

**LEICESTERSHIRE SECONDARY EDUCATION AND INCLUSION PARTNERSHIPS**

 **PROPOSALS FOR THE WAY FORWARD**

**BACKGROUND**

Inclusion is not the absence of exclusion, but an active commitment to ensuring every child has the opportunity to thrive in an appropriate education setting.

1. **INTRODUCTION**

The Secondary Education and Inclusion Partnerships replaced the Leicestershire Secondary PRU more than ten years ago and since then have been responsible for meeting the educational needs of pupils who have been excluded from school or are at risk of exclusion.

Parliament, DFE and Ofsted have all recognised nationally that the group of pupils we work with have been short changed by current systems and that outcomes for these pupils are at best inadequate. Locally pupil referrals have steadily increased and the complexity of the need for many pupils has deepened. The levels of funding, the way the funding has been used and the demand for better outcomes for these pupils presents a challenge to our current organisation – one that it is struggling to meet. This paper aims to describe the challenge and proposes a way forward to meet it.

1. **OUR ANALYSIS OF THE CURRENT CHALLENGE**

The current increase in the number of pupils in secondary schools with complex additional needs is the fundamental cause of the challenge we face. The solution cannot simply be more of the same.

In order to find the right way forward it is not enough to identify the issues that we as practitioners find are impediments to making things work effectively. We also need to address stake holders’ perceptions of the system.

1. **Our analysis of School Leaders’ Perspective**
* Most Heads feel that the SEIPS struggle to meet demand effectively whilst acknowledging the quality and commitment of the staff. This is a growing concern.
* Some Heads don’t like the push back when they seek to permanently exclude.
* Some Heads want less responsibility for participating in managing students on bespoke timetables resulting from the policy of all students having a school roll – especially under Ofsted scrutiny.
* But some Heads/MATS welcome the responsibility and want more autonomy – “give us the money and we’ll do it all.”
* Many Heads don’t like the way that permanent excluded children are placed on their roll and then become a cost to them as their APC is taken by the SEIP. If there ever was a county wide commitment to “no Pex” this has faded, although all remain committed to minimising exclusions.
* Fund Holding Heads feel exposed by the risks and responsibilities of “running” the SEIPS. There is a reluctance to take the role on.
* Some Heads feel that they do not get a fair share of the resource.
* Most Heads feel frustrated by the complexity of relationships and disconnectedness of SEIPS with other LA services.
* Collectively Heads see the LA as evading its responsibilities for excluded pupils through the current mechanisms.
1. **Our own Perspective**
* Partnership Teams feel increasingly insecure, under pressure from all sides and unsupported.
* SEIPs staff sometimes feel that LA Teams and services behave as if they are the “heroes” developing an Inclusive system when in fact “the real hard graft is done by us”.
* Some LA Teams have a limited grasp of the SEIPS and what they do. Frequent changes of role in the LA do not make this easier.
* Some schools are less Inclusive than others and are quicker to seek full time provision. This forces the SEIPS to expend all their efforts on meeting the needs of full-time students instead of working to support children in school and on part time programmes. Some schools seem to use Permanent Exclusion as a threat to queue jump in accessing SEIPS services.
* The LA does not understand how the SEIPS work, stepping in inappropriately or advising ineffectively, tinkering with long standing practices.
* Our present arrangements provide insufficient professional and personal support for staff doing a relentlessly pressured job.
* Things happen to us because of changes in the LA without us knowing about them.
1. **Our analysis of the LA Perspective**
* The pressure for more resources is ever more challenging. Some in the LA think some resources find their way into mainstream budgets.
* The SEIPS don’t live up to the agreement – complex cases or high numbers are simply “dumped” on the LA. The SEIPS don’t always put children first – so the LA must invent stop gap solutions.
* When a Chair resigns the LA has a complex challenge in finding a new one and in securing arrangements for fund holding.
* The simple answer that some are asking for – to create a service and a roll for dual and single registered excluded is probably unaffordable and at least in the medium term unachievable.
* The national agenda around SEND and semh is moving us in a direction that fits with the current model and with TSIL thinking – the Heads agenda seems to be going the other way!
* We need to be ready to adjust funding mechanisms for pupils who in the current system access SEIPS so that they all line up with TSIL proposals.
1. **What conclusions can we draw from these Perspectives?**
* Poor communication needs addressing – there are gaps between us all in understanding how the system is functioning and how it might develop.
* CEOS, Headteachers and Governors are not effectively inducted into the county system currently. They need to be confident that they can navigate the system effectively.
* The current systems of accountability have neither addressed current weaknesses nor been effectively communicated to the stakeholders – so something new is needed.
* The drive to make resources work more effectively and to enable the system as whole to support early intervention, part time flexible and creative solutions need to be relentless.
* The current Fund Holding Model needs replacing, and the role of Chair needs to become less onerous.
* The way schools fund excluded children needs to be adjusted to incentivise schools to take on any permanent exclusions.
* The professional teams need better support both to sustain their current high level of performance and to develop practice in line with national best practice.
* We must not get bogged down in tweaking current operations which dissipate the energy we need to change the big picture. Operational change will follow strategic change.
* Locality based arrangements that are rooted in local decision making are a strength of the current system. Without them there can be no effective collaboration between individual schools. They need to be at the heart of the LA support arrangements too.
1. **The Key Questions address the Conclusions in 4 above.**

We divide these questions into Strategic – those that are about the system design, and Operational – those that focus on the way the service is delivered.

