

## North Yorkshire County Council

### Young People Overview and Scrutiny Committee

Minutes of the meeting held on Friday 7 December 2018 at 10am at County Hall, Northallerton.

**Present:** County Councillor Janet Jefferson in the Chair.

County Councillors, Val Arnold, Keane Duncan, David Jeffels (as substitute for Joe Plant) Cliff Lunn, John Mann, Stuart Martin MBE Zoe Metcalfe, Gill Quinn Tony Randerson (as substitute for Stephanie Duckett) and Annabel Wilkinson.

Co-opted Members: Paul Bircumshaw, Dr Tom Cavell-Taylor, David Sharp (North Yorkshire Youth) and David Watson

In attendance. County Councillors Patrick Mulligan and Janet Sanderson (Executive Members)

Officers: Ray Busby (Scrutiny Officer (Central Services)), Stuart Carlton (Corporate Director Children and Young Peoples Services), Paul Carswell (Group Manager Early Help, Children and Families (CYPS)), Howard Emmett (Assistant Director - Strategic Resources (CYPS), Integrated Finance (CSD)), Barbara Merrygold (Group Manager - Early Help, Children and Families (CYPS)), Chris Reynolds (SEND Placement Officer, Inclusion (CYPS)), Jane le Sage (Assistant Director Inclusion, Inclusion (CYPS)), ,

Apologies for absence were received from: Councillors, Lindsay Burr MBE, Stephanie Duckett and Joe Plant

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**Copies of all documents considered are in the Minute Book**

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#### **156. Minutes**

##### **Resolved –**

That the Minutes of the meeting held on 21 September 2018 having been printed and circulated be taken as read and be confirmed and signed by the Chairman as a correct record.

#### **157. Any Declarations of Interest**

There were no declarations of interest to note.

#### **158. Public Questions**

The Chairman introduced this item. She welcomed people to the meeting, adding she was pleased people have used the opportunity to raise issues they are concerned about during PQT. She reminded everyone that this is a committee meeting held in public, it's not a public meeting.

She said she had heard that the campaign in support of the Grove have had opportunities to raise their concerns in public meetings as part of the consultation.

She advised all present that copies of all 9 submissions had been sent to members in advance. Copies had been made available again today. Members had had the opportunity to read them and understand the points raised. Committee members had reviewed the consultation document so were familiar with the background.

All 9 submissions concern the proposals in the recent Consultation on changes to the High Needs Budget. The Chairman added that that consultation is a formal process, which it is expected will culminate in the Council's decision making body, the Executive, taking a decision in the New Year. It would be inappropriate for us to get drawn into detail today. The consultation has yet to be analysed. She did not want to stray into speculation about the outcome;

Nine submissions were received under the Public Question Time procedure. All of them concern the proposals in the recent Consultation on changes to the High Needs Budget.

Messrs A Boyce and Warren, and Dr Pickering of the nine spoke to the meeting

### **"Q Re: Cuts to the Pupil Referral Service proposed as part of "Changes to the High Needs Budget"**

Question: It is a fantasy to believe that every child can be educated in a mainstream school especially with their own severe budget pressures (80% of NYorks schools are in deficit). Even schools with EMS status are excluding students with special needs. The CEO of our MAT, has told Stuart Carlton that "on your proposed cuts I will have to close the Grove as a PRU." The Collaborative system between local schools and prus has not worked for many years now, leading to a typical stay of 2 years for permanent exclusions in PRUs instead of the maximum 30 school days stated in the council's in year fair access protocol. In the light of this reality, can the council explain how it's proposed collaborative arrangements will be any different from the previous ones which have failed? And can the council explain where the students currently on roll at the Grove Academy will be educated in September 2019 if it is forced to close as a PRU?

John Warren  
PRINCIPAL  
The Grove Academy PRU, Harrogate

### **Q2 Re: Threatened Closure of Harrogate's Grove Academy Pupil Referral Unit**

My name is Colette Munro and I am the Education Welfare Officer and Safeguarding Lead at The Grove Academy PRU. I am writing on behalf of all the staff at the Grove Academy and referring to Proposal2 of NYCC's proposed cuts to the High Needs Budget.

My colleagues have provided sound arguments against every detail in this proposal, copies of which I believe you will have received and read. I am writing from a safeguarding perspective.

