

**Report of the Director of Children's Services**

**Report to Executive Board**

**Date: 4 September 2013**

**Subject: Improving outcomes for children with behaviour, emotional and social difficulties (BESD)**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Hyde Park and Woodhouse, Guiseley and Rawdon, Yeadon and Otley, Middleton and Belle Isle, Temple Newsam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. This paper outlines the creation of a Leeds Behaviour Alliance that brings together the expertise in the specialist (Behaviour, Emotional, and Social Difficulties SILCs), targeted (Pupil Referral Unit), locality (Area Inclusion Partnerships), and universal (School) provisions. The Alliance will offer children and young people with behaviour difficulties the chance to benefit from an outstanding learning offer. In doing so the Leeds Behaviour Alliance will enable the long standing issues of attendance, attainment and progression among children with a behaviour need to be addressed and give every child an opportunity to make successfully progress into education, employment or training.
2. The Leeds Behaviour Alliance is built on the plan to integrate Pupil Referral Units (PRU) into the City's Behaviour, Emotional, and Social Difficulties (BESD) SILCs to create organisations with the capacity to meet need in a flexible and personalised way.
3. Specifically the Key Stage 2 PRU provision that operates on the Oakwood Lane site will be integrated with the North East SILC's Primary BESD provision, in a separate part of the same building.
4. At the same time the Key Stage 3 and Key Stage 4 PRU will be integrated with the BESD SILC (Elmete Wood) creating a multi-site provision that can meet the very diverse range of BESD needs identified among secondary age children.

5. For the first time in Leeds the key building blocks for a flexible, integrated and city-wide behaviour offer are in place. All but one component of this offer are 'Good' or 'Outstanding' and the remaining component is improving towards 'Good'.
6. All partners, including the DfE, believe that the Leeds Behaviour Alliance is most likely to succeed in addressing the specific weaknesses at Elmete Wood, and securing the best, integrated and flexible, provision for children with behaviour needs in Leeds.
7. These proposals will not see children with SEN statements, and complex or multiple needs who benefit from generic SILC provision, being placed in a provision alongside children with a behaviour need.
8. The advantages of these changes are detailed in the paper but include: seamless Specialist and Assessment provision running parallel and responding quickly to need; more flexible and capable staffing structures; integrated leadership and governance that will allow swift and easy access to an appropriate provision; the creation of a soft federation of the Primary and Secondary BESD SILCs; the opportunity to shape the 6 sites to create learning environments that meet the needs of a very diverse group of children and young people; and economies of scale to make the resulting offer more inclusive and cost effective.
9. The creation of this integrated, city-wide, provision will support the continued development of locality provisions by Area Inclusion Partnerships (AIP) and their schools.
10. There are risks in delaying the implementation of this vision for the Leeds Behaviour Alliance which are detailed in the paper.

## **Recommendations**

Executive Board is asked to:

11. Approve the publication of a statutory notice for the change in the age range of the BESD Specialist Inclusive Learning Centre (Elmete Wood) from 5 to 16 to 11 to 16; the expansion of the capacity of the provision from 150 to 200 pupils using sites at Elmete Wood, Stonegate Road, the Burley Park Centre, the Hunslet Gate Centre and the Tinshill Centre; and the expansion of its remit to allow it to offer provision to children without a statement of special educational needs, in the manner of a PRU, with effect from January 2014.
12. Approve the publication of a statutory notice for the expansion of the North East Specialist Inclusive Learning Centre (Oakwood Lane) primary BESD provision from a capacity of 30 pupils aged 4-11 to 40 pupils aged 4-11; and the expansion of its remit to allow it to offer provision to children without a statement of special educational needs, in the manner of a PRU, with effect from January 2014.

## **1. Purpose of this report**

- 1.1 This report describes the foundations of a Leeds Behaviour Alliance that brings together the specialist (SILC), targeted (PRU), locality (AIP), and individual school behaviour offers. In doing so it will support children to make progress in learning by preventing exclusion from learning, providing outstanding learning opportunities when short periods out of mainstream are necessary, and maximise re-integration back into mainstream learning.
- 1.2 It also describes the place of these proposals in the context of the vision for a Child Friendly City and an impact on the priorities of the Children & Young People Plan aims.
- 1.3 These proposals are brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of appropriate school places. Under the Education and Inspections Act 2006.
- 1.4 These proposals constitute prescribed changes requiring a statutory process and this paper summarises the outcomes of the initial stage in that process, and makes recommendations for its next steps.

