

## CHILDREN AND LEARNING OVERVIEW & SCRUTINY COMMITTEE

<b>Subject Heading:</b>	<b>Title</b> Reconfiguration of the former Pupil Referral Service
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<b>Policy context:</b>	Exclusion from maintained schools, Academies and pupil referral units in England

### SUMMARY

All local authorities have a statutory duty to provide alternative education for pupils who have been permanently excluded from school, or who cannot attend school due to long term medical illness. Until 1<sup>st</sup> September 2016, the provision for such pupils within the London Borough of Havering was via the Manor Green College, Havering Pupil Referral Service (PRS). The College was composed of four elements:

- Primary provision (James Oglethorpe campus)
- Green Vale Medical Needs Provision (based at the previous Birnam Wood site in Hornchurch)
- Birnam Wood key stage 3 site (based at the previous Birnam Wood site in Hornchurch)
- Manor Campus key stage 4 site (based at Albert Road, Romford).

In February 2015 the, then, Havering PRS was inspected and placed into special measures. The Ofsted judgement meant that the PRS needed to either close or be converted to an AP (Alternative Provision) Academy. The LA had already initiated discussions with the Department for Education (DfE) about potential academisation but subsequent to this inspection judgement, only one sponsor was identified by DfE, Olive Academies Trust. The Trust expressed an interest in taking on the key stage 3 (age 11-14) and key stage 4 (age 14-16) provisions, but not primary or medical needs provisions. Local authority officers therefore sought to identify different models for the primary and medical needs aspects of the former PRS. This led to a new 'in reach' support service for primary provision which involves providing specialist support officers to work with children within the mainstream school setting. With regards to the medical needs provision, the local authority has commissioned LIFE Education Trust (incorporating the Frances Bardsley Academy) to take over responsibility for supporting education of pupils with long term medical needs issues.

Following complex negotiations and attempts to identify suitable premises for a new AP Academy provision, the Olive AP Academy Havering officially came into being on 1<sup>st</sup> September 2016, based at the former Birnam Wood site in Hornchurch.

## CURRENT PRIORITIES

- Support the further development of the new Olive AP Academy
- Monitor attendance and student progress at the new AP Academy
- Agree an exclusions concordat with schools
- Develop/strengthen wider AP options outside Olive AP Academy
- Strengthen primary In Year Fair Access Panel (IYFAP) protocols and develop new In-Reach primary provision
- Develop protocols around new medical needs provision and support plans for a new build at Frances Bardsley Academy

## REPORT DETAIL

The Local Authority had already started discussions with the Department for Education (DfE) about academisation of the former Havering PRS prior to the Ofsted judgement in February 2015. The Ofsted judgement therefore accelerated the local authority's efforts to work with DfE to identify a sponsor to academise the Havering PRS. The only alternative to academisation was to close the Havering PRS and seek to commission places from outside the Borough until other options could be explored. This would require all staff to be redeployed or offered redundancy and would lead to significantly increased costs, as costs of commissioning out of Borough places, including transport, would be in excess of existing costs and would not necessarily be in the best interests of the young people. In addition, the closure of a failing PRS would have meant significant reputational damage for the Borough.

Due to the significant complexities and time commitments involved, the LA appointed a project consultant to lead on the conversion process. Much time was invested in locating suitable premises for the new AP Academy, as DfE Officers and Olive Academies Trust were of the view that the main Havering PRS facilities, at Albert Road, Romford, were unsuitable for use in relation to a new AP Academy. Other sites were investigated but after long discussions, and pressure from DfE, the former Birnam Wood site was identified as the only suitable provision on which to open and develop a Havering AP Academy. The Birnam Wood site is part of the Robert Beard Youth complex, as is the medical needs tuition (Greenvale) site.

Legal agreements were put in place and an Executive Decision signed by the Deputy Leader to allow for Olive Academies Trust to be granted a long lease on the Birnam Wood site for a facility for up to 60 pupils who are either excluded or at risk of exclusion. Regrettably this meant that some existing day users of the Robert Beard Centre have been advised that they will need to source an alternative meeting venue. However, evening and day use is being accommodated by Olive Academies Trust. Importantly the use of the Robert Beard Centre for Youth Service provision will be retained.

