

# **The Vale of Glamorgan Council**

## **Cabinet Meeting: 4 September, 2017**

### **Report of the Cabinet Member for Learning and Culture**

#### **Key Stage 3 Pupil Referral Unit (PRU) and Education Other Than At School (EOTAS)**

##### **Purpose of the Report**

1. To inform members of the educational changes required to ensure children and young people educated other than at school (EOTAS) can prosper and achieve attainable outcomes.
2. To seek approval from members to implement arrangements relating to the Key Stage 3 (KS3) Pupil Referral Unit (PRU) and associated provision as described in this report.

##### **Recommendations**

1. That Cabinet approve in principle the proposals as set out in this report as the basis for referral to Scrutiny Committee (Learning & Culture) for consideration and consultation with service users, their families, staff and trade unions prior to reaching a final determination.
2. That a further report be submitted to Cabinet for final determination following completion of consultation activities.

##### **Reasons for the Recommendations**

1. To enable the Council to take a strategic approach to the provision of education services for young people within the resources available and to enable consultation with Scrutiny Committee (Learning & Culture), service users, families, staff and the trade unions to be undertaken prior to reaching a final determination.
2. To ensure the on-going process of required consultation and engagement work with Trade Unions, staff and other stakeholders is undertaken efficiently and effectively in line with Council policies and procedures.

##### **Background**

3. The Local Authority provides EOTAS provision to enable students to access an alternative to mainstream school. This is required for pupils who are medically unfit to attend school and those requiring an alternative to mainstream schooling because

of their additional learning needs. The majority of children and young people requiring EOTAS have complex social, emotional and behavioural difficulties.

4. The most recent data from the Welsh Government (2015) shows that the number of pupils receiving EOTAS has risen year-on-year over the past five years. In the school census week of 12-16 January 2015, the total number of pupils reported as receiving EOTAS funded by their local authority was 2,157. This is an increase from 1,220 in 2012-2013, (Welsh Government, 2015).
5. Of these pupils, 86.2% had special educational needs, with 33.4% having a statement. Just under 35% were eligible for free school meals. The majority of these pupils were from a White-British ethnic background. The rate of pupils aged 11-15 years whose main education is EOTAS increases as pupils' ages increase. In 2014-2015, 1.5 out of every 1,000 pupils aged 11 years were receiving EOTAS. This rate increased to 18.2 out of every 1,000 pupils aged 15 years. Seven out of ten pupils receiving EOTAS are boys. (Welsh Government, 2015).
6. EOTAS is widely used in the Vale of Glamorgan. In July 2016, 108 young people were recorded as receiving EOTAS in the Vale of Glamorgan. At that time this was the fifth highest in Wales.
7. EOTAS provision can be organised by the school, via a range of alternative providers, or by the Local Authority through placements at the Pupil Referral Unit (PRU), known as Ysgol Y Daith.
8. Many schools in the Vale of Glamorgan choose to use EOTAS as a method of broadening horizons but also as a means of engaging young people in vocational skills. The Council has brokered support from local training providers and colleges to support schools in making arrangements for pupils. This allows students to experience other forms of education on a day release basis whilst still preparing for GCSE subjects at their school. Schools also use EOTAS to offer a respite for students from the school environment and as a way to control behaviour and improve attendance.
9. The Council has worked closely with schools to standardise the cost and quality of different types of EOTAS service provision. This has seen improved outcomes and levels of communication with providers on the progress of learners. However, the Council has also had to raise issues of safeguarding and attendance with schools who have students attending EOTAS provision. It is clear that there is an inconsistent approach to EOTAS students' welfare across schools.
10. The Pupil Referral Unit (PRU) offers learners with social emotional and behavioural difficulties (SEBD) an alternative to mainstream school. Currently the provision is split according to key stage. Key stage 3 (KS3) provision, for 12-14 year olds, is located at Amelia Trust Farm (ATF) and Key stage 4 (KS4) provision, for 14-16 year olds, is located at the Old Magistrates Court in Cowbridge. Transport to and from each venue is provided. Student numbers are currently 36 in KS4 and 20 in KS3. Students are dual registered and in most cases are on roll at both their home school and the PRU. Attendance is monitored closely and students are supported by the Education Welfare Service should attendance fall below the standard required. The Council acknowledges these are the most challenging students and behaviours can be confrontational and sometimes violent.
11. The Local Authority supports the PRU financially and professionally. There is a Management Committee with associated governance and monitoring functions. The committee comprises representatives from the Police, Youth Offending Service, schools, the PRU staff body and Local Authority officers. The school also receives

support and challenge from the Central South Consortium (CSC) Challenge Advisors.

