



Service Changes at the St Margarets and Spires Hearing Units

May 2025

Please provide contextual information about the framework for Special Educational Needs and Disabilities (SEND) how it is structured and funded, what will change as a result of the decision and how can the voice of the child can be included, please provide details of the consultation that took place in the formative stage prior to the decision being made by the Council.

Contextual Information – How are SEND placements structured?

The structure of SEND placements involves several key components and is carried out in accordance with our Local Authority duties set out in the SEND Code of Practice and Children and Families Act. At SEN Support the Local Authority has no duty to fulfil and the responsibility of meeting needs remains with the on-roll school setting. If the parent or school believe that a statutory threshold has been met then there is a clear structure to be followed:

1. Statutory Assessment:

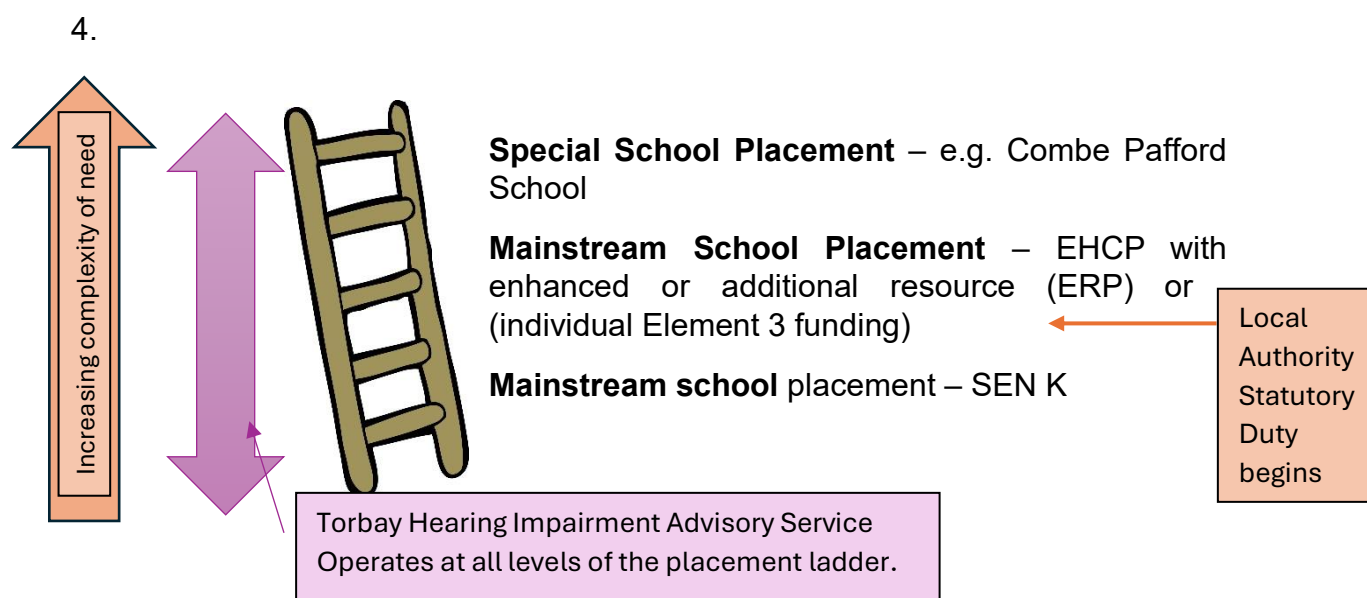
- The process begins with a statutory assessment to identify the child's needs.
- This assessment is conducted by the Local Authority in collaboration with parents, schools, and other relevant professionals.

2. Education, Health and Care Plan (EHCP):

- If the assessment determines that the child requires additional support, an EHCP is developed. This plan outlines the child's needs, the support required, and the educational setting that can best meet those needs.
- Once a child's Education, Health and Care Plan (EHCP) is in place, it is subject to an annual review to ensure that their needs are still being met and to consider if the placement remains appropriate.
- The placement process for children with SEND follows a statutory assessment and review process. This involves identifying and securing appropriate placements based on individual needs.
- The Local Authority has a Statutory Duty to provide a 'suitable' educational placement and ensure it can meet the needs of its Local Area.