1. **Strategic Key Questions**
* Leadership – how best to provide this for the future?
* Where do the funds sit?
* How do we achieve greater transparency about overall funding so that we and schools can be as confident as is possible about the flow of funds and fluctuations in demand?
* How do we secure effective accountability – local and county?
* How do we build on existing foundations?
* How do we resolve “roll” issues and secure the buy in of schools?
* What are the consequences of current overlaps with LA services and how do we resolve these?
1. **Operational Key Questions**
* How do we strengthen the capacity of schools to support the vulnerable and limit the time spent by pupils out of school settings?
* Have we got the balance of our own provision right between KS3 and 4, part and full time, short and long term?
* How do we overcome concerns about Fair Access?
* How do we streamline systems for referrals, attendance monitoring, financial and accountability?
* How can we strengthen our impact on the marketplace of APs to secure quality provision of the right kind and in the right place?
* What are the practices and approaches that we ought to reconsider?
1. **What do we mean by “the System”?**

The current arrangement for Inclusion in the Secondary Sector in Leicestershire are complex with overlapping jurisdictions. We have all our schools and a number of Teams and organisations who, if we are to effectively align provision for children with additional needs in a timely way, need to work together. Our challenge is aligning all those components into an effective system.

1. **OUR PROPOSALS FOR CHANGE**
2. **To appoint a System Leader.**

*This addresses Strategic Key Questions Leadership – how best to provide this for the future?*

Purpose: To align the System to our goals for effective Inclusion

Role requirements

* + The seniority needed to act as a peer to Headteachers, CEOs and senior officers of the LA.
	+ The assertiveness to positively promote system wide developments.
	+ The experience to quickly grasp the complexities of the current system and identify the potential for development.
	+ The autonomy to operate outside of the institutional limitations of a Local Authority and independently from MATs and schools.
	+ Knowledge of best practice around issues of SEND and Inclusion
	+ Commitment to the need to be accountable and responsive to stakeholders.

Job Description

Key Tasks for a Strategic Leader are:

* + To create and maintain a central administration to streamline financial, hr and IT operations for all those who work in the field.
	+ To ensure that schools, LA officers, Locality Team Leaders can access authoritative advice swiftly and easily to minimize difficulties around issues such as LAC, Fair Access, out of county children, charges to schools following exclusion etc.
	+ To ensure that school leaders, governors and Trustees are effectively inducted into the county system and maintain confidence in the ability of their teams to navigate through the system.
	+ To establish and secure the implementation of one system for the referral and tracking of pupils in the system, to secure reliable data to support individual pupil planning and to underpin effective monitoring and evaluation of the whole system.
	+ To ensure that the current system develops flexibly in the light of the changes to funding arrangements emerging from TSIL.
	+ To lead the stake holders in agreeing the key components of the offer that the locality teams must make to their schools and to set the measures by which the teams will be held to account. To implement a process by which the key accountability measures are collected and reported to Local and County Boards.
	+ To work with and in localities to help Leaders and Head teachers shape provision so that it meets the requirements of the offer whilst reflecting local priorities and needs. To keep this under review.
	+ To provide professional guidance and support to Locality Team Leaders so that the provision they offer is of high quality and in line with national best practice. To ensure that these Leaders are well supported and enabled to develop professionally.
	+ To play a key role in shaping and coordinating the Training Offer provided by LA teams, external agencies and the Localities – helping to ensure that the drive for trauma informed Inclusive Practice is focused and effective.
	+ To work with the Locality Team Leaders in supporting the Leicestershire “marketplace” of APs. Ensure effective quality assurance and safeguarding and developing and maintaining pro – active relationships with the sector.
	+ To provide guidance and support to Local Heads Groups who continue to have a role in overseeing locality teams, working with locality teams to facilitate effective meetings and to agree with them how best to manage processes such as Fair Access and local decision making about exclusions etc.
	+ To ensure that the County Board is effectively managed and supported and to prepare reports for the Board so that the CEO and the System can be held to account.
	+ To ensure that the work of the whole system, the Reports to the Board and the Board’s Judgements are effectively disseminated to stake holders, especially to Head Teachers and MAT CEOs
	+ To manage the process of change from current arrangements to new ones with the aim of minimizing disruption to ongoing provision and building on existing strengths.
	+ To act as a bridge between Locality Teams, individual and groups of schools, LA officers, LA services and Third Sector providers so that pupils in need of Inclusion are championed and that the system remains coordinated and coherent.
1. **Create a Social Enterprise or Community Interest Company or Charitable Incorporated Organization (CIO)**

*This addresses the Strategic Key Question – where do the funds sit?*

Purpose: To be the entity that employs the Systems Leader and the staff who work in the system and to hold the Funds.

