

**Safety Valve Progress Update - Schools Forum 23<sup>rd</sup> November 2023**

**Context**

The Local Area is working to collectively to achieve a reduction in the higher needs spend to ensure that we are delivering high quality services aligned to the budget available and manage down the historic deficit position. We have all agreed that this is our collective responsibility and can only be achieved through transformational change.

The Local Authority is required to submit a progress report to the ESFA on the work conducted towards the safety valve agreement. The next submission will take place on 15<sup>th</sup> December 2023 and be reported to School Forum in January 2024.

To review progress the local authority tracks activity and impacts on a fortnightly basis and takes actions to deep dive into areas where progress is challenged. The following report outlines to Forum some of the current data trends:-

**Requests for Statutory Assessments**

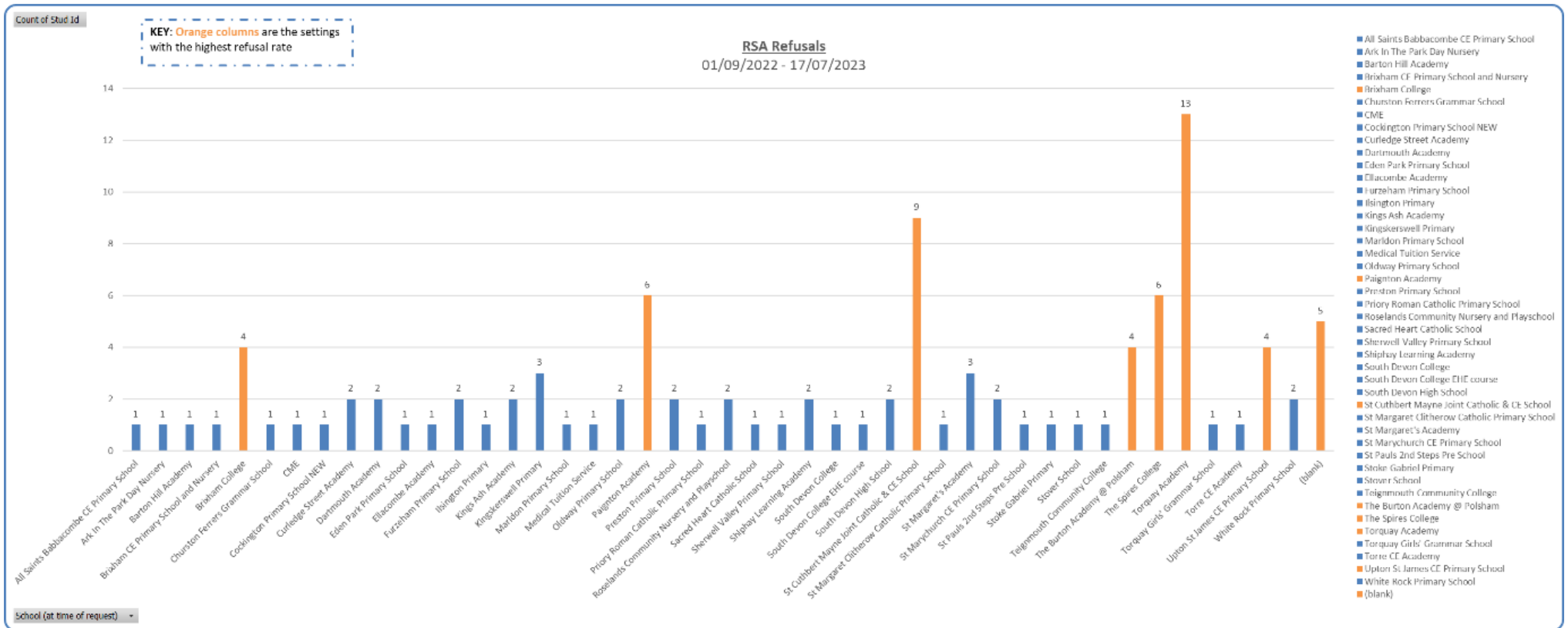
The following chart demonstrates that there continues to be a high level of requests for statutory assessments.

