

Democratic Services

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Date: 4th January 2016
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To: All Members of the Children and Young People Policy Development and Scrutiny Panel

Councillors: Lisa Brett, Matt Cochrane, Karen Warrington, Peter Turner, Sally Davis, Alison Millar and Liz Hardman

Co-opted Voting Members: David Williams and Andrew Tarrant

Co-opted Non-Voting Members: Chris Batten and Rebecca Thompson

Cabinet Member for Children's Services: Councillor Michael Evans

Chief Executive and other appropriate officers
Press and Public

Dear Member

Children and Young People Policy Development and Scrutiny Panel: Tuesday, 12th January, 2016

You are invited to attend a meeting of the **Children and Young People Policy Development and Scrutiny Panel**, to be held on **Tuesday, 12th January, 2016 at 9.30 am** in the **Brunswick Room - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Mark Durnford
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling in at the Guildhall, Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Mark Durnford as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Mark Durnford as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

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To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

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- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

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Arrangements are in place for the safe evacuation of disabled people.

**Children and Young People Policy Development and Scrutiny Panel - Tuesday, 12th
January, 2016**

at 9.30 am in the Brunswick Room - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is a **disclosable pecuniary interest** *or* an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES - 17TH NOVEMBER 2015 (Pages 9 - 18)

8. CABINET MEMBER UPDATE

The Cabinet Member will update the Panel on any relevant issues. Panel members may ask questions.

9. CHILDREN'S SENSE OF SAFETY / SHEU (Pages 19 - 20)

The Schools Health Education Unit (SHEU) was commissioned by Public Health to deliver a health related behaviour questionnaire across B&NES schools in 2015. There will be a presentation on the findings at the meeting highlighting responses to do with children and young people's sense of safety.

10. SPECIAL EDUCATIONAL NEEDS & DISABILITY REFORM (Pages 21 - 40)

This report provides the Panel with an update on the implementation of SEND reform in Bath and North East Somerset.

11. SEND FUNDING (Pages 41 - 48)

This report explains that the Council and schools face a range of funding and other pressures associated with the provision of support for children and young people with Special Educational Needs and Disabilities (SEND) both due to demographic changes and national policy changes (SEND Reform).

12. CARE ACT - IMPLICATIONS FOR CHILDREN (Pages 49 - 58)

This report sets out to inform the Panel about the Care Act 2014 and the interface and implications for children and young people.

13. SCHOOL ATTENDANCE / EXCLUSIONS (Pages 59 - 66)

This report highlights the current status of school attendance and exclusions across Bath & North East Somerset, highlighting where necessary current concerns and activity to address identified concerns.

14. BEHAVIOUR STRATEGY (Pages 67 - 96)

The Council has commissioned the production of a Behaviour Strategy in collaboration with local schools and academies. The draft strategy is being circulated for comments and feedback prior to finalising the action plan to deliver it.

15. PEOPLE AND COMMUNITIES STRATEGIC DIRECTOR'S BRIEFING

The Panel will receive a verbal update on this item from the People and Communities Strategic Director.

16. PANEL WORKPLAN (Pages 97 - 102)

This report presents the latest workplan for the Panel. Any suggestions for further items or amendments to the current programme will be logged and scheduled in consultation with the Panel's Chair and supporting officers.

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

CHILDREN AND YOUNG PEOPLE POLICY DEVELOPMENT AND SCRUTINY PANEL

Minutes of the Meeting held

Tuesday, 17th November, 2015, 5.30 pm

Bath and North East Somerset Councillors: Lisa Brett (Chair), Matt Cochrane (Vice-Chair), Karen Warrington, Peter Turner, Sally Davis, Alison Millar and Liz Hardman

Co-opted Voting Members: Andrew Tarrant (Diocese of Clifton)

Co-opted Non-voting Members: Chris Batten (ATL)

Officers : Ashley Ayre (People & Communities Strategic Director), Mike Bowden (Director, Children & Young People, Strategy and Commissioning), Sarah Watts (Complaints Procedure Manager) and Sara Willis (Service Manager, 0-11 Outcomes).

Cabinet Members in attendance: Councillor Michael Evans

27 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

28 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure.

29 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

David Williams had sent his apologies to the Panel.

30 DECLARATIONS OF INTEREST

Councillor Liz Hardman declared an other interest as she is a governor at The Link (Aspire) School.

31 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

32 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Ian Parsons addressed the Panel on the matter of Duke of Edinburgh Award funding. He said that he was one of seven leaders that worked in the local area and that he was concerned about the proposed cuts within the latest budget.

He explained that the local centres provided regular sessions for 14 – 18 year olds to learn new skills and where necessary catch up on life skills.

He said the Council currently provides safeguarding and child protection advice to leaders and volunteers involved in the Duke of Edinburgh Awards. He added that they also offer general support and advice to volunteers. He was feared that without this support the volunteer base would reduce significantly.

He called for the Council to retain the licence that allows them to be part of the national scheme.

The Chair asked if he felt that there was a potential risk to either children or volunteer recruitment should the Council pass over the licence to another organisation.

Ian Parsons replied that if another organisation were to take up the licence he would be initially concerned that they knew enough about the rules and parameters of working with young people and that this possible lack of stability would put people off from applying to take part.

Councillor Liz Hardman asked how the possibility of funding being withdrawn had affected their current work.

Ian Parsons replied that they had not been able to start their current scheme because they could not confidently say that it would be completed.

Councillor Liz Hardman asked how much directing funding do they receive from the Council outside the cost of maintaining the licence etc.

Ian Parsons replied that they receive some money towards the running costs of the mini bus and that he believed the fee for the licence was £1,500.

Dave Bonstow addressed the Panel on the same matter. He said that they had only been informed by email of the decision for funding to be withdrawn and he asked if any of the young people involved in the scheme had been made aware of this. He said that he also questioned the figure of £30,000 as the cost to the Council's involvement.

He felt that the children that gain the most from the scheme currently would miss out if it were to be run through schools. He wished to encourage officers within the Council to have further conversations with those involved before making a final decision.

Councillor Peter Turner said that he had some sympathy with the speakers as he himself was a mentor for the Prince's Trust. He added that he felt that a support network was vital to the success of the scheme.

Councillor Michael Evans, Cabinet Member for Children's Services thanked both of the speakers for their statements and said he was pleased to announce that he had obtained funding for the Open Centres in Keynsham & Bath to continue their provision with the current level of LA support. This will be on a one-off basis for the remainder of the 2016 financial year, and within the People & Communities Budget for subsequent years, subject to a review of take-up.

The Chair said that she was pleased to hear of this decision and thanked the Cabinet Member.

Councillor Matt Cochrane asked that the reduced figures for this year be taken into account in any future review.

Dave Bonstow thanked Councillor Evans for his decision as he did not believe that as many people would take part if it had been run by 'uniform groups' such as the Scouts. He added that he hoped that consultation in the future could prevent a similar situation.

33 MINUTES - 15TH SEPTEMBER 2015

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

34 CABINET MEMBER UPDATE

Councillor Michael Evans, Cabinet Member for Children's Services addressed the Panel. He informed them that he had attended a meeting of South West Lead Members on October 22nd where they received a presentation from Bradley Simmons, Ofsted Regional Director, South West.

He said that he took away the following particular points from the meeting:

- i) Attainment at Key Stage 5 (2014); B&NES performed below the national average for 3A* - A or better. B&NES performed at national average for AAB or better. On both performance measures we were slightly better than Bristol, on a par with North Somerset and decisively poorer than Wiltshire, Poole, Bournemouth, Gloucestershire and Torbay.

He said that this confirmed his concern that as an area we are not serving our higher ability students as well as we should be and that he would continue to exert what influence he has to highlight their needs.

- ii) Value added for previously high attaining pupils KS2 to KS4 (2014); B&NES performed slightly below national average. Dorset, Bristol, Isles of Scilly, Devon, Bournemouth, Torbay, Poole, North Somerset, Gloucestershire and Wiltshire all outperformed B&NES on this performance measure.

- iii) KS1 to KS2 Value Added Score (2014) for previously high attaining pupils; B&NES was below the national average on this measure and in the South West it was below Somerset, Devon, South Gloucestershire, Gloucestershire, Wiltshire, Torbay, Bristol and the Isles of Scilly.

He said that this evidence gave him cause for concern.

On October 20th he attended a meeting of the Children & Young People's Network. He said that he was impressed by the contributions of young people who came forward to give feedback on their experience of some of the services they receive. He said that there was a strong feeling of the need for a Member's Champion for Voluntary Services so that these groups have someone within the Council who would be conscious of their concerns and represent them if necessary. He asked for any member interested in the role to put their name forward.

He said that he had met with Dr Melanie Macer and Dr Laura Green to further discuss the matter of the Child Friendly City. He informed the Panel that the Bath Spa University Institute for Education would consider funding a project to develop a B&NES Child Friendly City manifesto using online tools including Learn to Lead to maximise young people's involvement. He added that the manifesto would frame the job and person specification for a Project Officer. Further funding would then be sought from appropriate Trusts and potentially crowd funding to finance the post.

He said that he was happy to support and further explore this initiative and learn more about the Learn to Lead programme and to hopefully see it in action at Chew Valley School.

Finally, he stated that discussions are well advanced with stakeholders for a project to refurbish the Riverside Youth Centre for inclusion in the 2016/17 budget.

Councillor Liz Hardman suggested that Value Added information be included the exam results reports that the Panel receive.

Councillor Lisa Brett noted there were significant pressures on SEND provisions across B&NES, that Special School Places are now at capacity, and that the Council now have to pay for independent school provision.

She asked what is the additional cost to B&NES between state and independent provision for SEND (per child/currently/four year forecast) and how far advanced are plans to build another special school.

Councillor Evans replied that the costs associated with an SEN pupil at a state school is £18,500 and at an independent school is £81,000. He added that a better mix of SEN provision is required across the Council.

The Strategic Director for People & Communities added that whilst B&NES does need further provision it does have to be the right mix. He said that this could come in the shape specialised units within mainstream schools.

Councillor Lisa Brett further noted that it is not just special schools who are struggling, all schools in BANES are experiencing increased demand for SEND provision due to legislative changes, additional burdens being introduced by central government without sufficient additional resources

Councillor Lisa Brett asked what is the Council's budget shortfall for SEND provision in schools and what steps are being undertaken to ensure that, despite the shortfall in the budget, children are getting the level of support they legally entitled to.

The Strategic Director for People & Communities replied that there had been a 50% increase in assessments over the past year due to the new legislation, so there is a cost towards pupil support and administration. He added that the Council receives £180,000 through new burdens funding, but that he felt that total costs would be around £200,000 more, these are costs that the Council has to meet. He said that the budget pressure related to levels of pupils support and placements costs lie with the schools and not the Local Authority through the Dedicated Schools Grant (DSG).

Councillor Liz Hardman asked if he could explain further a line from the report that said existing resources for this work area were not enough.

The Strategic Director for People & Communities replied that this was regarding the numbers of staff required to administer the new assessments. He added that he had discussed this matter with schools over a number of years to seek them working more collaboratively and inclusively so that more children are supported locally and the numbers moving into provision outside of the area is restricted to those that truly require a highly specialist school placement.

The Chair asked if the automatic enrolment to pensions which is to cost around £1.1m should be seen as a 'Stealth Tax' to the Treasury and a way of not implementing direct cuts.

Councillor Evans replied that he would not wish to comment until the comprehensive spending review had been announced.

The Chair thanked him for his update on behalf of the Panel.

35 CHILDREN'S CENTRES / STAFF MUTUAL

The Director for Children & Young People, Strategy & Commissioning explained that a review and redesign of Children Centre services was carried out following the budget setting process of 2013 and was supported by a task and finish group of the Early Years, Children & Youth Panel. The new model for service delivery was agreed at Cabinet in September 2014.

He said that a Staff Mutual Project Board was established to provide independent support and a challenge through the development process.

He informed the Panel that the Board had now concluded that the potential gains of a staff mutual model are not sufficient to outweigh the financial disadvantages. He added that both the Council run service and the commissioned service (First Steps) have confirmed that the services can be delivered within the reduced budget without the need to move to a two centre management arrangement.

The Chair congratulated the staff group managers for being able to self-fund the delivery of some universal services. She asked for reassurance that the momentum of expanding the trading of services isn't lost.

The Service Manager for 0-11 Outcomes replied that the demand for services is high and that they feel there is potential and an appetite to deliver universal services.

Councillor Liz Hardman asked if the service could still bid for grants.

The Service Manager for 0-11 Outcomes replied that they have a strong partnership with First Steps and others, including Sirona and would work with them on related bids which can be submitted by those partners with input from the service.

The People & Communities Strategic Director added that the Council would be part of the planning process for grant bids.

The Panel **RESOLVED** note the report.

36 ANNUAL REPORT ON CHILDREN'S SERVICES COMPLIMENTS AND COMPLAINTS 2014-15

The Complaints Procedure Manager introduced this report to the Panel. She explained that during the year a total of 86 complaints were received and recorded under the Children's Service statutory complaints procedure or the Council's Corporate Complaints Procedure. She added that 39 compliments or letters of thanks were recorded.

She stated that in the past five years there had been a significant increase in the number of complaints and representations received. However, despite this it has not resulted in a significant increase in the number of complaints escalated to Stage 2.

Councillor Karen Warrington asked if they could identify any reason for the increase.

The Complaints Procedure Manager replied that she thought that the public were more aware of the ability to complain and able to access information online.

Councillor Alison Millar asked if they were happy with the figures.

The People & Communities Strategic Director replied that he was delighted with the compliments received and he recalled comments from one Headteacher regarding a particular Social Worker on the depth of work that they had carried out. He added that the directorate had recently achieved the Customer Service Excellence Award.

Councillor Liz Hardman asked if there were any follow up procedures for staff involved in a complaint.

The Complaints Procedure Manager replied that Team Managers were given feedback, they were discussed at supervision meetings and any related training was provided for staff.

The Chair congratulated the Complaints Procedures Manager on getting 39 compliments - almost a third of all comments formally recorded were complimentary

The People & Communities Strategic Director added that staff do always make people aware of the ability to complain when there is a difference of opinion. He

added that there are two In Care Councils as well as an advocacy service that is available. He said that he wished to praise the Social Work teams for all that they do and the work of the Complaints Procedure Manager and her small team in particular.

The Panel **RESOLVED** to note the report.

37 DIRECTORATE PLAN FOR PEOPLE & COMMUNITIES

The Chair asked from where the £1.2m associated with increased employer's national insurance contributions in the Children's Services budget would come.

The People & Communities Director replied that this was a sum that would be sourced from the central corporate budget.

Councillor Alison Millar asked how much of a budget impact will there be to the Council when it welcomes Syrian refugees to the area.

The People & Communities Director replied that the key first step is housing and they will need access to good interpretation services in order that we can fully assess the needs of each family member. We can then access families into the services needed including health and education. He added that Government funding is allocated for one year. He stated that it is likely that families will present with a high degree of need given the trauma and dislocation they have suffered and that he had been pleased to hear that some schools will breach their admission numbers if required in order to admit any children.

Councillor Liz Hardman asked if the Panel could receive the Alternative Provision Strategy at their next meeting.

The People & Communities Director replied that they could and said that the plan is to double the amount of provision.

The Chair queried the Health, Commissioning & Planning budget line as the income line seems extraordinarily high, whereas the Direct Schools Budget grant appears to be non-existent on the line below.

Officers agreed this was a quirk of the accounting system that they planned to address.

The Chair asked how accurate can officers be with regard to their growth assumptions for the area.

The People & Communities Director replied that birth data is used and analysed as the children grow and their care needs change.

The Chair asked for an explanation of the impact to children of the efficiency savings of £450,000 relating to substance misuse and £50,000 relating to sexual health.

The People & Communities Director replied that these figures were regarding adults and related to how the Council manages its resources and the ability to signpost people to services. He added that he did not anticipate an adverse effect on Children & Young People.

Councillor Liz Hardman asked if a direct grant to the Music Service was to cease and if so would more children have to pay for lessons.

The People & Communities Director replied that the service was moving towards becoming self-funded and that a grant was available from central Government. He added that the majority of music lessons have always had to be paid for.

The Chair asked if once the indicative settlement announcement had been made would there be a draft medium-term 3 year budget plan available for their January meeting.

The People & Communities Director replied that he was already working within a four year plan and clear figures would be available for 2016 / 17. He added that care placement costs would be a focus as we move forward.

38 PEOPLE AND COMMUNITIES STRATEGIC DIRECTOR'S BRIEFING

The People & Communities Strategic Director addressed the Panel.

Educational Outcomes 2015 – Provisional results data

Early Years Foundation Stage: Above national average and improved on last year, with the performance gap narrowing for disadvantaged children.

Key Stage 1: Overall attainment at Level 2b+ was above national average and improved in reading, writing and maths, although at Level 3+ some of the attainment gaps have widened.

Key Stage 2: Overall attainment is significantly above national average, but gaps for disadvantaged pupils remain a concern. The proportion of pupils making better than expected progress is below the national average.

Key Stage 4: B&NES are second highest in the South West for 5A* to C GCSEs including English and Maths, and highest in the South West for English Baccalaureate.

