

Children and Young People Overview & Scrutiny Committee

Agenda

6 November 2012

**TUESDAY 6 NOVEMBER 2012, 10.00am
COMMITTEE ROOM 2, SHIRE HALL, WARWICK**

1. General

(1) Apologies for Absence

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with (Standing Order 42)
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the new Code of Conduct. These should be declared at the commencement of the meeting.

(3) Minutes of the meeting held on 6 September 2012

(4) Chair's Announcements

2. Public Question Time (Standing Order 34)

30 minutes of the meeting are available for members of the public to ask questions on any matters relevant to the Committee. Questioners may ask two questions and can speak for up to three minutes on each. If you wish to ask a question, please contact Richard Maybey on 01926 476876 or richardmaybey@warwickshire.gov.uk

3. Questions to the Portfolio Holder

30 minutes of the meeting are available for members to question Cllr Heather Timms (Portfolio Holder, Children and Schools) on any matters relevant to the Committee.

4. Removal of Passenger Transport Assistants from Home to School Transport

This report provides an update on how the new arrangements for school bus routes without Passenger Transport Assistants are working, and details of any incidents reported by operators, schools or parents regarding the health, safety and behaviour of young people travelling on those routes.

At this point of the meeting, representatives from the Youth Council (VOX) will be invited to discuss issues of concern, such as preparing young people for work and careers guidance.

5. Area Behaviour Partnerships (ABPs)

The Committee has asked for this report to consider how the new arrangements for excluded pupils and those at risk of exclusion are working, now that this is full WCC policy. Specifically, it has asked to review progress of the Eastern ABP and how the barriers identified in the ABP Chair reports from April are being overcome.

6. Performance of Warwickshire Children and Young People in 2012 National Tests and Examinations

The Committee will receive a report and presentation on the latest available school attainment results.

7. The 2013/14 Schools Funding Reforms

This report provides an update on the progress and conclusions of the implementation of the revised schools funding formula, which impacts on all schools from April 2013 and Academies from September 2013. The Schools Forum considered this report in October, and is now brought to the Committee in advance of a Cabinet decision in December.

8. Progress of the Green Paper 'Support and Aspiration', Disability and Special Educational Needs (SEN) Reform

This report provides an update on progress of the government's legislative changes for disability and special educational needs.

9. Work Programme 2012-13

The Committee is asked to agree its work programme for the year ahead, and propose any new topics that may be suitable for scrutiny via a Task & Finish Group.

10. Any Other Items

Which the Chair decides are urgent.

Jim Graham
Chief Executive

Children and Young People Overview & Scrutiny Committee Membership

Councillors:

Peter Balaam, Jim Foster, Carol Fox, Peter Fowler, Julie Jackson (Chair), Mike Perry, Clive Rickhards, John Ross (Vice Chair), Martin Shaw, June Tandy

Co-opted members for Education matters:

Joseph Cannon and Dr Rex Pogson, Church Representatives
Alison Livesey and 1 vacancy, Parent Governor Representatives

Portfolio Holder relevant to the remit of the Overview and Scrutiny Committee

Councillor Heather Timms – Children and Schools

General enquiries

Richard Maybey, Democratic Services Officer, Warwickshire County Council

T: (01926) 476876

E: richardmaybey@warwickshire.gov.uk

Minutes of a meeting of the Children and Young People Overview & Scrutiny Committee held on 6 September 2012

Present:

Members of the Committee

Cllr Ashford (replacing Cllr Shaw)
Cllr Balaam
Cllr Clarke (replacing Cllr Fox)
Cllr Foster
Cllr Fowler

Cllr Jackson (Chair)
Cllr Naylor (replacing Cllr Tandy)
Cllr Perry
Cllr Rickhards
Cllr Ross (Vice Chair)

Co-opted members and invited representatives

Alison Livesey
Chris Smart
Diana Turner

Other councillors

Cllr Timms (Portfolio Holder, Children and Schools)
Cllr Tooth (attending as a member of the public)

Officers

Mark Gore – Head of Service, Learning and Achievement
Yvonne Rose – Service Manager, Secondary Phase
Richard Maybey – Democratic Services Officer

1.1 Apologies for absence

Received from Cllr Carol Fox, Cllr Martin Shaw, Cllr June Tandy, Rex Pogson, Joseph Cannon, Wendy Fabbro and Phil Sawbridge

1.2 Disclosures of Pecuniary and Non-Pecuniary Interests

A general declaration of interest was noted for all members in their roles as school governors and/or trustees.

Diana Turner and Alison Livesey declared non-pecuniary interests regarding family members using post-16 transport.

Cllr Ashford declared a non-pecuniary interest as a member of the Corporate Parenting Steering Group.

1.3 Minutes of the meeting held on 20 June 2012

Cllr Perry observed that his contributions were not recorded in the minutes and asked that they be included as follows:

Add to paragraph 1.5.3

“Cllr Perry asked that this include confirmation of the numbers of assistants and children taken by taxi, and whether these numbers had risen or remained static.”

Add to paragraph 1.5.8

“Cllr Perry questioned what the requirements are for access to outdoor space and was advised that the rules had been relaxed.”

Add to paragraph 6.7

“Cllr Perry asked how the Local Authority can assist the bright children and what vocational opportunities are available. He also requested a breakdown of schools with vocational training, including numbers and destinations.”

The Chair agreed for these additions to be reviewed by the Committee at the next meeting prior to approval. The minutes of the previous meeting, as printed, were agreed as a correct record.

1.4 Matters Arising

Paragraph 1.5.7 – Learning Support Units (LSUs)

Mark Gore explained that the latest figures on LSU provision in all schools are still being collected, but agreed to circulate these when available.

Paragraph 1.5.8 – Visit to site of the former PRU at Keresely

Mark Gore agreed to make arrangements for a visit to the Keresely site for any members who were interested.

Paragraph 9.0 – Payment Ordered by the Local Government Ombudsman

Members asked that they be provided with a copy of the Ombudsman report. Mark Gore also agreed to provide an update on the case at the next meeting.

1.5 Chair’s Announcements

The Chair announced that the expected report on Special Educational Needs (SEN) had been deferred as a result of delayed guidance from central government.

2 Public Question Time

2.1 Cllr Sid Tooth asked two questions to the Portfolio Holder for Children and Schools, Cllr Timms, in relation to a family in his area. He explained how a young single parent, with health problems and no car, had been unable to secure a school place for her youngest child at her preferred choice, close to the schools of her two other boys. The place offered by the County Council is 1.5 miles away in the opposite direction, creating major difficulties for her in terms of escorting her children to their respective schools. Cllr Tooth asked the following:

1. Will the Portfolio Holder agree for this case to be reviewed?
2. Are the County Council's policies, aims and objectives – focused around family well-being and early intervention – being undermined by bureaucratic processes?

2.2 Cllr Timms explained that the case did go through the appeals process and work has been done to find an acceptable solution for the family. A place was offered at a school in Camp Hill which the mother has not accepted. Officers will contact the mother again to ensure she is aware of the offer. The issues around school place offers for siblings would be included in the consultation on admission arrangements (November 2012).

2.3 Mark Gore added that while school admissions may be seen as a bureaucratic process, this is necessary to comply with the policy and criteria issued by central government. If they were not complied with, the Local Authority would be liable to challenge. The appeals panel found that the criteria were applied correctly and the

Local Authority acted properly; they then considered the proposed circumstances of the family, but rejected the appeal. There has been no change of circumstances subsequently, and therefore no basis for allowing a second appeal.

2.4 There was discussion about the support available to parents during the admissions process, from filling out the initial forms, to their rights during appeals, to the option of appealing to the Ombudsman. Mark agreed to look at reissuing the processes and support offered to parents.

2.5 Members expressed some concern that processes and bureaucracy were overriding common sense, and the best outcome for families was not therefore being achieved. There was call for some flexibility in the application of policies in order to achieve better outcomes.

2.6 Cllr Timms stated that some of the difficulties around school admissions is due to the insufficiency of places, and the Local Authority does all it can to offer the best solution for families. Mark Gore added that it would not be right for officers to be making subjective decisions about placements, and objective policies and criteria need to be in place to ensure fairness for all. Cllr Timms said that communicating the process to parents is essential, which will be taken forward during the consultation on admissions arrangements during November.

2.7 The Chair thanked Cllr Tooth for attending and bringing this case to the attention of the Portfolio Holder. She stated that the Committee may wish to consider admissions arrangements as part of their future work programme.

Resolved:

- The Local Authority will re-contact the family to ensure they are aware of the offer of a place at the school in Camp Hill.
- The Committee asks the Local Authority to review the advice and support available to families during the admissions process.

3 Questions to the Portfolio Holder

3.1 Cllr Perry asked if the Local Authority had data on the number of hours each school was allocating to sport and if it was actively engaging with schools to promote the importance of sport.

3.2 Cllr Timms replied that curriculum issues are the responsibility of the schools themselves, set by the head teachers and overseen by the board of governors. The Local Authority has limited resources, which have to be prioritised on tackling underperformance and raising aspiration. However, members are free to contact their local schools individually for information on participation, and there are a number of organisations, such as the Coventry & Warwickshire Sports Partnership, that may have information to share.

3.3 Diana Turner suggested that school governors be reminded of their responsibilities towards sport at the next Governors Forum meeting and at local patch meetings.

Resolved:

- Diana Turner to include responsibility for sport on the agenda of the next Governors Forum meeting.

- Richard Maybey to contact the Coventry & Warwickshire Sports Partnership to request data on sports participation in schools.

4 Implementation of the Munro Review of Child Protection

4.1 Mark Gore presented this report on behalf of Phil Sawbridge, explaining that it was primarily a report for information, but welcomed any questions from the Committee. During the ensuing discussion, the following points were noted:

- a. The “greater understanding” needed around the role of the Principal Social Worker (Recommendation 14) was due to a lack of detail from central government about what role this would have in the child protection system. Once a greater understanding has been acquired, the Local Authority can then develop and define the role further.
- b. A balance needs to be struck between prioritising front-line social work and compliance with organisational directives, as this is one of the most heavily regulated areas of public sector work.
- c. Warwickshire’s Statement of Assurance over the dual role of the Director of Children’s Services has been held up as a national model of good practice. The Portfolio Holder gave assurance that this statement is being reviewed regularly.
- d. Members referenced the historic imbalance of caseloads for Newly Qualified Social Workers across the county, with those in the north having greater caseloads than those in the south. The Portfolio Holder stated that the recent management restructure and relocation of teams is helping to address this, and agreed to provide an update on the current caseload situation.
- e. Members were encouraged by the Local Authority’s participation in the Munro Demonstrator programme. However, there was some concern about the potential pressure on social work capacity, given the limited associated budget of £20,000. Cllr Timms stated that, as a Munro Demonstrator, the Local Authority would be better equipped to empower staff with the latest best practices and knowledge – and that capacity would not be an issue. Mark Gore added that this programme (along with others, such as the Dartington research project) would help the Local Authority become more effective in its early intervention work, which would thereby reduce the number of entrants to the care system and relieve pressure on social work capacity.
- f. Members talked about the need for better communication between schools and safeguarding agencies to ensure families get help as early as possible. Cllr Timms stated that the Local Authority will be commissioning lower-level intervention services in schools from November to address family issues early, and these will link in with wider initiatives such as Think Family and Troubled Families

4.2 In conclusion, the Chair welcomed the report – particularly the news of Warwickshire’s selection as a Munro Demonstrator site. She also welcomed the Portfolio Holder’s commitment to regularly review the Statement of Assurance for the dual role of the Director of Children’s Services.

5 Sub-regional Collaboration

Cllr Timms introduced the report, stating that positive relationships are being developed between both officers and lead members across the sub-region (Warwickshire, Coventry and Solihull) and that there is a commitment to working together whenever it is beneficial to do so. The report is an early indication of the type of projects being considered for sub-regional collaboration.

Resolved:

The Committee welcomed the commitment in paragraph 1.1 to bring a further report, when appropriate, detailing areas of collaboration and anticipated savings

6 Young People Not in Education, Employment or Training (NEET)

- 6.1 Yvonne Rose introduced the report, which provided performance data on the numbers of young people classed as NEET, and highlighted a number of factors:
- The Department for Education's new measurement for NEETs, which has had an effect on the figures from 2011/12.
 - Forthcoming changes to the participation age, which will rise to 17 by 2013 and to 18 by 2015.
 - Initiatives targeted towards NEETs from vulnerable groups.
 - The development of a Risk of NEET Indicator (RONI) that allows schools to target students and take early remedial action.
- 6.2 The following points were noted during discussion:
- a. Future reports of this kind would be more useful if they contained actual NEET numbers, not just percentages.
 - b. There is evidence in the county of employers recruiting from the NEET register, which is positive.
 - c. The Local Authority is trying to influence employers to offer more apprenticeships, and any assistance that elected members can offer in their local areas would be appreciated.
 - d. The report shows that young people with the status "Not Available Left Area" is classed as a negative outcome. This is a government directive.

Resolved:

- The Committee to receive an annual report on NEET performance, containing actual figures alongside percentages
- The Committee to receive a briefing note outlining the number of apprenticeship opportunities in the county, and the work being undertaken with partners and the Local Enterprise Partnership to increase these

7 Commissioning of Post-16 Provision

Yvonne Rose introduced the report, stating that in the new education landscape, the Local Authority needs to work with providers and use its influencing skills to ensure a suitable diversity of post-16 education provision. The following points were noted during discussion:

- a. The Council's statutory duty to "secure suitable education and training" relates to availability and access, but not transportation.
- b. Where there is over-provision, i.e., multiple school 6th forms in an area, the Local Authority is working as a broker between institutions to help them work more efficiently – for example, through collaboration on timetables that allows students to study across multiple sites.
- c. While the government is raising the participation age for education and training, there will be no additional funding to subsidise student transport costs.

Resolved:

- The Committee asks that the Portfolio Holder writes to the Local Government Association and the six Warwickshire MPs with a request to lobby central

government about the absence of transport funding for young people affected by the raising of the participation age

- The Committee to receive an urgent update as to whether the above resolution has been fulfilled
- The Committee asks the Local Authority to explore the local transport implications of the raising of the participation age, looking at examples of best practice from other areas, with a view to developing possible solutions

8 Report of the Post-16 Transport Task & Finish Group

Cllr Balaam, Chair of the Task & Finish Group, introduced the report, emphasising that while some of the recommendations could have financial implications, the Council is only being asked to “investigate” these. The following addendum to Recommendation 6 was circulated at the meeting for consideration alongside the printed recommendations:

“The County Council should investigate the resource implications of an increased subsidy for low-income students who travel more than a certain distance, with the income threshold higher than for the present subsidy.”

Resolved:

The Committee endorsed the report of the Task & Finish Group, including the above addendum to Recommendation 6, and forwarded it to Cabinet for consideration.

9 Work Programme 2012-13

The Committee agreed to bring forward the report on School Funding Formula to November 2012, so it can be considered prior to the Cabinet decision in December.

.....
Chair

The Committee rose at 12.35pm

Children and Young People Overview & Scrutiny Committee

6 November 2012

Removal of Passenger Assistants from Home to School Transport – Update Report

1.0 Background

- 1.1 The proposal to no longer automatically provide passenger assistants on vehicles serving primary schools was first raised in 2011 as a result of the need to make savings of around £1.4m from home to school transport budgets. Many other Local Authorities do not provide passenger assistants on such vehicles, nor have they ever done so.
- 1.2 At the time the proposal was first raised, around 90 vehicles (buses and taxis) were transporting children to primary schools under the Council's mainstream Home to School Transport policy. A condition of all of these contracts was that a passenger assistant had to be provided.
- 1.3 Contracts requiring a passenger assistant to be provided are notoriously unpopular with operators, with tenders for such contracts only normally submitted by around 20% of approved operators. Savings would therefore be achieved in two ways: by operators no longer having to fund the salaries of passenger assistants and greater competition for contracts which would in-turn drive prices down. It was anticipated that increased competition would realise the greatest savings.
- 1.4 Based on a projected savings figure of £35 per day across all 90 contracts, and no longer automatically providing passenger assistants on taxis transporting Looked After Children, it was estimated that a maximum saving of c£700k could be achieved. However, as contracts were never tendered with the cost of a passenger assistant as a separate element, the true level of savings would only be known once assistants were actually removed and contracts retendered.
- 1.5 Following a full consultation exercise, Cabinet approved the proposal to no longer automatically provide passenger assistants on vehicles conveying children to primary schools.
- 1.6 Throughout the consultation process, it was made clear that rather than simply removing all passenger assistants, each service would be individually assessed. A passenger assistant would therefore still be provided where it was considered appropriate. In order to help reach a decision on whether or not to provide an assistant, a number of criteria were developed. If any of

these criteria applied, a passenger assistant would continue to be provided. These have been amended slightly from those included in the original consultation document to add greater clarity and strength. These changes are likely to increase the instances where an assistant would continue to be provided. The relevant criteria are set out below:

- a) A passenger assistant is considered necessary because of the age of the children being transported (normally when primary and secondary school children are travelling together)
- b) The transport is provided on a double-deck vehicle
- c) The pick-up / drop-off point at the school requires children to be escorted between the vehicle and the school premises (or vice-versa) where the driver is unable to perform this task
- d) There is a risk of behavioural problems occurring on a vehicle if a passenger assistant is not provided (normally when there have been previous issues)
- e) There are vulnerable travellers or students with special needs

2.0 Implementation to date

2.1 Following the decision to no longer automatically provide passenger assistants, a number of services have been assessed and a decision taken as to whether or not to continue to provide a passenger assistant.

