



**Brighton & Hove
City Council**

Overview & Scrutiny

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| Title: | Children & Young People's Overview & Scrutiny Committee |
| Date: | 16 June 2010 |
| Time: | 5.00pm |
| Venue | Council Chamber, Hove Town Hall |
| Contact: | Sharmini Williams Overview & Scrutiny Support Officer 29-0451 sharmini.williams@brighton-hove.gov.uk |

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CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY COMMITTEE

The following are requested to attend the meeting:

Councillors:

Older (Chairman), McCaffery (Deputy Chairman), Davis, Duncan, Hyde, Mrs Norman, Phillips and Smart

Statutory Co-optees with Voting Rights

Mike Wilson

Diocese of Chichester

David Sanders

Diocese of Arundel & Brighton

Non-Statutory Co-optees without Voting Rights

Carrie Britton

Children's Health

Joanna Martindale

Community Voluntary Sector Forum

Mark Price

Youth Services

Rohan Lowe

Youth Council

Alex Qiu

Youth Council

AGENDA

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CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY COMMITTEE

Item 10b – June 2010 to March 2011 Work Programme

Copy attached.

Contact Officer: *Sharmini Williams* Tel: 29-0451
Ward Affected: *All Wards;*

11. ITEMS TO GO TO FORWARD TO CABINET, OR THE RELEVANT CABINET MEMBER MEETINGS AND FULL COUNCIL

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Sharmini Williams, (29-0451, email sharmini.williams@brighton-hove.gov.uk) or email scrutiny@brighton-hove.gov.uk

Date of Publication - Tuesday, 8 June 2010

Agenda Item 1

To consider the following Procedural Business:-

A. Declaration of Substitutes

Where a Member of the Committee is unable to attend a meeting for whatever reason, a substitute Member (who is not a Cabinet Member) may attend and speak and vote in their place for that meeting. Substitutes are not allowed on Scrutiny Select Committees or Scrutiny Panels.

The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

B. Declarations of Interest

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Commission, an Overview and Scrutiny Committee or a Select Committee has a prejudicial interest in any business at meeting of that Committee where –
 - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken the Member was
 - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
 - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:-
 - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
 - (b) not to exercise executive functions in relation to that business and

(c) not to seek improperly to influence a decision about that business.

(4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:-

- (a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence,
- (b) if the Member has obtained a dispensation from the Standards Committee, or
- (c) if the Member is the Leader or a Cabinet Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

C. Declaration of Party Whip

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda as set out at paragraph 8 of the Overview and Scrutiny Ways of Working.

D. Exclusion of Press and Public

To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is confidential and therefore not available to the public.

A list and description of the exempt categories is available for the public inspection at Brighton and Hove Town Halls.

BRIGHTON & HOVE CITY COUNCIL
CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY COMMITTEE

5.00PM 24 MARCH 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Older (Chairman); McCaffery (Deputy Chairman), Allen, Hyde, Phillips, Smart and Wakefield-Jarrett

Statutory Co-optees: with voting rights: Mike Wilson (Diocese of Chichester)

Non-Statutory Co-optees: Carrie Britton (Children's Health) (Non-Voting Co-Optee), Joanna Martindale (Community Voulntary Sector Forum) (Non-Voting Co-Optee), Mark Price (Youth Services) (Non-Voting Co-Optee), Kenya Simpson-Martin (Youth Council) (Non-Voting Co-Optee) and Azdean Boulaich (Youth Council) (Non-Voting Co-Optee)

Apologies: Councillor Pat Drake and David Sanders

PART ONE

45. PROCEDURAL BUSINESS

45a. Declaration of Substitutes

45.1 There were none. Councillor Pat Drake and David Sanders (Diocese of Arundel & Brighton) sent their apologies.

45b. Declarations of Interest

45.2 There were none.

45c. Declaration of Party Whip

45.3 There were none.

45d. Exclusion from the Press and Public

45.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

45.5 RESOLVED – That the press and public not be excluded from the meeting.

46. MINUTES OF THE PREVIOUS MEETINGS

- 46a1 A Member pointed out that paragraphs 35.20 and 35.26 of the meeting on the 5 January, 2010 minutes appeared to contradict one another. Officers explained that this was not in fact the case, but that the minutes should be made clearer.
- 46a2. The minutes of the meeting from the 5 January, with the amendment detailed above were accepted.
- 46b1. The minutes of the meeting from the 20 January, 2010 were accepted.

47. CHAIRMAN'S COMMUNICATIONS

- 47.1 The Chairman informed the Committee that there was a change to the Agenda and that Di Smith, the Director of Children's Services and Councillor Vanessa Brown, the Cabinet Member for Children and Young People had attended the meeting to update CYPOSC on the recent events at Portslade Community College (PCC). Councillor Kevin Allen had requested this additional item be added at late notice.
- 47.2 The Committee was informed that the Government agenda was to raise educational attainment and that PCC had been below target of 30% 5+A* to C including English and Maths for a long period of time. Conversations with the Department for Children, Schools and Families and the Office for the Schools Commissioner (OSC) indicated that there was insufficient diversity in terms of types of secondary schools in Brighton and Hove. The OSC indicated that this would need to be addressed as part of preparations for BSF. Therefore the proposal for an Academy at PCC had been driven by the need to improve standards and offer more diversity in secondary school provision.
- 47.3 In answer to questions regarding concerns on what other choices there were for the PCC and the involvement of Rod Aldridge sponsoring this Academy in addition to Falmer, the Committee were informed that these were; to close the school; to become a National Challenge Trust School; or to Federate with a nearby high achieving secondary school. The only viable option was for the College to become an Academy.
- 47.4 In response to an answer on whether secondary heads had been consulted, the Committee were advised that this information was shared with secondary heads through the ongoing dialogue of Building Schools for the Future and the possibility of a further Academy was first mentioned in July 2009.
- 47.5 The Academy will have Rod Aldridge as the sponsor, the local authority as co-sponsor and the University of Sussex as Education Partner.
- 47.6 It was noted that there was strong support for the Headteacher at PCC (who was previously the Headteacher at Falmer, before it became an Academy) and there were concerns over his future if the College was to become an Academy.
- 47.7 In relation to a question on why Councillors were not contacted directly about the Statement of Intent, it was indicated that communication had been complicated by the death of a member of staff and the subsequent deferment of the school's Ofsted.

47.8 Azdean Boulaich (representative for the Youth Council) asked what would happen if the proposals were not successful; the Committee were informed that of the options available, becoming an Academy was the only viable one.

47.9 The Chairman thanked the Director of Children's Services and the Cabinet Member for Children and Young People for updating CYPOSC on PCC, in response to Councillor Allen's request.

47.10 RESOLVED-

(1) Members requested a timetable of future events for PCC as the proposals progress to the Expression of Interest stage.

47.11 The Chair informed Members that the Agenda would be altered to the following order: 49,50, 52, 51, 48 and 53.

47.12 The Committee were updated on the following Scrutiny Panel's:
The School Exclusion Scrutiny Panel have come up with some recommendations and have a further meeting with Jo Lyons, the Assistant Director for Learning, Schools and Skills.

The Children & Culture Scrutiny Panel had their scoping meeting where Cllr. Melanie Davis was elected as the Chair and the Panel have arranged 4 public meetings.

The Children & Alcohol Scrutiny Report went to Licensing Committee on the 4 March where it was endorsed and it will be going to Full Council on the 13 May 2010.

47.13 The Chair informed the Committee that Adult Social Care & Housing Overview & Scrutiny Committee have agreed to have a Scrutiny Panel on services for people with Autistic Spectrum Disorders, and the Panel are not looking for any further involvement from CYPOSC other than to be made aware that how Children's services link into Adult services will be key here.

47.14 The Chair welcomed Joanna Martindale (representative for the CVSF) who is covering Rachel Travers maternity leave.

47.15 The Chair told Members that there would be a new parent governor representative who was called Amanda Mortensen, who would stand for 4 years and that she would be here for the next meeting.

48. THERAPY SERVICES FOR DISABLED CHILDREN

48.1 This Item was taken after Item 51 – School Examination and Test results.

48.2 Jenny Brickell, Head of Integrated Children's Development & Disability Service and Jo Lyons, Assistant Director, Learning Schools and Skills presented the report.

48.2 In relation to a question on the 33 week, long waiting lists for Occupational Therapists, Members were told that since the recommendations from the Consultancy Service the Primary Care Trust (PCT) increased funding by £50,000 to try and reduce the waiting

lists. Members were informed that the Service is going through some transformational changes and parents felt that their concerns were being addressed.

- 48.3 The Committee were informed that the renegotiations for the Section 75 arrangements with the PCT, which looked at spending of resources had been finalised and these changes would take time to put in place.

From April 2010 the PCT would be a firmly part of the Children's Trust and the arrangements would be to ensure improving the provider and commissioning functions of the Trust.

- 48.4 The Committee were told that Jo Lyons, the Assistant Director, Learning, School and Skills was now responsible for Therapy Services and that the service was looking at doing things differently and that this service was a top priority for her.

- 48.5 The Committee agreed to have an update on the progress of the recommendations made within the report and a how the recent Lamb Inquiry on Improving Educational Confidence had impacted the service, later on in the year.

- 48.6 In response to a question on speech therapists the committee were told that much work had been done to look at Health and education budgets to improve support by building capacity, training Teaching Assistants and other staff to provide speech and language support where it is needed.

- 48.7 The Committee were informed that the proposed savings of £318,000 to the Aiming High Grant had been reviewed and that no savings would be made to the Aiming High Grant and that the Parent Carers' council were informed of this too.

- 48.8 RESOLVED-

(1)The Committee agreed to have an update on the progress of the recommendations made within the report and a how the recent Lamb Inquiry on Improving Educational Confidence had impacted the service, later on in the year.

49. PUBLIC QUESTIONS

- 49.1 There were none.

50. LETTERS FROM COUNCILLORS

- 50.1 There were none.

51. SCHOOL EXAMINATION AND TEST RESULTS (INCLUDING RESPONSE TO LETTER FROM COUNCILLOR HAWKES)

- 51.1 This report was heard after Agenda Item 52 – Traveller Education Report.

- 51.2 Linda Ellis – Head of Advisory Service (11- Adult), Hilary Ferries, Head of Advisory Service (Early Years – Primary) and Jo Lyons, Assistant Director, Learning, Schools & Skills presented the report and response to Councillor Pat Hawkes' letter.

- 51.3 The Committee thanked the Officers for their presentation which they found helpful, clear and showed what different methods of monitoring were in place.
- 51.4 In answer to a question on who School Improvement Partners were, the Committee were informed that these were mostly Headteachers, or ex- Headteachers who worked with underperforming schools. The School Improvement Partners were there to support, and challenge the school that they were working with. There is one School Improvement Partner per school.
- 51.5 In response to a question on pupils entering a large number of exams and whether they could perform better if they took less exams, the Committee were informed that pupils could take as many as 15 exams and that pupils would be judged on their best 8 results. Different schools have different stances on the number of subjects that pupils take.
- 51.6 Members agreed that schools that were underperforming were right to be challenged to raise future exam results.
- 51.7 The Committee were informed that schools that were causing concern, had action plans, these plans were monitored and if the school continued to underperform, the school would be issued with a Warning Notice.
- 51.8 In relation to a question on poor standards of behaviour that was referred to in Cllr. Hawkes' letter; which stipulated that the Oneplace" report said that "*Fewer than average schools have a good standard of behaviour*". The Committee heard how slightly more than 50% of schools had satisfactory behaviour and no schools had poor behaviour.
- 51.9 In answer to a question on why the performance from Early Years-Primary to Secondary schools had dropped, the Committee were informed that 8% of Year 6 did not transfer to Brighton & Hove schools; these pupils either went onto private schools or schools outside of the area. It was found that 20% of the pupils in Year 11 were not from Brighton & Hove Primary schools.

Performance of pupils in Brighton & Hove was better than some coastal cities which share many of the same problems e.g. Portsmouth

Schools are working on more interesting curriculums and this could be one of the reasons that Falmer has performed so well.

- 51.10 In response to a question on the presentation and why girls were not progressing, the Committee were informed that girls that do not perform as well as boys in maths. Girls performed better than boys, but were not progressing as much as they should have been and it was uncertain as to why this was happening.

The Committee heard that the transition from Primary into Secondary was difficult and that schools were looking at this by having fewer teachers and a smaller environment in Year 7; to help support this transition.

51.11 In answer to a question on whether schools monitored the achievement of SEN pupils, it was confirmed that Special Schools track their progress in the same way as mainstream schools. Special Schools also have a School Improvement Partner to ensure that pupils progress at the right rate. That the progress of children with SEN needs in mainstream schools are monitored and are pupils expected to make good progress.

51.12 In response to a question on ethnic groups, referred to in Councillor Hawkes' letter and that there was an anomaly relating to Chinese children's performance in the report, to the presentation. The Committee heard that the statistical presentation was monitored over 3 years and that the Chinese children were performing better than white children.

51.13 RESOLVED-

- (1) The Committee agreed to have a Working Group to look at responding to the letter from Councillor Pat Hawkes and to ask Councillor Pat Hawkes for her comments. The Working Group would be set up after the election.

52. TRAVELLER EDUCATION

52.1 This Item was heard after Item 50- Letters from Councillors.

52.2 Jackie Whitford, Head of Traveller Education Service (TES) and Hilary Ferries, Head of Advisory Service (Early Years and Primary) presented the report.

52.3 The Committee watched a video called "Coming and Going" which was about the Aspects of Identity: Gypsy, Roma and Traveller History and Culture.

52.4 Kenya Simpson-Martin (Youth Council representative) asked whether Traveller children had their own personal logbook system for each young person to take with them when they moved around, so their education can continue where it left off and the young person also has an opportunity to make notes each time on the tuition they receive. The Committee heard how due to moving around the area that families were encouraged to go to the same schools that they started at.

52.5 In response to a question on how services i.e. Environment, Police, Schools and Eviction coordinated and worked together with Traveller families, the Committee heard how issues of Common Humanity take into account the families' length of stay, Education and Speech and Language support. Children in Secondary education do not wish to stay in education and would rather go and work with their parents and earn a living for their families. In cases such as these the Education Welfare Service are sent into speak to these families, as parents have a duty to send their children to school, if they do not do this it could lead to legal proceedings.

The length of stay for Traveller families can vary from 1 week to more than 7 days.

52.6 In relation to a question on how traveller children affect the Not in Education, Employment and in Training (NEET) statistics, the Committee were informed that culturally traveller children would learn the family business from their teenage years. One of the aims of the TES was to open up aspirations for traveller children, to give them a wider choice of career pathways.

The TES often hear that travellers regret not making use of previous opportunities to learn a trade.

- 52.7 The Committee heard how the parents made the decisions on when to move on. Some traveller families parked inappropriately, which meant they would be moved on and in that travellers tended to be disliked by local communities for this reason. The Local Authority has to provide sites, which help to build community cohesion, where the Travellers can stay longer and their children are educated through distance learning.

Distance learning packages mean that the traveller children can meet up with teachers by informing them of where they will be in advance.

The TES speak to parents about the different courses available to their children which could help develop their self employed businesses.

- 52.8 Azdean Boulaich (Youth Council representative) asked how many Gypsy, Roma and Traveller young people there currently were in Brighton & Hove, the Committee were informed there were 35+ traveller young people.

- 52.9 TES confirmed that they had 2 years of funding and it was uncertain whether there was a shortfall in funding and that there were discussions with East Sussex about future funding.

- 52.10 RESOLVED-

(1) Members noted the report.

53. CYPOSC WORK PROGRAMME

- 53.1 The Committee were presented with the Work Programmes for June 2009 - March 2010 and June 2010 – March 2011.

- 53.2 Members were concerned that many of the reports from June 2009 to March 2010 were for noting and that no action was being taken by CYPOSC. Members were advised that sometimes Scrutiny committees would request a report to monitor how services were progressing or to look into a specific issue within a service and it maybe once the report has been heard by the Scrutiny committee, that the Scrutiny committee feels content that appropriate measures were in place to improve the situation, that they note the report and no further action is taken. Members were informed that this was part of the scrutiny function.

- 53.3 There was a discussion around the CYPOSC Agenda and how it should mirror the CYPT Board, Members were informed that there were reports that did this already such as Safeguarding, Performance Improvement Reports, the School Examination Results, the Budget and the Section 75 report that was on the June 2010 – march 2011 Work Programme.

53.4 The Committee heard that the Director of Children's Services and the Cabinet Member for Children and Young People were coming back to CYPOSC to inform the Committee of changes to the governance arrangements later on in the year.

53.5 The Committee asked for a structure chart to be included in the "Changes to the CYPT Section 75 arrangements and CYPT governance" report.

53.6 The Committee requested an update on when the child poverty task sub-group of the city's Local strategic Partnership (LSP) were meeting.

53.7 RESOLVED –

(1) A meeting date was requested for the child poverty task sub-group of the city's Local strategic Partnership (LSP).

54. ITEMS TO GO FORWARD TO CABINET, OR THE RELEVANT CABINET MEMBER MEETINGS OR FULL COUNCIL

54.1 There were none.

The meeting concluded at 7.30pm

Signed

Chair

Dated this

day of

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 4

Brighton & Hove City Council

Dear Tom Hook, Head of Scrutiny,

re. Crisis in primary school places in Brighton and Hove

I would like this letter to be placed on the agenda of the next Children & Young People's overview & scrutiny committee meeting on Wednesday 16th June and I would like to attend the meeting as a member of the public and put my question to the panel.

I would ask the panel to address **There is a crisis in primary school places in Brighton and Hove. Children and Young people's services have been collecting information telling them precisely how many children are being born in the city and yet they have FAILED to increase the number of primary school places to the required number, in fact, on the contrary, they have closed primary schools and have extended some only sufficiently to accommodate siblings and no new families?**

This is not rocket science, this is simply logic. There are not enough places and the department has failed in its duty to educate Brighton's youngest and most vulnerable children. **There must be an urgent solution to this crisis now. I propose placing a sign over the M23 – 'Do not move here – we cannot educate your children.'**

I would ask the committee in its 'overview' capacity to carry out an urgent review of the situation now – before September 2010 and open new schools and increase existing schools' capacity in Brighton and Hove by September 2010.

Yours sincerely,

Sally Wells

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 5

Brighton & Hove City Council

Letter to Tom Hook- Head of Scrutiny

Primary School Admissions

I would like this letter to be placed on the agenda of the next CYPOSC meeting for the 16th June and to attend to speak to it.

As the Committee will be aware, there is a growing problem with providing sufficient Primary School places in the city, most particularly in the West Hove and Portslade areas. Reports have already been produced for Children, Families and Schools Cabinet Member Meetings that have demonstrated where the LEA will be seeking to provide extra capacity to accommodate the increased numbers of children but what has been lacking is a full overview of the situation.

I would request that the Committee, using its 'Overview' responsibility, give consideration to calling for a report that will include a three-year timeline from September 2010 – September 2013 that demonstrates clearly the numbers of children in the city entering primary education, the areas in the city that they will be coming from, the planned additional capacity being identified by the LEA and when that additional capacity will come on stream.

Yours sincerely,

Councillor Melanie Davis
Labour Goldsmid Ward
Opposition Spokesperson Culture, Recreation and Tourism

CHILDREN AND YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 6

Brighton & Hove City Council

| | | | |
|-------------------------|--|---------------------|--|
| Subject: | New Council responsibilities for 16 – 19 education and training | | |
| Date of Meeting: | 16 June 2010 | | |
| Report of: | Director of Children’s Services | | |
| Contact Officer: | Name: Michael Nix | Tel: 29-0732 | |
| | E-mail: Michael.nix@brighton-hove.gov.uk | | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 From 1 April 2010, the Apprenticeship, Skills, Children and Learning Act 2009 transferred to local authorities responsibility for planning, commissioning and funding 16 – 19 education in their area, as well as for young people up to the age of 25 where a learning difficulty assessment is in place, and for young offenders in youth custody. These new responsibilities are reflected in the Children and Young People’s Plan. The purpose of this report is to assist Members in considering how they may wish to maintain oversight of these responsibilities, especially during the early commissioning cycles.

2. RECOMMENDATIONS:

- 2.1 That the Children and Young People’s Overview and Scrutiny Committee consider the information contained in this report and comment on the new responsibilities for the City Council.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 As a result of the ASCL Act 2009, the Council now has a duty to secure sufficient suitable education and training provision to meet the reasonable needs of 16 – 19 year olds in its area, and of learners with learning difficulties and/or disabilities up to the age of 25, taking into account provision made in other authority areas. This includes provision made in school sixth forms, sixth form colleges, Further Education (FE) colleges, and by private and voluntary training providers. The Council is also the ‘lead commissioner’ of 16 – 19 education and training for all providers in the city, except Academies and apprenticeship providers.
- 3.2 This development is consistent with the development of Children and Young People’s Trusts. The City Council must now plan to secure the best provision for the young people of Brighton & Hove from pre-school right through to entry into the work place or higher education, in line with local priorities, and taking into account the planned raising of the participation age to 18 by 2015.

- 3.3 Appendix 1 describes the Council's new responsibilities, and the relevant relationships with the national Young People's Learning Agency (YPLA) and with East and West Sussex County Councils. Some key issues for the Council are identified.
- 3.4 Appendix 2 is the National Commissioning Framework issued by the YPLA as statutory guidance to local authorities on how they should fulfil their planning and commissioning role.
- 3.5 Appendix 3 is the Memorandum of Understanding agreed with East and West Sussex, through which the three Councils will work together and plan for their common 'travel to learn' area.
- 3.6 The coalition government has indicated that it will wish to review the roles and structure of the YPLA and of the Skills Funding Agency, which plans and funds 19+ education and training. It has also indicated that it will wish to investigate how colleges might operate under a single funding body. It is not yet clear how these changes, once developed further, may impact upon the local authority's role in relation to 16 – 19 education and training.

4. CONSULTATION

- 4.1 Local providers have been consulted throughout in the development of the Brighton & Hove approach to these new responsibilities, in particular through the 14 -1 9 Partnership Board. The Board has adopted a protocol called 'Partnership for Success', which includes a set of principles for how the authority and providers will continue to work together in the planning and commissioning process.
- 4.2 The approach has also been developed in consultation with East and West Sussex County Councils, with whom Brighton & Hove must continue to work closely on travel to learn area issues.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The council has received a special purpose grant of £396k in 2010/11 to cover the cost of the 7 staff that has transferred in from the LSC. The other funding for schools and 16-19 providers in the city will come in directly from the YPLA and be paid over in accordance with their guidance and criteria.
- 5.2 There is a potential financial risk to the Council relating to the funding of learners with learning difficulties and/or disabilities aged 19 – 25 placed with an Independent Specialist Provider (ISP). The budget for the SE region is managed by the YPLA on behalf of the SE local authorities, but it is possible that any overspend against this budget would fall to be met by the authorities. This is the subject of ongoing discussion between YPLA and the authorities.

Finance Officer Consulted: Andy Moore

Date: 6 May 2010

Legal Implications:

- 5.2 Responsibility for planning, commissioning and funding 16 – 19 education in their area, as well as for young people up to the age of 25 where a learning difficulty assessment is in place, and for young offenders in youth custody, has been transferred to the local authority by the Apprenticeship Skills Children and Learning Act 2009. The new statutory framework and guidance for 16-19 provision is set out in Appendix 1 of the report. Appropriate provision will need to be reflected in the CYPP plan, overseen by the Children’s Trust Board.

Lawyer Consulted: Natasha Watson

Date: 17 May 2010

Equalities Implications:

- 5.3 By bringing all education and training from 0 – 19 within the responsibility of the Council, there is an opportunity to ensure that all children and young people are offered high quality learning, which is responsive to their various needs and accessible.

Sustainability Implications:

- 5.4 The planning and commissioning of 16 – 19 education and training should be integrated with the implementation of the City Employment and Skills Plan, and thereby contribute to sustainable economic development for the city and help to address issues of poverty through skills development for residents.

Crime & Disorder Implications:

- 5.5 Overall, improved and suitable 16 – 19 education and training, and the expectation that all young people will remain in some form of education or training up to the age of 18 (if this policy is retained by the new government), are likely to have a positive impact on reducing the level of crime and disorder. More specifically, the Council’s new responsibilities include ensuring that there is suitable education and training provision for young offenders, whether in custody or in the community, and that there are appropriate plans for ongoing support to these young people.

Risk and Opportunity Management Implications:

- 5.6 None

Corporate / Citywide Implications:

- 5.7 The responsibility for planning, commissioning and funding 16 – 19 education and training is particularly relevant to Council Priorities 1 (Protect the environment while growing the economy) and 3 (Reduce inequality by increasing opportunity). There is a strong relationship with the City Employment and Skills Plan, and the Apprenticeship Strategy.

