

Schools Forum Meeting Agenda

Thursday, 26 February 2026 at 9.00 am
to be held in Teams

Membership

Stewart Biddles
Steven Hulme
Stuart Bellworthy
Tim Stephens
Steve Margetts
Alex Newton
Tamsin Summers

Laurence Frewin
Jake Grinsill
Nik Salter
Sarah Tomkinson
Rachel Setter
Sally Banfield
Hannah Baker

Pre Meet

1. **Apologies/Changes to Membership**
2. **Terms of Reference** (Pages 3 - 10)
Remit and Future Forums
Number of Meetings per annum
Effectiveness of Schools Forum
Agreed Standing Items
Possible future changes to the Virement for 27/28 - Chair
3. **Effectiveness of Schools Forum**
Meeting with LA
4. **Membership**
Document to be shared
5. **Minutes & Action Tracker of the last meeting** (Pages 11 - 16)
6. **ISEP and Tribunals - Hannah Baker (part 2 for confidential discussion)** (Pages 17 - 18)
Share document not published

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

Louise Willmott,

7. Closure of the Safety Valve - Hannah Baker

(Pages 19 - 26)

8. Update re Finance - Rob Parr - verbal

9. Annual meeting plan

10. Items for next meeting

11. AOB

TORBAY COUNCIL

**TORBAY SCHOOLS'
FORUM**

Terms of Reference
February 2025

Remit of the Torbay Schools Forum

1. By virtue of section 47A of the School Standards and Framework Act 1998 (as amended by the Education Act 2002), Torbay Council was required to establish a schools forum. These standing orders should be read in conjunction with appropriate legislation and relevant guidance.

The Schools Forum will be consulted on matters set out in the Schools Forums (England) Regulations 2012, that is:

- Amendments to the school funding formula
 - Arrangements for the education of pupils with special educational needs
 - Arrangements for the use of pupil referral units and the education of children otherwise than at school
 - Arrangements for early years provision
 - Administrative arrangements for the allocation of central government grants paid to schools via the local authority
2. Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.
 3. Specific delegated powers as outlined in guidance on matters such as the de-delegation of funding.

Membership of the Schools Forum

4. The majority of forum members must be “school and academy members” (see paragraph 5). Up to 33% of the forum’s total membership may be appointed from other organisations.
5. School and academy members must be Headteachers (or deputy Headteacher or bursar elected on behalf of a Headteacher) or governors. They must represent nursery, primary and secondary schools and the relative number representing each should take account of the relative numbers of pupils in those sectors. Membership of the secondary sector should include one representative from selective schools. There must be representation of special schools and the PRU.

The membership of the Torbay Schools Forum will comprise 13 school members and 2 non-school members, as set out below:

School Members		
Sector	Headteacher	Governor
Primary*	1	1
Primary Academy*	3	1
Secondary	1	1
Secondary Academy	2	1

[Type here]

Special Schools	1	0
PRU	1	0
<i>* at least one primary school member will also be a representative with a nursery</i>		
Non-School Members		
Sector	Representative	
Early Years PVI	1	
14-19 Provider	1	

6. No Academy shall be represented by more than one person on the Forum, unless there are no other nominations from that particular sector, or it is as a result of substitution.
7. Schools members will be elected by that group according to an agreed process.
8. Academy members will be elected by the proprietary bodies of the academies in the local authority's area.
9. In relation to the non-school members, the 16-19 representative will be elected by 16-19 education providers. The early years' representatives will be appointed by the local authority after consultation with the Early Years Advisory Board.
10. If a group is unable to provide an elected representative the LA, in consultation with the chair of Schools Forum, will appoint an appropriate representative.
11. The term of office for members of the Schools Forum will be a maximum of three years, subject to their eligibility. At the end of their term of office, individuals may stand down or the group they represent may replace them. Should an individual wish to stand down upon expiry of their term of office, the clerk should be notified of this in writing before the Local Authority seeks nominations from within the relevant sector. There is no limit to the number of consecutive terms of office an individual may serve, subject to their eligibility, however any individuals wishing to remain a Forum member must notify the Local Authority.
12. The Local Authority may end the appointment of any Forum member before the expiry of his or her term of office if the member concerned ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum.
13. Any resignations must be given in writing to the Clerk of the Forum.
14. The EFA will be entitled to nominate an observer who will be entitled to attend all meetings of the Forum.

Quorum

15. The Forum will be quorate when 40% of the members (excluding vacancies) are present.
16. The Forum can continue to meet if it is not quorate, but any advice given to the Local Authority as a result of such a meeting would not have to be taken into account by the

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Authority.

Non-attendance at Meetings and Substitute Members

17. Any member who is unable to attend a meeting may send an eligible substitute (who will have voting rights, as appropriate) on their behalf provided that the Clerk (or the Clerk) is notified in writing prior to the commencement of the meeting. For the avoidance of doubt, a Headteacher who has chosen to be a governor may not act as a substitute for an absent governor.
18. Any member who fails to attend two consecutive meetings of the Forum in a six month period may be asked to resign unless the Forum determines that the absences were authorised. This Standing Order applies even if the member has opted to send a substitute on their behalf.

