

SCHOOLS FORUM - 21 March 2012

Title of paper:	Nottingham City Secondary Education Partnership (NCSEP) Inclusion Strategy Update	
Corporate Director:	Candida Brudenell – Interim Corporate Director of Children and Families	Wards affected: All
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Other colleagues who have provided input:	<p>Jon Ludford-Thomas, Senior Solicitor, Housing/Employment/Education Team, Legal Services Tel: 0115 87 64398 e-mail: jon.ludford-thomas@nottinghamcity.gov.uk</p> <p>Gareth Sayers, Service Redesign Consultant</p>	
Summary		
<p>In September, a report was presented to Executive Board regarding proposals to develop an improved strategy for the support of pupils displaying challenging and/or antisocial behaviour. Executive Board agreed to fund the strategy for the first year through its centrally held Dedicated Schools Grant (DSG), which was agreed by the Forum in March 2012 to be held centrally and to be used for a similar purpose as proposed within the Executive Board report. This report outlines the outcomes achieved since September 2012 and the continuing work of the Partnership and discusses the requirement of funding in year 2 to enable the Partnership to continue with its work and implement a longer term strategy.</p>		
Recommendations:		
Schools Forum is asked to note:		
1	the outcomes achieved by the Partnership, in line with the proposals laid out in the September 2012 Executive Board report;	
2	that all the Partnership schools agreed to the charge of £14,900 per pupil by the LA in the event of a permanent exclusion in the current academic year, as per the condition set out in the Executive Board report regarding the Partnership receiving the 2012/13 funds;	
3	that the NCSEP Strategy continues to be successful, as shown by the outcomes detailed in this report. Significant achievements include the work done in schools to achieve greater consistency and best practice, the operation of Managed Moves and Fair Access and the registration and quality of assurance of alternative providers in raising standards. The Strategy is continuing to develop these areas, as well as securing a robust continuum of provision outside of schools, which meets Nottingham's needs as well as developing the workforce.	
Schools Forum is asked to agree:		

4	<p>that funding of £0.595m be allocated to the Partnership, for the longer term strategy as discussed within the report, for the academic year 2013/14, made up as follows:</p> <p>£0.300m DSG funding, previously set aside by the LA to support schools with the first two exclusions within an academic year; £0.105m from the top-up contingency set aside for the PRUs; £0.190m Secondary Fair Access funding;</p> <p>Plus any unspent 2013/14 financial year PRU top-up contingency as at 31 March 2014.</p>
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1. **BACKGROUND**

1.1 A report was presented to Nottingham City Council's Executive Board in September 2012 outlining the Partnership's inclusion strategy to support young people displaying challenging and/or antisocial behaviour in schools and the community. In the report (Appendix 1) it was stated that this would be achieved by empowering the Partnership to provide a range of services which would fulfil the statutory duties of the LA. The report discussed the key benefits which would be achieved. These included:

- A decrease in permanent exclusion across the city;
- Schools/academies taking increased responsibility and accountability for the continuing education of young people with complex behavioural needs;
- Schools and academies developing a collaborative strategy for the placing, tracking and monitoring of the provision for these young people;
- A decrease in the number of young people who become Not in Employment, Education or Training (NEET) and the consequent benefit to the community that this will bring.

1.2 A number of recommendations were made within the report to enable the Partnership to fund the strategy but also to ensure the Partnership followed governance arrangements as set out by the Director of Children's Services (DCS). The recommendations also stated that all schools within the Partnership must agree to a permanent exclusion fee of £14,900 for the academic year 2012/13. The Partnership has followed the recommendations with all schools within the Partnership agreeing to the £14,900 exclusion claw-back for 2012/13, however no funding has been transferred by the LA to the Partnership to date.

1.3 The delay in the transfer of funding has hindered the Partnership's progress in implementing its full strategy, for example, the lack of funding has held up the appointment of a Fair Access Placement Facilitator. The Partnership has however still achieved a number of positive outcomes; these are detailed in Paragraph 4.

1.4 In order for the Partnership to continue its work and further develop its strategy it is foreseen that additional funding will be required for academic year 2013/14 particularly as top up funding for the PRUs will remain with the LA for the financial year 2013/14 as a contingency and not be allocated to schools/academies in their budgets.