SUPPORTING DOCUMENTATION

Appendices:

1. Overview of new Council responsibilities for 16 – 19 education and training
2. National Commissioning Framework: summary
3. Memorandum of Understanding with East and West Sussex County Councils

Documents In Members' Rooms

None

Background Documents

1. National Commissioning Framework (YPLA)
2. Children and Young People's Plan 2009 – 2012
3. City Employment and Skills Plan
4. Brighton & Hove Apprenticeship Strategy

APPENDIX 1

Children and Young People's Overview and Scrutiny Committee

16 June 2010

New Council responsibilities for 16 – 19 education and training

Appendix 1

1. As a result of the ASCL Act 2009, the City Council now has the duty to secure sufficient suitable education and training provision to meet the reasonable needs of 16 – 19 year olds in its area, as well as for young people up to the age of 25 where a learning difficulty assessment is in place, taking into account provision made in other authority areas. This includes provision made in school sixth forms, sixth form colleges, Further Education (FE) colleges, and by private and voluntary training providers. The Council is also the 'lead commissioner' of 16 – 19 education and training for all providers in the city, except Academies and apprenticeship providers.
2. This development is consistent with the development of Children and Young People's Trusts. The City Council must now plan to secure the best provision for the young people of Brighton & Hove from pre-school right through to entry into the work place or higher education, in line with local priorities, and taking into account the planned raising of the participation age to 18 by 2015.
3. A new national body called the Young People's Learning Agency (YPLA) has been established to support local authorities in fulfilling their 16 – 19 role. The YPLA will ensure that local authorities' plans can be contained within the national 16 – 19 budget, and will manage the national 16 – 19 funding formula. It has also taken over from the Department for Education (DfE) the commissioning and funding role for open Academies. The DfE retains the planning and decision making functions in relation to new Academies.
4. The Learning and Skills Council (LSC), which was previously responsible for 16 – 19 education and training, ceased to exist on 31 March 2010, and staff have transferred from the LSC to the City Council to lead the new 16 – 19 responsibilities and to provide support for other areas such as 14 – 19, apprenticeships and adult skills. This 'Post 16 Development Team' is located within the 11 – Adult team within the Schools Advisory Service.
5. On 1 April, the YPLA published a National Commissioning Framework as statutory guidance to local authorities on how they should fulfil their planning and commissioning role. The Framework sets out an annual commissioning cycle which includes the development by each local authority of a Commissioning Statement and then a Commissioning Plan. The Framework summary document is included as Appendix 2.
6. The Commissioning Statement should include an overview of current provision, an identification of gaps and concerns, and a description of the

Council's priorities for development. In particular, the Commissioning Statement should demonstrate the Council's strategy for raising the participation age to 18 by 2015. The Commissioning Plan sets out the amount of provision to be made through each provider in the following academic year.

7. Key steps in the commissioning cycle include:
 - Interim Commissioning Statement (July)
 - Final Commissioning Statement (November)
 - Commissioning Plan (February)
 - Funding allocations confirmed (March)

Throughout the cycle, it is essential to engage with providers and other partners individually, and collectively through the 14 – 19 Partnership Board.

8. Authorities must take into account provision made outside their area where learners may choose to attend. This is especially important in an authority such as Brighton & Hove, which sits at the centre of a 'travel to learn' area shared with East and West Sussex. Each year around a quarter (c 950) of Brighton & Hove residents aged 16 – 18 choose to go outside the city for their learning. However, many more from elsewhere choose to learn in the city. This includes around 900 learners from West Sussex and around 550 from East Sussex, and overall the city is a net 'importer' of around 600 learners each year. The three authorities have agreed a formal Memorandum of Understanding (Appendix 3), setting out how they will work together in developing plans which are coherent and do not provide wasteful duplication.
9. The total funding for 16 – 19 education and training providers in Brighton & Hove is in the order of £29m (£23m for colleges and £6m for school sixth forms). This funding will continue to be calculated through the national 'demand led' formula previously used by the LSC, and will be provided to local authorities via the YPLA. Authorities are required to pass on the amounts calculated for each provider. At this stage, therefore, the discretion which authorities may exercise to commission provision differently may be limited. However, the National Commissioning Framework still provides authorities with some powerful levers for influencing the development of provision which meets local needs.
10. For three years, starting in 2010-11, authorities will also receive a Special Purpose Grant to meet the costs of staff transferred from the LSC.
11. The status of the colleges as autonomous legal entities has not changed. However, the local authority is now the statutory sponsor of sixth form colleges in its area, and is responsible for monitoring their performance and financial affairs. The Skills Funding Agency, established as part of the

Department for Business, Innovation & Skills (BIS) to plan and fund 19+ education and training, is the sponsor of FE colleges, such as City College. The Agency must take into account inputs from local authorities in respect of these colleges' 16 – 19 provision.

12. Some key challenges for Brighton & Hove arising from this transfer of 16 – 19 responsibilities may include:
- Securing the development of new provision, especially at Levels 1 and 2, which ensures that there are sufficient and suitable opportunities for all learners to progress and succeed in learning and find employment, especially in the context of raising the participation age to 18 by 2015
 - Challenging unsatisfactory performance and inefficient use of resources, where these exist, and developing a climate across the city where all 16 – 19 providers support each other in the goal of becoming good or outstanding
 - In line with the city's Apprenticeship Strategy, increasing the number of apprenticeship opportunities across the city, and ensuring that these are attractive to learners
 - Ensuring there are strong links between the planning and commissioning of 16 – 19 education and training and the City Employment and Skills Plan
 - With the Economic Development team, building on the work of the successful Education Business Partnership to ensure that there are high quality arrangements for employer engagement in education and training
 - Improving provision for learners with learning difficulties and/or disabilities up to age 25, so that wherever possible they can access local provision that fully meets their needs
13. There is a potential financial risk to the Council relating to the funding of learners with learning difficulties and/or disabilities aged 19 – 25 placed with an Independent Specialist Provider (ISP). The budget for the SE region is managed by the YPLA on behalf of the SE local authorities, but it is possible that any overspend against this budget would fall to be met by the authorities. This is the subject of ongoing discussion between YPLA and the authorities.



Young People's
Learning Agency

National Commissioning Framework

For the provision of learning for young people
in England aged 16–19, or aged up to 25 if
subject to learning difficulty assessment

April 2010

This document is intended to be used by local authorities,
learning providers, and other organisations involved in the
planning, funding and delivery of learning for young people.

Championing Young
People's Learning

Further information

For further information please contact the appropriate regional YPLA office. Contact details for each office can be found on the YPLA's website:
www.ypla.gov.uk

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Acknowledgements

This document sets out guidance on the process for planning and commissioning learning provision for young people in England for the academic year 2011/12 to ensure that the system provides better opportunities for learners to participate and progress in learning.

For information

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Foreword



I am delighted to be able to introduce the National Commissioning Framework for the provision of education and training opportunities in 2011/12 for young people in England.

I should like to thank the many individuals and organisations who responded formally to the consultation on the draft

framework, which was published in October 2009, and to the many others who have commented and contributed at events around the country. The document and the funding and planning frameworks it describes are, I believe, simpler to understand as a result of the input that we received and will, therefore, help partners work together more effectively to improve opportunities for young people.

The key commissioning questions which this document is designed to support are 'what is working well, what is working less well, what do we need more of, what do we need less of, and is there anything new we need to meet young people's needs better? We need to ask these questions with a clear focus on ensuring that every young person is engaged as plans to raise the participation age to 17 in 2013 and 18 in 2015 are rolled out.

Young people benefit from a wide range of different learning opportunities and environments and some face significant barriers to realising their potential. This guidance sets out how local authorities, a wide range of providers, and other stakeholders can identify, plan for, and provide suitable education and training opportunities for every 16-19 year old and every young person aged up to 25 who is subject to a learning difficulty assessment.

The mission of the Young People's Learning Agency is to champion young people's learning and this framework is a means to that end. We are committed to continuous improvement, and we will work with stakeholders throughout the coming year to make the operation of the National Commissioning Framework as smooth as possible and to learn any lessons for subsequent years as it is implemented in practice for 2011/12.

Peter Lauener

Chief Executive Young People's Learning Agency

1 April 2010

The Purpose and Scope of the National Commissioning Framework

1 The role of the Young People's Learning Agency (YPLA) is to champion young people by providing financial support to young learners, by funding academies for all their provision and by supporting local authorities' commissioning of suitable education and training for all 16- to 19-year-olds.

2 As a key part of that role, the YPLA has developed the National Commissioning Framework (NCF), which provides guidance on the process for planning and commissioning learning provision for young people in England for the academic year 2011/12. Local authorities have assumed responsibility for commissioning this provision under the Apprenticeship, Skills, Children and Learning Act 2009 (ASCL Act 2009). The intention is that the NCF should provide whatever information is necessary for local authorities to prepare for and implement their role as lead commissioner, explain the roles and responsibilities of stakeholders, and describe the processes and timescales to ensure that the new system works. The NCF sets out what needs to change through 2010 and 2011, so that the system can provide better learning opportunities for young people and better integration of resources, so that it contributes significantly to improvements in progression, participation and employment, and so that it is better able to respond to changing demographic patterns.

3 Young people are at the heart of the new system, in which a wide range of partners will work together to make a difference to all young people's lives by raising their aspirations and helping them get the knowledge and skills they need to prosper in the economy. The NCF makes clear the key roles and responsibilities of those partners: local authorities, colleges, schools and other providers, including the third sector, members of 14–19 partnerships and Children's Trusts, employers and key delivery organisations.

4 The NCF is issued in two parts. This, the first part, is intended to give a broad overview of the new system and is aimed at a wide audience. The second part provides a set of technical annexes and is aimed at those people in local authorities who will be directly involved in commissioning and procuring provision.

5 The NCF is issued by the Young People's Learning Agency (YPLA) as statutory guidance. Its primary role is to set out the mandatory elements of planning and commissioning, as well as the arrangements for the quality assurance of provision. It also provides guidance, advice and links to further information on how the process should be managed in 2010–11 for the 2011/12 academic year, following the transfer of responsibilities to local authorities. It is expected that the NCF will be revised annually, so an updated version should be published in March 2011 to support the planning and commissioning of provision for the 2012/13 academic year.

Single equality impact assessment

6 The consultation draft of the NCF was the subject of a full and independent single equality impact assessment to provide:

- an evaluation of the extent to which the introduction of the NCF could have a positive or negative impact on learners by race, gender, disability, or other equality areas where evidence is available;
- identification of specific areas of the implementation that might impact adversely on particular learner groups;

- recommendations for actions required to address or monitor any potential benefits, including performance indicators; and
- identification of an appropriate process for future monitoring of the NCF.

7 The single equality impact assessment will be published at the same time as the NCF, and has been taken fully into account during revision of the consultation draft.

Strategic commissioning

8 Agreeing a baseline funding position for individual providers should not be seen as an indication that the mix and balance of provision delivered by a provider should stay exactly the same. The nature and volume of education and training places and opportunities will need to change and develop as the needs of learners and employers change, and in working towards longer-term objectives for participation.

9 The process of commissioning provision from – and agreeing allocations to – individual providers must be seen as sitting within the wider and longer-term context of strategic plans for 16–19 provision for local authority areas and across local authority boundaries.

10 Local authorities and other key partners in the planning process will need to review some key strategic questions, including:

- what provision will need to be in place in order to ensure participation in education, training or work with training by all 16-year-olds from 2013 and all 17-year-olds from 2015); and
- how will local authorities work with providers and other partners to decide on the best configuration of provision in an area (and across local authority boundaries).

11 Addressing these strategic questions will need local authorities and other stakeholders to take a number of actions, including:

- producing a clear statement of the current position in terms of the level of participation and the mix, the balance and the quality of provision;
- working with (in particular) the YPLA regional strategic analysis teams to review and agree forecast future needs (volume and types of provision);

- identifying the likely future budget and funding position;
- identifying the main risks and perceived gaps, and also the major changes that might be required in terms of altering the configuration of provision within an area and across boundaries; and
- aligning capital and revenue spending plans to support significant changes in the pattern and nature of provision.

12 Further work will be carried out in 2010 across the Department for Children, Schools and Families (DCSF), YPLA, local authorities and other stakeholders, in order to review the need to produce further guidance and detail on strategic commissioning.

13 Local authorities have a range of commissioning responsibilities, and they will use different processes, as appropriate, for the commissioning of different services. Good commissioning processes all involve:

- understanding the needs of the community;
- planning the best approach to meet those needs;
- taking action to make appropriate provision (including procurement, funding and market and workforce management); and
- reviewing services and requirements regularly.

14 Good commissioning results in a diverse and sustainable provider base, with provision that meets the needs of the community and will enable diverse outcomes to be achieved.

Coverage

15 The young people who are covered by the NCF are, in general, those who:

- at 31 August have reached the age of 16 but have not reached the age of 19;
- have not reached their 25th birthday (if a learning difficulty assessment is in place); or
- are aged between 10 and 18 and are in youth custody.

16 However, the NCF also applies to a small number of young people who have not reached the age of 16 but are pursuing programmes designed for those over that age (for example, a 15-year-old pursuing a full Level 3 programme).

17 Provision will be commissioned from a wide range of providers, including:

- school sixth forms;
- general further education (FE) colleges;
- sixth form colleges;
- specialist colleges, such as land-based colleges and colleges of art and design;
- higher education institutions, including some universities;
- private training providers;
- third sector providers;
- independent specialist providers for learners with learning difficulties and/or disabilities;
- employers; and
- Young Offender Institutions.

18 Many of these providers recruit significant numbers of young people from outside the local authority area in which they are based (in some cases from throughout England), and some have centres in other local authority areas. This framework makes clear that this should continue.

Policy context

19 The transfer to local authorities of responsibility for 16–19 learning provision is an essential element of the Government's long-term strategy to make the UK the best place in the world for children and young people to grow up. It gives local authorities the tools they need to deliver the best outcomes for young people.

20 From April 2010, every local area is required to have a Children's Trust board, which is responsible for producing the local Children and Young People's Plan, which sets out the joint strategy for Children's Trust partners to co-operate in improving the well-being of children and young people. The Children and Young People's Plan sets out the overarching needs assessment for the local area and agreed local priorities, and these frame the context within which Children's Trust partners (including local authorities) commission services for young people. The Children's Trust board is responsible for monitoring progress on the delivery of the Children and Young People's Plan and for producing a report on the extent to which Children's Trust partners have delivered on their commitments in it.

21 Alongside a new approach from local authorities, the new system will help to achieve a number of key outcomes:

- to lay the foundations for the successful raising of the participation age to 18 from 2015;
- to make sure that the right provision is in place, allowing every young person to access their entitlement to learning, including Diplomas and Apprenticeships, and ensuring delivery of the September Guarantee;
- to make sure that provision supports the achievement of all five of the Every Child Matters outcomes; and
- to provide opportunities for every young person to participate in learning and avoid having any young person suffer the long-term effects of not being in education, employment or training.

22 The new approach from local authorities to support the delivery of these outcomes needs to include:

- strong leadership, so as to ensure the provision of a coherent learning and support offer for young people through strategic, integrated commissioning;
- provision that is flexible enough to meet the needs of some young people who have to re-engage in learning at different times of the year (including young people who are leaving youth custody) and that allows those in employment without training to access learning and training alongside their jobs;
- provision to enable progression to full participation by all 16-year-olds from 2013 and all 17-year-olds from 2015, including young people from vulnerable groups and young people who participate in learning part time, while they are in full-time employment;
- a way of ensuring that information, advice and guidance (IAG) is sufficient, effective and relevant to the needs of young people; and
- an approach that takes a critical look at the mix and balance of provision and at the support needed to meet the requirements of all young people.

23 An impact assessment of the ASCL Act 2009 (which underpins the new arrangements) was undertaken and published. The assessment noted that there was limited but significant evidence that local authority commissioning services for young people had been successful in raising standards and improving the services provided, thus demonstrating the experience and expertise that local authorities had built up around commissioning.

Key principles underpinning the National Commissioning Framework

24 The development and operation of the NCF are guided by a set of key principles.

- The system will operate in the interests of the learner, addressing learner choice and diversity, and will ensure access to learner entitlements and curriculum pathways.
- The system will take account of the needs of employers and employability.
- The system will seek to involve providers as key strategic partners.
- Commissioning should be sustainable, impartial and provider neutral, securing high-quality provision from the most appropriate quality-assured providers.
- Funding – based on the national funding formula and applied at the level of the provider – will follow the learner.
- The process will provide and encourage flexibility for local authorities and other partners to respond to needs.
- The system will ensure consistency in such key features as the timing of stakeholder involvement, the timing of allocations, quality assurance, outcomes (including the offer to learners), data submissions and flows, and the funding formula/rates.
- The system must be transparent, equitable and compliant with the principles contained in the Third Sector Compact.
- The system will deliver value for money.
- Accountability should be secured with the minimum bureaucracy between partners.

Key Contributors to the Commissioning Process

Introduction

25 This section outlines the specific roles and responsibilities of key contributors in the commissioning of education and training provision for young people, as local authorities take up their role as the strategic leaders of 14–19 reform.

Local authorities

26 Within the context of the local area agreement framework, local authorities are champions of young people in their area, and focus on achieving better outcomes for them – even when those outcomes are achieved in a different local authority area.

27 As commissioners of 16–19 learning, they will have new duties and powers, including the duty to secure sufficient provision of education and training for young people residing in their area (regardless of where they want to learn) and for young people who are held in youth custody in their area. Local authorities will also normally be expected to procure learning provision with providers located in the area on behalf of other local authorities whose residents travel into their area to learn. This should sit alongside the commissioning of IAG services (through Connexions or elsewhere). Local authorities will also take account of strategic planning issues which go beyond their boundaries, through joint working in city regions.

28 Individual local authorities will have been considering how they should amend their constitutional arrangements in order to deal with the new duties and powers. Typically, these arrangements will have included specified delegations to the directors of, and lead members for, children's services, and arrangements for scrutiny committees to take an overview. Sub-regional groups (SRGs) will already have considered their decision-making processes and the proper engagement of elected members in both decision-making and dispute resolution. The detail of the involvement of elected members is a matter for individual local authorities, but it would be good practice for lead members formally to endorse local commissioning statements and commissioning plans, with the operational management of allocations being delegated to directors of children's services.

Children's Trusts

29 Children's Trusts are local partnerships which bring together the organisations responsible for services for children, young people and families in a shared commitment to improving children's lives.

30 Statutory relevant partners in the local Children's Trust include local authorities, youth offending teams, schools, pupil referral units, FE and sixth form colleges.

31 Non-statutory partners include the third sector, the wider schools sector, the wider FE and work-based learning sector and youth custodial establishments.

14–19 partnerships

32 The 14–19 partnerships, as a subset of the Children's Trust arrangements, provide area-wide strategic assessments, owned and driven by key stakeholders and delivery partners. Through the Children's Trust arrangements, the partnerships provide local authorities with essential information on priorities to improve outcomes for young people: increased participation and attainment in learning and delivery of the 14–19 entitlement. The partnerships have the responsibility for developing the local 14–19 plan. The key role of members of the 14–19 partnerships, including learning providers, is set out in 14–19 Partnerships and planning.

Sub-regional groups

33 SRGs provide a forum in which local authorities can work together to construct a picture of learner demand and flows between local authorities and across travel-to-learn areas, see how well the curriculum is being delivered and determine what future entitlements will mean for learner demand in the area.

34 They enable local authorities to arrange the planning and commissioning of learning provision in collaboration with neighbouring authorities, to share responsibility for securing the most appropriate learning provision that meets the needs of young people across the travel-to-learn area, and to ensure the most effective deployment of commissioning resources.

35 They maintain dialogue with local authorities that are not part of the SRG but whose learners may be learning in the SRG area (or vice versa).

36 SRGs will also agree which local authority is the most appropriate to be the lead commissioning authority with any particular provider – or the lead commissioning authority for learning provision, if there are issues that cross local authority boundaries.

Regional planning groups

37 Regional planning groups (RPGs) bring together regional education and strategic skills agendas. They draw together and review local authority commissioning intentions, endorsed by the SRGs, against regional priorities, and they manage affordability.

38 The RPG will include key partners from across the region, with representatives from local authorities, employers, the regional development agency (RDA), the Government Office, the YPLA and the Skills Funding Agency (SFA). In addition to the core membership of the RPG, it is recognised that colleges, schools, third sector and independent training organisations and employers can all make distinctive and positive contributions. RPGs will need to develop and implement effective communication with these organisations, and should, therefore, develop appropriate arrangements for their representation and engagement. It is, however, for RPGs to agree how this should be determined most effectively.

39 The RPG will scrutinise **local commissioning plans** for the region to ensure that they are coherent, can be funded within the region's total funding allocation and will deliver the 14–19 entitlement. The RPG will have close links with the regional skills partnerships to make sure that the commissioning plans reflect regional skills needs. The RPG will progress specialist issues (for example, it might establish working groups on the development of the common application process (CAP), effective IAG, learners with learning difficulties and/or disabilities (LDD), capital, transport or youth offending) and will moderate the local commissioning plans before submitting a **regional commissioning plan** to the YPLA.

40 The DCSF has published additional guidance on RPGs.

Providers

41 Learning providers encompass the full range of organisations that deliver education and training to young people. In return for public funds, they deliver training and education that meets student learning and skills requirements, in line with the 14–19 entitlement and employers' skills needs. Furthermore, they are responsible for ensuring that provision

is accessible through the area prospectus and CAP, and for Apprenticeships through Apprenticeship vacancies online.

42 Providers also play a key role as strategic partners, participating in 14–19 partnerships and informing commissioning by 'feeding in' their learners' views and their young people's ambitions and views, and by engaging in dialogue with local authorities about the nature and scope of the provision they are able to offer.

Department for Children, Schools and Families

43 The DCSF will set the overall national policy and priorities for 16–19 learning, agree national funding allocations, set national targets and review YPLA performance.

Young People's Learning Agency

44 The YPLA is a non-departmental public body that reports to the DCSF. Its main role is to support local authorities in their new duties.

45 The YPLA will ensure consistency and propriety across the commissioning process by issuing local authorities with statutory guidance on the performance of their new duties, to which all local authorities must have regard. The NCF forms the core part of this guidance.

46 The YPLA also has powers to intervene if it is satisfied that a local authority is failing (or is likely to fail) in its new duties. It will not have a direct commissioning relationship with schools, colleges or other providers, apart from in exceptional circumstances or where it is appropriate for a national commissioning approach to be in place. The YPLA will handle procurement from some groups of providers, particularly academies.

Government Offices

47 Government Offices will play a key role in supporting and challenging local authority performance by agreeing local authority priorities, setting and monitoring local area agreement (LAA) targets. Through the RPGs, they will also offer a strategic perspective. Government Offices will ensure that overall performance on 16–19 education and training is considered alongside other elements of the children and young people's agenda.

Regional development agencies

48 Regional Development Agencies (RDAs) hold the remit for improving the economic well-being of a region working with the Education and Skills Boards. Under the NCF, this remit will extend to informing lead commissioners and learning providers about what skills are required in the region over the longer term. The RDA will be involved in the RPG and will use its long-term strategic planning analysis and outputs to help inform and challenge 16–19 commissioning strategies and decisions, collectively endorsed by the SRGs, in pursuit of alignment with regional skills and economic regeneration and development policies.

Department for Business, Innovation and Skills

49 The Department for Business, Innovation and Skills (BIS) was created to draw all the levers of the economy together in one place. Its policy areas – from skills and higher education, to innovation and science, to business and trade policy – can all help economic growth. BIS will set the overall national priorities for adult learning and Apprenticeships.

Skills Funding Agency

50 The SFA is an executive agency within BIS. Its main function is to direct funding for adult skills quickly and efficiently to FE colleges and other skills providers. It takes an active approach to delivering the skills that employers and individuals need now and in the future, supporting skills development in areas of strategic importance to the economy.

51 The SFA is responsible for the performance management and sponsorship of FE colleges and training providers.

National Apprenticeship Service

52 The National Apprenticeship Service (NAS) is housed within the SFA. It works with local authorities in their SRGs to identify the likely demand from young people for Apprenticeships. To assist in this, information will be provided about employer support and the nature and quality of existing local provision. The NAS will be represented on RPGs, where the regional Apprenticeship requirements will be agreed. The NAS will procure all Apprenticeship provision through the SFA.

UK Commission for Employment and Skills

53 The UK Commission for Employment and Skills has a central role in providing nation-wide labour market intelligence to underpin the development of national priorities and to inform discussions on regional and sub-regional labour market needs.

Ofsted

54 Inspection by Ofsted – both of schools and of FE provision – will continue and, as now, will trigger support and intervention. The YPLA, local authorities and the SFA will share information in arriving at decisions about post-inspection actions that should be taken with regard to providers. Ofsted will use a range of available data, including the Framework for Excellence, to determine the urgency/priority of inspecting a provider or service, and so will inform inspection planning.

The FE Data Service

55 The FE Data Service will generate the core dataset, based primarily on the individualised learner record and termly School Census data, but also using a number of supplementary data sources. The FE Data Service will provide the core dataset to YPLA regional teams – rather than direct to local authorities – in order to ensure that the commissioning processes for 16–19 provision are underpinned by relevant and timely data.

56 The data required by local authorities, SRGs and RPGs to support the planning, allocation and provider quality assurance processes will then be passed on by the YPLA regional teams. This core dataset will enable local authorities, Government Offices and the YPLA to analyse activity across programmes, between providers and by both curriculum and geographical areas, thus ensuring that appropriate plans and subsequent commissions are made.

Key Elements of the Process

57 The planning, allocation and funding elements of the commissioning process occur on a cyclical basis. The NCF applies to the processes that will support participation in the 2011/12 academic year. Each element needed to establish learning provision for 16- to 19-year-olds is underpinned by comprehensive learner, provider and performance data.

