

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

**Report to Executive Board**

**Date: 18<sup>th</sup> November 2015**



**Subject: The future for Social and Emotional Mental Health (SEMH) education provision in Leeds.**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input 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**

It is proposed to create a world class provision within Leeds for children and young people with Social, Emotional and Mental Health (SEMH) needs by working with an outstanding partner to convert the existing Behavioural, Emotional and Social Difficulties (BESD) SILC and to move the existing primary provision into one new organisation.

We would like the board:

1. To note the progress made and agree future plans to invest in an outstanding and innovative academy; an extended specialist learning provision for children in Leeds that have Social, Emotional and Mental Health (SEMH) needs. This will be as a part of a coordinated, city-wide, multi-agency, comprehensive and holistic continuum of support for some of the city’s most challenging and vulnerable children and young people.
2. To note and comment upon the recommendations that are based upon the wide ranging research and consultations that have taken place across the city and approve proposals to further consult as plans are developed.

3. To approve in principal an investment of significant capital resource to develop state of the art and purpose built special schools in the city for children with the most severe social, emotional and mental health needs
4. In order to develop this provision it is necessary to reorganise existing provision, therefore, the executive board is asked to:
  - note the intention to convert the existing Specialist Inclusion Learning Centre (SILC) for young people with Behavioural, Emotional and Social Difficulties (BESD) at Elmete Wood, which is currently in Special Measures, into a 4 – 19 sponsored academy for children with Social Emotional and Mental Health Issues (SEMH) based on four sites across Leeds, partnered by an outstanding existing local specialist sponsor.
  - approve permission to consult on changing the governance of the existing primary BESD provision at Oakwood to become part of the newly formed academy. This would mean that the North East SILC would be ceasing to provide that behaviour, emotional and social difficulty (BESD) provision at this site from 31 August 2016; the children moving across to the new SEMH provision.

and

- establish a new site in south Leeds for Social Emotional Mental Health (SEMH) as part of the converted BESD SILC academy from 2017.
  - establish a new site in east Leeds for Social Emotional Mental Health (SEMH) as part of the converted BESD SILC academy from 2017
5. The new SEMH academy would, therefore, be a provision for children and young people aged from 4 to 19 years and would operate over four sites to better meet the needs of local communities and minimise travel. The sites would include the Tinshill site, a new building on a site in south Leeds, a new building on a site in east Leeds and the Oakwood site.
  6. The proposal will give the opportunity to develop a wider behaviour continuum and establish a coherent offer designed to work in partnership to deliver positive outcomes for children and young people in Leeds.
  7. These proposals build on the vision for a Child Friendly City whereby a Leeds alliance is established so that the full spectrum of need for learners can be met within the City.

## **Recommendations**

8. This report asks Executive Board to:
  - note the intention to convert the existing BESD SILC into a 4 – 19 SEMH sponsored academy across one primary phase and three secondary phase sites;

- approve permission to consult on changing (ceasing to provide) provision at North East SILC Oakwood site; transferring staff and pupils to become part of the new academy, from 31 August 2016;
- establish a new site in east Leeds for Social Emotional Mental Health (SEMH) as part of the converted BESD SILC academy from 2017
- establish a new site in south Leeds for Social Emotional Mental Health (SEMH) as part of the converted BESD SILC academy from 2017;
- proceed with the design development for the first two SEMH projects with an acceptance of the associated design fees incurred; and
- approve the capital expenditure required to create a world class provision within the city, and acknowledge the savings, both in the revenue costs and social capital costs, of not having to provide for children with SEMH outside of the authority.
- note that the officer responsible for implementation is the Head of Learning Systems, and that the scheme will be implemented by September 2017.

## **1 Purpose of this report**

- 1.1 This report asks Executive Board to give permission to consult on the proposal to further develop provision for children with SEMH across the city and take steps to move the governance (cease to provide) of some existing providers to become part of an outstanding local academy. This will establish additional Social Emotional Mental Health (SEMH) provision on sites in the east and in the south of the city as part of the conversion process with an outstanding preferred sponsor.

