



**CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE**  
**Tuesday 23 July 2024**

<b>REPORT TITLE:</b>	<b>PUPILS EXCLUDED FROM EDUCATION KEY STAGE 4</b>
<b>REPORT OF:</b>	<b>DIRECTOR FOR CHILDREN, FAMILIES &amp; EDUCATION</b>

**REPORT SUMMARY**

The purpose of the report is to provide members of the Children, Young People and Education Committee with an overview of Wirral Local Authority's requirement to arrange full-time education from and including the sixth day of a permanent exclusion for KS4 pupils. The successful bidder (s) will be awarded a contract for a period of 5 years from 1 September 2024 – 31 July 2029. A report was put forward on Monday 25<sup>th</sup> September 2023. The tender process for KS4 was unsuccessful. However, this academic year we have completed 2 successful pilots. This is based on a new model around geographical areas, which we believe will open the tender up to more bids, as the pilots can no longer continue.

To allow opportunity to scrutinise this area of work.

This matter affects all wards within the borough but is not a key decision.

**RECOMMENDATION/S**

The Children, Young People and Education Committee is recommended to note and comment on the development of Wirral Local Authority's requirement to arrange full-time education from and including the sixth day of a permanent exclusion for KS4 pupils.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To ensure Members of the Children, Young People & Education Committee have the opportunity to monitor, review and challenge performance in relation to and a greater understanding of the role of the Local Authority in relation to Wirral's statutory responsibility to arrange full-time education from and including the sixth day of a permanent exclusion and the use of alternative provision, (AP)
- 1.2 The Alternative Provision (AP) used by the Local Authority for education arranged for young people because of suspension, illness, or other reasons, would not otherwise receive suitable education.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 It is a statutory requirement of the Wirral Local Authority to arrange full-time education from and including the sixth day of a permanent exclusion therefore, no other options have been considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The DfE define Alternative Provision as follows (Alternative provision - Statutory guidance for local authorities 2013) (Revised Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance Government response to Consultation July 2022) (Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England September 2022).

- 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 period exclusion.
- Education for pupils being directed by schools to off-site provision to improve their behaviour.

Alternative Provision (AP) providers can offer high quality off-site tutoring or therapeutic intervention services to meet children and young people's varied and complex needs. By using alternative provision, programmes of learning can be designed to meet the needs and interests of the individual pupil. This makes it more likely that they will engage with learning and succeed in education. The overall aim of such provision is ideally to enable the child or young person to return full time to their usual place of education or a similar setting.

- 3.2 The most common type of alternative provision is a Pupil Referral Unit (PRU): a school that caters for children who are not able to attend a mainstream school. These are much smaller than mainstream schools, with very small class numbers and lots of pastoral support. Pupils may attend alternative provision full-time or parttime, with the rest of their education taking place at their usual school.

They must receive an equivalent full-time education to their peers in mainstream schools.

Historically, Wirral's main source of alternative provision was provided by the local authority PRU, this later became Emslie Morgan Academy - this closed at the end of the academic year 2019 due to poor Ofsted inspection and poor outcomes for young people. With the closure of the PRU a decision was taken by school's forum to look at a different model in Wirral.

- 3.3 From the start of the academic year 2019/2020, the local authority has commissioned provision for pupils that have permanently excluded has been delivered by Progress Schools; they are commissioned to provide up to 112 places for pupils across the secondary age range. The impact of this this was then reviewed the learning has led to a new commissioning process.
- 3.4 From September 2023 the offer changed. As part of a tendering process registered providers were requested to submit an indication of interest in delivery of the service for Permanently Excluded young people. An Evaluation Panel was set up with LA Officers and Local Headteachers to review the submissions. Tenders were submitted by Progress Schools (KS3) and St Peters Catholic Primary School (KS2), which were successful. We received bids for the in addition for these Key Stages, however, KS4 only received one submission. This was from a provider, which unfortunately, was an unregistered online provision and therefore unsuitable.