2.2 Bus services where the passenger assistant has been removed are as follows:

- Cubbington C of E Primary
- Long Lawford Primary
- Wolvey C of E Primary
- Newton Regis C of E Primary
- The Dasset C of E Primary
- Kineton C of E Primary
- The Ferncumbe C of E Primary
- Bishops Tachbrook C of E Primary
- Wootton Wawen C of E Primary

- 2.3 Services where the passenger assistant has been retained, and the reasons for doing so, are as follows:

School	Reason for retaining assistant
Our Lady's Princethorpe, shared with Knightlow C of E Primary	Dangerous walk from pick-up / drop-off point at Our Lady's
Southam Primary	Transport shared with secondary school
St Mary's Catholic Primary, Southam	SEN travellers
St Lawrence C of E Primary, Napton	SEN travellers
Southam St James C of E Primary	SEN travellers
St Gregory's Catholic Primary	Transport shared with secondary school
St Mary's Catholic Primary, Henley	Transport shared with secondary school
Henley in Arden C of E Primary	Transport shared with secondary school
Kenilworth Primary Schools	Transport shared with secondary school
St Joseph's Catholic Junior	Transport shared with secondary school

- 2.4 As more assistants have been considered for removal, the assessment process has been developed, taking into account comments from members of the public, schools, operators and Elected Members. Changes include an Inspector travelling on the vehicle in question, as well as observing the pick-up and drop-off points, operators given the formal opportunity to comment on the removal of the assistant, a comprehensive checklist to ensure that every stage of the assessment process has been followed, and a formal panel of three officers meeting to decide whether or not to remove an assistant. A unanimous decision is required for an assistant to be removed.
- 2.5 Taxi services to the following schools have now also been identified as suitable for removal: Stockingford Primary, St Michael's C of E Primary, St Andrew's Benn C of E Primary, Bishopton Primary, Bridgetown Primary, Acorns Primary, Wolston St Margaret's C of E Primary, Newbold Riverside Primary (x2), Shipston Primary, Alveston C of E Primary and St Lawrence C of E Primary, Napton.
- 2.6 There are currently a further 28 bus services and 15 taxi services under review. In many cases, the services have already been observed and comments invited from parents. Once all relevant information is available, a decision will be taken on whether or not to remove the assistant. It is hoped that this exercise will be largely complete by the end of the calendar year. Services will be retendered as quickly as possible in order to maximise the total savings.

3.0 Incidents reported

- 3.1 No incidents have been reported on the following routes: Cubbington C of E Primary, Long Lawford Primary, Bishops Tachbrook C of E Primary, Wootton Wawen Primary, Kineton Primary or Budbrooke Primary.
- 3.2 Three incidents have been reported on the service to Wolvey C of E Primary School and two incidents on the service to Newton Regis C of E Primary School. Eight complaints / incidents relating to the service to The Dasset School have been reported. Five complaints / incidents relating to the services to The Ferncumbe School have been reported.
- 3.3 Full details of the incidents reported to date and the actions taken are set out at **Appendix A**.

4.0 Conclusion

- 4.1 The decision to remove passenger assistants was a difficult one taken as a result of the need to make significant savings and in light of the fact that many other authorities make no such provision.
- 4.2 As expected, the implementation of the policy has proven difficult, with Elected Members, parents and schools understandably concerned. However, the number of incidents reported is relatively low. In many cases, it is not possible to say that if a passenger assistant had been provided that the incident would have been avoided.
- 4.3 While the progress in removing assistants has been slow, this is due to the need to assess each service individually and to consult with all relevant parties. The decision-making process is now more robust, but as a consequence, extends the time taken properly to assess a service.
- 4.4 Savings achieved to date have been lower than expected. However, once all services have been assessed and contracts retendered, the true long-term savings are still expected to be significant.

	Name	Contact Information
Report Author	Craig Pratt	01926 742070 craigpratt@warwickshire.gov.uk
Head of Service	Mark Gore	01926 742588 markgore@warwickshire.gov.uk
Strategic Director	Wendy Fabbro	01926 742967 wendyfabbro@warwickshire.gov.uk
Portfolio Holder	Cllr Heather Timms	cllrtimms@warwickshire.gov.uk

Removal of Passenger Assistants from Home to School Transport

Incidents Reported to Date

Listed below are details of all specific incidents reported to either Transport Operations or Education Transport following the removal of a passenger assistant from home to school transport. Further comments received about the policy in general have not been included.

Wolvey C of E Primary School.

- 1) Complaint in September 2011 that the service was running late since the removal of the passenger assistant.

Action Taken - Operator contacted by Transport Operations – no further complaints received regarding the timing of the service.

- 2) Incident in November 2011 when a student left the vehicle at the wrong stop.

Action Taken - Investigation carried out by Transport Operations. The student concerned had not travelled on the service before and left the vehicle with a friend. As all students were accounted for the driver's actions were considered appropriate and it was determined that a passenger assistant would not have prevented the incident.

- 3) Incident in January 2012 when a child left the vehicle at the correct stop but was not met by their parent as they had been unexpectedly delayed.

Action Taken – Investigation carried out by Transport Operations. The student concerned normally left the vehicle alone and was then met by his father at a nearby location. This was out of the driver's sight and it was therefore determined that the driver had acted appropriately and that a passenger assistant would not have prevented the incident.

Newton Regis C of E Primary School.

- 1) Incident in February or March 2012 (the school are unable to confirm the exact date although the incident was only reported in May 2012) involving a child leaving the vehicle before it reached school. The child then refused to get back on to the vehicle. Incident reported to Adrian Over, Education Safeguarding Manager, by the School's Chair of Governors.

Action Taken - Investigation carried out by Adrian Over. The child concerned had left the vehicle before it reached the school and was subsequently found by his mother. Investigation concluded that drivers and assistants are unable to force a child to remain on a vehicle. A passenger assistant would not therefore have prevented the incident.

- 2) Incident in October 2012 when a child left the vehicle at the correct stop despite no parent being present to meet them.

Action Taken – Investigation carried out by Transport Operations. While the parent believes the bus arrived at the stop early the operator could not confirm this. After the bus had arrived at the stop the child in question began to get upset and was able to point to their home address. The driver allowed the child to leave the vehicle and ensured they reached their home address safely. While it is believed that the driver acted in good faith the operator has been reminded of the need to wait for parents if they are expected at the pick-up point. An Inspector will observe the service in order to establish if there are any issues with the timing of the service.

The Dassett C of E Primary School.

- 1) Complaint in January 2012 that children on the service had witnessed the aftermath of an accident on the B4100.

Action Taken – Operator contacted by Transport Operations. While it was very unfortunate that children on board the vehicle witnessed the aftermath of the accident this was unavoidable and could not have been prevented by the presence of a passenger assistant. Operator determined to have acted appropriately.

- 2) Complaint received in February 2012 that a double deck vehicle was being used.

Action Taken – Operator contacted by Transport Operations and reminded of the fact that such vehicles should not be used under any circumstances.

- 3) Complaint received in April 2012 that the driver of the 335 service was not ensuring seatbelts were fastened.

Action Taken – Operator contacted by Transport Operations and instructed to remind students using all means necessary of the need to fasten safety belts. Driver should ensure belts are fastened before driving away.

- 4) Two complaints in May 2012 regarding bullying, the behaviour of children on the service and children travelling without seatbelts.

Action Taken – Operator reminded by Transport Operations of their responsibilities and service observed by Quality Standards Inspector.

- 5) Complaint in May 2012 regarding late running of the 346 service and occasional use of a double deck vehicle.

Action Taken – Operator contacted by Transport Operations and formally notified that a double-deck vehicle must not be used.

- 6) Correspondence from school and parent received in September 2012 regarding unreliability of service.

Action Taken – Operator contacted by Transport Operations.

The Ferncumbe C of E Primary School.

- 1) Complaint in December 2011 regarding the 523 service and methods of communication available to the driver. The vehicle in question had been hired by the school under a private arrangement. The vehicle then broke down and the driver of the vehicle did not have a mobile phone. The vehicle in question was then scheduled to transport children home from school.

Action Taken – Response offered by Education Transport with complaint then considered under the Corporate Complaints Process including an independent report commissioned by the Customer Relations Team. Recommendation that the complainant be offered an apology for the delays in responding to his complaints, that the role of the Council's O&S Committee be explained, and that the Council consider providing more information in future documents about how savings targets will be achieved. While this complaint was linked to the removal of passenger assistants it should be noted that the service in question was not a home to school contract.

- 2) Complaint in May 2012 regarding behaviour of certain children.

Action Taken – Concerns noted but parent unable to identify those responsible.

- 3) Two complaints received in September 2012 regarding the driver of the service not ensuring children had fastened their seatbelts, children moving around after the vehicle had started moving, and the driver having to stop the vehicle due to the behaviour of children.

Action Taken – Investigation carried out by Transport Operations. Comments were invited from the operator who refuted the suggestion that the driver had not been checking belts were fastened and that it was necessary to stop the vehicle due to poor behaviour. The operator did, however, concede that a student may have released their seatbelt once the vehicle was moving, and confirmed it was necessary for the driver to speak to a child about his behaviour while the vehicle was stationary. Transport Operations to contact the school and to offer training to students on how to travel in safety.

- 4) Complaint received in October 2012 concerning the conduct of the driver who did not seem to know the route, performed a potentially unsafe reversing manoeuvre, did not check children had fastened their seatbelt, and failed to display the destination of the vehicle.

Action Taken – Investigation carried out by Transport Operations. The service in question had been subcontracted for the AM journey – this is permitted to cover incidents such as vehicle failure. While the driver had driven the route

before he confirmed that he had asked parents for confirmation of the route. The driver also admitted that while he did check that all children were seated he did not leave his seat to check that belts were fastened. After missing a turning it was necessary for him to turn the vehicle around. The driver stated that the destination of the service was displayed and the vehicle reached the destination in good time and without any further incidents. Apology issued to complainant along with acknowledgement that the service in question had fallen below the expected standard. Operator notified of this by Transport Operations.

Children and Young People Overview & Scrutiny Committee

6 November 2012

Area Behaviour Partnerships

Recommendation

To consider the report and comment on the progress achieved and actions taken to date

1.0 Key Issues

- 1.1 This paper provides an update on progress of the Council's new approach to prevent exclusions and better provide for excluded young people, as requested by the Committee. It will look at the following issues:
- To consider how the new arrangements for excluded pupils and those at risk of exclusion are working
 - To review specifically progress of the Eastern Area Behaviour Partnership, following the concerns raised in April
 - To review the lessons learned from a recent case of education not provided, which resulted in a payment ordered by the Ombudsman
 - To review how the barriers identified in the Chairs' reports from April are being overcome
 - To review attendance figures for pupils in alternative placements

2.0 New arrangements for excluded pupils and those at risk of exclusion

- 2.1 Since the previous report to the Committee, the new approach to reducing permanent exclusion from school is being fully implemented. In addition to this:
- The Lead Improvement Manager for Vulnerable Children took up post on 1 September 2012
 - Agreements have been signed with each Area Behaviour Partnership (ABP), devolving a total of £2.4m for the purposes of preventing permanent exclusion and securing provision where exclusion takes place
 - The Framework Agreement for Alternative Education Provision became live on 1 September 2012
 - The Warwickshire Pupil Referral Unit was closed on 31 August 2012
- 2.2 The Committee will be aware that the Council has a statutory duty to provide for excluded pupils, but the new approach seeks to devolve the operational responsibility for managing provision for excluded pupils. As importantly, the devolved responsibility and budget allows ABPs to use those resources

flexibly to prevent exclusion. The principles that underpin the approach are, in summary:

- Devolving funding to partnerships of schools
- Schools working collaboratively to:
 - Fund early intervention support in order to avoid exclusion (e.g., Learning Support Units)
 - Implement the managed transfer process
 - Purchase packages of education appropriate to the individual child from alternative providers, to ensure the young person's entitlement to fulltime education

- 2.3 The Authority has, however, put strong mechanisms in place to monitor the new approach, as set out in Paragraph 2.10. The new approach has led to the lowest number of permanent exclusions in at least a decade. Only 32 permanent exclusions occurred in 2011/12, compared with 88 in the previous year. It is expected that the number of permanent exclusions will decrease further in 2012/13. There was one permanent exclusion from a secondary school in September 2012 with a further two from EBSD provision. More detailed figures are given in **Appendix B**.
- 2.4 In May 2012, WCC commissioned a report looking into areas of best practice and areas for improvement in the four ABPs. The report made a number of recommendations, all of which have been accepted by the local authority.
- 2.5 Investment in Learning Support Units is key to intervening early where poor behaviour is presented. There are 18 Learning Support Units in Warwickshire schools – others are still in development. This provision will be inspected by Ofsted as part of the school inspection framework. Guidance has been issued on best practice in establishing and maintaining Learning Support Units.
- 2.6 Managed moves are an effective way of keeping pupils in full-time education where a fresh start is desirable. The ABPs have responsibility for this. Since September 2012, 14 managed moves have been initiated. This is in addition to 24 managed moves undertaken in the summer term. Again, guidance has been issued on best practice and provision for these pupils will be inspected by Ofsted.
- 2.7 The Framework Agreement for Alternative Education Provision currently consists of 18 'active' part-time providers and five full-time providers. A further nine part-time providers may become 'active' by January.
- 2.8 The range of part-time provision on offer includes courses in the following areas: literacy, numeracy, construction, hair and beauty, ICT, land and environment, performing arts and music, and sport and leisure. Every young person is entitled to and must be given full-time education, i.e., 25 hours; some of which may be in school and some with an alternative provider. Full-time providers are expected to deliver a full-time curriculum (at least 2 hours) as set out in the specification (including English and Maths). Prices for full-time provision average at over £100 per week less expensive than provision at the PRU.

- 2.9 ABPs may only purchase alternative education provision from providers that are on the WCC Framework Agreement for Alternative Education Provision. Placement must be made based upon the needs of the pupil. The contractual arrangements for alternative provision are consistent with the best practice on alternative provision, issued by the DfE in July 2012.
- 2.10 The Authority must be notified of the start and finish dates of every pupil accessing alternative provision and is provided with monthly progress reports for each pupil. As of 8th October 2012, there are 52 pupils placed in part-time alternative provision and 23 pupils placed in full-time provision. The Lead Improvement Manager will be reporting on the effectiveness of this provision to the Preventing Exclusions Steering Group, chaired by Cllr Timms. There will be a particular focus on attendance, behaviour, educational progress and positive destinations following provision.

3.0 Progress of the Eastern Area Behaviour Partnership

- 3.1 At the previous meeting of the Overview & Scrutiny Committee, concerns were expressed about progress being made in the Eastern Area. While exclusions reduced from 21 to 13, this area had the highest number of exclusions in 2011/12.
- 3.2 The Eastern ABP is establishing new arrangements in light of the new approach. The ABP has increased capacity by recruiting a new coordinator 2.5 days per week. The managed moves process is being revived as an alternative to permanent exclusion. The ABP is now seeking to engage with alternative providers to provide for some of their most challenging pupils. The local authority will continue to monitor that alternative provision is used appropriately.

4.0 Lessons learned from a recent case of education not provided

- 4.1 The Committee should be aware that the Local Government Ombudsman has investigated two cases of education not being provided to a pupil.
- 4.2 The first case was a failing in the In-Year Fair Access Protocol arrangements, unrelated to the new approach to exclusions. A separate lesson learned report has been compiled, and the recommendations implemented.
- 4.3 In the second case, a pupil was excluded from an ABP, but a placement back into education provision was not made for over six months. This is clearly unacceptable. ABPs had been issued with a provisional list of alternative providers and advised that if they could not secure a placement, then pupils could still access provision in the PRU. This advice was not taken.
- 4.4 As a result of this case, a staffing restructure has taken place in the relevant ABP and protocols have been revised. The Authority now has five full-time providers in place contracted to admit pupils within 6 days of exclusion. Short-

stay assessment places are also available. As noted earlier in the report, each pupil placed in alternative provision is now recorded by the Authority and this information will be cross-referenced with permanent exclusions from school.

- 4.5 It is the role of the Lead Improvement Manager to keep reviewing the new approach to ensure cases such as these do not happen again.

5.0 Barriers identified in the Chair reports

- 5.1 The termly progress reports from ABP Chairs raised a number of issues. Progress against these issues is noted below.
- 5.2 Payment process – the adoption of the new approach has coincided with the roll-out of a new finance system across the Authority. Problems with this system have led to delays in payment to alternative providers. As the system embeds within the Council, the number of delayed payments should be minimal.
- 5.3 Range of providers – the list of approved providers is available to view at www.warwickshire.gov.uk/alternativeeducationprovision and is also given as **Appendix A**. It is considered that there are enough suitable alternatives in each area. However, the range of provision on offer in the north and south of the County is increased by the provision made by the further education colleges.
- 5.4 Substance misuse – concern has been expressed about young people using drugs and alcohol. The Council commissions 'Compass' to provide a 1-to-1 support service for young people with problematic alcohol and drug use. During the period January to June 2012, the service received 56 referrals from schools (all accepted with appointments within 2 weeks). All closed cases have resulted in a reduction in alcohol and drug use.
- 5.5 Links with other services and strategies – those at risk of permanent exclusion often require support from a range of agencies. It will depend on the individual circumstances of each case which agencies need to be involved (e.g., Education Social Work, Youth Justice, Virtual School, SEN). The recommended framework for organising such support is the Common Assessment Framework (CAF).
- 5.6 Pupils being placed in school at risk of permanent exclusion – in 2011/12, over 200 pupils were placed in schools under the In-Year Fair Access Protocol (IYFAP). This agreement seeks to share in-year admissions between schools where the pupils are expected to require additional input to settle in a school. One of the criteria for an IYFAP placement is a previous permanent exclusion (e.g., in another local authority). The local authority view is that all pupils should be placed in a school, and where there are associated issues of behaviour, ABPs now have funding to purchase alternative provision if appropriate. However, it is not in the interests of the pupil, the school or the local authority to direct a school placement that is likely to fail. The local authority is reviewing the support it can provide in these cases.

5.7 Transport costs – costs of transporting pupils to alternative provision are the responsibility of ABPs.

6.0 Attendance figures for pupils in alternative placements

6.1 Attendance figures are recorded for each session on a county database (Collaborative Learning Manager). Due to technical issues, the database has not been operational during September 2012. As a result, attendance figures will be tabled at the meeting.

6.2 Interim Progress Reports from each of the ABPs are given as **Appendix C** to this report.

7.0 Options and Proposal

7.1 It is proposed that the Lead Improvement Manager provides further reports on the effectiveness of the new approach in January 2013 and June 2013.