## **2 Background information**

- 2.1 Nationally, incidences of Social and Emotional Mental Health (SEMH) are increasing. Headteachers, parents and GPs are all reporting concerns and this is exacerbated by a lack of appropriate support and provision. It is well established that attainment, NEET, and youth offending outcomes for those with complex SEMH needs are much poorer than for their peers. The city and its partners are seeking to address this issue by significant investment in this vulnerable but challenging group of children and young people to ensure that the city has a world class provision for them.
- 2.2 It is an exciting time to be in Leeds as we are aiming to make significant improvements to the whole offer of education provision for learners with challenging, disruptive, or disturbing behaviours, the most vulnerable learners in the city.
- 2.3 Children's Services commissioned a nationally recognised expert, Ben Bryant from ISOS Partnerships, working with the Educational Psychology Service, to undertake a review of the provision in Leeds and to share experiences from the best providers both nationally and internationally in order to inform a strategic plan for the city.
- 2.4 One of the very few outstanding providers of SEMH provision in the North of England is the Wellspring Academy Trust. We are seeking to develop a strong partnership with this trust. Through forming a partnership with Wellspring we will be able to deliver a world class provision in the city. Wellspring Academy Trust are experts in the education of young people with SEMH needs, evidenced by their 'outstanding' OFSTED judgments.
- 2.5 Overall, and in-line with most areas across the country, provision for Leeds' children and young people with social, emotional and mental health issues does not meet the standard we aspire to, and this has been the case for some time. This is despite the fact that there are some outstanding and many good providers in the city.
- 2.6 The BESD Specialist Inclusive Learning Centre SILC (at Elmete Wood) was placed into 'special measures' by Ofsted. By considering their structural future, at the same time as consulting on improvements to the wider continuum of provision to meet SEMH needs, there is an exciting opportunity to establish a coherent whole offer of provision to meet a complex and diverse range of needs and improve outcomes for these most vulnerable children and young people.

- 2.7 The city currently has insufficient suitable accommodation for its most vulnerable children and so is obliged to transport many of them outside of the city at great, reputational, social and financial cost. We are ambitious to make rapid purposeful action to rectify the situation. With no provision in the city there are also significant revenue pressures; a 'standard rate' to place all 240 learners elsewhere could cost up to £13.2m per annum plus transport costs.
- 2.8 The intention is to convert the existing SILC in the first instance into an academy on a new site to start to meet the needs of the city. The proposal is to ultimately create one new provision based across four sites. In order to do this we need to identify the necessary capital funding to secure appropriate accommodation. This is acknowledged by the DfE to be one of the most complicated and ambitious projects in the country but we continue to receive support from the DfE, the Funding Agency, Ofsted and the new Regional Schools Commissioner.
- 2.9 There is an acknowledgement that there needs to be a strong behaviour continuum across the city. From teachers in the classroom receiving advice through 'in school' accommodation, alternative provisions and pupil referral units (PRUs). The whole continuum will be supported by expert advice, educational psychology and therapeutic support which will focus on the needs of the child and the desire to develop the skills and resiliencies needed to keep a child in a school.
- 2.10 Where considered evaluation of an individual's needs indicates that mainstream schooling is not appropriate, then a specialist setting will be required.
- 2.11 The provision of the new SILC would be the anchor to which the behaviour continuum would be secured. The proposal is to build on the vision for a Leeds Behaviour Alliance, where the full spectrum of need for learners can be met within the city. This was identified in 2013; it sought to bring together the city's three Pupil Referral Units (PRUs) and the BESD SILC under one leadership to support a more coherent offer of provision to meet the most complex needs in the city. This was approved by Executive Board in December 2013, but had to be suspended following the placing of Elmete Wood into Special Measures as no mergers are allowed to take place with a failing school. The unification will be delivered by this Wellspring project.
- 2.12 It is not intended that all children who demonstrate challenging behaviour will be directed towards the SILC system. A clear pathway needs to be created to ensure that children and young people have the opportunity to develop good behaviours within the mainstream school system. The accountability for this sits within Area Inclusion Partnerships (AIPs) that work directly with schools and other partners, such as mental health charities, Children Adolescent Mental Health Services, Targeted Adult Mental Health Services and others, to give children the skills and resilience to return to school. The AIPs can commission resource from Alternative Provision provided by the schools themselves or Multi-academy trusts within the city.
- 2.13 Outreach support will continue to be delivered in schools, and all provision across the city will be co-ordinated through the Educational Psychologists and the Special Educational Need Inclusion Team (SENIT).

