

## SCHOOLS' FUNDING FORUM

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|-----------------|---|
| <b>SUBJECT:</b> | Changes to the methodology for calculating Alternative Provision (including Pupil Referral Units) funding in Kent |
| <b>FROM:</b>    | Stuart Collins, Director of Integrated Children's Services  |
| <b>DATE:</b>    | 27 <sup>th</sup> June 2019  |
| <b>FOR:</b>     | Decision  |

**Summary:** This paper is the outcome of the Alternative Provision (AP) and Pupil Referral Unit consultation undertaken in November 2018 in response to the Government's vision published in March 2018 - Creating Opportunity for All: Our Vision for Alternative Provision, which aims to ensure that:

- the right children are placed in AP
- children have good experiences of, and receive high quality education in AP
- children achieve meaningful outcomes after leaving AP
- AP is recognised as an integral part of the education system
- the system is designed to achieve high quality outcomes for children and value for money for the taxpayer

This paper outlines the new funding arrangements for AP and PRUs in Kent from 1 September 2019, which aim to ensure that all schools operate in a way that is inclusive whilst continuing to improve performance and outcomes for all children.

### 1. Introduction

- 1.1. Kent County Council recognises that the majority of children are best served when their education provision is delivered by their mainstream school, with their peer group, accessing the breadth of curriculum and opportunities available. For the few who require off site support the best practice is where schools, as the education experts, work collaboratively to develop local arrangements, design provision and make decisions regarding intervention which meets the needs of the children they serve.
- 1.2. The local authority recognises this strength and, as such, devolves the majority of the funding for alternative provision to the secondary schools. It is clear in its expectation that schools work collaboratively and use their allocations flexibly to meet the needs of all the children within their district, including those of primary school age and those challenging learners awaiting the outcome of an Education, Health and Care Plan (EHCP) assessment.
- 1.3. Kent County Council have a legal duty to provide full-time and suitable alternative education for pupils who have been permanently excluded from school or are unable to attend school due to physical or mental health

conditions. In the past few years, the stronger partnership between the schools and the local authority has resulted in a significant reduction in permanent exclusion. The aim is to strengthen the preventative approach in fulfilling our shared responsibility for providing good support and suitable education for pupils who would otherwise not be able to access school education.

1.4. The model for the ongoing funding of PRUs and Alternative Education Provision is detailed in this document. The rationale applies equally to areas with a PRU and those operating under a devolved arrangement. All non-selective secondary schools will receive a sum of devolved High Needs Block funding for Alternative Provision as a pre-payment for delivering the agreed inclusion results – a payment by result model.

## **2. Kent Funding Model**

2.1. Kent's current Alternative Provision budget (excluding the Health Needs PRU) is £11.5m (£11.2m, excluding administration and London fringe allowance).

### 2.2. Allocations to Districts

2.2.1. The local authority currently allocates a fixed annual budget through the application of a formula which utilises objective data already used to calculate individual secondary school budgets. Details of this can be found on Kelsi, by following the link and scroll down to the Alternative Provision District Budgets section: <https://www.kelsi.org.uk/school-finance/financial-support-and-planning/budgets/budgets-2019-20>

2.2.2. In recognition that schools who are operating under capacity are likely to take a disproportionately higher share of our most challenging children, going forward the pupil number for each school will be calculated as 50% of the October census and 50% of the Published Admission Number (PAN). This will provide slightly higher allocations to those schools under PAN.

2.2.3. The formula provides a total sum per school. Individual school sums are aggregated to form the district total. Once the financial envelope for the district is calculated, the selective school proportion is reallocated across the non-selective school cohort within the district, on a pro-rata basis.

2.2.4. The detail of the September 2019 – March 2020 allocations can be found on the Kelsi website, by accessing the following links:

- [Summary table link](#)
- [Detailed table link showing individual school allocations](#)

### 2.3. Allocations within Districts

2.3.1. Each district has decided, locally, whether it is appropriate to have a formal PRU or to operate through a fully devolved funding model. A

formal PRU is defined as one which has a DfE number.

- 2.3.2. Where there is a formal PRU, the local authority will provide stability to the core funding for this provision by guaranteeing the commissioning of a set number of places.
- 2.3.3. Nationally, approximately 0.42% of the 11-16 pupil population are catered for in alternative provision. The local authority will commission places in the PRUs totalling 0.42% of the Kent 11-16 pupil population. In recognition that need is increased or reduced by a number of socio-economic factors, the 0.42% will be proportionately allocated using the same distribution as the funding formula (50% census and 50% PAN). The detail of the September 2019 – March 2020 commissioned places and associated funding allocations can be found on the Kelsi website, via the following link: [Summary Table](#)
- 2.3.4. In line with the national average cost of a PRU place, the local authority will commission these places for £18,000 each. This funding will be delegated directly to the PRUs. The £18,000 is expected to cover the cost of the PRU placement and not require further top-up charges from the school or from the High Needs budget. If the pupil is in receipt of pupil premium, local arrangements should be considered to cater for resource that is over and above what the PRU can be reasonably expected to offer. PRUs remain eligible to apply for additional high needs funding only where it can be evidenced that the costs are above the £18,000 per annum funding already provided.
- 2.3.5. All other funding will be devolved to the non-selective schools or trusts as a pre-payment for delivering the agreed inclusion results. Selective schools are not included in this as their funding has been distributed across the non-selective schools.
- 2.3.6. Allocation of PRU places will be agreed by the collaboration of schools. However, it is a requirement that there will be sufficient provision in the area to cater for the need, including those of the selective schools. We do not expect primary age pupils will attend a PRU.
- 2.3.7. Where an area wishes to increase the capacity of this provision or provide additional services through the PRU, the Local Authority will provide a template contract to support the PRU in formalising these arrangements with their schools. If local areas decide to do this, the Local Authority supports the principle of multi-year arrangements (we suggest three-year minimum period) to provide stability and certainty for the PRU and the secondary schools within the area.

#### 2.4. Devolved Funding to Schools

- 2.4.1. Funding can only be devolved to schools or trusts, under a contract with the Local Authority. This contract continues to include the following

provisions:

- i. Schools are required to ensure the best solution is designed and deployed for the effective provision and management of high-quality early intervention and prevention activities to reduce Permanent Exclusion, including:
  - offer a full-time provision (usually 25 hours).
  - ensure that the pupils' capacity to access provision will be carefully assessed in accordance with current educational guidance and good practice. Wherever possible, the focus of provision should be on reintegration of the pupil to mainstream education.
  - where pupils are unable to access full time provision, the School will inform the Local Authority of the reasons through the digital front door.
  - ensure programmes are educational and focused on achieving good outcomes in recognised qualifications, supporting the learning of new and relevant skills and acknowledged accreditation and helping the pupil to overcome impediments to successful learning and achievement.
  - ensure all pupils who need multi-agency support have the protection of a plan and take all reasonable steps to integrate the educational plan with those of other relevant services such as, Family and Social Care, Youth Offending Teams and Early Help and Preventative Services etc.
  - ensure that all elements of the programme are accessible to the pupil and are sensitive to their ethnic, religious and cultural backgrounds and additional or special needs they may have.
- ii. If a school, trust or group of schools subcontract provision to another provider, this further provision must have DfE registration.
- iii. Subcontracting arrangements are not permitted to provisions who remove the pupils from the school's roll.

2.4.2. Kent County Council's approach is to support schools' autonomy while ensuring that pupils, in particular the vulnerable learners, receive the best support and education through schools' own internal inclusive strategies and practice. Schools receive a sum of devolved High Needs Block funding for AP as pre-payment on the assumption that the school will achieve the agreed inclusion results.

2.4.3. The contract includes a system of retrospective deductions from current funding to a school or trust that has failed to deliver the assumed results or follow the agreed processes as the conditions of the pre-payment.

2.4.4. In order to monitor the progress, support collaboration and provide evidence, Kent County Council will produce a monthly scorecard report,

providing relevant live data and information. Details of the data in the scorecard and the potential deducted funding can be found in Appendix 1.

2.4.5. Where a pupil attends a PRU outside of their school district, for example in the district of their home address, the funding will be transferred from the PRU in their school district to the PRU in the home district. If a pupil is permanently excluded from a school, the deduction will be transferred to the PRU catering for the pupil.

2.4.6. Funding deducted from the devolved budgets will be used by Kent County Council to secure appropriate provision to resolve the issues for the pupil. This may include:

- Commissioning additional places from the PRU.
- Securing additional resource to deliver tuition.
- Providing additional resource to those schools catering for the needs of the pupil.
- Returning the funding to the Management Committee or IYFA panel to determine the best way to use it to support the pupil.

### **3. Support for Management Committees and IYFA Process**

3.1. Collaboration is key to ensuring the highest quality outcomes for all pupils. In order to support this collaboration, the local authority will employ an Alternative Provision County Lead who will work strategically to improve outcomes for vulnerable children and young people; supporting effective inclusion practices across the county, providing information, advice and guidance for the Management Committees of the PRU and In-Year-Fair-Access forums.

3.2. The Alternative Provision County Lead will advise on, monitor and evaluate panel outcomes, providing challenge where necessary. They will monitor the Alternative Provision models ensuring the funding is appropriately used to provide the correct balance of support and intervention for the young people identified to access this resource.

3.3. The local authority recognises that best practice occurs when all schools are represented at these panels and Management Committees by staff with decision making authority. It requires that all schools can have representation on their PRU Management Committee if they wish to do so and strongly advises that Management Committees include Primary representation.

### **4. Empowering Schools**

4.1. Kent County Council aims to promote inclusion within individual schools and local collaborations through the use of an Inclusion Toolkit which comprises best practice criteria, a self-evaluation tool, action plan and support resources.

4.2. The best practice criteria include 6 Areas of Focus that apply equally to all schools and include schools' use of LIFT, High Needs Funding, Pupil Premium and requests for EHCPs. It also considers statutory frameworks around broad

attendance issues and off-rolling including Children Missing Education and processes for Elective Home Education.

4.3. The aims of the Inclusion Toolkit are to help schools:

- evaluate their current context, both within school and the wider community with regard to their inclusion;
- identify opportunities for improvement in their approach to inclusion;
- develop an action plan to deliver improved inclusion;
- provide access to a variety of best practice resources to support delivery of their action plan;
- embed a cycle of Continuous Improvement for inclusion, that sits within the wider context of School Improvement and the school SEF framework; and
- embed inclusion and behaviour support in the school's curriculum Intention, and Implementation to achieve the best positive Impact on pupils' overall outcomes.

4.4. Throughout, there is emphasis on early intervention, how to avoid unnecessary exclusions and improving young people's personal development, behaviours and attitudes, as set out in the Ofsted Inspection Framework 2019.

## **5. Transition Arrangements**

5.1. Implementation for all areas is from the 1st September 2019, however for areas with PRUs we will review current capacity and staffing, working budgets, reserves and local arrangements to identify where we need to provide additional funding to support transition for a time limited period.

## **6. Recommendation**

6.1. Members of the Schools' Funding Forum are asked to approve the new methodology as set out in this paper for calculating Alternative Provision from 1 September 2019. This will include time limited transitional arrangements once the review outlined in paragraph 5.1 has been completed.