Chairman and Vice-Chairman

19. The Chairman of the Forum will be elected annually from within the membership of the Forum at the first meeting of the academic year.
20. The Vice-chairman will be appointed annually from within the membership of the Forum.
21. The term of office of the Chairman and Vice-Chairman will be one year although there is no limit on the number of consecutive terms of office that an individual may serve.
22. In the absence of the Chairman at any meeting, the Vice-chairman will preside at the meeting. In the absence of the Chairman and the Vice-chairman at any meeting, a chairman for that meeting will be elected.
23. The person presiding at any meeting of the Forum may exercise any power or duty of the Chairman.
24. The Chairman and/or Vice-chairman shall cease to hold office if they resign from, or cease to be members of, the Forum. The election/appointment of a Chairman/Vice-chairman will then take place at the next meeting of the Forum.

Clerk

25. A Clerk to the Forum will be appointed from nominations from the Local Authority.

Meetings of the Forum

26. A minimum of four meetings of the Forum must be held each year.
 27. The Local Authority must arrange for meetings to be held to enable the Forum to be
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consulted on the issues listed in the Schools Forums (England) Regulations 2012

28. Meetings of the Torbay Schools' Forum will be held in public. However, there may be occasions when it is appropriate for the Forum to consider matters without the public and the press present. The Forum may by resolution exclude the press and public if a majority of those voting on the matter consider that because of the nature of the business to be considered it is appropriate to do so.
29. In addition, the Forum may, from time-to-time, invite the attendance of people with particular expertise to meetings. These people may speak but not vote.
30. Agendas, reports and minutes of the Torbay Schools' Forum will be published on the Council's website at www.torbay.gov.uk/education/schools/schoolsforum.
31. The Clerk will convene meetings of the Forum. Whenever possible, two weeks' notice of the date of meetings will be given. An agenda (together with any supporting documents) will be circulated at least five clear working days before the meeting, as far as is practicable.
32. The duration of the meetings will be a maximum of three hours unless agreed by the Forum.

Cancellation of Meetings

33. The Clerk will inform all parties concerned of the cancellation of any meetings of the Forum.

Voting

34. Unless these Standing Orders or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put.
35. If there are equal votes for and against, the Chairman (whether or not he or she has voted) will have a casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
36. The Chairman will take the vote by show of hands unless it is agreed that a secret ballot should take place, in which case the Clerk to the Forum will circulate voting slips to all members, collect and count the votes and announce the results immediately. The numbers of those voting for, against or abstaining will be recorded in the minutes.

Urgent Decisions Taken Under the Five-day Rule

37. With the agreement of the Chairperson, if an urgent decision is required and it is not practical to call a special meeting of the Forum a paper shall be circulated via email to all Members of the Forum. The circulation of the paper will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper they should inform the Clerk. If the issue cannot be resolved the paper will be deferred for consideration at the next meeting

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of the Forum. If there are no objections to the proposal(s) the paper will be deemed to be approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

Record of Proceedings

38. The Clerk will provide minutes of the proceedings and decisions of the Forum. A copy of the minutes will be signed by the Chairman at the next meeting in order to approve them as a correct record.

39. Roles and Responsibilities

The constituent members of the Forum will be responsible for disseminating the decisions and consultation of the forum to the members they represent. Members will additionally be expected to seek the views of the group they represent, and communicate these effectively at meetings.

Conduct of Members of the Forum

40. Members of the Schools Forum are expected to act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
41. Individual members of the Schools Forum should consider their own position in relation to the declaration of interests and, in exceptional circumstances, may feel it appropriate to declare an interest and possibly withdraw from the meeting.

Expenses

42. Members of the Forum will be eligible to re-claim travel and other expenses in accordance with the Scheme of Allowances appended to these Standing Orders.

Indemnification for Members

43. The Local Authority will indemnify members against reasonable legal costs and expenses arising from recommendations made in good faith.

Terms of Reference

44. A copy of the Terms of Reference of the Torbay Schools Forum will be given to each member of the Forum.

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TORBAY SCHOOLS FORUM

Allowances Scheme

1. Members of the Schools Forum who are Headteachers may claim any travel and subsistence allowance in line with their terms and conditions of employment
2. Members of the Schools Forum who are Governors must register as volunteers with Torbay Council in order to claim any travel and expenses allowance. The Council has no obligation to tax any payments to volunteers and does not send any returns to the Inland Revenue in this respect. Volunteers are responsible for reporting to the Inland Revenue any income which they have received that is taxable and it is recommended that they contact their local office if they have any questions.
3. Volunteers can only be reimbursed for actual expenditure and must submit a claim form including receipts (unless claiming for mileage).
4. Volunteers can claim 40p per mile for travel to and from Forum meetings.
5. An allowance of up to £5.84 per hour may be claimed by volunteers when a carer has to be engaged to enable that volunteer to attend meetings of the Schools Forum. The allowance will cover paid care for the following who live with the volunteer:
 - Children aged 15 years and under;
 - Elderly relative requiring constant care;
 - Disabled relative requiring constant care; or
 - Relative with learning disabilities requiring constant care.

The paid carer cannot be a member of the immediate family or household.

6. Any other members of Forum who are not entitled to claim under any other scheme (i.e. from the organisation they are representing) may claim travel and expenses allowances in line with paragraphs 2-5 above.
7. If there is a financial consequence to a school by a representative attending a meeting of the Torbay Schools Forum, a claim may be made under the relevant allowances scheme.

