

Public Document Pack

North Yorkshire Council Children and Young People's Service - Executive Members & Corporate Director Meetings

Wednesday, 10 September 2025 / 1.00 pm

A G E N D A

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Exclusion of the public from the meeting during consideration of item on the grounds that it/they each involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006**

Items for Executive Member decision

- 4 Statutory Day 6 Provision (Pages 3 - 14) (Pages 3 - 14)

This report provides information on the increasing number of children being excluded from school, the council's statutory duties to arrange suitable education by day 6 for those children excluded and seeks approval to undertake consultation on the agreed model of provision.

Items for Corporate Director decision

Any Other Business

- 5 Date of future formal meetings
 - 07 October 2025
 - 04 November 2025
 - 02 December 2025

Circulation:

Executive Members

Janet Sanderson
Annabel Wilkinson

Officer attendees

Sir Stuart Carlton
Howard Emmett
Lisa Cowley
Karen Russell

Presenting Officers

Chris Reynolds
Amanda Fielding

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North Yorkshire Council

Children and Young Peoples Services

Executive Members

9 September 2025

Primary Exclusions and Day 6 Provision

Report of the Corporate Director of Children and Young People's Service

1.1 This report provides information on the increasing number of children being excluded from school, the council's statutory duties to arrange suitable education by day 6 for those children excluded and seeks approval to undertake consultation on the agreed model of provision.

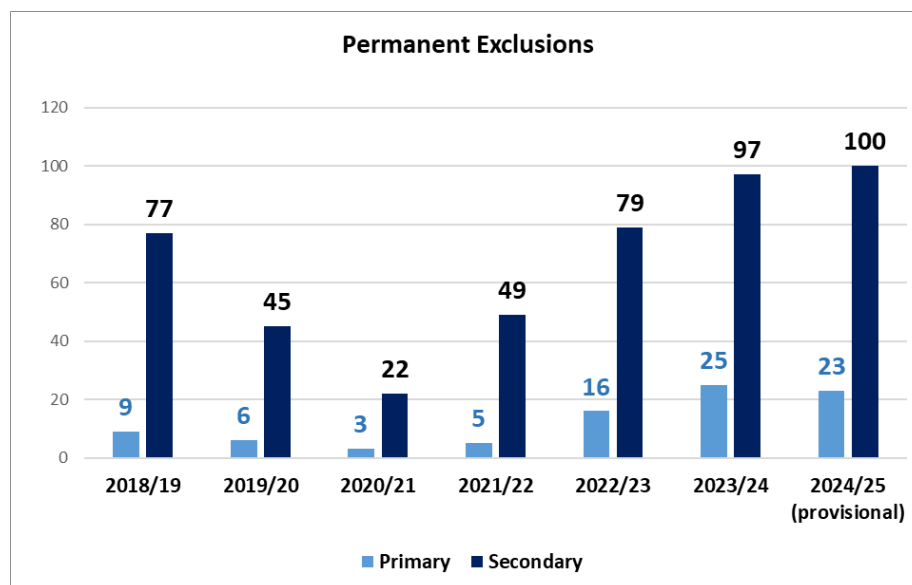
2.0 BACKGROUND

- 2.1 The council has a duty to keep education provision for children with SEN under review. Whilst not all children excluded from school have SEN many do and the nature of the education provision is therefore considered under this duty.
- 2.2 The Local Authority are responsible for arranging suitable and (normally) full time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive a suitable education without such provision under Section 19 of the Education Act (1996).
- 2.3 In recent years there has been a significant rise in the number of children of primary age that have been excluded from school. This has posed a significant challenge to the council to arrange education provision within 6 days of the exclusion that is suitable and full time.
- 2.4 In order to address the issue work has been carried out to undertake an options appraisal that sought to identify a long term and sustainable model of provision that meets the duties of the council, provides suitable short term education provision and supports children to move onto longer term education provision.
- 2.5 The current offer is heavily reliant upon specialists from within our Locality SEND Hubs. This is problematic as the increasing number of exclusions has diverted this resource away from the preventative work in school that the hubs were established to do.
- 2.6 The model proposed, to arrange education via Pupil Referral Units / Alternative Provision Academies that currently support secondary aged pupils, has been identified as it builds upon existing infrastructure within North Yorkshire and could provide an equitable and suitable offer for children across the county whilst meeting the council's duty to arrange provision.