6.2. Note that there is no change to the methodology for calculating the funding for the Health Needs service.

**Appendix 1: Contract Detail**

| <b>KPI</b> | <b>Expectation of Contract</b>  | <b>Data in published scorecard</b>                     | <b>Evidence</b>                                     | <b>Reduction of future funding (where applicable)</b>  |
|------------|---|--|---|--|
| 1.1        | Work collaboratively to operate a system where there are no permanent exclusions. | Number of permanent exclusions by school and district. | Statutory submission/report of permanent exclusions | <p>A reduction of £21,000 at £1,750 per month, per excluded pupil for the first year. A reduction of £18,000 at £1,500 per year thereafter for any pupil who is placed in the PRU.</p> <p>The reduction will commence in the month following the exclusion and continue for the duration of the statutory education and for a minimum of a full 12 months, regardless of the age of the pupil. The funding will be given to the PRU.</p> <p>Where a pupil is placed in another school, the reduction will cease after the first year. The initial £21,000 will be passed to the receiving school at £1,750 per month for the year if reintegration remains successful.</p> <p>The national practice of “APWU money follows excluded pupil” is unaffected and continues to apply in Kent.</p> |

| KPI | Expectation of Contract  | Data in published scorecard  | Evidence   | Reduction of future funding (where applicable)   |
|-----|--|--|--|--|
|     | Fixed-term exclusion rate is declining and in line with or below the National Average. Instances of increased exclusions are planned for and proportionate. The percentage of pupils who have Missed 10 or more school days in an Academic year due to exclusion is below the national average 0.7%. | % of pupils receiving an FTE this academic year<br><br>% of pupils losing 10 days or more to FTE in this academic year.                      | Statutory submission/report of fixed-term exclusions<br><br>Pupil census |  |
|     | Schools will work collaboratively in the endeavour to ensure hard to place learners avoid exclusions and are given a fresh start where possible through the managed move process.  | Number of managed moves into each school<br><br>Number of managed moves from each school   |  |  |
| 1.2 | Due process as detailed in Appendix 2 is followed such that no pupil is taken off roll inappropriately to be electively home educated (EHE) e.g. to avoid exclusion, to halt poor attendance or to manipulate attainment outcomes  | Number of pupils off rolled to be EHE this academic year.<br>Number of pupils off rolled to be EHE where agreed process hasn't been followed | Digital Front Door (DFD) and EHE team and EHE 1 form                     | On spot fine for £10,000 for pupil removed from roll without following process identified in Appendix 2. |
| 1.3 | Due process as detailed in Appendix 3 is followed such that no pupil is taken off roll without prior notification to Kent County Council via Digital Front Door illegally in breach of The Education (Pupil Registration) (England) Regulations 2006 and their subsequent amendments                 | Number of pupils off Rolled by school and District.<br><br>Number of pupils off-rolled where agreed process hasn't been followed.            | Digital Front Door (DFD)   | On spot fine for £10,000 for pupil removed from roll without following process identified in Appendix 3. |



| KPI | Expectation of Contract   | Data in published scorecard  | Evidence                                       | Reduction of future funding (where applicable)   |
|-----|---|--|--|--|
|     | Ensure all pupils who need multi-agency support have the protection of a plan and take all reasonable steps to integrate the educational plan with those of other relevant services such as, Family and Social Care, Youth Offending Teams and Early Help and Preventative Services                   | Percentage of pupils known to Early help<br>Percentage of pupils known to Social Care<br>Percentage of pupils in receipt of High Needs Funding   | KCC data                                       |  |
| 1.4 | Legal, Regulatory & Procedural Compliance of In Year Fair Access (IYFA) (statutory processes) such that there is No delay in registering a pupil on a school's register following an admission decision made at the IYFA panel and decision making is open and transparent with the fair access team. | Number of referrals from each school<br><br>Number of referrals into each school<br><br>Number of referrals to school where the pupil has not been given an agreed start date or been taken on roll within 2 term time weeks of school being identified at panel meeting<br><br>Number of referrals that have required a direction | Feedback from IYFA<br><br>KCC officer feedback | A reduction of £1,000 every week, will be taken for a delay exceeding two weeks per pupil, from the date of the IYFA meeting, which has not been agreed with the Local Authority fair access team. |

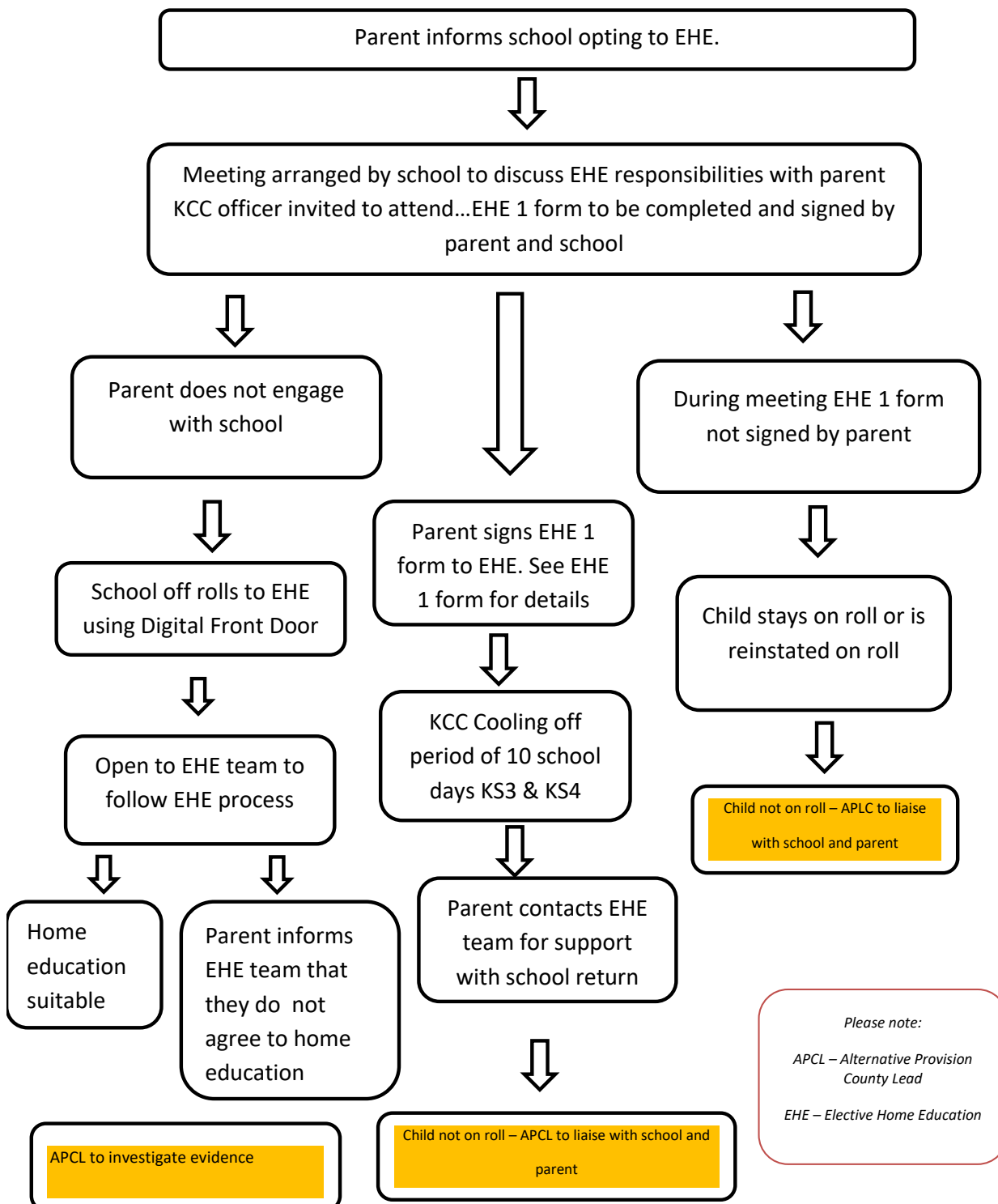
| KPI | Expectation of Contract  | Data in published scorecard   | Evidence  | Reduction of future funding (where applicable) |
|-----|--|---|---|--|
|     | All schools in the area work collaboratively to secure appropriate destinations for all pupils.  | Attendance at IYFA<br><br>Number of managed moves into each school<br><br>Number of managed moves from each school  | IYFA records  |  |
|     | Casual Admissions processes are followed appropriately, as detailed in Appendix 4, such that the data can be used to inform decisions and strengthen collaborative support.  | Number of casual admissions to each school<br><br>School which have or have not returned IYCAF  | Fair Access ICAF records                                  |  |
|     | The number of pupils being removed from mainstream education is appropriate and proportionate. Wherever possible, the focus of provision should be on reintegration of the pupil to mainstream education.<br><br>Part time timetables are used only as a short term (typically no more than 6 weeks) reintegration measure | Number of pupils placed in the PRU or off-site in other Local AP resource<br><br>Number of pupils reintegrated from the PRU or off-site provision<br><br>Number of pupils on part time timetables | PRU pupil numbers<br><br>Census returns<br><br>Local data |  |
|     | All pupils in the area are supported in securing appropriate post 16 progression pathway and return their September Guarantee data to the Local Authority.   | Percentage of pupils with a September guarantee (from April to August only)   | KCC tracking data   |  |

| <b>KPI</b> | <b>Expectation of Contract</b>   | <b>Data in published scorecard</b>         | <b>Evidence</b> | <b>Reduction of future funding (where applicable)</b> |
|------------|--|--|-----------------|---|
|            | Inclusion provision is effective in ensuring that fewer pupils miss out on education through persistent absence. | Percentage of persistent absence by school | Census returns  |   |

## Appendix 2: EHE Flowchart



### Elective Home Education – Flowchart 1



## Appendix 3: Removal From Roll Guidance and Flowchart



**Kent County Council**

### **Guidance on Removing Pupils from the Admissions Roll**

**September 2016**

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## 1. Introduction

1.1 Kent County Council is committed to the safeguarding of all pupils. Pupils who are removed from roll inappropriately may become 'children missing from education' (CME). This local guidance sets out the responsibilities of all Maintained Schools, Academies, Free Schools, University Technical Colleges, PRUs and Independent Schools, as they relate to the removal of pupils from roll. In Kent, they are all required to notify the Local Authority CME Team when removing a pupil from roll.

1.2 Section 436A of the Education Act 1996 (as amended by the Education and Inspections Act 2006) places a duty on Local Authorities to establish the identity of children in their area who are not receiving education. The purpose of this duty is to ensure that children missing from education (CME) are identified quickly and tracked effectively so appropriate actions can be taken.

1.3 Section 12(3) of the Education (Pupil Registration) (England) Regulations 2006 sets out the requirement for schools to make a return to the local education authority where a pupil's name is deleted on certain grounds.

1.4 There are strict rules as to when schools/academies may delete pupils from their admissions register.

1.5 This guidance is intended to safeguard pupils and ensure that they are removed only in accordance with the regulations and local guidance. The circumstances in which a pupil may be removed from roll are explained in Regulation 8 of the Education (Pupil Registration) Regulations 2006 and The Education (Pupil Registration) (England) (Amendment) Regulations 2011 [www.education.gov.uk](http://www.education.gov.uk)

## 2. Responsibility of Schools/Academies

2.1 Notification to Kent CME Team of a pupil who is being removed from roll in certain circumstances.

Regulation 12(3) 2006 states that schools/academies must **legally** notify their Local Admissions Authority when they have decided to remove a pupil from their admission roll on one of the following grounds:

*(a): in a case of a pupil has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school;*

*(b): except in the case of a boarder, that a pupil has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered;*

*(c): that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age;*

*(d): that a pupil is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period;*

*(e): that a pupil has been permanently excluded from the school.*

Schools/Academies should complete the **Removal from Roll form (copy at the end of this document)** and return it to Kent CME Team within 5 school days of the date of removal from roll. This includes pupils who have been added to the roll but who have never attended.