Background papers

[Cabinet: Project to reduce exclusions and remodel provision for excluded pupils - 19 July 2012](#)

[Cabinet: Proposal to close Warwickshire PRU – 19 April 2012](#)

[Cabinet: Authorisation to Establish a Framework for Alternative Education Provision – 15 March 2012](#)

[Cabinet: Meeting the Needs of Young People Excluded or at Risk of Exclusion from School - Proposal to close Warwickshire Pupil Referral Unit – 15 December 2011](#)

[Children and Young People's Overview and Scrutiny Committee: Area Behaviour Partnerships – 14 December 2011](#)

[Ofsted: Annual Assessment of Children's Services – Warwickshire – 11 November 2011](#)

[Children and Young People's Overview and Scrutiny Committee: Meeting the Needs of Pupils Excluded or at Risk of Exclusion from School – Report to Children and Young People's Overview and Scrutiny Committee – 1 September 2011](#)

[Cabinet: Meeting the Needs of Pupils Excluded or at Risk of Exclusion from School – 14 July 2011](#)

[Children and Young People's Overview and Scrutiny Committee: PRU – Interim Report – 6 April 2011](#)

[Cabinet: Strategic Plan and Business Case to meet the needs of excluded pupils or those at high risk of exclusion including primary schools – 17 February 2011](#)

	Name	Contact Information
Report Author	Steve Pendleton & Ross Caws	stevependleton@warwickshire.gov.uk 01926 742994 rosscaws@warwickshire.gov.uk 01926 742011
Head of Service	Mark Gore	markgore@warwickshire.gov.uk
Strategic Director	Wendy Fabbro	wendyfabbro@warwickshire.gov.uk
Portfolio Holder	Cllr Heather Timms	cllrtimms@warwickshire.gov.uk

Framework agreement for alternative education provision – providers

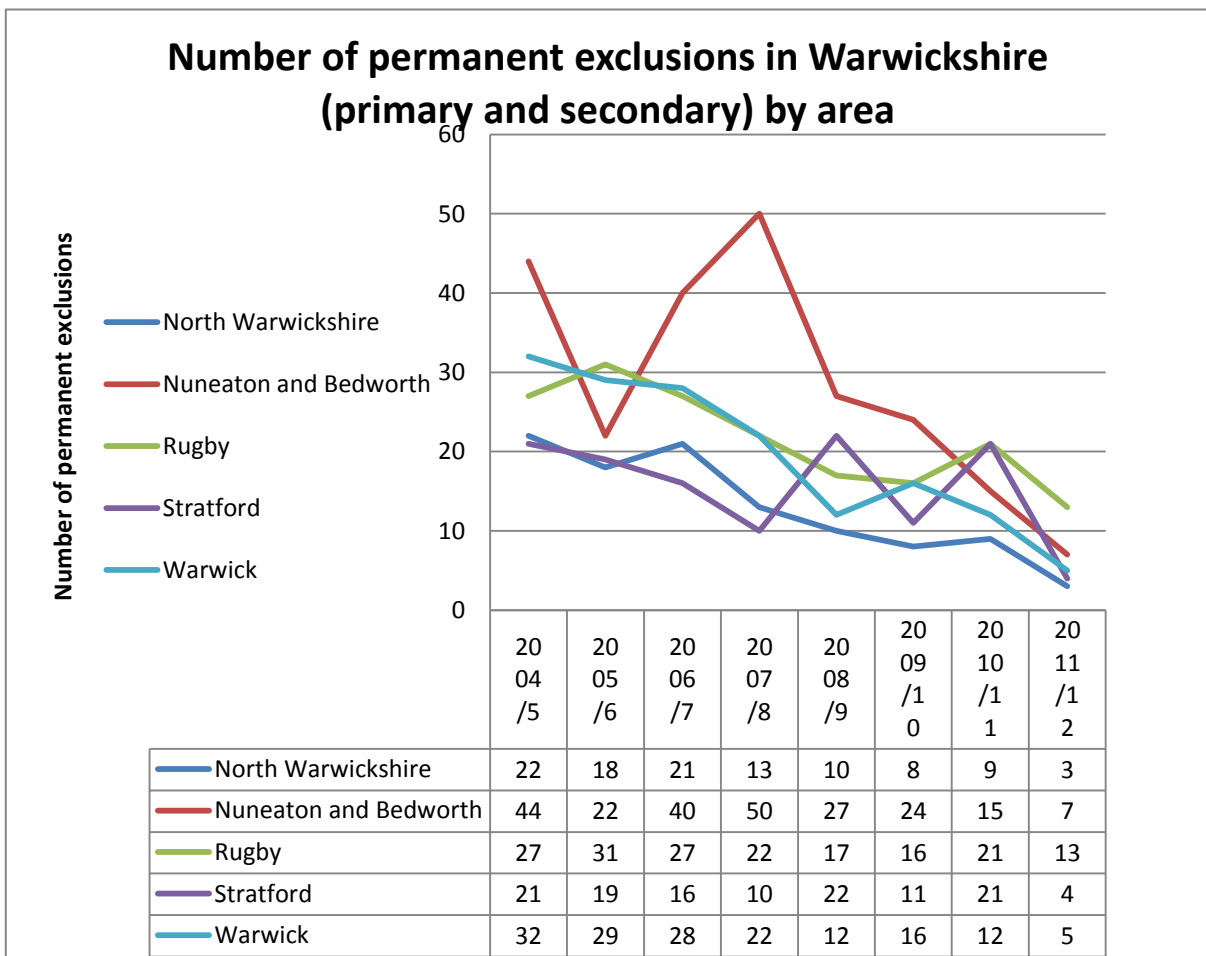
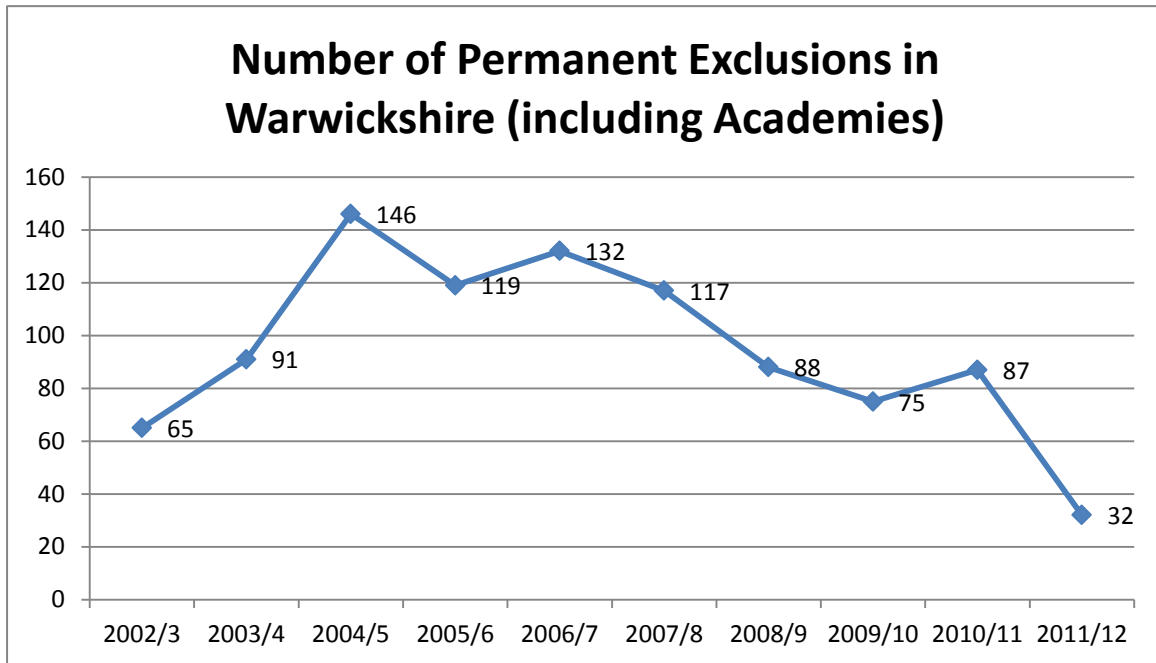
Lot 1 – Part-time provision: Active Providers

90-ONE Education
Apricot Online Ltd
Brakes Training Ltd
Core Children's Services Ltd
Heart of England Training
Hereward College
Hybrid Arts
Learn2G Ltd
North Warwickshire and Hinckley College
Nuneaton & Bedworth Leisure Trust
Pedestrian Limited
Positive about Young People
R.E.A.L. Education Ltd
Shaftesbury Young People
Stratford Upon Avon College
Warwickshire Association of Youth Clubs
Where Next Association
Wild Earth

Lot 2 – Full-time provision: Successful Providers

North Warwickshire and Hinckley College
Stratford Upon Avon College
Shaftesbury Young People
Hereward College
Hybrid Arts

Permanent exclusion data



Reason for Exclusions

EXCLUSIONS REASON	2008-2009		2009-2010		2010-2011		2011-2012	
	PERMANENT		PERMANENT		PERMANENT		PERMANENT	
	Number	%	Number	%	Number	%	Number	%
Physical assault against pupil	16	18.2%	7	9.3%	14	15.9%	4	12.9%
Physical assault against adult	11	12.5%	13	17.3%	8	9.1%	5	16.1%
Verbal abuse / threatening behaviour against pupil	5	5.7%	3	4.0%	0	0.0%	2	6.5%
Verbal abuse / threatening behaviour against adult	7	8.0%	5	6.7%	17	19.3%	0	0.0%
Bullying	0	0.0%	1	1.3%	0	0.0%	0	0.0%
Racist abuse	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Sexual misconduct	0	0.0%	0	0.0%	1	1.1%	0	0.0%
Drug and alcohol related	8	9.1%	10	13.3%	4	4.5%	4	12.9%
Damage to school or personal property belonging to any member of the school community	3	3.4%	1	1.3%	1	1.1%	0	0.0%
Theft	5	5.7%	1	1.3%	2	2.3%	0	0.0%
Persistent disruptive behaviour	32	36.4%	23	30.7%	38	43.2%	14	45.2%
Other	1	1.1%	11	14.7%	2	2.3%	2	6.5%
Unknown	0	0.0%	0	0.0%	1	1.1%	0	0.0%
Total	88	100.0%	75	100.0%	88	100.0%	31	100.0%

Permanent exclusions to date 2011-2012

Count of School	Column											
Row Labels	Sep 2011	Oct 2011	Nov 2011	Dec 2011	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Jul 2012	Grand Total
Primary	1			1		1	1	1				5
Primary (LA maintained)	1			1		1	1	1				5
Weddington Primary	1											1
Canon Maggs				1								1
Wellesbourne Primary						1						1
Stockingford Junior							1					1
Coleshill Primary								1				1
Secondary	3	2	5	1	5	2	2	2	2	1	1	26
Academy	2			1	1	1	2		2	1		10
Bilton					1		1		1	1		4
Nuneaton Academy	1											1
Stratford High	1											1
Campion									1			1
Rugby High School				1								1
Alcester Academy						1	1					2
Secondary (LA maintained)	1	1	5		4	1		2			1	15
Bilton	1											1
Harris		1			4			1				6
Campion			1									1
Nicholas Chamberlaine			2									2
Queen Elizabeth			1									1
Etone College			1									1
Kingsbury						1						1
The Avon Valley								1				1
Southam											1	1
Special		1										1
Round Oak		1										1
Grand Total	4	2	5	2	5	3	3	3	2	1	1	31

Interim Progress Report – Eastern Area ABP, Chair: Don O’Neill, 27/9/12

Meeting the needs of pupils at risk of exclusion or who have been excluded by introducing new approaches

1	Devolved funding has improved the use of early intervention (eg. learning support units) in our area.	Strongly agree	Agree	Disagree	Strongly disagree
<p><i>Please describe how funding has been used to improve early intervention and inclusion with pupils at risk of exclusion.</i> As yet, funding has not been devolved to LSU provision in schools, although there are examples of good in-house intervention strategies in some schools. All funds are currently held centrally.</p> <p>The partnership has now appointed an Area Coordinator - Ruth Glackin – who has extensive experience in this type of work. Appointed 1 September 2012.</p>					
<p><i>Total number of LSUs operating:</i></p>					
2	Managed transfers are working well in our area.	Strongly agree	Agree	Disagree	Strongly disagree
<p><i>Please describe how managed transfers are working in your area commenting on where it has worked well and where barriers have been identified.</i> There are currently 6 children involved in managed moves in the East, involving 4 schools. Early reports are mixed on the progress of these children; all are still under review. The ABP Coordinator is currently producing Procedure and Policies, both for Managed Moves and Alternative Provision – to make the process much clearer as well as cost effective. ABP Coordinator met with 4 out of 6 partner school’s representatives.</p>					
3	Alternative provision is meeting the needs of pupils who cannot be supported in mainstream school.	Strongly agree	Agree	Disagree	Strongly disagree
<p><i>Please state which alternative providers you have worked with (if any), how these arrangements have worked and how they are meeting the needs of the young people involved.</i> Currently 7 students working with Shaftesbury on the Kersley site. Two of these students are causing concern. 2 further students are placed at North Warwickshire and Hinckley College. One student, at mother’s request, is looking for a place back in mainstream school. All of the students are in KS4. 2 further students have been placed temporarily in Avon Valley School’s TAP and start Monday 1 October.</p>					
4	<p>What barriers remain to reducing exclusions and improving provision for those who are excluded? Service level Agreement being worked on with Shaftesbury and LA, to transfer students from Kersley to Rugby. This is unlikely to occur quickly and could take a couple of months. Need to reinforce Policies and Procedures with all members of the ABP.</p>				
5	<p>Please add a case study as an example of how devolved funding has been used to improve outcomes for a child in your area. Too early to report on this.</p>				

Interim Progress Report - Central ABP, Chair: Steve Hall (21.07.12)

Meeting the needs of pupils at risk of exclusion or who have been excluded by introducing new approaches

1	Devolved funding has improved the use of early intervention (eg. learning support units) in our area.	Strongly agree	Agree	Disagree	Strongly disagree
		YES			
<p><i>Please describe how funding has been used to improve early intervention and inclusion with pupils at risk of exclusion. A large part of the ABP's funding has been shared equally amongst the 7 schools in order to support the setting up and development of their LSUs and to fund the necessary staffing. The remainder of the money has been used to fund alternative provision and the Coordinator's salary (0.4fte).</i></p>					
<p><i>Total number of LSUs operating: 7</i></p>					
2	Managed transfers are working well in our area.	Strongly agree	Agree	Disagree	Strongly disagree
		YES			
<p><i>Please describe how managed transfers are working in your area commenting on where it has worked well and where barriers have been identified. Managed transfers have worked well in the Central Area owing to the provision of good information about the students transferring and to the open, honest approach of the schools involved. The one exception, involving the return of a Y10 student to his home school and his subsequent permanent exclusion from that school, was entirely the student's own responsibility.</i></p>					
3	Alternative provision is meeting the needs of pupils who cannot be supported in mainstream school.	Strongly agree	Agree	Disagree	Strongly disagree
			YES		
<p><i>Please state which alternative providers you have worked with (if any), how these arrangements have worked and how they are meeting the needs of the young people involved. CABP has used Hybrid Arts, Arthur Rank Training, Coombe Country Park, Warwickshire College, Academy21 and Apricot Learning On-Line. These partnerships have worked well, but the problem of providing adequately for GCSE English and Maths effectively remains a critical one. Furthermore, only 2 of the above 6 Alternative Providers have successfully come through the LA's tendering process for 2012/13, which is a real concern: the Central Area will be very short of Providers sited at a reasonable distance from the schools.</i></p>					
4	<p>What barriers remain to reducing exclusions and improving provision for those who are excluded? <i>The main barriers remaining are: 1.) The lack of adequate BESD capacity in Warwickshire for students who should not be in mainstream schools; 2.) The failure to diagnose the extent of key students' special needs whilst they are in the Primary Sector; 3.) The lack of coordination and cohesion amongst the various LA and other agencies involved in supporting the most challenging students; 4.) Widespread drug abuse amongst the most challenged and challenging students, particularly KS4 boys.</i></p>				
5	<p>Please add a case study as an example of how devolved funding has been used to improve outcomes for a child in your area. <i>A permanently excluded Y8 boy has been provided with a 6-week short-stay placement with the Early Intervention Service. This has involved him in a variety of learning activities organised by Positive About Young People (PAYP) throughout this period but has also enabled an EIS worker to carry out a full assessment of his needs, creating a Personal Learning and Behaviour Profile. At a cost of £3000, including daily transport to the PAYP site, it is hoped that this facility will enable the CABP to settle the student successfully in a different Central Area school.</i></p>				

Interim Progress Report – Northern Area ABP, Chair: David James, October 2012

Meeting the needs of pupils at risk of exclusion or who have been excluded by introducing new approaches

1	Devolved funding has improved the use of early intervention (eg. learning support units) in our area.	Strongly agree	Agree	Disagree	Strongly disagree
			√		
<p>50% of the total ABP funding allocation has been devolved to schools to facilitate early intervention, especially at KS3.</p> <p>Only a small number of schools have also established LSU type facilities with some success. EIS provide learning mentors who work with key at risk students. PAYP is also involved in providing intervention services to students at risk of exclusion.</p> <p>Key challenges:</p> <ul style="list-style-type: none"> • Funding in the first year was limited with many schools not having sufficient funds to invest in effective provision. With increased funding this year, it is expected that the number of schools offering LSU provision will increase. • Establishing and sharing good practice across schools – this approach is new to all of the schools, so it will take time for outstanding practice to develop and replicated across the area. • The behaviour leads meeting is effective at sharing information, but needs to develop further. All schools in the partnership who utilise funding should be expected to attend. 					
<i>Total number of LSUs operating: 4</i>					
2	Managed transfers are working well in our area.	Strongly agree	Agree	Disagree	Strongly disagree
			√		
<p>There has been a significant increase in the number of managed moves in the area, especially at Key Stage 3. A number have been extremely effective and the student have been able to “re-invent” themselves effectively in their new setting. EIS have supported the process effectively through their deployment of their learning mentor team.</p> <p>A significant number of managed moves have, however, failed, especially with students who have turbulent home lives and often students who are extremely vulnerable. Moving to a new school has not removed the underlying difficulty for the student and as a result a typical school setting fails. With very limited LSU provision across the area, managed moves are often “hit and miss”. However, there is significant trust across partner schools and a clear desire for them to continue.</p> <p>Having a dedicated ESW for ABP students has had a significant impact – as they have provided intervention for students at risk of non-attendance at the new school.</p> <p>Key Challenges:</p> <ul style="list-style-type: none"> • When a KS3 student fails a managed move, finding further placements is extremely difficult. There are an increasing number of vulnerable 					

Y9 girls who have failed managed moves with little or no hope of returning them to mainstream school at the moment. With the absence of high quality providers at KS3, sending vulnerable KS3 girls to external providers raises significant safeguarding issues that the ABP and the LA must not shy away from addressing.

- Where a school has spaces, parents can if they wish by-pass the managed move system (and the IYFAP) system and simply apply for a school place, which the school is obliged to take on-roll. Schools with spaces therefore have a regular number of casual admissions from students who are on the verge of permanent exclusion. Without support in the new school, behaviour continues to be an issue and a significant challenge to the school.
- Communication between key agencies is not as robust as it should be with LAC, Social care, ASRS and ESW not always working as well together as they could for the benefit of the students.

3	Alternative provision is meeting the needs of pupils who cannot be supported in mainstream school.	Strongly agree	Agree	Disagree	Strongly disagree
			√		

Please state which alternative providers you have worked with (if any), how these arrangements have worked and how they are meeting the needs of the young people involved.