The staff team at The Grove Academy, both teaching and non-teaching, is dedicated and passionate about providing the very best, most suitable all round individual provision for every single young person who is referred to us. We take safeguarding very seriously and operate a culture of vigilance. We know the background of every child which allows us all to be aware of the potential risks each of them faces whether it be Child Sexual Abuse, Criminal Exploitation, radicalisation, drug and alcohol

misuse, physical abuse, mental abuse or neglect all of which, and more, we have had experience of and have prevented at The Grove Academy. 40% of the current cohort at the Grove Academy currently have Child Protection or Child in Need status so we really are dealing with the most needy, most vulnerable students. We know who our pupils associate with in their local communities and liaise very closely with their families. We have close links with all the other service providers and agencies including police and social services and work with them on a daily basis. By liaising so closely with all these services and families we are best placed to safeguard these vulnerable children, reduce their risk taking behaviour and support them in achieving the very best they are capable of. With the best will in the world mainstream schools aren't in a position to do this and will not have the resources or capacity if these cuts are implemented. If NYCC's proposals are allowed to go ahead these children will be at serious risk of harm including Child Sexual Exploitation and taking part in criminal behaviour. Harrogate could quite easily become another Rotherham, Sheffield or Newcastle or at least have to deal with several Serious

Case Reviews. The already stretched resources of other schools and agencies, including the Police, Social Care and the NHS would be under even more pressure.

I have been humbled by the response to the cuts we have had from parents, pupils and former pupils who have rallied to our cause. They speak passionately and eloquently about what The Grove Academy has done for them, what it means to them and what would have happened to them had they been denied our provision. One former student went as far as to say at the public consultation 'I would be dead now if it wasn't for these people'. Her choice of the word 'people' is poignant; they see us as human beings who treat them with respect and are there to help and support them not as detached professionals who are paid to do a job of work. They've had the confidence and conviction to attend the consultations, be interviewed by local radio and The Guardian newspaper in an effort to save 'their school' which clearly means so much to them. These are young people who now have a positive future and who would be written off through lack of funding if this proposal is allowed to take effect. They deserve so much better than this.

It is a false economy to cut the budget of a school which has been rated as Outstanding in their last three Ofsted inspections and which is already providing the specialist support which NYCC propose mainstream schools should be able to do under their new proposals. This is not realistic. They expect this to be achieved on a share of a one off payment of £771,000 (see paragraph 8 on page 6 of NYCC's 'Consultation on changes to the high needs budget') in real terms this means £165,000 per school. Given that many local schools have their own budget problems to cope with, it is simply an impossible task for them to manage these complex students with this meagre handout- not least because this money will not go far in commissioning places from profit-making Alternative Provision centres. Such a short-sighted systemic change will put the future and safety of a significant number of young people in the Harrogate area at risk. One cannot put a price on the safety of children.

MS C. Munro

### **Q3 Re: Threatened Closure of Harrogate's Grove Academy Pupil Referral Unit**

This letter makes two requests.

The first is that you spend a few minutes of your time considering the information below.

The second, assuming that what follows is sufficiently persuasive, is that you add your voice to those of North Yorkshire police, social care agencies, mainstream schools, staff, and pupils and their families, in asking North Yorkshire County Council ('the Council') to reconsider its current position regarding cuts which will almost certainly lead to the closure of the Grove Academy. They have said their decisions are "not set in stone".

## Introduction

The Grove Academy Pupil Referral Unit (PRU) in Harrogate is one of seven specialist units that form the wider North Yorkshire Pupil Referral Service (PRS). They support and educate a range of pupils with complex needs including extreme social, emotional, behavioural and medical problems.

The Grove Academy has been recognised as 'Outstanding' by OFSTED during its last three inspections. This has been achieved by only nine others - or less than 3 per cent - of some 350 PRUs across the whole country.

Against a background of increasing local and national demand for such provision it might be hoped that beacons of quality such as the Grove Academy would be encouraged to thrive. Instead, the Council's Children's and Young People's Service (CYPS) committee is proposing cuts of 83 per cent to the council-funded part of the Grove Academy's budget. At a minimum there will be a substantial quantitative and qualitative reduction in the services that the Grove Academy can provide. Closure is a real possibility.

Moreover, the Council's plan for the future provision of these services is unclear. Faced with similar challenges, other councils have taken at least three years to create a network of alternative providers. CYPS is attempting to push through a 'consultation' and as yet unspecified restructuring by April 2019.

In summary, the likely effects of these cuts will be a worsening of the current adolescent mental health crisis, an increase in truancy and children missing from education, an increased risk of child exploitation and coercion into criminal behaviour and an increased risk of anti-social behaviour within the community. North Yorkshire police are opposed to this proposal and are in the process of formalising their objections. Local schools are similarly shocked and in clear opposition. Parents, staff and students are outraged.

## Cuts and Consequences

The CYPS committee, led by Stuart Carlton, Jane Le Sage and Chris Reynolds, is proposing to remove the so-called 'discretionary' part of the Grove Academy's budget, or roughly two-thirds of its current income. They also propose to reduce the top-up funding from £9,000 to £7,000 per student. This represents a cut of around 83 per cent to the Council funded part of the budget, and an overall cut of 55 per cent assuming that funding from the Department for Education (DfE) will remain the same.