Although the above listed are the circumstances in which a school is **legally** required to notify the LA Admission Authority of a pupil being removed from admission roll, Kent County Council encourage schools to notify the LA of any pupil being removed in other circumstances.

2.2 It is not necessary to complete a form when a pupil is leaving at the end of statutory education or on transition to another phase - eg infant to junior or primary to secondary.

2.3 Whenever a pupil joins or leaves a school/academy a Common Transfer File (CTF) **MUST** accompany him or her. Further information on the transfer of a CTF can be found on [www.teachernet.gov.uk](http://www.teachernet.gov.uk) and [www.education.gov.uk](http://www.education.gov.uk).

### **3. Circumstances in which a pupil may be removed from roll**

The circumstances in which a pupil of compulsory school age may be removed from the admission roll are prescribed by regulation 8, 2006. Off-rolling due to some circumstances listed above must be reported to Kent CME Team. It is illegal to remove a pupil's name from the admission roll unless one of one of following circumstances applies, even if a parent requests it.

#### **3.1 A new school is named on a School Attendance Order (regulation 8a)**

If a pupil is the subject of a School Attendance Order their name may only be removed from roll if the order is revoked or the school named in the order is changed.

- The pupil should be removed from roll at the end of their final day

#### **3.2 Pupil is registered at another school in England or Wales (regulation 8b)**

If a parent has notified the school/academy that the pupil will be transferring to a new school/academy and has provided the name and address:

- The school/academy should check with the new school/academy that the pupil is registered with them/has an expected start date.
- The pupil should be removed from roll at the end of their expected final day
- A Removal from Roll form should be completed and returned to Kent CME Team within 5 school days

### 3.3 Elective Home Education (regulation 8d)

If the school/academy receives written notification from a parent of their intention to Electively Home Educate, the pupil's name must be removed from roll. *Please note that this does not apply to special schools where permission is needed from the Local Authority or from the Secretary of State before a pupil's name may be removed.*

Schools/academies should not encourage parents to educate their children at home as a way of avoiding exclusion or because the pupil has a poor attendance record. Advice and information on Elective Home Education can be obtained from Kent Fair Access Service, or from <http://www.kent.gov.uk/education-and-children/educating-your-child-at-home/our-guide-to-elective-home-education> or from a number of websites including [www.education-otherwise.org](http://www.education-otherwise.org)

On receipt of written notification from the parent the school/academy must:

- Remove the pupil from roll at the end of their expected final day
- Send the Removal from Roll form together with a copy of the parent's letter which states their intention to Electively Home Educate to Kent CME Team.

### 3.4 Pupil has moved out of Kent but within England & Wales (regulation 8e)

If a parent relocates and provides the school/academy with their new address but has not yet secured a new school/academy place for their child:

- The pupil should be removed from roll at the end of their final day
- A Removal from Roll form should be completed and returned to Kent CME Team within 5 school days

### 3.5 Pupil has moved abroad – outside England & Wales (regulation 8e)

If a pupil moves abroad and their new school and or address is unknown.

- The pupil should be removed from roll at the end of their final day
- A Removal from Roll form should be completed and returned to Kent CME Team within 5 school days

### 3.6 Pupil has moved, has ceased to attend and the new address is not within reasonable distance of the school/academy (regulation 8e)

- The pupil should be removed from roll at the end of their final day
- A Removal from Roll form should be completed and returned to Kent CME Team within 5 school days

### 3.7 Pupil has failed to return after being granted leave of absence for exceptional circumstances in accordance with regulation 7(1A) (regulation 8f)

A pupil's name may only be removed from roll after 10 school days have elapsed following the agreed date of return and once the school/academy and the local



authority have made reasonable enquiries as to the pupil's whereabouts.  
Schools/academies should:

- Make contact with parents/ relatives to check that there is no good reason for the absence eg disrupted travel arrangements or illness
- Mark the absence as authorised if there is a valid reason, using the relevant code
- Mark the absence as unauthorised if there is not a valid reason, using the relevant code
- Contact their relevant Area Inclusion and Attendance (I&A) Team via Digital Front Door if there are concerns about the welfare of the pupil or if they are unable to make contact with the parents

The Inclusion and Attendance Team will assist the school/academy in making reasonable enquiries as to the pupil's whereabouts.

Once the school/academy and the local authority have completed their enquiries and 10 school days have elapsed the school/academy should:

- Remove the pupil from roll with effect from 10 school days after the expected date of return
- Send a Removal from Roll form to the relevant Inclusion and Attendance Team within 5 school days.

### **3.8 Pupil is medically unfit and is likely to remain so beyond compulsory school age (regulation 8g)**

A pupil may only be removed from roll on medical grounds if he/she has been certified by the school's/academy's Medical Officer as unlikely to be in a fit state of health to attend before ceasing to be of compulsory school age and the pupil does not intend to continue at the school/academy beyond compulsory school age.

- The pupil should be removed from roll at the end of their final day
- A Removal from Roll form should be completed and returned to Kent CME Team within 5 school days

### **3.9 Pupil whose whereabouts are unknown (regulation 8h)**

If a pupil leaves a school/academy without the parent providing a new address or new school details the pupil may not be removed from roll until both the school/academy and the Local Authority have made reasonable enquiries to locate the pupil.

- The school/academy should contact their Area Inclusion and Attendance Team via Digital Front Door's CME Referral. The Inclusion and Attendance Team will work with the school/academy to try to locate the pupil.
- If, after four weeks, all enquiries have failed to locate the pupil, the school/academy should remove the pupil's name from roll.

### **3.10 Pupil is in custody (regulation 8i)**

A pupil may be removed from roll if serving a custodial sentence of four months or longer and the head teacher does not have reasonable grounds to believe that the pupil will return at the end of that period. This decision should be made in consultation with the Area Early Help Units and the Youth Offending Team

- The pupil should be removed from roll at the end of their final day
- A Removal from Roll form should be completed and returned to Kent CME Team.

### **3.11 Pupil has died (regulation 8j)**

A pupil who has died may only be removed from roll once official notification has been received. This would usually come from the pupil's parents but may come from another source, eg relatives or police.

- The pupil should be removed from roll using the date of death as the removal date
- No CTF is required

### **3.12 Pupil has been permanently excluded (regulation 8m)**

The pupil may only be removed from roll once any appeals process has been concluded.

- The pupil should be removed from roll using the school day after the conclusion of any appeals process as the date of removal from roll
- Once a decision has been made by the Headteacher to permanently exclude a pupil, school must immediately notify the Area Inclusion and Attendance Team via the Digital Front Door
- If no appeal has been lodged within 15 school days the pupil may be removed from roll on the 16<sup>th</sup> school day following the exclusion
- A Removal from Roll form should be completed and returned to Kent CME Team within 5 school days
- No CTF is required

### **3.13 Non payment of fees – boarding pupils (2011 amendment, regulation 8o)**

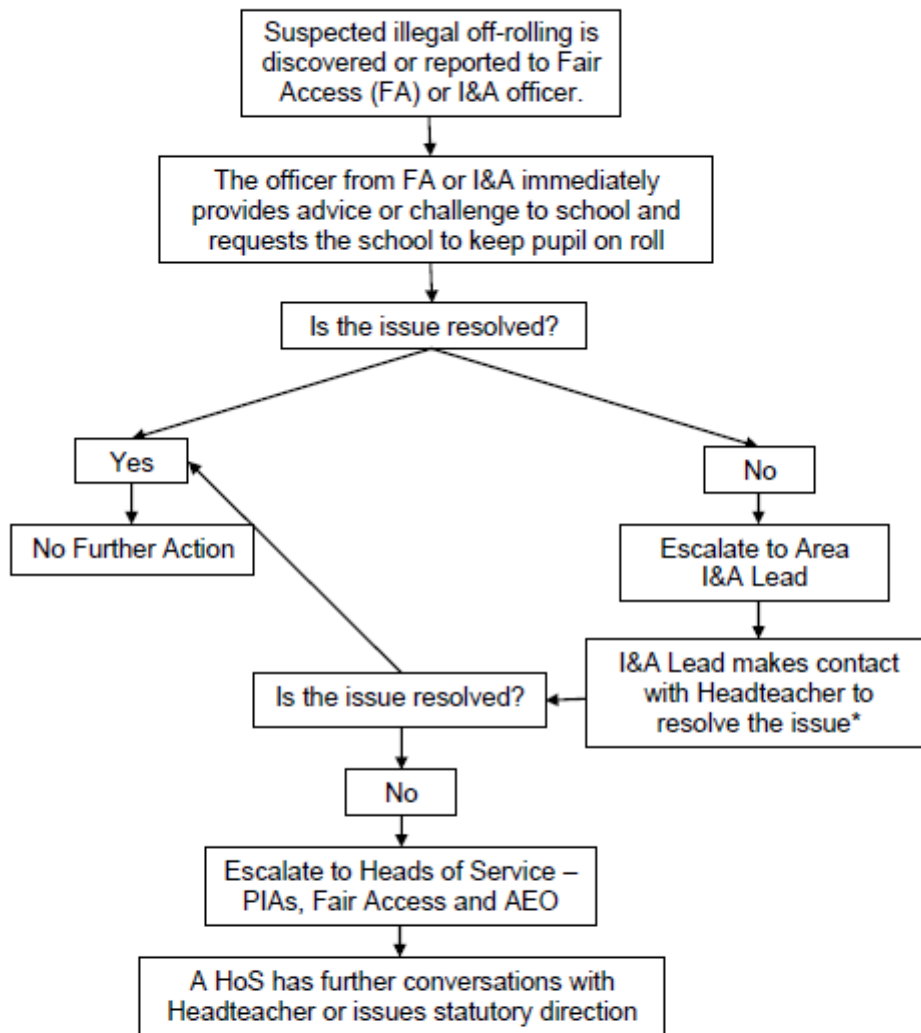
Where the pupil is a boarder at a maintained school or academy and the charges for board and lodging are payable by the parent and the charges are outstanding at the end of the school term to which they relate, the pupil may be removed from roll.

- The pupil should be removed from roll at the end of the relevant term
- A CME referral should be made via the Digital Front Door

## **4. Disagreement resolution and escalation process**

4.1 Occasionally there may be discrepancies among schools and between education support services in interpreting the relevant regulations or a pupil has found to be taken off roll without a legal ground to do so.

4.2 The following flowchart sets out the process for managing disagreement and the escalation steps:



\* If a case is escalated by a LA officer outside I&A Team, I&A Lead may assign the case to a SLO or I&AA in the first instance

4.3 When a Local Authority Officer from Fair Access Service or PIA Service is made aware of a suspected illegal off-rolling, the officer must advise or challenge the school accordingly requesting the school to keep a child on roll or to put them back on roll.

4.4 In most cases, school would follow an officer’s advice and take action to correct an inappropriate decision. However, if school do not agree to the advice given by the LA officer, the latter should report the suspected illegal off-rolling to the Area Inclusion and Attendance Team, the Area Lead or one of its officer/adviser will

make contact with the school and request the school to follow correct off-rolling procedure.

4.4 If the disagreement remains after Inclusion and Attendance Officer's intervention, the matter should be escalated to the Area Inclusion and Attendance Lead, who will make contact with or meet the Headteacher to resolve the issue of suspected illegal off-rolling.

4.5 Should the matter remains unresolved, Inclusion and Attendance Lead will escalate the matter to the Head of PRUs, Inclusion and Attendance, the Head of Fair Access and the Area Education Officer. The three Heads of Service will decide next cause of appropriate action, which can be a statutory direction for a school to admit a pupil or further conversation with the Headteacher.

