



**Open Report on behalf of Martin Smith, Assistant Director for
Children's Education**

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| Report to: | Lincolnshire Schools' Forum |
| Date: | 24 June 2021 |
| Subject: | Lincolnshire's Alternative Provision Arrangements |

Summary:

The purpose of this report is to provide an overview of Lincolnshire's current and future alternative provision arrangements.

Actions Required:

The Schools Forum is to note the contents of the report.

Background

Pre 'Inclusive Lincolnshire Strategy' launch (2017), the Local Authority (LA) delivered its duty to provide education six days after a permanent exclusion through its Pupil Referral Unit (PRU) partner, the Lincolnshire Teaching & Learning Centre. Schools may have commissioned their own alternative provision for some pupils, as indeed they do now, but this was outside the LA's involvement. However, the extremely high rate of permanent exclusion of pupils from Lincolnshire schools, alongside the destabilising impact of that on the PRU itself, necessitated a strategic change of direction and to secure improved value for money.

Schools Forum supported the LAs decision to commission the Behaviour Outreach Support Service (BOSS) and the commission of Alternative Provision (AP) places which have been made available to schools for pupils at risk of permanent exclusion, should the BOSS intervention prove insufficient. With a Pastoral Support Plan (PSP) the earliest intervention (and protecting the capacity of BOSS) this is in essence Lincolnshire's 'Behaviour Ladder', now being replicated in other parts of the country, most recently York.

The steps of the Ladder have been embedded county-wide over the past five years with their efficacy in relation to the AP step reviewed within this paper, in 'Conclusions', below. A key risk was managing the capacity of commissioned places so that the LA could deliver its statutory duty whilst opening up a second (non-statutory) route, via intervention placement, into AP. If the rate of permanent exclusion did not reduce, this would not have been possible (without costly expansion). The ongoing challenge is to ensure that the rate

of permanent exclusion does not increase to the extent that the behaviour Ladder can no longer function because AP places are entirely occupied by permanently excluded pupils. We must also ensure that intervention placements do not merely delay the inevitable; that is, we rely on the ability of our AP partners to deliver interventions that make a difference.

It is also important to note by way of background that the AP landscape in Lincolnshire continues to evolve and enrich. Whilst the LA has no contract with the Acorn Free school currently, schools in the Lincoln area make good use of the provision for intervention. Both the Specialist Education Support Network (SESN) and Castles Education, again Lincoln based, have also registered as independent schools as has Good Apple, in Gainsborough. Mainstream head teachers therefore have access to a range of legally compliant options should they wish to make their own arrangements, rather than follow the Ladder.

Whilst the Head teacher does have the legal power to direct a pupil off-site to improve behaviour, the LA's arrangement requires parental consent and also, of course, evidence that the Ladder has been followed. The Pupil Reintegration Team (PRT) is responsible for the quality assurance of this process, in partnership with head teachers who are invited to 'intervention panel' alongside BOSS, SEND and AP leaders.

The LA commissions 252 places within Springwell Alternative Academy Free Schools, four purpose-built centres comprising 63 places each across the four localities. Springwell Grantham is located on New Beacon Road, Springwell Alternative Lincoln, on Macaulay Drive, the Mablethorpe building is a refurbishment of the old Monk's Dyke Tennyson site and Spalding was formerly the South Holland Post 16 Centre. These are stunning settings offering high quality provision according to nurture principles. Because the Education Skills Funding Agency (ESFA) funds the place funding for new free schools in the first two years of their establishment, with LAs only responsible for top-up, the introduction of these academies also relieved some of the pressure on the High Needs Block, albeit for a temporary period. The 4 Alternative Academy Free Schools are funded through a funding formula that adopts the same principles and approach to Lincolnshire special schools, whilst recognising the uniqueness of the delivery model. The Lincolnshire AP funding model presents the overall funding through the DfE's place and top-up funding.