This huge cut would be disastrous for the Grove Academy and mean at best major downsizing if not closure. The impacts would be damaging on several fronts:

- To the students themselves, many of whom are the most vulnerable in the area.

- To their families, many of whom struggle with their own personal, social and health issues.
- To the wider community where public services such as policing and social care are already past breaking point.
- To local mainstream schools which are already at full stretch in terms of meeting SEN demands and would then be hugely limited in their ability to exclude. They must then face huge disruption if currently excluded pupils were to be directed back on to their rolls, as seems to be the plan.

The Council is expecting the Grove Academy to meet the future needs of a rapidly increasing number of complex students despite a staff reduction of up to 80 per cent. Among student groups that are at risk from this are those referred to the Grove Academy with an Education and Health Care Plan (EHCP, formerly the SEN Statement), or on medical grounds.

In the school year 2015/16 only six students at the Grove had EHCPs (or SEN Statements) for conditions ranging from autism to developmental disorder. The following year this figure had risen to 12 and the year after to 13.

In the school year 2015/16 only nine students were referred to the Grove because they could not access mainstream schooling on medical grounds, often due to severe anxiety or other mental health disorders. By 2017 this figure was exceeding 20 pupils.

There is already a crisis of provision for those young people with health problems and yet the Council are proposing huge cuts. The effect will be to destroy a national model of outstanding SEN provision. It simply does not make sense.

#### 'Consultation' and 'Changes'

The Council maintain that all PRU heads were informed of the likely scale of this cut last year. In reality management received this shocking news only in September 2018.

The Council's so-called 'consultation' on what have only been termed 'changes' to the High Needs Budget has been rushed, and to date it has provided little or no response to staff, parent and student concerns.

The Council's plan for provision in the future is very unclear. The only substantial idea put forward by the Council was that local schools, together with a new network of profit-making Alternative Provision centres or Charity providers, would somehow come together to form a strategy. This is to deal with the increasing number of permanently excluded children in the system, with the evident need for preventative placements and to accommodate the increasing number of students referred on medical grounds. All this, by April 2019!

Given the lack of Alternative Provision in the Harrogate area at present the pace of change seems completely unreasonable and suggests panic on behalf of the Council. Whilst North Yorkshire County Council is proposing that these changes come into effect in just five months, other councils have taken at least three years to create such a network of providers. Whilst there is certainly need for more alternative routes through education, getting rid of the safety net that the PRU provides without these options in place is asking for serious problems across schools and local communities.

The Council has talked about allocating a small transitional fund to the Pupil Referral Service. However, this would be for one year only and would represent an immediate 45 per cent cut, increasing to at least 55 per cent the following year. Again, this is totally unsustainable.

## Conclusions

In summary, if the proposals outlined above are approved the Grove Academy could not continue to offer its outstanding services to these most challenging of pupils. Its excellence as a service is based on the quality of engagement, individualised support and a motivational personal, social and academic curriculum. It is so much more than the sum of its parts!

The proposals will dismantle many years of highest quality provision, experience and expertise; the staffing to support these pupils with their various needs and to safeguard them adequately. Given that the Grove Academy is already close to capacity it would quickly reach the physical limits of its provision.

## Actions

Your support is sought for the following:

- Request that the Council re-consider its position on the proposed cut to the funding of the Grove Academy Pupil Referral Unit.
- Request that the Council also respond to the following key questions about the cuts proposed for the Grove Academy PRU:

Harrogate PRU only found out about the proposed cuts on 4th September 2018 and they are due to take effect in April 2019. The Consultation opened in October and closed on November 11th. Please could the Council explain how this is a fair and timely approach to such a significant systemic change?

All local schools contacted are objecting to the Council's proposal. What response have the Council had from local schools? Are the Council prepared to direct mainstream schools to accept excluded students on to their rolls?

Can the council provide a list of Alternative Provision centres available to schools in the Harrogate area, including costs, from September 2019? Can parents and pupils be assured that these AP centres will be subject to the same rigorous checks and monitoring as the PRS? Can parents and pupils be assured that these AP centres will provide the same, Good or Outstanding education that is available through the current PRS?

Many thanks for your time and consideration of these critical matters. I am speaking on behalf of all staff and students at the PRU, with the support of the leadership team at the Delta Academy Trust of which the Grove Academy is part.

Head of Art and Technology  
The Grove Academy

## Q4

I am a teacher at The Grove Academy Pupil Referral Service (The long term Ofsted Outstanding Harrogate PRU).

I would ask the scrutiny committee to seriously enquire as to what is REALLY the basis to North Yorkshire's SEND funding crisis.

