

## **Wiltshire Council**

### **Schools' Forum**

**Date 13/10/11**

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## **The Future Development of the Young People's Support Service**

### **Purpose of Report**

1. The report outlines the current position of the Young People's Support Service (YPSS) and Wiltshire's involvement in a pathfinder pilot Trial of Alternative Provision being run by the Department for Education (DfE). Later this month Cabinet will be asked to approve a request to the Secretary of State to close YPSS from 31 August 2012 and to delegate the responsibility for permanently excluded students to schools. Schools' Forum are asked to consider the devolution of the current funding of YPSS to schools using a formula based on aspects of deprivation set out in Appendices 1 to 3. This will give individual schools the funds to enable them to fulfil this responsibility either themselves or by commissioning others to do so.
2. The objective of this strategic approach is to create an effective provision and better outcomes for permanent excluded pupils and those at risk of permanent exclusion. The expected outcomes are
  - a. To effect immediate improvements to the existing service (whilst work to develop the new service is underway)
    - Produce an improvement Action Plan
    - Ofsted to approve plan
    - Implement actions from September 2011
  - b. To acquire the Power to Innovate from the Secretary of State for Education
    - Submission to Secretary of State for approval
    - Power granted and some statutory functions suspended
  - c. To develop an innovative and effective service specification
    - Research best practice and explore creative methods
    - Develop and agree new curriculum and critical service requirements
    - Produce new service specification
  - d. To develop with secondary schools an innovative and effective delivery mechanism
    - Work with individual secondary schools or groups of secondary schools to develop appropriate models for delivery against the specification
    - Audit existing and research potential new providers of the service
  - e. To close the existing YPSS and launch the new provision

- Application to Sec of State for formal closure of the existing YPSS
  - Transfer of agreed responsibility to secondary schools on 1 September 2012
  - Invite the existing YPSS centres to make proposals to continue to operate providing a traded service
  - Council adopts regulatory and monitoring role
- f. The expected outputs from the new provision will be:
- To increase the number of young people with identified behavioural issues achieving either 5 grades A\*-C (including English and Mathematics) at GCSE or achieving positive value added
  - To reduce the number of students permanently excluded
  - To improve the attainment at KS2 of children eligible for free school meals and with special education needs
  - To reduce the number of young people who become NEETS (Not in Education, Employment, or Training)
  - To remove the YPSS from special measures

## **Background**

3. The council has currently a statutory requirement to provide all children who have been permanently excluded from school with full-time education. Local Authorities must provide facilities dedicated to this provision which have the generic title of Pupil Referral Units (PRU). In Wiltshire the facilities and service are referred to as the Young People's Support Service (YPSS). The overall aim of the service is to provide the young people referred to YPSS with as good a standard of education and appropriate opportunities in life as if they were in the regular school system.
4. The YPSS consists of four centres: Bridge Centre in Chippenham, Trinity Centre in Trowbridge, Kennet Centres in Devizes, and Jon Ivie Centre in Salisbury. The centres cater for students who have been permanently excluded or are at risk of being excluded from their mainstream schools.
5. The council has recognised that for some time the service required attention and improvement in some areas. In autumn 2010 the council carried out a full review of the whole service. The conclusions contained some far-reaching and long-term options for the service.
6. In May 2011, the YPSS was inspected by OfSTED. This is the second time in six years that YPSS has been placed in an OfSTED category. The report from the inspectors identified failings in the service in the following key areas:
  - Inadequate attendance by students
  - Limited curriculum – not enough variety to suit all needs of the students
  - Several of the centres have inadequate accommodation with limited space and poor resources, particularly ICT.
  - Too many permanently excluded students – not enough examples of students returning to mainstream education

Generally, OfSTED considered that the leadership and management of the YPSS had been ineffective at making the necessary improvements quickly enough. The service has been placed under 'Special Measures'.

