

## To the Chair and Members of the CABINET

### Endorsement of the Children’s Inclusion Commissioning Programme (February 2017 to August 2018)

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Nuala Fennelly, Lead Member for Children, Young People and Schools	All	Yes

## EXECUTIVE SUMMARY

1. This report signals the Learning and Opportunities: Children and Young People directorate’s intention to move towards an inclusive education system for all children and young people, including those with Special Educational Needs & Disabilities and Behaviour issues in line with the recommendations and themes identified in the One Doncaster Report and the Children and Young People’s Plan (2017-2021).
2. The current and future projected pressures on delivery due to the higher than average (amongst its statistical neighbours) number of pupils that are excluded for a fixed term in Key Stage 2, 3 and 4 which then creates pressure on the wider behaviour management system. Statistical neighbour models provide a method for benchmarking progress. For each local authority, these models designate a number of other local authorities deemed to have similar characteristics. The statistical neighbours for Doncaster are Barnsley, Dudley, North East Lincolnshire, North Lincolnshire, Redcar & Cleveland, Rotherham, St. Helens, Tameside, Wakefield and Wigan.

It is also becoming evident that the range of current provision in part is not suited to the presenting needs in Doncaster. Capacity and premises issues at the current Levett Pupil Referral Unit provision, inconsistent approaches to behaviour by schools and application of tariffs by Learning Centres have added to these pressures. The main elements of the current system are Levett Pupil Referral Unit; Five Learning Centres – which consist of one Primary Learning Centre and four Secondary Learning Centres; Alternative Provision; these elements are outlined in Appendix 1.

3. The plans are to re-commission the behaviour system and develop a Doncaster’s Inclusion strategy in 3 phases: A Behaviour Review Briefing Paper has been prepared which identifies the key drivers for change, which include Doncaster’s current and predicted exclusion rates at secondary and primary, with the proportion of exclusions attributed to persistent disruption being a key factor. The full report is detailed at Appendix 2: Behaviour Review Briefing Paper v1.2. Progress to date and planned activities include:

**Phase 1** is currently underway involving the review of current provisions and

pathways, with on-going work regarding the setting of outcomes for children and young people and the establishment of a 'fit for purpose' governance structure accountable to the Children and Young People and Families Board. (Present – early Spring 2017). This included the baselining, consultation and data assessment. It will furthermore consolidate the findings from a comprehensive needs analysis (current needs of the population, finance, provision and gap analysis) and set out the plan for systems transformation in 2018.

**Phase 2** involves remediating and optimising the current system for 2017/18 and will enable remedial work to the system moving in the line of future strategic direction for Phase 3 to provide a firm foundation from where long term commissioning (including de-commissioning) can take place.

**Phase 3** (Autumn 2017) linking with the One Doncaster programme to create a sustainable fit for purpose system that meets the needs of all young people in the borough. On-going changes to the system will embed with continued long term commissioning against need with appropriate resources.

Throughout the phases there will be a drive and commitment in developing the 'Inclusion agenda'.

Findings from phase 1, inconsistent standards and approaches in schools and the known pressures on the system – including fit for purpose provision at Key Stage 3 requires immediate commissioning and reshaping of pathways and services in preparation for transformation in 2018.

Review reports of the current provision are detailed in Appendix 3: Review of Provision for the support of pupils with Social, Emotional and Mental Health Difficulties and Appendix 4: Key findings of Doncaster Behaviour Review.

4. The purpose of this report is to set a clear vision and the commissioning intentions for driving improvement for education provision for young people with Social, Emotional and Mental Health difficulties in the immediate to medium term.

## **EXEMPT REPORT**

5. The report does not contain exempt information.

## **RECOMMENDATIONS**

Cabinet is recommended to provide the mandate:

6. To address inconsistent approaches in schools: For establishing a Doncaster- wide behaviour network to encourage collaboration, sharing of good practice and discuss future initiatives for both primary and secondary provisions coordinated through the local authority, in line with the directorate's intention to transform the Special Educational Needs and Disabilities and behaviour pathway to ensure a coherent and consistent inclusion provision to support the needs of all children and young people.
7. To address capacity issues: To review the thresholds and pathway for alternative provision including pupil referral units to establish clear and consistent practice in relation to children and young people with Social, Emotional and Mental Health

difficulties.