This has left the Wirral without a KS4 provision and would not meet our statutory duty as per Education Act 1996 section 101 (A and B). The decision has therefore been made to put in place a pilot project with Ed Start Alternative provision to meet Statutory duty for KS4 only. This provider cannot start until at the earliest October 2023. A resolution for this, has been to approach the incumbent KS4 provider, Progress Schools, to request an extension to the current provision until Ed Start are able to provide the relevant provision. Progress School have agreed that they can meet this statutory requirement. The pilot will start in January 2024 and run until the end of the 23/24 academic year. This will enable us to go out to tender for a KS4 only contract for 4 years which will bring the contract back in line with the other Key stages (KS2 and 3).

- 3.5 In terms of numbers, 56 pupils (27 KS3, 30 KS4) were placed in the LA commissioned Alternative provision 2022-2023. 12 KS3 pupils were reintegrated back into Wirral mainstream secondary schools. 5 pupils with EHCPs successfully transitioned into appropriate special schools.
- 3.6 Monitoring of the new provision:
- Monthly Monitoring Meetings during the first 6 months of the contracts, moving to quarterly monitoring meeting after that time. Providing data and report to Delivery Lead and Commissioners
  - Annual AP quality assurance document

- Provider Forums
- Showcase Sessions
- Case Studies

3.7 Following consultation, the new [Area SEND Inspection Framework and Handbook](#) has been published by Ofsted and the Care Quality Commission. The new framework and handbook commenced from January 2023. This will be used to inform judgements on the efficacy of local areas' arrangements for children and young people with SEND. The new framework will focus on how alternative provision is commissioned and overseen. Alternative provision is sometimes commissioned by education providers (such as schools and colleges) and is outside of local authorities' control. OFSTED stress that during area SEND full inspections, they will assess the local authority's commissioning and oversight of alternative provision. Education providers' use of alternative provision is already subject to separate institutional inspection arrangements under the [education inspection framework](#).

### 3.8 Guild of Alternative Provision

Wirral has a strong framework of Unregistered Alternative Provision providers. They are part of the Wirral Guild; providers are subject to minimum requirements and annual checks. From September the intention is to run drop ins for providers to increase the quality assurance. The Guild deliver a broad curriculum offer by working collaboratively with key partners: schools, approved Alternative Education Providers, students, parents, the LA and appropriate external agencies including Educational Psychologists, Social Services, Health, etc. All provision is quality assured for safeguarding, and providers will be expected to sign up to the Guild's core values:

- Absolute commitment to young peoples' safety and well-being
- Positive regard and respect for young people.
- Engagement in a curriculum which is relevant and tailored to individual needs and aspirations, through pedagogy which is responsive to students' learning styles and promotes growing independence.
- Holistic provision which seeks to address wider issues which could be barriers to effective learning.
- Quality relationships, both as a pre-requisite to learning and for social learning in its own right.
- Equality and justice; young people engaged in any form of Alternative Education should have access to the same opportunities, qualifications and quality educational experience as their peers. There should be no stigma attached to young people who access education through Alternative routes, or those who work with them.

- Commitment to partnership working and information sharing through agreed protocols, including the sharing of best practice.
- 3.9 The Wirral Guild of Alternative Education aims to offer the best quality educational and therapeutic provision to students who have disengaged or are at risk of disengaging from mainstream schooling, to ensure that they can achieve the best possible outcomes within a caring, supportive, and safe environment. The Guild is committed, wherever possible and appropriate, to the re-integration of young people back into mainstream education following a period of intensive intervention, but understands that, for some students, full/part time provision within an alternative setting may be the most appropriate placement for identified individuals. It is hoped that, through the co-ordinated work of the Guild, fewer Wirral students will be permanently excluded, thus avoiding the stigma and reduced life chances which inevitably accompany this course of action. Some Guild provision will supplement schools' curriculum offer through courses not normally delivered through more traditional curriculum organisation such as Hair and Beauty, Horticulture or Construction.
- 3.10 All providers who contribute to the Wirral Guild of Alternative Education are subject to agreed safeguarding processes and must meet Wirral's safety expectations in order to be part of the Guild. Schools that access provision outside of the approved Guild partners must ensure that they conduct all safeguarding and quality checks, although it is important to note that schools retain the duty of care whenever accessing Alternative Education provision.
- 3.11 The Wirral Guild of Alternative Education offer is monitored through the Wirral Alternative Education Strategy Group which consists of LA officers and representative Headteachers. This body meets every half term and minutes of meetings are recorded and retained. Key personnel are employed by Wirral Council.