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Schools Forum

Minutes and Actions

15.1.26

Apologies

Steve Margettes

Dan Hamer

Sally Banfield

• Introductions & Membership

- New members introduced, including Nik Salter as Early Years Rep.
- Sarah Tomkinson and Stuart Biddles announced their resignations as Chair and Vice Chair.
- Alex Newton agreed to act as interim Chair, with Steve Margettes as interim Vice Chair.
- Ongoing issues with forum membership and representation; Alex to review and contact potential members.
-

• Potential hourly rates for Early Years 26/27

- Proposed rates: 3 & 4 year olds up by 6.61%, 2 year olds by 4.91%, under twos by 5.08%. Average increase is 4.59%. Half of the DfE adjustment is retained as contingency, the rest distributed to providers.
- Retained element for central services set at 2.6% (below the 3% maximum).
- Forum agreed to share these rates with providers.
-

• Comparison between 25/26 & 26/27 DSG

- High Needs Block for 26/27 is cash flat due to DfE suspending the allocation formula pending SEND reforms.
- 25/26 saw growth in High Needs Block, but still overspent.
- In-year grants now included in DSG unit values.
- NFF rates up 1.97%, but not fully affordable; will be scaled back by ~0.38%.
-

• National Funding Formula - unit values 26/27

- NFF unit values increased by 1.97% for mainstream schools.
- Actual allocations will be scaled back by about 0.38% due to affordability constraints.
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• % increase in funding for Special Schools 26/27

- Special schools' funding increase matches mainstream (1.97%), applied to total funding (not just top-up rates), subject to affordability.
-
- **Centrally retained functions for 26/27**
 - Planned pupil growth (mainly for St. Michael's), school admissions, servicing of forum, and early years retained element agreed as presented.
 - Planned pupil growth funding is required by DfE, even with falling rolls.
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- **De-delegation decisions for 26/27**
 - Maintained schools agreed to de-delegate free school meals eligibility, EAL/travellers for primary; insurance not de-delegated for secondary.
 -
- **Verbal update regarding having to amend the NFF values by less than 0.5%**
 - School allocations for 26/27 cannot be funded at full NFF rates; values will be reduced by less than 0.5% (about 0.38%) to make allocations affordable within the Schools Block.
 -
- **Standing Items & Future Planning**
 - Ongoing concern about potential future transfer from schools block to high needs block ("Virement"); agreed to keep as a standing agenda item and monitor other LAs' actions.
 - Hannah Baker to bring a future paper on Element 3 funding and SEND reforms once the white paper is published.
 - Request for an update on pupil place planning and sustainability, especially regarding St. Michael's and falling rolls.

Actions

- **Membership & Governance**
 - Alex Newton to review forum membership, contact potential new members, and clarify representation.
 - Sarah Tomkinson to share the current membership/terms of reference document with Alex.
 - Louise Willmott to add governance support and membership review to the next agenda.
 -
- **Early Years & Finance**
 - Emma Kerridge to clarify and communicate the transition plan for the 12/13/14 week funding model.

- Rob Parr to provide alternative scenarios for retained funding and more detail on central staffing roles in future papers.
- Rob Parr to circulate the early years staffing breakdown to all forum members.
- Sarah Tomkinson to escalate the issue of early years access to the high needs block.
-
- **High Needs & SEND**
 - Hannah Baker to provide tribunal and mediation data related to high needs block funding at a future meeting.
 - Hannah Baker to bring a paper on Element 3 funding and SEND reforms after the white paper is published.
 -
- **Centrally Retained Functions**
 - Rob Parr to bring DfE guidance on planned pupil growth, admissions, and forum servicing to the next meeting.
 - Hannah Baker/Claire Talbot to provide an update on pupil place planning and sustainability.
 -
- **Standing Items**
 - Louise Willmott to keep the schools block to high needs block transfer (“Virement”) as a standing agenda item.
 - Rob Parr to bring a paper on which LAs have made block transfers and to what levels.

Decisions

Planned Pupil Growth / Falling Rolls **Y**

Schools Admissions Services **Y**

Servicing the Schools Forum **Y**

Retained element of Early Years (2.75 retained in 25/26, proposed 2.60% in 26/27) **Y**

Funding moved from Schools Block to High Needs Block **N**

- **Chair/Vice Chair:** Alex Newton appointed interim Chair; Steve Margetts interim Vice Chair.
- **Early Years Rates:** Proposed hourly rates and methodology for 26/27 agreed for sharing with providers.

- **Centrally Retained Functions:** Agreed to planned pupil growth, admissions, forum servicing, and early years retained elements as presented.
- **Delegation for Maintained Schools:** Agreed to de-delegate free school meals eligibility, EAL/travellers for primary; insurance not de-delegated for secondary.
- **Standing Item:** Agreed to keep schools block to high needs block transfer as a standing agenda item and to monitor other LAs' actions.
- **Element 3 Funding:** Agreed to await SEND white paper before reviewing Element 3 funding.