3. Types of Placements:

- Children with SEND may be placed in various educational settings, according to need and preference. The majority of these placements at mainstream school are provided for using an element 3 funding model. This is where funding is given to each child or young person according to the specific provision in their plan.
- As in many Local Authorities, Torbay operates a placement 'ladder' approach to meeting need which means there is a 'Graduated Approach' to meeting SEND. As the hearing impairment needs become more complex the level of specialism increases as the diagram below illustrates:



When a child or young person is awarded with an education health and care plan the Local Authority's statutory duties begin. The Local Authority has a duty to provide to meet the provision which is set out in an individual child's section F, the method by which this happens is with the Local Authority's decision-making responsibilities. It is then the school's duty to deliver the provision which is outlined in the section F of the EHCP.

In the section I of an education health and care plan the school setting which is named is responsible for delivering this provision. This is the same whether the school has an enhanced resource provision or whether it is delivering the provision through an individual needs provision model.

For many years in Torbay there has been some kind of enhanced support for Hearing Impairment Needs. An Enhanced Resource Provision (ERP) is one of many different types of funding model which is used to deliver enhanced support within a mainstream school.

An Education Skills and Funding Agency agreement for an Enhanced Resource Provision is an agreement whereby pupils should spend approximately 50% of their time receiving support and 50% of their time in their usual classes.

Contextual Information - How are SEND Placements Funded?

Funding for Special Educational Needs and Disabilities (SEND) in the UK is primarily provided through the **High Needs Block** of the Dedicated Schools Grant (DSG). Funding for SEND is very complex; a brief summary of key funding principles is outlined below:

High Needs Funding

- **Purpose:** High needs funding supports provision for children and young people with SEND who require additional resources to participate in education and learning, from early years to age 25.
- **Allocation:** Local Authorities receive high needs funding allocations through the DSG. They must spend this funding in line with the associated conditions of grant and regulations.
- **Core Funding:** Mainstream schools receive core funding direct to them for pupils with SEND at SEN Support level (K) whose additional support costs are lower than £6,000.

Additional Funding Sources

1. **Top-Up Funding:** For pupils whose support costs exceed £6,000 with an EHCP the school can receive top-up funding from their Local Authority.
2. **Pupil Premium:** Schools may also receive Pupil Premium funding for disadvantaged pupils, which can be used to support those with SEND.

The Department for Education publishes operational guides for high needs funding, detailing how funding should be allocated and used – see Appendix C.

Contextual Information – HI Needs in Torbay

Introduction

Torbay's children and young people with hearing impairments make up 0.65% of the total count of special educational needs. You can see in the table below (Fig.1) a summary of the quantities of needs for the different need types. We know that hearing impairments are a low incident need nationally and Torbay's hearing impairment needs are broadly in line with our South-West and National neighbours (please see appendix A). Most of these needs are met successfully in mainstream schools (alongside the majority of other needs listed). We also understand from local, regional and national data that hearing impairment needs remain broadly consistent in terms of the quantity over time.

PRIMARY_NEED	%GT Count of PRIMARY_NEED
Autistic Spectrum Condition	31.11%
Soc, Em and Ment Health	25.28%
Speech,Lang or Comm Diff	18.39%
Moderate Learning Difficulty	12.02%
Physical Disability	5.83%
Severe Learning Difficulty	2.83%
Spfc Learning Difficulty	2.06%
Profound & Multiple Learn Diff	1.00%
Hearing Impairment	0.65%
Vision Impairment	0.59%
Other Difficulty/Disability	0.24%

Figure 1

Current numbers of hearing impairment in Torbay

(taken from census data provided by schools and reported nationally, annually)

Primary School:

14 children out of a total of 1594 are SEN Support (have a diagnosed hearing impairment)

- Attending – Barton Hill Academy, Curledge Street Academy, Furzeham Primary school, White Rock primary school, St Margaret's academy, Shiphay Learning Academy, Warberry Academy, Our Lady of the Angels and Hayes school.
- Highest numbers are at Hayes Primary school – 4

6 Children have an EHCP with a primary need of Hearing Impairment out of a total of 402 EHCPs at mainstream primary school.

