

5 November 2012

Agenda Item: **7**

REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND INCLUSION

REVIEW OF ARRANGEMENTS FOR CHILDREN AND YOUNG PEOPLE WITH SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES (SEBD) IN NOTTINGHAMSHIRE

Purpose of the Report

1. To summarise the outcomes of the recent review of arrangements for children and young people with Social, Emotional and Behavioural Difficulties (SEBD) in Nottinghamshire. A full report on the review is available as a background paper.
2. To seek approval to implement a new strategy (as described in **Appendix 1**) for this vulnerable group of learners. This strategy will be implemented through a progressive, phased and developmental approach.

Information and Advice

3. The review of arrangements for children and young people with SEBD was conducted between April and September 2012. This report summarises the outcomes of the review and recommends a new strategy for SEBD in Nottinghamshire.
4. The key objectives of the new approach are as follows:
 - i) to improve the education outcomes for learners with SEBD
 - ii) to work in closer partnership with schools in order to maximise the use of resources.
5. Evidence gathered from the examination of approaches adopted by other County Councils shows that more effective solutions are characterised by schools working together in partnership with greater ownership of learners with SEBD. These approaches have clearly demonstrated better outcomes and better use of resources. This is also borne out by the experience of effective partnership work currently taking place in Nottinghamshire as seen in schools' behaviour and attendance partnerships and through early outcomes arising from two pilot projects in Ashfield and Mansfield.

6. During the review process three groups of learners with SEBD were considered:
- learners who can be managed in mainstream settings with appropriate arrangements in place (*it is proposed that their needs will be met by developing the capacity of all schools to manage pupils with SEBD*)
 - learners requiring alternative provision either in the Pupil Referral Unit (PRU) or through external providers (*it is proposed that their needs will be met by strengthening the local partnership offer*)
 - learners requiring specialist provision in specialist environments (*it is proposed that their needs will be met by securing high quality specialist provision*).
7. At the time of the review it was estimated that the County Council spends circa £10 million on the education of 380 pupils with SEBD in a range of settings.
8. In the 2011-12 academic year there were 122 permanent exclusions from primary and secondary schools in Nottinghamshire, which represents 0.11% of the number of pupils in schools (11 pupils in every 10,000). Permanent exclusions from secondary schools were vastly more common (91.8%) than in primary schools (8.2%). It is higher in some districts than others: in Spring 2011-12, it was highest in Bassetlaw (32) and lowest in Newark (6). Compared with the previous year, the number of permanent exclusions has increased by 0.01% i.e. 12 more permanent exclusions. The main reason for exclusion is persistent disruptive behaviour. There were no exclusions from special schools. The pupils who are excluded are much more likely to:
- be boys, especially White British
 - have special educational needs
 - be entitled to free school meals
 - be in key stage 4.
9. The outcomes of the review process have culminated in the collation of a bank of evidence that supports the need to change the model of provision currently available in Nottinghamshire. There was a strong consensus that retaining the status quo was not an option.
10. Following an extensive consultation process involving stakeholders, a number of common themes were identified as features of successful practice. These themes were also evident in arrangements which were examined and observed in other local authorities where the provision was considered to be highly effective. These themes included the need for:
- early intervention and effective co-ordination of key early intervention services
 - nurturing environments across all phases
 - effective and collaborative SEBD partnerships with increased devolution of resources and strong links with the PRU
 - availability of short term placements at the PRU without the need for permanent exclusions
 - an agreed charging mechanism for the cost of Alternative Provision for schools which opt out of partnership working
 - cost effective, high quality SEBD provision.

Five Steps to Collective Responsibility

11. There are a number of key partners with responsibility for this vulnerable group of learners who will need to subscribe to a notion of collective responsibility in which all have a part to play in bringing about improvements in provision across Nottinghamshire. We believe that the measures required to bring about the necessary change can be described as 5 steps to collective responsibility which are:

Step 1: Developing the capacity of all schools to manage pupils with SEBD

12. All schools should be aware of what is expected from them. There should be shared knowledge about good practice. Primary schools should develop nurturing environments. Good transition plans should be in place. All schools should identify a lead professional for SEBD and they should be part of a County-wide supportive network.