Features:

* + To be funded via a commissioning agreement from the Local Authority and by schools transferring pupil-based funding when required.
	+ To agree the distribution and to administer all the funds for Inclusion.
	+ To be Governed by a Board drawn from the stakeholders with a key role for the LA.
	+ To provide a small team to support Locality based teams.
	+ To become the employer of the staff who work in the localities – or commissioner from schools for provision to be accessed by pupils in need of Inclusion.
	+ To facilitate the operation of locality-based school groups in order to ensure that provision is aligned to local needs and the locality ethos.
	+ To operate common systems for commissioning and financing of Aps including providing advice and support and quality assurance. To operate common systems of IT to underpin referrals, pupil tracking, attendance etc.
	+ To lead a county wide system of provision that will ensure that all Leicestershire secondary aged children have education provision that is aligned to their need and that the provision enables each child to progress.

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| Commentary |
| *We like the CIO Charity (See Appendix A) because it allows the system to be free of institutional constraints. A MAT or similar noncommercial organisation might be an alternative. We do not rule out this organisation sitting as a distinct service with the LA. However we want to ensure that the characteristics of the organisation are aligned to the needs of the System, not to the needs of the institution providing the service.**Social Enterprise / Community Interest Company/ CIO**There are Community Interest Companies and CIOs operating in the UK delivering small- and large-scale services including in the spheres of Education and Health. The legislative framework for organisations of this kind is relatively straightforward. There may be some restrictions on Local Authorities setting these up themselves but there are clear examples of CIOs with Board members who are also senior local authority officers. Whilst further research is needed there appears to be no impediment to CIO’s employing teachers and those teachers being enrolled in the teachers pension scheme.**The legislative framework governing both the conduct of CIOs and Charities puts in place the protections that schools and the LA might need to ensure that funds transferred are used in accordance with the registered articles of association that underpin the work.**Clearly the creation of such an organisation would require an investment of time and access to sound financial and legal advice, and it may be necessary for the leadership of the project to sit outside the Local Authority.**The appeal of this approach lies in its potential to strengthen the principle that provision for vulnerable pupils should be through partnership working involving schools and the Local Authority.**The alternatives might include:**Commissioning a new school which delivers its provision through multiple small centres, online learning, and sub-contracting to AP and in other creative ways as set out in this document.**Creating a broader Local Authority Team which takes on all the responsibilities set out in this document.**We believe neither of these options offers the scope for flexibility and creativity afforded by the CIO Charity option.**All options will require a period of research and planning prior to implementation.* |

* + To ensure that the county wide system helps schools balance their commitment to every individual pupil with their responsibility to provide safe and effective learning environments for all pupils.
1. **Focus the work of the CIO on achieving these goals.**

***This addresses the Key Strategic Questions*** *How do we achieve greater transparency about overall funding so that we and schools can be as confident as is possible about the flow of funds and fluctuations in demand? How do we secure effective accountability – local and county. How do we build on existing foundations?*

To achieve the goals by:

* + Fostering and sustaining local relationships, partnerships and collaborations and a shared responsibility for all vulnerable young people in each locality.
	+ strengthening the capacity of individual schools and academies to meet needs of vulnerable children and young people "in house".
	+ building the capacity of the system to work collectively to secure better outcomes for all vulnerable secondary aged children and young people even when they cannot be sustained in mainstream settings.
	+ Supporting schools in assessing needs effectively, advising and guiding them as they align provision to meet need and when necessary supporting schools in preparing for formal assessment of SEND.
	+ Offering short term and part time provision for children and young people who need to be out of school to improve their behaviour or to undergo more careful assessment of need.
	+ Ensure that no child is left without the educational provision they need to progress – enabling pupils to move back into mainstream provision or on into post 16 or specialist settings.
1. **Ensure that all secondary aged vulnerable and at-risk children and young people fall into the client group served by the Central Team**

***This addresses the Key Strategic Question*** *What are the consequences of current overlaps with LA services and how do we resolve these?*

Our Client Group:

To establish over time one work force that includes the posts required by the Inclusion Team and by the SEIPs. To organise that work force into Locality Teams. This is to:

* End duplication of resources where separate teams operate in silos.
* Simplify referral routes for schools – one route for all pupils.
* Reinforce the principle of locality working, giving staff in “the system” and in schools a sense of shared responsibility for and ownership of referred pupils and develop a sense of duty to the community. See Question 9 below.
* Underpin the high degree of flexibility and creativity required by our operational proposals – where Locality Inclusion Panels can “mix and match”.
* Ensure that no pupils are simply referred onwards with no action.