North Warwickshire and Hinckley College

A total of sixteen students are attending NWHC through the ABP. Of these, twelve are on a full-time programme. The ABP Co-ordinator attends all initial interviews to discuss the programme for the student and regular meetings are then held thereafter. The college sends weekly reports to the ABP Co-ordinator which are then passed onto the relevant lead within the home school. Attendance is being monitored both in the morning and the afternoon. The college are offering the students GCSE Maths and English where appropriate and level 2 qualifications in other areas.

Positive about Young People

A total of four young people are attending Positive about Young People. This provider has been used for the more challenging students for who an immediate placement at college or other provider is not the right move. PAYP are working with these students on issues such as self-esteem and confidence. Work is supplied by the home school for the student to complete whilst attending. It is only used as a short stay facility to enable us to find the right placement for the students to ensure a successful move.

Coventry Building Workshop

Two students currently attend Coventry Building Workshop on a part-time basis. These students have been attending since 2011-2012. Students placed here have been very successful and are working towards accredited vocational qualifications. The provider is not active at present on the providers list but it is hoped that they will become active in the near future.

EIS Short Assessment programme

We have one student on the short stay assessment programme and a decision will be made in the next week as to where they will be placed long-term. The existing assessment arrangements are currently inadequate as they do not provide the service that is required.

Shaftesbury

	<p><i>We have one student on a part-time Shaftesbury placement, who is attending NWHC for two days a week. This was a legacy student that the Northern ABP picked up.</i></p>
<p>4</p>	<p>What barriers remain to reducing exclusions and improving provision for those who are excluded?</p> <ul style="list-style-type: none"> • KS3 provision – especially for the most vulnerable. Is the establishment of a KS3 PRU free school an option? – Especially an issue for vulnerable girls. • Joined up support for students – the vast majority of students working with the ABP have significant need and are supported through a large number of agencies. A single ESW for the ABP has had significant benefits. A single senior named person in each key agency would allow issues to be resolved rapidly through the coordinator to ensure that key protocols established effectively and that vulnerable students are dealt with rapidly. • I am not confident that everyone is aware of the responsibilities of the ABP and the responsibilities of the LA. A number of LA agencies are not totally aware that the ABP is working to eliminate permanent exclusion and have not adjusted their protocols accordingly. For example a school was recently told by the LAC team that they would only intervene if the student was permanently excluded. • EIS short stay/assessment arrangements are currently not effective. • EBD provision in the North is inadequate. • In the last year there has been at least 1 occasion where important safeguarding information regarding an ABP student was not made available when a student moved school. This put staff and other students at significant risk. • We have evidence that alternative providers are sending students home for breaches of their behaviour code, which results in an illegal exclusions. Mostly this is done with no notification to the ABP or the school where the student is on roll. • Improving educational provision in alternative providers – the expectation that full time KS4 provision provides high quality teaching of GCSE English and Maths to all students to maximise life chances. GES is working with NWHC to facilitate this, but this needs to be part of future contracts. • Not all providers are using CLM to register students attendance.
<p>5</p>	<p>Please add a case study as an example of how devolved funding has been used to improve outcomes for a child in your area.</p> <p>A student who was placed at NWHC is now attending a catering course post-16 at the college.</p> <p>The student also won Yr 11 student of the year and the Electrical Installation Student of the Year Award.</p> <p>This was a student who was totally disengaged whilst at school and attendance was very poor.</p> <p>He attended college every day and there were rarely concerns noted on his reports.</p>

Children and Young People Overview & Scrutiny Committee

6 November 2012

Performance of Warwickshire Children and Young People in 2012 National Tests and Examinations

Recommendations

1. To consider the report and make any appropriate recommendations arising from it
2. To decide if any additional reports or briefing sessions are required

1.0 Purpose of report

- 1.1 The purpose of this report is to give an overview of the attainment of Warwickshire's young people in the 2012 national tests and examinations, with a particular focus on vulnerable groups and districts/boroughs.
- 1.2 The report is based on confidential provisional data provided to the Local Authority (LA) by the National Consortium for Examination Results, and so it is not possible to report the results for individual institutions at this stage. These will be reported at a future meeting after the publication of the national performance tables.

2.0 Contents

- 2.1 The sections of this report are:
 - Summary of main messages
 - Note on data sources
 - Attainment
 - Progress
 - Vulnerable groups
 - Districts/boroughs
 - Current context and future developments

3.0 Summary of main messages

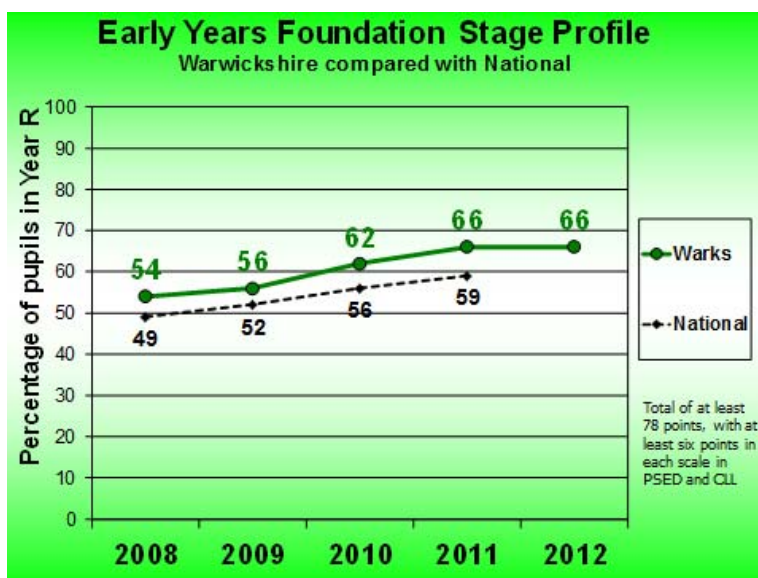
- 3.1 Children make a good start in the early years of their education in Warwickshire, and standards of attainment for children and young people at Key Stage 2, Key Stage 4 and post-16 are generally above the national average. Most attainment measures have improved, but GCSE English is a notable exception.
- 3.2 In terms of value added, progress in secondary schools is slightly above the national average, but in Key Stage 2 it is now below the national average.
- 3.3 Some more vulnerable pupils reach standards that are well below their peers. These lower-attaining groups include children with special educational needs (SEN), looked-after children (LAC) and those with free school meals (FSM). Generally, the outcomes for these groups are comparable to those of similar pupils nationally, but the average for Warwickshire pupils on FSM is below similar pupils nationally at Key Stages 4 and 5.
- 3.4 A national “pupil premium” has been introduced to help schools improve outcomes for pupils with FSM and for LAC, but it is too soon for any effects to be noticeable.
- 3.5 The proportion of young people aged 16 to 18 who are not in education, employment or training (NEET) is below the national average, and is falling, but remains a concern.
- 3.6 Standards vary between districts and localities, and socio-economic status appears to have a very important influence on pupil attainment. There is some convergence in the attainment for different areas, but there remain large differences in the secondary years, and considerable differences in NEET rates.
- 3.7 The situation has become clearer in relation to national policy for data analysis and for Ofsted judgements of institutions. Changes to examination requirements have yet to take effect and may mean standards appear to fall in future years.
- 3.8 The LA has limited opportunities to gather information and influence pupils’ progress, especially where they are taught in academies and colleges. It also has limited ability to respond where improvements are needed.

4.0 Important notes on data sources and when they become available

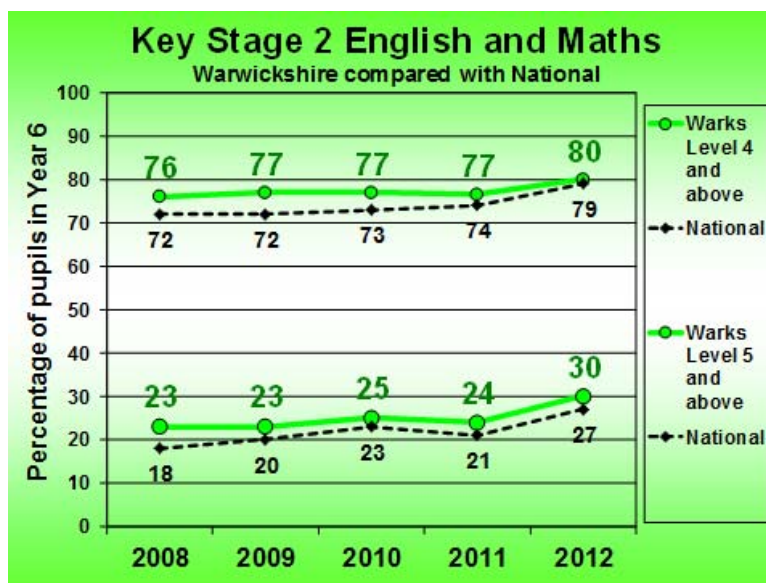
- 4.1 All attainment data reported in this paper is provisional. Provisional results are always subject to change because of errors, re-marks, appeals and alterations to cohorts through the validation process, but this year there are very serious concerns relating to changes in the GCSE English grade boundaries between January and June 2012, and these may be the subject of legal action.
- 4.2 The national processes for collating and analysing test and examination results take many months, and so a complete picture of 2012 performance in Warwickshire schools is not likely to be available to the LA until March 2013, and performance by 19 is likely to be even later. This particular paper is based on provisional attainment data released to the National Consortium for Examination Results (NCER). Some value added data for primary and secondary schools is likely to become available later this calendar year, and data for post-16 institutions early next year. Results for individual primary schools are expected to be published in the Department for Education (DfE) performance tables in December, with secondary school and college results following in January.

5.0 Attainment

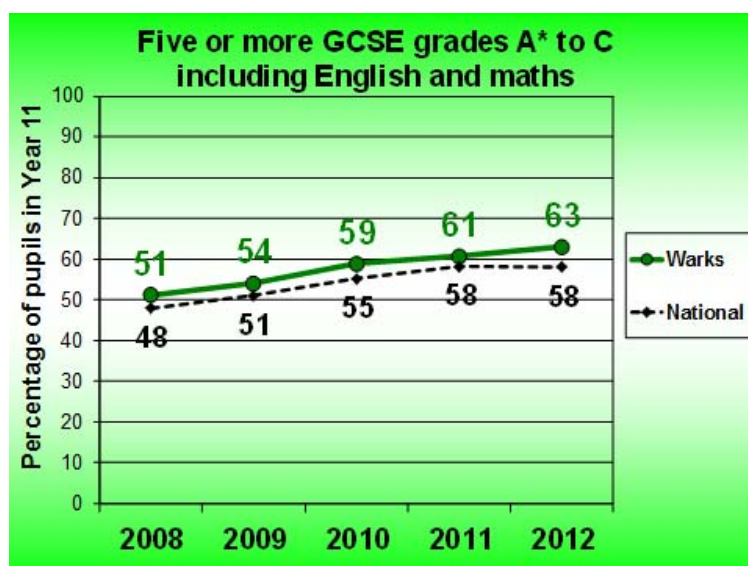
- 5.1 In 2012, 66% of children aged five showed a good standard of development on the Early Years Foundation Stage Profile. This percentage was unchanged from the previous year.



5.2 At Key Stage 2, 80% of eleven year olds reached the national expectation of Level 4 in the national tests in both English and mathematics. This was a rise of three percentage points (ppts), following a number of years when results have been static. However, the rise in Warwickshire was less than the rise nationally, so while results remain above the national average, they are now much closer to national figures than they have been in the last five years. There was also a very large rise of six ppts in the proportion of children reaching Level 5, but this was in line with the national rise. 30% of pupils reached this level.



5.3 At Key Stage 4, 63% of sixteen year olds gained five or more GCSEs or equivalent, including GCSE English and mathematics (5AC EM). This was a rise of around two ppts, when the national average remained the same, which put the Warwickshire figure approximately five ppts above the national average. The rise in the overall 5AC EM figure occurred as a consequence of a four ppt rise in the proportion of pupils gaining A*-C in mathematics, from 66% to 70%. However, the rise in the combined headline figure masks a fall of two ppts in the proportion of pupils gaining A*-C in English, from 73% to 71%. This appears to be related to a change in “grade boundaries” (the marks required for different grades), which took place between January and June 2012. In relation to the national average, the picture is different. English results are likely to be around five ppts above the national average, while mathematics results are only about one ppt above the national average.

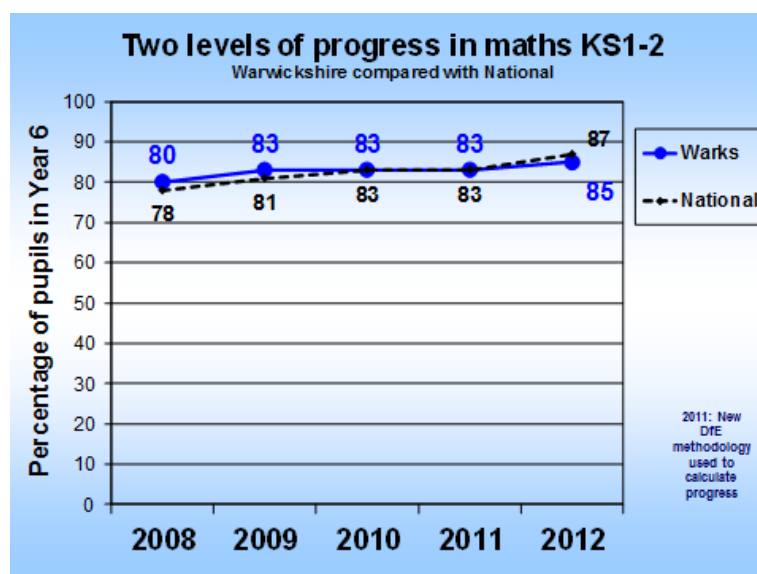
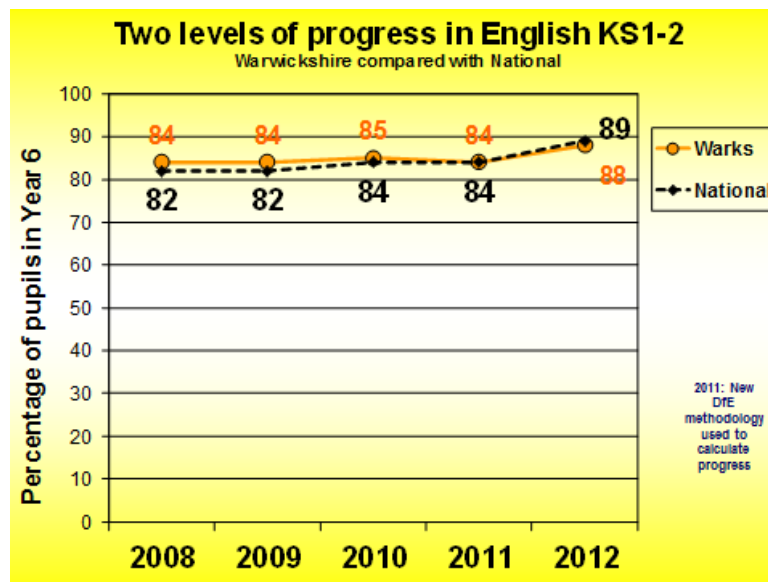


- 5.4 To gain the English Baccalaureate (EBacc), pupils need GCSE grades A*-C in English, mathematics, two sciences, geography or history, and a specified foreign language. 19% of pupils reached this standard, around three ppts higher than the national average. This was only about one ppt higher than the last two years, but as noted in previous reports, this year group chose their examination courses before the requirements of the EBacc had been announced. This meant that pupils were not studying all of the specified subjects, so a major rise would not have been possible this year. Pupils now in Year 11, who take their GCSEs in 2013, are the first ones who could have taken the requirements for the EBacc into account when choosing their GCSE courses.
- 5.5 In relation to the raising of the participation age, pupils presently in Year 11 are legally required to continue in education or work-based training until the end of the academic year in which they reach the age of 17, and those in Year 10 have to continue until age 19. In the past, participation data was not available for more than a year in arrears because it was collated by the DfE from many sources which were not available to the LA. This policy has recently changed, and the DfE now collects and publishes data directly from information, advice and guidance organisations that work locally. This means comparative data has already become available for June 2012.
- 5.6 In June 2012, 91% of Warwickshire 16 and 17 year olds were participating in education or work-based learning. This was three ppts higher than June 2011, and around four ppts higher than the national average. For the 16 and 17 year old groups separately, the respective figures were 93% and 89%. Both of these figures were above the national average, by around two ppts for 16 year olds and five ppts for 17 year olds.
- 5.7 In terms of attainment, the national expectation is that young people will gain Level 3, which is two or more A Levels or their equivalent in vocational qualifications. In 2011, 57% of Warwickshire 19 year olds reached this level. This was two ppts higher than the previous year, and around three ppts higher than the appropriate national comparison figure. 82% of young people reached

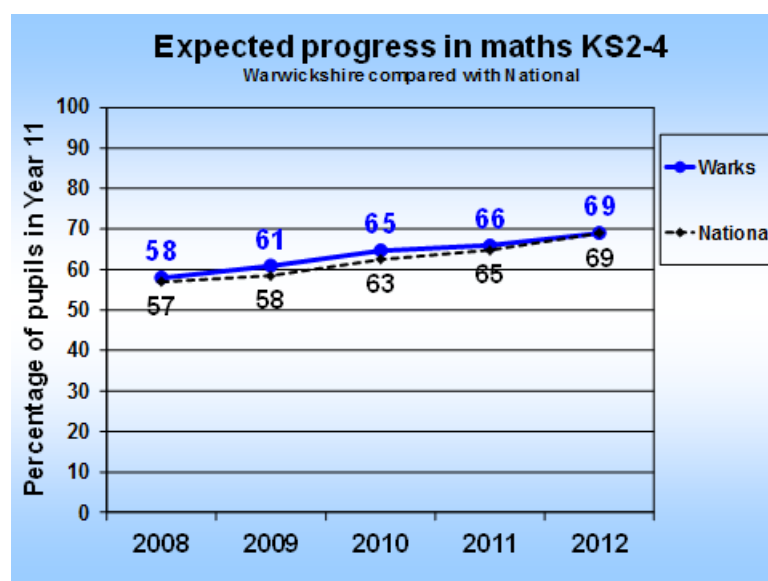
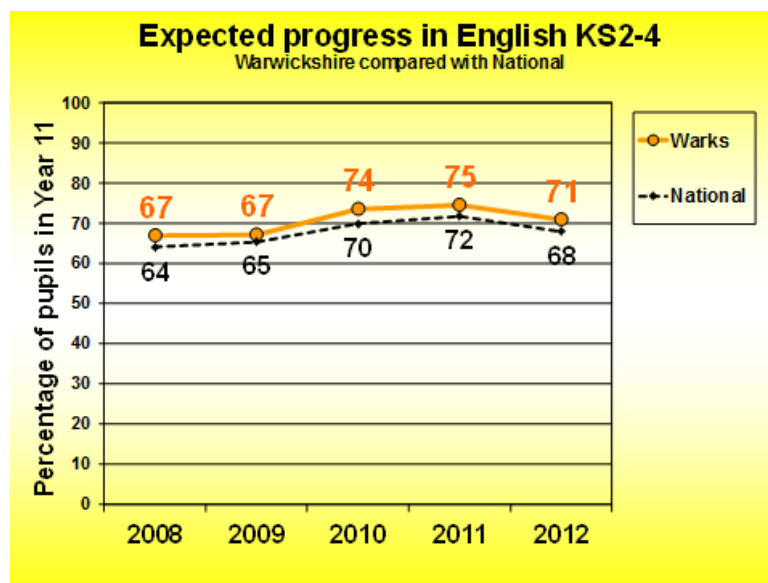
Level 2, which is five or more GCSE grades A* to C or their equivalent in vocational qualifications. This was two pts higher than the previous year, and one ppt higher than the national figure.

