

10 February 2014

Agenda Item: 7

## **REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND INCLUSION**

### **SPECIALIST PROVISION FOR CHILDREN WITH SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES (SEBD): OPTIONS AND RECOMMENDATIONS**

#### **Purpose of the Report**

1. To provide an update on the progress that has been made in implementing the review of arrangements for children and young people with Social, Emotional and Behavioural Difficulties (SEBD) in Nottinghamshire.
2. To summarise the outcomes of the options appraisal and propose a way forward for the development of specialist SEBD provision within Nottinghamshire.

#### **Information and Advice**

##### **Context**

3. A report was submitted to the Children and Young People's Committee on 16 September 2013, which provided an update on the progress of Nottinghamshire's strategy for pupils with SEBD. The strategy is known as 'Five steps to collective responsibility' and describes a programme of change for SEBD arrangements in Nottinghamshire.
4. The strategy identified five key steps for establishing collective responsibility in order to deliver the required changes. The notion of collective responsibility involves arrangements between partnerships of schools, individual schools and the County Council.
5. The five steps involve developing:
  - 1) the availability of high quality local alternative provision
  - 2) successful behaviour partnerships between schools
  - 3) specialist support to primary schools
  - 4) the role of the learning centres (PRUs).
  - 5) proposals to establish specialist SEBD provision in Nottinghamshire
6. Since September 2013, there have been a number of significant developments in relation to implementing the first four steps of the strategy described above. These are as follows:

- 1) an approved database of providers of alternative education has been established. These providers have been quality assured in line with Ofsted requirements and may be accessed by schools and the Local Authority.
  - 2) secondary behaviour partnerships have been established across the County. Funding has been transferred to the partnerships in order that partnerships are able to begin to make more appropriate arrangements in their locality for young people who require an alternative approach
  - 3) primary behaviour partnerships have also been established and are working towards finalising formal agreements with the Local Authority which will allow devolution of resources to these partnerships by April 2014
  - 4) The role of the Pupil Referral Unit (PRU) has been defined and new relationships between the PRU and partnerships of schools have been developed. As a result of these new relationships, there is evidence that the number of permanent exclusions has decreased and the corresponding reliance on the PRU has reduced.
7. The fifth area of strategic development relates to the establishment of specialist SEBD provision and has been subject to further research and investigation. The outcomes of this are contained within this report and include an options appraisal and a number of recommendations for the future delivery of SEBD provision.

### **Nottinghamshire's current position regarding specialist SEBD provision**

8. It is acknowledged that a small minority of children and young people with SEBD would benefit from a more specialist approach to their education. Nottinghamshire currently does not maintain its own specialist SEBD School. Such specialist approaches are currently only available through specialist providers.
9. Nottinghamshire currently commissions specialist placements from other local authorities and the independent non-maintained sector. It is recognised that this may be expensive, of variable quality and, in a number of cases, located some distance from the young person's community.
10. One of the key factors underlying the strategy has been the desire to reduce reliance on out-county placements and to achieve better quality and value for money through the provision of high quality local alternatives.
11. This report therefore considers how it is proposed to develop capacity in Nottinghamshire to meet the needs of the most complex and vulnerable group of learners with SEBD within their local communities. The report focusses upon the outcomes of the recent study of options and corresponding consultation with stakeholders relating to the development of specialist provision in Nottinghamshire.

### **Scope of the options appraisal**

12. Before considering potential options for specialist SEBD provision, a number of desirable features were identified. Each option was evaluated against these features. The features are as follows:

The new provision should be able to:

- a. cater for learners with the most complex needs locally, either within the County or as near to their home as possible
- b. deliver good quality education that meets pupil need and results in good outcomes
- c. support and reinforce the work of local behaviour partnerships
- d. prevent an increased demand for specialist placements
- e. provide value for money.

Successful provision should lead to:

- a. reduced out-county placements
- b. good OfSTED reports for provision commissioned by the County Council
- c. increased attendance from pupils
- d. good progress for pupils
- e. stable placements for pupils
- f. a reasonable cost per place

13. In order to develop and appraise options, a needs assessment was undertaken. This included an analysis of data and a sample of pupil files, discussions with a range of practitioners and service managers (across Education and Social Care), and attendance at a Specialist Integrated Resource Panel (SIRP) meeting. Visits were made to a range of existing local providers. Reference was also made to models of provision used in other similar authorities. Subsequently, a representative group of primary, secondary and special school head teachers was established to consider possible options and establish a consensus regarding the way forward.

