number of placements, although it remains significantly challenging.

Members noted that we're getting tribunal orders for special school placements as well and they may not always be within our Torbay Tribunal process. It could be Devon tribunal process that is then directing young people to be able to access our Special Schools as well. So we are acutely aware that that is still a risk area but trying to manage that as best we can. Hannah explained that the majority of our appeals and tribunals that are in place at the moment are decisions not to issue a plan as opposed to not to assess a young person, and sometimes once you've got that full robust assessment, the tribunals find in favour of the LA because they've made a decision based on that evidence.

In terms of then request for specialist placements, we still see a really, really high rate of requests for specialist placements in the area and the team members will do a fantastic job of only making sure that children attend that where needed and then doing work to look at what alternative provisions can be provided.

Alex asked whether we are sticking rigidly to these Commission numbers and especially places, for example, like Burton and Brunel, and what additional use is being made of other providers, YMCA, Riviera tuition etc. and the financial impact of this. Rachael agreed to look into this with officers and report back to Forum at the next meeting.

The second condition was around the SEND agenda and workforce development. Rachael thanked the multiple colleagues that were part of Co-production of the SEND strategy, listing all of the workforce development opportunities that have been provided and have been well taken up by schools and others in the area as well.

The next one is rated as red. The reason it is rated as red as this is the area that includes the Health funding contributions. So if we were looking at this from a graduated response point of view, we would be rating this amber as we've actually brought forward the launch of the graduated response to earlier in the year, recognising that that takes time still to embed, but actually the work has been conducted on the graduated response, but we have rated this as red because of the issues we've already discussed around Health, that's not just about a financial contribution, but that's also about their contribution and all multi agency contributions into EHCPs. An EHCP can only be as robust as the information that is received and the assessments that are undertaken and we know

there still is significant delays in children having access to some of those assessments required as well.

The next condition discussed was Independent Placement Overview Panel (known as Ipop) making sure that we are being really robust in and our decision making processes, and that Ipop doesn't make the decision on the awarding any ACP that sits in normal processes. Members noted that last year we were able to report an end of financial year position below target.

The next agreement, around Building confidence within the parental community, was then discussed. Rachael explained that there was never in our safety valve plan any indication that parents weren't confident in the Enhanced Resource bases or special schools, and that they actually really demonstrate a lot of confidence in this. So you'll see there are a list of things that have happened jointly with SEND family voice Torbay around trying to gain parental confidence across the whole of the system as well.

The next part was around Post 16 and transition panel and Post 16 early planning. Rachael thanked colleagues in the Post 16 sector, acknowledging their absolute focus on the safety valve work. Members noted that this part of the report provides information on the level of ceasing activity that has taken place and that wasn't something the local authority was routinely. There's been a 132% increase in cessation across the local area and a significant number of plans have been ceased.

Alex asked a question around ceasing a EHCP of a child with a lifelong condition, noting that if they're successful in school, and their annual review shows they're thriving, will the Plan be ceased regardless? Hannah acknowledged that the annual review process needs to really reflect multi agency input to a child with a lifelong disability, and a revision of the system to be able to ensure we're making the right decisions in the right places is needed.

Hannah stressed that what we don't want to do is be taking away any provision that may lead to further provision being required in the future as well. So it's absolutely got to be the right provision and right decisions and it's about the work between schools, SENCOs and our monitoring team in making those decisions, and trying to be as open and transparent around some of those aspects as well.

The next condition was around The Early Years Outreach team as part of the family hubs. The report provides an overview of work that we are doing with health visitors around their checks and balances, and the onboarding of our family hubs and the models around speech, language and communication, and targeted interventions. The ESFA has been notified about the work that has been progressed and will be progressed through the hub as well.

The final section discussed was around the graduated response, but with a focus on Social and Emotional and Mental Health. The DSG management plan showed us that SEMH was a significant outlier for Torbay at the point of writing the document, and what you will see there is the numbers of social, emotional, mental

health plans have significantly reduced. Rachael explained that has been quite a focus within our work.

Rachael identified at the end of the report the emerging risks that are happening across the system as well, noting that the top risk is the current gap in the Health funding, also noting another risk related to Health contribution into our SENDIASS service. Also included here as an emerging risk is the new unfunded attendance duties that are now going to be in place from September this year. And what this could lead to is a greater identification of children that have SEMH and section 19 requests that obviously all come through to the higher needs budget. So quite a lot of risks identified, but we're working to mitigate those, but we need the mitigations across the system as well.