Schools Forum

Ref	Date	Action/Decision	Assigned to	Deadline Date	RAG Status (Red/Amber/Green)	Update (incl. reasoning and decision making if applicable)
	16.1.25	Need Primary Academy Governor				Done
	16.1.25	Alex will ask for a Governor if James is a no. Louise to email James				Query is this james.down@stcm.torbay.sch.uk - email sent. James will confirm week of 17th February
	16.1.25	Debbie Horn will be the new Primary maintained Governor - email address required	Sarah Tompkinson			
	16.1.25	Early Years Figures to be brought to next meeting for last 5 years underspend	Rob Parr			
	16.1.25	Meeting to held out of Schools Forum to discuss the budget for Early Years Sarah Tompkinson to agree	Sarah Tomkinson			
	16.1.25	Laurence Frewin and Graham Pirt to meet to discuss post 16 Locality Model	Graham Pirt			Done. Meeting held 22/1/2025.
	16.1.25	Powepoint presentation to be shared from Hannah Baker	Louise Willmott			Sent to chair
	16.1.25	outcome provided in writing to schools forum members.	Emma Kerridge			Schools wish to appeal decision
	16.1.25	Children's Services will be writing to all schools to ask if they would like to come on board.	Hannah Baker			Action completed
	16.1.25	Safety Valve powerpoint to be shared	Hannah Baker			Sent to chair
	16.1.25	Invite Sarah Miller to Schools Forum re Mapping work by ward and how they have overlaid SLCN need against deprivation THIS ROLE IS NO LONGER OPERATIONAL	Hannah Baker			Siobhan Grady presented and will share slides
	16.1.25	Principal & CEO of South Devon Collage would like to see the evidence that drives the Locality Model.	Hannah Baker			Hannah to share data at the meeting.
	6.5.25	Letter to SF members re decision for the removal of the 100k HNB contribution to Early Years SEND funding will remain in place.	Nancy Meehan			
	19.6.25	send the DfE Schools Forum guidance to all members.	Louise Willmott			
	19.6.25	write to members to express the importance of full and regular attendance and contribution	Sarah Tomkinson/Stewart Biddles			
	19.6.25	Schools forum methods check guidance regarding decision making.	Forum			
	19.6.25	liaise with Head of Early Years to continue the communication regarding the SLCN pilot and support available.	Hannah Baker			
	19.6.25	tribunal numbers on paper for the next meeting.	Hannah Baker			
	19.6.25	to send the DfE Schools Forum guidance to all members.	Louise Willmott			
	25.9.25	Further data required on Tribunal Statistics to board	Hannah Baker			schools forum deferred until Jan. Statistics not within remit of schools forum
	25.9.25	Chair to write to Nancy re escalation of Early Years funding	Sarah Tomkinson			
	25.9.25	Budget breakdowns for Early Years to next meeting	Rob Parr			Agreed with Chair to share with Chair & Tim, supplied information in emails dated 30/9/25 & 2/10/25. Also followed up with additional email 15/1/26 and left up to chair if it needed to be forwarded to all members
	25.9.25	Forum to monitor safety valve position, demographic changes, and value-for-money initiatives.	All			
	25.9.25	Forum to consider implications of Schools Block transfer for future years	All			
	25.9.25	Membership to be re addressed	Sarah Tompkinson			



	15.1.26	Review forum membership, contact potential new members, and clarify representation.	Alex Newton			
	15.1.26	Share the current membership/terms of reference document with Alex.	Sarah Tomkinson			
	15.1.26	Add governance support and membership review to the next agenda.	Louise Willmott			
	15.1.26	Clarify and communicate the transition plan for the 12/13/14 week funding model.	Emma Kerridge			
	15.1.26	Provide alternative scenarios for retained funding and more detail on central staffing roles in future papers.	Rob Parr			Yes will do this
	15.1.26	Circulate the early years staffing breakdown to all forum members.	Rob Parr			Agreed with Chair to share with Chair & Tim, supplied information in emails dated 30/9/25 & 2/10/25. Also followed up with additional email 15/1/26 and left up to chair if it needed to be forwarded to all members
	15.1.26	Sarah Tomkinson to escalate the issue of early years access to the high needs block.	Sarah Tomkinson			
	15.1.26	Hannah Baker to provide tribunal and mediation data related to high needs block funding at a future meeting.	Hannah Baker			scheduled for next meeting - data review underway
	15.1.26	Hannah Baker to bring a paper on Element 3 funding and SEND reforms after the white paper is published.	Hannah Baker	post April 2026		
	15.1.26	Rob Parr to bring DfE guidance on planned pupil growth, admissions, and forum servicing to the next meeting.	Rob Parr			I met with Alex Newton 30/1/26 to discuss, Alex will be sending out an email to all members to summarise our discussion.
	15.1.26	Claire Talbot to provide an update on pupil place planning and sustainability.	Claire Talbot			
	15.1.26	Louise Willmott to keep the schools block to high needs block transfer ("Virement") as a standing agenda item.	Louise Willmott			
	15.1.26	Bring a paper on which LAs have made block transfers and to what levels.	Rob Parr			Will bring this to Feb 26 meeting
	15.1.26	there is any data available as to which LAs have not been able to meet the full NFF rates and by how much. And I think he gave us a date when he'd be able to confirm the exact figure by which the NFF values will be reduced (currently projected as approx. 0.38%).	Rob Parr	28 th February.		Data regarding how LA's allocate funding to schools was included in the minutes from the January 26 meeting. Schools will be informed of the exact unit values and % adjustment by 28/2/26, hopefully a couple of days before.

TORBAY COUNCIL

Schools Forum Paper –

Mediations and Tribunals financial review for Schools Forum

Introduction and Purpose:

Schools Forum has requested to explore in more detail Mediation and Tribunal costs over the past year to further understand the challenges to ‘best use of resources’ in our Higher Needs Block. This paper will give a particular focus upon Independent Sector Placements this being the highest area of spend on our Higher Needs Block.

