

CHESHIRE EAST COUNCIL

REPORT TO: Cabinet

Date of Meeting:	14 February 2011
Report of:	Lorraine Butcher Director of Childrens Service
Subject/Title:	Establishing a Pupil Referral Unit
Portfolio Holder:	Councillor Hilda Gaddum

1.0 Report Summary

- 1.1 Under section 19 of the Education Act 1996 Local Authorities (LA) have a statutory duty to make arrangements for providing education for pupils who are permanently excluded from school and are not on the roll of a school.
- 1.2 In discharging this legal responsibility for arranging education for pupils who are permanently excluded from schools the LA must :
- Assess pupils' needs
 - Arrange suitable placements at Pupil Referral Units (PRU) or other alternative education centres
 - Check that the provision is of acceptable quality
 - Monitor pupils' attendance and achievements
 - Review the impact of local policies on admission and reintegration

2.0 Decision Requested

Cabinet

- 2.1 Approve the establishment of a PRU for up to 30 secondary aged permanently excluded pupils, based on two sites from the 1st April 2011.

3.0 Reasons for Recommendations

- 3.1 It is a statutory requirement for LA to provide appropriate education, without the option to decide against, for pupils out of school for reason of permanent exclusion, who are resident within the LA area. Although the nature of these arrangements varies from LA to LA depending on local circumstances and policies, there are minimum standards that all LA are expected to meet. This is particularly important when making arrangements for pupils in vulnerable groups or for pupils whose previous family, social or educational experience

has been characterised by difficulties. This may mean taking additional steps to ensure that the individual needs of pupils are met or providing access to appropriate support services.

- 3.2 The LA's duty is to provide suitable education as well as being accountable for the quality of education and should, therefore, satisfy themselves that the quality of provision is of high standard, via establishing robust systems to monitor the arrangements on an on-going basis.
- 3.3 LA cannot delegate their core responsibilities in relation to these pupils. These include responsibilities for health and safety, duties towards disabled pupils under the Disability Discrimination Act 1995 and duties under the Race Relations (Amendment) Act 2000.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including – Carbon reduction - Health

- 6.1 Children Services will need to develop a clear policy, in consultation with schools regarding the role and remit of the PRU. There is need for a clear protocol around the length of stay of individual pupils to ensure that the permanently excluded pupils return to appropriate mainstream or special settings within 12 weeks of admission to the PRU.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The 30 place PRU can be funded via the Dedicated Schools Grant (DSG). The special schools formula has been used to determine an appropriate funding level, with a pupil-led element of approximately £15,500. If this funding is extended to include the other funded elements then cost per pupil would be £21,400, and an estimated total of £642,000 at 2010/11 pupil funding levels.
- 7.2 There would need to be a presumption against in year funding adjustments for admission and leavers from the PRU given that the establishment is funded on a pupil basis, with its funding derived as with other main stream schools from the Schools Funding Formula. However if it was felt that it would be helpful to charge the 'home' school to create a penalty/incentive the Council along with the Schools Forum, if appropriate, would need to consider and approve a suitable figure.

- 7.3 A capital bid of £1.5m has been included within the Council's Budget Proposals for 2011/12, as the Short Stay School item, which would seek the refurbishment of an appropriate site.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 19 of the Education Act 1996 states:

(1) Each local education authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

(2) Any school established (whether before or after the commencement of this Act) and maintained by a local education authority which:

- (a) Is specially organised to provide education for such children, and
- (b) Is not a county school or a special school, shall be known as a PRU.

- 8.2 Whilst this legislation places an absolute duty on a LA to provide suitable education to children who for reasons of permanent exclusion cannot access education at a mainstream school, the LA can decide how that education is provided. The proposal in this report is for Cheshire East Council to fulfill its duty by establishing a PRU.

- 8.3 There is guidance available to LA in respect of the establishment of PRUs and the information contained in this report is in accordance with that guidance.

9.0 Risk Management

- 9.1 Without the establishment of a PRU the LA is in breach of its duty to provide suitable education at school, or otherwise than at school, for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them”.

- 9.2 Failure to provide for students who are no longer attending school due to a range of behavioural, emotional and social difficulties is likely to lead to an increase in criminal behaviours and increased concerns about individual youngsters safety.

10.0 Background and Options

- 10.1 Legally, PRUs are both a type of school and a form of 'education otherwise' (a school is any educational institution that provides full-time education for five or more children of compulsory school age). However, PRUs are not subject to all the legislative requirements that apply to mainstream and special schools, e.g. a PRU does not need to teach the full National Curriculum however, they should offer a balanced and broadly based curriculum that includes English, mathematics, science, Information, Communication Technology (ICT) and careers guidance.
- 10.2 Like other schools, a PRU must have a Special Education Needs (SEN) policy and appropriate safeguarding procedures, and is required to fulfil other duties as to the health, safety and welfare of pupils as specified in guidance for other LA schools. Like other schools, PRUs should identify a designated teacher to advocate for pupils in public care and liaise with other services.
- 10.3 The focus of units should be on getting pupils back into a mainstream school as early as possible, certainly no longer than 12 weeks. The numbers of pupils on the roll of a PRU will vary. Grouping pupils by age and the nature of their referral, where possible, enables PRU staff to match the education more closely to pupils' needs.
- 10.4 Like other schools, PRUs are inspected by Ofsted. LA operate different models of PRU provision developed to meet local circumstances and in line with local policies. Provision may be on a single site, or on multiple sites under one management structure, under the management of a local specialist provision.
- 10.5 PRUs must provide full time education to permanently excluded pupils. Full-time means offering supervised education or other activity equivalent to that offered by mainstream schools in the area (as defined in Circular 7/90 and subsequent revisions) i.e.