## **5. Review of the guidance**

5.1 **Kent CME Team**  
email address: CME@Kent.gov.uk

Postal Address:  
CME Team, Fair Access Service  
Kent County Council  
Sessions House  
Maidstone, ME14 1XQ

Telephone: 03000 41 21 21

5.2 **Area Inclusion and Attendance Teams**

Area Lead South Kent (Ashford, Shepway and Dover)  
– Heidi McGee, email: Heidi.McGee@kent.gov.uk

Area Lead East Kent (Canterbury, Swale and Thanet)  
– Melanie Higgins, email: Melanie.Higgins@kent.gov.uk

Area Lead West Kent (Maidstone, Tonbridge & Malling, Tunbridge Wells)  
– Catherine Edwards, email: Catherine.Edwards@kent.gov.uk

Area Lead North Kent (Dartford, Gravesham and Sevenoaks)  
– David Boyd, email: David.Boyd@kent.gov.uk

## **6. To be reviewed in September 2018**

To be reviewed in September 2018.

## Removal from School Roll – Notification to Kent County Council

To: ..... Kent CME Team

From: ..... School/Academy      School Number: .....

### NOTIFICATION OF REMOVAL OF PUPIL FROM ADMISSION ROLL

There are strict rules as to when schools may remove pupils from their admissions register. These are outlined in Regulation 8 of the Education (Pupil Registration) Regulations 2006. Regulation 12(3) states that when a school has decided to delete a pupil's name from their admission roll on certain grounds they must notify their Local Authority. This responsibility applies to all Maintained Schools, Academies, Free Schools, University Technical Colleges, PRUs and Independent Schools.  
*Please use this form in conjunction with the Regulations.*

**Please provide as much information as possible:**

**NAME OF PUPIL:** ..... **DOB:** ...../...../.....

**Address:** .....

**Postcode:** ..... **Tel No:** .....

**e mail address of parent:** .....

**UPN** ..... **Is the pupil looked after by a LA? Yes/No**  
**Does the pupil have a statement or Education Health Care Plan? Yes/No**  
**Is there a School Attendance Order in place? Yes/No (reg 8a)**

**Date pupil taken off roll:** ...../...../.....

### **REASON FOR REMOVING PUPIL FROM THE ADMISSION ROLL:**

**Pupil is registered at another school (reg 8b)**

**Name of new school:** .....

**DfE number:** .....

**Address of new school if outside Kent** .....

**Start date** .....

**Pupil's new address if applicable:** .....

.....

**Elective Home Education (reg 8d)**

*Please attach a copy of the parent's letter (a pupil may only be removed from the school roll if written notification has been received from the parent confirming their intention to educate the child 'otherwise than at school')*

**Pupil has moved, ceased to attend and the new address is not within a reasonable distance of the school or academy (reg 8e)**

New address.....  
.....

**Pupil has moved out of Kent but not yet secured a place at a new school or academy (reg 8e)**

New address.....  
.....

**Pupil has moved abroad (reg 8e)**

Please give all known details.....  
.....

**Pupil has failed to return from an agreed leave of absence (reg 8f)**

Please give details of actions taken: .....  
.....

**Pupil is certified as medically unfit and is likely to remain so beyond compulsory school age (reg 8g)**

Please confirm that the Medical Officer and parents have agreed to the removal from roll Yes/No

**Pupil's whereabouts are unknown (reg 8h)**

*The pupil must have been continuously absent (unauthorised) for not less than 20 school days and **must not** be removed from roll until both the school/academy and the Local Authority have made reasonable enquires to try to locate the pupil.*

Please give details of actions taken.....  
.....

**Pupil is in Custody (reg 8i)**

Please confirm that the pupil is serving a custodial sentence of four months or longer Yes/No

Pupil has died (reg 8j)

Pupil has been permanently excluded (and any appeal process is complete) (reg 8m)

Pupil is a boarder and fees remain outstanding at the end of the school term to which they apply (reg 8o)

If the pupil has moved from the area without explanation are there any concerns about the pupil's welfare? *If yes please comment below*

.....  
.....  
.....

Please Note: Whenever a pupil leaves a school/academy a Common Transfer File (CTF) **MUST** accompany him or her. Further information on the transfer of a CTF can be found on [www.teachernet.gov.uk](http://www.teachernet.gov.uk) and the recent guidance sent out to school from Kent MIU in (date?)

Date CTF sent to new school or lost pupil database: ...../...../.....

Name of person completing this removal from roll form (please print):

.....

Contact telephone number .....

Date form completed: .....

Please email or post this form to Kent CME Team:

Email address: CME@Kent.gov.uk

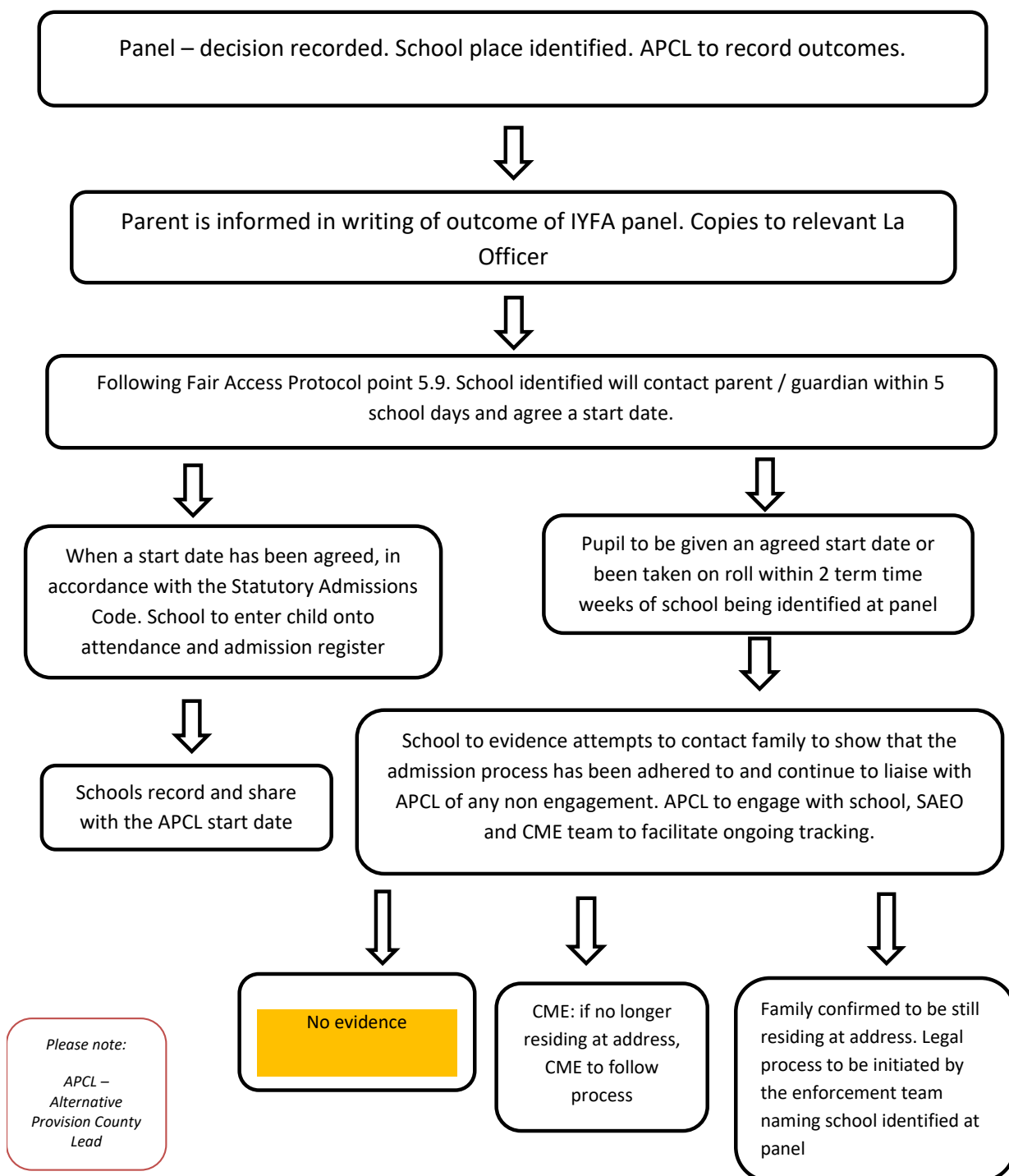
Postal Address:  
CME Team, Fair Access Service  
Kent County Council  
Sessions House  
Maidstone, ME14 1XQ

Telephone: 03000 41 21 21

## Appendix 4: Guidance on IYFA Return



### Timeline for In Year Fair Access Allocations – Flow chart 2





Kent County and District Total

Kent County & District Total

|                                      | No. of Perm. Exclusion (PEX, rolling 12 months) <sup>(1)</sup> | Fixed-term Exclusion (FTE, 12 months) |                                     | EHE and Off-rolling |               |                |                    | IYFA & Casual Admissions |                 |                      |                     |                                      |                                     | Inclusion Collaboration |                     |                         |                         | Vulnerable & Disadvantaged Learners     |   |   | Attendance                    |   | % of pupil with a Sept. Guarantee | Notes   |                 |                     |   |
|--------------------------------------|--|---------------------------------------|-------------------------------------|---------------------|---------------|----------------|--------------------|--------------------------|-----------------|----------------------|---------------------|--------------------------------------|-------------------------------------|-------------------------|---------------------|-------------------------|-------------------------|---|---|---|-------------------------------|---|-----------------------------------|---------|-----------------|---------------------|---|
|                                      |  | % FTE <sup>(2)</sup>                  | No. pupils losing 10 or more to FTE | EHE No.             | No EHE Breach | Off-rolling No | Off-rolling breach | More than 5              | IYFA Attendance | No of Referrals from | No of Referral into | No. of case with a delayed admission | No. of case resulted in a direction | No. of casual admission | No. of IYCAF Return | No. of MM into District | No. of MM from District | No. of pupils placed in PRU or off-site | No. of pupil re-integrated from PRU or off-site | % known to EH, SC or YOT per 100 pupils | % active cases per 100 pupils | % known to EH, SC or YOT per 100 pupils |                                   |         | % Pupil premium | % in receipt of HDF | PA rate latest school term <sup>3</sup> |
| <b>National Average (%)</b>          |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Kent Average (%)                     |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| <b>Performance at District Level</b> |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Ashford                              |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Canterbury                           |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Dover                                |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Dartford                             |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Folkestone and Hythe                 |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Gravesham                            |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Maidstone                            |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Sevenoaks                            |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Swale                                |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Thanet                               |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Tonbridge and Malling                |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| Tunbridge Wells                      |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |         |                 |                     |   |
| <b>Data Source</b>                   | PIAS/MI  | PIAS/MI                               | PIAS/MI                             | FA                  | FA            | FA             | FA                 | FA                       | IYFA Clerk      | FA                   | FA                  | FA                                   | FA                                  | FA                      | FA                  | IYFA Clerk              | IYFA Clerk              | IYFA Clerk                              | IYFA Clerk                                      | MI                                      | MI                            | MI                                      | MI                                | PIAS/MI | PIAS/MI         | TEP/MI              |   |

