

**Decision Maker:** **SCHOOL FORUM**

**Date:** **Thursday 29 September 2022**

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

**Title:** **RECOUPMENT FOR ALTERNATIVE PROVISION**

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**Ward:** All Wards

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1. Reason for decision/report and options

To outline proposed changes to recoupment policy for Alternative Provision in line with “money following the child” principles and Government guidance

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2. **RECOMMENDATION(S)**

That the Forum supports the specified amendments to school funding agreements to enable “money to follow the child” in AP provision as agreed in March 2021

## Impact on Vulnerable Adults and Children

1. Summary of Impact:
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## Transformation Policy

1. Policy Status: Existing Policy:
  2. Making Bromley Even Better Priority (delete as appropriate):
    - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
    - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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## Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
  2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
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## Personnel

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
  2. Call-in: Applicable Not Applicable: Further Details
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## Procurement

1. Summary of Procurement Implications: N/A
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## Property

1. Summary of Property Implications: N/A
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## Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
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## Customer Impact

1. Estimated number of users or customers (current and projected): c200
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No

2. Summary of Ward Councillors comments:

### 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 An update on the work done to respond to the review was presented to the School's Forum on 23 March 2021. At that time, the Forum:
1. Noted the actions taken to date to implement the recommendations from the Strategic Review including the new Design Principles for Bromley's AP System;
  2. Endorsed the 5-year commissioning plan and its overarching aim to shift provision in line with the Design Principles into earlier intervention;
  3. Noted 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; and
  4. Endorsed the principle of "money follows the child" as ratified by the Bromley Inclusion Partnership and agreed that the principle be included in school funding agreements.
- 3.3 The Council has now entered into a 5-year partnership arrangement with London South East Academic Trust to deliver an improved AP system, based on the findings of the review. These improvements include:
- A shift from Setting-based provision to school-based support, skilling up staff in mainstream settings to increase schools' overall capacity to manage behaviour
  - A significant increase in the BTA Outreach offer, expanding the service to secondary schools and embedding a whole school training and learning offer and focus
  - Introduction of short-term/ "turnaround" placements in BTA Settings as a stand alone offer as well as part of the BTA Outreach offer, creating more dual registered placements

#### **Changes to the AP system outside of the LSEAT arrangement**

##### Home and Hospital Tuition Service (HHTS)

- 3.4 In addition to the changes in the provision delivered by LSEAT (via Bromley Trust Academy), the 5-year Commissioning Plan outlined an expansion of the HHTS to broaden the support offered to pupils with significant SEMH needs and develop a continuum of provision for these pupils linked to BTA Blenheim. This was in line with the recommendations of the Emotionally Based School Avoidance (EBSA) working group. This expansion was agreed to recognise the increased level of support required by pupils with SEMH and EBSA.
- 3.5 This expansion was to be supported by an increase in funding that would in part be offset by a newly agreed income stream based on the principle of money following the child. The net increase in investment to the HHTS was incorporated into the overall costs of the 5-year Commissioning Plan.
- 3.6 The Covid pandemic has increased the volume of pupils needing specialist SEMH support and has led to a significant increase in demand for the HHTS over and above that which was outlined in the Commissioning Plan. In order to create the increased capacity needed to address this demand, the Council added £200k to the HHTS budget in 2021/22. This funding was over and above the agreed AP funding in the Commissioning Plan. The demand pressures have continued into the 2022/23 year.

- 3.7 The Council is now looking to formalise the income stream expected in the Commissioning Plan to help support this expansion and reduce the impact on the High Needs Block.

#### Pupils with SEND in AP

- 3.8 The new Green Paper outlines a single national SEND and AP system with local SEND Partnerships to be established with a responsibility to plan and develop local AP systems focussed on early intervention. Through its review of the AP System in 2019, Bromley has already implemented many of the proposals and principals for AP outlined in the Green Paper.
- 3.9 The Green Paper recognises that approximately 80% of CYP in place funded AP provision have an SEN, most commonly SEMH. This is reflected in Bromley, with 75-82% of children in BTA sites either under a Statutory Needs Assessment or with an EHC Plan. Local discussions have agreed that by the nature of needing a placement in a BTA site, all children have a Special Educational Need.
- 3.10 The SEND system has faced significant increases in demand over the past 5 years, which has been further exacerbated by the Covid pandemic and children's increased levels of SEMH as they return to school. This has led to shortages of specialist placements in Bromley and surrounding boroughs, which has delayed some children with EHC Plans from moving on from BTA (particularly BTA Midfield) in a timely manner.
- 3.11 The Council has agreed to develop a new funding requirement from the SEN service to contribute to AP costs for these children. This new funding may be used to increase the number of places commissioned from BTA Midfield for the 2022-23 school year, ensuring sufficient capacity across the system where other alternatives have been exhausted.