He said that confirmed results and further analysis will be reported to the Panel in March 2016.

Child Sexual Exploitation – Integrated Victim Identification and Support Service

He informed the Panel that this project has been established as a partnership across Avon & Somerset Constabulary, Wiltshire Constabulary areas and the National Children's Charity Barnardo's.

He added that within B&NES the project is fully aligned with the Children's Social Care Services including the specialist Willow Project.

He said that the Integrated Victim Identification and Support Service is also in discussion with each of the Local Authorities who support the project to agree to joined approaches in relation to information sharing and referrals processes.

Early Help Strategy

The LSCB has published a multi-agency Early Help Strategy which brings together our aims and objectives around early identification and help for children, young people and families. The strategy aims to ensure that key professionals are equipped to identify and intervene at the earliest point of need.

New Children's Social Care Case Management System (Liquid Logic)

The Council has procured a new case management system for both Children and Adult Social Care. The Children's system is to be implemented first and has a 'Go Live' date of November 25th. An extensive training programme is now underway for all relevant staff to ensure that workers are appropriately skilled.

SEN Strategy Development

He explained that the Local Authority has proposed and Schools have agreed to support the development of a new SEN strategy to consider the demand for and supply of SEN provision. He said that as mentioned earlier in the meeting legislative changes which took effect in September 2014 have resulted in a 48% increase in requests for assessments. He added that this may be a topic of interest to a future Panel meeting.

Councillor Sally Davis commented on the good use of a satellite SEN unit at Norton Hill School by Fosseyway School. She added that where possible a lot of parents want their children to remain in mainstream school.

The Chair thanked the People & Communities Strategic Director for his briefing on behalf of the Panel.

39 PANEL WORKPLAN

The Chair introduced this item to the Panel. She asked for an item relating to Pupil Parliament Feedback to be added to the workplan.

Councillor Liz Hardman asked for a report on the Alternative Provision Strategy to be discussed at their meeting in January 2016.

The Panel approved both of these proposals.

The meeting ended at 7.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Children and Young People Policy Development and Scrutiny Panel

Tuesday 12th January 2016

Children's sense of safety/SHEU

There will be a presentation on the findings of the Schools Health Education Unit (SHEU) survey of 2015 highlighting responses to do with children and young people's sense of safety. The presentation will be available after the meeting.

Background.

The Schools Health Education Unit (SHEU) was commissioned by Public Health to deliver a health related behaviour questionnaire across B&NES schools in 2015.

The survey has also been carried out in 2011 and 2013.

Schools are encouraged to take part, but it is not compulsory. There is no cost to schools to take part.

12 out of 13 Secondary schools (3,048 pupils) and 29 out of 54 eligible primary schools (1,642 pupils) completed the survey in 2015.

A range of health related questions are asked covering the following topics:

- Healthy Eating
- Physical Activity
- Relationships
- Mental Health
- Smoking, Alcohol, Drugs
- Staying safe
- Enjoying and achieving
- Views and opinions

Individual schools receive their data in the form of a report. They can compare their responses with the rest of the schools that took part in B&NES and also with the wider sample of schools across England that have also done the survey.

Individual school reports remain confidential to the school. Two members of the LA staff receive copies as do the school nurses. The schools themselves decide who they share their own data with, although they are encouraged to share positive responses and areas for development with their own school community and other professionals as necessary.

A meeting is offered to all schools to help them interpret their results. Attending the meeting are usually the school PSHE/DPH Award lead, senior manager and school nurse. In addition, all secondary schools are offered a

feedback meeting with the LA Drugs and PSHE lead and the DPH Award coordinator.

B&NES level 'headline' reports are widely available for officers and partners to view and the data is also used in the Joint Strategic Needs Assessment (JSNA).

As the survey has now taken place 3 times, the LA has started to gather trend data. We also have data that compares the responses of children and young people who state they are receiving free school meals with their peers. These 'Ever 6 FSM children and young people' will be those in receipt of pupil premium funding for the school.

The pupil premium is additional funding for publicly funded schools in England to raise the attainment of disadvantaged pupils and close the gap between them and their peers.

The presentation will summarise the results of the surveys conducted in 2015 as well as highlight trends and findings linked to safety. A broad range of data will be presented from both Primary school and Secondary school results.

Kate Murphy – Drugs and PSHE Consultant
Judy Allies – DPH Award coordinator.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children and Young People Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	12th January 2016	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
TITLE:	Update on Special Educational Needs and Disability (SEND) reform	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <ol style="list-style-type: none"> 1. The first year of EHC planning in B&NES – evaluation 2. SEND reform progress and next steps Nov 2015 3. SEND governance 		

1 THE ISSUE

- 1.1 An update on implementation of SEND reform in Bath and North East Somerset.

2 RECOMMENDATION

Members are invited to

- 2.1 Note the progress to date
- 2.2 Comment on the next steps and proposals for governance arrangements.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Government have provided one-off grants to support the implementation work and 'new burdens' funding to March 2016. Further 'new burdens' funding from April 2016 has been announced but no detail yet provided of allocations to local authorities at the time of writing this report.
- 3.2 There are significant capacity implications to the new way of working for the transitional period to March 2018 and beyond. This paper does not contain proposals to address this funding 'gap' which will be addressed separately.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Children and Families Act 2014 set out new statutory duties for local authorities, clinical commissioning groups, education settings and other partners in respect of

disabled children and young people and those with special educational needs aged 0-25.

- 4.2 This new legal framework for children and young people with SEND came into force from 1st September 2014 with the exception of new duties to young people with SEND in youth custody, which came into force in April 2015.
- 4.3 The SEND code of practice 2014 approved by parliament in August 2014 is statutory guidance detailing the application of these new duties. The code of practice was updated from April 2015 to reflect the new duties towards young offenders with SEND.
- 4.4 The Equality Act 2010 sets out existing duties to disabled children and young people which are embedded in the code of practice. Sitting alongside the code of practice is new statutory guidance for schools on their duties to children and young people with medical conditions.
- 4.5 The Care Act 2014 introduced new requirements in respect of young people with SEND preparing for adulthood which dovetail with the SEND reform and came into force from April 2015.
- 4.6 SEND reform aims to improve life outcomes for young people with SEND. This is consistent with the overall vision of the B&NES Children & Young People's Plan that 'we want all children and young people to enjoy childhood and to be well prepared for adult life', and supports the plan's focus on health and equal life chance outcomes.

5 THE REPORT

- 5.1 Preparation for SEND reform in B&NES began in summer 2013. A project plan was drawn up and steering group established to oversee implementation. The implementation project ran for two years to summer 2015 and was the subject of reports to the PDS panel in November 2013, July 2014 and November 2014.
- 5.2 In spring 2015 a post of Head of Vulnerable Learners was established leading key services that support young people with SEND amongst other education support services provided by B&NES Council. The Head of Vulnerable Learners now leads on outcomes for children and young people with SEND and the continued transfer plan to convert all statements of SEN to Education, Health and care (EHC) Plans by April 2018.
- 5.3 An evaluation was carried out in summer 2015 of the EHC Planning assessment and transfer review processes together with the quality of EHC Plans in year one. The report of this evaluation is attached as appendix 1. The person centred nature of the new approach has significantly improved the quality of parental and young person experience, however the quality of resulting EHC Plans is not yet at the standard to which we aspire. The new personalised approach requires significant additional time within the SEN Team. Additional staff capacity has been established to provide this, however this has been complicated by a significant (over 40%) increase in demand for statutory assessments, which appears to be due not only to the reforms extending eligibility to ages 0-25 but also an increase in the identification of significant needs in the early years.
- 5.4 This is in line with the experience up and down the country. Significant change has already been achieved but there is further work to do to complete transfers of all statements of SEN and to ensure all EHC Plans become truly holistic and focused on long term life outcomes rather than purely educational goals. The

evaluation report set out a number of recommendations which are being taken forward. The published transfer plan has not been amended as in fact it sets out a schedule and principles for the whole 3 and a half year transition period to 2018, however amended arrangements for the assessment and transfer review processes have been set out and training offered and provided to education settings and other services that contribute to EHC Plans.

- 5.5 In winding down the implementation project a final summary of progress on the project plans and next steps was provided for the project steering group in November 2015. This is attached as appendix 2. Much has been achieved however there are a number of significant areas of work which remain in addition to the continuing work to complete transfers to EHC Plans.
- 5.6 One of these areas of work is to establish more robust systems for collecting data on children and young people with SEN at all levels from 0-25 including outcome information. This work is necessary to enable us to measure the impact of the reforms; to inform commissioning and will be needed to inform preparations for inspection also. Ofsted have announced inspections of local area arrangements for SEND will start on a 5 year cycle from April 2016 and we will therefore need to draw up a Self Evaluation and maintain it up-to-date from April.
- 5.7 Another key area of work is to ensure effective pathways to employment for young people with SEND. This is work in B&NES is supported through the Employment is Everyone's Business project run by national development Team for Inclusion on behalf of the DfE, working with 4 selected local areas including B&NES to develop and showcase effective approaches to increasing inclusion of young adults with SEND in the workforce. This work should be seen in the context of our strategies for ensuring all young people aged 14-25 in B&NES are able to participate in education, training and ultimately employment.
- 5.8 In winding down the implementation project it is necessary to consider future governance arrangements for SEND partnership and strategy in B&NES. The attached paper (appendix 3) sets out proposals to develop the SEND strategy group to provide two tiers of governance, ultimately linking into the Health and Wellbeing Board, bringing together key stakeholders and providing coordination of integrated working at operational level.

6 RATIONALE

- 6.1 To update members on SEND reform implementation in B&NES.

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

- 8.1 The evaluation of the first year of EHC planning was carried out with input from parent carers, young people and practitioners working with young people with SEND across services and settings.
- 8.2 The evaluation of EHC planning, progress and next steps Nov 2015 and proposals for governance arrangements have been informed by discussion at the SEND reform steering group and SEND (formerly disabled children) strategy group.

8.3 This paper and appendices have been shared with the required finance and monitoring officers.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Charlie Moat, Service Improvement Manager, 01225 477663, charlie_moat@bathnes.gov.uk</i>
Background papers	<i>Update to PDS panel on implementation of SEND reform November 2014</i> <i>http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=461&Mid=3682&Ver=4</i> <i>Bath & North East Somerset SEND local offer</i> <i>www.bathnes.gov.uk/localoffer</i> <i>Bath and North East Somerset searchable SEND local offer</i> <i>www.rainbowresource.org.uk</i>
Please contact the report author if you need to access this report in an alternative format	

The first year of EHC planning in B&NES – evaluation

This paper sets out –

- The process of evaluation of EHC planning
- Findings and conclusions
- Recommendations for year 2 of the transition plan.

Appendices include –

- Quantitative data from the parent carer and practitioner feedback questionnaires
- Transcripts of the comments from the questionnaires
- Feedback gathered at the final evaluative EHC planning practice workshop
- Working draft EHC plan audit tool.

Anonymised transcripts of the interviews with parent carers and young people will also be made available to members of the SEND virtual leadership team and can be made available to others on request.

The process of evaluation of EHC planning

The evaluation of the first year of EHC planning in B&NES set out in this report is based on the following –

Feedback questionnaires

128 questionnaires were sent out to all parent carers, young people and practitioners (across education settings and other services) named in one or more completed EHC plans gathered from SEND practitioners by Becky Claridge up to early July 2015. Becky sent out the questionnaires, and has collated and analysed those returned.

We originally intended to use questionnaires developed by In Control, the POET – Personal Outcomes Evaluation Tool. However when we obtained and looked at the pilot version of these questionnaires we felt they were both too long and not well designed, particularly for young people. The improved version of the POET was not due to be released before we wanted to start work, so Kay Sibley devised a set of questionnaires on behalf of a small task group which were shorter and clearer.

A total of 15 practitioner, 5 parent carer and 2 young person questionnaires were received back. This is a poor rate of return for parent carers and young people. Asking people to complete and return a paper questionnaire is likely always to be a challenge and the questionnaire is still quite long although significantly shorter than the POET from In Control.

However the questionnaires returned by practitioners and parent carers in particular have provided valuable feedback which has both supported and enriched the feedback obtained through other channels. Questionnaires were received from one 4 year old and one 16 year old. The 16 year old knew/understood little about his plan or the planning process, but appreciated the support received in school and showed some future interest in finding out about personal budgets. The 4 year old did not add significantly to our understanding of his experience.

Interviews with parent carers and young people

A sample of the parent carers named in completed EHC plans were contacted and offered the opportunity to give more detailed quantitative feedback by either face to face or telephone interview. This included an offer of an interview for their young person. These interviews were carried out by Ben Harrington (social work student in Disabled Children's Team) and Kay Sibley.

In total 14 parent carer and 1 young person interviews were completed and have informed this evaluation. These have provided very valuable information about the experience of these families.

Evaluation of completed EHC plans

A number of members of the SEND virtual leadership team evaluated (anonymised) completed EHC plans using the working draft audit tool (attached). The auditors were Annie Carpenter and Marianna Zatkova (parent carer reps), Tracey Pike (Youth Connect Service Manager), Nora Ryan (DCT Manager), Julie Knight (PfA Coordinator) and myself. A total of 22 audits were completed. I was able to cross-reference a few of my audits with parent carer/young person interviews. In addition I have read all of the EHC plans audited by colleagues and a number of the other completed EHC plans I have received.

EHC planning practice workshops

We have held a series of 5 practice workshops through the year, to support the development of EHC planning practice. This has included regular slots to consider what is working/not working and the final workshop was mainly focused on evaluation. Feedback from this workshop is attached.

SEND Virtual leadership team meetings

This group meets termly ('new' terms) bringing together managers of the key Council, Sirona and other health services involved in EHC planning together with parent carer reps. Each meeting has included the opportunity to share what is working/not working in respect of EHC planning, and the final term's meeting was entirely set aside for evaluation.

Other feedback from parent carers, young people and practitioners collected through a variety of channels

These have included particularly –

- Termly ('new' terms) liaison meetings with the B&NES special school headteachers, together with the senior leadership of the SEN team and PfA coordinator
- The B&NES SENCO conference on May 5th organised by Fosseyway teaching school with input from key teams and services
- Various other events and meetings through the year which provided opportunities to meet parent carers and practitioners from across services, including those providing information, advice and support/IS/advocacy.

I have missed no opportunity to ask parent carers and practitioners for their feedback, and indirectly through them the views of parent carers, young people and colleagues that they were picking up. It is hard to capture and quantify this informally gathered feedback; however it has played a significant role both in indicating issues to explore further as well as adding to our understanding of what the first year experience has been.

I would like to acknowledge the significant contribution made to this exercise by those named in the above.

As well as a wealth of information about the experience of EHC planning and the quality of plans locally, this evaluation is also informed by some indications of the national picture including particularly information from –

- The CDC conference in London in March
- A presentation at our SENCO conference in May from Pat Bullen of NASEN & Leicester City Council
- Linda Jordan and Carol Robinson of NDTi through their current support for work here in B&NES
- Regional events and meetings with other SEN teams attended by Chris Jones and SEN team colleagues.

Findings and conclusions

The family experience of the process is significantly improved. This is generally better for fresh needs assessments than for transfer reviews. Key elements contributing to this include the face to face meetings, use of person centred tools (including My Future My Choice, Preparing for your Assessment and One page profiles), outcomes meetings and the quality of support and coordination provided by SEND practitioners.

SEND practitioners and face to face meetings helped by making the process clear. Some parents reported SEND practitioners keeping outcomes meetings focused on the child and on outcomes, when other participants had a different focus, and helping to improve outcomes proposed by schools, and to chase up action arising from plans when schools did not seem to be following the plan after it was issued. The words 'amazing', 'excellent' and similar terms occur often in relation to both SEND practitioners and the face to face and outcome meetings. Some parents felt heard for the first time and that professionals were on their side.

Practitioners were positive about the new approach promoting putting the child at the centre, partnership working, preparation for adulthood and reflecting holistic needs. They were less positive about it helping to provide clear information and advice to parents or meeting deadlines. These experiences are broadly consistent with the parental and other feedback we have. Parents were often not clear when the EHC plan was complete who the key worker/lead professional was, and we will need to ensure this is made clear when all plans are completed.

Outcome meetings appear to have been most effective when all key professionals have been able to attend. Achieving this has been difficult, and inevitably meetings have had to take place without all key participants in some cases. Again, meetings appear to have worked best when a person centred process has been followed and participants with other agendas have been helped to focus back on the child. Transfer review meetings have been more mixed in their quality, reflecting the diversity of approaches from different schools, although some schools have reported becoming more confident through the year.

Threeways have established dedicated review coordinator roles to facilitate person centred review meetings, and this appears to lead to many positive experiences although one parent reported the meeting feeling quite rushed as a result of which she did not feel heard. Fosseyway look to all tutors to lead reviews, not all of whom had had person centred training. Julie Knight has provided some whole school training at Fosseyway to address this. Both parent feedback and audits of EHC plans suggested some good experiences leading to some good quality EHC plans from tutor led reviews at Fosseyway. Many SENCOs across B&NES have attended EHC planning practice workshops, or other training on SEND reform; however more work is required to train more school staff in holding person centred reviews across the mainstream schools. Some primary schools have started doing one page profiles with all pupils regardless of need.

