

Dear Colleague

LEICESTERSHIRE SCHOOLS' FORUM

I would like to invite you to a meeting of the Leicestershire Schools' Forum to be held on **Tuesday 26 November 2013 at 2.00pm** at **Beaumanor Hall** with the room being available from 1.30pm.

Please see below for the agenda for the meeting.

Yours sincerely

Karen Brown
Clerk to the Forum

AGENDA

Agenda
Item

1. Apologies for absence / Substitutions
2. Minutes of the Previous Meeting and matters arising
3. Special Educational Needs and Disability and Approach to personalisation

Please note that Appendix 1 is provided for reference purposes and is a large document if printing

4. Oakfield Consultation
5. Fair Access Consultation
6. School Place Planning
7. 2014/15 School Funding
8. 2013/14 Schools' Budget Outturn
9. Any Other Business
10. Next Meetings:
 - Thursday 13 February 2014
 - Monday 16 June 2014
 - Thursday 18 September 2014

All the above from 2.00 – 4.00pm.

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Leicestershire Schools' ForumNotes of the meeting held on Wednesday 18 September 2013, 2.30 pm
at Beaumanor Hall**Present:**

Tim Moralee Alex Green Sonia Singleton	Secondary Academy Headteachers
John Bassford	Maintained Secondary Governor
Jean Lewis Julie Kennedy	Primary Academy Headteachers
David Lloyd Karen Allen	Primary Maintained Headteachers
David Thomas Tony Gelsthorpe	Primary Maintained Governors
Sue Horn	Academy Representative - Special
Jason Brookes	Maintained Representative - Special
Andy Reeve	Trade Union Representative
Ian Sharpe	CE Representative
Tim Moralee	PRU Representative

In attendance:

Lesley Hagger, Interim Director of Children and Young People's Service
 Gill Weston, Interim Assistant Director of Children and Young People's Service
 Jenny Lawrence, CYPS Finance Business Partner
 Charlie Palmer, Head of Strategy, Education of Vulnerable Groups
 David Heyes, Assistant Business Partner (CYPS)
 Dave Green, Business Manager, Woodbrook Vale High School
 Andy Winter, Business Manager, Wreake Valley Community College
 Tina Hudson-Goater, Business Manager, Limehurst Academy

Observers

D Cornes, Hind Leys Community College
 M Fenner, Guthlaxton Community College
 Lisa Fish, Charnwood College
 S Whiting, John Cleveland College
 Jane Ripley, Beauchamp College
 Claire Hersey, Lutterworth College

1.	Election of Chair	
	Mr Tim Moralee was elected Chair of the Schools' Forum for the ensuing	

	<p>year.</p> <p>Mr Tony Gelsthorpe was elected Vice-Chair of the Schools' Forum for the ensuing year.</p> <p>The Forum representatives asked Jenny Lawrence to write, on their behalf, to Mr John Herbert to convey their thanks for all his support and work over the years.</p>	JL
2.	<p>Membership Update</p> <p>Tim Moralee referred to the previously circulated membership list. The Forum noted there were currently 4 vacancies in the academy secondary group and it was agreed that the membership should be split equally between headteachers and governors. Academy members were asked to seek nominations via their respective groups.</p> <p>Jenny reported that the two vacancies for an early years member and post 16 provider were currently being sought. The maintained primary heads would progress their vacancy in order for the vacancy to be filled.</p>	
3.	<p>Apologies for Absence</p> <p>Apologies were received from Mr Ould CC, Heather Sewell, Brian Myatt and Brenda Carson.</p>	
4.	<p>Minutes of the Previous Meeting and matters arising</p> <p>The minutes of the meeting held on Thursday 20 June 2013 were agreed as a true record.</p> <p>Karen Allen expressed her disappointment and for it to be minuted at the way primary behaviour partnerships were represented at the last meeting and how the LA could have evaluated the comment made which under-valued their role.</p>	
5.	<p>2012/13 School Balances</p> <p><u>Purpose</u></p> <p>To set out the position in regard to school balances for all schools that were maintained by the Local Authority on 31 March 2013 and the 2012/13 financial year.</p> <p><u>Issues Raised</u></p> <p>Jenny Lawrence reported that this report presented the annual position on school balances identifying individual schools. Jenny added that the number of schools in deficit was decreasing as schools convert to academies. The analysis of school balances is shown in Appendix 1. The figures include all schools maintained between 1 April 2012 and 31 March 2013. Schools who converted on 1 April are shown as those balances remaining with the Local Authority until conversion and would be included within the nationally reported school balances.</p>	

	<p>Jenny said that most discussions had been on the level of school balances and should the control mechanism be inactive. There is no control mechanism as Schools' Forum chose to remove this.</p> <p>David Thomas asked if those schools in deficit had an agreed deficit plan. Jenny explained that the vast majority have agreed deficit plans and were working with some schools to define their deficit plan or the LA was actively working with them.</p> <p>David Thomas asked what the impact was of schools remaining in deficit. Jenny said that if the school converts to a sponsorship academy that deficit rests with the Local Authority. Jenny added that £2.5M worth of DSG was available should the Local Authority pick up any deficits.</p> <p>Jenny said that we still see some schools with high balances and there is a need to question why they are like that. Karen Allen asked if the money was claw backed where would it go. Jenny said that it had to be used for the same purpose as DSG.</p> <p><u>Decision</u> The Schools' Forum noted this paper.</p>	
6.	<p>School Funding Formula 2014/15 and Funding Age Range Changes</p> <p><u>Purpose</u></p> <p>The report presents the outcomes of the school funding formula working group commissioned by the Schools' Forum to review the 2013/14 school funding formula and the approach to funding age range changes in academies and maintained schools.</p> <p><u>Issues Raised</u></p> <p>Jenny Lawrence introduced Dave Green from Woodbrook Vale High School, Andy Winter from Wreake Valley and Tina Hudson-Goater from Limehurst Academy who had been invited to the Schools' Forum as representatives of the working group who worked with the Local Authority to review the 2013/14 school funding formula and the approach to funding age range changes in academies and maintained schools.</p> <p>Jenny explained the working group looked at the following issues:-</p> <ul style="list-style-type: none"> - Is there a rationale for a change? - Note there will be changes in 2015/16 - Whether we should change the underlining data to deprivation - The introduction of the sparsity factor <p>Jenny said that the working party looked at the sparsity factor and discussed the impact of this and the movement of deprivation funding. The proposal was that no changes are made to the formula for 2014/15 and this was supported by the working party.</p> <p>On funding age range changes Jenny said that the Local Authority</p>	

needed to respond to individual changes and have challenged the EFA considerably and the initial consultation had been around timelines. The Local Authority was not aware until 8 July that the EFA could take money away from the Authority to expanding academies.

Schools' Forum have discussed this twice on the 20 June 2013 and 8 July 2013 and at that meeting it was agreed with the Local Authority that the implications of doing nothing were not acceptable. Jenny summarised the proposal as outlined in the paper to be submitted to the EFA by 30 September in order to fund maintained schools and academies for the impact of age range changes.

Two additional papers were circulated 'Leicestershire Age Range Changes – EFA Position Statement' which had been received by the LA the previous day and 'Financial Implications of Changes to School Age Range' tabled by Andy Winter. Andy Winter gave a verbal summary of the working group's findings and concerns and stated that observations were not driven by their own interests.

Points being made by Schools' Forum:

- Tony Gelsthorpe asked for clarification regarding a request to change pupil numbers, is it in fact the Local Authority's decision and not the Schools' Forum. Jenny confirmed it was a County Council decision but the information was brought to the Schools' Forum as a major stakeholder.
- Tony Gelsthorpe asked what happens as a result of age range change with a rising roll that is to be fully funded. Is there sufficient headroom with regard to the DSG settlement to fund fully? Jenny said that all DSG is not for schools. Jenny added that the LA's requirement all the schools block of DSG to be delegated and is the case. The headroom is within the high needs block, because there were uncertainties around the changes to post 16 and SEN. Funding not delegated to schools. Now things are more certain the risks are reduced, this will transfer money to schools to fund this proposal. It has a risk with growing concern regarding SEN.
- Is this a non-sustainable model? Jenny commented that it will be sustainable and have a hierarchy of where it came from. Analysis of formula our cap on gains on – very generous – schools will see a gain in the formula but not as quickly. JL there is a possibility deprivation data changes in the formula result in changes to AWPU values
- With rising rolls there would be schools with falling numbers – can you confirm that actually protection would be to the level of one year i.e. 80%. David Heyes said that falling school numbers hit by age ranges in the first year for 2014/15 would be eligible for protection.
- Would this be covered by any forward planning? The way to balance of finding schools losing because of age range changes and would miss out on one year's full of funding. Jenny stated that the Local Authority has no role in additional money for academies secured for age range for 2013/14 – this was a discussion between the academies and EFA. The proposed change to the Minimum Fund Guarantee(MFG) is a separate issue to pupil numbers David Heyes said that the MFG is a separate issue to pupil numbers and needed to ensure schools with Key Stage 4 pupils for the first time would look

	<p>like a huge gainer –the working group’s proposal restores a balance.</p> <ul style="list-style-type: none"> - David Thomas commented that the EFA chose to fund age ranges and this needed to be a sustainable decision. Gainers gained in full. Should the gainers not gain in full? EFA can step in and pull out money unless we make that stance. How much do we need to support the losing schools by? We are being dragged along by this. Is that the general feeling? - Jenny Lawrence – 80% or 60% figure – for this first year of change – no time for schools to plan – schools may need higher level of protection – schools from now in their future budgets - Academies – the EFA - the EFA will say you will have only funded 80% - create a situation that is manageable. - Sonia Singleton commented that it seems we are picking up the bill for changes being made. Timing is 30 September for headteachers to debate this and give a full response. Different areas are affected differently and difficult to know the number of schools affected. Schools expand because they are popular and not because of age range. This is not a decision we all feel comfortable with. - Jenny reiterated that the timeline was not known to the Local Authority until June. - John Bassford felt this was an unreasonable demand and is a complex situation. Is it not reasonable to say to we do not agree. - Alex Green asked if we did not agree with this proposal what would the politicians do. The politicians would make a decision. - Jenny said that one of the questions asked was what LA’s have been in similar situations. There are authorities that have done what Leicestershire are doing. Some authorities have moved from two tier to one tier. <p><u>Decisions</u></p> <p>Tim Moralee concluded that the working group failed to reach a consensus view but asked for the Forum to vote on whether to support the recommendation.</p> <p>Three agreed, two did not and 9 abstained.</p> <p>As a result the Schools’ Forum asked Jenny to invite David McVean and Keith Howkins from the Education Funding Agency to meet with them on funding age range changes before 30 September.</p>	
7.	<p>Draft Work Programme</p> <p><u>Purpose</u></p> <p>To agree the items contained the draft work programme and to add any further suggested agenda items.</p> <p><u>Decision</u></p> <ul style="list-style-type: none"> - To add County Council budget as an agenda item to the February meeting. - To add membership to the February meeting. 	

<p>8.</p>	<p>Any Other Business</p> <p>Tony commended an EFA document on Schools' Forum powers and responsibilities which was supported by Schools' Forum as a practice document. Jenny agreed to circulate as a link with the minutes.</p> <p>http://www.education.gov.uk/schools/adminandfinance/financialmanagement/schoolsrevenuefunding/schoolsforums/a0070290/guidance-for-schools'-forums-on-their-role</p>	<p>JL</p>
<p>9.</p>	<p>Next Meetings</p> <p>The next meetings were agreed as:</p> <p>Tuesday 26 November 2013, 2.00 – 4.00 pm Thursday 13 February 2014, 2.00 – 4.00 pm Monday 16 June 2014, 2.00 – 4.00 pm Thursday 18 September 2014, 2.00 – 4.00 pm</p> <p>Venue for all at Beaumanor Hall.</p>	



SCHOOLS FORUM

Special Education Needs and Disability (SEND)

Thursday 26th November 2013

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	x	Pre School	x
Academies	x	Foundation Stage	x
PVI Settings	x	Primary	x
Special Schools / Academies	x	Secondary	x
Local Authority	x	Post 16	x
		High Needs	x

Purpose of Report

Content Requires;		By;	
Noting	<u>x</u>	Maintained Primary School Members	<u>x</u>
Decision		Maintained Secondary School Members	<u>x</u>
		Maintained Special School Members	<u>x</u>
		Academy Members	<u>x</u>
		All Schools Forum	<u>x</u>

This report presents information that updates Schools Forum regarding the Children and Families bill and in particular Support and Aspiration: a new approach for SEN and Disabilities.

Recommendation

That Schools Forum is recommended to note the report and consider the implications for future funding.

Introduction

National direction of travel- Children and Families Bill

Through the Green Paper and subsequently the Children and Families Bill, the government communicated its vision and set out proposals that would radically reform current systems for identifying, assessing and supporting children and young people who have disabilities or have a special educational need, and their families.

Background

In February 2013 the Department for Education published a Children and Families Bill 2013 which responded to evidence from pre-legislative scrutiny.

Part 3 of the Bill introduces a new single system from birth to 25 years for all children with SEN, (previously the system covered children aged 3 to 19). It will:

- Place a requirement for Local Authorities, health and care services to commission services jointly to meet the needs of children and young people with SEN & disabilities;
- Require Local Authorities to offer of a personal budget for families and young people with a Plan, extending choice and control over their support;
- Require Local Authorities to publish a clear, transparent 'local offer' of services for all children and young people with additional needs, this includes health and education provision, so parents can understand what is available;
- Offer a streamlined assessment process for those eligible, which integrates education, health and social care, and involves children and young people and their families;
- Require better co-operation between the Local Authority and partners and require Local Authorities to involve parents and young people in reviewing and developing provision;
- Ensure that children, young people and their families are at the heart of the legislation;
- Replace statements and Learning Difficulty assessments with a new 0-25yr Education, Health and Care Plan, which reflects the child or young person's aspirations for the future, as well as current needs from September 2014.

From Autumn 2014, new laws are set to come into force that will see SEN statements replaced by a new package of coordinated support for children and young people across agencies and local areas. The minister has written to the Council for Disabled Children (CDC) outlining his plans for moving to the new legal system, and explaining that the September 2014 date will mark the "beginning of a gradual and orderly transition to full implementation" rather than a clean break between the old to new systems.

Support and aspiration promotes amore joined up approach to supporting children, young people and their families; an approach which delivers a more personalised and holistic response. While personal budgets are becoming well established in social care services, the government changed the Direct Payment law in 2013 so that the NHS can give direct payments for personal health budgets. Within the education field personal budgets are still very new and until recently it has been a challenge to offer a clear definition. It has been particularly challenging as at the same time, as introducing an aspiration for personal SEN budgets, a new approach to school funding has been launched.

Resource Implications

It is unclear at the moment what the resource implications and the impact of these changes will be within Leicestershire.

Work to align SEN budgets and school funding has been taken forward by a number of SEND pathfinders.

"Support and Aspiration Introducing Personal Budgets (October 2013)

SQW In Control (supported by the DfE)” is a document that sets out a clear framework upon which to build local plans to implement personal budgets which is attached for your information as Appendix 1.¹

Equal Opportunity Issues

A key purpose of the SEND legislation is to ensure that the single assessment process is transparent and fair. Plans are in train locality to commence work to design the new EHC plans.

Background Papers

The Health and Well Being Board considered a report in December 2012 in respect of the impact of SEND which is attached for your information at Appendix 2.

Officer to Contact

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19th November 2013

¹ This information is provided for reference purposes, it is not necessary to print this for the meeting.

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SHADOW HEALTH AND WELLBEING BOARD: 14 DECEMBER 2012

REPORT FROM THE DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICE

SUPPORT AND ASPIRATION: A NEW APPROACH TO SPECIAL EDUCATIONAL NEEDS AND DISABILITY

Purpose of Report

1. The report provides a summary of the main issues in the Green Paper on Support and Aspiration: a new approach to special educational needs and disability. It proposes further joint work on an integrated Special Educational Needs (SEN) and Disability Policy.

Existing Framework/previous decisions

2. There has been longstanding dissatisfaction with the Special Needs framework amongst parents, who can't get the support their children need; schools and other agencies who lack resources to support young people; and politicians, whose mailbags are full of complaints from parents. A series of reports has recommended changes and the new government in 2010 promised reform in a Green Paper Support and Aspiration:

Successive reports, such as the 2006 report of the Education Select Committee and Brian Lamb's report in 2009, have described a system where parents feel they have to battle for the support they need, where they are passed from pillar to post, and where bureaucracy and frustration face them at every step. According to the Council for Disabled Children, on average a disabled child experiences 32 assessments as they grow up. That is unacceptable. Resources that could be spent on support and teaching are diverted into bureaucracy. That is inefficient. Children and young people with SEN don't achieve as they could – by the time they leave school these young people are more than twice as likely to be out of education, training or employment as those without. That is wrong. We are letting these children and young people down. The case for change is clear.

We want to give children the best chance to succeed by spotting any problems early, extending early education and childcare, and bringing together the services they need into a single assessment and a single plan covering education, health and care. We want to make the system less stressful for families and less costly to run by promoting mediation before appeals, giving parents more information about the services and expertise available locally and more support in navigating their way through the assessment system. Our proposals will also mean that children themselves can appeal if they feel they aren't getting the support they need. We want to give parents more control by offering every family with a single plan the right to a personal budget by 2014, making a wider range of short breaks available in all areas, and ensuring more choice by allowing parents to name in their child's plan, a preference for any state-funded school. By encouraging the setting up of special Free Schools we will make it less likely that existing special schools will close and create the opportunity for voluntary organisations and parents groups to establish new schools. ([DfE Green Paper "Support and Aspiration, March 2011 \(https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027 \)](https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027))

Background

3. The Department for Education (DfE) produced the Green Paper on Special Needs and Disability (Support and Aspiration: A New Approach to Special Educational Needs and Disability) in March 2011. The Queen's Speech on 9th May 2012 announced the government's intention to legislate for these changes through a Children and Families Bill to be published in draft form by the summer. The Bill is to be developed through further discussion, and enacted by Spring 2013, the end of this parliamentary session. On 15th May, a progress and next steps document was published by the DfE. In September 2012, DfE published draft SEN clauses for the Children and Families Bill. It asked the Education Select Committee of the House of Commons to undertake pre-legislative scrutiny, and the committee have held meetings during October 2012.
4. The key drivers for the Green Paper are:
 - Ofsted published a report in September 2010 arguing that too many children had been labelled as having special educational needs, when what they really needed was good teaching; the report was based on a very large sample of case work.
 - In opposition, the Conservatives commissioned research on SEN. The Balchin report, published in 2007, argued for radical change: statements replaced by special needs profiles drawn up by expert consortia, allowing allocation to a banded funding system, which parents could take to any school of their choosing. They argued that too many children (by international comparisons) were getting SEN support, in effect diluting what was available for the neediest. Local Authorities were currently the assessor of need, controllers of funding, and provider of services. Parents were said to see this as a conflict of interests with statements of SEN describing what could be afforded rather than what was needed. The report concluded that inclusion was a failed ideology and special schools should be given academy status to allow market based expansion of the sector.
 - Government wide interest in applying market principles to the delivery of services, commissioning of more work from the voluntary sector, under the "big society" banner, and high level support for the public sector to "spin out" operations into social enterprises.
 - Reform of the adult social care system with the application of market principles to service delivery, Local Authorities becoming commissioners rather than service providers, a front end "Resource Allocation System" to determine access to services, re-ablement services to reduce demand, and individual budgets for recipients of support.
 - A government commitment to radical reform of the SEN system and the establishment with the green paper of a series of pathfinder projects which were essentially designed to test adult social care system elements in the children's services arena.
 - The Aiming High programme designed to improve support for families with disabled children brought a step change in parental control of service design, and a shift of focus from residential to more flexible and responsive short break provision.
5. The main proposals in the published draft legislation are more modest than the aspiration of the green paper:
 - To replace statements of SEN with Education, Health and Care Plans, extending from birth to 25 years, but with the same definition of SEN, and same access to plans through education

- Introduce a requirement for joint commissioning between health, education and social care. There is no new duty on health to deliver individual programmes of support, but considerable parliamentary pressure mounting to introduce such a commitment
- Apply SEN legislation directly to academies and free schools
- Offer the option of personal budgets for families
- A requirement on schools and agencies to co-operate with the Local Authority (but not with each other as presently drafted)
- The production of a “Local Offer” of services families can expect to receive in a particular area.
- Develop the proposed clauses as new information comes in from pathfinder local authorities.

