

**Evidence Set 1**
**Education and Children's Services Scrutiny Committee**
**Date: 15 December 2014**
**EOTAS Provision**

<b>Information in this report was produced on behalf of</b>	
<b>Director or Assistant Director</b>	<i>Nikki Edwards – Assistant Director of Education and Learning</i>
<b>By</b>	<i>Georgina Green – County Manager: Social Inclusion Telephone: 01473 264706 e-mail: Georgina.Green@suffolk.gov.uk Endeavour House Russell Road Ipswich IP1 2BX</i>
<b>Title:</b>	<i>Education Other Than at School Provision</i>
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**1. Introduction**

- 1.1 Education Other Than at School (EOTAS) service sits under the Education and Learning strand of the CYP Directorate. County Manager: Social Inclusion is the Head of Service for EOTAS in addition to her other areas of responsibility which include the Behaviour Support Service, Inclusion Team, EOTAS 1:1 Service and Notschool. The report provides an update on the progress of Suffolk's Education Other Than at School provision and how it supports the Council's 'Raising the Bar' ambitions with a particular focus on the outcomes achieved for vulnerable learners.
- 1.2 The DfE Statutory Guidance 'Alternative Provision Statutory guidance for local authorities' (January 2013) clarifies that the Local Authority's role is moving from being the direct provider of education for vulnerable learners to being the commissioner of high quality alternative provision. It is this new educational context that has informed the further development of the Education Other Than at School service in Suffolk.

## 2. Scrutiny focus

### 2.1 (i) What data is there on the outcomes for the pupils who have received EOTAS provision, including regarding their progress and destination?

2.2 There is a range of data gathered regarding the outcomes of children and young people in EOTAS provision. For the purposes of this report we have collated data on the following measures and compared the progress from the academic year 2012-13 and 2013-14 (Appendix 1).

#### Data sets:

- GCSE results
- Other KS4 qualifications
- Attendance
- Not in Education Employment or Training (NEET) (for KS4 only)
- Reintegration rates for key stages 2 to 3

### 2.3 Summary

In the Summer of 2013 and in 2014 133 pupils took GCSE examinations. In 2014 2 pupils gained A\*, 9 pupils gaining an A and 16 gaining a B. This compares favourably to the academic year 2012-13 as the highest grade for GCSE in EOTAS provision was a 'C'.

2.4 Due to the complex nature of the pupils on EOTAS and the challenges they face in accessing learning a further 24 different courses were on offer to pupils across provisions. Functional Skills Levels 1-3 and Entry Level certificates increased by 63% from 170 certificates in 2013 to 267 in 2014. Although there still remains a great deal more to do in terms of improving the educational outcomes for these young people there is clear evidence that we are moving in the right direction.

2.5 By the very nature of these pupils they are at higher risk of social exclusion and therefore are more vulnerable to becoming NEET. However, there has been 18% decrease in the number of NEETs recorded reducing from 22 in 2012/13 to 18 in 2013/14. Although the data demonstrates there is a reduction it remains that 13% of the 2013/14 Year 11 cohort did not have post 16 destinations and this must be improved. NEETs will be a key performance indicator for all provisions delivering provision to Year 11 and be monitored closely by the new locality Quality Assurance Boards for Alternative Provision (see Para will put in when numbering is completed). Decisive action will be taken with any providers who are not delivering on this outcome

2.6 In addition, we must provide further support and challenge to Post 16 providers so we can ensure there is a flexible offer for our vulnerable learners.

2.7 At KS2-3 pupils usually make progress that is comparable to that expected in mainstream settings and often better progress is made.

2.8 From September 2014 we have appointed a County Lead for our EOTAS 1:1 service. The service primarily delivers 1:1 teaching support for those

pupils who are unable to attend school because of medical reasons and require education to be provided in the home. Therefore, nearly all of the pupils remain on the roll of a mainstream school and their examination results are accordingly part of the schools data return.

