

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

**Report to Executive Board**

**Date: 15 February 2013**

**Subject: Behaviour, Emotional and Social Difficulties (BESD) – Permission to consult on BESD school expansions for January 2014.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Weetwood; Kirkstall; City & Hunslet; Moortown; Gipton & Harehills; and Roundhay		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

**Summary of main issues**

1. There is an obligation on local authorities to ensure there is sufficient provision to meet the needs of children and young people assessed as having special educational needs. Recent assessment of need indicates that there is insufficient provision in Leeds to meet the needs of children with significant and specific behaviour, emotional and social difficulties (BESD); those with SEN statements describing 'behaviour' as the principal barrier to learning. This has led to increasing numbers of children having to be placed in out of area provisions.
2. The outcomes of children with SEN statements for behaviour are not consistently high. To meet the assessed needs of these children, and improve their attendance, attainment and progress, and reduce the risk of failure to progress to education, employment or training, Leeds requires more specialist BESD places. It also needs to be able to offer a more personalised programme of learning and this can be facilitated through a BESD offer spread across a greater variety of sites specialised to meet part of the continuum of BESD need.
3. The quality and sustainability of provision to meet specialist BESD needs is an essential component in the continued development of the 'behaviour continuum' linking universal provision by individual schools, targeted provision by clusters and area inclusion partnerships, and provision by the SILCs.
4. If accepted, these proposals would be implemented alongside the decommissioning of the existing Leeds Pupil Referral Units (PRU). The re-modelling of the BESD provision, however is designed to ensure that the needs of

children currently having their needs met within the PRUs, and the local authority's obligations to them continues to be met. There is no requirement for a statutory consultation when a PRU is closed but the pupils, parents and staff will be consulted within the statutory process as described below.

5. To address these issues it is proposed that the size and remit of BESD Specialist Inclusive Learning Centre (Elmete Wood) and North East Specialist Inclusive Learning Centre (Oakwood Lane) should change. Under the Education and Inspections Act 2006 these proposals constitute prescribed alterations requiring a statutory consultation process. The first step of this process is a public consultation, which would run from 25 February 2013 to 12 April 2013. This paper seeks permission to start that public consultation.

## 6. **Recommendations**

Executive Board is asked to approve the following consultations:

- Linked proposals to change the age range of the BESD Specialist Inclusive Learning Centre from 5 to 16 to 11 to 16, and to expand the capacity of the provision from 150 to 230 pupils using sites at Elmete Wood, Stonegate Road, the Burley Park Centre, the Hunslet Gate Centre and the Tinshill Centre with effect from January 2014.
- Proposal to expand the North East Specialist Inclusive Learning Centre (Oakwood Lane) 4-11 BESD provision from a capacity of 30 pupils aged 4-11 to 50 pupils aged 4-11 with effect from January 2014.

## **1 Purpose of this report**

- 1.1 This report requests permission to consult on two SILC expansions to take effect from January 2014 in order to meet the authority's statutory duty to secure sufficient school places for children with statements of SEN which identify a BESD need. They include the extension of both SILC's remit to enable them to offer assessment places to determine if a statutory assessment towards a statement is necessary and to provide outreach and dual registration support to schools. This proposal is in parallel to linked plans to decommission the current Key Stage 2 PRU (Oakwood Lane Centre), Key Stage 3 PRU (Hunslet Gate and Burley Park Centres) and Key Stage 4 PRU (Tinshill:Teaching and Learning Centre), in favour of expanded BESD SILC provision, and greater locality provision by schools and partnerships of schools.

## **2 Background information**

- 2.1 Since the implementation of the integrated Children's Services Directorate in January 2012 work has proceeded to assess the sufficiency and effectiveness of the provision to meet the continuum of behaviour needs within universal (mainstream schools), targeted (cluster and area partnerships of schools) and specialist (SILCs) provision. That work has defined an opportunity to create a provision that can deliver outstanding outcomes for children while providing cost effective and sustainable system leadership for this important aspect of the city's aspiration to be a Child Friendly City.
- 2.2 Under the Education and Inspections Act 2006 these proposals constitute prescribed alterations requiring a statutory consultation process. The first step of this process is a public consultation, which would run from 25 February 2013 to 12 April 2013. This paper seeks permission to start that public consultation.
- 2.3 These proposals form part of the ongoing work to address capacity and sufficiency across all of Children's Services, which includes provision for primary and secondary school places, early years, and inclusion. They have been developed in collaboration with colleagues across Children's Services, with schools and SILCs, and they take account of input from other partners. The proposal encompasses transition arrangements to the new provisions for January 2014.