6. Pathfinder Local Authorities’ progress has been the subject of three recent reports (October 2012). These conclude:

- Pathfinders have taken time to set up the multiagency governance arrangements to support pilot activity
- Most were at a very early stage of delivery to individual families
- Individual budgets work has focussed on some very specific aspects of service delivery (eg transport) rather than a complete package of support

a. The Council for Disabled Children report on the pilot evaluations and conclude:

“High retention rates and positive feedback from the families involved suggest that many have accepted and welcomed the IB approach - specifically citing better access to social care services; more control over services received and greater satisfaction with the support received. Broadly speaking therefore, we are now in a position to state that the Individual Budget pilot has successfully improved parental choice and control, although in relation to impacts, the results are less conclusive.”

7. The draft clauses for the SEN components of the Children and Families Bill have been published and are the subject of pre-legislative scrutiny by the House of Commons Education Committee. The proposals for Education Health and Care Plans look very like the statementing process, and comments in the press have begun to question the extent of the move forward they represent for families.
8. New school funding arrangements for April 2013 bring significant change for SEN funding. Schools are responsible for the first £6000 of additional provision for statemented children, with any additional costs met by the Local Authority from the high needs block. Specialist placements must be commissioned and paid for individually and in close to real time, requiring new funding formulae for special schools and units. This work is progressing well, but is throwing up searching cost comparisons between different provisions. In particular- future top up costs for Pupil Referral Unit placements look prohibitive.

Conclusions

9. The new statutory framework is not likely to be implemented before September 2014. Parental expectations of the biggest change for 30 years may not be met. (an The minister in charge, Edward Timpson, has told the select committee that a delay might

be needed to get the details right.

10. In the meantime, school funding arrangements, including the high needs funding block, together with the need to find savings are likely to push change for local authorities and schools.
11. The adult social care system of high thresholds, resource allocation system, choose my support (an LA website to aid access to a market of services), and marketised services is seen as offering parents greater control over the support for their children. Individual budgets are already a feature of children's social care. This thinking appears to be driving the development of DfE policy.
12. Personal budgets, and the high needs funding block funding high cost provision as individual pupil entitlements, both work to move the statutory framework in this direction.
13. Proposals over a duty on Local Authorities to publish a "Local Offer" (of what services families should expect to receive locally) will remain unclear until detailed guidance is published.
14. While delegation from local authorities to schools is an underlying theme of education legislation (local autonomy is seen as good for innovation, choice and standards), further delegation of SEN support services to schools is problematic. On the one hand, schools would largely welcome the increased flexibility such delegation would bring; on the other hand, voluntary sector organisations and local families are nervous, and the parliament has moved to protect low incidence services from academy funding arrangements.
15. The requirement to develop joint commissioning arrangements is welcome and needs taking forward.

Resource implications

16. It is hoped that the policy development work will feed into the commissioning decisions of education, health and social care services.

Equal Opportunities Implications

17. This paper addresses some of the challenges faced by families with children with SEN and/or disabilities.

Partnership Working implications

18. The draft legislation introduces a requirement for joint commissioning between health, education and social care.

Risk Assessments

19. There are risks in the following areas:

- a. The imposition on Health Services of a stronger commitment to provide therapy services, distorting CCG priorities.
- b. The extension of Education Health and Social Care Plans to groups of children and young people previously not covered. For example, those who are NEET or on apprenticeships, young people up to the age of 25 years, those who have a wider range of needs and vulnerabilities.
- c. The costs of production of EHC plans and transferring from the current statementing process.
- d. The potential extension of transition planning being needed for a wider group of young people.
- e. The requirement to produce a local offer of services with a statutory entitlement to those services.
- f. The disconnect between the branding of reforms as the biggest change in 30 years, and the actual perception of EHC plans as “statements with knobs on” among local parents.

Recommendation

20. There are opportunities to improve joint commissioning and joint planning across health, education and social care services. It is proposed that the Health and Wellbeing Board take a lead role in this important work by:
 - a. Establishing a working group to develop a joint policy on SEN and Disability
 - b. Seeking membership from Health Commissioner and provider organisations, together with education and social care representatives, and the voluntary sector, including parent organisations.
 - c. Completing a scoping report for the board within 6 months, with an action plan for further work.

Background Papers

21. Support and Aspiration Green Paper:

<https://www.education.gov.uk/publications/eOrderingDownload/Green-Paper-SEN.pdf>

Progress and Next Steps:

<http://media.education.gov.uk/assets/files/pdf/s/support%20and%20aspiration%20a%20new%20approach%20to%20special%20educational%20needs%20and%20disability%20%20%20progress%20and%20next%20steps.pdf>

Pathfinder reports (Oct 12):

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-RR248>

Council for Disabled Children report on Pathfinder Progress Report:

<http://www.councilfordisabledchildren.org.uk/news/july-december-2012/send-pathfinder-evaluation-reports-published>

Officer to Contact

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SCHOOLS FORUM

Results of the Consultation on the Future of Oakfield School

26 November 2013

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	✓	Pre School	
Academies	✓	Foundation Stage	✓
PVI Settings		Primary	✓
Special Schools / Academies	✓	Secondary	✓
Local Authority	✓	Post 16	
		High Needs	✓

Purpose of Report

Content Requires;		By;	
Noting	✓	Maintained Primary School Members	✓
Decision		Maintained Secondary School Members	✓
		Maintained Special School Members	✓
		Academy Members	✓
		All Schools Forum	✓

1. This report presents the results of a consultation undertaken by the Local Authority concerning the future of Oakfield School.

Recommendation

2. Schools Forum is recommended to note the report and comment on the proposed ways forward.
3. Paragraph 30 of the attached report sets out the recommendations for the future of Oakfield School as follows:
 - a) To devolve Key Stage 3 PRU provision and funding to secondary behaviour partnerships and to authorise the Director and Lead Member of Children and Young People's Services to begin discussions with the

partnerships to agree suitable terms for the transfer;

- b) To maintain a primary PRU at Oakfield and re-register the provision as primary age only (5-11yrs), if an agreement can be reached with secondary behaviour partnerships as referred to in (a) above;
- c) Consider whether there is a better site in Leicestershire for the primary provision as a stand alone facility;
- d) To continue to develop local strategic plans with primary school groupings to offer a local devolved alternative in the medium term.

Introduction

- 4. The Local Authority has a duty to provide education “otherwise than at school” for children and young people who cannot attend school, by reason of behaviour, illness, or any other reason (Education Act 1996 Section 19).
- 5. Like many other Local Authorities, Leicestershire makes provision for young people with behaviour difficulties in a Pupil Referral Unit. Oakfield provides for children 5-14yrs, and has a current capacity of 51 pupils. Pupil Referral Units are typically smaller than schools, managed by a management committee rather than a board of governors, and offer a more flexible, less formal educational experience than schools.

Background

- 6. The incoming coalition government commissioned a review of PRU and Alternative Provision against a background of national concern about the quality of provision available for these vulnerable children and young people. The Taylor report was published in March 2012 and called for greater independence from Local Authorities for PRUs, and for schools to take on the role of commissioning such provision.
- 7. Locally in Leicestershire, Behaviour Partnerships have been developing an increasing role in the planning and delivery of provision for vulnerable young people. Key Stage 4 provision has been devolved to them. Behaviour Partnerships are groups of secondary schools agreeing to co-operate in providing for vulnerable children. Partnerships have reduced permanent exclusions from 120 to less than 20 per year, over four years.
- 8. Oakfield was judged to require special measures by Ofsted in May 2012. It has struggled to recruit and retain staff, and received a report of inadequate progress in the summer term 2013, on an Ofsted monitoring visit.

Resource Implications

- 9. The Department for Education Funding Reform requires PRUs to be funded at £8,000 per commissioned place with ‘top-up’ funding paid only for the places

that are occupied (previously PRUs received funding for the places available rather than occupied). A single place in the PRU is likely to cost in the region of £30,000 for a year. Members of the Schools Forum have expressed concern that schools will be unwilling or unable to meet these costs and that the cost of provision at Oakfield is generally too expensive. The Schools Forum agreed to maintain 2012/13 funding levels for Oakfield in 2013/14 and retain the current commissioning arrangements, whereby places are fully funded by the Authority. The Schools Forum raised concerns about whether this was sustainable in the medium term. For 2013/14 Oakfield has a net budget of £1.56m and has 51 places available. It also draws down funding from schools for dual registered pupils which increases its budget and therefore overall cost of placement. A clearer future for the provision will allow the necessary development of funding and commissioning arrangements.

10. Oakfield School is funded through the ring fenced Dedicated Schools Grant (DSG). The allocation of increased resources over and above the formula allocation for Oakfield School is not a sustainable option.
11. It will be necessary to disaggregate the current Oakfield budget to establish budgets for the differential solutions for primary and secondary schools to a Key Stage 1 and 2 provision and that required for Key Stage 3. It is estimated that the cost of retaining the Key Stage 1 and 2 PRU with the current Oakfield overheads will be in the region of £850k., Some or all of the remaining budget of £710k could then become available to devolve to behaviour partnerships for the Key Stage 3 work.
12. It will be necessary to establish the funding and commissioning arrangements required under school funding reform for any new model of provision. Schools may become responsible for commissioning some or all places; however, schools would have the freedom to commission places from providers other than the redesigned PRU.
13. A local authority has some element of financial control over the costs at a maintained provision., This is not the case with an academy which would be responsible for setting the charge for places and the commissioner may then face a situation where costs increase. It will therefore be necessary to ensure that any provision is cost effective and affordable to the commissioner.
14. Consideration will also need to be given to the appropriateness of the current site for a 5-11 provision and also to the impact of the changes to the current staff establishment.

Equal Opportunity Issues

15. Vulnerable young people needing alternative provision are at risk of education failure. The review of Oakfield is aimed at improving the provision made for these young people.

Background Papers

Details of the consultation can be found at:

http://www.leics.gov.uk/index/education/going_to_school/la/edu_consultations/oakfield_consultation.htm

A report to the Children and Families Overview and Scrutiny Committee 11 November 2013 is attached

Officer to Contact

Charlie Palmer, Head of Strategy for Vulnerable Groups, CYPS
Tel 0116 305 6767

**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE**

11 NOVEMBER 2013

**REPORT OF THE DIRECTOR OF CHILDREN AND YOUNG
PEOPLE'S SERVICE**

**RESULTS OF THE CONSULTATION ON THE FUTURE OF
OAKFIELD SCHOOL**

Purpose of Report

1. The purpose of this report is to set out the results of the consultation on the future of Oakfield School and to ask the Overview and Scrutiny Committee to comment on the proposed recommendations which will be presented to the Cabinet for consideration on 20 November 2013.

Policy Framework and Previous Decision(s)

2. The Cabinet on 20 December 2011 authorised the Director of Children and Young People's Services (CYPS) to consult on changes to services, including a 10% reduction in behaviour support services provided by the Local Authority for schools.
3. On 12 June 2012 the Cabinet agreed the report of the Scrutiny Review Panel on Special Educational Needs.
4. On 8 May 2012 the Cabinet agreed the future direction of CYPS including a service restructure and the future role of behaviour partnerships.
5. The Schools Forum on 20 February 2013 agreed transitional funding to Oakfield School as a result of School Funding Reform when considering the 2013/14 Schools Budget.
6. The Cabinet on 6 October 2012 agreed the 2013/14 School Funding Formula and this reflected the wish expressed by schools through the Schools Forum, that funding for behaviour support be delegated to schools.
7. On 9 July 2013 the Cabinet agreed to consult on the future of Oakfield School.

Background

8. Oakfield School is formally registered as a Pupil Referral Unit (PRU) for Key Stages 1, 2 and 3¹ with a remit to educate children who cannot attend mainstream schools because of behavioural issues. A series of local and national developments have opened up the potential to develop further the way in which the current provision in Leicestershire is organised for these children and young people. The three key drivers of change concern national policy, quality of provision and financial sustainability.
9. Nationally the Taylor review of PRUs and Alternative Provision which was published in March 2012 by the Department for Education, set an agenda for improvement in the sector including more autonomy for PRUs and a long term expectation that schools will take control of the commissioning of Alternative Provision.
10. Alternative Provision is the term used to describe educational packages that include time out of school on planned activities that are carefully tailored to an individual young person's skills and interests. They include a wide range of activities and involve a wide range of providers from small private organisations to larger Further Education Colleges. When planned and supported well, these activities help young people who have become disillusioned and demotivated with the standard school curriculum to re-engage with learning, enjoy success and achieve accredited outcomes. The Taylor review recognised the importance of this kind of provision in helping young people with behaviour difficulties to re-kindle their enthusiasm for education. It argued that schools should become the main commissioners of this kind of provision in the future, rather than Local Authorities, to promote local flexibility and innovation.
11. Leicestershire has a tradition of innovation and success in this area. Local Behaviour Partnerships have been developing their work across all Leicestershire secondary schools and academies since 2005. Led by Headteachers, there are five Behaviour Partnerships around the county (South Leicestershire, Hinckley and Bosworth, North West Leicestershire, Charnwood and Melton) and these include all secondary schools and academies in the Leicestershire . An initial brief around agreeing priority cases for additional support and PRU placement has been extended to include managing a key stage 4 devolved Alternative Programme commissioning budget. In September 2013 the role of these partnerships was further extended when central behaviour support services for Key Stages 1-3 closed and the responsibilities of these services transferred to the partnerships.
12. Oakfield School was judged by Ofsted to require special measures in May 2012. Considerable resources have been deployed by the Local Authority to support the improvement plan, including enhanced senior management

¹ Key Stage 1: 5-7 years, Key Stage 2: 7-11 years, Key Stage 3: 11-14 years, Key Stage 4: 14-16 years.

capacity, a new management committee and additional resources to enhance staffing. Inspectors returned to review progress in November 2012 and again in February 2013. On both occasions, progress was judged to be “reasonable”. A further review during the summer term of 2013 concluded that progress is inadequate.

13. New funding arrangements for PRUs were introduced nationally from April 2013. These established a system whereby local authorities fund places, at cost of £8,000 per place, with top up funding being provided by the commissioner of that place. Occupancy rates at PRUs tend to be lower in the autumn and rise as pupils are excluded from schools during the school year. This increases the cost when calculated per occupied place. For pupils permanently excluded, the commissioner is the local authority. For students on fixed term exclusions, schools commission provision if the exclusion lasts for more than five days. The new funding arrangements envisage that schools will become the commissioner where children are dual registered, with both the PRU and a mainstream school. Leicestershire did not move to fully implement this arrangement in 2013 because of the need to review the current provision and therefore, with the agreement of the Schools Forum, the Authority has retained top up funding for all places. The cost of Oakfield is such that top up rates are high and schools may look for alternative ways of meeting needs at lower costs. The potential loss of pupils could impact the ongoing financial stability of Oakfield School, if places remain unoccupied.
14. Local authorities are being advised by the Department of Education to consider a sponsored academy arrangement for underperforming schools and PRU’s. The DfE will have rising expectations of the local authority to consider this option as a result of continuing underperformance. However, the last Ofsted monitoring report (June 2013) noted that the progress being made by primary pupils had accelerated since the previous visit and the proportion of good teaching was increasing, while pupils at Key Stage 3 were not making enough progress. A primary-only provision would therefore be likely to attract a much more positive assessment from Ofsted. Commissioners could be subject to the risk of increasing costs from what would be a sole provider of provision for excluded children and there would be no incentive on the provider to reduce permanent exclusions.

Proposals/Options

15. The following options were presented for consultation:

Option 1

Close all PRU provision and devolve resources to behaviour partnerships.

This option would enable secondary schools to make more flexible local provision for young people who have been excluded or who may be at risk of permanent exclusion. However, primary pupils are educated full time at the PRU and Primary Behaviour Partnerships are not as well developed as the secondary groupings, although they are keen to innovate.

Option 2

Seek an academy sponsor for the whole of the PRU.

This option would deliver the DfE expectation that schools in difficulty are provided with a sponsor. However, it would negate the successful work of the Behaviour Partnerships at secondary level, and miss an opportunity to extend their work.

Option 3

Close and devolve to schools key stage 3 PRU provision, and seek academy sponsors for primary provision only.

This option would allow separate development paths for primary and secondary provision, and could potentially provide additional capacity to support improvement work in the Primary PRU. However, this option could leave the primary provision with higher fixed costs because it occupies a site designed for a larger group of young people.

Option 4

Devolve the costs of and responsibility for key stage 3 provision to Behaviour Partnerships, and look for locality-based solutions for key stage 1 and key stage 2, in the medium term.

This option takes account of the different paces of development of partnership working at primary and secondary. However, it does not provide a quick solution for primary provision.

Consultation Process

16. A 14 week consultation took place to consider future arrangements for PRU provision in Leicestershire, commencing on Friday 12 July and closing on Friday 18 October. This ensured that six weeks of the consultation period fell during the autumn term. The following issues were addressed:
- (a) Has the merger of primary and secondary provision in September 2011 been successful?
 - (b) Should there be different futures for primary and secondary provision?
 - (c) Can secondary behaviour partnerships take over the functions of the secondary PRU provision?
 - (d) Would an academy sponsor speed the improvement of the provision?
 - (e) What is the relationship with the work of the Leicestershire Educational Excellence Partnership (LEEP)?
 - (f) What is the most cost effective option that secures the right outcomes of children and young people?

17. A web page containing consultation material² went live from Friday 14th July. The web page included a link to the Cabinet report, a downloadable “Have your say” document and an online survey. Both documents posed the questions set out in the Cabinet report and above, with supporting background information. The web page also included a draft detailed options appraisal and a draft Equality Impact Assessment.
18. Staff at Oakfield were briefed about the contents of the Cabinet report when the papers were published on Monday 1st July. All schools were contacted via the Education Information System in early September alerting them to the web page and the consultation. More detail was provided for all Primary Heads at briefings during the week of 30th September to 4th October and for Special Heads at a meeting of the group on 6th September. Secondary Heads were also consulted via the chairs of the five behaviour partnerships around the county on Friday 27th September.
19. Parents and staff were invited to further meetings on 27th September at Oakfield. The date was chosen to coincide with a fund raising coffee morning to which parents had been invited. Two separate meetings were held, one for parents and a second for staff.

