

Minutes of the Schools Forum

20 April 2023

-: Present :-

Stuart Biddles (Chair) Primary Academy Rep; **Lisa Finn (Vice-Chair)** Secondary Academy Rep; **Tim Stephens**, Primary Academy Governor; **Stewart Bellworthy**, Primary 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

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

1. Apologies/Changes to Membership

Apologies were received from Steve Margetts, Clive Starr, Jim Piper and Nancy Meehan. The Forum welcomed Malcolm Coe to his first meeting in his new role as Head of Finance.

2. Financial Report

Rachael presented to members the latest financial report. Whilst apologising for the delay in getting this to members, it was explained that this was to ensure the report be as accurate and as up to date as possible at the end of the financial year.

The current position is an overspend of £2.732m, whereas we were at £2.836m at the previous meeting. Whilst still significantly overspent, this is in line with the budget set at the start of the year, a position we have not been able to meet for a number of years.

The good news areas of that budget are the underspend in the joint funded placements, which now stands at £124,000, the independent special schools fees at £19,000 below predicted and the other packages of support and the send personal budgets at minus £17,000. The staffing interventions and the services provided have also brought in significant savings to help the overall picture as well through that that financial report, the areas of significant overspend still are the HTTP (in year adjustments are over £153,000) and the special school numbers where we've had two children move into the area and we've had to place within special schools during that year at a cost of £136,000.

Rachael then shared EHCP top ups and also the special school numbers broken down, as well as the next year school allocations based on all of the drivers that have been agreed by this School Forum.

Pupil growth that Schools Forum previously allocated to St. Cuthbert Mayne for and a bulge year in year seven has not been needed, pupil numbers coming through admissions for secondary haven't resulted in that. However, there has been a significant increase in the number of applications for Paignton and we've had to look at creating an additional 27 places within the Paignton school. Because of this, members were asked for their approval in stepping down the school's money that was allocated to St. Cuthbert Mayne and reallocate that to Paignton. There were no objections.

Rachael then asked members to note one amendment to the year end position on the DSG, after a reduction from the January figure the cumulative overspend now stands at £11.731m.

Members noted the findings of the report and agreed to the recommendation that we continue to work with the Local Authority to make the necessary reductions through the safety valve process.

3. Torbay Safety Valve agreement

Rachael informed members of Torbay's award of the Safety Valve funding. Whilst this was discussed at the extraordinary forum, it was felt that the news should be recorded officially through the School Forums published minutes.

Since that extraordinary meeting, we have now also received information on the process that we need to use with the EFSA to monitor our progress; our first progress report is due in June of this year. Members noted that Torbay has been linking with local authorities that are further down the line of having a safety valve, so we've been trying to learn from them about actually how to continue that positive conversation with the EFSA around the evidence that we're providing, as well and trying to keep on track with that.

Rachael did however explain to members that although a positive step, we haven't seen that in many safety valves that the whole deficit would be written off. It was agreed that it is imperative to make sure that we can meet the requirements of the Safety Valve because actually it's a significant achievement for all schools in Torbay.

On behalf of Forum, Stuart gave his congratulations to everyone who's worked on making it happen. The safety valve agreements are not being rolled out across the board, so it is recognised as a big achievement.

4. Safety Valve delivery dashboard & progress report

Members were shown the Safety Valve progress report that is produced by the LA

for monitoring purposes. Rachael explained that she wanted Forum members to have the opportunity to say what else would they want to see as part of our monitoring and tracking moving forward as well.

The first point to note is for the first time, Torbay has seen a reduction in the number of Education, Health and Care plans this year, down to 1570 plans (just two above the target figure of 1568). This is a significant reduction. It's really been focused on that ceasing work but also actually managing the request coming through the front door. Whilst Requests for Statutory Assessments were reducing at the end of the last academic year, we are now starting to see an increased rate of Request for Statutory Assessments coming back through in January and February. The LA is doing some detailed work and we've put built this into our dashboards to understand the referral source for the RSA's i.e. is this from parents or from schools and what is the make up of those RSA requests.

Members were pleased to note that the refusal rate has also increased this time as well. In January we saw a refusal rate compared to the submissions of 40%. we're being really, really robust in actually how a Request for Statutory Assessment should be awarded within Torbay. We need to see the request coming down aligned with actually the implementation of the graduated response and the graduated response has been piloted across the local area. Rachael gave thanks to colleagues and schools that gave some really good feedback. We've now met as a graduated response group to take all that feedback and read and look at those documents and get them ready for publication from June onwards. It was noted that the areas where there were most feedback in the pilot was on social, emotional, mental health and autism provision. It is anticipated that the Graduated Response will support everybody's understanding of the threshold for a Request for Statutory Assessment.