2. **REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

In order to continue the positive work in year two the Partnership will require additional funding, this funding will allow the Partnership to further embed the work done to date and to evaluate and review the elements of the strategy. The funding

will be necessary to supporting the staffing structure of the strategy but also to support pupils being placed into appropriate alternative provision in a more cost-effective way.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The additional funding of £0.595m will allow the partnership to continue its on-going work, but will also allow the Partnership to actively play a part in shaping future PRU and specialist provision for hard to place pupils.
- 3.2 From April 2013 central government is introducing a new funding mechanism for PRUs, whereby the funding will be delegated to PRUs in a similar fashion to that of mainstream special schools; each PRU will receive £8k per place and top-up funding of up to £7k per place. Central government has expressed that the top up funding will be within schools/academies annual budget allocations and schools will be responsible for paying over the correct level of top-up funding for pupils on roll which are educated (short or long term) within a PRU. For 2013/14 the LA has set aside a top-up contingency for the PRUs with the funding remaining outside of the school formula, the funding held within the contingency in past years formed part of the PRU budgets and therefore has not impacted on the school budget quantum. This was to ensure that PRUs were able to continue operating in 2013/14 without facing financial difficulties, but also to enable a robust claw-back mechanism to be modelled and set in place for future years when the contingency will form part of the fair funding formula. It is recognised that work needs to be undertaken to bring the current PRU costing in-line with the suggested £15k per pupil.
- 3.3 In 2014/15 it is the expectation that schools will become the commissioners unlike 2013/14 where the LA has remained the commissioner. This means in 2014/15 the 2013/14 contingency pot held by the LA will be delegated directly to schools in the fair funding formula (school budget share/GAG). The Partnership feels that if a charging process was implemented at this time it would be very difficult to ensure that PRUs have adequate funding to run effectively without encountering a cash flow issue or deficit position.
- 3.4 Therefore one future option which could be implemented by the Partnership would be for secondary schools to pool the additional funding allocated within their 2014/15 budgets and the Partnership could hold a contingency to support PRUs in a similar fashion to the approach taken by the LA in 2013/14. This would reduce the complexity of attempting to charge schools for short term intervention provision where a pupil is not permanently excluded as well as the assurance that PRUs are not encountering a cash-flow problem whilst adapting to the new PRU funding model. The Partnership would claw back from schools the AWPU for each exclusion on a sliding scale and at the end of the academic year any surplus contingency (including AWPU) would be returned to schools.
- 3.5 If this option was implemented modelling for both pooling the funding and how any surplus funding is returned to schools would be undertaken and discussed with the Partnership, this would ensure the Partnership was making an informed decision on both the pooling and re-distribution process.
- 3.6 During 2014/15 the Partnership would work on developing a more sophisticated school charging model which would be applied from 2015/16, by which time it is assumed that PRUs will be running adequately in line with central government funding expectations as work would be undertaken by the Partnership with the PRUs to implement relevant medium to long term plans, both financial and in relation to curriculum etc.

3.7 The Partnership is also actively researching and where viable implementing sold services such as Quality Assurance provision, these services are/will be sold to private education providers as well as other LAs, this will ensure on-going future income for the Partnership.

4. OUTCOMES/DELIVERABLES

4.1 Since September the Partnership has made significant progress to work with young people requiring additional support. The Partnership has worked with numerous agencies to develop and implement successful strategies and a number of positive successes have been achieved.

4.2 Tier 1 Outcomes:

4.2.1 City Behaviour Policy - Work has been undertaken with the Partnership Senior Leaders in Behaviour Network (PSLBN) and an NCSEP Behaviour Policy has been agreed by the PSLBN. The Partnership is currently consulting with external agencies on their response to the four main triggers of permanent exclusion; weapons, drugs, assault and persistent disruption. By the end of the spring term additional senior level strategic consultation will be completed including input by the LA's Children & Families department and Youth Offending Team (YOT), as well as by Nottinghamshire Police. The Safer Schools Partnership will lead on from the above working party consultation and will set out longer term commitments for working with schools.

4.2.2 Behaviour Support Plan (BSP) - Schools are pulling together their data to produce a register for pupils whose behaviour is causing concern due for completion by the end of the spring term. This staged overview will allow for more effective tracking, earlier intervention and more effective evaluation of interventions. The BSP documentation will be rolled out in the summer term for pupil's identified on the staged register ensuring accurate and detail records are kept and more effective levels of information sharing. The CAF paperwork and TAC process has been embedded in this documentation.