- 2.9 **(ii) What are the success measures? If the objective is to reintegrate pupils into mainstream how successful has this been and what is being done about Schools/PRUs/EOTAS intervention that doesn't achieve this? How are the inspections carried out?**
- 2.10 There are a number of success measures ranging from the meeting of targets for individual children and young people to performance targets for all providers. The success measures for PRUs and providers are different as they have to take into account the nature of the provision offered and the ability of the pupils they educate at any given time.
- 2.11 Pupil Referral Units are visited each term by a Performance Adviser from the Education and Learning Service. In Key Stages 2 and 3 pupils attend provisions on a two term basis with an additional term if it is felt necessary. Academic as well as behaviour and attendance targets are set by the Performance Adviser and the Head teacher. The success measure for each unit is based upon whether they have met the targets.
- 2.12 One of the success measures is successful reintegration into mainstream school or where appropriate reintegration into specialist provision. This is monitored for each setting and high levels of reintegration into appropriate settings can be seen at KS2-3. At KS4 students tend to stay at the PRU/EOTAS setting so that they have continuity with the courses they are taking and can be given intensive support to achieve their potential.
- 2.13 We find it increasingly more difficult to reintegrate pupils back into mainstream school for a number of reasons. To address this issue from the Spring Term 2015 the Local Authority are implementing a revised Fair Access Protocol (FAP). As stated in the DfE departmental advice 'Fair Access Protocols, Principles and Process (Nov, 2012) 'Every local authority must have a Fair Access Protocol, agreed with the majority of its schools, in which all schools (including Academies) must participate since it is binding on all schools'. The new protocol is underpinned by a new In Year Fair Access Panel (IYFAP) that will meet monthly.
- 2.14 The IYFAP will create a single referral pathway for all school/ Academies and stakeholders so that they can quickly access appropriate alternative provision and support for vulnerable learners in school thereby preventing exclusion. The monthly meeting in each of the three areas North, South and West, will prevent duplication by removing the need for a number of different panels that currently meet on a regular basis. The panel will require the commitment of all schools/Academies as they will need to send members of their respective management teams who have responsibility for admissions each month. All providers of services will attend the IYFAP this will include Health, Social Care, Integrated Teams and Youth Offending Service. There will be a weighting system for schools so that the placement of 'hard to place' pupils within mainstream schools will be equitable and

transparent. Decisions on placement will be made by and reviewed by the panel to increase accountability and sense of ownership across the local learning community. In accordance with DfE advice all schools and Academies will be expected to participate and reintegrate an appropriate number of pupils.

- 2.15 Another success measure is attendance not only in terms of overall figures but how much each individual student has improved from their starting point on entry to the provision. Again, this is an area where there is evidence of considerable improvement for individuals since attendance at previous settings was often very low indeed. PRUs are able to successfully reengage students in education but this can take time and the overall attendance figures for each setting often appear low.
- 2.16 Currently, inspections of all PRUs and independent providers are undertaken by Ofsted. This, of course, is another success measure and since the previous Education Scrutiny Committee there have been several Ofsted inspections of EOTAS provision:
- 2.17 In July 2014 The Albany Centre in Bury St. Edmunds gained a judgement of 'good' removing them from 'requires improvement'. The Ofsted inspector commented that the *'Headteacher is ambitious for the unit to become the best that it can. She is well supported by her Deputy and the Management Committee in achieving challenging targets'*.
- 2.18 In October 2014 First Base Lowestoft had a Section 5 inspection and received a judgement of 'good'. The report mentions that *'the unit's leadership team sets high standards for its work and ensures that provision outcomes are improving continuously'* and *'pupils are happy and feel very safe in the unit and parents agree. This reflects the exceptionally good care provided by staff in the unit'*.
- 2.19 The Attic PRU, a centre that opened in September 2013 had a full Section 5 inspection in September 2014. The building was inherited and staff and young people from 4 unregistered EOTAS centres merged to become this provision. In October 2013 a fifth centre closed and the majority of staff and young people from Old Fen Park (4rce) also moved to The Attic. Although it received an Ofsted judgement of 'requires improvement' the inspector noted that *'the unit is improving and its capacity to improve further is good'* and that the *'Headteacher, Deputy Headteacher and the Management Committee have set clear and high expectations for the work of the unit'*.
- 2.20 After progress had been made at Kingsfield Alternative Provision (KAP) in February 2014 the monitoring visit in October 2014 was not positive. It is important to note that the Ofsted monitoring visit focussed entirely on Kingsfield Alternative Provision (KAP) Centre based in Bury St. Edmunds and not the Kingsfield PRU in Stowmarket which the LA believes continues to provide a 'good' education for vulnerable learners.
- 2.21 There were serious concerns raised by the inspector *'about the behaviour and safety of pupils, and the quality of leadership and management'*. A Consultant has been appointed by the Education and Learning Service to provide challenge and support to the Leadership Team at Kingsfield. She is

an additional inspector employed by Serco to carry out inspections on behalf of Ofsted and inspects the following types of provision: Primary, Secondary, Special and Independent Schools.