In relation to value for money and with regard to High Needs Block (HNB) financial challenges, it is also important for Schools Forum to note that the LA has been able to utilise 18 of the 252 places as SEMH special school places, for a primary cohort of children. This has meant that that we now have no primary pupils currently waiting for an SEMH place, and we no longer need to rely on external specialist or independent places, which are on average substantially more costly. This cost avoidance has only been possible because of the much reduced rate of permanent exclusion (see 'Conclusion' below) of pupils from mainstream settings and the flexibility of Springwell in working with the LA to respond to wider system-challenges.

The LA commissions most of its secondary AP places at Build a Future (BaF). This KS4 (13-16 years olds) service has been in place since autumn 2018 for pupils permanently excluded or at risk of permanent exclusion. Like Springwell, BaF is an integral part of the

Ladder. The commissioned service offers a guaranteed 75 pupil places per annum under a block contract payment, with scope for 50 additional pupil places spot purchased at the point of need. The Council therefore has scope to place a maximum of 125 KS4 pupils at BaF each year via this commissioned route. The service operates out of two centres, Hubbert's Bridge (covering the South) and West Ashby (the North), though the new owner, Keys, has committed to relocating from Hubbert's Bridge into higher quality premises. The positive impact of the new environments on Springwell learners was marked, making this a very welcome investment.

Whilst it is important strategically to retain the key steps of the Ladder, since the impact has been profound (see Conclusion) it does evolve every year, as the policy context shifts. For example, since Ofsted raised the issue two years ago, pupils who take up alternative pathway KS4 places via the Ladder rather than through permanent exclusion remain dual registered with their mainstream schools, to safeguard all parties against the serious charge of off-rolling. The fee for intervention placement is adjusted every year in line with AWPU increases and, this year, the double funding of pupils with EHC plans has been discontinued whilst in the setting. Schools referring pupils with EHC plans onto the KS4 AP pathway will retain AWPU and other pupil-led funding to allow them to undertake robust quality assurance, but the EHC plan top-up funding will be withdrawn, because the LA is already providing enhanced financial support via the commissioned place in specialist provision.

Another adjustment relates to KS1-3 referrals and what was an issue with their return to the mainstream school setting. This has to be a non-negotiable since the efficacy of the Ladder is compromised as soon as places fill; it depends upon a successful revolving door policy. However, arguably because of a capacity challenge around SEMH special school places, primary school leaders were on occasion referring EHC plan pupils whilst at the same time progressing Additional Resource Requests (ARR). This meant that if special school was named as a result of the ARR during placement, then return to the mainstream school became problematic on many levels. Ladder guidance now provides greater direction around this: intervention places are exclusively for mainstream pupils in need of a period of intervention which will allow them to maintain their place in mainstream. Equally, settings may undertake training or make changes to the environment so that the pupil is more able to cope with it upon return. Where SENCOs and head teachers consider that return will not be possible because of the pupil's complex profile of need, then an intervention placement is not the appropriate route.

As indicated above, the supply and demand challenge around SEMH places has now been alleviated, at least for primary aged pupils, which should ensure that this element of the system works better for settings, families and the LA.

Conclusion

The Ladder and these arrangements for AP in Lincolnshire were introduced primarily because of the unsustainable rate of permanent exclusion and the implications of that for

both the HNB and families. It therefore makes sense to evaluate how well they are working by considering the rate of permanent exclusion.