Data Snapshot –

- In 2024 there were 38 appeals with 18 progressing to a tribunal hearing.
- In 2025 there were 89 appeals with 3 progressing to a tribunal hearing.

(see Appendix A and Appendix B)

The decrease in hearings are the result of improved sufficiency across the Local Area with more disputes being able to be resolved through Local Authority provision.

However, Torbay’s historic challenges with sufficiency have meant that young people previously placed at tribunal hearings will still be continuing in their provisions until (at the earliest) their next phase transfer. For example when an order is made for an Independent Specialist Educational Placement (ISEP) this means that the young person ISEP costs which be for the length of their educational career and are not just a one year cost. This cumulative effect is a key challenge to the High Needs Spending. To mitigate this the LA SEND team review all ISEP placements annually, however there is no legal right to remove a young person from an ISEP placement until a phase transfer, and even at this time there would need to be the right offer of provision available along with this being in line with child and parent wishes.

Links to Independent Placements and Tribunals

Torbay’s work on sufficiency is meaning that our forecasted use of ISEPs over time is decreasing – see Appendix C.

Currently there are 11 number of young people at ISEP settings as a result of a tribunal in the last 5 years.

This needs to be seen in the wider picture of the use of Independent Specialist Placements; ‘out of area’ ISEP placements are of a higher proportion due to the complex nature of these young peoples’ needs.

Costs:

LA Tribunal Management Costs

An appeal or Mediation costs attributable to the Local Authority are:

- Local Authority SEND Mediation team staff- 3 members of permanent staff. No legal representation is used for tribunal hearings.
Cost £154k
- Global Mediation Contract Cost – (The LA are obliged to provide impartial mediation)

In 24/25 the cost was £7,875

LA Placement costs

Independent Sector Placement Costs from tribunal placements:

- Of the 50 current ISEP placements 11 have been placed via a tribunal into an Independent Sector Placement.

The total annual cost of the 11 placements are: £686k.

The 11 young people year groups range from Year 4 to Year 13. If we assume that each young person would keep their tribunal placement for five years (this is more when ISEPs have a post16 placement) then the total cost of these tribunal placements are £3.430m

Conclusions:

The Torbay LA SEND team are working hard to continue to improve sufficiency in specialist placements. We hope that the forthcoming White Paper will support enhancing local provision so that the system supports better use of resources in the future.



Department
for Education

Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Date: 9 February 2026

Dear Anne-Marie Bond,

Closure of the Safety Valve Programme

Today the Local Government Finance Settlement sets out the support local authorities (LAs) will receive from central government to deal with historic and accruing Dedicated Schools Grant (DSG) deficits, through the High Needs Stability Grant, along with conditions for accessing this support [page 3 of [Government response to the 2026-27 provisional Local Government Finance Settlement & Explanatory note on the government's approach Dedicated Schools Grant deficits](#)].

The High Needs Stability Grant will be paid in Autumn 2026, subject to your local authority submitting, and securing the Department for Education's approval of, a local SEND reform plan. For all the LAs in the Safety Valve programme, the new deficit grant will provide at least as much financial support as you would have received through the remainder of your Safety Valve agreement. Given this wider and universal approach to DSG deficits, we have therefore decided to close the Safety Valve programme with effect from the 1 April 2026. Safety Valve agreements will be replaced by this wider approach to DSG deficits and local area SEND reform plans.

In the calculation of the new grant, LAs with a Safety Valve agreement will be treated equitably with other LAs and will not be disadvantaged by their participation in the Safety Valve programme. We will take into account local contributions that some LAs have already made as part of their Safety Valve agreement, counting them as part of LAs' 10% contribution under the new scheme. We will also ensure that all LAs receive at least the same amount of grant through this new arrangement as they would have through Safety Valve.

This letter sets out arrangements for LAs in the Safety Valve programme in more detail.

How the grant will be calculated for LAs with a Safety Valve agreement

To ensure an equitable calculation of the grant, we will apply a specific calculation for local authorities who participated in the Safety Valve programme:

$$\begin{aligned} & \textit{High Needs Stability Grant} \\ & = (0.9 * (25 - 26 \textit{ Deficit} + \textit{ Safety Valve Payments} + \textit{ Local Contributions})) \\ & \quad - \textit{ Safety Valve Payments} \end{aligned}$$

Where:

<i>25-26 Deficit</i>	Is the total DSG deficit recognised in the unusable reserve that is eligible for relief, i.e. excluding any ineligible spend or charges, net of Safety Valve Payments, Local Contributions and any other surplus DSG balance recognised as at 31 March 2026.
<i>Safety Valve Payments</i>	Is the total of all Safety Valve payments that have been made to the local authority since the start of their agreement until the end of 2025-26, as per published agreements.
<i>Local Contributions</i>	Is the total of Local Contributions made by the local authority as agreed within the Safety Valve Programme as at 31 March 2026.

We will be in touch in due course to confirm the total amount of local contributions that you have made to reduce the DSG deficit as part of your Safety Valve agreement as well as the total Safety Valve payments you have received.

Safety Valve monitoring reports and payments

All monitoring reports for 2025-26 have been collected and reviewed and all Safety Valve payments for 2025-26 have been made. There will be no requirement to submit any further Safety Valve monitoring reports and no further Safety Valve payments will be made. Instead, through the approach set out above, we will ensure that you receive at least the same amount through the High Needs Stability grant as you would have received through any remaining Safety Valve funding.