4.2.3 SkillForce Intervention – The Partnership has commissioned SkillForce on behalf of the Crime and Drugs Partnership to deliver the Streetwise gang and knife crime intervention to up to 90 Key Stage 4 male pupils across the City. This piece of work has been commissioned and has commenced. Cohort 1 completed with pupils from YOT and Cohort 2 is currently underway with pupils from Unity. Cohorts 3, 4, 5 and 6 have been identified from mainstream for the rest of the academic year. Pupils have been identified jointly by schools and by Vanguard Plus.

4.3 Tier 2 Outcomes:

4.3.1 Managed Moves - 11 Managed Moves have successfully been completed so far this academic year with a further 27 cases currently open to schools. In total a potential 38 possible permanent exclusions have been avoided from September to the present date.

4.3.2 Collaborative Learning Manager (CLM) - All pupils educated out of school including those on managed moves are now monitored by the use of CLM. This enables the Partnership to have an overview across the Partnership schools and the individual schools receive daily information on pupils. The use of this system has significantly improved Safeguarding for these vulnerable pupils.

4.4 Tier 3 Outcomes

- 4.4.1 Fair Access – The Partnership has taken over the running of Fair Access this academic year and has appointed a Chair. Members of the PSLBN have been empowered to make decisions and to take corporate responsibility and accountability for this vulnerable group. This has been running in this format since September 2012.
- 4.4.2 Alternative Provision (AP) – a full handover from the 14-19 Team was completed in October 2012. A project plan was submitted to the LA in July 2012 however the handover to the Partnership occurred in a much tighter timeframe than proposed as key staff departed the LA over the summer holidays. The Partnership appointed a co-ordinator from the 1st October 2012 and all providers have now been registered and new SLAs issued. The inspection schedule for this year has been issued to the Partnership Quality Assurance Managers Network and is ongoing. The AP website has been launched and allows schools to access provider information as well as previous Quality Assurance information. Only providers who achieve a satisfactory or above overall are placed on the website and therefore approved for school use. The provider support schedule is also in place with the first Provider training session taking place this half term. A provision mapping exercise is underway and consultation with various organisations wishing to submit Free School proposals is ongoing to try to eliminate any duplication of services and to ensure any gaps in provision are to be addressed.
- 4.4.3 Securing Tier 3 provision - The Partnership has met with the LA and the Head and Chair of The Management Committee for the PRUs to look at a joined up approach to the academisation of the PRUs. The Partnership actively wishes to play a part in shaping future PRU provision in the City and this dialogue is on-going.

5. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

6. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

Legal Implications

As set out in the report to the authority's Executive Board dated 18 September 2012, it is advisable that detailed advice is taken from the relevant officers in relation to the proposals and recommendations in this report. In particular, since it remains unclear what the current status of the Nottingham City Secondary Education Partnership is given that it is not a company limited by guarantee like Nottingham City Schools and Academies Limited, it is currently difficult to set out the legal implications of the funding proposals in this report.

Jon Ludford-Thomas
Senior Solicitor

6 March 2013

7. OBSERVATIONS OF THE DIRECTOR OF SCHOOLS AND LEARNING

Not Required

8. HR ISSUES

HR have been assured that there are no workforce implications if the additional funding is not secured for 2013/14.

Gareth Sayers
Service Redesign Consultant
8 March 2013

9. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

No - Not needed as the decision is not relevant to equality in that there is no way it could have any different effect on people in relation to their race, gender or transgender, disability, religion or belief, sexual orientation, age, maternity or pregnancy, marriage or civil Partnership

10. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

11. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Executive Board Report - Nottingham City Secondary Education Partnership (NCSEP) Inclusion Strategy – 18th September 2012 – Included at Appendix 1

EXECUTIVE BOARD - 18 September 2012

Title of paper:	Nottingham City Secondary Education Partnership (NCSEP) Inclusion Strategy	
Director(s)/ Corporate Director(s):	Ian Curryer – Corporate Director of Children and Families	Wards affected: All Wards
Portfolio Holder(s):	Councillor David Mellen – Portfolio Holder for Children and Families	Date of consultation with Portfolio Holder(s): 22 nd June 2012 and 22 nd August 2012
Report author and contact details:	Anna White – NCSEP Strategy Co-ordinator Tel: 07969812773 Email: a.white@fernwoodschoo.org.uk	
Other colleagues who have provided input:	Ann Witheford – Chair NCSEP Email: a.witheford@fernwoodschoo.org.uk Mirth Parker – Head of Inclusive Learning Email: Mirth.Parker@nottinghamcity.gov.uk Sukhjinder Johal – Finance Email: Sukhjinder.Johal@nottinghamcity.gov.uk Jon Ludford-Thomas– Legal Email: jon.ludford-thomas@nottinghamcity.gov.uk	
Key Decision:	Yes	
Reasons for Key Decision:		
Expenditure, income or savings of £1,000,000 or more taking account of the overall impact of the decision:		
• Revenue expenditure	X	
• Revenue income		
• Savings		
• Capital expenditure		
• Capital income		
To be significant in terms of its effects on communities living or working in an area consisting two or more wards in the City	X	
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham	X	
Safer Nottingham	X	
Neighbourhood Nottingham		
Family Nottingham	X	
Healthy Nottingham		
Leading Nottingham		