Myself and many colleagues in the profession are aware of the scandalous wasting of many millions of pounds in relation to the closing of two successful SEND residential provisions (Netherside Hall and Balliol Schools) and their replacement with Foremost School, later rebranded Forest Moor. To public knowledge this has continued to fail as a provision despite the many millions that the County has poured into it (precise figures are clearly unpublished and pending a FOI request, now overdue.)

To clarify my question for the Committee:

How can the County justify the saving of £1.5 million by cutting a long term outstanding EBD and medical provision, with no reasoned plan in place for supporting these young people?

How can the County justify these cuts when they are wasting untold millions on a failed and failing provision at Forest Moor?

Many thanks for your consideration.  
Richard Hughes  
Teacher

#### **Q5 Re: proposal 2 of the changes to the High Needs Budget - cuts to the Pupil Referral Service**

Question: Richard Sheriff, President of the ASCL and Principal of Harrogate Grammar, stated in the Harrogate Advertiser last week that the proposed changes to the High Needs Budget would “result in having nowhere to go for a whole set of children with varied and particular needs, which will be almost impossible to meet in mainstream...the outcome will be HIGH levels of exclusion.” Given that the main justification stated by the council is that the changes will REDUCE exclusions, what is the council’s response to Mr Sheriff?

Alex Boyce

#### **Q6 Question to the overview and scrutiny committee**

Parents, staff and pupils alike feel that the council’s consultation on the Changes to the High Needs Budget was fundamentally flawed and, as such, unlawful. The content of the consultation documents was misleading and lacked both transparency and precision. There are also serious concerns about the poor distribution and accessibility of the documents and the overall timing of the consultation process. As a result, a group of parents is pursuing legal action against the council. Though the challenge is only just being drafted, the parents have been advised that the case is very strong for at least a delay and a revised second consultation. After this challenge, the parents also plan to challenge the content of the proposed “Changes to the High Needs Budget,” chiefly proposal 2 concerning severe cuts to the Pupil Referral Service (PRS); I believe another campaign group “Save SEND North Yorkshire” is challenging proposals 1 and 3. These parents’ action has the backing of both the NEU and NASUWT. In addition, the North Yorkshire public is highly concerned about

the council's plans: over 2600 signatures have been gathered on a change.org petition and many others are sending written objections to the council. And so, given the obvious flaws in the consultation process, would the council consider revising its consultation documents and setting about arranging a second, lawful consultation process on these proposals rather than ploughing ahead with this premature, unwise and unsupported decision?

Dr Rachael Pickering  
Parent Governor of The Grove Academy Pupil Referral Unit

**Q7 Re: the proposed cuts to the Grove Academy PRU and the whole North Yorkshire Pupil Referral Service**

I'd like to give the following statement and question for the scrutiny meeting on December 7th:

At the three-time OFSTED outstanding PRU in Harrogate only 3% of school leavers in the last 5 years have gone on to enter the criminal justice system.

The recent education committee report on "forgotten children" states that this figure is as high as 50% when PRU provision is of low quality. The report clearly calls for more good-quality PRUs to act as an intervention to reduce criminal behaviour.

So when Cllr Mulligan drags the names of PRUs through the dirt by associating them with criminality and implying they are part of a path to prison, he is correct - BUT HE IS TALKING ABOUT POOR QUALITY PRUs. North Yorkshire's PRUs are all rated Good or Outstanding. His comments show a complete lack of regard for quality, which is obviously critical, and I feel are deliberately misleading the public. At the Grove Academy PRU the staff turn children's lives around, keeping them safe and protecting them from coercion into criminality - you only have to read the Harrogate Advertiser to see the difference the PRU makes to the lives of their students.

Have the council inc the CYPS executive studied the Education Committee report entitled "Forgotten Children: alternative provision and the scandal of ever increasing exclusions" published on July 25 this year AND, in the light of that report's recommendations, can the council explain how cutting/closing Outstanding PRUs like the Grove Academy in Harrogate will safeguard our most vulnerable children in the future?

Natalie Astwood  
Parent

**Q8**

I'm sure you're aware of the proposed cuts to the pupil referral service as part of the changes to the high needs budget. For the grove academy pru in Harrogate this would mean a 66% cut (based on 25 student places). The council have very vague plans for a network of Alternative Provisions which they believe will spring up in time for sept 2019. Currently there are only a handful of Alternative Provisions in the Harrogate area: Veloheads, an overpriced bike repair shop with no qualified teachers; Harrogate Training Services, which charge £75/hour and is utterly unsuitable for excluded students; and NISAI, a "virtual" school, which is quite frankly laughable as a provision for disaffected students, or students who have mental health problems. Can the council explain how this lack of quality Alternative Provision will educate the

most needy and vulnerable students in the Harrogate area? If the council believe devolved funding will stimulate the market for alternative provisions, they are misguided - the proposal only offers only around £16k per school which will hardly buy one placement in AP. N Yorks Schools, 80% of which are in deficit, will be forced to off roll students they cannot cope with or exclude, and there will be no PRU left to educate them.

