

**16 September 2013****Agenda Item: 10****REPORT OF THE SERVICE DIRECTOR, EDUCATION, STANDARDS AND  
INCLUSION****AN UPDATE ON NOTTINGHAMSHIRE'S STRATEGY FOR PUPILS WITH  
SOCIAL EMOTIONAL AND BEHAVIOURAL DIFFICULTIES (SEBD) –  
'FIVE STEPS TO COLLECTIVE RESPONSIBILITY'****Purpose of the Report**

1. To provide an update on the progress which has been made in implementing the County Council's strategy for improving arrangements for children and young people with social, emotional and behavioural difficulties (SEBD) known as 'Five steps to collective responsibility', which was approved by the Children and Young People's Committee on 5 November 2012.
2. To propose a number of recommendations in order to fully implement the strategy.

**Information and Advice****Context**

3. The County Council and schools face a number of pressures relating to the cost and effectiveness of existing arrangements in Nottinghamshire for children and young people with SEBD. In Nottinghamshire the County Council spends approximately £10million per year on making provision for learners with complex SEBD.
4. The key pressures facing schools and the County Council include:
  - cost of Pupil Referral Units (PRUs), known in Nottinghamshire as learning centres, specialist placements and the corresponding impact on the budgets of all schools
  - concern about the quality of provision offered to this group of learners
  - a lack of locally available specialist County Council SEBD provision
  - the changing relationship between the County Council and schools in the context of the changing status of schools (academies and free schools) and the changing role of the County Council
  - changes to statutory duties in relation to alternative provision
  - the reform of funding arrangements for schools including PRUs
  - a need to provide a positive climate for learning for all children and young people
  - a perceived increase in the challenging behaviour of very young children
  - the requirement for schools to maintain standards of achievement and standards of behaviour in accordance with the Ofsted framework.

5. In the light of these pressures, a review of arrangements for pupils with SEBD in Nottinghamshire was initiated which culminated in a new strategy known as 'Five Steps to Collective Responsibility'. The review of SEBD provision considered whether it is possible to utilise the available resources to better effect in order to achieve improved outcomes for this group of learners.
6. The strategy identified five key steps for establishing collective responsibility in order to deliver the required changes. The notion of collective responsibility involves partnership arrangements between schools and between schools and the County Council.
7. The five steps are:
  - 1) developing the availability of high quality local alternative provision
  - 2) developing successful behaviour partnerships between schools
  - 3) providing specialist support to primary schools
  - 4) developing proposals to establish specialist SEBD provision in Nottinghamshire
  - 5) developing the role of the learning centres (PRUs).
8. The strategy presented a number of outcomes which described how success could be measured. The strategy said:

"We will have been successful when we can say:

  - permanent exclusions are highly exceptional
  - there are no permanent exclusions in Key Stages 1 and 2
  - young people can receive appropriate alternative provision in their own communities
  - schools have developed effective partnerships to which the County Council can confidently devolve funding, resources and responsibility
  - teachers feel more confident in managing challenging behaviour
  - teachers are able to access support and advice from their colleagues and from specialist teams provided by the County Council
  - parents and young people feel more engaged with learning."
9. There are a number of significant areas of progress to report in relation to the five steps:

#### **Step 1: Developing the availability of high quality local alternative provision (AP)**

10. Alternative provision is the way in which a relatively small group of young people receive their education in an alternative form. This may be an alternative that has been developed by a school or partnership of schools which focuses on vocational training, or it may be a package of alternative educational provision purchased from a registered alternative provider. Currently arrangements to monitor the quality of this provision are insufficiently robust.
11. In order to monitor the quality of such provision, check on the progress and attendance of young people receiving this provision and to achieve value for money, the County Council has identified a successful approach to managing these placements. This approach has been adopted and managed by the Nottingham City Secondary Education Partnership and is available to County schools and partnerships.

12. This scheme:

- provides an online directory of approved providers of Alternative Provision
- includes arrangements for the quality assurance of the provision offered by these providers
- provides an online management facility that gives twice daily updates on behaviour, attendance, progress and the well-being of pupils.