6.0 Progress

6.1 During Key Stage 2, the national expectation is that pupils will make two national curriculum levels of progress in English and mathematics. In 2012, 88% of Warwickshire pupils made the expected progress in English and 85% in mathematics. This followed a rise of around four pts in English and two pts in mathematics, the first improvements for some years. However, from a position in the past where the proportions of Warwickshire children making expected progress was around two pts better than the national average, the national figures have risen faster than Warwickshire's, and progress in English is now one ppt below the national average, while mathematics is two pts below.



6.2 During the secondary phase, from Key Stage 2 to Key Stage 4, the national expectation is that pupils will progress from Level 4 to GCSE grade C, and from Level 3 to GCSE grade D, and so on. In 2012, 71% of Warwickshire pupils made the expected progress in English and 69% in mathematics. However, reflecting the issues with GCSE English results this year, there was a fall of four ppts in the proportion of pupils making expected progress in English. In mathematics, there was a rise of three ppts. However, comparing the Warwickshire trends with the national trends gives a different view. In English, the Warwickshire fall was in line with the national fall, and the Warwickshire proportion of pupils making expected progress remains around three ppts above the national proportion. However, in mathematics, the national rise has been greater than the rise in Warwickshire, and the Warwickshire figure is now only in line with the national figure.



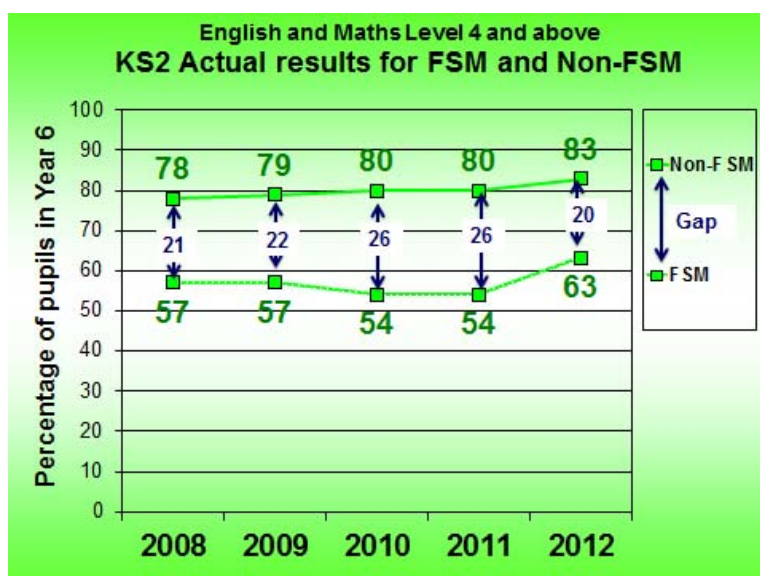
7.0 Vulnerable Groups

7.1 In Year 11 in 2012, there were 74 children in the care of Warwickshire LA, 48 in Warwickshire schools and 26 in schools in other LAs. Of these 74 children, 12 reached the national expectation of 5AC EM, and 28 gained five or more higher grade GCSE passes or their equivalent. Both are proportionally the highest results ever for this group.

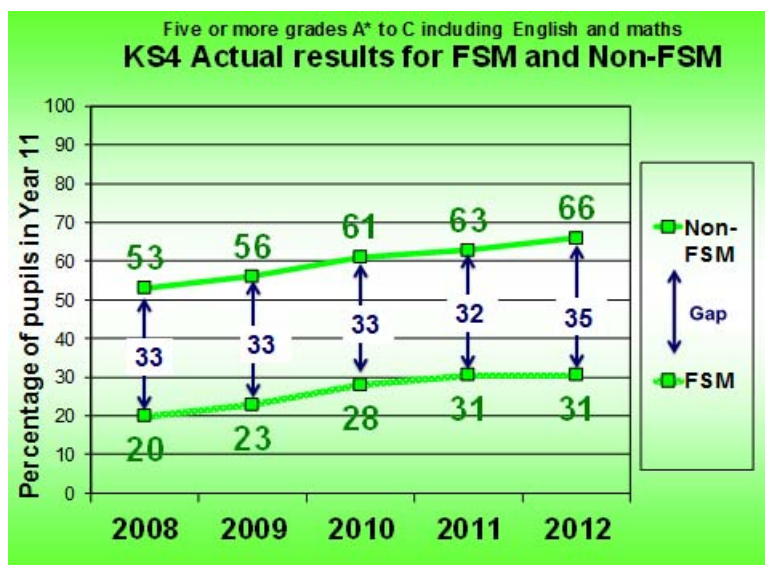
Looked after secondary school children for whom Warwickshire was the corporate parent

Year 11	2008	2009	2010	2011	2012
Number of children	51	51	57	71	74
5+A*-C EM	1	8	2	8	12
5+A*-C	N/a	11	12	22	28
5+A*-G	N/a	N/a	47	49	49
Any qualification	N/a	N/a	N/a	N/a	69

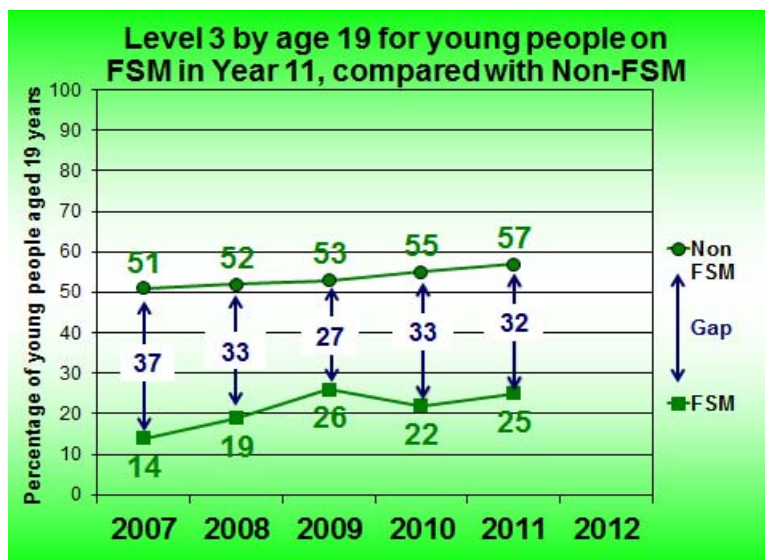
7.2 There were 627 children in Year 6 registered as entitled to free school meals (FSM), and 63% of this group gained Level 4 or above in English and mathematics. This was a sharp increase of nine ppts from 2011. As a consequence, the 2012 gap between results for pupils with and without FSM narrowed by six ppts. The 2012 national average for Year 6 pupils with FSM is not yet available, but last year's results were slightly above the national figure, and the gap was slightly smaller (better) than the national gap.



7.3 In Year 11, there were 480 children registered as entitled to FSM, of whom 31% reached the national expectation of 5AC EM. The Warwickshire figure for pupils with FSM did not improve, whereas the results for pupils without FSM did rise. Hence the gap widened (worsened). Results for pupils with FSM were around five pts below the national figure, and the Warwickshire gap of 35 pts is around nine pts larger (worse) than the national gap.



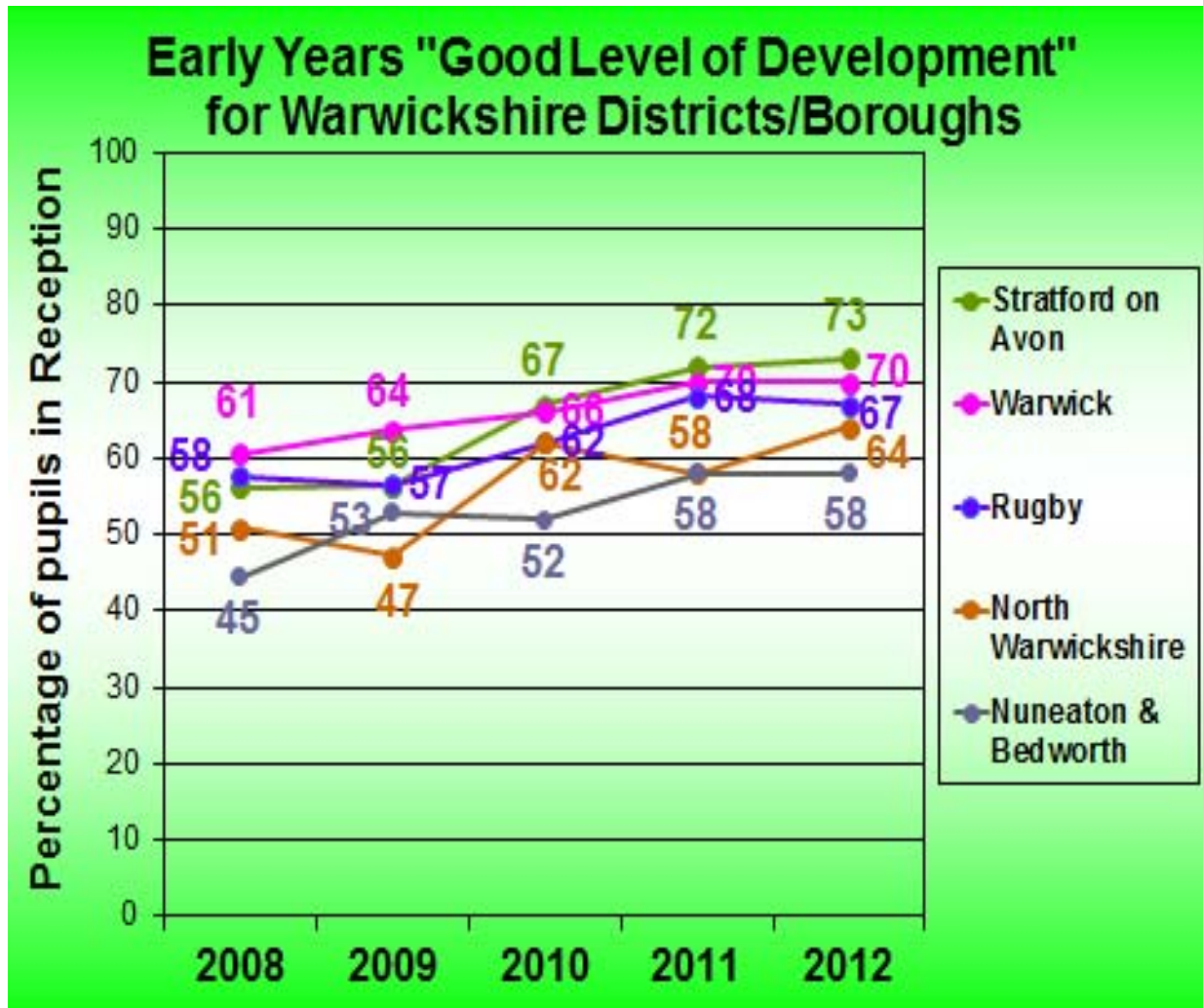
7.4 The comparable DfE impact indicator for young people post-16 relates to those who were registered for FSM when they were in Year 11. The latest data available is for 2011, when 25% of this group gained Level 3 by age 19. This was well below the national average for this group, which was 32%. The gap between the performance of these Warwickshire young people and their peers who were not registered for FSM was 32 pts. This gap has fluctuated over the last few years, but although it narrowed by around one ppt from the previous year whereas the national gap widened, the Warwickshire gap is still around seven pts larger (worse) than the national gap.



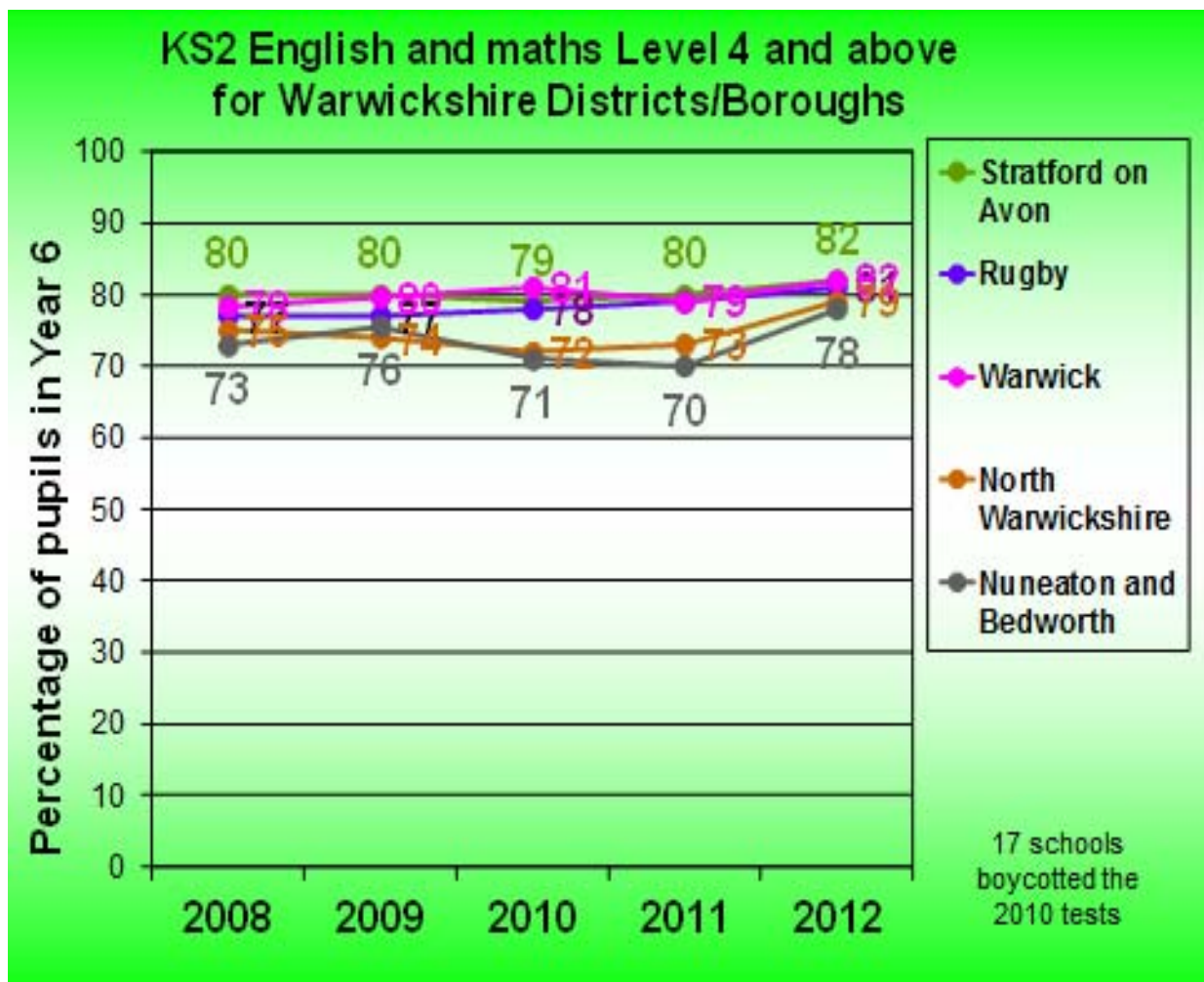
- 7.5 As could be expected, an analysis of Key Stage 2 and Key Stage 4 results for pupils with SEN show that the higher the stage of pupils' SEN, the smaller the proportion who reach the national expectation.
- 7.6 Minority ethnic groups in Warwickshire typically have Key Stage 4 performance above the Warwickshire average. However, in 2012 there are some small groups for whom the proportion reaching the national expectation is below the Warwickshire and national averages.
- 7.7 Five ppt fewer boys than girls reach the national expectation at Key Stage 2, and the gap between boys and girls is wider at Key Stage 4 where it is seven ppts. This is a long-standing national issue, and relates particularly to performance in English. Mathematics results for boys and girls are similar, though a greater proportion of boys than girls attain the higher levels.
- 7.8 For young people aged 16, 17 and 18, a group of considerable concern is those who are not in education, employment or training (NEET). Full details for this group were given in a paper to the Overview and Scrutiny meeting of 6th September, but for convenience the headlines are repeated here.
- 7.9 For the three months up to January 2012, there were around 830 young people aged 16 to 18 who were NEET, which was 4.5% of the total of over 18,000 young people resident in Warwickshire in these three year groups. This percentage was a noticeable improvement on the published Warwickshire figure of 5.2% for January 2011. These overall figures, however, only give a snapshot of the situation. There are seasonal variations, and considerable differences between the three year groups involved. For example, at the end of 2011, 3.0% of those of academic age 16 were NEET, while it was 4.3% of those aged 17 and 7.3% of those aged 18.
- 7.10 In addition to the data collected locally about NEETs, there are also two national sets of statistics. These three data sets collect data at different times using different sources and definitions and so cannot be compared directly. Nevertheless, as the definitive national figure for the period was 8.1%, it is likely that a distinctly smaller proportion of young people in Warwickshire are NEET than in the country as a whole.