Step 2: Strengthening the local partnership offer

13. Increasingly resources will be devolved to partnerships of schools that have suitable alternative provision in place. Partnerships of schools will have increased decision making responsibility for determining access to appropriate provision in their district. Partnerships will develop a range of appropriate alternative provisions to be made available in their schools and local colleges.

Step 3: Defining the role of the Pupil Referral Unit (PRU)

14. Underpinning the development of partnerships will be the desire to develop a new approach for the provision of services for pupils who have been excluded or who are at risk of exclusion. This will include the development of specific approaches according to key stages. Central to this approach is the PRU which is currently known as 'The Learning Centre'. The new approach is described below:

- **Early Years/Key Stages 1/2** – alternatives to PRU provision will be identified and provided in mainstream school settings
- **Key Stage 3** – specialist turnaround provision will be established within the PRU through strong collaboration with schools and partnerships of schools
- **Key Stages 4/5** – devolve resources to partnerships in order that they may commission or provide appropriate alternative provision.

15. It is proposed that the Learning Centre will be divided into three separate PRUs serving different 'bands' of the County, i.e.

North: Bassetlaw and Newark partnerships

Central: Mansfield, North Ashfield and SHENK (South Ashfield and North Broxtowe)

South: Rushcliffe, Gedling, South Broxtowe

16. It is also proposed that new PRU management committees will be formed, in line with DfE guidance, to include strong mainstream school partnership representation. The partnerships will have increased responsibility for agreeing who attends the PRU from their partnership area.

Step 4: Improving the quality of specialist provision

17. Nottinghamshire does not maintain any local specialist SEBD provision. Instead it purchases provision from other local authorities, alternative providers or independent non-maintained specialist schools. At the time of the review there were:
 - 20 pupils attending other LA special schools
 - 22 pupils attending independent non-maintained special schools
 - 64 pupils receiving education from alternative providers.
18. This education is provided at a total cost of circa £3 million for 106 learners.
19. During the consultation process, a number of schools were surprised at the significant costs associated with this model of service delivery and asked whether this could be delivered in a more cost effective manner through provision maintained by the County Council.
20. The County Council will develop a continuum of provision which will include specialist SEBD provision. A feasibility study will be undertaken to determine whether Nottinghamshire should:
 - develop a mixed economy of specialist SEBD provision which includes locally managed small scale SEBD provision or
 - establish a local SEBD special school or
 - continue to purchase placements from other local authority special schools or independent non-maintained schools or
 - promote the establishment of a specialist free school or independent SEBD school or
 - enhance the offer made by Nottinghamshire's existing special schools.
21. The County Council will also establish a preferred provider framework for specialist SEBD provision in the independent non-maintained sector.

Step 5: Defining the role of the County Council

22. At a broader level, we want to work with schools to promote a more positive agenda around improving pupil engagement - a shared enterprise in which all school staff and services share responsibility for achieving the best possible outcomes for some of the most vulnerable young people in our community.
23. The County Council will be responsible for:
 - developing a framework of approved providers of Alternative Provision
 - commissioning a feasibility study of the benefits of establishing a local specialist SEBD School
 - establishing a PSED team (Primary Social Emotional Development team)
 - extending the development of a supportive network for named behaviour lead professionals in schools
 - providing support and challenge to the development of partnerships of schools

- allocating a named Local Based Area Officer to each district partnership to facilitate the development of the partnership and support the implementation of the Fair Access Protocol
- allocating a PRU Partnership Co-ordinator to facilitate admissions to the PRU and support for alternative provision arrangements within the district partnerships
- offering the advice of a Fair Access officer. The officer will support the management of placements of pupils who are vulnerable and who have additional levels of complexity and need
- developing a mechanism for devolving resources to partnerships of schools
- developing a system of incentives (include and reward) and disincentives (exclude and pay the costs) in order to minimise exclusions
- providing regular feedback to the Schools Forum on expenditure for these arrangements
- developing a phased implementation plan in order to bring about the required change.