Summary of issues (including benefits to citizens/service users):

These proposals seek to develop an improved strategy for the support of young people who display challenging and/antisocial behaviour in schools and the community. This will be achieved by empowering the Partnership of secondary schools in the City (NCSEP) to provide a range of services which will fulfil the statutory duties of Nottingham City Council.

Key benefits will include:

- A decrease in permanent exclusion across the city
- Schools/academies taking increased responsibility and accountability for the continuing education of young people with complex behavioural needs
- Schools and Academies developing a collaborative strategy for the placing, tracking and monitoring of the provision for these young people
- A decrease in the number of young people who become Not in Employment, Education or Training (NEET) and the consequent benefit to the community that this will bring.
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Recommendation(s):**Executive Board to approve:**

1 The decision to transfer between £0.705m and £0.905m one-off funding and any clawed back exclusions monies not spent or earmarked by the Local Authority (LA) at the end of the 2012/13 financial year to be used over the 2012/13 academic year by NCSEP to pilot the strategy.

- £0.300m Dedicated School Funding (DSG) funding previously set aside by the LA to support schools with the first two exclusions in the 2012/13 academic year (Sept 2012 to Aug 2013)
- £0.105m DSG from the LAs Alternative Provision (AP) budget, which will be reimbursed to the AP budget through its Pupil Premium (PP) payment
- £0.200m exclusions funding owing to the LA from Djanogly Academy. The minimum value assumes a nil recovery.
- £0.150m Secondary Fair Access funding which has yet to be distributed to schools during the current financial year by the LA.
- £0.200m unallocated Schools Specific Reserve (SSR) to support the project development work required, this will be allocated to NCC (£0.050m) and NCSEP (£0.150m).
- Any additional funding clawed back by the LA from schools due to pupil exclusions in the current financial year, which has not been committed or spent by the LA on March 31st 2013.

It should be noted that the transfer of the funds above will only occur upon agreement by all secondary schools and academies that the full cost recovery of each exclusion (£14,900) will be paid back to the LA.

2 That the NCSEP be fully responsible for the chairing and management of the Fair Access Panel, including the LA delegating responsibility and accountability for decisions to the Partnership. LA representation at the panel will be maintained to ensure the LA continues to meet all statutory duties.

3 The transfer of funds set out in 1 above with an understanding the NCSEP will present a further report in early 2013 to give details of the first term progress and agree a long term strategy and funding arrangements for AP in Nottingham City.

4 The spend undertaken by NCC, not exceeding £0.050m, to support the project aligning with financial and procurement regulations.

Executive Board to note:

5 That a report will be presented to Schools Forum in October 2012 to agree the full cost recovery of pupil exclusions of £14,900 per exclusion.

6	That all monitoring of this arrangement will be delegated to Portfolio Holder and the Director of Children's Services (DCS) and funding will only be transferred to the NCSEP on the proviso the governance arrangements as set out by the DCS are agreed to and followed by the partnership.
7	That any funding not spent by the end of the financial year will be carried forward for the NCSEP via the LAs SSR and be made available in the new financial year until the end of the academic year. Any under spend at 31 st August 2013 will be returned to the LA.

1 BACKGROUND

1.1 Nottingham City Secondary Education Partnership (NCSEP) is a formal established partnership of Headteachers and Principals, with the sign up of all governing bodies, of the following secondary schools; Big Wood, Bulwell, Djanogly, Ellis Guilford, Farnborough, Fernwood, Hadden Park, Nottingham Bluecoat, Nottingham Emmanuel, NUSA, Top Valley and Trinity. The primary focus of the Partnership's activities is around the inclusion agenda and improving outcomes for young people. It is the aim of the Partnership to take increasing, and ultimately full accountability and responsibility for the education of all young people including those deemed hard to place and those at risk of exclusion.