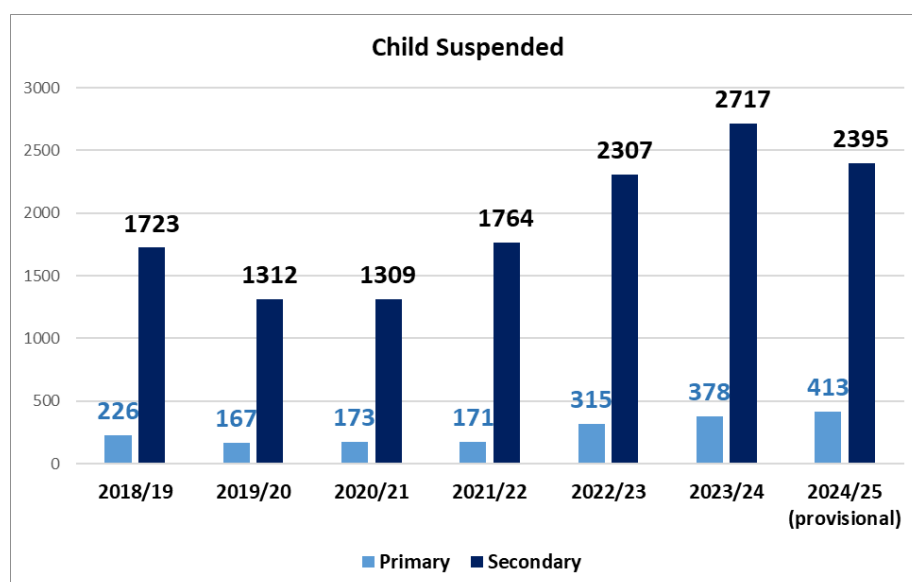
3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

3.1 Since 2021/22 permanent exclusions of primary aged children has increased from 5 children to 25 in 2024/25. This is in line with regional and national trends but presents a large rural authority such as North Yorkshire with additional challenges in arranging education for relatively small numbers of children across a vast geographical area.

3.2 The table below shows the breakdown of primary exclusions since 2018/19. After a dip in exclusions during the pandemic, there has been a year-on-year increase.



3.3 Over the same period, the number of individual primary children subject to at least one suspension, a short, time limited exclusion from school has also increased.



3.4 The increase in exclusions presents significant challenge to the Local Authority in meeting its statutory duty to arrange provision from day 6 of a permanent exclusion. The existing offer was implemented when numbers were much smaller and was intended to be a short-term response to an emerging issue. The ongoing and increasing growth in exclusions now requires the Council to implement a long-term

and sustainable solution. Logistical issues associated with current model have become increasingly difficult to manage with the growing demand including access to suitable education premises, transport, curriculum and meals.

4.0 Alternative Options considered

Option 1 - Commission an education provider such as a Pupil Referral Unit to offer a small satellite primary PRU model, including preventative places.

Option 2 - Formalise and extend the “nurture” based model in primary schools

Option 3 - Arrange bespoke education provision for excluded children with private tuition providers

In order to address the issues highlighted, work has been carried out to undertake an options appraisal that sought to identify a long term and sustainable model of provision that meets the duties of the council, provides suitable short term education provision in the period between the exclusion and transition to the next school placement.

4.1 Options were evaluated against a series of criteria including:

- Compliance with national guidance and legislation
- Equity of offer across the county
- Quality of offer that could be provided
- Risks
- Benefits
- Value for money

4.2 The preferred option for consultation is set out in the table below.

<p>Option 1</p>	<p>Commission an education provider such as a Pupil Referral Unit to offer a small satellite primary PRU model including preventative places.</p> <p>For example, 5 bases across North Yorkshire, 6 places in each base</p> <p>Those places not in use to provide a statutory place can be used flexibly as a preventative placement for schools via a request to the LA</p>
<p>Description</p>	<p>Education providers’ primary function will be to offer 6th day places and satisfy the LA’s duty to arrange provision for children excluded from school. This would be done through providing short term support and intervention whilst Fair Access Processes are implemented to secure another suitable long term school placement.</p> <p>Where places are not filled by children permanently excluded, short term intervention and support packages could be offered to support schools and prevent exclusions.</p> <p>The offer for children permanently excluded would provide full time provision in a legally compliant way and ensure a suitable curriculum.</p>
<p>Benefits and Risks</p>	<p>Benefits</p> <ul style="list-style-type: none"> • Compliant and registered provision

	<ul style="list-style-type: none"> • Expertise in identifying and managing complex needs and challenging behaviours • Removes the need to identify and establish bespoke provision on a case-by-case basis and the need to use non-school settings. • Allows children to learn in small group settings and aids transition back to a school • Centralised provision allows for consistent quality and monitoring • Will allow SEN Hub to focus on preventive work, building capacity in schools to support children remaining in their school • Appropriate geographical spread and greater equity of offer across the county <p>Risks</p> <ul style="list-style-type: none"> • Recruitment of sufficiently skilled primary practitioners into existing secondary PRU teams • Identification of suitable venues and some capital investment may be required for initial implementation – this could be funded from the SEND Capital Programme
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4.3 This option is a relatively standard provision arrangement in most Local Authority areas and builds upon the existing arrangements for secondary aged children across the county.

4.4 Proceeding with this option will require the Council to undertake a consultation process including with schools, parents/carers and the PRUs. It is proposed this would take place starting in September 2025 and the table below sets out the expected steps and key dates:

Action	Date
Executive Member approval for public consultation	9 Sept 2025
Consultation period (6 school weeks)	22 Sept to 7 Nov 2025
Submit report for Executive for consideration	16 Dec 2025
Statutory notice period (if approved)	12 Jan to 6 Feb 2026
Exec member if no objections, or Executive if objections	17 March 2026

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 No recent formal consultation has taken place on this issue. However, feedback from staff delivering the current arrangements has been considered. This is alongside regular discussions with school and PRU leaders on the issue of exclusions.