Consultation Responses - Summary

20. The following conclusions can be drawn from the detailed information presented in Appendix A:
 - a) There was generally a low level of response to this consultation on line with only 17 responses being received. More primary parents responded and nearly all staff attended the consultation meeting.
 - b) Families of children attending Oakfield highly value the primary provision and the sense of acceptance of them and their children. They balance the time taken on taxi journeys across the county with the expertise and robustness available to support them and their children.
 - c) The merger of primary and secondary provision has not been successful.
 - d) Secondary behaviour partnerships are ready to take a lead on secondary provision.
 - e) Overall, bringing children together in special classes works well at primary level, while a more individualised programme approach works best for secondary pupils.
 - f) Primary partnership working is not sufficiently advanced to consider a devolved solution in the primary phase, but there is a strong commitment amongst primary heads to developing this area of provision. Any academy sponsor would need to make a commitment to working collaboratively with schools, but this could prove difficult to enforce.
 - g) There were mixed views about the value of a primary academy sponsor. A sponsor would need to show that it had specific expertise in

² http://website/index/education/going_to_school/la/edu_consultations/oakfield_consultation.htm

this area of provision, but would take control of the current site, with the loss of this asset to the Local Authority. Furthermore, a financial risk to the commissioner of this provision has been identified under this option (see Resource Implications).

Resource Implications

21. The Department for Education Funding Reform requires PRUs to be funded at £8,000 per commissioned place with 'top-up' funding paid only for the places that are occupied (previously PRUs received funding for the places available rather than occupied). A single place in the PRU is likely to cost in the region of £30,000 for a year. Members of the Schools Forum have expressed concern that schools will be unwilling or unable to meet these costs and that the cost of provision at Oakfield is generally too expensive. The Schools Forum agreed to maintain 2012/13 funding levels for Oakfield in 2013/14 and retain the current commissioning arrangements, whereby places are fully funded by the Authority. The Schools Forum raised concerns about whether this was sustainable in the medium term. For 2013/14 Oakfield has a net budget of £1.56m and has 51 places available. It also draws down funding from schools for dual registered pupils which increases its budget and therefore overall cost of placement. A clearer future for the provision will allow the necessary development of funding and commissioning arrangements.
22. Oakfield School is funded through the ring fenced Dedicated Schools Grant (DSG). The allocation of increased resources over and above the formula allocation for Oakfield School is not a sustainable option.
23. It will be necessary to disaggregate the current Oakfield budget to establish budgets for the differential solutions for primary and secondary schools to a Key Stage 1 and 2 provision and that required for Key Stage 3. It is estimated that the cost of retaining the Key Stage 1 and 2 PRU with the current Oakfield overheads will be in the region of £850k., Some or all of the remaining budget of £710k could then become available to devolve to behaviour partnerships for the Key Stage 3 work.
24. It will be necessary to establish the funding and commissioning arrangements required under school funding reform for any new model of provision. Schools may become responsible for commissioning some or all places; however, schools would have the freedom to commission places from providers other than the redesigned PRU.
25. A local authority has some element of financial control over the costs at a maintained provision., This is not the case with an academy which would be responsible for setting the charge for places and the commissioner may then face a situation where costs increase. It will therefore be necessary to ensure that any provision is cost effective and affordable to the commissioner.

26. Consideration will also need to be given to the appropriateness of the current site for a 5-11 provision and also to the impact of the changes to the current staff establishment.
27. The Director of Corporate Resources has been consulted about the contents of this report.

Timetable for Decisions

28. A report will be submitted to the Cabinet on 20 November 2013 detailing the results of consultation together with a proposed way forward for consideration.

Conclusions

29. The Taylor review of provision for children with behaviour difficulties encourages innovation and development through stronger local control of commissioning by schools. Leicestershire's long term work encouraging secondary schools and academies to co-operate on this area of provision through behaviour partnerships provides an opportunity to redevelop the provision made at Oakfield School. The consultation process has identified financial risks to the Local Authority associated with the academy sponsor option. The Ofsted monitoring visit in June 2013 concluded that primary aged children were making accelerated progress through a higher proportion of good teaching.

Proposals

30. The following proposals are recommended for consideration:
 - e) To devolve Key Stage 3 PRU provision and funding to secondary behaviour partnerships and to authorise the Director and Lead Member of Children and Young People's Services to begin discussions with the partnerships to agree suitable terms for the transfer;
 - f) To maintain a primary PRU at Oakfield and re-register the provision as primary age only (5-11yrs), if an agreement can be reached with secondary behaviour partnerships as referred to in (a) above;
 - g) Consider whether there is a better site in Leicestershire for the primary provision as a stand alone facility;
 - h) To continue to develop local strategic plans with primary school groupings to offer a local devolved alternative in the medium term.

Equal Opportunities Implications

31. An Equality Impact Assessment is attached at Appendix B.

Background Papers

Taylor Review, March 2012:

<http://education.gov.uk/schools/pupilsupport/behaviour/b00204776/taylor-review-of-alternative-provision>

Report to the Cabinet on 20 December 2011 – ‘Future Direction of Children and Young People’s Service

Report to the Cabinet on 8 May 2012 – ‘Future Direction of Children and Young People’s Service – Implementation of Further Change

Report to the Cabinet on 12 June 2012 – ‘Final Report of the Scrutiny Review Panel on Special Educational Needs’

Report to the Cabinet on 9 July 2013 – ‘Consultation on the Future of Oakfield School’

Circulation under the Local Issues Alert Procedure

Mr G. Welsh CC.

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Appendices

Appendix A - Detailed Responses from the Consultation

Appendix B - Equality Impact Assessment

Detailed Responses from the Consultation

Online consultation results

1. 17 on-line responses had been received by the end of the consultation on Friday 18th October. The majority (11/17) felt the merger of primary and secondary provision had been unsuccessful, and most (13/17) felt there should be different futures planned for primary and secondary provision. Again a majority felt that secondary behaviour partnerships should take over the secondary provision (11/17), although there was no clear view whether an academy sponsor would speed improvement (5/17 in favour, 5/17 against, 7/17 not sure).

2. With respect to options for the future, the numbers supporting each option were as follows:

Option 1 (Devolution of Prim and Sec to partnerships)	1 (6.5%)
Option 2 (Academy sponsor for an unchanged Oakfield)	3 (18.5%)
Option 3 (Sec to Partnerships, Prim to academy sponsor)	4 (25%)
Option 4 (Sec to Partnerships, build capacity of Prim Parts)	8 (50%)

3. Further comments included:

- Look at the successes of the Behaviour Improvement Programme, and it's emphasis on prevention at primary level
- Closer links could be made with mainstream and special schools
- How important the PRU provision was to schools with very challenging children
- Academies may not necessarily have the specific expertise around this group of young people
- Working with an academy could help to focus on the long term academic goals for these young people, and learning about the best teaching methods from subject specialists in mainstream schools
- The importance of Oakfield to families who feel the system has otherwise rejected them and their children
- Links with academies could help build preventative work to reduce exclusions
- Oakfield staff are experts in Nurture, Team Teach, and could share these skills with mainstream staff. Teaching schools could offer reintegration programmes for children, working together, schools could avoid the reliance on 1-1 support that can leave students isolated in mainstream settings
- Specialist provision such as Oakfield allows the students difficulties to be properly addressed, to rebuild self esteem and re-engage with the world.
- The primary facility could do well on its own- it has done in the past, and has a strong track record of returning children to mainstream. Without such provision, pupils run the risk of being moved from school to school
- The provision needs good stable management, to improve quality. Closing would increase pressure on already stressed mainstream schools.
- Primary children would be best served by keeping the provision in it's current form.

- Mainstream schools do not have the expertise to support this area of specialist provision. Oakfield has received pupils from schools judged by OFSTED to be outstanding.

4. Respondents identified themselves as follows:

Member of staff	8 (47%)
School Governor	3 (18%)
Parent	1 (6%)
Other	1 (6%)
No Response	4 (23%)

In addition, all but one were in the 30-59 years age range. 8 identified themselves as male and 5 female. 11 identified themselves as white, and two from other ethnic groups. None identified themselves as having a disability.

Meeting with Parents

5. The meeting took place on Friday 27th September at Oakfield. Parents had been invited by letter, and the meeting coincided with a Macmillan coffee morning to raise funds for the charity. The meeting took place from 11.15-11.30, and included 12 parents, all of whose children were primary aged. There were 18 children on roll at the time.
6. The parents commented as follows:
- All were unaware of previous arrangements where primary and secondary provision was made in different places
 - They could see the value of linked provision for continuity from primary to secondary, and expressed concern that expertise could be lost if there was a split.
 - There was concern about the length of taxi journeys on the other hand, that went hand in hand with a single county facility
 - Parents could see the value of a link with a successful academy through a sponsor arrangement, but wondered if an academy grouping would have expertise in this specialist area of provision.
 - Parents were keen to say how important the provision had been to them and their children when relationships had broken down with their primary school.
 - They wanted to reinforce the sense of stability that the provision created for them and their children, against a background of uncertainty and feelings of rejection.

Meeting with Staff

7. The meeting took place on Friday 27th September. Some 23 staff members attended the meeting, which took place from 12.15 to about 12.45.
8. Do you think this merger has been successful or not?
- Primary Comment - No not been successful. It was never a good idea to host KS1&2 with the KS3 young people on the one site however we have tried very hard to make it work.

- Secondary Comment - If there had been a better segregation it may have worked
9. Should there be different futures for the Primary and Secondary provision at Oakfield?
- Primary comment – our experience is that the older ones find it difficult to be on site together and creates a domino effect leading to an unsuccessful day for everyone.
 - Secondary comment – This behaviour however also depends on what cohort we have in the school as we do have good days!
 - CP commented to the group that the Secondary Behaviour Partnerships have developed and would welcome taking over this resource and are available as a solution. Primary Partnerships are not at this stage yet.
10. Can Secondary Behaviour Partnerships take over the functions of the secondary PRU Provision?
- Staff concerns are that it is still early days, less work has been completed than that of KS4 and more evidence required
 - Partnerships need more provision and the development of that provision in place to support KS3
 - Constant change and restructure is unsettling for staff and children
 - There was a comment about KS4 were told Partnerships were ready but actually they weren't and some have been re-employed, in a partnership transition support team
 - Why couldn't Oakfield stay open but used in a different way, firstly a bespoke 1:2:1 package then a 'pseudo' school to reintegrate young people back into school life.
11. Would an Academy Sponsor speed the improvement of the provision?
- Concerns raised that academies will find curriculum expertise but have they got the behaviour expertise – CP confirmed that Parents were querying this earlier.
 - Are there any outstanding Pru Academies?
 - Can Academies with their commercial concerns just 'pull out' of their contracts if its not going well
 - Most if not all young people at this school are known to services and on the social care radar. It is the Government's responsibility to support these vulnerable young people. Should the Government be contracting this out?
12. How might teaching schools or academy alliances work with Oakfield in the future?
- It was felt this question had already been answered
13. What is the relationship with the work of the Leicestershire Education Excellence Partnership?
- CP explained LEEP promotes school to school improvement.
 - There was some discussion around national evidence that your own school starts to fail once you start supporting another school.

- Staff queried a lot of KS3 students start at Oakfield without Statements, when they need to be and questioned why does it take so long
 - There was some discussion around an existing debate about whether behaviour is SEN.
14. What is the most cost efficient option that secures the right outcomes for children and young people?
- There was one comment of option 3 in this group format.
 - Staff are concerned that they don't fully understand how the Behaviour Partnerships work.
 - Staff feel that Oakfield is respite for parents, school and the young person so Oakfield staff can facilitate the placing of a positive child back in a new setting.
 - Parents feel unsupported in an existing school where relationships have broken down and their child is labelled.
 - How easy will it be for a family to shake off a negative image if they are placed back in the same school.
 - By providing intervention at an early age, staff at Oakfield are able to work with families to increase a young persons attendance. This process is more difficult when they are older when the trust in relationships and interventions have failed.
 - Please consider staff and young people when decisions are made as last time we had to move sites, have all the management team leave and other staff leave all at once and it was very stressful for all concerned.
15. Other comments
- CP confirmed consultation closure date of 18.10.13
 - CP confirmed Cabinet Meeting of 20.11.13 but before it goes public he will let staff know the outcome.
 - CP confirmed between 18.10.13 and 20.11.2013, work will be completed to shape what is going to happen and it is either agreed or disagreed on 20.11.13
 - CP confirmed the KS3 solution will be quick but as primary is working well wont be rushed
 - Budget is confirmed until 31st March 2014
 - Staff questioned why they put under extra pressure of HMI whilst the consultation process is happening?

Meeting with Secondary Behaviour Partnership Chairs

16. Five partnership chairs attended a meeting with the Head of Strategy for Vulnerable Groups on Friday 27th September from 10.00-11.00am at Countesthorpe College. Chairs made the following points.
- They were well aware of the current difficulties at the PRU particularly around KS3 provision.
 - They will do everything they can to limit KS3 admissions to Oakfield over the next few months to support the improvement plan.
 - They would welcome the transfer of the KS3 budget and responsibilities of Oakfield to the behaviour partnerships.

- They would welcome this transfer at the earliest opportunity.
- They would welcome the opportunity to bid for invest to save funding to support the new responsibilities partnerships were taking on.

Meeting with Primary Area Panel Chairs

17. Five ex-panel chairs were invited to discuss Oakfield on 8th November. The meeting was arranged following individual meetings with each chair. Primary area panels had been organised by the Locality Support Team which had closed during the summer. Sadly, none of the chairs was able to attend, but expressed the following either before or after the meeting.
- The changes to LA support services over the summer meant that there was no point in primary area panels continuing to meet. Their function had been to agree priority cases for the support service which had now closed.
 - All heads were keen to continue to work with the LA on strategy in this area.
 - All heads were clear that primary partnership working for behaviour was not sufficiently developed to take over running primary PRU provision.
 - There was a great deal of variety in the current pattern of partnership working around the county. No stable long term pattern was yet clear.

Emails and letters

18. Name and Address withheld on Request

This respondent wrote at length about their personal experience of provision for some of the pupils at particular points in the history of the provision. They concluded that option 4 was their preferred option, and noted that this was a difficult area of provision.

19. An employee of Oakfield wrote suggesting:
- Move Oakfield Primary age children to a smaller site for at least two academic years whilst CYPS builds the correct and robust primary infrastructure it needs to support Leicestershire's most vulnerable children and families so they don't slip through the net and become child protection cases.
 - Oakfield becomes the LA's own small Alternative Provision albeit a temporary one but develops and enhances the way it works with Schools and families.

Equality Impact Assessment (EIA) Report

For further information on undertaking and completing an Equality Impact Assessment, please see the [guidance](#).

Name of policy/ procedure/ function/ service being assessed:	Proposals for the Future of Oakfield School
Department and Section:	CYPS : Education and Learning
Name of lead officer and others completing this assessment:	Charlie Palmer
Contact telephone numbers:	0116 305 6767
Date EIA assessment completed:	4 th July 2013 and ongoing

Step 1: Defining the policy/ procedure/ function/ service

Using the information gathered within the Equality Questionnaire, you should begin this full EIA by defining and outlining its scope. The EIA should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in the Equality, Diversity and Human Rights Strategy of Leicestershire County Council.

<p>What are the main aims, purpose and objectives of the policy/ procedure/ function/ service?</p> <p>How will they be achieved?</p> <p><u>Oakfield School</u></p> <p>Oakfield School is a Pupil Referral Unit for children and young people aged 5-14yrs whose behaviour prevents them from attending mainstream schools. Young people come to Oakfield having been permanently excluded from their mainstream school, or very close to permanent exclusion on a dual placement. They are often angry, de-motivated, and struggle to obey classroom rules and routines. Oakfield provides a supportive environment to both continue the young people's education, and improve their self control, attitudes and belief in themselves as learners who can be successful again in a mainstream setting. Young people who cannot return to mainstream school and who have been identified as needing a statement of special education needs often move on to a special school placement.</p> <p>Three drivers have led to the cabinet seeking views on how this provision can be improved. First, school finance arrangements have changed since April 2013. Since then, the full costs of Oakfield have to be expressed in per pupil costs. Under these requirements, each place costs over £30,000 a year. Many schools believe that such a high cost is unsustainable.</p> <p>Second, the quality of provision. The school was judged to require special measures by OfSTED in May 2012, three monitoring visits have taken place to inspect progress. The first two visits found progress to be adequate. Sadly, the judgement at the most recent inspection was that progress was inadequate overall, although better in the primary phase.</p> <p>Third, national policy is bringing big changes in education. In this sector, the government</p>
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published the Taylor Review in March 2012. The review suggested that schools should become the commissioners of PRU provision. Many schools have expressed the view that the provision as it stands is too expensive.

What are the main activities relating to this policy/ procedure/ function/ service and distinguish who is likely to benefit from these activities.

Permanent exclusions are always reluctantly undertaken by headteachers because they represent a rejection for both young person and their family. Occasionally, schools find that despite the deployment of additional support to young people, their behaviour cannot be accommodated in the mainstream school and fixed term exclusions have not been successful. Schools are expected to do everything they can to prevent permanent exclusions. The activities are therefore educational in nature.

The first beneficiary is the child and family because the PRU undertakes the Education Act 1996 Section 19 duty on behalf of the Local Authority to educate children otherwise than at school. The family also benefits from this provision, because children often respond well to the smaller teaching groups and more flexible curriculum and teaching arrangements. If young people are more settled, this reduces the stress on families. Families commented movingly to this effect during the consultation.

What outcomes are expected?

The consultation seeks views on 4 potential options for the future of the PRU.

Option 1:

Close all PRU provision and devolve resources to behaviour partnerships. This option would enable secondary schools to make more flexible local provision for young people who have been excluded or who may be at risk of permanent exclusion. However, primary pupils are educated full time at the PRU and Primary Behaviour Partnerships are not as well developed as the secondary groupings, although they are keen to innovate.

Option 2:

Seek an academy sponsor for the whole of the PRU. This option would deliver the DfE expectation. However, it would negate the successful work of the Behaviour Partnerships.

Option 3:

Close and devolve to schools key stage 3 PRU provision, and seek academy sponsors for primary provision only. This option would allow separate development paths for primary and secondary provision, and could potentially provide additional capacity to support improvement work in the Primary PRU. However, this option could leave the primary provision with higher fixed costs because it occupies a site designed for a larger group of young people.

Option 4:

Devolve the costs of and responsibility for key stage 3 provision to Behaviour Partnerships, and look for locality-based solutions for key stage 1 and key stage 2, in the medium term. This option takes account of the different paces of development of partnership working at primary and secondary. However, it does not provide a quick solution for primary provision.

Cabinet will be asked to consider proposals for the future based on these options on 20th November 2013.

Step 2: Potential Impact

Use the table below to specify if any service users or staff who identify with any of the 'protected characteristics' below will be affected by the policy/ procedure/ service you are proposing (indicate all that apply) and describe why and what barriers these individuals or groups may face.

Who is affected and what barriers may these individuals or groups face?	
Age	The PRU provides for young people aged 5-14 years.
Disability	Very few of the young people attending Oakfield have an identified disability, although many do have learning delays. Small numbers may have signs of Dyslexia, speech and language difficulties or Autism. These can be contributing factors to children's behaviour difficulties, and in some cases, the major factor causing such difficulties.
Gender Reassignment	N/A
Marriage and Civil Partnership	N/A
Pregnancy and Maternity	N/A
Race	Of the 44 children on roll at the PRU in July 2013, only two would not be classified as White British. At 4.5%, the proportion of children attending the PRU who are not White British is lower than the 7% of secondary aged children reported as not White British in the 2011 Leicestershire School Census. Ethnic groups are therefore under represented as a whole. As only two pupils are involved, further analysis by ethnic group is not possible.
Religion or Belief	There is no data to suggest that any religious or belief group is over or under represented in the PRU.
Sex	Nationally four times as many boys are excluded as girls, and this is reflected in the proportion of boys and girls supported by Oakfield. The School Census 2013 shows that of the 12,950 children in PRUs, 9,080 (70%) of them were boys.(https://www.gov.uk/government/publications/schools-pupils-and-their-characteristics-january-2013). In July 2013, there were 44 children at Oakfield of whom 38 (86%) were boys.
Sexual Orientation	N/A
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	There is no specific evidence that these groups will be affected by the proposals. The work of Behaviour Partnerships has led to a significant reduction in permanent exclusions, and the extension of their role will provide additional flexibility to partnerships to provide support where needed.