12. Costs have increased in recent years for a number of reasons. There has been an increase in demand for places and the associated increase in staffing required. The demand for places is high and provision is often full necessitating the use of waiting lists. In addition, the Council has increased its emphasis on the reintegration of pupils at KS3 back into mainstream schooling to create sufficient space to take students who need a place at the PRU. In recent years there has been an increased use of flexible learning packages at KS4 through the commissioning of external providers to maximise the range of opportunities to pupils. In September 2017 the numbers of pupils in KS4 will increase significantly as a large cohort of students from KS3 progress into KS4.
13. A recent performance review of the PRU conducted by the Central South Consortium raised some important issues for the Council to consider. These relate to the effectiveness and appropriateness of the curriculum delivered at KS3. The Consortium identified issues relating to low attendance, limited breadth of curriculum and poor outcomes. Concerns have also been expressed over the suitability of the environment and associated safeguarding and health and safety concerns. The current categorisation of the school is Improvement Capacity 'C' and Support Category 'Amber'. The PRU, like a number of educational establishments, is required to maintain standards in accordance with legislation pertaining to education, and as such is subject to inspection by Estyn. The proposals will be of significant assistance in ensuring that these obligations are met and that the PRU meets the standards required by Estyn.

### **Relevant Issues and Options**

14. Currently the KS4 PRU operates on a part time basis. Learners spend part of their learning timetable at the PRU studying GCSEs and the remaining time with the training providers. In doing so, pupils are supported towards achieving core educational qualifications and provided with opportunities to experience vocational training opportunities. It is felt that this mix positively assists with attainment, attendance and behaviour.
15. It is proposed that a similar model will be delivered at KS3. This will involve students receiving 25 hours of tuition per week, part of which will be delivered at the PRU and the remainder on placements with various other internal and external providers. The changes proposed in this report focus on the location and operating model of the KS3 provision. It is anticipated that at some stage in the future, the KS3 and KS4 provision will be delivered from a single location. During the interim period, continual efforts will be made to identify and exploit the synergies and opportunities that arise between the key stages.
16. In addition to some of the performance issues identified at the current KS3 PRU provision, the physical environment is also considered to be a limiting factor for the service. The Council's Health and Safety team assessed the provision in October 2015 and raised significant concerns. Subsequently, the trade unions have made representations to management about staff safety on the site. Therefore, to ensure and safeguard the safety of students and staff, it is proposed that the services currently provided from Amelia Trust Farm should relocate to Llantwit Major Youth Centre. This will provide a more manageable site from which services will be delivered from January 2018. The current lease arrangement with Amelia Trust Farm is due to expire at the end of July 2017. The Council is required to give 3 months' notice to terminate the lease arrangement.