- 5 /6 of these children attend St Margaret's Academy. Of these 6 children 3 have needs which have been adjudicated as needing an Enhanced offer at Mainstream school, the others being able to have their needs met with EHCP provision and advisory teacher support at mainstream school.

Secondary School:

13 young people out of a total of 986

- Attending Torquay Academy, Paignton Academy, Churston Ferrers Grammar School, Spires College, Brixham College, Torquay Boys Grammar School.
- Highest numbers are at – Churston Ferrers Grammar School – 5

8 out of a total of 268 EHCPs at mainstream secondary school 8 have a primary need of HI.

- 7/8 attend the Spires College. Of these 8 children 2 have needs which have been adjudicated as needing an Enhanced offer at Mainstream school, the others being able to have their needs met with EHCP and advisory teacher support at mainstream school.

N.B As numbers are very low a list has been provided so not to identify the children.

The Structure of SEND Support for Hearing Impairment Needs with an EHCP

Hearing Impairment needs, as with all special educational needs and disabilities, vary in their severity with some Torbay children and young people experiencing mild difficulties with a handful of children and young people experiencing more severe and complex needs.

It is these children with more complex needs which are the subject of this report. In Torbay there are 5 children and young people who had needs which were assigned 'enhanced' mainstream support through the Education Skills and Funding Agency scheme of Enhanced Resource Provision (ERP).

Torbay have previously commissioned 16 ERP places for hearing impairment out of a total of 92 Enhanced Resource Provision (ERP) places which the Local Authority commission across various schools. ERP places are organised via a specific model whereby the child or young person receives approximately 50% of enhanced support. These places are funded by a static tariff which remains unchanged and is based on the number of places that school has for the ERP not the individual needs of the child or young person.

Torbay does not commission the ERP model for all needs. Where this is not the case (for example for SEMH needs, SPLD or MLD needs or for VI needs) an enhanced mainstream offer through element 3 funding model is used where funding is awarded to each child or young person for the school to meet the specific provision in their plan. Some of our schools pool together their delegated funding for SEND and their element 3 funding to create and run their own 'in-house' enhanced provision; this already happens across many schools within Torbay.

The Local Authority have statutory responsibility to award both enhanced and specialist places (or to award the element 3 funding model). This is done through an annual Specialist Educational Process every January. The places (along with all other specialist places in Torbay) are reported upon monthly with an annual return being sent to the Department for Education every November.

The Structure of SEND Support for Hearing Impairment Needs with SEN Support

All schools receive direct delegated funding from central government to meet needs at SEN Support through their local arrangements within their own school. It is the responsibility of schools to deploy their resources to meet the prevalent needs in their own school.

Along with this all children with a diagnosed hearing impairment need (regardless of whether this is short or long term, mild, moderate or severe) receive advice and guidance from the Hearing Advisory Team as appropriate. This team is employed and funded by the Local Authority to support these needs. This is a service which is available free of charge to every school in Torbay and is provided by the Local Authority. This advisory service will remain unchanged. You can read more about the Hearing Advisory Service in Appendix B.

Funding for Hearing Impairments in Torbay

The 'top-up' funding identified above is subject to different funding models. Some funding models assign 'top-up' funding based on an individual child or young person; this funding is tailored to meet the individual needs in the child's section F of their plan and it 'follows' the child through their school journey, changing as needs fluctuate over time. For ERPs and special schools a different funding model of 'top-up' funding is used; this is a 'set rate' totalling 'base' funding and a 'unit' funding combined which gives a static total. This static total remains unchanged as long as the child or young person attends the provision and regardless of their needs outlined on the section F. Only those nominated children with a 'named' place should receive support from the unit (as noted in ESFA guidance).

