

By:	Mike Whiting, Cabinet Member for Education, Learning and Skills Patrick Leeson, Corporate Director for Education, Learning and Skills
To:	Education Cabinet Committee – 19 March 2013
Subject	Decisions Number 12/02025 - PRU / Alternative Provision / review of current services. The outcomes of the PRU Review and proposed new delivery models for Key Stage 3 and Key Stage 4 Pupil Referral Units and Alternative Curriculum Provision
Classification:	Unrestricted

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Summary:	<p>This report sets out the proposals for the future delivery of PRU and Alternative Curriculum provision in eight localities based on district or double district configurations, following the PRU Review and consultation with Headteachers and PRU/AC Managers.</p> <p>The report also sets out the process of delegation of budgets and staffing to new Management Committees, as required by Government policy, with effect from the 1st April 2013.</p>
Recommendations:	<p>The Education Committee are asked to consider and endorse or make recommendations to the Cabinet Member for Education, Learning and Skills on the decision to approve:</p> <ul style="list-style-type: none"> • the process for the re-constitution of new Management Committees with effect from April 2013 to include delegated powers over budget and staffing. • the establishment of 8 locality hubs for the delivery of Key Stage 3 and Key Stage 4 PRU and Alternative Curriculum Provision • a wider consultation on these 8 proposals with parents, young people and other key service providers before implementation in September 2013

1. Introduction

1.1 The Education Cabinet Committee received a report in November 2012 outlining the PRU Review initial consultation responses and setting out the national changes to the operation and management of Pupil Referral Units (PRU) and Alternative Curriculum provision (AC) proposed by the Department for Education. These proposals were published in January 2013 as statutory guidance: Alternative Provision, Statutory guidance for local authorities (Jan 2013) DfE.

1.2 Legislation now requires Local Authorities to delegate funding for Pupil Referral Units (PRUs) and Alternative Curriculum (AC) provision directly to Management Committees. Although all PRUs and AC provisions have

Management Committees currently, they do not have the powers of delegation over the budget or staff. These new responsibilities of full delegation over the budget and staffing will bring the functions of the new Management Committees in line with the delegated powers of governing bodies of Community schools.

1.3 With effect from April 2013, PRU Management Committees will be de facto governing bodies (although still known as Management Committees) with full delegated powers. As part of this change in status, Management Committees must ensure there is better representation of the communities they serve, and the majority of its members and the schools within it. In practice, this means a membership with the majority being Headteachers in the locality especially those who regularly use the services of the provision. This strengthens a key principle of the Kent PRU review to develop high quality locally managed solutions for the delivery of PRU and AC provision.

1.4 The Local Authority initiated a review of the PRUs and AC provision in 2012, following a report on school exclusions to the Education Learning & Skills (ELS) Policy Overview and Scrutiny Committee (POSC) in January 2012. As part of the review it was necessary to establish how Headteachers wished to achieve the delegation of funding to support any new delivery structure. There were a number of ways delegation could be achieved and therefore the LA held consultation events with schools to determine which route each locality wished to follow. Following these consultations with Headteachers and PRU/AC managers two options emerged.

- (i) Full delegation to a Lead PRU with a Management Committee with full delegated powers
- (ii) Devolution of funding to schools within a locality and no Management Committee or PRU provision

1.5 The detailed proposals for each of the 8 locality hubs are explained in section 4 of this report.

1.6 The statutory guidance published in January 2013 *identifies "Good alternative provision"* as:

- academic attainment on a par with mainstream schools –particularly in English, Maths and Science;
- addressing the specific personal, social and academic needs of students to help them overcome barriers to attainment;
- improving pupil motivation and self-confidence;
- supporting re-integration to mainstream education, FE or employment.

1.7 The guidance is clear that responsibility for ensuring provision meets these criteria rests with the commissioner of the provision. In the future the commissioners will be the Management Committees of the new combined Key Stage 3 and Key Stage 4 PRUs and the schools they serve.

2. Financial Implications

2.1 Funding for existing provision has developed to its current level over many years, often as a result of specific grants, funding initiatives and in response to local conditions. However, the delegation of funding requires that a recognisable

and transparent formula is applied to delegated or devolved funding. This was a clear message from schools throughout the consultation process.