## **Shirley Morris**

### **Q9**

The aim of this letter is to ensure that any decisions about the future of the PRS services of North Yorkshire are made based on the reality of needs rather than the hopes of attempting to fix difficult financial problems.

We do not live in a simple or straightforward society, the demand for non-mainstream school places has increased the number of students permanently excluded from schools has increased, complex emotional and mental health needs in students have increased, the desire to help students with additional needs however has not changed.

The PRS service (anywhere) is filled with teachers, instructors, and assistants with this desire they have developed skills, curricula, and most importantly pedagogy which is intended to re-engage, develop and rehabilitate students so they are able to become successful members of society be that with qualifications or improved emotional stability and always improving aspirations for their own future.

I write this letter from the position of educator with particular investment in the Grove academy in Harrogate.

The proposed cuts will cut deeper than the loss of provisions filled with expertise. The CYPS committee led by Stuart Carlton, Jane LeSage and Chris Reynolds is proposing to remove the so-called 'discretionary' part of the Grove Academy's budget or roughly two-thirds of its current income. They also propose to reduce the top-up funding from £9,000 to £7,000 per student. This represents a cut of around 83 per cent to the Council funded part of the budget and an overall cut of 55 per cent assuming that funding from the Department for Education (DfE) will remain the same.

This huge cut would be disastrous for the Grove Academy and mean at best major downsizing if not closure. The impacts would be damaging on several fronts:

- To the students themselves, many of whom are the most vulnerable in the area.
- To their families, many of whom struggle with their own personal, social and health issues.
- To the wider community where public services such as policing and social care are already past breaking point.
- To local mainstream schools which are already at full stretch in terms of meeting SEN demands and would then be hugely limited in their ability to exclude. They must then face huge disruption if currently excluded pupils were to be directed back on to their rolls as seems to be the plan.

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Academy with an Education and Health Care Plan (EHCP,formerly the SEN Statement}, or on medical grounds.

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In the school year 2015/16 only nine students were referred to the Grove because they could not access mainstream schooling on medical grounds, often due to severe anxiety or other mental health disorders. By 2017 this figure was exceeding 20 pupils.

There is already a crisis of provision for those young people with health problems and yet the Council are proposing huge cuts. The effect will be to destroy a national model of outstanding SEN provision. It simply does not make sense.

In good conscience the proposed cuts are less a reimagining of the services and more a hatchet job aiming to save money fast. Dismantling excellent provisions in such a short time scale and replacing them with a theoretical provision by April is fantastical, and the period of consultation provided less answers o date it has provided little or no response to staff, parent and student concerns.

The Council's plan for provision in the future is very unclear. The only substantial idea put forward by the Council was that local schools, together with a new network of profit-making Alternative Provision centres or Charity provider would somehow come together to form a strategy. This is to deal with the increasing number of permanently excluded children in the system with the evident need for preventative placements and to accommodate the increasing number of students referred on medical grounds.

Given the lack of Alternative Provision in the Harrogate area at present the pace of change seems completely unreasonable and suggests panic on behalf of the Council. Whilst North Yorkshire County Council is proposing that these changes come into effect in just five months, other councils have taken at least three years to create such a network of providers. Whilst there is certainly need for more alternative routes through education, getting rid of the safety net that the PRU provides without these options in place is asking for serious problems across schools and local communities.

The Council has talked about allocating a small transitional fund to the Pupil Referral Service. However, this would be for one year only and would represent an immediate 45 per cent cut, increasing to at least 55 per cent the following year. Again, this is totally unsustainable.

Again, let me reiterate that these changes with such an underdeveloped plan are all to be put in place by April 2019.

Finally I ask you the following:

- To Support the local PRS and the Grove by requesting the council re-considers its position on the proposed cut to the funding.
- To explain why The Grove and PRS only found out about the proposed cuts on 4th September 2018 and that they are due to take effect in April 2019.The Consultation opened in October and closed on November 11th.Please could the Council explain how this is a fair and timely approach to such a significant systemic change?
- To share with us the response the Council has had from local schools?

- To explain how the Council is prepared to direct mainstream schools to accept excluded students on to their rolls?
- To answer this; Can the council provide a list of Alternative Provision centres available to schools in the Harrogate area including costs from September 2019? Can parents and pupils be assured that these AP centres will be subject to the same rigorous checks and motoring as the PRS? Can parents and pupils be assured that these AP centres will provide the same, Good or Outstanding education that is available through the current PRS?

