

**Torbay Council Safety Valve Summary Update Report  
Quarter Three 2023/2024**

Date Submitted:	15th December 2023
Data date:	30 <sup>th</sup> November 2023
Section 151 officer signature:	
Director of Children's Services signature:	
Linked document:	Safety Valve Agreement DSG Management Plan

This is the third progress report since the agreement of the Safety Valve in March 2023. The report sets out the progress made against each of the conditions of the grant, an overview of the budget position as of 23<sup>rd</sup> November 2023 and the trajectory of the budget. The report also includes data that demonstrates the impact of our work to date.

Work continues to be implemented delivering the reform programme needed and setting the conditions for future and sustained change. Local scrutiny of performance remains considerable, the work of the safety valve continues to be overseen by the CEO through the executive transformation board and reviewed by School Forum [Browse meetings - Schools Forum \(torbay.gov.uk\)](#). The interdependencies between the Safety Valve and Written Statement of Action for SEND and the implementation of our Family Hubs are understood, and further challenge is provided by the SEND Strategic Board, The Childrens Continuous Improvement Board and DFE/CQC monitoring meetings. A review of the SEND Improvement Governance has further brought School System Leaders into the improvement priorities that underpin the Safety Valve.

Overall progress of our work to date can be seen in two key performance indicators.

## Number of Education Health and Care Plans

In this quarter the number of plans within the Local Area have increased by 14 EHCP's since our last submission. The number of plans continues to be below our peak of plans at 1673 in August 2022. We are working towards our action plan submitted for the Safety Valve and have taken action to continue to cease plans and only produce plans where the legal test is met.

Torbay SEND have 41 plans that are in progress to cease that are not yet included in the figure and we recognise that the Autumn Term (quarter 3) supports the identification of young people that may select a different pathway into employment post the publication of their results.

	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23
EHCPS Start of Month	1612	1591	1589	1574	1574	1565	1569	1564	1566	1560	1583
New Plans Issued	16	10	18	13	17	17	21	14	11	30	13
Transfers In	2	2	3	1	1	4	2	3	5	3	1
Reinstated via Tribunal/Other	0	0	0	0	0	0	0	0	0	0	2
<b>EHCPS IN SUBTOTAL</b>	<b>18</b>	<b>12</b>	<b>21</b>	<b>14</b>	<b>18</b>	<b>21</b>	<b>23</b>	<b>17</b>	<b>16</b>	<b>33</b>	<b>16</b>
Ceased Plans	32	11	28	14	26	9	28	14	18	9	11
Moved Out	3	3	8	0	1	6	0	1	1	1	9
Made Inactive Deceased / Other	2	0	0	0	0	1	0	0	0	0	1
<b>EHCPS OUT SUBTOTAL</b>	<b>37</b>	<b>14</b>	<b>36</b>	<b>14</b>	<b>27</b>	<b>16</b>	<b>28</b>	<b>15</b>	<b>19</b>	<b>10</b>	<b>21</b>
Adjustment (+ / -) (changes to funding LA)	2								3		
<b>Difference (EHCPS ins v outs)</b>	<b>21</b>	<b>2</b>	<b>15</b>	<b>0</b>	<b>9</b>	<b>-4</b>	<b>5</b>	<b>-2</b>	<b>6</b>	<b>-23</b>	<b>5</b>
<b>Target</b>	<b>Average reduction required:</b>			<b>3.3</b>	<b>3.6</b>	<b>3.1</b>	<b>3.9</b>	<b>3.8</b>	<b>4.6</b>	<b>4.3</b>	<b>9.8</b>
<b>EHCPS Year To Date</b>	<b>1591</b>	<b>1589</b>	<b>1574</b>	<b>1574</b>	<b>1565</b>	<b>1569</b>	<b>1564</b>	<b>1566</b>	<b>1560</b>	<b>1583</b>	<b>1578</b>

## Financial outturn position at 23<sup>rd</sup> November 2023

The projected DSG budget position remains aligned to the DSG management plan. The work to reduce spend continues to demonstrate that our financial position is improving. Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £1.038m**. This position is positive against the budget **overspend of £1.263m** in the safety valve.

Budget Heading	Budget	Actuals to date	Projected Outturn	Over / (Under) Spend
Early Years 2, 3 & 4 yr old payments – PVI's & Academies	£6.229m	£3.574m	£6.229m	£0k
Early Years – ALFEY	£295k	£190k	£285k	(£10k)
Early Years – Pupil Premium & Disability Access Fund	£158k	£61k	£118k	(£40k)
Early Years – 5% retained element	£383k	£184k	£320k	(£63k)
Joint Funded Placements	£400k	£159k	£300k	(£100k)
Recovery of funding from schools for Excluded Pupils, Medical Tuition Service and Elective Home Education	(£175k)	(£52k)	(£110k)	£65k
Contribution from Health towards EHCP's	(£100k)	(£0k)	(£0k)	£100k