2.2 Government guidance recommends indicators of deprivation and the number of planned places for a given year should be the key indicators of formula funding to PRUs and AC provision. These two indicators form the bulk of the budget calculation at 40% and 50 % respectively. Additional indicators are Children in Care (CiC) and English as an Additional Language (EAL) at 5% each.

2.3 It should be noted that in Ashford, this formula alone would not provide sufficient funding to ensure adequate provision for pupils out of school. It has consequently been necessary to introduce a viability element into the funding formula in order to ensure that it is possible to maintain provision.

Table 1

District	Scenario 2 including Non-recoupment Plus 150k Viability payment	Current District Budgets	Cash movement
Dartford, Gravesham and Swanley	1,908,818	2,184,164	-275346
West Kent Tunbridge Wells, Tonbridge and Sevenoaks	1,197,436	1,220,797	-23361
Thanet and Dover	2,417,705	2,390,461	27244
Maidstone and Malling	1,469,010	1,206,929	262081
Swale	1,196,262	998,059	198203
Canterbury	980,646	1,133,472	-152826
Ashford	909,500	745,515	13985
Shepway	1,142,123	1,179,643	-37520
	11,221,500	11,059,040	

2.4 The new funding formula has been the subject of detailed consultation with Headteachers in meetings in each district, and a working meeting with school business managers. Although there are differences between the formula budget and the existing (historically calculated) budgets, the proposed budgets are evidently more equitably calculated and have the support of schools.

2.5 Since the entire budget for PRU/AC provision is to be delegated to Management Committees and/or devolved to schools, it is essential that the Local Authority retains the capacity to ensure that new and existing provision is of the highest quality, particularly since the LA remains accountable for the education of permanently excluded students. A draft Service Level Agreement has been shared with Headteachers and Management Committees which outlines the LA's requirements of any new provision. These requirements include: quality of curriculum; good teaching and learning; improved outcomes for students; safeguarding and Child Protection arrangements; post-16 progression routes and regular review periods. This SLA is attached as Appendix 1.

2.6 Significant changes to the amount that existing PRUs receive in their budgets will not occur until April 2014, thus allowing a year for transition to resolve staffing issues and establish new provision.

3. Current PRU and AC Provision and Review Proposals

3.1 In 2012-13 there are approximately 454 pupils attending PRU and AC provision, 163 pupils in Key Stage 3 and 292 pupils in Key Stage 4.

3.2 In 2011-12, the latest published figures, there were 210 Permanent Exclusions in Kent. The latest unpublished figures for this year to date are lower at 190 exclusions. The variation across districts is very marked, ranging from the highest number, 46 permanent exclusions in one district, to the lowest with 3 permanent exclusions. In the same period there were 12,832 fixed term exclusions and once again the variation between districts is significant, ranging from 1808 exclusions to 428 in the district with the lowest number.

3.3 The young people who are excluded, or who are at risk of exclusion or disengagement from school, are among the most vulnerable. The learner profile in PRUs and AC provision is as follows:

- 80% Male
- 55% SEN
- 6% LAC
- 46% FSM
- 22% Children in Need, or with a Child Protection plan

3.4 The destinations of pupils attending PRU and AC provision highlight the fact that, in 2012, only 43% continued in education post 16, only 6% accessed employment with training, and 27% became NEET.

3.5 At age 16 these young people achieve poor outcomes. In 2012, only 2% achieved five good GCSEs including English and mathematics, 12% achieved five GCSE grades A*-G, and 60% achieved no passes. This is unacceptable.

3.6 Among the 16 PRUs and AC provision in Kent, 69% are rated good (10) or outstanding (1) by Ofsted.

3.7 While the majority of the young people who attend PRU and AC provision are very vulnerable with high levels of need, only 26% had the support of a multi-agency plan agreed through the Common Assessment Framework (CAF) in the past year. This is also very variable across the county, with 83% of pupils with a CAF in one district compared to as few as 5% of PRU pupils in another district.

3.8 The re-integration of pupils, after time out of school, is a key indicator of good practice. There is limited re-integration of pupils overall into mainstream schools (21%) but once again this varies enormously from district to district. In one district in 2011-12 there was 94% re-integration compared to 28% or 16% in other areas.