Mr Alex Bentley”

**Jane le Sage replied, referencing the circulated response:**

“The LA has been working with key stakeholders including schools, parents/carers, young people and other professionals to finalise the strategic plan for SEND Provision. We have also scrutinised the range of research documents which inform good practice models for AP and how they can be effective in reducing exclusions.

The LA invests over £4.6 million per year to provide for children and young people who have been, or are at risk of permanent exclusion from school. £2.7 million is invested in PRS/AP for preventative work. This does not take into account the additional funding the LA invests for students with medical needs.

Rate of growth of permanent exclusion in NY is 1 highest out of all LAs despite this investment. This must prompt a change in approach in NY — we would be reviewing and making changes to the alternative provision offer, in line with p.26 of the SEND Provision Strategic Plan, regardless of the current pressure on High Needs Block Funding.

The LA acknowledges the Ofsted ratings of the PRS as good or above but must now give consideration to how the significant increase in permanent exclusions can be reduced longer term 5. High needs block budget is facing a £5.7 million deficit for 18/19 and predicted to rise to £13 million by 2022. Corrective action is required to ensure the local authority meets its statutory duty but also manages its budgets effectively.

Throughout 2018 extensive informal engagement and formal consultation took place on the Strategic Plan for SEND Education Provision 0-25. This plan was approved by the Executive on 4th September 2018. Within this document (p26/27) it is clearly detailed the changes proposed to PRS and AP in North Yorkshire. These changes Include:

- Commissioning on &place basis for the purpose of preventing exclusion and provision of education for those who are excluded
- Removal of medical outreach tuition with a new model to replace it
- Working with mainstream Head Teachers to ensure investment of HNB funds have an impact of reducing exclusion
- Ensure local steering groups and Head Teachers have more influence on the model of AP in each locality

Throughout the development of this plan PRS Head Teachers and staff were consulted. This consultation, specifically in regard to The Grove Academy, was facilitated through the following meeting and/or consultation events.

14.06.17. SEMH task and finish group Harrogate

15.11.17 PRS governors meeting (No PRS governors attended)

16.01.18 Harrogate HTs meeting (PRS Invited)

- 12.03.18 Specific meeting for PRS HTs
- 04.06.18. Harrogate/Knaresborough/Ripon HTs meeting —formal consultation (Both The Grove's former and current HT attended)
- 13.06.18. Specific PRS HTs meeting as part of formal consultation

During this same time period regular meetings continued between the LA and PRS Head Teachers. On the following dates the need for much more efficient models, the HNB deficit and implications of this and pre warning of PRS budget implications were discussed:

21.03.18 Points discussed:

- significant pressures on HNB
- fundamental review of all aspects of funding including PRS budgets

04.07.18 Points discussed:

- Medical provision and its removal from PRS in 2019 for outreach with in-reach proposal to follow
- The need for transformational change (with various models suggested by PRS Leads and LA)
- Strong challenge the LA have had from Mainstream Head teachers about the value for money PRS provide given the levels of investment.

04109118 Meeting purpose:

- To brief all PRS and AP leads of proposals prior to public consultation and Schools Forum

Permanent exclusion has a detrimental impact on the achievements and life chances of young people in terms of:

- Lower levels of attainment in comparison to their peers
- 45% not in education, employment or training compared to 6% in mainstream
- Increased vulnerability in terms of criminality -42% of prisoners had been PX
- Increased health risks including mental health

(Making the difference breaking the link between school exclusion and social exclusion, Oct 2017)

(Forgotten Children- Alternative provision and the scandal of ever increasing exclusions, July 18)

Our drive is to:

- Reduce permanent exclusion across the county
- Increase the range and capacity of AP which can be used flexibly at an early stage to personalise learning and maintain young people on their school roll. This is not happening effectively in NY despite a 2.7 million investment per year into PRS/AP.
- Develop Alternative Provision pathways with school leaders at the helm so that it is flexible in meeting need early, is of good quality and represents the most efficient use of public monies invested in LA and school budgets.
- Ensure schools have greater accountability for young people placed from their schools
- Increase transparency of the allocation and impact of high needs funding with school leaders

This approach is in line with recommendations from national studies which emphasise early intervention, high quality and strong accountability of schools.

### *Proposal*

- Provide an increased number of places for young people who have been, or are at risk of being, permanently excluded from school in line with national average funding (ISOS report 2018).
- Funding for students with medical needs will continue to be funded in the PRS for the near future at a slightly uplifted rate of £10,000 per full time place
- We will have to take steps to reduce the LA contribution to preventative funding to offset the significant pressure on the high needs block. However we have not taken the decision, like some other LA's, to remove it all. The LA have proposed that a reduced spend of 28% would enable a proportion of the non-statutory money, £771,000, be provided directly to local area partnerships made up of school leaders. This will support their ability to develop the right offer and reduce any incentive to exclude in order to access support. These partnerships will be constituted groups with detailed terms of reference and a range of responsibilities for the monitoring and performance of each locality in regard to SEND and School Improvement.
- In parallel to the consultation on funding, a series of workshops have taken place to consider and explore models of AP into the future to ensure that young people are predominantly supported prior to exclusion, rather than following exclusion.
- Across the county the proposal set out would still see between £3.1 and £3.3m being invested from the HNB into the education system to provide alternative provision and support earlier intervention strategies.