Commissioning timeline for 2011/12 allocations

58 In summary, the process is made up of four stages, as set out in Table 1 below.

Table 1: The four stages of the commissioning process

| 2010 | |
|---|---|
| Analysis and planning | |
| May onwards | YPLA supplies data and analysis to local authorities |
| May–July | Local authority uses data from YPLA and other local data (including intended destinations from Connexions) to provide analysis of likely local need |
| June/July | Local authority, working with 14–19 partnerships and SRGs, reviews its 14–19 plan to identify local priorities and develop an interim local commissioning statement Early dialogue with providers to discuss performance and future plans |
| July onwards | Local authorities share early information on planning, in the form of an interim local commissioning statement , with SRGs and RPGs |
| National and local commissioning statements | |
| July–October | Work to develop local plans |
| October/ November | Grant letter issued by DCSF YPLA issues national commissioning statement |

Table 1: The four stages of the commissioning process (continued)

| National and local commissioning statements | |
|---|---|
| November | <p>YPLA provides local authorities with an initial funding position, based on 2010/11 allocations data</p> <p>RPG produces a regional commissioning statement, which includes:</p> <ul style="list-style-type: none"> • data, intelligence and priorities provided by the RDA and NAS; • priority strategic issues for the region, drawn from the local commissioning statements; and • priorities and planning assumptions for the region, drawn from the national commissioning statement <p>Local authorities confirm local commissioning statements</p> <p>Apprenticeship, independent specialist provider (ISP) and specialist provider places aggregated across the SRG</p> <p>Local authority open and competitive tendering needs agreed/aggregated across the SRG</p> |
| November–December | <p>YPLA confirms the national funding rate</p> <p>YPLA provides local authorities with an updated funding position</p> |
| October–December | Dialogue between lead commissioners and providers on allocations |
| December | Indicative distribution of funds from YPLA |
| 2011 | |
| Finalising allocations | |
| January | Lead commissioner establishes baseline position for each provider |
| by February | <p>Local authorities complete local commissioning plans and agree with SRGs</p> <p>RPGs moderate reports from SRGs and submit proposed regional commissioning plans to YPLA</p> |
| February– March | YPLA considers and agrees regional commissioning plan |
| March | <p>YPLA informs lead commissioners of each local authority's funding position</p> <p>Lead commissioners inform providers of final allocations</p> |
| Contracting and funding | |
| May–June | Lead commissioner finalises local commissioning plan |
| May–August | Local authorities issue contracts to providers, who sign and return them |
| August | Payments to providers begin |

59 At the end of this process, the YPLA will provide each local authority with a grant. That grant will list the allocation to each provider that is to be funded by the local authority. The local authority must fund the provider at the level identified in the grant. The grant may also include other funds, to be allocated at the discretion of the local authority.

60 The process described above is based on a set of assumptions and conditions relating to, for example, the availability of data and the agreement of budgets. The DCSF, YPLA and local authorities will need to be flexible, in order to respond to any emerging issues. If necessary, the process can be revised and contingency plans put in place.

Lead commissioner

61 The lead commissioner is the organisation – usually a local authority – that commissions and procures provision from a school, college or other provider (usually located in its area) on behalf of young people in the area and young people who choose to travel in to learn from other local authority areas, including those in the SRG and beyond.

62 Sections 15ZA(1) and 18A(1) of the Education Act 1996, inserted by the ASCL Act 2009, place duties on a local authority to make sure that enough suitable education and training is provided to meet the reasonable needs of children in youth detention, persons in their area who are over the compulsory school age but under 19 (including those in youth detention) and persons in their area who are aged 19 or over but under 25 and are subject to learning difficulty assessment. Where a significant number of learners access provision in a local authority other than their home local authority, there will be a need for discussions between the two local authorities. This will normally be through the SRG arrangements, but the discussions may also be cross-SRG and possibly cross-region.

63 A local authority will normally be the lead commissioner for providers located within its area, acting on behalf of the SRG and any authorities beyond the SRG.

64 The home local authority will advise the SRG if it might need the YPLA to procure and contract any specialist, regional or third sector provision. Working with the NAS, it will define the 16–18 Apprenticeship requirements, and the NAS will then procure and contract for that provision.

65 The lead commissioner will be responsible for working with providers (individually and collectively) to discuss implementation of the **local commissioning statement's** priorities and development of the detailed **local commissioning plan**. The lead commissioner will be responsible for:

- negotiated procurement through provider dialogue; and
- competitive procurement through restricted or open and competitive tendering (excluding the European Social Fund (ESF)).

66 The actions that are required to establish the lead commissioner include the following.

- Local authorities within their SRG will determine who is to be the lead commissioner for each of the providers in the SRG area.
- Each local authority that acts as lead commissioner will notify all relevant providers.
- The SRG will provide the YPLA with a list detailing the lead commissioner for each provider within the SRG area (for payment and data/management information purposes).

67 The YPLA will maintain a list of lead commissioners, with contact details, and will publish this on its website, in order to facilitate inter-authority communication.

Other commissioning

68 Local authorities will invariably be the strategic commissioners of provision for young people and will be responsible for identifying the learning provision requirements. However, other organisations may have responsibility for procuring certain types of provision (such as Apprenticeships) on behalf of local authorities, or for such providers as academies or ISPs.

69 The YPLA may also agree, exceptionally, that it is more appropriate for it to procure learning provision that has been identified as required by local authorities, but where it is clear that no local authority has the capability to act as the lead commissioner for a specific provider. For example, this could be because of a particularly large and diverse spread of provision or of learners accessing the learning, or because of the range and type of provision. The YPLA may also commission and procure provision that has common requirements across the country.

70 The YPLA also has powers under the ASCL Act 2009 to intervene in the event that a local authority is unable to carry out its commissioning functions and cannot ensure that young people and providers are not thereby disadvantaged. This could be, for example, because SRGs are not yet ready to take on this role or because a local authority is failing (or is likely to fail) to fulfil its duty under Section 15ZA and/or Section 18A of the Education Act 1996, as inserted by the ASCL Act 2009, to commission suitable education or training. In such circumstances, the YPLA may commission provision itself.

Apprenticeships

71 As part of their local commissioning plan, local authorities will identify the volume of Apprenticeships they need. To do this, they will work with the NAS and their 14–19 partnerships to identify the level of demand among learners and employers and the requirements of national target trajectories, and to ensure that suitable opportunities exist within each area.

72 The SFA, on behalf of the NAS, will conclude funding agreements with providers and will monitor overall performance. Where there are significant issues that affect the quality and performance of Apprenticeship provision, these will be discussed with the local authorities concerned.

Academies

73 Together with open academies, and as part of their overall 16–19 commissioning planning process, local authorities will identify the provision that is to be commissioned to meet the local needs, and the SRG will consider the aggregated needs across the travel-to-learn area.

74 The YPLA will procure the agreed provision with open academies and will deal direct with the academies on issues of grants and funding for agreed commissioning requirements, including the grant agreement, payment flows and financial assurance and control.

Learners with learning difficulties and/or disabilities

75 A local authority has responsibility for those people in its area who are over the compulsory schooling age but under the age of 19, and for those who are aged 19 or over but under the age of 25 if they are subject to learning difficulty assessment. It will arrange appropriate provision, with support from the YPLA, which will provide an indication of the region's anticipated commissioning needs. The DCSF has issued guidance on learning difficulty assessments.

76 Local authorities will decide if the required learning provision is best provided through mainstream providers (usually supported through additional learning support) or if there is a higher level of support required through specialist arrangements with either mainstream providers or ISPs. Wherever necessary, access and transport arrangements to provision will need to be considered at the outset.

Young people in youth custody

77 Under the ASCL Act 2009, local authorities will be responsible for securing the provision of education and training for children and young people who are over compulsory schooling age but under the age of 19 and in

youth detention. As a result, local authorities with youth detention establishments in their areas ('host' local authorities) will need to incorporate their plans for learning in youth detention into their commissioning plans.

78 Specific funding allocations will be provided by the YPLA in order to secure learning provision for young people in youth custody. Local authorities will work with the Youth Justice Board, youth offending teams, custodial establishments and the YPLA to assess the needs of those young people and to arrange suitable learning provision to meet those needs.

Private and third sector learning providers

79 It will be important for local authorities to be aware of the contribution that providers other than schools and colleges make to 16–19 education and training. Private and third sector providers not only offer learning but are also key players in the design and planning of services to young people. They often have particular skills and experience in engaging young people who are not ready for more formal education or training, and those who are not in education, employment or training, or who need additional support to re-engage, working with both the young person and their family.

Financial assurance and control

80 Local authorities, the YPLA and the SFA will establish a financial monitoring and audit framework that will minimise the burden on providers, yet at the same time offer full assurance as to the use and safeguarding of public funds. The framework will make the maximum use of existing assurance and exchange of the results of assurance, and will involve one funding audit of each provider, covering the needs of all stakeholders (other than in relation to ESF funding).

Provider quality assurance

81 Individual providers are responsible for their own performance and quality, but will be held accountable for delivery of commissioned provision. All post-16 providers will be assessed annually against a clear set of national measures. Quality and performance assessments will not focus solely on achievements, but will seek to provide a more rounded picture of a provider's performance, taking account of other important factors that influence learner outcomes.

82 Interventions relating to each provider's performance will be overseen by a single sponsoring agency.

- Schools will be the responsibility of the commissioning local authority.
- Sixth form colleges will be the responsibility of the commissioning local authority, acting under guidance from the YPLA.
- Academies will be the responsibility of the YPLA, acting on behalf of the Secretary of State for Children, Schools and Families.
- FE colleges will be the responsibility of the SFA.
- Providers of Apprenticeships will be the responsibility of the SFA, working on behalf of the NAS.
- Independent training providers delivering Apprenticeships will be the responsibility of the SFA.
- Higher education institutions will be the responsibility of the Higher Education Funding Council for England.

83 The YPLA will provide data on performance to the local authority, the appropriate Government Office and to SRGs and RPGs at specified times of the year, to support the commissioning process. Local authorities will be responsible for using this data to commission high-quality provision and to work with providers to ensure that the provision they secure is appropriate and meets quality standards.

Complaints and issues resolution

84 Commissioning decisions will be reached by local authorities, SRGs, RPGs and lead commissioning bodies (almost invariably a local authority) through dialogue with providers and other key stakeholders. The expectation is that a mature and collaborative relationship will develop through the preparation of the local authorities' local commissioning statements and through dialogue during planning for how these strategic plans can be implemented and delivered. This should ensure that stakeholders understand the wide range of considerations that influence fair, diverse and transparent commissioning decisions.

85 There will, however, be clear routes for the escalation of complaints. In all instances (apart from in the case of academies), this should be to the RPG, which, working closely with the YPLA, should convene a sub-committee to hear those complaints and to make recommendations. Complaints involving academies will be escalated to the YPLA. The reason for the difference is that the YPLA is the direct funding body for academies, on behalf of the

Secretary of State for Children, Schools and Families: had the transfer of academies' functions not taken place, the route of appeal for academies would have been to the Secretary of State, not the local authority, for the same reason. The YPLA will be proactive in supporting and, where necessary, facilitating discussions on commissioning to avoid the need for complaints (note: further detail on the complaints process will be set out in a consultation document that will follow the publication of the NCF).

86 For 2011/12, the YPLA will review all complaints and their resolution, in order to build a picture of how well commissioning is being conducted in and across local authorities. This will form part of its annual report, and will also inform future commissioning processes. Where it identifies issues in any of these, the YPLA will work with and support the local authority to improve its processes, and will provide advice to RPGs or SRGs.

Young People's Learning Agency intervention

87 The YPLA's key focus will be on supporting and enabling local authorities to carry out their new functions. Section 67 of the ASCL Act 2009 gives the YPLA powers to give directions to a local authority if it is satisfied that the authority is failing (or is likely to fail) in its duty to secure enough suitable education and training for children who are in youth detention, for young people over compulsory school age but under 19 (including those in youth detention) and for those aged 19 or over but under 25 and subject to learning difficulty assessment.

88 The YPLA will adopt a staged, transparent and risk-based approach to managing intervention if a local authority is at risk of failing to meet its statutory duties. It will work with other partners and agencies, including the appropriate Government Office, Ofsted and other local authorities (including other local authorities working in the same SRG) to develop, agree, provide and monitor effective, appropriate support and challenge before any intervention takes place. It is anticipated that the YPLA's use of its powers of intervention will be extremely rare, and will be just one element of wider arrangements aimed at addressing unsatisfactory commissioning of provision. The YPLA will consult on the development of the intervention policy.

In-year adjustment of allocations

89 For 2010/11, the YPLA, working with the lead local authorities involved, will introduce a system of in-year adjustment for 16–19 participation funding (including Foundation Learning), which moves funding from providers who significantly under-deliver on learner numbers against their allocation to those who have significantly over-performed on recruitment. It is important that funding flows

in line with learner choice. It is unfair on both learners and providers where providers are significantly over-funded in relation to the learners they recruit while other providers are significantly under-funded in relation to recruitment. In-year adjustment will be undertaken at a national level, and will involve all learning routes. This will be of particular importance in the context of the September Guarantee of an offer of a suitable place in learning for all young people.

90 The academic year 2010/11 will be a trial year, during which the YPLA will continue to work with partners to refine the system and ensure that it achieves its objectives without additional burden on providers. Any such process will apply only to significant levels of under- or over-performance (as a percentage of the total allocation and/or a fixed minimum amount) and will be simple and straightforward, operated by the YPLA through a national formula with thresholds and tolerances. The process will not be purely formulaic, but will take account of the need to ensure provider stability and certainty of funding.

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APPENDIX 3**MACHINERY OF GOVERNMENT CHANGES
16-19 TRANSFER
Final Draft March 2010****Sussex Travel to Learn Group
Memorandum of Understanding for Commissioning****1. Background and Purpose**

East Sussex, West Sussex and Brighton & Hove have agreed to operate under a common set of principles in relation to the new legislative requirements and operational functions for the commissioning of learning provision for young people in and, where appropriate, across the Local Authorities (LAs) in accordance with the travel to learn (TTL) choices made by students. The agreed and shared aim of the Sussex TTL Group is to improve the quality of provision for all 16-19 learners, Learners with Learning Difficulties and Disabilities (LLDD) aged 16-25 and 10-19 year old young offenders. The three Sussex (LAs) will, therefore, plan and resource learning programmes that are responsive to the needs of all groups of learners through a process of collaboration and partnership with each other and with those key agencies and stakeholders engaged in the overall planning and commissioning process.

The following core principles outline the framework that has been agreed by the three LAs. In addition, the main operating rules and protocols required to support that framework are also listed. This Memorandum of Understanding (MoU) will be kept under review, and updated as necessary, especially taking into account developments in the National Commissioning Framework (NCF). The MoU will first be reviewed in April 2010 when the new responsibilities transfer to the LAs.

2. The Core Principles

- a. The planning and commissioning of provision is the responsibility of individual Local Authorities. Each LA will operate as a Sub-Regional Group in its own right and, as such, will be the lead commissioner on behalf of the other LAs for all providers within its area. However, the three local authorities are committed to sharing their plans where TTL patterns cross county boundaries. The Sussex TTL Group will be responsible for coordinating provision and will be the first point of contact for relevant dispute resolution
- b. All three LAs will be bound by the requirements of the NCF. Within this Framework, the three LAs commit to a process of regular dialogue, information sharing and decision making, at key points in

the planning and commissioning cycle and through day to day contact between officers (see Appendix 1)

- c. The commissioning of 16-19 learning provision will involve a set of planning, delivery and quality assurance procedures that puts the learner at the forefront of the process
- d. The Sussex TTL Group will be made up from the senior officers from the three LAs with lead responsibility for planning and commissioning 16 – 19 provision. For 2010/11, this group will include:
 - Elizabeth Funge (East Sussex)
 - Michael Nix (Brighton & Hove)
 - Verona Hall (West Sussex)
- e. The group will have the authority to develop proposals (for decision within each LA) which together represent a coherent offer across the shared TTL area, which reflects future needs and is responsive to learner choice
- f. The planning and commissioning “business cycle” will correspond to national and regional timeframes and funding requirements
- g. Provision will be planned in response to national, regional and local skills needs
- h. 16-19 commissioning will be integrated with other strategic priorities for children, families and communities as identified by the Children and Young People’s Plans for each LA
- i. The commissioning process will be supported by the delivery of a comprehensive impartial advice and guidance service across Sussex, in order to ensure access to learning opportunities that are appropriate to the education and training needs of the learner. Vehicles for this include the Sussex Area Wide Prospectus, September/January Guarantee, Common Application Process and e-ILP
- j. Each LA will consult learners, parents, carers and employers at all stages in the process in order to ensure that their views and requirements are incorporated into the planning, commissioning and delivery of provision
- k. During this process of consultation specific attention will be given to the needs of vulnerable learners, including those with learning difficulties and or disabilities, Looked after Children, teenage parents

and young offenders. Where appropriate, positive action will be taken to ensure that provision for such learners meets their specific needs and 'narrows the gap' in achievement of learning outcomes

- l. The LAs, who are responsible for the commissioning of provision, will closely scrutinise the quality of those services being commissioned and where necessary decommission provision that is deemed to be unsatisfactory in line with agreed national and local quality assurance, health, safety and welfare performance criteria
- m. Specialist provision serving the needs of more than one Local Authority will be commissioned by the agreed Local Authority taking into account regional and national demand for this range of provision
- n. Decisions made on the commissioning of individual providers will be done on the basis of ensuring stability of good quality provision which meets the needs of learners and the area. This will enable the sustainable delivery of agreed learning outcomes as determined by the planning process
- o. Within a mixed economy of providers all sectors will be treated equitably, provided that they offer quality provision which meets the needs of learners and the area
- p. Each individual Local Authority's commissioning statements and plans, where they relate to cross-boundary provision, will be considered by the Sussex TTL Group for review prior to progressing to the Regional Planning Group for final consideration

3. Operating Rules and Protocols

These Core Principles will be followed and monitored in line with a range of specific protocols and procedures developed in relation to specific aspects of the commissioning process. The following operating rules and protocols are intended to act as a guide within which the Sussex TTL Group will discharge its commissioning functions and responsibilities.

3.1 Management Information

In order to achieve positive outcomes at all stages of the commissioning process the three LAs, through the Sussex TTL Group, commit to sharing with each other in a timely and appropriate fashion key data sets relating to the planning and commissioning of 16 – 19 provision across the shared TTL area. These data sets relate to:

- Success rates

- Participation rates
- Contribution to specific national as well as local targets
- Employment trends
- Progression rates at all levels of provision
- Equality of opportunity
- Demographic trends

All stages of the commissioning process will conform to the principle of open and transparent governance and management. In order to achieve the maximum benefits for all learners, it is recognised that the commissioning process will require those involved at all levels to make decisions based on accurate and objective data and information.

3.2 Dispute resolution

It is expected that the operation of the Sussex TTL Group will normally be sufficient to ensure that there is agreement between the three LAs about the provision to be commissioned across the TTL area. In particular, the Sussex TTL Group will ensure that provision is coherent, comprehensive and offers choice without unnecessary duplication. The attached dispute resolution procedure (Appendix 2) illustrates the appropriate channels that will be followed in circumstances where this cannot be achieved and arbitration is needed. Arbitration will be through a joint panel of Lead Members from the three LAs.

At all stages of this process advice will be sought from the appropriate legal resources within each LA, particularly where issues are likely to impact on the “Instruments and Articles of Governance” of individual institutions and agencies.

.....
Di Smith
Director of Children’s Services
Brighton & Hove City County Council

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Date

.....
Matt Dunkley
Director of Children’s Services
East Sussex County Council

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Date

.....
John Dixon
Director of Children’s Services
West Sussex County Council

.....
Date

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 6
Brighton & Hove City Council

Subject: Arrangements for the governance, commissioning and provision of children's services

Date of Meeting: June 16th 2010

Report of: Director of Children's Services

Contact Officer: Name: **Steve Barton** Tel: **29-6105**
E-mail: Steve.barton@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This paper summarises developments which address the Children and Young People's Plan (CYPP) Strategic priority 4 to 'Develop the CYPT Partnership and drive integration and value for money'. Specifically the actions under Initiative 4a 'Governance' in respect of the Children's Trust Board and Agreements under Section 75 of the NHS Action 2004 (S75) between the council and NHS Brighton and Hove (PCT), and the council and South Downs NHS Trust (SDH).
- 1.2 The paper proposes that the Children and Young People's Overview and Scrutiny Committee (CYPOSC) consider how these developments should be incorporated into the committee's work programme. Specifically the paper asks the Committee to comment on the draft commissioning 'scopes' for the review and redesign of services for children with a disability and/or special educational needs, and for Youth Services. Both reviews are key priorities in the S75 agreement with the PCT and will also support the council's new approach to 'Intelligent Commissioning'.

2. RECOMMENDATIONS:

The Committee is asked to:

- (1) Note and comment upon the work to address CYPP strategic priority 4 in light of changes to national policy and local arrangements for the governance, commissioning and provision of children's services

including the S75 agreements between the council and its NHS partners.

- (2) To consider how the priorities set out in the work programme for the Children's Trust Board and the S75 Improvement Plans should be incorporated into the committee's work programme.
- (3) To comments on and contribute to the draft commissioning 'scopes' for the review and redesign of services for children with a disability and/or special educational needs, and for Youth Services.

3. BACKGROUND INFORMATION

The Children and Young People's Plan:

- 3.1 Strategic priority 4 of the CYPP aims to develop the CYPT partnership and drive integration and value for money'. Initiative 4a 'Governance' focuses on the legislative changes anticipated at the time of writing the plan and on the completion of the local review of S75 agreements initiated in June 2009.

Statutory Guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan (2010)

- 3.2 Appendix 1 sets out the information presented to the Children and Young People's Trust Partnership Board on May 17th 2010 in respect of the council's duty to establish a new Children's Trust Board with its partners (under the Apprenticeship, Skills, Children and Learning Act 2009).
- 3.3 Appendix 2 sets out the membership of the new Children's Board proposed by the council and agreed by the existing Children and Young People's Trust Partnership Board on May 17th 2010. In summary the following membership was agreed:
 - Brighton and Hove City Council : 6 (Lead Member Children's Services; 4 Elected Members; Director of Children's Services)
 - NHS Brighton and Hove (PCT) : 2
 - Sussex Police: 1
 - Schools: 3
 - Further education and sixth form colleges: 1
 - Job Centre Plus: 1
 - Youth Council: 1
 - Parents Forum: 1
 - Community and Voluntary Sector: 2
 - Providers of Health Care: 4 - South Downs NHS Trust 1(2 – during S75 transitional arrangements); Brighton and Sussex University Hospitals NHS Trust 1; Sussex Partnership NHS Foundation Trust 1
 - Lead Practice Based Commissioner (G.P.): 1
 - Sure Start Children's Centres (parent representative): 1

Section 75 Agreements:

- 3.4. In September 2006 the City Council entered into a Partnership Agreement with SDH and the PCT in relation to Children's Services. The Agreement brought together 273 staff from SDH together with 860 staff from the Council's Children's Families and Schools Directorate with the aim of creating a service with multidisciplinary teams and with capacity to provide flexible, integrated services centred on the needs of children and their families.
- 3.5. In May 2009 the Council and the PCT sought expert advice about the S75 agreement in light of the national and local issues i.e.
- In 2009, the Department of Children, Families and Schools and the Department of Health joint strategy for children's health (Healthy Lives Brighter Futures) identified a wide variation in arrangements across the country for the governance, commissioning and provision of children's services. A Commissioning Support Programme (CSP) was established to work with local Children's Trusts to address this variation and especially to clarify the distinction between commissioning and provider functions in order to comply with the NHS World Class Commissioning programme.
 - In Brighton and Hove each partner to the S75 agreement acknowledged that issues have, inevitably, emerged since the local agreement was signed, especially the need to clarify commissioning and provider functions and to strengthen the governance of joint commissioning plans and management of the pooled budget.
- 3.6. The advice concluded that, although ground breaking in 2006, the Section 75 Agreement was no longer entirely fit for purpose and that consideration should be given to creating separate commissioning and provider agreements between the Council and the PCT and the Council and SDH respectively. In July 2009 the Chief Officers Group for the Children and Young People's Trust Partnership initiated a formal review of the Section 75 agreement. A Joint Project Group, including representatives from all three partners, and including no-cost expert consultancy provided by the CSP), completed the review on schedule by March 1st 2010 and the new agreements were agreed by the partners respective Governance Committees, Cabinet and NHS Boards.
- 3.7. The new S75 agreements will be between the Council and the PCT in relation to lead commissioning of services and between Council and SDH in relation to the integrated provision of services. The key elements of the S75 agreements are:-
- Aims and objectives of the Partnership Agreement:
 - Services covered by the agreements
 - Governance arrangements
 - Workforce matters
 - Finance

- Liability, indemnity and insurance
 - Review and Variation of the agreements
 - Dispute resolution and termination
 - Performance Management
- 3.8 In addition to the separation of the provider and commissioning agreements, a further significant change will be the creation of two Joint Management Groups of officers (one provider and one commissioning) to whom monthly performance reports will be taken in relation to key indicators identified in the agreements. There will therefore be a closer, regular scrutiny of the budget and impact of the agreements in a focused arena. Decisions that require Member approval would be made by the Cabinet Member for Children's Services or Cabinet in accordance with current delegations. The Children and Young People's Trust Board therefore ceased to be the top decision making body for the S75 agreements, but will instead fulfil the functions required by the Apprenticeships, Skills, Children and Learning Act 2009.

Children's Trust Board Work Programme and S75 Improvement Plans:

- 3.9 On May 17th 2010 the Children and Young People's Trust Partnership Board agreed a draft work programme designed to enable the new Board to manage its business in the future (Appendix 3). The draft was based on a proposed structure for future agendas to cover the following:
- Standing Items: e.g. 6 monthly CYPP performance reports; the required annual report on the city's safeguarding from the LSCB; the annual report in respect of the S75 arrangements between the council, the PCT and SDH.
 - Strategic Improvement Priorities: The draft work programme suggests a number of possible headline reports that would address specific actions included under the CYPP 4 Strategic improvement priorities.
 - Reports from Board Members/other partnerships: Each Partner agency will wish to propose and/or prepare and present reports setting out how they are delivering on their commitments/role for the CYPP. In addition the Board will wish to request reports and/or presentations from other partnerships.
 - CYPP Transitional Arrangements: The Board will wish to monitor transition arrangements to ensure that the new arrangements are compliant with the new Statutory Guidance for Children's Trust Boards and the CYPP.
- 3.10 In addition each of the S75 Agreements includes an Improvement Plan for 2010/11. The committee may also wish to consider these issues in respects of its future work programme. In summary:

S75 Commissioning Agreement (council and PCT) will focus on:

- Improving the operation of commissioning for NHS and Local Authority health related functions
- Improving early intervention and prevention in community based health care services for children and young people and their families
- Improving support to children and young people with a disability or complex health needs and their families
- Improving support to children and young people with emotional or mental health needs and their families
- Reviewing and enhancing the design of youth service provision across the Partnership

S75 Provider Agreement (council and SDH) aims to:

- Develop and consolidate integrated management arrangements
- Develop and consolidate integrated care pathways
- Develop and consolidate integrated care governance arrangements:
- Review staff secondment arrangements from SDH to the council

Draft commissioning ‘scopes’: for services for children with a disability and/or special educational needs, and for Youth Services:

3.11 Appendix 4 sets out the executive summary of the draft commissioning ‘scopes’: for services for children with a disability and/or special educational needs, and for Youth Services. The committee may wish to consider and comment on:

- The structure and content of the scope documents
- The proposed focus and methodology for the reviews, including the engagement of service users and other stakeholders
- The governance of the reviews including agreement to the initial scope, development of the proposed commissioning strategies and final sign off through the council’s governance arrangements and those of its partners
- The fit with the development of the council’s new approach to ‘intelligent commissioning’.