17. Work has been undertaken previously relating to the future use of Llantwit Major Youth Centre. The conclusion of this work in 2015 was that Cabinet declared this building surplus to requirements. It is proposed that the relocation of the PRU to this site would be on an interim basis until the new co-educational school in Barry is completed. Upon completion, the Youth Centre site in Llantwit Major would be surplus and options for the future operation of the premises could be reconsidered.
18. To accommodate the PRU at the Llantwit Major site, a number of minor modifications will be required to the building to create the appropriate classroom environment and ensure the security of the site.
19. The current use of the premises by the Youth Service would be unaffected as these are operated at different times of the day. Members will also be aware of the ongoing discussions with voluntary organisations about the WVIC site (adjacent to the Youth Service building) and the potential to co-locate Youth Services with a community group.
20. Pupils are currently transported to and from their home location to the PRU site at Amelia Trust Farm. It is proposed that transport would continue to be provided to students to and from the new location.
21. It is proposed that the relocation of the service would take effect from January 2018. In order to deliver the revised operating model, a procurement exercise will be required to produce a framework of potential suppliers that would be accessed to provide appropriate learning packages for students. This timescale has been designed to enable an efficient and effective procurement process to be delivered, in addition to undertaking the important and necessary consultation activities that are described later in this report.
22. Potential framework suppliers will include youth support services and training providers. The learning packages will consist of a mixture of national curriculum learning such as literacy and numeracy, personal and social education and vocational opportunities. Providers would offer full time places for an academic year. These places can then be utilised to satisfy the needs of the student on either a full or part time basis as is the case with the current KS4 arrangements.
23. As part of the procurement process and on-going contract management arrangements, providers will be regularly monitored with quality assurance processes being put into place. Monitoring outcomes on a contractual basis gives the Local Authority the assurance that students will achieve. If a provider does not maintain the required quality of provision, the Council will have the option to cease the provision and develop another option with an alternative provider.
24. In order to comply with the Council's Financial Regulations and Contract Procedure Rules, the contracts are proposed to commence in January 2018 following a tender process based on a series of lots designed around the different types of provision required.
25. To achieve the change to the operating model described above, a series of staffing changes would be required and are described in the Resource Implications section of this report.

### **Resource Implications (Financial and Employment)**

26. The PRU is currently led by a senior management team which is made up of qualified teaching staff. In addition the school had additional teaching staff and support staff which comprise of Learning Support Assistants and other support functions.

27. There are currently 7 teaching posts at varying levels of seniority and 13 support roles in various functions.
28. In order to deliver the new operating model, a number of changes are proposed to the staffing structure. This will have an impact in terms of the overall number of posts and the duties of some posts.
29. The reduction in staffing levels will also mean that funds can be released to support provision as part of the flexible new model. This will enable young people to access a range of learning providers and create an individual education pathway.
30. The following outlines the proposed structure for the PRU:

<b>Post Title</b>	<b>Head Count</b>	<b>FTE</b>
EOTAS Coordinator	1	1
Assistant Coordinator (KS3)	1	1
Assistant Coordinator (KS4)	1	1
Administrative Assistant	1	0.7
Learning Support Assistant Nurture	2	1.4
KS3 Teacher	1	1
KS4 Teacher	1	1
Teacher PPA support	1	0.6
Learning Support Assistant (KS3)	3	2.1
Learning support assistant KS4	3	2.1
Caretaker	1	0.4

31. The table above shows a re-designation of the post titles for a number of staff. The job descriptions and person specifications would be amended to reflect the changing nature of provision at the PRU and to more accurately reflect the management responsibility of these posts.
32. The proposals will mean that some posts are no longer required and that other posts are changed in terms of duties and the extent of the role, greater detail in regards to this is set out in paragraphs below. It is anticipated that the majority of staff will be able to be redeployed within roles in the new structure, however in some instances there may be a potential for redundancy.
33. As a consequence of these proposals there are two key areas of potential change for staff. These are the change in location and the change to the operating model which will also lead to changes in the staffing structures and the current working practices. Should this proposal be accepted, consultation with staff and trade unions will begin as quickly as possible as illustrated in the indicative project plan below. Any staff that are placed at risk of redundancy will be made fully aware of the Council's policies and procedures, including the Avoiding Redundancy Policy.
34. Subject to members approving these proposals, further consultation will be required. In addition to the consultation with pupils and their parents, a programme of formal consultation with staff and the relevant trade unions will be undertaken. This will happen throughout all stages of the project. The proposals have been discussed with the Headteachers' Advisory Group and suggestions incorporated into this report. As part of the consultation arrangements, the service will progress these proposals in accordance with the Council's agreed policies and procedures, in particular the Change Management and the Avoiding Redundancy policy and procedures. Where

possible, opportunities to mitigate the displacement of staff will be fully explored through matching existing staff to appropriate posts or redeploying staff to suitable existing vacant positions within the wider Council.

