

Minutes of the Children and Young People's Overview and Scrutiny Sub-Board

2 June 2025

-: Present :-

Councillor Law (Chairwoman)

Councillors Fellows (Vice-Chair), Nicolaou, Tolchard and Twelves

Co-opted Member

Jo Hunter (Church of England Diocese)

Non-voting Co-opted Member

Tanny Stobart (Play Torbay - Representing the Voluntary Children and Young People Sector)

(Also in attendance: Councillors Bye, George Darling, David Thomas and Tyerman)

8. Apologies

Apologies for absence were received from Hayley Costar and Mike Cook (Non-voting Co-opted Members).

9. Service Changes at the St Margaret's Academy and The Spires College Hearing Impairment Units

Following a Councillor call for action in respect of the decision taken by the Director of Children's Services on changes to the funding arrangements for the Hearing Impairment Service (referred to as HIU) at St Margaret's Academy and The Spires College and the Torbay children at these two schools, whose Education, Health and Care Plan (EHCP) stated that they required an enhanced offer at a mainstream school (3 children at St Margaret's and 2 at The Spires), for whom the units were resourced and a petition requesting the decision to close the St Margaret's Hearing Impairment Unit to be overturned, which was referred to the Sub-Board by the Council on 6 February 2025. Members considered the following evidence and oral representations:

Written statements:

- Petition;
- Statement from One Devon Integrated Care Board (ICB);
- Statement from National Deaf Society;
- Statement from St Margarets Academy;

- Statement from The Spires College (Note: the Headteacher of The Spires College gave her apologies for the meeting); and
- Statement from Director of Children's Services responding to the key lines of enquiry.

The following people made oral representations and responded to Members' questions:

- Felicity Morris - Petitioner;
- Su Smart - One Devon Integrated Care Board (ICB);
- Martin Thacker - National Deaf Society;
- Nicki O'Dwyer, Headteacher - St Margaret's Academy; and
- Nancy Meehan - Director of Children's Services.

Members heard about the excellent work done by the two schools to support children with a hearing impairment at the Hearing Impairment Units (known as enhanced resource provision) and how valued the service was by staff, parents, carers and children.

Members discussion focussed on the following:

- how the units were funded and the number of children with an EHCP;
- the process for engagement with the schools and families;
- future anticipated numbers of children with a hearing impairment who may require enhanced resource provision (ERP); and
- what the changes for the existing children would be and how children with a hearing impairment would be supported moving forward.

Members noted the decision taken by the Director of Children's Services was 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 would receive for the children and young people who previously had places in the ERP going forward.

It was noted that the empty spaces (only 50% of capacity across both schools was being used) meant that there had been £47,245.00 of unutilised funds due to the unfilled places at St Margaret's Academy and £64,082.00 at The Spires College in 2023/4 (these funds remain with the Education and Skills Funding Agency (ESFA) and are not given to either the Local Authority or school settings). These spaces were specifically nominated spaces which the Local Authority had designated to receive support and submit numbers to the ESFA (rather than those the school may be supporting more 'informally', as described by the schools in how they currently use the provision). The report stated:

- St Margaret's Academy total increase spend on the previous year would increase by 16.23%.
- As an example, at St Margaret's Academy the unit or element funding had increased for one individual by at least five times. This increased funding would ensure that a higher level and quality of provision could be delivered.

- As an example, at The Spires College the unit or element 3 funding for one young person had increased for one young person had increased by ten times their previous unit rate.

Members noted the concerns of the Head of St Margaret's Academy that removal of the baseline funding meant that future funding could not be guaranteed, however, the increased rate per child and an indication from the statistics provided by the Integrated Care Board that numbers were expected to remain at similar levels at approximately 2.2 children per year and with provision being funded to meet the individual child's needs, and should those children currently being assessed for an EHCP or were SENK develop a need for an enhanced resource provision the new higher level of funding would be provided to the Schools to meet their needs. It was then up to the school how they used the funding to meet the identified needs.

The Board noted that most children who attended primary and secondary schools with a diagnosed hearing impairment were being supported in mainstream schools with Hayes Primary School having the largest primary school numbers at 4 and Churston Ferrers Grammar School having the highest secondary school numbers at 5. The Consortium for Research in Deaf Education (CRIDE) Report was referred to which stated that there had been a drop of forty HIUs over recent years, moving away from separate units. It was acknowledged that there was also a reduction in specialist teachers and support staff to support children with hearing impairment across the country and the National Deaf Children's Society had concerns over potential impact in attainment for deaf children.