While many parent carer comments were favourable about timescales, we know from the whole of the feedback that there have been negative impacts of the significant delays that have built up in issuing EHC plans following transfer reviews in particular, and the SEN team have reported a backlog building up as the number of fresh assessment requests has taken off following the Xmas break. I have not had figures in compiling this report, however they will be available to the steering group

and it has been clear that there have been significant capacity pressures on the SEN team in particular, as well as the EP service and SEND partnership service.

The transfer plan was ambitious in the number of transfer reviews we set out to do, and not all have been achieved, and there have been significant delays in some of those that have been achieved. Practitioners across the system have been under great pressure as the process is new, and this has shown in some of the lack of clarity and uncertainties reported by parents in respect of the transfer review process. We will need to work with education settings, and look to some of the other key services to take the lead on transfer reviews and on support planning for young people, and to improve the quality of their contribution to the process both to help with the capacity pressures and to achieve the quality of family experience and EHC plans for more transfer reviews as well as fresh needs assessments.

EHC plans are almost always seen as better than statements by parents with experience of both. One parent commented that anyone suggesting an EHC plan is not better than a statement should be shot. Most parents of young people with EHC plans following a fresh assessment are pleased with it. Key elements contributing to this include the personalisation (use of photos of young people, one page profiles, the family profile), the holistic picture of the young person (including positive appreciation and information that is about much more than just education) and the fact that provision and support set out in the plan is generally seen as likely to meet the young person's needs. Young people appreciate the support they receive in school as a result of statements and EHC plans. One parent was very impressed with the plan when she received it, from the photo on the front all the way through; it was all about her child.

Some parents also felt the EHC plan was longer term and more holistic in its thinking than just about SEN. When I was able to cross-reference plans with feedback, this was borne out in the presence of more holistic/plain English outcomes and plans addressing long term aspirations, at least in respect of employment, and issues relating to emotional and social well-being, independent living skills and sometimes health and care issues.

However the majority of EHC plans read and audited were much closer to our aspirations for them in the first parts (one page profiles, family profiles, holistic descriptions of young people, their abilities and needs) than in the second part (where many plans were mostly or entirely focused on meeting SEN in school). This also fits with the observations of some practitioners in other services who commented that EHC plans they have seen look like statements in a new format.

While all plans contain one page profiles, they did not always contain all of the necessary headings – 'like and admire' (the positive appreciation) was sometimes missing, as were other key headings. The depth and quality of the information was also variable, and sometimes information that could have been included in the one

page profile was then in the family profile or the description of the child. Some one page profiles appeared out of date.

There were some excellent family profiles – some clearly written by families themselves, others presumably either by SEND practitioners (for fresh assessments) or school staff (in transfer reviews). There were also many excellent holistic descriptions of children and their needs, often clearly written by SEND practitioners.

A social worker described submitting the social care plans for inclusion in the EHC plan, and receiving back a draft plan with most of the social care outcomes missing. In many cases plans appear to be largely focused on SEN because the main professional inputs have been from education professionals. Short break services reported not always being invited to transfer reviews by schools, and then not receiving copies of plans, although they are making a significant contribution to the work with the young person, and would be able to help develop some of the outcomes other than education in the plan if they were included.

It was clear in some plans that there were significant health issues, but no health plan set out. Not all health issues necessarily require health service provision; however the young person's health outcomes should be included together with whatever the young person, their family, education setting or other support services may be doing to help with them.

FE colleges (both Bath and Bristol) have engaged well, however both they and the SEN team have been on a steep learning curve with respect to developing EHC plans for young people going to college.

When SEND partnership service, advocacy service or KIDS have provided support to families, this has been appreciated by families, settings and other services, and appears to have contributed to more positive experiences and to be associated with plans that are broader, more holistic and address more than educational outcomes. Many parents reported either that the SEND practitioner, independent support or both helped to make the process clear and work well for them. Occasionally this experience of clarity and support was also reported in relation to SENCOS, but in many cases less positive experiences of the process were associated with transfer reviews led by schools and little or no information and clarity about the process or the purpose of meetings.

While all parents were told about the support available in letters about fresh assessments, this information was sometimes not provided (or not heard/read?) in respect of transfer reviews, and sometimes forgotten (one parent commented if she had remembered this had been offered, she would have taken it up part-way through the assessment). Many parents reported not knowing about either the local offer or rainbow resource (the searchable part of the local offer in B&NES). Some said more information about support available would have been helpful. We need to ensure that

families are frequently told and reminded about both the independent support available and about the local offer/rainbow resource.

A recurring theme through the year has been difficulty in getting to grips with outcomes. Time has been focused on this at several of the EHC planning practice workshops, however it will need more work. This is borne out in reading the plans. While a few plans contain some very holistic, person centred outcomes, often the outcomes set out are primarily or only about SEN, and sometimes appear to be targets or objectives rather than outcomes – the difference a provision or action will make to the child.

Local experiences have been broadly consistent with what we have heard about the picture nationally. This is particularly in respect of

- The quality of EHC plans starting good, and becoming more like a statement/SEN focused in many (but not all) cases towards the end
- The very positive family experience of the new approach expressed by many
- The difficulty for all involved in understanding and developing SMART person centred outcomes in plans.

The final pathfinder evaluation found that parent's experience was consistently better when parents knew clearly who the key worker/lead professional was. There is no evidence yet of improvement in outcomes (nationally or locally), and we would not necessarily expect this. However we will need to continue work to develop our ability to measure outcomes in line with the paper on accountability for SEND published by DfE in March.

Local schools, in particular but not exclusively our special schools, while raising many teething problems have also emphasised that on the whole they strongly prefer the B&NES approach to that of any neighbouring authority with which they work (including Wiltshire, one of the pathfinder authorities).

Recommendations for year 2 of the transfer plan

(All actions for CW and SEND VLT unless otherwise stated)

1. The transfer plan, which is a statutory requirement, should be updated in the light of this paper and become the main vehicle for taking forward operational delivery of EHC planning (CM & CW)
2. The SEND Virtual Leadership Team to take ownership and drive the transfer plan, providing a strategic lead to operational services and education settings to promote integrated EHC assessment, planning and review grounded in the B&NES SEND reform principles
3. Continue to hold regular liaison meetings with special school headteachers (CW, SEN team and PfA coordinator)

4. Hold regular SENCO briefings and attend SENCO cluster meetings (CW, SEN team and PfA coordinator)
5. Establish a SENCO best practice forum to develop the quality of person centred review in schools and their input to EHC planning
6. Adopt the PfA transfer review toolkit published January 2015 as the model for the transfer review process going forward
7. Work with, support and train advice givers including education settings and other services to improve the quality of advice provided for EHC needs assessments and transfer reviews
 - Working to the B&NES SEND reform principles
 - Providing advice about all 4 life outcomes, long as well as short term, family and community inputs as well as statutory provision
 - Supported by developing exemplars of good quality advice and EHC plans
8. Support education settings to lead the transfer review process to include
 - Establishing a broad/holistic and complete (not just education focused) team around the child/YP and identifying the lead professional
 - Identifying and commissioning any fresh assessments required
 - Making families aware of the local offer/rainbow resource and the sources of information, advice and support/IS/advocacy
 - Holding person centred review meetings
 - Ensuring all 4 life outcomes are fully considered in drawing up outcomes
9. Key services (to include DCT and Youth Connect, working closely with education settings and with input from transition social workers and/or PfA coordinator as required) to coordinate and lead on drawing up single support plans for young people awaiting transfer to include the elements set out in (6) above
10. Working with adult service commissioners and providers ensure reliable provision of adult service advice for EHC planning both pre and post 18
11. Support education settings to ensure annual reviews of EHC plans drawn up in year one include all of the elements set out in (6) above and when necessary improve the quality of EHC plans to be more holistic and aspirational/long term
12. Set and communicate clear quality standards for EHC plans based on the B&NES principles for SEND reform and the statutory requirements
13. Develop and apply a simple QA process for EHC plans based on these standards
14. Develop and implement systems to routinely collect feedback from young people and parent carers as part of the EHC needs assessment and transfer review processes
15. Review SEN team processes and systems to free up SEND practitioners for person centred practice focused on the quality of EHC plans including admin

support, the use of IT systems and the linking of SEND practitioners with young people, families and education settings (CW, Andrew Sandles, SEN team leadership)

16. Develop a performance management framework for SEND (CM, CW, Andrew Sandles)
17. Simplify the process for gathering family and practitioner feedback for year two including an online element (CW, SEN team, Becky Claridge)
18. Review and update the EHC planning and review paperwork in the light of year one experience (SEN team with input from SEND VLT members)
19. Review the EHC plan format to include ensuring –
 - Consistent use of one page profile headings
 - All 4 life outcomes are more consistently addressed and that outcomes and actions are SMART
20. Provide training to settings and services on EHC planning practice to address
 - Expectations of all those inputting to plans and review/outcome meetings including the quality of advice
 - Understanding of drawing up SMART outcomes covering all 4 life outcomes and including education, health, care, other service and family/community provision and actions
 - Person centred thinking, planning and review meetings
 - Team around the child/young person, lead professional
21. Publish this report together with the updated transfer plan to share the findings widely.

Charlie Moat

August 2015

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SEND reform in B&NES – progress and next steps

1. Purpose

1.1 This paper outlines progress to date on the SEND reform in Bath and North East Somerset and makes recommendations about next steps.

2. Background

2.1 The Children and Families Act 2014 together with a new SEND code of practice giving statutory guidance have set out a new legal framework for support to children and young people who are disabled and/or have special educational needs (SEN), and their families. These reforms are the most significant change in SEN for 30 years. This framework came into force in September 2014.

2.2 In response to the reforms Bath and North East Somerset (B&NES) established a steering group reporting ultimately to the Health and Wellbeing Board. Project plans set out the workstreams required to prepare and then implement the reforms in year one. Work has now been completed on these project plans.

2.3 The Department for Education published a paper outlining outcome measures and an accountability framework for SEND reform in March 2015. OFSTED have now published a consultation on local area SEND inspections to commence in April 2016.

3. What has been achieved?

3.1 Our local offer has been published and first annual review completed. The searchable B&NES local offer in the form of the Rainbow Resource () is supported and being further developed by the Family Information Service in partnership with Parent Carers Aiming High (B&NES parent carers forum). Further development work is underway to improve the Preparing for Adulthood local offer and to involve young people better.

3.2 Early support systems are established to ensure early identification and support for children in early years settings through the work of health services, early years settings and other services, supported by the SENDIT team and through the SENDIP panel.

3.3 Early years settings, schools and further education providers have been supported to develop their SEN support arrangements which are published and accessible through the Rainbow Resource. Training in the principles and practice of the SEND reform has been provided to staff from a wide range of services and education settings, parents and others.

3.4 Arrangements have been established for Education, Health and Care planning and the first full year has seen a significant increase in requests for statutory assessment which is likely to be due both to the reform (widened eligibility to ages 0-25) and a continuing increase in the incidence and complexity of needs in the early years.

3.5 A transfer plan has been published and a significant number of statements of SEN have been transferred to EHC Plans in the first year (Sept 2014-July 2015). Work is underway to learn from the experience of the first year and improve the transfer process and the quality of the resulting plans. All statements of SEN must be transferred to EHC Plans by April 2018.

3.6 A personal budgets policy has been published and we are ready to provide personal budgets with EHC plans. Although the number of queries has so far been low we anticipate an increase in queries and requests over time as the new system for EHC planning becomes established.

3.7 With the completion of the implementation project there is still much work to do to realise the full benefits of the reform. A Head of Vulnerable Learners post has been established to manage the SEN Team and Educational Psychology Service and to lead on SEND outcomes.

4. Evaluation of EHC planning year one

4.1 An evaluation of the first year of EHC planning in B&NES has been carried out. This will be published shortly alongside an updated transfer plan. The key findings are in line with experience in other local authorities. A good start has been made but there is still much to do. The culture change required from all partners is very ambitious however the commitment is there.

4.2 EHC plans contain person centred information in the form of one page profiles of young people, family profiles and holistic analysis of young people setting out positives as well as needs. However many EHC plans still focus primarily on meeting SEN within education settings. There is a need for further work to ensure all plans include social and health care provision (when applicable), address all 4 life outcomes (employment, independent living, health and community participation) and take a long term view to adulthood at 25 (beyond education).

4.3 The evaluation is being used to inform the transfer plan for this year including more training for all partners in EHC planning, further work to bring together the contributions of health and social care services and education settings into more holistic and ambitious EHC plans.

5. Next steps

5.1 As well as the continuing work on transferring statements of SEN to EHC plans, work is underway to establish performance management arrangements. EHC planning is not currently well supported by existing data systems and this is being

addressed to ensure that systems support this work better and enable us to collect and analyse data both to inform commissioning better and to enable us to measure performance including outcomes achieved. This will feed into a Self Evaluation (SEF) which will enable us to know how well we are doing, and will be a requirement in any future OFSTED inspection.

5.2 Work is also underway through the Employment is Everyone's Business project (supported by National development Team for Inclusion) to improve pathways to employment for young people with SEND. A pre-apprenticeship scheme for young people with ASD is being piloted by Bath College and the Employment Inclusion Service using one-off funding provided by the DfE through B&NES Council.

5.3 As the SEND reform implementation project is now complete, we need to establish governance arrangements for SEND into the future. A separate paper sets out proposals for this.

Charlie Moat

Service Improvement Manager

November 2015

Links and references

SEND code of practice (and links to other government documents relating to SEND reform)

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Bath & North East Somerset SEND reform project plans, transfer plan, consultation documents and other documents

www.bathnes.gov.uk/SENDreform

Bath & North East Somerset SEND local offer & Rainbow Resource

www.bathnes.gov.uk/localoffer

<http://www.rainbowresource.org.uk/>

DfE paper on accountability and outcome measures

<https://www.gov.uk/government/publications/send-supporting-local-and-national-accountability>

OFSTED consultation on SEND inspection

<https://www.gov.uk/government/consultations/local-area-send-consultation>

B&NES SEND Governance

1. Purpose

1.1 to make recommendations around governance arrangements needed to sustain & improve the outcomes of children and young people with SEND in Bath & North East Somerset & to continue the development of the SEND reforms in B&NES

2. Background

2.1 The recent Children and Families Act 2014 provided the implementation of the new Special Educational Needs and Disability (SEND) Reforms from September 2014. The reforms placed strong emphasis on partnership and collaborative working for the benefit of children and young people with a special educational need and or disability (SEND) aged 0 25.

3. Current arrangements

3.1 A SEND Reform steering group has been in place to oversee the implementation of the SEND reforms within B&NES. This group has one further meeting to review completion of the project plan in November 2015.

3.2 A SEND Virtual Leadership Team was set up and met a few times to look at operational issues associated with Education, Health & Care Planning during the first year of the reforms.

3.3 A Disabled Children's Strategy Group has been in place for a number of years and is well attended by a number of agencies and staff, some who also attend the Virtual Leadership Team and/or had been part of the SEND Reform Steering group. This group has a good membership and recently re-named itself the SEND strategy group.

4. Proposal

4.1 That the current SEND Strategy Group be developed and built upon to deliver two tiers of governance around SEND for children young people up to the age of 25. This paper proposes that;

4.2. A standing SEND strategic group is retained that reports to the Health & Wellbeing Board and made up of;

- Tier 3 officers & above from the local authority (education, Social Care & adult services)
- Elected Member for SEND 0-25 (Current CYP lead member, or new post as 0-25 age group now needs to be represented)
- Head teachers from special & mainstream schools
- Parents/Carers (Via Parent Carers Aiming High)
- School improvement service
- Health & CCG

- Mechanisms for input from young people with SEND to be developed
- Other members to be considered.

4.3 That this group look at developing SEND strategy aimed at improving outcomes, overseeing joint strategic commissioning for SEND around Education, Health and Social Care for all. Oversee the development of the local offer & the development of SEND SEF in preparation for OFSTED (what else?)

4.4 Charing arrangements & meeting frequency?

And that;

4.4 An Operational Group is established to retain some current membership of the SEND strategy group and to replace the SEND virtual leadership group.

4.6 This group be reflective of the group above in membership, this group work on day to day operation and practice of services working with children with SEND and continue to promote the integration of practice and delivery. That this group report into the SEND strategy group

4.7 Charing arrangements: (Head of Vulnerable Learners to chair this group?)

5. Recommendations for SLT

5.1. That SLT comment on these proposals and if acceptable present these proposals via a full paper to Health & Wellbeing Board in December 2015.

Chris Wilford
Charlie Moat
November 2015

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Children & Young People Policy Development & Scrutiny Panel
MEETING/ DECISION DATE:	12 January 2016
TITLE:	SEND Funding and Pressures
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 - Schools Forum Paper – SEN Need and Provision	

1 THE ISSUE

- 1.1 The Council and schools face a range of funding and other pressures associated with the provision of support for children and young people with Special Educational Needs and Disabilities (SEND) both due to demographic changes and national policy changes (SEND Reform).

