

Minutes of the Schools Forum
Held via Microsoft Teams
10 March 2022

-: Present :-

Stewart Biddles (Chair) Primary Academy Rep; **Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Alex Newton**, Secondary Maintained Head; **Mike Lock**, Special Schools Head; **Jayne Jones**, Early Years Rep; **Steve Margetts**, Secondary Academy Head, **Ken Kies**, Primary Academy Head; **Sarah Tomkinson**, Primary Maintained Head; **Laurence Frewin**, Post 16 representative
(Substitute for Kelly Sooben)

-: Also in attendance :-

Rachael Williams, Assistant Director for Education, Learning and Skills; **Rob Parr**, Principal Accountant; **Dan Hamer**, Head of Vulnerable Pupils; **Dorothy Hadleigh**, Head of SEN; **Matthew Gifford**, Head of Education Business & Performance; **Grace Beer**, SEND Data officer; **Kate Reynolds**, SEND Strategic Lead; **Michael Freeman**, Clerk

1. Apologies/Changes to Membership

Apologies were received from Clive Star, Jim Piper and Martin Phillips. Members welcomed Sarah Tomkinson to her first meeting as Primary Maintained Representative. Laurence Frewin attended as a replacement for Kelly Sooben.

Kate Reynolds was also in attendance, observing the meeting in her role as SEND Strategic Lead.

2. Minutes of the last meeting

The minutes of the last meeting held on 20th January 2022 were approved as an accurate and true record.

3. Financial Report

Rachael Williams, Assistant Director for Education, Learning & Skills, shared the updated financial report. There remains a significant overspend on DSG funded activities, this currently stands at £3.234m. This is a slight reduction since the last meeting, largely due to the ceasing of one independent special school place and a reduction in Other EHCP packages and SEND personal budgets. It was noted however that there has been an increase on the School Contingencies budget line.

Whilst the Early Years census is still being calculated, the data shows that the Local Area could expect a positive adjustment of just over £80k. This estimated adjustment figure has been included in the forecast outturn position data. Overall, the EY budget for 2, 3 and 4 year olds is expected to be overspent by £29k.

Rachael then warned the Forum that Devon colleagues are looking at the possibility of back charging Torbay for recoupment costs. The legality of this is currently being investigated by the LAs legal department.

Members agreed to note the current position and continue to work with the Local Authority through the mechanism of the Higher Needs Recovery Group to enact the financial recovery plan.

4. Safety Valve

Rachael shared with members a letter from the DfE and their decision on the LAs application to be part of the safety valve intervention programme. It was pleasing to note that Torbay has been selected to take part as part of the second wave of funding, given we have one of the highest DSG deficits nationwide.

Members welcomed the intervention, and asked what the consequences of this will be. It was felt that the safety valve would place the LA under further scrutiny, but would also allow for more inclusive practices and enable the LA to implement a graduated response, taking into account the contributions of partner agencies.

The DfE will be in touch with further details in due course. When Rachael hears back, she will invite members to partake in initial meetings.

5. Written Statement of Action SEND

Members were shown a PowerPoint detailing the LAs response to the DfEs findings from the latest SEND inspection. The paper outlined the partnership commitment, the four pillars of the improvement programme, and the progress and next steps being taken. It was noted that the proposals taken forward from the Schools Forum/Higher Needs Recovery Group workshops link into all four pillars, particularly around inclusive practice, and whilst acknowledging there is as long way to go, it was felt that the plans would provide a more robust mechanism for change involving all partner agencies.

Members thanked Rachael for the paper, and gave support to the Written Statement of Action.

6. Latest SEND Statistics

The Forum heard from Matthew Gifford and Grace Beer of the Education Business & Performance team, who presented updated statistics on the number of RSAs (Requests for Statutory Assessment). The main points to note are that since 2014,

Torbay has seen an increase of 76% in the number of new Education, Health and Care Plans (EHCPs) being issued. This is broadly in line with the national figure of an 82% increase. However, the percentage of children in Torbay with EHCPs (currently 5.50%) continues to be much higher than our statistical neighbours (3.92%) and national colleagues (3.70%). Dorothy explained that the drop in EHCP numbers in 2020 was due to the impact of COVID, and that the number of RSAs have since continued to grow.

Members were concerned to note that the gap between Torbay and other LAs appears to be widening, and queried why that was. It was explained that Torbay remains above the national average for Social, Emotional & Mental Health Needs, and there has also been a rising trend in Autism and Speech and Language needs as well.

Statistics show that there is a growing number of RSAs being submitted for Children transitioning into Primary School. It was queried whether these submissions were COVID related, and whether some work catching these Children up would be more beneficial than a long term EHCP. Rachael agreed to talk to TAPS (Torbay Association of Primary Schools) at their meeting next Wednesday.

