

**Decision Maker:** Education PDS Committee

**Date:** 2<sup>nd</sup> July 2013

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

**Title:** CHALLENGES FOR BEHAVIOUR SERVICES AND FUTURE MODELS  
CONSIDERED BY THE PDS WORKING GROUP

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**Chief Officer:** Terry Parkin Executive Director, Education and Care Services

**Ward:** Boroughwide

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1. Reason for report

The meeting of the Behaviour Services PDS Working Group on the 2<sup>nd</sup> May 2013 considered thirteen options for the future Behaviour Service with a view to selecting the best options to be fully tested for viability. The attached report (appendix 1) provides the detail of the options considered, including those five that were discounted and the eight that would be worked up into business cases.

Following the consideration of the Working Group it was agreed to develop a more detailed business case for eight options.

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2. **RECOMMENDATION(S)**

The Members of the PDS committee are asked to note the work of the Behaviour Service Working Party;

## Corporate Policy

1. Policy Status: New Policy: DfE published "Alternate Provision" – Statutory Guidance for Local Authorities effective from 1 January 2013
  2. BBB Priority: Children and Young People:
- 

## Financial

1. Cost of proposal: Estimated Cost: The full costs of the options are being considered currently as part of the development of the Outline Business Case which will be reported to the PDS Working Group later in July.
  2. Ongoing costs: Recurring Cost: See above
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  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: DfE published "Alternate Provision" – Statutory Guidance for Local Authorities effective from 1 January 2013
  2. Call-in: Applicable:
- 

## 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

The PDS Working Group considered the following areas before looking at the 13 options detailed in Appendix 1.

#### 3.1 STATUTORY FUNCTIONS OF THE LOCAL AUTHORITY

The DfE published “Alternative Provision - Statutory Guidance for Local Authorities”, which was effective from 1 January 2013 and sets out the statutory functions of local authorities.

Definition of alternative provision provided is “education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour”. Statutory functions of local authority:

- Arrange suitable full-time education for permanently excluded pupils (whether or not on roll of a school), which must commence no later than the sixth day of exclusion.
- Arrange a suitable education for a pupil registered at a school but who cannot attend because of illness or another reason.

There are two cohorts of pupils who are in the scope of this statutory guidance and this paper:

- A cohort with challenging behaviour.
- A vulnerable cohort that cannot attend school as a result of (inter alia) being pregnant or teenage mother, medical needs (this includes those with mental health issues) or an anxious school refuser.

Of the challenging behaviour cohort these can be split between pupils who are permanently excluded and those who are on fixed term exclusion (who remain the responsibility of the excluding school’s governing body).

The notes of the Working Group of 14 November stated that the Home Tuition service should be excluded from this review. It is this service that provides for the vulnerable cohort identified above.

In addition to the statutory responsibilities arising from the guidance cited above, in the report entitled “A Comprehensive Review of the Behaviour Service” submitted to the 13 February 2013 Working Group there are some additional obligations that arise from other legislation. This report stated:

“The local authority will maintain statutory duties to commission places for pupils excluded from full time education and to monitor the quality of alternative provision. Any service restructure within the Education division will acknowledge this statutory role and maintain a small team of officers to:

- support commissioning in a ‘client intelligence’ role for the local authority with regard to placement of permanently excluded pupils;
- fulfil a statutory role in monitoring the quality of placement provision;
- act in an advisory capacity (in the time that PRUs remain ‘maintained’ by the local authority) to ensure high quality provision;

- monitor and intervene on behaviour management issues in any maintained school causing concern;
- fulfil a statutory role for gathering and transferring data and information on exclusions;
- oversee and manage the Home & Hospital service.”

### **3.2 CURRENT PROVISION**

Currently in Bromley the following services and provisions meet the needs of these cohorts as follows:

- Grovelands provides for any primary children with challenging behaviour. The majority of whom have statements for BESD or are in the process of being assessed for a statement.
- Kingswood provides for any secondary child with challenging behaviour that has been permanently excluded and preventative/out-reach.
- Respite provision provides for any secondary age child with challenging behaviour that would benefit from a 12 week Life Skills behaviour management programme. Respite also provides for students with SEN awaiting placement, group tuition for those under Home and Hospital, and shorter (<12 weeks) provision for Mainstream Students.
- The Home and Hospital service provides for the vulnerable cohort.

### **3.3 PRINCIPLES TO GUIDE THE EVALUATION OF THE OPTIONS**

- (1) The needs of the child are the priority and in most cases statistically the best outcomes are secured through attendance at a mainstream school. Therefore, children should remain in a mainstream setting wherever possible.
- (2) Whatever approach is adopted, the LA must have a robust mechanism and the funding/buildings from DSG to discharge its statutory obligations.
- (3) The behaviour service should be managed by the people who have the most/best proven expertise in this area.
- (4) Ensuring that all children stay in the system and their progress is tracked.
- (5) It is vital to reduce the levels of permanent exclusion over time and so the preferred option should incentivise all parties to do this. This should be measured following the adoption of any model to test its success in practice. This will reduce costs to DSG.
- (6) For disaffected young people with challenging behaviour in one school, may not respond well to another school environment (Paul Murphy Working Group 13 Feb 13).
- (7) It may be necessary to adopt different models for both Primary and Secondary provision for the following reasons:
  - Primary and Secondary schools have different needs with different costs associated with these needs.

