

# Torbay Schools Forum Update – June 2025

**Report Title: Update on Torbay Safety Valve Position**

**Agenda item:**

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<b>Partner Organisation:</b>	<b>N/A</b>		
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**1. Purpose**

This paper has been prepared to update Schools Forum members on the current position with Torbays Safety Valve Agreement.

This paper is designed to give members an overview of the progress and risk levels of this agreement, which will also include an update on the financial implications of the SEND Sufficiency transformation work which has begun this academic year (and will now continue annually as a business as usual event).

**Status of the Current Safety Valve Programme and what this means for Torbay:**

In March 2025, Torbay submitted its sixth monitoring report to the DfE Safety Valve Department. For the first time, Torbay needed to report that it would not meet its Safety Valve target by the end of the 2026/27 financial year and would still be in deficit. The DfE has requested further information on when a balanced position will be reached.

The financial position of Torbay's Safety Valve Programme indicates that the cumulative deficit before Safety Valve payments at the end of 2024/25 was £14.469 million, with Safety Valve payments received from the DfE amounting to £8.260 million, resulting in a net deficit of £6.209 million.

The remaining Safety Valve payments due from the DfE in 2025/26 and 2026/27 are £4.650 million, leading to a projected deficit of £1.559 million at the end of the Safety Valve period, excluding forecast overspends.

Our future projections show a gradual reduction in the cumulative deficit, with figures of £2.802 million at the end of 2026/27, £2.702 million at the end of 2027/28, £2.052 million at the end of 2028/29, £1.202 million at the end of 2029/30, and £0.602 million at the end of 2030/31, therefore now not reaching a breakeven point by the end of 2031/32.

We understand that the national Safety Valve Programme will not be extended beyond its

original end date of March 2027 and no new authorities will be joining this programme. This poses a significant risk to Torbay if we fail to meet our targets and our payments are halted.

However, we have received confirmation that the most recent payment from the March monitoring report will be made.

### **Key Risks for Torbay**

Schools Forum should be aware of the ongoing and heightened risks associated with pressures on the Higher Needs Block. National challenges, such as National Insurance contributions and teachers' pay rises, are making educational budgets increasingly difficult to manage. Additionally, a sharp decline in birth rates locally means our primary school settings in particular are seeing reduced funding, which in turn means many of their 'universal' services they would offer to support SEND need (at SEN Support) are being strained and diminished forcing parents to seek statutory support (through a request for a Statutory Assessment) leading to more requests for EHCPs. The continued high level of Requests for Statutory Assessment offers a key explanation as to why it is proving to be extremely challenging to meet our financial targets within the desired timeframe.

Although a new national plan for SEND is expected imminently (and certainly by January 2026) this is unlikely to be in time to make any differences to our current position.

### **Mitigations**

Over the past two years Torbay has been working on a plan to mitigate the number of RSAs being requested by launching a new Graduated Response toolkit. Despite this, and due to the continued demand surrounding the national and local context, this has failed to reduce the level of statutory assessment requests. Much of this demand is also fuelled by the continued extraordinary demand for health assessments (especially in Autism and Speech and Language) where long waits are again encouraging parents and schools to seek statutory support through a plan.

Torbay have been strategically targeting the aspects of the spend on the Higher Needs Block which are causing the most strain. These areas include the independent sector places, the high costs of individual packages when a child or young person cannot attend school or is excluded and post16 places.

The LA SEND and commissioning team have been working on a transformative programme for SEND sufficiency. Better sufficiency will mean we have enough Local Authority places to meet need meaning we don't need to seek placements in the independent sector or via an individualised programme.

Some of the measures we have taken this academic year are:

- A Torbay EOTAS (Education Other than at School) offer which will provide a high quality and consistent offer for young people will also reduce per head costs via a block purchased offer.
- A special project to bring back 8 young people from independent provision to Local Authority provision by providing local special school places which meet the current need.

- Changes to the deployment of specialist Enhanced Resource Provision places, ensuring we have the right specialist places where we need them. All ERP settings have been revised with some changes to entry/exit criteria, age range and offer.
- A post16 pathway review which is more focused on employment pathways. This work has already begin this year with our providers but will continue into the new academic year.
- Changes to the commissioned numbers of special school places. Additional SLD and SEMH places were desperately in need this year to avoid a large spike in tribunal applications and independent sector requests. Torbay commissioned numbers (of ERPs and special schools) had not been reviewed for more than ten years; this will now be an annual review and analysis of need led by our revised Joint Strategic Needs Analysis.

## **Conclusion**

It is essential that we continue to work on our special school sufficiency providing the right places as indicated by our JSNA. Next year we will need to make further changes to our specialist places in order to meet need within our Local Authority resource.

The largest sustained risk to the Safety Valve agreement is the continued high level of Requests for Statutory Assessment. The Element 3 costs have increased this academic year due to the number of EHCPs being issued, with our rates of cessation not able to impact a balanced net position.

The place-based work being piloted this year has no financial impact but we hope that a stronger partnership approach will be able to raise parental confidence that need can be met without the need for statutory services.