For the purposes of this report a comparison on the current ERP funding structure has been illustrated in the table below:

	Mainstream Places with ‘top-up’ funding (element 3)	Enhanced Resource Provision Places	Notes
Element 1 –	Notional* £4000	In an ERP arrangement a “Base Unit” rate of £10,000 is provided to the school for every place in the ERP agreement – no matter whether the ERP is full – i.e. 8 places mean an agreement of £80000.**	Called the Age Weighted Pupil Unit (AWPU)
Element 2 -	Notional* £6000		Direct delegated funding to the school
Totalling	£10,000	£80,000	
Element 3 – an individual sum of money to provide for the provision outlined in the Child or young person’s plan	Ranges between £2000-£14,000 and is individualised to the Child or Young Person to ensure the school has the resource to deliver the EHCP.	Set amount of £3449 per child (regardless of specific needs). This is not paid if the ERP is not full.	

*Varies slightly in every school

** Torbay is unable to recoup this cost for any young person who does not reside in Torbay.

The changes reported upon in this report outline a change to a funding model not a removal of support. The previous method of funding – via an enhanced resource provision – means that more complex needs cannot be resourced well. The new proposal increases the funding which both schools will receive for the children and young people who previously had places in the ERP.

The empty spaces (only 50% capacity across both schools) meant that there has been £47,245.00 of unutilised funds due to the unfilled places at St Margaret’s and £64,082.00 at The Spires College in 2023/4 (these funds remain with the ESFA and are not given to either the LA or school settings). These spaces are specifically nominated spaces which the Local Authority has designated to receive support and submit numbers to the ESFA (rather than those the school may be supporting more ‘informally’).

Funding was a key concern when the schools were consulted last summer and the Local Authority acted swiftly to agree an exceptional element 3 funding model (similar to that for Visual Impairment needs) to ensure that the school could retain its valued workforce.

The summary below gives an illustration of the funding increase this change of model will bring about. This will increase and enhance the provision and support which these children will receive under these new arrangements.

N.B We have only provided an illustration here so as not to identify individual children, given that the number of children is very small.

Illustration of Increased Funds for Torbay children and young people:

- St Margaret's Academy Total increase spend on the previous year will increase by 16.23%.
- At St Margaret's Academy the unit or element funding has increased for each individual by **at least** five times. This increased funding will ensure that a higher level and quality of provision can be delivered.
- At the Spires College the unit or element 3 funding has increased by 3 times with one young person being funded at a unit rate which is ten times their previous unit rate.

Therefore the schools are receiving increased funding to deliver to the same number of children and young people.

Please provide details of any consultation which took place following this decision being made public and any action taken as a result.

In the Autumn term the Local Authority offered a meeting with the parents of the five affected children and young people. The Head of SEND for Torbay met with three parents in person at their request to explain and reassure them of the changes to funding and discussed the long-term pathways and processes which could be followed in the future to ensure their child's needs can continue to be met.

Also at this time further liaison with wider colleagues including our health partners continued to ensure that this change was being planned for in partnership.

Formative Consultation:

The decision to change the funding model for delivering hearing impairment support for complex needs was not a decision which was taken lightly.

In April 2024, as part of the Local Authority's annual review into SEND, an analysis of special educational needs in Torbay was completed. This process was able to be completed in a much more thorough and detailed way for the first time as Torbay had created a Joint Strategic Needs Assessment and had created a new data infrastructure which, alongside our health partners, enabled us for the first time to analyse the current and future needs of our children and young people across Torbay.

Both hearing impairment units had been operating at less than 50% capacity for the previous five academic years as those children with a nominated place designated by the Local Authority declined. Each year the Local Authority had considered options to decommission the unit funding structure or alter the method of delivery.

This new needs analysis confirmed that although lower-level hearing needs would remain consistent more severe and complex hearing impairment needs which require an enhanced resource provision were declining, there being only one child (under age 2) who would currently require the 'enhanced' support from Torbay in a further three years' time when they reached statutory school age.

In this formative internal consultation alternatives were considered. The first consideration was whether the capacity of each hearing impairment unit (8:8) could be reduced. In previous years the hearing impairment units had already been reduced in capacity (through the education Skills and Funding Agency agreement) because the units had not been full. An ERP funding model operates on a capped basis, so it was not possible to reduce the capacity further and continue to fund the level of provision which was required in the young people's education health and care plans.

