

Children and Young People Overview and Scrutiny Committee

8 August 2011

Agenda

A special meeting of the Children and Young People Overview and Scrutiny Committee will take place at the **SHIRE HALL, WARWICK** on **MONDAY, 8 AUGUST 2011 at 10:00 a.m.**

The agenda will be:-

1. General

- (1) **Apologies for Absence**
- (2) **Members' Declarations of Personal and Prejudicial Interests**

Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of a district or borough council is classed as a personal interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

The public reports referred to are available on the Warwickshire Web
www.warwickshire.gov.uk/committee-papers

2. Call In - Meeting the Needs of Pupils Excluded or at Risk of Exclusion from School

(a) Reasons for Call In

Councillors June Tandy, Peter Balaam, Richard Chattaway, Ray Sweet and Sid Tooth have called this decision in as “The Issue of Closure of PRUs has never been to an Overview and Scrutiny Committee”.

(b) Consideration of the Report

On 14 July 2011 the Cabinet considered the report - **Meeting the Needs of Young People Excluded or at Risk of Exclusion from School** (Attached).

Extract from Minutes of the meeting of Cabinet held on 14 July 2011.

“Councillor Heather Timms, Cabinet Portfolio Holder for Child Safeguarding, Early Intervention and Schools, presented a proposal to consult on the closure of the Warwickshire Pupil Referral Unit as part of the wider strategy to reduce permanent exclusions and improve provision for those pupils who are permanently excluded.

Councillor June Tandy, Leader of the Labour Group and Chair of the Children and Young People Overview and Scrutiny Committee, expressed her concern that this proposal for closure was before Cabinet without any prior discussion with the Overview and Scrutiny Committee and which was a departure from the previous recommendations agreed by the Committee and by Cabinet. Councillor June Tandy proposed that this item be deferred for future consideration within the context of item 7 on the agenda which itself proposed consultation with schools on issues relating to support for SEN and the issue of exclusions.

Councillor Clive Rickhards commented that there was much in the report to be welcomed but he was concerned that the proposal to close in a year’s time had not been properly discussed.

Councillor Heather Timms stated that all of the recommendations in the strategic plan had been agreed but that the PRU was not working and could not continue. Councillor Timms added that she did not wish to see this report deferred but welcomed overview and scrutiny considering the proposals in September.

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Councillor Timms proposed the recommendations set out in the report (seconded by Councillor David Wright) and it was agreed as set out below.

Resolved

That, in order to have arrangements in place for the full implementation of the new approach to exclusions by September 2012, Cabinet:

- (1) Authorises public consultation to close the Warwickshire Pupil Referral Unit on 31 August 2012 and create a new arrangement that will secure short term education from a range of providers for a small number of pupils as necessary.
- (2) Agrees to consider the outcome of this consultation at the Cabinet meeting on 15 December 2011.”

(c) Recommendation

That the Committee consider the issues and decide what action, if any, they wish to take from the following three options:

- Set out its concerns in writing and ask the decision-taker to reconsider
- Refer the matter to full Council; or
- Decide to take no action

The outcome of the meeting will normally be published electronically within 2 working days of the meeting. If the Children and Young People Overview and Scrutiny Committee refer the matter to Council, the Council must meet within 10 working days of the Overview and Scrutiny Committee meeting.

For further information please contact Elizabeth Featherstone, Head of Service - Early Intervention Services, Tel: 01926 742589 E-mail elizabethfeatherstone@warwickshire.gov.uk, Bob Hooper, Head of School Improvement , Tel: 01926 742008 E-mail bobhooper@warwickshire.gov.uk or Ann Mawdsley, Senior Democratic Services Officer, Tel: 01926 418079 E-mail annmawdsley@warwickshire.gov.uk.

