
TORBAY SEND: SPOTLIGHT REPORT

By the Office of Steve Darling – MP for Torbay

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Torbay SEND: Spotlight Report

1. Executive Summary

This report examines Special Educational Needs and Disability (SEND) provision in Torbay, analysing current structures and policies against a national backdrop of an SEND crisis. It begins with an outline of the state of services and funding on offer in Torbay for young people with SEND, their families and schools as well as other services that are provided through the SEND local offer.

Following the overwhelmingly negative outcome of the 2021 Ofsted-CQC joint inspection of SEND provision from the local authority, this report has been created to consider the areas of action taken by the local authority and bring to light the concerns and issues raised by constituents of Torbay. This report highlights the actions taken by Steve Darling MP and the policy recommendations outlined by the Liberal Democrats and in this examination, considers what the impact would be of these policies on the current state of SEND provision in the Bay. Following a meeting on the 9th of April 2025 between Steve Darling MP and James McNeill HMI (Ofsted Regional Director for the South-West), this report was established as major concerns around SEND provision in Torbay and the need for further analysis of said concerns was raised. Additionally, this report offers an assessment of more recent government policy actions and their potential impact on Torbay in terms of SEND provision.

Fundamentally, this report is an evidence-led evaluation of how well the needs of children and young people with SEND are being met in Torbay, guided by the concern that the current SEND provision and local offer isn't fulfilling the needs of young people with SEND in Torbay, acknowledging the impact of consistent underfunding and poor management of services.

1.1 Report Findings

This report reveals mixed progress in addressing the weaknesses highlighted by the joint Ofsted-CQC inspection in 2021. Whilst structural improvements have occurred, such as the development of the Family Hubs, a new Graduated Response framework, and better co-production with parents through SEND Family Voice, there are persisting challenges and failings in provision of SEND services and support. Key data points and reports from teachers and families affected underscore the analysis within this report and the necessity of the report; they highlight the gap between policy and provision, and stress the undeniable need for strong and reliable funding. Without continued scrutiny and reform, this report shows that Torbay risks reinforcing cycles of disadvantage for some of its most vulnerable young people. This report aims to call out key concerns and therefore inform and advance advocacy and awareness around SEND in Torbay.

1.2 Recommendations:

Establish a **national SEND body**

To ensure consistent, enforceable standards and equitable provision across the UK, avoiding postcode lotteries.

Increase and guarantee **sustainable funding** for SEND provision

Ensure funding reflects the rising demand and complexity of needs, with local authorities like Torbay receiving fair, needs-based allocations.

Maintain a pupil-led funding model

Reject the proposed locality model that centralises decision-making, ensuring funding follows the individual child to meet their specific needs.

Improve EHCP timeliness and compliance

Ensure that at least 90% of EHCPs are issued within the 20-week statutory period to avoid delays in crucial support.

Strengthen early identification and intervention

Expand training and resources for early-stage assessments in schools, especially for neurodivergent children.

Invest in inclusive mainstream education

Provide schools with resources and staff to meet EHCP requirements within mainstream settings without compromising quality.

Reduce exclusion rates among SEND pupils

Fully implement the Belonging Strategy and hold schools accountable for inclusive practices, with mandatory case conferencing before exclusions.

Improve co-production with families and young people

Ensure meaningful involvement of parents and carers in decisions, not just consultation; expand mechanisms like "You said, we responded."

Expand mental health services for SEND pupils

Embed trauma-informed and attachment-aware practices in schools; reduce CAMHS waiting times and improve access to wellbeing support.

Develop specialist school places where needed

Invest in local infrastructure to avoid long travel times and costly out-of-area placements; ensure sufficient high-needs provision in the Bay.

Mandate national oversight of elective home education for EHCP holders

Require a register with a support-first approach, ensuring those with EHCPs continue to receive their legal entitlements.

2. The National Image

SEND provision is a critical national issue and the issues faced across the UK are clearly represented within Torbay; increased demand on already strained services, rising diagnoses and systematic under-resourcing are general trends that are replicated locally from the national image. Over the past decade, the number of Education, Health, and Care Plans (EHCPs) has surged by 140%, rising from 240,000 in 2015 to 576,000 in 2024. While these diagnoses reflect a positive trend in identifying children's needs, the system has struggled to keep pace.

Financial pressures on the SEND system have reached critical levels. Specialist private school placements now cost between £50,000 to £100,000 per place annually, straining local authorities' budgets. Despite controversial initiatives like the government's "safety valve" schemes to reduce overspending, many councils have failed to meet their savings targets. Projections suggest that without effective intervention, the SEND deficit could reach £8 billion by 2029. The National Audit Office (NAO) recently reported that, despite a 58% increase in funding over the past decade-now totalling £10.7 billion- the SEND system is financially unsustainable and fails to deliver satisfactory outcomes for children. More recent action taken recently by the

Government to provide an additional £740 million in funding for SEND will be analysed later in this report, however, despite being a step in the right direction, it is clear that systematic changes are necessary to fully address the large scale, complex, crisis.

“Our children are being failed!”

Ms E - 20/10/2024

In Torbay, the proportion of children with EHCPs is 6%, above the national average of 4.9%, and 18.8% of all students receive some form of SEN support. Exclusion rates remain alarmingly high, with 41.64% of SEND pupils receiving fixed-term exclusions, more than double the national average. These figures are particularly concerning because they reflect not only the scale of need but also the local authority's continued struggle to meet its legal and moral obligations to support these children. Poor educational outcomes, delayed EHCP assessments, and high exclusion rates indicate that too many children are being failed by the system.

Ofsted's chief inspector, Sir Martyn Oliver, has called SEND the "biggest issue" facing schools in England, highlighting the high costs and inadequate outcomes. The publication of this report on SEND in Torbay aims to contribute to this understanding, offering insight into local needs, practices, and potential areas for reform.

3. Constituents' Feedback

All comments are taken directly from constituent communications that have been directed to Steve Darling MP for Torbay. These quotes have been anonymised and filtered to provide confidentiality for constituents and the young people, school or any direct names they mentioned.

