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DATE: 17 April 2014

## EDUCATION PORTFOLIO

**Meeting to be held on Thursday 24 April 2014**

Please see the attached report marked “to follow” on the agenda.

- 4 PROPOSED ASSIMILATION OF RESPITE AND THE BEHAVIOUR SERVICE INTO KINGSWOOD AND GROVELANDS PUPIL REFERRAL UNIT (Pages 3 - 8)

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## Agenda Item 4

**Report No.  
ED14054**

## **London Borough of Bromley**

## PART ONE - PUBLIC

## **Decision Maker: EDUCATION PORTFOLIO HOLDER**

**Date:** Thursday 24 April 2014

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

**Title: PROPOSED ASSIMILATION OF RESPITE AND THE BEHAVIOUR SERVICE INTO KINGSWOOD AND GROVELANDS PUPIL REFERRAL UNIT**

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

**Ward:** Boroughwide

**1. Reason for report**

- 1.1 To provide an update on the outcome of the consultation on the assimilation of the Respite Service with Kingswood and Groveland's Pupil Referral Unit.

## **2. RECOMMENDATION(S)**

- ## 2.1 That the Portfolio Holder be asked to note the:

- i responses provided to the consultation on the assimilation of the Respite Service with Kingswood and Grovelands Pupil Referral Unit;
  - ii subsequent amendments to the assimilation process, following careful consideration of consultation responses; and,
  - iii cost implications that will arise from this proposal and that a decision will need to be made about how the budget shortfall will be funded corporately.

- ## 2.2 That the Portfolio Holder be asked to agree:

- i to the assimilation of the Respite Service with Kingswood and Grovelands Pupil Referral Unit, (in advance of the planned Academy conversion under sponsorship of Bromley Further and Higher Education College) following the Consultation process with staff, and;
  - ii that the Chief Executive, Executive Director of ECHS and Director of HR ensure that the staffing implications of the transition are managed in accordance with the Council's established policies and procedures

## Corporate Policy

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

## Financial

1. Cost of proposal: up to £133k:
  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: DSG
- 

## Staff

1. Number of staff (current and additional): 75
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance:
  2. Call-in: Applicable: Section 19 Education act 1996 and Sections 436A-447 Education act 1996
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 500
- 

## Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 A report was considered at Education PDS Committee on 18<sup>th</sup> March 2014 that outlined a proposal to assimilate Respite staff into vacant posts at Kingswood and Grovelands PRU as well as relocate the Primary Behaviour Service staff to Grovelands. Members asked questions about the future plans for the Alternative Provision Academy and were interested to know more about referral routes to the provision as well as the LA's role in supporting reintegration to mainstream schools for students of the Academy. They were particularly keen to know more about future plans for Grovelands and the primary element of the PRU service. The Committee also asked for the cost implications surrounding the recharges to be considered by the Education Budget Sub Committee. This report went to the Committee on the 8<sup>th</sup> April detailing the potential costs and a report was requested to go to the Executive on how to deal with this issue.
- 3.2 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.
- 3.3 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. It is for this reason that the proposal is to retain the staff and working practices of Respite by assimilating the team into the PRU prior to the planned Academy conversion.
- 3.4 A full consultation exercise under the Council's Managing Change procedures was carried out on this proposal which included group meetings with all staff directly involved, together with their Trade Union representatives, and individual meetings for those who requested them. Consultation papers were distributed to all members and stakeholders across the Borough. As a result, a number of issues and suggestions were raised.
- 3.5 Staff responses came from all those who work within The Respite Service and there was a request made that the service move under the auspices of the PRU, ready to be part of the Academy for when the planned transfer to Bromley College takes place. The Trade Unions also reiterated this view. However, this request was essentially to keep Respite as a separate service, operating on a separate site, rather than assimilating the function of the service into the current functions of the PRU. This request is therefore inconsistent with the proposal to assimilate and enable the provision of more cost effective and integrated services on one site and cannot be accommodated.
- 3.6 The academy order covers Kingswood and Grovelands PRU only and it is not the intention of The Council or Bromley College to bolt additional service on to the Academy. However, the vision for the Academy is that it develops a range of services under the Alternative Provision Academy umbrella to meet the range of need in the borough, building the offer for many students around the Respite model. These services will be provided on an 'at risk' basis, and there is no particular commitment from the Council to purchase any additional services at this time. The detail of these arrangements is considered in 4.3 below.
- 3.7 An Executive Headteacher has been appointed with effect from June 2014 and will lead the whole staff team in developing a vision that will ensure the Respite function continues to be central to what is on offer. The Respite consultation response notes the need to have access to other sites for students whose behaviour requires careful management and this is

recognised by the Executive Headteacher and Bromley College leadership team, all of whom will oversee the creation of the Alternative Provision Academy.