The Board heard about the chronological order of engagement with the Schools and parents of the five children who receive ERP through the HIUs at St Margaret's Academy and The Spires College but that due to the teachers also being employed by Torbay Council to provide the Hearing Advisory Service across all schools they were not able to be consulted on the proposals due to conflicts of interest, also the children had not been spoken to as it was a funding decision and the Council did not want to cause them any worry about a change which they should not see. Members acknowledged the wider concerns raised by the schools and other parents outside of the five identified children but they were not part of the decision as the funding was only provided for the five children and therefore fell outside the statutory process required by the Government for service changes. Members were advised that the Council had not received any complaints from the five families involved. It was recognised that this process for the change in funding may have not been clearly communicated to the wider school community as well as what enhanced resource provision was and who could access it. The Director of Children's Services advised that the Council had not previously published details of enhanced provision and she intended to develop Service Level Agreements with schools which covered the new statutory elements of support as well as EHCPs and how to support children with a diagnosed hearing impairment who did not yet have an EHCP in place and that this would be communicated wider to help raise awareness.

Members noted the statutory assessment framework for EHCPs as set out in the written response to the Key Lines of Enquiry and that the agreed EHCP would set out specific requirements e.g. number of hours a week with a specialist teacher etc. and that there would be no change to the EHCP or support that would be provided as a

result of the funding changes. The EHCP can name the school where support would be provided but does not include the name of the HIU for St Margaret's Academy and The Spires College. As a result of this the families and children should not see any changes to how their support was provided within the schools. The EHCPs were reviewed annually with the families, child, schools and relevant professionals to ensure that they were kept up to date with additional reviews looking at transition and next steps for future educational placements and what support the child needs moving forward.

It was noted that the ICB was seeing a different demand for services, which had been impacted by Covid-19 and the ability to manage children with a hearing impairment. The ICB was working with the Family Hubs on recovery work to try to see children earlier with a priority need for speech and language to help prevent demand from escalating.

Members were advised that the previous community events resourced by the HIUs were now being organised and funded through the Family Hubs who were able to reach out to wider deaf communities and schools who had other deaf children to bring them all together.

Resolved (unanimously):

1. that following the Councillor call for action and petition and having carefully considered all the written and oral evidence, the Children and Young People's Overview and Scrutiny Sub-Board acknowledges the concerns raised from the parents, schools and the National Deaf Children's Society in respect of the service changes for St Margaret's Academy and The Spires College Hearing Impairment Units. Members noted the concerns relating to some children who have been benefitting from support from the Hearing Impairment Units, whilst not actually qualifying for the enhanced support of the HIU and the confusion this appears to have caused. Members have been assured that both the children and young people with an Education, Health and Care Plan (EHCP), as well as those who are Special Educational Needs Known (SENK), will continue to receive the required levels of support identified in their plans, to meet their needs;
2. that there is a misconception of the community and parents' understanding of who can access an enhanced resource provision for hearing impairment and as a result the Director of Children's Services be requested to prepare service level agreements for all enhanced resource provisions in Torbay, including the criteria required, the legal and statutory framework and this be published on the website in an accessible format in order for parents, carers and young people to have a clear understanding of the criteria and provide transparency of the requirements for those provisions;
3. that having heard the new funding arrangements the Board was assured that the funding would achieve better outcomes tailored to the individual child's needs, that the Director of Children's Services be recommended that no further action be taken regarding the decision taken on the service changes to St

Margaret's Academy and The Spires College Hearing Impairment Units and that the decision continues to be implemented; and

4. that the Torbay Association of Secondary Headteachers (TASH) and Torbay Association of Primary Schools (TAPS) be recommended to consider working with school on how they deliver sensitive news to parents, particularly when only a small number of pupils and their families may be affected.

(Note 1: Members were informed by the Monitoring Officer that some of the written statements had been redacted or rejected as they contained either information which falls outside the scope of that to be considered by the Sub-Board e.g. related to Devon children, or made reference to a third party which the Council did not have consent to disclose, and elements of which have been subject to legal representation and a response provided by the Council's Legal Department and were not matters to which the Sub-Board were able to make any recommendations on. The Director of Children's Services advised that there was also information which had been inadvertently published in the statement from St Margaret's Academy that should have been redacted in line with the other representations as stated above, namely information on page 1 regarding 8 places (as only 3 of these children were Torbay children with an EHCP) and the bullet points relating to children on roll without an EHCP or on pathway to application for EHCP could not be considered as only children with an EHCP could be considered in the enhanced resource provision. The numbers on the SENK register also differed from the numbers officially reported to the Local Authority and these children do not have access through the framework to the Hearing Impairment Unit, and the Advisory Service is provided by the Local Authority and was Council information, with the Advisory Service providing support to all children with hearing impairment across the whole of Torbay.)