Community Cohesion	N/A

Step 3: Data Collection & Evidence

In relation to your related findings in 'Step Two' are your presumptions on these barriers based on any existing research, data evidence or other information?

What evidence, research, data and other information do you have which will be relevant to this EIA?
What does this information / data tell you about each of the diverse groups?
<p>1. National exclusion data produced by the DfE shows that four times as many boys as girls are excluded from school due to poor behaviour, this pattern of exclusion is also reflected in local data. Leicestershire's exclusion rates are significantly lower than the national average, e.g. just 2 permanent exclusions from upper schools in the academic year 2011/12.</p> <p>2. The cabinet report identifies the success behaviour partnerships in reducing permanent exclusions. Secondary Permanent exclusions in Leicestershire have fallen from 120 a year in 2006 to 26 in 2009 and have remained low since then. The partnerships take on additional responsibilities from September 2013 when they take on work previously undertaken by central support services at Key Stages 3 and 4.</p> <p>3. The consultation has confirmed that while secondary partnerships are ready to take on the additional work currently done by Oakfield at key stage 3, primary partnerships are not ready for such a collective responsibility. In addition, there was a much clearer parental voice in support of the provision amongst the parents of primary children.</p>
What further research, data or evidence may be required to fill any gaps in your understanding of the potential or known affects of the policy?
Have you considered carrying out new data or research?
None identified at present.

Step 4: Consultation and Involvement

When considering how to consult and involve people as part of the proposed policy/ procedure/ function/ service, it is important to think about the service users and staff who may be affected as part of the proposal.

Have you consulted on this policy/ procedure/ function or service?
Outline any consultation and the outcomes of the consultation in relation to this EIA.
<p>Staff at Oakfield were briefed about the contents of the Cabinet paper when the papers were published on Monday 1st July.</p> <p>All schools were contacted via the Education Information System in early September</p>

alerting them to the web page and the consultation. More detail was provided for all Primary Heads at briefings during the week of 30th Sept- 4th October, and for special heads at a meeting of the group on 6th September. Secondary heads were also consulted via the chairs of the five behaviour partnerships around the county, on Friday 27th September. Parents and staff were invited to further meetings on the 27th September at Oakfield. The date was chosen to coincide with a fund raising coffee morning to which parents had been invited. Two separate meetings were held, one for parents and a second for staff.

Do any of the barriers you identified *actually* exist based on this consultation?

The biggest barrier identified through consultation was sense of isolation and rejection experienced by students and families who had been permanently excluded. Therefore, the provision should be used where possible to avoid a permanent exclusion rather than to just provide for those who have been permanently excluded.

Step 5: Mitigating and assessing the impact

In relation to any research, data, consultation and information you have reviewed and/or carried out as part of this EIA, it is now essential to assess the impact of the policy/ procedure/ function/ service and distinguish whether a particular group could be affected differently in either a negative or positive way?

If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

There is no evidence identified for potential or actual adverse impact at this time.

N.B.

a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

b) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

What can be done to change the policy/ procedure/ function/ service to mitigate any adverse impact?

Consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs that you have identified can be addressed.

Step 6: Making a decision

Summarise your findings and give an overview of whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity and human rights.

There is no evidence at present to suggest that the proposals will not meet these responsibilities. Schools and the local authority have their respective responsibilities and these are clear in legislation.

Step 7: Monitoring, evaluation & review of your policy/ procedure/service change

How will you monitor the impact and effectiveness of the new policy/ procedure/ service change and what monitoring systems will you put in place to monitor this and to promote equality of opportunity and make positive improvements?

- Monitoring of permanent exclusions by gender, ethnicity, age and SEN
- Through formal agreements with Behaviour Partnerships, supported by regular meetings to review and monitor effectiveness.
- In line with the Local Authorities revised statutory duties for monitoring and reporting on the performance of schools through the Leicestershire Education Excellence Partnership (LEEP).

How will the recommendations of this assessment be built into wider planning and review processes?

e.g. policy reviews, annual plans and use of performance management systems.

CYPS will need to provide a secure system for ensuring sufficiency and quality of alternative provision for permanently excluded students of all ages. Programmes need to be individually planned, monitored, and adjusted. Secondary behaviour partnerships are willing to take on additional responsibilities in this area. A performance framework with termly reporting has been designed for behaviour partnerships to report on their performance.

Consideration of alternative provision and behaviour support arrangements in schools will need to influence the developing role of the Local Authority as a Champion for Young People and in its work on developing the Leicestershire Education Excellence Partnership.

Equality Improvement Plan

Please list all the equality objectives, actions and targets that result from the Equality Impact Assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when
Ensure secondary behaviour partnerships are held to account for the outcomes they achieve with young people at risk of permanent exclusion.	Termly reports to the behaviour partnerships executive group using an agreed template.	Zero secondary permanent exclusions in 2013-14	Charlie Palmer	July 2014
Ensure primary provision is used preventatively to avoid primary permanent exclusions.	Establish a working agreement with primary schools on access to Oakfield or successor provision.	Reduction in permanent exclusions particularly amongst children with statements of special educational needs.	Charlie Palmer	July 2014

1st Authorised Signature (EIA Lead):

Date:

.....

2nd Authorised Signature (Member of DMT):

Date:

.....

Once completed, please send a copy of this form to the Departmental Equalities Group for quality assurance. Once authorised, this Equality Impact Assessment (EIA) Report will need to be published on our website. Please send a copy of this form to the Members Secretariat in the Chief Executives Department to louisa.jordan@leics.gov.uk.



SCHOOLS FORUM

Fair Access Protocol

26 November 2013

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	✓	Pre School	
Academies	✓	Foundation Stage	✓
PVI Settings		Primary	✓
Special Schools / Academies	✓	Secondary	✓
Local Authority	✓	Post 16	
		High Needs	✓

Purpose of Report

Content Requires;		By;	
Noting	✓	Maintained Primary School Members	✓
Decision		Maintained Secondary School Members	✓
		Maintained Special School Members	✓
		Academy Members	✓
		All Schools Forum	✓

1. This report presents the Local Authority's consultation on the proposed changes to the Fair Access protocol.

Recommendation

2. Schools Forum are recommended to note the report and are invited to comment on the proposals.

Introduction

3. The Dedicated Schools Grant (DSG) funds expenditure in the High Needs block which includes funding for both statemented pupils and pupils attending Alternative Provision. Children and Young People receive Alternative Provision where their behaviour prevents them attending a mainstream school. Expenditure on this provision has recently been

devolved to Behaviour Partnerships for Key Stage 4 (14-16yrs) pupils. Key Stage 3 provision, currently made at Oakfield School, is subject the topic of the further paper to Forum today.

Background

4. The Fair Access Protocol is a local agreement with schools within a statutory national framework. The National School Admissions Policy requires all local authorities to agree a Fair Access Protocol with schools and academies in it's area. The protocol deals with arrangements for ensuring vulnerable young people who do not have a schools place, are found one quickly. The protocol also makes sure that all schools take their fair share of vulnerable children and young people.
5. The last version of the protocol was published in 2007. Much has changed since then, and the contents of the protocol are now out of date. For example, the protocol makes reference to Local Authority behaviour support services which no longer exist. In addition, secondary behaviour partnerships now have responsibility for commissioning and organising provision at Key Stage 4, that was previously managed by central support services.
6. The new version of the protocol has been designed to support partnerships with this new role. It is also compatible with current arrangements with Primary Schools, where partnership working is more difficult by virtue of the much larger number of schools involved.

Resource Implications

7. A successful Fair Access Protocol will ensure that resources for Alternative Provision are used proportionately and fairly.

Equal Opportunity Issues

8. Vulnerable children and young people without a school place are at risk of educational failure. The longer a young person is out of school, the more difficult it often becomes to re-engage them.

Background Papers

9. Full details of the consultation can be found at:
http://www.leics.gov.uk/index/education/going_to_school/la/edu_consultations/fair_access_protocol_consultation.htm

The Departmental Management Team paper of 2nd October seeking approval for this consultation is attached. The proposed Fair Access Protocol is included as an appendix to this paper.

Officers to Contact

Charlie Palmer, Head of Strategy for Vulnerable Groups, CYPS
 Tel 0116 305 6767 email charlie.palmer@leics.gov.uk

Gurjit Bahra, Service Manager, School Admissions and Pupil Services, CYPS
 Tel 0116 305 6324 email Gurjit.bahra@leics.gov.uk

Children and Young People's Service

Departmental Management Team

BUSINESS MEETING

2nd October

Secondary Behaviour Partnerships Agreement

Introduction

These papers make up the formal agreement between schools and the local authority on secondary behaviour partnerships.

Decisions needed by DMT

1. Approve the partnership agreement for signing by Heads of Lead Schools
2. Approve the Fair Access Protocol for consultation with schools

Background

In a series of decisions in 2012-13 DMT have decided to:

- Terminate the central behaviour support services (Locality Support Service and Commissioning and Personalised Programmes Service).
- Seek agreement with the five secondary behaviour partnerships to devolve key stage 4 alternative programmes commissioning arrangements.
- Establish a commissioning agreement with five lead schools to support the devolvement of Key Stage 4 funds to partnerships.
- Extend central services to summer 2013 to ensure young people's GCSE programmes were not disrupted.
- Undertake a readiness assessment with respect to the capacity of partnerships to pick up the work undertaken by central services from Sept 13.
- Appoint a transition support team to assist partnerships for one year (Sept 13 to Aug 31st 2014).

The papers attached are the formal underpinning for the relationship between the LA and behaviour partnerships. The papers include:

1. Appendix 1: Partnership Agreement between LA and lead schools
 - Schedule 1: Overarching vision and outcomes framework
 - Schedule 2: Partnership Business Plan Template
 - Schedule 3: Termly Progress Report
 - Schedule 4: Annual Expenditure Report
 - Schedule 5: Template Memorandum of Understanding between Schools in a Partnership
2. Appendix 2: Draft Fair Access Protocol

The papers in appendix 1 have been approved by legal services. The Fair Access Protocol was approved by legal services in its previous form. This version will be checked with them again following consultation.

The Fair Access Protocol will be the subject of a consultation with schools and schools forum, as required by the School Admissions Code 2012.

Financial Implications

Partnership budgets have been developed with finance, and the legal agreement in Appendix 1 provides the basis for the devolvement of funds to the partnerships. This document will need to be signed by the five lead schools, one leading each behaviour partnership.

People implications

None

Equalities issues/implications

These arrangements secure educational provision for vulnerable children at risk of permanent exclusion.

Safeguarding issues/implications

None

Environmental Implications

Local provision in each partnership area should reduce transport costs and associated pollution.

Information Management Implications

None

ICT Implications

None

National/local Political Implications

The DfE continues with a series of national pilots to test the recommendations of the Taylor report. The latter seeks to increase schools' responsibility for the commissioning of alternative provision.

Author: C Palmer

Date: 30/9/13

Appendix 2: Draft Fair Access Protocol

Leicestershire County Council

Behaviour Partnerships

Draft Fair Access Protocol

September 2013

Introduction

Behaviour Partnerships have developed in Leicestershire to enable schools to work together to make educational provision for vulnerable and challenging children. Partnerships are led by schools, supported by local authority policy, use a combination of devolved and pooled resources, and seek to engage all schools within their area. The statutory basis for their operation is the Fair Access guidance included in the National School Admissions Code¹.

The purpose of the Fair Access Protocol is to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are found and offered a place quickly, so that the amount of time any child is out of school is kept to the minimum. Every local authority is required to have in place a Fair Access Protocol, developed in partnership with local schools and academies.

The protocol needs to be agreed with a majority of schools and is then binding on all schools in the area².

Fair Access Applies To

Leicestershire's Fair Access Protocol will include the following children of compulsory school age who have difficulty securing a school place³:

- a) Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) Children who have been out of education for two months or more;
- c) Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) Children who are homeless;
- e) Children with unsupportive family backgrounds for whom a place has not been sought;
- f) Children who are carers;
- g) Children with special educational needs, disabilities or medical conditions (but without a statement);

Looked after children and children with statements are further groups of children for whom special arrangements apply, as indicated below.

Principles

- The local authority must have a Fair Access Protocol, in which all schools (including Academies) must participate since it is binding on the admission authorities for all schools and academies⁴. In Leicestershire, Behaviour Partnerships will operate the protocol on a day to day basis for secondary aged pupils.
- Schools (including Academies) should work together collaboratively, taking into account the

¹ <http://www.education.gov.uk/aboutdfe/statutory/g00213254/school-admissions-code-2012>

² Ibid section 3.9

³ This list of groups is as suggested as the minimum scope of Protocols in the statutory admissions code (section 3.15).

⁴ The term "Academies" in this document refers to all types of Academy schools, i.e. including Academy converters, sponsored Academies, and all types of Free Schools, including University Technical Colleges and Studio Schools, with the exception of Special Schools and alternative providers

needs of the child and those of the school / academy. There is no duty to comply with parental preference when allocating places through the Protocol but it is expected the wishes of the parents are taken into account.

- When seeking to place a child under the Protocol, all schools and academies should be treated in a fair, equitable and consistent manner. No school should be asked to take a disproportionate number of children who have been excluded from other schools.⁵ This does not apply to Children in Care or Children with statements, for whom separate admission arrangements apply.
- Behaviour partnerships will use a combination of pooled and devolved resources to provide alternative programmes and in-school support to meet the needs of all vulnerable and challenging children.
- The Fair Access Protocol should not be used as a means to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered⁶.
- Undue delays in admission, particularly of Children in Care, will be referred to the Adjudicator (LA Schools) or Secretary of State (Academies). An application to direct from the Secretary of State should only be requested as a last resort.⁷
- Schools must admit children and young people promptly, and arrange short term educational support themselves, pending longer term support agreed via the partnership.⁸

The Aims of the Protocol

The In-Year Fair Access Protocol aims to:

- Identify the needs of vulnerable and challenging pupils including those who are not on the roll of any educational establishment quickly and sympathetically
- Reduce the time that vulnerable and challenging pupils spend out of education
- Ensure that all schools/academies admit vulnerable and challenging pupils on an equitable basis.
- Encourage schools and academies to work together in partnership to improve behaviour and reduce demands for alternative provision where possible.

⁵Ibid section 3.9

⁶ Ibid section 2.21

⁷ The Secretary of State will base his decision having regard to whether due process, in line with the locally agreed provisions in the Fair Access Protocol, has been applied appropriately. The Protocol should establish the education provision a child will receive whilst discussions to identify a school place are taking place. In the event that the majority of schools / academies in an area can no longer support the principles and approach of the local Protocol, all the school heads should initiate a review with the local authority. The existing Protocol however remains binding on all schools and academies up until the point at which a new one is adopted.

⁸ Useful guidance on Alternative Provision is available at:

<http://www.education.gov.uk/aboutdfe/statutory/g00211923/alternative-provision>

- Reduce the number of permanent exclusions by providing headteachers with a range of alternatives for young people at risk of the exclusion.
- Be fair and transparent, and to build the confidence of all schools/academies, in the placement and resourcing decisions made
- Work in partnership with each other (schools, academies, providers, agencies and the Local Authority).

Timing and Application

- It is expected that all parties will act with a sense of urgency to identify a school or academy place for any child who has had difficulty securing one or who falls under the Fair Access Protocol.
- All schools, including Academies, are expected to respond to requests by the Local Authority to admit a child under the Fair Access Protocol without delay.
- Before deciding to issue a direction, the local authority must consult the governing body of the school, the parent, and the child, if they are over compulsory school age. If following consultation the local authority decides to direct, it must inform the governing body and head teacher of the school. A local authority should do the same when considering requesting a direction for a child to be admitted at an Academy through the Fair Access Protocol.
- The governing body of a maintained school can appeal by referring the case to the Schools Adjudicator within 15 calendar days. Similarly, it is expected that an Academy will agree a starting date for the child or set out its reasons for refusal in writing to the local authority within 15 calendar days (providing contact details to cover any approaching bank holiday or holiday periods). The Local Authority must not make a direction until the 15 days have passed and the case has not been referred.
- If an Academy has not agreed a start date for the child within 15 calendar days, the local authority can apply for a direction from the Secretary of State via the Education Funding Agency, who acts on his behalf in these cases.
- The admission authority of a school must inform the LA within 7 days whether it is willing to admit a young person where they are looked after.
- The Fair Access Protocol will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs in respect of naming the school in question, as these children must be admitted⁹.
- Admissions authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first assessed for special educational needs.
- Additional support for these children must then be considered separately through SENA (Special Educational Needs Assessment) for children with SEN statements (or Education Health and Care Plans), through the EdCIC Team for Leicestershire Children in Care,

⁹ DfE School Admissions Code (2012) para 3.12

through a request for services e-form¹⁰ (CAF assessment) for multi agency support or through the Behaviour & Attendance Partnership for out of county or any previously looked after children and for children with challenging behaviour.

- Schools/academies cannot cite over-subscription as a reason for not admitting a pupil under the Protocol.
- Receiving schools are responsible for completing any necessary risk assessment as part of the admissions procedures. Risk assessments should be based on available information, and updated if necessary when new information is received. The completion of a risk assessment is not a reason to delay entry for more than 3 schools days.

Responsibility for Pupils and Transfer between Partnerships

Children and People are the responsibility of a Behaviour Partnership if:

- They attend a partnership school or live within the county area of the Partnership
- Attend a partnership school, but live outside the county and have not been subject to a second qualifying permanent exclusion within two years

Where Children and Young People transfer schools, the receiving school/partnership can expect the departed school/partnership to continue to fund any current alternative provision for a period of up to 6 weeks to allow new arrangements to be established.

Fair Access Procedures

Behaviour Partnerships will operate the Fair Access Protocol in Leicestershire on a day to day basis for secondary aged pupils.

Partnerships will establish and maintain core groups to:

- Receive referrals for school places and/or additional support under this protocol
- Use their best endeavours to ensure children resident in their area receive appropriate educational provision when out of school pending placement under this protocol
- Organise the collection of additional information about the case to assist with decision making of the group
- Agree a school and start date in response to a request for placement at a school in the local area, and inform the LA Admissions Service
- Keep records of all referrals and their outcomes
- Provide standard reports for the annual LA report to the national Schools Adjudicator on the operation of the protocol.

Where partnerships are unable to agree a placement:

- The Partnership inform the LA admissions service they are unable to place, or an individual school refuses to accept a pupil and informs the LA admissions service. The response must be within 15 working days.

¹⁰ http://website/index/children_families/commonassessmentframework.htm

- The LA Admissions Service formally writes to a nominated academy/school¹¹ indicating their intention to issue a letter of direction, asking for a response within 15 days, either in response to inability to place or a refusal to accept, or no response from the partnership within 7 working days.
- Any response from the school will be given careful consideration. If the Local Authority accepts the reasons for refusal, a further academy/school will be approached. If the LA do not accept the reasons, or no response is received within 15 days, a formal letter directing the academy/school to admit will be issued. The letter will explain the LA's reasons for rejecting the schools case.
- The governing body of an Academy can appeal to the Education Funding Agency, within 15 days from the letter of direction. Schools can similarly appeal to the Schools Adjudicator.
- If the Academy/School does not admit, the LA will consider applying for a direction from the Education Funding Agency in the case of Academies or the Secretary of State in the case of Schools.