- 2.14 There has been a lot of work done to engage all stakeholders in this agenda. Consultation has been far ranging and has included OBA style events with the secondary heads and consultation through the Primary Heads briefings. The system of delivery is being enhanced by Allison Chin OBE, a seconded Primary Headteacher and Siobhan Roberts who is a deputy at Cockburn High. They are able to maintain a strong dialogue across Leeds to support the SEMH continuum.
- 2.15 Throughout the process the leadership and staff at the Elmete SILC and the PRU provisions at Oakwood, Tinshill and Burley Park have been fully engaged in the development and progress of the plans, including working with Wellspring on their vision for the future. The existing schools, PRUs and the Wellspring Trust are establishing proposals to explain the many benefits of the proposals, especially the enhanced learning opportunities, inherent in the conversion plan.
- 2.16 Please note: The change of terminology was brought about following the implementation of the Children and Families Act revised code of for children and young people with Special Educational Needs and Disabled children (SEND). This replaced the previous BESD with SEMH. Significantly provision for young people with SEMH should be made, where necessary, up to the age of 25, whereas BESD provision previously stopped at 16.

### **3 Main issues**

- 3.1 In Leeds there is a general recognition that the provision for older children with specialist SEMH is not currently available at the quality that is required. The city's specialist secondary school the BESD SILC at Elmete Wood has suffered from poor leadership and management and a poor environment. It was placed into Special Measures by Ofsted in September 2014. The Key Stage 2 provision is currently coupled to West Oaks SILC and that school is judged as Outstanding by Ofsted.
- 3.2 Leeds City Council engaged in a national pilot known as the Exclusions Trial whereby funding was devolved from the LA centrally to local partnerships of schools, in Leeds they are called Area Inclusion Partnerships (AIPs). The AIPs are funded from the High needs block of the direct schools grant (DSG). It is the function of the LA to determine how best to spend this money but the responsibility for children remains with the LA. The placing of money locally, with the expressed purpose of funding a behaviour continuum to avoid permanent exclusions, remains under evaluation. The funding of the city's Pupil Referral Units and the statutory governance framework under-which they operate has changed since 2012. These changes have created some uncertainty as the complexity of funding for alternative provision linked to learners with SEMH has caused a lack of understanding. The establishment of a strong provision within the city will enable clearer pathways to be developed for our most vulnerable learners.
- 3.3 Leeds was very successful in remodelling and developing a lot of its secondary school estate under HM government's Building Schools for the Future scheme. The national scheme was brought to an end before it had been fully rolled out to all schools facing suitability issues. The special school estate in Leeds, therefore,

has had a relatively small investment and the accommodation for children with social, emotional or mental health (SEMH) issues is poor.

- 3.4 The need for places in provision for children with SEMH is also put under pressure by population growth. The suitability of the accommodation is a significant factor in the poor outcomes of these young people.
- 3.5 The current accommodation of the Pupil Referral Units and the SILC provision for children with SEMH is poor and so the costs of placing children and young people in them is relatively high. These proposals also seek to address the financial unsustainability of the PRUs, and enable an integrated pathway to appropriate provision for the children and young people.
- 3.6 A number of practical barriers have occurred that have impacted on progress to date. The departure of the BESD SILC principal has meant that the city has had to buy interim leadership. The governing body has been replaced with an Interim Executive Board, which in turn has required significant changes to ensure its effectiveness. These have led to delays in the ability to fully integrate the PRUs and the SILC under single leadership and management.
- 3.7 It is not possible to re-model all the current sites to meet the needs of the integrated provision. Leeds has an ambition to be the Best City for Children and to become a Child Friendly City and so significant investment is required in order to achieve this.
- 3.8 In recent months, Her Majesty's Inspector of Schools (HMI) has questioned the speed with which the city is addressing the issue of specialist provision for these children and young people. Whilst recognising the extent of the challenges, HMI has stated that investment in the infrastructure is necessary and it is considered that additional provision is also required.
- 3.9 This report therefore notes that a structural solution is required for the existing BESD SILC, and that to develop fully integrated provision would also require permission from Executive Board to consult on moving provision at the Oakwood site of NE SILC from 31 August 2016 and place it as part of the new SEMH provision.
- 3.10 Oakwood site also includes the Key Stage 1 and 2 Pupil Referral Unit (PRU). The governors at the NE SILC have indicated their wish to focus more fully on their new complex needs provision on the Cambridge Road site and support the request to effectively transfer the children to another outstanding provision [Both the SILC and the PRU have good or outstanding OfSTED judgements]. This move will enable Leeds to model an integrated SILC and assessment provision.
- 3.11 Following extensive discussions with a range of academy sponsors a preferred sponsor has been identified to work with us to convert the existing BESD SILC to provide a new multi-site Social, Emotional Mental Health SILC provision for 240 children with a statement of special educational needs or Educational Health and Care Plan (EHCP) where SEMH is the principle need.

