



**MINUTES FROM HIGHER NEEDS RECOVERY GROUP MEETING HELD ON  
19<sup>th</sup> April 2018**

<p>Present: Rachael Williams, Andy Dempsey, Rob Parr, Dorothy Hadleigh, Matt Gifford, Daniel Hamer, Adam Morris, Ken Kies, Sandra Wright, Mike Lock, Brian Chapman, John Demeger, Siobhan Grady, Samantha Meyer, Amanda White, Gail Rogers, Mark Eager, Jason Trevarthen and (Magenta Guthrie - notes)</p>	<b>Actions</b>
<p><b>Apologies</b></p>	
<p>Roger Hughes, Julie Chubb, Steven Hulme, Stephen Kings, Sheena Wright</p>	
<p><b>1. Welcome and Introductions</b></p>	
<p>Andy welcomed everyone to the meeting. Andy is deputising for Roger today. The group need to come to a decision as to whether we want to recommend to Schools Forum that they take certain actions in dealing with the higher needs pressure.</p>	
<p><b>2. Review of previous minutes</b></p>	
<p>Andy asked that the minutes have page numbers going forward. The only issue at the last meeting was the election of the Chair, Roger is Chair which everybody was happy with. In the ToR, the Deputy Chair would be the Director of Children’s Services, we have moved to a joint DCS model, Alison Botham is the DCS for Torbay and the DCS for Plymouth, she is not the DCS for Torbay and Plymouth as this does not exist as an entity. Andy asked the group if during the transition period Alison is not available, for Rachael to represent the Local Authority. Andy will check with Alison later today and get back to the group on Alison’s availability to attend this group.</p> <p>Rachael said that Roger had asked the election of Chair to be added to the meeting agenda today. Roger took the Chair position last time but wanted it discussed at this meeting. It is agenda item number 3, this will be discussed in Roger’s absence.</p> <p>The minutes were agreed as accurate. Dan asked if as people substitute for others a confidentiality statement needs to be signed, Magenta handed out confidentiality statements to those who were not present at the first meeting. Anyone who is representing anyone else at the meeting today needs to sign a confidentiality statement due to the nature of what is being discussed.</p> <p>Dorothy said that the transfer process has been completed, all statements no longer exist in Torbay apart from 2 that are high complex individuals. Andy added that it is worth noting that despite having a much higher rate of EHCP, our transition from statement to EHCP by the March 2018 deadline has been completed apart from the 2</p>	<b>AD</b>

cases which relates to complexity. One of Andy's concerns is that we lack capacity within the LA to do the annual review to ensure the plans develop and change. There is a danger that if the original plan is a high cost high intensity package, we need to review that package to make sure it remains proportionate to the child's needs.

Mike asked if this is being solved, Andy said that we are putting a resource in place to start that review process. The focus had been on transition from statement to EHCP. Rachael said we currently have 2 job descriptions going through job evaluation for monitoring officers and some administrative capacity and an IT solution for everyone to upload their information ahead of an annual review cycle. Andy said that this will have to be managed within the existing department budget, it is not further growth.

Siobhan highlighted that there will be an additional pressure on partners, review's need to be timed so they do not all come at once. Andy said that we need to find a solution as this is a statutory requirement. We should be able to inform the group at the next meeting who has been appointed.

Agenda item 7 at the last meeting- SEND budget presentation. Rachael said we were asked to look at the Health and Social Care contributions into the EHCP process, we can look at the Social Care contributions around joint placements, we are not able to quantify the investment into an individual EHCP plan.

