Delegated Decision Report

Decision below £250k

Subject	Tier 2 provision for vulnerable children
Decision maker: Senior Officer	Matt Bulmer, Director Early Years, Education & Skills
Decision maker: Cabinet Member	Cllr Mohon Ali
Decision date	November 2024
Report authors	Amber Burton, Assistant Director, SEND & Inclusion Paula Green, Head of SEND & Inclusion
Ward(s)	All

Reason for decision

The purpose of this report is to seek approval to develop a full tiered approach to supporting children and young people who are at risk of poor outcomes. This includes provision relating to social, emotional, and mental health needs, based on the DfE proposed system involving a three-tiered approach:

- **Tier 1**: Targeted early support within mainstream school.
- **Tier 2**: Time-limited intensive placements in an alternative provision setting.
- **Tier 3**: Longer-term placements to support a return to mainstream or a suitable post-16 destination.

The reason for this decision is to support the development of tier II provision in Oldham, i.e. to create an offer of time-limited intensive placements in an alternative provision setting. The offer will also enhance Tier 3 provision.

Recommendation(s)

To meet the requirements of the SEND & AP Improvement Plan, Oldham requires a Tier 2 service that offers time-limited intensive placements in an alternative provision setting.

This will ensure greater early identification of SEND to reduce permanent exclusion and increase inclusion within the mainstream schools in the borough, informing better outcomes for more children and young peoples' lives.

Earlier identification of additional needs at SEND support will also contribute to less education, health, and care plans (EHCPs) being required, leading to better value within the SEND system which is currently leading to financial difficulty and unsustainability in many local authorities nationally.

Background

There is a requirement for further educational provision and services to meet the needs of highly vulnerable children and young people across Oldham, who experience significant difficulty in accessing mainstream education without specialist support, and therefore, have substantially poorer outcomes in comparison to those less vulnerable.

Children and young people's difficulties in accessing mainstream education may be a direct result of their challenging lives and Special Educational Needs and/or Disabilities (SEND), with their primary areas of need often being social, emotional, and mental health (SEMH) and/or communication and interaction (autism and/or speech, language, and communication needs).

Along with the clear moral, ethical and social imperative for better supporting our most vulnerable children and young people, the Department for Education (DfE) have published the SEND & Alternative Provision (AP) Improvement Plan: Right Support, Right Place, Right Time (2023) that specifies tiers of provision that should be in place in Local Authorities nationally. There is a requirement to ensure that all the tiers of provision and support suggested by the DfE that are needed within Oldham are available.

Following the consultation of the SEND & Alternative Provision (AP) Green Paper (2022), several concerning themes emerged around the SEND & AP system including poor and inconsistent outcomes for many children and young people accessing AP. In response, the DfE have published the SEND & Alternative Provision (AP) Improvement Plan. Relating to Alternative Provision, the DfE have discussed an AP system with a three-tiered approach: targeted early support within mainstream school (tier 1), time-limited intensive placements in an alternative provision setting (Tier 2); and longer-term placements to support a return to mainstream or a suitable post-16 destination (tier 3).

This is all within the context of statistics recently published by the Department for Education showing that in the last academic year there has been an unprecedented increase in suspension and permanent exclusion nationally; the highest since records began in 2006.

Permanent exclusion and suspension data in Oldham is below. In line with regional and national data, rates of suspension and permanent exclusion in secondary schools in Oldham have increased at an unprecedented and concerning rate, as shown in the table below.

Year	PEX	No of suspensions	No of CYP suspended
2021/22	43	2120	937
2022/23	67	2872	1182
2023.24	88	3921	1475

In addition, Oldham LA SEND Team is currently spending £550,000 per year on externally provided Alternative Provision (AP). This funding comes directly from the high needs block of the DSG. This is due to section 19 requirements, which place a statutory burden on the LA to provide for children and young people who are not on roll of a school and require education other than at school (EOTAS) or alternative provision. If the proposals are accepted, this cost would reduce significantly (estimated 60% reduction).

Current Position

In Oldham currently there is a tier 1 preventative service limited to primary aged children (Kingsland Primary Outreach Service) and a tier 3 school provision for secondary aged children and young people (Kingsland School's Pupil Referral Unit). There is no Tier 2 provision for primary or secondary aged pupils unless Alternative Provision (AP) is commissioned from external providers.

The current provision and support that is in the borough does not meet the requirements of the tiered approach set out in the SEND & AP Improvement Plan. Oldham's current SEND and Inclusion strategy, and Sufficiency Strategy both include the development of the 3 tiers of provision suggested by the DfE.

Oldham's tier 3 provision at Kingsland School's PRU has become overcrowded at its singular site with an increasingly unsustainable population. In addition, highly vulnerable children and young people who are permanently excluded within the borough are often more likely to be involved in community issues relating to serious violence and criminality. This leads to children and young people at the PRU not always being able to access the full offer of provision and support at Kingsland School due to grave safety concerns relating to some children and young people being based at the same site at the same time.