Secondly there was consideration as to whether 2 units could be merged into one. This was problematic given the requirements to deliver the primary and secondary national curriculum over two different schools.

Unfortunately, the Local Authority was not able to consult with the hearing impairment advisory teachers. This is because two out of the three hearing impairment advisory teachers also held a separate contract as teachers of the deaf in the hearing impairment units, therefore consulting with them would have created a conflict of interest. This was not possible within the HR processes that we were obliged to follow. Instead, the Local Authority used supervision and caseload records as well as a business case which the advisory team had submitted previously to support the decision making.

In these formative stages there were also liaison with our Health Partners from the integrated care board as well as our colleagues from Devon Local Authority SEND team to discuss the potential change of model.

As the proposal was a change of funding model rather than a removal of support and alongside the numbers of Torbay children being only 5 in total this was not defined as a significant or key change (with 20 children generally being thought of as being the limit for changes of a significant nature). Indeed, the proposed new way of funding for these five children and young people would result in an increase in quality and standard of provision given the increase in funding for each individual.

The Department for Education guidance outlines in there 'making significant changes' documentation that *"when considering any reorganisation of provision that the Local Authority recognises as reserved for pupils with special educational needs including that which might lead to children being displaced proposes should demonstrate how the*

proposed alternative arrangements are likely to lead to improvements in the standard quality and or range of educational provision for those children”. The proposed changes to the funding model have resulted in every child in the enhanced resource provision receiving additional funding which will lead to improvements in the standard and quality of provision. In the guidance the Local Authority is the decision maker in this process

The Department for Education defines a "significant change" as any alteration that a change which *substantially* impacts school's operation, structure, or provision for Torbay children. The proposed changes of funding model to three children at St Margaret's and two young people at the Spires College from ERP funded provision to Element 3 funded provision does not constitute such a change.

[Making significant changes to maintained schools](#)

[Making significant changes to an academy](#)

What were the results of this consultation for Torbay children with an Education and Health Care Plan (EHCP) carried out by the Council and did it change the proposed decision taken forward?

After the formative consultation (above), in June 2024 the Local Authority visited both schools to discuss their intention of decommissioning the hearing impairment units in favour of a different funding model. At these separate meetings the school leaders identified their chief concerns about the potential change which was surrounding the funding that they would receive in the future for the individual children and the loss of the extracurricular events which were held through the hearing impairment units.

The Local Authority agreed to consider these two concerns and meet again in July (before the end of term) with both of the schools so that there could be a coordinated approach. At this July meeting the Local Authority were able to confirm that they had expedited the exceptional funding agreements for the individual children so that both schools were assured that they would receive increased exceptional funding to meet needs more appropriately. Also confirmed at this meeting was a solution for leading and funding the community events which they were previously concerned about. The community events previously ran were not an official part of the ERP offer but were important to ensure that children and young people could form their own deaf community.

The meeting also agreed that should the decision be taken forward, there would be a coordinated approach with the schools co-producing the communication out to parents and, being the trusted colleagues for those parents, taking a lead in letting the parents know of the changes in person.

What will change as a result of this decision?

This decision is a change of funding model not a removal of support.

The schools in question will continue to receive element 1 and 2 funding for the children and young people who previously attended the school. They will continue to receive a direct delegated budget which it is their duty to deploy to meet hearing impairment (and other) needs at SEN Support. The increase in funding they will receive for the named children means that they can deliver an enhanced level of support for those children.

Each individual child or young person who previously had a place in the Enhanced Resource Provision will continue to have their needs met in their chosen mainstream school with increased and enhanced funding to enable the specialist support to continue so that they can thrive in this educational setting.

Daily life in school for the children and young people who previously had a place in the hearing impairment unit will be very similar. They will continue to receive support from the specialist staff in the school, with the school being appropriately resource to deliver this support.