## **2. Background information**

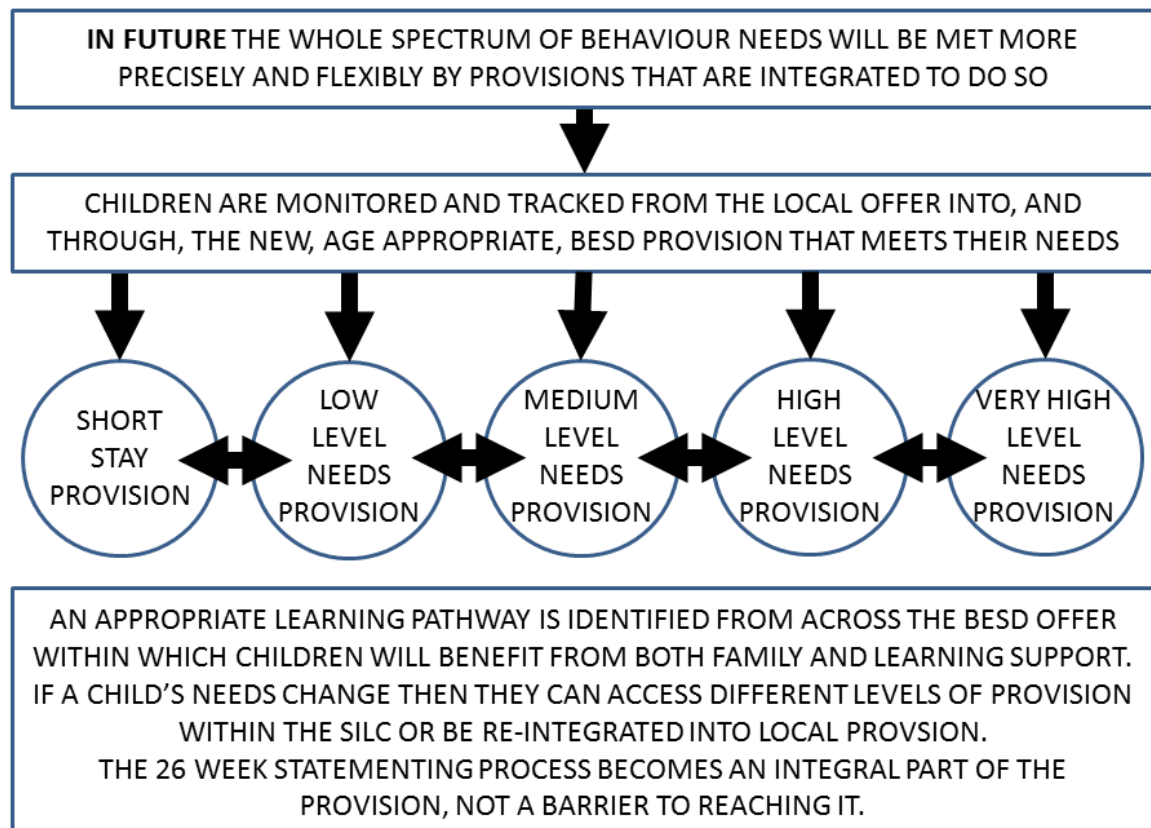
- 2.1 The Leeds Behaviour Alliance will enable the long standing issues of attendance, attainment and progression among the BESD cohort of children to be addressed and give every child an opportunity to benefit from outstanding provision.
- 2.2 The North East Specialist Inclusive Learning Centre (SILC) provision for primary aged children with statements of special educational needs naming behaviour as their primary need, is 'Outstanding'.
- 2.3 The Primary PRU, and both Secondary PRUs are 'Good'.
- 2.4 Only the BESD SILC (Elmete Wood) is not 'Good', being judged to have 'Serious Weaknesses'. However, changing the leadership and replacing the Governing Body with an IEB has led to improvement. Ofsted has concluded, during monitoring visits,
- 2.5 The advantages of integrating the specialist (BESD SILC) and targeted (PRU) learning offer as described in these proposals, include:
  - 2.5.1 seamless Specialist, Assessment and Outreach provisions running parallel to one another and responding quickly to need;
  - 2.5.2 the creation of a 'Faculty Model' where specialist teachers are employed by the larger organisations and deployed as needed across the Alliance. This will safeguard the quality of teaching and learning with high quality permanent full-time appointments and address any risk to quality from temporary or part time staffing;
  - 2.5.3 integrated leadership and governance across the specialist-targeted spectrum of need that will allow children to be more swiftly placed in appropriate provision;

- 2.5.4 the creation of a soft federation linking the outstanding North East SILC primary behaviour provision to the Secondary BESD SILC so that they can work more closely and flexibly across primary/secondary transition;
- 2.5.5 the ability to shape the 6 sites at Oakwood Lane, Elmete Wood, Stonegate Road, Burley Park, Tinshill, and Hunset Gate to meet the needs of specific groups of children within the group with behaviour needs, so that environment matches the aims of the specialist, assessment and therapeutic curriculum for a very diverse group of children and young people;
- 2.5.6 economies of scale enabling the PRU offer of respite, intervention and assessment of need, and the safety net of provision this offers Leeds' children, to be sustained.
- 2.6 The creation of this integrated, city-wide, specialist, assessment, and higher need targeted provision for the city's children, is also a necessary step in supporting the continuing development of Area Inclusion Partnerships (AIP).
- 2.7 AIPs are already developing local behaviour offers to support children with lower, but still significant, levels of need, closer to where they live. They are also supporting the enrichment of the universal behaviour offer made by all Leeds schools.
- 2.8 Together with the integration of the city-wide specialist, assessment and therapeutic offer these local developments offer Leeds the opportunity to create, for the first time, an integrated pathway to appropriate provision for its children and young people.
- 2.9 The risks of a delay in progressing this vision for behaviour provision in Leeds include:
  - 2.9.1 the loss of AIP support for an integrated solution and a centrifugal fragmentation of the behaviour offer as partnerships and schools go their own way;
  - 2.9.2 the loss of an essential safety net for children with behaviour needs in Leeds the need for which will remain as long as the local authority retains the statutory responsibility as provider of "last resort" in the case of permanent exclusion;
  - 2.9.3 the unsustainability of the PRUs in their current form and both HR and budget deficit risks to the Council;
  - 2.9.4 the loss of PRU expertise needed to ensure the continued progress of the BESD SILC (Elmete Wood) towards a 'Good' Ofsted judgement.

**Vision:**

- 2.10 These proposals present an opportunity to integrate and personalise the support offered to Leeds children with a behaviour need, whether they yet have a statement or not. It presents a creative alternative to the fragmented offer made by pupil referral units and the city's specialist provision, unifying their leadership and governance to ensure children can swiftly access the support they need. The proposals are cost effective, recognising the changing national funding frameworks for schools, pupil referral units and special schools (SILCs).