### **Key findings from the options appraisal**

14. The key findings from the needs assessment and the comparative LA survey are identified below:

15. Currently 70 learners with SEBD are placed in a range of specialist settings at a total cost of £1.2 million, as follows:

Other Local Authority maintained special schools (average cost per place £13,214)	13
Independent Non-maintained Special Schools (average cost per place £27,200)	11
Specialist integrated resource jointly funded placements with health and social care (average cost per place £24,285)	46

16. Historically, pupils with SEBD have been placed in these settings for a number of reasons. These include:

- a. the changing role of the PRU from long term to short term provision
- b. high numbers of permanent exclusions

- c. a lack of suitable local alternative provision
  - d. an increase in the number of children in care requiring out-county residential placements.
17. Out-county placements are not determined simply by the level of pupil need. Such placements may also be influenced by professional beliefs about the desirability of residential school provision. There may also be a tendency for reactive planning and decision-making at times of crisis. Additionally, it is recognised that individual schools and partnerships of schools have differing capacities to support the needs of the most vulnerable learners.
  18. The options appraisal has identified the need to reduce the reliance on expensive out-county placements through the development of high quality local provision. It is recognised that there will still be the need to use some out-county provision, although, with the establishment of more cost effective, high quality local solutions, the need for this will be minimised.
  19. As part of the options appraisal the use of the County Council's existing special schools was considered. Nottinghamshire has 11 special schools, none of which are designated for pupils with complex SEBD. However, many of the young people who are excluded from mainstream school and who attend one of the Pupil Referral Units (PRUs) are acknowledged to have significant special educational needs. The range of opportunities to place these young people in specialist provision appropriate to their needs is limited. This has resulted in a number of young people with complex needs staying within the PRU for extended periods, with no likelihood of a return to mainstream school. Where appropriate (and needs could be met), placements will be made in existing special schools. However it is recognised that there will be some pupils with very challenging behaviour who will be difficult to manage in our special school environments when educated alongside other extremely vulnerable young people with SEN.
  20. In predicting future need for specialist SEBD provision, it is important to take account of recent developments in capacity at school and partnership level. In line with the broader strategy, the majority of the funding available for SEBD is being devolved at local level. There is an increased emphasis on the commissioning of provision by areas and school partnerships. These developments are likely to reduce the need for more specialist options.
  21. A range of alternative options have also been considered. These include the choice between the development of large scale or small scale provision which is either maintained by the Local Authority or commissioned from an external provider.
  22. The option of establishing a single Nottinghamshire maintained specialist SEBD school has been discounted for a number of reasons. There was a strong consensus amongst stakeholders that this option should not be pursued as large scale provision of this nature was perceived to be a high risk, it would be difficult to find an appropriate location and would be against the principle of partnership and locality working.
  23. The benefits of establishing provision maintained by the Local Authority or commissioning provision from external providers have been evaluated. Taking account of the risks associated with provisions of this type and the agreed principle of developing local

solutions, the preferred option would be to develop a mixed economy of providers and solutions. A more flexible model of provision would be a better way of meeting individual needs and providing value for money.

24. Given the constraints affecting both school and Local Authority budgets, and the limited opportunities for future growth, it will be important for any model to be financially realistic and viable.

### **Proposed models of provision**

25. In line with the findings described earlier in this report, it is recommended that a flexible range of solutions be developed. This will result in the development of three models of specialist provision:

Model 1: provision for **primary** aged pupils

Model 2: provision for **secondary** aged pupils

Model 3: provision for those pupils who have additional **complex needs** and who are on the autistic spectrum.

26. The proposed models are described in more detail below.

#### **Model 1: Primary Specialist Provision**

27. It is proposed to establish a partnership resource within a number of partnership areas. The provision will be located within the campus of a mainstream primary school and will be funded by the Local Authority to make provision for a small number of pupils. The partnership will work collaboratively with the Local Authority in order to determine the nature of the provision. The partnership will also help to determine which pupils access this provision and for how long.
28. In the first instance, through collaboration with partnerships, it is proposed to establish three enhanced resource provisions. One provision will be located in the north, a second in the centre and a third in the south of the County. It may be desirable and necessary to increase the number of such provisions over time.