(Note 2: prior to consideration of the item in Minute 9, Councillor Tyerman declared a non-pecuniary interest as a Governor of The Spires College.)

10. Exclusion of Press and Public

Prior to consideration of the item in Minute 11 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

11. Children's Services Self-Assessment

The Cabinet Member for Children's Services, Councillor Bye, and the Director of Children's Services, Nancy Meehan outlined the exempt draft 2024-25 Torbay Children's Services Self Evaluation of Practice, which set out the Council's self-evaluation against the Ofsted Inspection of Local Authority Children's Services Framework and articulates what the Council knows about the quality and impact of practice in Torbay and plans to maintain and improve practice over the next year and responded to questions.

The Sub-Board asked questions in relation to:

- recruitment and retention of staff within the Disabilities Team had been a challenge, it was projected to be staffed to capacity by May 2025, had this been achieved;
- was the Agency Manager impacting on budgets;
- what level do people have to be in order to be a lead practitioner;
- were parents, children and families concerned about the new Children's Reforms;
- the child and adolescent mental health services (CAMHS) and agreement had ceased, what does the new commission look like;
- who were hidden men;
- 29% of those Children in Need open within Operational Services have been open for over twelve months..... to ensure they are not subject to intervention for longer than they should be, was this covered by the Family First Programme;
- were special guardianship orders and children staying put affecting the Council's sufficiency numbers or could they take another child; and
- what was being done about children's access to dentistry.

The following responses were provided:

- the staff within the Disabilities Team were up to capacity but an Agency Manager was currently in post due to current restructuring and working towards the new Children's Reforms which would change the way the Council works;
- there were budget pressures in 2024/2025 due to use of agency workers but it was expected that this would decrease when the new ways of working and restructuring was completed;
- under the Reforms the worker holding Early Help will be the lead worker as the child will no longer need to have a social worker unless they progress to child protection. There were proposals to develop staff across the whole of the workforce including the Homelessness and Housing Teams to ensure that they were able to appropriately support families and children and know when to escalate which were due to go live from 1 September, the Council was currently reviewing each child to make sure that they were allocated to the right worker ready for this change;
- it was not yet known if parents, families and children were aware of the new Reforms, pathfinders have not realised that moving from early help to child in need would be the same worker, with them only moving to a social worker if they progress to child protection;
- the Council was currently reviewing the provision for the child and adolescent mental health services (CAMHS) and agreement and would be going out to procurement later in the year to ensure that children have their therapeutic needs met;
- hidden men were males involved in the child's lives, to help understand their involvement, previously the Council had not actively engaged in speaking to men to understand their influence on the child's lives as the focus had been on the main carer;

- the Children in Need open within Operational Services were part of the Family First Programme and the Council was looking at every child who was in need starting with those who have been known the longest as part of a health check to see where they were progressing;
- special guardianship orders and children staying had impacted on sufficiency as well as a number of retirements and concern over the sufficiency of foster carers, the Council was at minus two at the moment, but they could take on extra children if they met the criteria and had space; and
- the Council was working with the Integrated Care Board (ICB) about local dentistry services and it was part of the oversight of the Torbay Safeguarding Children's Partnership Neglect Sub-Group. It was noted that there was a lack of dentists locally taking on NHS for children.

It was suggested that the data on children placed out of area could be better quantified as some children choose to stay in an area and it also included unaccompanied asylum-seeking children (UASC); also a footnote to be included with the Adopt South West average time from receiving court authority to placement as this can be skewed by a small number of children and could be where some were in foster care and then adopted.

Members welcomed the catch up on the life story work, which had seen a real improvement as well as good escalation of issues through the Children's Continuous Improvement Board carrying out deep dives on areas of concern.

Resolved (unanimously):

That the Children and Young People's Overview and Scrutiny Sub-Board endorse the Torbay Children's Service Self Evaluation of Practice 2024-2025 as set out in exempt Appendix 1 to the submitted report and that it is published in accordance with Council's requirements and thank officers for all their hard work in preparing the Self Evaluation Practice.

Chairwoman