Key Stage 1:	21 hours
Key Stage 2:	23.5 hours
Key Stage 3/4:	24 hours
Key Stage 4 (Yr 11):	25 hours

- 10.6 Anything less than this cannot be considered as full-time, and does not fulfil the duty of the LA to provide full-time education for all permanently excluded pupils from the 16th day following the head teacher's decision to exclude; and to make every effort to do so for pupils excluded for a fixed period of 16 days or more. However, a full timetable for an excluded pupil may look significantly different to that provided in a mainstream school. LA may also offer pupils individualised programmes, made up of a range of activities,

possibly offered in different venues. In these circumstances, it is essential that LA have effective arrangements to monitor attendance and progress.

- 10.7 PRUs may offer education directly, or they may organise packages of educational provision (for pupils of secondary school age) that involve external providers, such as further education colleges, employers, and work-based trainers, and programmes offered by independent schools, voluntary organisations or other agencies.

10.8 **Current Position**

Over the last 3 years permanent exclusion in Cheshire East school have declined.

	2007-08	2008-09	2009-10
	Perm Exclu	Perm Exclu	Perm Exclu
Key Stage 1	0	1	0
Key Stage 2	3	1	0
Key Stage 3	17	17	17
Key Stage 4	23	17	9
Total	43	36	26

- 10.9 The current provisions for pupils who are permanently excluded from school are two study centres in Crewe and Macclesfield. There have been 27 permanent exclusions for schools this year. Of these, 13 pupils have been admitted to alternative mainstream schools. Nine pupils attend the study centre in Crewe and five attend the Macclesfield study centre.
- 10.10 A recently commissioned independent review of how the Crewe study centre for permanently excluded pupils has raised concerns about:-
- a) Suitability of accommodation
 - b) Safeguarding policy and procedures
 - c) Leadership and management of the centres
 - d) The appropriateness of the curriculum offer
 - e) Policies and procedures
 - f) Performance management of staff
 - g) Lack of governance
 - h) Reintegration of students into mainstream
- 10.11 Given the concerns expressed by the independent reviewer its imperative that the proposed PRU for permanently excluded pupils is brought under an appropriate single management and governance structure and is registered with the Department for Education. In order to ensure support to the newly registered PRU it would be beneficial if it was partnered with an appropriate high school or special school. This would assist in curriculum development, improved teaching and learning and potentially offer access to subject facilities not available on the site of the PRU.

- 10.12 Staffing. The PRU is required to have a teacher in charge (effectively the head teacher). Each site will require a lead teacher plus 1 teacher and 2 Learning Support assistants. There will be a requirement for a staffing budget to be available to spot purchase subject specific support according to the individual needs of the pupils.
- 10.13 Governance of the PRU. There is a need to establish a management committee. The management committee is intended to fulfil an advisory role though with statutory responsibility for certain specific functions or tasks. The committee will be expected to be actively involved in most decision-making to ensure that the PRUs are run effectively and that they provide a suitable education for learners. Consequently, the regulations (The Education (PRU) (management committees etc.) (England) Regulations 2007 (SI 2007/2978) provide that the LA must delegate to management committees the function of conducting the PRU, although this delegation does not extend to the appointment, suspension or dismissal of staff or the spending of the LA's money. In addition the Education (PRU) (Application of Enactments) (England) Regulations 2007 have the effect of conferring other powers and duties directly on management committees.
- 10.14 Management committees have joint statutory responsibility in the exercise of some functions, e.g. in deciding the curriculum to offer and in deciding the times of school sessions.
- 10.15 In exercising their functions, and any functions delegated by the LA, the management committee must act with integrity, objectivity and honesty and in the best interests of the PRU.
- 10.16 Management committees should play a strategic and advisory role in exercising their functions, and any functions delegated to them by the LA. In particular, they should work closely with the LA and set up a strategic framework for the PRU. This strategic plan will need to:
- Set out appropriate aims and objectives,
 - Identify and include policies, targets and priorities; and
 - Set out arrangements for monitoring and reviewing aims, objectives, and whether the policies, targets and priorities are being achieved.
- 10.17 The management committee should take advice on all this from teacher in charge before taking decisions. Working strategically, management committee members should then use any monitoring evidence to review and evaluate progress against any targets set to see whether a policy is working or needs changing.
- 10.18 Membership of the Management Committee. There must be no fewer than 7 members on a management committee. Although legally a management committee can have a maximum of 20 members, in practice, it is strongly recommended that membership of a committee should not exceed 12, other

than in certain circumstances. Those circumstances are where a management committee is covering more than one PRU or where a PRU has more than one unit/site. The proportions of places allocated to each of the categories are as follows:

- Community members: the number of places must exceed all other members by one or more;
- Parent members: at least one place but no more than one-fifth;
- Staff members: at least one place, but no more than one-third, including the teacher-in-charge;
- LA members: at least one place, but no more than one-third;
- In addition, the management committee may appoint one or two Sponsor members.

11.0 Access to Information

- 11.1 The background information relating to this report can be inspected by contacting the report writer.

Name: Fintan Bradley
Designation: Head of Strategy, Planning and Performance
Tel No: 01606 271504
Email: fintan.bradley@cheshireeast.gov.uk