Jim Graham
Chief Executive

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Children and Young People Overview and Scrutiny Committee Membership

County Councillors:- Peter Balaam, Carol Fox, Julie Jackson, Mike Perry, Clive Rickhards, Carolyn Robbins, John Ross, Martin Shaw, June Tandy (Chair), Sonja Wilson

Cabinet Portfolio Holder:- Councillor Heather Timms (Children, Young People and Families)

Church Representatives:- Mr Joseph Cannon, Dr Rex Pogson

Parent Governor Representatives:- Alison Livesey and 1 Vacancy

The reports referred to are available in large print if requested

General Enquiries: Please contact Ann Mawdsley on 01926 418079

E-mail: annmawdsley@warwickshire.gov.uk

Enquiries about specific reports: Please contact the officers named in the reports.

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AGENDA MANAGEMENT SHEET

Name of Committee Cabinet
Date of Committee 14 July 2011
Report Title Meeting the Needs of Pupils Excluded or at Risk of Exclusion from School

Summary This paper proposes consultation on the closure of the Warwickshire Pupil Referral Unit as part of the wider strategy to reduce permanent exclusions and improve provision for those pupils who are permanently excluded. The strategy is based upon devolving funding to schools and making early intervention a less expensive alternative to permanent exclusion.

For further information please contact: Elizabeth Featherstone Head of Service - Early Intervention Services
 Tel: 01926 742589 elizabethfeatherstone@warwickshire.gov.uk
 Bob Hooper Head of School Improvement
 Tel: 01926 742008 bobhooper@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? [please identify relevant plan/budget provision]
 No

Background papers Ofsted Inspection Report – June 2010
 Ofsted Letter – May 2011

CONSULTATION ALREADY UNDERTAKEN: Details to be specified

Other Committees CYPF Overview & Scrutiny Committee – 24.11.10
 Cabinet – 16.12.10
 Cabinet – 17.02.11
 CYPF Overview & Scrutiny Committee – 06.04.11

Local Member(s) Cllr Frank Mccarney – Bedworth West
 Cllr Claire Watson – Lawford & New Bilton
 Cllr Sarah Boad – Leamington North
 Cllr Eithne Goode – Leamington North
 Cllr Mike Gittus - Alcester

- Other Elected Members CYP&F O&S Chair & Vice Chair for information:
Cllr June Tandy
Cllr John Ross
- CYP&F O&S Spokespersons for information:
Cllr Peter Balaam
Cllr Carolyn Robbins
- Cabinet Member Cllr Heather Timms
- Other Cabinet Members consulted Cllr David Wright
- Chief Executive
- Legal Fay Ford "*comments noted*"
Barry Juckes
- Finance John Betts, Head of Finance
- Other Strategic Directors
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals Steve Smith, Head of Property
Chairs of Area Behaviour Partnerships -
(Secondary Headteachers)
Chair of the PRU Management Committee
Interim Headteacher of the PRU

FINAL DECISION

YES

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet Cabinet 15.12.11
- To an O & S Committee
- To an Area Committee
- Further Consultation

Cabinet – 14 July 2011

Meeting the Needs of Pupils Excluded or at Risk of Exclusion from School

Recommendation:

In order to have arrangements in place for the full implementation of the new approach to exclusions by September 2012, it is recommended that the Cabinet:

1. Authorises public consultation to close the Warwickshire Pupil Referral Unit on 31 August 2012 and create a new arrangement that will secure short term education from a range of providers for a small number of pupils as necessary.
2. Agrees to consider the outcome of this consultation at the Cabinet meeting on 15 December 2011.

1. Background

- 1.1 Warwickshire County Council is committed to raising levels of educational attainment for all children in Warwickshire. As part of this commitment, there is a need to provide pupils who are permanently excluded or at risk of permanent exclusion from school with high quality education to ensure they achieve their full potential.
- 1.2 As of 10 June 2011, 81 permanent exclusions had been made by Warwickshire schools and academies in the 2010/11 academic year, and 146 children were on the roll of the Warwickshire Pupil Referral Unit (PRU). Concerns about both the exclusion rate and educational provision at the PRU have led to investigations by the Children and Young People's Overview and Scrutiny Committee in the autumn term of 2010.
- 1.3 The proposal in this paper to cease current provision at the PRU is part of a wider strategy to reduce permanent exclusions and improve provision for those pupils who are permanently excluded. The strategy is based upon devolving funding to schools and making early intervention a less expensive alternative to permanent exclusion.