13. Schools and partnerships of schools will be offered the opportunity to buy into this package of support. This will provide security and reassurance for schools that the provision being commissioned is of an acceptable high standard and that the pupil's well-being is being monitored through the provision of daily reports on attendance and levels of progress that pupils make. Schools are also in the process of developing collaborative arrangements for "in-house" alternative provision which improves standards. This will reduce the reliance on external providers and ensure that schools retain a close relationship with pupils on their roll.

### **Steps 2 and 5: Developing successful behaviour partnerships between schools and developing the role of the PRU**

14. Developing successful behaviour partnerships and developing the role of the PRU are mutually dependent activities. As successful partnerships develop, it will be necessary to redefine their relationship with the PRU. Over the course of the last academic year we have seen evidence of significant reductions in permanent exclusions. This can be seen in the tables below:

**Table 1: Permanent Exclusions by Area September 2012 to July 2013**

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Total
Ashfield	0	2	0	1	0	0	0	0	0	0	0	<b>3</b>
Bassetlaw	1	3	2	0	2	1	2	1	1	3	3	<b>19</b>
Broxtowe	0	3	1	2	2	1	0	2	0	2	0	<b>13</b>
Gedling	1	1	4	1	1	1	1	0	2	2	0	<b>14</b>
Mansfield	0	1	0	1	0	0	2	0	0	0	0	<b>4</b>
Newark	0	1	1	3	0	3	2	1	0	0	0	<b>11</b>
Rushcliffe	1	1	2	0	1	2	1	3	0	3	0	<b>14</b>
SHENK <sup>1</sup>	0	0	4	4	0	1	2	0	0	1	2	<b>13</b>
	<b>3</b>	<b>12</b>	<b>14</b>	<b>12</b>	<b>6</b>	<b>9</b>	<b>10</b>	<b>7</b>	<b>3</b>	<b>11</b>	<b>5</b>	<b>92</b>

<sup>1</sup> SHENK is a partnership of five schools from Ashfield and Broxtowe (Selston, Holgate, Eastwood, National and Kimberley)

**Table 2: Permanent Exclusions from September 2007 to 19 July 2013**

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Total
9/12 to 7/13	3	12	14	12	6	9	10	7	3	11	5	<b>92</b>
9/11 to 7/12	15	10	14	9	10	11	16	4	16	7	6	<b>118</b>
9/10 to 7/11	12	13	14	5	8	14	18	7	13	14	10	<b>128</b>
9/9 to 7/10	11	13	14	15	12	7	15	9	14	11	9	<b>130</b>
9/8 to 7/9	11	19	14	9	22	16	16	7	13	23	6	<b>156</b>
9/7 to 7/8	12	17	14	14	21	14	15	15	15	18	10	<b>165</b>

15. The data provides evidence that:

- over the last 6 years permanent exclusions peaked in the academic year 2007-2008 at 165
- since then there has been a steady decrease in permanent exclusions and in 2012/2013 there were 92 permanent exclusions. This is a 44% reduction since 2007
- in the academic year 2012/2013 there was a 22% reduction in permanent exclusions compared to 2011/2012. This is the largest percentage reduction in permanent exclusions in one year over the last six year period.

16. In developing the role of the PRU and partnerships of schools, a new model of collaborative working has emerged. This will involve the devolution of resources centrally retained by the County Council and the transfer of responsibility and accountability for these resources to partnerships of schools. The devolution of resources will be subject to a rigorous service level agreement between the County Council and partnerships of schools or individual schools. By September 2013 the majority of partnerships will have service level agreements between the partnerships and the County Council.

17. The devolution of resources and responsibilities for pupils with SEBD to partnerships of schools is in line with the national direction of travel and the Government's preferred approach on exclusions. This approach allows schools to continue to permanently exclude but means that schools have the responsibility for arranging alternative provision and ensuring that this is good quality and achieves positive educational outcomes.