#### **Model 2: Secondary Specialist Provision**

29. It is proposed to offer additional opportunities for secondary partnerships in the north, centre and south of the County to purchase placements at specialist SEBD provision. The groups of partnerships will receive an allocation of specialist placements and will be involved in prioritising need and allocating resources for pupils with complex SEBD within their district. Placements for these young people will be commissioned by the Local Authority from a range of independent non-maintained special schools or special schools maintained by other local authorities.
30. Criteria for resource allocation will need to be established and will need to ensure that priority is given to young people who are the most vulnerable (e.g. at most risk of

education/care placement breakdown and for whom it is not reasonable to expect partnerships to manage provision from within their own resources).

### **Model 3: Special School Provision**

31. It is proposed to identify three special schools, one located in the north, a second in the centre and a third in the south of the County with the capacity to develop discrete provision for young people with additional **complex needs** and who are on the autistic spectrum and who are experiencing difficulties managing their behaviours.

### **Other Options Considered**

32. The other options considered are described earlier in this report.

### **Reasons for Recommendations**

33. The preferred options are:
- i. consistent with the broader direction of Nottinghamshire's SEBD strategy
  - ii. most likely to engage schools and other stakeholders in ensuring effective and cost-effective local provision
  - iii. most likely to meet the most complex and individual SEBD needs.

### **Statutory and Policy Implications**

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

### **Crime and Disorder Implications**

35. Increasing the engagement of young people with SEBD in appropriate educational experiences is likely to increase attendance and achieve positive outcomes. This in turn will reduce the likelihood for engagement in negative and criminal activity.

### **Financial Implications**

#### *Primary Specialist Provision*

36. It is proposed to develop three provisions on primary school sites. This will involve diverting high level needs funding previously allocated to pupils in mainstream schools to this provision. Using existing resources to enhance provision in mainstream schools will result in a cost neutral effect.

### *Secondary Specialist Provision*

37. The current quantum of £1.2 million includes resources for specialist provision in other local authorities and independent non-maintained settings. This will be retained centrally but allocated to partnerships in the form of a quota of placements which will be available to them to prioritise against the most vulnerable pupils with SEBD in their district. Again by using existing resources to determine the quota allocation, there will be a cost neutral effect.

### *Special School Provision*

38. The identification of three special schools to deliver specialist provision will result in a potential increased capacity in special schools across Nottinghamshire. The Local Authority proposes to explore an increase in overall capacity in 2015/16 with the Education Funding Agency with the aim of increasing resources available in the centrally retained High Needs block. In the first instance the three schools will be funded as a pilot from September 2014 to April 2015, utilising resources that are currently available within the Schools Budget.
39. Should demand exceed available resources across any of the above developments, consideration of the corresponding necessary increase to the funding quantum would need to be considered by Schools Forum.

### **Human Resources Implications**

40. Any increases in staffing complements required to deliver these proposals will be managed by the governors of the schools hosting the new arrangements.

### **Safeguarding of Children and Vulnerable Adults Implications**

41. Children who are in receipt of specialist provision are entitled to receive provision of a high quality and which is subject to safeguarding and quality assurance procedures.

### **Implications for Service Users**

42. Schools and young people will have access to a range of quality assured local provision, reducing the reliance on out-county placements

### **RECOMMENDATION/S**

That:

- 1) the progress that has been made in implementing the review of arrangements for children and young people with Social, Emotional and Behavioural Difficulties (SEBD) in Nottinghamshire and the outcomes of the options appraisal be noted
- 2) a programme of developing enhanced Social, Emotional and Behavioural Difficulties (SEBD) provisions on primary school campuses be undertaken
- 3) resources be offered to secondary partnerships of schools in order to purchase places in specialist SEBD provision
- 4) the capacity of three Nottinghamshire special schools to deliver educational provision for young people with complex SEBD and SEN be developed.

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**Constitutional Comments (LM 21/01/14)**

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

**Financial Comments (KLA 28/01/14)**

44. The financial implications of the report are set out in paragraphs 36 to 39 above.

**Background Papers and Published Documents**

An update on Nottinghamshire's strategy for pupils with social, emotional and behavioural difficulties (SEBD) - 'Five steps to collective responsibility' – report to Children and Young People's Committee on 16 September 2013

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.

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