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| *Commentary* |
| *Why are the SEIPS and Inclusion Teams separate? In the secondary sector we can see how these services could be embedded in locality teams and be responsive to local priorities.**We need to be aware that this part of the proposal will take time and may be misinterpreted as a threat to existing staff. Our view is that the skills and working practices of current teams will be complementary.* |

1. **The CIO will have a Central Team as set out below.**

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| **Leadership:****A CEO – System Leader? Virtual Head? directly accountable to a Board.****Finance, admin, HR and IT to provide support to schools and Partnership teams.****Specialist SENDCO(s) to work with teams and schools.****All other staff will be embedded in locality teams** | **Funding:****Directly funded from the High Needs Block by an annually reviewed funding agreement****Schools will continue to transfer APC to the P’ship where CYP are with Partnership teams.****Clear protocols for accessing additional SEND funding as additional needs are identified.****Maximum clarity and consistency essential for schools** | **Accountability:****A Board of Trustees to include reps from the LA, school heads, MATS, Governors, employees.****Will be accountable to Charities Commission and to the LA who could have a commissioning agreement.**  **LA will need to be much more proactive in monitoring the CA against KPIs but “hands off” operationally.** | **Core Purpose:****Hold staff contracts.** **Create & maintain the operational framework including setting out the criteria that must be met by each locality team.** **Provide a single central service for finance, hr, IT (single referral systems etc) data collection and analysis, commissioning of AP etc.****Work with local Heads groups to shape flexible locality provision.** **Appointing and managing staff always in consultation with locality schools. Decide with schools on boundaries of locality teams etc.****Guide the locality teams in developing in line with best practice**  |

1. **A Vital Member of Staff in the Central Team will be a Deputy / SENDCO**

Purpose: To ensure that locality teams and schools effectively adhere to the SENCOP in aligning provision to need.

Key Tasks:

* + Where pupils have been identified at referral as having more complex needs, working with Locality teams and school SENDCOs to facilitate speedy formal assessment.
	+ Working with SENA to ensure that those who need specialist placements are correctly identified and swiftly placed in appropriate settings.
	+ Where pupils are in managed programmes out of school assisting locality teams in effectively assessing additional needs and aligning provision.
	+ Supporting the System Leader in ensuring that the language of SEND and the plan do review approach remains at the heart of the operation of the system.
	+ Becoming involved with individual cases where evidence suggests that school or locality teams are not effectively implementing plan do review.
	+ Supporting the System Leader and Locality Team Leaders in maintaining a focus on best practice and in structuring access to professional development

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| *Commentary* |
| *Currently the SEIPS are being supported by a colleague with SEND expertise. The Training offer that is emerging from this relationship has been second to none. The focus we had expected in supporting our staff in shaping provision and accessing resources for complex cases has not been a priority. Our proposal is for a post that will be fully aligned with the strategic imperative to develop an effective system that will accurately and efficiently identify pupils’ additional needs and will take practical realistic but effective steps to align provision to the need.* |
| *There is some work to be done to align the work of this system with that of SENA. Our ambition is that Locality Teams supported by the Deputy CEO/SENDCO will soon demonstrate their effectiveness in judging the level of recourse needed by a child and in aligning required provision.*  |

1. **An Operational Lead / Deputy is needed to ensure robust, accountable and safe operation of the system.**

Purpose: To ensure that the drive for continuous improvement is consistent across the locality teams and that effective accountability is secured

Key Tasks:

* To deputies for the CEO as required
* Whilst preserving the autonomy of locality arrangements ensuring that common approaches to assessment recording and reporting on pupils’ progress underpin our work
* Developing, implementing, and maintaining effective Management Information Systems that streamline referral and pupil tracking processes and secure effective accountability for schools, teams, locality groups and the main board.
* Developing, implementing, and maintaining MIS to ensure that the detailed knowledge of how our system works is shared with all stake holders in a way that supports their access to the offer.
* Taking an overview of the financial arrangements to ensure that the systems for distributing money are robust and fair, that spending is “best value” and that accounting provides the information required by the commissioner and the Board
* Developing an overview of the “marketplace” for AP, ensuring that there are robust arrangements in place for quality assurance, and that localities and schools commissioning places secure best value.
* Ensuring that key policies for child protection, safeguarding, managing behaviour, safe handling etc are in place across all localities and that they are effectively implemented.
1. **The Central Team must contain the expertise needed to:**
* Ensure swift and reliable access to Educational Psychologist Expertise to ensure that pupils are placed on the right pathway swiftly.
* Central and Locality Team finance systems are robust, ensure that team leaders keep effective financial control and secure accountability.
* HR systems are effective especially in ensuring that vacancies across the system are swiftly filled and that existing staff are supported and valued and developed.
* IT systems are developed rapidly to secure a step change in the efficiency of the referral, pupil tracking and data analysis across the system.
1. **Funding for the Central Team of the Social Enterprise should be drawn in part from existing resources but include additional funding.**
* CEO System Leader QTS L30 and oncosts £123664
* Deputy / SENDCO QTS L15 and oncosts £ 83285
* Deputy / Operations and Accountability L15 etc £ 83285
* EP post SA8 £ 70765
* 1 fte admin/hr/finance and oncosts £ 37620
* ICT Commissioning Budget £ 30000
* Office and overhead costs £ 10000
* Locality Leaders L10 x5? £346000

 **TOTAL £784619**

* Around £70000 could be removed from the current SEIPS budget to replace current consultancy fees and payments to fund holding schools. Locality Leaders would be drawn from existing staff in the two teams – estimated saving of £200000
* **Adjusted TOTAL** **£514619**

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| *Commentary* |
| *As described in 4 above we envisage a move from separate Inclusion and SEIPS teams to one. There are certainly inefficiencies that emerge from the current overlapping jurisdictions and communication challenges. We are not in a position to identify specific cost savings but we believe they could contribute to securing better value.* |

**Recommendations about Operational Changes (Q10-16) are limited to “broad brush” suggestions. We believe that new Leadership will need time to get to know current arrangements and then move to developing an action plan. Q16 addresses the KS3 Issue where we believe a work stream needs to begin immediately.**

1. **Build on the current SEIPs and LA Inclusion Team by merging them into Locality Teams**

*This addresses Strategic Key Question – How do we build on existing foundations?*

Why Have Locality based teams?