Constituents have raised concerns around SEND provision in Torbay, both sharing their personal experiences dealing with a failing system and their concerns for the future of young people who do not get access to the education they are entitled to. Issues highlighted range from concerns around transport to school, the provision of in school support, the model of provision followed by the Local Authority. Mental health struggles amongst young people have also been raised by constituents, with concern around the failure of support for issues putting young people at more risk of harm. Local teachers have reached out to share their concerns about the lack of action around SEND provision, and some have more specifically stated that structural changes rather than ensuring effective funding has placed them in a position where they may soon be unable to care for the young people they support. Diagnosis waiting times for neurodiversity cases and the processing of EHCP applications has also been raised time and again, this is explored utilising key data figures later in the report. Communications from constituents relay personal experiences and the opinions of experts who work in education that reflect the findings of this report and the evidenced Ofsted-CQC inspection. Their concerns go further, looking at proposed restructuring and models of funding and governance put forward by the local authority, constituents have cited a likely failure of provision due to the process's failure to be pupil-led, these concerns are considered within this report.

Constituents continue to reach out, sharing the failings of the SEND system and the effects this has on them and the young people they advocate for. This report outlines the state of current provision of SEND, the concerns with proposed changes to models of provision and the action and policy proposals from Steve Darling MP and the Liberal Democrat Party, these are considered in line with constituent concerns and issues raised and reflected on in constituent communications.

4. Current SEND Demographics in Torbay

As of the 2023/24 academic year, there are 3,562 children with SEND in Torbay schools, this is 18.8% of the school age population who have a statutory plan of SEN (statement or EHC plan) or are receiving SEN support. This compares to a national average of 18.4% across All English

single tier local authorities, with 1,172 (approximately 33%) holding an EHCP and 2,390 (67%) receiving SEN Support. The male population is disproportionately affected, making up 65% of the total SEND population, and 70% of children with EHCPs.

Across All English single tier local authorities, the proportion of pupils with identified SEND support ranges from 2.7% to 7.1%. In Torbay 6.0% of pupils have identified support, compared to an average of 4.9% in All English single tier local authorities. Since 2021, the proportion of pupils with EHCs or statements has risen by 0.2% from 5.8% to 6%. This aligns with national trends in the rise of SEND identification. The increase in students with SEND needs since 2021 may indicate that the pressures and limitations identified in the 2021 Ofsted report have intensified, putting the local authority under more pressure.

Overall, in the Torbay constituency (2023-2024), 60% of KS2 pupils are reaching the expected standards in reading, writing and mathematics (combined), in KS4, 62.9% of pupils are achieving a grade 4 or above in Mathematics and English. Additionally, in 2022 to 2023, 461 pupils completed 16-18 study. The overall absence rate in Torbay was 8.5% (2023-24), this covers primary, secondary and special schools. In 2023 to 2024, Torbay had an 8.22% suspension rate and a 0.10% permanent exclusion rate, this compares to a rate of 5.62% of suspensions and 0.06% of permanent exclusions across the South-West.

Torbay has a 4.7% rate of 16-17 year olds not in any form of education, employment or training, this compares to a rate of 3.5% across the South-West. Ofsted last inspected Torbay Council's children's services in April 2022. The local authority was graded 'good' overall. However, in terms of SEND, major concerns were highlighted (as analysed above).

The Primary School SEND needs for children with EHCPs in Torbay, as reported in the 2023 JSNA report, include diagnosis of Autism Spectrum Disorder, Social, Emotional & Mental Health (SEMH) issues, and Speech, Language & Communication Needs. The range of specialist needs identified by EHCPs are similarly found in support focused on children receiving SEN Support without an EHCP.

There is geographic variation in SEND support with the highest rate of SEND occurring in King's Ash, where nearly 29% of children receive SEND support. There is also a clear correlation between SEND and socioeconomic factors, as 31.8% of children eligible for Free School Meals (FSM) receive SEND support, significantly higher than the 13.3% of non-FSM children. In terms of Secondary school SEND needs for children with EHCPs include SEMH, Speech, Language & Communication Needs, and Moderate Learning Difficulties. Vulnerable populations such as children in care are more than proportionally impacted also, with 33% of children in care having an EHCP. Educational outcomes for children with SEND in Torbay, as stated in the 2023 JSNA, are generally poorer compared to their non-SEND peers. While 88.9% of EHCP recipients and 92.9% of SEN Support recipients aged 16-17 are in education, employment, or training, their GCSE outcomes remain significantly lower. Due to correlation between vulnerable young people and SEND diagnosis, the lower rates of achieving 5 GCSEs (A-C) compared to their peers without SEND, with only 9.5% achieving this benchmark, places these, often more vulnerable, young people at an even further disadvantage.

Furthermore, exclusion, suspension, and absence rates are higher for SEND students. In Torbay, this is a more pronounced trend:

"In Torbay, the rate of fixed term exclusions for SEN pupils - calculated by taking the number of fixed term exclusions for SEN pupils and dividing it by the total number of SEN pupils in the LA - was 41.64%. The compares to an average of 20.10% in All English single tier local authorities in the 2023/24 academic year."

“The permanent exclusion rate for SEN pupils with a statement was 0.41% (2023/24), compared to the previous period when it was a rate of 0.17% (2022/23). In All English single tier local authorities the rate is 0.17%, which has increased since the previous period (0.11%).”

“Our most vulnerable youngsters will struggle to be accommodated in mainstream classes.”
Ms P- 21/03/2025

This could indicate that the local authority is not providing adequate learning provisions for these students and that their needs aren't being met in accordance to their EHCPs, or that, due to the shortfall to the 20 week requirement of EHCP assessment, these young people aren't being assessed for the education support they need. Instead, these young people are out of school, putting them in a more vulnerable position, due to limited resourcing and support availability. This could indicate a number of things, that the local authority hasn't taken the necessary steps to improve SEND provision following the 2021 Ofsted Report or/and that the current provision for SEND care isn't efficient in providing the legally required support designated in these young people's assessments.

The issues surrounding the provision of special educational needs, and education in general were discussed in a meeting between Steve Darling MP and James McNeille HMI (Ofsted Regional Director for the South-West) on April 9th 2025, Steve Darling MP raised major concerns highlighted by constituents and SEND provision providers asking for Ofsted to provide a briefing of current provisions of education in Torbay as well as discussion of the changes to inspections and report cards.