18. The success of partnership working will require schools to work collaboratively using resources more effectively through greater 'economies of scale' which enable a more flexible response to a range of needs and remove the need for permanent exclusions. Following the transfer of resources to partnerships of schools, it will be necessary to ensure that these are well managed in order to reduce the risk of escalating costs. This risk will be managed through the recent introduction of a Cost Recovery Mechanism (CRM), in order that provision which falls outside partnership agreements may be funded and commissioned appropriately and responsibly.

19. A Cost Recovery Mechanism (CRM) is the way in which the County Council will recover the cost of provision made for pupils who are permanently excluded from schools when the exclusion occurs outside agreed arrangements with individual schools or partnerships of schools.

20. Of the 45 secondary schools in Nottinghamshire:

- 35 are committed to working in partnership and nine Partnerships have been established
- five schools are happy to accept their share of responsibility but do not feel they need partner schools to achieve their aims
- five schools have yet to confirm how their future ways of working will be developed.

Table 3 below shows the proposed partnership arrangements by district across Nottinghamshire:

**Table 3**

<b>District</b>	<b>Locality/Learning Centre</b>	<b>Partnership/Individual Schools</b>	<b>No of schools</b>
Bassetlaw	North	Bassetlaw East Partnership	3
		Outwood Academies	2
		Serlby Park	1
Newark & Sherwood	North	Newark Town Partnership	2
		Dukeries	1
		Joseph Whitaker	1
		Minster	1
Gedling	South	Gedling	3
		Redhill	1
		Carlton Academy	1
		Sherwood E-Act	1
		Carlton Le Willows	1
Broxtowe	South	Broxtowe Partnership	4
Rushcliffe	South	Rushcliffe Partnership	6
		Toot Hill	1
Ashfield	West	Ashfield Partnership	4
Mansfield	West	Mansfield Partnership	6
		Samworth Academy	1
SHENK <sup>1</sup>	West	SHENK	5
<b>Total</b>			<b>45</b>

<sup>1</sup>SHENK is a partnership of five schools from Ashfield and Broxtowe (Selston, Holgate, Eastwood, National and Kimberley)

21. From September 2013 to September 2014 resources will be incrementally devolved to Partnerships and individual schools from the County Council. A Service Level Agreement will need to be in place for Partnerships and Individual Schools, which describes the resource quota for each Partnership and Individual School. The resources include:

- an allocation of places at each learning centre (PRU)
- an allocation of cash
- access to a share of staff employed at the learning centres (PRUs).

22. As a result of recent conversations with partnerships of schools, the number of PRU places commissioned by the County Council will need to be adjusted to reflect future demand. There are three main drivers for this because the number of:
- 1) exclusions has reduced significantly
  - 2) children returning to school or partnerships of schools has increased
  - 3) children without a school place has reduced.
23. Currently each learning centre (PRU) has been commissioned to provide 44 places for pupils who have been permanently excluded from school. These are as follows:
- Daybrook Learning Centre serves the south of the County (Rushcliffe, South Broxtowe and Gedling) and is located in Gedling
  - Oakdale Learning Centre serves the west of the County (Mansfield and Ashfield and SHENK) and is located in Mansfield
  - Bassetlaw Learning Centre serves the north and east of the County (Bassetlaw and Newark) and is located in Worksop.
24. Since April 2013 the management structure of the PRUs has been reconfigured in the light of new government guidance. Prior to April 2013 the three PRUs (Daybrook, Bassetlaw and Oakdale Learning Centres) were registered as one school. Since April 2013 each PRU is registered as a separate school and has appointed a separate management committee with strong representation from the schools in the areas which they serve.
25. Following these developments it will be necessary to reduce the number of placements commissioned at each PRU. Over time it is increasingly likely that the reliance on all PRUs will reduce and alternative local solutions will be developed. In addition, there are a number of significant issues relating specifically to Daybrook Learning Centre. In particular there are concerns regarding:
- the standard of academic achievement and progress
  - the quality of teaching and learning
  - the positive management of behaviour and safety
  - levels of learner attendance.
26. Overall Daybrook Learning Centre does not represent value for money with regard to the cost of pupil placements and the outcomes for these learners. It is therefore intended to seek approval to consult on the proposal to close Daybrook Learning Centre and this will be the subject of a separate report to the Children and Young People's Committee.
27. In the meantime it is intended that pupils in the south of the County who are permanently excluded from school will not be placed in Daybrook Learning Centre. Their provision will be made through one of three pathways:
- encouraging localised provision developed with each school behaviour and attendance partnership or in some cases with individual schools
  - alternative provision for older key stage 4 learners
  - admission to another learning centre.