2. Current Provision at the Warwickshire Pupil Referral Unit

- 2.1 The Warwickshire PRU provides education for pupils that have been permanently excluded from Warwickshire schools. In June 2010 Ofsted concluded that the PRU requires special measures because it is failing to give its pupils an acceptable standard of education.'

2.2 Despite the implementation of an action plan and significant changes to the leadership team, the monitoring inspection from HMI Ofsted in May 2011 concluded that whilst satisfactory progress had been made since their previous visit (January 2011), inadequate progress had been made overall.

3. New Approach

3.1 In February 2011, Cabinet approved a strategic plan to adopt a new approach to meet the needs of pupils excluded, or at risk of exclusion, from school. A project board chaired by Cllr Timms (Portfolio Holder – Children, Young People and Families) has overseen the development and progress of the strategic plan. The plan draws upon the findings of the Children and Young People's Overview and Scrutiny Committee investigations into exclusions and the PRU.

3.2 The new approach involves a system wide change to reduce exclusions and improve the value and the quality of provision for those who are excluded.

3.3 The main principles of this approach are:

- Devolving funding to schools
- Schools working collaboratively to:
 - fund early intervention support in order to avoid exclusion
 - implement the managed transfer process
 - purchase packages of education appropriate to the individual child from alternative providers.

3.4 From 1 September 2011, the new approach will be introduced across Warwickshire. The Schools Forum has agreed to devolve £1.5m (currently part of the secondary PRU budget) to the four Secondary Area Behaviour Partnerships (ABPs) for the academic year 2011/12. Within these Partnerships, secondary and special school Headteachers are expected to work together to share best practice on early intervention, fund early intervention programmes and engage in the managed transfer process. Where a pupil is excluded, the Area Behaviour Partnership will be able to purchase packages of support appropriate to the individual child's needs. A child may still be admitted to the PRU, however charges for this provision will now apply (£20,600 per year).

3.5 The devolvement of funding and the introduction of charges to the PRU provide financial incentives to reduce exclusions, making early intervention the less costly alternative to permanent exclusion. This approach has been broadly supported by Headteachers across the county.

3.6 Primary schools seldom exclude. So far in 2010/11, 12 primary age pupils have been permanently excluded from Warwickshire schools. From 1 September 2011, there will be no provision for primary age pupils at the PRU, in accordance with the decision of Cabinet in December 2010. Local Authority officers are working with primary Headteachers on alternative arrangements for children who are excluded or at risk of exclusion, with a budget of £405,000 (previous budget for primary element of the PRU). Five pilot inclusion support groups have been established in areas of highest exclusion to explore ways of

working together and using early intervention to avoid exclusion. In the event that a child is permanently excluded, the Early Intervention Service has been commissioned to make arrangements for provision and support.

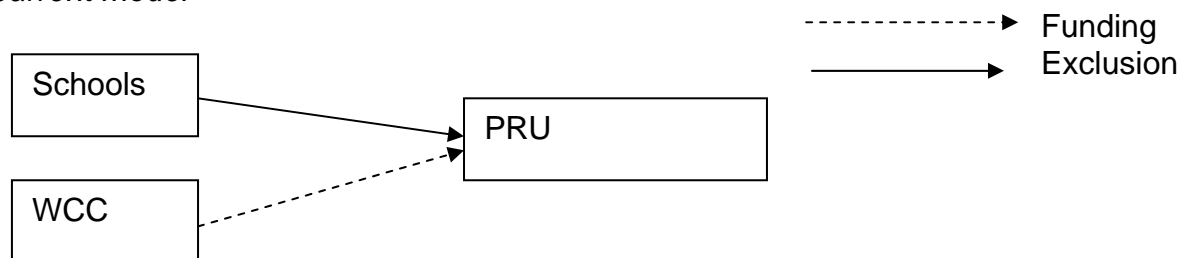
3.7 The devolvement of funding has been made possible by a significant staffing restructure at the PRU. The workforce has been reduced by over a third and the PRU will consolidate onto two sites from 1 September 2011 (Pound Lane Centre for Central/South and Keresley Centre for North/East) as agreed by the Cabinet in December 2010.

