

Higher Needs EFSA/DFE Visit

18th May 2021

Rachael Williams – Assistant Director for Education

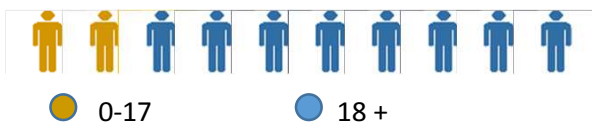
Martin Phillips – Head of Finance

TORBAY COUNCIL

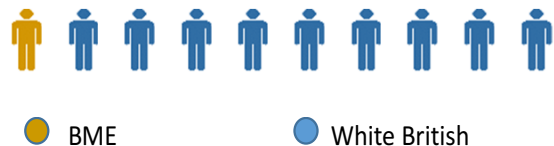
The logo for Torbay Council, featuring the words "TORBAY COUNCIL" in a bold, blue, sans-serif font. A horizontal yellow line is positioned directly beneath the word "TORBAY".

Torbay Snapshot for Children and Young People

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



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

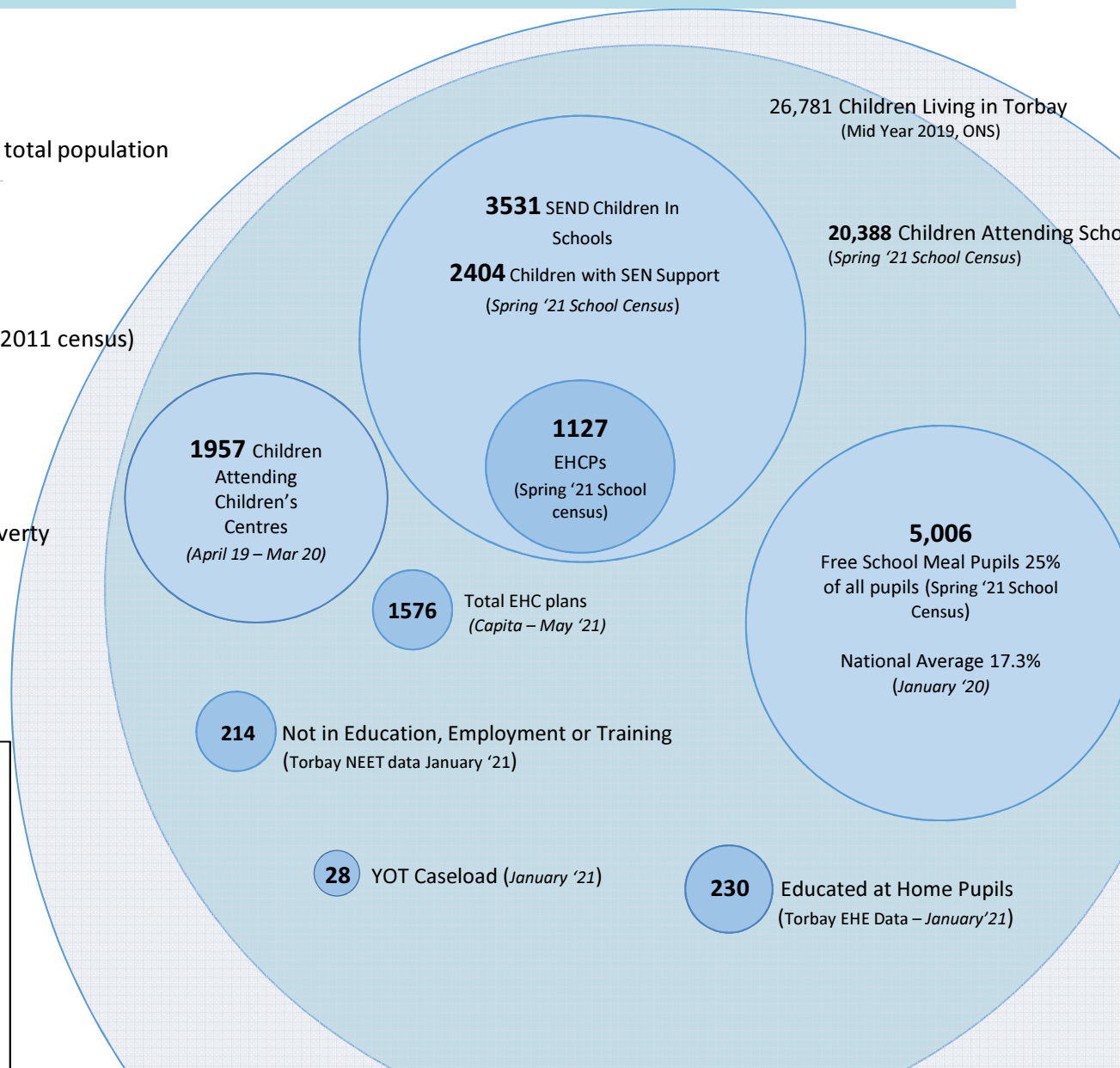
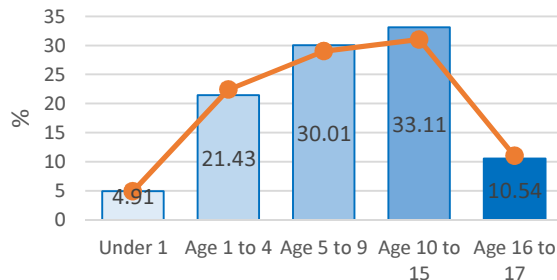