3.9 The wide variation in needs and circumstances of young people referred for alternative provision requires a different response to the current arrangements. We have to do better. The pupils include those permanently excluded, or in danger of exclusion from school, those from disadvantaged or challenging family

backgrounds, persistent absentees and school refusers, young carers, teenage parents or pregnant teenagers, those with SEN or health problems (especially mental health problems), alcohol or drug misusers, children and young people in care, new arrivals without a school place, those with complex social and emotional needs and young people at risk of, or engaging in, offending behaviours. This makes it very challenging for PRU staff to establish and meet the real needs of their various client groups. The model of stand alone PRUs, that are not linked closely to the schools they serve and are not supported by a wide network of other multi-agency services, cannot adequately address such a wide range of needs.

3.10 Consequently, the LA review was focused on improving outcomes for these young people, reducing permanent exclusions, developing better working arrangements and protocols among local schools and the PRUs, and delivering a better curriculum offer. The review aimed to improve support to maintain engagement with education, to prepare excluded pupils for re-integration into education and onto a learning pathway to age 18, and to meet young people's personal, social and health needs.

3.11 New delivery models have to be able to support delivery of the varied alternative approaches to learning which are required to meet all pupils' needs. The proposals arising from the review focus on workforce developments, improving the local profile of alternative provision, and on developing multi-agency professional connections and networks. They also aim to enhance the offer to young people, to access a greater variety of high quality and appropriate local alternative provision and to widen the range of alternative provision available.

3.12 The key elements of new PRU and AC provision are:

- A commitment to early intervention
- The alternative provision offer is developed by involving schools, learners and their families in developing the offer; establishing robust referral and commissioning processes, ensuring effective data collection and information exchange, and developing partnership working.
- Linking referral processes with multi agency panels or inclusion forums that provide an overview of a range of local provision and a mechanism for matching that with needs.
- The engagement of schools at all stages of the commissioning and referral process.
- Commissioning carried out by schools as part of newly constituted Management Committees
- An alternative curriculum offer that prioritises academic achievement, especially in English and mathematics
- A personalised approach to support
- Personalisation is also offered through a variety of vocational pathways

- Ensuring that accreditation is meaningful, relevant and transferable to enable young people to move forward successfully into post-16 provision or employment with training.
- Resources to support pupils also made available through the Kent Integrated Adolescent Support Service and the use of the CAF.

4. Agreed Delivery Models for PRU and AC Provision

4.1 Within the Bold Steps for Education priorities reducing exclusions from school is an essential step towards raising attainment for some of the most disadvantaged young people. The LA has determined a target of no more than 40 permanent exclusions by 2016. It is anticipated that more effective localised management of PRUs and Alternative Curriculum provision will be a significant move towards achieving this target.

4.2 The responses to the initial consultation on the PRU review were reported to Education Cabinet Committee in November 2012. It was clear from these consultations that there is no single best option for all schools and PRU/AC provisions, but that there are a number of local solutions agreed by schools which will achieve improved outcomes for young people.

4.3 A second round of more detailed consultations took place in January 2013 with Secondary Headteachers across all districts, for the purpose of clarifying their proposals for future provision to meet the needs of young people out of school or at risk of disengaging. These proposals established the preferred options for 8 localities, in either a single district or double district. In all areas it was agreed to combine both Key Stage 3 and Key Stage 4 provision and these 8 new delivery hubs are summarised below (Table 2):

Table 2

District and delivery model	Outcome	Management Committee
Thanet & Dover Lead PRU/ Behaviour service	Delegated funding to Management Committee of combined KS3 & KS4 Lead PRU.	Yes
Dartford & Gravesham Lead PRU/ Behaviour service	Delegated funding to Management Committee of combined KS3 & KS4 Lead PRU.	Yes
West Kent Lead PRU/ Behaviour service	Retain an off-site provision but will seek Academy sponsorship.	Yes
Maidstone & Malling Lead PRU/ Behaviour service	Delegated funding to Management Committee of combined KS3 & KS4 Lead PRU	Yes
Canterbury (separate from Swale) Lead PRU/ Behaviour service	Retain off site provision but will seek Academy sponsorship	Yes
Swale Funding devolved to schools	Funding devolved to schools in the district in order that they may commission their own services/provision	No May commission on an ad hoc basis
Ashford (separate from Shepway) Funding devolved to schools	Funding devolved to four (non-selective) schools in order that they may commission their own services/provision	No Will commission on an ad hoc basis at the Brook KS3 Centre.
Shepway Funding devolved to schools	Funding devolved to schools in order that they may commission their own services/provision	No May commission places at the Brook KS3 Centre.