To date the LA has contributed a total of £0.250m to the Partnership £0.160m in 2009/10 and £0.090m, a further £0.200m has been agreed by the Schools Forum which will be funded from the SSR. In addition to this schools/academies within the partnership each make an annual contribution to fund current staffing arrangements including an experienced Co-ordinator to oversee the partnership's activities and secretarial support plus miscellaneous costs. This contribution currently stands at £8,500 each. In addition Nottingham City Schools and Academies Ltd (NCSA) was incorporated in 2010 as a School Company Limited by Guarantee, in line with the 2002 education regulations. The company is dormant at present but is there should the Partnership require a legal entity for any future functions.

During the last two years NCSEP has made significant progress in establishing a strategy for the support of hard to place pupils and those displaying complex challenging behaviour. This work has included:

- The appointment of a Behaviour Strategy Coordinator
- The development of provision for young people in years 10 & 11 who have been referred to schools through the Fair Access arrangements
- The introduction of a revised Fair Access protocol.
- The development of a rigorous Quality Assurance (QA) procedure for providers of Alternative Provision (AP)
- The instigation of a Partnership Senior Leaders in Behaviour Network (PSLBN) which is a group of senior managers from member schools with the brief to develop and institute a more consistent approach across the Partnership and to facilitate the wider strategy.

Though each of these developments is important in its own right the Partnership recognises that the developments would be much more effective if they were a part of a broader strategy. It is also believed that the current national and local contexts make it appropriate to forge such a strategy in the immediate future.

1.2 National context:

Since his appointment last summer Government Adviser Charlie Taylor has indicated on numerous occasions that he believes that schools should take greater responsibility for young people who display challenging behaviour and/or are hard to place. His November 2011 report envisioned a time when schools retain full responsibility for the education of the young people they exclude by negotiating an alternative school place or by commissioning alternative provision for them. The

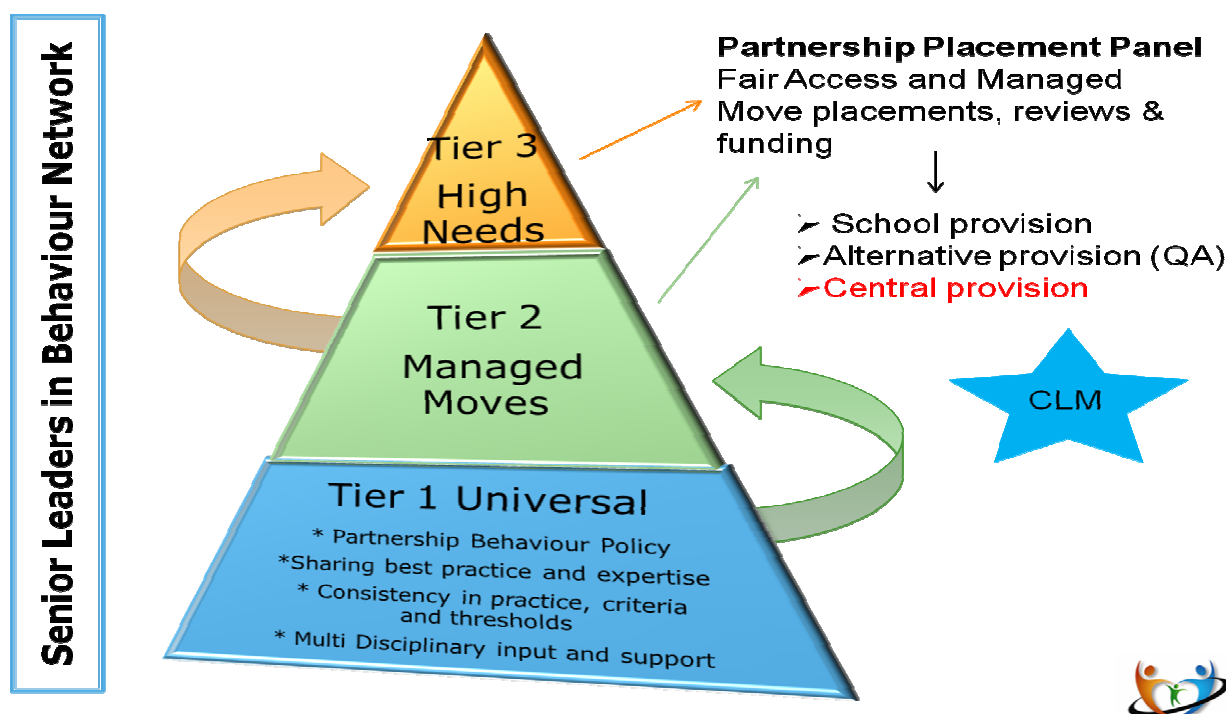
same report also recommended that LAs should delegate funding to schools via its Fair Funding Formula to support this approach.