17.1% children and young people living in poverty



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

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



SEN Statistics – Torbay Headlines

Number of EHCPs 1507

Up from 1416 (+6.4%) in 2020

England: EHCPs increased by 10% in 2020

Initial Requests for an EHCP 201

Down from 307 (-34.5%) in 2019

England: Initial requests down -10% in 2020

Number of new EHCPs 159

Down from 188 (-15.4%) in 2019

England: New EHCPs increased by 11% in 2020

EHCPs excluding exemptions issued within 20 weeks 53%

Up from 23% in 2019

England down from 60.4% to 58% in 2020

The total number of Torbay EHCPs has continued to rise

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

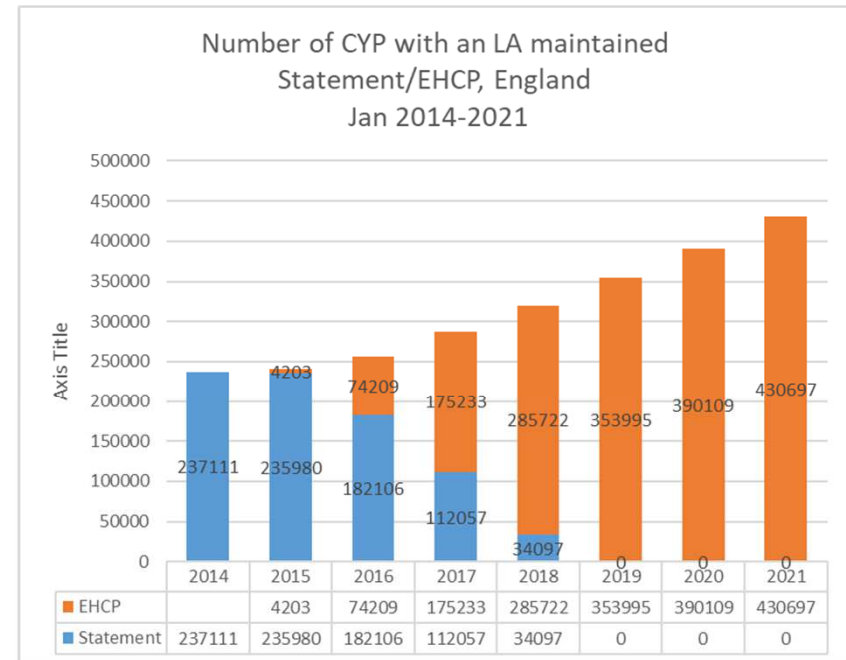
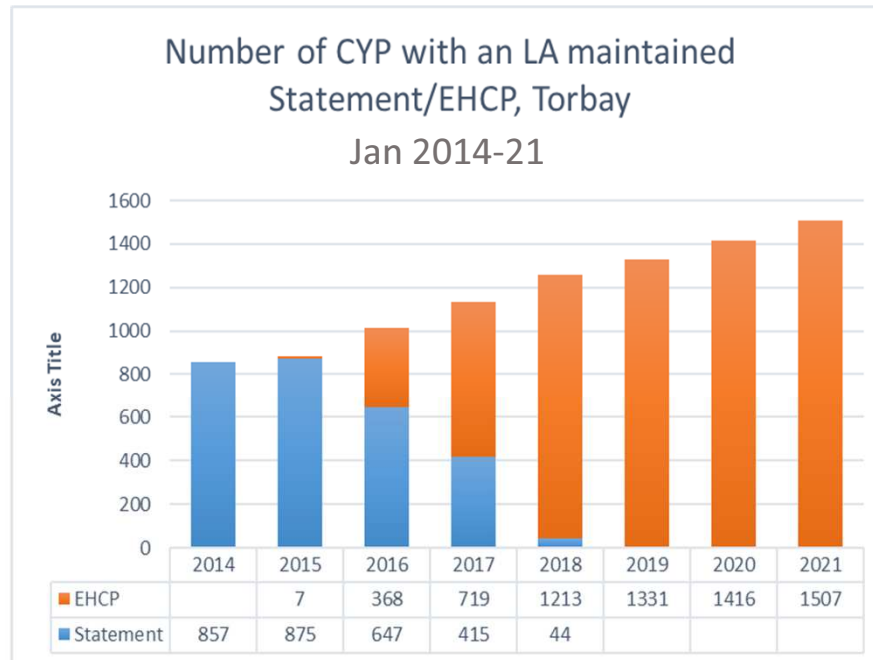
The number of new EHCPs made in the calendar year has decreased for the first time

