

<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>9 JULY 2010</b>
<b>TITLE OF REPORT:</b>	<b>PROPOSAL TO FUND REQUIREMENT FOR 25 HOURS SHORT STAY/PRU PROVISION</b>
<b>OFFICER:</b>	<b>HEAD OF ADDITIONAL NEEDS</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To endorse recommendations to fund the requirement to provide pupils at Pupil Referral Units (PRUs) with 25 hours of provision

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT (Schools Forum):**

- (a) endorses the proposal to charge secondary schools £8,700 per PRU place in order to fund the legal requirement to provide pupils at Pupil Referral Units with 25 hours of education from September 2010. This would apply only to those requiring a PRU place and would be a one-off payment;**
- (b) endorses the proposal to charge secondary schools £8,700 per PRU intervention place on a pro-rata basis in order to be able to fund KS4 intervention (as a proportion of the academic year that it is required); and,**
- (c) endorses the proposal to charge all schools £5,000 for each pupil needing alternative short-term schooling on medical grounds on a pro-rata basis in order to fund the legal requirement to provide pupils with 25 hours of education from September 2010 (as a proportion of the academic year that it is required).**

## Key Points Summary

- There will be a requirement to offer pupils at Pupil Referral Units (PRUs) 25 hours of educational provision with effect from 1st September 2010 (Education and Inspections Act 2006). This applies to students admitted as the result of an exclusion or those unable to attend school on medical grounds (Children, Schools and Families Act 2010).
- In order to fund the additional hours, additional resource needs to be identified. Demand for the services of the PRUs varies considerably from school to school (See Appendix A). It is therefore considered appropriate to seek support for the additional resource from the heaviest users. This gives a balance between support for the PRUs from all schools through DSG and a 'top up' in proportion to actual use.
- Herefordshire does not currently offer PRU intervention places at KS4. This is seen as a gap in the continuum of provision. Resource also needs to be identified to provide this.

## Alternative Options

- 1 There are two further options that the charge in recommendation (a) above should:
  - a. Continue until the pupil leaves the PRU system as an annual charge. This would result in a gradual reduction in the DSG funding over time; and/or
  - b. Should also follow a pupil to their new secondary school if they are permanently excluded and are admitted to a different Herefordshire School.
- 2 If recommendation (a) is not accepted, the number of places would need to be reduced to take account of the additional time requirement. (See Appendix A).
- 3 A further alternative would be to commission (b) and/or (c) from one of the school-based intervention centres funded by charging as above or top-sliced from DSG.

## Reasons for Recommendations

4. There will be a requirement to offer pupils at Pupil Referral Units (PRUs) 25 hours of provision with effect from 1st September 2010. This applies to students admitted as the result of a permanent exclusion or on medical grounds placed in PRUs or with the Hospital and Home Teaching Service.
5. Present projections suggest that the level of permanent exclusion has been stable for the past 3 years. Comparative information demonstrates that Herefordshire shows lower levels of permanent exclusion compared to the average of its statistical neighbours and the average for England (see Appendix B). Having considered a range of factors, including the use of appropriate alternative educational packages and the impact of the new School-based Intervention Centres in our secondary schools, it is predicted that demand for places will remain at the current level in the medium term.
6. In order to deliver the 25 hours of education in the future, it will be necessary to reduce the number of PRU places if there is no additional resource provided. There is a risk that

demand will not be met. This could result in more expensive specialist provision being needed in a reactive way.

7. The lack of PRU intervention places in KS4 is seen as a gap in the County's provision. There is recognition that for some students in Yr 10, off-site provision away from the school site, yet prior to permanent exclusion might be a helpful addition to the range of interventions already available. This might, in some cases, be successful in preventing permanent exclusion.