8. To remediate and optimise the current model: To expand and reshape the provision of Key Stage 3 and 4 support service for pupils with Social, Emotional and Mental Health issues for the academic year 2017/18 through a tendering process to deliver or co-ordinate a bespoke education and training offer.
9. In partnership with schools, to commission an interim model to deliver alternative education provision through learning centre support (Key Stage 2 and 3), including provision of outreach services. All of the funding is from the Dedicated Schools Grant, Secondary schools support the current model (total cost £4.6m) through contributions of £740k to the Key Stage 3 Learning Centres, which is paid to them directly from the Education Funding Agency, as they are Academies.
10. To deliver a long term Inclusion programme: To proceed with the development of a long term inclusion strategy in line with the One Doncaster Report and the Children and Young People's Plan (2017–21).

### **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

11. Doncaster is committed to improving social inclusion and increasing the capacity of mainstream schools to provide for all children and young people.
12. This supports increased aspiration and ambition for all learners with a collaborative approach that promotes partnership and sharing of good practice to improve outcomes for children and young people.
13. Doncaster Council is aiming to clarify roles and to develop provision which meets local need and statutory requirements, within a climate of inclusion and collaboration between all stakeholders involved in improving outcomes for this vulnerable group of children and young people.
14. A strengthened behaviour pathway will help prevent escalation of issues for children and young people and help prevent placement in high cost provisions.
15. Our vision is no child or young person in Doncaster should be deprived of an education or training offer, suited to their needs and ability.

### **BACKGROUND**

16. Doncaster Council is required to provide a strategy that sets out arrangements for the education of this vulnerable group. This programme has been developed in response to relevant central Government legislation and guidance, as well as local pressures and priorities within Doncaster.
17. The recent "One Doncaster" report recommends increased aspiration and ambition for all learners and that it is clear that a collaborative approach that promotes partnership and sharing of good practice would improve outcomes for children and young people; "change agents and energy creators ...working with all stakeholders must ...make a collective effort to develop a local culture of collaboration and self-confidence" (One Doncaster 2016).

18. The current role of the Local Authority includes the quality assurance of Alternative Provision, placement and education of permanently excluded pupils after 5 days exclusion, statutory processes for Special Education Needs and support and monitoring of schools in an Ofsted category, which may include behaviour issues. In addition, further support is given with some outreach support and training which is procured directly by schools.

19. The current behaviour pathway includes:

a) 5 x Learning Centres – Key Stages 2, 3 and 4

Learning centres are commissioned to provide for pupils at risk of exclusion. Doncaster has five Learning Centres - There is currently one Primary Learning Centre, four Secondary Learning Centres one of which also includes primary provision. The Learning Centres were designed to work with pupils in a preventative way to try and avoid further exclusions and to reintegrate pupils back into school where possible. Two of the five Learning Centres are registered schools whilst the others are governed and managed through schools within a partnership arrangement. Four of the five Learning Centres also include outreach teams to provide support for children and young people within the child's mainstream school setting.

b) Levett Pupil Referral Unit – Key Stage 1 – 3

Pupil Referral Unit provision is managed through a single school structure on two sites with different phases of pupils. The placement of pupils within PRUs is traditionally for pupils requiring short to medium term, temporary placement at key stages 1 to 3, with the intention that the majority of these pupils are reintegrated back into mainstream school.

c) Alternative Provision Key Stage 4

Local Authorities are responsible for arranging suitable education for permanently excluded pupils. Currently Doncaster Council commission one main provider and a variety of alternative providers to deliver this service.

20. The pathway is accessed via referrals from schools to Learning Centres and a Behaviour Panel considers requests from schools to access these and the Pupil Referral Unit.

21. It has become clear that the current system and range of services need to be reviewed and improved to ensure that form follows function and that services are commissioned with inclusion at their core.

22. It is the intention of Learning Opportunities, Children and Young People to take on its role as System Leader in the area of inclusive education provision.

23. Phase 2 of the transformation programme will provide a holding position from which Doncaster Council will review and shape current provision and determine the systems wide commissioning strategy. This will entail extending and expanding the current learning centre offer (5 x Learning Centres) to relieve current pressures on the Pupil Referral Unit. Remedial work is underway to improve the offer to young people in the Pupil Referral Unit. A further report will be submitted by the end of

Summer 2017, to inform the findings of Phase 2.