2 RECOMMENDATION

- 2.1 The Panel notes the range of pressures and the work underway to address these.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are a combination of resource implications arising from the pressures described in this paper, though not arising directly from the recommendation above.
- 3.2 These include potential capital pressures, as well as revenue pressures both for consideration by Schools Forum for expenditure from the Direct Schools Grant, and for consideration within the Council's own budget setting process.

We await specific details of government New Burdens grant for future years in respect of the implications of SEND Reform.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The statutory framework is set out in the Children and Families Act 2014, SEND Code of Practice and the Care Act 2014.

4.2 The range of services and support that schools are expected to fund and those which fall to Local Authorities and other bodies, is also statutorily prescribed.

5 THE REPORT

5.1 The Panel has been briefed on progress to date with implementation of the SEND Reforms and on the implications for children's services arising from the Care Act.

5.2 There are a range of capacity and funding pressures facing schools and local authorities which may result from a combination of demographic and social change (more disabled children with more complex needs surviving for longer; parental expectations for specialist provision) and policy change (SEND Reforms).

5.3 These pressures can be broadly broken down into 3 categories:-

- (1) Pressure on Special School places;
- (2) Pressure within mainstream schools and related services funded through the Direct Schools Grant;
- (3) Pressure within local authority funded services.

Special Schools

5.4 We have three Special Schools in Bath and North East Somerset. Both Fosse Way and Three Ways schools are graded Outstanding by Ofsted and are very popular. Both schools are full and unable to create additional capacity without capital investment and/or sites for expansion. Aspire Academy has not been inspected by Ofsted and specialises in provision for pupils with Behavioural Emotional and Social Difficulties (see separate paper on the Panel's agenda).

5.5 Officers are working with the two main Special Schools to consider options to create additional capacity locally and have been exploring alternative sites for expansion, alternative routes to secure capital funding, etc. This work is ongoing. Research has been commissioned to help analyse future need for places to inform any 'business case' for additional or expanded provision. This is referenced in Appendix 1.

5.6 The Mendip Special School, a new Free School sponsored by Fosse Way and ultimately to be based nearby in Somerset, should help to provide capacity for Somerset children who would otherwise have sought places at Fosse Way itself, thereby making some reduction in the local pressure on places.

Mainstream Schools

5.7 Individual mainstream schools supporting a greater than average number of pupils with SEND report that this can create both a capacity and financial pressure.

5.8 The work required in delivering the new, more personalised Education, Health and Care Plans also creates a pressure for key school staff involved in the assessment and reviewing processes.

5.9 The schools forum has been briefed on the pressures in the schools system (see Appendix 1) and will be considering proposals for additional investment during its January budget-setting meeting.

Local Authority Services

5.10 In addition to the demographic and other pressures referred to above, which also impact on Council services, the SEND Reforms have meant changes in practice and procedure (eg more person-centred face-to-face interaction), scope (eg eligibility expanded from 5-16 to be 0-25) and expectations (publication of local offer, raised expectations for parents).

5.11 The government has to some extent recognised the implications for local authorities through a specific one-off grant for SEND reform and through some 'new burdens' grant (only allocated on a one-year basis to date).

5.12 We have used these grants judiciously to support the project management, training and other one-off costs involved; and some increases in staffing and service capacity where needed.

5.13 The main reforms came into place in September 2014 and we knew from our planning work and the learning from 'pathfinder' authorities that we could expect some capacity pressures to arise as a result of:-

- a) Staff taking time to be trained and adapt to new working practices;
- b) Transitional work, as old 'statements' are converted to new 'Education Health and Care Plans'
- c) Underlying increase in workload due to the changes in practice, scope and expectations, outlined above.

5.14 The service has been able to use the grant funding to support the increased workload during the first year of the reforms and is now beginning to be able to clarify the underlying capacity pressures that have been created for us on an ongoing basis.

5.15 The specific key service pressures are as follows:-

- a) SEND practitioners/team – we increased the capacity of the team to work to the new processes and models of practice. The capacity created was at the lower end of the levels originally projected based on experience from pathfinder authorities and predicted workload. The capacity needs to be sustained at this level together with increased business support to the team to help to meet statutory timescales and improve efficiency.
- b) Preparing for Adulthood Co-ordinator – a joint funded post with Adult Care.
- c) Advocacy Service – additional capacity created through a commissioned service for young people as required under the reforms.
- d) SEND Partnership Service – additional workload/capacity required for what was previously the Parent Partnership Service, supporting parents of children with SEND.

- e) Educational Psychology – a 48% increase in assessments has been mitigated as far as possible by restricting the service provided to statutory work only, but still requires additional capacity to meet statutory timescales.
- f) Home to School Transport – the increased complexity described above as well as numbers of children requiring Special School placements that are only available further from home is creating a substantial pressure on transport budgets. A Strategic Transport Review will explore ways to mitigate such pressures in the medium to long term, in addition to the work mentioned above to tackle local special school capacity.

5.16 More specific analysis of the pressures together with announcements on the national grant available will inform final budget proposals that will be considered by the council through the Strategic Review and budget setting process.

6 RATIONALE

6.1 The pressures described above cannot be ignored or avoided. A range of work is in hand to explore ways to mitigate and address the pressures through all of the relevant channels.

7 OTHER OPTIONS CONSIDERED

7.1 None applicable.

8 CONSULTATION

8.1 Special Schools, mainstream schools (through Schools Forum), Cabinet member and relevant officers have been consulted in drawing together the information in this paper.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Mike Bowden 01225-395610</i>
Background papers	<i>Related papers on the agenda for this Committee today</i>
Please contact the report author if you need to access this report in an alternative format	

22.9.15

SEN Need and Provision

Lead Officer	Chris Wilford
Contact details	Christopher_wilford@bathnes.gov.uk
Forum asked to decide / steer / be informed	The current level of SEN need within the authority, the impact on provision, the increase in early years SEN need and the need for review and subsequent strategy
Time Needed	30mins

1. Introduction

- 1.1 The purpose of this paper is to give the forum a snapshot of the current position of the education of children with SEN within the authority in relation to volume of need, patterns in provision and costs
- 1.2 This paper will also highlight the increasing level of SEN need that is being identified in early years setting and the impact of the first year of SEND reform.
- 1.2 The report will bring to attention the increasing pressures on special schools places and the need for a full Local Authority SEN review.

2. Recommendation

- 2.1 That the panel is made aware of the increasing level of SEN need that is being identified in Early Years settings.
- 2.2 That the forum is notified that in response to this increasing level of need that consultation on the early years work completed by the SENDit Team, including how we can make best use of transition funding, will begin shortly. This will include full consultation with Primary Heads, SENCO's and early year's settings. Details and findings of this report will come back to panel when completed.
- 2.3 That the forum is also notified of the level of demand for SEN provision following the first year of the implementation of SEND reforms and that the demand for current local SEN provision is outstripping supply.
- 2.4 That the forum be notified of a request for the Corporate Research Team to complete research into the current demographics of children with SEN in the authority, the anticipated future demand and a local overview in relation to the national picture. The report should also examine the capability of the current level of SEN provision within the authority to meet current and future SEN need.
- 2.5 That the forum, when the research and analysis is complete, consider a request for a small consortium of Headteachers and Local Authority Officers to complete a task/finish piece of work to look at the detailed local picture and to come back to panel with some recommendations/strategy to address current and future need and how we can develop

more inclusive local first provision and best value in order to make best use of current and future schools funding.

2.5 The officer and or the consortium may need to request a small amount of finance from schools forum for any additional research or analysis needed to complete this work.

3. Report

3.1 Early Years

3.2 The Special Educational Needs and Disability Inclusion Team (SENDit), is responsible for responding to and supporting a wide range of early years settings around SEN, requests for support are overseen through a panel process. Table 1 below highlights the increasing level of need in early year's settings for Inclusion Support Funding; table 2 highlights the need for Transition Support Funding (TSF)

Table 1.

Total SEN Need	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
	No. of children	No. of children	No. of children	No. of children	No. of children
Total	41	40	57	66	94
Total % Increase	N/A	-2.4%	42.5%	15.8%	42.4%

Total increase since 2010	Average increase per year
129.3%	24.6%

Table 2.

Year	No of requests	Percentage increase per year
2012	56	
2013	62	10.7%
2014	70	12.9%
2015	78	11.4%
Total	266	

3.3 These tables demonstrate an average increase of 24% each year for Inclusion Support Funding and a 39% increase in requests over 3 years for Transition Support Funding. This is despite increasing the threshold levels for support in all areas of this service. Anecdotally staff also report an increase in the level of complexity of the needs of the children being seen.

3.4 With increasing pressures on the service, it is now time to review the current resources within this service, how they are used, and review thresholds, in particular review how SEND it thresholds can be better integrated with those thresholds for EHCP's. This review will start with a consultation with Primary Schools and Early Years settings.

4. SEND reforms and EHCP

4.1 The SEND team, as anticipated has experienced a high volume of requests for Education and Health Care Plans. The table below highlights the number of requests received by the SEN team and subsequent agreed assessments over the last three academic years. 2014/2015 being the first year affected by the SEND reforms and the introduction of Education Health Care Plans.

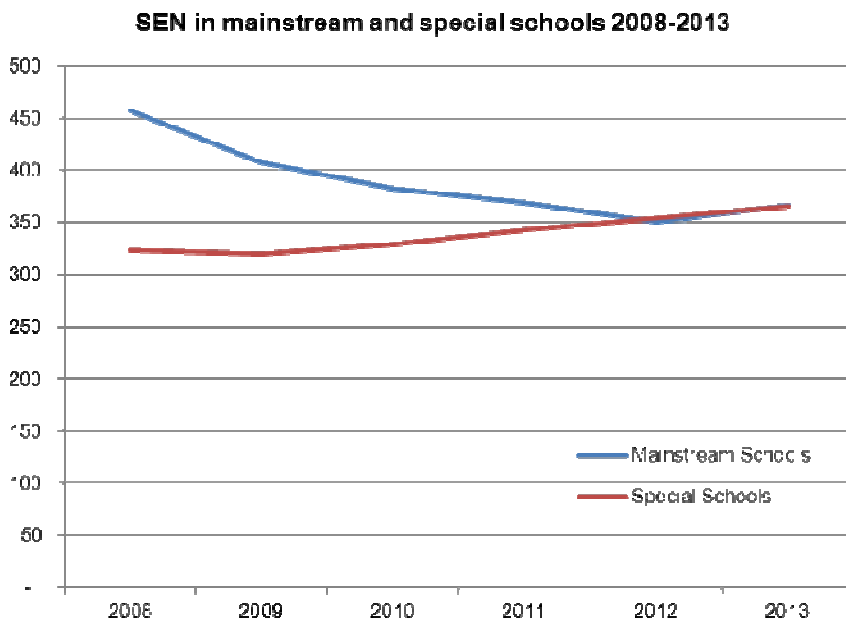
Year	Requests	Assessments
2012/2013	141	103
2013/2014	140	106
2014/2015	203	149

4.2 It was anticipated that the SEND reforms would generate more EHCP requests, however the increase in demand is significantly higher than expected and it is not known what the future demand will be for EHCP assessments for 2015/2016

5. Local Provision

5.1 Table 2 below captured from the B&NES JSNA highlights the trend of where in B&NES we are educating our children with SEN. As you can see there has been an increasing move to educate our SEN children in special schools. Our authority has an outstanding rated level of SEN provision. However our authority's special schools are now full or nearly full and they have year on year increased their PAN's to accommodate more pupils.

Table 3.



5.2 Table 4 highlights the average cost of educating children in the 3 types of education settings in B&NES or being used by B&NES to educate children with SEN.

Table 4.

Setting	Average Cost
Average cost of SEN place in school	£5400 top up plus £6000
Average cost of SEN place in special school	£8400 top up plus £10,000
Average cost of placement in an independent schools	£40 – 80k per space

6. Summary

- 6.1 To summarise, the current trend of educating more B&NES children with SEN in special schools has resulted in local SEN schools exceeding their PAN year on year. The result of this is our special schools are currently full, or near full. This has necessitated a move into utilising more and more independent schools. This result is increased costs per pupil head.
- 6.2 Add into this the reported increase in SEN need in our early year's settings, and the initial impact of the SEND reforms and it would appear that B&NES would be heading for significant capacity and financial difficulties ahead. The ultimate outcome if this trend in B&NES continues and nothing changes, will be an increased pressure on the DSG to accommodate this increasingly expensive reliance on independent schools provision.
- 6.3 This is a national pattern within most authorities, some areas already have to take larger percentages of DSG funding for SEN, and this will inevitably impact on the funding that is available for mainstream settings. This initial overview would suggest that it is time now in B&NES to take stock of direction and develop strategy to respond to the emerging difficulties around SEN provision and associated finance in B&NES.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children & Young People Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	12th January 2016	EXECUTIVE FORWARD PLAN REFERENCE: N/A
TITLE:	Care Act - Implications for Children and Carer's	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 included at the end of the report		
Appendix 2 attached – Transitions Social Care Pathway		

THE ISSUE

This report sets out to inform the Panel about the Care Act 2014 and the interface and implications for children and young people.

RECOMMENDATION

The Panel are asked to note the content of the report.

RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

None identified.

STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

The Care Act 2014 has placed new duties on Local Authorities – this report sets out the duties that relate to children and young people.

THE REPORT

1. Background

The Care Act 2014 (the Act) received Royal Assent on 14th May 2014. It came into force in April 2015 and abolishes most adult community care statutes (38 in total) including the National Assistance Act 1948, the NHS and Community Care Act 1990, the Carers (Recognition and Services) Act 1995 and the Community Care (Direct Payments) Act 1996. It does not replace the Mental Health Act 1983 (amended in 2007 and 2009) or the Mental Capacity Act 2005. The Act deals with adult social care for anyone over the age of 18 years and puts a duty on Adult Care Services to ensure that

services are available at 18 years. It therefore requires clear planning between Adults and Children Services prior to that age.

The Act is in three parts:

1. Care and Support
2. Care Standards
3. Health

Part 1 of the Act consolidates and modernises the framework of care and support law, including making the provision for new duties for Local Authorities and new rights for service users and carers.

The Act sets out to:

- Promote peoples wellbeing
- Enable people to prevent and delay the need for care and support, and for carers to maintain their caring role
- Give people more choice and control of their lives

It embeds the interface with children and families legislation, particularly in relation to transitions and caring roles and special educational needs and disability (SEND) reform.

New entitlements have been established by way of the duty to undertake a transition assessment for young people and their carers in advance of transition from Children to Adult Services and changes introduced by the Children and Families Act 2014 with regard to SEN, which introduced the system of support extending from birth to 25 years of age – thereby meaning that there will be a group of young people aged between 18 and 25 years who will be entitled to support through both the Children and Families Act 2014 and the Act.

The Act also replaces the Chronically Sick and Disabled Persons Act 1970 with the exception of Section 2 (Appendix 1) which remains in force for children (up to 18 years).

2. Interface and New Requirements

2.1 Preparing Children for Adulthood – new duties around transition

Sections 58-66 of the Act relates to the new duties around **transition**:

- Section 58-59 relates specifically to the **assessment of a child's need for care and support**. Where a child is likely to have need for care and support after the age of 18 the Local Authority **MUST**, if it believes there would be of 'significant benefit' to the child, assess their needs and consider what they are likely to be when 18. This is known as a 'child's needs assessment' (Sec 58 (2)). Gaining consent (the consent condition) is a significant issue here as is the determination of capacity in accordance with the Mental Capacity Act 2005. If the child does not consent the Local Authority **MUST** carry out the assessment if the child is 'experiencing, or is at risk of, abuse or neglect' (Sec 58 (4)). If consent is not received and the child has capacity this must be respected and information and advice provided.

However...*'For young people below the age of 16, local authorities will need to establish a young person's competence using the test of 'Gillick competence' (whether they are able to understand a proposed treatment or procedure). Where the young person is not competent, a person with parental responsibility will need to be involved in their transition assessment, – or an independent advocate provided if there is no one appropriate to act on their behalf (either with or without parental responsibility). ' Care and Support Statutory Guidance for the Care Act 2014, DH, 16.38.*

The assessment itself must include: details of the care and support needs likely after the child becomes 18, details of the outcomes they wish to achieve for day-to-day life and how the provision of care and support could help achieve these outcomes (Sec 59 (1) (a) (b) (c). It must involve the child, parents and carers and any person the child or parents and carers request. The assessment should consider whether any other mechanism can be used to achieve the outcomes other than 'provisions'. The assessment must indicate whether the care and support needs are likely to meet the 'eligibility criteria' (Sec 59 (4) (a) set out in the National Eligibility Framework.

The Act does not set out what age the child's needs assessment needs to be undertaken.

The Act makes the provision for independent advocacy for children being assessed for support from Adult Services as is the case for all people supported through the Act. (Care and Support Statutory Guidance issued under the Care Act 2014, DH, 7.2).

A care and support plan must be developed.

- Section 60 – 61 relates to the **assessment of a child's carer's needs for support**. The Local Authority **MUST** assess the carer of a child (who is likely to have care and support needs when they become 18) if it believes that it would be of 'significant benefit' to the carer. This is known as the 'child's carer's assessment' (Sec 60 (2)). If the carer refuses the assessment the Local Authority is not required to carry one out, however it must provide information and advice in writing about how to prevent the carer's need for support developing in the future.