Tribunals and appeals are now being tracked as well. The LA is being very robust in our decision making around that and also pushing back and going to tribunal when we feel that we've got a really good case to defend, but also using our global mediations and more to actually challenge those decisions as well. We've put in also a new process of next steps meetings within the local area. So when a request is refused, meetings are being held with schools, parents and a caseworker to explain what the next steps are for that child, and why a plan isn't needed and how confidence can be built about the provision without having an EHCP.

The biggest challenge in our safety valve progress remains with our health contributions to our EHCPs. Huge amounts of work is being undertaken, including actually direct work with the Integrated Care Board and the most senior level colleagues around how they make available a budget within the integrated care organization for their contributions into education, health and care plans. Rachael confirmed that the Chief Executive also held a SEND summit with all of those and colleagues yesterday as well, to make our health colleagues are also aware that this forms part of our safety valve agreement and is being reported in that way.

Members asked whether there is a budget figure that we need them to identify which actually fits in with this overall plan for the safety valve, feeling that it would be frustrating if we overspent and it was an amount of money which Health should

have contributed but haven't. It was explained that the LA has a budget and the detailed work has been done about how many plans should have a health contribution. This has been done both historically and for the current plans within the system. The LA would seek to bring in approx. £100,000 each year, but that's based on a very complex criteria.

Members then asked what would be considered the biggest risks of us not meeting our agreement.

Currently this would be the Independent Placements and the need to manage those really carefully. It was also felt that Element 3 and the EHCP top ups, as well as Bespoke Packages that children are placed on, are also areas where we can make the most significant reductions.

Rachael showed to members the Safety Valve dashboard used to monitor refusal rates and other data. It was asked whether this can be shared with members electronically, this will be done on a monthly basis.

The Forum gave thanks to Rachael and colleagues, noting the progress that has been made.

5. National Updates

Members were presented with three key documents recently released by the government. Discussions on each of the documents are recorded in the next three agenda items.

6. SEND & Alternative Provision improvement plan

Rachael asked members to be aware of the impact the governments plans could have on our safety valve, on our progress and the work of Schools Forum as well.

The main points for Forum to note is how do we coalesce around inclusion and inclusive practice, Early Help practice and with our family hubs as well. How do we look at our written statement of action and our SEND inclusion plan and our response to children and families aligned to that new document that's been produced as well.

Whilst more work being done by officer around this internally, Rachael suggested this be added to future agendas as an ongoing item. Schools or system leaders have the opportunity to go respond to the consultation up until the 11th of May.

7. Stable Homes built on love

Rachael encouraged school forum members to take stock of the Stable Homes Built on Love consultation document, noting that it is one of the most fundamental changes within children's social care and wider that the government have proposed

in a number of years. The main proposal of the document is that children on a Child Protection or SIN plan would no longer under these proposals be worked by a social worker. They would be worked by non-qualified staff, potentially. The concern is that there would be a more emphasis back on schools within this document to be providing some of those services that have been historically provided elsewhere. There is also the need for more integration and early help responses from across the system or proposed within this this.

Whilst the proposals appear to come with lots of funding, some of that funding is ear marked for pilot authorities rather than the implementation of this across all areas. This could potentially bring new burdens on all parts of the system.

Members agreed that the schools voice goes into what could appear to be a social care consultation document, noting that the impact will be very significant on everybody.

8. Early Years & Childcare

Discussion then moved onto the Early Years reforms. Rachael warned Forum that we cannot underestimate the amount of work that's going to be needed to bring forward the Chancellors announcements regarding childcare reforms. The proposal for early years and childcare to be available from nine months old for children phased over a period of time will mean Torbay will need 900 new childcare placements across our local area, which is a significant amount of childcare provision that's needed to be provided. With the additional children in provisions, that may mean earlier identification and therefore more demand into our system around EHCPs.

Stuart summarised by noting it's a really positive position that we're in now that the Safety Valve is approved. Now that we have received the first payment, we've got a really solid plan in place which we seem to be adhering to which is really positive.

He then gave thanks to everyone involved for all the work that's gone on to make it happen, and it is positive for Torbay. It is felt that some of the changes that are coming through, particularly around SEND are really positive for our children.

9. Future meeting dates

- Thursday 15th June, 09:00 (Virtual Meeting)

10. Any Other Business

Members wanted to discuss the proposed staff pay increases, and the impact this will have on all schools. Concerns were raised as to what the perceived underfunding would mean for staffing levels across schools, particularly those schools where children need 1:1 or 2:1 support, especially in both the Early Years and Special Schools sectors. Officers noted the concerns of members and agreed to meet to discuss ways to address the issues. Findings could then be shared with

members at the end of the academic year.

At the request of members, Rachael also agreed to share with Forum a PowerPoint presentation on the Stable Homes Built on Love document shown earlier.