28. However, those pupils who are currently attending Daybrook Learning Centre will remain on roll and on site. The consultation on the proposal to close Daybrook Learning Centre will also include a number of options relating to the creation of small scale local provision for excluded young people in Rushcliffe, South Broxtowe and Gedling.
29. Some concern has been expressed about the risk of increasing the incidence of 'grey exclusions'. This is where schools develop alternative strategies for excluding pupils outside formal exclusions arrangements. For example, parents may be asked to keep a child at home without a formal exclusion process, or children being placed on long term part time packages. It is acknowledged that this practice is disadvantaging a number of our most vulnerable pupils. It is therefore proposed to undertake further research to assess the scale and reasons for this type of grey exclusion and to determine an approach to mitigate against this risk.

### **Step 3: Providing specialist support to primary schools**

30. There have been developments in arrangements where primary schools work in partnership in some districts. The intention is that primary schools work in collaboration with secondary partnership colleagues and seek to divert funding used as reactive measures in the secondary phase into early intervention strategies in primary schools. A new Primary Social and Emotional Development (PSED) team has been established. This team has been created in response to one of the outcomes of the SEBD review. The focus of this outcome was for exclusions in primary schools to be reduced to a minimum, and that primary aged pupils should not be placed in a Pupil Referral Unit.
31. In the academic year 2012/13, there has been one permanent exclusion from a primary school in Nottinghamshire. Although the main focus of the SEBD review has related to secondary provision, primary schools have suggested that more attention should be given to the development of support mechanisms for pupils with challenging behaviour in schools in the primary phase. It is proposed to undertake further work across this phase in order to develop a specific SEBD strategy for primary schools.

### **Step 4: Developing proposals to establish specialist SEBD provision in Nottinghamshire**

32. A study of options relating to the development of specialist SEBD provision has been undertaken. It recognises the need to establish specialist SEBD provision in Nottinghamshire and considered:
- design features of the provision
  - management of admissions into the provision
  - the nature of the provision to be developed.
33. A number of design features have been identified. The provision must:
- 1) be capable of meeting the most complex needs locally (i.e. within County boundaries or near to home)
  - 2) be able to deliver good quality educational provision, that achieves good or better outcomes for the learners
  - 3) ensure that it does not lead to increased demand for specialist placements
  - 4) provide value for money.

34. In order to manage the resources available for specialist provision there needs to be a model for admissions and resourcing. Placement decisions and funding decisions could operate in one of the following four ways through decisions made by:
- 1) individual schools
  - 2) partnerships of schools
  - 3) bands of schools (north, west and south)
  - 4) a County wide panel system.
35. There are a number of options in relation to the type of provision to be created:

#### **Type 1**

A traditional approach of **specialist school provision** provided by either:

- 1) the establishment of a single County wide 60 place specialist SEBD school, provided either by the County Council or an independent provider
- 2) the commissioning of specialist placements from a range of local specialist independent and other local authority special schools.

**Or:**

#### **Type 2**

The provision of a more **flexible range of solutions** provided by either:

- 1) a single provider of flexible solutions either by the County Council or an independent provider
- 2) a broader range of providers of flexible solutions.

36. Further consultation with stakeholders on each of these options will need to be undertaken in the autumn term, in order that the new arrangements will be in place by September 2014.

#### **Other Options Considered**

37. Other options were previously considered as part of the SEBD review process and were considered by the Children and Young People's Committee in the report entitled 'Review of arrangements for children and young people with social, emotional and behavioural difficulties (SEBD) in Nottinghamshire' on 5 November 2012.