When you look through the plans, they are listed as services provided to children rather than quantity or a resource. EHCP plans appear to be funded by Education as a budget but the services are wrapped around from the other organisations. This will be taken to the SEND operational meeting where we have Social care and Health colleagues to say do we need to change that in our process of putting forward our agreed plan. Andy asked for people's views, are we committing ourselves to a lot of work? Siobhan said they would be interested in the outcome for those above and beyond and that the costs normally relate to National tariffs. Matt said that we need to be able to offer a personal budget so we have to be able to break it down. We would only need a huge amount of detail when there are requests for personal budgeting. John Demeger said it does need disentangling at the consultation stage. Speech and Language is often assumed this comes under education, they cannot provide Speech and Language so assuming it is provided elsewhere, they can accept the pupil. Gail Rogers said there needs to be sufficiency in the other areas. Breaking down what is being offered shows the total required resource from partner services, which indicates if there is enough in the block.

Andy said the starting point was is the balance of funding between Health and Social Care equitable. In some circumstances we would need to know the detail, either through personal budgeting or can an institution meet the needs of the pupil. The group will not try to review every case but we need a process at an individual level. Rachael said that the group need to take the report of the joint funded places between Education and Social Care and to be aware of the contribution that Education are making to those residential places. Schools Forum have received this report- Rachael to circulate this report. Siobhan said the NHS have a real push around personal health budgets.

Andy did speak with Jo Olsen (Devon) but not about this. Andy has a telephone call scheduled later this week and asked that the action is left on the agenda/minutes:

**RW**

<p>Dorothy Hadleigh said that Devon County Council had a different protocol and Andy Dempsey said that he would speak to their Chief Officer for Children’s Services about this.</p>	<p><b>AD</b></p>
<p><b>3. Election of Chair</b></p>	
<p>Andy said that Roger reluctantly was drawn into the role of Chair. Everyone agreed that they are happy with Roger as Chair, and as Chair of Schools Forum, Roger brings continuity to the group. No one wanted to remove Roger’s role as Chair of this group.</p> <p>Andy asked what colleagues want to see from the new DCS. It was agreed that the DCS should attend this meeting. Mike highlighted this is pressing issue for schools so the DCS should attend. Andy will discuss with Alison Botham (new DCS) that members would like the DCS at this meeting and to attend Schools Forum.</p>	<p><b>AD</b></p>
<p><b>4. Statistical Information (Presentation)</b></p>	
<p>Matt has put in the figures alongside the 10 statistical neighbours. In the % of pupils with EHCP, Torbay are still an outlier. Dorothy said that the stats to do with SEN in the census are released in June which will show if the gap is widening or on par. A number of LA’s who previously avoided EHCP’s and delegated money to SEN support are now reviewing and revising that. Rachael said because of the age banding we have, we know there are children within our system that are historically higher than other areas, therefore we can assume the gap will not close significantly because of the children within the system and we are not ceasing their plans.</p> <p>We are almost in line with statistical neighbours and the South West for % of SEN support. The % of all pupils with SEN includes SEN support as well as EHCP’s. In SEN Primary need for Primary, Secondary and Special schools, Torbay remain the outlier in certain areas. Rachael said comparing our data to National and statistical neighbours has not changed our position. Devon and Somerset have changed their system by not allocating element 3 until an EHCP is in place. Andy said that we are over represented on SEMH and under represented on MLD.</p> <p>Roger asked at the last meeting if we can get information on what year group the plans are ceasing in, which Matt said we have to go back to Capita for. Matt will bring this back to the next meeting. Rachael said that from the information we can note that a request for an RSA comes in transition; reception into primary and year 6 going into year 7, this is probably driven by the fact a new provision is required. John Demeger said that a couple of schools have told him off the record that they know there is a need but wait until the pupil is leaving year 11, although the data shows this is not the case for year 6.</p>	<p><b>MG</b></p>

## 5. Exclusions and recoupment

Andy said this has been discussed at Schools Forum. Dan said we continue to see an increase year on year with exclusions, significant numbers of children being excluded from mainstream schools and academies, this is not reflected in the number of pupils going back into mainstream school. We need to look at how we can increase flow back into mainstream. 2013/2014 exclusions started to increase. The rate of exclusion is beyond the national rate of exclusion, we are now an outlier. Fixed term exclusions are also increasing. There are concerns around exclusions for drugs and alcohol as guidance says this isn't a reason to exclude. SEN students are far more likely to be excluded for a fixed term than their peers; 3 times more likely to be excluded for a fixed term and 8 times more likely to have repeated fixed term exclusions. Rachael said couple that back with the higher proportion of SEMH children within Torbay and link that with the exclusion data. SEN national data doesn't differentiate between K and E, so every SEN child does include SEMH.