8.0 Districts/Boroughs

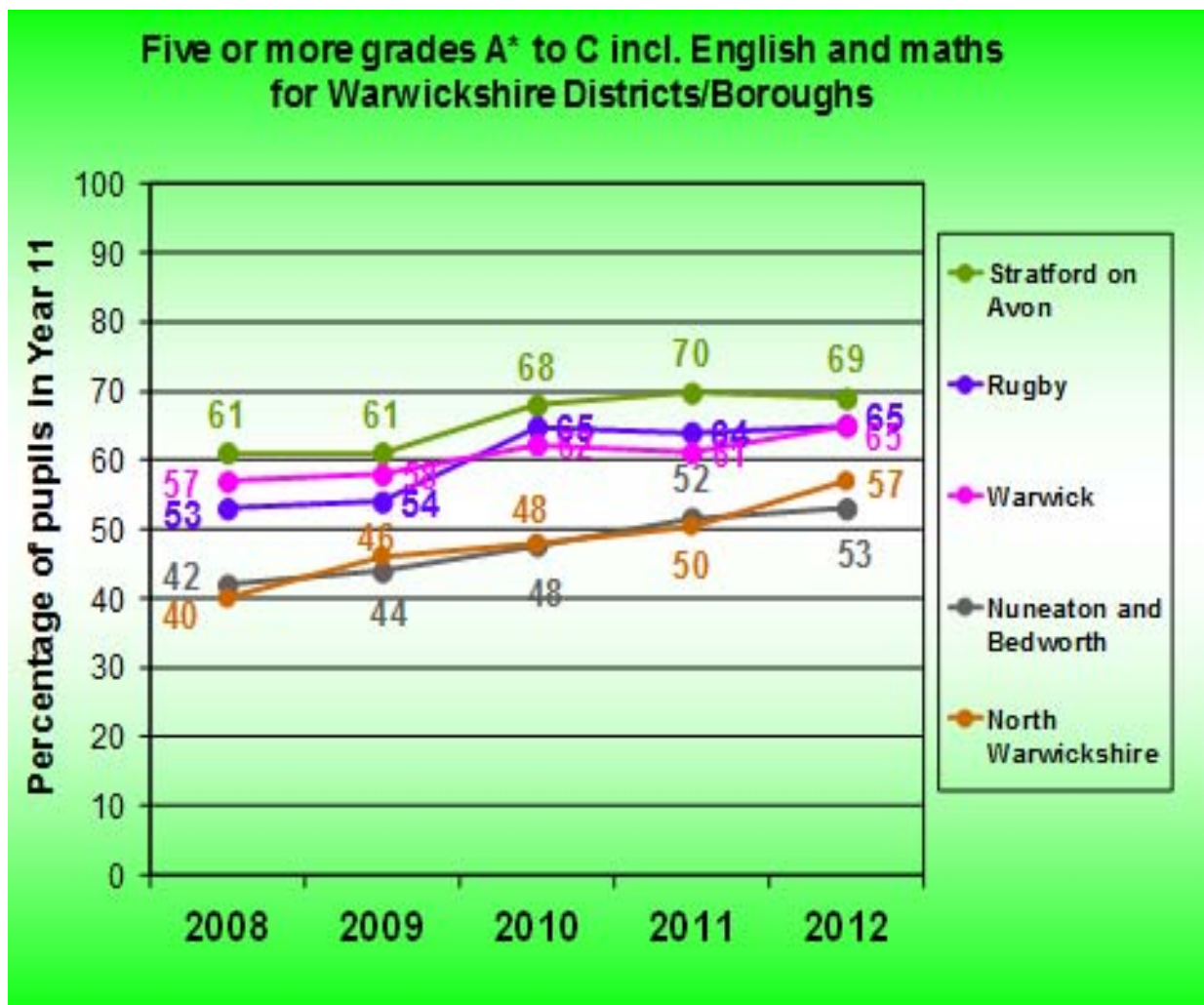
8.1 Performance differs across Warwickshire's five districts and boroughs. In the early years, the proportion of pupils reaching a good level of development in 2012 was 66% for Warwickshire, but ranged from 73% in Stratford on Avon, through 70% in Warwick, 67% in Rugby and 64% in North Warwickshire to 58% in Nuneaton & Bedworth. There have been fluctuations, but results for all districts/boroughs have risen considerably over the last five years.



8.2 At the end of the primary phase, the proportion of 11-year-old pupils reaching the national expectation of Level 4 in both English and mathematics was 80% for Warwickshire, but ranged from 82% in Stratford on Avon and Warwick, through 81% in Rugby and 79% in North Warwickshire, to 78% in Nuneaton & Bedworth. Only the figure for Nuneaton & Bedworth was below the national average of 79%. Following a period of several years when there had been little improvement in results for any district/borough, there were considerable rises in Nuneaton and Bedworth (8 ppts) and North Warwickshire (6 ppts), so that this year there was only a gap of four ppts between the highest and lowest attaining borough/district.



8.3 At the end of Key Stage 4, the proportion of 16 year olds reaching the national expectation of 5AC EM was 63% for Warwickshire, but ranged from 69% in Stratford on Avon, through 65% in Rugby and Warwick, and 57% in North Warwickshire to 53% in Nuneaton & Bedworth. The figures for both North Warwickshire and Nuneaton & Bedworth were below the national average of 58%. Results for all districts/boroughs have improved considerably over the last five years, though the improvements since last year are greatest in North Warwickshire and Warwick.



8.4 The proportion of young people who are NEET also differs between the districts. For example, in January 2012, it ranged from 3.3% in Stratford on Avon, through 3.9% in Rugby, 4.0% in Warwick and 4.6% in Nuneaton & Bedworth, to 5.2% in North Warwickshire.

8.5 Looking at performance across the key stages, and at a range of measures including the headline ones listed above, for some years there appears to have been a relatively consistent pattern for the five districts/boroughs. Generally, the performances of pupils in Stratford on Avon have been the highest, with performances in Nuneaton & Bedworth and North Warwickshire not only being the lowest, but below the national average. While the differences have reduced

to some extent over the last few years, and are relatively small at the end of the primary years, they are large in the early years, and reappear at Key Stage 4.

- 8.6 The LA recognises 30 localities, but the database needed to produce analyses for their 2012 Key Stage 4 results is not yet available to the LA. In 2011, the proportions of pupils reaching the national expectation ranged from 78% to 43%, and there were ten localities where under 50% of the pupils reached this standard.
- 8.7 Last year, the LA carried out some experimental analysis of results for different socio-economic groups. There is considerable variation between the results for different groups, and it seems likely that much of the variation between districts/boroughs and localities arises from the different socio-economic contexts of these areas.

9.0 Individual Institutions

- 9.1 The DfE floor standards take account of pupils' progress as well as their attainment. Definitive 2012 results are not yet available for individual schools, but it is likely that there will be four primary schools below the floor standard. All of these are small schools, with 15 pupils or fewer in the year group, where results calculated as percentages can change considerably from year to year. There were twelve primary schools below the floor in 2011, but only one of these is likely to remain below the floor in 2012. This is a school that had 10 pupils in Year 6, which was graded good by Ofsted when it was inspected in June 2012.
- 9.2 The floor standard for secondary schools has been redefined for this year to relate to the figure of 40% 5AC EM. It is possible that one school will be below the standard this year, even though its performance in previous years has been well above this level.
- 9.3 Ofsted inspections judge the overall effectiveness of schools. At their latest inspection up to July 2012, 66% of state-funded primary schools within the LA boundaries were graded good or better. This proportion was very similar to last year. There were no primary schools in Ofsted categories of concern in July 2011, but during the school year Ofsted placed two primary schools in special measures. One of these schools closed at the end of the school year, so at the time of writing there is one primary school in an Ofsted category of concern.
- 9.4 In the latest Ofsted inspections of secondary schools up to July 2012, 60% of secondary schools were graded good or better. This proportion was very similar to last year. Eight out of nine special schools were good or better. The pupil referral unit (PRU), which was subject to special measures, closed at the end of the school year, so there are currently no secondary or special schools in Ofsted categories of concern.

9.5 There are three general colleges of further education and one sixth form college within Warwickshire. At their latest inspections, one was graded outstanding and one good. Two were graded satisfactory, though the report for one of these two colleges drew attention to wide variations in the quality of provision, which ranged from outstanding to inadequate.

10.0 Current context and future developments

10.1 The effects of the structural changes that have taken place over the last two years are now becoming more apparent. For example, the ending of the National Strategies and school improvement partner (SIP) programme in March 2011, together with the continuing reductions in the learning improvement team, have restricted the LA's capacity to detect early signs of any decline in the performance of individual institutions and to intervene where institutions need assistance to improve. In the secondary phase, 22 of 35 schools are academies, and the LA no longer has the same rights to investigate or to offer support where issues are identified in these schools.

10.2 Nevertheless, the legal responsibilities of the LA in relation to all pupils and education institutions are becoming clearer. Also, after some months' consideration and delay in providing performance data for academies, the DfE decided that data agencies should provide full data to the LA on all state-maintained schools in the county. The LA is still determining how best to discharge its current responsibilities, but relationships remain constructive and institutions are cooperating with the LA as institutional accountability and development is reconfigured.

10.3 In relation to the data on which this report is based, and on which institutions are evaluated by Ofsted, there have been several national policy changes. For example, value-added data no longer takes direct account of contextual factors, and there is a greater emphasis on academic qualifications. Modular examinations are being discontinued, the opportunities for resits are being limited and there will be considerable changes to the point scores allocated to different qualifications. One effect of these changes could be that standards may appear to decline in future.

10.4 Another national policy change is the introduction of the pupil premium. In the current financial year, schools have received £600 for every pupil who is registered as entitled to FSM, and also for every looked after child. Schools are free to spend this money as they see fit, and continue to be accountable to Ofsted for the achievements of the vulnerable groups that the premium is intended to support. It has been announced that the pupil premium will increase next year.

- 10.5 There were some changes in January 2012 that made the Ofsted framework for school inspection more rigorous, but there were even more radical changes to the inspection regime in September 2012. For example, inspections are now notified only on the afternoon before inspectors arrive, and schools can no longer be judged satisfactory. If they are not good, but not poor enough to be judged inadequate, they will be designated as ‘requiring improvement’ and re-inspected within two years. A school that has been found to ‘require improvement’ at two consecutive inspections and is still not good at its third inspection, is highly likely to be put into special measures. To put this in perspective, at the end of July 2012 there were 63 primary schools, 13 secondary schools and 1 special school whose latest inspection had graded them ‘satisfactory’.
- 10.6 This report addresses performance issues. Some of the matters underlying the issues raised by this paper will be addressed by the committee’s Task and Finish Group on how the council is engaging with academies and councillors in area discussions. However, in the light of the outcomes outlined in this paper, the committee may wish to request additional, more detailed briefings, or may consider setting up an additional Task and Finish Group on how the council is addressing the attainment levels of vulnerable children and the differences in performance that arise in areas of relative deprivation, taking account of its success measures, timescales and available finance.

	Name	Contact details
Report Author	David Bristow, Learning Improvement Officer	01926 742009 davidbristow@warwickshire.gov.uk
Head of Service	Mark Gore	markgore@warwickshire.gov.uk
Strategic Director	Wendy Fabbro	wendyfabbro@warwickshire.gov.uk
Portfolio Holder	Cllr Heather Timms	cllrtimms@warwickshire.gov.uk

Children and Young People Overview & Scrutiny Committee

6 November 2012

The 2013/14 Schools Funding Reforms

Recommendations

1. To note the processes undertaken and the stakeholder involvement in the review of the Main Local Schools Funding Formula
2. To note the basis of the final options presented to the Schools Forum for a final recommendation to Cabinet in December, and the potential impact of these recommendations

1.0 Introduction – What are the changes?

- 1.1 In March 2012, the Secretary of State for Education issued a significant document detailing reforms regarding funding for schools. The “School Funding Reform: Next steps towards a fairer system” details what steps needed to be taken, by Local Authorities, during March to October 2012 to have a revised schools funding formula in place for April 2013. It is also the intention that this will support the Department for Education (DfE) in the future implementation of the national Funding Formula.
- 1.2 Following the review of the local schools funding last year, Warwickshire already has a much simpler and more transparent formula and the changes made moved the authority along the direction of that required by the DfE. However, there has been a need to undertake a further review to make further changes to comply with the new guidance.
- 1.3 With the development of these latest funding reforms, it should be noted that there is no extra Dedicated Schools Grant (DSG) in Warwickshire; the reforms concentrate on how school funding will be allocated a) to Local Authorities and b) to schools, and there are no plans at this stage to review the formula on which funding levels to Local Authorities are derived.
- 1.4 The main changes, and implications, that are included in this new review, for implementation in April 2013, are as follows:
 - There are now limited headings that can be used for allocating funding to schools, shown as follows:
 1. Basic Per Pupil Entitlement (Mandatory)
 2. Deprivation (Mandatory)
 3. Low cost, high incidence SEN
 4. Lump sum
 5. Looked After Children
 6. English as an additional language
 7. Split sites

8. Rates

- There is also limited methodology within some of those headings
 1. Deprivation – the use of either current Free School Meals data or that which records pupils having taken up Free School Meals at any point in the last 6 years (known as FSM ever 6 years) and/or Income Deprivation Affecting Children Index (IDACI) which is a post code indicator of deprivation
 2. Additional Needs – the use of attainment data. For primary schools, this will be those scoring below a certain point in the Early Years Foundation Stage Score (an assessment at Reception stage); and for secondary schools, this will be those pupils with level 3 or below in Key Stage 2 SATS in Maths and English.
- A single primary core funding per pupil (AWPU) – historically Warwickshire has different AWPU levels for Key Stage 1 and Key Stage 2, with Key Stage 1 pupils having historically received more funding per pupil.
- Funding allocated on the size of buildings is no longer allowed – in 2012/13, Warwickshire has allocated around £11m on the size and age of buildings.
- There needs to be one consistent lump sum allocated to all schools, regardless of sector – in 2012/13, Warwickshire primary schools received £95,000 and secondary schools received £150,000.
- We need to use either a Free School Meal (FSM) Ever 6 Years or IDACI (a postcode deprivation factor) to allocate deprivation funding – currently FSM ever 3 years is used.
- The ability to have English as an Additional Language included as a funding factor – Warwickshire does not currently have this as a heading in the schools formula but does have an Ethnic Minority Achievement funding mechanism, which can no longer be used.
- Change to the way Special Educational Needs (SEN) funding is allocated to mainstream schools – currently, funding is based on the support hours required to meet specific pupils with a Statement of SEN but the DfE is requiring Local Authorities to move towards a more indicative approach. Further details are contained later in the report regarding this element.
- Special Schools are to be funded purely on individual pupil needs – it will no longer be possible to fund special schools using premises or lump sum funding allocations. Instead, the schools will receive £10,000 per pupil place and then will need to agree with the Local Authority a suitable “top up” fund depending on the pupil’s needs.
- The Minimum Funding Guarantee is remaining at minus 1.5% – this protects schools from losing more than 1.5% funding per pupil on a year-by-year basis.
- There is a requirement to delegate a greater level of funds to schools – the table below indicates the budget lines that will need to be delegated to schools. However, the Schools Forum can vote to “de-delegate” this funding so that it is

retained within the Local Authority to continue to provide services on behalf of all maintained schools.

	Amount Section 251 2012/13 £
Contingencies	681,428
Behaviour Support Services	44,347
14-16 More practical learning options	378,662
Support to underperforming ethnic minority groups and bilingual learners	593,175
Free school meals eligibility	60,000
School Improvement	293,844
Staff costs - supply cover	237,812
TOTAL	2,289,268

- The Education Funding Agency (EFA) will have a new compliance role to ensure that schools funding formulae comply with the new regulations and to attend Schools Forum meetings to ensure fair and transparent decision making is taking place.
- Revised arrangements with regard to the Schools Forum to ensure that its membership is representative of the pupil numbers in each school type.
- Each Local Authority will now be required to complete a consistent pro forma, which will detail each school budget, and submit this to the Education Funding Agency (EFA) by the end of October.
- The reforms will relate to maintained schools from April 2013 and Academy schools from September 2013.

1.5 There is no change to the Early Years Single Funding Formula for 2013/14, which complies with the DfE guidance.

2.0 How is Warwickshire managing these changes?

2.1 Following on from the work carried out last year to review the schools funding formula in Warwickshire, the Project Teams and Project Board have been re-convened and have been involved in the development of the proposed options.

2.2 The Project Team is made up of the following:

Project Manager	Sara Haslam
Infant School	Stella Saje
Primary School	Cathy Clarke
Secondary School	Ranjit Samra
Academy and Governor	Diana Turner
Special School	Judith Humphries

2.3 The Project Board is made up of the following:

Executive	Councillor Heather Timms
People Group (Schools)	Mark Gore
Resources Group	Simon Smith
Governors	Chris Smart
Maintained Schools	Peter Kent
Academy Schools	Iain Blaikie
Primary School	Jill Humphriss

2.4 Regular communication has taken place with all schools and Academies via emails and workshop sessions, the Schools Forum via update reports, Governors via Patch meeting presentations and elected members via presentations and meetings. Regular communication has also taken place with relevant Local Authority officers, in particular with the Special Educational Needs (SEN) team to ensure that the impact of the funding reforms in terms of SEN is considered and managed appropriately.

2.5 Consultation has been undertaken with all schools and Academies twice during this process. Once was in June to understand schools' initial thoughts on how the formula should be constructed and to gain preliminary feedback on the de-delegation of centrally managed funding. The second was in September where 4 more-refined funding options were presented to assist the Schools Forum in making a final recommendation. Although the timing was tight for responses and at inconvenient times in terms of the schools' calendar, there was a 64% response rate to the final feedback.

3.0 What changes are being made to the funding formula for Warwickshire Schools?

3.1 The Project Board agreed there was insufficient evidence locally to indicate that either the primary or secondary sector is under- or over-funded in Warwickshire. This agreement was further supported by the ratio of funding between these sectors being in-line with the national position. As such, it was decided that modelling should take place on the basis that the overall funding in 2012/13 in each sector should be retained in 2013/14. Inevitably, this has had an impact on the unit values assigned in each sector.

3.2 While a review of the main schools funding formula was carried out last year, this reform agenda provides the opportunity to clarify core funding rates used in Warwickshire and match them against typical costs. The approach taken was to start with the lump sum, calculate a basic per-pupil rate and then consider additional needs funding.

Lump Sum

3.3 The one consistent factor that runs through all schools funding, regardless of size or sector, and is intended to cover fixed costs, is that of the lump sum, which was used as the start point.

- 3.4 The new regulations state that all schools, regardless of sector, should receive the same lump sum value. This is a new arrangement to Warwickshire (and, in fact, most Local Authorities) where the secondary sector had previously received larger lump sums.
- 3.5 The lump sum aims to cover core school costs that may not be directly affected by pupil numbers. This could be the cost of a head teacher, some administration and caretaking provision. Work undertaken last year looked at a sample of primary school costs and identified an above-average lump sum level of £95,000. The Project Board considered this still to be relevant and, as such, is included for all schools in the new formula.