3.8 Monitoring arrangements for this new approach are set in **Appendix A**.

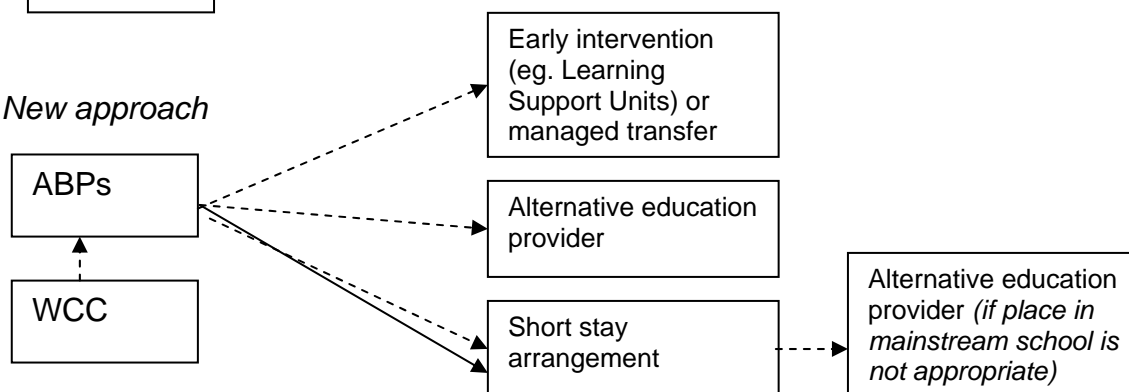
4. Future Service Model

4.1 The present model for dealing with permanent exclusions is no longer fit for purpose. In order for the new approach to be adopted as the norm, a permanent shift in the ownership of resources and decision-making needs to take place. From 1 September 2012 it is proposed that *all* funding currently allocated to the PRU (£2.8m from the Dedicated Schools Grant) is redistributed to schools on an area partnership basis.

Current model



New approach



4.2 It is anticipated that this approach will reduce exclusions. Where a permanent exclusion is made, the Area Behaviour Partnership will be expected to purchase individual packages of support from a range of providers. It is not anticipated that the schools will purchase enough provision from the PRU to sustain its viability.

4.3 However, it is considered that there will still be a need to provide a short stay function to secure education and make arrangements for:

- pupils arriving in-year from out of county where a delay occurs on school admission;

- any pupil excluded where a decision on alternative provision is not made within six days (charges to apply).

4.4 The preferred option is to close the PRU on 31 August 2012 and create a new arrangement that will secure education from a range of providers for a small number of pupils. The new arrangement will meet statutory requirements and ensure that pupils emotional and learning needs are met. This will enable pupils to return to full time education or move to alternative provision within a maximum of 30 days.

4.5 An alternative option would be to maintain the PRU but reduce its size and remit to make it a short stay education unit. This is not recommended due to the current quality of provision being provided.

5. Statutory Responsibility

5.1 Cabinet must be mindful that the local authority will continue to have a statutory duty “to make arrangements for the provision of suitable education at school (including pupil referral units), or otherwise than at school, for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, will not receive a suitable education without those arrangements”. Headteachers will also retain the right to exclude. However, it is still considered that schools working together can better meet the needs of children excluded or at risk of exclusion than the current system. This is also the view of the Government, as set out in the Schools White Paper 2010 which states:

‘So we plan to trial a new approach. Schools will be free to exclude pupils, but they will then be responsible for finding and funding alternative provision themselves. In line with our plans to give schools greater autonomy and more control of funding, we will explore shifting the money for alternative provision from local authorities to schools so schools can purchase for themselves the alternative provision they think will best suit disruptive children.’¹

Report Author: Elizabeth Featherstone/Bob Hooper

Head of Service: Elizabeth Featherstone/Mark Gore

Strategic Director: Marion Davis

Portfolio Holder: Cllr Heather Timms

29 June 2011

¹ *The Importance of Teaching* (2010), Department for Education, p.39.