## **3 Main issues**

- 3.1 Under the Education and Inspections Act 2006 the proposals constitute prescribed changes requiring a statutory process, of which public consultation is the first step. If approved, the consultation would run from 25 February to 12 April 2013. Dependent on the issues raised it could then be possible to seek approval to move to the statutory notice stage in July 2013, and a final decision in October 2013 for implementation in January 2014.
- 3.2 Children's Services in Leeds pays for a total of 119 BESD places in SILCs for children with 'behaviour statements'. With a school age population in excess of 100,000 this is only 0.11% of the school age population.

- 3.3 Demographic changes, an assessment of BESD needs by the Education Psychology service, and evidence of increased demands from the current statutory assessment process by the Complex Needs Service suggests that Leeds needs more specialist (SILC) places for children with a defined BESD need.
- 3.4 From 1 April 2013, the changes in School Funding Regulations will make the current model of providing PRU places in Leeds unsustainable. This will put the continued progress of children and young people who benefit from PRU provision at risk. It will also require the city to consider how, in future, it will meet its statutory obligations to excluded pupils, who currently attend the PRUs.
- 3.5 These proposals seek to grow the number of BESD SILC places so as to ensure that children and young people are placed in the setting most appropriate to their needs. By expanding the remit of the BESD SILC and the NE SILC to enable them to offer dual registration/outreach places the city will be able to meet its obligations to excluded pupils which the changes to PRU funding put at risk.
- 3.6 The proposals envisage the decommissioning of existing PRU provision and the re-designation of the building assets they currently occupy as part of the larger SILC provision.
- 3.7 Children currently in provision at these PRU sites will be subject to assessment to develop a transition plan and determine if it is most appropriate that they:
- transfer to the roll of the expanded BESD provision; or,
  - remain on the roll of their mainstream school but be subject to further assessment while remaining at the BESD provision perhaps as part of a SEN statementing process; or,
  - remain on the roll of their mainstream school but take up a learning offer within the BESD provision paid for by the school; or,
  - be provided for in locality provision created, commissioned or bought by local partnerships of schools which is closer to where they live; while,
- 3.8 The local authority would meet its obligation to permanently excluded children by buying a place within the BESD provision.
- 3.9 The number of children moving along each of these pathways cannot be detailed in advance, as the cohort of a PRU changes through the academic year and between academic years. However, indicative estimates based on the current cohort suggest that the majority (up to 60 children) will be best catered for through a formal assessment towards a statutory assessment. A further 30-40 children would be retained within the re-constituted BESD provision pending further assessment or preparation for re-integration/progression to post-16 providers. The remaining 30-40 children would either move to locality provision, where it was already in place, or the Area Inclusion Partnership (AIP) would be offered the opportunity to buy a dual registration place within the BESD provision.

- 3.10 The numbers of permanently excluded children continue to fall in Leeds, so the expectation is that there will be very few children in this position during the period of transition.
- 3.11 In parallel with these proposals, and in line with the changes to the school funding regulations, there will be a phased devolution of resources (amounting to up to £3 million by April 2014) to school partnerships. This will complete the devolution of central support for behaviour to schools and partnerships of schools that Leeds has led on over recent years. The devolution of more than £5 million per year to these partnerships over the last three years has been a key factor in the significant reduction in the rate of exclusion, and increase in attendance at learning, that has been achieved by schools in partnership with the City Council.
- 3.12 By January 2014 the PRU provision currently operated by the City would be decommissioned in favour of the BESD provision described. However, to support schools and partnerships, and enable them to complete the development of local provision, the new BESD provision will be able to trade with schools and partnerships for the provision of respite and behaviour modification places for non-statemented children.
- 3.13 Staff currently employed within the PRUs have much of the additional expertise the expanded BESD provision needs to fulfil its broader remit and there would be opportunities for them to join the expanded BESD provision.
- 3.14 These proposals fall within the remit of the DfE guidance: 'Planning and Developing Special Educational Provision - A Guide for Local Authorities and Other Proposers' and must meet the 'SEN Improvement test' defined by the guidance.
- 3.15 When proposing any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, need to demonstrate to parents, the local community and decision makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs.
- 3.16 Specifically, decision makers need to be satisfied that the evidence with which they are provided shows that this proposal takes account of the 'Key Factors' described in the guidance in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.
- 3.17 In order to meet the requirement to demonstrate likely improvements in provision, an LA 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 judging that these proposals will:
- improve access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to

the LA's Accessibility Strategy, through the greater range of facilities and expertise that will be consolidated within the BESD and NE SILCs;

- improve access to specialist staff, both education and other professionals, including external support and/or outreach services, through the integration of specialist expertise that is currently dispersed among the separate SILCs and PRUs;
- improve access to suitable accommodation as the sites identified can specialise the learning offer they make to enable increased personalisation of learning to pupils and drive up their outcomes;
- improve the supply of places so that it meets the assessed need.