### *Implications for the Grove Academy*

- The LA currently invests over £1.2 million to the Grove Academy. This funding is made up of:
  - £435K statutory funding
  - £788K for those at risk of exclusion
- The Grove PRS offers a total of 25 FTE places with a place cost of around £48K per place. This is disproportionate to the national average of £18K per place for AP and is significantly above a specialist SEMH school pace in NY which averages £19,769 per place
- Under the proposals the LA will commission between 28-30 places in the Grove for permanently excluded young people (excluding medical provision) at national average funding rates
- It is proposed that the budget changes will be introduced from the financial year 2019/20 but transitional funding will be agreed to ensure stability for the PRS/AP provision whilst the new AP model is finalised
- Discussions are continuing with Head teachers in the area to ensure the future model for AP is agreed together with collaborative arrangements for funding.

### *Associated Changes*

- The Strategic Plan for SEND provision also specifies further developments which will ensure the needs of young people with additional needs including SEND are met
- Transfer of 0.5-1% from schools funding to offset high needs block funding pressures of £5.7 million for 18/19
  - Multi-disciplinary teams of SEND professionals in localities to enhance support for young people in schools and local accountability for young people
  - Increase in specialist and targeted provision including SEMH
  - Enhanced model for young people with medical needs

- Replacement of Behaviour and Attendance collaboratives under a strengthened governance arrangement

#### *Independent AP*

It is not the council's view that Independent AP will become the core offer of AP into the future. However, we do recognise that Independent AP do contribute to the breadth of offer available to schools and young people and will engage with the sector to monitor and prompt development of suitable pathways.

NYCC maintains a directory of providers in line with our statutory duties and are going further to ensure standards including safeguarding, welfare and legal compliance are evidenced prior to entry into the directory. Schools will continue to be responsible for the assurance of quality for any provision they use.

#### *Safeguarding*

With regard to concerns raised by representatives of The Grove Academy in relation to safeguarding we restate our absolute and total commitment to safeguarding the most vulnerable in our society. This is underpinned by the revised guidance on Working together to safeguard children which reinforces the responsibilities of all stakeholders including education providers.

We are rightly proud of our record in this regard and are recognised by Ofsted as Outstanding in all areas. Despite this unprecedented endorsement of our safeguarding practices we continue to strive for improvement in all areas and will work side by side with all partners, including AP, to continue to ensure systems are robust and they minimise the risk of harm.

The introduction of a revised Early Help strategy in 2019 will further strengthen our joint responsibilities to safeguard children and young people.

#### *Consultation*

The Council has undertaken extensive consultation in respect of the High Needs Budget proposals and has carried out a legal consultation. The LA is not of the view that there is a need for a second consultation on these principles.

Officers are currently fully considering those Consultation responses prior to developing recommendations to propose to the Executive in January 2019.

All consultation feedback is under analysis"

Ray Busby responded to a question to explain the call-in procedure.

The Chairman thanked all those who had submitted questions and statements.

### **159. School Preparedness**

**This item was deferred**

### **160. Elective Home Education**

Considered –

Presentation by Barbara Merrygold: Interim Head of Early Help and Paul Carswell: Prevention Service Divisional Manager (West)

It was reported that the number of home-schooled children is believed to have risen by about 40% over three years. Around 48,000 children were being home-educated across the UK in 2016-2017, up from about 34,000 in 2014-15.

Barbara Merrygold explained that the CYPS directorate knows in terms of the prevalence and experience of North Yorkshire children of compulsory school age whose parents opt, as is their right in law, to educate their child at home instead of sending them to school. This is referred to as Elective Home Education (EHE).

Under section 7 of the Education Act of 1996, parents have a duty to ensure their children are educated. They are not required to teach the national curriculum, have any specific qualifications, register with a local authority, allow inspectors into their homes, or get approval for the sort of education provided at home.

Data is not collected centrally by the DfE and while local authorities keep a register of home-educated children, this only covers children who have been withdrawn from school. Children who are never put into school are currently not required to register.

Members sought reassurance that the authority is meeting all its obligations. Whilst Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, as an authority we do have a statutory duty to safeguard and promote the welfare of children. Systems are in place to ensure that when we are notified of the intention to Home Educate, the case is allocated to a Family Outreach Worker. An offer of a home visit is made to the family. But as it is not a statutory requirement, parents are not obligated to accept the offer of the visit.