Members thanked Rachael for the report, noting that it seems like for the first time we've got a really clear equitable strategic approach to SEND across Torbay.

5. 6th Day Provision

Rachael gave some context to the proposals outlined in the 6th day provision paper. The Local Authority has a statutory duty to arrange suitable full-time education for any pupils that have been permanently excluded from schools. This education has to begin from the sixth day after the first day the permanent exclusion took place. The current mechanism in place for discharging this duty at the Primary Phase is through provision provided by Mayfield Chestnut and delivered at St Margaret Clitherow campus. Following a meeting with Mayfield and the Local Authority it is necessary to review the current level of provision and resources that are being made available to ensure that the provision can have the necessary impact for children and their families. The current provision has been used by 15 children across the academic year 21/22 and 10 in the year to date.

The overall budget provided to Mayfield school is £122,892.

It was recognised that some of the children and young people in the six day provision need enhanced transition to get back to their mainstream education and mainstream education can only be successful if that enhanced transition is in place with a skilled worker, working alongside the key adults that they would be returning to. The current funding model actually supports the provision within the setting, but it doesn't support the provision beyond the setting to do the reintegration, so for an interim period, it was proposed that we provide £27,000 to Mayfield to have an additional worker to do that reintegration work it will support us to be able to make that reintegration more effective, well longer term.

Members were asked to vote on the above proposal, with the following result:

To increase the current contract with Mayfield School by £27k to fund an additional staff member for the year:

For: 12

Motion Carried unanimously

Against: 0

Abstain: 0

In search of a longer-term solution, it was proposed that Schools work with the LA to co-produce a full options appraisal provision required to meet children's needs at the primary phase, including a review of the data, costs and impacts for children. Forum members were in agreement and looked forward to seeing the results of the appraisal in November's meeting.

6. Educational Psychology New Ways of Working

Members were shown a consultation document that will be going out to schools on proposed changes to the Educational Psychology Service. Hannah has been working with Paul Williams (Senior Educational Psychologist) looking at different models and how to best use educational psychology provision across our local area. It was noted that Educational psychologists nationally have been very difficult to recruit, so the local authority has taken stock about how to use the finite resources that we have within our EP service to impact on the maximum amount of children.

Hannah explained that the LA are working with the educational psychology team on moving to a consultation first model. and they're very clear on it's not moving away from individual assessments where they are needed, it's about looking at a consultation model which lots of other local authorities including Islington, our sector LED improvement partner, feel is beneficial.

Having found that there are multiple children on EP waiting lists, not being seen in a timely fashion, we are looking at an educational psychology system where we can work with the majority of children that need support. So we feel that the consultation model will work for both schools and the educational psychology team and then that the statutory work would stay the same. All of the consultation models would still be written up for the individuals.

So the proposal is that we send out the consultation document with an e-mail and a SurveyMonkey link for all SENCOs, head teachers and any interested parties to be able to contribute back to the proposed model. And then we take a view of how did the sector feel about that before making any recommendations for change.

Stewart asked whether Schools Forum have any powers around what is done as a result of the consultation?

Rachael explained that as a local authority budget, Forum can decide how we are going to implement our educational psychology service. However, it was felt the LA would not implement something that schools felt was not going to work.

Jayne Jones then asked if the Early Years sector was going to be a part of the new way of working. Hannah said that it would be a plan from 0-25.

Stewart thanked Hannah and Rachael for their update.

7. School Forum Briefing

Rachael then shared her plan with School Forum to provide an overview of all of the work that has taken place on the safety valve, so that everybody in the school's community understands the need to deliver the safety valve and then give an overview of each of the grant conditions of the safety valve and the work that sits below that.

Also, in addition to the safety valve, feedback would be shared from the pilot of the element 3 funding. So that is about information sharing, giving colleagues the overview of the documents that we've used with the pilot process and inviting colleagues that have been part of those pilots to actually just give some verbal feedback.

This could then be linked to the annual review process and the system cessation as well. It was recognised that a huge amount has changed since the last time we met with the whole school community about the budget position, and this would be an opportunity to share the savings that are being made and the work that is progressing across the system. Rachael also explained that the lead Commissioner for SEND, who's new to the authority, has been invited to come and just meet with colleagues on that day, recognising it as a good networking opportunity.

Members thanks Rachael for the information, and gave thanks for Alex for agreeing to host the briefing at Spires College.