5. The Role of Schools in SEND

The SEND Code of Practice outlines the responsibilities of schools to support children with Special Educational Needs (SEN). Schools must make every effort to meet the needs of these children, ensuring they can participate in school activities alongside their peers. Schools are required to designate a SEN Coordinator (SENCO) to manage SEN provision, inform parents when special educational support is provided, and publish key documents on their website, including a SEND Policy, SEN Information Report, School Access Plan, Managing Medicines Policy, Exclusion Policy, and (Torbay specific) links to the Torbay Local Offer and SENDIASS Torbay. These documents must comply with national and local guidance to support inclusivity and accessibility.

In Torbay there are currently four 'special schools', a 'special school' is a school designed to educate children who cannot be educated within the mainstream school setting.

In Torquay there are three such schools:

Combe Pafford School

Lodestar Academy

Mayfield School

And in Paignton, there is one:

The Brunel School

Schools report being under resourced, with anecdotes from constituents showing that schools are struggling to reach the needs of their SEND pupils due to limited funding and under resourcing.

“We had to fight to obtain a place for our daughter at [her school], which unfortunately is the case for so many of us. However, I can honestly say that it has been life changing for her. I cannot speak highly enough of the work they do there, and feel very strongly that they should not have

to make a public appeal for money, particularly where they are seeking funds for resources which are fundamental to the daily functioning of the children.”

Mr F - 15/03/2025

6. Getting an EHC assessment and an EHCP

As per the SEND Code of practice (2015), the identification of SEN concerns can come from parents, school or the young person themselves.

Schools have a legal responsibility to identify and inform parents/carers if they believe a child has SEND. “All schools should have a clear approach to identifying learners with SEN. The benefits of early identification are widely recognised, identifying need at the earliest point and then making effective provision improves long-term outcomes for the child or young person.’ They are also legally required to provide support to the young person through a ‘graduated response’, referring to the process that must be undertaken when SEND are identified.

Parents and young people also have sovereignty within this process, the SEND code states that:

“Parents know their children best, and it is important that all professionals listen and understand when parents/carers express concerns about their child’s development. They should also listen to and address any concerns raised by children and young people themselves.”

When SEND has been identified, a child can be, but doesn’t have to be, put forward for an ‘Education, Health and Care needs assessment’ (EHC). This process involves gathering information from the young person and their parents, carers and school to identify their specific needs and build them an effective plan around their education, defining long term educational targets and the approaches taken to that individual’s education. Additionally individualised educational plans (IEPs) can be developed to focus on a young person’s short term education.

The measures outlined in the EHCP are then established as the legal right of the young person, meaning the local authority has a legal requirement to ensure that the child’s learning provision is being actioned. The local authority is therefore responsible in ensuring the school the child attends is able to provide the needs outlined in the EHCP. Because of this requirement, the school is delegated following a consultation with the school by the local authority.

6.1 EHCPs in action

From 2019/20 to 2023/24 there has been a 1.6% increase in the percentage of students with a statement of EHC plan, from 4.4% to 6%. In Torbay, the majority of young people with an EHCP are educated in a mainstream school environment. With 2.3% being in independent special schools, this is compared to a national average of 4.0% of young people with an EHCP being educated in an independent special school. This would indicate that the pressure on Torbay’s mainstream schools in terms of SEND provision being more than proportional to the national average. From this it can be inferred that Torbay’s schools face more demands and constraints in fulfilling the EHCP requirements.

Regulations set out that the overall time it takes from the local authority receiving a request for an assessment and the final EHC plan being issued (if one is required) should be no longer than 20 weeks, excluding exceptional circumstances. In Torbay, 46.2% of EHCPs were issued within the 20 weeks limit. In comparison, the All English single tier local authorities had an average of 58.4%. Including exceptions.

“My child deserves the right to an education just like any other disabled or non-disabled child”
Ms T - 30/10/2024

Torbay falls below the compared average by over 10% and fails to provide young people with effective access to education. These young people are then left with their needs unmet, and therefore, it is likely that they're not receiving the education that they're entitled to.

7. Ofsted-CQC 2021 Inspection

The joint area SEND inspection in Torbay, conducted by Ofsted and the Care Quality Commission (CQC) between 15-19 November 2021, found significant weaknesses in the Council's ability to implement SEND reforms and support young people with SEND. A lack of a strategic, ambitious SEND plan, combined with poor joint working between education, health, and care services, as well as young people and their families, has resulted in inconsistent outcomes in provision of young people with SEND. The inconsistent identification of needs has contributed to high exclusion rates and increased referrals to mental health services. Additionally, limited post-16 and transition-to-adulthood opportunities have left some young people without appropriate pathways, while the variability in the quality and timeliness of Education, Health, and Care (EHC) plans means that needs are often inadequately met. Weak joint commissioning has further limited service efficiency, and insufficient capacity within area teams has made sustaining improvements challenging.

In direct response to this inspection Torbay Council developed a Written Statement of Action (WSOA) in 2022 to drive improvement and further actions have been taken since. Developed below.

7.1 Written Statement of Action (WSOA) and SEND Strategic Partnership Board

The Torbay Written Statement of Action (WSOA) was published on 14th April 2022. Being developed and issued collaboratively by Torbay Council, the NHS Devon Clinical Commissioning Group (CCG), and SEND Family Voice Torbay (a parent and carer forum representing families of children and young people with SEND in Torbay).

The SEND Strategic Partnership Board was the ultimate publishing body of this WSOA, this Board includes representatives from Torbay Council, NHS Devon, and SEND Family Voice Torbay and reports to the Children's Continuous Improvement Board (CCIB) and Torbay's Health and Wellbeing Board, which ultimately oversees all health and wellbeing decisions and implementation in Torbay.

The WSOA was formed as a direct response to the 2021 inspection, it outlines the commitments made by key stakeholders to address weaknesses found by the inspection, improve service quality and, as a result, improve outcomes and support for young people with SEND in Torbay. The strategy outlines the structure of governance overseeing SEND in Torbay and the aims it highlights are improving services and developing a 'child-friendly' Torbay, where provision for SEND support is clear and effective from birth to the age of 25. Additionally, the WSOA shares the action that was taken preemptive to the publication of the statement and future actions they planned to take, these included developing Family Hubs, now created (FamilyHub Torbay), implementing a "Child Friendly Torbay" vision, and improving pathways for children with neurodiversity needs, such as Autism, ADHD and ADD.