Conclusion

24. The recommendations contained within this strategy have arisen from extensive research into national practice, visits to other local authorities, collation of national and local data and consultation with stakeholders including schools, the PRU, parents and children and young people with SEBD.
25. It is recognised that this is a complex area of provision which provides a high degree of challenge for schools and local authorities both nationally as well as locally. It is acknowledged that it is difficult to achieve a pure solution. As such, a number of different approaches will be required at different key stages of the national curriculum.
26. The new strategy, '5 steps to collective responsibility', will be implemented in a phased approach which will require the commitment of all partners including the County Council. In order to implement the strategy the County Council will establish a number of working groups with a focus on:
 - procuring alternative provision
 - developing effective partnerships
 - providing support to schools
 - developing the PRU provision
 - undertaking a feasibility study of specialist SEBD provision
 - considering human resource implications
 - considering financial implications and devolution of resources.
27. These working groups will produce an implementation plan between November 2012 and January 2013 in readiness for a phased implementation from April 2013 and beyond.
28. This strategy 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.

Other Options Considered

29. The other option would be to retain the status quo but this would be financially unsustainable as has been recognised by the Schools Forum.

Reason/s for Recommendation/s

30. Approval is required to implement the proposed strategy in order that young people receive appropriate provision and that this is affordable within the resources available to schools. It will be necessary to develop a corresponding implementation plan to deliver the required outcomes through a progressive, phased and developmental approach.

Statutory and Policy Implications

31. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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

32. 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
 - fewer children should be excluded from schools and partnerships of schools
 - young people will be able to attend the PRU without the need for an exclusion, and when they do, it will be for shorter periods i.e. a maximum of 2 terms
 - young people will receive appropriate provision that meets their needs.

Financial Implications

33. 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.

34. In line with the new strategy, it is proposed that increasing levels of funding will be devolved to partnerships of schools in order that partnerships can establish more local cost effective solutions. At the time of the review expenditure across all key stages and districts was as shown in **Appendix 2**. As indicated earlier in this report, the full year effect of expenditure on providing appropriate education for 380 learners is circa £10 million. It is proposed that further discussions should take place with schools in order to determine an appropriate level of devolution of funds. This will be included as a key feature of the implementation plan.

Equalities Implications

35. As part of the process of making decisions and changing policy, public authorities are required by law to think about the need to:
- Eliminate unlawful discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't.
 - Foster good relations between people who share protected characteristics and those who don't.
36. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions / changes to policy could have on the community and those with protected characteristics. They may also identify potential ways to reduce any impact that a decision / policy change could have. If it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
37. An EIA has been undertaken and is available as a background paper. Decision makers must give due regard to the implications for protected groups when considering this report.
38. 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

39. 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. It is proposed to establish an approved provider framework to support this.

Human Resources Implications

40. In promoting a shift in responsibility from the Local Authority to partnerships of schools, it is anticipated that some staff currently employed by the Pupil Referral Unit may transfer to the partnerships of schools in order to manage alternative provision. These developments will be part of a phased implementation plan which will be drafted following

approval of the new strategy. Any restructuring required as part of that implementation plan will be addressed in line with agreed HR policies and procedures.

RECOMMENDATION/S

That the Children and Young People's Committee:

- 1) notes the outcomes of the SEBD review as described in this report
- 2) approves the new strategy for SEBD arrangements: '5 steps to collective responsibility'
- 3) approves the development of a phased implementation plan between November 2012 and January 2013 in order to deliver the new arrangements described in this report from April 2013.

John Slater
Service Director, Education Standards and Inclusion

For any enquiries about this report please contact:

Chris Harrison
Group Manager, SEND Policy and Provision
T: 0115 9773842
E: chris.c.harrison@nottsc.gov.uk

Constitutional Comments (LM 23/10/12)

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

Financial Comments (NDR 24/10/12)

42. The financial implications are set out in paragraphs 33 and 34 of the report.

Background Papers

Review of arrangements for children and young people with social, emotional and behavioural difficulties (SEBD) in Nottinghamshire
Equality Impact Assessment
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.

C0105