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

The performance in meeting the 20 week timescales has improved

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

SEN Statistics –Statutory Plans



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

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

SEN Statistics – Statutory Plans

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

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

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

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

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

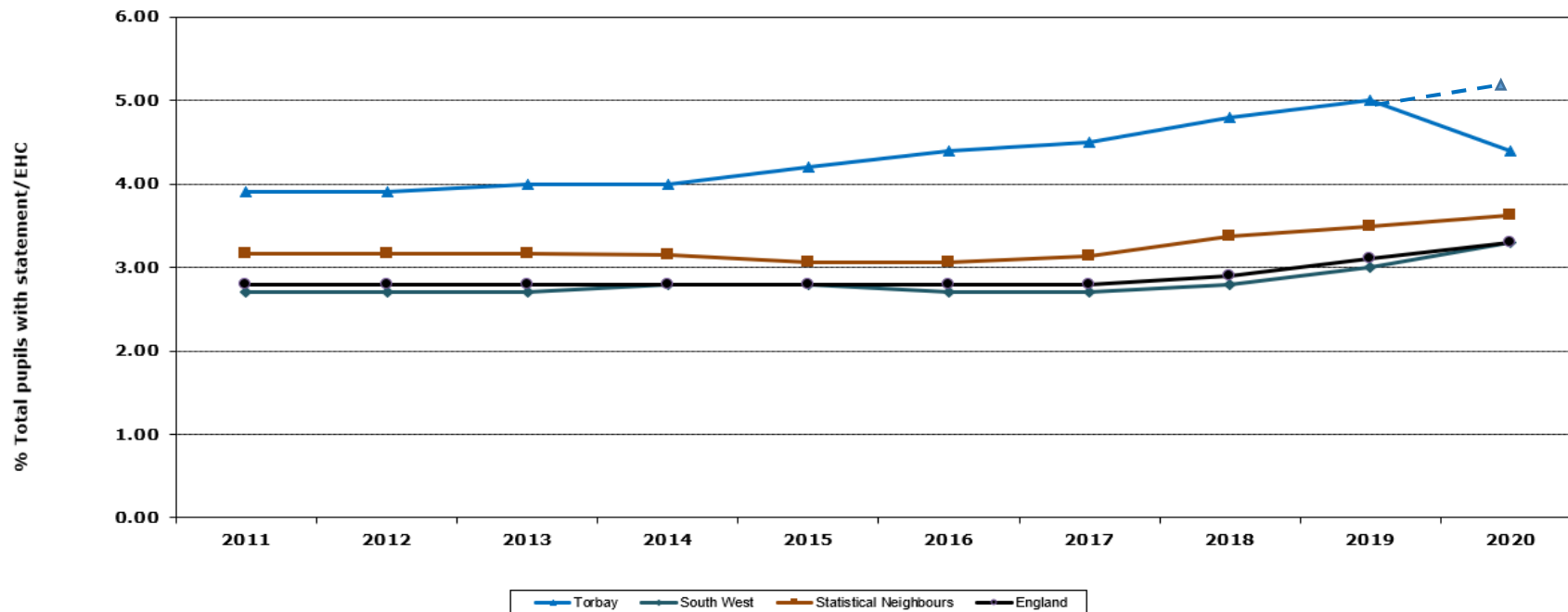
The number of Torbay plans issued in mainstream schools has increased by 35% compared to 25% nationally.

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

SEN Statistics – Statutory Plans

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

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



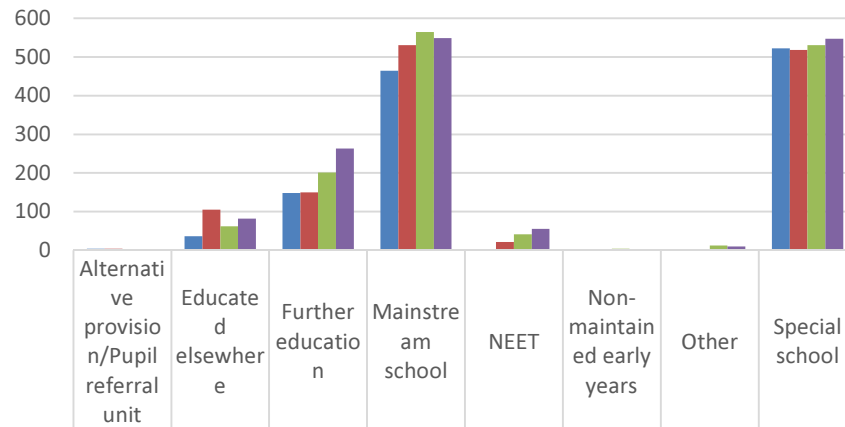
Provisional: Jan21 School Census, 5.5%, a 0.4% increase over 2020 actual below

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

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

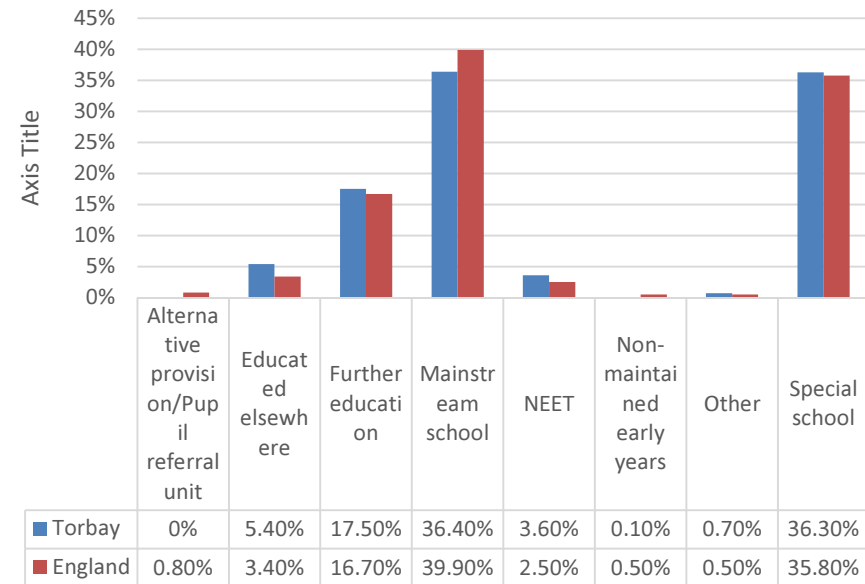
SEN Statistics – Statutory Plans

EHCPs by Establishment Type



2018	4	36	148	464	0	1	0	522
2019	4	105	150	531	21	2	0	518
2020	0	62	201	565	41	4	12	531
2021	0	82	263	549	55	1	10	547

% EHCPs by Establishment Type - 2021



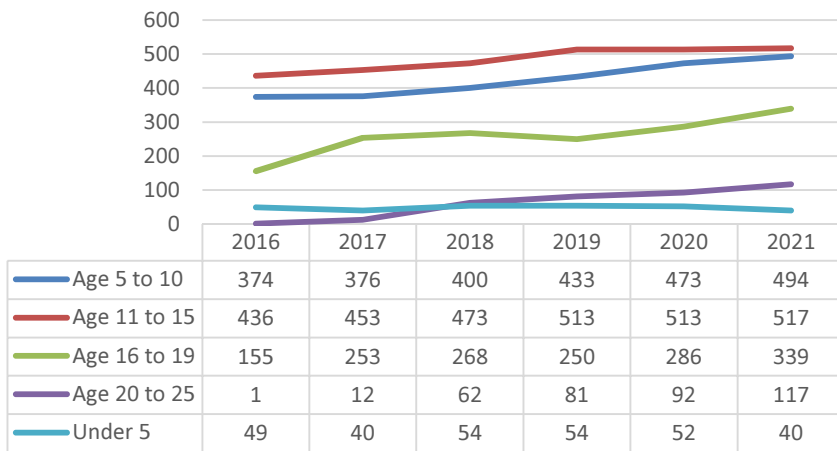
Torbay	0%	5.40%	17.50%	36.40%	3.60%	0.10%	0.70%	36.30%
England	0.80%	3.40%	16.70%	39.90%	2.50%	0.50%	0.50%	35.80%