3.18 **Proposal one:** Linked proposals to change the age range of the BESD Specialist Inclusive Learning Centre from 5 to 16 to 11 to 16, and to expand the capacity of the provision from 150 to 230 pupils using sites at Elmete Wood, Stonegate Road, the Burley Park Centre, the Hunslet Gate Centre and the Teaching and Learning Centre at Tinshill with effect from January 2014;

3.19 Working together, officers in Children's Services and City Development have developed a proposal that delivers the required expansion cost effectively using assets that are already in use to support children whose behaviour presents a barrier to their learning. These are at Stonegate Road (a subsidiary vocational learning centre for the current BESD SILC), The Burley Park Centre and The Hunslet Gate Centre (Key Stage 3 Pupil Referral Unit provisions), and The Teaching and Learning Centre at Tinshill (Key Stage 4 Pupil Referral Unit).

3.20 Together with the current BESD SILC site at Elmete Lane, these assets would enable the expanded schools to operate within the best practice advice regarding BESD provision. This makes it clear that the most successful BESD provisions are effective because the number of children any single site serves does not exceed 40-60 children.

3.21 **Proposal two: expansion of the North East SILC (Oakwood Lane) 4-11 BESD provision** from a capacity of 30 pupils aged 4-11 to 50 pupils aged 4-11 with effect from January 2014.

3.22 Currently the Oakwood Lane site is the location of the city-wide Key Stage 2 BESD SILC provision by the NE SILC and the city-wide Key Stage 2 Pupil Referral Unit. This proposal would see the city-wide outreach and assessment functions of the PRU led and managed by the NE SILC.

## 4 Corporate Considerations

### 4.1 Consultation and Engagement

4.1.1 This paper requests permission to begin the formal consultation required under the Education and Inspections Act 2006. The proposals constitute prescribed changes requiring a statutory process, of which public consultation is the first step. If approved, the consultation would run from 25 February 2013 to 12 April

2013. Dependent on the issues raised it could then be possible to seek approval to move to the statutory notice stage in July 2013, and a final decision in October 2013 for implementation in January 2014.

- 4.1.2 The decommissioning of a PRU does not require a statutory process, but consultation with the relevant stakeholders will be included in the statutory consultation described.
- 4.1.3 Feedback from children and families to the existing schools/PRU about their provision has already formed part of the shaping of this proposal. Children and families will be formally consulted through public meetings at the relevant school/PRU.
- 4.1.4 The consultation would be conducted in line with statutory guidance and local good practice. All ward members will be included as formal consultees both individually and through area committees.
- 4.1.5 Governing bodies of the schools are already aware that we are developing these proposals and have been engaged in that process. They will also be formally consulted as part of the statutory process.
- 4.1.6 Members of staff, and their professional associations or unions, will also be consulted once permission to undertake the statutory process is granted. However LCC staff at the PRUs and the Learning, Skills and Universal Services JCC have already been briefed on the outline proposals in this paper.
- 4.1.7 In developing the detail of this approach a communication plan will be agreed and implemented to ensure local residents are engaged in these developments.
- 4.1.8 Legal Services have been consulted and agree that, so long as it is clearly stated within the statutory consultation, there is no barrier to the re-modelled BESD provision offering out-reach and traded dual-registration/alternative provision places to children without a statement.

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

- 4.2.1 EDCI Screening document has been completed and is attached as an Appendix A. The Screening process will be repeated prior to the final decision being sought and will inform any EDCI Assessment required to demonstrate that due regard has been given to equalities impact.

## **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 and young people with a statement of SEN, that names behaviour as a principle need, and those requiring a period of dual registration/assessment prior to decisions about statutory assessment and statementing.
- 4.3.2 The attendance, attainment and progress of children with statements of SEN naming behaviour as the principle need have improved over recent years but remain lower than expectations. These proposals create a flexible and integrated

learning offer that can be personalised to a very much higher degree than within the current provisions, particularly for children of secondary school age.

- 4.3.3 As such these proposals would address the priorities of the Leeds Education Challenge, the obsessions within the Children & Young People's Plan, and the aspiration to become a Child Friendly City.
- 4.3.4 The transport of statemented children on the roll of the re-modelled BESD provisions will be subject to the LA Transport Policy.
- 4.3.5 While the BESD provision will grow there will be a parallel decrease and closure of the current PRU provision. However much of the expertise to provide the broader, richer, learning offer proposed can be identified within the existing PRU staff. The unions and professional associations have been briefed on the intentions of these proposals and initial staff briefings have already taken place. LCC HR processes would be followed during the process of transition to the expanded schools.

