

Decision Maker: **SCHOOLS' FORUM**

Date: **Tuesday 23 March 2021**

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

Title: **UPDATE ON REVIEW OF ALTERNATIVE PROVISION**

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Chief Officer: Director of Education

Ward: All

1. Reason for report

To update the Forum on the actions taken to respond to the findings and recommendations from the Strategic Review of Alternative Provision Report (November 2019)

2. **RECOMMENDATION(S)**

That the Forum note the actions taken to date to implement the recommendations from the Strategic Review including the new Design Principles for Bromley's AP System

That the Forum endorse the 5 year commissioning plan and its overarching aim to shift provision in line with the Design Principles into earlier intervention

That the Forum note the intention to move into a 5 year agreement with London South East Academies Trust to provide relational and financial assurances to support their significant shift in provision (type and volume) in line with the 5 year commissioning plan

That the Forum endorse the principle of "money follows the child" as ratified by the Bromley Inclusion Partnership and agrees for the principle to be included in school funding agreements

Impact on Vulnerable Adults and Children

1. Summary of Impact:
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: Estimated Cost: £3,816k (an annual recurring reduction of £441k on existing annual expenditure of £4,258k)
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: various Education cost centres
 4. Total current budget for this head: £4,258k
 5. Source of funding: DSG
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Personnel

1. Number of staff (current and additional): 3FTE
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement Education Acts 1996 and 2006 (as amended by the Children, Schools and Families Act 2010) – duty to provide full time education for children of compulsory school age who would not receive it unless arrangements were made.
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: As a public to public contract, this agreement is exempt from the full requirements of the Public Contracts Regulations 2015
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): current – 327; projected - 593
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 A strategic review of Alternative Provision (AP) provision in Bromley was carried out in 2019. It found that the system in Bromley was generally working well, but there were some areas that would benefit from change to improve the outcomes achieved for our pupils.

3.2 The review highlighted a number of positive aspects of the AP system:

- a. Bromley has a full continuum of local provision for pupils with behaviour/SEMH needs at both primary and secondary phases, including PRUs and SEMH special schools.
- b. Provision quality has improved significantly since the management of the schools came under LSEAT. Provision of this type can be volatile and the schools are generally calm, with stable and better quality leadership and staffing. Recent OfSTED inspections have all been good.
- c. Recent additions such as the Primary Outreach service and the Vocational AP Programme have been positively received. Primary Heads reported that they appreciated support at staff/school development level as well as around challenging individual pupils. Secondary Heads using the Vocational Programme report more positive pupil engagement, although there have been some practical difficulties with the implementation of the model for some schools (and it is too soon to know the impact on permanent exclusion levels).
- d. The Authority has taken steps to unify its existing support services, with clearer strategic direction. Central capacity is comparatively limited but there is considerable staff commitment to supporting schools and getting the best outcomes for vulnerable pupils and their families.
- e. A number of mainstream schools are reviewing their in-house capacity for supporting pupils with behaviour/SEMH difficulties in order to meet their needs and prevent exclusion.
- f. Relationships between the Authority, schools and trusts are improving and there was evidence from the review of greater openness to work in partnership going forward.
- g. The Authority has developed a more coordinated process (Gateway) for reviewing referrals for provision and considering a broader range of options.
- h. Fair Access Panels have been established at both primary and secondary stages, in which mainstream Head Teachers are actively engaged.

3.3 The key issues found in the review were:

- a. Model of provision (primary aged AP)
 - Despite the provision of outreach support, the numbers of full-time admissions to the primary PRU remain relatively high overall.
 - There is limited use of short-term or part-time/sessional placements.
 - A significant number of pupils progress into more specialist provision, particularly at primary/ secondary transfer.
 - Mainstream schools should retain responsibility for pupils placed in the provision and there should be clear reintegration plans set out before the start of placements.
 - Costs of primary PRU placements are high compared to the average for this kind of provision.
- b. Model of provision (secondary aged AP)
 - Secondary PRU is generally accessed through permanent exclusion. This can provide pupils with a negative start to alternative provision rather than it being seen as part of a positive plan to support improved educational engagement and better outcomes.