5.2 This paper seeks to gain approval for consultation on the proposed model in line with our duties under the Children and Families Act 2014 and the expectation from the Department for Education that the process described is followed when making changes to a school's designation within Making *significant changes ('prescribed alterations')* to maintained schools - *Statutory guidance for proposers and decision makers March 2025*.

6.0 FINANCIAL IMPLICATIONS

6.1 The financial implications for this proposed model are set out below. The funding used would be via the High Needs Block funding allocated to the local authority to make arrangements for children with SEND.

6.2 The delivery of the proposed model will rely upon either the redirection of High Needs Funding from the existing commitments or the allocation of new funding.

<u>Costs of New Proposal</u>	£
Example, 5 bases x 6 places @ £19,180	575,400
Income from prevention £25 x 10 places x 190 days	(47,500)
Income AWPU 20 places x £3,847	(76,940)
Total Costs of proposed service	450,960
<u>Current Expenditure relating to primary exclusions</u>	
Staffing costs (within the Hub structure)	369,087
Nurture Bases	120,000
	489,087
Reduction in expenditure	(38,127)

7.0 LEGAL IMPLICATIONS

7.1 The Council has a statutory duty pursuant to section 19 Education Act 1996 to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

7.2 The Council also has a duty to keep under review any special educational provision pursuant to section 27 Children & Families Act 2014. This duty also has a consultation duty.

7.3 Depending on what the Council decides to do, the Council may have a duty or an expectation to carry out a consultation.

8.0 EQUALITIES IMPLICATIONS

8.1 See attached

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 See attached

10.0 HUMAN RESOURCES IMPLICATIONS

10.1 Alongside the consultation, a separate paper will be presented that outlines the HR implications of the changed approach and proposing potential options where applicable.

11.0 CONCLUSIONS

11.1 The current model is not sustainable, and permission is sought to consult on new arrangements.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The recommendation to consult on the implementation of a new primary provision model is based upon the rising demand across the county, the need for the council to have a long-term sustainable arrangement in place for primary aged children excluded from school.

12.2 The consultation will allow a period for all stakeholders to consider the proposed model and provide feedback for the council's consideration. Following consultation, the feedback may be used to adjust the proposal prior to moving forwards so that the council is able to better meet its statutory duties.

13.0 RECOMMENDATION

- i) It is recommended that the Executive Member for education, learning and skills approves a consultation as set out in the report.

Sir Stuart Carlton
Corporate Director – CYPS
County Hall
Northallerton
07.08.2025

Report Author – Chris Reynolds and Julie Bunn
Presenter of Report – Julie Bunn Interim Head of Alternative Provision

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Primary Exclusions and Day 6 Provision
Brief description of proposal	The Local Authority are responsible for arranging suitable and (normally) full time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive a suitable education without such provision under Section 19 of the Education Act (1996). The current model is not sustainable, so alternative options have been considered and a decision to consult on a commissioned approach to this provision is being sought.
Directorate	CYPS
Service area	Inclusion
Lead officer	Carol-Ann Howe
Names and roles of other people involved in carrying out the impact assessment	Julie Bunn, Chris Reynolds, Wendy Rowley

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	✓	Continue to full CCIA:	
Reason for decision	There will be no impact at this point as the decision is seeking a consultation. This will be reviewed as the project proceeds.			
Signed (Assistant Director or equivalent)	A Fielding			
Date	1/9/25			

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Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	CYPS		
Service area	Inclusion		
Proposal being screened	Primary Exclusions and Day 6 Provision		
Officer(s) carrying out screening	Julie Bunn, Carol-Ann Howe, Chris Reynolds, Wendy Rowley		
What are you proposing to do?	We are seeking approval to consult on a new arrangement that would see placements being commissioned in the pupil referral units / alternative provision academies.		
Why are you proposing this? What are the desired outcomes?	The Local Authority are responsible for arranging suitable and (normally) full time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive a suitable education without such provision under Section 19 of the Education Act (1996). The outcome is that we will meet our duties in a more sustainable and efficient way.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No – the proposal is to seek permission consult on a proposal that would redirect resources to a new model		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC’s additional agreed characteristics			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked ‘Don’t know/no info available’, then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don’t know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Are from the Armed Forces Community		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people’s	No		

access to public transport)? Please give details.					
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No				
Decision (Please tick one option)	<table border="1"> <tr> <td>EIA not relevant or proportionate:</td> <td style="text-align: center;">✓</td> <td>Continue to full EIA:</td> <td></td> </tr> </table>	EIA not relevant or proportionate:	✓	Continue to full EIA:	
EIA not relevant or proportionate:	✓	Continue to full EIA:			
Reason for decision	There will be no impact at this point as the decision is seeking a consultation. This will be reviewed as the project proceeds.				
Signed (Assistant Director or equivalent)	A Fielding				
Date	1/9/25				