The advisory support service remains unchanged and was never part of any proposals for change. The specialist hearing advisory support team will continue to support all children in Torbay with a hearing impairment whether they have an EHCP and previously had a place in the hearing impairment unit or whether they attend a different mainstream or special school, have mild moderate or severe needs as well as short term and long term needs.

The pathways of progression for these children and young people will operate in the same way as in other provisions across Torbay. Through each child and young person's annual review the multi-agency professionals will give advice and guidance to the families to support their next steps.

The Local Authority acknowledge that that parents and carers of the five children affected have been anxious about the transition to their next school. We anticipate that both St. Margaret's Academy and the Spires college will continue to have an excellent reputation for meeting additional needs. Through the schools delegated funding they could of course continue to provide an in-house provision for hearing impairment as is within their powers to do so and as many other schools across Torbay already do.

The Local Authority will continue to support individual families to consider their next steps of educational placements, as they do with many other children and young people with any EHCP, to ensure that families feel supported and confident in making decisions about their next educational placement.

How will the needs identified in the Children's EHCPs be impacted by these changes?

As detailed earlier in this report the needs identified in the children and young people's education health and care plans will remain unchanged. The details of the specific provision in each of the five children and young people's plans is unchanged. The provision outlined in their plans can continue to be delivered in the same schools where they attend and can be delivered through a new funding model. This will be improved and enhanced by the increase in funding for the individual children and young people enabling the school to deliver better and higher quality support to help them meet their outcomes.

Did the Local Authority consider the impact of this decision beyond children under their statutory care with an EHCP?

Enhanced resource provisions cater for named individuals with an education health and care plan. During the announcement there was much confusion and misinformation about the purpose and remit of an enhanced resource provision and many parents and carers were under the impression that the support was being removed altogether, advisory support was ceasing or that children would not be able to attend these schools none of which are the case.

We believe confusion has come about because the same colleagues who deliver provision within the HI units are also the same individual colleagues who are the team of advisory teachers (who work on a separate contract at the Local Authority). Therefore parents and carers became anxious that the support their child was receiving in an advisory capacity was being removed.

The Local Authority now understands how this could have been perceived by parents and carers who did not have a place in the enhanced resource provision. The Local Authority has taken action since autumn 2024 and has commenced with a review of all Enhanced Resource Provisions across Torbay. This has involved co-creating new service level agreements with each enhanced resource provision. This will include a new contract management process as well as the information regarding an enhanced resource provision's purpose, entry and exit criteria as well as its core offer being published on the Torbay local offer website to ensure that all parents and carers have clear communication in the future about the support an enhanced resource provision can deliver.

The Local Authority wishes to improve parental confidence in our system for supporting additional needs across Torbay and it is keen to continue to work with there's two schools

as well as the many other mainstream schools which support hearing impairment and other needs across Torbay.

How many children from Torbay are currently receiving some form of support from the hearing unit both with and without an EHCP, and how are these predicted to change over the coming 5 years?

In Torbay there are five children who have named places in the current enhanced resource provisions out of a total number of 16 places.

No children should receive support from a hearing unit without any EHCP, as this is not the purpose of an enhanced resource provision as detailed above.

The provision which is available for children with and without an EHCP will continue to be available despite the hearing impairment units being decommissioned in favour of an individually funded model.

Schools will continue to receive a direct delegated budget for SEND which is their responsibility to deploy to meet the needs most prevalent in their school at SEN Support.

The Torbay Hearing Advisory support team will continue to support all children across Torbay. This team of three advisory teachers have an excellent reputation across Torbay schools. There are further details about the service that they provide in Appendices B.

What processes exist to ensure that future needs of all children in Torbay who need support with their hearing, including those with an EHCP and those without and an EHCP, will continue to be reviewed and met?

Torbay holds an annual SEN needs analysis process. This is a full review of all the data that is held both locally and nationally on the types of needs of Torbay children and young people. This annual review will continue to look at all support and provision for additional needs across Torbay, including hearing impairment needs.

The process to review and create a second Joint Strategic Needs Analysis is already underway (due to be published this August 2025) but early reports from our health partners are already showing us that Torbay hearing impairment needs requiring more specialist support are unchanged.