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

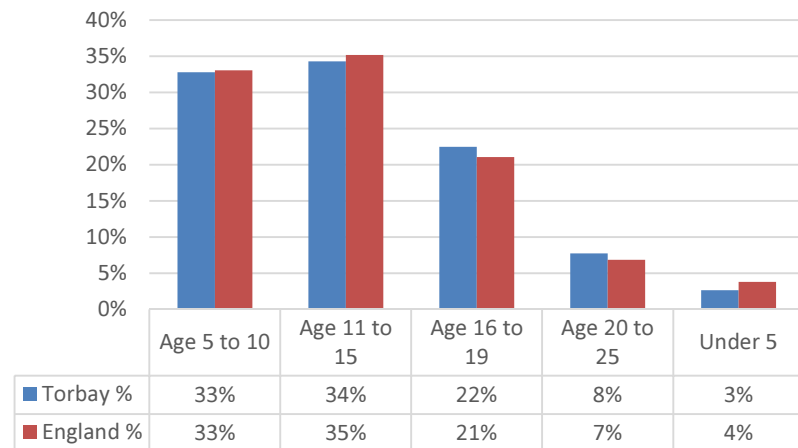
36.4% of Torbay EHCPs are for children in Mainstream Schools compared to 39.90% for England.

SEN Statistics – Statutory Plans

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

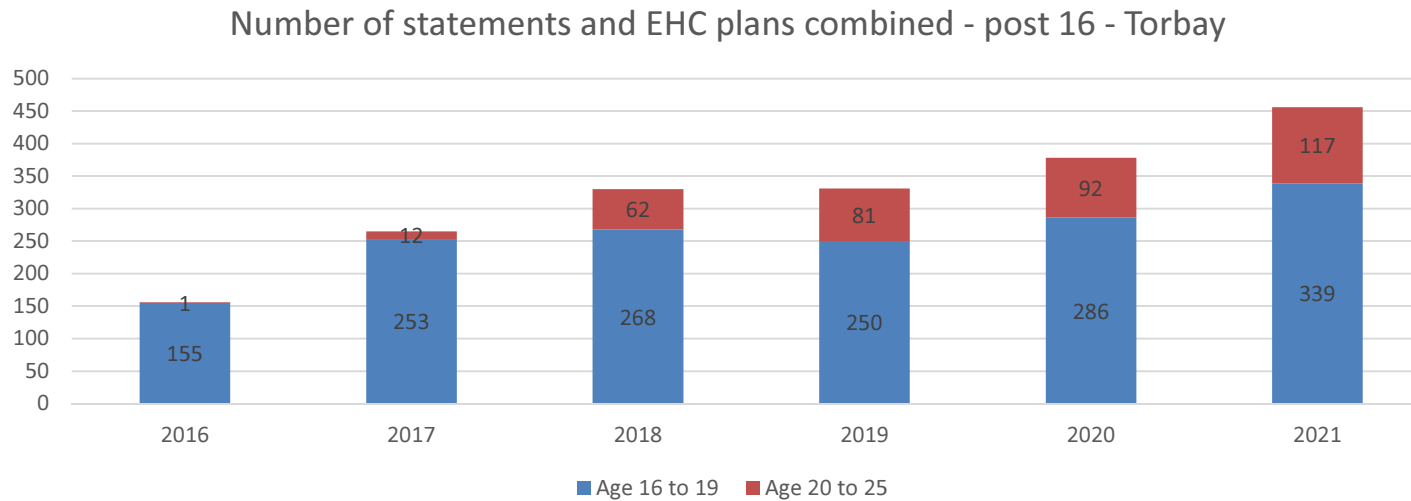


Percentage of EHCP cohort by age group, Torbay and England, May 2021



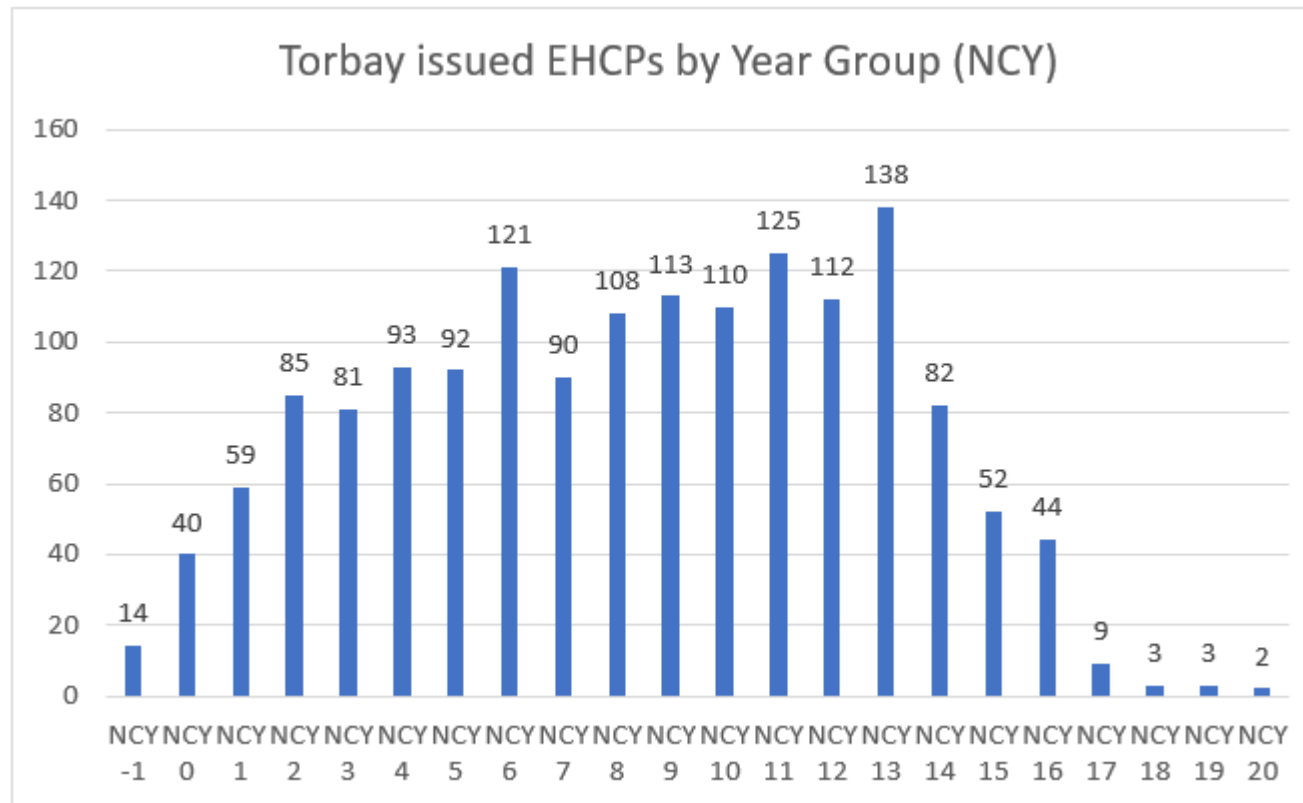
The number of Torbay EHCPs increased across all age groups except Under 5s in 2021. The distribution of the Torbay EHCP cohort is in line with England.