Item 5 APPENDIX A: MONITORING AND EVALUATION SCHEDULE (FROM 1 SEPTEMBER 2011)

Strategic Aim	Measure	Further detail	Responsible officer	Date and frequency	Reporting to
To meet the learning needs of pupils at risk of exclusion or who have been excluded by introducing new approaches;	Monitoring report from Chairs of Area Behaviour Partnerships on new arrangements. Report from the Chair of the Primary Strategic Policy Group; Report by LA School Improvement Team following visits to each area.	Reporting on the effectiveness of the new arrangements to include: - use of funding, - collaborative arrangements, - early intervention, - managed moves, - use of alternative provision. Monitoring visit by LA School Improvement Officer	Chair of Area Behaviour Partnership and Primary Strategic Policy Group Shona Walton	December 2011 and April 2012 December 2011 and April 2012	Project Board Elected Members (Cabinet and CYP O&S)
To improve the quality of education for young people attending the PRU.	Ofsted monitoring reports on provision for pupils in the PRU LA monitoring reports	Monitoring letter following HMI visit Monitoring of progress by LA School Improvement Officers	HMI Shona Walton	Termly November 2011 and termly after thereafter	Project Board Elected Members (Cabinet and CYP O&S)
To reduce the number of exclusions, and consequently demand on the PRU.	Exclusion data	Comparison with previous 3 years; Comparison by area.	Exclusions Officer	October 2011 and monthly thereafter	Project Board Elected Members (Cabinet and CYP O&S)
Value for money	Financial monitoring reports on spending in each area. Demand for out of authority SEN placements	Summary of expenditure in each ABP	Simon Smith	October 2011 and monthly thereafter	Project Board Elected Members (Cabinet and CYP O&S)

What is call-in?

Call-in is the formal process that allows councillors to query some **executive decisions** i.e.

- The Cabinet
- Committees of the Cabinet
- Area Committees making executive decisions
- Officers making **key** executive decisions

If the decision is called-in no steps can be taken to implement the decision until the call-in process has come to an end.

Call-in does not apply to urgent decisions where the necessary consent has been obtained or operational/day to day management decisions made by officers.

The call-in procedure may only be used once for any particular decision.

Standard forms can be obtained from Democratic Services

The call-in process

Decisions made by the Cabinet, any Cabinet committees, Area Committees and key decisions made by officers are published electronically, normally within 2 working days of being made.

Within **5 working days** of the date the decision is published

- the Chair of the relevant Overview and Scrutiny Committee or
- any four elected members of the Council

may make a written request to the Strategic Director for the Resources Group.

Within **10 working days** of receiving the request the Overview and Scrutiny Committee will have to meet to consider the decision.

A meeting of the full council may be held in place of the Overview and Scrutiny Committee **if** the decision appears to be contrary to the policy framework or budget with the agreement of the Chair of Council and the Chair of the relevant Overview and Scrutiny Committee

Any request must set out clearly the particular decision that is being called-in, the nature of the concerns and the reason(s) for the call-in. This should be in sufficient detail to enable the Overview and Scrutiny Committee or Council to understand the issue it is being asked to review. The standard form should be used.

What can the Overview and Scrutiny Committee do?

- Set out its concerns in writing and ask the decision-taker to reconsider
- Refer the matter to full Council; or
- Decide to take no action

The outcome of the meeting will normally be published electronically within **2 working days** of the meeting.

If the Overview and Scrutiny Committee refer the matter to Council, the Council must meet within **10 working days** of the Overview and Scrutiny Committee meeting.

Alternatively any 6 elected members may ask for the decision to be referred to Council by giving written notice to the Strategic Director for the Resources Group.

The notice must be received within **5 working days** of date of publication of the outcome of the Overview and Scrutiny Committee meeting. The standard form should be used.

The notice must set out clearly the reasons and concerns for seeking to refer the decision to Council.

The Council has to meet to consider the decision within **10 working days** of receipt of the notice.