* The strength of our present system lies in the relationships between SEIPS staff and schools and between schools. At best these are “family” relationships. They are by far and away the most effective tool in our tool kit for strengthening Inclusive Practice in the secondary schools in Leicestershire.
* The underlying principles that all local children are our shared responsibility and that children are entitled to be educated in and by their own community are supported by strong local collaborative work.
* This reflects the reality on the ground – this is where are staff are currently working and aligns with the groups that schools are used to working in.
* The practice in NW Leics of bringing those teams “in house” to the two MATS is no impediment – these are Locality based Teams too.

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| *Commentary* |
| *We believe we should be relaxed about the developments in NW Leicestershire in Life and Lionheart. A new Central Team would be able to effectively hold all localities to account for their provision and outcomes for all vulnerable young people and would, surely welcome anything that strengthened the capacity of the system to ensure that needs are met as close to home as they can be.* *Over time the shape of localities might need to change – our proposals create a system that could be self-sustaining and self-modifying.* *The “System” needs to be designed so that it can flex and respond to local demand. It should always seek to assist schools and MATS in strengthening their own internal provision and their preparedness to work collaboratively. The accountability structures of the System must be deployed to ensure that the test for any changes in delivery and approach are challenged not on the basis of “we have always done it this way” or “how do we protect our current arrangements” but on “this enhances the life chances of the vulnerable.”* |
| *A Central Team holding the funds would be able to create a mechanism that would allow some pooling of locality budgets, giving more scope for aligning resources to creative developments and allowing some cushioning in the face of changing demands* |

1. **Reset the relationship with Schools.**

*This addresses Strategic Key Question – How do we resolve “roll” issues and secure the buy in of schools?*

Two Principles inform our views.

* Key principle 1: Schools need to retain their responsibility for all their pupils at least until the point where the pupil is admitted to another setting.
* Key principle 2: The direct and continuing participation of schools in local groups, helping to shape their locality team’s work, participating in decision making about the release of resources for pupils, and holding the team to account is vital. Schools must feel that they can Permanently Exclude a pupil if they really need to.

**Principle One: Incentivise schools to retain responsibility.**

Schools need to receive additional financial support if they take on roll a pupil who has been permanently excluded. Agreed rates should be set and reviewed annually.

Schools should not be required to pass over pupil-based funding until the year after the pupil has been counted in the school census.

Schools need to feel confident that their locality team will work with them at an appropriate level, be sympathetic to their particularly circumstances and will facilitate solutions that protect the good order of the school as well as meeting the needs of each pupil. If they do the need to use permanent exclusion will be restricted to exceptional cases.

Funding comes from the Locality Team Budget – out of savings made by reducing the number of pupils in full time AP provision. Where a school has permanently excluded the pupil funding will be transferred to the Locality Team Budget. The law requires schools to pass this over for the remainder of the school year, but schools collectively should be asked to consider a rule to pass funding over until the year after the pupil is no longer counted in the schools’ census.

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| *Commentary* |
| *Currently there are different arrangements in different SEIPS that effect both the charges that schools pay when a child moves into SEIP responsibility. There are also different schemes developed in the localities for incentivising schools to develop and sustain inclusion. We think that a new CEO should ensure a level playing field across the county secondary sector but facilitate local variation to address local need.**We suggest consideration of:** *A subsidy to schools who commission AP themselves pupils who may need to be out of school part time. (operated by SLIP in the past)*
* *A grant scheme for schools developing Inclusive provision linked to their use of exclusion (currently operated by MSCIP)*
* *An additional pupil charge for excluded pupils when a school goes above its quota – (quota based on pupil deprivation indices or similar) (operated by HBEP)*
* *A higher-level grant scheme for schools or MATS who take on full responsibility for all vulnerable pupils and eschew the use of exclusion (operated in the NW)*
* *An annual review of expenditure which allows Locality schools to gain some financial reward that they will invest in Inclusion where the Locality ends the year with a surplus.*
* *Payments to schools who offer provision to other schools.*

*All these steps aim to underpin the principle that by collaborating schools can make the money work harder.* |

**Principle 2 – Local Participation and accountability – Schools must be co-owners of the System.**

Why is this principle crucial?

* Vital in fostering schools’ sense of agency for and ownership of all their pupils
* The development of Inclusive Practice in schools is supported where it is seen a shared and collective endeavour.
* We are building a system – not an add on service. The schools are the system’s foundation, their pupils are the focus.
* Communication is based on formal and informal contacts, strong local relationships backed by the CEO system leader. The language of “cross purposes” that has led to the current difficulties must not be allowed to flourish again.
* We want to avoid the “them” and “us” situation that sees the LA as a scapegoat and the SEIPS as the LA’s lacky.