The target areas outlined in the WSOA, based on the Ofsted-CQC inspection, and consideration for their effectiveness are outlined below:

Improving Early Identification and Support:

The statement aimed to increase the timeliness and accuracy of identifying the needs of children and young people with SEND. The goal was to reduce inconsistencies in early identification across schools and services. There was also a focus on creating effective pathways for children with neurodevelopmental needs, like Autism Spectrum Disorder (ASD).

While tools like the Graduated Response Toolkit (updated in January 2025) show promise, only 46.2% of EHCPs are issued within the legal 20-week timeframe, well below the 56.6% national average, highlighting a significant delay in getting children timely support.

Reducing Exclusions and Improving Inclusion:

The strategy targeted a reduction in the high exclusion rates of SEND pupils, aiming to align with national averages by September 2024. A pre-exclusion "case conferencing" system will be introduced to explore alternatives before exclusion. Mainstream schools will receive support to implement inclusive practices, helping to reduce exclusions.

Despite plans to reduce SEND exclusions through pre-exclusion conferencing and support for mainstream inclusion, fixed-term exclusion rates for SEND students remain at an alarming 41.64%, more than double the national average. Permanent exclusions for EHCP holders have also risen to 0.41%, nearly 2.5x the national rate, suggesting ineffective implementation of inclusion strategies and continued systemic failure.

Strengthening Co-Production and Engagement:

Efforts are being made to create a culture of genuine co-production with parents, carers, and young people. Parent and carer feedback is guiding service development. To ensure their voices are consistently heard and valued, the Local Offer website includes a "You said, we responded" section to improve transparency.

In regards to these numbers, it is important to recognise the rising number of young people who are home educated, specifically those with EHCPs. Steve Darling MP questioned the Department for Education on what steps are being taken to ensure these children receive adequate support. In November 2024, the Minister confirmed that while parents who electively home-educate take on primary responsibility for educational costs, local authorities remain accountable for EHCP delivery unless alternative arrangements are made. The forthcoming Children's Wellbeing Bill will mandate a national register of children not in school and require local authorities to offer support where requested.

In response to the government's plans for a national register of home-educated children, the Liberal Democrats have emphasised that while oversight is important, any new system must be rooted in support rather than surveillance. They stress that families often turn to home education due to systemic failures in mainstream provision, and as such, local authorities must be adequately funded to meet their legal duties to children with EHCP, whether educated in or out of school. The Liberal Democrats are calling for accessible support pathways, consistent enforcement of EHCP entitlements, and a renewed focus on making inclusive schooling a viable option for all families.

Enhancing Service Quality and Joint Working:

It was planned that a joint commissioning strategy would be developed to coordinate education, health, and social care services more effectively. From this decision-making will be guided by a data-driven Joint Strategic Needs Assessment (JSNA) to accurately identify service needs. The target was to align resources across Torbay Council, NHS Devon, and local stakeholders to prevent duplication and fill gaps in provision.

Progress has been made in coordinating education, health, and care sectors through the JSNA and joint commissioning efforts. However, weak capacity in area teams and inconsistent service delivery remain barriers. Schools are under strain, with 97.7% of EHCP holders are in mainstream settings versus the 96% national average, further stretching limited resources. Torbay represents the national image of struggling SEND provision, with under-resourcing letting down parents and young people.

Implementing a Graduated Response:

The statement aimed for consistent application of the graduated response across all services. It was planned that school staff would receive training on best practices in early identification and intervention. The goal was to reduce the number of children needing Education, Health, and Care Plans (EHCPs) through improved early support. This has been implemented, and as of January 2025, updated.

Supporting Mental Health and Wellbeing:

It was planned to expand mental health support in schools to promote a culture of awareness. Attachment and trauma-informed practices were going to be developed to support vulnerable children. The approach was strategised to be holistic, addressing both the mental and physical health needs of children with SEND. Unfortunately, limited mental health pathways and increased CAMHS referrals indicate that actual service availability has not yet caught up with the vision.

Monitoring and Accountability:

A quality assurance framework was designed to be implemented to regularly assess the effectiveness of the strategy. Through this progress would be tracked through key performance indicators (KPIs), audits, surveys, and feedback from SEND Family Voice Torbay. Accountability was to be ensured through clear reporting to the Children's Continuous Improvement Board and the Health and Wellbeing Board.

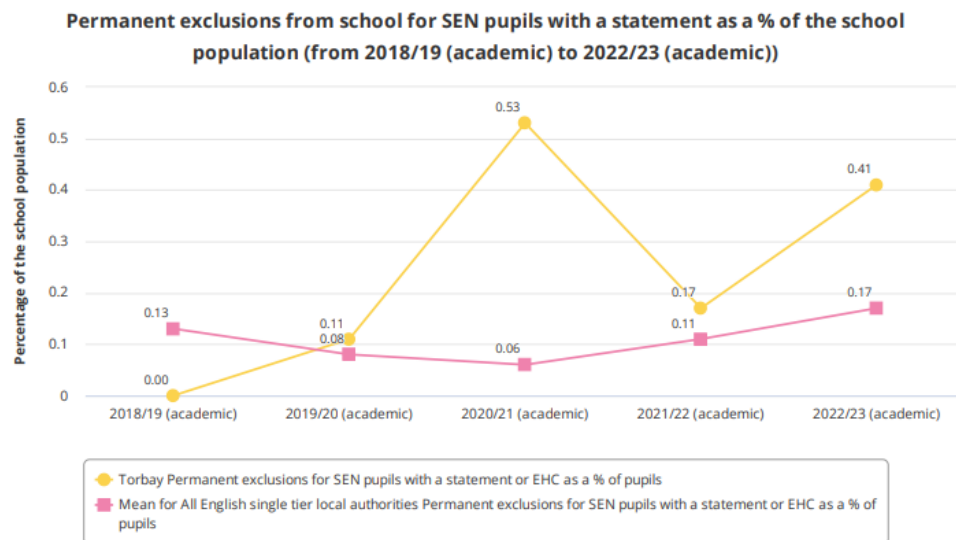
The effectiveness of the implementation of the WSOA can be put to debate, below, the table outlines key parts of the Ofsted report and analysis of the efficacy of the strategies introduced to address areas of concern:

| Area | 2021 Ofsted Report Status | 2023/24 Status | Change | Analysis |
|----------------------------|---|--|----------------|--|
| EHCP % of Pupils | 5.8% of school population had an EHCP (above national average at the time). | 6.0% of school population have EHCPs (still above national average of 4.9%). | Limited Change | A minor increase that aligns with national trends. |
| EHCP Timeliness | Ofsted found delays and variability in issuing EHCPs—highlighted as a key weakness in 2021. | 46.2% issued within 20 weeks (vs 56.6% national average). | No progress | EHCPs are still not being issued promptly; no significant improvement despite legal requirements and urgent need flagged by Ofsted. |
| SEND Fixed-Term Exclusions | Ofsted cited high exclusion rates; lack of inclusive practices and poor early identification as key issues. | 41.64% of SEND pupils received a fixed-term exclusion (vs 20.1% national average). | Deterioration | Exclusion rate has worsened, now more than double the national rate. Inclusion goals of WSOA not being met. The introduction of the 'Torbay Belonging Strategy' aims to address some of these concerns, its impact is yet to be effectively measured. |

