

Report for: Cabinet 10 March 2020

Item number: To be added by the Committee Section

Title: Alternative Provision

Report authorised by : Charlotte Pomery: Assistant Director Commissioning

Lead Officer: Ngozi Anuforo: Head of Strategic Commissioning, Early Help and Culture

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1 Describe the issue under consideration

- 1.1 The purpose of this report is to set out details of proposals for the future model of alternative provision in Haringey and to propose a number of recommendations in order to take forward these proposals.
- 1.2 Alternative Provision is 'Education arranged by Local Authorities for pupils who, because of exclusion, illness or other reasons would not otherwise receive suitable education: education arranged by schools for pupils on a fixed term exclusion and pupils being directed by schools to offer off-site provision to improve their behaviour'.
- 1.3 Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who, because of illness or other reasons, would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority's area whether they are on the roll of a school or not, and whatever type of school they attend.
- 1.4 Evidence from research, nationally and locally, suggests that life chances are greatly reduced for pupils who spend a significant amount of time out of school and whose education is therefore disrupted. The proposals set out in this document are intended to reshape how schools, partner organisations, parents, young people and the Council work together to deliver positive changes in the outcomes for some of our most vulnerable, and at risk, children and young people. Recognising that Alternative Provision as a term describes a range of activities and actions, the proposed approach is multi-faceted and intended to draw together a whole system response to meeting the needs, both earlier and more effectively, of all pupils in Haringey.

2 Cabinet Member Introduction

- 2.1 I am delighted to present this paper and the accompanying model for change which sets out a strategic, partnership and transformational approach to meeting the needs of children and young people in Haringey. Based on local and national work on alternative provision, and increasingly informed by the voices of children, young people and parents themselves, the proposed approach requires change in the short and longer term recognising that a phased approach is needed to ensure that co-design and learning is embedded from the outset.
- 2.2 The Young People at Risk Strategy recognises that we must adopt an early intervention and whole systems approach in order to address some of the complex issues facing children and young people in Haringey. This report and the approach it outlines sits within the wider context of that Strategy and its vision to ensure that all children and young people receive the best start in life.

3 Recommendations

- 3.1 That Cabinet agree the Change Model attached as Appendix A recognising that some elements are for implementation now whilst others require further co-design before being implemented
- 3.2 That in order to support the Change Model, Cabinet agree:
- 3.2.1 the use of Stamford Hill School site as the preferred site for the Alternative Provision Hub which will accommodate the co-located Tuition Service and Octagon Pupil Referral Unit from 1st September 2020
- 3.2.2 to note the application of TUPE (Transfer of Undertakings (Protection of Employment)) to these arrangements
- 3.2.3 to note the need for a further Cabinet decision to approve the award of contract to carry out the capital works required to ensure the Stamford Hill School site is ready for pupils on 1st September 2020

4 Reasons for decision

- 4.1 There are three main drivers for the decisions being proposed at this time.
- 4.1.1 First, the trajectory for pupils permanently excluded from school is poor and there continues to be a disproportionality in the number of Black and Minority Ethnic Pupils being excluded and a seeming overrepresentation of pupils with SEN at risk of exclusion, experiencing a significant number of fixed term exclusion or permanently excluded. The risks of becoming longer term NEETS (not in education or employment) or involved in anti-social behaviour or criminality remain high and present a compelling argument for change. There needs to be a real drive to shift the perception of many children, young people, parents/carers, schools and governors from seeing permanent exclusion as the end of the road towards thinking about educational entitlement and the meaningful steps needed to ensure that a pupil is able to re-engage and benefit from a high quality educational offer.

- 4.1.2 Second, Reviews of both Exclusions and of Alternative Provision have been recently undertaken in Haringey, and during the same period a Review of Exclusion was carried out nationally, led by Sir Edward Timpson and known as the Timpson Review. The main findings from this set of reviews were that a more robust and consistent response to emerging needs is needed, both in Haringey and nationally. Where pupils are struggling to engage positively with education or where schools may be struggling to positively engage pupils, intervention needs to be responsive and comprehensive, with timely assessments of need and properly tailored approaches that consider the whole child. There needs to be consideration of how Behaviour Policies, Curriculum and understanding and perceptions of Special Educational Needs (SEN) are contributing to exclusions and demand for alternative provision.
- 4.1.3 Third, in light of the Reviews and the need for a whole systems and locally embedded approach to responding to the needs of vulnerable children and young people who may become at risk of exclusion, the Council took a decision in October 2019, not to recommission the TBAP Trust, the Tri-Borough Alternative Provision Trust, to deliver Haringey's Pupil Referral Unit, based at the Octagon, from September 2020. The decisions proposed here ensure that there is provision in Haringey to meet the needs of children and young people who would otherwise have been educated at the Octagon from September 2020.