2.11 The diagram below summarises the future shape and flexibility of the learning offer for children with BESD barriers to learning:



2.12 Leeds has an ambition to be the Best City for Children and to become a Child Friendly City. In order to achieve this it must make good provision available to support the achievement and learning of its most vulnerable children and young people. These proposals seek to enhance our provision to make that possible by creating a framework of mainstream and specialist provision that is high quality, flexible and above all responsive to the needs of individual children swiftly.

2.13 Many of the children and young people that require specialist learning provision to address their barriers to learning caused by behavioural, emotional and social difficulties (BESD) have complex needs and lead challenging sometimes chaotic lives. The needs of this group of children are complex and one school unit cannot provide the range of provision that is needed to meet the needs of the entire group. Working with our special school principals it is proposed to extend two special schools (SILCs) split over a number of sites across the city and encompass the work of the existing Pupil Referral Units (PRUs).

2.14 The outcomes and the achievement of this group of children, nationally and in Leeds are much lower than those of children of similar ages who do not have these barriers to their learning. The number of these children that subsequently do not enter education or education with training (EET) is high and the prevalence of unhealthy adult lifestyles and subsequent risky behaviours is also very high. The best way to address the learning needs of this group is to make high quality specialist provision which is integrated within a cohesive learning framework. A framework that enables them to access high quality specialist provision at a time in their education when they

most need it but still having access to mainstream provision where this is appropriate. This framework will offer children a range of high quality special school settings and the possibility of being able to move between these settings or be supported in a mainstream school as and when their needs change. This provision is integrated with the work of our already effective Area Inclusion Partnerships (AIPs) and will therefore work closely with mainstream schools across the city.

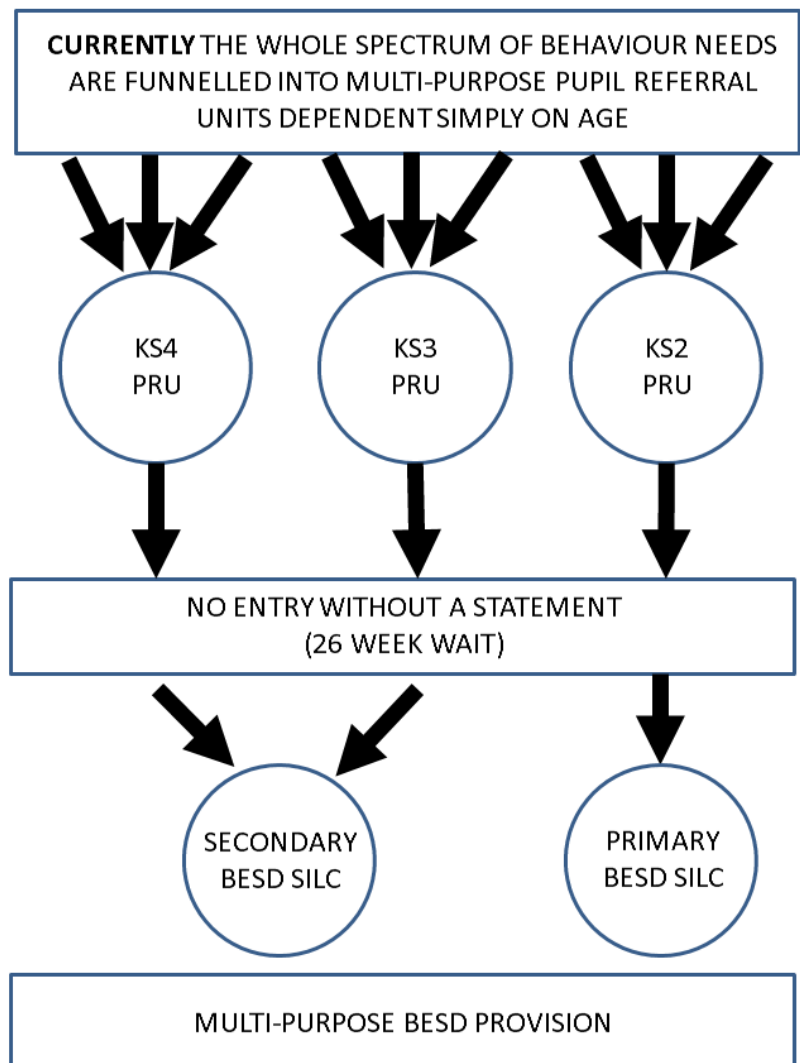
- 2.15 Both the primary and secondary provisions will offer learning support targeted at meeting particular levels of need. In the primary phase this will be class based, while in the secondary phase it will be from site to site, whichever is better suited to the young person's need.
- 2.16 Not all children entering the proposed SILCs will have a completed statement but they will all benefit from a process that assesses their needs, identifies support and plans for their future. The 'statement' process will support the child's journey with an 'induction provision' and an 'assessment provision' to ensure that the curriculum, teaching and specialist support meet the particular needs of individual children.
- 2.17 If, during the assessment process, or after it, the needs of the child change then they can be easily escalated to a higher need offer, or conversely de-escalated to work alongside children following one of the lower need offers, prior to re-integration into mainstream school.

**Current Reality:**

2.18 This diagram summarises some of the limitations of the current learning offer for children with BESD barriers to learning:

2.19 The current learning offer is fragmented. Many children move from mainstream school through a range of local cluster or area provisions. Where that local provision cannot meet their needs then they may be offered an alternative provision place at a pupil referral unit (PRU).

