

WIRRAL COUNCIL

CABINET – 20TH DECEMBER, 2012

SUBJECT:	CHANGE OF THE WIRRAL ALTERNATIVE SCHOOLS PROGRAMME (WASP) FROM A SERVICE TO A SCHOOL
WARD/S AFFECTED:	ALL
REPORT OF:	JULIA HASSALL ACTING DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR TONY SMITH
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 Cabinet are asked to approve arrangements following the directive from the Department for Education to delegate budget and staffing responsibilities to the Management Committee of Pupil referral Units (PRU) from 1st April 2013. The Wirral Alternative Schools Programme (WASP) is the Wirral PRU.
- 1.2 There is no requirement for an exemption report.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Department for Education (DfE) have proposed a change to the management of Alternative Provision by Local Authorities. Alternative provision includes Pupil Referral Units.

The publication from the DfE entitled "Funding, staffing and legislation for pupil referral units (PRUs) from 1 April 2013" (Appendix 1) was updated on 9th November 2012 and states:

The Government is committed to raising standards in alternative provision and believes that the varied needs of pupils and schools can be best met by giving education professionals greater autonomy.

As part of this, the Government is giving PRU Management Committees delegated budgets and control of staffing, as outlined in the schools White Paper 2010 and, in part, enacted by the Education Act 2011.

This will essentially give PRUs similar autonomy to maintained schools. In addition, PRUs now also have the opportunity to take advantage of the freedoms and benefits offered by academy status (Appendix 1).

2.2 This directive will have an impact on Wirral's Pupil Referral Unit – Wirral Alternative Schools Programme (WASP). Currently WASP is a Local Authority Service and is controlled by the policies and practices of Wirral Local Authority. The directive from the Department for Education will result in WASP becoming a maintained school and the Management Committee will take over the delegated powers similar to other schools maintained by Wirral Local Authority.

3.0 RELEVANT RISKS

3.1 If the school is not properly constituted and resourced, with an effective management committee giving leadership to the school then it will fail.

4.0 OTHER OPTIONS CONSIDERED

4.1 Although other options exist such as Federation with another school or an Academy these have not been considered at this time. In order for a Federation to be considered, WASP must become a maintained school. This Council decision will make WASP a maintained school from 1 April 2013. The alternatives related to becoming part of a Federation or an Academy may be considered by the Management Committee from 1 April 2013.

5.0 CONSULTATION

5.1 The change to the delegated powers has been discussed by the current Management Committee and a transition action plan has been presented to the management committee. Discussions have taken place between officers of the Local Authority, the Chair of the current Management Committee and the Headteacher of WASP. These discussions have included consideration of:

- A revised Instrument of Government – which details the structure of the Management Committee in line with DfE guidelines.
- A programme of capital expenditure to improve the building currently occupied by WASP.
- Initial considerations regarding the contractual requirements of all staff associated with WASP and the changes required for the new status of WASP.
- Initial considerations regarding the policies that will be adopted by WASP in line with other Wirral Maintained Schools.
- Initial considerations of the land and buildings and support services that will be associated with WASP as a Maintained School.

The following beneficial outcomes will result from this change for the Pupil referral Unit:

- The delegation of the budget will enable the Headteacher and Management Committee to function in a similar way to other Governing Bodies in Wirral.
- The delegation of staffing responsibilities will enable the Headteacher and Management Committee to function in a similar way to other Governing Bodies in Wirral.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 Voluntary, community and faith organisations will not be involved in the changes.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 FINANCE

WASP is located at the Solar Campus. The building which is listed, is in need of some maintenance and repairs. A conditions and roof survey will be carried out. Upon the findings and if required a capital programme will be agreed with the Management Committee and included in the 2013-14 capital programme, using existing DFE funding allocated to the authority.

Amendments to primary legislation giving PRU management committees delegated budgets from 1 April 2013 have already been made (Education Act 2011). The DfE expected to lay regulations setting out more detail (School and Early Years Finance Regulations) in November 2012. This will allow PRUs to allocate and spend the budgets delegated to them without seeking consent from their local authority and take actions such as prioritising their spending and making quicker decisions so they can better respond to the needs of parents.

The WASP budget will be set using the funding formula for Alternative Provision to be introduced from 1st April 2013. All direct state-funded AP institutions (including PRUs) will receive base funding of £8000 per place, giving WASP a budget of £640,000. This will be topped up by an amount of funding per pupil from the commissioning LA or school for each pupil admitted to the PRU. In 2013-14 the Minimum Funding Guarantee will ensure that schools who are full receive no less than minus 1.5% of their previous year's budget, regardless of the pupil "top ups" agreed.