Operational procedures are summarised in flow chart form in appendix 2. The form for lodging appeals with the EFA against a direction to admit is available at:

<http://media.education.gov.uk/assets/files/doc/e/efa%20direction%20request%20form.doc> .

The process for requesting that the Secretary of State direct an Academy to admit a child

- The Local Authority and Academies are expected to mediate between themselves before a request is made to the Secretary of State to direct an Academy to admit a child.
- Where a local resolution cannot be found, it is the responsibility of the Local Authority and the Academy to document the case for and against admission.
- When reviewing an Academy direction case, the Education Funding Agency will act on behalf of the Secretary of State to consider whether due process has been followed in applying the provisions of the Fair Access Protocol.
- In requesting a direction from the Secretary of State, the Local Authority must provide evidence that the provisions of the Fair Access Protocol have been applied in a fair and appropriate manner, the Academy's reasons for refusal and the Local Authority's response.
- The Local Authority should send the information using the attached template to the Education Funding Agency. On receipt of a request to direct, the Education Funding Agency will inform the school that it has received a request for a direction. The letter will request that the Academy provide any evidence other than that already received that the process has not been properly applied within seven calendar days.
- The admission authority for an Academy must inform the LA within 7 days as to whether it will admit a child in care. If the LA decides after this consultation to direct admission, any undue delay will be referred to the Secretary of State.

¹¹ The LA will nominate the nearest school to the child's home address, unless that school has already accepted significantly more fair access admissions than other schools in the area in that school year. Further nominations will again be based on next nearest to home.

- Where the Secretary of State is asked to consider a direction he will make that decision on the basis of the papers provided, taking into account:
 - whether the local Fair Access Protocol has been applied appropriately;
 - the arguments of the Academy and Local Authority, whether the Local Authority has considered the arguments for refusal and why it still considers the Academy to be the appropriate provision for the child;
 - whether the Academy has been asked to accept a disproportionate number of children under the Fair Access Protocol compared to other schools.

Permanent Exclusions

Section 3.8 of the School Admissions Code makes clear that in the normal admissions round, admissions authorities must not refuse to admit children on the basis of their poor behaviour elsewhere. The same section also states that admissions authorities do not have to comply with parental requests for places for a period of two years following a second permanent exclusion.¹²

Local Authorities have a legal duty to provide education for permanently excluded children. Leicestershire undertakes this duty through a combination of Oakfield Pupil Referral Unit and locally arranged provision by Behaviour Partnerships. Details are set out in the memorandum of understanding.

Schools will take particular care to explore every possible alternative to permanent exclusion especially in the case of Children in Care, given the disrupted education that is so often part of their experience.

Provision from the 6th day of a Permanent Exclusion

Local Authorities have a duty to arrange full-time educational provision for permanently excluded children from the 6th day of a permanent exclusion. The provision is made by a combination of Oakfield Pupil Referral Unit, and provision locally commissioned by Behaviour Partnerships.

Schools and academies are responsible for educational provision for fixed term exclusions from the 6th day.

Transport

All arrangements for transport are detailed in the local authority's Transport policy.

http://www.leics.gov.uk/index/highways/passenger_transport/school_college_transport/school_and_college_transport_entitlement_policy.htm

Dual Registration/ Managed Move

In order to provide support for children who may be at risk of permanent exclusion, the Behaviour Partnership may approve a managed move or a dual registration. Such arrangements **must** be made in accordance with the Managed Move and Dual Registration Protocols. A dual registration may also be appropriate when a child is reintegrating into a new school following a permanent exclusion.

Reporting Requirements

Local Authorities **must** produce an annual report on admission and Fair Access for all schools and

¹² The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practical to do so), and children with statements of special educational needs.

academies in their area¹³. This report must be published locally and then sent to the Adjudicator by 30 June each year. Information for this report **must** be collated, updated and provided by the Behaviour Partnerships on request. The report **must** cover as a minimum:

- a) information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen;
- b) an assessment of the effectiveness of Fair Access Protocol and co-ordination in their area, including how many children were admitted to each school under the protocol
- c) the number and percentage of lodged and upheld parental appeals; and
- d) any other issues the Local Authority may wish to include

A template for this report is included in Appendix 4.

¹³ http://www.leics.gov.uk/local_authority_report_to_the_schools_abjudicator-2.doc

Children Missing Education

The Children and Young People's Service has put in place rigorous arrangements for identifying and maintaining contact with children missing, or at risk of going missing, from education.

Therefore it is vital that all placements are resolved as quickly as possible to prevent pupils missing education.

The named individuals responsible for receiving details of children found missing from education and for brokering support for them through the most appropriate agencies are:

JoAnne Rees; Joe Martin; Lis Haines,

School Admissions & Pupil Services 100B, County Hall, Glenfield, Leicester, LE3 8RF
Tel: 0116 3052071 - email: cme@leics.gov.uk

The process of tracking pupils without an educational placement is part of our collective responsibility and on-going commitment to safeguarding the welfare of young people. It is vital that anyone who becomes aware that a child is not, or does not appear to be in education, notifies the named person with the responsibility for pupils missing from education in Leicestershire.

Information sharing and security

All parties must ensure that all information shared for the purpose of this area of work should be transferred in accordance with the relevant Information Sharing Agreements, using safe, secure and if necessary encrypted channels.

Appendix 1 Relevant Legislation

This appendix sets out the primary legislation most relevant to admission and Fair Access decisions. Admission Authorities, Schools, Adjudicators, Appeals Panels, Local Authorities and Maintained Schools **must** comply with the relevant law as well as acting in accordance with the provisions of this Code. This Code and the School admission Appeals Code (the Codes) are applied to Academies through their Funding Arrangements. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law that is for the courts

Primary Law

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Human Rights Act 1998

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

School Standards and Framework Act 1998

<http://www.legislation.gov.uk/ukpga/1998/31/contents>

Secondary Guidance

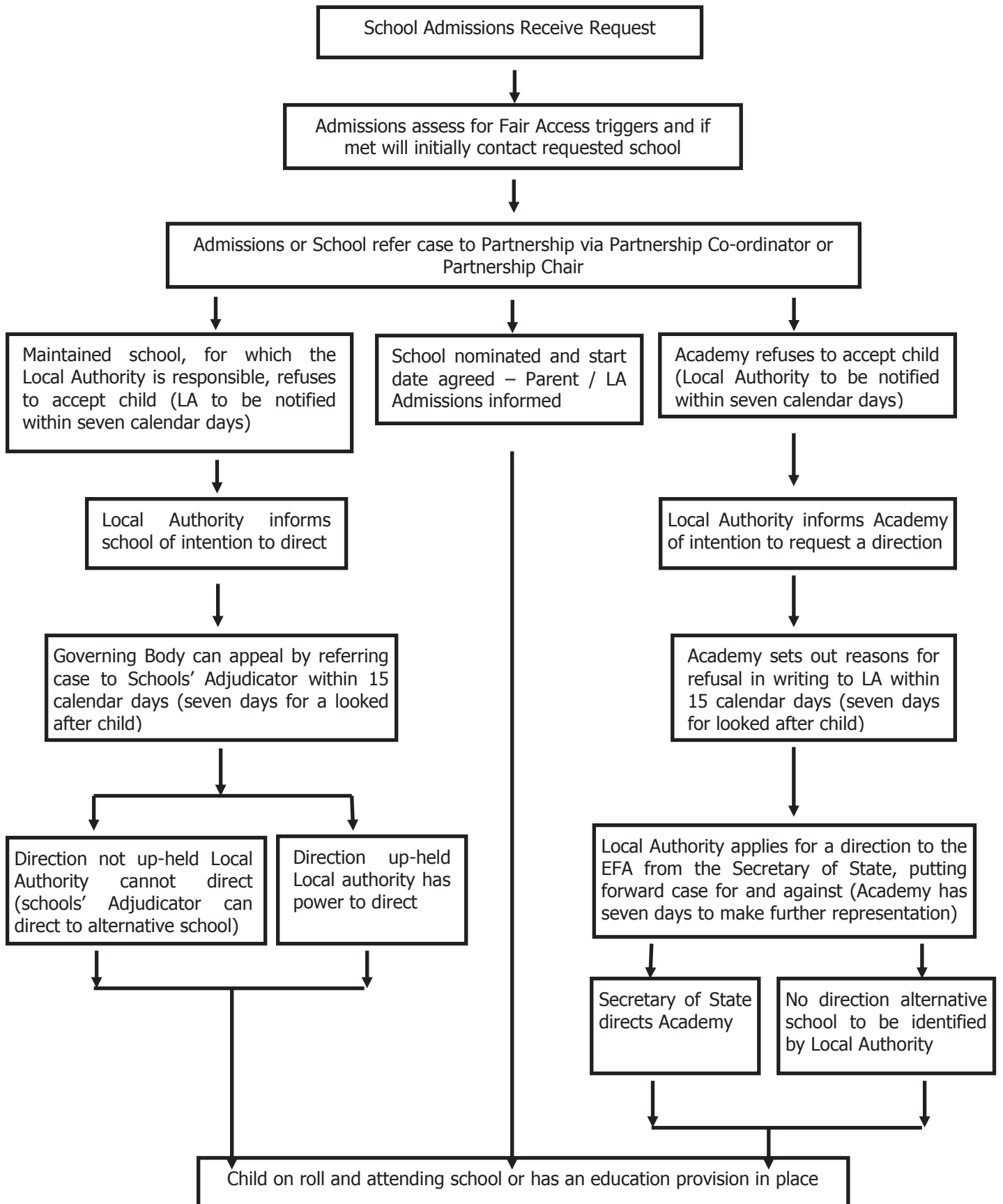
Exclusions

Guidance:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

Appendix 2

Fair Access Flow Chart



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SCHOOLS FORUM

PROVISION OF SCHOOL PLACES IN LEICESTERSHIRE

REPORT OF THE DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICE

26 November 2013

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	✓	Pre School	
Academies	✓	Foundation Stage	✓
PVI Settings		Primary	✓
Special Schools / Academies	✓	Secondary	✓
Local Authority	✓	Post 16	✓
		High Needs	✓

Purpose of Report

Content Requires;		By;	
Noting	✓	Maintained Primary School Members	✓
Decision		Maintained Secondary School Members	✓
		Maintained Special School Members	✓
		Academy Members	✓
		All Schools Forum	✓

1. To provide the Schools Forum with an overview of the current position regarding the provision of Primary and Secondary School places in Leicestershire, and seek comment on the challenges ahead.

Recommendations

2. Members of the Schools Forum are asked to;
 - (a) Note the statutory obligations placed on the Local Authority (LA) for the provision of additional school places arising from legislative change of the Academies Act 2010 and the Education Act 2011.
 - (b) In the context of the above, to note the key areas for action in relation to the planning of school places, as highlighted in paragraphs 31 to 35 of the attached report to the Children and Families Overview and Scrutiny Committee.

Introduction

3. The educational system in Leicestershire is now undergoing substantial organisational change. The changes brought about by new legislation and those at a local level have a significant impact on how the LA enacts its statutory duty to ensure a good supply of high quality places are provided, with greater emphasis on the consideration of school location, status, performance and parental preferences to identify suitable solutions.

Whilst the change underway has capacity to raise standards, if not carefully managed between the LA, the DfE /EFA, academies and maintained schools, it could serve to de-stabilise the educational system, to the point where there is either a significant shortfall of places or over supply makes the viability/ sustainability of some schools a critical issue. The challenge going forward is therefore to have the right number of places available, at the time they are required, in locations where they are needed, and in the right schools.

It is important that members of the Schools Forum understand the challenges ahead, so that they are able to make an effective contribution and support schools through change as this begins to take effect.

Background

4. Since the introduction of the Academies Act 2010, 95% of secondary schools and over 35% of primary schools have become academies, or will soon do so. Many academies have subsequently sought age range changes, with sixteen schools (11 Secondary/ 5 Primary) so far having received DfE approval.

In addition, by next year there will be 3 Studio Schools in Leicestershire, and FE Colleges will be entitled to admit students from the age of 14.

5. Longer term six of the seven District Councils have set out proposals to develop Sustainable Urban Expansions (SUE's), most of which have outline planning consent. In all cases they will provide for new schools, or extensions to existing schools where appropriate, but in the short term (the first few years after commencing building), will raise transitional issues putting pressure on existing schools. There is still considerable uncertainty about start dates and the scale of each development.
6. Coupled to the above structural changes, demographics indicate a growth in primary pupil numbers, with the effects of increased births and the movement of families starting to cause significant pressure in certain areas, particularly Braunstone and Hinckley Town. In contrast there remain a large number of surplus places in some secondary schools', this position is impacted by those schools seeking a change of age range, which has the effect of reducing admission numbers whilst making more 11-16 places available generally.
7. Appendix 1 presents the report presented to the Children and Families Overview and Scrutiny Committee on 9 September 2013.

Resource Implications

8. The resource implications are set out in paragraphs 35 to 38 of the Children and Families Overview and Scrutiny report in Appendix 1.
9. It should be noted that since the consideration of the report by the Overview and Scrutiny Committee, and the last meeting of the Schools Forum on 18 September 2013, the LA has reached agreement with the DfE/EFA to implement changes to enable a measured and targeted approach for schools making, or impacted by, age range changes.

Equal Opportunity Issues

10. The underlying purpose of developing new school places should be to improve standards for all children and young people, and to offer greater choice and diversity of educational provision.

Background Papers

- Academies Act 2010 and Education Act 2011
- Reports to CYPS Overview and Scrutiny Committee 3 October 2011, 11 June 2012
- Report to Cabinet 12 June 2012
- Report to Children and Families Overview and Scrutiny Committee 9 September 2013 (attached)
- Academy, Free Schools and Studio schools guidance, and guidance relating to the establishment of new schools on Department for Education website www.education.gov.uk

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CHILDREN AND FAMILIES
OVERVIEW AND SCRUTINY COMMITTEE

9 SEPTEMBER 2013

PROVISION OF SCHOOL PLACES IN LEICESTERSHIRE

**REPORT OF THE DIRECTOR OF CHILDREN AND YOUNG
PEOPLE'S SERVICE**

Purpose of Report

1. To provide the Overview and Scrutiny Committee with an overview of the current position regarding the provision of Primary and Secondary School places in Leicestershire, and seek comment on the challenges ahead.

Policy Framework and Previous Decisions

2. The Education Act 1996 places a statutory duty on the Local Authority (LA) to:
 - (a) ensure a sufficient supply of school places with a view to securing diversity of provision and increasing opportunities for parental choice;
 - (b) exercise its education functions with a view to promoting high standards.

More recently the LA's duties have been re-enforced in 'The Importance of Teaching – The Schools White Paper 2010' as champions for parents, families and vulnerable pupils, requiring that the LA promote educational excellence by ensuring a good supply of high quality school places, and co-ordinating fair admissions. This has resulted in a shift of emphasis in terms of school place planning, requiring more detailed consideration of the performance of schools and parental preferences when making decisions, set alongside the more practical considerations of cost, school locality and the availability of space to expand.

3. The Education and Inspection Act 2006 also makes changes to the arrangements for the establishment of new schools, with a presumption that any such schools will be Academies or Free Schools, secured if necessary through a competition.
4. The Overview and Scrutiny Committee previously considered, on 3 October 2011, the impact of Academies in relation to educational provision in Leicestershire schools. More recently, on 11 June 2012, the Committee have specifically considered the changing role of the Local Authority in relation to meeting future demand for school places in the context of the legislative change.

Background

5. As a consequence of new legislation, the educational system in Leicestershire is now undergoing substantial organisational change. The majority of secondary schools (95%), and a proportion (30%) of primary schools, have now converted to academy status or will soon do so, and by the end of this year, even more will have left the control of the local authority.
6. Coupled to the academies agenda, many schools have subsequently sought to progress age range changes to give either 4-11, 11-16 or 11-19 status, with sixteen schools (11 Secondary and 5 Primary) having received DfE approval for September 2013 or September 2014 change, and several others expected to follow shortly e.g. Brockington College, Roundhill College.
7. To add to this momentum of change, other types of secondary provision, for example Studio Schools have started to appear in Leicestershire, and from next year FE Colleges will be entitled to admit students from the age of 14.
8. The net effect of this change has been to enhance significantly the diversity and choice in our schools, but at the same time this has introduced an element of competition within the secondary sector which is expected to help promote improved standards.

The statutory role of the Council

9. The Council retains a statutory duty to ensure that sufficient school places are available within its area for every child of school age whose parents wish them to have one. This ensures that we are able to promote diversity, parental choice and high quality educational standards, to ensure fair access to educational opportunity and to help fulfil every child's educational potential.
10. There are well established and effective practices in the Council for the provision of additional school places, but these will need to be reviewed in the light of the above change, to recognise that there are new options that exist to satisfy increased demand; for example through the extension of academies or provision for Free Schools.
11. In the context of this change, the Council is therefore no longer a direct provider of places but a commissioner of them, taking on the role of promoting, enabling and influencing (through partnership and collaboration) the development of local solutions. This is firmly in keeping with the strategic aims of the Children and Young People's Service, and the findings of the Internal Audit of School Places conducted in December 2012, and the recent independent assessment of the Council's procedures, undertaken as part of the School Development Support Agency (SDSA) research project on school admissions and place planning.
12. The Government's changes have a significant impact on how the LA fulfils its statutory duty to ensure a good supply of high quality places are provided, with greater emphasis on the consideration of school

performance and parental preferences to identify suitable solutions. Rather than actively managing over-provision of places or identifying an existing local school to receive additional capital, the new responsibility is to ensure that, where new places are needed, the schools 'market' is stimulated to meet demand. In this context the LA will seek to avoid expanding schools that are not performing well, and where a suitable high attaining school cannot therefore be identified, the LA will invite other proposers to come forward, if necessary using a competition process to find the best solution.

Overall school demand and capacity

13. The current number on roll in Leicestershire schools (including academies) is 94,356. This equates to 48,309 pupils in primary schools, 45,110 in secondary schools and 937 in special schools. Overall in the last academic year, to keep pace with increased births and housing development, the number of primary pupils increased by 798 (1.65%), and in secondary schools the number of places increased by 702 (1.56%).
14. Data for 2012/13 shows that there are currently 5,915(11.6%) surplus places available in Secondary Schools and 4,000 (7.65%) surplus places available in Primary Schools. To meet the forecast increase in primary age pupils there are plans to increase the number of primary places by 459 in 2012/13 with a further 270 proposed for 2013/14. This figure does not include any academy increases that have not yet been notified to the LA.
Up until 2011, central government would penalise any LA having too many surplus school places but this is no longer the case and surplus places are now perceived as giving greater choice for parents and children.
15. Overall it would seem, therefore, that Leicestershire has sufficient school places across the county; however, the challenge is to have sufficient places in the right areas and the right schools. This means that in a particular locality there would continue to be a justified need stemming from a particular development for which a contribution would be sought if a shortfall in education provision was demonstrated.
16. In terms of provision for special educational needs, the development of the four area special schools (including the latest replacement for Ashmount in Loughborough, which is due for completion early next year), has so far helped the County Council to keep pace with demand. However there is a longer term trend towards increased demand which has necessitated extending capacity in the area special schools, and the satellite provisions based in units in mainstream schools. It should be noted that there is one area special school to be developed in the Oadby and Wigston area, to complete the area special school programme (at present there is no capital funding for this).