2.20 While the PRUs are now all 'Good' they are not designed for long stays by children and young people. However, an increasing proportion of those being placed in the PRUs,



sometimes following permanent exclusion, do not have statements of special educational need. Others have arrived in Leeds late in their school careers from elsewhere in the country or from out of country with no SEN assessment. Yet they have needs indistinguishable from their peers at the BESD SILCs.

- 2.21 While this high level of need may have been identified prior to admission to a PRU the statutory assessment process towards a statement of SEN is rarely complete and often has not started. The statutory timeline for the creation of a statement is 26 weeks, and during that time children must be provided for in PRUs not designed for such long stays.
- 2.22 This is because under their current statutory configuration the primary and secondary BESD SILCs are not able to offer places to children without a statement. Hence those children cannot benefit from specialist expertise because they do not yet have a statement.
- 2.23 Equally, children in the BESD SILCs, who have developed and made progress, sometimes find it difficult to make the step back into mainstream schools because the SILCs are less practiced than the PRUs in re-integrating children into mainstream schools. Therefore the journey into specialist SILC provision tends to be one-way.
- 2.24 This situation was originally created to ensure that SILCs were not swamped by inappropriate referrals of non-statemented children, but circumstances have changed. Leeds schools are highly inclusive and the work of clusters and Area Inclusion Partnerships has supported schools to deepen their inclusivity. At the same time the creation of a Complex Needs Service focussed on the statutory statementing process offers effective safeguards against the inappropriate referral of children to SILCs.

### **3. Main issues**

- 3.1 The initial public consultation on these proposals was conducted from 25 February 2013 to 12 April 2013 in line with government guidance and local practice, and all ward members were offered an opportunity to be briefed during the formal consultation period. A number of public meetings were held, and information distributed widely including through schools, and websites. A summary of the issues raised is in Section 4.1.
- 3.2 **The Proposals are to:**
  - 3.2.1 Change the age range of the BESD Specialist Inclusive Learning Centre (SILC) from 5 to 16 to 11 to 16; expand the capacity of the provision from 150 to 200 pupils using sites at Elmete Wood, Stonegate Road, the Burley Park Centre, the Hunslet Gate Centre and the Tinshill Centre, and broaden its remit to allow it to offer provision for excluded and dual registered children, and outreach to support inclusion, with effect from January 2014.
  - 3.2.2 Expand the North East Specialist Inclusive Learning Centre (Oakwood Lane) 4-11 BESD provision from a capacity of 30 pupils aged 4-11 to 40 pupils aged 4-11 and to broaden its remit to allow it to offer provision for excluded and dual registered children, and outreach to support inclusion, with effect from January 2014.

## **4. Corporate Considerations**

### **4.1 Consultation and Engagement.**

- 4.1.1 These proposals are brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of appropriate school places. Under the Education and Inspections Act 2006. These proposals constitute prescribed changes requiring a statutory process.
- 4.1.2 At the meeting on 15 February 2013 the Executive Board approved the first stage in that statutory process: public consultation on the linked proposals to expand the size, role and remit of the primary BESD provision at North West SILC (Oakwood Lane), and the secondary, BESD SILC (Elmete Wood), from January 2014.
- 4.1.3 This report seeks permission to move to the second stage in the statutory process: the publication of Statutory Notices and a further period of consultation. While Statutory Notices are not required to be published in term time this is regarded as best practice. This is why permission to publish them is being sought in September 2013.
- 4.1.4 The final stage in the statutory process will see a paper brought to the November meeting of the Executive Board that will provide details of any further comments regarding the proposals and seeks final permission to implement the changes from January 2014.

### **Initial Public Consultation**

- 4.1.5 The consultation has been managed in accordance with all relevant legislation and local practice. Ward members were made aware of the proposals and offered individual or group briefings during the public consultation stage.
- 4.1.6 During the initial public consultation period 7 written responses were received, 4 in favour 0 against and 3 neutral.
- 4.1.7 All respondents are routinely asked for their views on how the consultation process can be improved. The only issue raised was whether there was sufficient detail in the written information provided. The purpose of the written information was to provide an accessible, and therefore necessarily brief, summary of the proposals. Where those receiving the information wanted additional information then a series of six public meetings were detailed at which any question could be asked, or detail clarified.
- 4.1.8 Fifteen people attended the six public meetings that were arranged. No one spoke against the proposals at any of these meetings. There were, though, a large number of questions raised that can be summarised under the following headings (with details of the individual questions and the responses in Appendix 1):
- 4.1.9 **Impact on the children now and in the future**
- 4.1.10 Those asking the questions we content that the rigour of applying the 'SEN Improvement Test' to the proposals addressed this issue. The details of that test are in Appendix 1.



#### **4.1.11 The sizes of the expanded BESD SILCs**

4.1.12 Appendix 1 shows that the proposal is based on the best available current data on need as well as demographic trends.

#### **4.1.13 The organisation of the BESD provision, access to it, and re-inclusion from it into mainstream provision.**

4.1.14 These were very broad questions and the detailed response in Appendix 1 explains that while some detail can be provided much of the operational detail would be the responsibility of the Headteachers and of the two SILCs, and their governing bodies.

#### **4.1.15 Staff related issues**

4.1.16 In addition to the six public meetings, two staff consultation meetings were held. Appendix 1 provides details of the response, but it is important to note that this statutory consultation is separate from any formal consultation with staff or their representatives on staffing structures, etc. That formal process will follow Executive Board decisions to approve, or not, these proposals.

#### **4.1.17 The integration of the 'alternative provision' functions of the Pupil Referral Units into the BESD SILCs' remit**

4.1.18 Appendix 1 makes it clear that this consultation is on the nature and size of the SILC concerned but still provides as complete a picture of how 'PRU-functions' will be delivered as is practical prior to implementation.