4. CONSULTATION

4.1 Consultation on the development of new Children’s Trust Board and on the S75 agreements has been through the Chief Officers Group, the partners’ respective governance committees and Boards (including the council’s Cabinet) and the Children and Young People’s Partnership Board.

4.2 There has been significant consultation with relevant partners and stakeholders on the draft commissioning ‘scopes’: for services for children with a disability and/or special educational needs, and for Youth Services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The joint commissioning agreement will give rise to a s75 partnership arrangement totalling approximately £63 million of which the council's contribution will be approximately £53 million or 84%. The integrated provider agreement will give rise to a s75 partnership arrangement totalling approximately £57 million of which the council's contribution will be approximately £50 million or 88%. Both agreements are still subject to final agreement of budgets to be included in the pooled funds. Under the terms of the agreements these need to be confirmed by 1 October 2010.

In financial management terms, the general principle is that as the host partner (the council) manages the arrangements, it must manage within budget and carry the risk associated with this, in particular where expenditure is incurred without agreement. However, where expenditure is incurred with agreement or in default of agreement, the partners are jointly liable in proportion to their contributions if this causes overspending.

Another general principle is that there is frequent and regular reporting to the JCG/JMG and quarterly reporting to partners to ensure that problems and issues are identified early and escalated where appropriate. The "Revised Annual Finance Agreement" will set out the process for managing and reporting forecast deficits.

In terms of potential underspending, the agreement provides that underspends are either carried forward or distributed in proportion to partners' contributions. However, in practice the NHS cannot carry forward underspends.

The agreements specify that partners must use reasonable endeavours to agree draft budgets by 31 December each year and final budgets must be confirmed by 31 March each year. Budget planning must take into account inflation, planning assumptions (e.g. demographic changes), changes in policy and commitments. The budget process will also be set out in the "Revised Annual Finance Agreement". The budget will be agreed by the partners (Boards and Cabinet/Full Council) following the outcome of the 'annual review'.

The "Revised Annual Finance Agreement" will be agreed each year by JCG/JMG and will, inter alia, set out:

- The contributions for the year following the outcome of the annual review;
- Invoicing arrangements between the partners and the flow of funds in and out of pooled funds;
- The use of specific grants and other income;
- The financial and non-financial reporting requirements (frequency/format), including exception reporting, escalation and recovery procedures for overspend forecasts.

Any additional financial implications that arose from the review of commissioning scopes (paragraph 3.11) would need to be costed and appropriate funding would need to be identified.

Finance Officer Consulted: Jeff Coates

Date: 24 May 2010

Legal Implications:

- 5.2 The partnership arrangements for commissioning and integrated delivery of services between the City Council and PCT are governed by the S75 agreement. The new arrangements for the Children's Trust Board as set out in the report are per the statutory requirement of the Apprenticeship, Skills, Children and Learning Act 2009, and are compliant with recent statutory guidance. Any redesign of children's services will need to be compliant with relevant statutory guidance, and be able to meet relevant statutory duties.

Natasha Watson

Date: 03.06.10

Equalities Implications:

- 5.3 The proposed new arrangements for the Children's Trust Board, including wider representation from schools, 6th Form and FE Colleges, Job Centre Plus and Sure Start will strengthen the Board's capacity to deliver on the CYPP Strategic Improvement Priorities which pay particular attention to equalities issues. The provision of integrated services through the S75 agreements will benefit families from disadvantaged backgrounds who are likely to be more dependent on the services covered.

Sustainability Implications:

- 5.4 There are no adverse sustainability implications arising from these proposals.

Crime & Disorder Implications:

- 5.5 The proposed new arrangements for the Children's Trust Board, including wider representation from schools, 6th Form and FE Colleges, Job Centre Plus and Sure Start will strengthen the Board's capacity to deliver on the CYPP Strategic Improvement Priorities which pay particular attention to the reduction of crime and anti-social behaviour. The integrated provision of services through the S75 agreements will assist in addressing the needs of children and families in a co-ordinated way and therefore contribute to the reduction of crime and anti-social behaviour.

Risk and Opportunity Management Implications:

- 5.6 The proposed new arrangements for the Children's Trust Board, including wider representation from schools, 6th Form and FE Colleges, Job Centre Plus and Sure Start will strengthen the Board's capacity to deliver on the CYPP Strategic Improvement Priorities which address risk and opportunities across partner agencies. The proposals for integrated services and pooled funding through the S75 agreements

pose financial and legal risks which have been taken into account in developing the proposals.

Corporate / Citywide Implications:

- 5.7 The proposed new arrangements for the Children's Trust Board will benefit the residents of Brighton and Hove by enabling all partners to work together to deliver services that improve outcomes for children and young people. The S75 agreements will benefit the residents of Brighton & Hove by enabling integrated services to be provided centred on the needs of Children and their family rather than the provider organisation. This is in line with the Council's corporate priorities.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1: Statutory Guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan (2010)
2. Appendix 2: Membership of the Children's Trust Board:
3. Appendix 3: Children's Trust Board: Draft Work Programme
4. Appendix 4: Draft commissioning 'scopes': for services for children with a disability and/or special educational needs, and for Youth Services:

Documents In Members' Rooms:

None

Background Documents:

None

Appendix 1:

Statutory Guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan (2010)

The Statutory Guidance on co-operation arrangements states:

"The Children's Trust is the sum of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people. This includes the Children's Trust Board." (1.1)

The Guidance goes on to highlight that:

"The Children's Trust is not a separate organisation. Each partner within the Children's Trust retains its own functions and responsibilities within the wider partnership framework." (1.1)

What the Children's Trust Partnership (including the Children's Trust Board) does collectively:

The 2010 Statutory Guidance states:

"Children's Trust co-operation arrangements, which include the Children's Trust Board, promote co-operation through integrated working across services at each organisational level to commission or deliver services which are child (and family)centred and improve outcomes for all children and young people in the local area. These include:

- developing and promoting a local vision – set out in the CYPP – to drive improved outcomes for local children, young people and their families;
- robust arrangements for interagency governance (i.e. the Children's Trust Board);
- developing better integrated strategies such as strategic commissioning with pooled or aligned budgets, shared data and other information, and workforce development
- supporting those strategies via more integrated processes including effective joint working sustained by a shared understanding of professional language and common systems; and
- developing and promoting better integrated front line delivery, organised around the child, young person, or their family. (1.7)

What the Children's Trust Partners do individually:

The 2020 Statutory Guidance states:

“The partners in the Children’s Trust (both statutory and those included by local agreement) are individually responsible for implementing the CYPP in the course of delivering their normal functions. Partners will set out in the CYPP what their strategy will be to co-operate to improve children’s well-being. This should include, wherever possible, the level of resource each partner intends to commit to it. They must ‘have regard’ to the Plan and the commitments they have made, which means if they depart from them, they must be able to show a good reason for doing so. (1.9)

Section 10 of the Children Act 2004 requires the local authority to ‘make’ the co-operation arrangements, (including establishing the Children’s Trust Board¹⁰) and each of the statutory ‘relevant partners’ is required to co-operate with it in doing so. In practice this means engaging with and contributing to the various arrangements for co-operation (partnerships, tools and processes) that are put in place. The local authority has a leading role insofar as it must make sure the arrangements are in place and fit for purpose, but in all other respects it is one partner among equals within the partnership, and alone it does not have the power to direct any other Children’s Trust partner on how to use its resources.” (1.10)

The Children’s Trust Board:

The Apprenticeship, Skills, Children and Learning Act 2009 (ASCL Act) requires each local authority to establish a Children’s Trust Board as part of its arrangements to promote co-operation to improve well-being for children under section 10 of the Children Act 2004.

The Statutory guidance states:

“The statutory functions of the Children’s Trust Board relate almost exclusively to the CYPP. The purpose of the Children’s Trust Board is to bring all partners with a role in improving outcomes for children together to agree a common strategy on how they will co-operate to improve children’s well-being and to help embed partnership working in the partners’ routine delivery of their own functions. It also provides a strategic framework within which partners may agree to commission services together, with pooled or aligned budgets, but **delivering the strategy remains the responsibility of the partners, both individually and together.** This means that each partner’s existing lines of accountability are unchanged, i.e. each partner of the Children’s Trust Board retains its existing formal lines of accountability for delivering its own functions. This avoids any confusion or blurring of lines of accountability within the Children’s Trust board.” (1.4.)

The Children’s Trust Board is responsible for:

- developing and publishing the CYPP, keeping it under review and revising it; and
- monitoring progress and producing a report on the extent to which the Children’s Trust partners act in accordance with the CYPP.” (1.8)

The Children's Trust Board will become a statutory body which will provide interagency governance of the co-operation arrangements across all organisations with a role in improving outcomes for children and young people in Brighton and Hove.

Local co-operation arrangements are dealt with in the Children and Young People's Plan (CYPP) which summarises how Brighton and Hove is delivering on the 5 essential features of a Children's Trust i.e.

- A child and family centred outcomes led vision
- Inter-agency governance
- Integrated Strategy
- Integrated Process
- Front line delivery organised around the child, young person and family (CYPP pp 6-11)

Children's Trust Board: membership and representation:

The Statutory Guidance 2010 states:

"The Children's Trust Board must include a representative of the local authority and of each of its statutory 'relevant partners'. It should also include non-statutory partners to reflect local circumstances." (4.15)

(Relevant partners are those organisations with a 'duty to co-operate under the Children Act 2004 (Section 10).

"The non-statutory partners are just as important as the statutory ones and, in the case of third sector organisations, for example, should be represented on the Children's Trust Board. The inclusion of non-statutory partners allows local partners the flexibility to shape their co-operation arrangements, including their Children's Trust Board, in a way that best suits local circumstances." (2.3)

"Representatives should be senior members of their organisation able to comment on the full range of their organisation's interests, report back to that organisation on debates with the Children's Trust Board and make decisions committing the organisation to taking action and providing resources through the CYPP." (4.17)

"To be effective, the Children's trust Board will have an optimum size: too big and meetings become unmanageable; too small and they will not cover the full range of interests." (4.19)

Children's Trust Board: Chair

The Statutory Guidance (2010) states:

"As part of the duty to establish a Children's Trust Board, it is the responsibility of the local authority to appoint the Chair in consultation with the

Board members. It is more important that the best person available is selected than that a particular role is prescribed. The Chair could, for example, be the Director of Children's Services, Lead Member for Children's Services, Chief Executive of the PCT, or an independent person. It is crucial that the Chair is able to speak with authority on behalf of the Children's Trust Board as a whole and ensure each of the members contributes fully to its work. Where the Chair is not appointed from within the local authority, the local authority should monitor the effectiveness of the Chair's work. (4.7)

The Chair has a vital role in making sure that the Children's Trust Board operates effectively. The Chair should be of sufficient standing and expertise to command the respect and support of all partners. The Chair should act objectively and distinguish their role as chair from any other day-to-day job." (4.8)

The council proposes that the Lead Member for Children's Services as the Children's Trust Board chair.

Children's Trust Board: Terms of Reference

The Statutory Guidance (2010) states:

"As part of its work to establish the Children's Trust Board, the local authority should develop terms of reference and agree these with its partners. The terms of reference should cover roles and responsibilities, governance, membership, objectives and frequency of meetings (4.24).

Draft Terms of reference are attached Annex 1.

Children's Trust Board: Sub Groups

The Statutory Guidance (2010) states:

In order to keep the Board to a workable size and its meetings suitably focused, the local authority should set up sub-groups. These might be thematic (for example focusing on consultation), focused on a particular group of children (such as those with special educational needs and disabilities), or set up to enable effective representation on the Children's Trust Board (sub-groups of schools or third sector bodies, for example) (4.10).

The Board may also nominate one of its members to take a strategic lead on a single theme of work and report back to it on a regular basis, effectively becoming a champion. This theme could be to promote the involvement of children and young people in the Board's work, or for safeguarding for example. (4.12)

The council does not propose, at this stage, that the new Children's Trust Board should establish separate sub groups as outlined in the Guidance. Instead it proposes that the Board focus on strengthening existing

relationships with other partnerships. The Statutory Guidance highlights the key partnerships in respect of services for children and young people including: the Local Strategic Partnership; the Local Safeguarding Children Board (LSCB); the Community Safety Partnership; and the Behaviour and Attendance Partnership.

Page 20 of Brighton and Hove's CYPP sets out how children's services already relate to the local planning framework for local public services.

Annex 1: Draft Terms of Reference for the Children's Trust Board

1. The Terms of Reference are pursuant to The Apprenticeships, Skills, Children and Learning (ASCL) Act 2009 , and the accompanying statutory guidance and regulations. Regarding co-operation arrangements.

2. The role and responsibilities of the Board

2.1 The Children's Trust Board provides the interagency governance of the Children's Trust cooperation arrangements to promote children's well being arising from Section 10 of the Children Act 2004, whereby arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to –

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by them to society;
- (e) social and economic well-being.

2.2 The Children's Trust Board will bring partners together in a common strategy through the Children and Young People's Plan (CYPP). The Act transfers responsibility for preparing, publishing and revising the CYPP from the local authority alone to the Children's Trust Board.

2.3 The Children's Trust Board will prepare and monitor the implementation of the CYPP – but does not deliver it. Delivering the strategy remains the responsibility of the partners, both individually and together. Each partner within the Children's Trust retains its own functions and responsibilities within the wider partnership framework.

2.4 When preparing, reviewing and revising the CYPP the Board must have regard to the compatibility with the UN convention on the rights of the child, which includes children's rights to:

- protection from harm and violence and discrimination,
- a supportive family environment or alternative care,
- help to keep healthy;
- education, play and leisure;
- additional support for those with the most need.

3. **Membership**

- 3.1 The membership of the Board will be as set out in the attached schedule, at Appendix 1.

4. **Governance**

- 4.1 The Chair of the Board will be the Lead Member for Children's Services.
- 4.2 The Children's Board has no quorum.
- 4.3 If a member of the Board cannot attend deputies or alternative representatives with decision making powers should attend with the agreement of the Chair.
- 4.4 Should the need arise the Board has the power to set up sub -groups. There are no plans to do so at present

5. **Objectives: The Board has responsibility for:**

(i) **Conducting a needs analysis to inform the CYPP**

- 5.1.1 The Board must carry out a thorough and wide ranging analysis of children and young peoples needs mapped against existing services, to identify gaps in service provision and inform strategic commissioning.
- 5.1.2 The Board should review the needs analysis as an ongoing activity.
- 5.1.3 The Board must ensure that the needs assessment is informed by safeguarding priorities
- 5.1.4 The needs assessment should inform and be informed by the statutory Joint Strategic Needs Assessment (JSNA)

(ii) **Developing and publishing the CYPP:**

- 5.2.1 The Board must collectively prepare, publish, monitor and revise the CYPP in accordance with current statutory regulation and guidance.
- 5.2.2 The CYPP is a joint strategy which sets out how the Children's Trust partners will cooperate to improve children's well-being in the local area and sets the strategic framework for the commissioning of services for children and young people.
- 5.2.3 The CYPP should be consistent with the strategic vision in the Sustainable Community Strategy.
- 5.2.4 In preparing the CYPP the Board will set the strategic priorities for children and young people with special educational needs, disabilities and looked after children in the local area
- 5.2.5 Every local area must publish a joint CYPP on or before 1 April 2011

- 5.2.6 The Board must agree the period of the plan to be published on or before April 2011, and the period covered by each plan thereafter.
- 5.2.7 The Plan must be published by the partners to the Board in accordance with statutory guidance
- 5.2.8 The Children's Trust Board will consult widely during the preparation of the Plan per the CYPP regulations.

(iii) Monitoring the CYPP

- 5.3.1 Whereas individual partners to the Board are responsible for delivering the CYPP, the Board is responsible for monitoring the extent to which each Children's Trust partner acts in accordance with their commitments in the CYPP
- 5.3.2 The Children's Trust Board will monitor the extent to which the priorities and targets identified in the CYPP are being achieved and specifically how each partner is implementing the Plan, providing challenge if necessary.
- 5.3.3 The partners to the Board must provide information and relevant data to enable the Board to assess progress of the CYPP
- 5.3.4 The Board will review the CYPP each year in which a new Plan is not published. The emphasis of the review is to assess the effectiveness of the Plan itself. Following any review of the plan if it considers it is necessary the Board will revise the plan and publish it in accordance with regulations.
- 5.3.5 The Board will produce an annual report on the extent to which the Children's Trust partners act in accordance with the CYPP.
- 5.3.6 The annual report shall include the assessment of the Chief Executive and Leader of the Council as to the effectiveness of local governance and partnership arrangements for improving outcomes for children.

(iv) Safeguarding and promoting welfare

- 5.4.1 Per the statutory guidance keeping children safe is a top priority for the Children's Trust Board and each of the Children's Trust partners, statutory and non-statutory alike.
- 5.4.2 The Board must receive an annual report from the Local Safeguarding Children Board (LSCB)
- 5.4.3 In developing the CYPP the Board must have regard to the strengths and weaknesses identified by the LSCB. The LSCB is responsible for challenging the Children's Trust Board and the Children's Trust partners individually on their success in ensuring that children and young people are kept safe.
- 5.4.4 The CYPP must set out the arrangements to promote the welfare and safety of children and young people, and the arrangements made by Board partners for co-operating to improve safeguarding and provide early intervention and preventative action.

- 5.4.5 The CYPP regulations require the CYPP to set out the arrangements they will make to reduce and mitigate the effects of child poverty
- 5.4.6 The CYPP must include a local workforce strategy to help create a workforce which delivers improved outcomes for children.
- 5.4.7 The Children's Trust Board should promote consistent adoption and use of integrated processes and tools available to support integrated working through the CYPP. This includes effective information sharing and per Lord Laming's recommendation the Children's Trust Board should assure itself that partners consistently apply the Information Sharing Guidance to protect children.

Appendix 2: Membership of the Children’s Trust Board:

| Agency/Organisation | Relevant guidance (in italics) & commentary | representation |
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| Statutory ‘Relevant Partners’ | | |
| <p>Brighton and Hove City Council:</p> <ul style="list-style-type: none"> • Lead Member • Director of Children’s Services • 4 Elected Members | <p><i>4.13 Both the DCS and the Lead Member should be members of the Children’s Trust Board. The Lead Member should attend as a member of the political executive with a pivotal role in championing children and defining political priorities for them on the Board and to represent the local community. DCSs should attend as the senior local authority officer with responsibility for coordinating children’s services within the authority and establishing the co-operation arrangements in the wider Children’s Trust partnership, including setting up the Children’s Trust Board.</i></p> <p>The council will maintain current cross party representation. In addition the Lead Member will be the Chair of the Children’s Trust Board.</p> | 6 |
| <p>NHS Brighton and Hove (PCT)</p> | <p><i>2.14 The partnership between the local authority and the PCT is the driving relationship of the Children’s Trust. Neither a PCT nor a local authority can deliver its priorities without the active co-operation of the other. The guidance document Transforming Community Services (2010), supports this position and says, ‘For children, service pathways will need to cover not only the interface between hospitals and community services but also the interface with early years services and schools, as well as with children’s social care.’</i></p> <p>The PCT will be represented by the Chair of the Board and the Chief Executive</p> | 2 |
| <p>Strategic Health Authority</p> | <p><i>2.19 It is important that the SHA is a statutory ‘relevant partner’ in the Children’s Trust co-operation arrangements because it provides strategic leadership to local health</i></p> | 0 |

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| | <p><i>systems. They are not required to be represented on the Children's Trust Board, but this does not preclude their involvement. The local authority should decide, based on advice from the other Board members and the SHA itself, what arrangement best suits local circumstances.</i></p> <p>The SHA will not have a representative at the Children's Trust Board, the Authority's involvement will be through the formal receipt of the minutes of all Board meetings.</p> | |
| Sussex Police | No specific details in the Statutory Guidance | 1 |
| Schools | <p><i>4.20 The addition of schools to the list of statutory 'relevant partners' is a key step to help strengthen the partnership between schools and other children's services. But their numbers make shared representation on the Children's Trust Board essential. The local authority is responsible for developing – in agreement with schools – a system for representation.</i></p> <p>There will be 3 representatives for the phase groups and special education provision.</p> | 3 |
| Further education and sixth form colleges | <p><i>2.36 Institutions within the further education sector are also statutory 'relevant partners' in the Children's Trust co-operation arrangements covering the area in which their main site is located. This will help enable them to have a strong voice in local decisions about the use of resources and service commissioning. FE institutions also have a role to play in identifying young people who need extra support and, with appropriate advice and help from other agencies, ensure that it is provided early enough to avoid more serious problems later on.</i></p> <p><i>2.37 Local authorities will have</i></p> | 1 |

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| | <p><i>responsibilities for planning and funding 16-19 learning, which includes commissioning a range of provision from schools, FE institutions and other training providers to meet the learning needs of every young person in the local area up to the age of 19. This will be informed by the strategic commissioning priorities identified by the local strategic 14-19 partnership, which is part of the Children's Trust co-operation arrangements.</i></p> <p>There will be one joint representative for Further Education and 6th Form Colleges council will present proposals at the Board meeting.</p> | |
| Job Centre Plus | <p><i>2.40 Jobcentre Plus must be represented on the Children's Trust Board, but as its districts are not the same as (Children's Trust) local authority areas, Jobcentre Plus will need to agree who is best placed to represent its interests. The representative should be able to cover the full range of Jobcentre Plus services and have sufficient authority to speak for Jobcentre Plus locally and commit it, where appropriate, to the strategic and operational aims of the Children's Trust Board, including committing resources.</i></p> | 1 |
| Proposed Non Statutory Partners | | |
| Youth Council | <p><i>2.66 Listening to children and young people and taking account of their views is central to the success of policies to improve their well-being and life chances. Article 12 of the UNCRC says that children have the right to express their views and have them taken into account and given due weight, according to their age and maturity, in all matters affecting them. The Children's Trust Board should take into account the views of children, including when developing and reviewing the CYPF'.</i></p> | 1 |

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| | <p>Although not required by the Statutory Guidance there will be a member from the Youth Council. Following discussion with Youth Council representatives it has been agreed to reduce the number of representatives from 2 to 1 (plus support worker)</p> | |
| Parents Forum | <p><i>2.68 The Children’s Trust Board should, as part of its development and monitoring of the CYPP, undertake full consultation with parents and consider innovative ways of identifying and speaking to parents who are less likely to come forward to express their views, involving neighbourhood groups and community events to support outreach work, or existing arrangements such as parent forums under the Aiming High for Disabled Children⁵¹ programme.</i></p> <p>Although not required by the Statutory Guidance there will be a member from the Parents Forum. Following discussion with Parents Forum representatives it has been agreed to reduce the number of representatives from 2 to 1 (plus advice worker).</p> | 1 |
| Community & Voluntary Sector Forum | <p><i>2.43 As the third sector has an essential contribution to make, every Children’s Trust Board should include third sector representation.</i></p> <p><i>2.44. Where smaller third sector organisations do not have the capacity to engage – the local authority should take steps to engage them in the Children’s Trust Board, through local third sector infrastructure organisations for example voluntary sector forums.</i></p> <p>Following discussion with the Community and Voluntary Sector Forum the sector will be represented by two people elected by the Forum.</p> | 2 |
| Providers of Health Care | <p><i>2..51 Acute, foundation and specialist NHS trusts, mental health trusts and community</i></p> | 4 |

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| | <p><i>NHS services have a major role in improving outcomes for children and young people, and should be fully involved in the development of the Children and Young People’s Plan. Other services such as ambulance trusts, walk-in centres and NHS Direct also provide important services to families, especially out of hours. The Children’s Trust partners should actively engage clinicians and health care providers in the development and operation of local arrangements for multi-agency working, information sharing and joint training.</i></p> <p>Following advice from the PCT there will be representation from 3 local providers of Health Care i.e. South Downs NHS Trust 1 (2 during the transitional establishment of governance arrangements for the S75 Agreement)) Brighton and Sussex University Hospitals NHS Trust (1); Sussex Partnership NHS Foundation Trust (1).</p> | |
| Options for other Non Statutory Partners | | |
| Sussex and Brighton Universities | <p>Sussex and Brighton Universities have been represented on the CYPT Partnership Board since 2006. The Statutory Guidance does not discuss membership from Higher Education – but that remains a local option.</p> <p>The council has asked the Universities’ representative to stand down and to focus involvement in the Workforce Development Partnership.</p> | 0 |
| Lead General Practitioner | <p><i>2.49 The work of Children’s Trusts will be improved by greater input from GPs, with their extensive experience of dealing with the health needs of children and families. It is also vital that the children’s services provided in every area support the work of</i></p> | 1 |