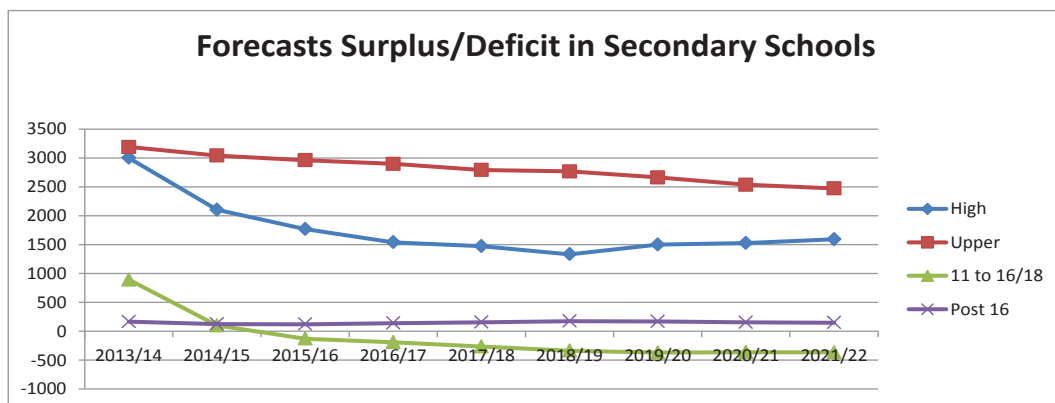
The Position in Secondary Schools

17. The current capacity in Secondary Schools is 51,025 places. The numbers on roll are forecast to rise to 47,177 in 2021/22 which will leave 3,848 surplus places (7.5%), possibly more as additional capacity

currently being created in 11 – 16/19 schools and academies becomes available. The table below shows the breakdown of the position by category of school. The forecasts include pupils expected to require provision as a result of housing gains from developments with planning permission, but not those developments at an earlier pre-permission stage of the process.

Type	Capacity	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
High	20559	17559	18457	18791	19019	19086	19227	19060	19032	18967
Upper	18672	15481	15630	15711	15774	15879	15905	16009	16135	16198
11 to 16/18	11154	10263	11054	11282	11345	11419	11491	11523	11517	11520
Post 16	640	474	516	519	499	485	466	471	486	492
Total	51025	43777	45657	46303	46637	46869	47089	47063	47170	47177
% Increase or decrease from Previous Year		-3.04%	4.29%	1.41%	0.72%	0.50%	0.47%	-0.06%	0.23%	0.01%

18. Analysis of data indicates that there is an overall surplus of secondary school places available across Leicestershire. However, it is of interest, as illustrated in the table below, that there is forecast to be a deficit in 11-16/18 schools by 2015/16. This is due to complex factors relating to age range changes, for example due to admission changes, managing pupil numbers through transition, and housing development. In most cases, each academy has plans in place for extensions to accommodate the extra pupils. The graph below shows the forecast surplus/ deficit of places by type of school.



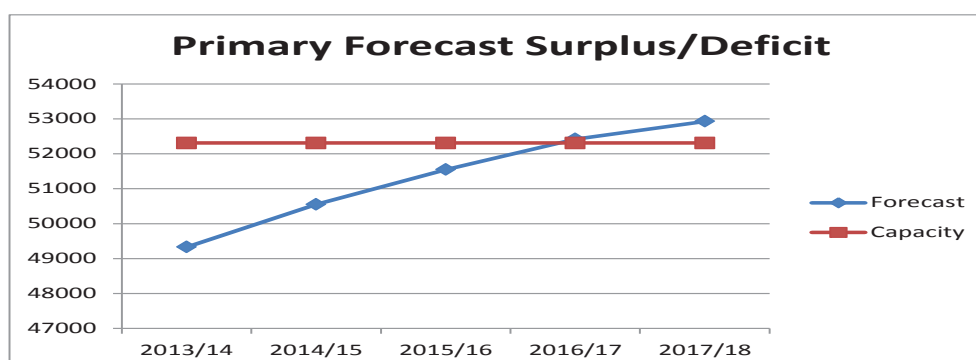
19. Apart from schools with age range changes, forecast deficit of places are limited to popular and oversubscribed schools, for example Ashby School and Beauchamp College or those where there is a considerable amount of housing gain, such as in Market Harborough, for which S106 monies are held or awaited.
20. The overall figures do not show that at a local level in some areas of the County, most notably Loughborough, Wigston and Birstall, there are significant surpluses in some upper schools, above the 25% threshold at which a school would become a source for concern in terms of the school's ability to effectively plan and deliver the curriculum, and it's longer term financial viability.

The position in Primary Schools

21. The current capacity in Primary Schools is 52,309 places. The number on roll is forecast to rise above the available capacity to 52,928 in 2017/18 which would leave a shortfall of 619 places (-1.18%). The table below provides an overview of the position within each District. Once again, the forecasts include pupils from housing gains from developments with planning permission, but not those that have not progressed this far.

District	Capacity	2013/14	2014/15	2015/16	2016/17	2017/18
Blaby	7776	7726	7932	8047	8192	8266
Charnwood	12631	11697	12047	12286	12562	12800
Harbrough	7235	6779	6914	6992	7114	7167
Hinckley & Bosworth	8106	7753	7993	8201	8373	8454
Melton	4158	3697	3751	3791	3823	3834
North West Leicestershire	8026	7390	7559	7817	7960	8028
Oadby & Wigston	4377	4285	4352	4412	4396	4379
Total	52309	49327	50548	51546	52420	52928
% Increase from previous year		2.11%	2.48%	1.97%	1.70%	0.97%

22. The graph below further illustrates the expected surplus and deficits in Primary schools over the next few years.



23. Appendix A attached provides details for the primary phase for each of the seven Leicestershire Districts, an analysis of current pupil numbers, and expected change in demand for the period 2013/14 to 2017/18. A brief narrative is also provided of the key challenges and potential solutions for providing additional places in each District. The analysis takes account of a number of factors, including; population growth; and demographic trends related to housing growth. In terms of housing it takes account of known development where approved planning consents have been given.

Meeting demand for future school places

24. There are normally three basic factors that influence the need for additional school places:
- i) New housing developments, their scale, and the speed at which they progress.

- ii) Natural demographic change in the population, arising from population movement, increased births etc.
 - iii) The popularity of successful schools, or conversely a decline in popularity for schools with long term performance issues.
25. Set alongside the above, there are several other factors, at a national and local level, and some quite significant, that will have a bearing on the future planning of school places. These factors are considered in the following paragraphs.

The Challenges ahead

Capital Funding (Basic Need)

26. The amount of capital funding allocated to the Local Authority by the DfE has been significantly reduced in recent years. The allocation in 2011/12 for basic need was £8.79 million, reducing to £8.13 million for 2012/13. For the combined years 2013/14 and 2014/15 the allocation has been cut to £6.89 million overall i.e. an average of £3.445 million each year. This reduction will bring added pressure in terms of meeting the need for new school places, and place greater emphasis on the identification of affordable and sustainable solutions. In the short term any proposals for new school builds would be seriously constrained unless additional funding could be obtained (by the LA or a proposer) direct from the DfE in order to make their development a viable proposition.

Section 106 Contributions

27. Developer contributions for new school places are normally secured through planning obligations, which are also known as Section 106 agreements. These agreements are negotiated between the planning authority (normally the District Council) and the developer. The process requires the justification by the County Council for the need for additional school places generated as a consequence of the new development by applying legal tests that sets out why it is necessary to make the development acceptable in planning terms, that it directly relates to the development and that it is reasonably related in scale and kind to the development. The developer would normally be required to provide a financial settlement to fund the required school places at specific schools named in the S106 agreement.
28. The Community Infrastructure Levy (CIL) provides for a new mechanism for developer contributions. Where local planning authorities have adopted a core strategy they can choose to adopt a CIL charge within their area. The CIL will be set at a level based on the gap in funding to provide infrastructure identified to service the planned new development, provided it does not affect the viability of those developments. School place planning will need to ensure that where particular needs have been identified as a consequence of planned development then a specific project is identified on the CIL infrastructure list. However in many circumstances this may not be possible in which case it may be preferable to continue with S106 contributions.

29. Where age range changes are introduced there may be requirements to direct S106 funds to specific schools. Where viability of a development may arise for example in the case of brownfield development where there are exceptional cost incurred in realising development, then a developer may submit a viability assessment to the local planning authority which is normally independently assessed. This might mean developer contributions are reduced and in a recent case in Hinckley and Bosworth Council, a housing developer in negotiation with the District reduced the full level of contributions including the education contribution. However it should be expected that in these exceptional circumstances that the opportunity is afforded to the County Council to determine our priorities for the contributions.

Impacts of Age Range Changes

30. When academies propose age range changes they will seek consent directly from the Department for Education (via the Education Funding Agency). In this context the LA will be consulted and invited to make comment on the proposals for age range change, by the EFA, but is not the decision maker as to whether such change should proceed or not. As a general principle the Local Authority welcomes schools proposing age range changes. Making such changes, where carefully planned by schools, and supported by their communities, has the potential to improve standards and widen choice for parents/pupils. However, making such changes serve to increase the number of surplus places in secondary schools, in particular Upper Schools. There is a serious concern about the likelihood of an Upper School failing due to viability issues created by age range changes. This is in part due to the DfE requiring Leicestershire to recognise school reorganisation within its funding formula, so as to fund schools expanding as a result of age range changes from the point of change and, reduce funding for schools with associated falling rolls., This will mean that not only will Upper Schools have a significant decline in numbers, they will have little time to adjust resources to plan for that reduction and may become financially vulnerable, which in turn may have a detrimental impact on school performance.
31. In addition the forecasts include the assumption that the post 16 transfer rates will stay at the same level as previously. This may not be the case if pupils no longer have allegiance to a school that they have not attended from an earlier age, and chose alternatives elsewhere. This is at the same time as funding rates for post 16 are being reduced nationally.
32. The impact from age range changes may also be manifest in schools other than the group immediately affected. For example any change in the Ashby area may affect Coalville or Shepshed Upper Schools rather than Ashby itself given that Ashby School is over subscribed.
33. Usually schools proposing age range changes will also seek to reduce their admission number (at year 7) to accommodate additional year groups. In certain circumstances, this could give rise to a situation where there are insufficient KS3 places within the locality. The recent pre-consultation at Kibworth High School serves to highlight this concern. In this particular instance, displaced pupils would have been expected to

move to other schools nearby, however the primary schools in Oadby are practically full (and operate to a different age range) and the alternative option would be Market Harborough, which if acceptable to parents/pupils, could incur extra transport costs.

New types of provision

34. New types of educational provision, where strategically influenced by the Local Authority, provide the potential to help meet future demand for school places; this could be of particular benefit to finding solutions for Primary schools. However, at present most of the new provision has occurred in the secondary sector, whilst therefore widening opportunities for learners, their impact in the context of planning school places, has been less helpful. The current position in terms of new types of provision is as follows:

a) **Free Schools**

These are all-ability state-funded schools set up in response to local demand. There are presently none in Leicestershire; however, there has previously been an expression of interest in providing a secondary free school in Market Harborough.

b) **Studios Schools**

Studio Schools are designed for 14-19 year olds of all abilities. They are generally small schools, working closely with local employers, to offer a range of academic and vocational qualifications, as well as paid work placements linked directly to employment opportunities in the local area. There are two Studio Schools open in Leicestershire, the Stephenson Studio School in Coalville (opened in 2011) and the Midland Studio College in Hinckley (opened in October 2012). A further Studio School: the Sir Frank Whittle Studio School in Lutterworth, is due to open in September 2014.

c) **University Technical Colleges (UTC's)**

UTC's offer 14-18 year olds; full time, technically-oriented, courses of study. They are sponsored by a university and are sub-regional, taking students from a wide geographical area. The Leicester and Leicestershire Enterprise Partnership has recently commissioned a feasibility study (via the Leicester City Council) to ascertain the potential to establish a UTC in Leicester, but no further details are yet available.

Transport Policy Changes

35. The recent agreement by Cabinet to introduce a change in charges for post 16 and denominational transport will have effect on many secondary schools, although the possible impacts in each case are not predictable.

It is expected that the longer term consideration of changing transport policy to move from a catchment entitlement to a nearest distance entitlement i.e. nearest school having a place, could dramatically affect the distribution of pupils in the county. This may be particularly so for Upper Schools, which by their nature cover wider catchment areas.

Impact of Sustainable Urban Expansions (SUE's)

36. Nearly all of the Districts have proposals for SUE's within their Core Strategy. Some, for example the Lubbethorpe development have planning consent and are close to starting work on site, whereas others, as is the case for the Melton SUE have gone back to the drawing board. In all cases the SUE proposals make adequate provision for new primary/secondary places, delivered through new school builds or extensions to nearby schools.
37. The challenge that SUEs present in terms of planning school places is that there is a lack of clarity about the scale and speed of development (which is driven by the economy and housing market), and at what point new schools will be built. Having effective transition arrangements to manage pupil numbers during the early years of construction is of paramount importance. In the short term this will mean finding solutions for pupils from new housing to be absorbed in nearby schools, and ensuring that where these need to be extended sufficient funds are available for this.

Key Areas for Action

38. In the context of the challenges set out in this report, three key areas for priority action have been identified;

Strategic Planning

39. The statutory requirement for LA's to have a strategic plan for school organisation was removed in 2008. If the LA is to successfully deliver and influence the provision of new school places in the changing environment, then a strategic plan is necessary to set out our expectations for growth/demand, policy drivers and preferred solutions.

Shortfall of Primary places

40. Appendix A shows that in terms of primary places, there are distinct pockets of need, and some quite immediate, arising from increased births, planned new housing development and demographic change. This is particularly so for the Blaby District, where there is a serious shortfall of places within the Braunstone area, and Hinckley and Bosworth, specifically emerging issues within Hinckley town. Options are now under investigation in each case, with a view to having early solutions in place.

Surplus places in Secondary Schools

41. Early conversations are necessary with certain secondary schools, their governors, the DfE and EFA to identify suitable strategies to address the impacts of falling student numbers. It should be noted that nearly all of these schools are academies.

Schools capacity data (SCAP) and build costs

42. In 2012 the DfE introduced a new process for obtaining the annual school capacity data from LA's. As part of this process the DfE

confirmed that future basic need capital allocations to LA's will be based on an agreed allocation per pupil. The unit allocation figure provided by the DfE for 2013/14 is £5,079 per pupil, which is significantly less than the current per pupil build costs used by the LA. This will therefore require that in order to close the gap, and for the LA to make effective use of basic needs funding/ to ensure best value, the LA (CYPS and Corporate Resources – Property Services) will need to explore ways of reducing costs, for example reviewing the specification for building works, looking at temporary building solutions, or seeking to re-negotiate build costs with contractors. As part of the changes made by the DfE, from 2013/14 they have also introduced a monitoring system requiring local authorities to record and report where additional school places have been created and their cost.

Resource Implications

43. The development of a school place planning strategy and potentially managing the process (and possibly competitions) for new schools will be resource intensive. In the short term this requirement will be met from the re-allocation of officer time and non staffing costs from within existing resources. Whilst there are therefore no immediate additional resource requirements, longer term there will be a need for both additional revenue and capital resources.
44. Until such time as the capital allocations for 2015/16 and beyond are known, it is difficult to quantify the shortfall in funding. However, there is presently no specific budget identified for the longer term implications of this work, for example the cost of the competition process, should this become a routine occurrence, and set up costs for new schools; this will be dictated by the speed of demand for additional places. An assessment of future demand, as the new school place planning model matures, need to be considered as part of the County Council's Medium Term Financial Strategy (MTFS).
45. In the event of closure of a LA maintained school, any deficit on a school budget plus any costs of closure such as redundancies, decommissioning buildings etc would revert to the local authority. A one off provision exists with Dedicated Schools Grant to help the County Council to meet some of these costs.

Equal Opportunities Implications

46. The underlying purpose of developing new school places should be to improve standards for all children and young people, and to offer greater choice and diversity of educational provision. All schools are encouraged to undertake an Equality Impact Assessment as part of any proposals for organisational change. Any strategic plan adopted by the Council in due course, will be subject to the Public Sector Equality duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and, foster good relations between persons who share a relevant protected characteristic and persons who do not.

Risk Assessment

47. The risks to the County Council arising from increased demand for school places are kept under regular review by the CYPS School Admissions and Pupil Services team; and for matters relating to wider organisational change by the Head of Strategy for Education Sufficiency.

Conclusions and Next Steps

48. The County Council has robust and effective arrangements in place for the planning of school places, as confirmed by independent assessment, but recognises that the education environment is now changing quite dramatically, and needs to keep pace with this
49. In the context of the above, whilst the LA maintains a statutory role for the provision of a strong supply of high quality school places, the reality is that within the evolving market, our degree of influence has diminished. Whilst the change underway has capacity to raise standards, if not carefully managed between the LA, the DfE /EFA, academies and maintained schools, it could serve to de-stabilise the educational system, to the point where the viability/sustainability of some schools could become a critical issue. The actions set out in this report are intended to mitigate against this, and to ensure that the LA continues to have a strong strategic influence.

Circulation under the Local Alert Issues Procedure

50. None

Background Papers

- Academies Act 2010 and Education Act 2011
- Report to Cabinet 12 June 2012 – Policy on the Provision of New School Places
- Report to CYPS Overview and Scrutiny Committee 21 January 2013 – Medium Term Financial Strategy 2013/14 to 2016/17
- Reports to CYPS Overview and Scrutiny Committee 3 October 2011, Academies in Leicestershire and, 11 June 2012, Policy on the Provision of New School Places
- Academy, Free Schools and Studio schools guidance, and guidance relating to the establishment of new schools on Department for Education website www.education.gov.uk

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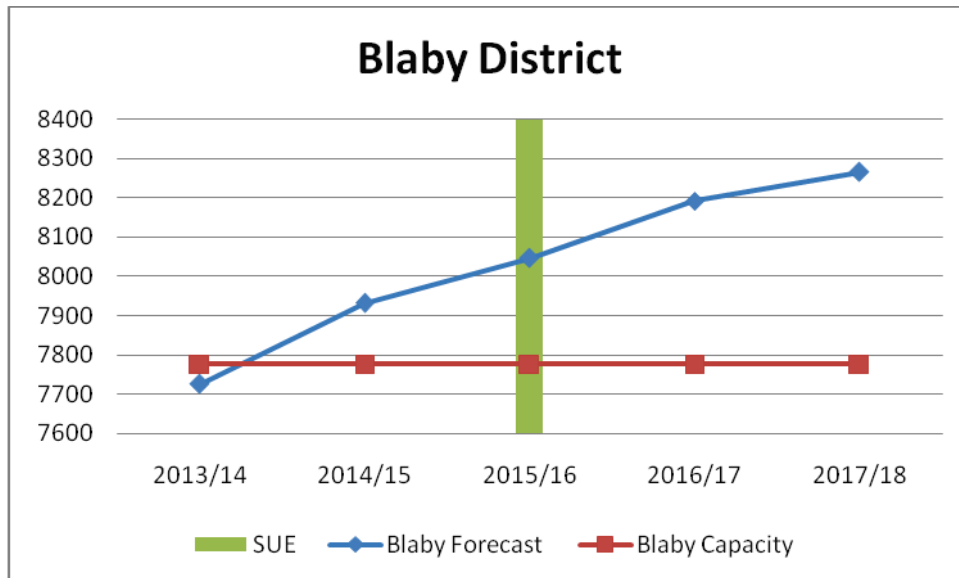
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Young People's Service Tel 0116 305 7729 email:
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Appendices

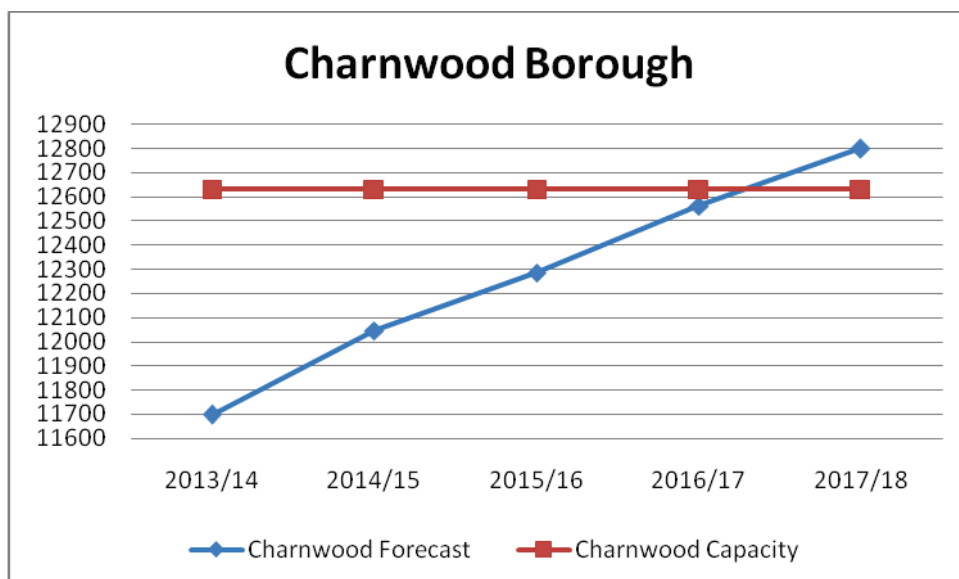
Appendix A Tables showing forecasted provision for primary places in
each District 2013/14 to 2017/18.