7. From a national perspective, PRU's struggle to provide similar performance standards to the mainstream education system and very few achieve good or satisfactory Ofsted assessments. As these services are measured against the mainstream school system and are centred on those young people who for a variety of reasons, often behavioural, are unable to remain in that system, achieving comparable standards is inherently challenging.
8. The Department for Education is keen to promote creative and progressive thinking in the provision of education services. It has launched a trial in order to develop improved alternative provision. The trial involves the participating Local Authorities delegating the responsibility for educating permanently excluded students to their secondary schools. This will be done by using the Power to Innovate to enable Local Authorities to work outside existing regulations. Funds to support the provision will be devolved to secondary schools. The purpose of the trial is to engage secondary schools in taking greater responsibility for the education of permanently excluded students. This is in line with the proposals in the education bill that is currently before parliament. Local Authorities will, however, retain responsibility for the "wellbeing".
9. Wiltshire's Department for Children and Education (DCE) considers that the current position with the YPSS and the change-potential offered by the DfE initiative represents a clear opportunity to radically improve the service and the outcomes for the young people it serves. There is an acceptance that the historic and current difficulties with the YPSS cannot be resolved through the existing delivery mechanism and that being granted the Power to Innovate will enable the council and its partners to design and implement a new and more effective service.
10. In line with the DfE's preferred direction for this type of service, the trial will deliver a fundamental shift of responsibility by delegating this from the council to schools. Either singularly or collectively, working to an agreed framework with specified outcomes, schools will receive the funding currently used by the council and provide for the permanently excluded young people.
11. The strategic approach to YPSS will cover all aspects of the work required to close the existing and launch the new provision, with a target completion of 31<sup>st</sup> August 2012. Monitoring and certain governance arrangements will continue beyond that date to oversee the delivery and initial performance of the new provision.

## **Main Considerations for Schools' Forum**

12. The purpose of this strategic approach is to increase the attainment of the most vulnerable young people within our communities by producing provision that is more effective at secondary level. It will make a significant contribution to the Council's corporate goals of "Providing high quality low cost customer focused services," and "Working together to support our communities." It relates particularly to the priorities of "working in partnership to support vulnerable individuals and families" and to "increase opportunities to help young people achieve their potential.

The Schools ' Forum will need to consider

- Whether the total funds it is proposed to allocate are sufficient to achieve the desired objectives? The proposed figure is based upon the historical budget allocated to YPSS without the one off addition provided by School's forum in 2011-2012.
- Whether the level of funding is affordable?
- Whether the formula proposed is the most equitable way of distributing the funds?

13. In particular Schools Forum is asked to consider the proposed models for the devolution of funding for the provision of services to students who have been permanently excluded or are at risk of permanent exclusion. Funding models have been developed using the current budget for the YPSS service, the final budget for 2012/13 will need to be approved by Schools Forum as part of the budget setting process but the models give a steer for the relative impact of each formula.

14. In developing a formula driver for the allocation of funding varying combinations of the use of a Flat rate, Pupil Numbers and Deprivation Scores have been used. In its current consultation on schools funding, "Proposals for a Fairer System", the DfE identifies that the incidence of pupils in Pupil Referral Units, or alternative provision, is best predicted by the youth population size and deprivation. These models reflect those principles.

15. Following a meeting with Secondary Head Teachers represented on Schools Forum and the 3 Federations, further models have been added to incorporate a service pupil element for those models which are based on Free School Meal (FSM) data. This is to reflect the concern that the use of FSM data would disadvantage schools with a significant service population as they are not eligible for FSM.

16. A summary of the 6 funding models is shown in Appendix 1, with the consolidated total at Federation level shown at Appendix 2. Appendix 3 gives the detail for each model.

## **Environmental Impact of the Proposal**

17. There is no specific environmental impact within this report. However any future strategy developments in relation to small schools would need to be considered carefully assessing and then managing the environmental impact.

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

12. This strategic approach is likely to have a positive impact on equality by
- a) Improving the provision for those young people permanently excluded or at risk of permanent exclusion. These young people 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 young people.
  - b) Although provision will be developed by individual secondary schools or groups of schools this will be done against a 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 rigorous monitoring process to ensure that quality is maintained.
  - c) For the first time alternative providers from the private and voluntary sector will be invited to be put on a register to improve the regulation and quality of their provision.

### **Risk Assessment**

13. The main risks are set out below. A risk register is attached as Appendix 4.

- The Secretary of State does not approve the closure of the existing YPSS
- The Secretary of State imposes conditions for the closure
- The Secretary of State does not award the Power to Innovate
- YPSS fails its monitoring visits by HMI and the DfE decide that it should be taken over by another provider
- Some schools refuse to accept the responsibility for permanently excluded students and continue to exclude
- All schools refuse to take part in the trial because they feel the funds available are inadequate
- All schools refuse to take part in the trial because they feel there is a need for capital investment in accommodation

- Staff leave YPSS because it is going to close and the Service becomes unsustainable.
- Some schools fail to deliver provision of sufficient quality
- An alternative provider has major safeguarding issues