Your Safety Valve plan

We would like to thank you for the work and engagement you have shown throughout your participation in the Safety Valve programme. Although the programme is now coming to an end, the progress made and commitment to your plans are recognised and appreciated. As you develop your local SEND reform plan, we hope the foundations established through this work will support your next steps. We expect you will be able to make use of your Safety Valve plan and integrate those elements that will support continued progress and help you to realise the vision set out in the upcoming schools white paper.

Support from expert advisers

You will continue to receive support from your expert SEND adviser and financial adviser as you develop and implement your local SEND reform plan.

Disapplications linked to Safety Valve agreements

Disapplications for 2026-27 have been dealt with, and will not be affected by the end of the Safety Valve programme. Disapplications for future years will be handled in line with arrangements for other LAs.

Thank you for your team's hard work and commitment throughout your Safety Valve agreement. We wish you every success as you begin the development and implementation of your local SEND reform plan.

Kind regards,



Tom Goldman

Deputy Director, Funding Policy Unit

Target = 1488 by 31/3/25

1. Current Position (calendar year 2024)

- Current EHCPs 1678
 - New EHCPs 211
 - Transfers In 26
 - **EHCPs in 237**
 - Ceased Plans 88
 - Moved Out 26
 - Other 11
 - **EHCPs out 125**
- There has been a net increase of 112 plans this calendar year.
- A net reduction of **190** (from 31/12/24) is required to reach the target of 1488 by 31/3/25 (end of financial year).
 - Based on previous years' data, this is not going to be met.

2. Direction of Travel: Increase / Reduction Rate

- Average EHCPs in per month, from January to Dec = 20
- Average EHCPs out per month from January to August = 10
 - i.e. we are averaging an increase of 10 plans per month.
- If we continue to increase at the average of 10 per month then the final figure will be approximately 1708.
- This would be 220 over the 1488 Financial Year target.

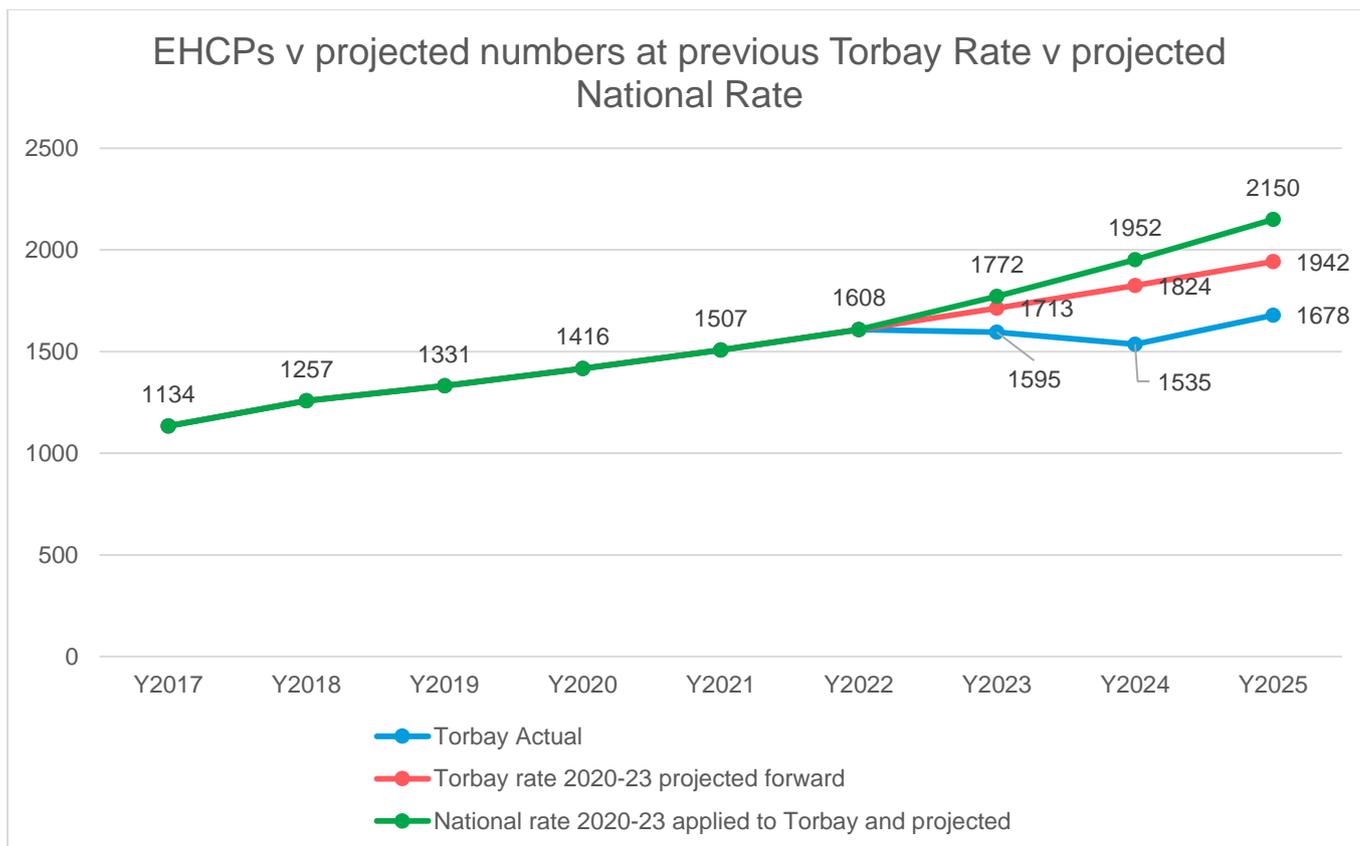
Context

The table below shows the rate of increase calendar year on year for Torbay and National EHCP figures.