A timeframe has been prepared to take account of the consultation and progression of this project and consequently provides an indicative project plan, this may be subject to change as determined by the outcomes of each key activity; details of the timeframe are set out below.

Date	Action	Note
Sep - Oct 2017	<p>Cabinet (04 09 17)</p> <p>Trade Union &amp; Staff briefing (prior to 4th September 2017)</p> <p>Scrutiny consideration (18 09 17)</p> <p>Staff &amp; Trade Union Consultation. (04 09 17)</p> <p>Pupil and Family Consultation. (04 09 17)</p> <p>Consultation evaluation.</p> <p>Cabinet determination (23 10 17)</p> <p>Tenders issued for contractual arrangements with providers.</p> <p>Notice given to Amelia Trust Farm.</p>	<p>Presentation of report for decision.</p> <p>Information provided to trade unions and staff groups prior to Scrutiny consideration.</p> <p>Scrutiny consider this report.</p> <p>Meet formally with staff and Trade Unions. Minimum 30 day consultation begins regarding the proposed change to the location, operating model and new organisational structure.</p> <p>30 day consultation process with pupils and families commences via written correspondence and individual meetings upon request.</p> <p>Consultation activities evaluated and any material changes to the proposals considered. Report to Cabinet for final determination.</p> <p>Following the activities above, Cabinet consider the outcomes of the consultation process and reach a final determination.</p> <p>Tenders issued in line with the Council's procurement procedures.</p> <p>Given the current time scales it will be required to negotiate a short term extension of current service level agreement</p>
Oct - Nov 17	Tender evaluation.	Tenders evaluated and selected, in line with delegated authorities described in the recommendations of this report.
Nov - Feb 2018	<p>Relocation of the PRU.</p> <p>New operating model in place at PRU.</p>	<p>Removals of materials/furniture etc. to Llantwit Major.</p> <p>Part-time model and use of providers in place.</p>

	<p>Staff Correspondence.</p> <p>Avoiding Redundancy/ Redeployment procedures implemented as required.</p> <p>Provider contracts commence.</p> <p>New staffing structure implemented.</p>	<p>Letters issued to all staff at risk (if appropriate).</p> <p>Part-time model implemented, with contracts in place. Changes to staffing model complete.</p>
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35. It is considered that there is potential to use the PRU budget more effectively to improve outcomes for pupils. By reducing staffing costs and reducing accommodation expenditure, funds can be released for the development of alternative forms of provision to give greater depth and choice to the curriculum.
36. The combined 2017/18 budget for EOTAS provision is £820,000. This budget is inclusive of the PRU salary, premises and resource costs in addition to the alternative curriculum placement budget of £125,000 which is used to purchase vocational training places for students with other providers, and transporting pupils to those placements. Primarily these alternative curriculum placements are used for KS4 students.
37. The proposals in this report to restructure staffing and move the KS3 unit from the Amelia trust farm to Llantwit youth centre will create a saving of £113,000. This saving would be transferred to the existing alternative curriculum budget, increasing the amount available to £238,000. This additional funding will increase choice and options for pupils accessing vocational training and alternative curriculum provision. As all pupils are transported to and from the PRU, the relocation of the KS3 PRU to Llantwit is likely to increase the cost of transport. This will vary depending on the makeup of the PRU and where the pupils live. Historically, the majority of pupils originate from the Barry area and will have a greater distance to travel. As a consequence, the transport costs are likely to increase but given the relatively small number of pupils involved, this will not be significant.
38. The EOTAS offer will be enhanced by developing student packages and individual pathways using multiple learning environments. The released funds will be used to access places with training providers external and internal to the Council. The Council will follow the Council's Procurement Code of Practice and ask for tenders for contracts as the total value of awards will be above the threshold of £75k per annum. The Learning and Skills Directorate is taking advice and guidance from the Procurement Unit and Legal Services to ensure all contracts are compliant with the Public Contracts Regulations 2015.
39. Once the model is established, it will be necessary to reduce the level of centrally employed delivery staff as described above.
40. The costs of locating the PRU at the current Llantwit Major site (i.e. securing the doors and incorporating CCTV internally to the premises will be required for staff and student safety as a minimum and to cover removal costs) is estimated at up to £14K and would be met from existing resources. Some consideration has been given to

erecting a fence to increase site security. However, it was deemed not a viable concept as it was felt this might cause concern from residents and neighbouring schools and may also set the wrong tone for the premises and students.