Independent Special School Fees including South Devon College	£3.330m	£1.738m	£3.650m	£320k
Other packages for EHCP pupils and SEND personal budgets	£1.588m	£1.076m	£1.788m	£200k
Payments to / recoupment from other authorities for mainstream and Special School places	(£128k)	(£52k)	(£428k)	(£300k)
Medical Tuition Service	£1.070m	£804k	£920k	(£150k)
Virtual School / Hospital Tuition / Vulnerable Students Team	£519k	£261k	£480k	(£39k)
Refund from Medical Tuition Service from underspend during 22/23		(£200k)	(£200k)	(£200k)
School contingencies (Planned pupil growth, NQT induction etc)	£70k	£59k	£69k	(£1k)
EHCP in-year adjustments (see separate paper for details)	£539k	£569k	£635k	£96k
Special Schools / High Needs in-year adjustments (see separate paper for details)	£400k	£318k	£400k	£0k
School Intervention / Commissioning	£48k	£17k	£38k	(£10k)
Business Support / Business Intelligence	£240k	£129k	£245k	£5k
Senior Management, Central Recharges, Admissions, EAL / Travellers, SACRE,	£612k	£412k	£545k	(£67k)
Visually impaired / Hearing impaired / Advisory Teachers	£166k	£74k	£135k	(£31k)
Deficit DSG budget set for 23/24	(£1.263m)			£1.263m
<b>Total – Forecast Outturn Position 23/24</b>				<b>£1.038m</b>

### Progress Update Reports for Each Agreement Condition

Agreement Condition	Assurance Level			
	Q1	Q2	Q3	Q4
3.1 Maintain existing special school numbers through increasing				

parental confidence and provision within mainstream settings				
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Special School numbers continue to be maintained at our agreed commissioned levels. The following chart details our commissioned placements against our position in November 2023.

Special Schools	Commissioned Number	As at 15 <sup>th</sup> November 2023
Combe Pafford	265	264
Mayfield	263	262
Brunel	55	53
Lodestar* formally Burton	55	47
Preston ASC ERP	16	15
Barton S&L ERP	10	10
St Margaret's Academy HI ERP	8	5
Brixham ASC ERP	22	21
The Spires HI ERP	8	5
The Spires ASC ERP	16	12
Paignton STEPS ERP	12	11
<b>TOTAL</b>	<b>730</b>	<b>705</b>

Through careful management of admissions and prioritising need we have maintained our commissioned numbers aligned to our planning.

There is a reduction in the number of students entering the ERP's and as such there is a new commissioning and procurement exercise to review the designation and capacity in line with our JSNA. This will be a consultative process with a view to implementation for September 2025. In the interim, new SLA's are being created to commence early 2024 for the ERP's in situ.

Whilst the data shows a reduction at the date of entry for Lodestar, this is now fat capacity plus one following 7 secondary exclusions and 3 behaviour referrals across this time. The Vulnerable Pupils team are working to move children back into mainstream and end the behaviour assessments early to create capacity.

Our specialist provision at Combe Pafford School for MLD is in demand in our neighbouring local authority Devon for parental preference. This has resulted in 3 directions by the Tribunal to increase PAN and another 3 in the process of Tribunal. Although this results in no financial burden on Torbay, it is reflected within our growth and also the overall approach/cost to provision that is then needed to be provided to meet the needs of additional children. We have

met with the DFE and Regional Delivery Team to discuss a facilitated conversation/project to consider joint working on this area.

Our Special School trajectory is in line with our agreed budget for 2023/2024. Our numbers are being managed carefully and no financial pressures are identified on this budget line. This includes a new Agreement in Principle form and a new Scheme of Delegation.

Requests for specialist placements are higher at points of transition with parents historically feeling that needs could only be met within the specialist sector, this will be managed by the SEP process which commences in January 2024 for a January start.

As a local area partnership, we are robustly applying thresholds and ensuring consistency in our decision making to ensure that specialist placement and EHCP's are issued in line with assessed need. As a result, we have seen an increase in the number of Tribunals and Appeals.

Registered cases by calendar year	2018	2019	2020	2021	2022	2023
Tribunals	6	9	7	9	17	22 (+2 pending)
Mediations	2	0	6	2	19	33

Torbay have been successful in two Tribunals on refusal to issue, based on our assessment process. We are using both formal mediation and global mediation to manage demand and management of specialist provision numbers. We have Tribunals lodged for a variety of disputes including Section I, Section F, refusal to issue and cessation.

Since the last submission we have had two Tribunals, one resulted in a specialist placement out of area and the other we are awaiting an order on.

Our strategic Tribunals and appeals panel which sits 6 weekly is reviewing emerging issues which include a lack of health contribution to funding EHCP's and robustness of provision from health and care in the Tribunal hearing, as at November 15<sup>th</sup> there is a request for action to be taken to rectify this.

Agreement Condition	Assurance Level			
	Q1	Q2	Q3	Q4
3.2 Create a culture change in Special Educational Needs and Disabilities (SEND) services, driving forward inclusive practice and workforce development				

During this quarter we have continued to embed our coproduced SEND Strategy via new action plans which are being delivered through a new five strand project structure based on the key priorities in the strategy. We have also continued work to deliver Restorative training on our Pledge values across the Local Area. These projects continue to underpin our work to change culture and bring confidence in the system for inclusion.

