

**Changes to the Status of the Pupil Referral Service**

**COUNCILLOR LYNNE AYRES - CABINET MEMBER FOR CHILDREN'S SERVICES, EDUCATION, SKILLS AND THE UNIVERSITY**

**JULY 2019**

**Deadline date: N/A**

Cabinet portfolio holder: Responsible Director:	Cllr Lynne Ayres – Cabinet Member for Children’s Services, Education, Skills and the University Wendi Ogle-Welbourn - Executive Director: People and Communities
Is this a Key Decision?	NO
Is this decision eligible for call-in?	NO
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

**R E C O M M E N D A T I O N S**

It is recommended that the Cabinet Member approve the transfer the governance and oversight of services carried out by the Peterborough Pupil Referral Service Governing Body back into Local Authority control.

**1. PURPOSE OF THIS REPORT**

- 1.1 This report is for the Cabinet Member for Education, Skills and the University to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (g).
- 1.2 The purpose of this report is to provide background information and seek the Cabinet Member’s approval in relation to the recommendations.

**2. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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**3. BACKGROUND AND KEY ISSUES**

- 3.1 Maintained and other state-funded schools are legally entitled to permanently exclude pupils after following the due legal process required. When pupils are excluded the Local Authority has a statutory duty to continue to provide education for such pupils. Ideally, this is exercised through admitting the pupil to another mainstream school.
- 3.2 However, schools may legally refuse to admit pupils if they do not have places, or if the pupil has already been excluded twice from mainstream schools. In addition many pupils who are excluded, at risk of exclusion, or have additional emotional, social, behavioural, medical, or learning needs are unable to successfully cope with the demands of a mainstream education setting.
- 3.3 The Local Authority therefore maintains the Peterborough Pupil Referral Service (PPRS) to provide education for such pupils.
- 3.4 The PPRS delivers a number of related provisions (the “Related Services”) including:
- Full time education for pupils who have been permanently excluded from school
  - Fixed Term Dual Registration placements for pupils at risk of permanent exclusion in order to maintain them in their existing schools through working with them to remedy their behaviour
  - A seclusion unit for primary children. This provides one-day places for serious behavioural offences as an alternative to fixed term exclusions
  - Targeted Specialist provision for Year 11 pupils who are newly arrived with little or no English, many of whom are Unaccompanied Asylum Seekers
  - Targeted Specialist provision for vulnerable girls aged 13-16, many of whom are at high risk of Child Sexual Exploitation and/or have high level mental and emotional needs.
- 3.5 In addition, the Head of Service is commissioned to provide a number of related functions (the Related Services) on behalf of the Local Authority:
- Delivery of the statutory responsibilities in relation to the legal process of Permanent Exclusions, including training for Heads, Clerks and Governors and representing the Authority at exclusion hearings to ensure the integrity of the process is maintained. This also includes management of the statutory Fair Access Protocol and Process with all City Headteachers. The Service manages each individual case until the pupil is placed in their next educational setting, ensuring a single seamless service for schools, parents/carers and pupils. The FAP is there to ensure that children without a school place, particularly those deemed vulnerable, are found a place as soon as possible. The protocol exists for those who cannot obtain a place through normal admissions procedures e.g. those with challenge behaviour.
  - Development and delivery of Primary and Secondary Behaviour Panels and a Behaviour Support Service for all mainstream schools. This activity provides support and challenge to schools and Targeted Early Intervention for pupils whose presenting behaviours and needs are placing them at risk of exclusion
  - Acting as the Prevent Lead for Education including the provision of associated training for all schools. The service originally provided safeguarding support for schools but this activity moved back into the LA in April 2019 and is now delivered in conjunction with Cambridgeshire.
- 3.6 In November 2017, Cabinet Member decision notice DEC17/CMDN/73 formally recognised the delegated financial powers of the PPRS and also the role and status of the Governing Body (having previously been a management committee). Since this time, the PPRS has operated independently of the Local Authority.
- 3.7 In December 2018, a new leadership structure was put in place to align Special Educational Needs and Disability (SEND) with Behaviour Support Services (of which the PPRS is included) to ensure there was strong connectivity between the services. The oversight of the PPRS was included in the new Assistant Director (SEND and Inclusion) portfolio.