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| *Commentary* |
| *For understandable reasons we do not wish to challenge directly the current view expressed through LSH that the LA should create a virtual roll for pupils. Our view is that:** *It is in the best interests of pupils that schools remain engaged with them even when a place at school is untenable.*
* *Schools may be under the misapprehension that a virtual roll would save them money.*
* *Old models of PRU provision always run the risk of creating unmanageable cohorts of troubled young people. PRU provision is a narrow pathway – our proposals are about finding the right pathway.*
* *Whilst some LAs operate in this way there are others that are even more robust in passing responsibility for formally excluded pupils back to schools.*
* *Our proposal is built on the principle of “one System” serving the needs of vulnerable children – that means closer links between all parts of the system.*
* *Our Model is line with the Timpson Report, the SEND Green Paper and we believe the direction that the LA is travelling.*

*A common language shared by all to describe our arrangements needs to develop. Schools need to be able to describe pupils who remain on their roll but are on robust bespoke full or part time programmes for short or longer terms – using terms like “dual registration”. We suggest the arrangements agreed should be underpinned by a county wide commissioning plan that sets out the expectations for all parties involved in the programme. Schools, Locality Teams and the LA need to be able to use these to demonstrate to Ofsted that our arrangements are effective, rigorous and robust.* |

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* **11. Strengthen the functions of the Locality Teams especially by relaunching Locality Inclusion Panels**
* We will do this in part by continuing to strengthen Inclusion Forums.
* Rename and reinvigorate Local Core Groups into Locality Inclusion Panels

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| **Panel Brief** | **Explanantion** |
| To bring schools and the locality team together to plan appropriate provision for pupils who are not thriving at school where initial cycles of plan do review have not secured progress | To mobilise the resources that might be available in and out of school in line with the drive to keep pupils as close to their local school as possible. To develop the habits of thinking creatively and flexibly about bespoke plans. To build the confidence of schools that they can rely on collective solutions and that they need not use permanent exclusion in order to secure additional support for a pupil. |
| To assist in applying common thresholds for intervention across the locality | To make sure that schools are sharing a fair burden. To ensure that resource allocation is based on a reasonable understanding of the challenges faced by individual schools |
| To allocate finances from the locality funds to support programmes | To make sure that funding decisions are made carefully, that they operate in ways that incentivise schools when they continue to engage in supporting pupils and that they support creative and cost-effective solutions. |

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| *Commentary* |
| *Local Chair:**We anticipate that the CEO or Deputies will attend Locality Inclusion Panels along with Locality Team Leaders.* *Local Groups will have a degree of autonomy in deciding how the Locality Inclusion Panel is chaired and in shaping the nature of any locally based collective provision shared between schools within the framework set by the centre.* *We think that localities may therefore wish to have a Local Chair who may be a serving Headteacher or senior leader. A role in chairing the Locality Inclusion Panel is likely to help foster a sense of shared responsibility and fairness in the locality. Although the LIP will act as the Fair Access Panel the presence of an LA rep and support from the centre ensures that the role would be significantly less onerous than that in our current system, with no direct accountability for staff or spending.* |

1. **Move Operations from a focus on sustaining children in full time placements out of school to a much more flexible and school-based model.**

*This addresses Operational Key Question - How do we strengthen the capacity of schools to support the vulnerable and limit the time spent by pupils out of school settings?*

The table below describes the current position. Our aim must be to move everything to the left, effectively engaging with schools, making it easier for them to find ways to maintain their links with their pupils who are at risk, including through using the funding as close to the school as we can. There needs to be a strong link with TSIL.

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| **Advice and Guidance aiming to strengthen the school’s capacity to meet the needs of complex pupils** | **In School Support****Working alongside staff and with pupils to strengthen practice and prevent escalation** | **Flexible short term part time bespoke arrangements that aim to resecure the school place** | **Long term programmes out of school in bespoke programmes that blend “home base” with AP provision** | **Out of school provision to assess complex needs and prepare for transition to a specialist setting** |
| +Inclusion Forums+Relationship between key staff and Coordinator- declined under pressure of pupil numbers | + some good practice- very limited and usually lacking the authoritative impact required to sustain change-declined under the pressure of pupil numbers | + emerging practice+some schools are very pro active.- much nervousness and scepticism about creative approaches needs to be overcome | + most of the current resource is deployed in this area with success but- too many pupils should not be out of school full time- expensive especially transport- limits future options for pupils | +SEIPS accept they are often the only place a pupil can go- we need a system and process to identify, assess, ensure rapid access to SENA and on into a specialist place. |