District Name

District Name

District Name

|  | No. of Perm. Exclusion (PEX, rolling 12 months) <sup>(1)</sup> | Fixed-term Exclusion (FTE, 12 months) |                                     | EHE and Off-rolling |               |                |                    | IYFA & Casual Admissions |                 |                      |                     |                                      |                                     | Inclusion Collaboration |                     |                         |                         | Vulnerable & Disadvantaged Learners     |   |   | Attendance                    |   | % of pupil with a Sept. Guarantee | Notes |                 |                     |   |
|--|--|---------------------------------------|-------------------------------------|---------------------|---------------|----------------|--------------------|--------------------------|-----------------|----------------------|---------------------|--------------------------------------|-------------------------------------|-------------------------|---------------------|-------------------------|-------------------------|---|---|---|-------------------------------|---|-----------------------------------|-------|-----------------|---------------------|---|
|  |  | % FTE <sup>(2)</sup>                  | No. pupils losing 10 or more to FTE | EHE No.             | No EHE Breach | Off-rolling No | Off-rolling breach | More than 5              | IYFA Attendance | No of Referrals from | No of Referral into | No. of case with a delayed admission | No. of case resulted in a direction | No. of casual admission | No. of IYCAF Return | No. of MM into District | No. of MM from District | No. of pupils placed in PRU or off-site | No. of pupil re-integrated from PRU or off-site | % known to EH, SC or YOT per 100 pupils | % active cases per 100 pupils | % known to EH, SC or YOT per 100 pupils |                                   |       | % Pupil premium | % in receipt of HDF | PA rate latest school term <sup>3</sup> |
| <b>National Average</b>                        |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |
| Kent Average                                   |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |
| <b>Schools Received AP Funding Pre-Payment</b> |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |
| School A                                       |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |
| School B                                       |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |
| School C                                       |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |
| School D                                       |  |                                       |                                     |                     |               |                |                    |                          |                 |                      |                     |                                      |                                     |                         |                     |                         |                         |   |   |   |                               |   |                                   |       |                 |                     |   |

## SCHOOLS' FUNDING FORUM

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | PRU/AP Funding Model  |
| <b>AUTHOR:</b>  | <b>Stuart Collins, Director of Integrated Children's Services</b> |
| <b>DATE:</b>    | 3 May 2019  |
| <b>SUBJECT:</b> | PRU/AP Funding Model  |
| <b>FOR:</b>     | Note  |

### 1. Introduction & background

- 1.1 Between December 2018 and February 2019 CYPE ran a consultation with schools to discuss proposed changes to the way in which Alternative Provision across the County should be funded.
  - 1.2 The consultation received over 100 responses from schools. Stuart Collins Director of Integrated Children's Services who led the consultation then met with all of the Alternative Provision Heads and Management Committee Chairs on 12th February to discuss the findings and consider the detail (Please see Appendix 1).
  - 1.3 Following the responses to the consultation and during discussion with the Heads and Chairs at the February meeting there was broad agreement for 10 of the 14 proposals to be taken forward. A further meeting was then held on 5th April to discuss the detail of the 4 outstanding issues, (Please see Appendix 2).
- 2.** At the meeting on 5<sup>th</sup> April a further 2 proposals received broad agreement and the 2 remaining issues were adjourned for further work.
- 2.1 The grid blow captures the sequence of agreement and the remaining issues still to be resolved and the ongoing actions to address these.

|  |                                |
|--|--------------------------------|
| To what extent do you agree or disagree with our proposal to continue to calculate the district allocation using the existing formula. | Agreed during the consultation |
|--|--------------------------------|

|   |   |
|---|---|
| <p>To what extent do you agree or disagree with our proposal for Management Committees to introduce a fair representative voting system to determine financial arrangements and funding passed to schools.</p>  | <p>Agreed during the consultation</p>   |
| <p>To what extent do you agree or disagree with our proposal that, in any new model, the Local Authority will ensure that it has a presence on all Management Committees.</p>   | <p>Agreed during the consultation</p>   |
| <p>To what extent do you agree or disagree with our proposal that the number of commissioned places at PRUs within each district will reflect the funding formula methodology (which includes a recognition for deprivation) and will, therefore, vary, based on need but total 0.42% for the County.</p> | <p>Received consistent agreement at the Heads and Chairs meeting on 12th February.</p>            |
| <p>To what extent do you agree or disagree with our proposal that the Local Authority would include criteria in the contract which reduces 'in year' or 'future years' allocations for those schools and academies that take the money but fail to operate in a way that is inclusive.</p>                | <p>Received consistent agreement at the Heads and Chairs meeting on 12<sup>th</sup> February.</p> |
| <p>To what extent do you agree or disagree with our proposal to reallocate the selective school proportion across the non-selective school cohort within each district, once the financial envelope for the districts is calculated, on a pro-rata basis.</p>   | <p>Received consistent agreement at the Heads and Chairs meeting on 12th February.</p>            |

|  |   |
|--|---|
| <p>To what extent do you agree or disagree with our proposal that the same incentives for schools within the devolved arrangements to engage with the support mechanisms available to them are applied as with the delegated model.</p>  | <p>Received consistent agreement at the Heads and Chairs meeting on 12th February.</p>  |
| <p>To what extent do you agree or disagree with our proposal to develop a system whereby the Local Authority contributes to the local collaboration by serving as the Chair of the In Year Fair Access Panel and by providing administrative support for these panels, to ensure data collected is consistent across the county.</p> | <p>This proposal was declined, however further work was undertaken to consider the role and funding for a consistent Local Authority Clerk (akin to a Magistrates Clerk) to work across each of the IYFAP to advise and support the Management Committee on process, consistent management, implementation and application of incentives for schools to engage. This new proposal was agreed at the Heads and Chairs meeting on 5<sup>th</sup> April.</p> |
| <p>To what extent do you agree or disagree with our proposal to challenge schools which opts out of collaboration or deviates from the terms which agree the sums going to each school or does not engage with the In Year Fair Access processes, through the imposition of a financial penalty.</p>                                 | <p>The principle was agreed at the Heads and Chairs meeting on 5<sup>th</sup> April.</p> <p>However, following the meeting on 5<sup>th</sup> April, it was agreed that Phil Wicker and Celia Buxton would develop a proposal to report back to Heads and Chairs.</p>  |

|   |  |
|---|--|
| <p>To what extent do you agree or disagree with our proposal that funding is devolved to the local Headteachers, under a contract with the Local Authority.</p>   | <p>There was broad agreement to the idea of a contract at the meeting on 5<sup>th</sup> April although the detail is part of the work being considered in the item above.</p>  |
| <p>To what extent do you agree or disagree with our proposal that the Local Authority would seek redress and impose a financial penalty where a school's performance or engagement in the following was below published expectations.</p>   | <p>There was broad agreement to the idea of a contract at the meeting on 5<sup>th</sup> April although the detail is part of the work being considered in the item above.</p>  |
| <p>To what extent do you agree or disagree with our proposal that any penalty, in line with proposal 13 (above), would apply to the school through their devolved proportion of the funding.</p>  | <p>There was broad agreement to the imposition of a penalty at the meeting on 5<sup>th</sup> April although the detail is part of the work being considered in the item above.</p>   |
| <p>To what extent do you agree or disagree with our proposal to move to using Published Admission Number (PAN), rather than the previous October census numbers, as this will provide higher allocations to those schools who are traditionally operating under capacity and are, therefore, likely to take a disproportionately higher share of our most challenging children.</p> | <p>Following a number of discussions throughout the consultation and the 2 scheduled meetings it was decided that in order to remove the chance for any school or district to be significantly negatively impacted Simon Pleace agreed to develop an option 3 which would be broadly between the PAN and Roll figure.</p> <p>Simon is therefore working up a mid-point proposal.</p> |
| <p>To what extent do you agree or disagree with our proposal for to move to a model whereby, for districts with delegated arrangements where they have a physical PRU, only a proportion of the district allocation is delegated to the PRU (under Place Plus methodology), and the remaining balance of the district allocation is devolved to schools.</p>                        | <p>There was a mixed view held between those district arrangements with a physical PRU setting. As a result, Stuart Collins has agreed to visit each of the management committees to discuss the detail and potential impacts for each of the delegated districts these sessions are scheduled to take throughout May 2019.</p>  |

It is felt that 5 of the 7 districts could be transitioned into a new model as soon as September 2019, however, while we will of course be working closely with alternative providers and mainstream settings to develop the details described above, in order to mitigate against any cliff edge scenario. It may be necessary to build in a period of transformation across two of the seven districts.

I therefore do not envisage that there will be the need for full scale restructures across settings or for children already in situ to lose their place or be forced to change provision.

If we do move to a part delegated, part devolved model then we will work closely with settings impacted by any changes to ensure that the incentives to continue to provide places in mainstream settings mitigates the reductions in the number of spaces available in alternative provision, thus increasing the incentive to retain students.

### **3. Recommendation**

Members of the Forum are asked to note the content of this paper.

## Children, Young People & Education



**Agenda:** PRU Heads and Chairs Meeting  
**Date:** Tuesday, 12<sup>th</sup> February 2019  
**Location:** Room 2.40, Sessions House  
**Time:** 14:00 – 15.30

### Attendees

|                       |   |
|-----------------------|---|
| Stuart Collins (SC)   | Director Integrated Children's Services (Early Help)            |
| Celia Buxton (CB)     | Principal School Improvement Adviser                            |
| Ming Zhang (MZ)       | Head of Service for PRUs, Inclusion & Attendance,               |
| Scott Bagshaw (ScB)   | Head of Service for Fair Access                                 |
| Karen Brookes (KB)    | Vice-Chair of Two Bridges                                       |
| Sue Beauchamp (SuB)   | Head of Two Bridges School                                      |
| David Adams (DA)      | Area Education Officer (South)                                  |
| Philip Wicker (PW)    | Canterbury Executive Committee Chair                            |
| Rachel Meehan (RM)    | Head of Birchwood PRU   |
| Sonette Schwartz (SS) | Chair of Birchwood PRU  |
| David Elliot (DE)     | School Improvement Consultant                                   |
| Marie Woolston (MWO)  | Head of Service , North West Kent Alternative Provision Service |
| Peter Stewart (PS)    | The Education People  |
| Marisa White (MWh)    | Area Education Officer (East)                                   |
| Susie Burden (SBu)    | Swale Inclusion Collaboration                                   |
| Richard Billings (RB) | Ashford Inclusion Collaboration                                 |
| Lee Kane (LK)         | ELA MC  |
| Michaela Clay (MC)    | Executive Head of ELA   |
| Hannah Killeen (HK)   | Senior Support Officer to Ming Zhang (Minutes)                  |

### Apologies

|                        |                         |
|------------------------|-------------------------|
| Louise Langley (LL)    | Head of Service for SEN |
| Natalie Willbourn (NW) | Chair of NWKAPS         |
| Rosemary Joyce (RJ)    | Chair of Two Bridges    |

|          |   |            |
|----------|---|------------|
| <b>1</b> | <b>Welcome and Introductions</b>  | <b>SC</b>  |
|          |   |            |
| <b>2</b> | <b>PRU Consultation Preliminary Results</b>   | <b>All</b> |
|          | <ul style="list-style-type: none"> <li>SC introduced the summarised results of the consultation, emphasising that these were preliminary. There would still need to be discussion on the detail of the proposals, and how they should be implemented. He apologised that the numerical results had been sent out in error. These were something of a blunt instrument and did not give the nuances and caveats provided by the comments (distributed in the meeting). He then proposed addressing the questions in turn.</li> </ul> |            |

**Q1 – Keeping the current formula for district allocations.**

- There was near unanimous support for this.

**Q2 – Using PAN rather than census figures.**

- Responses were split on this, with some nuancing in areas where schools were under PAN. Finance was working up a formula that would use either PAN or the census, whichever was greater. DA suggested this should be done within district, rather than county-wide. SC confirmed this was the intention.