#### **Proposed recoupment approach**

- 3.12 Recoupment linked to AP provision is currently only applied to pupils who are permanently excluded, and the value of recoupment is limited to AWPU (pro rata). Current School Operational Guidance allows for a wider remit in recoupment which the Council is now looking to incorporate into its school funding agreements to embed the agreed principle of money following the child. The proposed changes will support the expansion of the AP system, more than doubling the number of pupils being supported. These are:
- Including pupils who leave a mainstream school for reasons other than permanent exclusion and are receiving education funded by the local authority other than at a school (Section 23.1)
  - Deducting not just the basic entitlement (AWPU) but also the relevant amounts for pupil-led factors, such as free school meals or English as an additional language, where the pupil would attract funding through those criteria. (Section 24)

#### Dual registered pupils

- 3.13 As the focus of the AP system shifts to earlier intervention and place-based provision is targeted at respite and turnaround placements (rather than PEX), there is a need to expand the recoupment criteria to include dual registered pupils. This is partly in acknowledgement of the expected reduction in the number of pupils who are PEX that is the cornerstone of the new AP system (and the subsequent reduction in current recoupment options) and partly to support the expansion of the AP system.
- 3.14 Recoupment would be pro rata based on the time each pupil is dual registered.

- 3.15 This amendment would expand the services that recoupment apply to (currently BTA Hayes and BTA Midfield only), and include HHTS; BTA Blenheim; other AP commissioned by LBB (where BTA are unable to meet needs); and managed moves, where LBB fund provision while a new school place is found. BTA Hayes and BTA Midfield would continue to be included, however, all pupils placed in the provisions will be eligible for recoupment under these proposed changes.
- 3.16 Based on existing pupils, the potential number of additionally pupils this amendment would apply to each year are:
- BTA – 39
  - HHTS – 45
  - Other AP commissioned by LBB – 3
- 3.17 The proposed changes will also include pupils who are supported via the Managed Move process. For these pupils, recoupment would be made from their original school when they move off site, and payment made to the receiving school when they move onto their roll.

#### Funding elements recouped

- 3.18 In line with the Guidance, the Council now intends to expand the amount of funding recouped to include:
- Free school meals
  - Free school meals Ever6
  - English as an additional language
- 3.19 As the funding elements are individual to each child, it is not straightforward to estimate the potential impact of this change. For the current pupils in BTA provisions, just over half are eligible for free school meals. If this percentage is applied to the number of dual registered pupils currently (87), then it is likely that 43 pupils would have this funding applied to the recoupment figure.

## **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 of supporting significantly increase the number of CYP the system currently does (593 compared to 327 – an 81% increase).
- 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. TRANSFORMATION/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 The 5-year commissioning plan specifies a phased increase of recoupment to support the funding needed to expand the AP system, based on the agreed change to recoupment to ensure that "money follows the child".
- 6.2 At the time of the plan being written, the Council was recouping approximately £96k per year from pupils who were permanently excluded. As the new AP system is embedded, it is expected that this income will decrease, as the numbers of pupils who are permanently excluded decrease.
- 6.3 The plan introduced recoupment from dual registered placements from the 2022/23 academic year.
- 6.4 There is now a need for the Council to implement this agreed change to school funding agreements to ensure that sufficient money is in the system to fund the expanded and enhanced AP system currently commissioned.

<p><b>Non-Applicable Headings:</b></p>	<p><b>7. [ PERSONNEL IMPLICATIONS</b></p> <p><b>8. LEGAL IMPLICATIONS</b></p> <p><b>9. PROCUREMENT IMPLICATIONS</b></p> <p><b>10. PROPERTY IMPLICATIONS</b></p> <p><b>11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS</b></p> <p><b>12 CUSTOMER IMPACT</b></p> <p><b>13 WARD COUNCILLOR VIEWS</b> List any of headings 4 to 13 that do not apply.]</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>23 March 2021 School Forum meeting Report and minutes: <a href="#">Agenda for Schools' Forum on Tuesday 23 March 2021, 4.30 pm (bromley.gov.uk)</a></p> <p><a href="#">Schools operational guide: 2023 to 2024 - GOV.UK (www.gov.uk)</a></p>