- 3.12 There will also be an additional 60 places across the three sites for assessment, offered to children without a statement in the manner of a PRU. This proposal maintains the same fundamental principles of the Leeds Behaviour Alliance and seeks to build additional capacity in the city.
- 3.13 Ofsted monitoring visits are taking place regularly, however it is essential that timely and purposeful action is now taken on the part of the local authority. We recognise the need to demonstrate to Ofsted a clear plan with defined timescales for structural change. If we are unable to provide this there is a significant risk that the current provision would be closed at very short notice.
- 3.14 There would then be significant difficulties in securing alternative places for these young people, and substantial revenue pressures would be generated by placing a large number of young people out of the city. Using recently quoted 'standard rate' charges made by a private provider; the cost to meet the needs of 240 learners would require a minimum revenue expenditure of £13.2m per annum.
- 3.15 A preferred academy sponsor has been identified that currently runs very effective provision elsewhere. There are very few sponsors with expertise in this area that are suitable to meet the requirements in Leeds. Through discussion it is clear that a key aspect of their success has been the purpose built accommodation that they presently use. It is estimated that replicating something similar in Leeds will cost in the region of £15m per building, and three sites are required in addition to the continued use of the provision based at Oakwood.
- 3.16 The capital investment requirements of £45m would be an investment in a world class, specialist learning environment, run by an outstanding provider working in partnership with Leeds. It would enable the city to provide its most vulnerable learners with an holistic education, integrating therapeutic and nurture provisions within personalised pathways for the children and young people. Without investment the learners with the highest levels of need will not have accommodation in Leeds suitable for the purpose of meeting their needs.
- 3.17 The £45m required is a worst case scenario the effects of which can be mitigated by a number of actions, however, if the full amount was to be funded from prudential borrowing the annual cost of borrowing at the current average cost of external borrowing will be £2.277m per annum. This amount is a lot less than the revenue savings made by the scheme and the drastically reduce transport costs.
- 3.18 The new provision would also be able to deliver this education at a cost that is less than we currently spend within our unsuitable accommodation and at considerably less than half the price of sending young people out of the city.
- 3.19 It is proposed that the new provision will run from the four sites. The current primary provision is already in place at Oakwood Lane and Oakwood PRU, and it is proposed that the site would be used as part of the new academy for the primary phase. A further three sites are required for the secondary phase. It is proposed that the site at Tinshill, currently the Key Stage 4 PRU, would initially form part of the new academy, however, the building is unsuitable for effective learning and requires replacement. It is proposed to build a new bespoke



provision to provide suitable accommodation in the south and in the east of the city. Options for sites are still being considered.

- 3.20 The accommodation at Elmete Wood is unsuitable and it is proposed to discontinue with the use of this site for the provision of SEMH learning. The sponsor wishes to establish a temporary site where they can induct staff and begin to integrate learners into a new culture, with a fresh start. It is our view that this will deliver effective change more quickly than simply taking over the Elmete Wood site and offers learners the most positive outcomes.
- 3.21 In order to make rapid progress in partnership with the preferred academy sponsor it is necessary to identify the capital funding required for investment into the SEMH provision, to provide clarity of expectations and timescales.
- 3.22 Capital receipts generated as a result of Elmete Wood being declared surplus to requirements could be earmarked and used to fund the capital development costs. There is the potential of attracting additional Department for Education funding which would reduce the need for potential borrowing on a pound for pound basis.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The consultation will be managed in accordance with all relevant legislation and local practice. All parents, carers, staff and unions will be consulted, along with ward members and members of the local communities and the public at large. Information will be available on Leeds City Council website.
- 4.1.2 Consultation is not required when a school in Special Measures is converting to a sponsored academy. Ceasing to provide BESD provision through the NE SILC requires full consultation and the need to meet an SEN Improvement test, demonstrating that the alternative provision proposed will better meet the needs of those learners, also needs to be met.
- 4.1.3 Consultation on the planning applications required for the proposed new buildings will also be conducted to ensure the wider community have the opportunity to comment on changes in their area.
- 4.1.4 Communication with parents and the young people is critical. The existing schools, PRUs and the Wellspring Trust are establishing proposals to explain the many benefits of the proposals, especially the enhanced learning opportunities. The proposed model of learning within the new SILC will be explored, along with the ways that the many support and therapeutic systems are integrated into the pathways designed for the children and young people. Parents and learners views will be taken into full consideration in the design of the building and the curriculum.

