

**Wiltshire Council**

**Children's Select Committee**

**1 October 2013**

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**Update on the provision for excluded pupils and the National Secondary Exclusion Trial (SET) following the closure of the Young People's Support Service (YPSS)**

**Purpose of Report**

1. This report contains an update on Wiltshire's participation in the three year National Secondary Exclusion Trial (SET) and the development of provision for those pupils permanently excluded or at risk of permanent exclusion since the closure of YPSS.

**Background**

2. YPSS was placed in Special Measures in May 2011 by an Ofsted inspection and following a bid to the Department for Education (DfE) and acceptance to be part of SET in June 2011, a decision to seek closure of YPSS from the Secretary of State was submitted in January 2012. Agreement was reached in March 2012 and the YPSS service was partially closed from August 2012. A number of young people (26) remained the responsibility of the local authority as their permanent exclusions took place before the temporary amendment to legislation via a Power to Innovate (PTI) programme came into force. Their provision for the academic year 2012/13 was organised and managed by the Education Other Than at School (EOTAS) team through the two previous YPSS facilities, namely the Trinity Centre in Trowbridge and the John Ivie Centre in Salisbury.
3. Three teachers and seven support workers including an outdoor education specialist were retained from the YPSS service and had their redundancy deferred a year following the partial closure of YPSS in August 2012. The remaining year eleven students completed their studies in June 2013 and YPSS completely closed at the end of August 2013.
4. Following the partial closure of YPSS in August 2012 the retained EOTAS service continued to be subject to regular, four monthly Ofsted monitoring visits. At the time of the last report to the select committee in November 2012, Ofsted had made three visits where the service was judged to be making satisfactory progress. A fourth visit in December 2012 judged that the service no longer required special measures. Ofsted judged leadership and management to be good and considered that it had the capacity to

continue to improve and no further monitoring visits were required. The breadth of alternative provision outlined in the appendix attached to the previous select committee report was maintained in addition to the teaching provided by the EOTAS staff. Students continued to make positive progress and results in this summer's exams were in line with expectations. See appendix A. All the students have confirmed destinations for the coming year.

## **Main Considerations for the Council**

5. The national exclusion trial (SET) continues until July 2014. Wiltshire is one of eleven Local Authorities participating in the trial which began in 2011. The first year involved establishing the systems; securing the Power to Innovate (PTI) and associated amendment to the parliamentary order that delegated the legal responsibility for permanently excluded pupils to schools, agreeing and securing our own Service Level Agreements (SLA) with schools and getting all the financial arrangements and devolved budgets in place.
6. In parallel with this, the Local Authority needed to develop and secure access to a wide range of alternative provision (AP) that schools could access with confidence. At the last select committee it was reported that the LA had established an accredited framework of approved providers, which contained 34 accredited private providers. Two further rounds of applications have since been completed and there are now over 40 providers accredited. The catalogue is also shared with four other neighbouring LAs and plans are being considered to merge and incorporate all APs across Wiltshire's children's services into a single provider catalogue. A third, very successful providers' 'fayre' took place in April 2012 and more events are planned.
7. After the first full academic year of the trial it remains too early to judge the impact but the initial evidence from our own monitoring and data, schools commitment and feedback and the external, national trial evaluators is very encouraging. Our own exclusion data has significantly improved. In 2011/12 there were 21 permanently excluded secondary pupils, last year 2012/13 this fell to two, both of these were residents in a neighbouring LA. Fixed term exclusions also fell by a further 15% having fallen 23% the previous year.
8. The original intention of the trial was for the DfE to consider proposing primary legislation to delegate the legal responsibility for permanently excluded pupils from LAs to schools. The National Foundation for Education Research (NfER) and the London Institute of Education have been commissioned by the DfE to independently evaluate the trial and make recommendations to government. Their final report will be published in spring 2015 and it is unlikely that primary legislation will occur before 2016/17.