1.3 Local Context:

As noted above NCSEP has made significant progress in developing elements of provision but is aware that to take its work to the next level the partnership requires funding to build a successful strategy. Over the last five months NCSEP and the LA have jointly worked on a strategy and the transfer of funds to support the work going forwards.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

2.1 NCSEP has developed a three tier behaviour inclusion strategy which can be summarised in the following diagram:



2.2 Tier 1 of the strategy is concerned with increasing consistency and best practice across all Partnership schools/academies. The Partnership Senior Leaders in Behaviour Network (PSLBN) are working on a Partnership Behaviour Policy which agrees practice at each stage of the Special Educational Needs and Disabilities Code of Practice and agrees thresholds for referral. The Partnership has also begun actively working to engage agencies to further improve relationships with and support to schools. The Partnership is working closely with Vanguard Plus on an education intervention and is working with Nottinghamshire Police to rewrite the Safer Schools Partnership. Nottinghamshire Police is also inputting into the behaviour policy. Earlier joint agency intervention into incidents of criminal/anti-social behaviour occurring in school will have an impact on reducing ASB making for safer communities.

2.3 Tier 2 concerns the education of all pupils who have been through the agreed processes but for whom individual schools/academies feel they can no longer meet their needs. These pupils will be supported using the Partnership Managed Move Protocol (Appendix 1). This protocol has been trialled this year and to date has avoided 30 possible permanent exclusions. When pupils are escalated in to Tier 2 a Learning Passport is initiated (of which a Common Assessment Form (CAF) is a pre-requisite) and pupils will be tracked using Collaborative Learning Manager (CLM).

- 2.4 Tier 3 concerns those pupils whose needs are complex enough for them to be considered 'hard to place'. This Tier may include 'alternatives to school provision' and may or may not include exclusions. Exclusions will be significantly reduced across the Partnership and therefore the City. In Year 1 it is foreseen that there will be a reduction of 20% in exclusions, with a view to there being very few exclusions from September 2014 in the secondary phase.
- 2.5 From September 2012 all referrals to Alternative Provision from schools/academies will come centrally through the Partnership. This will enable the Partnership to have a complete overview of all out of school pupils that require alternative provision to remain engaged with education. These pupils will also be tracked online using Collaborative Learning Manager (CLM). See Quality Assurance Project Plan drawn up and currently under consultation with the LA (Appendix 2).
- 2.6 In preparation for this the Partnership worked with the local authority to develop a robust QA Programme (Appendix 3) for all alternative providers, based on the January 2012 mainstream Ofsted inspection framework. The programme will be amended where necessary to reflect any additions resulting from the statutory guidance to be published in the next year. This programme was rolled out through the LA 14-19 Team during this academic year and all providers with City pupils have now been registered and have undergone at least one inspection. This programme has already seen a significant improvement in the quality of teaching and learning in some providers. Funding for the 14-19 Team falls into DSG funding which is currently recouped from the LA and directly allocated to academies within their funding agreements. From April 2013/14, due to Central Government guidance, the LA will legitimately no longer be allowed to hold funding centrally and therefore all funding for 14-19 will be delegated to schools/academies via the school budget fair funding formula making. This will make it increasingly difficult for the LA to continue to deliver a QA service. The Partnership wishes to use the funding transferred in this report to appoint a QA Co-ordinator (Alternative Provision). This will ensure that this vital process can continue and is sustainable.
- 2.7 The Partnership proposes that it will have full decision making powers at the Fair Access Panel (currently termed RAP – Reintegration and Placement) and will be responsible and accountable for placing all hard to place students. Aside from the change in responsibility regarding decision making there will be no changes to the current protocol ensuring that the LA continues to meet all its statutory duties in relation to Admissions (see Appendix 4).
- 2.8 This panel is central to the Partnership strategy as it will be the forum for placing 'hard to place' pupils in schools/academies and alternative providers where appropriate. It will also be the forum for the monitoring of all pupils on Managed Moves. Decisions will be made at Panel concerning appropriate education for pupils where a Managed Move has failed. This process encourages early intervention for those pupils that exhibit challenging behaviour and are vulnerable to exclusion; as per The Exclusions Trial currently underway in other LAs. The use of CLM as an electronic tracking system to inform early intervention will see improved attendance in this high needs cohort which will see a positive impact on NEET figures and will make for safer communities. The members of the PSLBN will make up the Core Panel and the panel will be chaired by a representative from the Partnership. This representative will not be there to represent their own school/academy. The Chair will be elected annually.
- 2.9 The Partnership will continue to work with the LA to ensure that these proposals do not affect the LAs ability to meet its statutory responsibilities. The proposal is designed to improve outcomes around the admission of hard to place pupils.
- 2.10 Once progress on these proposals is secure the Partnership will actively consider provision for Tier 3 pupils. This might involve making a new bid to open an AP Free School or consider the academisation of a City Learning Centre. Other options include considering a closer business relationship with established AP providers and taking other steps to secure better quality, better value AP in line with government policy.