With regards to primary provision, the Primary PRU (based at the James Oglethorpe School site) needed to be closed. The preference was for some primary schools to offer nurture units within their school, with a single 'Additional Resource Provision' to be built at a local authority maintained primary school. However, governors in all school

approached were unwilling to host any provision for pupils with challenging behaviour and this forced LA officers to consider alternative models. The model developed will focus on early intervention and building behaviour confidence in all our primary schools. The LA will continue to provide outreach support and training for primary schools to this end. The previous budget for the Primary PRU was allocated to the Attendance and Behaviour Support Service along with three members of staff. St Kilda's children's centre will be made available for off-site intervention and support work with both children and parents. Two early help officers have been appointed to address any parenting/family issues in relation to these pupils.

The Primary 'In Year Fair Access Panel' (IYFAP) will act as a conduit for allocation of these resources as well as providing a means by which schools would be challenged about any additional work they should undertake before drawing on limited resources available across the whole of the Borough. A threshold framework has been developed so that all schools are held accountable to a common framework around supporting pupils in school before considering a permanent exclusion. The focus of the primary model is, in essence, on early intervention/prevention and building confidence/skills across all schools to deal with more challenging behaviour from pupils.

With regards to the Medical Needs provision, LIFE Education Trust (based at the Frances Bardsley Academy) has been commissioned to operate this provision on behalf of the LA. Currently they are functioning from the existing Green Vale building but a new build will be provided at the school site (subject to planning).

It has been necessary for the LA to retain some of the previous PRS budget as there may be a need to commission some places out of Borough where pupils are permanently excluded and cannot be accommodated in Borough. This is the case in relation to primary pupils but also secondary pupils in respect of space limitations that will restrict the number of pupils Olive can support. A small sum has also been allocated to the existing social inclusion fund to support schools undertake intervention work with pupils at risk of exclusion. This work is supported by the LA's Alternative Provision Commissioner and is in line with recent proposals in the White Paper, 'Educational Excellence Everywhere'. Paragraph 6.76 of the White Paper states, in relation to AP in future that:

***'We will change accountability arrangements so that a pupil's mainstream school will retain accountability for their educational outcomes and will take a lead role in commissioning their provision, including when they have permanently excluded the pupil but the pupil has not subsequently enrolled at a different mainstream school. Mainstream schools will support AP providers to deliver a broad and balanced curriculum and high quality teaching by sharing subject specialists and facilities that smaller alternative providers would otherwise find hard to access.'***

The suggestion is that mainstream schools will need to be far more involved in decisions around commissioning alternative provision and in working alongside such providers. Whilst this area of education policy remains under consideration with the government, it is clear that there are benefits to a 'joint accountability/one education community' approach to the education of some of our most vulnerable pupils.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

Following negotiations with the Olive Academies Trust, the cost per pupil place was agreed at a level suggested in discussions with secondary head teachers, and represents a saving as compared with current costs of commissioning places from the Havering PRS. The proposed costs range from £15k per place to £18k per place. The previous cost of a place in the Havering PRS was £19k per place. Some research has been undertaken as to the costs of a place at other LA PRUs and the following data are provided for guidance:

- Manchester £15,500
- Hertfordshire - £18,650
- Nottingham City - £21,700
- LB Barking and Dagenham - £17,000
- LB Southwark - £21,000
- LB Merton - £16,500
- LB Lewisham - £18,000
- LB Harrow - £18,476
- LB Barnet - £15,000
- LB Hillingdon - £21,720
- LB Hackney - £17,296
- LB Waltham Forest - £20,000
- LB Tower Hamlets - £21,691
- LB Bracknell Forest - £22,848

It would appear, therefore, that the funding model agreed with the Trust is in line with the lower end of the current market rate. Close to sign off with the Trust, however, it became apparent that they had relied on an incorrect assumption about the number of places to be commissioned and that, consequently, their financial model was unsound. This led to last minute negotiations about budgets to allow the Trust to operate a financially viable model going forwards. It was therefore agreed that, due to space limitations, funding would be provided as if the provision were full at the existing PRS rate for the remainder of the current financial year. After this date it will revert to the above agreed costings.

### **Legal implications and risks:**

The legal agreements around this work were complex and protracted, but legal work was undertaken within a very tight window of opportunity leading up to the final sign off. Whilst no issues are expected as a result of this, there is the possibility that a challenge could be mounted if any mistakes are uncovered as a result of the complexities and timescales involved.

### **Human Resources implications and risks:**

As with any new provider, the Trust will consider its structure following TUPE arrangements for existing staff. The LA has agreed to support some one-off costs which might arise from any proposed restructure. This will also apply to the medical needs provision with LIFE Education Trust.

**Equalities implications and risks:**

A full Equality Impact Analysis was undertaken as part of the Executive Decision process.

**BACKGROUND PAPERS**

Equality Impact Assessment