RSAs Tracking 2023	RSAs received per month				Important. The refusal rate is only valid for the month once all RSAs have passed the received and assessment stages								Totals YTD
	01/01/2023 31/01/2023	01/02/2023 28/02/2023	01/03/2023 31/03/2023	01/04/2023 30/04/2023	01/05/2023 31/05/2023	01/06/2023 30/06/2023	01/07/2023 31/07/2023	01/08/2023 31/08/2023	01/09/2023 30/09/2023	01/10/2023 31/10/2023	01/11/2023 30/11/2023	01/12/2023 31/12/2023	
<b>RSAs Received</b>	31	33	41	16	42	34	38	9	20	28	5	0	297
<b>RSA Status</b>													
Received	0	0	0	0	0	0	0	0	4	20	5	0	29
Assmt. Complete	0	0	0	0	0	0	0	0	0	0	0	0	
Awaiting decision to assess	0	0	0	0	0	0	1	0	0	0	0	0	10%
Assmt. in progress	0	0	0	0	0	1	11	6	11	5	0	0	34
<b>Subtotal (in progress)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>6</b>	<b>15</b>	<b>25</b>	<b>5</b>	<b>0</b>	<b>64</b>
<b>REFUSALS / STOPPED / WITHDRAWN</b>													
Inactive after Recd.	1	1	0	0	1	0	0	0	1	0	0	0	4
Inactive after Assmt Decision	11	10	20	8	14	10	15	3	4	2	0	0	97
Withdrawn EHCP	0	0	2	0	0	0	0	0	0	0	0	0	
Assmt. stopped	0	0	0	0	1	1	0	0	0	0	0	0	
No EHCP Following Assmt	1	1	0	0	4	1	1	0	0	0	0	0	8
<b>RSA Stopped subtotal</b>	<b>13</b>	<b>12</b>	<b>22</b>	<b>8</b>	<b>20</b>	<b>12</b>	<b>16</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>113</b>
<b>RSA Refusal Rate</b>	<b>42%</b>	<b>36%</b>	<b>54%</b>	<b>50%</b>	<b>48%</b>	<b>35%</b>	<b>42%</b>	<b>33%</b>	<b>25%</b>	<b>7%</b>	<b>0%</b>	<b>0%</b>	<b>38%</b>
<b>CURRENT STATUS</b>													
Draft EHCP	0	0	0	1	1	7	7	0	0	0	0	0	16
Current EHCP	18	21	19	7	21	14	3	0	0	1	0	0	104
<b>Progressed %</b>	<b>55%</b>	<b>61%</b>	<b>46%</b>	<b>50%</b>	<b>43%</b>	<b>62%</b>	<b>53%</b>	<b>67%</b>	<b>55%</b>	<b>21%</b>	<b>0%</b>	<b>0%</b>	<b>49%</b>
<b>RSAs completed (either Issued or stopped)</b>	<b>31</b>	<b>33</b>	<b>41</b>	<b>15</b>	<b>41</b>	<b>26</b>	<b>19</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>217</b>
<b>RSAs completed %</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>94%</b>	<b>98%</b>	<b>76%</b>	<b>50%</b>	<b>33%</b>	<b>25%</b>	<b>11%</b>	<b>0%</b>	<b>0%</b>	<b>76%</b>

The Local Authority continues to issue plans aligned with the code of practice. However a significant number of referrals continue to be refused. They are refused on the basis that :-

- Child or young person doesn't have or may have SEND needs and or need provision different to or from.
- Lack of evidence that the graduated response has been implemented
- Children's needs are aligned to and could be met at SEN K
- ADPR process hasn't been applied.