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| *Commentary* |
| *A Vision for the future – What might provision look like for vulnerable pupils?**The principle underpinning an entirely flexible approach is that all provision needs to pass the key test of “does this provision enable the pupil to progress from the current position towards a return to full time education and the resumption of progress in their learning.”* *No pupil should be assumed to be destined to spend the rest of KS3 and 4 in locality based provision – they will either be on a trajectory to return to school or move on into a specialist setting.* *Individual pupil planning must be robust – for example a plan that has a period of part time schooling needs to demonstrate that this is an essential component in re – engaging a pupil.**The System needs to demonstrate that it has the range of provision available so that it invariably can create, with its partner schools, bespoke programmes for pupils that pass the key test. This is why this approach is preferable to the recreation of a PRU. We seek to avoid “trapping” pupils into provision that then has to be sustained for the rest of the statutory education. Pupils’ expectations must be managed to ensure that they do not write themselves off from schooling.* |

**12.A. What the Offer in each Locality should look like.**

*This addresses the Strategic Question: Have we got the balance of our own provision right between KS3 and 4, part and full time, short and long term?*

The Locality Team needs to be able to access a wide range of provisions which might include:

* Direct small group teaching at KS3 in a school like setting
* Reset style programmes that are part time and short term for both KS’s.
* Direct small group teaching at KS4 in an age-appropriate setting
* These options would include access to therapeutic provision.
* Access to carefully commissioned KS3 Alternative Provision set up to avoid deschooling pupils.
* Access to a wide range of prevocational style AP for KS4 pupils
* Access to online tuition that can be tailored to individual needs and directly managed by the locality team for short- or medium-term needs.
* Robust advice to schools on accessing AP provision for pupils so that they can be supported in setting up their own arrangements confident that they are effectively aligning provision to need.
* Family outreach to enable flexi schooling timetables to be set up where these can be shown to be the best means of securing progress.
* Family outreach that can assist families in their interactions with and support for the pupil.
* Links with specialist settings, especially the semh and C&I units and the semh special schools and with SENA so that pathways can be established when appropriate.
* Locality staff who can offer work with pupils in school – mentoring, small group work, twilight and evening activities.
* Locality staff who can work to support tecahers and teaching assistants in schools.
* Mental Health Practitioners who can work both in school, in pupil’s homes and in locality settings.
* Swift access the System SENDCO and to EP services
* Regular surgeries – Inclusion Forums to provide swift access for schools for advice and external guidance.
* Locality Inclusion Panels – to ensure that decisions about school funded, hybrid, part time and fulltime bespoke packages of provision are taken effectively.
1. **To make minimal changes to the process of Fair Access**

*This addresses Operational Key Question - How do we overcome concerns about Fair Access?*

There are two types of Fair Access in Leicestershire Secondary Schools:

1. In year admissions for pupils coming into the area – or moving within the county who meet the criteria.
2. Pupils in Leics who have been permanently excluded by City or County Schools

Type 1: School Leaders know that in any system they must work with the FA process and that pupils need to be placed within a reasonable distance of their home. FA is not an issue in these circumstances.

Type 2: School Leaders have been concerned about FA admissions for excluded pupils. Our Proposals “Funding for Schools” address some of these concerns. (We see the establishment of a virtual roll as likely to draw resources away from localities and lead to further frustration.) Vulnerable excluded pupils need to remain as close to their home locality as possible.

Currently the decision as to whether a child meets the Fair Access Criteria is taken by the LA Admissions Team. We believe this remains the right approach. It is essential that the Admissions Team is represented at all Fair Access Panels so that it is accountable for those decisions.

1. **To invest in ICT Information Management Systems**

*This addresses Operational Key Question - How do we streamline systems for referrals, attendance monitoring, financial and accountability?*

The system desperately needs:

* A single streamlined referral system that ensures forms go to the right places and can be seen by those who need to know.
* A single pupil tracking system that ensures that we can monitor progress effectively both for individual pupils and evaluate the impact of provision.
* A revised web site that supports all users of the system and ensures that we can build and preserve “system wide intelligence”.
1. **To ensure that new Leadership is supported in addressing Alternative Provision Issues**

*This addresses Operational Key Question - How can we strengthen our impact on the marketplace of APs to secure quality provision of the right kind and in the right place?*

We need to consider:

* How to invigorate the current system of quality assurance of APs – especially in relation to teaching and learning.
* This system needs to be streamlined so that it meets Ofsted expectations but uses valuable staff time efficiently.
* How do we support APs directly to focus on continuous improvement, accessing appropriate training, strengthening self-evaluation?
* How do we become more proactive in the “marketplace” to commission what we need – particularly in relation to KS3.
1. **To set up a working group to focus on KS3 provision for excluded pupils.**

*This addresses Operational Key Question - Have we got the balance of our own provision right between KS3 and 4, part and full time, short and long term?*

*There is some good practice emerging because of additional investment this year for KS3, particularly in SLIP and MSCIP and in the schools in the NW. The relative paucity of effective provision remains an issue. We believe that this is a current issue that cannot wait for the strategic decision making that is the focus of this document.*

Why do we need a working group:

* Local Leaders are at the limits of capacity and need support in focussing on this issue.
* Most experience is around KS4 in our Teams – we need input form KS2 expertise.
* Schools are feeling really pressured in trying to meet needs of younger children – they need to feel that the system is becoming more confident in meeting this area of need.
* There is a need to think more broadly – can we commission new specialist AP, or working with existing APs to strengthen their offer? Can we make more effective links with specialist settings?
* We all push this issue to one side because it is difficult!
1. **To develop an Implementation Plan**