SEN Statistics – Statutory Plans



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

SEN Statistics – Statutory Plans

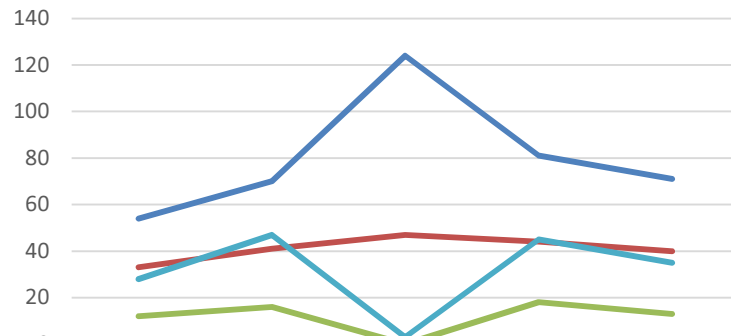


Total: 1576 EHCPs as at 11th May 2021

Source: Capita ONE

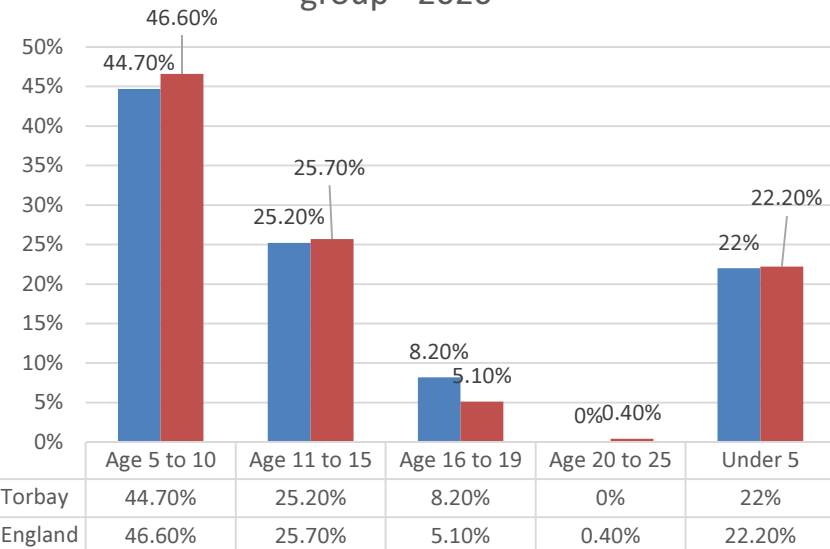
SEN Statistics – New EHC plans

New EHC plans by age group - Torbay



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

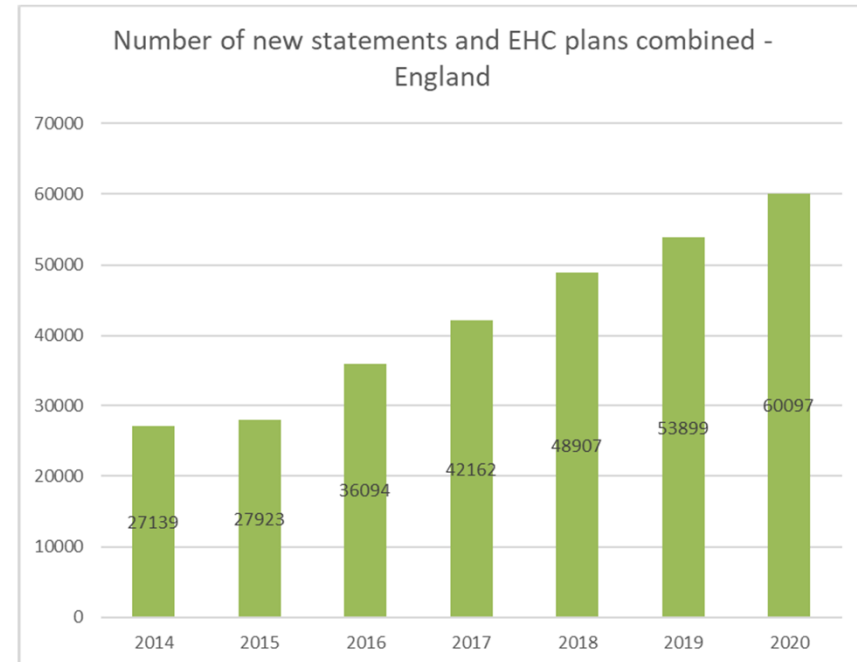
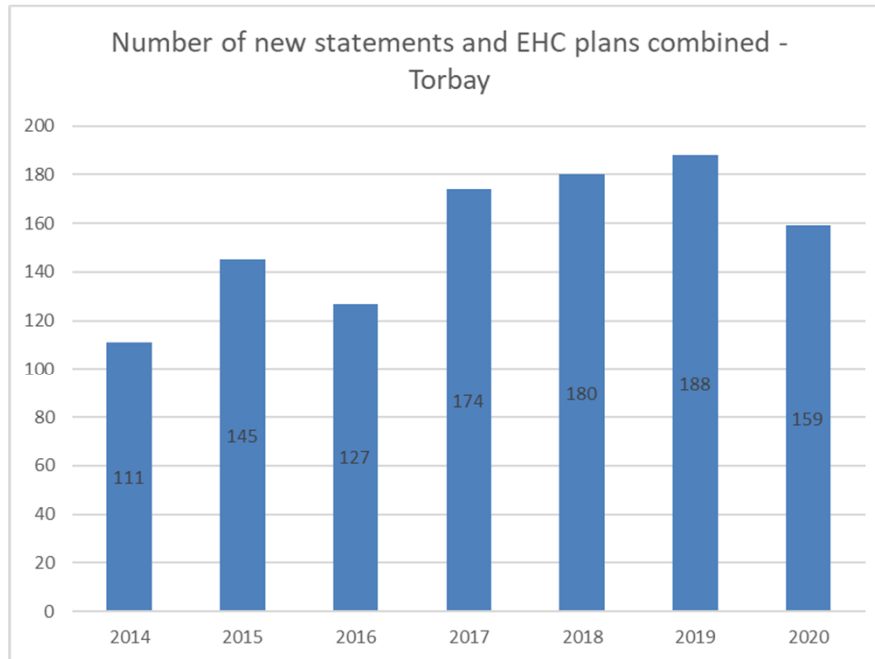
% of First Time LA Maintained EHCPs by age group - 2020



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

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