**Q3 – How grammar schools should contribute**

- There was strong support for maintaining the status quo, with grammar schools giving up their share to others, on the proviso that they had free access to provision if needed. SC noted that this should be formalised in the contracts.

**Q4 – Providing an LA chair for IYFA panels**

- There was strong disagreement with the LA chairing IYFA panels, but strong support for an LA presence and admin support. SC and CB proposed providing a consistent clerk and admin officer for all panels across the county. The clerk's role would be to advise the chair on points of procedure, and governance etc.; suggest solutions from best practice elsewhere; and ensure consistency of approach across the county. This would allow the Chair to stay with the members, and rotate, where that was the preferred practice, without the disruption of the admin and record-keeping role rotating likewise.
- SuB (with support from others) was concerned about how this post would be funded, saying that not all panels necessarily needed the support, and that she would not want to see PRU funds reduced to pay for this post. The Inclusion and Attendance Advisers (IAAs) already provided effective support and advice on behalf of the LA. Perhaps individual panels could pay for further support themselves if needed.
- CB said that the intention was not(not) to fund them from the PRU budget. SC added that he couldn't absolutely confirm until final costings had been done, allowing an alternative funding source to be identified. He underlined again the desire for county-wide consistency.
- MZ noted that, while the IAAs from his teams could of course continue to advise on specific points in their area of expertise, they did not have all the expertise and authority to perform the role that was envisaged by SC.

**Q5 – Challenging schools that do not co-operate**

- There is support for this in principle, but concerns around how it would be implemented, and nervousness that it would destroy current good collaboration. People were also asking for more detail, particularly around where the fines would go.
- DA said that the money needed to follow the child, and that Management Committees (MCs) would have to work out their own procedures for implementing the system.
- SuB raised timescales, emphasising that the outcome for the child should



not be delayed by discussions over fines.

- MW raised a specific cross-border issue with Kent children being excluded from Bexley schools and having to be provided for by NWKAP – occupying places need for children from Kent schools. Would be unfair to fine Kent schools for failures with Bexley’s inclusion policies. CB noted this would be an issue for the details stage, and SC suggested it would need to be considered on a case-by-case basis.

#### **Qs 6-9 – contracts**

- Again there is some support for this, but many concerns around the detail and clarity of the proposals. Areas where collaboration is more difficult support the idea of stability of funding. There are concerns about how a one-size-fits-all contract could cover both devolved systems and those with a physical PRU.
- CB clarified that contracts would be between the LA and individual schools, but that the MC would have to agree the detail of the contract to suit the arrangements in their specific area, with all schools in the area being expected to sign up to the same terms.
- SC emphasised that there is no desire for change for the sake of it, and where the system is working, that should be maintained. The intention is to bring more consistency and stability by formalising arrangements, ensuring schools are signed up, and collaboration is not vulnerable to e.g. changes of Head etc. PW supported.
- SC further clarified that fines should come out of the school’s base budget, not their PRU allocation, and the money should follow the child.
- The issue was raised of PEx from schools that are not LA-controlled further education college. SC said this would need further discussion, but that the basic principle was that Kent schools have to find space for Kent children.

#### **Q10 – Voting system for MCs**

- Most respondents said this was not a concern in their area.

#### **Q11 – LA presence on MCs**

- This was something that had been included at the request of Heads and Chairs.

#### **Q12 – Commissioned places totalling 0.42%**

- Heads and Chairs raised the need for flexibility around deprivation levels. Not fair to apply to same percentage to all areas regardless of need.
- SC noted that this had been qualified in the revised consultation document following concerns from the group. The 0.42% was intended as a county-wide level, but would vary across districts according to need. It also only covered the commissioned places.

#### **Q13 – Consistent fines across the county**

- There was a general concern around the size of the fine. £18,000 might be too much, and would encourage some schools to use RTT, off-site provision, or forced EHE to avoid being fined for PEx.

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| <p><b>Conclusions</b></p> <ul style="list-style-type: none"><li>• The issue of KS2/primary provision was raised, but there was no time to discuss.</li><li>• SC concluded that there was more work to be done on the responses to the consultation. He reiterated that the aim was consistency, and to hold schools to account, where they were not co-operating. He would welcome Heads and Chair's input into the detail of the contracts, figures, and criteria.</li><li>• The aim was to take this to the Schools Funding Forum on 11<sup>th</sup> March. With that in mind, he would send a written response to heads and Chairs within the next two weeks.</li></ul> |  |
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**Next Meeting: Thursday 16<sup>th</sup> May, 10am, Swale 1, Sessions House**

## Children, Young People & Education

**Agenda:** AP Funding Model Working Group  
**Date:** Friday 5<sup>th</sup> April 2019  
**Location:** Room 2.40, Sessions House  
**Time:** 15:30 – 17.00

### Attendees

|                       |  |
|-----------------------|--|
| Stuart Collins (SC)   | Director Integrated Children's Services                        |
| Celia Buxton (CB)     | Principal School Improvement Adviser                           |
| Ming Zhang (MZ)       | Head of Service for PRUs, Inclusion & Attendance,              |
| Hilary Alford (HA)    | County Access to Education Manager                             |
| Simon Pleace (SP)     | Revenue and Tax Strategy Manager                               |
| Sue Beauchamp (SB)    | Head of Two Bridges School                                     |
| John Tutt (JT)        | Executive Head Teacher, St James' CE Infant and Junior Schools |
| Philip Wicker (PW)    | Canterbury Executive Committee Chair                           |
| Rachel Meehan (RM)    | Head of Birchwood PRU  |
| Sonette Schwartz (SS) | Chair of Birchwood PRU   |
| Jane Partridge (JP)   | Headteacher, Northfleet Technology College                     |
| Marie Woolston (MW)   | Head of Service, North West Kent Alternative Provision Service |
| Craig Hallam (CH)     | Deputy Headteacher Pupil Engagement                            |
| Richard Billings (RB) | Ashford Inclusion Collaboration                                |
| Michaela Clay (MC)    | Executive Head of ELA  |
| Beth Hall (BH)        | Administration Officer to Stuart Collins (Minutes)             |

### Apologies

|                     |  |
|---------------------|--|
| Daniel Hatley (DH)  | Executive Principal, The Hayesbrook School |
| Liz Mitchell (LM)   | Headteacher, Seal CofE Primary School      |
| Rosemary Joyce (RJ) | Chair of Two Bridges                       |

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| <b>1</b> | <b>Introductions and Updates</b>   | <b>SC</b>  |
|          | SC opened the meeting and members of the group introduced themselves. It was discussed and agreed that at the previous meeting in February broad agreement for the proposals in the consultation meeting were reached in all but 4 of the key questions and the role of this meeting was to resolve the detail in the remaining 4 areas.   |            |
| <b>2</b> | <b>The Role of the Clerk</b>   | <b>All</b> |
|          | The consultation paper suggested that the LA would serve as chair in each of the IYFAP. This proposal was rejected, and consideration was given to the LA providing a consistent 'Clerk' (in line with a Magistrates Clerk model) and administration support to each of the IYFAP. The proposition moved from chair to clerk to advise the panel on points of procedure, governance, and legal basis |            |

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|   | <p>with administrative support to help with data collection on managed moves and how different areas operate.</p> <p>The clerk would provide the opportunity to capture all information in the same way countywide. SC suggested developing a job description based on the role of a legal clerk.</p> <p>Concerns from the group were expressed in regard to how a consistent clerk would be funded. SC stated this will be a dedicated role but was confident that this would not need to come from the AP budget.</p> <p>There was a lot of debate as to why this may be helpful in some areas not all areas needed this level of support and having a collaborative model was the key. SC advised that during the consultation he received feedback that IYFA panels are not consistent or well attended and some areas were actively asking for support. A consistent Clerk would provide consistent minutes, tallies between schools, advising panels, and monitoring consistency across county. By the end of the discussion there was unanimous agreement within the room that a consistent well-informed Clerk would be able to help advise and support both the chair and the IYFAP process to support an inclusive and collaborative approach.</p>   |                                   |
| 3 | <b>PAN/Roll</b>  | <b>SP</b>                         |
|   | <p>SP attended the meeting to discuss the funding options, i.e. using PAN or census figures. SP provided three options, and the group were split between continuing with census numbers or using PAN. There was healthy debate based on local preference and circumstance. As for some districts/schools there could be fairly big variances at school levels. As PAN is essentially stationary over a number of years and census fluctuates it was felt that PAN offered more certainty. There was some debate that census could encourage some schools to go over PAN with as many children as possible.</p> <p>There was healthy discussion over the unintended consequences for some smaller, rural, or less full schools. This led to discussion about a rolling introduction to ensure that no school or district faced a cliff edge or larger unequal drop in any funding. SP proposed to split the difference between census and PAN at 50/50 to soften some of the highlighted differences and give the time that's needed to transition. It was agreed this is partly the role of the IYFA panel and present officers are to ensure this doesn't happen. PW suggested a solution to transition to even get to a 50/50 mark.</p> <p>SP agreed to work up figures for 50/50 between pan and roll and transition period. SP stated the importance to find way to get there gradually as this is key to plan and know the end destination.</p> <p><b>ACTION: SC to discuss transition period with individuals to look at status quo in districts to look at flexibility on 50/50 split of PAN/census.</b></p> <p><b>ACTION: SC to attend Management Committees/IYFAP to meet with Head</b></p> | <p><b>SC</b></p> <p><b>SC</b></p> |

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|          | <b>&amp; Chairs</b>  |            |
| <b>4</b> | <b>Fining Process, Tolerances, and Use of Funding Discussion</b>   | <b>All</b> |
|          | <p>SC opened the discussion around contract details and the starting place of having one or not. It was agreed that while inevitably there needs to be a contract in place to receive the money and hold partners to account this should not be the first step on the path and good collaborative working would bring the best results. It was agreed that this could be helped by having strong protocols and agreements in place ahead of fining. It was suggested that permanent exclusions, elected home education, fixed term exclusions, should all be dealt with through this progression of issues rather than a purely financial penalty.</p> <p>One of the intentions of imposing financial penalties was to ensure that schools worked in partnership to develop and improve inclusive practice. Around 50 secondary school pupils are being encouraged to EHE in years 10 and 11 and coming out of school at this crucial time.</p> <p>It was agreed that whichever mechanism is used for how schools are held to account should be owned by those schools. There was a healthy debate as to whether a contract could affect the collaboration arrangement and what works well with Headteachers and schools working together. MW queried if there is a need for a fine or is it about a QA process. MW agreed a fine is appropriate but stated we must show that good practice is in place and ensure there were no safeguarding issues.</p> <p>There were views that schools would want to hold onto money if they have to exclude. In areas where this affects PRUs and schools are working together, this will erode good impact this is having in these areas. Concerns were raised that this may encourage home education and other means to get children off roll rather than fines.</p> <p>If the school feels there is no alternative to permanently excluding, there is a rolling list of schools to take permanently excluded children. It was shared that Hayesbrook are working hard and seeing less exclusions. The process should be based on QA and protocols. Areas where schools over exclude should have a set of protocols and to have a contract for that area.</p> <p>MC queried what incentive there is for grammar schools to take part as headteachers do not receive additional money, even though they are not likely to send pupils to PRUs, SC advised that grammar allocation is taken at source and distributed meaning very little impact for selective schools.</p> <p>It was agreed the contract arrangement would help to pick up any examples of non-inclusive or extreme end of behaviour.</p> <p>PW pointed out that good collaboration works well when everyone is invested in the process and outcomes but a single change of Head with a different view could impact the collaborative approach and a contract helped guard against</p> |            |