PRIMARY SCHOOL FORECASTS BY DISTRICT

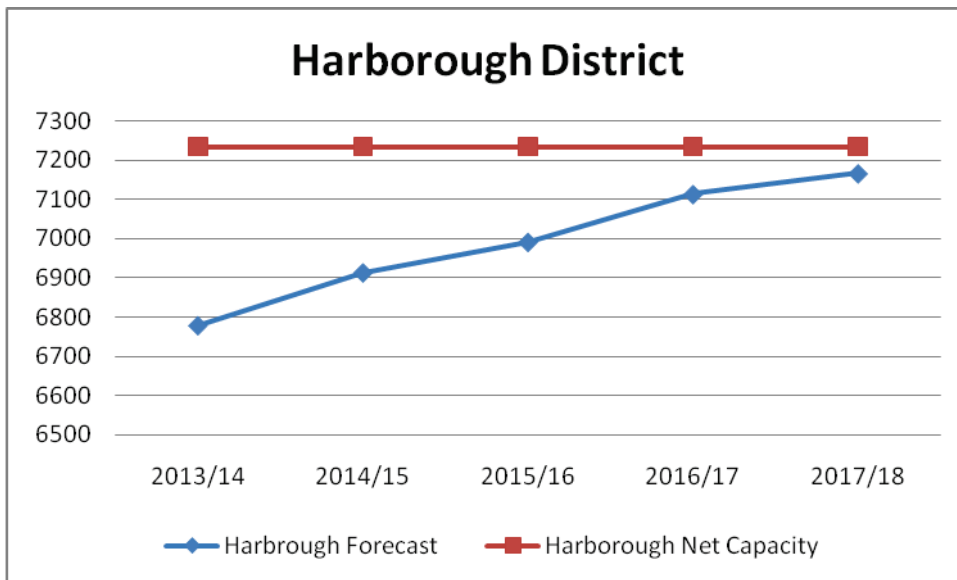
Forecasts include pupils for developments with planning permission. The horizontal scale indicates units of 100 pupils. The vertical banding indicates where planning permission for respective Sustainable Urban Expansions (SUE's) has been granted and the point at which they are expected to commence.



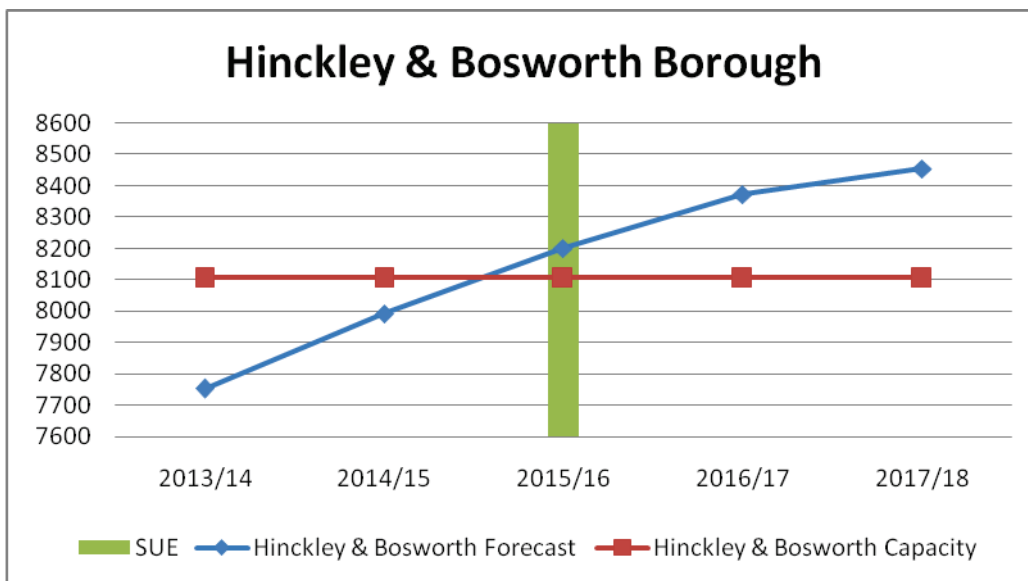
The S106 for the Lubbethorpe SUE(4250 homes) is in the process of being agreed and includes the provision of 2 new primary schools. The widening gap indicated between capacity and pupil numbers is largely attributable to Braunstone, but also demographic change in Kirby and housing growth in Leicester Forest East and Countesthorpe.



The North West Loughborough SUE(3,000 homes) and Thurmaston SUE(4,500 homes) will provide two new Primary Schools for each development. It is anticipated that an outline planning application will be submitted for the Thurmaston SUE in late 2013.

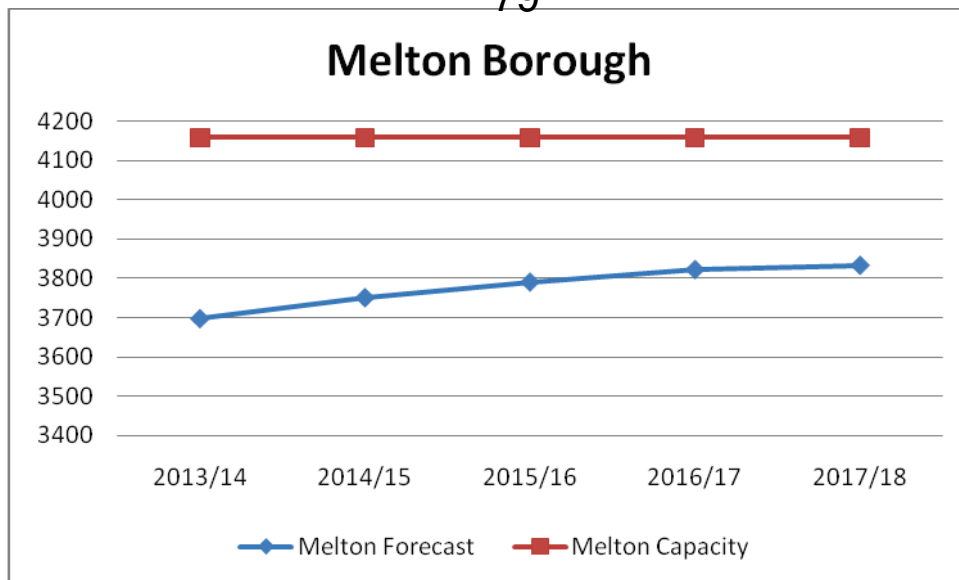


A planning application has been submitted for Airfield Farm, Market Harborough SUE(1,000 homes), however a review is underway as to the exact number of dwellings the SUE will contain, and when these will commence.

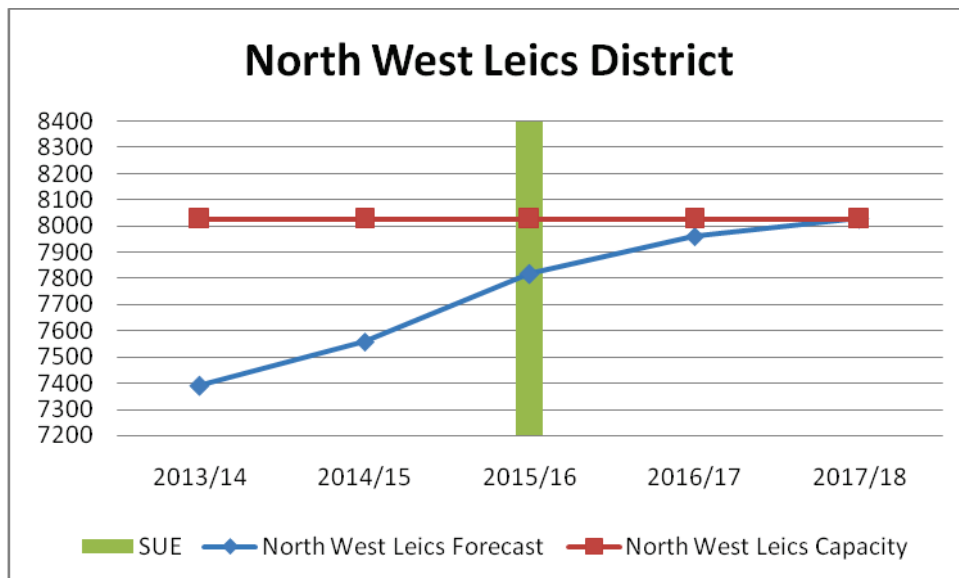


The Barwell SUE(2,500 homes) and Earl Shilton SUE(1,600 homes) will provide one new Primary School for each development. The Barwell SUE has been granted planning permission. It is anticipated that a planning application will be submitted for the Earl Shilton SUE in late 2013.

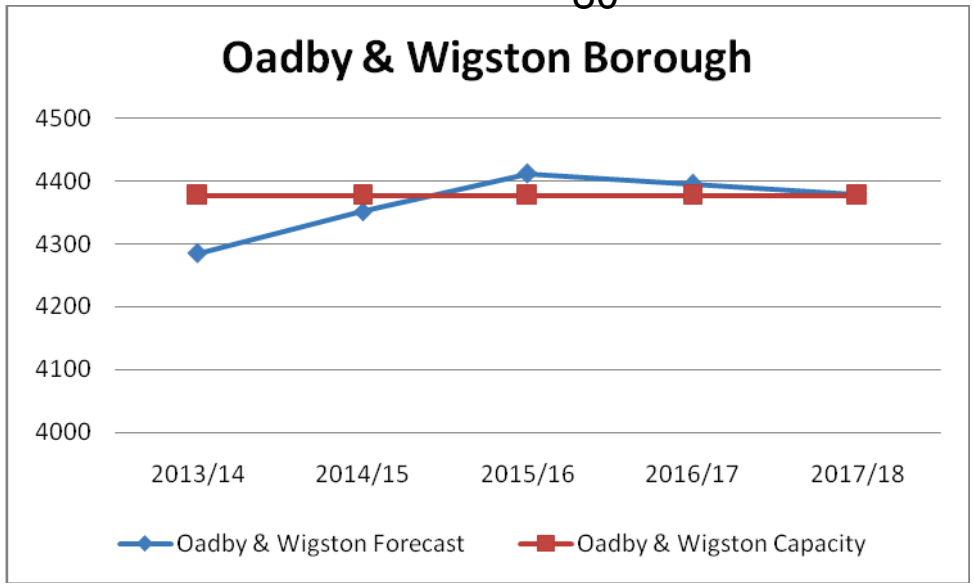
The gap indicated between capacity and forecast pupil numbers largely relates to Hinckley town centre, but there are also emerging issues in Barwell and Earl Shilton.



The proposed location of the SUE(1,000 homes) is being reviewed following the Inspectors rejection of the Scafford Road site.



Planning permission has been granted for Phase 1 of Bardon Grange, Coalville SUE(3,500 homes), this includes the provision of a new Primary School . A planning application has been submitted for the Castle Donington SUE(975 homes) but has not yet been determined, this also includes provision for a new primary school.



There is no SUE allocation for this area.



SCHOOLS FORUM

2014/15 School Funding

26 November 2013

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	X	Pre School	X
Academies	X	Foundation Stage	X
PVI Settings		Primary	X
Special Schools / Academies		Secondary	X
Local Authority		Post 16	X
		High Needs	X

Purpose of Report

Content Requires;		By;	
Noting	X	Maintained Primary School Members	
Decision		Maintained Secondary School Members	
		Maintained Special School Members	
		Academy Members	
		All Schools Forum	X

Introduction

1. This report provides Schools Forum with an update on 2014/15 school funding including the outcome of the submission to the Secretary of State to vary the pupil number count for schools undertaking, or affected by, age range changes.
2. It also provides some background on the expected Schools Budget settlement for 2014/15 and how that is likely to impact on budgets.

Recommendation

3. That Schools Forum note the outcome of Local Authorities request to the Secretary of State for Education to vary pupil numbers for 2014/15 budgets in schools undertaking, or affected by, age range changes.

4. That Schools Forum note the expectations in relation to the Dedicated Schools Grant and school budgets for 2014/15

Funding Age Range Changes

5. Schools Forum considered the changes to be implemented to fund schools undertaking, and affected by, age range changes at meetings on 20 June and 18 September and further discussed them with the Education Funding Agency (EFA) on 27 September.
6. The proposal contained three elements;
- Movement from the previous year's census for affected year groups to a weighted pupil number
 - Protection for schools with falling rolls
 - A technical adjustment to the Minimum Funding Guarantee (MFG) calculation to ensure schools are not disproportionately advantaged or disadvantaged from retaining Key Stage 4 pupils for the first time
7. Following consultation feedback, and as reported at the meeting of the Schools Forum and the EFA on 27 September, the submitted proposal differed from that considered on 18 September in respect of the realignment of estimated pupil numbers to actual numbers in the following year for all schools irrespective of increasing or falling rolls.
8. The local authority submitted a draft proposal for consideration by the Secretary of State on 30 September pending a decision from Cabinet on 15 October. Cabinet agreed to submit the proposal and the EFA were subsequently advised of that decision. The final proposal is included as Appendix 1, this is a technical document required by the EFA and is presented to Schools Forum for completeness, it has also been released to schools.
9. The EFA have confirmed that the Secretary of State intends to approve the proposal when the 2014 school finance regulations are laid and that the 2014/15 draft school funding formula should reflect the changes. The formula submission submitted in October reflects the approved changes.
10. The impact of the changes is summarised in the following table for maintained schools and academies;

<u>Maintained Schools</u>	<u>Academies</u>
<u>Pupil Number Count</u>	
Financial Year Budget (April – March);	Academic Year Budget (September – August)
<u>Age Groups Affected by Change in Financial Year</u>	<u>Age Groups Affected by Change in Academic Year</u>

<p>5/12 Previous October Census 7/12 Estimated October Census in year of change</p> <p><u>Age Groups Unaffected by Change</u> 12/12 Previous October Census</p>	<p>12/12 Estimated October Census in year of change</p> <p><u>Age Groups Unaffected by Change</u> 12/12 Previous October Census</p>
<p>For each year of change schools receive 'Real Time' Funding based upon actual + estimated pupils for affected year groups only –</p> <p>Growing schools will see increases in funding at the point new pupils are admitted / retained</p> <p>Schools with reducing rolls will lose funding at the point pupils are admitted / retained by other schools</p>	
<p>Pupils adjusted for each year of change only – year groups unaffected by change remain funded on a lagged basis</p>	
<p style="text-align: center;"><u>Realignment of Pupil Number Estimates</u></p>	
<p>Pupil number estimates corrected in following year;</p> <p>If October estimated pupil numbers are less than actuals – pupils added the following year</p> <p>If October estimated pupil numbers are higher than actuals – pupils removed in the following year</p>	
<p style="text-align: center;"><u>School Protection</u></p>	
<p>For the first year a school is financially affected by age range changes in another school that result in reducing number on roll;</p> <p>Reduction in pupil numbers protected at 80% i.e. the maximum loss in pupils for the first year of age range change in another school will be 20%</p> <p>Note; protection set at this level for 2014/15 school budgets (financial year for maintained schools / academic year for academies) but will be subject to review for 2015/16 in light of the anticipated national funding formula and for affordability</p>	
<p style="text-align: center;"><u>Ceiling on Formula Gains</u></p>	
<p>Ceiling on gains within the formula restricted to +1.5% per pupil</p>	
<p style="text-align: center;"><u>Minimum Funding Guarantee</u></p>	
<p>Previous year per pupil funding adjusted to the ratio of Key Stage 3 and Key</p>	

Stage 4 pupil numbers in the year of change for Minimum Funding Guarantee calculation

It should be noted that the proposal only funds the change in pupil numbers resulting from the age range change, it does not fund the impact of demographic growth or reduction in pupil numbers.

2014/15 Dedicated Schools Grant Settlement

11. The Dedicated Schools Grant (DSG) settlement for 2014/15 will be a one year settlement which is not expected to be released until after the Chancellors autumn statement which is scheduled for 4 December. Whilst the national quantum has been set for school funding in 2014/15 there are some uncertainties relating to both the settlement and its timing.
12. The DSG settlement is within three blocks and the expectations for 2014/15 for each block are set out below, information from the EFA is suggestive that the timing of the settlement for each of the blocks may be different ;

Schools Block - this is expected in December and has been confirmed as a cash flat per pupil settlement based upon the October 2013 census, this will not allow for additional funding for pay awards retrospectively for 2013/14 or its full year impact in 2014/15. The ability of academies to set out their own pay and conditions and the introduction of performance related pay for teachers makes it impossible for the local authority to assess the financial impact given the ability for each school to adopt a different position.

The Minimum Funding Guarantee (MFG) is confirmed as minus 1.5% per pupil for 2014/15.

The draft funding formula submitted to the EFA in October has not included any uplift to the formula factor values used in 2013/14, neither is it anticipated that the settlement will change this position when the final formula is submitted in January 2014.

It is widely expected that the budget held for the Carbon Reduction Commitment will be removed by the EFA nationally now schools are not contained within local authority schemes. It should be noted that authorities were not granted additional funding for this at the time it was introduced.

High Needs - this is confirmed as a cash settlement based upon previous spend, it is not expected that the settlement will be adjusted for changes in demand and numbers of pupils. 2014/15 will be the first full financial year for the post 16 funding changes which may bring pressure on the settlement. It will not be possible to fund the additional costs of pay awards for special schools or on top-up funding for primary, secondary and special schools. The contingency set in this block for 2013/14 has been removed and has been reallocated to fund protection for schools with falling rolls as a result of age range changes.

The settlement for this block is not expected until March 2014 and will give problems in balancing the overall budget, the budget will need to be agreed before this is confirmed in order that budget information can be released to schools. This is a particular issue given that in 2013/14 the EFA made a number of changes to the settlement post April 2013, it is not known whether this will be the case again.

Early Years - it is expected that this settlement will be a per pupil amount based upon the Spring term headcount for three and four year olds using the same funding rates as 2013/14. Confirmation of the settlement will be after the budget has been set, as in previous years it will be necessary to estimate on un-validated headcount information.