SEN Statistics – New EHC plans

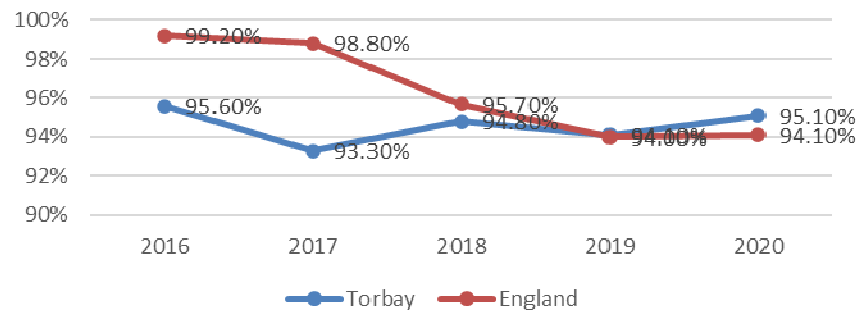


The number of new plans issued within a calendar year has increased from 111 in 2014 to 159 in 2020 (+43%). This compares to an increase of 121% in England.

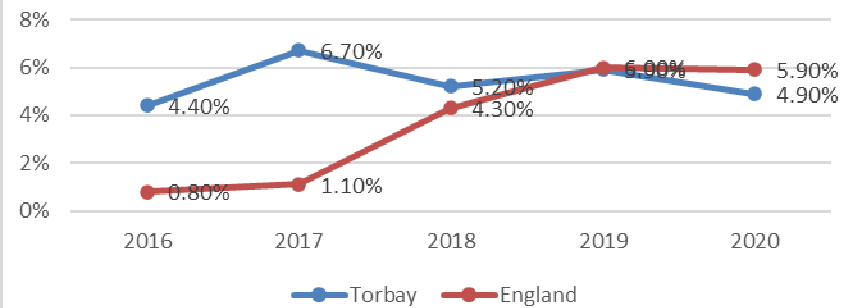
2020 was the first year to see a decrease in new plans since 2016. Based on 2019 figures the above comparison would be Torbay 69%, England 99%.

SEN Statistics – New EHC plans

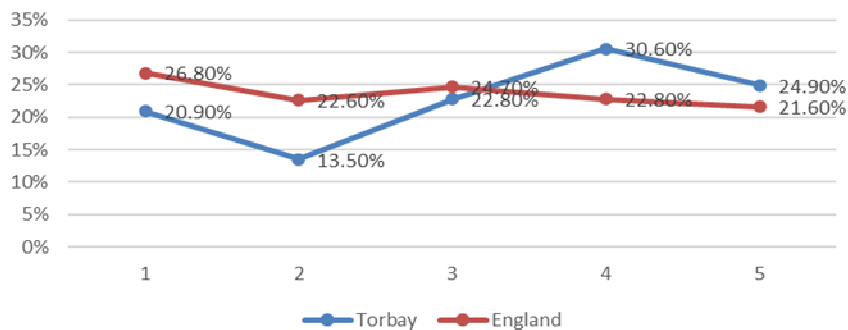
Percentage of children and young people assessed for whom EHC plans were made for the first time during the calendar year