Similar to the child's needs assessment, the child's carer's assessment must consider: whether the carer is able to continue to support the child upon becoming 18, whether they are willing to continue to do so, the impact it will have on them and what their care and support needs might be when the child is 18, the outcomes they want to achieve in their day-to-day life and whether provision of support can help this. The assessment must consider if the carer works or wishes to do so or whether they wish to undertake education, training or recreation. The carer and any person the carer would like to involve should be involved in the assessment. Like the child's needs assessment the child's carer's assessment must indicate whether the carer's care and support needs are likely to meet the 'eligibility criteria' set out in the National Eligibility Framework.

- Section 62 sets out the **Power to meet child's carer's needs for support**.

The Local Authority can meet the identified carer's care and support needs as it 'considers appropriate.'

Regard must be given to the Care and Support (Children's Carers) Regulations 2014 and Section 17 of the Children Act 1989 when deciding the provision for carers.

- Section 63-64 relates to **assessments of young carer's care and support needs**. Again for this to take place the 'consent condition' must be met and the Local Authority must be satisfied that support (after becoming 18) would be of 'significant benefit.' Where this is the case the young carer's care and support will be assessed as a 'young carer's assessment (Sec 63 (2)). If the young carer can't consent but the Local Authority is satisfied this assessment would be of benefit, it will be undertaken in their 'best interests'. Again where the young carer refuses consent and has capacity to do so, the Local Authority **MUST** only carry out the 'young carer's assessment' if the young carer 'is experiencing, or is at risk of, abuse and neglect.' (Sec 63 (4)), otherwise the Local Authority **MUST** provide in writing information and advice about how to prevent the care and support needs building. Section 64 details what the assessment requirements are and these are the same as for the child's carer as set out above.

The Care and Support Statutory Guidance issued under the Care Act 2014, DH, (2.49) states that '*the Local Authority must undertake a young carer's assessment under part 3 of the Children Act 1989.*' The guidance makes it clear that young carer's **MUST** be identified and makes reference to a 'whole family approach' (6.68). It also makes reference to 'unsuitable' tasks that need consideration '*in light of the child's circumstances and may include:*

- *Personal care such as bathing and toileting;*
- *Carrying out strenuous physical tasks such as lifting;*
- *Administering medication;*
- *Maintaining the family budget;*
- *Emotional support to the adult.* (6.72)

- Section 65 sets out how the assessments above (Section 58 – 64) can be carried out and makes reference to the potential for combination assessments, however again regard must be given to the 'consent condition'. The Care and Support Statutory Guidance issued under the Care Act 2014, DH, (6.3) states '*A combined assessment, where an adult's assessment is combined with a carer's assessment and / or an assessment relating to a child so that interrelated needs are properly captured...*'
- Section 66 refers to **continuity of services under other legislation** and sets out the interface with Section 17 of the Children Act 1989 (Section 17 relates to a child in need). The Local Authority must '*continue to comply with Section 17 after the child reaches the age of 18 until they reach a conclusion in his case.*' (Sec 66 (2)).

A new clause has been inserted into the Children Act 1989 to ensure that Children Services continue to provide services post 18 until Care Act assessment(s) are completed. The Act does not state when the assessments

needs to be completed by but refer to them being negotiated with Children Services.

In relation to Education, Health and Care (EHC) plans – where this plan is no longer maintained and the Local Authority hasn't reached its conclusion for Section 17 as set out above it must continue to comply with the Children Act 1989 until this conclusion is reached. The Act sets out to put in place mechanisms to prepare children and carers appropriately and in a timely way without their being a gap in assessment or provision – described in the Government Fact Sheet 11 as 'no "cliff-edge" '.

In relation to the Chronically Sick and Disabled Persons Act 1970 a new section the same as above has also been inserted in 2A.

- 2.2. The aim of the Act is to promote independence and reduce long term needs for care and support.

The Care and Support Statutory Guidance issued under the Care Act 2014, DH, also recommends one 'designated' person coordinates the transition and this person is referred to in the guidance as a Personal Advisor (16.49).

The Act does not set a blanket rule of what age everyone has to be assessed it is flexible in recognition that the best time to plan the move to Adult Services will be different for each person. (Government Care Act Fact Sheet). However regard must be given to start the preparation in year 9 if there is a EHC plan in place (see 2.3 below).

The Act also makes it explicit that Local Authorities have a legal responsibility to cooperate and consider other assessments being carried out – provided all parties agree. The Local Authority can carry out joint assessments with other organisations or on behalf of other organisations. The Care and Support Statutory Guidance issued under the Care Act 2014 states that:

'...a holistic approach to assessment which aims to bring together all of the person's needs may need the input of different professionals, such as adult care and support, children's services housing, experts in the voluntary sector, relevant professionals in the criminal justice system, health or mental health professionals.' (6.75).

The Act (as for all people over the age of 18) introduces means-testing and charging for services which the child and carers will need to be aware of. (Care and Support Statutory Guidance issued under the Care Act 2014, DH, 16.51).

- 2.3 The **interface with the Children and Families Act 2014.**

The Care and Support Statutory Guidance issued under the Care Act 2014, DH, (1.23) makes specific reference to the fact that the Act is designed to work in partnership with the Children and Families Act 2014. The Children and Families Act

2014 created the new birth- to-25 EHC plans for children and young people with special educational needs and disabilities (SEND) and offers families personal budgets so they can have choice and control over the type of support they get – in some cases the ‘care’ part of the EHC plan will be provided for by the Act.

The EHC plan must set out the care and support which is reasonably required by the young person’s SEND. For people over 18 with a care and support plan this needs to be incorporated into the EHC plan rather than be developed separately. Whilst the Act itself does not set a specific age for which planning transitions should start both the Care and Support Statutory Guidance issued under the Care Act 2014, DH (16.34) and the Children and Families Act 2014 says preparation for adulthood must start no later than from school year 9 (approximately 14 years of age). However the Guidance also states:

‘For some people with complex SEN and care needs, local authorities and their partners may decide that children’s services are the best way to meet a person’s needs – even after they have turned 18. Both the Care Act 2014 and the Children and Families Act 2014 allow for this.’ (16.70)

Both Acts place an emphasis on outcomes focused, person-centred practice when considering assessments, planning and support as well as co-production.

Regard must be given in both Acts to the wellbeing duty rather than waiting for crisis. *‘Children should not undertake inappropriate or excessive caring roles that may impact on their development. A young carer becomes vulnerable when their caring role risks impacting upon their emotional or physical wellbeing and their prospects in education and life.’* (Care and Support Statutory Guidance issued under the Care Act 2014, DH, 2.49). In order for planning to be effective with the interface joint commissioning arrangements across children and adult services are required. Significant focus has been given to this in B&NES.

Both Acts set out the duty to assess a parent carer or young carer.

Both Acts place a duty of the provision of accessible, good quality information, advice and support.

- 2.4 Appendix 2 sets out the pathway B&NES has developed for identifying and supporting young people and young carers in need of transitional care and support as set out in the Act and in accordance with the Children and Families Act 2014. This is currently draft and subject to change upon review however demonstrates the current arrangements B&NES has in place to ensure statutory duties and care and support needs are met.

RATIONALE

N/A

CONSULTATION

N/A

RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Lesley Hutchinson – Head of Safeguarding Quality Assurance</i> Lesley_Hutchinson@bathnes.gov.uk 01225 396339
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1

Chronically Sick and Disabled Persons Act 1970 Section 2

2. Provision of welfare services.

(1)Where a local authority having functions under section 29 of the National Assistance Act 1948 are satisfied in the case of any person to whom that section applies who is ordinarily resident in their area that it is necessary in order to meet the needs of that person for that authority to make arrangements for all or any of the following matters, namely—

(a)the provision of practical assistance for that person in his home;

(b)the provision for that person of, or assistance to that person in obtaining, wireless, television, library or similar recreational facilities;

(c)the provision for that person of lectures, games, outings or other recreational facilities outside his home or assistance to that person in taking advantage of educational facilities available to him;

(d)the provision for that person of facilities for, or assistance in, travelling to and from his home for the purpose of participating in any services provided under arrangements made by the authority under the said section 29 or, with the approval of the authority, in any services provided otherwise than as aforesaid which are similar to services which could be provided under such arrangements;

(e)the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience;

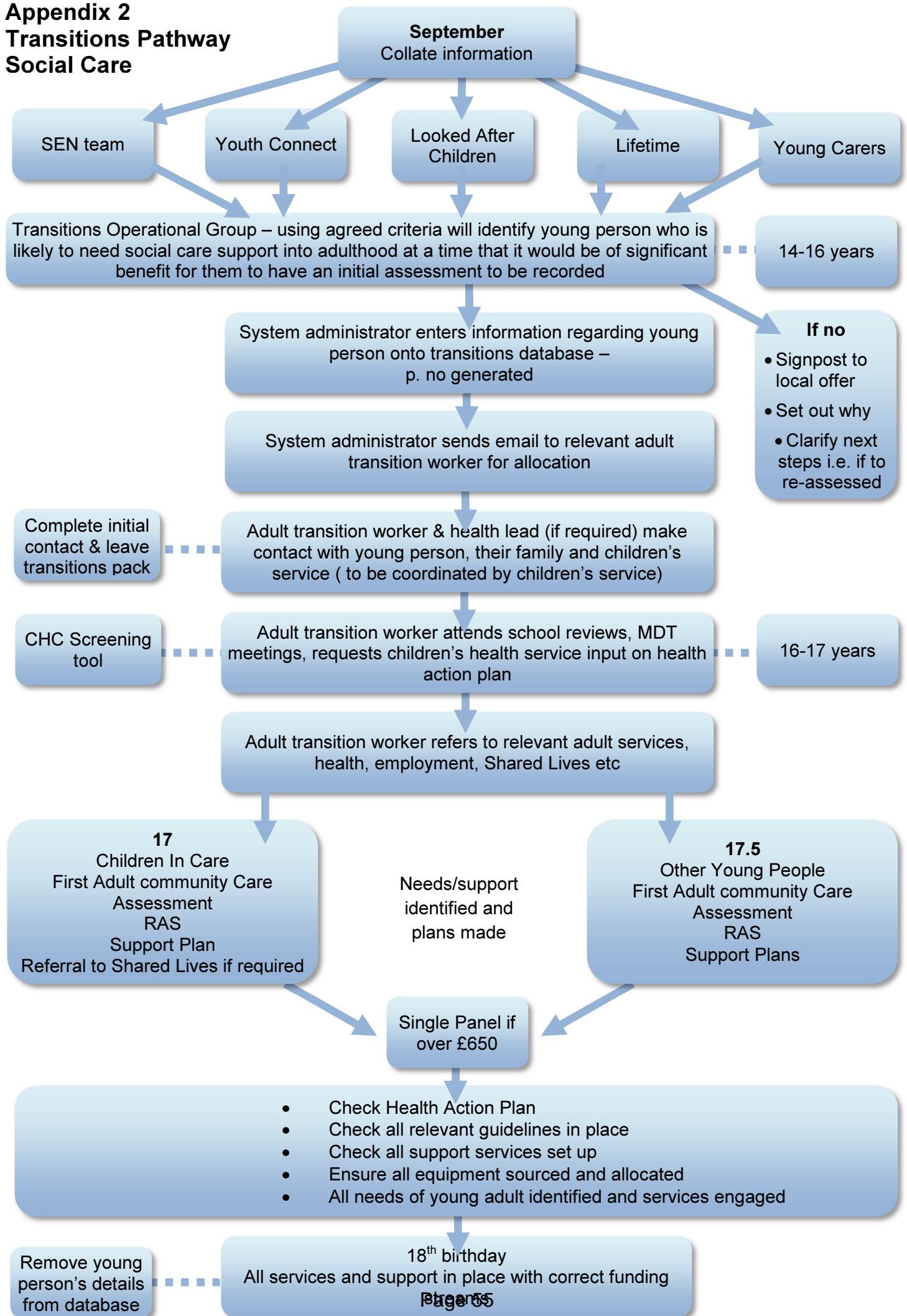
(f)facilitating the taking of holidays by that person, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;

(g)the provision of meals for that person whether in his home or elsewhere;

(h)the provision for that person of, or assistance to that person in obtaining, a telephone and any special equipment necessary to enable him to use a telephone.

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**Appendix 2
Transitions Pathway
Social Care**



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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children & Young People Policy Development & Scrutiny Panel	
MEETING DATE:	12th January 2016	
TITLE:	School Attendance & Exclusion Update	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

- 1.1 This report highlights the current status of school attendance and exclusions across Bath & North East Somerset, highlighting where necessary current concerns and activity to address identified concerns.

2 RECOMMENDATION

- 2.1 That the panel are informed of the current status of school attendance in Bath & North East Somerset and the work to monitor, challenge and support schools
- 2.2 That the panel note the emerging pressures on schools around support to manage behaviour and the increased need for alternative provision to support vulnerable learners (presented in a separate panel report)

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None directly arising from this report

THE REPORT

4 SCHOOL ATTENDANCE

- 4.1 There is clear evidence that absence from school impacts on a child's attainment; the less time a child has in school the less opportunity a child has for learning. Bath & North East Somerset is not responsible for setting attendance targets for individual schools. The role of the governing body is to monitor and ask questions of headteachers regarding attendance levels and interventions. Ofsted publishes school performance dashboards and is easily accessible to all governors.
- 4.2 However, Bath & North East Somerset Children Missing Education Service (CMES) continues to offer proactive support to maintained primary schools as well as taking necessary statutory intervention against some parents & carers.
- 4.3 Every school (including academies) receive from CMES a termly attendance report. This not only provides the school with important attendance data (they will also have their own access to data via SIMS) but also acts as a reminder that Bath & North East Somerset Council has a duty to identify pupils missing education or at risk of missing education.
- 4.4 Children regularly missing education are at significant risk of underachieving, being victims of abuse including child sexual exploitation and becoming NEET later on in life.
- 4.5 The report provides each school with the following information:
- A breakdown of the last term's attendance and absence data.
 - A breakdown of attendance and absence data for the academic year to date;
 - A pie chart showing the top ten reasons for absence at their school; and
 - A list of pupils at their school with under 90% attendance (persistent absence)
- 4.6 The CMES also advises on what to do with their data, for example:
- Are there unexpectedly marked differences in the attendance/absence patterns of boys and girls? For a single sex school this will not apply.
 - Which types of absence are most prevalent in your school?
 - Are your registers being marked in accordance with DfE guidance?
 - Who are your poor attenders?
 - Do you have plans in place for each of them?
 - Which cases have you referred to your area Behaviour & Attendance Panel or other support services?

- Are you coding correctly any pupil that you have placed on a part-time timetable, do you have a pupil support programme (PSP) is it time limited with SMART targets?
- Do you have pupils that are dual registered and have you identified who should follow up absence?

4.7 Overall primary school attendance levels in Bath & North East Somerset compare above the national average for primary attendance.

4.8 The table below illustrates the current status of Primary School Attendance

Maintained Primary School Attendance			
Academic Year	Term 1	Term 2	Overall %
2015-2016	96.87%	96.27%	96.57%
2014-2015	96.91%	95.83%	96.37%

4.9 Primary school attendance across Bath & North East Somerset is very good and causes no concern.

4.10 The table below illustrates the current status of Secondary School attendance in Bath & North East Somerset

Secondary School Attendance		
2015-2016 Terms 1 & 2	94.4%	Individual schools range from 87.2% - 96.3%

4.11 Overall secondary school attendance so far this year is above the national average of 93.6% as can be seen in the table, although there is considerable variation between schools.

4.12 Two secondary schools currently give cause for concern. Progress is being made in both, with CMES support.

4.13 CMES run periodic reports to analyse individual attendance & absence codes, for example B code – off site educational activity. B code counts as a present mark; all children marked in the attendance register with a B code must be taking part in a supervised educational activity (sent home with work should not be considered as ‘off site’ education provision). On occasions schools are challenged if found to be using B code inappropriately. The misuse of this code is a safeguarding concern.

4.14 Another code schools can use is C (other authorised circumstances); C is intended to be used for any session of absence that is authorised as ‘leave’ but

which isn't covered by any of the other codes. C code must not be used for 'unofficial' exclusions.

4.15 Admission to the three special schools are by way of an Education & Health Care Plan; a school placement is identified to meet the individual learning & behavioural needs of the child and will have on their school roll the most vulnerable learners across Bath & North East Somerset.

5 EXCLUSIONS

5.1 All schools including academies must adhere to the statutory exclusion guidance when considering excluding a child from school.

5.2 Good discipline in schools is essential to ensure that all children can benefit from the opportunities provided. The Government supports headteachers in using exclusion as a sanction where it is warranted. There are differing thresholds across the schools when using exclusion as a sanction. Each school should have a behaviour Policy that clearly defines the expectations and what good behaviour looks like.

5.3 Exclusions levels within B&NES remain comparatively low both regionally and nationally. However we have a growing issues relating to Fixed Term Exclusions and increased need for Alternative Provision to support pupils to reduce the need for permanent exclusion.

5.4 The table below highlights the current position of Fixed Term Exclusions in relation to primary Schools in comparison to this time in the previous academic year This shows an increase in exclusions compared with the same period last year.

