

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

11 MAY 2015

REPORT OF THE DIRECTOR OF EDUCATION AND TRANSFORMATION

THE EDUCATION OF PUPILS OUT OF AUTHORITY

1. Purpose of Report

- 1.1 The purpose of this report is to update members on children and young people who are educated outside of the authority (OOA pupils) and Local Authority changes to the statementing of children with special educational needs.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 *Priority 2: working together to raise ambitions and drive up educational achievement.*

A priority is to ensure that the educational needs of OOA pupils continue to be met in accordance with their statement of special educational needs. To ensure efficient use of resources and to prevent pupils going OOA, a range of in-house provision should be available to meet the needs of children and young people, including those with complex needs.

- 2.2 *Priority 3: working with children and families to tackle the problems early.*

By working closely with families and young people, appropriate intervention and support can be provided at the early stages to reduce the number of pupils who require OOA placements.

3. Background

- 3.1 Prior to the 2014 restructure of the Inclusion Service, the Local Authority did not have a system in place for tracking children placed OOA. This made it extremely difficult to identify whether a child's educational needs should continue to be met OOA or whether local provision was more appropriate to meet their needs.

- 3.2 Because of the lack of tracking and monitoring young people who were placed OOA tended to remain in the OOA provision for many years sometimes until they were young adults before inevitably returning to Bridgend after education had ceased. The cost to the local authority for OOA provision was extremely high, yet the quality of the provision and its ability to meet the needs of the young person was often unchallenged. For many children and young people, being placed far away from home without links to their local community for long periods of time can make returning to Bridgend a huge challenge. Some young people did not wish to return to Bridgend at all, as they had fostered new connections away from home.

- 3.3 A second, but related factor is that traditionally the Local Authority's performance in respect of statementing pupils has been exceptionally poor. Bridgend was the worst in Wales on performance indicators for statutory assessments of children's special

educational needs and subsequently was ranked bottom out of the 22 Welsh Authorities. In 2013/14 only 6.1% of all statements were completed within the statutory 26 week period. Previously the focus was not to formally statement children but to put in place appropriate support to meet their individual needs. However, this did not ensure equity of provision and decision making was not based on rigorous processes or a graduated response to need.

3.4 The majority of children placed OOA hold a statement of special educational needs, which is required for an OOA placement. However, following the restructure of the Inclusion Service, it became evident that the OOA statements were often not monitored or reviewed and were out of date because Local Authority Officers were either not invited or did not attend the statutory reviews. Following the 2014 Inclusion restructure, it was deemed essential to develop a database to identify those children currently OOA and a robust process of reviewing and monitoring needs and provision through the statutory process.

3.5 The Local Authority was presented with an enormous task of:

- identifying all the children and young people who had been placed OOA on the basis of limited information;
- developing an understanding of the needs of the young people OOA;
- reviewing the quality of the OOA provision;
- identifying and creating educational provision locally to meet the needs of pupils within Bridgend;
- ensuring that the Authority's internal procedures for compliance with the statutory process are fit for purpose.

By adopting a strategic approach and by working closely across teams, within a period of 12 months the situation has now significantly improved.

4. Current situation

4.1 The aim for Bridgend County Borough Council is for children and young people to remain within their local community with family and friends, attending a Local Authority school that is able to meet their educational needs. Ensuring stability and continuity in young people's lives is of key importance to promote resilience and build success in later years.

4.2 Children and young people need to have a sense of belonging and social identity. It is acknowledged that having a sense of cultural (being Welsh) and familial identity improves wellbeing.

4.3 Out of authority pupils are those who are not accessing education in Bridgend schools. Pupils have generally accessed an OOA placement because they have needed specialist education due to their complex needs. If the educational establishment is at some distance from Bridgend, there is a further requirement for a residential care, which is often a 52-weeks a year placement.

4.4 OOA pupils are often the most complex and vulnerable young people in the authority, their primary needs include Autistic Spectrum Disorder (ASD), behavioural, social and emotional difficulties (BSED), Speech and Language Difficulties, and complex medical needs (e.g. hearing impaired, cerebral palsy). Approximately 50% of OOA pupils are also Looked After Children (LAC).