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|---------------------------------|---|---|---|---|
| Permanent exclusions (EHCPs) | Described as a serious issue due to unmet needs in the Ofsted report. In 2020/21 academic year the permanent exclusion rate was 0.53. | 0.41% permanent exclusion rate for EHCP students (vs national average of 0.17%), decreased since 2020/21 academic year but increased since 2021/2022 academic year (0.17%) | Deterioration (also fluctuations) *See table 2 below | Significant rise in permanent exclusions among EHCP holders, contradicting SEND strategy objectives. The introduction of the 'Torbay Belonging Strategy' aims to address some of these concerns, its impact is yet to be effectively measured. |
| Placement in Mainstream Schools | Majority of EHCP pupils in mainstream settings. Report flagged high pressure and lack of specialist support in schools. | 2.3% in independent special schools (vs national 4.0%) → 97.7% in mainstream/maintained schools. | Unclear | Reduction of costs when in mainstream setting, young persons EHCP are personalised to their needs, they may majoritively outline mainstream education. However, increased pressure if needs are unmet and schools struggle with funding measures. |
| Academic outcomes (EHCPs) | Poor GCSE outcomes mentioned in inspection, with gaps in post-16 planning and transition support. | Seen a fall to below the average (mean of all English single tier local authorities) of percentage of KS4 cohort with SEN support in education or employment or training at 17, from 91.8% in 2020/21 to 83.9% in 2023/24 (when national average is 86.9%). We have seen a fall in GCSE attainment as a proportion of 19 year olds with SEN support. From 55% (average of 40.7%) to 43.4% (average of 47.5%). See table 3. | Deterioration | Some improvement in participation (88.9% in education/training), but attainment gaps remain stark. Clear gaps in level 2 attainment (Attainment of Level 2 equates to achievement of 5 or more GCSEs at grades A*-C or a Level 2 vocational qualification of equivalent size), falling below comparative average and worsening since the Ofsted report. See table 3 |
| Parent & Carer Engagement | Parents and carers felt dismissed; poor co-production cited as a major concern in 2021 Ofsted inspection. | Family Voice Torbay created; "You said, we responded" mechanism introduced. | Some improvement | Introduction of a formal process to receive feedback from those directly affected, constituents still concerned about not being heard. |
| Mental Health & Neurodiversity | Lack of clear neurodevelopmental pathways and rising mental health referrals. Poor cross-service coordination flagged. | SEMH is now the top need category; new neurodiversity pathways and trauma-informed practice introduced. | Some improvement | Positive changes in approach and training; services still under pressure, but foundations for systemic improvement have been laid. |

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|--------------------------------|--|--|---------|--|
| Inequality (Free School Meals) | Disparities likely present but not fully quantified in 2021. Socioeconomic links implied via service demand and capacity gaps. | 31.8% of FSM-eligible children receive SEND support vs 13.3% of non-FSM. | Unclear | Not enough comprehensive data to make an effective judgement |
|--------------------------------|--|--|---------|--|

Table 1: Comparisons of time periods and key areas of concern from Ofsted review in Torbay

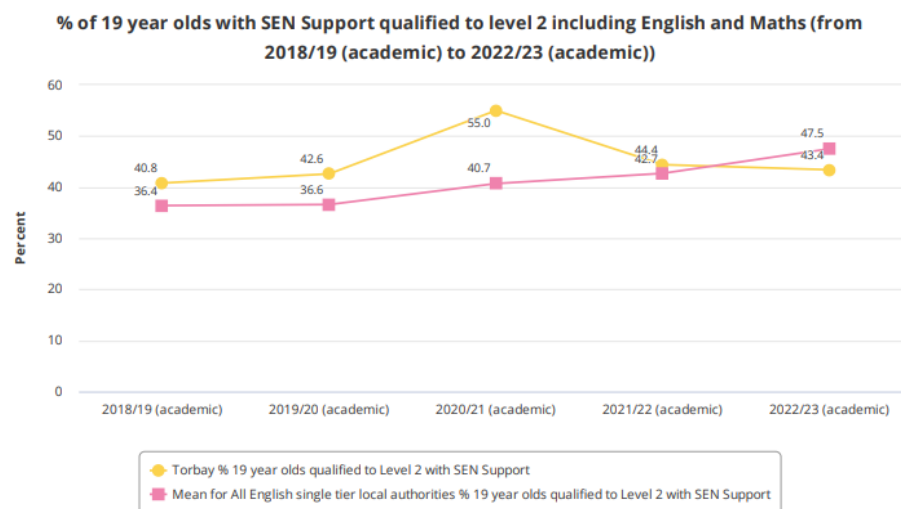


Source:

Metric ID: 4709, Department for Education, Permanent and Fixed Period Exclusions from Schools in England, Data updated: 19 Jul 2024

Table 2: Permanent exclusions from school for SEN pupils with a statement as a % of the school population (from 2018/19 (academic) to 2022/23 (academic))

https://lqinform.local.gov.uk/reports/view/send-research/local-area-send-report?mod-area=E06000027&mod-group=AllSingleTierInCountry_England&mod-type=namedComparisonGroup



Source:

Metric ID: 4672, Department for Education, Level 2 and 3 attainment by young people aged 19, Data updated: 29 Apr 2024

Table 3: % of 19 year olds with SEN Support qualified to level 2 including English and Maths (from 2018/19 (academic) to 2022/23 (academic))

https://lginform.local.gov.uk/reports/view/send-research/local-area-send-report?mod-area=E06000027&mod-group=AllSingleTierInCountry_England&mod-type=namedComparisonGroup

8. Funding and Resources for SEND in Torbay

Current Overview

SEND funding in Torbay is categorized into three main elements:

Element 1: The core funding that all schools receive for every pupil, regardless of their needs.