- The majority of children in the primary service either have or should/will have statements for BESD, which suggests that instead of a Primary PRU a primary BESD provision would better meet their needs.
  - Primary children at Grovelands will not transition into Kingswood but typically to Burwood for boys or an independent setting for girls so stronger links may be beneficial to support transition.
- (8) There is a gap in the current service provision relating to pupil sexualised behaviour.
  - (9) The continuum of behaviour provision (diagram attached as an Appendix) shows the different levels of behaviour support, each of which secures different outcomes and for a different cost.
  - (10) The academisation agenda is implicit in all options proposed.
  - (11) The opportunity to secure capital from central government may be a driver to pursue some options.

### **3.4 METHODOLOGY TO BE ADOPTED**

#### **Produce Outline Business Case – May to July 2013**

- (1) Secure agreement to the principles from MOG Behaviour/all Heads.
- (2) Agree options to be evaluated.
- (3) Construct a model to forecast demand for provision. This will consider historic data from every school with regard to permanent and fixed term exclusions over last 5 years (including those with statements) and the numbers of vulnerable children in each category. Then we can project these trends forward and be guided by Head Teachers as to their views as to how much they can reduce exclusions in the future if possible. The process could use the continuum of behaviour and project how many pupils will fall into each category depending on each strategy adopted.
- (4) Collate the average cost of each of the settings on the behaviour continuum to be able to price various demand scenarios.
- (5) Appoint Panel (ideally one Member, one officer, one Head Teacher plus facilitated by interim Project Manager) to evaluate the options against the criteria, which are: outcomes – how well will the option meet the principles (60% weighting) and cost (40% weighting) (this could also include a survey monkey version if time).
- (6) Choose best option to be put forward to be tested in a Full Business Case.

#### **Produce Full Business Case – July to October 2013**

- (7) Prepare detailed consideration of preferred option, including market testing as required.
- (8) Further detailed consultation/market testing.
- (9) Propose detailed implementation plan for preferred option.

## Implement – October 2013 to March 2014

- (10) Implement
- (11) Evaluation at Years 1, 3 and 5 to check outcome and costs against full business case.

### 4. LEGAL IMPLICATIONS

The DfE published “Alternative Provision - Statutory Guidance for Local Authorities”, which was effective from 1 January 2013 and sets out the statutory functions of local authorities.

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There are two cohorts of pupils who are in the scope of this statutory guidance and this paper:

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Of the challenging behaviour cohort these can be split between pupils who are permanently excluded and those who are on fixed term exclusion (who remain the responsibility of the excluding school’s governing body).

<b>Non-Applicable Sections:</b>	<b>FINANCIAL PERSONNEL POLICY IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	[Title of document and date]

**OPTIONS FOR CONSIDERATION**

The following eight options are proposed for consideration. It is proposed to test out the financial implications of each option to support this SWOT analysis. Each option has been considered from the following perspectives:

- Child
- School
- LA

Notes: Respite provision is considered part of secondary behaviour service.

Option	Opportunities	Risks
<p>For the time being keep Medical and Home Tuition within the LA. In future this could transfer into successful model.(Kent)</p>	<p>This service discharges the LAs statutory responsibilities in respect of the vulnerable cohort.</p> <p>To review service to try and reduce unit cost of provision.</p> <p>To create a spin-out of this service into a social enterprise for example.</p>	<p>The DSG funding retained by the LA is insufficient to fund service. There will need to be a mechanism to pass through the cost of the service to DSG (Schools Forum) and to deal with any increase in demand over time.</p> <p>The LA may not be the most cost effective way of delivering the service as a result of overheads and savings could be achieved to DSG by adopting an alternative model.</p> <p>The LA retains a service that could be transferred to schools and reduce LA overheads/unit cost of provision.</p>
<p>Mainstream schools join a single trust/mutual run by schools for schools with LA commissioning statutory functions from it. (Sandwell Heads created a Mutual)</p>	<p>The service would be run by schools for schools, which are incentivised to reduce costs and reduce demand for service.</p> <p>Schools fully responsible for the provision.</p> <p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p> <p>The child should not be lost from the system as all schools involved in/represented within trust.</p> <p>With all schools signed up to the trust/mutual should provide a coherent and effective vehicle.</p> <p>The LA would have the opportunity to monitor the quality of the provision as a commissioner.</p>	<p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p> <p>Not all schools join in to the trust/mutual fragmenting the system and reducing opportunities for economies of scale.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p>