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| | <p><i>GP practices.</i></p> <p><i>2.50 The Director of Children's Services should consult the PCT to secure a lead GP on the Children's Trust Board to act as professional advisor, building on existing local groupings of GPs. This would include offering advice on how to reflect the views of the wider community of GPs in developing and delivering the CYPP.</i></p> <p>On the advice of the PCT there will be a General Practitioner to represent Practice Based Commissioning in the city.</p> | |
| Sure Start Children's Centres | <p><i>2.47 We expect Children's Trust partners to take into account the provision of services through local children's centres as part of their development and implementation of the Children and Young People's Plan. The Children's Trust Board must consult all Children's Centre advisory boards in the local authority's area when drawing up their Children and Young People's Plan and there should be a children's centre representative on the Children's Trust Board. Robust and fair arrangements should be developed for the selection of a representative following principles similar to those for selecting a schools representative (set out in paragraph 4.20 of this guidance).</i></p> <p>There will be one parent representative Sure Start.</p> | 1 |
| Private Sector | <p><i>2.45 Along with the third sector, private sector organisations may provide a significant proportion of all early learning and childcare. Where this is the case, it is important they are represented on the Children's Trust Board.</i></p> <p>There will not be separate</p> | |

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| | <p>representation from private early years providers in light of existing arrangements for commissioning, supporting and involving those providers in the Children's Trust Partnership.</p> | |
| Housing Sector: | <p><i>2.52 Access to decent housing is a major factor in helping to improve outcomes for children and young people. This is a local authority function, so technically the appropriate strategic bodies (the local authorities) are among the statutory members. However in practice, housing services may not be routinely included, as it might be considered an 'adult service' outside the scope of the Children's Trust. This should not be the case. Within the local authority, the Chief Executive has an important role in forging those links and ensuring that housing functions are exercised in a manner consistent with the strategies set out in the CYPP.</i></p> <p>There will not be separate representation from the Housing Sector as effective arrangements, within the council and with other partners, are already in place and that these will be strengthened by the new proposals to create 'a council the city deserves'.</p> | |
| Other Adult Services | <p><i>2.54 As with housing, adult social care is a local authority function and so should be taken into account by the local authority in setting up its Children's Trust co-operation arrangements and Board, but in practice is often regarded as outside the scope of the Children's Trust. It is, however, crucial that young people, especially those from vulnerable groups, make a smooth transition from children's to adult services. The Director of Adult Social Services (DASS) should work closely with the Director of Children's Services (DCS) to ensure that young people leaving children's</i></p> | |

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| | <p><i>services make a successful transition. The local authority Chief Executive has an important role in helping to make sure that these links are made within the authority and that all local authority functions are exercised with regard to the strategies set out in the CYPP and relevant guidance.</i></p> <p>There will not be separate representation from Adult Services as effective arrangements are already in place and that these will be strengthened by the new proposals to create 'a council the city deserves'.</p> | |
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Appendix 3: Children's Trust Board: Draft Work Programme (17.5.10)

| Board Meeting | Report |
|----------------------------|---|
| 17 th May 2010 | <p><u>Standing Items:</u></p> <ul style="list-style-type: none"> • none <p><u>Strategic Improvement Priorities:</u></p> <p>Priority1</p> <ul style="list-style-type: none"> • Children's Trust Board Arrangements • Corporate Parenting • Safeguarding Thresholds - presentation <p><u>Reports from Board members/other partnerships:</u></p> <ul style="list-style-type: none"> • None <p><u>CYPP Transitional Arrangements:</u></p> <ul style="list-style-type: none"> • none |
| 19 th July 2010 | <p><u>Standing Items:</u></p> <ul style="list-style-type: none"> • none <p><u>Strategic Improvement Priorities:</u></p> <p>Priority 1:</p> <ul style="list-style-type: none"> • VFM programme: prevention work stream <p>Priority 2:</p> <ul style="list-style-type: none"> • Report on School clusters/extended services • Service redesign scoping papers: children with a |

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| | <p>disability: and Child Health Programme</p> <p>Priority 3:</p> <ul style="list-style-type: none"> • Service redesign scoping paper: Youth Services <p>Priority 4</p> <ul style="list-style-type: none"> • Workforce development <p><u>Reports from Board members/other partnerships:</u></p> <ul style="list-style-type: none"> • Community Safety Partnership: Domestic violence-commissioning review <p><u>CYPP Transitional Arrangements</u></p> <ul style="list-style-type: none"> • none |
| <p>6th September 2010</p> | <p><u>Standing Items:</u></p> <ul style="list-style-type: none"> • LSCB Annual Report/Evaluation of Safeguarding in Brighton and Hove (and LSCB Business Plan)? <p><u>Strategic Improvement Priorities:</u></p> <p>Priority 3:</p> <ul style="list-style-type: none"> • Maximising life chances – children’s health care • Access to education <p><u>Reports from Board members/other partnerships:</u></p> <ul style="list-style-type: none"> • none <p><u>CYPP Transitional Arrangements</u></p> <ul style="list-style-type: none"> • Report/work-plan |
| <p>1st November 2010</p> | <p><u>Standing Items:</u></p> <ul style="list-style-type: none"> • CYPP Performance report <p><u>Strategic Improvement Priorities:</u></p> <p>Priority 2:</p> <ul style="list-style-type: none"> • Child poverty: needs analysis and strategy • Young People: Outcome of Youth service Review: 14-19 Strategy; YOS <p>Priority 4:</p> <ul style="list-style-type: none"> • Update on VFM <p><u>Reports from Board members/other partnerships:</u></p> <ul style="list-style-type: none"> • none <p><u>CYPP Transitional Arrangements</u></p> |

| | |
|----------------------------------|---|
| | <ul style="list-style-type: none"> • none |
| 31 st January 2011 | <u>Standing Items</u> <u>Strategic Improvement Priorities:</u> <u>Reports from Board members/other partnerships:</u> <u>CYPP Transitional Arrangements</u> |
| 21 st March 2010 | <u>Standing Items:</u> <ul style="list-style-type: none"> • Report on Section 75 partnership Arrangements <u>Strategic Improvement Priorities:</u> <u>Reports from Board members/other partnerships:</u> <u>CYPP Transitional Arrangements</u> |

Appendix 4: Draft commissioning 'scopes': for services for children with a disability and/or special educational needs, and for Youth Services:

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| Outcomes |
| <ul style="list-style-type: none"> • Promotion of and helping children and young people become as independent as possible and to reach their full potential • Development of resilience in parent carers • Delivery of the integrated strategy for the planning and commissioning and provision of services set out in |
| Objectives |
| <p>Through partnership working and in the context of financial restraint, to develop a refreshed 3 year Strategy defining commissioning activity, improvement plans and establishing clear outcome measures.</p> <p>To ensure the following priorities are met;</p> <ul style="list-style-type: none"> • <i>Provision of timely interventions which meet the needs of individual children.</i> • <i>Empowering parents carers – equipping parents carers with information and skills and strengthening family-focussed networks in order to build resilience in parents carers</i> • <i>Supporting parent carers to look after their children at home or, wherever possible, in the local community. We seek services that make early intervention a priority - in order to prevent families reaching crisis point, and to plan well in advance for the future, especially where a child's needs are complex.</i> <p>To explore further the emergent agenda around personalisation and choice in children and young people's services.</p> <p>To ensure the children's workforce is competent and equipped to meet the needs of disabled children.</p> <p>To ensure that children and young people with disabilities are effectively protected and safeguarded.</p> <p>To deliver Value for Money (VFM), ensuring that the council is able to provide good outcomes and services whilst demonstrating efficiency and cost effectiveness compared to similar authorities or service providers</p> |

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|---|
| Activities |
| Needs assessment and demand planning Desk review of current services and information Financial analysis of current services and information Comparative analysis Young peoples experience of services Parents and carers experience of the services Professional experience of services and pathways Financial analysis of future needs and demands Identification of priorities Recommendations and options |

| |
|---|
| People involved |
| Children, young people and their families Young people's group (AHA) Parent Carer Council (PaCC) Existing providers- Brighton and Hove City Council (BHCC), South Downs Health NHS Trust, Brighton and Sussex University Hospitals Trust Third sector Commissioners Primary care Others as appropriate |

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| In scope |
| Children and young people with disabilities and associated complex health needs 0-19 (to 25 if appropriate) Reviewing the system of services and pathways of child/young person and family through services How services are delivered by all providers including with and by independent and third sector |

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|--|
| Out of scope but connectivity essential to review |
| Contracts for services at Chailey but links with Chailey services will be included Other tertiary services i.e. other specialist services both inpatient and outpatient within and beyond the local area Special educational needs (SEN) strategy Acute hospital services Primary care |

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| Deliverables |
| The experience of young people, parents and carers of the services What are the current arrangements for commissioning and delivering services How are services integrated Understanding of the current resources, quality issues, gaps and productivity Analysis of future needs and demands Recommendations outlining areas of improvement including performance measures, quality indicators, VFM |

| |
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| Milestones |
| Service mapping and financial analysis – May-early July Comparative analysis– June/early July Exploration of personalisation in conjunction with adult social care– July Effectiveness of the pathway– June/July Parent care and young people's experience of pathways May-July |

Youth Services Review Project Brief

Objectives

1. Through partnership working and in the context of financial restraint, to develop a 3 year Strategy defining commissioning activity to improve services and outcomes.
2. To ensure the provision of youth services meets statutory responsibilities and promotes the safeguarding and wellbeing of young people 13 -19, and up to 25 with additional needs, supporting them to be as self sufficient and independent as possible and reach their full potential.
3. To ensure the children's workforce is competent and equipped to meet the needs of young people
4. To deliver Value for Money (VFM), ensuring that the council is able to provide good outcomes and services, whilst demonstrating efficiency and cost effectiveness compared to similar authorities or service providers
5. To identify options for a 15% cost reduction across available resources including the Pooled Budget set out in the S75 Agreement between the council and the PCT and services funded by other partners and agencies through external grant funding

Outcomes

•Promoting positive futures, strengthening communities and involving people, improving health and well being and reducing crime and improving safety

To be further defined by young people but includes:

- Promotion of and helping young people to become self sufficient and independent as young adults
- Ensure young people are safeguarded
- Young people reporting that they can get a range of positive activities across the city
- Promotion of sexual health and positive relationships
- Prevention of harm from alcohol or substance misuse
- Prevention of young people getting a criminal record
- Delivery of the integrated strategy for the planning and commissioning and provision of services set out in the Children and Young Peoples' Plan

Activities

- Needs assessment and demand planning
- Desk review of current services and information
- Financial analysis of current service
- Comparative analysis
- Young peoples experience of services
- Professional experience of services and pathways
- Financial analysis of future needs and demands
- Identification of priorities
- Recommendations and options

People Involved

Young people
Commissioners
Existing providers including the Council and 3rd Sector
Representatives from community and voluntary organisations
Others as required

In Scope

- Young people's services 13 -19
- 19 -25 year olds where appropriate
- Universal and prevention and early identification and support services provided in CYPT and third sector
- Reviewing the system of services provided
- How services are delivered by all providers including with and by independent and third sector providers

Out of Scope but connectivity essential to review

- Young people with complex or specialist needs
- Youth offending services
- Intensive support services for the most vulnerable young people
- Extended services in schools
- Sports and music services

Deliverables

- What is the experience of young people of the services
- What are the current arrangements for commissioning and delivering services.
- How are services integrated
- Understanding of the current resources, quality issues, gaps and productivity
- Analysis of future needs and demands
- Recommendations outlining areas of improvement including performance measures, quality indicators, VFM and participation of young people.
- Clarity regarding the priorities according to need, outcomes and VFM
- Options for changes
- Equality Impact Assessment

Milestones

- Desk review of current services – start mid March complete mid May
- Financial analysis of current service and impact of future needs and demands –April/May
- Comparative analysis – May
- Young peoples experience of services – May June July
- Professional experience of services May June
- Resources quality and service issues June
- Options/ priorities – end July
- Recommendations August
- Final reports in compliance with S75 governance arrangements October 2010

CHILDREN AND YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 9

Brighton & Hove City Council

Subject: School Exclusion Scrutiny Panel Report
Date of Meeting: 16 June 2010
Report of: The Director of Strategy and Governance
Contact Officer: Name: Sharmini Williams Tel: 29-0451
E-mail: Sharmini.williams@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report and its appendices detail the findings of the Scrutiny Panel established to examine the issue of School Exclusion.
- 1.2 The Scrutiny Panel's report and its appendices are re-printed as **appendix 1** to this report.

2. RECOMMENDATIONS:

- 2.1 That members:
 - (1) Endorse the School Exclusion Panel report;
 - (2) Agree to refer the report recommendations to the council's Executive and to the appropriate partner organisations.

3. BACKGROUND INFORMATION

- 3.1 The review into School Exclusion was instigated at the 17 June 2009 CYPOSC meeting. More information on the formation of the Panel is available in **Appendix 1**.

4. CONSULTATION

- 4.1 No formal consultation was undertaken in preparing this report, although some of the witnesses who gave evidence to the panel were asked for their comments on drafts of the report, and these comments have been used to inform the final draft version.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 CYPOSC's decisions in relation to this report (i.e. whether to endorse the Scrutiny Panel report and refer its recommendations to the council's Executive for consideration) have no direct financial implications.

However, members should bear in mind that the implementation of some of the Scrutiny Panel's recommendations might have significant financial implications for the council, and that any Executive decision in relation to these matters will need to be made with reference to these costs.

Legal Implications:

- 5.2 If CYPOSC endorses the Panel's report and accepts its recommendations, it is required to prepare a formal report and submit it to the Chief Executive for consideration by Cabinet or the relevant Cabinet Member. CYPOSC may also refer the report to partner organisations, highlighting those recommendations relevant to those bodies. Only if one or more recommendations require a departure from or a change to the agreed budget and policy framework would the report need to be considered by Full Council.

If CYPOSC cannot agree on one single final report, up to one minority report may be prepared and submitted, alongside the majority report, for consideration by the Cabinet or Cabinet Member.

Lawyer consulted: Oliver Dixon

Date: 8 June 2010

Equalities Implications:

- 5.3 None identified

Sustainability Implications:

- 5.4 None identified.

Crime & Disorder Implications:

5.5 None identified.

Risk and Opportunity Management Implications:

5.6 None identified.

Corporate / Citywide Implications:

5.7 None identified.

SUPPORTING DOCUMENTATION

Appendices:

1. Scrutiny Panel report and appendices

Documents in Members' Rooms:

None

Background Documents:

1. None (other than those listed in the Scrutiny Panel report itself)

**Report of the Children and Young People's
Overview and Scrutiny Panel**

Date: June 2010

School Exclusion

Panel Members:

**Councillor Rachel Fryer (Chairman)
Councillor Kevin Allen
Councillor David Smart
Rachel Travers (representative of the Community
Voluntary Sector Forum)**

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Chair's Foreword

This has been an incredibly interesting, fulfilling and, at times, emotive scrutiny panel which it has been my privilege to chair. As with so many things it has raised more questions than it has answered yet has been very informative. I think that as a panel we have gained a good all-round understanding of the complex issues surrounding school exclusions.

A particularly important part of this scrutiny panel was the school visits – we packed an amazing five visits to schools into one day where we met and discussed with staff what they felt the issues were around school exclusion. This was followed by visits to learning centres where we met and spoke with young people who either had been excluded or were at risk of exclusion. We also learnt a lot from evidence given by parents and carers of young people who had been excluded. It is clear teachers face enormous challenges and do a lot to reduce the risk of exclusion. However it also became clear that there is room for communication between schools and other service providers and parents and carers to improve.

You will notice there has been an emphasis on young people with Special Educational Needs (SEN). This is because it became clear immediately that there are a disproportionately high number of young people with SEN who are being excluded. These are often the most vulnerable young people so the negative impact which may result from being excluded – such as feelings of rejection and isolation, as well as disruption to education, are therefore all the more pertinent. We understand the pressures schools are under in balancing meeting these needs with meeting the needs of all other children and young people in a class, particularly as SEN is such a complex area. The Headteacher of ACE described how it is possible to argue that all excluded young people have SEN. I would like to draw your attention to the section on Speech and Language. Many teachers said they believed disruptive behaviour was often caused by young people either trying to cover up or express frustration at their poor communication skills. We hope this report goes some way to setting out structures which will give support to schools to meet the above needs and prevent exclusion.

It should be pointed out that, contrary to popular belief, exclusion should not be used as a punishment. It can teach young people that misbehaving can mean they don't have to go to school – to some this will seem like a reward whilst reinforcing negative impacts discussed earlier. One parent described how the only person an exclusion punishes is the parent and these parents are often already in very demanding and challenging situations.

You will see at the end of the report areas which we think are very important to explore but which we simply did not have the scope for in this limited time. These include addressing issues of exclusion amongst Travellers, correlation with exclusion and domestic violence and issues of bullying including homophobic bullying.

We saw lots of excellent practice, including preventative measures such as clear behaviour policies with an emphasis on rewarding good behaviour and separate learning centres which young people at risk of exclusion attend where they can access more individual support and attention.

I would like to finish by expressing gratitude to my fellow members of the panel: Councillors Kevin Allen, David Smart and Rachel Travers from Amaze, all of who it has been a pleasure to work with. I'm sure they will join me in thanking the many teachers, parents and young people for their time, and at times disclosing personal and sensitive information. I would also like to formally thank Sharmini Williams, our scrutiny officer who organised meetings to fit in with our busy diaries, responded to our many comments and done a great job at pulling together this report and condensing what started as dozens of recommendations into a concise 13.



Rachel Fryer

Councillor Rachel Fryer
Chair of the School Exclusion Scrutiny Panel

List of Recommendations

Special Educational Needs:

Recommendation 1

Whilst the Panel recognises how far schools have developed their understanding of SEN, further training and advice for SENCOs on identifying early signs of problem behaviour is still required. The Headteachers' Steering Group should investigate how schools identify children who may have behavioural needs as early as possible and what practices they are putting into place to support pupils.

Recommendation 2

The CYPT use its influence with schools to encourage schools to research and increase staff awareness in order to support children with all special needs, including Foetal Alcohol Syndrome (FAS).

Recommendation 3

Schools should identify the best and most creative use of their SEN funding in the City and ensure that best practice is shared amongst all schools.

Recommendation 4

The CYPT to encourage schools to provide language and communication and intervention in schools as early as possible to meet the needs of their pupils.

Recommendation 5

The CYPT continue to put into place robust monitoring systems to assess how each school is spending its SEN budget and to intervene and advise if spending is not as effective as it could be.

Recommendation 6

The Council should request changes to the legislation of SEN funding to stipulate that this funding is ring-fenced for schools to use on SEN related matters only (via provision for lobbying central Government introduced in the Sustainable Communities Act).

Child and Adolescent Mental Health Services (CAMHS):

Recommendation 7a

Clinical CAMHS should consider whether it offers the most responsive possible service to families, particularly in terms of being willing to travel to locations where families feel most comfortable, rather than requiring children with complex needs to travel to clinical facilities.

Recommendation 7b

CAMHS need to ensure that, subject to patient confidentiality, it shares all relevant information with schools to best enable them to support all children in their care.

Recommendation 7c

Where possible, CAMHS professionals/clinicians should offer training to parents and schools on techniques to support pupils.

Recommendation 7d

CAMHS to investigate the perceptions that schools and parents have regarding long waiting times and to ensure that requisite changes are made to ensure easier access is made to appropriate CAMHS services.

Building Schools for the Future Project:**Recommendation 8**

The CYPT should continue to seek funding for school buildings, to investigate incorporating additional classroom space within current schools for 'support classes' (similar to Inclusion Centres) to provide pupils at risk of being excluded the flexibility of being taught in smaller classes.

Recommendation 9

The CYPT makes provision through the BSF project, for all schools to have access for some Offsite 'Learning Support Units' (for pupils who have been temporarily excluded), which are linked into mainstream schools (like the Hangleton and Knoll project).

Exclusions Policy:**Recommendation 10**

CYPT to encourage Schools to have simplified School Behaviour Policies:

- with Exclusion protocols that are 'child-friendly'
- to include acknowledging the prohibition of 'Informal Exclusions'
- the restricted use of part-time timetables
- to show clearly the different stages of sanctions that the school has in place

Recommendation 11

Headteachers should ensure that children and young people are not 'informally excluded' or unnecessarily placed on part-time timetables and the LEA should continue robustly to monitor this.

Parents:**Recommendation 12**

The CYPT should encourage schools to improve their communication and support with parents (for pupils who have been excluded); by involving them more in the exclusion- decision making process.

Recommendation 13

Headteachers and Governors should speak with young people who have been excluded and their parents more regularly, to learn from their experiences and seek improvements in exclusions protocols.

Monitoring of these recommendations:

Once the report has been considered by the council's Executive and has been to Full Council for information, the implementation of agreed recommendations will be monitored 6 monthly and 12 monthly for the first year. After the first year, the recommendations will be monitored annually until all the agreed recommendations have been implemented.

A. Introduction

This section explains why a Scrutiny panel was established, as well as providing general background on issues relating to school exclusion.

1. Establishment of the Scrutiny Panel

1.1 At its 17 June 2009 meeting, the Children and Young People's Overview and Scrutiny Committee (CYPOSC) considered Councillor Carden's question on School Exclusion, which posed the following queries:

1. Who is excluded, why and where from?
2. What support do students and parents receive prior to, during and post exclusion, including psychiatric, psychological and educational support?
3. What are the outcomes for students, either temporarily excluded more than twice or permanently excluded or who experience 'managed' moves?

1.2 CYPOSC members agreed to set up an ad hoc panel to investigate the issue of School Exclusion. Councillors Kevin Allen, David Smart and Rachel Fryer agreed to sit on the panel as did Rachel Travers representing the Brighton & Hove Community Voluntary Sector Forum (CVSF). Councillor Fryer was subsequently elected as Chair of the Panel.

The Panel's objectives

- 1.3 The Panel agreed to establish the following objectives, to investigate:
- Informal exclusions made by schools and part-time timetables;
 - Differences in school exclusion figures, (aside from demographic variances), is this due to differences in Behaviour Policies?
 - Is there a link between exclusions and Special Educational Needs (SEN)? (look into autistic pupils and pupils with language and speech difficulties);
 - Is there a link between exclusions and bullying?
 - Is there a link between exclusions and domestic violence?
 - Is there a link between exclusions and health inequalities?
 - Why are pupils being excluded from Special schools?
 - Why are Looked After Children (LAC) being excluded?
 - How do schools prevent Traveller Children from being excluded?
 - What support packages are in place for children who are close to being excluded and children who have been excluded?
 - What is the impact on young people when they are excluded?

- Why girls are excluded less than boys and is there a variation in the impact of exclusion on girls compared with boys?

Witnesses

- 1.4 The Panel held a series of evidence gathering meetings in public and in private. Witnesses included parents whose children had been excluded, officers from the Local Education Authority (LEA), an officer from the council's Youth Offending Service, a professional from Community Child and Adolescent Mental Health Services (CAMHS), and a Councillor (who was also a school Governor).
- 1.5 Panel members carried out visits to schools, ranging from a Church-Aided school, to state Primary, Secondary and Special schools. The Panel also spoke with pupils at Sellaby House, an Inclusion Centre (within a school) and at the Self Managed Learning Centre.
- 1.6 Some of the evidence was also gathered from parents and teachers in the form of private e-mails to the Panel.

Statistics for Brighton & Hove

- 1.7 Permanent exclusions have reduced from 18 in the academic year 2006/07 to 9 in 2007/08 and just 3 in 2008/09. Days lost to fixed period exclusions have reduced from 6977 in 2006/07 to 4704 in 2007/08. The Panel recognise that these figures reflect excellent work from city schools, from the Advisory Centre for Education (ACE) and from the Children and Young People's Trust (CYPT).
- 1.8 The preliminary figures for 2008/2009 Fixed Term Exclusion indicates that out of 29,199 (total number of pupils) there were 2439 incidents, of which 1776 were pupils with SEN; 73% of all exclusions were children with SEN (pupils on School Action, School Action Plus and those with Statements). There are 7,553 pupils with SEN; which is only 26% of the total school population (Number on Roll) being identified as pupils with SEN.

This information was important to the Panel as it showed that the majority of exclusions are pupils with SEN and therefore the Panel decided to focus on pupils with SEN for part of its scrutiny.

1.9 Types of Exclusions¹:

a) Permanent exclusion is used when a pupil has breached the school's behaviour policy to such a degree that s/he can no longer be taught by that school or when that pupil's continuing presence might seriously harm the education and welfare of either the pupil themselves or other pupils in the school.

¹ As set out in the "Improving behavioural and attendance: guidance on exclusion from schools and Pupil Referral Units" Department for Children, Schools and Families

b) Fixed term exclusion is when there has been a breach of the school's behaviour policy, including persistent disruptive behaviour, where this is not serious enough to permanently exclude and other sanctions such as detentions are not appropriate. Ofsted inspections evidence has suggested that 1-3 days is a sufficient number of days to exclude without any detrimental affect to the pupil's education.

1.10 **Alternatives to exclusions**²

Guidance from the Department for Children Schools and Families (DCSF) states that alternatives to exclusions include:

- Restorative Justice - the offender to redress the harm that has been done to a victim
- Mediation – a third party, trained mediator working with the pupils, or with teacher and pupil
- Internal Exclusion – the pupil be removed from the class but not from the school premises with appropriate support
- Managed Moves - to another school to enable the pupil to have a fresh start

1.11 The DCSF's Statistical First Release (SFR) for "Permanent and Fixed Period Exclusions from Schools and Exclusion in England, 2007/8", refers to the:

Characteristics of Excluded of pupils, which are:

a) Age and Gender

- Boys' permanent exclusion rate was nearly 3.5 times higher than that for girls in 2007/8. Boys represented 78% of the total number of permanent exclusions each year.
- In relation to fixed term exclusions a similar pattern arises in 2007/8, with boys accounting for 75% of the total.

b) Special Educational Needs

- Pupils with SEN (both with and without statements) are over 8 times more likely to be permanently excluded than those pupils with no SEN. In 2007/8, 33 in every 10,000 pupils with statements of SEN and 38 in every 10,000 pupils with SEN without statements were permanently excluded from school. This compares with 4 in every 10,000 pupils with no SEN.
- In terms of fixed period exclusions in 2007/8 for those pupils with statements was 30.8%; the rate of those with SEN without statements was 28.9%. In comparison to 5.1% for those pupils with no SEN.