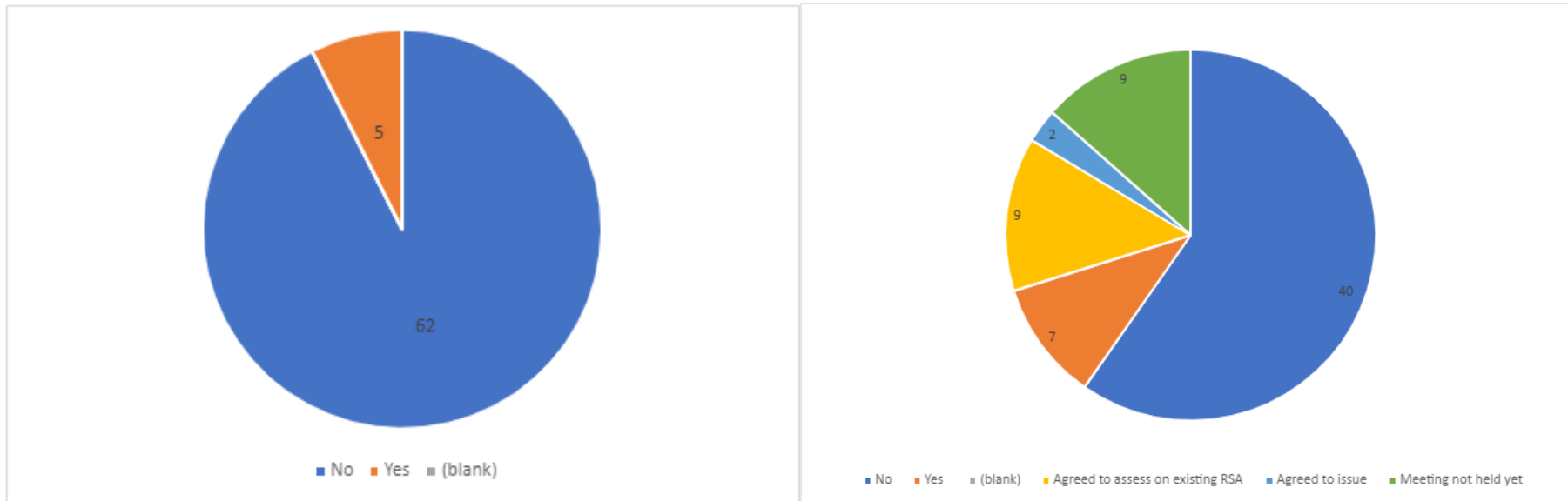
The Local Authority is undertaking deeper analysis of trends over time. The following chart demonstrates refusal rates per school for the last academic year.



## Next Steps Meetings

Following a no to assess or not issuing a plan the Local Authority has been conducting Next Steps meetings.

The following graph demonstrates how many proceeded to have an EHC plan, following the Next Steps Meeting and how many proceeded to having an assessment, following the Next Steps Meeting.



The next step process that continues to be tracked and reviewed for re-referral or subsequent issuing of a plan does demonstrate that a number of requests for statutory assessment should be supported at SEN K. Verbal feedback from the Next Steps process is demonstrating that through a parental conversation and the implementation of a lower level plan the child or young person can be supported and parental confidence maintained. The graduated response is a good framework for these conversations and could be used in this way with parents ahead of a Request for Statutory Assessment.

## Tribunal Outcomes

Torbay have proceeded to Tribunal for 3 young people in the last 6 months. Tribunal outcomes have ratified that Local Authority decision making is sound in 100% of cases that have gone to a hearing on decisions not to issue an EHCP. The reasons for Tribunals in Torbay are mixed with some on Section B,F and I, some on Section I and some of refusal to assess or issue.

Informal and formal mediations are offered for all those proceeding to the Tribunal hearing.

**Conclusions**

Although progress is being made across the local area on the understanding of the graduated response and our decision making on thresholds is being endorsed by the Tribunal, there continues to be work required to create a partnership wide response.

The report highlights a number of concerns regarding the refusal rates following an RSA and the need for Next Steps meetings to ensure planning at SEN K.

**Recommendation**

School Forum review the information contained within the report and discuss recommendation on how to influence the trends within the data.

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