24. The current commissioned service via Learning Centres for children and young people with Social Emotional and Mental Health difficulties aims to ensure that:-
- Fewer pupils are permanently excluded and working towards zero exclusion rates
  - Fixed term exclusions are reduced both in terms of numbers of pupils and time out of education
  - More pupils with behavioural, emotional social difficulties access full time provision appropriate to their needs
  - More pupils improve their academic progress in line with age related expectations
  - More timely assessments and reviews of pupil progress assure pupils' progress.
  - Greater personalisation of learning for pupils.
  - Increased effectiveness and cost effectiveness of alternative provision

## **OPTIONS CONSIDERED**

25. Option 1: The option to do nothing and wait until 2018 when the full outcomes of the review is completed to phase 3. This option is discounted due to the current pressures in the system and a duty to improve the offer and outcomes for young people in the immediate term.
26. Option 2: To take immediate action to implement the activities detailed below:

### **Phase 1**

- (a) Establish a Doncaster- wide behaviour network
- (b) To review the thresholds and pathway for alternative provision including pupil referral units to ensure that there is clear and consistent practice in the process and clear expectations of actions and procedures prior to referral. Consultation has highlighted that current provision is trying to meet the needs of children and young people who have widely different issues and difficulties. There are a range of pupils whose needs are long term and enduring and others who are placed in alternative provisions with the aspiration and expectation to return to mainstream provisions.

### **Phase 2**

- (c) Undertake the short term commissioning of:
- Key Stage 4 Support Service for Pupils with Social, Emotional and Mental Health difficulties for the academic year 2017/18.
  - To create a mixed economy in relation to Key Stage 3 by expanding the Key Stage 4 provision to include Key Stage 3 and relieve some of the pressure on the Pupil Referral Unit provision due to capacity and the lack of alternative options for children and young people with a range of differing needs.
  - Learning Centres for Primary and Secondary schools including outreach support services to support behaviour interventions in schools ensuring consistency of approach.

### **Phase 3**

(d) Systematic approach to the development of an inclusion strategy

The benefit of this option is that it will support the on-going review of the behaviour pathway as a short term measure to allow time for the long term planning for the programme. The risk of this is that the time period may be unfavourable to the market to deliver a service on a short term contract; however this is balanced with engagement and involvement by the market with the commissioning process.

27. Option 2 is therefore the recommended option, to ensure an inclusion pathway that is fit for purpose with appropriate remedial actions being undertaken immediately.

### REASONS FOR RECOMMENDED OPTION

28. To provide continuity of provision the short term commissioning of provisions detailed above are required in order to meet the statutory Local Authority duty for academic year 2017/18. Commissioning of Alternative Provision will ensure best quality and value for money, reduce and mitigate risk.

### IMPACT ON THE COUNCIL'S KEY OUTCOMES

	<b>Outcomes</b>	<b>Implications</b>
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>Aspirations of children and young people are raised through provision of alternative education and training to meet their needs</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>Standardised approach to behaviour raising ensuring children and young people are educated in a safe environment</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>Raising aspirations and preventing young people from not being in education, employment or training.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>Children and young people receive an education, strengthen relationships with peers</p>
	<p>Council services are modern and value for money.</p>	<p>This supports a 'Commissioning Council' and provides the</p>

		opportunity to redesign services based on evidence of what works well and to develop innovative approaches
	Working with our partners we will provide strong leadership and governance.	The behaviour network will strengthen relationships with schools and stakeholders.

## RISKS AND ASSUMPTIONS

29. There are a number of key risks in relation to this programme:

- Reputational risks - The provision is located in residential areas so adverse behaviour witnessed on site or displayed in the neighbourhood may lead to potential complaints and press enquiries.
- Strategic risks - The failure to implement phase 2 could lead to the potential for an increase in permanent exclusions, a consequential increase in Out of Area placements, breakdown in relationships with schools and a withdrawal of commitment, which may lead to a fragmented system as schools independently seek alternatives to the current provision, further compounding increased demand and cost. This could then delay the implementation of phase 3.
- Operational risks - The delays in implementation may lead to increased pressure through increased demand in the system, resulting in a reduction in standards and quality and increased potential for regulatory failure (in turn leads to reputational risk) and institutional failure of registered provision. Difficulties in recruiting suitably qualified and specialist staff to such challenged settings could compound this position. In turn this could lead to heightened safeguarding and health and safety risks.
- Financial risks - at a time when there is a need to gain better value for money and reduce investment due to reducing revenue budget and governmental reviews of the High Needs Block funding, there is the potential to add cost to the system. A delay in implementing Phase 2 and 3, or not aligning with other strategic reviews (e.g. Special Educational Needs and Disabilities Review) may lead to an increased capital requirement to fund a new provision.