4.4 Headteachers in the localities have now confirmed their preferred delivery model and the next phase of this review is to work on the details of the programme offer for young people to ensure

- effective local planning systems and referral systems are in place
- high quality placements are available which will include a full curriculum offer with opportunities to gain meaningful qualifications in English, Maths and Science.
- that new models reduce exclusions, increase re-integration and improve outcomes for young people
- that provision is flexible and responsive to the needs of young people, and provides robust early intervention with strong reintegration processes
- the offer provides high quality progression in learning and curriculum pathways to age 18 for all young people in the district

4.5 This detailed planning is underway and as a part of this work there will be further consultation with stakeholders, parents and young people to ensure the new proposals are robust and will improve outcomes for all young people. The outcome of this wider stakeholder consultation and the details of 8 delivery models will be reported to this Committee in July 2013.

5. Transition Plans

Capital Strategy

5.1 Work is currently in progress to ensure the provision of fit-for-purpose accommodation to support the delivery of the 8 new provisions is available in all localities. The capital review is considering the current properties in use by the PRUs, in particular whether the property is freehold or leasehold, there is any maintenance backlog and whether the property is listed for future disposal or if the accommodation is fit for purpose. This review was to be completed by the end of February, and it is anticipated that there will be a reduction in the number of KCC properties used for PRU/AC provisions.

Staffing Implications

5.2 The delegation of responsibility for staff to the new Management Committees means a change in line management, but PRU/AC staff will still remain employees of KCC. Consultation on this delegation has taken place with the unions and all PRU/AC staff affected by this technical change.

5.3 It is certain that in the medium term there will be implications for existing staff of AC/PRUs. Within the 8 localities Headteachers and PRU/AC Managers have been asked to produce staffing structures that will be necessary to operate new proposed provision with effect from 2014. As each locality is in a different stage of development there will be a phased restructure in some areas, but minimal change in other areas.

5.4 A significant number of AC/PRU staff is currently employed on short term, temporary contracts, partly as a result of the uncertainty over future provision and the consequent difficulty of recruiting high quality permanent teaching staff. Therefore it is important to move to the restructuring stage as soon as possible. Subject to this committee's support for the proposed changes, and the Cabinet Member's decision to approve the establishment of 8 delivery hubs, the intention would be to recruit the Senior Managers posts as soon as possible, following the necessary consultation with unions and staff.

6.5 Key dates and actions

Action	Outcome	Date
Transitional funding arrangement agreed for 13/14	Based on historical budgets	20.12.12
Training in place to support delegation of budget and staffing to Management Committees	Support MCs in their increased role	01.01.13
Consultation with staff over new staff structure for PRU and AC Provision	New staff structures being developed	Subject to proposals within hubs
Devolved model funding formula developed	New indicative formula budgets available for 14/15	14.02.13

Review structure of PRU staffing	Initial Staffing structures proposals completed	01.03.13
Agree 8 new hubs	Education Cabinet Committee support for Cabinet Member approval to proceed. Written proposals from secondary heads.	19.03.13
Wider Stakeholder consultation from the end of March to end May	Approval to proceed to wider stakeholder consultation on the establishment of 8 New hubs	19.03.13
Report back to Committee	Outcome of consultations and final district proposals	July 2013

7. Stakeholder Consultation to inform the new delivery models

7.1 A wider consultation on the proposals for AC/PRU provision in each district will commence in March 2013. Staff, students and their families, as well as a number of agencies, including social care; Youth Offending Team; CAMHS; Third Sector; Kent Integrated Adolescent Support Service; and employers who work closely with the current providers will be among the consultees. Upon completion of this consultation a report on outcomes will be made to the Committee in July 2013.

8. Recommendations

The Education Committee are asked to consider and endorse or make recommendations to the Cabinet Member for Education, Learning and Skills on the decision to approve:

- the process for the re-constitution of new Management Committees with effect from April 2013 to include delegated powers over budget and staffing.
- the establishment of 8 locality hubs for the delivery of Key Stage 3 and Key Stage 4 PRU and Alternative Curriculum Provision
- a wider consultation on these 8 proposals with parents, young people and other key service providers before implementation in September 2013

9. Background Documents

Report to Education Committee November 2012 – Review of PRU and Alternative provision

School Funding Reform: next steps towards a fairer funding system (DfE)

Alternative Provision: statutory guidance for local authorities (DfE)

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