
Meeting: Children's Services Overview & Scrutiny Committee
Date: 14 September 2010
Subject: Children Excluded from School
Report of: Cllr Anita Lewis, Portfolio Holder for Children's Services
Summary: The report summarises the present situation regarding provision for children excluded from school.

Contact Officer: Edwina Grant
Public/Exempt: Public
Wards Affected: All
Function of: Council and Children's Trust statutory partners

CORPORATE IMPLICATIONS

Council Priorities:

The report relates to the second of the Council's key priorities::

- Educating, protecting and providing opportunities for children and young people.

Financial:

The aim of the provision for excluded pupils is to make proper provision according to statutory entitlement within the efficient use of resources.

Legal:

There is a legal framework of entitlement for excluded pupils.

Risk Management:

Vulnerable pupils are subject to personal and collective risk assessments by nature of being assessed for a provision that is different to that of their peers.

Staffing (including Trades Unions):

There will be future staffing implications in any changes to the way provision is made available. Any consultation necessary will take place at the appropriate time.

Equalities/Human Rights:

Equality issues will be picked up as part of implementing any changes in provision.

Community Safety:

None specifically

Sustainability:

None specifically

RECOMMENDATION:

Overview and Scrutiny are asked to share their views with the lead member for Children's Services.

1. Background

- 1.1 At the Children's Services Overview and Scrutiny Committee on 29 June 2010 Members asked for an update on the provision for children excluded from school to be presented at this meeting. It was agreed that a brief report on the position would be developed.
- 1.2 On the 10 August 2009 a Service Level Agreement (SLA) was agreed on behalf of Central Bedfordshire Council for Bedford Borough Council to provide for provision via Greys Education Centre Pupil Referral Unit (PRU) for the provision of education for pupils of statutory school age unable to access education due to permanent exclusion, pregnancy or the difficulties of being a young mother, long term illnesses or other temporary difficulties which arrive in people's lives and make access to school very difficult.
- 1.3 The charging of this service is on the basis of actual costs which will vary from year to year , 53% Central Bedfordshire Council and 47% Bedford Borough Council.
- 1.4 The term of the agreement was agreed from 1 April 2009 until March 2011. Provision was made in the agreement, subject to review, if both parties wished to continue beyond the review.
- 1.5 Officer discussions have taken place at various times by way of monitoring and review. However, more recently officer discussion turned to whether or not it is sensible to continue this arrangement.
- 1.6 The decision on whether or not to maintain Greys Education Centre in its present shape and form is for Bedford Borough Council in terms of its overall governance of the provision.
- 1.7 Whilst it is acknowledged that the Ofsted report on the PRU was good, concerns have been raised by the Director of Children's Services for Central Bedfordshire Council during the period of the operation of the SLA. These concerns relate to the unit cost in terms of efficient use of resources and the quality of provision for Central Bedfordshire pupils in terms of the number of pupils educated in libraries and the travel time required.
- 1.8 The Director of Children's Services also took soundings on the views of Central Bedfordshire headteachers at meetings during the year.

- 1.9 Discussions were held informally with both the Director of Children's Services and the Lead Member for Bedford Borough Council regarding this proposal. Bedford Borough Council confirmed that they were also planning to review the provision. Subsequent to the meeting, the Lead Member agreed that as a courtesy, a letter giving notice of termination would be sent even though the governance of the SLA did not require it.
- 1.10 The Commissioning sub-group of the Children's Trust were asked to take a view on the suitable shape of future provision. They are required to take a view in accordance with the Council's Commissioning Framework agreed by the Executive on 13 October 2009.

2. Principles

- 2.1 Any revision of the provision for excluded pupils needs to take into account the authority's statutory responsibilities for providing for children who are excluded from school.
- 2.2 The base legislation for the authority's requirement to make provision is contained within the Education Act 1996, which was amended by the Apprenticeships Skills, Children and Learning Act 2009, which brought an amendment to require PRUs (now renamed short stay schools) to have a management committee and to require any closure to be subject to a consultation with the Secretary of State in specified circumstances.
- 2.3 The above provisions apply to Bedford Borough Council who set up and maintain the PRU and arranged for the management committee. The duties on Central Bedfordshire Council, is to arrange provision for Central Bedfordshire pupils. For this purpose the current SLA suffices.
- 2.4 The advice from the Director of Children's Services / Deputy Chief Executive is that for some children, provision currently offered by the PRU off-site in Central Bedfordshire libraries and the number of young people who do not access the PRU site directly is not sustainable in the longer term as a suitable response to duties to set up provision.
- 2.5 The view of the Commissioning sub-group of the Children's Trust is as the minute of their meeting of 19 July below:

The PRU

The Group agreed:

- 1. That that the PRU should be de-commissioned in its current form and provision re-commissioned for April 2012.*
- 2. That interim arrangements should be made with schools for PRU/Short Stay School provision from April 2011 until March 2012.*

- 2.5 This group is part of the formal governance arrangements for the Children's Trust and therefore are acknowledged representatives. However, as the PRU is funded out of the Direct School Grant (DSG), it will be necessary to put a financial proposal to the Schools Forum regarding the allocation of any money currently given to Greys PRU to be reallocated elsewhere.

3. Future Work

- 3.1 The Committee is advised that this work is on-going. More work is yet required in consultation with Central Bedfordshire schools, the Schools Forum, Bedford Borough Council and any other partners before formal proposals can be made.

4. Governance

- 4.1 The original SLA was developed arising out of a list of services that the Shadow Transition Task Force agreed as suitable for joint working with Bedford Borough Council under the Local Government (Structural Changes) Order 2008 under Part 1 of the Local Government and Public Involvement in Health Act 2007.
- 4.2 As the SLA would end in March 2011 if continuation was not agreed, there is no formal governance required according to the requirement of the Constitution under a key decision. Decisions need to be made in the first instance through the governance of the Children's Trust and the Schools Forum.
- 4.3 As this is a significant change however, it would be proper under the broader provisions of the Constitution to bring a report to Executive when the views of the Children's Trust and the School Forum are known and when Bedford Borough Council have advised of their proposals for on-going provision. This is likely to be planned for some time as yet to be agreed in early 2011.

Appendices: Nil

Background Papers:

Service Level Agreement between Bedford Borough Council and Central Bedfordshire Council No. BBC 018

Children's Trust Commissioning sub-group minutes – 19 July 2010

Central Bedfordshire Executive Committee –

Apprenticeship Skills and Learning Act 2009

Education Act 1996

Location of papers: Priory House, Chicksands