#### **4.1.19 Transport to and from the provision.**

4.1.20 The advantages and disadvantages of a localised behaviour offer are detailed in Appendix 1.

#### **4.1.21 Miscellaneous issues (outside the categories above)**

4.1.22 Responses to these questions reassured the questioners on the future financial viability of the expanded SILCs, the realism of the implementation timeline, and the future of the sites proposed. All of these questions are subject to the operational implementation of the proposals. It is difficult to predict the impact of any national changes to funding or governance regulations. However, these proposals are constructed to be as robust as possible in the face of such changes.

4.1.23 Copies of the written responses and public meeting notes can be found at [www.leeds.gov.uk](http://www.leeds.gov.uk) or requested from the capacity planning and sufficiency team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk)

4.1.24 The governing bodies and Headteachers of both SILCs are fully supportive of the proposals.

4.1.25 Unions and professional associations have been kept informed about these proposals and they attended the consultation meetings arranged for staff at the BESD SILCs and PRUs.

## **4.2 Equality and Diversity / Cohesion and Integration.**

- 4.2.1 The initial public consultation did not indicate that the Equality and Diversity Screening document was inaccurate. However, that document has been updated and is attached as Appendix 2.
- 4.2.2 In considering the proposal against the 'SEN improvement Test' the question of equality impact has been considered. The views of the SEN Assessment Team and the Educational Psychology Team within the Complex Needs Service, and the Virtual College and Learning Improvement teams within Learning Skills and Universal Services are unanimous in judging that these proposals will improve the provision for, and outcomes of, some of our most vulnerable children and young people.
- 4.2.3 None of the changes will be detrimental to any group, or relations between groups. Rather the proposals will enhance the experience and outcomes of all the groups of children & young people served through the provision of a positive shared learning environment available to all those with a BESD need.
- 4.2.4 The growth and extension of the remit of the NE SILC this will see an outstanding school offer a wider range of services to a wider range of children.
- 4.2.5 In the case of the BESD SILC these proposals will see some very vulnerable children benefit from a quality of learning, and an experience of school community, they may not have experienced before.
- 4.2.6 In both cases the schools will be bound to the highest standards of equality in their planning for the changes described, their implementation, and their operation.

## **4.3 Council Policies and City Priorities.**

- 4.3.1 The proposals are brought forward to meet the Council's statutory duty to secure sufficient school places for children with a statement of special educational needs, in which a behaviour, emotional or social difficulty (BESD) is the principal need. The integration of the provision for those with statements and those with behaviour needs that have not yet been statutorily assessed offers the opportunity for earlier skilled intervention to avoid the need for statutory assessment &/or earlier identification of needs for which a statement would be appropriate.
- 4.3.2 By increasing the range and specialisation of the provision, and the flexibility with which it can be applied, the proposal increases opportunities for appropriate and stimulating learning. That, in turn, will increase attendance, attainment and progression to education, employment and training.
- 4.3.3 The proposal offers the opportunity for children in Leeds of benefit from outstanding, integrated provision, which best meets their behaviour needs.
- 4.3.4 The proposal contributes to the city's aspiration to be the Best Council and the Best City in which to grow up; a Child Friendly City.
- 4.3.5 The creation of integrated and flexible provision in place of the current, fragmented offer, also offers some of our most vulnerable children learning that will be engaging

and carefully targeted to meet their needs, supporting the priorities and obsessions of the Children & Young People's Plan.

#### **4.4 Resources and value for money.**

- 4.4.1 These proposals suggest the utilisation of sites already meeting a similar range of needs as that envisaged for the re-modelled BESD provision. Therefore there is no plan for the wholesale, and expensive, reconfiguration of the buildings at Oakwood Lane, Elmete Wood, Stonegate Road, Burley Park, Hunslet Gate or Tinshill.
- 4.4.2 This proposal therefore requires no capital investment in the sites.
- 4.4.3 Rather the governing bodies will take on the management and maintenance of the sites and manage improvement from within their budgets.
- 4.4.4 Were resources to become available locally or nationally then the Governing Bodies would ask that they are consulted on how the provisions might benefit from central investment.
- 4.4.5 New School Funding Regulations are changing the way in which all special schools, including Leeds' SILCs, are funded. From 1 April 2013 they have received £10k per place bought plus a top-up based on the needs of each individual child on the school roll. It is not possible, at this time, to fully describe future budgets for the re-modelled primary and secondary BESD provisions proposed in this paper. The exact nature of the cohort of children won't be known until this proposal is implemented and it is their individual needs which will, in future, drive the budget calculation. However the typical funding per pupil is not expected to change significantly from the figures above.
- 4.4.6 Currently the secondary BESD SILC is funded at an average of approximately £24k per pupil per year, and the primary BESD provision at approximately £20k per pupil per year. If this proposal is accepted then as their size increases, their current budgets will grow with the number of places bought by the local authority, as described above.
- 4.4.7 The current cost of providing a full year of learning for a young person in a Leeds PRU averages almost £28k, depending on their age. This is high compared to the average cost of a SILC place in part because PRUs are small organisations serving between 20 and 60 pupils. The more integrated provision proposed by this paper will bring significant economies of scale while increasing the range and personalisation of the learning offer to individuals.
- 4.4.8 The changes in the way in which PRU functions are met will mean that approximately £2 million of the budgets top-sliced from the Direct Schools Grant for PRU provision are devolved to partnerships of mainstream schools, enabling them to further develop their local inclusion offer. It is from these devolved budgets that they will be able, in future, to buy 'PRU-places' from the expanded SILCs.
- 4.4.9 Taken together these analyses of budget indicate that the primary and secondary BESD SILCs will be financially viable when these proposals are implemented.