Secondary permanent exclusions reasons are persistence disruptive behaviour and assault on a pupil, drug and alcohol is at the same level. Primary are increasingly seeing assault on an adult as a reason for exclusion.

Special schools fixed term exclusions are slowly declining, the reasons for exclusions are assault on a pupil which is becoming more prevalent, or persistence disruptive behaviour, these may sit together.

In the Spring term, there were 8 permanent exclusions within the first month of coming back. Rachael added that out of all those excluded pupils coming in, those children are not going into mainstream as a matter of course, so the investment from the higher needs block is considerable. Out of 42 pupils that came out of the system, only 10 went back into any provision. Rachael gave figures of £20,000 as a minimum amount of package associated with any child coming out of the system up to £50,000.

Dan went through the current funding recoupment model, the guidance says the LA should take from the schools budget the in-year amount pro rata for all funding attached to that child. Dan showed the group the formula that is being used nationally (MFG). This ensures the recoupment is appropriate for the child that has been excluded. There is a fair amount of money that should follow a child into AP. At KS3, MFG is almost £1000 higher attached to the child opposed to AWPU. If you exclude a KS3 child at the beginning of the year, it left schools with a residual sum. We would recoup appropriate to the funding we send to schools per child.

We would like to recommend to Schools Forum from 1<sup>st</sup> September to adopt MFG as opposed to AWPU. Andy said this may incentivise exclusions and give a more inclusive approach because of the financial impact. Andy highlighted we are not a decision making group, but we can recommend to Schools Forum. Andy asked if we are content as a group to recommend this to Schools Forum. Everyone agreed to recommend the adoption of a recoupment model based on MFG to Schools Forum from 1<sup>st</sup> September and that this is communicated to all schools at the earliest opportunity. Ken agreed the

<p>proposal will help the finances a little but doesn't think it will help the number of exclusions, excluding pupils seems archaic and sometimes it is because the parents expect it. Andy said that there is an emerging awareness in Ofsted around the movements of pupils outside of admissions rounds.</p> <p>Rachael to write to Schools Forum to adopt MFG funding from 1<sup>st</sup> September</p>	<b>RW</b>
<b>6. Vision for managing pupil movements (Presentation)</b>	
<p>Rachael said that in Torbay we have identified that there is a higher rate of pupil movement between provisions and out of the system into AP and Special schools particularly at KS3 and KS4. This has been flagged by Ofsted who will be writing to the LA formally with the data so the LA can go to Headteachers. Ofsted had been asked to consider if this was an Ofsted priority at the request of Assistant Director Association Group in the SW. When Rachael receives the letter from Ofsted, it will be shared at the secondary Heads meeting.</p> <p>There is support available for schools currently; Educational Psychology, request for statutory assessment, referral to PRP and intensive outreach service. Schools appear to be prioritising Educational Psychology time elsewhere and not on pupils that are at risk of exclusion. There was recently a secondary peer challenge group which was a success, the next meeting is due to take place on 2<sup>nd</sup> May. The group talked about strategies and interventions, what had been successful for them. In the meeting, they confirmed 19 children on managed moves backwards and forwards between Brunel and mainstream education. PRP is an admissions and placement panel, not a peer challenge panel. A lot of conversation takes place about individual children and it is felt this is not the place.</p> <p>Dan showed the current model used which is a 2 step model. Mark asked if the figures also include parental choice, it could be in the best interest of the child to move schools. Rachael confirmed Ofsted have not done a breakdown of those figures, they will be giving them to the LA to do the reasons behind the pupil movements. Dan went through the proposed new 3 step model that Portsmouth LA have developed by adding an extra step in the model- managed transfer. Handled like a managed move, funds would be transferred, unlike managed moves, there is no return path. The schools work together and do the pro rata funding transfer at an earlier point. The initial school would bear the cost of a permanent exclusion if that happens within the first 2 terms. It is recognised that some children will not hit this step. Mark asked if oversight from the LA is a brokerage or is it just an awareness that is happening. Dan said on managed transfers it would be a brokerage. Mark asked if a permanent exclusion would affect the excluding school or the original school. Dan answered the original school would bear the financial cost and the statistical figure of the permanent exclusion. There is no cost to the higher needs block for the extra step.</p> <p>To support this, we need a changed model, not PRP. Mark was not sure on separating the secondary schools between selective and non-selective, Dan explained that all secondary schools were invited to the peer challenge group and the non-selective were</p>	