If at any stage concerns are identified with regards to the child/young person's welfare, these are immediately discussed with the Team Leader for Case Work.

If any concerns are identified regarding the quality of the home education, the Prevention Service will notify the Education and Skills Service.

If the child is identified as having Special Educational Needs or a Disability (SEND), the Inclusive Education Service are notified and will be sent a record of the visit.

In terms of prevalence, North Yorkshire is broadly in line with other local authorities who have reported an average 20% year-on-year increase in the number of children and young people known to be home schooled over the previous 5 years. On 4 October 2018, we were aware of 607 children and young people being home schooled in North Yorkshire.

Members were interested in understanding the underlying reasons for this growth. A number wondered whether a factor contributing to the increase in the home education population relates to some schools poorly advising families about EHE and encouraging action that was not always in the best interests of the child.

In order to test just this hypothesis, Barbara explained that NYCC undertook to directly contact 262 families over the 2018 summer, asking them to respond to some questions, and inviting them to offer additional comment on their EHE experience.

Overall, as part of the survey, 121 families (46%) were contacted. Most said their choice was freely made, without pressures from schools.

Key themes from the survey in terms of what led parents/carers to educate their child(ren) at home include:

- Increased levels of stress/anxiety when at school, associated with mental health deterioration often linked to bullying and/or peer group pressure.
- An unaccommodating school 'culture' in relation to not meeting the specific needs of the 'individual' child, leading to increasing parental (and pupil) disillusionment with the mainstream education system. Autism is also a feature.
- Communication breakdown between schools and parents also feature within the responses to the survey
- Where parents do not feel listened to or confident in the school's ability to meet the particular special educational or health needs of the child, they sometimes feel as if removal from the school roll is their only option.
- More considered views are evident that some parents are able to provide a more appropriate education for their child, outside of the mainstream school system.

The results of this survey are informing directorate action. For example, the directorate is looking at how it can most effectively reduce those situations where families feel they have not 'freely' chosen to EHE.

#### **Resolved –**

- a) The committee was reassured that procedures are in place when we are notified of the intention to home educate, and the directorate is doing what it can to understand the reasons for the rise in the number of parents opting for EHE.
- b) The committee expressed its appreciation to all involved.
- c) The committee will return to this topic later in the year

#### **161. CYPS Financial Provision**

##### **Considered –**

Paper highlighting the areas presenting with the most significant financial pressures facing CYPS as at October 2018 and the management action that has been taken in response to the pressures.

Howard Emmett explained that In October last year it became clear that the authority was heading towards a projected overspend in Children and Young People's Services of over £10m.

Like many authorities, NYCC is having to cope with a year-on-year rising rise in demand of eligible pupils requiring special educational needs support.

Members focussed on our most significant financial pressure – that relating to SEN within the High Needs Block of the Dedicated Schools Grant (DSG). In 2018-19, the Directorate is projecting an underlying overspend of £5.7m which is offset, in part, by the application of £1.66m which was agreed with Schools Forum. But this transfer has not been adequate to counter new cost pressures arising out of the unprecedented increase in Education, Health and Care Plans (EHCPs). In short, costs within the High Needs Block have continued to exceed the funding allocation.

Linked with this pressures arising from the increase in EHCPs, the local authority is also seeing financial pressure in SEN home to school transport budgets.

**Resolved –**

- a) Members were pleased to have the opportunity not just to understand how this situation had come about, but also receive a clear articulation of what the risks are to children's services.
- b) The committee believed it had received a reasonable, full and honest account of all the significant financial pressures the service is facing - not just those connected with having to find the necessary resources to meet special educational needs provision.
- c) Although satisfied that action is in place that will address this situation, the committee does not underestimate the scale of the task ahead to bring these budgets back into balance.
- d) That group spokespersons keep a weather eye on this by receiving regular briefings so that they are in a position to determine, at any time, if this should be brought to the committee's attention.

**162. Work Programme**

Considered -

The report of the Scrutiny Team Leader inviting comments from Members on the content of the Committee's Programme of Work scheduled for future meetings.

**Resolved –**

- a) Members again confirmed that the content of the Work Programme report and the Work Programme schedule are noted.
- b) It was agreed that the committee
  - Take a first look at the roles and duties of governing boards, and how we support and advise on the skills, knowledge and behaviours they need to be effective.
  - Continue its interest in early years by reviewing school readiness and the 30 Hours preschool programme.
  - Receive an introduction into the local authority role in supporting underperforming schools, concentrating especially on what happens to schools which are rated 'inadequate' and in special measures.

The meeting concluded at 12.30pm  
RB