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DATE: 14 March 2014

## **EDUCATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

**Meeting to be held on Tuesday 18 March 2014**

The Chairman to move that the attached report, not included in the published agenda, be considered a matter of urgency on the following grounds - To enable the Education PDS Committee to comment before the end of the consultation period

**S 13a Update on the Behaviour Service and Pupil Referral Unit Alternative Provision (Pages 3 - 8)**

*Copies of the documents referred to above can be obtained from*  
[www.bromley.gov.uk/meetings](http://www.bromley.gov.uk/meetings)

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Report No.  
ED14023

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EDUCATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** Tuesday 18 March 2014

**Decision Type:** Urgent Non-Executive Non-Key

**Title:** UPDATE ON THE BEHAVIOUR SERVICE AND PUPIL REFERRAL UNIT ALTERNATIVE PROVISION

**Contact Officer:** Jane Bailey, Interim Assistant Director: Education  
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**Chief Officer:** Executive Director of Education, Care & Health Services

**Ward:** (All Wards);

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1. Reason for report

To update members on developments within the behaviour service and Bromley pupil referral unit.

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2. **RECOMMENDATION(S)**

- i. That Members note the secretary of state's decision to grant an academy order for the Bromley Pupil Referral Unit to become an alternative provision academy, sponsored by Bromley College of Further and Higher Education and to be known as Bromley Alternative Provision Academy (BAPA).
- ii. That the Committee note the proposal to close the Respite and Primary Behaviour Support services, integrating the functions into the Pupil Referral Service. Committee members are asked to provide any comments to the Portfolio Holder and these will be considered alongside feedback from Trade Unions and staff, following the end of the staff consultation period (11 April 2014).
- iii. Note the cost implications that will arise from this proposal and therefore a decision will need to be made about how the budget shortfall will be funded. This will be dealt with in a future report

### Corporate Policy

1. Policy Status: Not Applicable:
  2. BBB Priority: Children and Young People:
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### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: 121600, 121533, 121553, 121595
  4. Total current budget for this head: Net Zero as DSG funded
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None:  
Further Details  
Section 19 Education act 1996 and Sections 436A-447 Education act 1996
  2. Call-in: Not Applicable: Further Details
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

#### **3.1 THE PRU**

- 3.1.1 In September 2013 an Interim Executive Board (IEB) was established to replace the management committee of <sup>1</sup>The Bromley Pupil Referral Unit (The PRU), following a review of the provision that identified significant concerns over leadership and management and subsequent poor outcomes for children and young people.
- 3.1.2 In December 2013 The Secretary of State for Education granted an academy order for the PRU to become an alternative provision academy under sponsorship from Bromley College of Further and Higher Education. Currently due diligence processes are underway with the expectation that BAPA will open in September 2014.
- 3.1.3 The IEB will remain in place up until the proposed academy conversion and has appointed an interim executive headteacher to lead improvement across both Kingswood and Grovelands. Recruitment for a substantive headteacher for September 2014 is also underway.

#### **3.2 RESPITE**

- 3.2.1 The Respite service offers a preventative function that works with young people identified as having difficulty in managing their behaviour within mainstream school. Schools that commission places judge it to be an effective service although it is not Ofsted registered so there is no opportunity for external quality assurance of this provision.
- 3.2.2 Most other boroughs have created a pupil referral service that integrates the function of Respite (preventative provision) and The PRU (offering places for permanently excluded young people). This integration allows for greater emphasis to be placed on addressing behaviour problems prior to permanent exclusion with the aim of addressing need at an earlier stage and keeping as many young people as possible in a mainstream setting.
- 3.2.3 A staff consultation is currently underway which sets out the proposal for the assimilation of the Respite and Behaviour Services into Kingswood and Grovelands PRU.
- 3.2.4 As part of this consultation, it is proposed that the seven staff based at the Respite provision are assimilated into permanent posts within the Pupil Referral Units at Kingswood and Grovelands.
- 3.2.5 It is proposed that the Respite function will be incorporated into BAPA with the ambition that this creates a new relationship between alternative provision in Bromley and schools.

