
Meeting: Executive
Date: 27 March 2012
Subject: Alternative Future Provision of the Pupil Referral Unit (PRU)
Report of: Cllr Mark Versallion, Executive Member for Children's Services
Summary: The report summarises the work completed to date regarding future provision of the Pupil Referral Unit (PRU) and identifies proposals for alternative models of delivery of the provision.

Advising Officer: Edwina Grant, Deputy Chief Executive, Director of Children's Services
Contact Officer: Pete Dudley, Assistant Director, Learning, Strategic Commissioning and Partnerships
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

The provision of effective and efficient local services for Special Education Needs forms a key element in delivering the Central Bedfordshire Children's Services Education Vision.

This report supports Priority 2 of Central Bedfordshire's Strategic Plan 2009-2011, Educating, Protecting and Providing Opportunities for Children and Young People. The information also supports the Children and Young People's Plan priorities, Priority 2 Protecting Children and keeping them safe and Priority 1, increased educational achievement.

Financial:

1. These proposals will not increase costs for the Council.
2. The PRU is fully funded by Direct Schools Grant (DSG) and the transfer of the Age Weighted Pupil Unit (AWPU) from schools if they exclude pupils.

3. The existing funding available for this provision will be utilised taking account of any new school funding regulations. Schools will be able to buy into additional support of programmes should they wish to.
4. Additionally, the current Pupil Referral Unit buildings will continue to be modernised using available capital monies. Should a partnership of schools be successful in a bid for an Alternative Provision Free School, this may bring additional refurbishment money that would not have been available directly to the Council.
5. The total budget for the PRU provision in 2012/13 is £1.3 million plus an age weighted transfer payment when a child transfers into the provision.

Legal:

6. Legal advice will be sought in accordance with the current legislation at the time the provision is established.

Risk Management:

7. There will be no difference regarding risk to pupils as they will continue to receive appropriate provision. The risk of the Alternative Provision Free School bid not being successful is mitigated against by an alternative proposal to deliver a similar model via a commission. Any risks will be managed to ensure provision is not disrupted and statutory duties are met.

Staffing (including Trades Unions):

8. Consultation with staff and unions will need to take place regarding any proposed changes to staffing structures required. TUPE regulations would apply to the transfer of existing staff. Staff will be kept up to date with developments and involved in informing any proposals.
9. Any commission from schools to provide the medical needs aspect of the service will be preceded by a consultation with all relevant staff and their Trade Unions through a TUPE consultation.

Equalities/Human Rights:

10. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics; age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
11. This statutory duty includes requirements to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

12. The work being undertaken to make the Pupil Referral Unit provision ensures that pupils at risk of being out of school are able to access their entitlement to a full time appropriate education.

Community Safety:

13. Not Applicable.

Sustainability:

14. The proposals outlined in the report will ensure that the Council fulfils its Statutory Duty to ensure education for pupils who are in alternative provision to schools

Procurement:

15. Not applicable.

Overview and Scrutiny:

16. ***Comments to be added following O & S Meeting in January 2012***

RECOMMENDATIONS:

The Executive is asked to:

1. **delegate to the Deputy Chief Executive/Director of Children's Services in consultation with the Executive Member for Children's Services, the support of schools in establishing a free school PRU, a commission for medical needs and any future commissions**
2. **agree the maintenance of the existing PRU arrangements until alternative arrangements are made.**

Reason for Recommendation: To secure appropriate delivery of provision for pupils who might otherwise be out of school.

Executive Summary

The report summarises the work completed to date, and advises on the steps that are being taken for the delivery of this provision from September 2013.

Background

17. At its meeting on 15 February 2011, the Executive agreed that the Deputy Chief Executive/Director of Children's Services, in consultation with the Portfolio Holder for Children's Services (now Executive Member Children's Services) takes forward detailed work on the future delivery of PRU provision in Central Bedfordshire from 2012 onwards to take account of the commissioning strategy, any new and relevant legislation and any changes to school funding arrangements.

