

PUPIL REFERRAL UNIT/ALTERNATIVE PROVISION UPDATE

Report of the Chief Officer for Children's Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation:

that Scrutiny Committee notes the current position on Devon's Alternative Provision and SchoolsCompany Trust (SCT).

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#### **Background**

Devon has 160 Alternative Planned Places and 90 Medical Planned places commissioned across SCT Alternative Provision Academies in Exeter, Barnstaple and Dartington. Planned places are directly funded by the Education and Skills Funding Agency (ESFA) but can be redistributed by the Local Authority annually to reflect changing commissioning arrangements. A significant majority of alternative provision has been commissioned through these academies.

In addition, top up funding is paid from the High Needs block for each Alternative Place provided. Devon has also directly commissioned 10 additional Medical Places and a small number of places for learners with statutory plans.

In total, Devon has commissioned 275 FTE places with this Alternative Provider whose core function is to ensure the Local Authority can meet its statutory responsibility of a full time education offer, in particular for those who have been permanently excluded or have medical needs preventing them from accessing education.

#### **SchoolsCompany Trust (SCT)**

SCT, a Multi Academy Trust, has been running Devon's Alternative Provision since March 2015. Initially the Trust's performance was considered acceptable however, in last 18 months, there have been concerns over performance which have been raised directly with the Trust and since March 2017, directly with the Regional School Commissioner (RSC).

In June 2016, the DfE appointed SCT as a sponsor for a secondary academy in Kent. Assurances about the quality of provision would have been secured by the DfE prior to this appointment, however 12 months later the Trust was issued a Financial Notice to Improve by the ESFA. During the Autumn Term 2017, OfSTED inspections highlighted ineffective safeguarding at the Exeter provision and an inspection at the North provision resulted in an Inadequate judgement in January 2018. At the time of writing, provision in South and West (Dartington) was subject to a Section 5 OfSTED inspection.

The Trust is now under new interim leadership with a new CEO and Board of Trustees appointed by the DfE, pending rebrokerage. Leadership support has been commissioned by the Trust from ACE (Alternative Complementary Education) Academy Trust. Devon is working closely with the new leadership

### **Next Steps**

Following the failure of SCT the RSC is responsible for securing a sponsor and re-brokering all 3 Academies which currently form the SCT. A decision on the preferred provider is expected to be made at the RSC Headteacher's Board meeting in May. At this point, Devon will engage with the new provider on the commissioning arrangements whilst they undertake their due diligence.

To support the process of re-brokerage Devon has provided the following strategic overview of what the LA would look for from a new provider, but has not been involved in the detailed assessment:

- Track record of school improvement to ensure Devon's provision will swiftly move to at least good;
- A recognition and plan to address the current challenges as well as the national challenges in terms of inclusion;
- A collaborative, flexible approach to working with the Education Authority and Schools, recognising how Devon's AP sits within the continuum of provision, its strategic role within a large rural authority;
- A strong focus on successful reintegration and preventative work with schools;
- A strong focus of transition for learners reaching a transition point whilst on roll, i.e. Year 6 and Year 11;
- The KPIs and requirements as set out in the current commissioning agreement.

It is anticipated that the new provider will officially be commissioned by the Spring term 2019, potentially by the Autumn term 2018.

### **Learning**

Devon is undertaking a deep-dive into the commissioning of Alternative Provision to ensure its strategic overview and operational approach are aligned to provide appropriate education and a therapeutic offer to match learners' specific needs. Whilst the commissioning agreement clearly sets out the expectations of the Local Authority, the combination of a weak provider and increased numbers has meant there has been unacceptable performance.

The challenge of having all of Devon's planned places in a single Trust, combined with ESFA restrictions on our ability to move planned places meant we were unable to quickly disinvest to reinvest. The Devon Inclusion Project has a workstream linked to re-commissioning and whilst it is likely the bulk of alternative provision and planning will sit within the re-brokered provision, opportunities to re-allocate funding

and create a broader offer, including working with mainstream schools, are being explored.

It is clear that the responsibilities of the Local Authority and the other Government Departments (RSC and ESFA) remain blurred at times and the capacity and lack of information sharing has contributed to the delay in implementing necessary structural changes and finally re-brokerage. The recent announcement from the Secretary of State regarding the role of the RSC would suggest that Local Authorities will have to assume greater responsibility in school improvement, especially in directly commissioned Academy provision. Despite flagging concerns to the RSC on the Trust's performance early and consistently, structural change and therefore improvement has taken too long.

### **Financial Considerations**

Funding for Alternative Provision comes from the High Needs Block and including planned places, totals circa £5m per year.

### **Other Implications**

None as the report is an update.

### **Legal Considerations**

There are no specific legal considerations of this report as it is an update.

### **Risk Management Considerations**

None as the report is an update. The performance of the Trust has been highlighted as a risk.

### **Summary**

The re-brokerage of Devon's Alternative Provision provides an opportunity for a new sponsor who will bring capacity and expertise to improve the provision. The learning from what has been a challenging process, will ensure that Devon is better placed as a commissioner to ensure the improvement in terms of school performance and learners outcomes.

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### **Electoral Divisions: All**

Cabinet Member for Children, Schools & Skills: Councillor James McInnes

Chief Officer for Children's Services: Jo Olsson

### **LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS**

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| <u>BACKGROUND PAPER</u> | <u>DATE</u> | <u>FILE REFERENCE</u> |
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NIL