Our key focus, however, this quarter has been the work completed to launch and embed our new coproduced Graduated Response toolkits. This launch featured a brand-new suite of resources on our new Family Hubs website in September which was written with our Parent

Carer Forum to ensure the information and presentation was accessible for our families - [SEND Support and Provision – Graduated Response - Family Hub \(torbayfamilyhub.org.uk\)](https://torbayfamilyhub.org.uk).

After the initial launch of our “SEND bus” we have been touring all mainstream primary and secondary schools with our “SEND Roadshows” where we have launched the new Graduated Response toolkits to both parents, carers and school staff, handed out over 5000 leaflets to parents and having an estimated 1000 conversations with parents on their queries and questions; one parent commented “until I visited the SEND bus I had no idea you could receive support without a EHC plan”. As well as the roadshows we have also hosted four coffee mornings to some of our larger schools, attended the Early Years Conference to talk to practitioners about the new toolkits and delivered 9 staff briefings on the toolkits.

As we know workforce development is a key component to change we have also:

- created a suite of resources and delivered a “Train the trainer” session to our SENDCos so that they could continue to cascade this training at a more in-depth level across the workforce during training time.
- We have also created a specialist professional development area on our learning platform to enhance training for staff and holds sample documents and templates to support their delivery. We plan to host five webinars in the New Year to deliver specialist training to support teachers to embed the toolkits into their daily routines.
- Our well attended SENDCo Forums continue to focus on both the Graduated Response and Funding Formula this quarter.
- Ensured that NASEN training is available through the Local SWIFT Hub and embedded in our local training offer for all schools/practitioners.
- Our AET training for Secondary providers continues to be delivered. With a further planning session in January 2024 to include an expansion of the scheme.

Agreement Condition	Assurance Level			
3.3. Reform Torbay’s graduated response and address multi-agency contributions to Education Health and Care Plans (EHCPs);	Q1	Q2	Q3	Q4

The new graduated response toolkits can be found at [Graduated Response - Torbay Council](#). There has been a train the trainer session for SENDCO’s to roll this out with their schools/colleges. This includes providing schools and colleges with proformas (IEP, SEND Support plans and APDR) and best practice examples as well as training and development on the GR implementation.

The work to ensure that there is a consistent understanding of the graduated response will take time to embed and as such the Requests for Statutory assessments continue to be higher than we would like at this point of our improvement journey. However, not all requests for statutory assessment result in a plan

being issued. Through rigorous processes and ensuring consistency of the offer against our graduated response the refusal rate continues to be high demonstrating our challenge and robust decision making back to the system. Detailed work has been conducted to understand where individual schools/agencies are submitting requests against the refusal rates. This has been used to target our work in Autumn 2023.

RSA requests	2019	2020	2021	2022	2023
	319	206	309	345	327 (January to November year to date)

Early Years Setting	% of RSAs	Parental request	% of RSAs	School	% of RSAs	Student Request	% of RSAs	Total of sources
50	15%	80	24%	182	56%	15	5%	327

Refusal Rates	2019	2020	2021	2022	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sept 23	Oct 23
	97/316 (31%)	51/206 (25%)	89/309 (29%)	119/340 (35%)	45%	36%	54%	50%	48%	35%	42%	33%	38%	29%

*Important. The refusal rate is only valid for the month once all RSAs have passed the received and assessment stages. The above refusal rates include all refusals, which can occur at different stages of the statutory process.*

- For November 2023 there has been an RSA refusal rate decrease of 16%, from the 45% in January.
- Average refusal rate in 2023 so far, is 39% which is higher than the National Average
- We are working to meet our required WSoA target of 15 RSA's per month but we are aware we are not close to this at present
- Schools remain the highest requesters of EHCP's in line with the highest population of students, with the highest age group now being 5-10

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					
RSAs Received	31	33	41	16	42	34	38	9	21	28	30	1		324			
<b>RSA Status</b>																	
Received	0	0	0	0	0	0	0	0	1	4	25	1		31			
Assmt. Complete	0	0	0	0	0	0	0	0	0	0	0	0					
Awaiting decision to assess	0	0	0	0	0	0	0	1	0	0	0	0		10%			
Assmt. in progress	0	0	0	0	0	0	8	5	12	15	5	0		45			
Subtotal (in progress)	0	0	0	0	0	0	9	5	13	19	30	1		77			
<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	7	8	0	0		106			
Withdrawn EHCP	1	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>14</b>	<b>12</b>	<b>22</b>	<b>8</b>	<b>20</b>	<b>12</b>	<b>16</b>	<b>3</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>		<b>123</b>			
<b>RSA Refusal Rate</b>	<b>45%</b>	<b>36%</b>	<b>54%</b>	<b>50%</b>	<b>48%</b>	<b>35%</b>	<b>42%</b>	<b>33%</b>	<b>38%</b>	<b>29%</b>	<b>0%</b>	<b>0%</b>		<b>38%</b>			
<b>CURRENT STATUS</b>																	
Draft EHCP	0	0	0	1	1	7	3	0	0	0	0	0		12			
Current EHCP	17	21	19	7	21	15	10	1	0	1	0	0		112			
<b>Progressed %</b>	<b>52%</b>	<b>61%</b>	<b>46%</b>	<b>50%</b>	<b>43%</b>	<b>62%</b>	<b>53%</b>	<b>67%</b>	<b>57%</b>	<b>57%</b>	<b>17%</b>	<b>0%</b>		<b>50%</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>27</b>	<b>26</b>	<b>4</b>	<b>8</b>	<b>9</b>	<b>0</b>	<b>0</b>		<b>235</b>			
<b>RSAs completed %</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>94%</b>	<b>98%</b>	<b>79%</b>	<b>68%</b>	<b>44%</b>	<b>38%</b>	<b>32%</b>	<b>0%</b>	<b>0%</b>		<b>75%</b>			
<b>Source</b>			<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>								
Early Years Setting			12%	10%	16%	15%	15%	16%	15%								
Parental request			20%	25%	26%	22%	23%	28%	24%								
School			63%	62%	54%	59%	59%	52%	56%								
Student Request			5%	3%	4%	3%	3%	3%	5%								