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

- 4.4.1 The Budget Plus process is challenging Directorates to consider how they can do things differently while retaining a high quality of provision to the citizens of Leeds. This proposal seeks permission to consult on the creation of a broader, deeper and more cost-effective provision for children with a specific BESD need.
- 4.4.2 These proposals suggest the utilisation of sites already meeting a similar range of needs as that envisaged for the re-modelled BESD provision. Any site development needs would be assessed at the point of transition and the implementation of the re-modelled schools.
- 4.4.3 Currently the BESD SILC is funded at an average of approximately £24k per pupil per year, and the NE SILC at approximately £20k per pupil per year. If this proposal is accepted then their current budgets of £2.1 million and £2.4 million, respectively, will grow with the number of places they offer as described above.
- 4.4.4 New School Funding Regulations are changing the way in which all special schools, including Leeds' SILCs, are funded. From 1 April 2013 they will receive £10k per place bought plus a top-up based on the needs of each individual child on the school role. It is not possible, at this time, to fully describe future budgets for the re-modelled BESD SILC and NE SILC 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.
- 4.4.5 The current cost of providing a full year of learning for a young person in a Leeds PRU is up to £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.



- 4.4.6 The changes in the way in which PRU functions are met will mean that the budgets currently top-sliced from the Direct Schools Grant for PRU provision can, by April 2014, be devolved to partnerships of mainstream schools, enabling them to further develop their local inclusion offer. The precise figure to be devolved will depend on the numbers of children schools and areas place in the PRUs, but the PRU budget for 2011-2012 exceeded £4 million.
- 4.4.7 Currently the BESD SILC is unable to meet the needs of some of our young people who, in consequence, are placed in learning outside Leeds, often with an attendant requirement of residential provision. This proposal creates the opportunity for a bigger school with a greater range of provision to meet the needs of a greater range of young people. It would also provide a secure base from which to establish closer links to local residential provisions where necessary. Currently there are 19 children placed in provisions outside Leeds due to their need for specialist BESD support, which couldn't be met within the current BESD provision due to issues of SILC capacity or specific expertise.
- 4.4.8 The average cost of those placements is over £114k per pupil per year. This proposal would enable the re-modelled BESD provision, with its increased capacity and range of expertise, to offer places to some of those children, if it was appropriate for them to move back to Leeds. It would also enable some children, yet to be placed outside Leeds, to remain closer to their families.
- 4.4.9 The learning needs of many children at East Moor Secure Childrens Home and Wetherby Youth Offenders Institution are similar to those of the cohort who will be offered places at the re-modelled BESD SILC. These proposals would create a sustainable and robust partner for those institutions as they seek to drive up quality of learning and the outcomes the young people gain while placed in these settings.
- 4.4.10 The changes proposed also create an opportunity for a joint local authority and school appointment to the executive leadership of the expanded Secondary BESD SILC provision that can be linked to the system leadership LCC would wish to foster in the school sector.
- 4.4.11 The Governors of the BESD SILC are in discussions with Children's Services regarding the appropriate job description, salary range and any LCC contribution to reflect such system leadership.

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

- 4.5.1 The proposed changes constitute a prescribed change under the Education and Inspections Act 2006 (EIA 2006). The consultation process would be managed in accordance with that legislation, and local practice.

#### **4.6 Risk Management**

- 4.6.1 This project is complex, involving various external and internal partners. Project support is therefore being assigned at this stage, and discussions are well advanced with the leadership and management of both schools and PRUs about

the details of the plans. Risk registers are being developed, and, if the consultation is approved, will be maintained until completion.

- 4.6.2 To manage the risk of any delay that would put the learning of children at risk, this paper proposes to make use of sites that are already used to meet the needs of children whose behaviour presents a barrier to their learning at Elmete Wood, Stonegate Road, Burley Park, Hunslet Gate, Tinshill and Oakwood Lane.

## **5 Conclusions**

- 5.1 These proposals form part of the authority's planning to meet the need for school places. That work is ongoing, and involving other council directorates to ensure holistic planning and best use of corporate assets. However, the proposal to utilise assets currently fulfilling similar and overlapping roles is intended to provide a solution within the time constraints forced by changes to the school funding regulations.

## **6 Recommendations**

Executive Board is asked to approve the following consultations:

- Linked proposals to change the age range of the BESD Specialist Inclusive Learning Centre from 5 to 16 to 11 to 16, and to expand the capacity of the provision from 150 to 230 pupils using sites at Elmete Wood, Stonegate Road, the Burley Park Centre, the Hunslet Gate Centre and the Tinshill Centre with effect from January 2014.
- Proposal to expand the North East Specialist Inclusive Learning Centre (Oakwood Lane) 4-11 BESD provision from a capacity of 30 pupils aged 4-11 to 50 pupils aged 4-11 with effect from January 2014.

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

None.

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<sup>i</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.