

SECONDARY ALTERNATIVE EDUCATION/BEHAVIOUR MANAGEMENT

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1 Purpose

- 1.1 To inform the Schools Forum of the work that has taken place with secondary head teachers to progressively reshape the nature of provision in support of pupil behaviour management and to agree the funding arrangements going forward.

2 Recommendations

- 2.1 The Schools Forum agrees the mechanism for delivering funding to the partnership in order to pursue a new way of working with Alternative Education. The Authority proposes that this be done by way of devolving funds to a single lead school in the first instance with a view to delegation in subsequent years when working practices and protocols are established.

3 Background

- 3.1 A background paper for the last Schools Forum Meeting explained that the Government expects that partnerships of all local secondary schools and the LA will be in place by September 2007. This has been reinforced in the Prime Minister's 'Respect Action Plan' and in the Education and Skills Act 2006.
- 3.2 The aim of these partnerships is to ensure that services for children who require additional support in relation to attendance and behaviour in school and in alternative settings is coordinated, high quality and efficiently administered.
- 3.3 In general the expectation is that schools should be in a position to work closely together to commission the range of provision they deem necessary to maintain children in mainstream education wherever possible and prevent exclusion both fixed term and permanent. The notion of a continuum of response is central to this approach supported by protocols on hard to place students.
- 3.4 The LA in addition to its School Improvement, Admissions and Education Welfare functions also has a legal duty to ensure provision of full time education for permanently excluded pupils and certain other children unable to attend school. Therefore part of its role within the partnership is to ensure that the needs of all pupils are being met in accordance with Government guidelines in conjunction with the partnership schools.

- 3.5 Milton Keynes, as a local authority and as a set of secondary schools, already has a wide range of out-of-class and out-of-school provision, and a long-established partnership around alternative education. Discussions began to formalise these arrangements with a sub-group of Milton Keynes Secondary Headteachers in September 2005.
- 3.6 The sub group has made significant progress towards the establishment of a new partnership and has recognised that changes to the existing system are complex and should be implemented carefully and progressively over the next few years. This will ensure that there is minimal disruption so that the needs of the pupils entering and leaving the system continue to be met and that the interests of the existing providers are given due regard. This approach will also enable future planning of provision to be based on the best available intelligence and information.
- 3.7 A key milestone and one thought to be achievable this year is the transfer of the funding attached to alternative education to the partnership. The LEA retains legal responsibility for permanently excluded pupils. The DfES have confirmed that funding for permanent exclusions cannot be delegated to schools without approval by the Secretary of State (a regulation 25 application would be required). However, this remains a possibility in the longer term.
- 3.8 Responsibility for all other students rests with the partnership schools, including those students who require alternative provision as a positive option, as part of a reintegration or alternative-to-exclusion programme or as a long-term placement. Partnership schools will be able to provide and commission provision within individual schools, between schools and externally.
- 3.9 Plans are being drawn up to recruit staff that will coordinate the assessment placement and monitoring of pupils in the provision commissioned by schools and the responsibility for contracting with independent providers is proposed to transfer from the LA to the partnership schools by September 2007. The Hard to Place Protocol is scheduled for completion very soon. The LA is considering how to fulfil its strategic role to the partnership and ensure that the management and development of its Pupil Referral Units aligns with the evolving direction of the partnership.

4 Process

- 4.1 An amount reflecting the cost of provision for permanently excluded pupils will be retained by the LA to cover the statutory responsibilities. It may be possible to delegate/devolve this budget in future years. However, an application to the Secretary of State for dispensation under regulation 25 would need to be made.

- 4.2 An amount reflecting the cost of provision for other forms of alternative education will be passed to a single secondary school that will manage the Secondary Alternative Education Provision on behalf of the partnership. There are a number of options as to how this might be done.
- 4.3 The most common way of dealing with this in other authorities pursuing this agenda is to devolve funds to all the schools in the partnership, but there is nothing to prevent this being directed to a single school on behalf of the partnership. Devolving funds would ensure that the money was spent upon the purpose for which they are intended, with any unspent funds being returned to the Authority, although remaining within the Schools Budget and at the disposal of the Schools Forum. Devolved funds would remain counted against the Central Expenditure Limit.
- 4.4 The route favoured by the Secondary Heads working group is to delegate the funds to a single school. This is an unusual approach, but DfES have confirmed that this is legally possible for pupils other than those permanently excluded. Under the Schools Financing Regulations those funds delegated to a school can be deployed by the school for any purposes of the school, so there would need to be a separate legal agreement to ensure that the Alternative Education service is delivered by that school on behalf of all. There will in any case be the need for agreements to be drawn up to define the relationship between the partnership and the local authority as well as between the schools in the partnership. Any unspent funds would remain with the school. Delegated funds would not count against the Central Expenditure Limit.
- 4.5 A combination of the above methods could be used where funds are devolved in the first instance whilst the new arrangements are bedded in and the legal issues sorted out. Also if the partnership wished to pursue the total delegation of Alternative Education including permanently excluded pupils then this would also allow time to apply to the Secretary of State to do so. When these arrangements are better sorted through funding could then be delegated.