### **Sustainability and Climate Change Implications**

41. The Council is committed to promoting sustainable development and our understanding of our duties under the Well-being of Future Generations (Wales) Act. This proposal demonstrates the Council's approach to sustainable development and the five ways of working introduced by the Act. The proposal seeks to take into consideration the long-term sustainability of the PRU. In light of increasing demand, taking an integrated approach to the way the Council operates and the use of alternative forms of complementary service delivery to design joined up services around pupils' needs, builds upon the principle of prevention as well as demonstrating working with others in a collaborative way. In doing so, the proposal seeks to contribute to the national well-being goals established by the Act, notably a more Equal Wales, a prosperous Wales and a Wales of cohesive communities.

### **Legal Implications (to Include Human Rights Implications)**

42. There are a number of legal implications which arise from these proposals these include local government, employment, property, commercial contract and education law. Advice is being accessed from the Council's legal advisers as appropriate and this will continue during the course of the project.

### **Crime and Disorder Implications**

43. Many young people who use EOTAS services have significant support from Youth Offending and Children and Young People Services. When appropriate, interventions from these service areas can be incorporated into the provision for the young person. Individual risk assessments are completed and individual behaviour plans and strategies are produced to mitigate against any reoffending or risk-taking behaviours.

### **Equal Opportunities Implications (to include Welsh Language issues)**

44. An Equality Impact Assessment has been produced and will be updated throughout the course of this project. The Equality Impact Assessment can be found in [Appendix A](#).
45. The relocation of the KS3 PRU to Llantwit will affect the travel arrangements for students. Some students will have to be picked up earlier from their homes by school-arranged transport to arrive at the proposed new location, which is a further 10 miles from the Barry area. For students travelling from the Eastern Vale this could add some 20 minutes to their journey.
46. All pupils attending the PRU are transported to and from the provision. Families will not incur any increased costs as a consequence of these changes.
47. The changes proposed may place financial pressures on the ATF. However, three months' notice will be given to the ATF which will enable them to make new arrangements for rental of vacated premises or utilise them for their own services. The ATF will also have the opportunity to develop provision as a contracted agent with the local authority for EOTAS provision and this may mitigate against the lost revenue from rental. They can also of course re-rent the premises to another organisation.
48. The change of model will have an impact on staffing. Young people will be on placement for part of their learning week, therefore fewer staff will be required. These



staff will be deemed at risk and will fall under the Council's Avoiding Redundancies Policy. The Council will make every effort to redeploy staff at risk into suitable alternative roles, however, compulsory redundancy is possible. Staff will be consulted and some may wish to apply for voluntary redundancy which may mitigate staffing redeployment issues.

49. The proposed changes will impact positively on students and staff. The relocation from ATF will make the site more secure and provide greater safety for students. Toilets will be for individual genders and there will be separate toilets for students and staff. There is also a disability toilet available in the new premise, this is not the case currently. The ATF premise is not compliant with recent fire and security regulations and lighting external to the premises is insufficient. The new premises in this proposal are fully compliant with fire and security requirements.
50. The ATF site is accessed by the public and adult groups daily which present potential safeguarding risks. The new premises is a single premises, solely for the use of the students and staff, therefore, safeguarding risks will decrease.
51. There is no evidence to suggest that any priority group will be affected by the proposal. Following consultation, members will have the opportunity to monitor the progress of the project and any emerging equality issues.

### **Corporate/Service Objectives**

52. These proposals are consistent with the Council's Corporate Plan, Well-being Outcome 3: An Aspirational & Culturally Vibrant Vale. The proposals seek to raise the overall standards of achievement, and will contribute to the achievement of a number of actions contained within the Corporate Plan. These actions include securing improved outcomes for groups of learners at risk of underachievement, increasing the learning opportunities for disadvantaged individuals and vulnerable families, as well as reducing the number of young people not in education, employment or training.
53. The proposals are also consistent with the Council's Reshaping Services programme which seeks to mitigate the impact of reduced financial resources and increasing service demand by evaluating and adopting alternative forms of service delivery model to protect priority services.