- 2.22 The Standards Officer from the Education and Learning Service will continue to support KAP on a regular basis. A representative from the Department for Education visited Kingsfield on the 13 November to discuss with the Head and Chair a conversion to becoming a sponsored Academy. The discussion between parties was positive and raised the possibility of Kingsfield PRU being sponsored by a local Academy to convert as part of their organisation.
- 2.23 **(iii) Cabinet: The lack of information within the 10 June 2014 Report? [including lack of reference to the recommendations from scrutiny, reference to the studies eg. medical EOTAS undertaken by Schools Forum, legal requirements, whistleblowing policy, fit with the RtB strategy, Ofsted highlighting of low attainment in EOTAS, linkage to careers advice / guidance, analysis of the reasons for the large increase in numbers, the Council's vision of EOTAS, and the action plan.]**
- 2.24 The Cabinet report on the 10 June was written to support the Cabinet's adoption of the revised Suffolk County Council EOTAS Policy. When asked about the lack of information contained in the report it was explained to the Cabinet that the revised EOTAS policy was aimed at parents to ensure they were clear as to what they could expect from the Local Authority. Issues such as the funding of EOTAS and detailed data analysis of usage were not felt appropriate to be included. However, there were several points raised by members of the Cabinet are now added to the policy document. The policy has now been amended to ensure that parents of pupils on EOTAS understand how their children can access careers advice and the safeguarding policy and procedures have been clearly referenced. There is also a named officer responsible for medical provision.
- 2.25 **Schools Forum: Items including to develop a more needs-led and proactive alternative provision preventative model, lack of effective extended support for excluded pupils, the changing funding framework, financial viability, cultural and structural change, accommodation issues, and the proposed action plan that sets out a timetable of targeted actions for reform?**
- 2.26 'Working Together for Inclusion (WTFI)' a review report by a Consultant brought into the Local Authority to add management capacity to Inclusive Services) was presented to Schools' Forum on the 15 July 2014. The report was based on a strategic review of the commissioning and delivery of specialised alternative provision and education otherwise than at school (EOTAS) and recommended that an action plan be drafted to take the outcomes of the review forward. The forum approved the recommendation to progress the WTFI report to an action plan format for the implementation phase; the action plan was presented and agreed at School's Forum in October 2014 (please see Appendix 2). This review with the supporting action plan underpins the development of the following strands of work:

- Strategic Commissioning Board
- Strategic Commissioning Steering Group
- Quality Assurance Board
- In year Fair Access Panel (IYFAP)

2.27 The new systems and processes mentioned above will provide schools/ Academies with a more preventative, needs-led and proactive model. The new model will include all stakeholders in improving the quality of the alternative provision we are commissioning and increase the number of positive outcomes for vulnerable learners. We are anticipating that the impact of this new way of working will support Suffolk's 'Raising the Bar' ambitions by ensuring that those pupils most vulnerable to underachievement will reach their potential, thereby narrowing the attainment gap.

2.28 The primary focus of the new commissioning framework will be to ensure that we effectively use the relevant data to:

- Evidence high quality alternative provision
- Identify gaps in our provision
- Identify whether our current provision is meeting the need and if not what we need to change so that it is 'fit for purpose' and 'best value'.
- Profile all year groups beginning with the Early Years Foundation Stage to ensure that we are effectively planning the future development of provision to meet the need as we expect it to arise.
- Identify what we may need to de-commission
- Bring models of 'outstanding practice' to Suffolk

#### 2.29 Alternative Provision Consultation Events

In the Summer Term 2014 we began the transition by holding three Alternative Provision consultation events. The events occurred in the West, South and North of the County and all Head teachers were invited to their area consultation event as well as other key stakeholders. There were three key themes to the events: The development of an area Strategic Commissioning Board and Steering Group, the establishment of a Quality Assurance Board for all Alternative Provision in the locality and the introduction and implementation of an In Year Fair Access Panel and Protocol.