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| **Action** | **Time Scale** | **Key Personnel** |
| **To agree broad outlines of the Plan and Vision for the future** | **Immediately** | **All stake holders** |
| **To agree an interim arrangement for 24-25** | **Spring Term 24** | **LA leads with Chairs and current fold holding organisations** |
| **To refine the leadership team plan and to make appointments** | **CEO in place by autumn 24** | **Joint appointment by LA, Chairs and Heads** |
| **To fully research ways in which a CIC or equivalent might operate\*** | **Summer 24** | **LA leads in providing legal and corporate expertise** |
| **To develop a “constitution” and LA commissioning agreement to clearly establish the parameters**  | **Late Summer 24 – ready in time for the appointment of the CEO** | **Joint working group Work stream to involve school, partnership and LA** |
| **To develop a county wide KS3 provision strategy** | **Summer 24**  | **LA convenes joint working Group** |

**Appendix A**

***Setting up an organisation to deliver services to schools and local authorities for permanently excluded pupils or those at risk of exclusion.***

One of these options is the **Charitable Incorporated Organisation (CIO)**.

Here are some key points about CIOs:

1. **What is a CIO?**
	* A CIO is an alternative legal form for a charity.
	* It is created under Part 11 of the Charities Act 2011.
	* Unlike a company incorporated under the Companies Acts, a CIO is not subject to company regulation.
	* It can buy, sell, lease, mortgage, or charge property in its own name.
	* Members of a CIO may have either no liability or limited liability for its debts.
2. **Registration and Charity Status:**
	* A CIO comes into existence upon registration with the Charity Commission.
	* All CIOs are non-exempt charities and must register with the Charity Commission, regardless of income levels.
	* An exempt charity cannot be a CIO.
3. **Advantages of a CIO:**
	* Simplicity: CIOs have a straightforward constitution.
	* Limited Liability: Members’ liability is limited.
	* No Companies House Registration: CIOs are not registered at Companies House.
	* Ability to Hold Property: CIOs can hold property in their own name.
4. **Other Legal Structures for Charities:**
	* Trust (governing document: trust deed/declaration or Charity Commission scheme)
	* Unincorporated association (governing document: constitution or rules)
	* Company limited by guarantee (governing document: memorandum and articles of association or articles of association)
	* Charitable incorporated organisation (governing document: constitution)
5. **One key issue is related to Pension Liabilities:**
	* CIO’s can enrol employees in the Teachers’ Pension Scheme and the Local Government Pension Scheme
	* It is very common for CIO’s to be commissioned to take on Local Government services and to transfer staff from LA employment to the CIO.
	* There are some complexities about pension schemes, especially the LGPS that would require legal expertise and would need to be addressed in any commissioning agreement with the Local Authority. These are not insurmountable.

**Appendix B**

***Case samples to illustrate the range of provision that should be available***

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| **Case** | **Needs analysis** | **Provision Plan** |
| Pupil A. Year 10 very low attendance in school – not responding to school interventions | School anxious, referral underway to CAMHS, parents finding it difficult to engage too | Locality team mentor appointed, and pupil begins to attend for just one day a week at a nurturing AP. Pupil ILP will be reviewed after half term to move to more engagement |
| Pupil B. Year 7 attendance declining form a high level  | Issues in school related to peer group and level of challenge in lessons | Partnership Engagement Officer sets up small group of friends in school, working alongside a school TA – School support officer works with school to investigate impediments in lessons |
| Pupil C Year 10 attends school but exhibits unregulated behaviour and is very disruptive and has not responded to a range of interventions and curriculum alternatives | Pupil locked into a vicious circle of behaviour and sense of failure that may be masking more complex needs | Time out of school in blended programme of AP and locality-based provision. Involvement of System SENDCO to assess need. |
| Pupil D Year 11 attends school but is disruptive in some subjects  | Pupil has issues around modifying behaviour and is disengaged from parts of the curriculum | A flexi schooling plan is agreed – pupil is home schooled by parents for one day a week when he goes with Dad on work experience. Attends AP for 1 day a week and school for three |
| Pupil E Year 8 previously at Primary short stay school, behaviour manageable in Year 7 but now escalated. EHCP in place | Emergency EHCP review leads to the conclusion that a mainstream school cannot meet the complex needs | Pupil moves into full time KS3 provision provided by the locality team whilst waiting for a specialist placement |
| Pupil F Year 9 with suspensions moving towards Pex | Needs work on behaviour regulation and a break from his current setting | Short term reset programme for 12 weeks agreed with continuation of one day a week in school supported by a locality team learning mentor |
| Pupil G Year 9 instigator of a serious assault on another pupil in school | Pupil has been successful in school previously and there are some mitigating circumstances but the current school place is untenable | Managed Move or Fresh Start brokered and supported by Inclusion Team mentor |
| Pupil H Year 7 exhibiting immature and disruptive behaviour in school and proving to be unmanageable | Complex needs which have not previously been fully identified at a very nurturing primary school. | A period of online tuition supported by a locality team mentor as a first step  |