<b>Grand Total</b>	<b>100%</b>						
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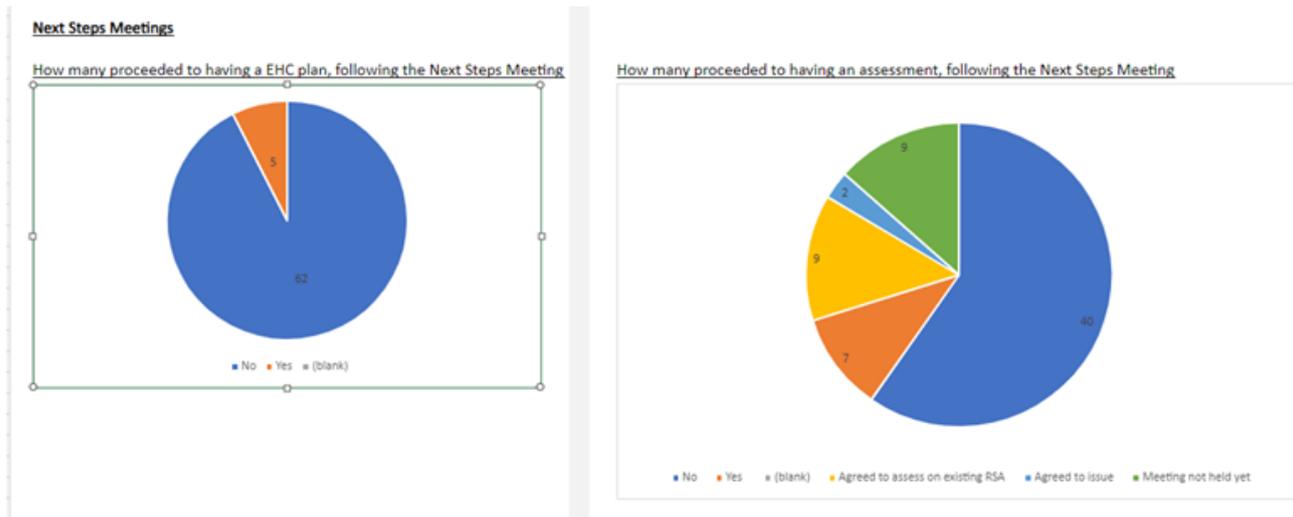
**RSAs by Age Group**

Age 0-4	53
Age 5-10	128
Age 11-15	112
Age 16-19	34
Age 20-25	0
<b>Total</b>	<b>327</b>

Rigorous processes are in place to ensure that plans are not issued where needs can be met through the effective implementation of the graduated response. To drive forward this change we continue to deliver 'Next Steps' meetings with schools, parents and SEND caseworkers. These meetings discuss the rationale for the decision and support the agreement of a plan that can be delivered under SEN (K).

Between September and November there have been 25 next steps meetings held. Our tracking of data shows that 16 out of 25 in this period have led to no appeal and an agreed plan with multi agency participation. Nine have remained with the intent to appeal the decision which will be further mitigated through our mediations processes or agreement will be given to assess and a further decision to be taken at issuing.

The overarching data from 22-23 for Next Steps meetings shows the impact they are having with just 5 out of 67 Next steps meetings leading to an EHCP within 6 months of the meeting:



This process is also building confidence between the parent and school whilst also providing a learning opportunity for schools to become further aware of the expectations of the graduated response toolkit.



Violet the SEND Van has completed the Graduated Response Roadshow which began in September 2023. We visited 34 schools and colleges to promote the SEND support and provision toolkits, attended the Early Years Conference and have been to 9 staff briefings. We have handed out over 5000 Graduated response bookmarks to parents and carers.

As part of our improvement work, we continue to tackle the quality of advice and information to inform decision making and provision within an EHCP and the review and monitoring of information. The Quality of Education Health and Care Plans remains too variable. A Quality Assurance process is in place within the Torbay Learning Academy with two SEND Auditors conducting the reviews and implementation of associated actions plans. The SEND Board continue to review the audit findings are taking forward actions to improve both the timeliness and quality of contributions. The SEND Board including all multi agency partners have agreed the mechanisms for receiving and taking forward learning across the system. The data below demonstrates the current timeliness of appendix returns from all agencies. A SENDCO Forum has focused on learning from audits to further mitigate inconsistency in practice.