Primary School Fixed Term Exclusion						
	Boys	Girls	Total Incidents	Total Pupils Excluded	Total Days	Average Length of FTE
2015-2016 Terms 1 & 2	48 ↑	5 ↓	53 ↑	31 ↑	127 ↑	2.40 ↑
2014-2015 Terms 1 & 2	39	7	46	27	93.5	2.03

5.5 The table below highlights the current position of Fixed Term Exclusions in relation to secondary schools

Secondary School Fixed Term Exclusion						
	Boys	Girls	Total Incidents	Total Pupils Excluded	Total Days	Average Length of FTE
2015-2016 Terms 1 & 2	198 ↑	90 ↑	288 ↑	203 ↑	612 ↑	2.12 ↑
2014-2015 Terms 1 & 2	119	75	194	147	373	1.92

5.6 The above shows a significant rise in the use of exclusions compared with the same period as the year before.

5.7 It is not known for certain the exact reasons for this increase in the use of FTE's, other than schools are reporting an increase in the level of concern around pupil behaviour. Later in this report you will also see a corresponding significant rise in referrals to the behaviour & attendance panels across the authority

5.8 The table below highlights the current position of Fixed Term Exclusions in relation to Special Schools

Special School Fixed Term Exclusion						
	Boys	Girls	Total Incidents	Total Pupils Excluded	Total Days	Average Length of FTE
2015-2016 Terms 1 & 2	34 ↓	3 ↓	37 ↓	21 ↑	49 ↑	1.32 ↑
2014-2015 Terms 1 & 2	40	5	45	20	47	1.03

5.9 The above shows a slight increase in the total number of children excluded with a decrease in the number of repeated incidents.

5.10 The table below highlights the current position with regards to Permanent Exclusions within Bath & North East Somerset.

Permanent Exclusion by academic year						
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Primary	1	0	0	2	4	6
Secondary	4	13	16	19	11	18
TOTAL	5	13	16	21	15	24
Terms 1 & 2	2014-2015		2015-2016			
Primary	3		1 ↓			
Secondary	6		4 ↓			
Total	9		5 ↓			

5.11 Permanent exclusion has risen over a 6 year period.

5.12 Through the Behaviour & Attendance Panels the CMES is collecting numbers of children who are currently at risk of permanent exclusion as identified by schools. At the end of term 2 the numbers are:

Primary	10
Secondary	15

5.13 The table below highlights the current activity of the Behaviour & Attendance panels in Bath & North East Somerset. These panels are seeing more activity than previously seen in any other years.

Behaviour & Attendance Panels – Activity in Terms 1 & 2 – 2015-16							
	Bath Primary	Bath Secondary	K&CV Primary	K&CV Secondary	NR Primary	NR Secondary	Total
Open Cases	100	50	42	12	47	28	279
Closed Cases	12	25	6	1	9	10	63
New Referrals	62	38	24	9	14	15	162

5.14 The snapshot exclusion data contained in this document demonstrates the need to strengthen the collective approach and enhance the provision available across the local authority to meet the needs of vulnerable learners.

5.15 We have developed a shared local authority and schools strategy for behaviour, emotional and social difficulties. The strategy is currently in draft form and has been presented to Schools Forum together with a request for resources to develop an increased and broader Alternative Provision package for our most vulnerable pupils.

Contact person	<i>Chris Wilford</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Children & Young People Policy Development & Scrutiny Panel
MEETING/ DECISION DATE:	12 January 2016
TITLE:	Behaviour Strategy
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1: 'Promoting Positive Behaviour' – Bath & North East Somerset Strategy for Behavioural Emotional and Social Difficulties 2016-19 (Draft)	

1 THE ISSUE

- 1.1 The Council has commissioned the production of a Behaviour Strategy in collaboration with local schools and academies. The draft strategy is being circulated for comments and feedback prior to finalising the action plan to deliver it.

2 RECOMMENDATION

- 2.1 To note the work undertaken to date to prepare and draft a Behaviour Strategy – 'Promoting Positive Behaviour';
- 2.2 To provide comments and feedback on the draft strategy, prior to the action plan being finalised.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The recommendations contained in the strategy are largely intended to be delivered within existing resources of the Local Authority and schools, by the effective deployment of staff and relevant services;
- 3.2 The key actions that are dependent on additional resources are the expansion of alternative education provision and the creation of capacity for strategic leadership and commissioning for behaviour support and education other than at school. Proposals to fund these recommendations have been submitted to Schools Forum, which will consider its budget in January 2016.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Section 19 of the 1996 Education Act, and more recently, the `Alternative Provision- Statutory Guidance for Local Authorities`, published in January 2013, requires Local Authorities to arrange suitable full-time education for permanently excluded pupils, and for other pupils, who for illness or other reasons would not receive suitable education without such provision.
- 4.2 As a local authority we are required to provide a strategy that sets out arrangements for the education of this vulnerable group.
- 4.3 Within this statutory framework, Bath and North East Somerset Council is committed to improving social inclusion and increasing the capacity of mainstream schools to provide for all children and young people.

5 THE REPORT

- 5.1 The draft strategy is attached at Appendix 1
- 5.2 Following further consultation with schools, an action plan will be drawn up with schools to deliver the strategy.

6 RATIONALE

- 6.1 The draft strategy draws on data about local services and needs and the views of relevant officers and schools. It also considers the models and capacity of provision available in other Local Authorities, for comparison.

7 OTHER OPTIONS CONSIDERED

- 7.1 None. The authority is required to have a strategy and for schools, a proactive approach to addressing the current and potential future pressures must be better than a reactive one, which is likely to be more costly and fail to deliver optimum educational outcomes for vulnerable local children and young people.

8 CONSULTATION

- 8.1 Consultation and engagement has been with all schools and academies (including via the Chairs of the Behaviour and Attendance Panels and the Schools Forum) and relevant officers within Children’s Services.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Mike Bowden 01225 395610</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

***“Promoting Positive Behaviour”
Bath and North East Somerset
Strategy for Behavioural Emotional
and Social Difficulties
(2016 - 2019)***

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 - 5 Aim and Objectives of the Strategies
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-

Appendices:

1. Review of Behaviour and Alternative Provision
2. Summary of Findings, Issues and Recommendations
3. Actions and Implementation Plan

Introduction

The purpose of this document is to provide an overview of Bath and North East Somerset (B&NES) strategy for supporting children and young people with Behavioural, Emotional and Social Difficulties (BESD). As a local authority we are required to provide a strategy that sets out arrangements for the education of this vulnerable group. The local authority strategy has been drafted in response to relevant central Government legislation and guidance, as well as local pressures and priorities within B&NES.

Section 19 of the 1996 Education Act, and more recently, the 'Alternative Provision- Statutory Guidance for Local Authorities', published in January 2013, requires Local Authorities to arrange suitable full-time education for permanently excluded pupils, and for other pupils, who for illness or other reasons would not receive suitable education without such provision. Within this statutory framework, Bath and North East Somerset (B&NES) is committed to improving social inclusion and increasing the capacity of mainstream schools to provide for all children and young people.

Children and young people may experience a wide range of social and emotional difficulties which can manifest in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may also reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Some children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder, which could also lead to behaviours which challenge and present a barrier to learning.

These descriptors are highlighted in the social, emotional and mental health category of the Code of Practice (DfE, 2015) and it is the responsibility of local authorities, all schools, educational providers and support services to actively support the inclusion of children and young people who fall into this group.

The purpose of this strategy is to ensure that all children and young people whose behaviour is preventing them from making progress and/or is inhibiting the progress of others are appropriately supported. All schools and educational providers are responsible for enabling children and young people to thrive, to make progress and to be included.

As an Authority, we believe that the key to good behaviour in schools is positive engagement with learning. There are times, for some children however, when additional help is needed to keep them fully engaged. Since we want children to remain as far as possible in their local schools and communities, the Authority seeks through its Behaviour Strategy, to establish a framework to guide future developments and improve outcomes.

The success of the strategy will be measured using a range of performance indicators and the strategy recommends that all the data should be shared with and between schools and that it should be used to promote best practice in the Behaviour and Attendance Panels.

Links to other plans and strategies

The Behaviour Strategy operates within the context of other relevant national and local policies, guidelines and strategies including:

National:

- Behaviour and discipline in schools; Advice for Head Teachers and school staff, DfE, February 2014

- Statutory Exclusion Guidance, DfE 2013
- Keeping children safe in education; Statutory guidance for schools and colleges, DfE April 2014
- Mental health and behaviour in schools; Departmental advice for school staff, DfE June 2014
- Inspecting Safeguarding in maintained schools and settings, Ofsted September 2014
- Alternative Provision: Statutory Guidance for local authorities DfE January 2013

Local Strategies (2014 -2018):

- Children and Young People's Plan
- Anti-Bullying Strategy
- Parenting Strategy (draft)
- Nurture Outreach Strategy
- Fair Access Protocol
- Managed Move Protocol
- B&NES Exclusion Guidance
- School Behaviour and Attendance Partnership Model and Terms of Reference
- Emotional Health and Wellbeing Strategy
- Strategy for School Improvement
- Early Help Strategy (draft)
- Individual School Attendance Policy
- Child Sexual Exploitation Strategy (2014 -2018)

Context and Background

This strategy, like any other, needs to be based upon a sound understanding of what the relevant data is saying about outcomes for children and young people in this area, especially those with BESD. This section describes, in broad terms, what we know about children and young people in B&NES in respect of demographics and key behaviour indicators which are related to this strategy. It highlights the strengths and areas of development that the behaviour review and inspections of the local authority have told us.

Bath and North East Somerset (B&NES) has approximately 36,575 children and young people under the age of 19 years. This is 20.8% of the total population. The proportion entitled to free school meals is below the national average. B&NES has 78 schools comprising 61 primary schools (56 maintained and six academies), 13 secondary schools of which 10 are academies, plus 3 studio schools, three special schools, all of which are academies and no pupil referral unit.

Children and young people from minority ethnic groups account for 9.1% of the total population, compared with 22.5% in the country as a whole. The largest minority ethnic group is Polish. The proportion of pupils with English as an additional language is below the national figure.

In 2012 an estimated 12% (4056 children) of children in BANES live in poverty, compared to an estimated 30% nationally. B&NES is one of the least deprived authorities in the country, ranking 247 out of 326 English authorities, however within this, 32 of the 115 small areas analysed are within the most deprived 20% for one or more individual domains of social inequality. Early Years services provision is delivered predominantly through the private and voluntary sector in over 93 settings; there are 11 children's centres and eight nurseries.

Against a background of reductions in funding and changes in legislation, many local authorities including B&NES, have repositioned themselves and redesigned services to become commissioning-led organisations. There has been a shift in focus away from the local authority being a provider/supporter of services to becoming a champion of children and families. In keeping with this approach, there is no centrally managed behaviour support service or provision available to schools in this Authority. However the Children Missing Education Service has been continuing to monitor those children with behavioural difficulties and ensure that children with no provision are provided for.

Services and provision for children and young people with behavioural, emotional and social difficulties are provided primarily through the behaviour and attendance panels which are co-ordinated and managed by schools. The behaviour and attendance panels are key to ensuring that the needs of pupils are identified and addressed early and that exclusions are avoided. The Panels serve Bath, Midsomer Norton and Radstock, and also the Chew Valley and Keynsham area.

In May 2015, an independent review of behaviour and alternative education provision was commissioned by the local authority. This review acknowledges the good practice for behaviour and alternative education provision that exists within the local authority and schools, and highlights areas where provision can be developed further to strengthen and extend learning for children and young people in schools and other education settings.

B&NES has much to celebrate in terms of good practice; Ofsted judgements for behaviour and safety of pupils in secondary schools and academies show, that of the thirteen secondary schools; four are "outstanding", seven are "good", and two "require improvement". Over 87% of primary and infants schools are graded good or outstanding for behaviour and safety. Schools are supported to meet pupils' social, emotional and behaviour needs through integrated working. The Behaviour and Attendance Panels in some areas allocate resources directly to primary and secondary schools to fund initiatives aimed at addressing behaviour issues.

Alternative education provision for children and young people who fall within the local authority Section 19 Duties, is generally well-regarded by schools, although there are serious concerns about shortage of places for pupils who have been excluded from school and those who need additional support.

Primary and secondary Headteachers anecdotally report that the challenges they face in supporting children and young people with behavioural, social and emotional difficulties are increasing. This is commonly attributed to a complexity of factors including; family circumstances; preparation for school; quality and availability of specialist support; demands of a frequently changing curriculum; expectations of the community and parents; 'league tables' of schools and external inspection requirements.

In all parts of the system we believe there is a collective will and determination to improve outcomes. This strategy seeks to build from those strengths and enhance the capacity of the whole system to respond more consistently and effectively

Our Vision

We are committed to ensuring that all children and young people in Bath and North East Somerset are safe, healthy, active, nurtured, respected and are included, so that they can be successful learners, confident individuals, and responsible citizens.

We want to ensure that the needs of children and young people are at the heart of planning and that a full range of high quality provision is available to support students who may need additional help. In this we recognise that good relationships and positive behaviour across all schools, neighbourhoods and communities, are fundamental to good progress and culture change.

The Aim and Objectives of the Strategy

As a local authority we are committed to improving social inclusion and increasing the capacity of mainstream schools to provide for all children and young people, including those who have behavioural emotional and social difficulties. However, despite the local priority and investments given to this agenda over a number of years, there is currently no overarching strategy for supporting children and young people who are in danger of underachieving because of needs relating to their behaviour.

The aim of this strategy is to ensure that all children and young people whose behaviour is preventing them from making progress and/or is inhibiting the progress of others are appropriately supported. This includes challenging them to understand what acceptable behaviour is and to learn how to regulate their actions and responses appropriately.

The following objectives are central to the behaviour strategy:

School leadership, governance and practice;

- Know whether they are improving in their ability to meet needs, including identifying gaps in provision and what developments need to take place to meet these
- Improve ability to identify needs and make good provision for children and young people who present with challenging behaviour
- Secure the engagement of all staff in the implementation of the emotional health and wellbeing strategy so that appropriate interventions are delivered for children and young people at an individual and whole school level
- Improve the quality of behaviour and safety over time in school
- Improve the use of the Common Assessment Framework (CAF), and integrated practice to support children with challenging behaviour, in order to reduce referrals to the behaviour and attendance panels.
- Encourage the participation and the skill of parents/carers in supporting children who are becoming disaffected and disengaged from learning.

School partnerships;

- Develop local partnerships with locally-based support services all of whom have a shared vision and shared commitment to agreed local objectives.
- Ensure the cooperation and support of key agencies and partners in the effectiveness of primary and secondary school behaviour partnerships
- Establish effective school to school partnerships and collaboration to ensure children and young people with social, emotional and behavioural difficulties receive the high quality support and provision to which they are entitled.

Local authority network of provision;

- Increase the capacity within all schools to motivate and engage pupils who are becoming disaffected and disengaged from learning
- Quality assure the ability and effectiveness of specialist services and provision to meet needs, and enhance their support of mainstream schools
- Extend and develop the capacity and quality of educational provision for pupils who are at risk of/ or have been permanently excluded from school as part of a continuum of provision commissioned through behaviour and attendance partnerships.
- Ensure the effectiveness of local authority preventative services in providing support to schools where family or other domestic circumstances are contributory factors to the presenting behaviours of children and young people
- Provide and support opportunities for school partnerships to meet needs in relation to all children and young people
- Ensure that related strategies and initiatives are complementary, and that the local authority is meeting its obligations to vulnerable children and young people who are at the margins of the system by ensuring these pupils are identified and known to the Vulnerable Learners Service.
- Ensure access to data (particularly fixed period and permanent exclusions), to monitor performance and inform decision-making by having all schools signed up to data sharing agreements & protocols.

The Principles that underpin the Behaviour Strategy

The following values and principles are key to ensuring a calm and productive learning environment in which disruption and difficulty are minimised.

1. We believe that behaviour change is possible, and recognise that children who challenge are likely to be challenged themselves and may be at risk emotionally, socially and academically;
2. We support whole-school, consistent approaches to the quality of learning, teaching and behaviour where schools take collective responsibility for the achievement and well-being of all children

3. Support and develop teaching and support staff confidence and skill through effective induction, training and supervision
4. We are committed to working proactively to target resources and intervene early with children and young people who are at risk of becoming disaffected or disengaged or developing behavioural problems and use the Common Assessment Framework to agree multi-agency and specialist input, local responses should be available for local needs
5. Children and young people are entitled to an extended range of support and alternative provision to prevent exclusions generally and avoid the exclusion of any vulnerable child or young person including Looked After Children and those with Education, Health and Care Plans.
6. Support and involvement of parents and carers in maintaining good behaviour and the development of their children is central to the behaviour strategy.
7. Young People and their parent(s)/carer(s) will be listened to and their views respected
8. Sharing commitment and trust is essential for success across all partnerships; schools and educational settings.
9. Data will be shared and used within the local authority and schools to inform policy and practice.

The Scope of the Strategy

The strategy covers children and young people from nursery age to post-16 in maintained schools and academies, early years settings and youth and community provision. It complements the scope of other plans and provisions, addressing the needs of those children and young people with behavioural emotional and social difficulties.