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



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



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

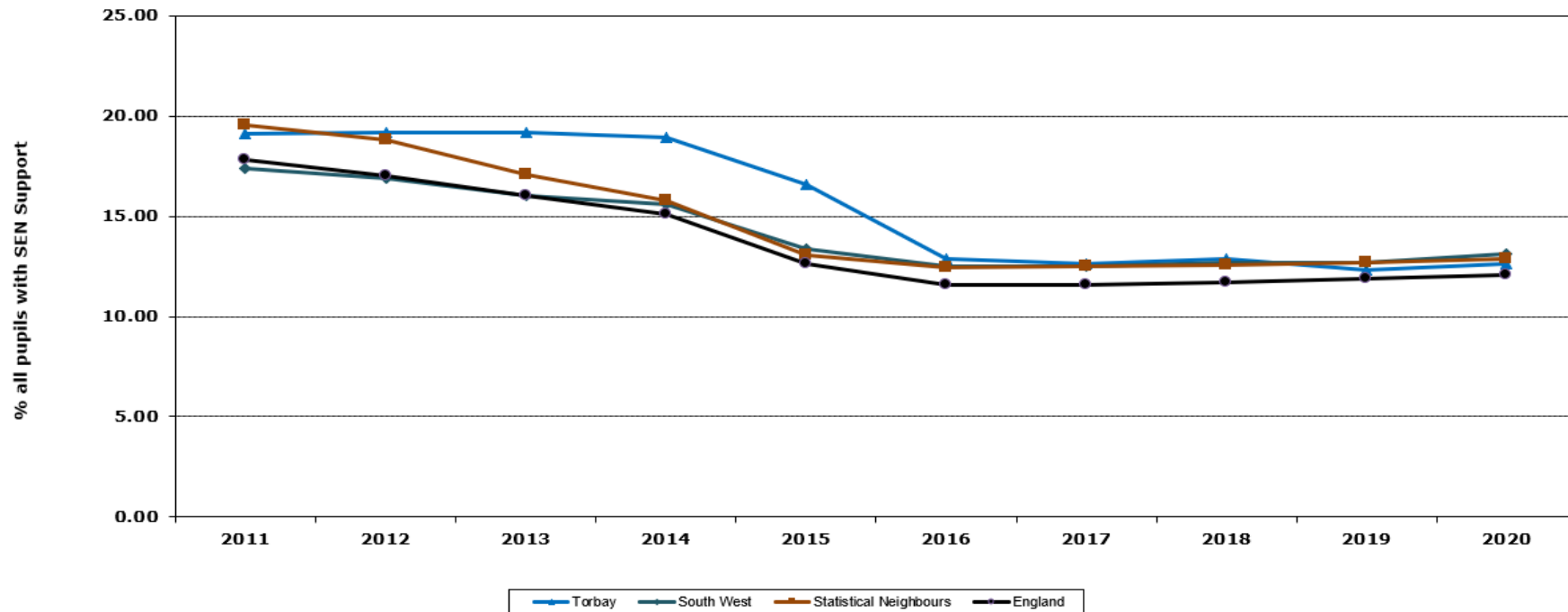
In 2020 Torbay refused 24.90% of initial requests for assessment compared to England at 21.60%. This represents a decrease from 2019 when Torbay refused 30.60%.