## **Introduction and Background**

8. Herefordshire has recently been successful in addressing the needs of excluded pupils and continues to make progress (See Appendix B and most recent CYPD RADAR Report for DLT – June 2010). Two of the LA's three PRUs have been graded as Outstanding in their most recent Ofsted Inspections (Aconbury and St David's, both in Hereford). The Brookfield Special School and Specialist College that works with Behavioural, Emotional and Social Difficulties (BESD) is also graded as outstanding.
9. Legislative change and the issuing of new or revised guidance within this specialist area of working with children with BESD continue to be a feature. The Steer Report (2009), the re-naming of PRUs as 'short stay schools' within the Apprenticeships, Skills, Children And Learning Act (2009) and the changes to the Ofsted Framework are key elements within this picture of change. The recent change in National Government is also likely to have an impact. If Herefordshire is to consolidate its successes in this field, it needs to be able to respond flexibly to these new challenges.
10. A review of the County Behaviour and Attendance Strategy is being carried out alongside this work. This is to ensure that the review of PRU Provision is carried out in the wider context of the entire behaviour and attendance system (Appendix C illustrates the elements within this system). Best practice suggests that this needs to consist of several layers of 'in school' intervention before the school seeks the support of the LA in addressing the needs of this cohort of young people. This work has been supported by Dave Smith, the School Improvement Partner (SIP) for the BESD settings in Herefordshire. He has more than 15 years of experience of inspecting BESD settings and works with many LAs nationally on this work. This is helpful in gaining the wider picture.
11. Each of Herefordshire's secondary schools has been allocated funding to create an Intervention Centre as part of the School-based Intervention Project following a successful bid to the DCSF in 2008. These centres are designed to cover a wide range of needs including BESD. These centres do have an important role to play in preventing exclusion. To date, three of these centres have opened at John Masefield High School, John Kyrle High School and Aylestone High School.
12. A request from the Budget Working Group was made to Schools Forum in February to introduce charges to provide the additional funding to cover the 25 hours and the 2011/12 budget shortfall of £58,500 be considered further. The existing PRU funding is provided from within DSG at the level shown in Appendix A. The request for the additional funding was deferred and the Forum requested that a further paper should be provided with consideration being made for charging those schools that permanently exclude. There was also the request that additional background information be made available to allow

fuller consideration of the topic. This paper aims to provide both of these requirements.

## Key Considerations

13. The number of permanent exclusions was reduced from 23 in 2006/7 to 17 2007/8 and has remained at this level since then. It is likely that the final figure for 2009/10 will be similar.
14. If the level of permanent exclusion remains at this level, £156,000 would be required to provide the 25 hours of education and to maintain the current number of places. The calculations for this were presented to the February Schools Forum (p. 51 of the papers). To generate this additional resource, it would require a charge of £8,700 for each pupil requiring a PRU place (based on 18 places). Permanently excluded pupils who are found a place at an alternative secondary school following admission to the PRU could have the funding transferred on to the new school if option 1b is agreed.
15. The principle of charging to generate this additional resource is considered by many to be a fair one. Historically, there has been considerable variation in the numbers of PRU places required by different schools (see Appendix A). This proposal strikes a balance between support for the PRU system from overall school funding via DSG and charging related to usage as suggested in this paper.
16. The suggested charges are considered to be proportionate. Delegated SEN funding for band 1 and 2 pupils would contribute a proportion of the amount.
17. There should be an incentive to seek off-site intervention places before considering permanent exclusion. The intervention places have been successful in KS3 with 22 pupils returning to school this year following intervention at the Aconbury Centre. It is thought that this would also be successful in Yr10 and a number of secondary schools have indicated support for this approach. The use of these intervention places must follow extensive attempts by the school to provide successful intervention within the school. Again, the resource must be found to fund this intervention work. It is therefore suggested that only a proportionate charge equivalent to £8,700 for the full year would be charged. It would be anticipated that intervention places might consist of part school and part PRU provision or a short block of full-time intervention work at the PRU as negotiated between school and PRU. Should the intervention place prove not to be successful and the pupil ultimately needs a permanent PRU place, the amount paid for the intervention work would be taken off the 'one-off' charge.
18. The evidence of successful use of virtual learning environments (VLE) for excluded pupils is limited. Although it can contribute to an overall package of support, experience has shown that the nature of the difficulties encountered by PRU students usually means that such packages are of limited value. VLE packages do offer potential for students with medical needs. A typical proven VLE package costs approximately £5,000 per annum, hence the level of the charge in recommendation (c) above. The charging structure would have some 'front loading' to cover an initial infrastructure charge.
19. Alternative work-based packages can be used successfully with excluded students (for example as used by the Arrow Group at Brookfield Special School). However, this is not necessarily a cheaper option than students working on the premises of a PRU. In the