² Source :Improving behaviour and attendance: guidance on exclusion from schools and Pupil referral Units September 2008, Department for Children, Schools and Families

Special Educational Needs (SEN)

- 2.1 Special Educational Needs is a term that describes any learning difficulties that a pupil/child may have. Extra learning provision is made by schools to meet the needs of pupils with SEN.
- 2.2 The Special Educational Needs Co-ordinator (SENCO) Teacher, other teachers or teaching assistants provide support to pupils with SEN. There is a wide range of support offered, dependent on the school and the pupil's needs. Specialised external support is provided by the Advisory Centre for Education (ACE) for pupils with SEN who have Behavioural, Emotional and Social Difficulties (BESD) and also by an extensive range of other providers.
- 2.3 Schools use the term 'School Action' for SEN pupils who have their learning needs met from the school's internal resources. 'School Action Plus' is when the learning needs are met both from within schools *and* by external agencies e.g. educational psychologists, speech and language therapists etc.
- 2.4 SEN covers a range of conditions, including:
- Autistic Spectrum Condition (ASC)
 - Behaviour Emotional & Social Difficulties (BESD)
 - Hearing Impairment (HI)
 - Medical Needs (MED)
 - Moderate Learning Difficulties (MLD)
 - Physical Disabilities (PD)
 - Speech Communication and Language Needs (SCLN)
 - Severe Learning Difficulties (SLD)
 - Speech and Learning Difficulties (Dyslexia/SPLD)
- 2.5 **Statementing**
'Statementing' is a term describing the formal and professional diagnosis/assessment of SEN conditions. Statements are normally initiated by children's families. Historically, many families have believed that attaining a formal statement may mean that their child is more likely to receive the services and support they need. However, this is not necessarily the case, and there is a counter-argument that statementing takes up time and money that might be better spent on actually delivering SEN support services.
- 2.6 **Code of Practice (COP)**
All local authority schools/ educational settings must follow the Code of Practice. The Code of Practice is how the law about education works in practice. The COP provides guidance to Local Education Authorities (LEAs) and schools to on how to identify, assess and make provision for children with SEN.

2.7 **SEN Strategy**

The Local Education Authority's SEN strategy aims to:

- work in collaboration across the city
- build capacity to promote inclusion
- reorganise and rationalise special schools and SEN provision
- optimise funding for SEN and Value for Money (VFM)
- develop quality curriculum and learning

2.8 The SEN and Disability Strategy supports and promotes the Statement of Inclusion, (which schools should be working to) saying:

"We believe that all children and young people, including those with special educational needs, should have access to educational and social opportunities within the mainstream system, alongside high quality appropriate specialist provision".

2.9 For further information on SEN visit the Brighton & Hove website :

<http://www.brighton-hove.gov.uk/index.cfm?request=c1113321#SubTitle2>

3. Acknowledgement of good practice and a thank you to all those involved

3.1 Panel members would like to thank local schools, council officers and other professionals who gave evidence to or otherwise assisted the Panel.

3.2 Panel members would particularly like to express their appreciation for those schools which agreed to host visits from the Panel. Members are aware that schools went out of their way to plan and prepare for these visits, and are very conscious of the effort taken and goodwill shown.

There was so much good practice seen within schools and this commendable work is reflected throughout the report.

3.3 Panel members were also delighted that pupils were given the opportunity to talk about their experiences of exclusion and how they were progressing.

3.4 Lastly, the Panel would like to thank those parents involved in the report for taking the time to attend the meetings/ sending e-mails and bringing forward important issues.

B Recommendations

4. Special Educational Needs (SEN)

- 4.1 This section of the report describes the problems faced by pupils, parents and schools within Brighton & Hove in relation to SEN and school exclusions and makes recommendations in terms of how improvements can be made.
- 4.2 The Panel heard from various witnesses on how SEN provision varied from school to school³. Each school operates differently, with the Headteachers, Deputy Heads and Special Educational Needs Co-ordinators (SENCOs) making decisions for that particular school on how to meet each SEN child's needs. However, all schools follow the SEN Code of Practice⁴.
- 4.3 At the first public meeting the Panel heard that a child with Autistic Spectrum Condition was advised by a Headteacher not to send the child to that school and the Headteacher did not feel the school could provide the appropriate support. The child was then accepted into another school. The child received significant support during class hours. However there was inappropriate behaviour during a lunch hour which led to the child being excluded. The issue this raises is the need for out of class support when inappropriate school behaviour may occur⁵.
- 4.4 If schools had the knowledge and skills to be able to deal with these extremes of behaviour that are often part of SEN conditions, and were able to identify at an early stage potential risks and strategies for mitigating these risks, exclusion and being at risk of exclusion could potentially be reduced.
- 4.5 For obvious reasons, the schools workforce tends to have an academic background, making it relatively easy for teachers to be able to identify at an early stage children who have literacy and numeracy shortfalls. However further skills are required to identify pupils with Behavioural, Emotional and Social Difficulties (BESD) or other conditions that are outside of the normal academic literacy and numeracy field. This means that schools are not always equipped to identify and understand the complexities of all the different types of SEN, and are therefore not always as aware as they could be of how best to deal with their students. Children with BESD whose individual needs are not adequately identified or addressed are likely to prove disruptive, and may well find themselves in danger of being excluded. In general, pupils with SEN who have been excluded or at risk of being excluded

³ Public Minutes 14/10/2009 Cllr. McCaffrey, paragraph 3.6 & Private Minutes 05/11/2009 paragraph 2.2

⁴ See paragraph 2.6 of this report for an explanation of the Code of Practice.

⁵ Private Minutes 02/11/2009 paragraph 2.8

will have been identified as having SEN, although they will not necessarily have been statemented⁶.

- 4.6 Brighton and Hove City Council has a SEN Strategy which was established in 2006. The council spends more money on SEN than many other comparable authorities, and the Strategy has regularly been updated and improved, including reinvesting in mainstream schooling. The next phase of the Strategy will be re-launched in 2010⁷.
- 4.7 The Panel heard about various measures of good practice in this area.
- 4.8 **Good practice** – Some schools have the skills to identify that disruptive behaviour may lead to pupils requiring further support. Some schools have in place interventions for when pupils have been repeatedly excluded.
- 4.9 The Panel heard that some schools showed best practice in terms of ‘inclusion’, by being assiduous in liaising with other services (e.g. Educational Psychologists) in order to assist with supporting and developing the skills of their teachers so that those teachers are able to understand the conditions of individual pupils, to minimise the risk of them being excluded and to improve their school experience⁸.
- 4.10 Schools have in place various plans such as Pastoral Support Plans for pupils with SEN who do not have statements. These plans should meet SEN pupils’ needs by ensuring that they are taught according to their particular requirements.

Alternative Centre for Education (ACE)

- 4.11 ACE is a provision for pupils with BESD which includes:
- a special school for statemented pupils
 - providing provision for pupils who are excluded and at risk of exclusion
 - a behaviour support outreach service to mainstream schools
- 4.12 ACE will shortly be re-commissioned⁹ and some witnesses said that they would have liked to have seen a multi-agency centre formed, which would include services such as Child and Adolescent Mental Health Services (CAMHS), the Youth Offending Service (YOS) and the Substance Misuse team¹⁰. Schools and the YOS felt that this could improve the accessibility into external services for pupils who are at risk of being excluded or have been excluded and for schools who need

⁶ Private Minutes 27/01/2010 paragraph 1.16 & 14/01/2010 paragraphs 1.15 & 1.18

⁷ Public Minutes 14/01/2010, JC paragraph 15.1 and information from the handout

⁸ Private Minutes 02/11/2009 paragraph 4.11, 4.12 & 4.15

⁹ Private Minutes 02/11/2010, paragraph 2.19 - 2.20

¹⁰ Private Minutes 14/01/2010 paragraph 1.12

extra support. However it was uncertain what the conclusion of the re-commissioning would be.

- 4.13 The Panel heard about the good work ACE carried out in very difficult circumstances. ACE currently provide small off-site units such as Dyke Road and Sellaby House which offer pupils an imaginative temporary alternative to a mainstream school environment, with an alternative curriculum and timetable to meet the needs of the pupils. This may well involve part of the curriculum being delivered in a secondary school to work towards re-integration to the pupil's mainstream school.
- 4.14 One of the concerns that parents voiced was that ACE was a 'last resort' for their children and there was consequently some resistance from parents when it was suggested that they send their children to ACE. Indeed, given the concentration of pupils with BESD in one school, there were examples where pupils' behaviour could be even more challenging as a consequence of being placed in the ACE environment. In addition, some parents see ACE as problematic because their children feel that their mainstream school has given up on them, and are consequently not very motivated to working towards their re-integration. It is widely recognised that the city still needs this provision, but perhaps on a smaller scale.
- 4.15 A large majority of pupils attending ACE are boys. Girls typically attend some of the subsidiary sites (e.g. Sellaby House). Given the relatively low numbers of girls in this system, there is a risk that girls will experience isolation, and some Special schools engage in outreach partnership working with mainstream schools, to provide their pupils with more social interaction with other girls. It is important to ensure that girls with BESD and SEN, who are in classes numerically dominated by boys, are provided with the appropriate support to meet their specific needs.

5. Recommendation 1

Early Interventions

- 5.1 The Panel heard about the various interventions that schools have in place to identify SEN. However, from the evidence heard it appears that some interventions are not undertaken early enough, meaning that some pupils are on the cusp of being excluded or have already been excluded before interventions are made¹¹.
- 5.2 Early interventions can be undertaken at different stages of a child's school career. These interventions can take place from entry level-Reception years, through Primary and Secondary schools years. Interventions are ways of identifying special learning needs, at different stages of a child's education. The Panel agreed that early intervention was essential for the further prevention of children being excluded.
- 5.3 The Panel heard evidence to suggest that the current issue of not identifying SEN earlier has major implications for pupils either at risk of being excluded or who have been excluded. Early intervention for SEN children with BESD could help prevent pupils from entering into bad patterns of behaviour. Several of the parents who the panel heard from felt that there was a tendency for schools to let things progress too far before there was a coordinated response. By the time there was a proper response, children had typically settled into patterns of bad behaviour and it could be very difficult to challenge this behaviour. More so than had there been early intervention before bad behaviour had become established. Looking at different methods of earlier intervention and better support could help prevent behavioural problems escalating into exclusions.
- 5.4 The Panel heard that there had been one city SEN advisor, the model for providing SEN advice has now evolved, with School Improvement Partners (SIPs) and all advisors involved in challenging schools on the development of SEN. SENCO and Educational Psychologists taking on broader training responsibilities. Additionally, there are also now two other SEN advisor posts; thus increasing the team and the role.

Transitional periods

- 5.5 The Panel heard evidence that more focus was needed on the transition from primary to secondary schools as this was a particularly difficult settling-in period for some pupils.¹² In particular, there needs to be a well-organised transfer of pupils' records so that SENCOs and teachers have a better understanding of the issues/needs of incoming pupils before they start at secondary school. Schools, if they do not already have initiatives in place, should seriously consider having transitional days - e.g. additional visits and taster days for secondary schools. Some secondary schools have implemented 'primary style

¹¹ Private Minutes 02/11/2009 paragraph 1.6 & paragraph 1.18

¹² Private Minutes 02/11/2009 paragraphs 1.10 & 5.25

classes' whereby the same teacher teaches all the subjects, in the same classroom, for the first year. This nurturing style of transition into secondary schools can help pupils settle in quicker and also helps teachers to plan for individual learning and behavioural needs¹³.

- 5.6 Evidence representing good practice was taken from schools which already had robust systems in place to provide secondary schools with transitional packages for pupils¹⁴.
- 5.7 Some schools said that early intervention was the key to helping deal with children with challenging behaviour¹⁵.
- 5.8 Some schools did take steps to identify the reasons for challenging behaviour and arrange appropriate support¹⁶.
- 5.9 Based on all the above evidence the Panel recommended that:

Whilst the Panel recognises how far Schools have developed their understanding of SEN, further training and advice for SENCOs on identifying early signs of problem behaviour is still required. The Headteachers Steering Group should investigate how schools are identifying children who may have behavioural needs as early as possible and what practices they are putting into place to support the pupil.

¹³ Private minutes 02/11/2009 paragraph 4.31 & 14/01/2010 paragraph 1.4

¹⁴ Private Minutes 02/11/2009 paragraph 4.31 & 5.29

¹⁵ Private Minutes 02/11/2009, paragraph 4.6

¹⁶ Private Minutes 02/11/2009 paragraph 1.17

6. Recommendation 2

Foetal Alcohol Syndrome (FAS)

- 6.1 During the evidence gathering sessions, a number of parents asked to speak privately with the Panel. Some of the parents spoke about their children having an Autistic Syndrome Condition (ASC); others about Foetal Alcohol Syndrome (FAS) and how these conditions had contributed to their children being excluded. The parents felt that there was a lack of support and understanding of their children's conditions and behavioural needs which resulted in repeat exclusions. The exclusions started of at primary school and in some cases continued into secondary school¹⁷.
- 6.2 The Panel took evidence about Foetal Alcohol Syndrome (FAS). FAS is a BESD condition which comes under the SEN umbrella. One of the symptoms of FAS may be that a child has a very low attention span.¹⁸ The child's lack of concentration means that these children may well become bored and disruptive in class.
- 6.3 The Panel heard evidence from parents that schools did not understand their children's conditions fully. Schools can access support from the Local Education Authority, from the CAMHS service and from Special schools on how to help support children with challenging behavioural conditions, including FAS. In instances where schools do not understand all the ramifications of a pupil's condition, it seems obvious that they should routinely take all appropriate steps to develop the necessary expertise.
- 6.4 The Panel heard that relatively few schools had a good understanding of FAS and of how best to support children with the condition. Greater research into training and awareness of FAS is required¹⁹.
- 6.5 Based on the above evidence the Panel recommends that :

The CYPT use its influence with Schools to encourage Schools to research and increase staff awareness, to support children with all special needs, including Foetal Alcohol Syndrome (FAS).

¹⁷ Private Minutes 05/11/2009 paragraph 1.14, 2.10 & Public Minutes 14/10/2009 Cllr. McCaffrey paragraph 3.6 & 05/11/2009 a Parent paragraph 9.2 & 9.16

¹⁸ Private Minutes 05/11/2009, paragraphs 1.1 - 1.4

¹⁹ Private Minutes 05/11/2009 paragraph 1.3 & 1.19

7. Recommendation 3

SEN funding (SEN Formula)

- 7.1 Many parents with children who have SEN appear eager for their child to be 'statemented'. There are pros and cons to this. On the one hand, a statement may conceivably lead to additional school SEN funding, meaning that more support is available for the individual child. On the other hand, the Children and Young People's Trust argued that, if schools are identifying children's needs correctly in the first place and providing the appropriate support, there shouldn't be a requirement for parents to push for a statement, as they will already be accessing all the services and support available²⁰.
- 7.2 The Panel heard how SEN children with statements had regular reviews of their Pastoral Support Plans (PSPs) & Individual Education Plans (IEPs), which was seen as good practice. From this the Panel felt that SEN children without statements would benefit from having PSP and IEPs too²¹. The Panel decided that such plans would help these pupils to focus more regularly on their education and also to monitor their progress. The LEA could monitor the development of these IEPs. These IEPs should be prepared in conjunction with parents, as per the SEN Code of Practice.
- 7.3 Schools also need to be more creative in how they spend their SEN funding. Although 1:1 teaching assistant support can be very effective, a situation where several SEN pupils in one class are each supported by their own teaching assistant threatens to be a waste of resources and to impinge upon the education of other pupils. Schools need to think holistically: concentrating both on the needs of individual SEN pupils *and* the dynamics of the whole class environment. Schools also need to think about how best to access the skills of other partners such as social workers and mental health professionals²².
- 7.4 The Panel heard evidence about how 1:1 teaching/counselling was not always a good use of money (as some pupils are resistant to this) and that it is often more effective to work with smaller groups as working in peer groups have a good influence on teenagers. The Panel were also made aware by the witness that mainstream schools had inflexible times, curriculums were not person-centred enough, communication is limited due to the large classes and it would be beneficial if schools reorganised their resources to get the most out of their pupils²³.
- 7.5 Further evidence was heard how sometimes the traditional school curriculum isn't suitable for all children; schools may need to move towards a more creative approach and flexible curriculums for some SEN pupils (e.g. vehicle maintenance), especially for those children who are not

²⁰ Private Minutes 05/11/2009 paragraph 2.5 & 14/01/2010, paragraph 1.19 and Public Minutes 14/01/2010 J. Coe, paragraphs 15.2 - 15.4

²¹ Public Minutes 14/01/2010, J. Coe, paragraph 15.10 – 15.11

²² Public Minutes 14/01/2010, J. Coe, paragraph 15.5 – 15.8

²³ Public Minutes 05/11/2010, Professor I. Cunningham, paragraph 9.24

as 'academic'²⁴. Teachers need to be supported to provide this change of curriculum.

- 7.6 Other types of creative learning classes for children with SEN in mainstream schools should be considered. Special schools routinely provide Play and Art therapy in order to facilitate more pupil-centred learning, less emphasis on exam results and league tables and more emphasis on preparing pupils for adult life²⁵.
- 7.7 Supportive environments for learning should be investigated more for children with SEN. Schools with a strong sense of community and an emphasis on nurturing seem best placed to provide an appropriate environment for pupils with SEN²⁶.
- 7.8 Pupils should also be able to discuss their future choices freely with teachers. This should include having pragmatic conversations about where they could end up if their behaviour doesn't improve²⁷.
- 7.9 The Panel felt that more support was required for pupils struggling with Social and Emotional Aspects of Learning (SEAL). These are children with difficulties in understanding and managing their feelings, working co-operatively in groups and motivating themselves²⁸.

ACE

- 7.10 Schools have reportedly said how it seems difficult for them to access services to support pupils' needs, whether these are services from CAMHS or from other external agencies. ACE has good links with various services e.g. YOS, the substance misuse team and Youth Workers.
- 7.11 Through the re-commissioning of ACE, schools should benefit from having better access to these services. In any system where generalists are supported by specialist services it is vital that the pathway of referral into specialist services is clear and rapid: if the system is over-complicated or there are unacceptable waiting times, then generalists will not refer to specialist services as often as they should and the system will not function properly.
- 7.12 **Good practice**
The Panel was already aware that children with SEN often experienced problems with the transition from primary to secondary school, and was encouraged by the adoption of the model of having one teacher teach all subjects in the first year of secondary school, in order to smooth over the transition.

²⁴ Private Minutes 14/01/2010, paragraph 1.5

²⁵ Private Minutes 02/11/2009, paragraphs 5.6, 5.21 – 5.22, 5.27

²⁶ Sellaby House and some Special schools provided community environments and Public Minutes 05/11/2009 paragraph 9.15

²⁷ Public Minutes 05/11/2009 Professor I. Cunningham, paragraph 9.21

²⁸ Private Minutes 02/11/2009, paragraph 3.13

- 7.13 The Panel also heard how the Key Stage 4 Engagement programmes were already having a positive impact on pupils as the practical work experiences were giving pupils a further opportunity to plan for the future²⁹.
- 7.14 The Panel was made aware that the SEN Strategy is to educate more SEN children into mainstream schools, (rather than Special schools) whenever practicable. The SEN complex needs project is in operation, via which mainstream city schools are partnered with the city's special schools, so that the SEN specialists can share their expertise/knowledge on how to meet the needs of SEN pupils more effectively. These current partnership arrangements should be praised, and more of this type of co-working encouraged.
- 7.15 The council has provided extra permanent funding for 2009/10 and 2010/11 to provide more expert support for mainstream schools; the Panel welcome this decision.
- 7.16 Based on the above evidence the Panel recommends that :

Schools should identify the best and most creative use of their SEN funding in the City and ensure that best practice is shared amongst all schools.

²⁹ Private Minutes 14/01/2010, paragraph 1.3 – 1.4

8 Recommendation 4

Speech and Language interventions

- 8.1 The Panel heard that the 2006-10 SEN strategic aim was to review the provision of speech and language therapy to meet the needs of pupils. However, evidence the Panel received suggested that there was still a gap in service provision³⁰.
- 8.2 Schools are aware that there is a need to train up teaching assistants to have some speech and language skills to help identify and to provide additional further support where needed. Many SEN pupils struggle with literacy and with expressing themselves³¹.
- 8.3 Schools spoke about how a lack of speech and language skills can be linked to problem behaviour as children who are unable to express themselves verbally may end up evincing challenging behaviour³².
- 8.4 Schools should, wherever practicable, also ask parents to be involved in training, so that they can provide their children with additional language and communication support.
- 8.5 It was felt that more support was required for mainstream schools to increase their skills and understanding of children with BESD. As part of the LEA's Service Level Agreement (SLA) with ACE, ACE was to provide outreach support and training to mainstream schools so that more speech and language, other specialist skills and advice can be shared. The teaching staff at ACE should continue to pass on their relevant skills to mainstream schools.
- 8.6 **Good practice**
The Panel heard how some schools had arranged and received support with speech and language from outside agencies³³.
- 8.7 Based on the above evidence the Panel recommends that:

The CYPT encourage schools to provide language and communication and intervention in schools as early as possible to meet the needs of their pupils.

³⁰ Private Minutes 14/01/2010 , paragraph 1.15

³¹ Private Minutes 02/11/2009, paragraph 4.5

³² Private Minutes 02/11/2009, paragraphs 3.10 & 4.3

³³ Private Minutes, 02/11/2009, paragraph 4.4

9 Recommendation 5

Monitoring systems

- 9.1 The LEA allocates delegated SEN funding (called 'formula' money) to schools and the LEA already monitors how schools are spending their SEN funding. The Panel heard evidence about how schools are encouraged to spend this funding in creative ways for children with SEN³⁴.
- 9.2 Evidence was taken regarding the need for better use of SEN funding in utilising speech therapists, literacy support, youth workers, social workers and mental health services to support SEN children and reduce exclusions³⁵.
- 9.3 Government guidance does not stipulate how the formula money should be spent. Even though schools have a responsibility to ensure that they support all children with SEN by meeting their needs appropriately, with no ring fencing in place for this formula money, schools have a free reign on how this money is spent. The LEA needs to carry on reviewing and using robust systems to assess how schools are utilising the formula money on SEN pupils³⁶. The LEA could provide support and advice by utilising the expertise of teachers at Special schools to ensure mainstream schools utilise their formula money in the most creative and effective ways.
- 9.4 **Good practice**
The Panel heard evidence that some schools match funded their formula money to provide further support for pupils with statements³⁷.
- 9.5 Based on the above evidence the Panel recommends that:

The CYPT continue to put into place robust monitoring systems to assess how each school is spending its SEN budget and to intervene and advise if spending is not as effective as it could be.

³⁴ Public Minutes, 14/01/2010, J. Coe, paragraph 15.5

³⁵ Public Minutes, 14/01/2010, J. Coe paragraph 15.6

³⁶ Public Minutes, 14/01/2010, J. Coe paragraph 15.9

³⁷ Private Minutes, 02/11/2010, paragraph 1.5

10 Recommendation 6

- 10.1 As previously noted, the Panel heard evidence that the SEN money (also called 'formula' money) that was allocated to schools from the LEA did not necessarily have to be spent on children with SEN – i.e. it was not 'ring-fenced' for SEN³⁸. The Panel had concerns that some schools might not spend their allocated formula money on children with SEN – instead using it to invest in general services etc.
- 10.2 Schools may need further support and training to broaden their skills to spend the SEN funding more flexibly and appropriately. By utilising the expertise of Special schools teams and by continuing to use the Audit Commissions' SEN Value for Money Tool mainstream schools can determine how they can best use their SEN resource. Mainstream schools should consider what role social workers, literacy support, youth workers, relationship and group therapy work, anger management support and mental health services can play in providing more holistic outcomes³⁹.
- 10.3 By broadening and being more creative in supporting children with SEN, the formula budget that is allocated to schools would be used to its full potential, particularly in terms of utilising the full range of support services enumerated above.
- 10.4 The Panel concluded that it was very important and beneficial to SEN children that the formula money that schools received was ring-fenced for SEN children only, whether it is in the form of home to school transport, activities, group therapies, anger management support or any other areas of creative assistance to meet the needs of these children.
- 10.5 Based on these concerns the Panel recommends that :

The Council should request changes to the legislation of SEN funding to stipulate that this funding is ring-fenced for schools to use on SEN related matters only (through the provision to 'lobby' central Government which was introduced by the Sustainable Communities Act).

³⁸ Public Minutes 14/01/2010, J. Coe paragraph 15.9

³⁹ Public Minutes 14/01/2010, J. Coe paragraph 15.6

11. Recommendation 7

Child and Adolescent Mental Health Services (CAMHS)

- 11.1 The Panel heard how the Child Mental Health Services has two tiers:
- 11.2 Community CAMHS (Tier 2) is managed by the council and has been in operation for 5 years. For the last 3 years it has been part of the Schools and Community Support (SCS) teams, based within the East, Central and West teams. SCS works in an integrated way and includes educational psychologists, school nurses, educational welfare officers and community mental health workers.
- 11.3 Clinical CAMHS (Tier 3) is managed by the Sussex Partnership NHS Foundation Trust and is clinic based⁴⁰.
- 11.4 CAMHS have a single point of referral to Community and Clinical CAMHS. All new referrals have to be seen within 4 weeks and this target is generally met. Weekly review meetings are undertaken to allocate referrals to ensure that the child/young person receives the most clinically appropriate service and professional.
- 11.5 Due to time pressures, the Panel were unable to consider all the possible evidence on the subject of school exclusions, and consideration of clinical CAMHS services was one of the areas which received relatively little attention. However, the Panel did receive a good deal of evidence about clinical CAMHS services, and it would seem remiss to omit this testimony; it is therefore included, with the caveat that the review had no formal input from clinical CAMHS professionals (although clinical CAMHS did respond in writing to some of the issues raised).
- 11.6 The Panel agreed that in order to reduce the number of fixed term exclusions across the city that there needed to be easier access to appropriate CAMHS services.