5 Alternative options considered

- 5.1 An option to continue with existing arrangements was considered in October 2019 but rejected on the grounds that these arrangements would not facilitate the whole system change required to deliver improved outcomes for vulnerable children and young people in Haringey.
- 5.2 A second option considered was to seek responses from the market to delivery of the Pupil Referral Unit but for the reasons set out above this was not taken forward.
- 5.3 A third option considered was not to co-locate the Tuition Service and the Pupil Referral Unit at the Octagon together at this time, but this was rejected as this is an important first phase in taking forward the whole systems approach set out in the accompanying paper for adoption.

6 Background information

- 6.1 The background to the recommendations being made in this report is set out in full in the attached paper and it is important to recognise that the proposals being put forward are whole system and far reaching involving not only schools, alternative provision providers and the Council, but also the NHS, the voluntary and community sector, the police, parents and children and young people themselves. The approach has been developed and led by the Alternative Provision Review Group, which comprises primarily the local authority, schools and the NHS, and which has responded to evidence both of need and of best practice nationally and locally in formulating the proposals. The primary focus is always the needs of children and young

people and the pressing argument in favour of improving outcomes for those pupils experiencing or at risk of exclusion.

6.2 In addition, it needs to be understood that the attached Model for Change is one which will be implemented in phases – the decisions for adoption today set the platform for future reform but the detail of future phases needs to be worked up over time through further co-design and whilst it is for adoption in the round, there are a number of details which will need to be worked through with schools, alternative provision providers, parents and other stakeholders before they can be implemented in full.

6.3 There are clear synergies and interdependencies between the work set out here and a number of other initiatives underway already. Reference has been made earlier in this report to the Borough Plan and the Young People at Risk Strategy, but it is worth noting that the Model for Change chimes with the emerging Early Help Strategy, work on improving the emotional and mental health and wellbeing of children and young people through the introduction of the IThrive Framework, the BAME Attainment Strategy and approaches to Transitional Safeguarding to name but a few. The key themes and principles are increasingly central to and connective between these approaches:

- **Needs first:** A single, strong, consistent and holistic way of identifying and responding to the needs of children and young people focusing on cause not symptom and need rather than diagnosis
- **Behaviour matters:** A shared ethos to build a consistent approach to behaviour and sanctions across the school community and with parents and families
- **Learning and education throughout:** An expectation that all children have a right to high quality teaching and learning and that their long-term educational needs will continue to be best met in a stable setting
- **Shared objectives:** A commitment to transparency and joint working between schools and between schools, parents and the local authority
- **Engagement:** the voices of children, young people and parents should be actively sought and listened to
- **Narrowing the gaps:** our practice should reduce inequalities in educational and social outcomes for children and young people, particularly those most disadvantaged currently
- **Children's learning needs differ:** A varied educational offer within mainstream schools in the borough to accommodate the educational needs of a range of learners
- **Children's needs change over time:** A recognition that children in primary and secondary settings have different levels of autonomy and therefore different needs
- **Children's learning and support needs differ:** A diverse Alternative Provision offer to meet the needs of a range of children
- **Alternative provision is not an end in itself:** An understanding that placements in alternative provision or in Pupil Referral Units are made for a designated period to enable a child to be supported to return to mainstream or special schooling as appropriate, not as an end in themselves
- **Joint working across agencies is critical to address need:** Timely assessments and diagnoses from other agencies will support the provision