SEN Statistics – SEN Support

% of Pupils with Special Educational Needs (SEN) Support

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

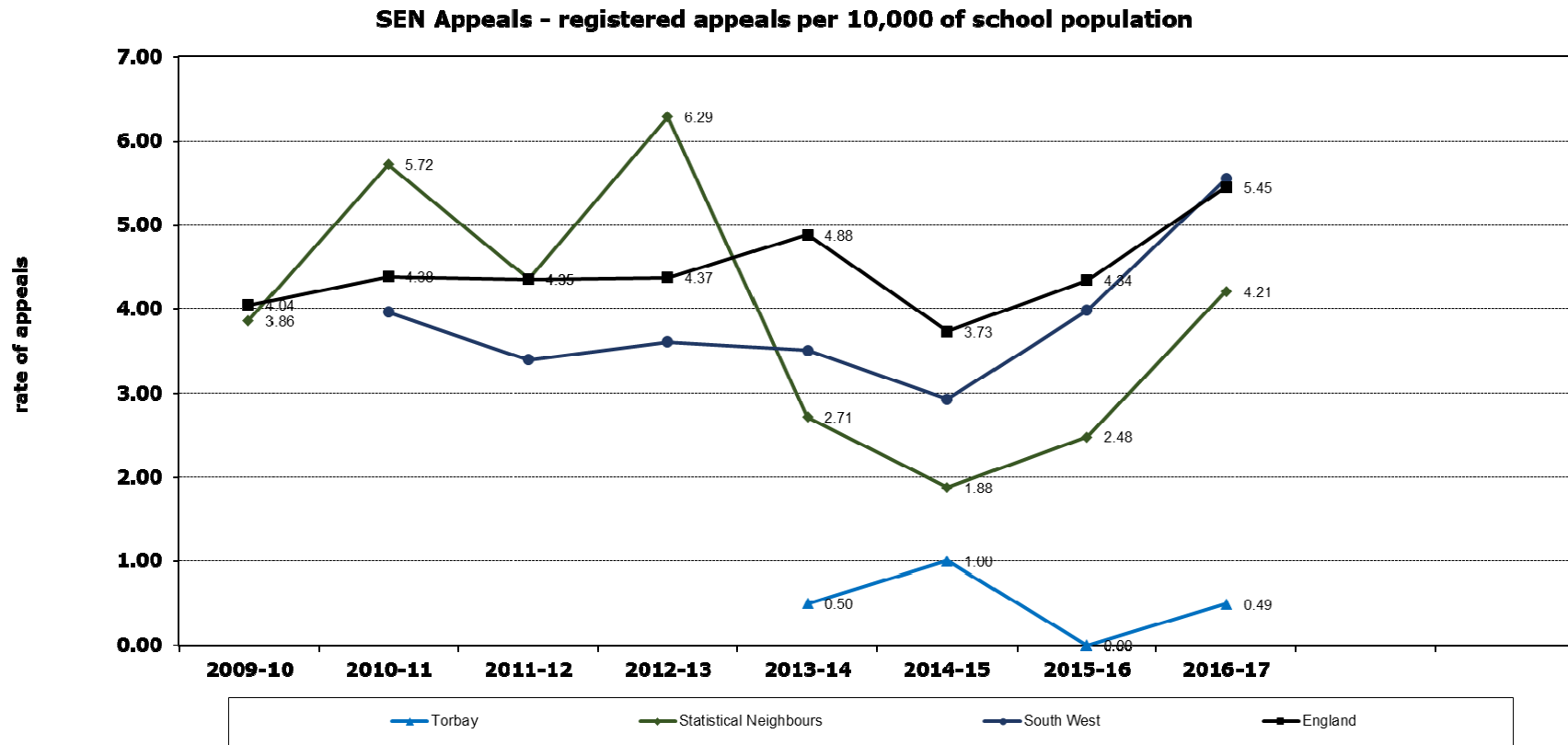
Provisional: Jan21 School Census, 11.8%



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

Source : LAIT May 21

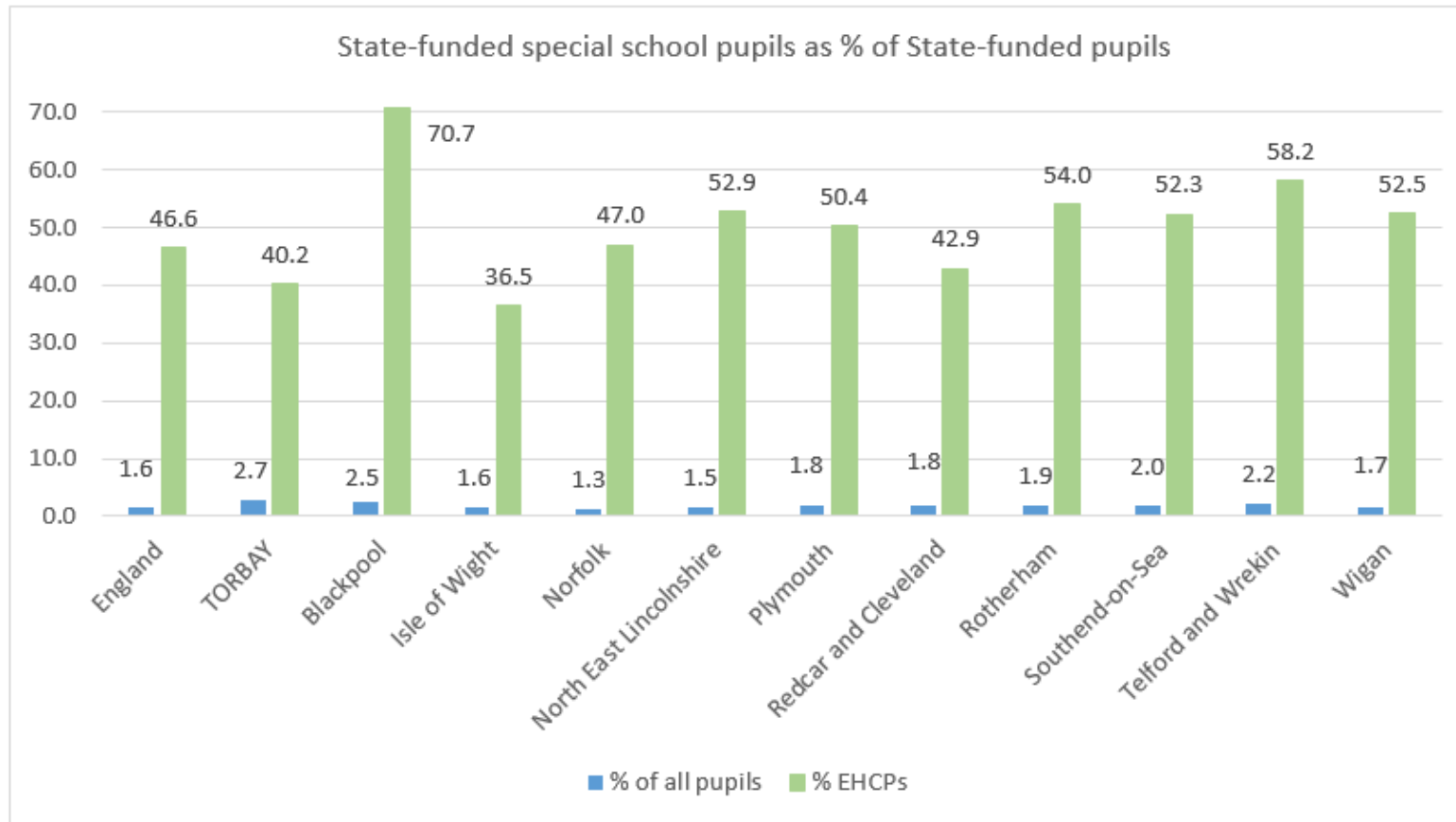
SEN Statistics - Appeals



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

Source : LAIT May 21

SEN Statistics - Pupils in Specials Schools



Source data – National Statistics – *Special Educational Needs in England Jan 2020*

Overall Budget Position

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

Outturn Position 2020/2021

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

Deficit DSG Budget 2021/2022

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

Communicating the issues and the plan . . .

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

What have we done to date . . .

Strengthening an inclusive and accountable culture

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

What have we done to date . . .

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

What have we done to date

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

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

What have we done to date . . .

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

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

What in addition have we done for Covid . . .

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

What do we still need to do?

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