the schools that turned up. Hopefully going forward, the schools will combine and have 2 groups of 4 mixed with selective and non-selective. Andy said the numbers need to be managed so they are directed across the system based on child's presenting need rather than capacity alone. Andy pointed out this would apply to all schools, selective and non-selective, if passed through Schools Forum.

Dan said that PRP is subject to change. Rachael said this is a principal and needs to be brought back, this is a mechanism and to see if the group think this would work. It also needs linking into the admissions process and needs signing off by the DfE.

The recommendation is to support the new model. Schools would only take 3% rounded up at the number on roll at census, not just fill a school that has vacant places. Brian asked what is considered reasonable steps, what is funded in one secondary may not be funded in another. Dan said that this is the duty of the peer challenge group, to identify what is reasonable. Rachael said that we need a support document of what is a reasonable adjustment, and to give good practice examples. Andy said this should be coproduced with the schools.

The group agreed three recommendations: that we recommend to Schools Forum to adopt the 3 stage model, HOS review the structure of PRP to reflect the structure of peer challenge groups, adopt the expectation of schools to support the new model around the 3%.

Andy proposed an amendment; Higher Needs Groups tasks the HOS with refining the 3 stage model with particular reference to the role of PRP and peer challenge groups with respect to the managed moves and transfer. We are not ready to take a detailed model to Schools Forum. Dan highlighted the 3% is an urgent need, can this be a recommendation outside of the 3 step model?

Andy tasked Rachael to draft a letter to Schools Forum proposing at the earliest opportunity to implement or work towards the 3%, this then needs to be communicated to schools at the earliest opportunity. The fair access protocol still runs as normal.

Ken asked if we have a system that encourages exclusion. Is it that we are more likely to get support from SEN if a pupil is close to exclusion? Dan said he thinks we don't, because of the number of children being excluded, a lot of the intervention support places are currently meeting the needs of the pupils being excluded.

Rachael said that she and Sandra meet regarding the outreach services from Chestnut. Some schools were using the outreach service as a support mechanism for getting an area of provision above others. They are looking at ceasing this if the school is not playing a part at keeping the child within mainstream.

Adam wrote a list of behavioural thresholds which are still in place, Ken asked if all schools are using this and do secondary's have something similar? Brian said they do.

Jason said we haven't mentioned progress, some schools will be fair and try to equally share, if you look at the progress of the students, which is what is encouraging the students out of the school, lack of progress.