It is also anticipated that the settlement will include funding for two year old places, this settlement may also be delayed as the EFA are advising that there may be difficulty in obtaining income data from HMRC that will identify the number of eligible disadvantaged children. The entitlement also moves to include provision for the 40% most deprived two year olds and two year olds with special educational needs in September 2014. Again this settlement is expected to be the same per pupil as for 2013/14 and will not allow for any increase in the rate paid to providers for places

2015/16 Expectations

13. It remains the intention of the DfE to move to the next stage of what is now the National Fair Funding Formula in 2015/16 and a consultation is expected on the framework and detail of its implementation early in 2014. It can be expected that the challenges faced by local authorities in implementing the 2013/14 changes will be present again in the lead in time to 2015/16.
14. The EFA announced recently through a national funding conference that the expectation is that the DSG settlement for 2015/16 may be 'better than cash flat', it is uncertain what this means but it could indicate that there may be transitional funding to assist its implementation.
15. The National Fair Funding Formula will only apply to the Schools Block settlement and the distribution of funding to individual schools. There is no indication of how the High Needs block will be flexed to take account of changes in the number of high needs pupils, this is a concern given that the current settlement is based upon historical spend and not need.
16. It has been confirmed that MFG will be present within the new arrangements but have not stated at what level that will be. Ministers have also stated that they wish to see movement to the national formula sooner rather than later, the speed of the transition will dictate the level of MFG with a shorter transition resulting in more turbulence and greater losses and gains for schools.
17. For the Early Years Block it is expected that this will continue to be a per capita amount for three and four year olds, two year old funding is also expected to move to a participation basis rather than the current position of funding eligible children. The DfE wish to move to a national early years formula possibly for 2016/17.

Resource Implications

18. Initial modelling, based upon the 2013/14 school dataset issued by the EFA, identifies that 31 schools with a financial impact arising from the proposals to fund age range changes, of these;
 - 16 schools are estimated to see a reduction in funding
 - 15 schools are estimated to see an increase in funding

The local authority has met with a number of schools to discuss the impact of the changes and how that can be managed at school level.
19. Pupil number estimates taken from data on September 2014 school admissions and from expected numbers of retained pupils where schools are growing in number will be shared with affected schools in the week commencing 2 December and will give a brief opportunity for schools to ensure they are not materially different to those expected.
20. The dataset for the 2014/15 budget is expected to be released to local authorities by the EFA in early December, the modelling will be revised to take account of this and the estimated admissions data, that may affect the overall impact upon individual schools.
21. School protection will be funded from:
 1. The restriction on the ceiling on schools gaining from the 2013/14 formula revisions to no more than plus 1.5% per pupil. Schools Forum should note that the proposal approved by the DfE also includes permission to disapply the proposed additional grant condition on 2014/15 Dedicated Schools Grant (DSG) to allow the capping factor to include the cost of school protection in addition to the MFG.
 2. The release of contingency from the High Needs Budget and the use of DSG reserve
22. The level of school protection will need to be reviewed for 2015/16 for both affordability and any implications arising from the next phase of implementation of the national funding formula in 2015/16.
23. The 2014/15 DSG settlement will not allow for inflationary pressures to be funded in school budgets or for early years providers. Schools will need to plan to absorb those additional costs in addition to the minus 1.5% per pupil minimum funding guarantee or the plus 1.5% gain on the formula.

Equal Opportunity Issues

24. The proposal does not impact upon any protected characteristics, it is concerned with the allocation of funding to individual schools.

Background Papers

Leicestershire County Council Cabinet 15 October 2013 – Funding Schools Affected by Age Range Changes

[http://politics.leics.gov.uk/Published/C00000135/M00003635/AI00035914/\\$FundingSchoolsAffectedByAgeRangeChanges.docxA.ps.pdf](http://politics.leics.gov.uk/Published/C00000135/M00003635/AI00035914/$FundingSchoolsAffectedByAgeRangeChanges.docxA.ps.pdf)

Schools Forum 18 September 2013 – School Funding Formula 2014/15 and Funding Age Range Changes

[http://politics.leics.gov.uk/Published/C00001018/M00003870/AI00035820/\\$Item5201415FormulaandFundingAgeRangeChanges.pdfA.ps.pdf](http://politics.leics.gov.uk/Published/C00001018/M00003870/AI00035820/$Item5201415FormulaandFundingAgeRangeChanges.pdfA.ps.pdf)

Schools Forum 20 June 2013 – School Funding Arrangements 2014/15

[http://politics.leics.gov.uk/Published/C00001018/M00003871/AI00034948/\\$Item7SchoolFunding201415.docA.ps.pdf](http://politics.leics.gov.uk/Published/C00001018/M00003871/AI00034948/$Item7SchoolFunding201415.docA.ps.pdf)

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Leicestershire County CouncilProposal to Disregard Regulation 13 (pupil numbers) and Minimum Funding Guarantee Exclusion

The proposal is submitted in order that Leicestershire County Council can respond to the funding needs of schools affected by age range changes in September 2014 and within the 2014/15 financial year.

This proposal was agreed for submission to the Secretary of State at the County Council's Cabinet on 15 October 2013.

Variation in pupil Numbers

Under Regulation 25 (i) of the School and Early Years Finance (England) Regulations 2012, Leicestershire County Council is seeking the approval of the Secretary of State to disregard the pupil numbers from the October 2013 school census in favour of a weighted average to reflect the change in pupil numbers for schools undertaking or affected by age range changes in other schools in September 2014.

For the affected year group the October 2013 pupil numbers will be amended by (7/12ths) of the anticipated change due to take place the following September. In doing this, we will estimate the total intake for the affected age group for September 2014 at the affected schools. We will continue to make these adjustments until the new age range has fed through (e.g 2 adjustments for a KS3 school taking on KS4 pupils)

Where a school already has a Key Stage but the pupil numbers will be impacted upon in the future by that school changing its own age range (e.g. a KS4 school extending to take in KS3 pupils who will eventually become KS4), then no adjustments will be made in respect of these pupils (i.e. no KS4 adjustment will be made in anticipation of the KS3 pupils become KS4 in the following year).

In estimating pupil numbers the local authority will seek to ensure that the net pupil movement will be nil. This will be achieved by only amending the pupil year group subject to change. Actual pupil numbers will be taken, which will then have one adjustment to allow for the total pupils in each key stage that would be affected by an age range change.

In the example below this school will be affected by another school retaining 250 Year 10 pupils in Sept 2014. If we adjust for the 250 pupils and roll all the year groups on a year for the 2014-15 budget, we will fund them for 1,200 pupils in 2014-15. However this will mean as well as losing the 250 pupils, they will not be funded properly for the October 2013 Year 11, which is not affected by age range changes.

Our plan is therefore to subtract the 250 pupils from the Oct 2013 actual numbers, and fund them for 1,250 pupils. That way we are only making an adjustment for the age-range change, and not building in other demographic changes. To correct for actuals in the following year, we will look at the Oct 2014 intake and compare it to the 500 estimated intake. If it was higher we would add on the difference to the next set of pupil numbers, but if it was lower we would remove the difference from the next set of pupil numbers.

	Actual Oct 13 Pupils	Estd Oct 14 Pupils No age range change	Estd Oct 14 Pupils with age range change
Year 10	700	750	500
Year 11	800	700	700
Total	1500	1450	1200

	Proposed Oct 13 Pupils for 2014-15 budget
Year 10	700
Year 11	800
Age Range Adjustment	-250
Total	1,250

Protection for Schools Losing Pupils

When the amendment is a reduction in pupils, we will protect the affected school by 80% of the loss, thereby only reducing the key stage concerned by 20% of the total reduction. This protection will only apply to year 1 of the change. Year 1 will be the first year a school loses pupils due to another school changing its age range. A losing school could have more than one "Year 1", if it is affected by a second school changing its age range in a subsequent year.

2014-15 is the first year of this new system, so protection will apply to all schools losing pupils in 2014-15.

If a school is gaining in one key stage and losing in another, the pupil changes will be weighted using the Key Stage funding per pupil to ascertain if there is a net loss and the level of protection required. e.g. a school gains 180 KS3 and loses 470 KS4. 180 KS3 pupils are equivalent to 151 KS4 pupils in funding terms, so the net loss in KS4 terms is $(470-151)=319$ pupils. The protection applied to KS4 would therefore be 80% of 319 (and not 80% of 470)

In calculating the Minimum Funding Guarantee for 2015/16 we will request that the funding protection given to individual schools be excluded.

Funding the cost of protection

For 2014/15 the estimated total loss is approximately £3.3 million to schools who would be losing pupil numbers. The first call on funding for protection will be headroom within the DSG settlement and DSG reserves but it may be necessary to cap the ceiling on formula gains in order to provide additional funding. Setting the ceiling at 1.5% for all schools would generate approximately £2.2 million, (equivalent to the funding of approximately 66% of the loss). The total losses outlined in this paragraph assume that any gains are netted off from the loss.

We also request permission to disapply the proposed condition on Dedicated Schools Grant to enable the capping level on schools gaining by formula changes to a sufficient level to meet the additional costs arising from the level of protection being offered to schools with falling numbers as a direct consequence of age range changes. In this manner it is possible to protect the current per pupil entitlement which will may need to be reduced should the local authority have insufficient headroom within the 2014/15 DSG settlement to fund protection.

We would like to establish the principle for future years would be that the ceiling does not drop below 1.5%. Variations in the cost of protection unable to be funded from DSG reserves would be met through amending the per pupil funding. When the per pupil funding reaches it's 2013-14 level again, then the ceiling could be increased if the total funding available allows.

Minimum Funding Guarantee and Ceiling

Leicestershire has differential per pupil entitlements for Key Stage 3 and Key Stage 4, in order that schools do not receive inappropriate gains from an intake of Key Stage 4 pupils we also request a variation to the application of the Minimum Funding Guarantee and the scaling factor on formula gains.

For example a high school which only currently has key stage 3 children is gaining Key stage 4 children would appear to be large gainers when comparing the funding per pupil to the previous year baseline. We would like to amend the Minimum Funding Guarantee and Ceiling calculation for schools impacted by the age range changes. In order to avoid an inappropriate MFG/ ceiling calculation after these pupils have become actuals we would want to re-calculate the previous year's baseline funding per pupil, as per the following example which uses a school that has changed it age range in 2014/15.

2013/14 Budget	2014/15 Budget	2015/16 Budget
October 2012 Census	October 2013 Census	October 2014 Census
Pupil Funding:	Pupil Funding:	Pupil Funding:
KS3 650 pupils	KS3 634 pupils	KS3 563 pupils
		KS4 328 pupils
	Addition to October 2013 Census	Addition to October 2014 Census
	KS4 7/12ths of the Estimated Oct'14 intake 328 pupils	KS4 7/12ths of the Estimated Oct'15 intake 350 pupils

Key Stage	Oct '14 Actual Pupil No's.	Profile%		
KS3	563	63%		
KS4	328.00	37%		
Total	891			
Key Stage	Actual Oct'13 Pupil No's.	2014/15 (£) Per pupil	Total Funding (£)	Average Per Pupil funding (£)
KS3	634	£3,571	£2,263,782	-
KS4	0	£4,263	£0	-
Total	634		£2,263,782	£3,571
Key Stage	Oct'13 Pupil No's. re-profiled based on Oct'14 actual % profile	2014/15 (£) Per pupil	Total Funding (£)	Average Per Pupil funding (£)
KS3	400.61	£3,571	£1,430,425	-
KS4	233.39	£4,263	£994,909	-
Total	634		£2,425,335	£3,825
	Adjustment required to average funding per pupil			£255
	Original MFG Baseline 14/15 funding per pupil			£3,840
	Adjustment to the MFG Baseline 14/15 funding per pupil			£255
	Adjusted MFG Baseline 14/15 funding per pupil			£4,095

In this example £3840 would have been the 2014/15 MFG baseline used in the 2015/16 budget as calculated in the normal method, we would increase this figure by £255 to allow for the change in age range that has occurred in the October 2014 census.

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SCHOOLS FORUM

Schools Budget Outturn 2013/14

26 November 2013

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	X	Pre School	X
Academies	X	Foundation Stage	X
PVI Settings	X	Primary	X
Special Schools / Academies	X	Secondary	X
Local Authority	X	Post 16	X
		High Needs	X

Purpose of Report

Content Requires;		By;	
Noting	X	Maintained Primary School Members	
Decision		Maintained Secondary School Members	
		Maintained Special School Members	
		Academy Members	
		All Schools Forum	X

Purpose of Report

1. This report sets out the estimated 2013/14 Schools Budget outturn and the financial performance of the Schools Budget as estimated at the end of October.

Recommendation

2. That Schools Forum notes the estimated financial position of the Schools Budget for 2013/14.
3. That Schools Forum notes the current forecast position on the Dedicated Schools Grant reserve and its use.

2013/14 Schools Budget Outturn

4. The 2013/14 forecast outturn position for the Children and Young People's Service is summarised in the following table. The table presents information for both the School and LA budget for completeness but reports in detail only on the Schools Budget.
5. Overall the Schools Budget is forecast to underspend by £3.699m. The 2013/14 budget included the movement of £2.5m from the Schools Block to the High Needs Block to ensure there was financial capacity to address any unidentified financial issues arising from the significant changes, including the transfer of financial responsibilities for post 16 SEN funding, this contingency has now been released as current financial and service information are suggest the financial impact being minimal, this accounts for 67% of the current overspend.
6. The following table presents the financial position, it should be noted that the CYPS budget has been restructure as a result of the departmental restructure in April 2013 and is shown in a different format to that within the budget report presented to Schools Forum on 21 February 2013;

	Total £,000	Schools Block £,000	Early Years Block £,000	High Needs Block £,000	LA Block £,000
Directorate	513	0	0	0	513
Children's Social Care	342	0	0	0	342
Education & Learning	(895)	(21)	(613)	(103)	(157)
Commissioning and Development	(2,215)	0	0	(2,484)	268
CYPS Other	(1,442)	0	(478)	0	(964)
Total	(3,697)	(21)	(1,091)	(2,587)	2

7. The significant variances in each of the budget blocks are detailed below:

	Variance		
	£,000	%	
<u>Early Years Block</u>			
Nursery Education - 2 year olds	(500)	(29.3%)	Take up rate for free nursery education for disadvantaged children is less than expected
Graduate Leader Fund	(75)	(9.8%)	Changes in statutory duties and expectations on qualifications result in an underspend
Dedicated Schools Grant	(478)	(2.2%)	The DSG settlement for early years is affected by changes in the participation rate for three and four year olds. The Spring term headcount was higher than anticipated in the budget

High Needs Block			
At the point of setting the 2013/14 budget the final settlement for the High Needs Block had not been received, indeed the final DSG allocation for this area has been amended on several occasions since February 2013 as funding arrangements such for post 16 places in special schools, that the new high needs arrangements were implemented at the beginning of the academic year have been confirmed by the EFA.			
Education of Vulnerable Groups	(103)	(0.9%)	A number of smaller underspends in learning support services such as support for hearing and visually impaired pupils, autistic pupils largely through non replacement of staff
Mainstream top up funding	(1,500)	(22.8%)	Release of budget contingency
Special Needs Unit top up funding	(236)	(6.9%)	Additional funding received from EFA in respect of special academies.
16+ top up funding	(748)	(33%)	Additional funding received from EFA for 16+ places at mainstream and special schools

Dedicated School Grant Reserve

8. Funding age range changes is estimated to cost c£2.7m in 2014/15. There are two elements that will combine to determine the final cost of funding age range change, the first being the per pupil ceiling on formula gains and the second the cost of 80% protection. The final figure cannot be confirmed until January 2014 when school budgets are re-calculated from the October 2013 dataset which is expected to be released to local authorities in mid- December. For 2014/15 the net cost of school protection will need to be funded from the DSG reserve.
9. The 2014/15 budget will be challenging for a number of reasons;
 - a) the settlement for the three budget blocks are all expected at different points in time and the high needs settlement is not expected until March 2014 and significantly after school budgets need to be confirmed. This will not allow for an objective review of the overall settlement and will limit the ability to move funding between block as undertaken for the 2013/14 budget.
 - b) the settlement will be cash flat, no increase is expected in any element of the settlement. The only expected adjustment is funding for the increase early education offer to two year olds but it is unclear whether this will be sufficient to meet the full cost.
 - c) 2014/15 will be the first full financial year that the high needs budget is required to meet high needs costs related to academies and FE providers.
 - d) the early education offer extends to the most 40% deprived two year olds and two year olds with SEN in September 2014. There is no activity data upon which to set this budget.
 - e) it is expected that the DfE will remove budgets for the carbon reduction from the Schools Budget settlement, there is currently no indication on what basis this will take. For many transferred responsibilities such as the end of LACSEG and

the introduction of the Education Services Grant, Leicestershire has seen funding removed at the rate of the national average spend rather than actual budget. If this is the case then it can be expected that the loss of funding will exceed the current budget allocation.

- f) the DSG settlement will be reduced to remove the floor funding to deliver nursery education to 90% of three year olds which will see £0.665m removed from the overall settlement.
- g) upon conversion to sponsored academy status any deficit held by the maintained school reverts to the local authority, Leicestershire now has a number of schools with an Ofsted judgement of Special Measures which increases the financial risk. £2.5m is held within the DSG reserve for this purpose, it is not proposed that this is adjusted at this point but this will need to be revisited prior to setting the 2014/15 budget.

For these issues a prudent assessment of the use of the DSG reserve and its allocation is required and is detailed within the following table;

	£,000
Unallocated Balance as at 20 June 2013	1,885
Adjustments:	
Provision for cost of education with children with medical needs – this was set aside to establish an appropriate budget but can now be contained within the High Needs Block	377
Schools Block forecast underspend	21
Early Years Block forecast underspend	1,091
High Needs Block forecast underspend	2,587
Set aside for funding age range changes	(2,700)
Updated Unallocated Balance to be	3,261

- 10. In earlier years it has been possible to fund activities such as one off school improvement activities, the restrictions now on Schools Block expenditure mean that DSG reserves are also subject to those restrictions which does limit how the reserve can be allocated.
- 11. The terms and conditions for DSG require any underspend or overspend on DSG to be allocated to future budgets; it is proposed that the unallocated balance is considered within the overall School Budget for 2014/15.

Resource Implications

- 12. Resource implications are contained within the main body of this report.
- 13. Whilst the 2014/15 budget is expected to be extremely challenging given both the changes in funding mechanisms in 2013/14, the expected late release of the full DSG settlement and increased demand within a cash flat settlement, the Schools Budget remains subject to national protection which is not the case for public services at large.

Equal Opportunity Issues

14. None arising directly from this report.

Background Papers

Schools Forum 21 February 2013 – 2013/14 Schools Budget

[http://politics.leics.gov.uk/Published/C00001018/M00003779/AI00034014/\\$PaperC201314SchoolsBudget.pdfA.ps.pdf](http://politics.leics.gov.uk/Published/C00001018/M00003779/AI00034014/$PaperC201314SchoolsBudget.pdfA.ps.pdf)

Schools Forum 18 September 2013 – School Funding Formula 2014/15 and Funding Age Range Changes

[http://politics.leics.gov.uk/Published/C00001018/M00003870/AI00035820/\\$Item5201415FormulaandFundingAgeRangeChanges.pdfA.ps.pdf](http://politics.leics.gov.uk/Published/C00001018/M00003870/AI00035820/$Item5201415FormulaandFundingAgeRangeChanges.pdfA.ps.pdf)

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