⁴⁰ Private Minutes, 27/01/2010, paragraph 1.1

12. Recommendation 7a

Clinical CAMHS- Tier 3 to investigate visiting families

- 12.1 The Panel heard how community CAMHS would carry out visits in a family's choice of location. Parents and children sometimes found that schools were a comfortable arena to meet CAMHS, as families find these settings familiar and teachers can provide further support if required⁴¹.
- 12.2 The Panel was made aware that clinical CAMHS were sometimes not as responsive as community CAMHS. Clinical CAMHS generally required families to attend clinical settings, rather than providing a home-visiting service.
- 12.3 Clinical CAMHS responded to the Panel by stating that:
- *"Clinicians would indeed visit families in their preferred location, if appropriate*
 - *feedback is that CAMHS locations are central to the local community*
 - *...involved with the community discussing with all partners around a project, looking at providing services within the heart of the local community as in Brighton's largest housing estate and are keen to ensure CAMHS are identified within the family preferred site*
 - *We already provide a similar response in another hard to reach area of the city to improve accessibility for families⁴²"*
- 12.4 The Panel agreed that clinical CAMHS was working towards meeting the needs of their patients by operating from more community based locations. However the Panel wanted to know more about how clinical CAMHS was looking at offering further outreach services in different areas of the city to help families access their services. If the service doesn't continue to increase its accessibility, there is a risk that it will not reach those who need it most.
- 12.5 Subsequently, CAMHS informed the Panel that a trial would be undertaken in the summer term of 2010, where a clinic would be held within Patcham House School, with a visiting psychiatrist from Clinical CAMHS. This would give the school the opportunity to be kept informed of any changes in the child's condition/ medication and to participate in any consultations too. CAMHS said that they intend to support children in this way where children may otherwise find it hard to attend traditional CAMHS locations.

The Panel noted that this was a trial, and providing it was successful, would expect this type of outreach service to be rolled out to mainstream schools in the future too; especially as mainstream schools reported issues with accessing CAMHS.

⁴¹ Private minutes 27/01/2010, paragraph 1.1

⁴² Private e-mail 17/02/2010

12.6 Based on this the Panel recommends that:

Clinical CAMHS should consider whether it offers the most responsive possible service to families, particularly in terms of being willing to travel to locations where families feel most comfortable, rather than requiring children with complex needs to travel to clinical facilities.

13. Recommendation 7b

CAMHS Feedback to Schools

- 13.1 Evidence from one school concluded that feedback from CAMHS was varied⁴³. In some instances schools may have been involved in the initial referral, but then had no contact from CAMHS after that referral. This could be frustrating for schools, as it was hard to see how pupils can effectively be supported without teachers being made aware of the issues that their pupils may have. Whilst recognising that they had to respect patient confidentiality and only act with the approval of families, schools wanted and needed feedback on whether a pupil had attended the arranged session, how the school could improve their education delivery to that pupil and what progress the pupil had made.
- 13.2 The Panel heard how community CAMHS worked closely and had a good relationship with some mainstream schools but that it was difficult to get appointments with clinical CAMHS⁴⁴.
- 13.3 In response to this clinical CAMHS stated:
- *“All carers would be treated individually and confidentiality observed where appropriate, however there is no reason why the information requested should and is not shared with teaching staff when required and in the child’s interests*
 - *We will re-establish lines of communication with all teams in relation to clinical feedback to schools around pupils’ involvement with CAMHS where appropriate⁴⁵”*
- 13.4 **Good practice:** The Panel heard how most pupils at a Special school had intervention from CAMHS (60%-70% had required mental health support). Professionals such as speech therapists, occupational therapists, educational psychologists and counsellors were on site⁴⁶.
- 13.5 Based on above the evidence the Panel recommends that:
- CAMHS need to ensure that, subject to patient confidentiality, it shares all relevant information with schools to best enable them to support all children in their care.**

⁴³ Private Minutes, 02/11/2009, paragraph 1.28

⁴⁴ Private Minutes, 02/11/2009, paragraph 4.10

⁴⁵ Private e-mail 17/02/2010

⁴⁶ Private Minutes, 02/11/2009, paragraph 5.31 & 5.32

14. Recommendation 7c

Offering training

- 14.1 Whilst there are obvious benefits to the expert diagnostic and therapeutic input provided by the clinical CAMHS team, direct CAMHS intervention will necessarily tend to be of limited scope. It is therefore important that CAMHS supports parents in themselves supporting their children. This may be particularly important in situations where there is a lengthy wait for formal clinical treatment. Schools could also clearly benefit from this type of training were it to be on offer.
- 14.2 Parents are often unaware of what their children have a right to expect in terms of therapy provision. If there was more clarity on what provision should be available, parents would be in a stronger position to ask and discuss their options with a professional (as per the recommendations of the Lamb Inquiry⁴⁷).
- 14.3 When the Panel spoke to pupils who had been excluded, one of the pupils had received anger management support. The pupil said that the support had helped him control his behaviour and that he was continuing to attend the sessions.
- 14.4 A Special school had told the Panel that it would benefit from CAMHS doing work on relationship building, improving learning skills and CAMHS having more interaction with their pupils⁴⁸.
- 14.5 Based on the above evidence the Panel recommends that:

Where possible, CAMHS professionals/clinicians should offer training to parents and schools on techniques to support pupils.

⁴⁷ 16 Dec. 2009 – Brian Lamb – Lamb Inquiry, Special Educational Needs and Parental Confidence about improving parental confidence and children’s life chances see <http://www.dcsf.gov.uk/lambinquiry/downloads/8553-lamb-inquiry.pdf>

⁴⁸ Private Minutes, 02/11/2009, paragraph 5.33

15. Recommendation 7d

Long waiting lists

- 15.1 The Panel heard how on one occasion, prior to an exclusion which occurred, due to the pupil's level of behaviour the Parent had requested psychological and mental health support, but had not received this⁴⁹.
- 15.2 The national target for waiting times is up to 4 weeks for an intervention with CAMHS. An intervention can vary from advice given over the phone to meeting the family. Some of the area teams can have a backlog of cases⁵⁰. Waiting too long for services can clearly have a negative impact upon children and their families and may discourage schools from referring to that service in the future.
- 15.3 The Panel heard how on one occasion, Councillor McCaffrey spoke about an exclusion which occurred, due to the pupil's level of behaviour. The Parent had requested psychological and mental health support, but there were long waiting lists for these⁵¹.

The Panel heard how one school had 23 pupils on the waiting list for the Educational Psychologists⁵².

- 15.4 However on hearing the evidence from parents and schools about the long waiting lists, CAMHS insist that in the vast majority of cases that they are meeting their 4 week target for an intervention and any breaches are reported and investigated.
- 15.5 The SEN Code of Practice advises that the waiting times to have a statutory assessment to be statemented is 26 weeks⁵³. The service should look at speeding up the statementing process by having shorter timescales than the statutory requirements.

One Parent said it took 6 months for their child to be statemented⁵⁴.

- 15.6 It is important to note that it is uncertain which CAMHS services i.e. Clinical or Community, or both, that parents and schools are making reference to in terms of long waiting lists and whether parents and schools are referring to the time taken for a pupil/child to be statemented.
- 15.7 Feedback from CAMHS was that there was an expectation that schools complete a Common Assessment Framework (CAF) when referring to

⁴⁹ Private Minutes , 02/11/2009 paragraph 1.28, 3.5 & 4.10-4.11 and 05/11/2009 paragraph 1.14

⁵⁰ Private Minutes, 27/01/2010, paragraph 1.2

⁵¹ Public Minutes, 14/10/2009, Cllr. McCaffrey paragraph 3.5

⁵² Private Minutes, 02/11/2009 paragraph 4.11

⁵³ Public Minutes, 14/01/2010, J. Coe paragraph 15.3

⁵⁴ Private Minutes, 05/11/2009 paragraph 2.5

CAMHS, which schools can perceive as an onerous exercise. It is uncertain whether issues relating to accessing CAMHS were difficult for schools and parents due to the referral process and the introduction of the CAF.

Additionally, CAMHS informed the Panel that schools were encouraged to contact the area teams or commissioner if they were experiencing difficulties in a specific pupil accessing CAMHS.

15.8 Good practice

The Panel heard about good practices such as the 'Team Around Child' meetings. These involve health professionals, teachers and parents working together to agree on plans to help pupils with challenging behaviour or learning problems⁵⁵.

15.9 Currently primary schools have Planning and Review Meetings (PARMS) in which professionals, teachers and parents review and prioritise large numbers of pupil cases. These meetings are held at the primary school. Secondary schools should consider using this procedure for the same purpose which would help prioritise the number of pupils with special educational needs.

15.10 The Panel heard from a Parent how her child was statemented and the process was fast and took between 12-16 weeks, which included the assessments and observations⁵⁶.

15.11 Scrutiny Panels operate to a deadline, and it was only towards the end of this review that the Panel realised that there were important CAMHS-related issues to be addressed. Although there was not time for a thorough examination of these issues, contact was made with CAMHS, and the Panel decided to make the following recommendation:

CAMHS to investigate the perceptions that schools and parents have regarding long waiting times and to ensure that requisite changes are made to ensure easier access is made to appropriate CAMHS services.

⁵⁶ Public Minutes, 05/11/2009, a Parent, paragraph 9.14

16. Building Schools for the Future Project

16.1 Recommendations 8

16.2 The Panel noted several areas of good practice at an Inclusion Centre they visited. The centre had relatively small classrooms supported by the SENCO and teaching staff for pupils who:

- had been excluded and were being re-integrated back into their class,
- were on the cusp of being excluded,
- needed support to catch up with the curriculum

16.3 The pupils within the Inclusion Centre spoke about how these smaller classrooms gave them time to catch up with the curriculum which they found difficult to do within their normal larger size classes. These smaller units allowed some pupils to develop 'Life Learning Skills' to help focus on their future, build up their self esteem and to give them a chance to talk about any issues they needed support with.

16.4 Additionally, pupils with behavioural issues were encouraged to use the unit if they were getting frustrated about something and needed to go somewhere to calm down. (The teaching staff at the Inclusion Centre would be able to support the pupil during this time by discussing their issues and by teaching them coping mechanisms). This could in turn help prevent the occurrence of incidents which might have escalated into an exclusion. These units have a positive impact on pupils as it gives them the ability to learn skills to cope with difficult situations and to help them integrate back into their regular classroom.

16.5 The Panel heard evidence that children with behavioural problems often couldn't cope with large classrooms and needed to be taught in a more flexible way that is appropriate to their learning needs⁵⁷. In some circumstances (e.g. when dealing with youth offenders) young people did want to receive an education but needed 1:1 teaching⁵⁸.

16.6 Based on the above evidence the Panel recommends that:

The CYPT should continue to seek funding for school buildings, to investigate incorporating additional classroom space within current schools for 'support classes' (similar to Inclusion Centres) to provide pupils at risk of being excluded the flexibility of being taught in smaller classes.

⁵⁷ Private Minutes 05/11/2009 paragraph 1.19 & Public Minutes 05/11/2009, Professor I. Cunningham paragraph 9.24 & 9.26

⁵⁸ Private Minutes 14/01/2010 paragraph 1.8

17. Recommendation 9

Exclusion Units/Offsite- Learning Support Units

- 17.1 The Panel heard that excluded pupils tended to do better in Exclusion Units rather than studying at home, whether supervised or not. Excluded children at home found it difficult to motivate themselves to do their work⁵⁹ and there were generally very limited resources available to help them. Some excluded children may have chaotic lives and home environments which are unsuitable for studying in⁶⁰.
- 17.2 The Panel felt that it wasn't the primary responsibility of parents to supervise their child during an exclusion, but rather the school's responsibility to do this whilst the child was of school attending age⁶¹. Parents often cannot supervise their children during an exclusion due to work or other commitments. In addition relatively few parents are likely to be equipped with the teaching skills required to effectively support their children's learning throughout the exclusion period.
- 17.3 Parents gave evidence as to how they had been required to leave work at very short notice because their child had been excluded⁶². The Panel felt that these children should have been attending an Exclusion Centre rather than being sent home with the parents' permission, especially when the exclusion was for more than a couple of days.
- 17.4 The Panel received confidential evidence that it was generally best that the school Exclusion Centres were based *off site*, rather than on-site. Some incidents were very sensitive and it was best that the perpetrator wasn't seen for a short while, so that the emotions of all involved could settle⁶³.
- 17.5 The LEA told the Panel that all city secondary schools have access to off-site Learning Support Units shared with neighbouring schools, meaning that pupils who have been excluded shouldn't be sent home. The Panel heard from one school, which confirmed that the centre did provide intensive support to referred pupils, with further support provided when the pupils were ready to return back to their classes⁶⁴.
- 17.6 **Good Practice**
ACE has several sites within the city that provide varied learning environments. The Panel visited Sellaby House and was most impressed with its nurturing style of teaching provision for pupils who

⁵⁹ Evidence was heard where some pupils did complete their work during the exclusion period and others didn't but played with their computer games for the whole exclusion period.

⁶⁰ Private Minutes 14/01/2010, paragraph 1.7

⁶¹ Private Minutes 05/11/2009, paragraph 1.11

⁶² Public Minutes 05/11/2009, a Parent paragraph 9.9

⁶³ Private e-mail 26/01/2010

⁶⁴ Private Minutes 02/11/2009, paragraph 3.8

had been excluded. These pupils were taught in small classes and had flexible curriculums to suit their needs - including life and cooking skills.

17.7 The Panel also heard evidence that the Village Centre, Portslade and Hove Learning Centre in Hangleton worked well, as these schools worked on the principle of keeping the pupil within the community⁶⁵.

17.8 Based on the above evidence the Panel recommends that:

The CYPT makes provision through the BSF project, for all schools to have access for some Offsite 'Learning Support Units' (for pupils who have been temporarily excluded), which are linked into mainstream schools (like the Hangleton and Knoll project).

⁶⁵ Private Minutes 14/01/2010, paragraph 1.7

18. Exclusions Policy

- 18.1 The Panel acknowledged the good work undertaken by schools and council officers which had led to a significant reduction in the number of permanent exclusions.
- 18.2 Schools told the Panel that they used exclusion as a last resort and had prevention measures in place which included:
- involving parents
 - pastoral support (having a mentor)
 - personal support plans
 - support involving CAMHS
 - using the Triple P (Parenting Programme)⁶⁶
 - in extreme cases meeting with the Local Authority
- 18.3 A parent said that exclusions should never be a punishment no matter how serious the incident⁶⁷.
- 18.4 A school commented that 2-3 day exclusions could be effective in helping pupils understand that their behaviour was unacceptable⁶⁸.
- 18.5 The Panel were told that all schools have a Behaviour Policy which set out the schools' standards to the pupils and parents of that school. The Panel requested behaviour policies from the schools that they were visiting and other schools which had been flagged up by Local Authority exclusion statistics as having high exclusion rates.
- 18.6 Whilst the Panel sympathised with the issues facing schools and teachers, it is clear that exclusion is seldom effective and often counter-productive, so alternatives must be sought.
- 18.7 The Panel heard of good practice where there were exclusion exchanges with schools in the same area e.g. Carlton Hill and St. Luke's Primary School.

Restorative Justice

- 18.8 Evidence was heard that Restorative Justice can be used to support schools in the reduction of exclusions. The perpetrator listens, understands how their actions had a negative impact on another pupil/teacher, and apologies for their behaviour. Victims have to be willing to engage for restorative justice to take place. In situations when its use is sanctioned, restorative justice will typically be used as an alternative to exclusion.
- 18.9 However, schools need to ensure that they carry out restorative justice and that it is embedded in the school's working culture. For restorative

⁶⁶ Private Minutes 02/11/2010, paragraph 4.13 - 4.15

⁶⁷ Public Minutes 14/11/2009, a Parent, paragraph 9.16

⁶⁸ Private Minutes, 02/11/2009, paragraph 3.11

justice to work successfully it needs to be championed by Headteachers and be practised and promoted by staff with pupil and parental engagement. It may be particularly important to ensure that school staff are supportive of the concept of restorative justice, as in many instances a staff member will be the 'victim' of an incident and therefore be required to play an active role in restorative justice. Where there is broad agreement on its use, restorative justice should be written into the Behaviour Policies⁶⁹.

- 18.10 The Panel was told how the YOS was promoting restorative justice and how a variety of schools and teachers were going through the training programme which resulted in them becoming trained facilitators for restorative justice sessions.
- 18.11 The Panel heard how a school already had restorative justice sessions in place for pupils on the cusp of being excluded or for pupils who had been the victim of a situation to talk about what happened and explore their feelings⁷⁰.
- 18.12 A report from the International Institute for Restorative Practices Graduate School – “Improving School Climate, Findings from Schools Implementing Restorative Practices” was presented to the Panel by a witness. The report gave examples of schools within Pennsylvania and Canada which had adopted restorative justice programmes, with significantly positive results.

Some quotes from the report:

“West Philadelphia High School.. ...We didn't really believe that we could get our kids to the point where they could express remorse, sympathy and respect. Now the kids have embraced restorative practices even more than the adults- the Principal “

“Palisades Middle School...I used to get in a lot of trouble, but teachers talk to students and help you make the right decisions - an Eighth-grade student”

“Springfield Township High School ...restorative practices to be part of a culture building, including treating kids with respect and having a team of teachers and parents identify the school's core values- a Teacher”

⁶⁹ Private minutes, 14/01/2010, paragraph 1.11

⁷⁰ Private Minutes 02/11/2010, paragraph 3.10

19. Recommendation 10

- 19.1 The Panel heard that parents were often not aware that schools should not be excluding pupils informally and felt that the only way of communicating this to parents was through the individual school Behaviour Policies.
- 19.2 All schools should have an exclusion policy, and this should form part of their Behaviour Policy. This should, where possible, include the reasons for exclusion being used – i.e. to protect:
- a) the child being excluded;
 - b) other children or teachers in the schools.
- 19.3 Schools should identify more creative strategies to manage behaviour as alternatives to excluding a child and schools should look at using these more prior to an exclusion process being initiated. These strategies should also be clearly defined in the schools' behaviour policies.
- 19.4 The Panel felt that in some instances schools might be best advised to think about how an individual pupil might be supported to continue in school rather than by focusing on how best to avoid exclusion. This more positive way of thinking might help in particular cases.
- 19.5 The Panel agreed that to reduce the number of fixed term exclusions across the city, there should be easier access to appropriate external services, whether speech and language therapists, educational psychologists etc.
- 19.6 The Panel felt that exclusions should be used as a last resort and should only be for the most serious cases.
- 19.7 Parents told the Panel that exclusions were often ineffective, as, rather than modifying their behaviour following an exclusion, some children would seek to repeat a particular pattern of behaviour in order to be again excluded⁷¹.
- 19.8 As previously mentioned, much damage can be done to a pupil when they have been excluded from school, as their life chances may be significantly reduced. Statistically, young people excluded from school are significantly less likely than the average to find employment and are more likely to come into contact with the criminal justice system. Whilst it may not be the case that exclusion is necessarily a primary cause of these problems, its association is such that it surely makes sense to use exclusion as a last resort.

⁷¹ Public Minutes 05/11/2009, a parent paragraph 9.8

- 19.9 In particular, exclusions at primary school should be avoided at all costs. Children excluded at this stage in their lives are very likely to repeat the type of behaviour that got them excluded in the first place.⁷².
- 19.10 When schools are developing behavioural policies, pupils should be involved more to help define class rules. The Panel had requested Behavioural Policies from schools and it was found that some policies were very teacher-led, and could be more parent and pupil friendly. Peer group discussions on behaviour would be a good way for pupils to collectively decide what behaviour is acceptable.
- 19.11 The Panel heard evidence that there were sometimes discrepancies in the school standards when dealing with discipline⁷³. When an incident occurred and there had been more than one pupil involved, the Panel heard how different pupils might be given different exclusion periods for the same 'offence'. (In one reported incident, pupils found this out by phoning each other at home.) This type of behaviour risks parents and pupils feeling that exclusion is not objective: if there are reasons for excluding one pupil for longer than another, then these should be clearly communicated to pupils and their parents. Consistent and fair discipline strategies are needed to ensure that no pupil or parent feels they have been treated unfairly.
- 19.12 During the evidence gathering sessions from parents, the Panel were told that schools sometimes seemed unaware of the background of their children - particularly if they had behavioural and/or home issues. Parents felt that more understanding was needed by schools when disciplining their children. Several parents commented that, prior to an exclusion, they were not asked for their opinion on the action proposed or asked about any circumstances at home or details of their child's SEN etc⁷⁴.

Lunch times/Breaks

- 19.13 The Panel heard how break and lunch times have to be organised so that pupils can play co-operatively and that it was important that lunchtime supervisors are trained to manage behaviour. The Panel also heard that late lunches could mean that some pupils would get irritable and start to misbehave. Pupils also need sufficient time to run around/play and eat lunch otherwise they may become unsettled in the classroom⁷⁵.

Drinks and healthy eating

- 19.14 There was evidence from all schools that high energy drinks caused pupils to be disruptive in class. One school had spoken to their local convenience store, which supported the school with this issue, declining to sell these drinks to children in school uniforms. Due to the

⁷² Public Minutes 05/11/2009, a parent paragraph 9.2 & 9.16

⁷³ Private Minutes 14/01/2010, paragraph 1.6

⁷⁴ Private Minutes 05/11/2009, paragraph 1.3 & 1.6

⁷⁵ Private Minutes 02/11/2009, paragraph 4.28 – 4.30

disruptive behaviour in classes after the consumption of energy drinks at break times the school has banned any of these types of drinks on its premises⁷⁶.

- 19.15 All schools are promoting healthy eating through cookery classes and in terms of what is made available for sale in the school canteens. This will assist in improving behaviour and concentration.

Boys

- 19.16 Most excluded pupils are boys who have been disruptive in class. It was felt that to address this, schools needed to find out the root causes of their disruptive behaviour and use the curriculum to combat this. By adding flexibility into the curriculum, and having more suitable and creative classes which pupils with shorter attention spans can be more involved with, it should be possible to reduce disruption caused by boredom and frustration.
- 19.17 These changes to the curriculum and teaching styles will take time to implement and appropriate training for teachers will need to be delivered, but this would be effective in the long run for the school and most importantly for the pupil.

Part-time timetables

- 19.18 There was evidence heard from the Local Authority that showed much good practice was already in place in the monitoring of part-time timetables.⁷⁷
- 19.19 Schools made the Panel aware that in some cases part-time timetables were unavoidable – particularly in situations where the only realistic alternative was exclusion. The Panel understood the potential benefit of part-time timetables, but thought they should only be implemented with the support of the parent and pupil. Part-time timetables should be reviewed weekly by the parent and teacher to ensure they are for a time-limited period only and they need to be focused on building back to integrated learning.
- 19.20 Once again, to prevent pupils being sent home, the pupil should go to the Learning Support Unit to be with the teaching staff there when on a part-time timetable. However if there are no other viable options than to send the pupil home when on a part-time timetable, it should be with the agreement of the pupil and parent.

19.21 Good practice

The Panel heard how one school dealt with disruptive behaviour in class by having the pupil removed from their class and made to study

⁷⁶ Private Minutes 02/11/2009, paragraph 1.25, 5.34 – 5.37

⁷⁷ The LA have Education Welfare Officer's in place to monitor school attendance

in the Headteacher's office. This approach was effective as the pupil's behaviour improved in class after this.

- 19.22 Displaying of school rules is an effective way of reminding pupils of the standards of behaviour that are acceptable within that school. The Panel visited some schools that did this and would recommend this approach to any other schools that have not already adopted it.
- 19.23 Other preventative strategies presented to the Panel included having teachers on the buses that pupils used and setting up pupils to be bus monitors to encourage good behaviour on public transport⁷⁸.
- 19.24 Some schools said that when an incident occurred in class and before a disciplinary decision was taken by the school they would consult with the parent to check whether there were any underlying issues. However evidence from parents was generally that they were not consulted in the decision making process prior to their child's exclusion. The Panel felt that this type of parental involvement was probably the exception rather than the norm.
- 19.25 A Special school described that they had Police Community Support Officers who patrolled the school as part of their 'beat'. This promoted good behaviour and also respect for the police. There were also plans to have youth workers within schools too, to help promote community cohesion⁷⁹.
- 19.26 Schools and parents spoke about how some schools would swap pupils who had been excluded. This was generally viewed as effective, as it gave the pupil another chance to start again, with no adverse history and the opportunity to perform better.
- 19.27 There was evidence for and against 'managed moves'. A managed move is when a pupil on the cusp of being excluded is moved to another school. Schools and parents felt that this could be a new start for the child giving them the opportunity to improve their behaviour⁸⁰. However, some witnesses thought that these could sometimes reflect the needs of schools rather than the needs of excluded pupils⁸¹.
- 19.28 The Panel commented on a clear and well thought of Behaviour Policy which had pupil involvement, and was written for pupils rather than teachers. The Policy also displayed various rewards e.g. certificates and a scheme called 'Golden Time'. The scheme was successful as it was embedded into the school's culture and all pupils had a right to take part in the chosen weekly activity, rather than earning it. Pupils only lost time on the activity through bad behaviour⁸².