### **Policy Framework and Budget**

54. This report is a matter for Executive decision by Cabinet and is within the policy framework and budget.

### **Consultation (including Ward Member Consultation)**

55. Local Authorities are expected to inform the Welsh Government (WG) whenever a new PRU is set up or an existing PRU is closed. However, there are no formal procedures for opening or closing PRUs. In this proposal, the Local Authority is not closing the PRU but moving it to a suitable location. Welsh Government expects, however, that such actions would normally involve reasonable consultation locally, including with the management committees of all PRUs in the local authority. Accordingly, the Learning and Skills Directorate will consult with staff, students, parents/carers, local members and the management committee, to ensure we can meet the requirements of Welsh Government guidance.
56. The proposals set out in this report have been developed following a period of initial engagement with staff and the trade unions, in particular in response to concerns

raised by the Consortium as described above. Initial feedback has been positive. The elected ward members for Llantwit Major have been briefed on these proposals and have raised no specific concerns relating to the proposed relocation of the PRU to the site in Llantwit Major. Initial conversations have been undertaken with the Amelia Trust who has indicated a willingness to work with the Council to enable an effective transfer of this service from that site. Council Officers have sought to offer advice to the Trust on potential alternative arrangements they could make at Amelia Trust.

57. The timeline for implementing these changes has been informed by the need to meaningfully consult with the various stakeholders described. It is intended that these proposals form the basis for further specific consultation prior to Cabinet reaching a final decision on these matters in due course.
58. Following consideration of this report, consultation will be undertaken with all pupils and their families who will be contacted about the change in location and operating model of the PRU and individual meetings with representatives of the school will be available on demand to discuss any individual concerns or feedback.
59. It is proposed that this report be referred to the Learning and Culture Scrutiny Committee for consideration. Any emerging findings from the consultation processes with pupils, families, trade unions and staff will be presented to the Committee.
60. Staff and Trade Unions have been informed of the proposals and this report, a process of consultation with trade unions and staff will be undertaken regarding the proposed change to the location, operating model and new organisational structure. The timetable for this has been designed to ensure the school holiday period is avoided and will be undertaken through a combination of briefing sessions and individual meetings upon request.
61. Upon completion of these consultation activities, a report will be brought to Cabinet for consideration in reaching a final decision on these matters and will set out the results from the consultation process, the response to it and any changes to the proposals that may be required. The Equality Impact Assessment will be updated to reflect this process.
62. Cabinet will also note the recommendation to delegate authority to the Director of Learning and Skills, in consultation with the Leader, Cabinet Member for Learning and Culture and Managing Director to:
  - undertake the further necessary consultation and engagement activity as described in this report;
  - respond as appropriate to this engagement and consultation;
  - progress the implementation of the proposals following conclusion of all necessary consultation and engagement activity.
63. Throughout the process, a programme of communication will continue with staff, the trade unions, pupils and families.
64. The above will enable any changes to be made in line with the Council's duties, policies and procedures should Cabinet approve these changes following the completion of the initial consultation processes. Subject to the above, a further report will be provided to Cabinet in July 2018 to provide an update on progress.

### **Relevant Scrutiny Committee**

65. Learning and Culture Scrutiny Committee.

## **Background Papers**

Health and Safety Audit

Welsh Government document Inclusion and Pupil Support

<http://gov.wales/docs/dcells/publications/160318-inclusion-and-pupil-support-en.pdf>

## **Contact Officer**

Andy Borsden, Lead Officer Social Inclusion and Wellbeing

## **Officers Consulted**

David Davies, Head of Achievement for All.

Evelyn Morgan, Lawyer - Legal Services

Mike Walsh, Lawyer - Legal Services

Sue Alderman, Principal Personnel Officer, Human Resources

Tom Bowring, Operational Manager, Performance & Policy

## **Responsible Officer:**

Paula Ham, Director Learning and Skills