#### **3.3 THE BEHAVIOUR SERVICE**

- 3.3.1 The current services comprises:
- Home and Hospital Tuition Service (included in the market testing bundle)
  - Primary Behaviour Service (a manager and a teacher)
  - A management and administrative function (one manager and one administrator)
- 3.3.2 As indicated, any changes to the delivery of the Home and Hospital Tuition Service (a statutory duty) will be decided as part of the market testing process.

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<sup>1</sup> The Bromley PRU consists of both Groveland's primary provision and Kingswood secondary provision

- 3.3.3 It is being proposed that BAPA will offer behaviour advisory support to schools and the staff consultation also includes a proposal to move the Primary Behaviour Service, consisting of a manager and a teacher, to be based at Grovelands. This will enable links between Grovelands and Bromley primary schools to be rebuilt with the ambition of achieving better outcomes for children with behavioural issues.
- 3.3.4 If the proposal for the PRU academy conversion to BAPA under the sponsorship of Bromley College is agreed then the Transfer of Undertakings (Protection of Employment) Regulations (2006) would apply to a total of 9 substantive staff currently engaged in these services. In this event the Council would commence consultation to ensure that staff are fully informed and consulted on any decision to transfer the undertaking and implications for their employment.
- 3.3.5 Consultation papers have been widely circulated with a deadline for responses of 11 April 2014. Further copies of the papers can be requested from the Interim Assistant Director Education.

#### 4. POLICY IMPLICATIONS

- 4.1 This reflects the policy of supporting all schools to become academies.

#### 5. FINANCIAL IMPLICATIONS

- 5.1 See the table below which is a summary of the behaviour services held by the Council.

	<b>Secondary Respite</b>	<b>Primary Team</b>	<b>Manager &amp; Admin</b>	<b>Total</b>
	2013/14 Budget	2013/14 Budget	2013/14 Budget	2013/14 Budget
	£	£	£	£
Employees	497,010	174,170	126,210	797,390
Running Costs	52,600	14,470	1,750	68,820
Trading Account Income	-346,050	0	0	-346,050
Recharge to SEN	-305,770	0	0	-305,770
Recharge to DSG	0	-194,080	-154,360	-348,440
<b>Controllable Total</b>	<b>-102,210</b>	<b>-5,440</b>	<b>-26,400</b>	<b>-134,050</b>
Non Controllable	890	0	0	890
Recharges	101,320	5,440	26,400	133,160
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 5.2 Any Savings that are generated will be DSG. The Respite service is a traded service. Although there will be no budget savings by transferring this service to BAPA, the risk of overspend on this budget will be removed..
- 5.3 It should be noted that BAPA will operate entirely independently of The Council and a detailed service level agreement will have to be agreed covering all aspects of its work.
- 5.4 Currently the DSG contributes to the overheads/support costs of the Council as the service is managed in house. If this was to move to another organisation, the DSG could not fund these and therefore the Council would have to meet the £133k cost or the department would have to identify alternative savings to offset.
- 5.5 DSG has been used to fund 'core' Council costs (£1.492m) and therefore this issue will impact on other services in the same way.

## 6. LEGAL IMPLICATIONS

- 6.1 Section 19 of the Education Act 1996 places a duty on LEAs to arrange suitable education for children out of school. Section 47 of the Education Act 1997 amended and strengthened section 19 of the 1996 Act by removing words 'full-time or part-time' education from sections 19(1) and 19(4). Sections 436A -447 place a duty on LEA's to identify children out of education and to pursue prosecutions for non-attendance at school.

## 7. PERSONNEL IMPLICATIONS

- 7.1 The proposals as set out in the report are without prejudice to the outcome of the on-going staff and trade union consultations. Therefore the final report to the Portfolio Holder will provide a tabulated management response to staff and trade union perspectives on the proposals. A separate TUPE staff/trade consultation will commence as soon as practicable.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	

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