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

- 4.2.1 A screening form has been completed indicated that a full assessment is required. As this proposal affects children and young people with SEN an SEN

Improvement test is required to evidence how this will provide better outcomes and this will be undertaken as part of the consultation.

### **4.3 Council policies and Best Council Plan**

- 4.3.1 These proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for children with a statement of special educational needs, or education health and care plan, which names social and emotional mental health (SEMH) as the principle need.
- 4.3.2 The proposal contributes to the city's aspiration to the Best Council and the Best City in which to grow up; a Child Friendly City, through the creation of provisions that offers children in Leeds the opportunity to benefit from outstanding, integrated provision, which best meets their behaviour needs. That, in turn, will increase attendance, attainment and progression to education, employment and training among some of the city's most vulnerable children, as desired by the Children and Young People's Plan.

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

- 4.4.1 These proposals will require significant capital investment, in the region of £45m across three sites. Without investment the learners with the highest levels of need will not have accommodation suitable for the purpose of meeting their needs. Should Leeds be unable to deliver SEMH provision locally, through lack of investment, the anticipated revenue cost for the learners would be in excess of £13.2m per annum leaving the local authority. If £45m is required to be funded from prudential borrowing the annual cost of borrowing at the current average cost of external borrowing will be £2.277m per annum.
- 4.4.2 Capital receipts generated as a result of Elmete Wood being declared surplus to requirements could be earmarked and used to fund the capital development costs.
- 4.4.3 The latest estimate is that the 'at risk' feasibility and design work for the first two sites will cost £0.572m. This fee includes for an extensive number of surveys and a highly detailed feasibility report. Work has commenced 'at risk', having been underwritten by the LEP, and as such a formal commitment is required to ensure the project is not allowed to stall, which would place the required delivery timeframe at risk.

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

- 4.5.1 The changes described constitute prescribed changes under the Education and Inspections Act 2006. The consultations will be managed in accordance with that legislation and local practice.
- 4.5.2 This report is subject to call in.

### **4.6 Risk Management**

- 4.6.1 Risk is to be managed through application of 'best practice' project management tools and techniques via the City Council's Project Management Methodology.

Experienced Project Management resource will be allocated from within both Children's Services and the Public Private Partnerships Unit.

4.6.2 A risk log will be maintained throughout the project and escalation for accommodation issues will be via the Built Environment Programme Manager.

4.6.3 Funding will be set aside to ensure that any essential maintenance can be undertaken across the sites in the interim period, until such time that the major capital works commence.

## **5 Conclusions**

5.1 It is proposed to create a world class provision within the city by working with an outstanding partner to convert the existing SILC and to move the existing primary provision into one new organisation. The new provision would be for learners aged from 4 – 19 and integrate specialist learning for those with social, emotional or mental health needs with assessment places. This new SEMH provision, based on four sites across the city, will replace the current BESD SILC and the three PRUs. This would meet the need to provide additional SEMH capacity in the city. The existing BESD SILC is in an OfSTED category and requires significant improvements.

## **6 Recommendations**

This report asks Executive Board to:

- note the intention to convert the existing BESD SILC into a 4 – 19 SEMH sponsored academy across one primary phase and three secondary phase sites;
- approve permission to consult on changing (ceasing to provide) provision at North East SILC Oakwood site to become part of the new academy, from 31 August 2016;
- establish a new site in east Leeds for Social Emotional Mental Health (SEMH) as part of the converted BESD SILC academy from 2017
- establish a new site in south Leeds for Social Emotional Mental Health (SEMH) as part of the converted BESD SILC academy from 2017;
- proceed with the design development for the first two SEMH projects with an acceptance of the associated design fees incurred; and
- approve the capital expenditure required to create a world class provision within the city, and acknowledge the savings, both in the revenue costs and social capital costs, of not having to provide for children with SEMH outside of the authority.
- note that the officer responsible for implementation is the Head of Learning Systems, and that the scheme will be implemented by September 2017.

## **7 Background documents<sup>1</sup>**

7.1 None

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<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.