2.11 This proposal will have a positive impact on citizens with fewer pupils out of education and less anti-social behaviour making it for safer communities. Councillors will see further improvements around admissions of hard to place young people and better outcomes for vulnerable groups across the City. In addition the exclusion rate will decline and the standards of education for pupils who require alternative provision will improve. Partnership schools/academies will work together on all aspects of the inclusion agenda and there will be an increased commitment to partnership working with the LA and other agencies including Nottinghamshire Police. Vulnerable young people will be swiftly admitted into schools and appropriate packages of education and support identified at admission. Those pupils whose behavioural needs are not being met by an individual school will benefit from increased consistency and improvements in support and practice. There will be increased monitoring, tracking and support for pupils accessing alternative provision. Pupils will benefit from the opportunity to access provision or to have a fresh start at another Partnership school/academy under the Managed Move Protocol. There will be significantly less permanent exclusions. Schools/academies will benefit from the partnership working between them and from the support and co-ordination of the wider strategy.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 These proposals have been subject to discussions with the LA on the basis of mutual interest recognising that schools/academies provide the most appropriate education for all young people and therefore funding should be delegated to schools wherever possible (as recommended in the Taylor Report, accepted by Michael Gove in his letter to Charlie Taylor and subsequently highlighted by Charlie Taylor's speech at the Academies Show on 16th May and in his update letter to Michael Gove in June).

3.2 If approved the funding will be used to put into place initial structures to see the strategy begin to develop further. The Partnership will increase staffing, including recruitment of staff to co-ordinate the Managed Move process and intervene where necessary to improve the chances of new placements being a success. Staffing is also required to facilitate Fair Access admissions as well as to co-ordinate the QA process as previously mentioned. Appointed staff will work with young people, their families, schools/academies/providers and relevant professionals to bring about better outcomes for vulnerable young people. Staff will work in partnership with the LA to improve outcomes for pupils falling into vulnerable groups. Funding will also be used to improve existing school/academy based AP and to extend capacity for quality provision to be accessed by pupils from across the City. In addition funding will be used to offset the cost of alternative provision for Partnership schools/academies. At present quality AP is a costly option and where the PSLBN panel decide that it is the best option for a pupil then funding will be allocated to part fund an identified placement, with the allocated school/academy funding the remainder of the placement cost. This will ensure pupils receive the best package for them to maximise success.

3.3 The proposal identifies two phases. The first phase will see a reduction in permanent exclusions, as well as the Partnership working closely with the City Learning Centres to support already permanently excluded young people, including City pupils excluded from County schools/academies. It is foreseen that this will be effective immediately. Phase two will see the Partnership taking full responsibility and accountability for the education of young people who have been permanently excluded for which a workable strategy will be developed over the following months with input from the LA. Please refer to paragraph 2.9 above.

3.4 It has been identified by the LA that when a young person is permanently excluded from a school, the additional cost to the LA to educate the young person is £14,900. In July 2010 Schools Forum agreed an exclusions protocol whereby a contingency of £0.300m was set aside by the LA to financially support schools with the claw back of funding associated with exclusions. The agreement indicated that the £0.300m would be used to support schools with the first two exclusions in the academic year and only an element of the claw back would be

charged to the excluding school, any additional exclusions from the school would bear the impact of the full cost recovery (£14,900) relating to the exclusion. For 2012/13 a contingency to continue this practice was not allocated during the budget setting process, however during the financial year £0.300m was identified from within the City Learning Centre budgets to allow continuation of this protocol. The £0.300m forms part of the funding identified to transfer to the Partnership, therefore the LA will no longer be able to partly support schools/academies with the first two exclusions in the 2012/13 academic year. The Partnership recognises this and will support full cost recovery by the LA for all exclusions for the 2012/13 academic year. All schools/academies within the Partnership will sign up and agree to this protocol.