- There have been limited opportunities for reintegration though this option is being considered more frequently over the recent period.
- Limited use is made of short-term intervention although this is on offer, and there is no formal secondary outreach capacity to assist mainstream schools in meeting challenging needs.
- Secondary schools consider that there should be a more differentiated offer to reflect differences in individual pupil needs.
- There is potential for greater flexibility between PRU and SEMH school provision, as these are managed within the same multi-academy trust.
- Some pupils with SEMH are continuing to be placed out of Borough in higher cost independent/non-maintained special schools.
- A more coherent pathway needs to be developed for pupils who are considered to be unfit to attend school for emotional/mental health reasons. There may be scope for exploring a more preventive service and/or a more consistent/unified approach to this issue across the secondary sector and Council/NHS mental health services.

c. Levels of demand

- Bromley Heads have reported increasing challenges in responding to the needs of pupils with behaviour difficulties/mental health issues in mainstream schools, and there has been a call for greater levels of support and a greater diversity of external provision. This is an issue that tends to be raised by Head Teachers nationally.

d. Equity of access

- Although mainstream Heads are engaged in the Fair Access Panel arrangements and there is a centralised panel for some aspects of support, the current system does not support equitable access to the resources available, which are shared by all Bromley schools. There is insufficient transparency on how much different schools are getting or what contribution they are making to meeting the overall need.

3.4 Bromley Council and Bromley Schools accepted the findings, and in late 2019 set up three working groups (primary school; secondary school; emotional needs/ school refusers), each with agreed tasks to address the gaps identified in their areas. These groups were overseen by a strategic decision-making group (Bromley Inclusion Partnership) that is made up of Council and School senior representatives and worked to a set of jointly developed Design Principles for the new AP system.

3.5 The work of the groups led to the creation of a set of commissioning intentions for AP which were agreed by the Bromley Inclusion Partnership in July. These commissioning intentions underlie a 5 year plan which aims to reshape the AP system to dramatically increase the number of pupils supported but keep within the existing budget. Key to its success is shifting the focus of provision into early intervention and thereby reduce the overall unit cost per pupil.

Design Principles

3.6 A set of Design Principles for Bromley's AP system were devised by the groups and agreed by the Bromley Inclusion Partnership. These principles underly all of the actions outlined in this report. The principles are:

- Commission AP support on behalf of Bromley schools that is aligned to Bromley pupil need and is of high quality.
- Promote and support early intervention.
- Build capacity to manage behaviour successfully in school.
- Share best practice across all Bromley education settings.

- Ensure the Bromley AP budget is used effectively and efficiently.
- Support the principle of 'money follows the child'.
- Ensure access to support is equitable for all schools and a suitable education is accessed at the earliest opportunity.
- Promote re-integration to mainstream education when appropriate.
- Develop strategies around whole family to achieve better outcomes for AP pupils.

Primary school working group outcomes

- 3.7 The group reviewed the current menu of provision and developed a long term commissioning plan. This will lead to a significant increase in early intervention and a decrease in places commissioned at BTA Midfield over the next 5 years.
- 3.8 The group also reviewed the current resource panel's role, make up and processes. This has led to a proposed change to the way Fair Access Protocols and panel are carried out. A consultation with all primary schools on the proposal will take place later this term with a view to making recommendations to the Schools Forum to change current FAP processes to make them more effective and relevant to schools.
- 3.9 In addition to changes to central resource allocations and FAP, the group identified a role for local hubs to bring together schools and support to have early discussions about children and interventions to address concerns as they arise. Further work will be done on this proposal during this academic year.
- 3.10 Whole school training and learning opportunities have been agreed as part of the expanded Outreach service.

Secondary Working Group Outcomes

- 3.11 The group developed a long term commissioning plan and identified outreach and respite support as the key new services needed. Again, the proposal is to shift the focus of services from provision based support and introducing early intervention services for up to 100 children by the end of the 5 years. There also was an agreement to extend and expand the Vocational AP Programme with an increase in the school contribution per pupil.
- 3.12 Fair Access Protocol processes and panels were also reviewed and a new proposal for the constitution, focus and responsibilities of the FAP panel was created. This proposal will also be consulted on and the outcome presented to the Schools Forum for sign off.

Emotional Needs/ School Refuser Working Group Outcomes

- 3.13 This group reviewed the existing support available and developed a new pathway for support that shifted the focus of provision and resources to early intervention. A scoping exercise will be carried out this term to understand the number of pupils this pathway needs to support and so understand the level of resourcing it would require. Once this has been completed the long term commissioning intentions for this cohort will be agreed by the Bromley Inclusion Partnership.
- 3.14 The group is also intending to form smaller working groups to create flexible frameworks for school so response to need is consistent across the borough.