	October 2023 (latest data)	Year to date
<b>Health Advice</b>	55%	54%
<b>Social Care Advice</b>	81%	76%
<b>Education Psychology</b>	29%	43%
<b>Finals on time as %</b>	53%	44% (rolling average)

The overall performance for November 2023 has increased. However still remains a concern and is being monitored consistently through the SEND Board. The Head of Service for SEND and Inclusion has requested Action plans from health and care services be submitted to the SEND Executive Board in March 2024 to ascertain how partners are going to increase their timeliness and what mitigations and rationales there are for the decline in performance.

Torbay has received its first Ombudsman direction to pay a financial penalty as a result of a delay in issuing a plan, the failure to issue the plan was due to the lack of assessment being provided by Health. The current direction from the Ombudsman, despite the failings being within the Health system, is for the Local Authority (Higher Needs Block) to pay the compensation. The LA is challenging the individual decision and making representation on the wider change within the directions being given.

The Educational Psychology service engaged in Industrial Action and working to rule from September to November which has impacted upon their timeliness, now this is resolved we plan to see an increase in timeliness.

We also continue to challenge the financial contributions from our health partners. Although it has been identified that there has been no health funding for the last two years for our children with EHCP. We are still not able to gain a response from the ICB regarding the lack of direct health funding. Although we have clearly evidenced the need and provided this to Chief Executive at the NHS Trust there has been no forthcoming resolution. The level of health funding to support our children has not been provided this continues to be tracked by the Local Authority. The work with Health partners to ensure that a budget and process is created continues to be escalated and is understood at a strategic level within the Council, The Chief Nurse, ICB Board and NHS Commissioner are all engaged in the conversations. Despite the escalations there is no identified budget within the ICB to contribute. This remains a key strategic risk. A deep dive into Joint Commissioning has been undertaken and the SEND Executive Group are taking forward a programme of work based on the recommendations.

Not only is there a financial challenge, but there is also a gap in service provision at the level required to meet needs. This results in the local authority making provision through the high needs block.

Agreement Condition	Assurance Level			
3.4. Implement the Independent Placement Overview Panel to ensure that decision making on awarding EHCPs and placements is rigorous and appropriate for children and young people;	Q1	Q2	Q3	Q4

The number of young people in specialist independent placements has increased recently. At the end of November 2023 we had 40 children who attend an independent specialist placement. There are multiple reasons for the increase, our deep dive into young people attending independent provisions indicated that the highest needs being met were SEMH and ASC. We have made a decision to ensure that some children who were previously supported through an EOTAS package have been moved to a registered Independent Placement as they had made sufficient progress to be able to access provision within a group based offer.

This is also linked to our ERP review for 2025.

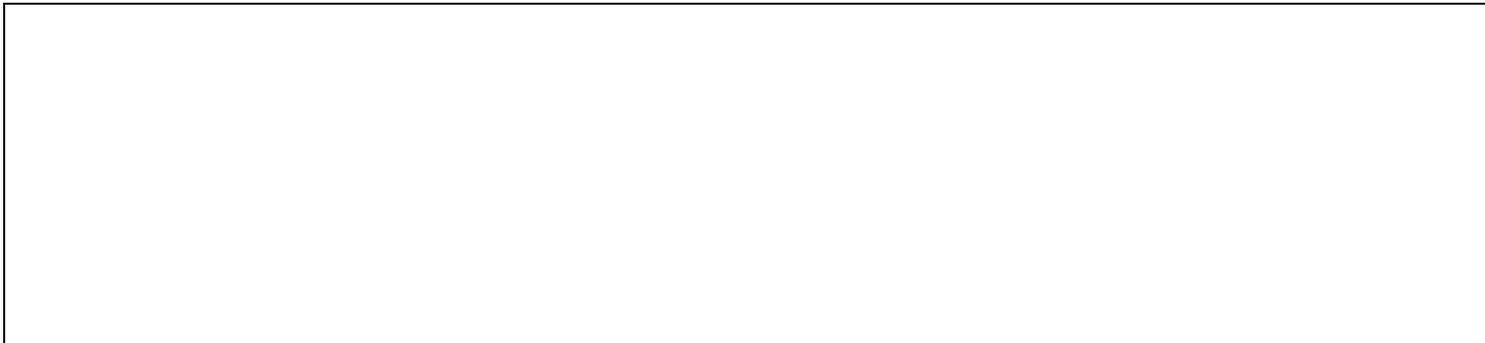
Torbay SEND are rigorously monitoring attendance and Phase transfer, 13 of the 40 at year 11 and we will be looking at alternative for Post 16 provision.

Two students are Year 6 and we are looking at Secondary options for them locally as alternatives for their out of area placements.

Our Specialist SEMH school will continue to work with us on their improvement journey to try and preclude escalations for provision in ISEP.