These children and young people may include those who:

- have been permanently excluded and for whom a change of school or some alternative arrangements are being sought;
- have been excluded for a fixed period(s) of time before returning to their local school;
- demonstrate behaviour such that they are at risk of permanent exclusion;
- have been permanently excluded from more than one school
- are persistently disruptive, preventing the teacher, themselves or others from doing what is asked of them;
- are violent or abusive to their peers or to adults;
- are repeatedly absent without permission;
- are too anxious or phobic to attend their local schools;
- are on school action or school action plus because of their behaviour;
- have a statement of special educational needs/Education Health Care Plan because of their emotional, social and behavioural difficulties;
- have emotional or mental health difficulties.

Priorities within the Behaviour Strategy

In order to achieve the objectives referred to above, the strategy has to identify the strategic priorities for Bath and North East Somerset. These strategic priorities will be used to develop specific implementation plans for the behaviour strategy, which will provide a detailed route map for achieving these outcomes. Based on the strategy described above, our overarching priorities are:

1. Increase the capacity within schools to motivate and engage pupils who are becoming disaffected and disengaged from learning

- Develop and improve systems for identifying individuals, groups or categories of pupils "at risk" of becoming disengaged and disaffected
- Use approaches that are "evidence-based", i.e. that are based on evidence of effectiveness and recognised good practice
- Establish systems for developing the skills of staff in managing behaviour and promoting positive engagement of pupils.
- Develop and improve systems for providing individual support for pupils in school using the resources available through the behaviour and attendance panels

2. Schools working in local partnerships with each other and with locally-based support services all of whom have a shared vision and shared commitment to agreed local objectives

Support the existing behaviour and attendance panels to develop more formalised systems in order to operate as effective partnerships consistent with DfE guidance

Establish locally accessible support services for school partnerships.

Use the B&NES behaviour strategy as a basis for the development of local priorities and objectives

3. Development of Alternative Education Provision, including Pupil Referral Services

In order to avoid pupils missing out on education there must be a greater focus on raising aspirations, and improving access and achievement.

- Schools must establish clear accountability for the achievement, safety and personal development of all children and young people who are on the school roll but not attending ,and for the quality and amount of provision made for them.
- The LA will identify clear lines of accountability for the quality and amount of provision, as well as the educational and social outcomes, for all children and young people of compulsory school age who do not access education in the usual way.

- LA commissioning arrangements for pupils in need of alternative provision, both with and without a registered school place, will be the focus of regular review to ensure that children and young people receive suitable full-time educational provision, as near as their health and educational needs allow.
- Partnership working to help the process of commissioning and the quality assurance of a range of provision

4. Children Missing Education

Children Missing Education (CME), is a key area of policy for Central Government and the local authority. In November 2013, Ofsted produced a report, entitled 'Low aspirations, little access, limited achievement', this examined the experiences of children and young people who were not in full-time education at school. Inspectors found some effective practice, but also poor quality and insufficient provision for many of these young people, as well as incomplete information and records within local authority services.

Schools and the local authority are expected to work together to ensure that the following are in place:

- a named person at a senior level is held to account for this statutory duty.
- that schools, amongst other things, establish clear accountability for the achievement, safety and personal development of all children and young people who are on the school roll but not attending.
- Local authorities are expected to work with schools and other agencies to ensure that rigorous monitoring and tracking systems are in place.

5. Partnership work with parents

The cooperation of parents is seen as vital to the success of the behaviour strategy in both primary and secondary sectors. Where parents are working with the school and are supportive of the school's attempts to engage pupils and promote positive behaviour there is a much higher probability of good outcomes for pupils.

In order to promote the positive engagement of parents in both primary and secondary sectors the Local Authority and schools will work together to achieve the following:

- Parents/carers get regular information about their child's behaviour or attendance
- Parents/carers who require it are assisted with a referral to an agency that can provide specific advice or support, e.g. benefits advice, debt counselling, help with alcohol or drug problems
- In cases where there are major problems with a pupil's behaviour and the parents/carers consistently refuse to engage positively in addressing these problems then parenting orders may be used to enforce parental engagement.
- Working with parents/carers is used as a measure of school effectiveness

6. The use of data to monitor performance and inform decision-making

- Develop robust systems for collecting data and processing that will allow individual schools and local behaviour partnerships to monitor their performance in relation to the strategy
- Data systems will also allow county-wide performance to be monitored
- Data will be used to identify priorities and to inform decision making

How will we deliver the strategy?

As mentioned previously in this document, local authorities are required to produce a strategy which outlined their support and provision, for pupils who for reason of exclusion or otherwise do not have a school place, however. this task cannot be achieved without effective partnership working and collaboration with all schools.

Overall, schools working in partnerships will also have a significant part to play in delivering the strategy for supporting children and young people with behavioural emotional and social difficulties.. All schools should be working together to identify the specific educational needs of the most vulnerable children and young people in their locality and should commission services that bridge the current gaps in provision.

We believe that effective delivery of the Strategy will include the following:

1. Clearly defining the roles and responsibilities of the Local Authority and Schools;
2. Ensuring that pathways for children and young people are clear and the use of approaches such as the Common Assessment Framework (CAF), is embedded across all schools in B&NES;
3. Developing secondary provision that provides an analysis of the needs of young people, the support that a school may require and a mechanism to signpost young people into appropriate settings such as alternatives, work/training, college, support in school, time-limited part-time off-site provision linked with school;
4. Ensuring good transition planning is in place from pre-school into reception and across all Key Stages;
5. Developing solutions in schools and localities for pupils at risk of exclusion;
6. Developing a joined up programme of continuous professional development that supports school and local authority priorities building on work already on-going in some local areas;
7. Developing mechanisms to offer a rapid response to schools to offer advice pre-exclusion involving a range of services;
8. Seeking opportunities to develop off-site facilities in localities – these facilities could be shared by a group of schools and support provided by a range of services;
9. Ensuring that support for primary pupils is joined up so that pupils are supported in mainstream and in alternative off-site provision as a continuous process;
10. Ensure that family support is provided for children and young people pre-exclusion;

11. ensure that parents/ carers are informed and included in all discussions and plans about their children's behaviour
12. Develop externally contracted provision by commissioning alternative education from a variety of providers in the private and voluntary sectors, including FE Colleges;
13. Ensuring that alternative provision is quality provision that enables personalised pathways for young people with recognised and meaningful accredited courses;
14. Creating mechanisms to quality assure provision through appropriate agreements to ensure that the Local Authority and Schools Public Sector Equalities Duty are met.

Monitoring and Evaluation

1. The Joint Behaviour and Attendance Panel Chairs group currently has responsibility for monitoring behaviour outcomes for children and young people across the authority. Through the recommendations within this Strategy, it is proposed that a BESD strategy group is convened building on the infrastructure of the Joint Behaviour and Attendance Chairs group. This will have the Authority wide, cross service steering and monitoring functions both for the specific actions highlighted in the action plans developed from the strategic aims, and the overall impact and review of the strategy.
2. The BESD Strategy group will provide a progress and issues report to the School Forum on a regular basis, aligned with the local authority existing planning and monitoring cycle.
3. OFSTED judgements will help inform individual schools and the LA of the issues, development needs and status of support for children and young people with BESD
4. To monitor specifically the implementation and impact on outcomes, of the BESD strategy, specific action plans attached to this strategy, will detail the operational activity and the developments required.
5. The proposed Strategic Behaviour lead and Service managers through supervision and team activity will have a monitoring and quality assurance oversight.
6. The BESD strategy will be reviewed on a 3 yearly basis

Appendix 1

Review of Behaviour and Alternative Education Provision in Bath and North East Somerset

In May 2015, an independent review of behaviour and alternative education provision was commissioned by Bath and North East Somerset Council. The key purpose of the review was to:

- Better match provision to current and emergent needs and demand
- Ensure quick and effective systems to support children & young people, families & schools
- Secure good value for money including evaluation of effectiveness via comparing outcomes to costs and consideration of wider evidence of 'what works'
- Address capacity and skills issues within the system
- Promote consistent in-school behaviour strategies

The review acknowledges the good practice for behaviour and alternative education provision that exists within the local authority and schools; it highlights areas where provision can be developed further to strengthen and extend learning for children and young people in schools and other educational settings.

A range of schools across all phases, services and providers have been consulted in this review. Relevant documentation and data have also been analysed and all schools in the local authority were sent a behaviour strategy questionnaire in June 2015. 43% of schools responded to the behaviour strategy questionnaire. Semi-structured interviews were conducted with Head Teachers, Heads of Pastoral Care, Chairs of B/A Panels (Primary and Secondary); key managers within local authority services, Head of Virtual School; B/A Panel Coordinator; Admissions Manager; Aspire Commissioners; Head of Hospital School, and Head of Finance. Meetings were also convened with key providers of alternative education provision eg, Brighter Futures; Include and Kids Company.

In addition to meetings with schools and other stakeholders in B&NES, the following methodologies and approaches were employed:

- reviewing behaviour and attendance panel policies and procedures;
- reviewing permanent and fixed period exclusion data
- mapping current provision, including alternative education, in order to consider options for development

- reviewing available documentation including the February 2015 “Review of Section 19 for Bath & North East Somerset Children’s Services;
- making recommendations for developing behaviour support and alternative education provision based on the above.
- regular reports and feedback from the School Forum
- research and review of data and information from statistical and geographical neighbour local authorities.

Local Context

Data from the B&NES Behaviour and Attendance panels for the 2014/15 academic year shows an increase in the number of children at School Action and School Action Plus who were referred to these panels for behaviour and support interventions. In 2012/13, there were 348 children referred; with 289 in 2013/14 and 487 in 2014/15.

Permanent Exclusions from B&NES schools by Academic Year

Year	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
No. of Pupils	5	13	16	21	15	24
	Pri 1	Pri 0	Pri 0	Pri 2	Pri 3	Pri 6
	Sec 4	Sec 13	Sec 16	Sec 19	Sec 12	Sec 18

Data for fixed period exclusions, from the DfE First National Statistical Returns for 2013/14 shows , that 89 pupils were excluded for a fixed period from B&NES primary schools collectively, these pupils were out of school for a total of 159 days. During the same period, 694 pupils were excluded for a fixed period of more than one day from B&NES secondary schools, and collectively, these pupils were out of school for a total of 1,248 days.

B&NES In- Year Fair Access Data for the Academic Year 2011 – 12. (Children out of school for an extended period)

Fair Access Panel Area	No. of Cases	38+Days without placement	69+Days without placement	100+ Days without placement
Bath Panel	31	16	9	6
Keynsham and Chew Valley Panel	8	7	1	0
Norton Radstock Panel	12	6	1	1
Total	51	29	11	7

The above data and information highlights the growing pressure on the Authority's current alternative education provision. With the steady growth in permanent exclusions from primary and secondary schools and the number of children who are out of school for extended periods, as shown in the Fair Access data; it is clear that there is an urgent need to re-configure the existing arrangements for providing alternative education for those who are out of school. There is a clear mis-match between the number of children and young people needing alternative education support and the existing capacity available within the Authority.

B&NES discharges its statutory duty for children who are out of school through the following:

- A service level agreement with the Aspire Academy to provide 23 fte places for pupils who are excluded from school.
- The Behaviour and Attendance Panels
- The Children Outside of School Panel.

The key objective for the work of the existing alternative provision settings in B&NES is primarily to provide alternative provision for permanently excluded pupils and children unable to attend mainstream school settings for reasons of behaviour and/ or other as defined in the section 19 duties for education otherwise than at school. For children out of school for reasons relating to health, schools can refer individually to the Hospital Education & Re-Integration Service, this however has no dedicated educating setting. Owing to the changing landscape nationally for the work of alternative provision providers, cultural and structural change is required to take account of new national policy directions and provide extended and individualised learning opportunities for some of the most vulnerable pupils within the Authority.

Appendix 2 - Summary of findings, issues and recommendations

Building the capacity and expertise within the school system to reduce pupil exclusion and the demand for alternative education provision

Findings

1. Ofsted judgements for behaviour and safety of pupils in secondary schools and secondary academies in B&NES show that of the thirteen schools, four as “outstanding”; seven are “good” and two “require improvement”. Further Ofsted research shows that 87% of primary and infant schools in B&NES are graded good or outstanding for behaviour and safety.
2. Of the secondary schools which responded to the behaviour survey questionnaire, all have procedures in place for identifying pupils at risk of becoming disaffected and dis-engaged from learning. This include in-house staff trained to recognise and tackle early signs of disaffection. Some schools have pooled funding with other schools to create provision for sixth day fixed period support. Resources and joint arrangements in primary schools are less clearly defined, a number of primary schools which responded to the survey depended mainly on the behaviour and attendance panels to provide support advice and assistance.
3. Training for staff on behaviour management and support is evidenced in both primary and secondary schools. Of the 24 primaries schools which responded to the survey, 17 are involved in whole school Attachment Awareness programmes as well as “Thrive”; a programme which support teachers to deal with behaviour problems in class.
4. Bath and North East Somerset has committed significant resources to implementing and embedding the Common Assessment Framework (CAF), in schools to manage early signs of behavioural, emotional and social difficulties. Despite a well-resourced team and robust processes, some schools are slow in engaging with this effective strategy.. During the financial year 2014/15, eleven secondary schools (11), and twenty five (25) primary schools completed CAFs.
5. Two of the 24 primary schools which responded to the behaviour survey are involved in the Social and Emotional Aspects of Learning (SEAL), as a key strategy to manage behaviour.
6. Transition support is available for pupils across a number of schools and settings, however this is directed by the resources available to Behaviour & Attendance Panels. The SENDit Team oversee transition support funding to improve planned transitions from nursery to primary schools for children with complex needs.
7. Six of the 24 primary schools that responded to the behaviour survey mentioned “Theraplay”, as an effective intervention for those children with complex emotional and behavioural needs. This approach involves parents and others involved in working with the child and family.

8. In BANES 6 primary schools have commissioned “Place 2 Be”, an integrated school based mental health service that helps children cope with difficult and traumatic experiences which sometimes affect their behaviour.
9. The majority of primary and secondary schools have reported effective systems for ensuring active participation of parents and carers in supporting children and young experiencing BESD. Approaches include a dedicated Parent Support Advisor provided by the Early Years Extended Service.

Issues

1. The majority of B&NES schools have been graded “good” or “outstanding” by Ofsted for the behaviour and safety of children. Given the high level of behaviour and attendance in most schools, “difficult” pupils are less likely to be tolerated, hence they are excluded to minimise disruption to class attainment and safety.
2. Integrated, multi-agency working such as that provided through the Common Assessment Framework, is effective, and would be enhanced by the active involvement of more primary and secondary schools.
3. Schools are the main education provision for the majority of pupils. Evidence suggests that life chances are significantly reduced for pupils who spend a significant amount of time out of school and whose education is thereby disrupted. An increased emphasis on preventative and short term work is required involving a changed pattern of resourcing, improved joined up working between agencies and much greater collaboration and ownership from schools.
4. Some schools are unclear about the route to information and support for behaviour and related questions. There is a perceived lack of readily accessed information about services which can support pupils with social emotional and behaviour difficulties.
5. Some schools would like to extend their strategies for dealing with persistent low level disruption. 100% of schools which responded to the behaviour survey, would like support at an early stage to manage behaviour. The range of early intervention and preventative provision offered within the Authority area to meet pupils’ behaviour needs is perceived as too narrow.

Recommendation One

Strengthen co-ordinated approaches to prevention and early intervention for pupils with social, emotional and behavioural difficult in schools, through a multi-agency approach that aligns the work of the CAF team more closely with the school’s approaches and other integrated services for vulnerable young people.

Recommendation Two:

Identify and strengthen the strategic lead for Behaviour in the Children and Communities Division to include oversight of support, provision and the monitoring of outcomes for children and young people with social, emotional and behavioural difficulties.

Behaviour & Attendance Panels

Findings

1. The Behaviour and Attendance Panels play crucial role in enabling Bath and North East Somerset Council to discharge its section 19 duties appropriately. The Behaviour and Attendance Panels are key to ensuring that the needs of pupils are identified and addressed early and that exclusions are avoided. The Panels serve Bath; Midsomer Norton & Radstock and Chew Valley & Keynsham.
2. They are the key to ensuring that the needs of pupils are identified and addressed early and that exclusions are avoided where possible. They are also responsible for ensuring prompt arrangements are made to minimise the disruption to the child or young person's education.
3. The Behaviour and Attendance Panels funds intervention programmes directly to schools, focusing on working with small groups on identified areas of concern, eg anger management, and transition, as well as building the capacity of staff in schools to develop these programmes themselves through training and mentoring and work with individual pupils.
4. The role and responsibilities have been negotiated through a Service Level Agreement between the Panels and Bath and NE Somerset Local Authority to work together to improve behaviour and school attendance for disaffected and BESD learners across the catchment area.
5. Each panel has a constitution which includes a vision and including objectives to:
 - To work together to provide support and early intervention for learners who need to improve their behaviour and attendance in their school setting
 - To ensure the continuous education of learners who are at risk of exclusion, or who have been excluded so that they can access appropriate learning opportunities
 - To work together to develop personalised alternative educational opportunities in a variety of alternative settings for learners with behaviour, emotional or social difficulties who are disaffected or experience attendance difficulties
 - To review existing provision, share good practice and explore new opportunities to improve learning outcomes for all vulnerable learners in the local area
6. The Service Level Agreement clearly establishes that the Local authority will be responsible for ensuring that the Partnership operates within the terms of the SLA and will require the establishment of a reporting and monitoring arrangement. Reference is made to a Steering Group which will work with the strategic board to ensure that these systems are in place.