#### 2.30 Strategic Commissioning Board and Steering Group

The purpose of the Strategic Commissioning Board and Steering Group is to involve commissioners ie schools and other stakeholders such as Social Care, Integrated Teams in the strategic commissioning of Alternative Provision. The membership of the board will be Head teachers and Senior LA Officers from different departments. The purpose of the Board will be to make strategic commissioning decisions on Alternative Provision on behalf of the locality they serve, this may include commissioning additional provision to meet an identified gap in provision, de-commissioning or altering the purpose of current provision. In the case of needing funding for

additional provision a representative from the board will be required to present to the School's Forum. The board will also need to produce a commissioning strategy.

- 2.31 It is the intention that the membership of the Strategic Commissioning Steering Group will include members of Senior Leadership Teams in schools and a range of LA middle managers that have responsibility for both strategic and operational decision making. The remit of the group will be to analyse all of the local data and map the current provision so that gaps in provision can be identified. The group will be responsible for producing evidence based business cases for the board so that decisions can be made regarding the commissioning of new provision or the de-commissioning or altering of current provision. They will also be expected to consider how we would utilise models of outstanding practice both locally and nationally within the Suffolk continuum of Alternative Provision.

2.32 Quality Assurance Board for Alternative Provision

The Quality Assurance Board (QAB) will be an area panel that meets each term, the membership being operational managers of schools/academies and the Local Authority. The remit of the QAB will be to quality assure all Alternative Provision delivering services within the locality on a range of performance indicators which are specific to the provider and the profile of children and young people they cater for.

We expect to have each of the area boards and steering groups in place and operational by the end of January 2015. The Northern area Strategic Commissioning group have already met and agreed a draft terms of reference for the board and steering group. This is also the case for the Northern Area QAB

- 2.33 **(iv) What are the arrangements for tracking and reporting incidences of bullying at school and the framework for overarching monitoring to inform Local Authority policy and strategy, including any mental health issues?**

- 2.34 Although the Local Authority have provided schools with a reporting tool there is no longer any statutory requirement for schools to report incidents of bullying. As part of Raising the Bar, Suffolk County Council, has developed a booklet entitled 'Dealing with Prejudice-Related Incidents: Local Authority advice and guidance for schools, academies and settings (July 2013)' <http://www.suffolklearning.co.uk/leadership-staff-development/inclusion-equalities/prejudice-related-incidents>.

- 2.35 The purpose of this document is to give schools a clear and current route through all aspects of dealing with Prejudice-Related Incidents, to ensure that schools know their duties, can respond consistently, fairly, and proactively. It offers schools a systematic method for recognising, recording, responding to and reporting Prejudice-Related Incidents both internally and to the County Council. This information gathering tool will help to identify patterns, develop good practice and act as evidence where needed if challenged.

- 2.36 Suffolk County Council still collects school's voluntary responses, whereas many other Local Authorities do not, and the Lead EMEA (Equalities and

Minority Ethnic Attainment) Advisor looks at the voluntary submissions. The LA does not publish any data as the responses are not statistically viable as some schools have given nil returns for more than 3 years and some have never given a return.

However, a report is produced and can be found on the following link: <http://www.suffolklearning.co.uk/11-19-learning-teaching/emea-minority-achievement/equalities/prejudice-related-incidents/pri-reports>

**2.37 (v) With regard to future strategy, what financial responsibility might the Local Authority have in future for using some of the Dedicated Schools Grant funding towards alternative provision (EOTAS) in free schools? How might this affect the funding available for alternative provision in the maintained schools?**

2.38 As EOTAS budgets form part of the Dedicated Schools Grant funded High Needs Block, it is up to the Local Authority, as the commissioner, as to how we deploy and allocate budgets. The future strategy for this area is all about value for money and ensuring the right outcome for the pupils in Suffolk. Currently, we are projecting a £2.5 million to £3.5 million for the High Needs Block.