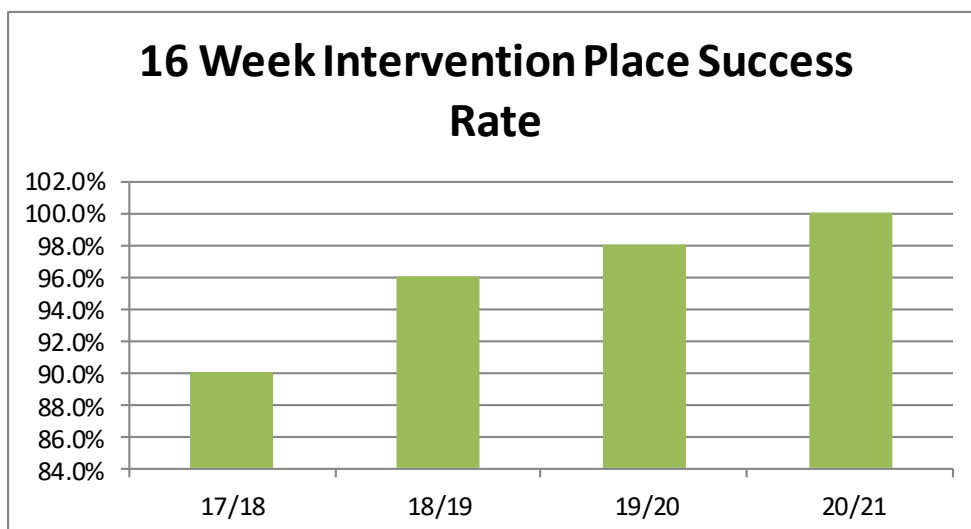
| Permanent Exclusion Comparison - School Type | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|
| | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 |
| Primary | 26 | 26 | 16 | 7 | 5 |
| Secondary | 111 | 93 | 105 | 55 | 50 |
| Special | 3 | 0 | 2 | 1 | 0 |
| Total | 140 | 119 | 123 | 63 | 55 |

Whilst the lockdown has clearly had a significant impact on the number of pupils permanently excluded, it is worth noting that the 2019/20 rate of permanent exclusion from secondary schools was significantly lower than in previous years. The two terms before Christmas (and pre Lockdown 1) consistently sees the highest rate and in 2019/20 this was much reduced. This was evidence that we were seeing the step change already achieved within the primary sector, which the performance in 2020/21 bears out. Again, the year has been disrupted through the Lockdown, but nonetheless, the rate is lower than we would expect, despite the increased challenge and complexity that schools are managing as a direct result of the pandemic. This is immensely encouraging.

Judging by the number of referrals, schools have confidence in the intervention offer and continue to make good use of it:

| 16 Week Intervention Placements | | | | |
|--|-----------------------------|------------|------------|--------------|
| | Foundation & KS1 | KS2 | KS3 | Total |
| 17/18 | 14 | 24 | 27 | 65 |
| 18/19 | 20 | 32 | 24 | 76 |
| 19/20 | 25 | 23 | 11 | 59 |
| 20/21 | 11 | 16 | 6 | 33 |

And neither is the intervention placement merely delaying the inevitable. We have strong evidence that it is allowing pupils to maintain their places alongside peers within their local schools. The table below indicates the proportion of 'intervention pupils' who remain in their mainstream schools a year after intervention:



In terms of KS4 AP pathway places via the Ladder, take-up is less strong, and permanent exclusion remains the most common route into a commissioned KS4 AP place:

| KS4 AP Pathway | |
|----------------|----|
| 17/18 | 45 |
| 18/19 | 32 |
| 19/20 | 23 |
| 20/21 | 10 |

On one level, this is disappointing because most permanent exclusions are for persistent disruptive behaviour, and there is subsequently every opportunity for schools to follow the Ladder to avoid these: provided there is a PSP, BOSS input and clear evidence of referral as 'last resort', this should be a solution for young person, family and setting which avoids the negative experience of a permanent exclusion.

There are at least three possible explanations, however: firstly, for a small number of settings, a differentiated approach to behaviour is not consistent with the blanket enforcement of a behaviour policy, and meaningful engagement with the Ladder is therefore difficult. Secondly, families may not agree referral into AP – and our arrangements are consent-based. Finally, it is understandable that some school leaders do not wish to remain accountable for the outcomes of young people they do not see every day in school.

For all of these reasons and no doubt more, we may not reach the tipping point with secondary which means that the majority of our AP learners have been referred via the Ladder rather than permanently excluded. However, what the reduced rate of permanent exclusion from all sectors does strongly suggest is that inclusive practice in Lincolnshire is strengthening and that our AP arrangements are a key driver of that. In this, Lincolnshire is confounding a national trend of increased exclusion and this reflects very positively indeed upon the sector.

Consultation

a) Risks and Impact Analysis

The paper does not seek a change of policy or additional investment. It is clear that the AP arrangements are an integral element of Inclusive Lincolnshire which continues to have a positive impact in relation to the avoidance of permanent exclusion and substantial cost of that, to High Needs Block (public purse) and individual (compromised life chances)

Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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