18. Since that delegation, the regulatory landscape has changed such that it is appropriate to renew that delegation in the light of prevailing circumstances.
19. On 31 March 2011, the Service Level Agreement with Bedford Borough Council regarding the operation of the Pupil Referral Unit as a shared service ended. On 1 April 2011 60% of the staff transferred to Central Bedfordshire.
20. During the Summer term the provision for pupils remained as consistent as possible, in cooperation with Bedford Borough Council. At the end of the Summer term, all Upper School Central Bedfordshire pupils and staff relocated to the Kingsland Site in Houghton Regis.
21. Provision for primary age pupils was successfully commissioned to a partnership of 3 Lower Schools in Dunstable and Houghton Regis, and this opened in September 2011. The secondary age aspect was retained by Central Bedfordshire while detailed work was carried out to plan future delivery of the provision.

National changes since February 2011

22. Regarding the national regulatory framework, a PRU was initially required to have a delegated budget in 2012/13, but this has now been deferred until 2013/14, pending the outcome of the consultation on School Finance Regulations which was completed in October 2011. The outcome of this national consultation is not yet known.
23. Section 3 of the Children, Schools and Families Act 2010 extended the duty in the Education Act 1996 to provide a full time education for all children who, for reasons related to illness, exclusion or otherwise, would not receive suitable education unless arrangements were made for them. At the time of the 2010 Schools White Paper 'The Importance of Teaching' the provisions in section 3 had not been commenced. The Department for Education (DfE) has now made a Commencement Order which brought this duty into force from 1 September 2011.
24. For pupils with medical needs, access to a suitable education is provided on the basis of medical advice, and the service works with health professionals and schools to ensure pupils access as much education as they can and this is currently in excess of the regulatory minimum in Central Bedfordshire.
25. The Education Act 2011, which underpins these provisions, was published in November 2011

Summary of work carried out to date on behalf of the Deputy Chief Executive, Director of Children's Services

26. A consultation on a new staffing structure to meet Central Bedfordshire's needs was initiated and concluded in the Summer Term, and was fully implemented on 1 January 2012.
27. The new staffing structure was partially implemented from September 2011, and all pupils at Central Bedfordshire PRU who have been excluded from their schools now have an offer of full time education.

28. A Management Committee has been set up and operates according to national regulations and is meeting regularly to oversee the governance of the PRU.
29. Staff have been provided with high quality training on managing behaviour, and pupils are now set clear expectations regarding their behaviour.
30. The learning environment has been improved, and there is a detailed plan of further improvements.
31. Emergent guidance from the DfE suggests that increasingly, schools should be collectively responsible for providing for the needs of excluded pupils and the future financial framework is expected to support this aim.
32. The Upper Schools, working as a Consortium, came forward in June 2011 expressing a desire to take responsibility for provision for pupils through a bid for a Free School Alternative Provision. They have also shared their vision and proposals with middle school colleagues to gain their view and input, although these discussions are ongoing. Since then representative headteachers, alongside the headteacher of Oak Bank special school, the Teacher in Charge of the PRU and a Children's Services representative have been exploring national examples of good practice.
33. A second round of Free School bids was announced in November 2011, with bids required to be submitted for February 13th – 24th for implementation in September 2013. It is unclear as to when successful bidders will be notified. The Central Bedfordshire bid is expected to be judged as a strong bid as the provisions at the Kingsland site are already available.
34. An alternative model of delivery through a commission will be developed alongside the schools bid, in case this bid is not successful. Work with schools will be ongoing to support schools to develop a commission to deliver a high quality range of provision for pupils who are at risk of permanent exclusion or who require an alternative curriculum and support to address their needs.

Conclusion and Next Steps

35. In the light of the timescales for Free School bids and the delay in the new funding arrangements for PRUs and the School Funding Regulations, it is for the Council to retain responsibility for the management of the secondary PRU for excluded pupils until such time as the Council hears of the outcome of a bid. The current provision will continue to develop to support early intervention and prevention for challenging pupils. It will also support the priority of educating and protecting the most vulnerable and the Council's changing relationship with schools.
36. The Medical Needs Service is distinctively different from the rest of the services delivered by the PRU. Work has been initiated to commission this service to be run through schools, trusts or partnerships. This will provide the Medical Needs staff with the required curriculum links and resources to deliver the service as specified by the amendment to the 1996 Act regarding access to appropriate education.

37. In future, the PRU will be delivered by consortia of schools whilst the medical needs commission will be let and maintained as a smaller commission, in accordance with the Council's Children's Services commissioning policy as agreed by Executive in 2009.

Appendices:

Background Papers: (open to public inspection)

Executive Report – Commissioning the Pupil Referral Unit 8 February 2011

Executive Report – Strategic Commissioning Framework 13 October 2009

Location: Chicksands