Commissioning Intentions (5 year plan)

- 3.15 A 5 year commissioning plan has now been created to reflect the recommendations of the working groups. This plan is a fully costed model of provision showing the shift from the current market to one that is focussed on earlier intervention. This summary of the plan outlines the key changes in provision both in the 2020-21 academic year and overall.
- 3.16 The plan includes the following proposed changes:
- An 81% increase in the number of pupils supported by the AP system
 - A year on year reduction in overall spend
 - An upfront additional expenditure in the first year, which will be fully repaid in year 3 of the changes
- 3.18 The 5 year plan includes an increase of planned recoupment by year 5 which also contributes to the reduction in cost per pupil. Currently, while LBB is able to recoup AWPU payments for pupils who are dual registered, this is not carried out. One of the key design principles for the new system is that “the money follows the child”. All of the working groups have signed up to this principle which has been ratified by the Bromley Inclusion Partnership.
- 3.19 This report now seeks agreement from the School’s Forum for the principle to be included in school funding agreements.
- 3.20 The plan includes the establishment of three new AP roles; two caseworkers to manage the expanded and refocussed FAP meetings and case work as well as a recoupment officer to follow placement decisions to ensure the full amount of funds able to be recouped are. The costs of these posts are accounted for and included in the plan and are part of the annual decrease in net expenditure.
- 3.21 The 5 year plan covers 5 academic years, starting in September 2020. The actual places to be commissioned will be subject to annual agreement with the provider, to reflect local needs.

Contract with BTA (part of LSEAT)

- 3.21 The strategic review identified that BTA is providing effective and quality provision and achieving good outcomes for our pupils. The Council is now working with BTA to agree a 5 year contract to deliver on the reconfiguration of services outlined in the commissioning intentions and the overall redesign of AP services.
- 3.22 The contract will ensure that both the Council and BTA commit to working in partnership to achieve the design principles for AP as well as take joint responsibility for achieving the agreed system outcomes. This will include clear reporting on outcomes achieved against the 5 year plan; joint accountability for any shortcomings to the Bromley Inclusion Partnership; and joint responsibility for keeping expenditure to the planned levels.
- 3.23 The contract will see an increase in the number of pupils BTA support from 248 in 2019/20 to 510 in Year 5. This is a 106% increase in pupil numbers, which is achieved through a significant shift from provision based support to early intervention.
- 3.24 The contract will be introduced during the 2020-21 academic year. The Director of Education has delegated authority to secure this agreement, in consultation with the Portfolio Holder.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The purpose of the system re-design is to expand the number of CYP that our AP provision supports. These are CYP who are at risk of exclusion or disruption to their education due to behavioural issues and a lack of engagement in education. The 5 year plan sets an ambitious target to increase in the number of CYP 81% (593 compared to 327).
- 4.2 A key design principle of the new system is to build capacity to manage behaviour successfully in school. This expands the focus of interventions from the CYP to the school and the environment they learn in. By skilling up school staff to enable them to carry on the successful interventions from AP provision and review and redesign the learning environments they provide, we will be creating a system that achieves sustainable change and improvements in outcomes for CYP at risk of exclusion.

5. POLICY IMPLICATIONS

- 5.1 The Transforming Bromley Roadmap 2019-2023 sets out several key commitments including; *“Ensure the delivery of Children’s Services and Education is sustainable and helps our children and young people at the earliest point of need.”*
- 5.2 This new approach to the AP system does exactly that and will help more children access the support they need earlier and in an affordable way. It introduces a nuanced approach to support allowing flexibility with graduated interventions tailored to individual children’s needs.

6. FINANCIAL IMPLICATIONS

- 6.1 In order to ensure these changes are sustainable, the new AP system needs to keep within the existing expenditure. While significantly increasing the number of pupils supported in the new AP system, the 5 year plan is kept within existing expenditure by reducing the overall unit cost per child. This is achieved firstly by changing the focus of support from provision based support to outreach and early intervention support which is cheaper as it has less overheads. Additionally, the plan will increase income to the council (to offset costs of provision) through increased reimbursements through implementing “the money follows the child” design principle.

- 6.2 The proposed costs and savings are summarised in the table below:

	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5
	£’000	£’000	£’000	£’000	£’000	£’000
Cost of proposal	4,258	4,712	3,880	3,878	3,848	3,816
In year costs compared to baseline		454	-378	-380	-410	-442
Cumulative payback		454	76	-304	-714	-1,156

- 6.3 It can be seen that whilst there is an initial investment in year one, costs reduce from year two. The payback occurs in year three. The savings year on year maximise at £442k per annum
- 6.4 The calculations are not an exact science and will fluctuate as the services develop. This will need to be monitored closely to ensure that the savings are realised, and costs managed as far as possible.
- 6.5 Procurement of specialist education placements (SEN and AP) are made via the DfE’s High Needs Place Change Notification Process which requires an annual return to be made to the ESFA. This return lists the number of specialist educational places a Local Authority intends to commission from the Trusts in its area (following discussions with the Trusts and analysis of demand). The ESFA then top slice £10k for every place from that LA’s Designated Schools

Grant High Needs Block and take responsibility for making those payments directly to the relevant educational settings.

- 6.6 DfE High Needs Funding Guidance then requires a Local Authority to agree top up payments for the commissioned specialist educational places with the relevant educational settings. These payments are made on a per pupil basis as they are admitted to the setting.