Basic Per-Pupil Entitlement

- 3.6 With fewer headings available, this was an ideal opportunity to consider the core pupil values to ensure that in the current climate, the funding per pupil reflects, to some degree, the basic per-pupil funding.
- 3.7 This was not a straightforward exercise as schools tend to organise themselves in different ways which results in differing costs. However, analysis was undertaken to identify universal costs (head teacher salaries according to size and school sector, average teacher costs and number of classes etc.) and then average 3-year running costs. This analysis was considered by the Project Team and adjustments were made based on professional advice and random schools were chosen to test specific schools costs.
- 3.8 With schools being of different sizes, “one size” funding will not always fit all schools. However, with a lump sum funding of £95,000, the following core per-pupil values offered the majority of schools sufficient basic funding:

Primary	£2,500
Key Stage 3	£3,480
Key Stage 4	£4,640

- 3.9 With the government’s clear intention that money should follow pupils, the modelling looked to use these basic pupil values as a basis but increased them where possible, taking into account the fact that there still needs to be funding for additional needs pupils.

Additional Needs

- 3.10 The new regulations state that additional needs can be identified in a school in a limited number of ways. These are:
- Deprivation – Free School Meal take up (either current or ever in the last 6 years) and/or IDACI (a postcode deprivation indicator)
 - Attainment – Prior Attainment (Early Years Foundation Stage Score of less than 73 and a KS2 SATS level 3 or below in maths and English)
- 3.11 The Deprivation element is mandatory in the new formula and head teacher feedback and statistical correlation analysis indicated that Free School Meals ever 6 years is the most appropriate indicator to identify pupils with additional needs in Warwickshire.

- 3.12 In terms of prior attainment, there is criticism that funding schools with poor results is a perverse incentive to improve and where primary schools conduct their own Early Years Foundation Stage tests, there is the issue of objectivity in these scores where the results will impact on the schools future funding. That said, the data is a way of allocating funds to pupils with lower attainment, and therefore with “additional needs”.
- 3.13 Two of the final options for consideration included prior attainment and two options concentrated on the use of FSM ever 6 years only for additional needs.

Looked After Children

- 3.14 The regulations allow for Looked after Children (LAC) to be identified within a new formula, due to the lower attainment of this specific group. This relates to around 300 children in Warwickshire. The Project Board agreed that as this is an issue in Warwickshire also, they should be considered in the new formula.
- 3.15 These children will not be receiving free schools meals due to the income levels of their carers and so, in the option where only FSM allocates funding to represent additional needs, LAC are included as a separate element. Where both FSM and prior attainment is included, to avoid the potential for double funding, the prior attainment data will be used to capture these pupils.

English as an Additional Language

- 3.16 The regulations also allow the new formula to identify those pupils where English is an additional language (EAL) and allocate funding on this basis. This equates to between 800 and 2,000 pupils in Warwickshire who show on the pupils census as EAL for either the first, second or third year.
- 3.17 The Project Board considered these pupils and concluded that as an increased basic per-pupil funding is being proposed that this could be used to fund these pupils, where necessary, and so a separate factor for these children need not been included. There was also support from schools for the Local Authority to retain EAL funding centrally to provide initial school support, as and when needed.

Split Site

- 3.18 The current split-site calculation has not been reviewed for a number of years now and so this has been an ideal opportunity to consider the criteria for funding split sites.
- 3.19 The Project Team asked those schools on split sites to detail the education provided on each site and the additional costs incurred. In most case, each site provided for different educational stages and some of the costs sited, such as additional maintenance contracts, could well be the case for larger schools having been built in different stages. Both the Team and Board considered it more important to concentrate on the practical implications of operating dual-site schools.

3.20 The new criteria are as follows:

Split Site Funding	£	
Additional Reception/administration (one on each site)	9,500	£8 per hour for 25hrs a week, 39 weeks a year with 22% on costs (Scale 2 post)
Additional caretaking or cleaning (one on each site)	9,500	£8 per hour for 25hrs a week, 39 weeks a year with 22% on costs (Scale 2 post)
Additional mid-day supervision (with split playgrounds)	2,000	£8 per hour for 5hrs a week, 39 weeks a year with 22% on costs
Possible increased teacher responsibility for senior management on 2nd site	2,500	Representing a TLR
Dual catering/hall/PE site costs or movement of pupils/staff/meals where catering/hall/PE is all on one site	15,000	Lump sum contribution to additional costs
TOTAL	38,500	

3.21 The Project Team thought that neither the size of the school nor the number of pupils was relevant to take into account. It was also recognised that funding may not be an exact replication of the school's costs but that this was a contribution to these costs.

3.22 In terms of the criteria to attract this funding, the following has been agreed as suitable to distinguish when additional costs are likely to be incurred:

- More than one distinct set of premises
- One DfE establishment number
- Providing education within the same sector (i.e., primary or secondary)
- A distance of 0.25 miles apart (from one main school entrance to the other as the crow flies)
- Having duplicate facilities or shared facilities requiring staff/pupil transfer between sites

Rates

3.23 The Dedicated Schools Grant will continue to meet the NNDR charges for each school in full.

Notional SEN Budget

3.24 While schools in Warwickshire have always had a clearly defined Notional SEN Budget within the section 251 Funding Statement, the changes to the methodology for allocating SEN funds, will result in a greater emphasis on this notional element.

3.25 In effect, this part of a school's budget should be notionally assigned to funding pupils with additional needs. This should cover all lower-level educational needs (such as School Action or School Action Plus), lower-level statement pupils and, where a child has higher needs, funds a contribution of up to £6,000. For provision over this financial level, an agreement will need to be made with the Local Authority for additional "top up" funding. The overall notional SEN budget allocation is not being reduced, but there will be variances on a school-by-school basis.

- 3.26 It is recognised that this is an area of significant culture change and every effort is being made to ensure the correct level of consultation is being carried out, with SENCOs, head teachers and governors to ensure there is maximum awareness the future proposals around this.
- 3.27 A separate work stream is being managed by Local Authority SEN officers to determine the provision that should be funded from the school's notional SEN budget and that which is for higher needs and will be funded by the Local Authority. A separate item on the agenda includes further details.

MFG and Capping

- 3.28 The DfE regulations state that a school should not lose more than 1.5% funding per pupil compared to the previous year. This is called the Minimum Funding Guarantee (MFG) and this level is being retained for 2013/14 and 2014/15.
- 3.29 The Local Authority is now allowed to cap gains if necessary in order to make the new formula affordable.
- 3.30 Due to the protection required to mitigate the impact of these reforms on a school-by-school basis, the MFG has risen from the current £2m to almost £6m in one option. As such, to offset the additional cost of MFG capping of 1.5% on those schools, gaining has been included in each of the options. This means that no school will lose more than 1.5% per pupil and no school will gain more than 1.5% per pupil.

4.0 What is the impact of these changes on schools in Warwickshire?

- 4.1 Details of the 4 final options that were presented to schools in September, including summary information on the impact on schools, are included in Appendix A. It shows the unit values assigned to the chosen headings, the overall cost of the option, the % of per-pupil basic funding, the geographical movement of funding, the number of schools affected in each sector by the options and the impact on small schools.
- 4.2 The differences in the options essentially relate to 2 key areas:
- The use of prior attainment in addition to FSM ever 6 years to allocate additional needs funding
 - A differing relationship between the basic pupil base entitlement and the additional needs unit rate
- 4.3 Of the 120 schools seeing reductions in funding as a result of Option One or Two, 73 of these saw an increase in funding as a result of the changes to the main schools funding formula last year. Of the 136 losing funding in Option Three, 82 had an increase last year and of the 124 losing out in Option Four, 78 saw an increase last year.

5.0 The Final Decision

5.1 Out of the 227 schools that these reforms relate to, there were 146 responses to the latter consultation. That is a 64% response rate. The final response to the consultation is as follows:

Table One – Responses in terms of number of schools

	Number of Schools who voted this option as their first choice	Number of Primary schools who voted for this as their first choice	Number of Secondary schools who voted for this as their first choice
Option 1	53	44	9
Option 2	38	32	6
Option 3	22	20	2
Option 4	33	22	11

5.2 In terms of the number of schools that voted, overall Options One and Two are the most popular, although Option Four is the most popular with secondary schools.

Table Two – Responses in terms of number of pupils represented in the schools

	Number of Schools who voted this option as their first choice	Number of Primary schools who voted for this as their first choice	Number of Secondary schools who voted for this as their first choice
Option 1	16,275	8,334	7,941
Option 2	10,347	6,147	4,200
Option 3	5,973	4,858	1,115
Option 4	14,318	4,153	10,165

5.4 In terms of the number of pupils represented by the schools who voted, Options One and Four are the most popular overall.

5.5 In terms of amalgamating the responses, the tables below show the cumulative effect of the first ranked options:

Table Three – Cumulative first options based on Option One and Two being most popular

First options - with Option 2 as the 2nd most popular	No. of schools	want this option(s)	don't want this option(s)	No. of pupils	want this option(s)	don't want this option(s)
Option 1	53	36.30%	63.70%	16,275	34.69%	65.31%
Option 1 and 2	91	62.33%	37.67%	26,622	56.75%	43.25%
Option 1, 2 and 4	124	84.93%	15.07%	40,940	87.27%	12.73%
Option 1, 2, 4 and 3	146	100.00%		46,913	100.00%	

Table Four – Cumulative first options based on Option One and Four being most popular

First options - with Option 4 as the 2nd most popular	No. of schools	want this option(s)	don't want this option(s)	No. of pupils	want this option(s)	don't want this option(s)
Option 1	53	36.30%	63.70%	16,275	34.69%	65.31%
Option 1 and 4	86	58.90%	41.10%	30,593	65.21%	34.79%
Option 1, 4 and 2	124	84.93%	15.07%	40,940	87.27%	12.73%
Option 1, 4, 2 and 3	146	100.00%		46,913	100.00%	

- 5.6 In effect, this means that when assessing the responses in terms of “one school, one vote”, then Options One and Two are the most popular. When assessing the responses in terms of the number of pupils that the consultation responses relate to, Options One and Four are the most popular. As such, the Schools Forum will be asked to recommend Options One, Two or Four.
- 5.7 While the Schools Forum is being asked to vote for one preferred option, at the time of writing this report, the Schools Forum has not met. A verbal update can be offered at the Committee meeting. However, when the Forum meets, they will be making a “recommendation” that will then need to be agreed by Cabinet in December. The EFA will then have a role to play as an adjudicator should there be any issues regarding the option selected or the process undertaken to reach the final decision.

Background papers

[“School Funding Reform: Next steps towards a fairer system”](#), DfE, March 2012

[“School funding reform: Arrangements for 2013-14”](#), DfE, July 2012

	Name	Contact Details
Report Author(s)	Sara Haslam and Simon Smith	sarahaslam@warwickshire.gov.uk simonsmith@warwickshire.gov.uk
Heads of Service	Mark Gore John Betts	markgore@warwickshire.gov.uk johnbetts@warwickshire.gov.uk
Strategic Director	Wendy Fabbro	wendyfabbro@warwickshire.gov.uk
Portfolio Holder	Cllr Heather Timms	cllrtimms@warwickshire.gov.uk

Option One

SUMMARY OF KEY VALUES		
AWPU	Primary	2,855
	KS3	3,740
	KS4	4,985
Lump sum		95,000
Additonal Needs (FSM ever 6)	Primary	1,180
	Secondary	1,390
Additonal Needs (Prior Attain)	Primary	0
	Secondary	0
LAC		1,590
Split Site Rates	£38,500 base as actuals	

Option Two

AWPU	Primary	2,855
	KS3	3,740
	KS4	4,985
Lump sum		95,000
Additonal Needs (FSM ev	Primary	680
	Secondary	950
Additonal Needs (Prior A	Primary	680
	Secondary	950
LAC		0
Split Site Rates	£38,500 base as actuals	

Option Three

AWPU	Primary	2,640
	KS3	3,540
	KS4	4,720
Lump sum		95,000
Additonal Needs (FSM ev	Primary	2,400
	Secondary	2,600
Additonal Needs (Prior A	Primary	0
	Secondary	0
LAC		2,800
Split Site Rates	£38,500 base as actuals	0

Option Four

AWPU	Primary	2,640
	KS3	3,540
	KS4	4,720
Lump sum		95,000
Additonal Needs (FSM ev	Primary	1,460
	Secondary	1,780
Additonal Needs (Prior A	Primary	1,460
	Secondary	1,780
LAC		0
Split Site Rates	£38,500 base as actuals	

Proposal	Primary Funding	144,295,879
	Secondary Funding	136,521,851
	TOTAL	280,817,730
Inlcuding MFG		

Primary Funding	144,289,240
Secondary Funding	136,533,844
TOTAL	280,823,084

Primary Funding	144,278,484
Secondary Funding	136,553,667
TOTAL	280,832,150

Primary Funding	144,306,731
Secondary Funding	136,525,233
TOTAL	280,831,965

% AWPU	Primary	77.26%
	Secondary	90.21%
	Overall	83.56%

Primary	77.27%
Secondary	90.21%
Overall	83.56%

Primary	71.45%
Secondary	85.38%
Overall	78.23%

Primary	71.44%
Secondary	85.40%
Overall	78.23%

Variance in geog area	
North	-0.07%
Central	-0.02%
South	0.12%
East	-0.02%

Variance in geog area	
North	-0.05%
Central	-0.03%
South	0.11%
East	-0.03%

Variance in geog area	
North	0.07%
Central	-0.03%
South	0.02%
East	-0.04%

Variance in geog area	
North	0.08%
Central	-0.05%
South	0.04%
East	-0.05%

PRIMARY	
Number of schools losing	103
Number of schools gaining	89
Max loss	-30,259
Max gain	19,238
Average loss	-8,086
Avergae gain	9,440
SECONDARY	
Number of schools losing	17
Number of schools gaining	18
Max loss	-90,483
Max gain	85,276
Average loss	-52,704
Avergae gain	50,062

Number of schools losing	103
Number of schools gaining	89
Max loss	-30,259
Max gain	20,987
Average loss	-8,181
Avergae gain	9,475
Number of schools losing	17
Number of schools gaining	18
Max loss	-90,483
Max gain	85,276
Average loss	-53,045
Avergae gain	51,051

Number of schools losing	118
Number of schools gaining	74
Max loss	-19,603
Max gain	30,259
Average loss	-6,957
Avergae gain	10,957
Number of schools losing	18
Number of schools gaining	17
Max loss	-90,483
Max gain	85,276
Average loss	-47,226
Avergae gain	52,179

Number of schools losing	106
Number of schools gaining	86
Max loss	-19,603
Max gain	30,259
Average loss	-7,279
Avergae gain	9,183
Number of schools losing	18
Number of schools gaining	17
Max loss	-90,483
Max gain	87,199
Average loss	-47,722
Avergae gain	51,031

Secondary schools less than 600 pupils and primary schools less than 100 pupils	-147,758
---	----------

Secondary schools less than 600 pupils and primary schools less than 100 pupils	-147,758
---	----------

Secondary schools less than 600 pupils and primary schools less than 100 pupils	-280,072
---	----------

Secondary schools less than 600 pupils and primary schools less than 100 pupils	-336,865
---	----------

Children and Young People Overview & Scrutiny Committee

6 November 2012

Progress of the SEN Green Paper 'Support and Aspiration' Disability and Special Educational Needs Reform

Recommendations

For the Committee to scrutinise the requested report on the progress of the legislative changes for disability and special educational needs and make any recommendations, as appropriate.

1.0 Key Issues - Context

- 1.1 The Government's policy reforms for special educational needs are set out in the Green Paper, *Support and Aspiration: A new approach to Special Educational Needs and Disability (March 2011)* and the follow up *Progress and Next Steps* publication (May 2012).
- 1.2 The Government published draft clauses for its disability and special educational needs reform in a Command paper (Cm 8438) on 3 September 2012. These clauses set out the statutory provisions to support those proposed reforms.

1.3 The key messages from the clauses include:

- **The legal definition of special educational needs will remain the same:** the school budget reform from April 2013 means schools are responsible for low level, high incidence needs up to a financial threshold of £600. It is important that the eligibility criteria for High Needs Funding are transparent, and the system robustly implemented.
- **Local Authorities and clinical commissioning groups must make arrangements for jointly commissioning services for children with SEN in their area:** the impact will be determined by the financial commitment from health partners, the health and well Being Board is the initial mechanism. The risk is that health thresholds restrict health funded intervention for those pupils who do meet the legal definition of special educational needs and the provision costs will have to be met by the Local Authority in order to discharge the statutory duty of the Statement e.g. speech and language therapy, occupational therapy.
- **Local Authorities must produce their 'local offer' of available education, health and care services:** this is being developed partly via the outcomes of the Strategic Commissioning Review currently underway, and will be informed by the detail in the SEN White Paper outlining the expectations of the process for single assessment and a Single Plan. It will rely on the resourcing available from partners in health and social care.
- **A Single Plan for Education, Health and Care 0 – 25 years (EHC) will replace Statements of SEN:** the SEN Pathfinders are exploring the process. It is clear that every pupil with a Statement will be entitled to a Single Plan, the Select Education Committee is exploring transition arrangements. The SEN White Paper will clarify expectations.
- **Section 139A assessment (Learning Difficulty Assessments – from aged 14 years) cease to apply and is replaced by a re-assessment/ annual review of the Single EHC Plan:** this will support an integrated approach, by avoiding parallel systems for assessment. It will support the expectation of SEN provision from 0- 25 years, and help with improving transitions experiences since the post 14 years assessment will be integral to the Single Plan.
- **All of the provisions of the Bill will apply to all schools including Academies and Free Schools:** this clarity establishes local authority opportunity for commissioning specialist provision across the sector.
- **Schools retain the responsibility to nominate a SEN Coordinator:** this is a matter for school governors, it supports the Local Authority in so far as having a lead professional function.
- **Individual rights to a mainstream education remain the same:** this means that pupils with high level needs have a choice of provision, it offers capacity for the Local Authority in discharging the duty of provision named in a Statement.

- **Local Authorities must prepare a personal budget in relation to a Single EHC Plan where a request has been made by the parent or young person:** this is being trialled in the SEN Pathfinder local authorities, legislation was passed in order to allow the trials for those under 16 years. The Pathfinder information available to date has been very limited, so it is an area that it seems practical to wait for the clarity of legislative guidance in the SEN White Paper. Warwickshire County Council does have existing expertise with personal budgets both for adults and for children and young people in relation to disability social care which will be useful resources to inform the implementation of legalisation.
- **There will be a compulsory requirement for a parent or young person to participate in mediation before they can appeal to the Tribunal:** there is the commissioning option to revise existing arrangements to reflect the enhanced offer.
- **There will be a revised Code of Practice:** workshops have already been facilitated with schools and academies regarding the budget reform, which will be linked to the expected Single School based SEN Category, rather than the current School action and School Action Plus categories. Once the Code has been fully revised, the implications will be considered and appropriate activities planned.

