

CABINET

6 AUGUST 2019

REQUEST TO CONSULT ON PROPOSALS TO RESTRUCTURE ALTERNATIVE PROVISION IN MEDWAY

Portfolio Holder: Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member)

Report from: Ian Sutherland, Director of People - Children and Adults Services

Author: David Watkins, Head of Education

Summary

This report outlines the Council's proposals and processes to restructure Alternative Provision in Medway and requests authority to commence a period of consultation to enable stakeholders to give their views on the proposed changes.

1. Budget and policy framework

- 1.1 The proposals to make changes to Alternative Provision, often referred to as Pupil Referral Units (PRUs) across Medway are consistent with the provisions of the School Place Planning Strategy 2018-22, and with the Council Plan outcome of 'All children achieving their potential in schools' and are within budget. Therefore, this is a matter for the Cabinet.

2. Background

- 2.1 Exclusion rates in Medway have historically, been very high. In 2015/16, permanent exclusions from Medway secondary schools was the 10th highest in England. This represented a 133% increase in the preceding three years compared to 40% nationally. The recent Special Educational Needs and Disabilities (SEND) inspection made critical observations of exclusion rates.
- 2.2 Fixed term exclusion rates from Medway's secondary schools are significantly higher than national averages, although to a lesser extent than permanent exclusions.
- 2.3 In the primary sector, permanent exclusions are broadly in line with national rates, but the rate of fixed term exclusions were the highest in England over a five year period. The recent professional development programme, *Effective Leadership: Inclusion* that focused upon 20 primary schools with the highest rate of fixed term exclusion, has been most successful in improving classroom provision and consequently has driven down the need to use fixed term exclusion in order to support vulnerable pupil's needs. After six terms of intervention and

support from the School Improvement Team 79% of the schools were at or below the national rate for fixed term exclusion and 74% of those schools had reduced their use of exclusion to zero. Further work is planned in order to continue the positive trend of reducing fixed term exclusions and intensifying the support and challenge for those schools who are yet to secure sufficient provision for the most vulnerable pupils.

- 2.4 Special schools did not permanently exclude at all during the same five year period, but the rate of fixed term exclusions having been well below national rates rose significantly in the latter two years. However, in 2016/17 the number reduced again.
- 2.5 Alternative Provision schools did not permanently exclude in 2016/17, however fixed term exclusions were high when considered against the size of the schools.
- 2.6 More recently, levels of fixed term exclusions are rising. Primary schools excluded 16% more than 2017 and secondary schools 14%.
- 2.7 An exercise was undertaken during 2018 by Local Authority officers and headteachers, the purpose of the review was:
 - to assess how the Local Authority can support schools to retain more children and young people within mainstream schools who have additional needs or behavioural difficulties who are at risk of exclusion or placement breakdown; and
 - to make recommendations around trialling new ways of supporting children and young people in mainstream schools.

3. Alternative Provision in Medway

- 3.1 Currently, there are two publicly funded Alternative Provision schools in Medway. These are The Rowans, an academy within the Inspiring Change Trust, rated as 'Outstanding' by Ofsted, which provides for pupils from key stages 3 and 4 and Will Adams, a Local Authority maintained school, rated as 'Good', which caters for key stage 4 only.
- 3.2 Between them there are 115 commissioned places, which equates to one place per 183 secondary aged pupils. Comparatively, this is a low allocation with Bexley positioned at one place per 161 pupils.
- 3.3 There are two independent alternative provision schools operating within Medway, these are Gillingham Football Club, rated 'Good' by Ofsted, and Manorway Academy rated as 'Inadequate'. Recently Gillingham Football Club School has increased its capacity to 50 enabling more pupils to be placed there to develop a more robust partnership model with the Local Authority, enabling more young people to be placed within Medway
- 3.4 High levels of exclusion coupled with the rarity of reintegration means that there is insufficient space in the two Medway Alternative Provision schools to accommodate even half of permanently excluded children. This forces the local authority to place in settings that are either less than 'good' or are outside of Medway.

3.5 The review noted that there is much good practice in Medway, which should be shared and more widely exploited, but highlighted the low incidence of reintegration back into mainstream schools. Alternative Provision schools are intended, in most cases, to be short stay schools, with pupils returning to their home school after a period of intervention to improve behaviour.

4. Recommendations from the review

4.1 One recommendation from the review stated that the Local Authority should consider raising the number of commissioned secondary Alternative Provision places to around 120, which would bring Medway proportionately into line with other authorities.

4.2 In the short term this would reduce the need to spot purchase places in high cost, independent provision, but the review recommends that all additional places should be utilised for pupils with a reintegration plan.

4.3 The review recommended that by more reintegration taking place, there would be a natural increase in capacity and the outcomes of the pupils would improve. This work has begun and is being led by The Rowans, Inspiring Change Trust.

4.4 It recommended that the Local Authority should look to restructure the publicly funded Alternative Provision in Medway, establishing a single all through integrated service on a single site. This service would result in:

- a short stay provision for permanently excluded primary school children and secondary pupils in key stage 3;
- time limited behaviour modification places for referred primary school pupils and secondary in key stage 3;
- educational placements for students in key stage 4 for whom reintegration is not appropriate;
- outreach services to schools; and
- all primary and secondary pupils up to the end of year nine should be on a reintegration plan.

5. The restructure proposals

5.1 The Alternative Provision review was undertaken in order to address the weaknesses in overall provision and reduce exclusions across schools. Thus, improving the life chances of those young people who, required additional support to help them with their educational needs and improve their life chances.