Element 2: known as the 'Notional SEN Budget,' is funding is allocated to schools based on a national formula considering various factors, including the characteristics of the children and young people attending the school. Schools use this budget to provide additional support for pupils with SEND. The government has recommended schools use the notional SEN budget to pay for up to £6,000 worth of special educational provision to meet a child's SEND, but the majority pupils at SEND support can have their needs met for much less than this.

Element 3: Referred to as 'Top-up Funding' or 'High Needs Block,' is funding provided by the local authority for children and young people with an Education, Health, and Care Plan (EHCP) who require support exceeding the provisions of Elements 1 and 2. The amount awarded depends on the pupil's level and complexity of need, as outlined in their EHCP.

Schools have a responsibility to provide a 'Universal offer', also known as 'Quality First Teaching', which is the provision that every student gets, from their pupil premium in element 1. If a student is identified as needing beyond this, then they are said to be receiving 'additional SEN support', and are then accessing the element 2 funding. The government expects schools to spend a minimum of £10,000 from their care budget before they can have access to temporary element 3 funding (or the creation of an EHCP for a student and the funding from this through element 3). This already places limitations on schools to provide SEND care, as proof of excess spending must go further than one cycle and, if they have a high level of SEND pupils, they will have to spend beyond their element 2 funding for an extended period of time to access element 3 funding.

"I believe he requires a specialist school to be able to get the most of his life which is already very challenging for him and if there is somewhere that can help him progress he needs to be there."

Mr G - 05/02/2024

Furthermore, funding through element 3 (for example, for Teaching assistant support) is based on a set amount per hour, meaning schools can see shortfalls and gaps between spending and funding. For example, if the school are paying a TA £17.50 per hour to be a support for a student with an EHCP, the local authority don't have to match this spending, they instead provide a set amount for what will be paid to the school for said provision, so the local authority could offer per hour £15 funding for a personal SEND TA for a pupil with an EHCP. This impacts the school budget and puts limitations on the support they can provide.

"It is an absolute scandal that a school which cares for the most vulnerable children in society is having to raise charitable funds for equipment which is absolutely central to the functioning and wellbeing of the pupils."

Mrs D - 23/02/2025

Steve Darling MP sponsored an parliamentary Early Day Motion (EDM) brought forward by Lee Dillon MP which underscores the national shortfall in suitable school places for children with

Special Educational Needs and Disabilities (SEND). The motion highlights the pressing need for further classroom provision and resources to meet the growing demand, reflecting concerns echoed by schools and families in Torbay. Crucially, the EDM calls on the Government to actively support expansionist local projects across the country. In the context of Torbay, where specialist provision remains limited and mainstream settings are overstretched, Steve Darling MP, in sponsoring this EDM, reinforced the urgent need for central government investment to improve access, reduce exclusion, and ensure that all children receive the education and support to which they are entitled.

This EDM reflects key Liberal Democrat priorities around SEND: tackling the shortage of specialist school places, investing in inclusive infrastructure, and ensuring that funding follows need rather than postcode. It reinforces the party's call for national leadership and sustainable capital investment to ensure that every child, regardless of where they live, has access to an appropriate educational setting.

The process to access SEND funding in Torbay involves several steps:

Identification of Needs: Schools identify pupils who may require additional support through assessments and observations.

Provision of Support: Initially, schools utilise their Notional SEN Budget to provide targeted interventions and support within the mainstream classroom setting.

EHC Needs Assessment: If a pupil's needs surpass the support available through Elements 1 and 2, the school or parents can request an Education, Health, and Care (EHC) needs assessment from the local authority. This process can take up to 20 weeks, and as previously highlighted, often beyond this.

Development of EHCP: Upon a successful assessment, an EHCP is developed, outlining the specific support required. This plan determines the allocation of Top-up Funding (Element 3) to the school, from the local authority, to meet the identified needs of the young person.

Once funding is allocated, schools have the autonomy to decide how to best utilise these resources to support pupils with SEND. This may include:

Specialist Staff: Hiring additional teaching assistants or specialists to provide one-on-one or small group support.

Training: Providing professional development for staff to better understand and support specific needs.

Resources: Purchasing specialised equipment or learning materials tailored to the pupil's requirements.

Although the 'Funding Formula' allocates resources for specific purposes, schools have the discretion to decide how the overall allocation should be spent, ensuring that any expenditure incurred is for the general purposes of the school and in accordance with the conditions of the councils financing scheme for schools.

The local authority have been consulting on developing a 'locality model' of SEND provision, this has raised concerns amongst constituents, this is further developed below.

As part of efforts to build more inclusive educational environments, some schools in Torbay are piloting a new programme, the Partnerships for Inclusion of Neurodivergence in Schools (PINS). This initiative provides schools with five days of specialist input to strengthen their approaches to supporting neurodivergent pupils. Crucially, the project is delivered in collaboration with SEND Family Voice Torbay, ensuring that family perspectives inform practice. Aligned with the SEND

Code of Practice and the Children and Families Act 2014, the PINS programme reinforces legal duties around identification, reasonable adjustments, and co-production. While initiatives like PINS demonstrate promising local leadership, significant challenges remain around access to assessment, parental engagement, and the local authority's failure to meet statutory timeframes for EHCP processes. With parental frustration growing, particularly around delays and refusals to assess, there is an urgent need to rebuild trust and improve how families are included in shaping SEND support within their school communities.

8.1 The Local Offer in Torbay

Every Council is required to provide a 'Local Offer', an outline of the support available to families with children who have SEND and the young people themselves. In Torbay, this is outlined by the Torbay FamilyHub (<https://torbayfamilyhub.org.uk/>), a provision that is available (as a localised service) under 74 other local authorities. A family hub is a community-based service that brings together a range of support services in one location to make it easier for families to access help. These hubs offer a range of support for all stakeholders, providing services such as parenting classes, health advice, mental health support, and assistance with housing, debt and, special educational needs and disabilities.