1.4 The Education Select Committee is currently conducting pre-legislative scrutiny of the Government's proposed reform of provision for children and young people with Special Educational Needs (SEN). The White Paper is expected in January 2013.

1.5 The Committee has invited written submissions to address the following:

- To determine whether or not the draft Bill meets the Government's policy objective to improve provision for disabled children and children with special educational needs;
- To determine whether the draft provisions do succeed in cutting red tape and delays in giving early specialist support for children and young people with SEN and/or disabilities;
- To consider the cost implications;
- To consider the impact the draft Bill will have on current institutional structures;

- To consider the transitional arrangements necessary in moving from the existing system;
- To establish what can be learned from the current pilot schemes and how can these lessons be applied to the provisions of the draft Bill;
- To identify whether or not there anything missing from the draft Bill.

1.6 There was a separate invitation to establish a Young People's Advisory Group to help shape this next stage of reform and drive forward young people's participation. It is intended that the group will be part of a broader National Advisory Group which supports implementation of the legislation.

In Warwickshire, details of this offer were promoted via officers working with young people with a disability and/or special educational needs (via the Integrated Disability Service).

1.7 Although the SEN White Paper is still to be published, there are clear implications from the current budget reform, being implemented in April 2013. The implementation is reported on separately. There are however consistent messages between the SEN Green Paper and the draft clauses that provide clear direction for preparing for change. In Warwickshire, some of this preparation is already underway.

1.8 The implications of budget reform are significant for both whole school and special educational needs provision within mainstream. Special Schools face similarly significant changes although the detail of change differs from the mainstream sector. In both instances, officers leading in Schools Finance and in Special Educational Needs have been working together since March 2012 to ensure a coherent response to the Guidance on School Budget Reform issued by the Department for Education. To date, this has ensured jointly facilitated workshops for head teachers and governors outlining the new funding model ; in addition, workshops for coordinators of special educational needs identifying the implications for their role and responsibilities. A Task and Finish Group, comprising officers and school representatives, will work during November and December to set out the new system for schools and Academies to access High Needs Funding from April 2013. The Special Educational Needs Service manager is working with Special School head teachers to interpret the reformed funding model and develop appropriate systems for implementing it. The Local Authority will ensure that the funding changes will be clearly communicated to parents via a variety of Council media, it will also provide schools with a commentary that governors may choose to include in their own correspondence with parents. It is hoped that schools and Academies will engage with the proposed system for multi professional governance of the High Needs Funding allocation.

1.9 The timescale for responding to the funding changes has been limited. The priority has been to engage schools and Academies in understanding the nature of the changes and providing the opportunity to start considering the implications. This discourse has contributed to the evolving systems that will

support the new funding model. In January 2013 it will be important to progress an Equality Impact Assessment prior to verifying the new systems and criteria. It will be informed by the decisions being made during Autumn 2012 about the systems being proposed.

2.0 (Options and Proposal) Implications

2.1 There is clear emphasis in the Green Paper and its follow up on early and accurate identification of children and young people with special educational needs, assessing their needs and making appropriate joined up provision for them. The Principal Educational Psychologist is leading a review of the current process of statutory assessment. The initial work is being facilitated by officers, in conjunction with some stakeholders, e.g., Parent Partnership Services. The aim is to provide Warwickshire with an assessment process that conforms to the current and planned legislation and Department for Education (DfE) policy including:

- SEN Code of Practice 2001 + SEN Toolkit
- Management of SEN Expenditure (2004)
- Improving the quality of Statements (2010)
- The introduction of a Single Plan (Education, Health and Care Plan, likely to be statutory from 2014),
- School funding reform, effective from April 2013
- Personal Budgets for families with children with a statement of SEN / Education, Health and Care plan
- Local Authority's local offer of service

This task and finish group is working to complete its initial draft by January 2013. The principles underpinning its work are informed by the SEN Green Paper and aim to ensure that the revised process:

- Reflects the meaningful participation of parents and children / young people,
- Guides and facilitates the work of professionals, strengthening multi-professional planning and accountability,
- Is clear and transparent for all; including school staff, parents and other professionals,
- Where appropriate, increases the use of mediation,
- Can be developed into a single assessment informing a single plan focussed on outcomes,
- Enables pooled and aligned budgets,
- Will support children and young people from birth to 25 years.

- 2.2 The draft revised process for statutory assessment will then be circulated to a wider group of stakeholders between January - April 2013 for consultation prior to implementation, including parent representative groups (local and national), schools and Academies.
- 2.3 It is intended to be a first step toward providing a meaningful and relevant process to contribute to the development of a single assessment process, with partners in health and social care. This will support the personalisation agenda, as it directly informs the Single Plan.
- 2.4 It is important to ensure that the revised process for statutory assessment is robust and is consistently applied. The revised Ofsted framework has increased the focus on progress and achievement of vulnerable pupils; this reflects the intended SEN legislative reform of establishing a Single School based SEN category, rather than the existing 2001 SEN Code of Practice stages of School Action and Action Plus prior to moving to statutory assessment where appropriate. The Department for Education has been clear that every pupil with a Statement will be entitled to a Single Plan for Education, Health and Care – the transfer arrangements have yet to be set out in the SEN White Paper in Spring 2013.
- 2.5 There has been an increase in requests for statutory assessment received by the Local Authority. Requests for assessments are scrutinised against the Local Authority policy:

Referral Received	2009/10	2010/11	2011/12
Nuneaton/North	131	166	189
All Areas	326	404	443
New statements issued: total number	192	201	245
New statements issued: % of requests received	59%	50%	55%

- 2.6 The nature of this increase in requests for statutory assessment is being analysed. School provision for pupils with behavioural, emotional and social difficulties has been enhanced by the delegation of funding to Area Partnerships of the monies previously designated for the Pupil Referral Unit. £2.4m has been devolved to Secondary Area Behaviour Partnerships to prevent permanent exclusion and commission alternative provision where appropriate. A further £0.4m has been devolved to prevent exclusion in the primary phase. Permanent Exclusions of pupils have reduced from 88 in 2010/11 to 31 in 2011/12. A temporary Local Authority post has been developed, Lead Improvement Manager for Vulnerable Children; the purpose of the role is to oversee how effectively funding is used and to monitor the overall quality of alternative provision. This will involve working closely with the four Area Partnership Co-ordinators, who will be overseeing day-to-day

matters in each area. The post holder is also working closely with the Interim Manager for the Assessment, Statementing and Review Service in relation to the determining the nature of increased requests for statutory assessment. This increased understanding will help identify additional and appropriate provision alternatives.

- 2.7 The imminent Department for Education reform to school / Academy budgets in April 2013 is both a challenge and opportunity to address any inequalities in school-based provision for low-level special educational needs. The expectation of each provider is to demonstrate its individual pupil provision up to a financial threshold of £6,000 before it is appropriate to request High Needs Funding into the Main School Fund. There is no precise definition of 'high level needs'. There have been a total of 8 workshops (4 for head teachers and Governors, 4 for special educational needs coordinators) to discuss the reformed funding model, and to identify the implications for providers. These workshops promoted personalisation, explicitly linking assessment of individual needs to evaluation of outcomes; the challenge within the Ofsted framework for Inspection and to be included within the eligibility criteria of High Needs Funding, is that planning relevant provision is based on individual nature and level of special educational needs. The next stage during November and December 2012 is to define the eligibility criteria for High Needs Funding and develop supporting administrative systems within the Local Authority. It is intended to take this forward with a multi-professional group and school representatives have already nominated themselves to be involved.
- 2.8 The High Needs Funding criteria and application process will be aligned with the revised statutory assessment process, and contribute to the development of wider Single Assessment and Single Plan approach. It also provides the opportunity to challenge provision for low-level needs that may previously have been presented for consideration of statutory assessment possibly attracting additional funding. It is positive that all of the provisions of the Bill will apply to all schools including Academies and Free Schools. The changes in school funding require a change in practice both for providers (schools, Academies) and the Local Authority. The round of workshops, mentioned above, for head teachers, governors and special educational needs coordinators aimed to support local decision making about the budget formula options. It has been overseen by a Project Board which reports separately on budget reform. The offer to schools is to develop this partnership for special educational needs practice by subsequent summer workshops and a multi-professional group to moderate the decisions made for allocating High Needs funding.
- 2.9 There are significant implications for providers (schools, Academies, special schools) in relation to high-needs Statemented pupils placed with them by other Local Authorities. The Department for Education expects appropriate High Needs Funding to be negotiated between the placing Local Authority and the provider establishment. Currently, a regional group of SEN Commissioners and associated financial officers are working to draft a voluntary Framework that supports this process. The aim is to clarify a shared assessment of need

with associated High Needs Funding to manage the administrative burden and maintain consistency across the geographical boundaries of provision charging.

- 2.10 The draft clauses set out the statutory framework for identifying, and assessing the needs of children and young people who require support beyond that which is normally available. They are intended to extend the rights (to express a preference for the school they wish their child to attend) of parents of children with Statements of special educational needs to young people themselves, and to include Academies, further education colleges and sixth form colleges within the institutions for which they can express a preference. They are also intended to give them greater control over the way their support is provided. The clauses introduce a requirement for mediation before appeals can be made to the First-tier Tribunal. This is to help resolve disagreements without the need for Tribunal appeals wherever possible. The clauses also include a power to pilot giving children the right to make appeals to the Tribunal themselves, rather than it having to be through their parent. The review of the statutory assessment process mentioned above will take into account this anticipated change requiring mediation.
- 2.11 The draft clauses indicate a requirement that Local Authorities keep local provision under review: each system adjustment being proposed will automatically be informed by the revised Ofsted School Inspection Handbook, September 2012, e.g., statutory assessment that directs individual Statement objectives and subsequent Annual Reviews; drafting the process for requesting High Needs Funding that will rely in part on evidence on pupil progress and achievement. The SEN Green Paper highlights the imperative to improve outcomes for pupils with special educational needs so it is most likely that the SEN White Paper will expect coherence with Ofsted progress criteria. Clearly, once the SEN White Paper is published this will be verified.

The pupil-level data will contribute to the on-going strategic review of individual resource allocation; it will also provide headline information on providers regarding the quality of provision and the appropriateness of re-commissioning services. In addition, this year the Educational Psychology Service has been commissioned to sample outcomes for children and young people with Statements, this provides an additional layer of quality assurance beyond the individual tracking processes. The Service Level Agreement commissioning Integrated Disability Service for specialist educational provision for high-needs pupils has been revised in accordance with the revised Ofsted Framework, September 2012.

- 2.12 A significant clause is that which requires Local Authorities to cooperate with their partners to plan and commission provision and publish clear information on services available. An awareness-raising session with the Health and Well Being Board is planned at the time of drafting this report.

The SEN Service Manager has had an early meeting with regional West Midlands colleagues to discuss the most likely format for this information. They are scheduled to meet again in November 2012. There will be a need to

collaborate with partners in agencies, as well as the community and voluntary sector to develop the final version. There will be ICT implications, making the final version electronically available as well as via other media. It is expected that the requirements for publication will be informed by Pathfinder reporting and the detail of the White Paper.

- 2.13 The SEN reform papers (March 2011, 2012) have indicated from the outset that the expected changes will be available from 0-25 years. It is difficult to predict the impact until the detail of a single assessment process and expectations of a Single Plan are confirmed. Concerns have been flagged with the Education Funding Agency regarding the increased administrative duties for Local Authorities from April 2013 when budget reform is implemented; this is a national issue. The draft provisions are clear that no additional funding will be available for health or social care provision, so it is anticipated that the task will be to align existing thresholds for intervention alongside the educational responsibilities. It is clear that effective transition between services for children and young people with those for adults remains crucial and will be a driving force in delivering the duties set out in the SEN Green Paper 0 – 25 years. There is already an officer group from across children's and adult services identifying the strengths and weaknesses in our current systems and early steps have been taken to address the issues highlighted, e.g., team leaders will share current eligibility criteria and assessment processes.
- 2.14 The Single Plan will provide the means by which the change in duties regarding Learning Difficulties Assessment (aged 14 years) will be addressed. A robust process for annual Single Plan reviews will include consideration of on-going needs for education, health and health. The current project to refine transition between services for children and adults does include a sharp focus on assessment criteria for young people at 19 years and older. This aims to build coherence in the provision offers from 14 years onwards and thereby improve experience and outcomes for young people and their families.
- 2.15 The national SEN Pathfinders are reporting to the Select Committee on their experience of developing personal budgets. Currently, legislation only allows for the Pathfinders to practice. It is expected that the White Paper will set out expectations for all Local Authorities.

3.0 Timescales associated with the decision and next steps

- 3.1 High Needs Funding is introduced in April 2013 – the task and finish group is a continuation of the September / October 2012 workshops for head teachers, governors and special educational needs coordinators. It is working during November and December 2012. Although this is in advance of the SEN White Paper, there are clear implications for SEN provision as a result of budget reform which can be aligned with the draft clauses of the SEN White Paper to ensure coherence in planning.

The first stage of the review of statutory assessment processes will be complete by December 2012; the opportunity for stakeholder consultation is therefore following in January – March 2013.

- 3.2 Final school budgets for 2013 / 2014 will be available at the end of January 2013. In line with the Corporate Marketing and Communication Strategy (August 2012), the County Council's implementation of Budget Reform needs to be clearly communicated to parents/carers; additional information can be shared with schools and Academies to support their communication with parents. Service users need to be clear about the respective responsibilities of the County Council and educational providers (schools, Academies, special schools). This information-sharing needs to be undertaken between January and March 2013.
- 3.3 The voluntary West Midlands Framework for High Needs Funding will be developed in advance of April 2013 to be implemented thereafter. This will offer guidance for commissioning provision across local authority boundaries.
- 3.4 The SEN White paper is expected early in 2013, implementation is likely to be in 2014 or thereafter. The change planning for young people's participation is to commence following the issue of the White Paper. It may be that procurement of relevant services for this advocacy can be aligned with the contract specification for enhanced mediation, the detail of which will be clarified by the SEN White Paper.

	Name	Contact Information
Report Author	Jessica Nash	jessicanash@warwickshire.gov.uk 01926 74 2480
Head of Service	Mark Gore Learning and Achievement	markgore@warwickshire.gov.uk
Strategic Director	Wendy Fabbro People Group	wendyfabbro@warwickshire.gov.uk
Portfolio Holder	Cllr. Heather Timms	cllrtimms@warwickshire.gov.uk

Children and Young People Overview & Scrutiny Committee

6 November 2012

Work Programme 2012-13

Recommendation

To consider the Committee's current work programme, amend as appropriate and put forward any recommendations for Task & Finish Groups for consideration by the Overview & Scrutiny Board.

1.0 Work Programme

The Committee's current work programme is appended to this report.

	Name	Contact Information
Report Author	Richard Maybey	richardmaybey@warwickshire.gov.uk
Head of Service	Greta Needham	gretaneedham@warwickshire.gov.uk
Strategic Director	David Carter	davidcarter@warwickshire.gov.uk

Children and Young People Overview & Scrutiny Committee – work programme

Item	Report detail	Report author	Date of last report	Date of next report
Children's Centres	<u>Purpose</u> <ul style="list-style-type: none"> To consider the commissioning strategy for Warwickshire's Children's Centres <u>Outcome</u> <ul style="list-style-type: none"> To forward feedback and recommendations to the decision-maker 	Sally Lightfoot	NEW	30 Jan 2013
Safeguarding Improvement Task & Finish Group	<u>Purpose</u> <ul style="list-style-type: none"> To consider the report of the Chair of the Task & Finish Group (Cllr Hicks) <u>Outcome</u> <ul style="list-style-type: none"> To endorse the recommendations and forward them to Cabinet 	Richard Maybey	NEW	30 Jan 2013
New school developments	<u>Purpose</u> <ul style="list-style-type: none"> To consider how WCC and its partners are responding to new school developments and the growth in pupil numbers <u>Outcome</u> <ul style="list-style-type: none"> To make any appropriate recommendations 	TBC	NEW	30 Jan 2013
Academies Task & Finish Group	<u>Purpose</u> <ul style="list-style-type: none"> To consider the report of the Chair of the Task & Finish Group (Cllr Hopkinson) <u>Outcome</u> <ul style="list-style-type: none"> To endorse any recommendations and forward them to Cabinet 	Richard Maybey	NEW	30 Jan 2013
Traded Services with Schools	<u>Purpose</u> <ul style="list-style-type: none"> To consider the decision regarding Traded Services with Schools 2013/14, taken by Cabinet on 15 November 2012 <u>Outcome</u> <ul style="list-style-type: none"> To forward the views of the Committee to the Overview & Scrutiny Board 		NEW	30 Jan 2013

Strategy for School Improvement	<u>Purpose</u> <ul style="list-style-type: none"> To review the strategy for school improvement following the cessation of SIPs, involving school-to-school support at primary and secondary levels <u>Outcome</u> <ul style="list-style-type: none"> To make any appropriate recommendations 	TBC	NEW	3 April 2013
Transformation of Services for Young People	<u>Purpose</u> <ul style="list-style-type: none"> To scrutinise the effect of the transformation programme on outcomes for young people <u>Outcome</u> <ul style="list-style-type: none"> To make any appropriate recommendations 	Hugh Disley	June 2012	June 2013

Potential other topics

To consider the robustness of the management arrangements in place for:

- **Youth Offending Team** (why do a high proportion of LAC enter custody; how do the safeguarding and YOTs work together)
- **Sexual Abuse Resource Centre**
- **Drug and alcohol teams**
- **Paediatric services**

Standing items

Transformation Programme

The Chair and Party Spokes will determine if this item is needed for each meeting, and if so, what form it will take. It could be a general update or a full business case review

Briefing notes

Impact of staff reductions

For data on the number and percentage of staff reductions in service areas, and any direct impacts this has had on service delivery

Library and Information Service

For information on how the transformation programme is affecting library usage among young people, especially in areas of deprivation

Scrutiny of Bullying

For information on the Council's current anti-bullying strategy and for statistical data on bullying across the county

Education of Vulnerable Pupils

For an update on the Council's emerging strategy and for statistical data on the numbers of vulnerable children in the county

Information, Advice and Guidance (IAG)

For an update on how schools are fulfilling their responsibilities for IAG