4.4.10 While there is a risk that aggregating a number of sites into the 'new' BESD SILC (Elmete Wood) could lead to the loss of those sites were the school to academies, work with the DfE through the Spring and Summer terms has minimised this risk compared to the HR and budget risks inherent in leaving the PRUs outside an integrated Leeds Behaviour Alliance. Failure to deliver a city-wide behaviour offer as envisaged by these proposals also presents a significant risk of loss of confidence among AIPs and schools.

4.4.11 Implementing the proposals would, in contrast, for the first time in Leeds enable an outstanding, integrated learning offer to be developed that would be attractive to schools and partnerships of schools.

#### **4.5 Legal Implications, Access to Information and Call In.**

4.5.1 The changes described in the proposals constitute prescribed changes under the Education and Inspections Act 2006. The consultations have been managed in accordance with that legislation and with local practice.

#### **4.6 Risk Management.**

4.6.1 These proposals involve no planned off-site work, or disruption of the locality, as no large scale building or access works are planned for the sites.

4.6.2 The principal risk is in relation of the transitional arrangements and potential impact on the progress of children currently on roll at the SILCs or in provision at the PRUs. Following final approval by Executive Board in November, individual transition plans will be prepared for each pupil to ensure minimum impact on their individual learning. For this reason implementation from 1 January 2014 will be phased to match children's needs, not an externally imposed timetable.

4.6.3 The greatest risk to the proposals is that existing 'buy-in' for partnerships of schools will swiftly erode if the implementation date slips from 1 January 2013.

### **5. Conclusions**

5.1 The linked proposals for the BESD Specialist Inclusive Learning Centre (SILC) and the North East Specialist Inclusive Learning Centre (Oakwood Lane) are complex but offer a real opportunity to make a difference to the lives of some of our most vulnerable children and young people.

5.2 The proposals are the foundation on which a Leeds Behaviour Alliance can be built that brings together the specialist (SILC), targeted (PRU), locality (AIP), and individual school, behaviour offers. In doing so it will support children to make progress in learning by preventing exclusion from learning, providing outstanding learning opportunities when short periods out of mainstream are necessary and maximise re-integration back into mainstream learning for more children.

5.3 The proposals are widely supported and none of the responses to the initial public consultation presented any objections to the principles.

## **6. Recommendations**

Executive Board is asked to:

- 6.1 Approve the publication of a statutory notice for the change in the age range of the BESD Specialist Inclusive Learning Centre (Elmete Wood) from 5 to 16 to 11 to 16; the expansion of the capacity of the provision from 150 to 200 pupils using sites at Elmete Wood, Stonegate Road, the Burley Park Centre, the Hunslet Gate Centre, and the Tinshill Centre; and the expansion of its remit to allow it to offer provision to children without a statement of special educational needs, in the manner of a PRU, with effect from January 2014.
- 6.2 Approve the publication of a statutory notice for the expansion of the North East Specialist Inclusive Learning Centre (Oakwood Lane) primary BESD provision from a capacity of 30 pupils aged 4-11 to 40 pupils aged 4-11; and the expansion of its remit to allow it to offer provision to children without a statement of special educational needs, in the manner of a PRU, with effect from January 2014.

## **7. Background documents**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1: Questions raised during the initial public consultation, and responses.
- 8.2 Appendix 2: Equality and Diversity Screening document

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

## **APPENDIX 1 – Questions raised during the public consultation, and responses.**

### **1. Impact on the children**

**a. Question:** Will the proposals make a difference for children.

**Response:** Any proposal to changing the size, remit or sites used by any SILC must be considered against the 'SEN Improvement Test'. In order to meet the requirement to demonstrate likely improvements in SEN provision, a local authority must identify the details of the specific educational benefits that will flow from the proposals. Professional judgement and advice from the Education Psychology Service, the SEN Assessment Service, the PRU Principals and SILC Principals is united in making the following judgements against the 4 parts of the SEN Improvement Test.

#### **i. The proposals will improve access to education and associated services including the curriculum, wider school activities, facilities and equipment.**

- The proposals create a seamless continuum of provision from high to lower level specialist behaviour needs through an integrated and flexible set of provisions. Currently children who would benefit from short periods of intensive support away from their mainstream school are served by three Pupil Referral Units; one for each Key Stage. During their time at a PRU a significant number of children are identified as requiring a statement of SEN that might lead them to placement in a specialist (SILC) setting.
- However, the PRUs are principally designed as short-stay provisions, and the statementing process takes at least 26 weeks. During this time they are faced with the difficulty of providing for children with levels of need that often exceed their operating capacities. Those children cannot access the more specialist expertise of the SILCs until the statutory SEN assessment process is completed.
- The PRUs are also all relatively small organisations, operating separately and as such cannot sustain the rich mix of multi-agency support many children with a behaviour need can benefit from.
- This proposal would unlock access to specialist (SILC) expertise and create organisations which can share multi-agency, therapeutic, support more cost-effectively than the current, separate organisations. It will also allow resources and members of staff to be deployed flexibly across the provisions to better meet need.
- Additionally, the proposed continuum of provision presents, for the first time in Leeds, a graduated offer across which children can be moved to meet their changing needs, including back into mainstream or joint provision.

#### **ii. The proposals will improve access to specialist staff, both education and other professionals, including any external support and/or outreach services**

- Currently, the BESD SILC and the Key Stage 3 and Key Stage 4 PRUs; and the Primary BESD SILC and Primary PRU must each be able to meet the full range of needs described above. They are, therefore, by necessity 'generic' provisions. Such

generic provisions cannot always respond appropriately to individual need that requires a more personalised response.