7.2 IT

The programme of capital expenditure does not include any IT implications.

7.3 STAFFING

Control of staffing will be delegated to The Management Committee. Wirral Local Authority will continue to be the employer. WASP will adopt Wirral policies associated with staffing that are proposed by Wirral HR department specifically relating to schools. Contractual requirements of all staff associated with WASP will be scrutinised by the appropriate HR department and appropriate consultation with staff and Professional Associations will take place prior to delegation to the Management Committee.

7.4 ASSETS

All land and buildings will remain the possession of Wirral Local Authority. The land and buildings associated with WASP and the responsibilities that will be delegated to The Management Committee will be clearly identified.

8.0 LEGAL IMPLICATIONS

8.1 Statements of Particulars will require changing and re-issuing for all staff.

9.0 EQUALITIES IMPLICATIONS

9.1 There are no equality implications at this stage.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no other relevant environmental issues at this stage.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 The Solar Building is a Grade 2* listed building due to the pioneering nature of its design. Any alteration will require Listed Building consent.

12.0 RECOMMENDATION/S

12.1 Recommendation 1: Wirral Alternative Schools Programme (WASP) is transferred from a service to a Maintained School.

Recommendation 2: Budget responsibilities for WASP are transferred to the WASP Management Committee, in line with current Government funding arrangements, from 1 April 2013.

Recommendation 3: Staffing responsibilities for WASP are transferred to the WASP Management Committee. Appropriate consultation regarding any required changes to contracts of employment and Statements of Particulars are dealt with prior to 1 April 2013.

Recommendation 4: WASP is given the same level of autonomy as other Wirral Maintained Schools from 1 April 2013.

Recommendation 5: A detailed plan will be produced to enable the transfer arrangements to be monitored closely by the Lead Member for Children's Services in association with the Acting Director of Children and Young People's Department.

13.0 REASONS FOR RECOMMENDATIONS

13.1 This is a national directive from the Department for Education.

REPORT AUTHOR: Vivian Stafford
Strategic Services Manager ((Post 16 Commissioning & Economic Regeneration)
telephone: (0151 666 4305)
email: vivianstafford@wirral.gov.uk

APPENDICES

- Appendix 1 Department for Education

Funding, staffing and legislation for pupil referral units (PRUs) from 1 April 2013 (General article, Updated: 09 November 2012)
- Appendix 2 Extract from Page 2/3 of the document entitled

Alternative Provision:

A Guide for Local Authorities, Headteachers and Governing Bodies of Schools, Pupil Referral Units and other Providers of Alternative Provision.

Appendix 3

Instrument of Government

Wirral Alternative Schools Programme – Pupil Referral Unit

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Equality Impact (from May 2012)

Assessment Toolkit

Section 1: Julia Hassall, Acting Director, CYPD

EIA lead Officer: Vivian Stafford

Email address: vivianstafford@wirral.gov.uk

Head of Section: David Armstrong

Chief Officer: Julia Hassall

Department: CYPD

Date: 26 November 2012

Section 2: What Council proposal is being assessed?

Change of the Wirral Alternative Schools Programme (WASP) from a service to a school as directed by The Department for Education.

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes / No If 'yes' please state which meeting and what date

Cabinet – 13 December 2012

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/children-young-people>

Section 3: Does the proposal have the potential to affect (please tick relevant boxes)

Services

The workforce

Communities

Other (please state eg: Partners, Private Sector, Voluntary & Community Sector)

The Management Committee for the Wirral Schools Alternative Programme will have increased powers to manage the schools delegated budget and staffing.

If you have ticked one or more of above, please go to section 4.

None (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

Eliminates unlawful discrimination, harassment and victimisation

Advances equality of opportunity

Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

No (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications

Section 5a: Where and how will the above actions be monitored?

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

The change proposed relates to the levels of delegation of an existing Management Committee only.

Section 6: What research / data / information have you used in support of this process?

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes / No – (please delete as appropriate)

If 'yes' please continue to section 8.

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

Appropriate staff from Wirral HR and CYPD departments will explain the changes to the staff and offer the facility of individual consultations.

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) **Include any potential positive impacts as well as negative impacts? (section 5)**
- b) **Send this EIA to your Head of Service for approval.**
- c) **Review section 5 once consultation has taken place and sent your completed EIA to your Head of Service for approval then to your Chief Officer for re-publishing?**