As well as this the SEND team complete monthly analysis on the requests for statutory assessment, educational psychology assessment referrals, annual review feedback as well as feedback from advisory services.

It is important to note that parents and carers have identified that having a strong hearing impairment community is important to them. We have been pleased to announce that through our popular Torbay family hubs the community events which have previously been run through the units can be run through the family hub network.

What external advice or support was sought on the proposal, and from whom and how did this inform the process?

As indicated previously in this report the following partners advice and support was requested in the formative review and consultation process:

- *the Department for Education advisors for Torbay*
- *the Integrated Care Board*
- *the Joint Strategic Needs Assessment and data analysis compiled through the public health team and business intelligence services.*
- *Information previously submitted from the advisory service.*
- *feedback from the two school leaders*

Why was the option to reduce the size of the units further or to close one and move the support to a single unit not considered as alternative options?

Please see page 9 where this was previously explained.

How will outcome of decision be monitored over the 12 months following its implementation in September 2025?

The impact of this change of funding model will be reviewed through the annual review process of the five affected young people.

The schools themselves have responsibility for monitoring and oversight of young people within that school and will contribute to this process.

Torbay also has mechanisms to gather parent and carer feedback more widely and this will continue to happen through the Torbay Parent Carer Forum, SEND Family Voice Torbay, SENDIASS, as well as through the annual parent and carer participation survey where parents can continue to feedback their views on services and support for special educational needs in Torbay.

What lessons have been learned from this process?

The Local Authority understand that some parents and carers have found this process challenging to understand. The Local Authority recognises that parental confidence in special educational needs in Torbay is low. The Local Authority has already expedited a project as detailed above to ensure that there is better communication regarding enhanced resource provisions specifically. The Local Authority are also keen to continue to work with parents and carers through the Torbay parent carer forum to understand their feedback and ensure that they can support parental confidence for special educational needs moving forward.

How can the voice of the child be included?

The SEN code of practice ensures that a child and young person's voice is heard through the annual review process. The wishes and feelings of each child and young person with an education health and care plan is documented through that annual review where they can explain how their support helps them to achieve and thrive.

The Local Authority has taken steps since this decision to strengthen this process and we'll be launching a new EHCP format in September 2025 which strengthens the child and young person's voice in the annual review documentation.

Appendix A – a screenshot from Nationally published data over time.

This is the latest data

'Secondary need, by type of SEN provision and type of need - 2016 to 2024' for EHC plans, No SEN and SEN Support in England and Torbay between 2019/20 and 2023/24

Move and reorder table headers

		England					South West				
							Torbay				
		2019/20	2020/21	2021/22	2022/23	2023/24	2019/20	2020/21	2021/22	2022/23	2023/24
Total	Headcount	8,312,552	8,342,004	8,418,013	8,481,287	8,497,935	20,461	20,373	20,214	20,314	20,119
	Hearing impairment	5,259	5,199	5,118	5,056	5,124	15	12	10	11	14
EHC plans	Headcount	275,604	303,668	330,447	360,342	400,413	910	1,127	1,172	1,220	1,211
	Hearing impairment	2,319	2,344	2,374	2,422	2,489	5	6	5	5	4
No SEN	Headcount	7,037,528	7,035,894	7,043,268	7,027,711	6,957,776	16,949	16,846	16,652	16,568	16,334
	Hearing impairment	0	0	0	0	0	0	0	0	0	0
SEN Support	Headcount	999,420	1,002,442	1,044,298	1,093,234	1,139,746	2,602	2,400	2,390	2,526	2,574
	Hearing impairment	2,940	2,855	2,744	2,634	2,635	10	6	5	6	10

Appendix B – include Hearing Advisory Service information –

[Torbay Hearing Support Service - Family Hub](#)

Appendix C – links to key guidance on Funding arrangements for SEND.

[High needs funding: 2025 to 2026 operational guide - GOV.UK](#)

[Special educational needs \(SEN\) and disabilities: guidance for school governing boards - GOV.UK](#)