- This proposal, by creating integrated secondary and primary offers, will mean that staff do not have to be able to meet the entire, wide, spectrum of BESD needs within the same institution. Instead it can develop staffing structures which can provide a high level of expertise across a range of curriculum and guidance roles.
- Currently there can be delays in the allocation of a place between PRU and SILC or from either to, or from, a mainstream school. Placing the Primary, and Secondary, Phase provisions under distinct governance, leadership and management, means that the personalised programme for individual children and young people, from across the offer, can be swiftly defined and implemented.
- The increased size of the re-modelled provisions will offer economies of scale unavailable to the existing, smaller, organisations. It will make the appropriate deployment of staff across the provisions more effective than across a number of separately managed and governed provisions. This will offer savings in the covering of staff absence compared to current use of agency staffing.

### **iii. The proposals will improve access to suitable accommodation**

- Currently the BESD SILCs and PRUs must have buildings able to meet the broad range of needs described above: a mix of specialist and generic teaching spaces; large group, small group and individual tuition spaces; provision for practical and less practical subjects etc.
- The new proposal will enable the sites to be used in a way that meets the particular range of needs they will be meeting. This will reduce the amount of learning and personal development taking place in inappropriate spaces.

### **iv. Improve supply of suitable places**

- This proposal addresses the need to provide an integrated response to the higher level needs of children for whom behaviour creates a barrier to learning and progression. Demographic modelling has demonstrated the need for additional places. Evidence of best practice suggests that additional capacity should be in the form of integrated provision that can provide not just for children and young people with statements but also those in need of shorter term interventions to enable them to access learning in a mainstream school.
- While that growth is at the cost of the existing pupil referral units there will be a detailed transition plan for each child to ensure that their destination: BESD provision; locality provision; or re-integration to mainstream school, is clear.

## **2. The sizes of the expanded BESD SILCs:**

**b. Question:** Do the proposals reflect demand for places and are they future proof.

**Response:** The numbers proposed are based on the best available information from the Educational Psychology team, feedback from schools about the needs they were seeing

reflected in requests for statutory assessment, and parental contributions to the statutory assessment process. However, during the consultation the available data has been reviewed and this has led to a modification of the proposals. Refined analysis of the trend in demand for SILC places for behaviour indicate that 200 secondary age places would be appropriate rather than the 230 initially proposed. Similarly, data from the Complex Needs Service suggests that no more than 40 Primary places will be required in the foreseeable future, rather than the 50 originally estimated. These improved projections are reflected in the statutory notices this paper seeks permission to publish.

**c. Question:** Would the proposals to increase the number of children with statements at the primary BESD provision to 40 and on roll at the secondary BESD provision to 200, limit the number of dual-registered/short stay places available.

**Response:** No, preparatory planning shows that the sites can cope with the number of statemented children and young people projected as well as having sufficient capacity to continue to meet the demand for alternative provision places currently met by the PRUs. In fact, the increased flexibility that the integration of the SILC and PRU provisions offers could widen the range of models of support offered to children and schools, and increase the amount of support available to non-statemented children.

**d. Question:** Within the proposal to increase numbers, was demand for places for Key Stage 3 children included.

**Response:** Yes. Projected KS3 demand is factored into the proposals.

**e. Question:** Why don't the proposal include a post-16 offer.

**Response:** The viability of the new SILC funding model with respect to post-16 provision was still an area of uncertainty. That, and a wish to ensure the new secondary provision focussed on getting the best possible outcomes for young people at the end of Year 11, was why no post-16 provision was specified within the proposal. However, the 'Raising of the Participation Age' regulations would have an effect on the 11-16 BESD SILC as much as on a mainstream school. The expectation is that there were effective links to post-16 providers in Leeds that could ensure appropriate progression for young people at the end of Year 11.

### **3. The organisation of the BESD provision, access to it, and re-inclusion from it into mainstream provision:**

**a. Question:** Would the secondary provision be split between Key Stage 3 and Key Stage 4.

**Response:** The detail of the implementation of the proposal would be the responsibility of the SILCs leadership and its governors. However the proposal to provide the secondary provision across 5 sites would enable the Head and governors to personalise the provision around the needs of the children. That might include some provision that was age specific, but also offers the opportunity to group children with similar needs across the key stage boundary. The objective of the proposal is to provide flexibility to allow the SILC to provide for a range of children, and mix of needs, and to do so in a way that reflects the best national practice for BESD provisions by limiting the number of children on any single site to up to 60 children, and specialising the site's offer to their needs.



**b. Question:** Would the proposal increase the movement of children from the SILCs back to mainstream provision, i.e. children not simply arriving at the SILCs and staying through their school life.

**Response:** For some children their needs would be best met by specialist provision through to the end of Year 11. However, the offer of such a range of provisions across the SILCs would enable children who might have exhibited profoundly difficult behaviours on arrival to have the option, as they matured and developed strategies to self-manage behaviours, to be 'stepped down' through the provisions. This could mean that they reached a point where they were being taught alongside children who were undertaking short programmes prior to return to mainstream. That would provide a stepping stone back to mainstreams provision for statemented children too.

**4. The integration of the 'alternative provision' functions of the Pupil Referral Units into the BESD SILCs' remit:**

**a. Question:** Would there still be provision in the SILCs for short stay 'dual registered' or excluded pupils.

**Response:** Yes. The short-stay (Pupil Referral Unit) function is being written into the remit of the SILCs by this proposal. The statutory consultation defines the number of statemented children who could be on roll at the SILCs at any one time. It in no way limits the number of alternative provision places the SILCs could trade with schools or partnerships of schools. The local authority intends to continue commissioning the 'alternative provision' places currently provided by the PRUs from the North East and BESD SILCs for at least September 2014, when the governments intention with regard to this funding is clearer.