⁷⁸ Private Minutes 02/11/2009, paragraph 1.26

⁷⁹ Private minutes 02/11/2009, paragraph 5.14 & 5.17 – 5.18

⁸⁰ Private Minutes 02/11/2009, paragraph 4.15 & 05/11/2009, paragraph 2.6

⁸¹ Private Minutes 14/01/2010, paragraph 1.9

⁸² Private minutes 02/11/2009, paragraph 4.21 - 4.22

19.29 Another scheme was called 'Bubble Time' which gave pupils the opportunity to write their name on a bubble (which was displayed in each class), if a pupil needed to talk to a teacher about something. The teacher would then find the pupil during that school day and discuss and support the pupil with whatever was troubling them⁸³.

19.30 Both, Golden Time and Bubble Time were successful schemes and the Panel were most impressed at how this school was being creative in use of such schemes. Schools that do not have such rewards schemes in place should look at implementing them or something similar.

19.31 A pupil who had been excluded spoke about how , while he was in the Learning Support Unit, he was rewarded for good behaviour by being given time at the end of lessons to undertake activities that he enjoyed; the pupil saw this as a positive and it encouraged him to improve his behaviour⁸⁴.

19.32 Based on the above evidence the Panel recommends that:

CYPT to encourage Schools to have simplified School Behaviour Policies:

- **with Exclusion protocols that are 'child-friendly'**
- **to include acknowledging the prohibition of 'Informal Exclusions'**
- **the restricted use of part-time timetables**
- **to show clearly the different stages of sanctions that the school has in place**

⁸³ Private Minutes 02/11/2009, paragraph 4.27

⁸⁴ Private meeting with a pupil

20. Recommendation 11

Youth Offenders

- 20.1 If young people are attending school or college they are less likely to be involved in crime, as they have an alternative focus. Where school attendees do come in contact with the criminal justice system, it is important that schools continue to provide support. This could be in the form of external services being brought into the school e.g. the Youth Offending Service and youth workers. It is vital that these young people remain regular school goers, even if this means schools have to be flexible in terms of the curriculum that they are taught.
- 20.2 The Panel was told that when a pupil is involved in a criminal offence, the combination of excluding the child and the police charging the child could seriously damage that pupil's life chances. Evidence from the YOS recommended that schools should normally not exclude when a child has been criminally charged. It was important to provide the appropriate support during this time, for both the pupil and the parents⁸⁵.
- 20.3 Youth offenders who have been excluded typically come from homes where they may not have access to facilities such as IT and a suitable area to complete their school work⁸⁶. Exclusion for this group of pupils may therefore have a greater negative impact than for other groups.

Looked After Children

- 20.4 The Panel examined the issue of Looked After Children (LAC) and whether these children were being excluded from schools. Some evidence was heard that a number of Looked After Children had been excluded due to behavioural issues, often linked to SEN conditions⁸⁷. The Panel felt that schools should not exclude any LAC as these children have typically been through very unsettling experiences and need schooling to help stabilise their lives.
- 20.5 The LEA should look at improving their monitoring processes to ensure that LAC are not excluded and to check that excluded children have not been criminally charged for the same incident that have been excluded for.

Special Schools

- 20.6 The Panel heard how Special schools were cautious about excluding children as the pupils who attended special schools had typically been moved there to support their specific needs and it was important to give these pupils security and confidence. However, in extreme circumstances where the safety of other children is imperilled, with parental involvement and when all other options have been exhausted,

⁸⁵ Private Minutes 14/01/2010 paragraph 1.10

⁸⁶ Private Minutes 14/01/2010 paragraph 1.7

⁸⁷ Private Minutes 05/11/2009 paragraph 1.11

the most appropriate option left may be to either move or exclude the pupil⁸⁸.

Exclusion

20.7 The Panel heard from some parents who said that they felt punished when their child had been excluded⁸⁹.

20.8 The Panel wanted to ensure that schools were not excluding children because they were unable to access appropriate services to meet the child's special needs. The Local Authority, if it does not do so already, should check that there are processes in place to monitor the reasons why schools are excluding children.

20.9 Where an exclusion does take place, the pupil should be provided with a suitable timetable (covering a whole school day) of alternative activities/lessons to be carried out during the exclusion period. The pupil should not be educated at home, but preferably at a separate on/off site Learning Support Unit. Provision should be made for the pupil to keep up with the curriculum, be supported by staff and to submit the work after for it to be marked.

20.10 The Local Authority, if it does not do so already, should monitor :

- what support classes excluded pupils attend
- where they attend this (i.e. at an offsite/onsite location)
- whether parents were involved in the decision
- the degree of teaching support provided during school hours

20.11 The Panel heard evidence from pupils who had been repeatedly excluded and were sent home to the effect that some pupils did not carry out any school work, but filled their time up by playing with their computer games for the whole period of the exclusion⁹⁰.

20.12 Managed Moves

Where a pupil is on the cusp of being excluded or has been excluded, one option is to move the pupil to another school. This could give the pupil the opportunity for a fresh start. However, some pupils with SEN may have conditions which would be exacerbated by a managed move. A managed move is only likely to be beneficial to the pupil if the parent and pupil are involved in the decision to go ahead with this⁹¹.

20.13 Bullying

The Panel was presented with data from Amaze which showed that 66% of children on the Compass database who had been excluded had also been bullied⁹². It is unclear from these figures whether the

⁸⁸ Private Minutes 02/11/2009 paragraph 5.37

⁸⁹ Public Minutes 05/11/2009, a Parent paragraph. 9.16

⁹⁰ Private meeting with a pupil on the 01/02/2010

⁹¹ Private Minutes 14/01/2010 paragraph 1.19 & 05/11/2009 paragraph 2.6, 02/11/2009 paragraph 4.15, 5.8, 5.10

⁹² Private meeting – 14-10-2009 , (Amaze) handout statistics

bullying was directly related to the exclusion or not, but the correlation between the two figures is striking. Schools, if they do not already do so, should be investigating whether bullying is one of the causes of school exclusion.

20.14 The Panel did ask some of the schools whether children being bullied had led to the child being excluded; however schools didn't provide evidence that there was a definite link between bullying and exclusions.

20.15 **Informal exclusions**

The Local Authority continues to work with schools to eliminate informal exclusions with the support of Government guidance which stipulates that it is illegal for schools to informally exclude a pupil. In reality informal exclusion is still happening, as parents confirmed to the Panel. The Local Authority has Education Welfare Officers who monitor and investigate informal exclusions in schools.

20.16 Schools use this method of informally excluding a pupil to prevent fixed term exclusions appearing on the school and the pupil's record, in the hope that the pupil will not repeat the incident or cause further issues that may lead to a fixed term exclusion. Additionally, informal exclusions are used to give time for the pupil to calm down⁹³.

20.17 A parent spoke to the Panel about a discrepancy between their school's records and their personal records with regard to the number of times their child had been excluded⁹⁴. The Local Authority is already aware of the inaccurate recording of exclusions and is utilising its Education Welfare Officers to work with schools to improve the data accuracy⁹⁵.

Not in Education, Employment or Training (NEET)

20.18 One of the areas that the Panel investigated was to determine how many school leavers who had been excluded ended up as NEETs. The Panel was informed that this information was not collated by schools. However, one school had collected this data purposely for the Panel's visit: 6 pupils out of 340 in the 2008-2009 year group had ended up as NEET, and only one of these had been excluded⁹⁶. The Panel felt that the Local Authority should ask schools to maintain records of NEETs for pupils who have been excluded, so that schools can monitor the impact of exclusion on pupils' job and life prospects.

20.19 The Local Authority should also continue to monitor the educational achievement of pupils with BESD to see how schools are coping and being supported with these pupils. Any good practice could then be cascaded to other schools in the area.

⁹³ Private Minutes 14/01/2010, paragraph 1.6

⁹⁴ Private Minutes, 05/11/2009, paragraph 2.8

⁹⁵ Private Minutes, 14/10/2009, paragraph 1.2-1.9

⁹⁶ Private information, 02/11/2009, paragraph 1.24

20.20 Based on the above evidence the Panel recommends that:

Headteachers should ensure that children and young people are not 'informally excluded' or unnecessarily placed on part-time timetables and the LEA should continue robustly to monitor this.

21. Recommendation 12

Parents

- 21.1 Good communication with parents throughout all parts of the exclusion process is essential. Parents can help schools understand their child as fully as possible and help determine the most effective way for their child to learn from an incident they have been involved in.
- 21.2 However, the Panel heard evidence from parents who were not involved in the decision-making process to exclude their child: the first time they heard of the exclusion may have been via a formal phone call or a letter from the school⁹⁷. In other schools the situation seems very different, with parents involved at every stage of the process.
- 21.3 Parents should be valued more and made to feel more welcome in schools, whether their children are challenging or performing well. Parents should be involved more in improving their child's behaviour (as per the Behavioural Emotional Social strategy) and supported more by all services.
- 21.4 Parents should to be invited more into school at the start of and end of an exclusion period in order to contribute to the future strategy for their child.
- 21.5 The Panel heard from single parents who wanted extra support from schools, regarding techniques and advice for improving behaviour and addressing the learning needs of their children. Schools might be well advised to have special policies for single parents, in recognition of the fact that some single parents have a particularly difficult job to do and may sometimes require more support than two parent families.
- 21.6 Schools should continue to review how they could improve their communications with parents and ensure they have up to date information on how best to contact parents as the Panel heard evidence that answerphone messages were left on parents' phones, advising them of an incident/exclusion, where the parents could have been contacted via other means – e.g. mobile phone⁹⁸. However, the Panel also heard from parents who had been contacted directly by schools. It would therefore seem that there is both good and bad practice in this area⁹⁹.
- 21.7 The Panel heard that parents do not always understand the reasons that schools give for an exclusion¹⁰⁰. It is very important that parents

⁹⁷ Private minutes 05/11/2009, paragraph 1.5 -1.8, 1.14 & Public Minutes 05/11/2009, a parent paragraph 9.2 & 9.9

⁹⁸ Private Minutes, 14/01/2010, paragraph 1.6

⁹⁹ Public Minutes 05/11/2009, paragraph 9.4 & Private Minutes 02/11/2009 paragraph 1.13, paragraph 3.9, paragraphs 4.18-4.20, 5.15-5.16

¹⁰⁰ Private Minutes 05/11/2009, paragraph 2.10 & paragraph 1.14 & 1.18

are absolutely clear why their child has been excluded, and schools must make every effort to communicate these vital facts as transparently as possible.

- 21.8 More provision needs to be looked at for pupils who have been immediately excluded following a serious incident. In such situations, it may be that it has not been possible to contact the parents in advance, and that when contacted, parents are unable to pick the pupil up. In such situations, Offsite/On-site accommodation should be used in these cases rather than the pupil being sent home. Learning Support Units should be used for the remaining duration of the exclusion with the parent's permission.
- 21.9 The Panel heard how some parents had their social workers or a representative from the Youth Offending Service attend school meetings, as some parents felt that they needed support to talk with schools¹⁰¹.

Good practice

- 21.10 The Panel heard from all the schools visited during the evidence gathering sessions how schools did work with the parents to support their families during the exclusion process and in some cases how Schools worked with Social Services to provide respite care and support during the school holidays¹⁰² and managed moves with parental and multi-agency involvement¹⁰³.
- 21.11 Based on the above evidence the Panel recommends that:

The CYPT should encourage schools to improve their communication and support with parents (for pupils who have been excluded); by involving them more in the exclusion-decision making process.

¹⁰¹ Private Minutes 05/11/2009, paragraph 1.16

¹⁰² Private Minutes 02/11/2009, paragraphs 4.15 & 5..23

¹⁰³ Private Minutes 02/11/2009, paragraph 5.8

22. Recommendation 13

- 22.1 A requirement of any Scrutiny Panel is to consider evidence from all parties concerned on the subject matter. The evidence heard from parents and pupils in relation to their experiences on school exclusions was of paramount importance. Without this evidence the Panel would not have been able to formulate meaningful recommendations.
- 22.2 With this in mind, the Panel felt that if the Headteachers Steering Group does not do so already, it should speak with pupils who have been excluded and their parents to find out what improvements can be made to school exclusion protocols.
- 22.3 Some parents provided testimony alleging that schools had could make improvements to their behaviour monitoring arrangements¹⁰⁴ and that schools could have made much more effort to prevent exclusions than they in fact did¹⁰⁵.
- 22.4 Based on the above evidence the Panel recommends that:

Headteachers and Governors should speak with young people who have been excluded and their parents more regularly, to learn from their experiences and seek improvements in exclusions protocols.

¹⁰⁴ Private Minutes, 05/11/2009 paragraphs 1.3, 1.8, 1.12, 2.2 & 2.8

¹⁰⁵ Private Minutes, 05/11/2009 paragraph 1.19 & 05/11/2009 paragraphs 9.3, 9.8, 9.15 & 9.16

23. Domestic Violence and Traveller Children

- 23.1 The Panel reviewed their objectives during the investigation process. Evidence gathered from schools focused on the main challenges schools faced in relation to exclusion. These areas were around SEN and CAMHS.
- 23.2 Evidence collated from parents focused on schools giving more flexible support to children with SEN, particularly with regard to children with BSED conditions.
- 23.3 The Panel did not receive any evidence relating to domestic violence and traveller children, although these were topics identified as important during the scoping process. Scrutiny Panels are time-limited, and it is not always possible to pursue every avenue of enquiry. In this instance, the Panel chose not to request expert testimony on these topics. This is by no means intended as a reflection on the importance of these issues, and the Panel does recommend that any future scrutiny panels examining aspects of domestic violence or traveller issues should consider whether to look at exclusion-related matters as part of their enquiries.

24. Lesbian, Gay, Bisexual and Transgender (LGBT)

- 24.1 The Panel heard evidence that Stonewall (with support from the DCSF and teaching Unions) was producing an interactive DVD to tackle homophobic bullying. It gives further support to teachers working to tackle homophobic bullying in their schools. These DVDs will be sent out to all secondary schools.

Further information is available on the Stonewall website:

http://www.stonewall.org.uk/education_for_all/default.asp

- 24.2 A teacher gave evidence as to how LGBT teachers were not always given the freedom to be open about their sexuality. The witness felt that this could help foster an environment where pupils felt discouraged about displaying or talking about their sexuality. Consequent frustrations might be manifested as unmanageable behaviour, which could be misconstrued as BSED.
- 24.3 The Panel agreed that LGBT contact numbers should be included in the school planners for additional support¹⁰⁶.

¹⁰⁶ Private Minutes 27/01/2010 paragraph 2.1 - 2.11

25 APPENDIX 1

Glossary

ASC – Autism Syndrome Condition

BESD – Behavioural, Emotional and Social Difficulties

CAF- Common Assessment Framework

CAMHS – Child and Adolescent Mental Health Services

COP – Code of Practice

DCSF – Department for Children, Schools and Families

FAS – Foetal Alcohol Syndrome

IEP – Individual Educational Plans

LAC- Looked After Children

LEAs –Local Education Authorities (also referred to as the Local Authority)

PARM – Planning and Review Meetings

PLP- Personal Learning Programmes

PSP- Pastoral Support Plans

SEAL – Social and Emotional Aspects of Learning

SEN- Special Educational Needs

SCLN- Specific Learning Difficulties

SIP – Schools Improvement Partners

YOS – Youth Offending Service

APPENDIX 2

Witnesses who gave evidence (in order of appearance)

| Name | Title | Private /Public meeting | Date of appearance |
|--------------------------|---|--------------------------|--------------------|
| Jo Lyons | AD Learning, Schools and Skills | Private- Scoping meeting | 09.09.2009 |
| Linda Ellis | Senior Secondary and Special Schools Advisor | Private- Scoping meeting | 09.09.2009 |
| Linda Ellis | Senior Secondary and Special Schools Advisor | Private meeting | 14.10.2009 |
| Janet Swingle | Behaviour Strategy Manager | Private meeting | 14.10.2009 |
| Ros Cook | Assistant Director of Amaze | Private meeting | 14.10.2009 |
| Juliet McCaffrey | Councillor | Public meeting | 14.10.2009 |
| Anonymous | Parent | Private meeting | 05.11.2009 |
| Anonymous | Parent | Private meeting | 05.11.2009 |
| Anonymous | Parent | Public meeting | 05.11.2009 |
| Professor Ian Cunningham | Self Managed Learning Centre | Public meeting | 05.11.2009 |
| Mary Hinton | Youth Offending Team | Private meeting | 14.01.2010 |
| Jacqueline Coe | Head of Learning Support Service | Public meeting | 14.01.2010 |
| Hass Yilmaz | Principal Educational Psychologist from CAMHS | Private meeting | 27.01.2010 |
| Nigel Tart | Teacher at Patcham House | Private meeting | 27.01.2010 |

School visits – Private meetings

| Name of school | Title of Teachers | Date visited |
|---------------------------------|---|--------------|
| Cardinal Newman Catholic School | Headteacher - Malvina Sanders Paul Miller – Acting Deputy Head, responsible for Behaviour Suzanne Harmer – Assistant Headteacher - Special Needs Coordinator Lesley Torn – Coordinator for Inclusion | 02.11.2009 |
| Alternative Centre for | Headteacher – Mark Whitby | 02.11.2009 |

| | | |
|---|--|------------|
| Education- Queensdown School Road | | |
| Hove Park Secondary School - Neville Campus | Ken Leonard - Deputy Headteacher - Based at Nevill Campus (Hove Park Upper School), Jim Roberts - Deputy Headteacher - Based at Valley Campus Sue Jupp – SENCO – Based at Valley Campus. | 02.11.2009 |
| Carton Hill Primary School | Headteacher – Louise Williard | 02.11.2009 |
| Patcham House School | Head of School – Gayle Fagen Headteacher – Kim Bolton | 02.11.2009 |
| ACE- Sellaby House Tuition Centre | Spoke with Pupils and Vicky Scale - Teacher | 15.01.2010 |
| Self Managed Learning Centre | Professor Ian Cunningham | 15.01.2010 |
| Cardinal Newman – Inclusion Centre | Spoke with Pupils and Lesley Torn – Teacher- Coordinator for Inclusion Centre | 01.02.2010 |

APPENDIX 3

Bibliography

Brighton & Hove Children and Young People's Trust – Behaviour Strategy: Inclusion of Children and Young People with Behavioural, Emotional and Social Difficulties 2006-2010

Brighton & Hove Children and Young People's Trust - SEN and Disability Strategy: Inclusion for Children and Young People with Special Educational Needs and Disabilities 2006-2010

Findings from - Schools implementing restorative practices – A report from the International Institute for restorative Practices Graduate School

Improving behaviour and attendance: guidance on exclusion from schools and Pupil referral Units September 2008

National Parent Partnership Network – Ofsted report – the exclusion from school of children aged four to seven – June 2009

Statistical First Release (July 2009) – Permanent and Fixed Period Exclusions from Schools and the Exclusions Appeals in England, 2007/8- Department for Children and Schools and Families

Where Next for Pupils Excluded from Special Schools and Pupil Referral Units – Research Report No. DCSF-RR163 for the Department for Children and Schools and Families (September 2009)

**AGENDA ITEM 10a- Children and Young People's Overview and Scrutiny
(CYPOSC) Work Programme June 2009- March 2010**

| Issue | Date | Reason for the agenda item | Outcome and Monitoring |
|---|--------------|--|--|
| Update on the Falmer Academy | 17 June | Opportunity to receive an update and identify whether future issues need to come to CYPOSC | To come back to CYPOSC 18 November 2009 |
| Sure Start Children's Centre's Self Evaluation City Wide Summary | 17 June | Information on early years equalities | Noted and further information requested on breastfeeding and IT issues |
| Ad-hoc Panel report- reducing alcohol related harm to children & young people | 17 June | Feedback to CYPOSC and the Committee to endorse the report | Report endorsed to go to CYPT Board, Cabinet, Council & Licensing Committee |
| Consultation on the CYPP proposed workshop | 17 June | The Committee to submit its comments to the Plan (1 of the 10 budget and policy framework items) | Workshop arranged for the 7 July 2009. |
| Draft Work Programme | 17 June | To be agreed by the Committee | Work Programme agreed |
| | | | |
| 4 th Quarter PIR | 16 September | Standing item- CYPOSC to review underperforming items | Noted the report and requested further information on the Teenage Pregnancy Action Plan |
| Ofsted Inspection reports | 16 September | Standing item – Portslade CC to be reviewed | Noted the report and the improvements made by PCC |
| An Update on Safeguarding | 16 September | Updating CYPOSC on the national and local changes | Noted the report and recommended that the budget for 2010/11 should take the Trusts challenges into account |
| Corporate Parenting | 16 September | Information requested on Councillors responsibilities | Agreed the recommendations and recommended that good outcomes for LAC should be considered with the budget setting process |
| Universal Free School Meals | 16 September | Report requested – 17/6/09, from Cllr. question | Noted the report, receive an update on the take up and the progress on the cashless system in a year's time |

**AGENDA ITEM 10a- Children and Young People's Overview and Scrutiny
(CYPOSC) Work Programme June 2009- March 2010**

| Issue | Date | Reason for the agenda item | Outcome and Monitoring/Dates |
|---|----------------------------|---|---|
| St. Mary's School Closure | 16 September | Report requested – 17/6/09, from Cllr. Question | Noted the report and take no further action |
| Work Programme | 16 September | The Committee to review the updated work programme | Agreed and Quality of Care and Attainment of CiC to be added to the Work Programme |
| | | | |
| Teenage pregnancy including teenage conception action plans | 18 November | Directorate (1 of 10 PCT priorities) | Noted the report and take no further action |
| Childhood Obesity | 18 November | Directorate (1 of 10 PCT priorities) | Noted the report and requested further information on which activities were happening after schools |
| Building schools for the future | 18 November | Directorate | Noted the report |
| | | | |
| CYPT Budget Strategy | 5 January – Budget meeting | CYPOSC to examine plans for the budget | Further information requested and comments to be forwarded to OSC |
| | | | |
| An Update and Review of therapy Services for Disability service | 20 January | Committee asked for this item to return to CYPOSC (25/3/2009) | Action Plan to come back to CYPOSC for the 24 March and whether the CYPT were investigating allocating additional investment onto therapy services. |
| Children's Rights Convention and CYPT Equalities Arrangements | 20 January | CYPOSC agreed (25/3/2009) | Further information in respect of Traveller children to come to CYPOSC for the 24 March |

**AGENDA ITEM 10a- Children and Young People's Overview and Scrutiny
(CYPOSC) Work Programme June 2009- March 2010**

| Issue | Date | Reason for the agenda item | Outcome and Monitoring/Dates |
|--|-------------|--|---|
| Child Poverty- CYPP & LAA | 20 January | CYPOSC agreed (25/3/2009) | To have 1 or 3 places on the child poverty sub-group of the city's LSP; Cllr. Wakefield-Jarrett put herself forward |
| | | | |
| School Examination and test results Response to Cllr. Hawkes letter | 24 March | Report requested – 20/1/2010 Cllr. Question -Concern over CAA report | A Working Group to be set up to respond to Cllr. Hawkes' letter |
| Action Plan from the Review of Therapy Services meeting on the 28 January 2010 | 24 March | Report requested by CYPOSC at 20/1/2010 meeting | To have an update on the progress of the recommendations made within the report and how the recent Lamb Inquiry on Improving Educational Confidence had impacted the service later on in the year |
| Update on Traveller Education Service (TES) in B&H with reference to the Achievement Programme Model | 24 March | Update from previous report heard at CYPOSC in January 2009 | Noted the report |
| Work programme discussion – to more closely mirror items on the CYPT Board agenda | 24 March | Work programme development | A meeting date was requested for the Child Poverty task sub-group of the city's LSP |

Suggestions for Future Ad-hoc panels:

- Council support for families affected by recession – focus on NEETs
- Quality of Care & Attainment of Children in Care- what are the challenges, are other LA's increasing attainment, (timing needs to be correct on this)

**AGENDA ITEM 10b- Children and Young People's Overview and Scrutiny
(CYPOSC) Work Programme June 2010- March 2011**

| Issue | Date | Reason for the agenda item | Outcome and Monitoring |
|--|-------------------|---|-------------------------------|
| New Council's responsibilities for 16-19 Education and Training | 16 June 2010 | Suggested by the Directorate | |
| Schools Exclusions Scrutiny Report | 16 June 2010 | CYPOSC to endorse the report before it goes to any other committees | |
| Arrangements for the governance, commissioning and provision of children's services | 16 June 2010 | Important changes to the governance and working structure of CYPT – in response to legislative changes and emerging best practice | |
| Understanding Intervention | 16 June 2010 | Suggested by the Directorate | |
| | | | |
| 6 monthly update from the Cabinet Member and Director – and changes to Governance arrangements | 15 September 2010 | Suggested by the Directorate | |
| Annual Performance Report | 15 September 2010 | Standing item | |
| | | | |
| Local Safeguarding | 10 November 2010 | Suggested by the Directorate | |
| Review recommendations of the Children and Alcohol Panel report | 10 November 2010 | | |
| | | | |
| Annual CYPP Report | 26 January 2011 | CYPOSC to follow up | |
| Review the Children & Alcohol Scrutiny Report | 26 January 2011 | From CYPOSC Agenda | |
| Next steps of Academies | 26 January 2011 | Suggested by the Directorate | |
| CYPT Budget proposals | January tbc | Feed into the budget proposals | |
| Review recommendations from Schools Exclusions Panel report | 23 March 2011 | | |

**AGENDA ITEM 10b- Children and Young People's Overview and Scrutiny
(CYPOSC) Work Programme June 2010- March 2011**

Suggestions from CYPOSC Members

1. Trends in the recruitment of Heads, senior and other staff in schools (strength and size of fields).
2. Impact and outcomes of the first year of the new inspection frameworks (Ofsted and SIAS).

Suggestions for Future Ad-hoc panels:

- Council support for families affected by recession – focus on NEETs
- Quality of Care & Attainment of Children in Care- what are the challenges, are other LA's increasing attainment, (timing needs to be correct on this)