	November 2021	November 2022	November 2023
Number of Independent Specialist Placements	32	39	40

Agreement Condition	Assurance Level			
3.5. Build confidence within the parental community on the level of provision that can be provided within special schools and enhanced resource bases;	Q1	Q2	Q3	Q4
<p>Parents still lack confidence in the provision of SEND in the wider school and health landscape, this is evident by the significant numbers of RSA. Parents confidence is further impacted by the extremely lengthy waiting lists for specialist assessments. However, the level of confidence that parents have within the offer of special schools continues to be strong. This is demonstrated through the high number of requests that are received each year for consideration of a special school placement. The ability of our special schools to meet needs and maintain parental confidence is supporting us to manage the requests for independent specialist placements and meet need within local provision. The continued focus on the development of the enhanced resource bases within mainstream education has enabled parental confidence to be maintained. Enhanced resource provisions for Autism remain well regarded by parents. Further work has taken place with The Steps provision to ensure that the staffing structure and curriculum offer further meets needs, this has enhanced the confidence of both the young people and parents. Additional work has been conducted to ensure that children needs are further matched to the resource base to promote a positive outcome.</p> <p>As parents are demonstrating confidence in the special school offers, we are using special school outreach to promote the development of shared approaches for children into other provisions including mainstream. This will extend to our review of ERP's for 2025.</p> <p>Our focus has widened to building parental confidence in the SEND system across all provisions. We are working directly with SEND Family Voice Torbay, our parent carer forum, to co-produce and design information and forums which support the sharing of information and provide opportunities to explore myths and overcome concerns. To date the following events have taken place for parents and carers:</p> <ul style="list-style-type: none"> <li>• Dispelling the Myths about Secondary School for SEND</li> <li>• Torbay SEND Virtual Drop in (January, March)</li> <li>• Preparing for Adulthood</li> <li>• Torbay SEND Graduated Response – Cognition and Learning Needs</li> <li>• Torbay SEND Graduated Response – Physical and Sensory Needs</li> <li>• Torbay SEND Graduated Response – Social, Emotional and Mental Health</li> <li>• Torbay SEND Graduated Response – Neurodiversity Needs</li> <li>• Torbay SEND Graduated Response – Speech, Language and Communication Needs</li> <li>• QA on the mental capacity act and lasting power of attorney</li> <li>• What to do if your child or young person has SEND</li> <li>• Dispelling the Myths about mainstream primary school</li> </ul> <p>Send Family Voice Torbay have co-produced and delivered an accredited Autism Education Trust Leadership Programme to all Torbay secondary schools. This is led by parents all barr one of Torbay Secondary schools have signed up to receive this training (July to Nov 2023). The design of this programme will enable greater parental and school collaboration and build further confidence. We are taking forward action to consider the location and resources available within The Steps Provision at Paignton Academy. As a result of a full options appraisal we are relocating the provision to the main site further allowing young people to have full curriculum and integration with peers. This building work is being jointly funded by the LA and Thinking Schools Academy Trust who are investing £500k in the relocation and improvement works. This is a good indication of a Trust's commitment to provide a high quality ERP for the local area.</p>				



Agreement Condition	Assurance Level			
	Q1	Q2	Q3	Q4
3.6. Implement a Transitions Panel to ensure timely and effective post-16 planning from an earlier age, including targeted employment and education support, and cessation of Post-16 EHCPs where needs have been met;				

Torbay continues to have a transitions panel in place that considers children from the age of 14 years.

We understand in granular detail the young people with an EHCP and the reasons for them to be NEET. We continue to use the Council opportunities for young people with SEND to gain meaningful work experience opportunities alongside our NDTI programme. This is being co-ordinated through our HR teams with young people accessing work either for a week or a longer period of time to gain experience. Internal work on reviewing apprenticeship opportunities and prioritising care experienced and/or SEND young people is in place. Our new SEND Employment Officer began this project this quarter and has so far created a baseline of all SEND Internships in the Bay. Our new SEND Employment Forum is planned to roll out from January 2024 and has engaged a number of large local employers and educational providers so we can work together to provide more opportunities to provide supported internships in Torbay.

	Total
NEET - Available, Not Ready	11
NEET - Available	10
NEET - Not Available, health prevents engagement	6
NEET - re-engagement	3

We are proactively working with young people rather than placing them into provisions which they will not attend. This is ensuring that we do not commit funding to unfilled placements but work directly on re-engagement and a suitable offer aligned to the young person's needs.

Significant work continues to be undertaken with South Devon College (the single FE provider for Torbay). This work includes: -

- We are continuing to use the annual review process to recognise when outcomes have been achieved and bringing forward activity to conduct the review to impact on ceasing plans.
- SDC (along with all other providers) will start to use our new Funding formula for new plans and Phase Transfer
- Greater challenge and oversight of consults and decision making regarding the entry of learners.
- Use of directions to take when necessary
- Worked with SDC on a revision of the Risk assessment process for young people with EHCP's
- Implementation of a formal contract management process and the start of greater contractual SLA's for bespoke provisions.
- Linking our College with the SLIP Partner College to share best practice, including funding arrangements.