- 3.8 Following concerns being raised about the capacity in the city for supporting SEMH, an confidential independent review was commissioned in January 2019 by the Service Director (Education). The independent report findings were published in April 2019.
- 3.9 The key findings from this report pertinent to the operation of the PPRS were –
- A “Silo Mentality” rather than a joined up approach to support for vulnerable children. Schools, the PPRS and the LA had created a creative graduated response to SEMH but it lacks join up both between schools, the PPRS and the LA.
  - Variations in the levels and quality of behaviour support accessed by schools.
  - Perceived unfairness of the Fair Access Protocol (FAP) with not all schools taking a fair share of placements.
  - Additional responsibilities added to the PPRS are potentially impacting on its ability to deliver its core purpose.
  - Disconnection between the SEMH and SEND services.
  - There is a lack of distributed and consultative decision making and key decisions are focused on an individual – the Executive Headteacher of the PPRS.
- 3.10 The independent report made a number of recommendations for the city but one of the key recommendations were that the Council’s elected Members and Directors should review the decision making process that delegated responsibility to the PPRS.
- 3.11 Shortly after completing the review, the PPRS was involved in a pilot Ofsted inspection on the 2<sup>nd</sup> and 3<sup>rd</sup> May and a further full Ofsted inspection took place on the 14<sup>th</sup> and 15<sup>th</sup> May.
- 3.12 The report was published at the start of July. The Ofsted report judged that the quality of leadership and management and the overall effectiveness of the PPRS to be inadequate. The PPRS had previously been graded good at its last inspection in February 2018.
- 3.13 A number of themes in the Ofsted inspection report, mirrored the concerns raised in the independent review commissioned in the LA. Leadership and management were the most significant concerns and the Ofsted report includes the following –
- Leadership is weakened by leaders’ capacity being overstretched as the range of services provided for the local authority, schools and families has increased.
  - There are elements of mistrust in some senior leadership decisions. This is, in part, because some centre-based staff do not always understand why decisions, for example those which have led to the loss of teaching space and resources, have been made. Consequently, the morale of some staff is low. These tensions are not conducive to a positive learning environment or equality of opportunity for all pupils.
  - Attendance records are inaccurate. There is insufficient leadership oversight of the attendance information held by administrators.
  - Governors have an overgenerous view of the quality of education that the service provides because some information given to them is inaccurate.
  - A lack of detail and inaccuracies in some of the information given to governors have not allowed them to focus their attention, for example, on ensuring that pupils attend school regularly and that the number of pupils on extended part-time provision is reducing. Consequently, they have not been effective in holding senior leaders to account for the school’s performance.
- 3.14 Given the significance of the issues raised in 3.9, 3.10 and 3.13, it was agreed that action was needed to ensure there was effective leadership of the PPRS.
- 3.15 The delegation arrangements outlined in the November 2017 CMDN DEC17/CMDN/73 outlined the following for the operation of the delegation–

*Peterborough City Council will continue to receive funding for the full school and Service activities from Central Government. As is the current arrangement, these funds will be passed to the PPRS. In order to receive this government funding, organisations must demonstrate compliance with a number of government rules and regulations including;*

- *DfE Funding guidance and regulations*
- *Ofsted Framework*
- *Accounting standards*
- *The financial regulations of Peterborough City Council*

- 3.16 Given the content of the Ofsted report, the PPRS is no longer meeting these requirements and as a result it is proposed the delegation of the services and governance moves back to the Local Authority. The Local Authority would in effect retake full control of the PPRS. It is proposed a new management committee is formed to oversee the operation of the PPRS. This is likely to be an interim arrangement as the Pupil Referral Unit (school only) will become an Academy under the current legislation. Officers will work with the Department for Education on seeking a suitable sponsor to run the school.
- 3.17 The PPRS will become a direct service within the Education Directorate and will report into the Assistant Director (SEND and Inclusion) from the 1<sup>st</sup> September 2019. The Related Services currently provided to the Local Authority by the PPRS will be reviewed to establish the best way to deliver these moving forward.

#### **4. CONSULTATION**

- 4.1 This decision does not require any public consultation.

#### **5. ANTICIPATED OUTCOMES OR IMPACT**

- 5.1 The PPRS delegation will be removed and administration of the PPRS and the Related Services will be passed back to the Local Authority.

#### **6. REASON FOR THE RECOMMENDATION**

- 6.1 The recent findings from the independent review of the SEMH / behaviour offer and from Ofsted have shown significant weaknesses in the leadership and management of the PPRS. Removing the delegation will ensure a closer alignment of services with the Local Authority and ensure that there are strong governance arrangements in place.

#### **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The current arrangements could remain but given the extent of the issues highlighted around the services provided, the need to become an academy under current legislation and the need to review the Related Services, this is not an option that can be considered.

#### **8. IMPLICATIONS**

##### **Financial Implications**

- 8.1 The decision to transfer the services back into Local Authority control has no direct financial impact. The funding available remains the same regardless of the governance of the service.

## **Legal Implications**

- 8.2 The legal basis of delegations to, and their removal from the PPRS, is set out in section 85 of the Further and Higher Education Act 1992:

85(2) A local authority shall have the following powers in relation to any institution, not within the further education sector or the higher education sector, which is maintained by them in the exercise of their further or higher education functions.

(3)The authority may—

(a)make such provision as they think fit in respect of the government of the institution (including replacing any instrument of government or articles of government of the institution made under that Chapter or that section), and

(b)delegate to the governing body of the institution such functions relating to the management of the finances of the institution, and such other functions relating to the management of the institution (including the appointment and dismissal of staff), as the authority may determine.

Any changes in future service delivery will be considered fully for their legal impact, including the potential impact upon staff and full consultation processes will be undertaken (where appropriate).

## **Equalities Implications**

- 8.3 There are no equalities implications arising from this decision as the service will continue to support the same children and young people as previously.

## **9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

- 9.1 None.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 10.1 Pupil Referral Service Status – DEC17/CMDN/73

## **11. APPENDICES**

- 11.1 None