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|          | <p>such eventualities.</p> <p>Exclusion rates are very good and low but there should be definition and criteria and if schools have tried everything then what criteria is measurable. If exclusions were looked at and showed there is evidence there was nothing else that could be done, there is no alternative in majority of instances and schools are working hard to ensure this doesn't happen.</p> <p>There were concerns raised around the £18,000 fine being a large sum of money for exclusions. A number of members couldn't see justification for the amount. It was stated this is the national average and per pupil funding varies across Kent.</p> <p>The importance of having protocols without necessarily fining was highlighted but go to this when protocols need to come into force. In the end pose fine but not to use a system where this is headlined. Possible to combine all options in system.</p> <p>PW queried if a school is penalised by fine, is this public to the area. It was agreed that if working collaboratively then there is a need to be transparent and the area needs to know this information as people want to see the system working fairly.</p> <p>There was consensus agreement that having a contract in place was essential but that a process of protocols and working together should be the norm before any financial penalty was imposed</p> |            |
| <b>5</b> | <b>Implementation in Delegated/Devolved Systems</b>  | <b>All</b> |
|          | <p>The discussion surrounded the issues which arise from having a part delegated part devolved budget where a physical AP is in place. There are 5 areas with a physical PRU where a part delegated part devolved arrangement would need to be agreed and developed</p> <p>The first principle of this approach is that it should be the intention for this type of split to provide money for vulnerable young people by helping incentivise schools to take more responsibility and manage these young people themselves.</p> <p>It was stated there is a risk of having higher dependency on PRU if trying to help everywhere. It was agreed this is about how schools manage young people and bring all schools on board. It was proposed that where strong collaboration exists then schools will work together and find resource.</p> <p>It was suggested to adopt a more strengths-based approach to incentivise rather than punish schools who did not engage discussing inclusive practice rather than financial penalties.</p> <p>It was reported that not all schools are prepared to work collaboratively and where this partnership is not as fully developed financial penalties are likely to</p>   |            |

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| <p>be necessary.</p> <p>CH stated Swale doesn't have a PRU and voted to devolve money which makes work very hard and provides different measurements. This has encouraged becoming very inclusive and money is very important.</p> <p>Same model in the North was introduced in Maidstone and didn't work the same as it all depends on the area. This is a small PRU so different work with specialist staff but struggled to do so.</p> <p>It was shared that different models work well in different areas but change in management can upset a collaborative dynamic very quickly. Half delegated/devolved is working well but might work less well in other areas. How do we now get to recognise there are such fine margins to working or not. General consensus was that to have a contract was the only way forward but agreed a number of different steps has merit before reaching financial penalty.</p> <p>SC stated the area picture is coming through quickly and a clerk will be instrumental in understanding each area. Having consistent oversight and observance of collaboration is important. A clerk will manage the contract and increasing to KR13 post could provide the opportunity to do this. It was agreed that the group want to view a final job description and want the role to have a QA focus.</p> |  |
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**Next Meeting: TBC**

**Appendix 7: PRU/AP Funding Model Report to KCC CYPE Cabinet Committee – 28<sup>th</sup> June 2019**

**From:** Roger Gough, Cabinet Member for Children, Young People and Education  
Matt Dunkley, Corporate Director of Children, Young People and Education

**To:** Children, Young People and Education Cabinet Committee – 28<sup>th</sup> June 2019

**Decision No:** N/A

**Subject:** National and Local Developments affecting Alternative Provision and Pupil Referral Units and KCC consultation to change the existing alternative provision funding model.

**Classification:**

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** N/A

**Electoral Division:** All

**Summary:**

Kent's Pupil Referral Units and Alternative Provision (PRU/AP) system was reformed in 2013-15 to address the issues of unsustainable demand for PRU placements due to the high number of pupils being permanently excluded by Kent schools. The new PRU model has been effective in managing demand through more outreach and preventative work and the PRU Attendance and Inclusion Service has helped develop increased inclusivity in schools.

In December 2018 a consultation was launched by CYPE with Headteachers and schools to address challenges of inconsistency in performance, value for money and accountability across the spectrum of alternative provision.

In March 2018, the Department for Education (DfE) issued policy guidance which set out the Government's vision for alternative provision and outlined its reforms to raise standards and improve outcomes for all children in alternative provision.

**Recommendation(s):**

The Children's, Young People and Education Cabinet Committee is asked to:

- 1) note the national and local drivers for PRU/AP reform; and
- 2) note the proposed change to Kent's PRU/AP funding model



## 1. Introduction

- 1.1. Local Authorities have a legal duty to make suitable educational provision for pupils who have been permanently excluded from schools or who are unable to access mainstream education due to medical or mental health conditions.
- 1.2. The Government issued statutory guidance on Alternative Provision and PRU reform in 2013, when there was an unsustainable level of demand for PRU placements due to the high numbers of permanent exclusions both nationally and in Kent.
- 1.3. Alternative provision refers to education a pupil receives away from their school, arranged by local authorities or by the schools themselves.
- 1.4. As a response, Kent PRUs and Kent Health Needs Education Service KHNES system underwent a significant transformation between 2013 -15.
- 1.5. After a public consultation, Kent County Council re-organised the original eight PRUs for behaviour needs and three Health Needs Education Services for physical and mental health needs. Following this transformation programme, by October 2015 the number of behaviour PRUs was reduced from eight to six with Health Needs Education Services merged into one Kent Health Needs Education Service.
- 1.6. Swale Inclusion Service (PRU) subsequently closed in September 2018, moving to a devolved district model of AP delivery.
- 1.7. As a result, there are broadly three models under which the re-organised PRUs currently operate:
  - a) **Devolved model** - in the devolved Districts of Canterbury, Ashford and Swale there is no DfE registered PRU and local secondary schools use the High Needs Block PRU funding to support schools' internal inclusion strategies and interventions. Each secondary school in a devolved District(s) model signs up to a binding Service Level Agreement with Kent County Council, ensuring that the Local Authority's legal duties are delivered through the school's internal provision and interventions.
  - b) **Delegated model** – in the delegated Districts of Thanet and Dover and Tonbridge and Tunbridge Wells, there is a DfE registered PRU. The High Needs Block PRU funding is fully delegated to the PRU Management Committee who sign a Service Level Agreement with Kent County Council to ensure the Local Authority's legal duties related to excluded pupils are delivered via the PRU service.
  - c) **Mixed model** - Subsequently, a third model emerged in Maidstone and Malling, Folkestone and Hythe and Dartford and Gravesham that maintains a reduced size local PRU while devolving a proportion of PRU funding directly to the secondary schools in the District(s). This model promotes inclusive practice in schools but also recognises the need for students to occasionally be educated offsite in a designated DfE registered provision. This type of arrangement also requires all of the schools in the local area to be signed up to the model under a Service Level Agreement.

## **2. How Kent County Council fulfils its legal duty related to exclusion**

- 2.1. Local Authorities have a legal duty to provide suitable full-time education to every pupil who has been permanently excluded from school – ‘sixth day provision’.
- 2.2. There are two main approaches that Local Authorities use to fulfil this legal duty:
  - a) placing a permanently excluded pupil in a PRU or
  - b) working in partnership with schools to find suitable alternatives to permanent exclusion, such as time out placements, managed or directed moves.
- 2.3. Before the PRU transformation in 2013- 15, schools were reporting concerns that Kent PRUs did not meet schools’ needs. Even though capacity within the range of provision had been increased to 900 places, reports demonstrated that most arrangements were full by the October of any given new school year.
- 2.4. As a result of the Early Help and Preventative Services restructure in 2015 the newly formed PRU, Inclusion and Attendance Service (PIAS) worked with the School Improvement Team to refocus on prevention and empowering schools with a strategic aim to better manage demand and to reduce exclusions.
- 2.5. Evidence reported to DfE by Kent shows that most PRUs in Kent have reduced the number of placements while increasing their capacity for outreach support and advice in schools, with the impact of empowering schools to be more inclusive in terms of behaviour management and discipline policy.
- 2.6. In addition, within the period of four years, the total number of pupils attending PRUs has been reduced from 896 in Autumn 2014 to 414 Autumn 2018 (excluding Health Needs).
- 2.7. The number of permanent exclusions from secondary schools has been reduced from 120 in 2014 to 46 in 2017/18, the best in the South East Region.
- 2.8. Kent’s preventative approach to reducing permanent exclusion and reforming PRUs was recognised in the DfE national survey of PRUs in October 2018 and by the recent ISOS report into best practice nationally.

## **3. Performance of PRUs**

- 3.1. After the PRU reorganisation, a Quality Assurance Framework was introduced in 2016 with the School Improvement Team taking the lead to regularly monitor, support and advise PRUs on Leadership and Management, the quality of teaching and learning as well as the Ofsted readiness.
- 3.2. A dedicated PRU Board meets once every school term, (six times a year), chaired by the Director of Integrated Children’s Services to gain oversight and to make decisions to raise quality of PRU services.
- 3.3. Currently in Kent there are five DfE registered PRUs and one Health Needs Education Service which are subject to Ofsted inspection.
- 3.4. As of April 2019, Ofsted inspection grades for the six provisions are as follows:

- i. 1 x Outstanding (Two Bridges School serving Tunbridge Wells, Tonbridge and Sevenoaks)
  - ii. 2 x Good (Enterprise Learning Alliance serving Thanet and Dover; Birchwood PRU serving Folkstone and Hythe)
  - iii. 2 x Requires Improvement (Maidstone Alternative Provision Service serving Maidstone and Malling; Kent Health Needs Education Service covering whole Kent)
  - iv. 1 x Inadequate (North West Kent Alternative Provision Service serving Dartford and Gravesham)
- 3.5. Focussed support has been provided by the School Improvement Team to improve the quality of teaching and learning at the PRUs that have been judged as “Requires Improvement” or “Inadequate”; and regular formal and informal monitoring visits from both Ofsted and the school improvement service demonstrate that good progress is being made across all provisions.
- 3.6. Kent County Council is one of the very few Local Authorities to maintain its position of requiring every pupil in the PRU to be dual rolled with their mainstream school, unless in exceptional circumstances. This in effect places a condition of receiving PRU funding, requiring mainstream schools to keep pupils on roll while they are placed in a PRU. This position is held on the basis of evidence showing that the dual-rolling of PRU pupils strengthens the connection between pupil and school and encourages reintegration.

#### **4. The Cost of Pupil Referral Units in Kent**

- 4.1. In Kent, PRUs and Alternative Provision have an overall annual expenditure of £11.5m covering both the delegated model with a DfE registered PRU and the devolved model in which schools use the PRU funding for school-based interventions and the inclusion collaboration without a registered PRU.
- 4.2. In 2018/19, £4.9 m of the annual expenditure was devolved to schools to support inclusive practices.
- 4.3. Nationally the average cost per PRU pupil a year is £18,000 although the cost varies significantly between different Local Authority areas.
- 4.4. The latest data collection indicated an actual number of pupils placed at the five behaviour PRUs is 414. These places are funded by the remaining £6.5 m resulting in an average cost per pupil placement of £15,700. However, calculations vary by PRU with two provisions exceeding the national figure.
- 4.5. To understand this variance one factor which needs to be considered, is the level of additional outreach and primary support offered. Some PRUs have been more successful in increasing the levels of outreach provided to schools thereby reducing the need to refer a student to PRU provision and diverting more resources to fund outreach work.
- 4.6. In the devolved areas that do not keep a DfE registered PRU and the local secondary schools use the devolved PRU funding for schools’ inclusion work, the LA has less success in establishing the actual number of pupils the schools are supporting with the PRU funds, hence the need for a more robust accountability measure than the current SLA signed between the LA and the schools provides.