#### 4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial implications arising from this report results in financial implications of providing Authority's requirement to arrange full-time education from and including the sixth day of a permanent exclusion.
- 4.2 £1.695 Million **Annual value**, split into 3 different geographical lots. Providers can apply for one lot or up to 3 lots, as required.
- LOT 1 - 40 places x 18,000 per pupil = £720,000 per year  
 LOT 2 - 25 places x £18,000 per pupil = £450,000 per year  
 LOT 3 - 25 places x £18,000 per pupil = £450,000 per year
- 4.3 Value of community provision. £5,000 per place maximum of 5 places for each lot.
- LOT 1: 5 places x £5000 = £25,000 each year

LOT 2: 5 places x £5000 = £25,000 each year

LOT 3: 5 places x £5000 = £25,000 each year

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Section 19 of the Education Act 1996 requires local authorities to make arrangements to provide “suitable education at school, or otherwise than at school, for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them”. Suitable education is defined as “efficient education suitable to the age, ability, aptitude and to any special educational needs”, the child (or young person) may have. The education must be full time unless the local authority determines that it would not be in the best interests of the child or young person, due to their mental or physical health.
- 5.2 The Department for Education Alternative Provision Statutory Guidance 2013 states: ‘Local authorities are responsible for arranging suitable education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such arrangements being made. This applies to all children of compulsory school age resident in the local authority area, whether they are on the roll of a school, and whatever type of school they attend. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion.
- 5.3 This report demonstrates how the Local Authority fulfils its responsibility to arrange full-time education from and including the sixth day of a permanent exclusion.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are none arising from this report.

## **7.0 RELEVANT RISKS**

- 7.1 There is a risk around the amount per pupil Wirral Local Authority commissions for full-time education from and including the sixth day of a permanent exclusion. The cost of independent school places is increasing, and this could put pressure on the budget allocated to satisfy the statutory duty the local authority has responsibility for. A further risk is the possible increase in demand. Schools nationally are indicating that permanent exclusions are on the increase and there is a greater demand for Alternative Provision to support pupils at risk of permanent exclusion. There is a risk around the amount per pupil Wirral Local Authority commissions for full-time education from and including the sixth day of a permanent exclusion. The national average for this is £18,000 per place compared with the Wirral’s £13,382.98 per place. This is the reason for so few AP providers applying for the tender in 2023.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 The feedback we are receiving from Wirral Schools is positive about the tender going forward and the statutory responsibility the Local Authority fulfils in arranging full-time education from and including the sixth day of a permanent exclusion.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 The content of this report is not expected to have any impact on emissions of Greenhouse Gases.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

- 11.1 There are no community wealth implications arising from the report.

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### **APPENDICES**

None

### **BACKGROUND PAPERS**

<https://www.gov.uk/government/publications/area-send-framework-and-handbook/area-send-inspections-framework-and-handbook>

### **TERMS OF REFERENCE**

This report is being considered by the Children, Young People and Education Committee in accordance with section a of its Terms of Reference:

1. Exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to full Council.

**SUBJECT HISTORY (last 3 years)**

**Council Meeting Date**

Wirral Schools Forum - 24 November 2020

Wirral Schools Forum - 18 January 2022

CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE - 25 September 2023