8.2 The Torbay Belonging Strategy

The Torbay Belonging Strategy is a targeted education strategy developed to reduce exclusions, improve inclusion, and ensure that all children and young people in Torbay feel safe, supported, and connected within their school communities. It was introduced in response to persistently high exclusion rates, concerns about pupil disengagement, and a need for more consistent early intervention. The strategy focuses on three core areas: early identification of pupils at risk of exclusion or disengagement, timely and tailored support through interventions and adjustments, and collaborative working between schools, families, and external services. It is being implemented through a multi-agency model, including regular 'Belonging Panels' that review pupil cases and coordinate support; use of the Graduated Response framework to guide interventions; and close involvement of pastoral leads, SENCOs, and educational psychologists.

As mentioned above under *Current SEND demographics in Torbay*:

"In Torbay, the rate of fixed term exclusions for SEN pupils - calculated by taking the number of fixed term exclusions for SEN pupils and dividing it by the total number of SEN pupils in the LA - was 41.64%. This compares to an average of 20.10% in All English single tier local authorities in the 2023/24 academic year."

"The permanent exclusion rate for SEN pupils with a statement was 0.41% (2023/24), compared to the previous period when it was a rate of 0.17% (2022/23). In All English single tier local authorities the rate is 0.17%, which has increased since the previous period (0.11%)."

The Belonging Strategy aims to address these issues, and prevent escalation of resolvable concerns. The effectiveness of this strategy will be measured through a combination of data tracking, stakeholder feedback, and regular multi-agency review. In addition to these quantitative measures, qualitative feedback from students, parents, and school staff will provide insight into the perceived impact of the strategy on inclusion and wellbeing. Schools are also required to report on their implementation progress, and the strategy is subject to annual review by the local authority and relevant oversight boards using a set of key performance indicators.

The efficacy is yet to be measured with the recent implementation of this policy meaning there is not a long enough time frame for assessment.

8.3 The Locality Model Assessment

“Torbay Council is attempting to move to a High Needs provision Hub model where responsibilities are effectively passed to groups of schools and schools collectively in the Bay to manage this. It is being consulted on and the irony is that the last group to be approached are the schools themselves.”

Mr R - 11/12/2024

The localisation model for SEND provision in Torbay has been put forward as a proposal by Torbay Council with the aim to deliver equitable, high-quality services for children and young people with SEND.

The model essentially ‘clusters’ schools, the SEND Element 2 funding (usually owned at the school budget level), which is based on the school numbers (with some schools getting more if they have a particularly high proportion of learners with SEND) then moves into the control of the cluster. The allocation of the funding is then decided at a cluster level rather than a school level. This means that SEND funding no longer follows the pupil, it is instead allocated by stakeholders.

| Funding | Current Model | Locality model |
|---|--|--|
| Who holds the Element 2 budget? | Individual schools | School cluster |
| Who decides how the Element 2 budget is used? | The schools SENCO and leadership (informed by EHCPs) | The locality stakeholder board |
| Where is the decision making power? | School-level | Shared and collective (with the stakeholder board) |
| How is funding distributed? | Pupil followed funding | Funding is pooled and distributed across schools in the locality (pupil follows funding) |
| How is Element 3 funding accessed? | From Torbay LA via EHCPs | Unchanged |

Table 4: Outline of the changes to funding and decision making for SEND provision outlined in the move to the locality model of SEND provision.

Liberal Democrats are concerned that other proposals in the plan intended to standardise the support available under EHCPs, such as tailored lists of SEND settings in each council area, will detract from the principle that the support that a child receives under an EHCP should be personalised to their needs, not a one-size fits all approach in order to cut costs.

This concern has also been raised by constituents, who feel that the SEND code statement:

“Parents know their children best, and it is important that all professionals listen and understand when parents/carers express concerns about their child’s development. They should also listen to and address any concerns raised by children and young people themselves.”

Will be disregarded as the local authority centralise decision making and funding allocation, moving it away from young people.

9. £740 million SEND Funding – How will this impact Torbay?

In January 2025, Steve Darling MP spoke in the House of Commons welcoming the introduction of £740 million in SEND funding following years of neglect under the previous Conservative Government. Darling highlighted the impact of this neglect in cash-strapped schools in Torbay that are doing their best to provide complex, high-level, SEND support. With many being failed. He stated:

“Every day I hear from more and more Torbay families who are desperate to see change in a SEND system that is failing our children.

“Making sure children with special needs and disabilities can access the schools they need in their community is crucial. Our schools must see a fair slice of the new SEND funding package so that students in Torbay can all receive the education they deserve in a setting that supports them.

“But families and schools are crying out for help, and while the education secretary’s plan will alleviate pressure, it won’t fix the crisis at its root.

“That’s why the Liberal Democrats are calling for a national body for SEND—making sure that young people with the highest needs can receive the education they need.”

The announcement of £740 million in SEND funding came alongside guidance on high needs provision capital allocation. Funding allocation is typically assessed as:

- 50% of funding is based on Torbay’s school-age population.
- The other 50% is weighted by the pupil-to-capacity ratio of specialist SEND places.
- Authorities with more demand (i.e., a higher ratio of pupils to available SEND places) receive more weighted funding.

For the £738 million, funding distribution was assessed as a combination of estimated total pupil to capacity ratio and population size.

The guidance states:

“The funding can be used to adapt classrooms to be more accessible for children with SEND, to create specialist facilities within mainstream schools that can deliver more intensive support adapted to suit the pupils’ needs, and to create special school places for pupils with the most complex needs.”

Torbay’s funding allocation is outlined below:

| Constituency | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2021-26 |
|--------------|----------|------------|------------|----------|------------|------------|
| Torbay | £530,150 | £2,076,644 | £2,011,176 | £576,355 | £1,405,116 | £6,599,439 |

The funding from this £740 million boost has resulted in the allocation of £1,405,116 to Torbay, this has over doubled the current allocation of funding to Torbay from 2024-25 to 2025-26. This funding is a clear indicator that Torbay is in need of considerable support with SEND provision.

With 576,000 children in Torbay having EHCPs (in 2024), this funding, whilst being immensely necessary, doesn’t go far enough to address the issues faced by a failing SEND system.