Option	Opportunities	Risks
<p>Existing EBD school (who should be our behaviour experts) expand to create all-through EBD provision and manage Secondary PRU and behaviour service (Barnsley and Essex)</p>	<p>To utilise specialist experience and expertise in behaviour management.</p> <p>Clear accountability for behaviour service to one school from LA.</p> <p>Opportunity for good school who has proven expertise in outstanding behaviour management to grow provision.</p> <p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p> <p>The LA would have the opportunity to monitor the quality of the provision as a commissioner.</p>	<p>No school has expertise, capacity or inclination to take on service.</p> <p>Puts too much strain on capacity of hosting school and standards fall.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>
<p>Existing special school or special school trust to host secondary behaviour service and secondary PRU and turn primary PRU into a primary EBD school (Barnsley)</p>	<p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p> <p>The LA would have the opportunity to monitor the quality of the provision as a commissioner.</p>	<p>No school has expertise, capacity or inclination to take on service.</p> <p>Puts too much strain on capacity of hosting school and standards fall.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>
<p>Seek an academy chain sponsor to host secondary PRU and behaviour service. EBD primary school?</p>	<p>Competitive price based on Harris Aspire academy that are seeking only AWPU plus pupil premium plus any other additional allowances attached to the pupil.</p>	<p>The academy chain is incentivised to take more children as will generate economies of scale and therefore cheaper unit cost.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>
<p>Out-source to third or private sector (Liverpool)</p>	<p>Could result in lower costs.</p> <p>The LA would have the opportunity to monitor the quality of the provision as a commissioner.</p>	<p>LA would have to under-write contract in terms of statutory functions.</p> <p>Could result in higher costs.</p> <p>Profit making vehicle so should stimulate efficiencies but profits must be paid therefore diverting funding away from children directly.</p> <p>Provider is incentivised to take more children as higher profits.</p>



Option	Opportunities	Risks
		<p>Limited providers in the market at this scale.</p> <p>LA developing commissioning and contract management skills and so suppliers may negotiate and operate beneficial terms.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p>
<p>New AEP Free School/Studio School (Academy) to provide services for permanently or fixed term exclusions.</p>	<p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p>	<p>The opportunity to exclude larger numbers of children from mainstream education.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>
<p>Full delegation of funding to all schools, LA kept medical (1 Kent District, Richmond)</p>	<p>Schools do not exclude any pupils as now have funding as part of school's budget and the LA cannot make provision without any funding.</p>	<p>Pupils are excluded anyway or parents encouraged elect to home educate and are lost from the system.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>

Five options were considered by the PDS Working Group and discounted

Option	Opportunities	Risks
<p>Create a virtual school comprising the range of provisions and an IT software package for personalised learning plans and tracking (reduced property costs and commissioned packages)</p>	<p>Save money on property and associated staffing costs.</p> <p>Child has very personalised package.</p> <p>LA can monitor progress easily through system.</p> <p>Should be least expensive option per unit cost after initial investment.</p> <p>Schools may retain more children in school as only virtual provision available.</p> <p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p> <p>The LA would have the opportunity to monitor the quality of the provision as a commissioner.</p>	<p>Requires investment in IT system.</p> <p>Children could be lost from the system.</p> <p>Schools may not control the system, depending on nature of virtual school.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p>
<p>Appoint 1 Host mainstream secondary school to host secondary behaviour service and secondary PRU and turn primary PRU into a primary EBD school (Some Districts of Kent and Essex)</p>	<p>Clear accountability for behaviour service to one school from LA.</p> <p>Opportunity for good school who has proven expertise in outstanding behaviour management to grow provision.</p> <p>To utilise specialist experience and expertise in behaviour.</p> <p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p>	<p>No school has expertise, capacity or inclination to take on service.</p> <p>Puts too much strain on capacity of hosting school and standards fall.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>

Option	Opportunities	Risks
PRU becomes an academy and sponsors EBD school and other provision (Sudbury, Suffolk)	Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).	<p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>
PRU becomes an academy and sponsors EBD school and other provision (Sudbury, Suffolk)	Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).	<p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>
PRUs become academies but no other structural change	<p>Non-profit making vehicle so keeping the maximum amount of funding directly going to child (assuming efficiently managed).</p> <p>Continuation of existing institutions.</p>	<p>Schools are dissatisfied with quality of service and value for money as is, so schools not committed to using service.</p> <p>Will not reduce unit cost of provision alone.</p> <p>Ensuring admissions processes are effective to provide placements for most challenging Bromley children.</p> <p>This model does not create a commissioner/provider split and so there is a risk that schools could decide to exclude higher numbers of children and prefer to pay for this rather than keep the child in school.</p> <p>The LA is dissatisfied with the quality of provision where it is commissioner and has limited options for recourse.</p>