## LEGAL IMPLICATIONS

30. Section 19 of the Education Act 1996 provides that each Local Education Authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. There is specific statutory guidance 'Alternative Provision- Statutory Guidance for Local Authorities' published in January 2013 that further details the legal requirements.
31. The decision maker must be aware of their obligations under the public sector equality duty (PSED) in s149 of the Equality Act 2010. It requires public authorities

when exercising their functions to have due regard to the need to: eliminate discrimination, harassment and victimization; advance equality of opportunity; and foster good relations between people who share relevant protected characteristics and those who do not.

32. The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination.
33. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.
34. The commissioning of services must be in compliance with the Councils contract procedure rules and the Public Contracts Regulations 2015, if applicable.
35. Legal Services should be consulted at the earliest opportunity to provide legal advice and associated contractual documentation.

## FINANCIAL IMPLICATIONS

36. The current budgeted costs of behaviour provision for 2017/18 referred to in this report and as reported at School Forum on 15<sup>th</sup> February 2017, all funded from the High Needs Block of the Dedicated Schools Grant (DSG), are:

<b>High Needs Block DSG Budget 2017/18</b>		<b>£</b>
<b>Primary Learning Centres</b>		
	Bentley High Street Primary	350,000
	St Wilfrid's AP Free School (top-up funding)	30,000
<b>Secondary Learning Centres (incl EFA funding)</b>		
	Balby Carr Academy	243,480
	Campsmount Academy	165,280
	Hall Cross Academy	272,120
	St Wilfrid's AP Free School	379,540
<b>Key Stage 4 Support</b>		
	North Bridge Enterprise College	550,000
<b>Pupil Referral Units</b>		
	The Levett School	1,525,440
	Maple Medical School	1,084,710
		<b>4,600,570</b>

Within the overall High Needs DSG budget for 2017/18 there is also currently an unallocated contingency budget of £327,870.

The short term commissioning of Key Stage 4 Support Service for Pupils with Social,



Emotional and Mental Health difficulties, for the academic year 2017/18, as well as Primary and Secondary Learning Centres for schools, including outreach support services, are expected to be at the same financial value as the current overall contract.

The creation of a mixed economy in relation to Key Stage 3 through expansion of Key Stage 4 provision, to include Key Stage 3 and relieve some of the pressure on the Pupil Referral Unit provision, is also expected to be cost neutral on a per pupil basis as funding for high needs follows the child . This is dependent upon the cost of the new provision on a per place basis (i.e. in comparison to the current per pupil cost in a Pupil Referral Unit which is £15k per annum) and will be managed within the 2017/18 High Needs Dedicated Schools Grant funding allocation overall.

There may be a short period of transitional funding required for the Levett School if commissioned place numbers are going to be reduced significantly during the 2017/18 financial year, however this will be a cost to the High Needs Block of the Dedicated Schools Grant, incurred in order to secure appropriate future provision, and would expect to be managed within the year through the High Needs contingency budget of £327,870 mentioned above.

## **HUMAN RESOURCES IMPLICATIONS**

37. There are no current Human Resource implications associated with this report.

## **TECHNOLOGY IMPLICATIONS**

Not Applicable

## **EQUALITY IMPLICATIONS**

38. The Council's duty under section 149 of the Equality Act 2010 when exercising its functions to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic, ensuring fair access to learning and opportunities for all Doncaster children and young people.

39. A separate Due Regard Statement will be completed and continuously updated to inform this inclusion commissioning programme.

## **CONSULTATION**

40. Consultation has taken place with key partners through the behaviour network and secondary schools head forum.

41. As part of the review work staff and pupil interviews and surveys have been undertaken; schools have also had the opportunity to discuss current provision, what works well and issues to be addressed for the future provision.

## **BACKGROUND PAPERS**

Appendix 1 Current Behavioural Provision

Appendix 2 Behaviour Review Briefing Paper v1.2

- Appendix 3 Review of Provision for the support of pupils with Social, Emotional Mental Health issues
- Appendix 4 Key findings of Doncaster Behaviour Review Phase 1 Data Analysis Autumn Term

## **REPORT AUTHOR & CONTRIBUTORS**

Angela Harrington Commissioning Manager  
Telephone: 01302 862676  
Email: [angela.harrington@doncaster.gov.uk](mailto:angela.harrington@doncaster.gov.uk)

Jane Mills Commissioning Manager  
Telephone 01302 735166  
Email: [Jane.Mills@doncaster.gov.uk](mailto:Jane.Mills@doncaster.gov.uk)

**Damian Allen, Director  
Learning Opportunities and Skills (DCS)**