Additionally, this affects their chances of reintegrating into mainstream settings following a placement of intensive support, as the tier 3 model within the SEND & AP Improvement Plan suggests.

Consultation with secondary schools in Oldham shows significant demand for Tier 2 short term intensive placement in alternative provision settings to ensure better outcomes for their vulnerable children and young people and to enable them to stay in mainstream schools.

Suspension and exclusion data over the past several years indicates that the national picture around late intervention is prevalent within Oldham. Local secondary schools report that they have many pupils who would benefit from early identification and Tier 2 provision due to the complexity of their additional needs and the presentation of their difficulties within mainstream settings. Further to this, schools report that they have challenges regarding children and young people who move into borough with a history of difficulty in school and resulting suspension.

Of the 13 local mainstream schools who responded to research by Kingsland School around Pupils at Risk of Exclusion (PARE), 137 children and young people in Oldham were identified as being at high risk of exclusion during the academic year 2023/24.

Schools report that the PARE figures are representative of children and young people whose needs and presentation would be best met through a Tier 2 intervention approach, whereby they could access short term placements that focus on building a plan and package of support around a child or young person, before reintegrating them to their mainstream school (of which they would remain dual registered throughout placement) with advice and strategies given to schools to better meet their needs.

Further evidence that schools require access to Tier 2 placements is found in their use of unregistered Alternative Provision. Local secondary schools report that they are spending between £20,000 and £500,000 per year on short term AP placements with unregistered providers, with a median average of £100,000 per year. Of the 13 schools consulted, a total of 12 unregistered providers were identified as being commissioned by schools with running costs of £150 - £275 per pupil, per day, with one provider charging £95 per pupil per day if a certain number of places were commissioned at once.

Local headteachers have indicated that there is difficulty with the high cost for their children and young people to access AP placements currently, but that there is significant demand for them in meeting their needs and reducing their risk of exclusion. A further issue reported by some schools is confidence around the use of unregistered providers of AP due to the difference in standards with regards to Ofsted.

Kingsland School would be able to offer a Tier 2 'Step Out' provision for children and young people to access short term placements. These placements would be for 6-12 weeks with a total of 30 children and young people able to access placement at the same time at two suitable sites located at Oldham Athletic Football Club (Boundary Park).

Schools would be able to block purchase places or purchase them when needed when there is capacity in the provision. Schools would complete a referral form for support that would aid information sharing around the difficulties the child or young person has been experiencing and would therefore, indicate the types of support that Step Out could offer.

Each case would be met with a flexible, bespoke, and individualised approach that followed a strong graduated response. The support on offer would include but not be limited to:

- SEND support plans.
- Therapeutic work.
- Support with regulation, trauma informed care and support plans.
- Core subject work (ensuring pupils don't fall behind academically due to placement).
- An engaging and wide range of vocational courses with qualifications.

All the support that would be on offer has been designed in consultation with the 13 mainstream secondary schools involved in the AP research conducted by Kingsland School. Children and young people would be dual registered and good contact with their schools would be encouraged through visits and review meetings. An individualised reintegration package would be offered at the end of placement that would include support for the pupil as well their mainstream school.

The placements would be for pupils identified as being at risk of exclusion, pupils having difficulties in school particularly around SEMH, as well as pupils with EHCP plans identified as requiring support. This would include children and young people who have EHCPs with Education Other Than at School (EOTAS) named as placement in their plans. This would also include (where appropriate) those who move into the borough under the 'difficult transfer' category, as their schools could refer them into the service for placement if there was evidence of suspension, a presentation of challenging behaviour, risk of exclusion or additional needs around SEMH.

Kingsland School are uniquely placed to offer Tier 2 placements in comparison to other alternative providers, as it not only has the experience, skills, and specialism, but it is a registered and maintained school. This contrasts with other local providers who are either fee paying independent special schools, or unregistered private providers. Kingsland School differs in that all its provision and services come under the current Ofsted framework that is applicable to all the mainstream schools locally.

As a maintained school, Kingsland also does not generate any form of profit and, therefore, any charge to schools for services would be at cost to continue the Tier 2 offer. Schools can have greater confidence that their children and young people are accessing provision through a registered school as well as benefitting from a more cost-effective approach.

Under these proposals, further cost saving implications for the SEND system include earlier identification of need and therefore, less likelihood of EHCPs being required. The local authority would also be able to commission high quality, short- and longer-term placements within the Step Out provision for children and young people who have EHCPs (including EOTAS) at a greatly reduced cost in comparison to independent special schools and unregistered AP providers. This would also lead to better value for money and quality assurance regarding resource allocation within the SEND system.

Alternative option(s) to be considered *(please give the reason(s) for recommendation(s)*

- **Option 1**: Approve next steps (formal stage 1 and 2 capital projects) to create a dual site at Boundary Park, which has been identified in consultation with Oldham Athletic Football Club (current rent is £97, 280 annually).