- 3.5 The Partnership will share all data/information with the LA in line with governance arrangements which will be drawn up by the LA including both financial requirements and the streamlining of communications. These governance arrangements will be adhered to by the Partnership and the LA ensuring any issues that may arise are addressed promptly.
- 3.6 Due to the responsibility for DSG funding lying fully with the LA and all spend requiring sign off by the LA's Section 151 Officer, any unspent monies at the end of the financial year will be returned to the LA. Any unspent funds will be returned to the Partnership at the beginning of the 2013/14 financial year alongside any uncommitted exclusions monies claw backed by the LA from schools/academies during the 2012/13 financial year. The monies will be used to continue funding the strategy until the end of the academic year (31st August 2013). All uncommitted and unspent funding will be returned to the LA at this time, where the funding will be reprioritised by the Schools Forum or be held for future outlays.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

- 4.1 Funding to support the AP pilot is set out below in **Table 1**:

TABLE 1: FUNDING ANALYSIS	
	£m
DSG – first 2 pupils exclusion contingency	0.300
Additional DSG off set by PP within AP budget	0.105
Exclusions funding outstanding ⁱ	0.200
Secondary Fair Access funding ⁱⁱ	0.150
Project Support	0.150
Maximum Funding	0.905

Note:

i This can only be transferred to the Partnership once Djanogly has satisfied the debt.

ii This was originally £0.190m however £0.040m has been distributed to schools for pupils to support the managed moves process.

The Partnership will share all data/information with the LA in line with governance arrangements which will be drawn up by the LA including both financial requirements and the streamlining of communications. These governance arrangements will be adhered to by the Partnership and the LA ensuring any issues that may arise are addressed promptly.

- 4.2 Schools forum agreed the use of the SSR to support £0.200m project support on 29 June 2012 however in conjunction with Schools Funding financial regulations the funding must be approved by the accountable body, NCC.

- 4.3 It should be noted that the transfer of the funds set out in **Table 1** above will only occur upon agreement by all secondary schools and academies that the full cost recovery of each exclusion (£14,900) will be paid to the LA.
- 4.4 This business case and associated funding will need to be presented and agreed at Schools Forum in accordance with the constitution.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 This report raises a number of issues that are either not addressed by this report or would appear yet to be finalised. In particular:-
- The current status of the Nottingham City Secondary Education Partnership (“NCSEP”) given that it is not a company limited by guarantee like Nottingham City Schools and Academies Limited (i.e. how NCSEP has been created, pursuant to what legal power, its legal status and its governance arrangements).
 - School finance issues arising from the proposals set out in this report.
 - The interaction between the authority’s legal duties and powers in relation to education and the delegation proposed in this report.
 - Human Resources issues and employment law issues, including the possible recruitment of staff.
 - Information governance issues around the proposed sharing of data between NCSEP and Nottingham City Council.

In view of the above, it is advisable that detailed advice is taken from the relevant officers.

Jon Ludford-Thomas
Senior Solicitor
30 August 2012

5.2 Crime & Drugs Partnership observations -

The Crime & Drugs Partnership supports the principle that schools take ownership of the most difficult behaviours presented by the misuse of drugs and alcohol which manifest themselves in ASB in the community or ongoing harm to individuals.

The partners have a range of initiatives to address fire setting, drug awareness as well as gang and domestic violence through schools. Ensuring that a consistent programme is available which links all the themes to the most challenging behaviours is supported and is consistent with our approach to identify individuals for what they do, their impact, and ensuring partners address those specific needs.

Peter Moyes
Director
Nottingham Crime & Drugs Partnership

6 EQUALITY IMPACT ASSESSMENT (EIA)

Please see Appendix 5 for Equality Impact Assessment

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None.

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 Improving Alternative Provision, Charlie Taylor (2012);

<http://media.education.gov.uk/assets/files/pdf/8/improving%20alternative%20provision.pdf>

8.2 Michael Gove's letter to Charlie Taylor (8th March, 2012);

<http://media.education.gov.uk/assets/files/pdf/s/michael%20gove%20letter%20to%20charlie%20taylor%208%20march%202012.pdf>

8.3 Charlie Taylor's letter to Michael Gove (27th June, 2012);

<http://media.education.gov.uk/assets/files/pdf/c/charlie%20taylor%20letter%20to%20michael%20gove%2027%20june%202012.pdf>