SEN2 Jan	Torbay	Torbay Change	Torbay % change	National	National Change	National % change
Y2017	1134			287290		
Y2018	1257	123	10.80%	319819	32529	11.30%
Y2019	1331	74	5.90%	353995	34176	10.70%
Y2020	1416	85	6.40%	390109	36114	10.20%
Y2021	1507	91	6.40%	430697	40588	10.40%
Y2022	1608	101	6.70%	473255	42558	9.90%
Y2023	1595	-13	-0.80%	517049	43794	9.30%
Y2024	1535	-60	-3.80%	575963	58914	11.40%
Y2025	1678	143	9.30%			

- Torbay average rate of increase 2020, 2021, 2022 = 6.50%
- National average rate of increase 2020, 2021, 2022 = 10.17%

The chart below compares the current numbers to projections based on applying these rates of increase to the Jan 2022 SEN2 figure of 1608 (before SV work started).



- If Torbay had increased each year at the averaged Torbay rate (2020-2022) we would have 1942 plans
- If Torbay had increased each year at the averaged national rate (2020-2022, we would have 2150 plans
- Torbay currently has 1678 plans (final figure will be based on 16/1/25 census)
- The Torbay rate of increase for 2024-25 is likely to be approximately 9.3% (an increase of 143 EHCPs on previous year)

Underlying Data Sources:

- [Education, health and care plans, Reporting year 2024 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)
- *Torbay Capita system*

3. Requests for Statutory Assessment Analysis

In 2023

- Jan – June monthly average = 32.6
- July – Dec monthly average = 25.3

In 2024

- Jan – June monthly average = 27.6
- July – Dec monthly average = 21.8

- 294 Requests for Statutory Assessment (RSAs) were received in 2024.
- 119 of these RSAs were refused/stopped/withdrawn, stages outlined below:

REFUSALS / STOPPED / WITHDRAWN	
Inactive after Recd.	5
Inactive after Assmt Decision	99
Withdrawn EHCP	1
Assmt. stopped	0
No EHCP Following Assmt	14
RSA Stopped subtotal	119

- These 119 represent 54% of the completed 220 assessments.
- 74/294 RSAs are still in progress.

Analysis of Sources

The figures below show which school a CYP is attending at the point an RSA is submitted (whether submitted by the school, the parent/carers, or the young person).