Issues:

1. Delays in deciding the placement of young people referred to Panels is a serious hindrance to their effectiveness. All schools who responded to the Behaviour survey stressed the need for those managers attending panels to be given the authority to make decisions, without delay.
2. There is no evidence available that the SLA has been formally enacted nor that any of the arrangements have been implemented, particularly in the areas of performance management and review in the constitution the and reporting and monitoring and governance of the SLA.
3. There is no evidence that the authority is ensuring '...that the partnerships operate within the SLA,' nor the role of the 'Steering Group' and the 'Strategic Board' in, '... establishing reporting and monitoring arrangements.'

4. Support and collaboration among schools for the behaviour and attendance panels is improving, however, a few schools are still reluctant to participate in the area panel arrangements.
5. `Managed Moves` is a key issue for some Panels where there are too few schools within a geographical area to make this a viable option in avoiding exclusion.

Recommendation Three

Support schools to work in collaboration and also to develop more formalised behaviour and attendance partnerships according to DfE guidance

Alternative Education Provision: The Aspire (AP) Academy

Findings

1. The Aspire Academy is central to the Authority in providing full time education for children and young people who because of exclusion or otherwise do not have a school place. It was opened on the 1st April 2014 replacing the Link School. It is part of the Wellsway Multi-Academy Trust.
2. Bath & North East Somerset have commissioned The Aspire Academy to:
 - *Provide Alternative Provision (AP) for a minimum of 23 pupils at any one time to ensure the continued education of children and young people in KS1, 2, 3 and 4 who, because of exclusion or other reasons would not otherwise receive a suitable full time education.*

Statutory Guidance (2013), on Alternative Education Provision states that, an AP provider should be registered as an independent school if it meets the criteria for registration (that it provides full-time education to five or more full-time pupils of compulsory school age or one such pupil who is looked-after or has a statement of SEN)
3. The guidance seeks to address the fact that there needs to be clear accountability for pupils and that the provision is of the highest quality. It does this by ensuring that larger provision is appropriately registered as an independent school - AP Academy or Free School where they are funded for the pupils that are on their roll and are therefore accountable. They will also be subject to Ofsted Inspections.

Issue:

1. According current DfE guidance, the Aspire Academy Alternative Provision (AAP) is not appropriately registered to fulfil the requirements of its contract with B&NES.
2. It can only meet the needs of the pupils by directly providing education on a part-time basis for some pupils, due to a shortage of planned places and difficulty in finding suitable accommodation.
3. The contract for the Aspire Academy AP provision expires on the 31st March 2017.

Recommendation Four:

Ensure the Aspire provision for pupils who are excluded from school is appropriately registered.

Alternative Education Provision: Planned Places

Findings

1. The number of full time places (23fte) commissioned from the Aspire AP Academy for pupils who are excluded from school does not allow the Authority to properly fulfil its Section 19 Duties under the 1996 Education Act and subsequent legislation.
2. Research into Alternative Provision in other local authorities show that the resource; the provision and the number of AP places commissioned for children and young people who are out of school falls short when compared with our statistical and geographical neighbours.
3. Some head teachers who have responded to the behaviour survey have stated that they feel that they are alone when it comes to finding suitable provision for children who are at risk of exclusion from school.
4. Some primary head teachers have expressed a view that the only way that they can access support for the most challenging pupils is to resort to permanent exclusion.

Issues

4. There are serious capacity issues regarding the local authority arrangements, and the number of planned places for children and young people who are permanently excluded, and those who for other reasons are without a school place.
5. There is an urgent need to develop and extend a wide range of high quality core and enhanced alternative education provision, to ensure that pupils who are at risk, or are excluded from school are able to access appropriate provision.
6. Owing to the changing landscape nationally for the work of PRUs and alternative provision providers, cultural and structural change is required to take account of new national policy directions and provide extended and individualised learning opportunities for some of the most vulnerable pupils within the Authority.

Recommendation Five

Develop and extend a wide range of high quality Alternative Education Provision within the continuum of existing provision and the behaviour and attendance panels, and also consider proposals from potential providers for the establishment of an AP Academy or Free School to meet the needs of pupils who are out of school, this process should be started in 2016/17.

Children Missing Education (CME)

Findings

1. Policies and procedures to enable fair access to school for `hard to place` pupils are in place.
2. There is evidence in some schools, that children who are disaffected and disengaged from learning are placed on part-time timetables and sent home for indefinite periods of time. In many of these instances, pupils are marked in the register as `educated offsite` (Code B).
3. There is some uncertainty at present, regarding the precise number of pupils who are out of school as a result these unofficial exclusions. This is an area of serious concern for the Authority in the light of Government initiatives regarding child sexual exploitation and safeguarding concerns.
4. This group of children and others who are out of school for other reasons are the focus of the Children Outside of School Panel which meets fortnightly to discuss the needs of this group of children and to recommend appropriate school places.
5. There no formal systems or procedures currently in place whereby the work and outcomes from the Children Outside of School Panel is shared with Head Teachers and other key stakeholders. However the panel does consult with individual schools around concerns for pupils under the Fair Access protocol and where there is no identified provision, or where parents are unable to in year casual admissions.

The table below provides a one year snapshot of pupils and the length of time some are out of school.

B&NES In- Year Fair Access Data for the Academic Year 2011/12

Fair Access Panel Area	No. of Cases	38+Days without placement	69+Days without placement	100+ Days without placement
Bath Panel	31	16	9	6
Keynsham and Chew Valley Panel	8	7	1	0
Norton Radstock Panel	12	6	1	1
Total	51	29	11	7

Issues

1. Key issues for the Children Outside of School Panel, are the reluctance of some schools to admit pupils, and the long delays in making decisions around pupil admissions.

2. There is an urgent need for the regular monitoring and reporting of Fair Access data, across all the Panel areas in B&NES.

Recommendation Six

Review the terms of reference for the Children Out of School Panel; its role, function and composition to clarify its scope.

Partnership work with parents

The cooperation of parents is seen as vital to the success of the behaviour strategy in both primary and secondary sectors. Where parents are working with the school and are supportive of the school's attempts to engage pupils and promote positive behaviour there is a much higher probability of good outcomes for pupils.

1. Strategic Objectives for the promotion of partnership work with parents and carers

In order to promote the positive engagement of parents in both primary and secondary sectors the Local Authority will work with school to achieve the following:

- Parents/carers get regular information about their child's behaviour or attendance
- Parents/carers meet regularly with their child's teacher(s)
- Parents have access to a parenting programme or other parenting support
- Peer mentoring is available for parents/carers
- Parents/carers who require it are assisted with a referral to an agency that can provide specific advice or support, e.g. benefits advice, debt counselling, help with alcohol or drug problems
- In cases where there are major problems with a pupil's behaviour and the parents/carers consistently refuse to engage positively in addressing these problems then parenting orders may be used to enforce parental engagement.
- Working with parents/carers is used as a significant measure of school effectiveness

Recommendation Seven:

Ensure that Partnership work with parents /carers is kept under review and linked with the Parenting Strategy.

Data

Findings

2. The use of data is crucial to monitor performance and inform decision-making
3. Data systems will also allow authority wide behaviour indicators to be monitored and performance to be reported on.
4. Data will be used to identify priorities and to inform decision making

Issues

1. There are currently no processes or systems by which there is systematic strategic monitoring of fixed period term exclusions. Permanent exclusion data is monitored by the Children Missing Education Service and reported to Local Authority Leads and to Behaviour & Attendance Panels.
2. There is no defined group that scrutinises this information on a regular basis, nor systems, which offer support to area panels, schools and pupils as part of a defined procedure to reduce exclusions.

Recommendation Eight:

Develop robust systems for collecting data and processing that will allow individual schools and local behaviour partnerships to monitor their performance in relation to the strategy

Appendix 3 - Actions to Deliver the Behaviour Strategy

Theme: Building Capacity within Schools to manage pupils with social, emotional and behavioural difficulties and those at risk of exclusion from school

Recommendation One

Strengthen co-ordinated approaches to prevention and early intervention for pupils with social, emotional and behavioural difficulties in schools, through a multi-agency approach that aligns the work of the CAF team more closely with the school's approaches and other integrated services for vulnerable young people (Vulnerable Learners Service).

1a	The Authority to consider a behaviour help line for schools to access information, support and advice regarding urgent help for those pupils who may otherwise be excluded
1b	Improve schools' information about access to services which can support behaviour which includes a co-ordinated menu of options with clear criteria for support, so that schools are clear about what is available to support their pupils at each point of need.
1c	Develop and improve systems for providing individual support for pupils in school using the resources available from within Behaviour Partnerships
1d	Establish systems for developing the skills of staff in managing behaviour and promoting positive engagement of pupils such as the "Thrive
1e	Develop and improve systems for identifying individual and groups of pupils, "at risk" of becoming disengaged and disaffected from learning.
1f	Ensure that schools and support services for behaviour are operating within an "integrated practice" framework, providing genuinely joined-up working, using the CAF framework where appropriate for individual pupils
1g	Support for pupils with social, emotional and mental health needs which would include working with any other services who are involved, for example CAMHS and the Education Psychology Service;
1h	Provide support for senior staff in schools who have particular responsibility for their schools' behaviour policy and practice
1i	Ensure that a school's willingness and ability to engage and support children with challenging behaviour is seen as an important measure of its overall impact.
1j	There is a clear need to continue to strengthen the system to support schools in reducing exclusions and promoting positive behaviour management to address needs and ensure an equitable approach across mainstream settings.

Recommendation Two

Identify and strengthen the strategic lead for Behaviour in the Children and Communities Division to include oversight of support, provision and the monitoring of outcomes for education other than at school (EOTAS)

2a	There needs to be strategic leadership for behaviour within B&NES. This could come from a panel comprising senior officers for behaviour inclusion and would include an overview of associated Panels. Careful consideration needs to be given to the development of the Vulnerable Learners Service and how this work sits within or alongside this service.
2b	The strategic lead to have key responsibility for the implementation and monitoring of the Behaviour Strategy and to operate as the point of reference within the Authority for behaviour.
2c	The strategic lead to have oversight of all pupils who are not in schools, not registered in schools or who are in or need of alternative provision, working either in or alongside the Vulnerable Learners Service to ensure a co-ordinated approach between services supporting these pupils.
2d	The strategic lead to support schools to reduce permanent and fixed period exclusions, including ensuring that patterns and trends of exclusions across schools and panel areas are shared and used to inform ongoing behaviour strategies and approaches.
2e	Linking to Early Help locality arrangements within each area so that families who are being supported by different services receive an integrated approach;

Recommendation Three

Support schools to work in collaboration and also to develop more formalised behaviour and attendance partnerships approaches according to DfE guidance

3a	Ensure that arrangements are in place for the regular monitoring of the Authority's Service Level Agreement that has been agreed with the behaviour and attendance panels
3b	Explore the scope for actively involving Panel representatives and other interested partners in the development of the future shape of alternative education provision in response to the needs of their pupils.
3c	Review the role and function of the Joint Chairs of Panel group and how this links with the Steering Group and Strategic Board functions.
3d	All schools, including special schools and the AP Academy to be actively involved in partnerships.
3e	A shared vision between schools in the partnership to work together to improve behaviour, attendance and outcomes for pupils with challenging behaviour and thereby improve outcomes for all pupils.

3f	An agreement with schools in Panel areas and the AP Provider that there is a collective responsibility in their partnership and they will intervene early with pupils at risk of exclusion.
3g	Sharing information, advice and guidance: schools requested that through the local partnerships opportunities are provided to share issues, access expertise, signposting and guidance which would reduce the demand for places at the Aspire Academy

Recommendation Four
Ensure the Aspire AP provision for pupils who are excluded from school is appropriately registered.

4a	The Aspire Academy to ensure that the provision for pupils who are excluded from school is registered without further delay
4b	The Aspire Academy to review the menu of services currently available to schools across the Authority to increase the opportunities for more outreach and in-school support arrangements.
4c	Access to expertise: Ensure that all LA commissioned alternative Provision includes staff who have a wealth of expertise and experience which could support schools in building local capacity and expertise

Recommendation Five
Develop and extend a wide range of high quality alternative education provision within the continuum of provision and behaviour and attendance panels, and consider proposals from potential providers for the establishment of an AP Academy or Free School to meet the needs of pupils who are out of school, this process should be started in 2016/17

5a	Increase the number of places available for children and young people who are out of school from 23fte to 50fte. (20fte for primary pupils and 30 places for secondary pupils.)
5b	Explore with primary Head Teachers a move towards the delivery of alternative provision for children at Key Stages 1 and 2 in localities and Panel areas
5c	Appoint a Commissioning role for Alternative Education Provision, to inform and advise commissioning unit/ team with responsibilities for ensuring that “no child is left behind” with regards to being able to access suitable provision according to their respective age, aptitude and ability.
5d	Establish a Framework Agreement to support the Behaviour and Attendance Panels and local schools to commission local preferred providers who have met the local quality assurance standards for being “inspection ready” and able to provide suitable AP provision. This Framework would enable and empower schools to deploy locality approaches to commissioning AP and EOTAS provision.

Recommendation Six	
Review the terms of reference for the Children Out of School Panel; its role, function and composition to clarify its scope.	
6a	Provide an annual report of the numbers; patterns and trends of Fair Access cases which are referred to the behaviour and attendance panels in B&NES.
6b	For the Children Out of School Panel to have delegated reporting responsibilities to the School Forum or other strategic group within the Council to include the Local Children's Safeguarding Board
Recommendation Seven:	
Ensure that the parent partnership work is kept under review and is fully aligned with the Parenting Strategy.	
Recommendation Eight:	
Develop robust systems for collecting data and processing that will allow individual schools and local behaviour partnerships to monitor their performance in relation to the strategy	
8a	Ensure exclusion data and children out of school information is used to inform the future procurement of planned places for children who are out of school
8b	Ensure data systems are used to monitor local authority wide behaviour outcomes
8c	Ensure systems are in place to demonstrate how data is used to identify priorities and inform decision making. This will only work if all education providers, including academies, free schools, colleges provide this data.

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CHILDREN AND YOUNG PEOPLE POLICY DEVELOPMENT AND SCRUTINY PANEL

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

Should you wish to make representations, please contact the report author or Mark Durnford, Democratic Services (01225 394458). A formal agenda will be issued 5 clear working days before the meeting.

Agenda papers can be inspected on the Council's website and at the Guildhall (Bath), Hollies (Midsomer Norton), Civic Centre (Keynsham) and at Bath Central, Keynsham and Midsomer Norton public libraries.

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
12TH JANUARY 2016				
12 Jan 2016	CYP PDS	Children's Sense of Safety / SHEU	Kate Murphy, Judy Allies Tel: 01225 394502, Tel: 01225 395117	Strategic Director - People
12 Jan 2016	CYP PDS	Special Educational Needs & Disability Reform	Charlie Moat Tel: 01225 477914	Strategic Director - People
Page 97 12 Jan 2016	CYP PDS	SEND Funding	Mike Bowden Tel: 01225 395610	Strategic Director - People
12 Jan 2016	CYP PDS	Care Act - Implications for Children	Lesley Hutchinson Tel: 01225 396339	Strategic Director - People
12 Jan 2016	CYP PDS	School Attendance / Exclusions	Christopher Wilford Tel: 01225 477109	Strategic Director - People
12 Jan 2016	CYP PDS	Behaviour Support Strategy	Mike Bowden Tel: 01225 395610	Strategic Director - People
22ND MARCH 2016				

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
22 Mar 2016	CYP PDS	Primary and Secondary School Organisation Plan 2015 - 2019	Helen Hoynes Tel: 01225 395169	Strategic Director - People
22 Mar 2016	CYP PDS	Education Results 2015	Margaret Simmons-Bird Tel: 01225 394240	Strategic Director - People
17TH MAY 2016				
17 May 2016	CYP PDS	Review of Community Play and Specialist Family Support Services	Deborah Forward Tel: 01225 395305	Strategic Director - People
17 May 2016	CYP PDS	Update on implementation of Children's Centres & Services	Deborah Forward Tel: 01225 395305	Strategic Director - People
17 May 2016	CYP PDS	Child Sexual Exploitation	Richard Baldwin Tel: 01225 396289	Strategic Director - People
12TH JULY 2016				
ITEMS YET TO BE SCHEDULED				
	CYP PDS	Healthy Weight Forum Presentation	Denice Burton Tel: 01225 394061	Strategic Director - People
	CYP PDS	Pupil Parliament Feedback	Sarah McCluskey, Kate Murphy Tel: 01225 394464, Tel: 01225 394502	Strategic Director - People

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
The Forward Plan is administered by DEMOCRATIC SERVICES : Mark Durnford 01225 394458 Democratic_Services@bathnes.gov.uk				

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