As a result of our direct work, we have increased the ceasing activity to celebrate the achievements of young people and reduce the EHCP's in line with assessed need. The following data demonstrates the plans that have been ceased/made inactive.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year Total
<b>2019</b>	15	10	24	4	6	19	24	47	51	32	6	7	245
<b>2020</b>	19	15	17	5	9	6	4	3	9	47	10	13	157
<b>2021</b>	6	13	6	5	10	9	8	15	33	4	16	8	133
<b>2022</b>	7	6	23	11	15	5	21	7	28	17	47	45	232
<b>2023</b>	37	14	36	14	27	16	28	15	19	10	21	-	237

The following data demonstrates the average number made inactive (ceasing, moved out of area, passed away). This demonstrates we continue to improve on our trajectory each month.

<b>Average - Jan - Nov</b>	
<b>2019</b>	12
<b>2020</b>	13
<b>2021</b>	11
<b>2022</b>	17
<b>2023</b>	22

A further 41 are currently ceasing in progress.

The table below illustrates that targeted ceasing activity is taking place in the age categories.

AGE GROUPS	Ceased/Made Inactive	Ceasing in Prog Total
Age 0-4	1	0
Age 5-10	25	1
Age 11-15	30	1
Age 16-19	123	27
Age 20-25	58	9
Total number of EHCPs by Age Group	237	41

By November year to date there have been 237 EHC plans made inactive and with a further 41 that are ceasing in progress. This is an increase from 2022 and shows the progress we are making.

Agreement Condition	Assurance Level			
3.7. Develop an early years outreach team as part of the Family Hub, to deliver stronger inclusive practice and early intervention;	Q1	Q2	Q3	Q4

The Home Learning Environment Outreach worker is now in post and is working alongside the existing teams within the Family Hubs. The Outreach worker has developed provision of resource packs that are provided to families to create learning opportunities and build parental confidence in supporting early development. The Home Learning Environment Outreach worker will focus on working with parents of Early Years children who are not accessing an Early Years provision. A connection process is currently being developed to ensure parents can refer themselves directly to the Outreach Worker. The Early Years team including Education Psychologists are being trained to deliver Early Talk Boost train the trainer to Early Years providers which includes providing advice and guidance to parents.

The Early Language Consultant (ELC) has been appointed and is due to commence in role in January '24. The ELC will be responsible for developing and delivering on Early Language pathways with our health partners. This includes taking forwards the Section 23 process and SLCN Game Changer projects as outlined below.

We have revised our Section 23 process to ensure that a process for identifying needs leads to support and advice at the earliest opportunity. This process is now within Family Hubs we have received notifications during this quarter which has not been evidenced previously within Torbay and in the next quarter we will be tracking and measuring the impact of the interventions and support with a view to further refining our offer.

We have been actively engaged in the SLCN Game Changer project and are creating pathways that better align for children to have access to support. This work will continue alongside our Early Years Graduated Response Framework.

Alongside the direct work there has also been the development of the digital offer through the creation of the Family Hubs website that provides links to advice, resources and guidance. We have moved our local offer to this website alongside our graduated response framework to ensure that this can be accessed by parents and carers. The website has been co-produced with parents and is accessible in the information that can be retrieved.

A train the trainer model on Chat Play and Read has been provided to the community champions delivering early years groups within the community. They have been empowered

with the knowledge and skill base to inform others of early development with the view that this is cascaded through the groups to help develop speech language and communication skills and early parental attachments. Chat Play and Read has also been provided to a range of professionals to ensure consistent messages to families.

The Portage Service are delivering direct family groups in the Family Hubs, this is providing advice to parents regarding first steps, development support and demonstration of early communication tools directly with children. In the next quarter this will be further enhanced by making Education Psychology time available within the Hubs.

Torbay was chosen to be included in year 3 of the Comic Relief Early Years Inclusion Project, run by Dingley’s Promise. The project aims to increase the number of young children with SEND accessing early years and childcare places.

The current shortage of universal places holds back thousands of young children every year, needlessly restricting them to special education, failing to integrate them into mainstream society, and costing the country millions of pounds. Dingley’s Promise research shows that a lack of training and low staff confidence are the main reasons that many settings have limited/no places for children with SEND.

The Comic Relief Early Years Inclusion project runs until June 2026 and will support positive change through 4 interdependent work streams:

1. A comprehensive online training programme for practitioners
2. Strategic support for the LA areas engaged to support long term impact
3. Co-production with families throughout
4. Realising maximum impact nationally and internationally through the steering group

Torbay launched the Comic Relief Early Years Inclusion Project with Dingley’s Promise on the 10th October with a stakeholder meeting including attendance from: Early Help, Action for Children, Early Years providers, health partners and parent/carers. So far 176 training modules have been commenced by internal practitioners, health partners and Early Years Providers. Training has been delivered to Early Years providers to introducing the new paperwork and process for Activity Led Funding for Inclusion (ALFI) Panel

By the end of the course learners will be able to:

1. Use the updated paperwork for ALFI from January 2024
2. Understand the process of making an application
3. To be able to confidently apply for ALFI and participate in the process from January 2024.

ALFI is aimed at supporting all funded pre-school aged children (2-5 years) with an identified SEND need, which meets the criteria for ALFI. Children under 2 years requiring supervised medical intervention are eligible for ALFI.

