Torbay Schools Forum Update – September 2025

Report Title: Update on Torbay Safety Valve Position

Agenda item:

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Date Prepared:	**16th September 2025**	**Date of Meeting:**	**25th September 2025**

1. Purpose

This paper has been prepared to update Schools Forum members on the current position with Torbay's 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 July 2025, Torbay submitted its seventh monitoring report to the DfE Safety Valve Department. In March of this year 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 then 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 2025/26 will b £16.057 million, with Safety Valve payments received from the DfE amounting to £9.810 million, resulting in a net deficit of £6.247 million at the end of 25/26.

The remaining Safety Valve payments due from the DfE in 2026/27 are £3.100 million, leading to a projected deficit of £3.147 million at the end of the Safety Valve period, excluding forecast overspends in 26/27.

Our future projections show a gradual reduction in the cumulative deficit, with figures of £3.547 million at the end of 2026/27, £3.397 million at the end of 2027/28, £2.597 million at the end of 2028/29, £1.597 million at the end of 2029/30, and £0.797 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 will be made.

The proposed White Paper, due this Autumn, will give a direction of travel for all Local Authorities but will particularly enable Torbay (and other Authorities in the Safety Valve Programme) to consider the direction of travel for future sustainability of its resources for SEND.

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. As an example the requests for statutory assessment in July were almost double than that of any month in the 2024/5 academic year.

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. The new Priority Impact Plan targets support for schools to enhance and develop their ordinarily available provision (further details to follow once this plan has been approved by the DfE).

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. This aspect has been under continued strain with many out of area independent providers requesting pay uplifts or additionality to continue to meet a young person's needs.

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 new measures which have begun this September are:

- A Torbay EOTAS (Education Other than at School) offer.
- A special project to bring back 8 young people from independent provision to Local Authority provision by creating a satellite hub within our SEMH provision.
- An extra 16 SEMH places (8 primary and 8 secondary).
- 25 Extra SLD places which now makes Torbay more sufficient in this need area and avoids independent sector placement usage in this area.
- A post16 pathway review continues which is more focused on employment pathways. This work has already begun last academic year with our providers but will continue into the new academic year where all our specialist provision at post16 will be reviewed for value and outcomes. An example of this which has been started already is the Supported Internship pathway for 8 SEMH young people from Brunel school.

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. This will enable us to avoid seeking independent sector placements locally.

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 work to enhance and enable schools to better meet need within their ordinarily available provision should support this but will by no means completing mitigate this risk.