- of adequate and appropriate support in school – as will continuation of existing support as children join or leave Alternative Provision
- **Data informed:** we should use data and follow the evidence to achieve the best outcomes for children and young people
- 6.4 Turning then to the specific decisions required by this Cabinet, as part of the Change Plan, the particular focus is on ensuring the continued delivery of an offer for permanently excluded children in Haringey from 1st September 2020. The proposals set out envision an Alternative Provision Hub meeting the educational, social and therapeutic needs of children and young people under the governance of the Haringey Tuition Centre.
- 6.4.1 The Haringey Tuition Centre holds the school roll for all pupils currently at the Tuition Service. In order to facilitate the changes set out here, the admissions criteria of the Haringey Tuition Centre will be amended to make clear that the provision will directly meet the needs of all children including those permanently excluded who may have been placed at the Octagon PRU. The Admissions Criteria of each of the Tuition Service and of the Octagon will be reviewed by Council officers working with the Heads of Schools and brought together into a single document which supports delivery of the new model. These criteria will be adopted at a formal meeting of the Management Committee of the Haringey Tuition Centre. Although there is no statutory requirement to consult, the Council as noted above, will engage with relevant stakeholders before producing a final set of admissions criteria, ensuring the changes are appropriate and relevant and are formally adopted by the Management Committee of the Haringey Tuition Centre.
- 6.4.2 The development of this new provision is to be supported by the recruitment of a Development Lead, the strengthening of the existing management committee to ensure that it can take on the wider responsibilities of the new function and changes to the Admissions Criteria of the Haringey Tuition Centre. Over time, it is envisaged that the management committee will offer the opportunity for all schools to be represented to demonstrate accountability. The provision will act as an alternative education hub – resourced to offer direct intervention, reintegration support and outreach into mainstream schools, combining teaching, pastoral and specialist input. Whilst there will be a focus on secondary age pupils, both at KS3 and KS4, there is a recognition that the provision will need to meet the needs of primary age children where absolutely necessary and where other interventions, being developed through the implementation of the Model for Change, have not led to the anticipated changes. For all children, the focus will remain consistently on support, intervention, attainment, and reintegration where possible, setting aspirations and ambitions high for achievement both educationally and socially. There also remains a recognition that the full transition to the new model in its totality will take up to three years.
- 6.5 In order to achieve the above, work to plan for the physical co-location of the current Tuition Service and Octagon PRU on the site of the Stamford Hill school is also being undertaken, signalling a fresh start and ensuring that the new provision operates as a single entity as it develops to meet the full needs of its pupils. Surveying and initial feasibility work have already been undertaken on the site, confirming that the site can accommodate the

proposed functions, with the major works team focused on readiness for September 2020 as required.

- 6.5.1 It is worth noting that the premises of the Tuition Service are not considered to be fit for purpose because of long-term issues with the building and therefore work had previously been instigated to ensure that the Service can move in a timely fashion.
- 6.6 Finally, there is a clear commitment to working collaboratively with the TBAP Trust, which currently delivers the provision at the Octagon PRU, to ensure a smooth transition for children, young people and staff to the new arrangements.
 - 6.6.1 Destination planning for all children and young people at the Octagon PRU is already underway, to ensure young people and parents are aware of the options available and the next steps for their particular circumstance. Reviews and destination planning for all pupils at the Octagon and Tuition Service PRUs.
 - 6.6.2 Officers are working closely with TBAP Trust staff to ensure the implementation of TUPE (Transfer of Undertakings (Protection of Employment)) regulations is carried out in a transparent and structured way. There is regular and frequent contact between TBAP and the Council to ensure work is collaborative and comprehensive and that continued performance supports good outcomes for pupils for the duration of the contract.
- 6.7 Further elements of the Model for Change will be brought to Cabinet for approval as required, although some elements are being developed already, prior to being tested and adopted, through working with schools and other stakeholders. Ensuring these elements are in place will support early identification of need and cement multi-agency working between schools, the NHS, the voluntary and community sector and the Council. Equally, ensuring that the voices of children, young people and parents are reflected in the proposed changes is fundamental and a process of engagement is already underway not only to build awareness and knowledge but also to reflect lived experience of what could work better across the system.
 - 6.7.1 It is imperative that care is taken to ensure the necessary building blocks are put in place across the system to support the effective development and implementation of the Model for Change. For the Council, key decisions for the future will include for example taking opportunities to safeguard any available education site or asset for use as alternative provision or as Social, Emotional and Mental Health Provisions to support the Review's implementation.

7 Contribution to strategic outcomes

- 7.1 This report and the proposed policy attached help to support a range of improved outcomes for children, young people and their families as outlined in the Borough Plan 2019 – 2023 and the Young People at Risk Strategy, 2019 – 2029.

8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

8.1.1 This report is recommending the adoption of “Alternative Provision in Haringey 2020-2023: A Model for Change” appended to this report. The adoption of this model does not directly have any financial implications. However, the actions arising will require the redirection of existing resources to improve the service delivery in a more responsive, effective and efficient way.