9. NfER published an initial report in April 2013 on the first six months of the trial which was encouraging but it was too early to give any clear picture of success or impact. They will produce another interim report in spring 2014 before the final report in 2015. NfER are particularly keen to gather evidence and develop case studies on Wiltshire because of the unique and radical approach the LA has adopted to the trial. Wiltshire schools are fully engaged with the external evaluators and NfER researchers spent two days visiting Wiltshire schools in July, gathering evidence and data for their next interim report. Both the qualitative and quantitative data they gathered, particularly from the young people and parents they interviewed was extremely positive and encouraging.
10. With primary legislation unlikely for another three years, Wiltshire secondary schools are eager to plan for any interim arrangements beyond the end of the trial in 2014 and pending any legislation in 2016/17. In July, Wiltshire Association of Secondary and Special School Headteachers (WASSH) wrote to the Director of Children's Services asking for an undertaking from the LA to continue with the existing SLA and devolved funding arrangements beyond the end of the trial in July 2014. The Director of Children's Services has given an initial undertaking to WASSH to commit to continue the model of the trial when the PTI ends and legal responsibility for excluded pupils reverts back to the LA. The LA has indicated that it is currently not considering re-establishing central provision for any permanently excluded pupils. It will work with WASSH to re-draft the SLAs, enabling the same responsibilities to continue with the LA devolving appropriate funds to schools in return for them taking responsibility for provision for at risk or excluded pupils. It is proposed the SLAs will include appropriate internal and external monitoring and evaluation. In addition the LA will commit to working with AP providers to develop the accreditation catalogue.

### **Environmental Impact of the Proposal**

11. There are no specific environmental impacts of this report.

### **Equalities Impact of the Proposal**

12. The continuation of this project beyond the trial is likely to have a positive impact on equality by:
  - a) Improving the provision for those students permanently excluded or at risk of permanent exclusion. These students tend to come from the most disadvantaged socio-economic groups with the lowest attainment and the poorest academic progress. Enhanced provision will improve the attainment and progress of these students.
  - b) Although provision will continue to be developed by individual secondary schools or groups of schools this will be done against a renewed service specification to ensure that there are not

significant differences across the county that could lead to inequalities. The service specification will be supported by a monitoring process to ensure that quality is maintained.

- c) The catalogue of alternative providers from the private and voluntary sector will continue to be developed and cover as broad a cross section of provision as possible.

## **Risk Assessment**

13. There are some potential risks with continuing with the same model following the trial and the legal duty for permanently excluded pupils reverts back to the LA.
  - a) Some schools refuse to sign a revised SLA and accept the responsibility for permanently excluded students.
  - b) Some schools fail to deliver provision of sufficient quality.
  - c) An alternative provider has major safeguarding issues.
14. The initial work with WASSH indicates that all schools wish to continue with the same model albeit without the PTI. The LA is not required to operate a pupil referral unit as it did previously with YPSS and if any school does not commit to a new SLA the LA will fulfil its legal duty in making provision for any permanently excluded pupils by commissioning provision from another school or an AP. Our ongoing monitoring and quality assurance checks of APs will minimise the risk of safeguarding issues.

## **Financial Implications**

15. There are the following financial considerations.
  - a) Funding for the delivery of provision will continue to be devolved subject to signed SLAs to each secondary school from the dedicated schools grant (DSG) and will be based on the existing budget of £2.6 million. The funding is allocated from the High Needs Block within DSG and the formula for distribution of funding to schools is agreed by Schools Forum.

## **Legal Implications**

16. The transfer of the responsibility for permanently excluded students back to the LA from schools when the PTI ends in July 2014 will be a change to the current, temporary legal position.

## **Options Considered**

17. Continue with a model of devolved funding to individual schools and delegated responsibility for provision for permanently excluded pupils beyond the end of the Secondary Exclusion Trial (SET) using a revised SLA once the PTI expires. This is both the school's and the LA's preferred option.
18. Devolved funding for AP to groups/clusters of schools in return for AP commissioned by the cluster. This is neither the LA or schools preference. Only one cluster currently make joint AP by pooling their individual devolved budgets. This is preferable to it devolving funding to partnership which would involve complex and involved SLA and legal arrangements.
19. Re-establish a local authority PRU following the end of the trial. Schools do not wish to go back to central provision. The early signs are that with schools having responsibility and accountability the outcomes are better. The direction of travel nationally is for increased devolution/delegation.

### **Conclusions and Recommendations**

20. The committee are asked to note the update report and approve the arrangements proposed for continuing the model of devolving funding to secondary schools beyond the end of the exclusion trial in 2014, working with WASSH to revise the SLA.

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### **Background Papers**

None

### **Appendices**

Appendix A: YPSS results 2013

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