10. The Liberal Democrat Recommendation

In light of the persistent challenges identified in the 2021 Ofsted-CQC inspection and reflected in the current data, the Liberal Democrats' national priorities around SEND provision are particularly pertinent to Torbay. The party's call for a dedicated national SEND body and increased funding for local authorities directly responds to the systemic issues facing Torbay, where EHCP timeliness remains significantly below the national average (46.2% vs. 56.6%) and exclusion rates for SEND students are alarmingly high at 41.64%. Liberal Democrat policy aims to move away from postcode lotteries and legal battles towards a system where local authorities, like Torbay Council, are empowered with both the funding and flexibility to plan long-term, deliver personalised EHCPs, and implement inclusive practices across mainstream education settings.

"It is vital that we address the inequalities in educational funding to ensure that every child in Devon, especially those in areas like Torbay, have access to the resources and opportunities necessary for their success. Having raised my own two children in Torbay, I want to ensure and encourage other families that this is an area in which their children can develop and flourish, supported by specialist teachers and services committed to progress of teaching and learning in the bay."

Mr J.B - 25/11/2024

The data makes it clear that Torbay's services remain under considerable strain, despite the increase in funding, and Liberal Democrat policy offers a structural solution to alleviate these pressures.

On the issue of autism and neurodiversity, the Liberal Democrats' focus on earlier, simpler diagnoses, improved staff training, and updated employment guidance reflects the urgent needs within Torbay. With Autism Spectrum Disorder among the most common primary needs identified in the borough, particularly at the primary level, Torbay must go beyond current frameworks to ensure its pathway reforms are robust and accessible. The emphasis on co-production, central to the Liberal Democrat vision and embodied in some actions taken by the local authority, such as with Torbay's Family Voice, is a promising foundation, but must be backed with enforceable standards and measurable accountability. Training for educators and local service professionals, aligned with Liberal Democrat policy, would help to ensure that every neurodivergent child is not only seen but properly supported in schools, reducing the cycle of exclusion, missed diagnoses, and lost potential that continues to affect too many young people in the Bay.

11. Overall Recommendation and Conclusion

This report has demonstrated that Special Educational Needs and Disability (SEND) provision in Torbay continues to face profound and worsening challenges. Despite the introduction of structural changes and additional funding allocations, significant issues persist and, in many cases, have deteriorated further since the joint Ofsted-CQC inspection in 2021. The data presented throughout this report makes it clear that young people with SEND, their families, carers, and schools in Torbay remain under considerable pressure and are being failed by a system that is not meeting acceptable outcomes.

The exclusion rate for SEND pupils remains more than double the national average, the timeliness of Education, Health and Care Plan (EHCP) issuance continues to fall below the legally acceptable time-frame, and mainstream schools are increasingly unable to provide the required support due to insufficient support and rising needs in conjunction with fewer resources. These trends illustrate a sustained failure in the implementation of effective provision, with limited evidence that the measures introduced since 2021 have had a measurable impact on outcomes for SEND children and young people.

While the recent government allocation of £740 million in additional SEND funding, of which Torbay will receive £1,405,116, is a welcome and much-needed investment, it is not in itself sufficient to resolve the systemic challenges outlined in this report. There is also considerable concern that the local authority's proposal to implement a locality model of SEND funding may further compromise service delivery. The proposed model, which would transfer budgetary decision-making from individual schools to locality-level stakeholder boards, risks undermining the pupil-led funding. Under such a model, funding may no longer be directly aligned with the needs of individual children, creating the potential for further delays, inequalities, and inadequate support, and ultimately, removing that young persons access to education, a legal right.

This report highlights concerns around the locality model, and instead retains a commitment to a pupil-led approach. Provision must be based on individual need, with resources following the child and decisions being made in collaboration with families and schools. There is also a clear need for stronger, more reliable funding for SEND in Torbay, in order to address the complex challenges of provision. A personalised, responsive system of support is critical to ensuring legal entitlements are met and that outcomes for children and young people with SEND improve in a sustainable way.

Liberal Democrat policy aligns closely with this approach, advocating for the creation of a national SEND body, increased investment in inclusive infrastructure, and legally enforceable support that ensures consistency across regions. The party's emphasis on co-production, early identification, clear accountability, and fair access reflects the priorities and concerns shared by many constituents in Torbay. These principles should guide local action and inform future decisions around funding and service delivery.

Steve Darling MP remains committed to advocating for the children and young people of Torbay who have SEND, as well as their families, carers, and the schools that support them. Through parliamentary action, stakeholder engagement, and direct representation of constituent concerns, he continues to call for a SEND system that is adequately funded, transparent in its operation, and focused on delivering equitable, high-quality outcomes. This report reinforces the need for continued scrutiny, meaningful reform, and a sustained focus on ensuring that no child in Torbay is left behind.

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Constituent Quotes

| Quote | Constituent | Date |
|--|-------------|------------|
| "It is vital that we address the inequalities in educational funding to ensure that every child in Devon, especially those in areas like Torbay, have access to the resources and opportunities necessary for their success. Having raised my own two children in Torbay, I want to ensure and encourage other families that this is an area in which their children can develop and flourish, supported by specialist teachers and services committed to progress of teaching and learning in the bay." | Mr J.B | 25/11/2024 |
| "We had to fight to obtain a place for our daughter at SCHOOLNAME, which unfortunately is the case for so many of us. However, I can honestly say that it has been life changing for her. I cannot speak highly enough of the work they do there, and feel very strongly that they should not have to make a public appeal for money, particularly where they are seeking funds for resources which are fundamental to the daily functioning of the children." | Mr F | 15/03/2025 |
| "Torbay Council is attempting to move to a High Needs provision Hub model where responsibilities are effectively passed to groups of schools and schools collectively in the Bay to manage this. It is being consulted on and the irony is that the last group to be approached are the schools themselves." | Mr R | 11/12/2024 |
| "It is an absolute scandal that a school which cares for the most vulnerable children in society is having to raise charitable funds for equipment which is absolutely central to the functioning and wellbeing of the pupils." | Mrs D | 23/02/2025 |
| "I believe he requires a specialist school to be able to get the most of his life which is already very challenging for him and if there is somewhere that can help him progress he needs to be there." | Mr G | 05/02/2024 |
| "Our most vulnerable youngsters will struggle to be accommodated in mainstream classes." | Ms P | 21/03/2025 |

| | | |
|---|------|------------|
| "My child deserves the right to an education just like any other disabled or non-disabled child." | Ms T | 30/10/2024 |
| "Our children are being failed!" | Ms E | 20/10/2024 |