

WESTMINSTER CITY COUNCIL

SCHOOLS' FORUM – 20th March 2023

REPORT BY THE BI BOROUGH DIRECTOR OF EDUCATION

ALTERNATIVE PROVISION AND BEHAVIOUR OUTREACH PROVISION PROPOSALS

This report outlines the intention of the council to maintain top-up funding for Ormiston Beachcroft AP Academy at 2022/23 academic year levels for the remaining two years of the contract and to vary the Ormiston Behaviour Outreach contracts for up to two years so the end dates are in line with those of the AP contracts. This report also outlines our proposal to continue to fund the Pears' Family School for another academic year.

FOR DECISION

1. INTRODUCTION

- 1.1 In September 2021 the local authority entered into 12-month contracts with Ormiston Academies Trust for the delivery of Alternative Provision and Behaviour Outreach.
 - **Alternative Provision (AP)** for children and young people removed from mainstream education because of their behaviour (typically as a Permanent Exclusion, Managed Move, Fair Access Placement or Primary Intervention).
 - **Managed interventions** in the form of short-term off-site placements for secondary students at risk of exclusion or on a fixed-term exclusion for more than five days.
 - **Primary interventions** carried out on-site at mainstream primary schools for pupils who are at risk of exclusion.
- 1.2 In September 2022, these contracts were extended for the maximum permitted duration of 3 years for the Alternative Provision and 12 months for the Behaviour Outreach contracts.
- 1.3 This service provision is primarily funded via the High Needs Block (HNB), with schools also contributing to some elements of the offer.
- 1.4 The decisions outlined in this paper have been reviewed by the Westminster High Needs Block Reference Group. The approach outlined below was approved by this group and their recommendations are incorporated into this paper.

2. AP COMMISSIONING

Ormiston Beachcroft Academy

- 2.1 Our approach to funding of alternative provision is based around the SEND & AP Green Paper (March 2022) and Improvement Plan (March 2023) which emphasises the need for funding security and stability of alternative provision. Plans highlight the impact of fluctuating funding arrangements that vary between years on AP financial planning, which ultimately impacts on the ability to attract high calibre staff and deliver a quality provision for local residents. Our proposals seek to stabilise funding of AP through a two-year agreement to allow for an increased focus on quality and development of the provision to meet local demand.
- 2.2 The High Needs Block funds 72 places at Beachcroft AP Academy at a rate of £10k per place; rates are set by the ESFA. The local authority has a duty to fund sufficient places to meet local demand, however numbers can be challenging to predict and particularly in the post-pandemic period. In the last academic year there were 106 pupils on roll and 53 places occupied overall. Based on this information and the impact of the pandemic on occupancy of alternative provision over recent years, it is our intention to continue to fund 73 places for the next academic year.
- 2.3 When the AP contract was extended in 2022, it was stated that future top-up funding would be agreed on an annual basis. It has also been our approach to seek to reduce investment in non-statutory placements in AP to reduce pressure on the High Needs Block. In 2022/23, the level of per place top-up for non-statutory places reduced from £6,500 to £2,825 with charges to schools increasing in parallel at a time of significant financial pressure on schools' budgets. Analysis of utilisation of Beachcroft AP demonstrates that there are significantly higher levels of non-statutory referrals made to the provision than are funded, so the High Needs Block continues to fund non-statutory places at a higher rate through the statutory top-up, regardless of this reduction in per place funding.
- 2.4 In this context, we propose to remove the distinction between statutory and non-statutory top-up and offer Ormiston a two-year block funding agreement for the remaining two years of the contract. The value of this block will be £469,275 per annum (£938,55 in total) which is the same as the annual top-up for the 2022/23 academic year. Maintaining funding over these two years in the context of inflationary uplifts offers a real-terms saving to the High Needs Block.
- 2.5 Funding for all four years of the contract is shown below for clarity.

	2021/22	2022/23	2023/24	2024/25
Statutory	£350,000	£359,100	£469,275	£469,275
Non-statutory	£253,500	£110,175		
Total	£603,500	£469,275	£469,275	£469,275

- 2.6 It is our expectation that this offer will reduce the potential increase in charges to schools over this period; Ormiston will approach schools via the local Heads' meetings setting out their proposed 23/24 charges and seek views

and feedback. Feedback has already been provided by Primary Heads on the charges applied for Primary Intervention placements which will be followed up by Ormiston in the summer term and a review of the provision considered.

- 2.7 Alongside this activity we are working with Ormiston in RBKC to develop an AP Special School for bi-borough young people based at Latimer AP Academy for those with SEMH needs and an EHC plan. This additional confirmed income stream further supports the AP Academy's financial stability and will build on Ormiston's capacity and expertise within the bi-borough footprint to deliver improved outcomes to the most vulnerable young people.
- 2.8 A breakdown of the funding of alternative provision and behaviour outreach can be found in Appendix 1.