Members asked if there has been any input from Health colleagues. Rachael explained that Health now chair the Joint SEND Strategic Partnership, Rachael is also involved with Health meetings as well, Linking with the CCG as part of the Joint Commissioning pillar.

Action – Rachael to provide a pictorial overview to Forum of the members of the SEND Strategic Partnership.

7. Secondary/Special School consultation process

Dorothy Hadleigh, Lead Officer for SEND, shared some information on the current Secondary/Special school consultation process. The number of Special School placements remains a challenge for the LA, and it was felt that both schools and the LA need to improve the confidence of parents that children's needs can be met in mainstream provisions. Members accepted that there is a lack of equity in the approaches of mainstream schools at the moment, Dorothy will be meeting with School SENCOs and TAPS to discuss this further, and remind them that mainstream schools have an obligation to meet a child's need.

Parents in the Early Years sector are also reporting anxiety that their children's needs cannot be met at SEN support level. Members were in agreement that whilst this was not the case, this message needed to be conveyed to parents more clearly.

Stewart felt that whilst some fantastic practice is being implemented in some schools, perhaps this is not the case in all schools at the moment. Ken shared with colleagues The Hub resource base at Eden Park as an example of good practice.

Mike Lock felt that it was not always the case that parents think mainstream cannot meet their child's need, but instead perhaps the different offer available at Combe Pafford, in terms of smaller class sizes and a different curriculum, was more attractive to these parents. Rachael agreed with Mike's point, agreeing to mention this in the LAs Written Statement of Action.

Action – Rachael to update Written Statement of Action.

Action - Matt Gifford to provide updated feedback from parents at the next School Forum.

8. EHE legal advice decision

Dan Hamer, Head of Vulnerable Pupils, shared the legal advice on the EHE charging decision, as requested by School Forum at the last meeting. Members asked for a review of the position taken during the 2018/19 consultation, and after a brief discussion, were asked to vote on the following proposals:

1. In line with the advice, Schools Forum recognises that the Local Authority continues to charge as per the amended decision of 2021 in that it will charge for specific activity to support a named child who moves to Elective Home Education for the remainder of the academic year in which they move to EHE.

For: 11
Against: 0 **Unanimous**
Abstain: 0

2. This will not include any charging for Educational Psychology services associated with these children whilst EHE.

For: 11
Against: 0 **Unanimous**
Abstain: 0

3. The Local Authority will return funding (£1,648) to schools where there has been a specific charge for EP services.

For: 11
Against: 0 **Unanimous**
Abstain: 0

Action – at School Forums request, members were disappointed that the letter from the Barristers appeared to single out a particular Torbay School. This was felt to be unfair and the LA agreed to redact this part of the letter in the published minutes.

Action – Dan Hamer to find out the legal position on the original decision taken in 2018/19 and report to the next meeting.

9. New financial regulations regarding out of area placements

Dorothy shared with colleagues a briefing paper detailing new legislation on the funding of Post 19 students with SEND. Post 19 provision for young people accommodated under the Care Act 2014 with an EHC plan will fall under the LA where they are regarded as resident. Therefore, if a young person aged 19 to 25 has been accommodated under the Care Act 2014, in a permanent residential care placement in a different local authority area, it is likely they will have moved into the area of the 'new' local authority, unless there are factors indicating otherwise.

This means that young people transferred into the LA will be Torbay's responsibility. Whilst the financial implications of this are thought to be small at the moment, Members were asked to note the changes to legislation and consider future implications this may have.

10. Significant change process

Rachael shared a briefing paper on the creation of new SEND places in academies. As all local areas are now planning and considering how to make best provision for the following academic year and beyond, the Regional Delivery Directorate (RDD) has set out the expectation and guidance for making a significant change.

the local area will need to increase provision based on the availability of capital assets, geographical location, and community need. For many of our providers the growth of the provision within their school community would be supportive of improving their outcomes.

Rachael emphasised that any considerations for this process will need to be done in a transparent and timely manner, with a minimum four week period of consultation by the applicant with all stakeholders.

Members gave thanks to Rachael for this information.

11. Future meeting dates

- Thursday 5th May, 09:00
- Thursday 16th June, 09:00

Stewart was pleased to announce that June's meeting has been approved to take place in person. The Clerk will book a meeting room for this and will send round an invite to members in the near future.

Proposed dates for the year 2022/23 were agreed by members. These are:

- Thursday 13th October 2022, 09:00
- Thursday 24th November 2022, 09:00
- Thursday 19th January 2023, 09:00

- Thursday 23rd March 2023, 09:00
- Thursday 4th May 2023, 09:00
- Thursday 15th June, 09:00