**HOS**

**RW**

<p>Rob asked if there is a difference between the pro rata funding and the exclusion funding, Dan said that the funding is taken through to the next year.</p> <p>This will go to both secondary and primary heads meetings.</p>	
<p><b>7. Business Case for PCSA</b></p>	
<p>Initial discussions have taken place with Paignton for an enhanced provision for KS3 pupils that we are having trouble finding provision for and have no other option than going out of area. Primarily they are placed at On Track, the cost is in the region of £55k. Once a child is placed there, it is difficult to get them out and the outcome of the students and the progression they make is limited.</p> <p>We would like to propose 6 students from September (students already identified), Paignton have identified key staff. Rachael said this brings the investment back into our local area, we are not proposing this is a wide provision that anyone can refer to. We would like to de-invest at On Track and use the money to pay for a place at Paignton at a reduced cost. Dorothy said we invest a lot into bespoke therapeutic packages.</p> <p>Mike said this seemed like a good, practical suggestion to get pupils out of expensive, out of area provision and back to the local area.</p> <p>Brian said there is an offsite centre that has the capacity for this provision. 3 staff would be needed for the initial 6 students identified. If the placements go well, the pupils can move into mainstream provision at Paignton on a trial basis. The capital costs have been covered, Rachael said that £100,000 has been allocated from the SEND budget.</p> <p>Ken asked if there was a similar plan for primary school pupils, Dorothy said that Paignton approached the LA about this, and if any primary schools would like to develop a provision then to let her know.</p> <p>Jason said that recruitment would need to take place to ensure a transparent process.</p> <p>Rachael to write to Chair of Schools Forum to ratify this decision, this needs to be done within 5 days due to lack of time.</p> <p>Dorothy said this is not an opportunity for schools to identify pupils, Rachael added we do not want to backfill the places that have been freed up at On Track.</p>	<p><b>RW</b></p>
<p><b>8. Business Case for Play Torbay</b></p>	
<p>Dan introduced the business case from Play Torbay, there have been lots of cases where the child is ready to re-enter mainstream provision but is refusing. What is being proposed is that Play Torbay work with the child at the point they have been identified for</p>	

<p>reintegration, the alternate provision start to withdraw and Play Torbay support the child in mainstream. The child still has someone they know across both settings.</p> <p>The proposal is to operate a pilot at a cost of approximately £22,000 with a saving of £150,000 if you allow for the cost of the pilot if you project those children staying in AP for a year. The children identified are 3 from Burton, 1 from Apricot and 2 that have been identified for On Track but will probably end up being supported by Chestnut where we have to commission extra provision because Chestnut are full.</p> <p>Sandra said the majority of these children that we are trying to transition have got significant attachment needs, what they have found for a successful transition is having a key adult.</p> <p>Rachael said she has been working with Play Torbay over the last year. They have drawn down lottery funding and the CEO of the big lottery has been to visit. We have worked with Play Torbay to identify the children, they will have a key adult in the mainstream school. Andy asked if Rob was happy with the funding which he was.</p> <p>Rachael said that Play Torbay would continue to work with children and parents during the school holidays so the work put in during term time is not lost, this is when the transition is most likely to fail.</p> <p>Andy said that there is currently not enough resource to work with the parents, Andy would like Rachael to write to Schools Forum to recommend they invest, to save time, send the letter via email.</p>	<b>RW</b>
<p><b>9. Identification of priority areas</b></p>	
<p>Rachael said that Rob has been attending a regional fair funding meeting. Some LA's have been clawing back money by removing Element 3 or cutting the bands of element 3, some are looking at the number of commissioned places and withdrawing some. Somerset have worked with Schools Forum in a successful disapplication of 8% from the designated schools grant to the higher needs block, this is 7.5% above the cap. We are taking action to find out how other LA's are dealing with the pressure. Rachael said the group need to be prepared for radical proposals in order to save the money they have been tasked with. Rob has been given additional support from Hampshire to carry out some of the work.</p> <p>Andy said that we need a position paper on how other areas are dealing with the budget pressures, Andy tasked Rachael and Rob to do this. There will need to be broad conversations to go to Schools Forum.</p>	<b>RW/RP</b>
<p><b>10. Future Meeting Dates and Agenda</b></p>	
<p>The next meeting is on Friday 25<sup>th</sup> May at TLH Carlton from 9am to 11am</p>	