- 3.8 An important point raised in several of the responses was that the planned deadline for the assimilation of services of 2 June 2014 is too soon for staff and students to manage. This has been accepted as a fair and reasonable response and the implementation date will move back to July to allow for more planning time, but to allow assimilation to take place before the Summer break. It must be noted that the assimilation of staff into the PRU establishment has to take place prior to the proposed transfer to Academy status on 1 September 2014 and therefore has to happen before term ends in late July.
- 3.9 Respite staff raised concerns over students currently on their roll and divide them broadly into those who are Looked After, those with SEN, those in receipt of Home Tuition, those requiring an alternative to Kingswood and those on the roll of a school. Their request that transition plans can be extended until July has been agreed as part of the deferment of the move to Kingswood. The planned move to Academy status will require Bromley SEN department to negotiate a service level agreement with Bromley College in order that provision is available for young people with SEN who are awaiting the offer of a school place.
- 3.10 The Trade Union responses include concerns about the Kingswood site. It is asserted that the current accommodation is not large enough to house the additional staff and pupils. However, assimilation will not mean an increase in either staff or pupil numbers and there is currently vacant accommodation on the site. One respondent described it as an 'expanded service' which is accurate in terms of the intention to expand the offer of the PRU and subsequently the Academy but this is not in the expectation of an increase in the number of young people receiving full time education on the Kingswood site. Consequently it is considered that the accommodation is adequate for the assimilation of Respite into Kingswood and would certainly meet the resent size requirements given by the DfE for such a provision.
- 3.11 The Trade Unions also raised concern over the site access arrangements at Kingswood. Currently there is one entrance for both pedestrians and cars with a pedestrian walkway marked on one side and it is being suggested that a separate pedestrian entrance is required on health and safety grounds. In response to this request a health and safety inspection of the entranceway has been commissioned and the subsequent report will be shared with staff and Trade Union members.
- 3.12 The Primary Behaviour Service manager responded positively to the proposal that the team is relocated to Grovelands and has requested that strong links with central services are retained into the future. This is welcomed by officers within those services. The two posts considered within the consultation for relocation at Grovelands will not be assimilated into the PRU staffing establishment but instead their salaries will be covered by a Service Level Agreement with the LA. It was asked whether there is an intention to increase the size of the team and this will be dependent on the degree to which schools buy into the primary behaviour service operating out of the Alternative Provision Academy.

## **4. FINANCIAL IMPLICATIONS**

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

	<b>Secondary Respite</b> 2013/14 Budget £	<b>Primary Team</b> 2013/14 Budget £	<b>Manager &amp; Admin</b> 2013/14 Budget £	<b>Total</b> 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 Recharges	890	0	0	890
	101,320	5,440	26,400	133,160
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 4.2 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 the Alternative Provision Academy, the risk of overspend on this budget will be removed..
- 4.3 It should be noted that The Alternative Provision Academy will operate entirely independently of The Council and a detailed service level agreement will have to be agreed covering all aspects of its work.
- 4.4 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.

## **5. LEGAL IMPLICATIONS**

- 5.1 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.

## **6. PERSONNEL IMPLICATIONS**

- 6.1 As part of the integration , all existing staff within the Respite service will be assimilated into roles within the new integrated service. Following consultation , none of the staff have indicated that the proposed posts are not suitable alternative employment, therefore it is not anticipated that these changes will give rise to any redundancy implications , but should this situation change then the Council's established Managing Change Framework and procedures will apply.
- 6.2 Following consultation Staff and their representatives' perspective on the proposals and management responses, are as contained within the commentary of this report and in the attached Appendix.
- 6.3 Any future changes to the service and staffing arrangements including those relating to the proposed transfer of the service to The Alternative Provision Academy will be the subject of a

separate staff and staff representatives' consultation process pursuant to the Council's Managing Change Procedure. Staff and their representatives and any other stakeholders will be consulted in a timely manner.

<b>Non-Applicable Sections:</b>	<b>POLICY IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	<b>UPDATE ON THE BEHAVIOUR SERVICE AND PUPIL REFERRAL UNIT ALTERNATIVE PROVISION Tuesday 18 March 2014</b>  <b>COST IMPLICATIONS OF RECHARGES - BEHAVIOUR SERVICE AND PUPIL REFERRAL UNIT ALTERNATIVE PROVISION Tuesday 8 April 2014</b>