2.39 The Local Authority are currently undertaking a piece of work looking at the commissioning of specialist provision places across the county; the outcome of this piece of work will be reported to the Schools Forum in January 2015 with clear options and timeframes. As part of these options applications for Free Schools and what they can offer with regard to specialist provision and inclusion will be carefully considered.

2.40 Any decisions made on High Needs Block funding and more specifically EOTAS funding will not have a direct impact on maintained schools as mainstream schools are funded through the schools block and the 13 prescribed factors as directed by the DfE. Special Schools and Pupil Referral Units are funded via 'place plus' based on the number of places we decide to commission (through High Needs Block).

**2.41 (vi) What focus is there on Home Educators? What the regulations, requirement and effectiveness?**

2.42 In law parents have the legal right to elect to educate their child at home. The reasons for deciding on this approach are many, as are the styles of education undertaken. For some families it is a decision based on their philosophical, spiritual or religious outlook, for others it is to meet the specific needs of a child or children. It may be because of dissatisfaction with 'the system' or used as a short-term intervention for a particular reason. Whatever the circumstances the local authority aims to work closely with and support parents in their choice. Full details of the legal regulations and the role and responsibilities of parents/ carers and the Local Authority can be found in Appendix 3.

### **3. Officer Recommendations**

3.1 None

#### 4. Glossary

EHE	Elective Home Education
EOTAS	Education Other Than at School
FAP	Fair Access Protocol
IYFAP	In Year Fair Access Protocol
KAP	Kingsfield Alternative Provision
KS 1 to 4	Key stages of education
NEET	Not in education, employment or training
PRU	Pupil Referral Unit
QAB	Quality Assurance Board

#### Supporting Information

Education Act (1996)

DfE departmental advice 'Fair Access Protocols, Principles and Process (Nov,2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275580/fair\\_access\\_protocols\\_departmental\\_advice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275580/fair_access_protocols_departmental_advice.pdf)

Education Other Than at School Policy, Suffolk County Council, July 2014

[http://www.suffolk.gov.uk/assets/suffolk.gov.uk/Education%20and%20Careers/Children%20and%20Young%20People/Schools%20&%20Support%20in%20Education/2014\\_EOTAS\\_policy\\_document.v1.pdf](http://www.suffolk.gov.uk/assets/suffolk.gov.uk/Education%20and%20Careers/Children%20and%20Young%20People/Schools%20&%20Support%20in%20Education/2014_EOTAS_policy_document.v1.pdf)

EOTAS report to Cabinet on 10 June 2014:  
<http://committeeminutes.suffolkcc.gov.uk/meeting.aspx?d=10/jun/2014&c=The Cabinet>

[Confirmed Minutes of the meeting held on 10 June 2014](#)

[Agenda Item 17 - Education Other Than at School](#)

[Agenda Item 17 - Appendix A](#)

Schools Forum 15 Jul 2014, 'High Needs Review':

[https://www.schoolsurf.suffolkcc.gov.uk/docs/unrestricted/Consultative\\_Groups/Schools\\_Forum/2014-07-15\\_Meeting\\_Papers/index.aspx](https://www.schoolsurf.suffolkcc.gov.uk/docs/unrestricted/Consultative_Groups/Schools_Forum/2014-07-15_Meeting_Papers/index.aspx)

Schools Forum 13 Oct 2014, 'Working Together For Inclusion Action Plan':

[https://www.schoolsurf.suffolkcc.gov.uk/docs/unrestricted/Consultative\\_Groups/Schools\\_Forum/2014-10-13\\_Meeting\\_Papers/index.aspx](https://www.schoolsurf.suffolkcc.gov.uk/docs/unrestricted/Consultative_Groups/Schools_Forum/2014-10-13_Meeting_Papers/index.aspx)

The Albany Centre, Ofsted Inspection report, July 2014

<http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/124529>

First Base, Ofsted Inspection report, October 2014

<http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/131822>

The Attic PRU, Ofsted Inspection Report, Sep 2014:

<http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/140121>

The Kingsfield PRU, Ofsted Inspection Report, October 2014

<http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/133356>

Dedicated Schools Grant 2015-16 final arrangements and DfE policy intentions <http://www.lgiu.org.uk/briefing/dedicated-schools-grant-2015-16-final-arrangements-and-dfe-policy-intentions>