**b. Question:** Currently the Primary Pupil Referral Unit only accepts children in Key Stage 2. The proposal for the NE SILC included a provision for children aged 4-11. Does that mean that this would necessarily happen.

**Response:** It is included in recognition of evidence from headteachers, and others, of demand for more Key Stage 1 support. If children in Key Stage 1 with appropriate needs were referred to the SILC then they would be able to offer a place.

**c. Question:** Would all the sites currently used to provide dual registered/short stay provision or provision for excluded children remain open.

**Response:** The proposal names all the current Pupil Referral Unit sites as part of the expansion proposal, so that across the SILCs a range of needs could be met in separate places. This would avoid children with the mildest of specific BESD needs, or the most vulnerable, having to share sites with children with the most demanding level of behaviour need.

**d. Question:** Do pupils have to have a statement to access the alternative provision.

**Response:** No. The proposal would mean that, for the first time in Leeds, the expertise of the BESD SILCs would be available to children without a statement, through the alternative provision (PRU) offer. Equally, SILC expertise would be supplemented by that of the PRUs in re-inclusion, and stepped re-integration into mainstream schools.

**e. Question:** What would the traded, alternative provision, offer look like and how would it be accessed.

**Response:** The statutory consultation is to enable the SILCs to make a traded offer to schools or partnerships of schools. It would be for the Heads and Governors of the SILCs to work with other Heads and partners to agree the precise access arrangements for non-statemented children. However, the local authority is already working with Heads to help define the universal, cluster and area offer for children who exhibit challenging behaviours and it is already working with the SILCs to determine how they would be able to make a city-wide offer that integrated with those local offers to the benefit of children.

## 5. Staff related issues:

**a. Question:** What do members of staff think.

**Response:** Staff meetings were held for all members of the SILCs and PRUs. There is, inevitably, some concern about the changes that are likely, but there was agreement that the new integrated provision would be more sustainable than the separate, much smaller provisions, that currently exist. Members of staff have been reassured that there would be thorough consultation with them and their unions/professional associations about any transitional to the re-modelled SILCs once the proposal is approved.

**b. Question:** Would the proposals have an impact on staff employed at the SILC/PRUs.

**Response:** This consultation was on the changes to the ways in which the BESD provision in the city could be integrated. It would almost certainly mean that the integrated provision would operate differently to the existing separate provisions, as that was judged the best way to provide outstanding service to the children concerned. Any effect that might have on individual members of staff would be the subject of full consultation with them and their unions/professional associations once this statutory consultation was completed.

## 6. Transport to and from the provision:

**a. Question:** Would the variety of sites enable children to make use of the provision nearest their home, and reduce the need for children to travel.

**Response:** During the review of the BESD capacity across Leeds and its organisation two approaches were considered.

- One involved adding 'behaviour units' to all the existing generic SILCs which are distributed across the city. They would have been expected to have addressed the broad spectrum of BESD needs of children living near them.
- While this localisation of the offer had the advantage of reduced travel times each of the provisions would have to cater for the full range of behaviour need. Each would have had to mix younger, very vulnerable, children in need of nurture and a therapeutic environment, with older children who exhibited a high level of risk taking behaviour, including substance misuse or offending behaviours, and needed a highly structured vocational offer.

- All the local and national evidence suggested that such 'mixed' provision were at great risk of being mediocre at doing a wide range of things.
- The alternative approach, and the one embodied in this proposal seeks to create specialist provisions each able to meet a relatively narrow range of behaviour needs, and to do it in an outstanding manner. For example, all the younger, most vulnerable, children would have their needs met in an environment tailored to do that one thing very well, without the distraction of managing the older more challenging students. They would, instead, benefit from a provision on a different site equally designed around their needs.

## **7. Miscellaneous issues:**

**a. Question:** Was the new, integrated, provision financially viable.

**Response:** The changes in the school funding regulations that came into force on 1 April 2013 changed the basis on which all SILCs and PRUs are funded. However, modelling of the budget for the new, larger SILCs described in this proposal, based on current and likely usage, indicated that the new arrangements were financially viable. However, the provision for non-statemented children would rely on trading with schools and partnerships of schools, as envisaged by the changes to the funding regulations. Therefore the ultimate viability of the 'PRU' offer, would be dependent on the decisions of schools and partnerships of schools.

**b. Question:** Can the proposal be implemented in January 2014.

**Response:** The timeline for the statutory consultation, publication of the statutory notice and subsequent final approval by the Executive Board will allow the re-modelled SILCs to be created by January 2014. However, any changes in where a child goes to school, or the provision they are offered, will be subject to what is best for the individual child, whether they already have a statement or are embarked on the route towards a statement. Each child on roll at one of the SILCs, or currently provided for by a PRU, would be subject to an individual transition plan from their existing provision to the appropriate future provision. These proposals are unlikely to be fully implemented on the 1 January 2014, but they will be implemented from 1 January 2014 in a way that best matches the needs of children for stability and planned transition to either a different provision, or programme of learning.

**c. Question:** Is there a risk that one of the sites described in the proposal would close.

**Response:** The proposal is based on providing a range of sites which can specialise an offer to children. In planning and developing the proposal all the sites described would be needed in January 2014.

**d. Question:** Would this be a good opportunity to consider changing the name of the BESD SILC to reflect the richer and deeper learning offer it would be making if this proposal was agreed.

**Response:** That is entirely possible, but there is no statutory requirement to consult on a change of name. If the proposal was implemented then the SILC governing body could change the name of the new, integrated, provision.