#### **Reason/s for Recommendation/s**

38. To progress the County Council's strategy on improving arrangements for children and young people with SEBD in particular in relation to:
- providing a cost effective model of delivering SEBD provision
  - improving the quality of SEBD provision
  - supporting the development of local solutions through the development of partnership working and shared responsibility between schools and the County Council.



## **Statutory and Policy Implications**

39. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Implications for Service Users**

40. Service users are pupils at risk of exclusion and schools who are managing their challenging behaviour. There are a number of changes which will benefit service users, such as:
- schools will feel more supported by each other and by the County Council in trying to manage SEBD
  - less children should be excluded from schools and partnerships of schools
  - young people will be able to attend the PRU without the need for a permanent exclusion, and when they do, it will be for shorter periods i.e. a maximum of two terms
  - young people will receive appropriate provision that meets their needs.

### **Financial Implications**

41. In November 2011 a paper was presented to the Schools Forum which identified the concern that expenditure on SEBD was likely to significantly increase beyond the available resources over 2012/13 and 2013/14. Schools Forum requested that the County Council review its arrangements for SEBD and explore ways in which provision could be remodelled to provide a more cost effective solution. The aim of the review has been to focus on the need to establish appropriate provision whilst ensuring a reversal of a trend towards increased expenditure. It should be recognised that failure to turn around this trend will result in the need for increased contributions from all schools from the Dedicated Schools Grant.
42. In line with the new strategy, it is proposed that funding will be devolved to partnerships of schools in order that partnerships can establish more local cost effective solutions. Each partnership of schools and in some cases individual schools, have received information about their share of the resources available. Partnerships will work within their local budgets and endeavour to achieve efficiencies which could be reinvested into early intervention arrangements. Robust service level agreements will be in place to ensure the resources are invested in areas of activity relating to SEBD.
43. Each of the recommendations in this report can be carried out within existing resources. Should any proposals coming out of the consultations have financial implications, these will be highlighted in future reports.

### **Equalities Implications**

44. White boys and pupils with SEN are over-represented in the group of pupils who are disadvantaged by exclusion. New arrangements will reduce the impact on this vulnerable group.

## **Safeguarding of Children Implications**

45. Children who are in receipt of off-site alternative provision are entitled to receive provision of a high quality and which is subject to safeguarding and quality assurance procedures. The approved provider framework and daily monitoring arrangements will ensure that children receive their education in high quality and safe environments.

## **Human Resources Implications**

46. Any restructuring as a result of a change to the delivery model of specialist SEBD provision will be addressed in line with agreed HR policies and procedures, including consultation with the recognised Trade Unions.

## **RECOMMENDATION/S**

That:

- 1) the progress which has been made in implementing the County Council's strategy for improving arrangements for children and young people with SEBD be noted.
- 2) the proposal to establish a further work stream to consider grey exclusions and how to mitigate against this practice be approved.
- 3) the proposal to develop an SEBD strategy for primary schools be approved.
- 4) the proposal to consult with stakeholders on the delivery model for specialist SEBD provision be approved.

**John Slater**  
**Service Director, Education Standards and Inclusion**

**For any enquiries about this report please contact:**

Chris Harrison  
Programme Manager, SEBD Review and SEND Pathfinder Projects  
T: 0115 9773384  
E: [chris.c.harrison@nottsc.gov.uk](mailto:chris.c.harrison@nottsc.gov.uk)

## **Constitutional Comments (LM 22/08/13)**

47. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

## **Financial Comments (KLA 29/08/13)**

48. The financial implications of the report are set out in paragraphs 41 to 43 above.

## **Background Papers and Published Documents**

Review of arrangements for children and young people with social, emotional and behavioural difficulties (SEBD) in Nottinghamshire - report to Children & Young People's Committee on 5 November 2012.

Specialist provision - report to Schools Forum on 23 November, 2011.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

**Electoral Division(s) and Member(s) Affected**

All.

C0268