### **Financial Implications**

14. There are the following financial considerations

- a. Funding for the delivery of provision will be devolved to secondary schools but will be based on the existing budget
- b. Funding will need to be found to meet the cost of any redundancies as a result of the closure of the existing YPSS and work is ongoing to confirm whether this would need to be met from the overall schools budget (DSG) or whether central support will be available.
- c. Funds will need to be set aside to provide the capital investment required to develop suitable offsite accommodation to support the provision

### **Legal Implications**

16. The transfer of the responsibility for permanently excluded students from the Local Authority will be a change to the current legal position. This will be done through an application for the power to innovate which will be submitted in November 2011.
17. The closure of YPSS is likely to lead to all or some of its current staff being made redundant. The HR and Legal departments are engaged with the project group to manage this situation.

### **Options considered**

18. The placing of YPSS in special measures by the OfSTED inspection of May 2011 provides clear evidence that maintaining the status quo is not a viable option. This view is supported by a commissioned report from Colin Smith in October 2010 which produced a clear set of recommendations for change. Four different models of operating YPSS are set out in Appendix 5 "YPSS and discussion of options." The inspection judgement requires prompt and effective action within a timescale that is externally determined and an action plan remains the focus for the work of YPSS. Monitoring visits by HMI will be conducted every four to six months until HMI deem that YPSS has made sufficient progress to have a full inspection that would bring it out of special measures. The report was published in July 2011 and an appropriate Action Plan has been submitted and accepted. It is

anticipated that the first monitoring visit will be at the end of October or the beginning of November. 2011.

19. Consideration has been given to the idea of putting in an internal manager to address the issues. The complex nature of the service operating over four geographical dispersed centres means that any intervention of this kind would require a team rather than a single individual. In the current situation the Council does not have the capacity to do this over the protracted period of time required. It seems more sensible to lay the foundations for a long term and more sustainable solution. For that reason this option is not one considered in Appendix 1.
20. The OfSTED judgement raises the question as to whether the service should continue in its current form albeit with a different mode of operation or whether it should be closed and reconstituted. Given the inability of the service to operate effectively over a number of years it is clear that radical change is needed. To close the current service, reorganise it and completely rebrand it would signal the kind of clear break with the past that is needed. Whilst acknowledging, as the OfSTED report does, that improvements in teaching and learning have been made it is clear that to secure the further progress that is now needed there has to be a complete transformation of the service. Closing it in its current form would enable that to happen. It would seem, therefore, that this should be the first logical step that should take place whichever of the proposed options of operation are chosen.
21. The education of young people in hospital or unable to attend school for other medical reasons is a different matter. A key recommendation of Colin Smith's report is that this element should be separate. As the issues surrounding these young people are quite different from those who have been permanently excluded it makes perfect sense to educate them separately and this is also in line with best practice in other authorities. The education of these young people is, therefore, not included in this proposal and will be addressed separately.
22. Option 1 for a single special school to take over running the service for an initial two year period appeared to have a number of advantages. Springfields is in OfSTED terms an outstanding school. It has particular strengths in the areas of curriculum and leadership which are key areas deemed inadequate in the OfSTED report on YPSS. It also has a proven track record of working with secondary schools in the North and the West through its vocational centre. It already has, therefore, good relations with many secondary headteachers and would not need to spend time establishing these as would an external provider. Further discussion with school made it clear, however, that its current focus is on gaining academy status. For this reason it does not feel that it

has the capacity to take over the whole of YPSS. It is, therefore, not possible to pursue option 1.

23. Option 2 putting the service out to tender is an attractive proposition. There are clearly a number of organisations who have developed expertise in this area and with a total of around £3 million this could be a highly desirable contract to bid for. However the time involved in going out to tender which would take at least twelve months would cause a significant delay at a time when quick action is essential. The time taken to tender would be time wasted in terms of any impact upon young people. It would create a prolonged period of uncertainty that is likely demoralise the staff employed by both services. This delay is hard to justify as there is an alternative effective option that could make an immediate difference. In addition there is a real danger that going to a single external provider would actually be an obstacle in the long term aim of increased delegation to the partnerships. Some headteachers have already expressed the view that going to a single external provider would simply perpetuate their frustrations with the current system giving them less control and with less accountability towards them. There is also the fact that only one out of the four buildings is actually fit for purpose. A strategy needs to be developed to address this in line with the recommendation made in OfSTED's 2007 document "Establishing successful practice in pupil referral units and local authorities" that LAs should "ensure that PRU accommodation is suitable and that improvements are made urgently where necessary." It is also one of the issues raised in the May 2011 inspection of YPSS. Embarking on this at the same time as going out to tender for an external provider would further complicate the situation and seem to be extremely unwise.