longer term, this might provide the potential to reduce the physical space required and might allow a reduction in premises costs. This should therefore be explored as part of the overall Behaviour and Attendance Strategy.

20. It is too soon to fully evaluate the impact that the School-based Intervention Centres will have on the level of exclusions. Early anecdotal evidence is positive.

## **Community Impact**

21. If there is insufficient provision for young people with BESD, there is likely to be an implication for the whole community, particularly the community in which that young person lives. Appropriate, high quality PRU provision offers the opportunity to intervene in the life of a young person to allow them to make a more positive contribution to society than if this was not available.

## **Financial Implications**

22. Individual Schools would meet the additional financial contributions according to their need to place into PRUs or the Hospital and Home Teaching Service. If demand is reduced, the number of schools being charged would also reduce as the same levels of staffing would not be needed.

## **Legal Implications**

23. This will allow the LA to meet the requirement to offer pupils at Pupil Referral Units (PRUs) 25 hours of provision with effect from 1st September 2010. This applies to students admitted as the result of a permanent exclusion or on medical grounds placed in PRUs or with the Hospital and Home Teaching Service.

## **Risk Management**

24. There is a risk that the level of permanent exclusion or medical need is lower than predicted and that too many staff are taken on as a result. Careful use of contracts can help to mitigate this.

25. There is a risk that schools might seek to use KS4 intervention places to maintain pupils permanently off site rather than it being a shared enterprise between school and PRU with the definite intention of the pupil returning to school. It is therefore crucial that the pupils attending intervention places remain on the school roll.

## **Consultees**

PRU Headteachers

PRU Review group including:

Relevant LA Officers

Andy Collard – Deputy Head at John Masefield High School

Oremi Evans - Head of Brookfield Special School and Specialist College

Dave Smith – External School Improvement Partner (Specialist in BESD Settings)

## Appendices

Appendix A – Information On Herefordshire’s PRUs

Appendix B – Information on Exclusions in Herefordshire

Appendix C - Behaviour & Attendance Protocols For Schools – A Continuum Of Response

## Background Papers

Children & Young People’s Directorate Leadership Team – RADAR - Permanent and Fixed Period Exclusions June 2010

School-based Intervention Project – Herefordshire 2009-11

Herefordshire Schools Forum Tuesday 23 February 2010 Agenda Reports Pack

\*Use of Exempt Information Schedule 12A

The information below **must** be included in any exempt report.

*‘This report (or the appendices) is / are exempts by virtue of paragraph (quote the paragraph number of the list below) ....*

- i. Information related to any individual*
- ii. Information which is likely to reveal the identity of an individual*
- iii. Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- iv. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relating matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.*
- v. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*
- vi. Information which reveals that the authority proposes:*
  - (a) to give under any enactment a notice of by virtue of which requirements are imposed on a person ; or*
  - (b) to make an order or direction under any enactment*

vii. *Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.*

*.... of the Access to Information Procedure Rules set out in the Constitution pursuant to Schedule 12A Local Government Act 1972, as amended.*

Report authors must make sure the correct paragraph is used to apply any exemption (*and that a public interest test has been applied and justified*). *This means that the exemptions can only be applied where the public interest in maintaining the exemption outweighs the public interest in disclosing it.* The relevant paragraph must be included together with the public test justification before you sent it to Legal Services in order that they can confirm that your reasons are acceptable.

The justification must be set out in the 'Exempt Information Section'. In the case of a partial exemption e.g. appendix, the above test, together with the justification **must** also be included on the appendix.