The “Relationships build resilience” Early Years conference was held on the 30<sup>th</sup> Nov ‘24.

Speakers were:

Dr Adam Lewis-Cole – Senior Educational Psychologist from Psychology Associates

Anne O Connor - Educational consultant, trainer, and writer, specialising in the Prime areas of the EYFS.

Ruth Swailes – Lead Author, trainer, and curriculum consultant.

The conference was also an opportunity to promote Family Hubs, Chat Play Read and Dingley’s Promise Comic Relief Project. Approx. 80 people attended.

Agreement Condition	Assurance Level			
3.8. Implement the co-produced new graduated response for	Q1	Q2	Q3	Q4

Social Emotional and Mental Health (SEMH), led by the commissioner for mental health services, working with early help and education provisions.

The Graduated Response for Social and Emotional Mental Health was launched in June 2023. With a clear spectrum of ordinarily available provision and toolkits for emotional health and well being. The Mental Health and Well Being Group continues to meet led by ICB commissioner for mental health services. The TSCP, Continuous Improvement Board and Overview and Scrutiny have a focus on the improvement of emotional well being and mental health services. There has been a system leader change within the ICB, this unfortunately has not allowed us to have consistent leadership effective decision making to delivery of services on SEMH which have impacted negatively on our families. We are working with our 5<sup>th</sup> Chief Nursing Officer since May 2023 and as a result we have not been able to have robust decision making on this area of work, this has resulted in further impact on our progress.

We have now issued a pre-action letter of the Council's legal intent to consider appropriate action for the ICB to meet their financial statutory obligations, the response is due on the 22<sup>nd</sup> December 2023.

Our plans for Social Emotional and Mental Health continue to be below our DSG Management plan target. However, it is recognised that this is an area of pressure in the new RSA's that are being requested.

Our pathways to ensure that families recognise how needs can be met without the need for an EHCP are central to this work. Ensuring that we are clear how children and families can be supported by Early Help and making these connections through early help panels with families consent is essential.

Our reconfiguration of our delivery of services to support poor attendance at school linked to anxiety and well being concerns has been introduced during this quarter. This includes using Youth work provision to be able to reach non attendees, offering reengagement opportunities and a pathway back into education.

Our Education Neglect protocols have been adopted and are being used in the partnership to ensure that attendance is acted upon at a first point, supporting the identification of lower level social and emotional needs.

The work in this area can be evidenced by the reduction in the number of EHCP plans with the primary area of need of Social Emotional and Mental Health.

EHCP Primary Area of Need	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sept-23	Oct-23	Nov-23	DSG Management Plan Target End of 22/23
									389	395	393	
SEMH	430	418	405	398	393	390	389	395	389	395	393	455

Since (September 2022) our targeted work on ceasing, we have reviewed and ceased 122 plans with the primary area of need of SEMH through celebrating achieved outcomes and meeting needs through a more progressive response.

#### Emerging risks:

- The current rate of pace in addressing the gap in Health Funding is a significant risk and although there are strategic discussions this has not led to an agreed resolution.
- The reduction in funding to schools through the rigorous process of issuing and reviewing plans will lead to a deficit position for many schools at the time of increased costs. This limits the ability of some schools to provide services that could result in greater escalation, this continues to require careful monitoring and support. This has been subject to School Forum planning as evidenced in the minutes of October 2023.
- The continued extensive lengthy waiting times for SALT, OT, Autism, CAHMS services continues to mean that children and young people do not have up to date assessments to best inform planning around their needs. This can lead to escalation from schools that are trying to meet need in isolation.
- The pace at which we can recommission and procure our ERP's will mean that the impact won't be seen until 2025.
- New unfunded attendance duties will have an impact on the number of children and young people that are identified with unmet needs. Early work indicates that this could have an impact on SEMH and Section 19 requests which could create additional pressures within the higher needs budget.
- There is currently a significant risk that the rise in Tribunals from Devon and subsequent directions to our specialist provisions will impact on delivery of our specialist placements and commissioned numbers. This has been escalated to the DfE who are supporting with discussions.

#### Any support required:

- Continued work with Islington our Sector Led Improvement Partner and support to ensure this continues beyond September 2023. Currently being re-brokered for a next cycle.
- Region's Group Involvement on the culture change needed within schools.
- Support from the NHS England to support in addressing the identification of ICB Budget
- DFE support/facilitation for cross border working to support mitigating impacts of neighbouring authorities.

#### Summary of Appendices

- School Forum Minutes [Browse meetings - Schools Forum \(torbay.gov.uk\)](https://www.torbay.gov.uk/schools-forum)
- SEND Strategy [SEND Local Area Strategy Appendix 1.pdf \(torbay.gov.uk\)](#)
- SEND Pledge [Our pledge - Torbay Council](#)
- [Graduated Response - Torbay Council](#)
- TOR Becoming an Adult [BAA Terms of Reference v1.5 25May23 FINAL VERSION.docx](#)
- TOR Emotional Health and Well Being Group [CYP EHWPB Terms of Reference v1.3 18May23.doc](#)
- Family Hub Website [Family Hub \(torbayfamilyhub.org.uk\)](https://www.torbayfamilyhub.org.uk)

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