24. The preferred direction of development for both the Council and the current government is for the delegation of this service to schools or groups of schools as set out in options 3 and 4. The Department for Education has invited Wiltshire to take part in a national trial on the development of alternative provision. This trial would last for three years and would involve the delegation of the responsibility for permanently excluded students to schools supported by devolved funding. Exemption from existing regulations would be provided through the Power to Innovate which would be given to those Local Authorities that are part of the Trial. Local Authorities would retain ultimate responsibility for the "wellbeing" of young people. Under option 3 the responsibility would be delegated and the funding devolved to the existing Federations. There are, however, a number of reasons why this is not an effective option at this point in time. Firstly, the partnerships of secondary schools do not all have the same capacity to take responsibility for a delegated service. Second and most important the three existing Federations were developed largely to implement the 14-19 strategy especially the introduction of diplomas. They



are not necessarily the right configurations to take responsibility for making provision for permanently excluded students. Option 4 provides much more flexibility. By delegating the responsibility and devolving the funding to individual secondary schools it enables them to decide how best to address this issue. They could decide to operate as an individual school or to work together as a partnership without having to work in the existing partnerships. It would make it possible for one school, for example Springfields, to offer to make provision on behalf of a group of schools. Equally a school or group of schools could decide to employ a private provider or, providers to deliver all or some aspects of the service. It also makes it possible for the existing YPSS centres to continue to operate by providing traded services. Clearly there is the danger in such an approach of provision being inconsistent across the county and some young people being disadvantaged. This would be addressed by secondary schools being asked to submit their proposals either individually or as groups against a clear service specification. Proposals would be scrutinised and modified if necessary to ensure both consistency and quality. Delivery would be rigorously and regularly monitored. Other providers would be invited to meet certain conditions to enable them to be placed on a register. Making individual schools directly responsible in this way gives them the greatest incentive to ensure that the provision for permanently excluded young people is of the highest possible quality.

25. This would need to be supported by the development of appropriate accommodation. There will still be a need for offsite provision and so the state of the current accommodation would need to be addressed. This accommodation might in the future be leased to partnerships of schools, the existing YPSS centres operating as private providers or other private providers.

## **Conclusions**

26. Overall, therefore, closing the existing YPSS, accepting the DfE's invitation to be part of its Trial and transferring responsibility for permanently excluded young people directly to individual secondary schools as in option 4 appears to offer the most effective way to improve the quality of provision. It represents a move to greater local control which is in line with the current thinking of both the Government and Wiltshire Council. It does so in a way that creates the maximum flexibility but underpinned by sufficient safeguards to protract quality and consistency. It will also enable Wiltshire Schools to begin to prepare to take on a responsibility which is likely to fall to all schools under the current Education Bill. It also, [provides an opportunity for the existing YPSS centres to continue in a different form which is likely to reduce redundancies. Secondary schools have been fully consulted on this issue. Headteachers welcome the opportunity to take responsibility for

permanently excluded students and value the choice that having funds devolved to their individual school gives them. The formula being proposed to Schools' Forum is the one that most headteachers prefer having discussed a range of different models.

## **Proposals**

1. Schools' Forum supports the delegation of the responsibility of permanently excluded young people to secondary schools.
2. Schools' Forum agrees in principle to devolve funds to individual secondary schools to enable them to fulfil this responsibility.
3. Schools' Forum accepts the proposed formula as the most effective and equitable way to devolve the funds.
4. Schools Forum will set the quantum to be devolved in the light of the budget settlement for 2012-2013 and further work to be done to establish the real costs of provision. However in principle it accepts that at least for 2012-2013 the quantum should not be less than the current historical budget for YPSS.
5. Schools' Forum supports the general direction of development for alternative provision, Wiltshire's participation in the DfE trail and the proposed closure of YPSS.

## **Reason for Proposal**

27. The reasons for this proposal are that it appears to be the best way to address the continued weakness of the Young People's Support Service and to improve the achievement and progression of permanently excluded students. It will also enable Wiltshire to take part in the Department of Education trial.

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## **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None

## **Appendices**

Appendix 1 – summary of options for the distribution of YPSS funding to Secondary Schools

Appendix 2 – summary of allocations by Federation Area for each model

Appendix 3 – detailed funding models

Appendix 4 – Risk Register

Appendix 5 - different models of operating YPSS

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