## 5. The Drivers for Further Improvement

- 5.1. The Local Authority is clear in its expectation that schools in districts should work collaboratively and use their allocations flexibly to meet the needs of all children in their district, those of primary school age as well as secondary age.
- 5.2. In December 2018 a consultation was launched by CYPE with Headteachers and schools to address challenges of inconsistency in performance, value for money and accountability across the spectrum of alternative provision.
- 5.3. The LA wishes to raise standards and improve outcomes for all children and believes this is best achieved by putting the resources in the hands of the education experts, the local schools, to work collaboratively together to develop solutions for their young people. Evidence of excellent practice in the county includes fully devolved collaborations, no permanent exclusions and high levels of support and reintegration rates.
- 5.4. National Drivers for Reform: In March 2018, the DfE issued policy guidance which set out the Government's vision for alternative provision and outlined its reforms to raise standards and improve outcomes for all children in AP. The roadmap that the Government set out in the Guidance aims to ensure that:
  - The right children are placed in alternative provision
  - Every child in alternative provision receives a good education
  - Every child can make a successful transition out of alternative provision
  - Alternative provision becomes, and is recognised as, an integral part of the education system
  - The system is designed to achieve high quality outcomes for children and value for money for the taxpayer
- 5.5. The Prime Minister announced the intention to launch a review of school exclusion in October 2017, in response to the Race Disparity Audit. Edward Timpson was announced to independently lead the review in March 2018, which set out to explore how schools use exclusion and why certain groups of children, including children in need, those in care, as well as those with SEND or from certain ethnic groups, are more likely to be excluded.
- 5.6. New analysis conducted for the Review shows that some pupil and school characteristics are associated with greater risk of exclusion, even after controlling for other factors which could influence exclusions. In particular:
  - 78% of pupils who are permanently excluded either have SEN, are classified as in need or are eligible for free school meals. 11% of permanently excluded children have all three characteristics
  - Boys with social, emotional and mental health difficulties (SEMH) but no statement were around 3.8 times more likely to be permanently excluded than a non-SEN child
  - Disadvantage is strongly associated with exclusion. Children in receipt of Free School Meals were around 45% more likely to be excluded than other pupils
  - Black Caribbean were around 1.7 times more likely, and Mixed White and Black Caribbean children were around 1.6 times more likely, to be permanently excluded compared to White British children. Indian and Bangladeshi pupils are around half as likely to be permanently excluded
  - Children on a Children in Need Plan are around 4 times more likely to be permanently excluded compared to those with no social care classification.

- Children who have a Child Protection Plan are around 3.5 times more likely to be permanently excluded, and children who are looked after are around 2.3 times as likely to be permanently excluded than children who have never been supported by social care

- 5.7. The review makes 30 recommendations to Government as it highlights variation in exclusions practice across different schools, local authorities and certain groups of children. It highlights current AP quality as 'unreliable' and outcomes 'poor'.
- 5.8. The Local Authority is clear in its expectation that schools in districts should work collaboratively to meet the needs of all children in their district, those of primary school age as well as secondary age including those challenging learners awaiting the outcome of an Education, Health and Care Plan (EHCP) assessment.

## 6. KCC consultation on any future funding model

- 6.1. Before considering the potential range of funding options that exist for AP within Kent, it is necessary to understand the current funding model and why this then needs to be broken down into two different stages.
1. The first stage involves allocating the total Alternative Provision budget between districts.
  2. The second stage involves the allocation within each district depending on the agreed model of operation.
- 6.2. In order to address some of the ongoing challenges outlined above, CYPE ran a consultation with all schools and alternative provision Heads and their Management Committee chairs between December 2018 and February 2019. Stuart Collins, Director of Integrated Children's Services, led the consultation and then met with all of the Alternative Provision Heads and Management Committee Chairs on 12<sup>th</sup> February and 5<sup>th</sup> April 2019, before attending the School Funding forum on 2<sup>nd</sup> May to discuss the findings and consider the detail.
- 6.3. Following the responses to the consultation and during discussion with the Heads and Chairs at the February meeting, there was broad agreement for 10 of the 14 proposals to be taken forward. At a further meeting held on 5<sup>th</sup> April to discuss the detail of the 4 outstanding issues, two further proposals received broad agreement and the 2 remaining issues were adjourned for further work.
- 6.4. The detail below captures the sequence of agreement and the remaining issues still to be resolved and the ongoing actions to address these:
- 6.4.1. **Proposal:** To continue to calculate the district allocation using the existing formula.  
**Outcome:** Following the consultation feedback, this was agreed. Details of this can be found on Kelsi, by following the link and scroll down to the Alternative Provision District Budgets section: <https://www.kelsi.org.uk/school-finance/financial-support-and-planning/budgets/budgets-2019-20>
  - 6.4.2. **Proposal:** For Management Committees to introduce a fair representative voting system to determine financial arrangements and funding passed to schools.  
**Outcome:** Following the consultation feedback, this was agreed.
  - 6.4.3. **Proposal:** To provide the same incentives for schools within the devolved arrangements to engage with the support mechanisms available to them as with the

delegated model. **Outcome:** Following the consultation feedback, this was agreed.

- 6.4.4. **Proposal:** For the Local Authority to ensure that it has a presence on all Management Committees. **Outcome:** Following the consultation feedback, this was agreed.
- 6.4.5. **Proposal:** To reallocate the selective school proportion across the non-selective school cohort within each district, once the financial envelope for the districts is calculated, on a pro-rata basis. **Outcome:** Following the consultation feedback, this was agreed.
- 6.4.6. **Proposal:** For the number of commissioned places at PRUs within each district to reflect the funding formula methodology (which includes a recognition for deprivation) and will, therefore, vary, based on need but total 0.42% for the County. **Outcome:** Following the Heads and Chairs meeting on 12th February, this was agreed.
- 6.4.7. **Proposal:** For Local Authority contracts to include criteria which reduce 'in year' or 'future years' allocations for those schools and academies that take the money but fail to operate in a way that is inclusive. **Outcome:** Agreed at the Heads and Chairs meeting on 12th February.
- 6.4.8. **Proposal:** To develop a system whereby the Local Authority contributes to the local collaboration by serving as the Chair of the In Year Fair Access Panel (IYFAP) and provide administrative support for these panels, to ensure data collected is consistent across the county. **Outcome:** This proposal was declined. However, further work was undertaken to consider the role and funding for a consistent Local Authority Clerk (akin to a Magistrates Clerk) to work across each of the IYFAP to advise and support the Management Committee on process, consistent management, implementation and application of incentives for schools to engage. This new proposal was agreed at the Heads and Chairs meeting on 5th April.
- 6.4.9. **Proposal:** To challenge schools which opt out of collaboration or deviate from the terms which agree the sums going to each school or does not engage with the In Year Fair Access processes, through the imposition of a financial penalty. **Outcome:** Received broad agreement at the Heads and Chairs meeting on 5th April. However, it was agreed that the detail of this arrangement needed more work and would be fed back before sign-off.
- 6.4.10. **Proposal:** For funding to be devolved to the local Headteachers, under a contract with the Local Authority. **Outcome:** Received broad agreement at the Heads and Chairs meeting on 5th April. However, it was agreed that the detail of this arrangement needed more work and would be fed back before sign-off.
- 6.4.11. **Proposal:** That the Local Authority should seek redress and reinforce financial incentives where a school's performance or engagement in the process falls below published expectations. **Outcome:** Received broad agreement at the Heads and Chairs meeting on 5th April. However, it was agreed that the detail of this arrangement needed more work and would be fed back before sign-off.
- 6.4.12. **Proposal:** That any financial penalty in a delegated model should apply equally in a devolved model. **Outcome:** Received broad agreement at the Heads and Chairs meeting on 5th April. However, it was agreed that the detail of this arrangement

needed more work and would be fed back before sign-off.

- 6.4.13. **Proposal:** To move to using Published Admission Number (PAN), rather than the previous October census numbers, as this will provide higher allocations to those schools who are traditionally operating under capacity and are, therefore, likely to take a disproportionately higher share of our most challenging children. **Outcome:** Following a number of discussions throughout the consultation and the 2 meetings it was decided that in order to remove the chance for any school or district to be significantly negatively impacted KCC school finance team would develop an option 3 which would be broadly between the PAN and Roll figure. This proposal has now been accepted by the School's Funding Forum.
- 6.4.14. **Proposal:** To move to a model whereby, for districts with delegated arrangements where they have a physical PRU, only a proportion of the district allocation is delegated to the PRU (under Place Plus methodology), and the remaining balance of the district allocation is devolved to schools. **Outcome:** There were mixed views within and across the 5 district arrangements with a physical PRU setting. As a result senior officers from within CYPE have been attending the management committees to discuss the detail and potential impacts for each of the delegated districts, with reports to be fed back to the School Funding Forum.

## 7. Primary Provision

- 7.1. DfE figures suggest that, nationally, 14% of Alternative Provision is delivered to primary aged children. As a result, over the past few years, KCC has provided some additional time limited funding from the Dedicated Schools Grant (DSG) reserve to support the development of primary provision through new ways of working.
- 7.2. It has been communicated widely that this funding has now ceased and in Kent, all of the £11.5m Alternative Provision funding is focussed toward provision for KS3 and KS4.
- 7.3. In the PRU transformation, Kent County Council took the strategic decision not to have a PRU for pupils of primary school age. In its stead, the Local Authority invested one-off funding for primary schools to set up eight nurture group interventions projects, supported by a LA behaviour management consultant and the Specialist Teaching and Learning Service (STLS).
- 7.4. However, KCC has consistently been clear in its expectation that districts should use their whole allocation flexibly, to meet the needs of all children within their district, including those of primary school age.
- 7.5. Good practice examples are in place, which demonstrate effective primary school nurture groups that are funded by local schools with input and support provided by the Local Inclusion Forum Teams (LIFT), Specialist Teaching and Learning Service (STLS) and the Inclusion Steering Groups.

## 8. The Application of Education Health and Care Plans (EHCP) in Alternative Provision

- 8.1. This relates to education provision for challenging learners awaiting the outcome of an EHCP assessment. There are times when learners arrive in Kent in need of specialist provision but for a range of reasons, they have not had the EHCP completed (usually due to a lack of consistency in their educational placements).

- 8.2. Schools in each district will need to ensure that they have a mechanism which enables these learners to access education pending the outcome of an EHCP referral. These children are unable to access a special school without an EHCP.
- 8.3. Until an EHCP is complete, the learners are regarded as mainstream children, but it may not always be appropriate for them to attend a mainstream school. These will ordinarily be placed through the IYFA arrangements, with a named school identified as an onward route from the PRU provisions.

## 9. Conclusion

- 9.1. The AP Funding Working Group met on 5th April represented broadly by the representatives from schools, PRUs, management committees and the Local Authority.
- 9.2. The findings of the consultation have been reported to the School's Funding Forum on 2<sup>nd</sup> May 2019 and will be again on 27<sup>th</sup> June 2019. It is believed that 5 of the 7 districts could be transitioned into a new model as soon as September 2019. However, while officers will work closely with alternative providers and mainstream settings to develop the details described above, in order to mitigate against any cliff edge scenario, it may be necessary to build in a period of transition across the remaining two of the seven districts.

### Recommendation(s):

The Children's, Young People and Education Cabinet Committee is asked to note the national and local drivers for PRU/AP reform and note the proposed change to Kent's PRU/AP funding model in order to enhance the accountability and help to ensure efficiency and best outcomes for all PRU pupils.

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