5.2 Delivery of these recommendations requires a restructure of the organisation, governance and capacity of Medway's Alternative Provision. The proposals are:

- to amalgamate Will Adams and The Rowans into an all-through provision, initially on a split site and over time to merge onto a single site at the Rowans; and

- This will be achieved by the technical closure of Will Adams and the expansion of The Rowans.

5.3 The Council will be the decision maker on the proposals to close Will Adams and the Regional Schools Commissioner (RSC) will be the decision maker on the expansion of The Rowans.

5.4 It is proposed, subject to the outcome of the period of consultation, to formally implement the changes during or after the summer term 2020, initially operating on a split site. Although, a final timeline will be dependent upon the outcomes of the consultation period.

5.5 A period of informal consultation will be held and all responses considered before any decision is made. Whilst there is no statutory requirement for this informal phase, guidance from the Department for Education (DFE) states “*there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations*”. Given the nature of these proposals it is recommended that a period of informal consultation is held to gauge views.

5.6 To complement the changes set out in paragraph 5.2, the delivery of the DFE funded Beeches Free School operated by the highly thought of and Ofsted rated outstanding, Rowans, under the Inspiring Change Trust should be supported. The Beeches will be located on the same site would provide the all-through element recommended by the review.

6. Advice and analysis

6.1 No pupils will be displaced and all pupils at the schools will be guaranteed a place at the newly created Alternative Provision should it be the most appropriate setting for them.

6.2 The new all-through Alternative Provision would provide comprehensive outreach, both preventative, aimed at reducing exclusion at source, as well as supporting pupils after reintegration into their mainstream schools.

6.3 The outreach element would provide training and advice to schools.

6.4 The benefits which the restructure will provide are:

- the sharing of outstanding knowledge, practice and expertise;
- an increase in Alternative Provision capacity across Medway;
- a strong single cohesive approach to Alternative Provision within Medway;
- a complete and comprehensive approach to overcoming local issues;
- focus on personalised curriculum programmes and reintegration;
- adds strength to the academy trust’s leadership and governance;
- adheres to RSC recommendation of no additional Multi Academy Trusts (MATs) in Medway;

- fits with Alternative Provision review recommendations; and
- enables the establishment of positive and creative outreach programmes to reduce exclusions from the mainstream schools.

7. Diversity Impact Assessment

7.1 A Diversity Impact Assessment (DIA) screening form is attached to this report, and will be updated after the consultation period and will accompany the outcomes of consultation report.

8. Impact of the proposal on arrangements for looked after children

8.1 Looked after children receive the highest priority for admission to all Medway schools. If necessary, the Admissions Code allows the Council to place looked after children in schools that would otherwise be deemed full. This ensures that the Council can secure appropriate provision for children that are looked after by the Local Authority. This Strategy covers both mainstream, special schools and Alternative Provision.

9. Timetable for consultation and implementation

9.1 Timetable for consultation (indicative and subject to appropriate approvals):

Cabinet – to commence consultation	6 August 2019
Consultation period (6 weeks)	9 September to 20 October 2019
Overview and Scrutiny Committee – outcomes of consultation	3 December 2019
Cabinet – outcomes of consultation and determination	14 January 2020
Implementation	1 September 2020

10. Risk management

10.1 The table below sets out the potential risks and mitigations associated with the proposals.

Risk	Description	Action to avoid or mitigate risk
Lack of public support	A number of parents and potentially governing body members may not wish to amalgamate the schools.	Undertake a full consultation process to highlight the key benefits of amalgamation to young people and parents/carers.

Financial	Increased financial pressure as the top up per pupil levels are similar but not the same at each school.	Planned transition agreement in the short term. Review the top up funding over the long term so the formula is based on pupil need and not historic spend data.
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11. Financial and legal implications

- 11.1 The Council has the power to open, amalgamate and close Local Authority maintained PRUs.
- 11.2 There is a strong expectation on Local Authorities to consult interested parties in developing their proposals as part of their duty under public law to act rationally and take into account all relevant considerations. This period of consultation will satisfy that expectation.
- 11.3 There will be no financial implications for the Council during the consultation period.
- 11.4 Like special schools, Pupil Referral Units are funded on the commissioned places and top up method. Each year, Medway commissions the number of places at each school at £10,000 per place. This is more commonly known as the base funding.
- 11.5 Thereafter, top up element three funding is paid for every child placed in the school but the funding bands for each school are different. There is a potential £100,000 pressure arising from this proposal which could be mitigated by a review of the top up funding arrangements over the longer term with a view to introducing a formula based system based on the pupils need.
- 11.6 The Council has a statutory duty to provide sufficient good quality school places.

12. Recommendation

- 12.1 The Cabinet is requested to instruct the Director of People - Children and Adults Services to commence the period of consultation for the proposed changes which will result in a restructure of Alternative Provision in Medway as set out in paragraph 5.2 of the report.

13. Suggested reasons for decision

- 13.1 Approval to proceed to a period of consultation will ensure the Council has considered the views of stakeholders when making changes to service delivery.

Lead officer contact:

David Watkins, Head of Education
Ext 1282
david.watkins@medway.gov.uk

Appendices

None

Background papers:

The School Place Planning Strategy 2018-22

https://www.medway.gov.uk/downloads/download/453/school_place_planning_strategy_2018-2022