8.1.2 This report is also recommending the use of the Stamford Hill School site to co-locate the Tuition Service and the Pupil Referral Unit; changes to the admission procedures for the services and the transfer of staff applying TUPE regulations for the associated PRU staff.

8.1.3 There are expected to be some operational efficiencies as a direct result of co-locating the Tuition Service and Pupil Referral Unit at Stamford Hill. However, at this point, should there be any surplus resources this will need to be rechannelled into the the refreshed model for AP outlined in the appended Model for Change.

8.1.4 The increase use of preventative approaches, early intervention and long term support for SEMH (Social, Emotional and Mental Health) services will help to reduce demand on reactive services and help alleviate demand for service growth and cost pressures elsewhere in the High Needs Block. In addition this will help reduce the general fund cost pressure for out of borough placements.

8.1.5 The cost of the capital works to the Stamford Hill site will need to be met from the existing agreed schools capital programme. The works will need to be programmed to be carried out during the summer holidays and will need to be booked as soon as possible to ensure that the new service can open on time from 1st September 2020.

8.1.6 Notwithstanding the expected financial benefits resulting from this proposal as described above, the detailed financial implications, taking account of all related factors, will not be clear until later in the implementation process. Members will be updated via the financial monitoring process and any eventual implications will have to be taken into account in year and in future MTFs updates.

8.2 Procurement

8.2.1 Strategic Procurement (SP) note the contents of the report. SP are collaborating with the Service to establish the Dynamic Procurement System which will provide a compliant procurement route for the provision of AP service.

8.3 Legal Comment

- 8.3.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report. Under Section 19(1) of the Education Act 1996, as amended the Council is responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend.
- 8.3.2 Any school that is established and maintained by a local authority to enable it to discharge the above duty is known as a pupil referral unit [[Section 19\(2\) of the Education Act 1996](#)]. There is no requirement on local authorities to have or to establish a pupil referral unit, and they may discharge their duties by other means. However, only a local authority can establish a pupil referral unit.
- 8.3.3 Statutory guidance about these duties has been issued by the Secretary of State, and local authorities must have regard to it. Therefore the proposed Change Model for Alternative Provision attached as Appendix A to report must have regard to this guidance.
- 8.3.4 As to the proposed changes to the admission criteria for The Haringey Tuition Service, the current statutory guidance states that schools and local authorities, working in consultation with management committees and the governing bodies of alternative provision, should set an overall policy for referrals or admission to alternative provision. There should be clear criteria for referring and admitting pupils, including those who are dual registered. Pupils should be dual registered from the beginning of the first day of which the school has commissioned the alternative provision.
- 8.3.5 The transfer of the Octagon Pupil Referral Unit to the new model for Alternative Provision constitutes a Service Provision Change under the TUPE Regulations [Transfer of Undertakings (Protection of Employment) Regulation 2006 as amended in 2014] and the effect is that all staff that are assigned to the contract will automatically transfer to the employment of Haringey Council and all rights, responsibilities and liabilities will also transfer with the staff. The Council along with the current employers have a duty to inform and consult with the representatives of the staff affected about what will happen when the service transfers, the reasons for the transfer and any changes that will occur. The contract for the Octagon PRU is due to expire on 31 August 2020 and the PRU service will then transfer on 1 September to the Alternative Provision.

8.4 Equality

- 8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not

- Foster good relations between people who share those characteristics and people who do not.
- 8.4.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.4.3 The proposed future model for the delivery of alternative provision in Haringey, will enhance access of opportunity for some of the most vulnerable and at risk young people in the borough as set out in the Equality Impact Assessment attached as Appendix B.
- 8.4.4 A disproportionately high number of Black, Asian and Minority Ethnic (BAME) pupils and those with a Special Education Need (SEN) are in alternative education provision. The proposed model will work to provide a high quality education offer for all pupils, with this having will have a positive impact for children and young people.
- 8.4.5 The proposed approach is designed to reduce inequalities in education and social outcomes for children and young people, takes a holistic approach to supporting the needs of children and young people.
- 8.4.6 The proposed approach is not considered to have a disproportionately negative impact on any group with a protected characteristic.

9 Use of Appendices

- 9.1 Appendix A: Alternative Provision in Haringey 2020-2023: A Model for Change
- 9.2 Appendix B: Equality Impact Assessment

10 Local Government (Access to Information) Act 1985