Pears' Family School

- 2.9 Since 2019 the Westminster Headteachers' Forum has agreed to fund 10 places at the Pears' Family school for children resident in Westminster. The 10 places are £185k per annum and includes therapy and transport. Placements may be short or long term and includes family support. Children remain on the roll of their mainstream school during the placement.
- 2.10 It is proposed by Headteachers that this arrangement continues for the next academic year and is reviewed in the second half of 2023 to ensure this remains the best use of these funds.

3. BEHAVIOUR OUTREACH COMMISSIONING

- 3.1 The local authority contract with Ormiston for Behaviour Outreach began in September 2021 and is a 1 year + 1 year contract. At the end of this academic year, the contract will reach the end of the permitted extension period.
- 3.2 The SEND & AP Improvement Plan highlights the role of alternative provision in supporting children and young people to stay in or re-integrate back into mainstream education. Integral to the vision for the reformed role of alternative provision is to deliver interventions across three tiers of support, rather than focussing on long-term placements outside mainstream settings. A delivery model based on a three-tier system of support is proposed, which includes:
- Targeted support in mainstream schools
 - Time-limited placements in alternative provision
 - Transitional placements for young people who will not return to their previous school
- 3.3 The existing behaviour outreach services delivered by OAT deliver the first two of these aspirations (and the wider AP academies deliver the third). The current behaviour outreach provision includes the delivery of in-school interventions for primary schools, support transition to secondary school, and offsite managed interventions for secondary pupils, delivered from the Westminster Education Centre (WEC). WEC delivers on the borough's statutory duty to provide education to pupils suspended for more than 5 days.

- 3.4 A review of Behaviour Outreach has been undertaken and has identified that there is a benefit to this provision being included as part of the wider alternative provision offer to facilitate referrals between AP settings if stepped up/down input is required.
- 3.5 It is for these reasons that it is proposed that we seek to vary the Behaviour Outreach contract for up to 2 years, to bring this in line with the alternative provision contract. The contracts will be funded at the same level as in the existing contract:
- Primary Outreach: £100k
 - Managed Intervention Centre: £144k
- 3.6 Schools will continue to pay for an annual place at WEC. The current rate for this is £11,500 per place and this will be reviewed by Ormiston and negotiated with schools in advance of the next academic year. Primary outreach will remain fully funded by the High Needs Block.

4. FINANCIAL PRESSURE

- 4.1 The deficit DSG position of £1.167m at the end of 2021/22 is now forecast to be recovered in 2022/23. The deficit management plan submitted to the ESFA included the costs for AP and behaviour outreach based on the £713,275 2022/23 contract costs and therefore included the behaviour outreach contract additional costs of £244,000 for both 2023/24 and 2024/25 academic years, totalling £488,000. £185,000 was also included for the Pears' Family School Places.
- 4.2 These costs are charged to the High Needs Block of the Dedicated Schools Grant (DSG) which is allocated annually by the Education and Skills Funding Agency (ESFA). The DSG budget for this provision is agreed annually by the Schools' Forum and the forecast expenditure is reported to each meeting of the Forum. The budget agreed in January 2023 for the alternative provision and behaviour outreach in 2023/24 was £898,275 which covers the contract cost including Pears' Family School Places.

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APPENDIX 1 – Breakdown of total funding of alternative provision and behaviour outreach from the next academic year

	Description	Current arrangements	HNB 22/23 spend
Place funding	The LA has a duty to 'place fund' Beachcroft AP Academy to a level that reflects recent occupancy and anticipated demand. This funding is 'top sliced' from the High Needs Block (HNB) at a rate of £10,000 per place and paid to the academy via the ESFA.	Places funded: <u>73</u>	£730,000
Top-up funding	The High Needs Block provides a block of top-up funding for XX places for resident pupils referred to Beachcroft, including through: PEX/FAP: The LA has a duty to arrange education for CYP who have been permanently excluded or who don't have a school place and are placed into AP via Fair Access. Managed moves are intended as a voluntary alternative to exclusion where it is felt the young person would benefit from a fresh start at a new school. Primary interventions of up to 12 weeks are offered as a short-term intervention for primary age pupils to develop skills to remain in mainstream.	Top-up funded: <u>59</u>	£469,275
Behaviour outreach	Behaviour outreach for primary schools and for the transition between primary and secondary is commissioned by the HNB to deliver in-school support to children at risk of exclusion. This provision is non-statutory.	Costs of shared service split between WCC, RBKC, LBHF.	£100,000
	Offsite placements for secondary students on fixed term exclusions or directed offsite to manage their behaviour are commissioned from the Westminster Education Centre (WEC). 15 rolling places are funded by the HNB and schools who use additional places pay for these directly.	Places funded: <u>15</u>	£144,000
Pears Family School	The LA place funds 10 rolling places at the Pears Family School in Islington. This is an ongoing arrangement agreed by Westminster Headteachers. Placements are short-term and pupils remain on-roll of mainstream school.	Places funded: <u>10</u>	£185,000
			£1,628,275