  Based on 36 places, Kingsland 'Step Out' Provision would generate income from schools purchasing places, for the costs incurred for rent of the buildings identified. A reasonable cost to schools of £90 per pupil per day will generate £615,600 income if the provision runs at full capacity across the year (38 weeks).

  If the provision ran at 50% capacity across the year this would generate £307,800 which would still be cost effective for the purposes of the rent costs. Any additional

income generated would fund the 'top up' element and fund further tiers 1 and 2 provision in consultation with Oldham Local Authority.

Further to this, Oldham Athletic Football Club have indicated interest in a longer-term partnership as part of their Sport City development that could lead to further provision being accessible to local children and young people at risk of exclusion.

The cost implications for building works to make them suitable for the provision are as follows for the proposed refurbishment works at Latics Zone (based upon information received to date from Kingsland over requirements and site visits).

Aspect	**Cost**
Building Alterations	£143,000
Allowance for FF&E	£10,000
Allowance for ICT	£12,000
Total Alterations	£164,000
Allowance for Property Fees to deliver	£24,600
Planning and Building Regulation Fees	£3,000
Contingency	£10,000
Total Budget requirement* [1]	£200,000

The funding for capital aspects would be solely via the SEND High Needs Capital Provision Allocations (HNPCA), via a grant from the DfE.

- **Option II**: Stay the same. This is not a viable option as there is clearly a demonstrated need for provision at Tier 2, to meet the needs of children and young people in all key stages 3 and 4.

Preferred option

Option one is the preferred option. This is because suspension and permanent exclusion are at the highest rates since records began. It is very often that the most vulnerable children, young people, and their families that are affected by this. Furthermore, many minority groups continue to be overrepresented in AP settings that are not able to offer the level of educational opportunity that mainstream settings can. The SEND & AP Green Paper highlighted many concerning issues around the current SEND and AP system.

[1] Please note the following caveats:

- Based upon information issued to Property Services during site attendance and any correspondence from Kingsland School only.
- No detailed condition survey of the building and services has been undertaken.
- Assumption that existing services adequate for refurbished needs: water and electrical supplies.
- Existing extract canopy is suitable after refurbishment.
- Existing kitchen appliances are repairable or serviceable: no allowance for new equipment.
- Current natural ventilation provisions are suitable and adequate.
- Existing hot water point are adequate: no new service pipe runs.
- All dead legs have been removed as part of building LRA
- All services can be surface mounted throughout due to limited service voids.
- Building to be used as one school and not separate tenants.
- Assumption of no asbestos.

Historically, support has often been too reactive and not proactive enough with early enough identification. The DfE have been very clear about the 3 tiers of support needed in local authorities nationally to redress the concerns highlight in the Green Paper.

Further to the moral, ethical, and social imperative to improve outcomes for more children and young people, option 1 gives Oldham the opportunity to offer the Tier 2 approach that is an integral part of 'a vision for a society where every child and young person can succeed' (DfE, SEND & AP Improvement Plan 2023).

Consultation

Any changes to the support and provision for children and young people with SEND and those who are vulnerable will require full coproduction with children, young people, parents/carers, and partners. Parents/carers will play a defining role in this, and changes must consider their views directly.

Risks

There are no risks associated with this proposal other than programme management of the high needs provision capital allocation projects. However, this outweighs the need to develop and deliver the proposed model on a permanent basis.

Implications

Financial	The £200k cost for the works will be capital expenditure and will be a charge against the Education capital programme. The costs can be financed from within the existing High Need Capital Provision Grant allocation, which currently has a balance of £8.310m of unallocated funds. It should be noted that the £200k costs figures for the capital work are high level, indicative estimates at this stage with a range of caveats, as detailed in the report. Costs will need to be kept under review as the project progresses to ensure that the project can be delivered within the available allocation. (James Postle) Approval is sought to proceed with the next steps (formal stage 1 and 2 capital projects) to create a dual site at Boundary Park to create a Tier 2 service that offers time-limited intensive placements in an alternative provision setting. The responsibility, risk and reward of running the service will rest with Kingsland School and as such there are no revenue implications arising should the capital scheme proceed (Andy Cooper)
Legal	

HR	No HR Implications.
Equality impact including implications for children and young people	N/A

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the council's constitution?	No
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the council's budget?	Yes
Are any of the recommendations within this report contrary to the policy framework of the council?	No

Background Papers: under Section 100D of the Local Government Act 1972

1. None.

Appendix

1. None.

Report author sign-off	Amber Burton
Role	Assistant Director, SEND & Inclusion
Date of sign-off	2025-01-01

Approval	
Officer approval sign-off	Mathew Bulmer 
Role	Director Education Skills and Early Years
Date of sign-off	31.01.2025

Approval	
Member(s) approval sign-off	
Role	Cabinet Member for Education & Skills

Date of sign-off	03.02.25