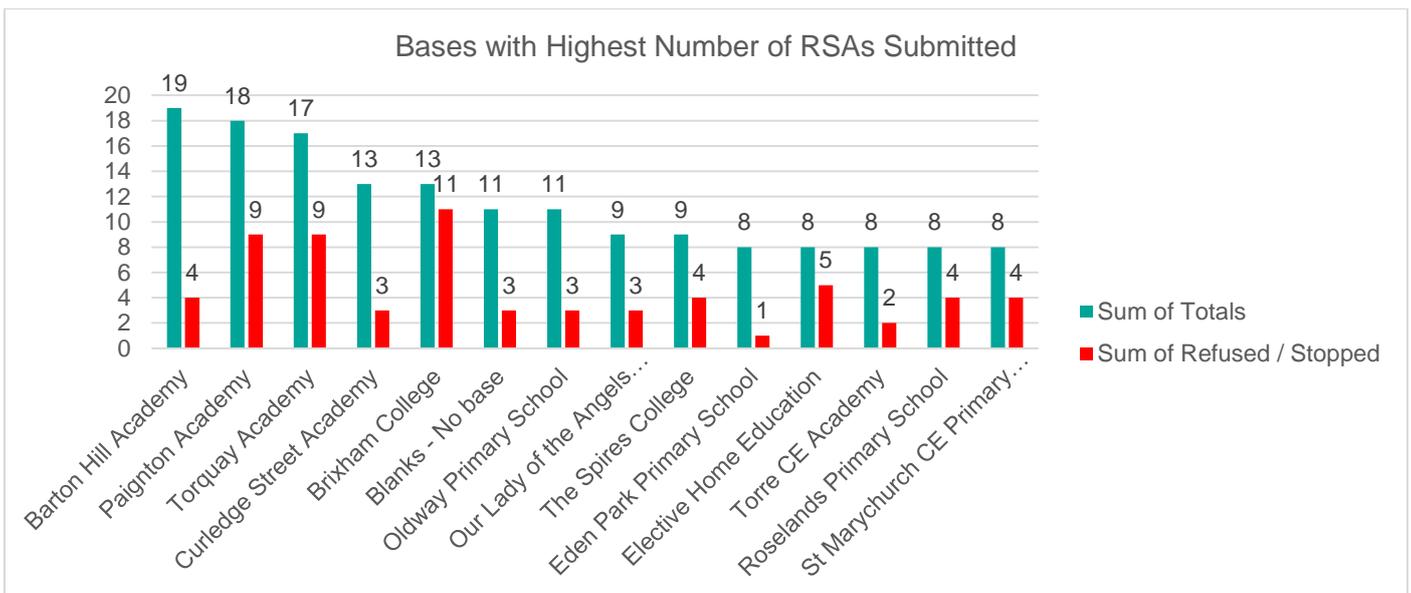


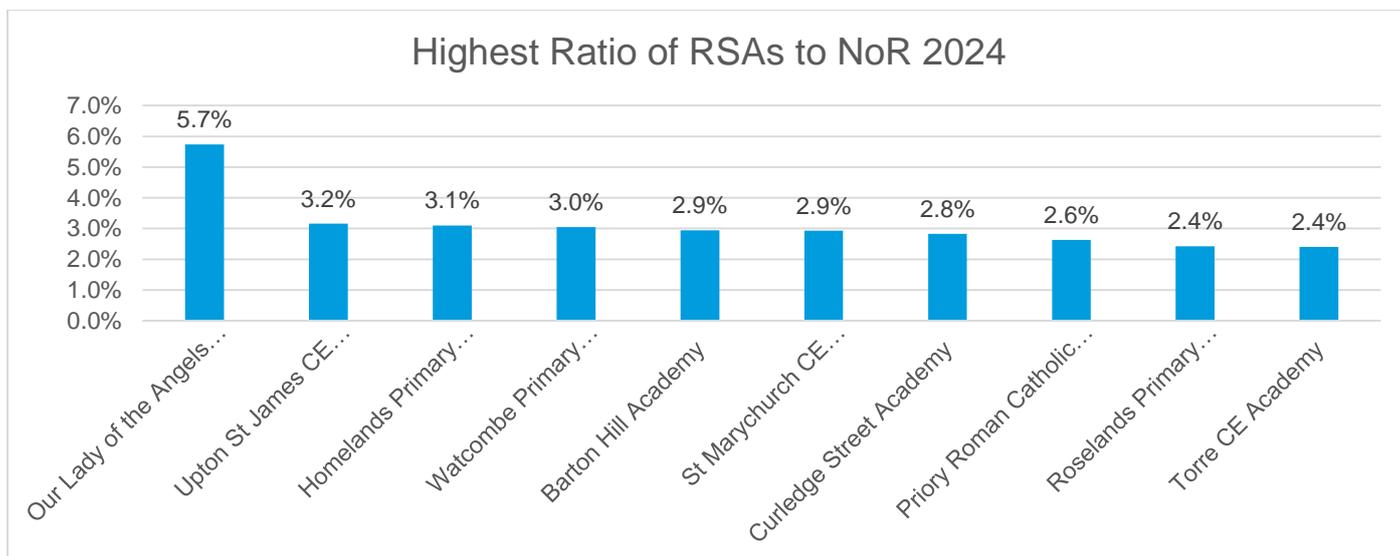
Chart is showing that Barton have submitted 19 RSAs of which 4 have been refused or stopped.

Sources of Referrals for Top 10 Settings

Source of the referral for the settings with the highest level of RSAs

Setting at time of RSA	Early Years Setting	% of RSAs	Parental request	% of RSAs	School	% of RSAs	Student Request	% of RSAs	Total of sources
Barton Hill Academy	6	32%	3	16%	10	53%	0	0%	19
Brixham College	0	0%	12	92%	1	8%	0	0%	13
Curledge Street Academy	3	23%	2	15%	8	62%	0	0%	13
Eden Park Primary School	2	25%	1	13%	5	63%	0	0%	8
Elective Home Education	0	0%	8	100%	0	0%	0	0%	8
Oldway Primary School	1	9%	4	36%	6	55%	0	0%	11
Paignton Academy	0	0%	5	28%	12	67%	1	6%	18
Roselands Primary School	3	38%	0	0%	5	63%	0	0%	8
St Marychurch CE Primary	2	22%	4	44%	3	33%	0	0%	9
The Spires College	0	0%	4	44%	3	33%	2	22%	9
Torquay Academy	0	0%	7	41%	8	47%	2	12%	17
Torre CE Academy	0	0%	2	25%	6	75%	0	0%	8

E.g. at Barton 32% of the RSAs submitted have come from the previous Early Years Setting, 16% were Parents, 53% the school, 0% students (rounded figs).



E.g. OLOTA shows the ratio of RSAs to children in the school is the highest.

4. Tribunals

Tribunal overview stats by Calendar Year – to date as of 08.01.25

Year/ cases	Total no. of cases lodged	No. of National Trial cases lodged	Reason for appeal							Carried over from previous yr/s	No. still live	No. concluded	Concluded without hearing	Outcome					
			Refusal to assess	Refusal to issue	Section B & F	Sections B & I	Sections B, F & I	Section I only	Cease					withdrawn	LA conceded	Consent order	Allowed (In favour of parent)	Allowed in part	Dismissed (In favour of LA)
2025	0	0	0	0	0	0	0	0	0	13	13	0	0	0	0	0	0	0	0
2024	38	3	11	10	0	1	9	7	1	8	13	33	26	7	12	9	1	3	0
2023	23	3	9	1	2	0	3	5	3	7	8	21+1 (moved LA)	18+1 (n/a as moved)	8	5	5	1	0	2
2022	18 (inc. 2 inherited)	1	7	4	1	1	3	1	1	2	7	12+1 (moved LA)	9+1 (n/a as moved)	6	4	0	1	1	1
2021	9	0	4	4	0	0	0	1	0	1	2	8	6	4	2	1	1	0	0

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