- 4.5 Recognising that there will always be some exceptions, Bridgend ensures that children placed OOA, who require highly specialised placements, e.g. pupils who have ASD and profound learning and behavioural difficulties, have access to good appropriate provision, which is regularly reviewed and monitored.
- 4.6 An important improvement is the compilation of a database of 25 OOA statemented children. Statemented pupils were prioritised because of the Local Authority's statutory obligation to meet the needs of these pupils in line with their statement of special educational needs. Additionally, pupils with statements were easier to identify from existing records and could be monitored through the statutory review process.
- 4.7 Another significant improvement is a system of monitoring and reviewing of pupils who are in OOA placements, via a database, which identifies type of additional learning need, current placement and date of statutory annual review. Information has been gathered for each OOA placement from ESTYN inspection reports about the quality of the OOA provision, and key professionals have been identified to attend the statutory reviews, with recent OOA authority reviews attended. The database has identified gaps within local provision, which if addressed will help maintain pupils within the county and reduce the number of pupils needing to go OOA.
- 4.8 Each pupil's primary needs have been identified on the database. The database shows that 32% of statemented pupils educated OOA have a diagnosis of ASD.
- 4.9 Information has been gathered from OOA placements to record statutory annual review dates for each pupil as well as pupil's primary needs to ensure that the appropriate key professionals, including Educational Psychologists attend the statutory reviews. This ensures that OOA provision are closely monitored and challenged.
- 4.10 Identification of pupils who could potentially be educated in Bridgend has resulted in identifying a gap in provision for pupils with an ASD. In 2013 records show an increase in the number of pupils referred to PAD (Panel for Autism Diagnosis), equating to 100 plus pupils compared with less than 30 in 2005.
- 4.11 Entry and exit criteria for identifying specialist provisions for pupils with an ASD have been developed in the form of a criteria checklist and a process of piloting, implementing and reviewing has taken place. The data can be used to consider the development of within Local Authority provision to meet the needs of this specific population, which will have the outcome of retaining pupils within their home LA, which should always be at the forefront of any placement decision.
- 4.12 A significant development has been the fact that a proposal for two classes for pupils with ASD attending YBC Special School has been accepted with the start date of September 2015 to accommodate KS4 and KS4/5 pupils. This will cater for pupils with ASD who present with social, emotional and behavioural needs that can be addressed in a supportive and caring environment.
- 4.13 As well as the continued monitoring of OOA pupils, to reduce OOA placements, it is important to focus on local provision and early intervention to ensure that the needs of more complex pupils are met in Bridgend. There has already been success with supporting OOA pupils returning to Bridgend. For example, in the case of L, (see

Appendix 1 case study). Additionally, in the case of J (see Appendix 2 case study). More recently two pupils who would have otherwise gone OOA have remained in Bridgend due to agencies working together to provide bespoke educational packages.

- 4.14 The Local Authority's approach to statementing pupils has changed and improved following the restructure of Children's Services in April 2014. Greater emphasis is now placed on the statutory assessment of pupils to ensure that the Local Authority has reached the right decision when matching educational provision to children's needs and this is captured in a statement.
- 4.15 Since Spring 2014 our performance in respect of new requests for statements has risen to 100% being issued within 26 weeks. However, we are still having to deal with legacy issues in respect of statements which were received some time ago. There is confidence that this performance can be sustained. However, even though progress has been significant, the national PI (EDU015) will unfortunately not reflect a substantial improvement until Jan 2016 at the earliest, as the PI is reported nationally on a January to January basis. Preliminary data showing that the Local Authority is 1st out of 22 Local Authorities in Wales instead of coming bottom in the performance table Current performance for 2014/15 for both parts of the EDU015 PI are detailed below in Table 1 below:

Table 1: Statementing performance 2014/15 (EDU015 parts (a and b))

EDU015a Percentage of final statements of special education need issued within 26 weeks: (a) Including exceptions;												
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Target:	75	75	75	75	75	75	75	75	75	75	75	75
Actual	0	0	0	0	0	33.3	50	53.9	52.9	55	60	66.7
EDU015b Percentage of final statements of special education need issued within 26 weeks: (b) Excluding exceptions												
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Target:	100	100	100	100	100	100	100	100	100	100	100	100
Actual	100	100	100	100	100	100	100	100	100	100	100	100

Future actions / next steps

Future Actions	Proposed time frame
Continue to progress special school provision for high functioning pupils with an ASD to support the return of OOA pupils.	September 2015
Data base to be extended to include all non- statemented OOA pupils.	July 2015
To ensure that every OOA pupil has a Statement of Special Educational Needs if required. A meeting to be held with knowledge management about the next steps.	July 2015
Identify ways of tracking and monitoring educational attainment and wellbeing for OOA pupils to ensure their needs continue to be met OOA.	July 2015

Consider the range of provision available in BCBC for pupils with complex needs if they are to return to BCBC or remain in BCBC.	Ongoing
Consider what level of investment is needed to fill identified gaps in provision to enable young people to return to Bridgend.	Ongoing

5. Effect upon Policy Framework & Procedure Rules

5.1 There is no affect upon Policy Framework & Procedure Rules.

6. Equality Impact Assessment

6.1 This is an information only report which will positively assist the council in meeting its equality and diversity objectives. An EIA is therefore not required at this time.

7. Financial Implications

7.1 The financial efficiencies described within this report are summarised below.

7.2 Out of Authority budget for 2014/15 is £1.513m. Forecast full year expenditure as at end of Feb 2015 is £1.689m (including residential). This would result in an overspend on current budget of £176,000.

7.3 See table below for detail of activities that has resulted in cost savings, potential cost savings and cost avoidance;

Cost reduction activities

Activity	Cost Saving / Cost Avoidance	Comment
Reviews	£304,000 2014/15 recurrent saving	Estimated savings generated in 2014/15 through the ending of external placements is approx. £304,000. (However, there has also been a requirement to place pupils OOA resulting in an additional cost of £480,000. Therefore, still a net overspend projected but this could have been significantly worse.)
ASD provision provided locally	£172,000 2015/16 recurrent saving	It has been identified that £332,000 could be saved in 2015/16 by targeting pupils who could potentially be educated within Bridgend (within ASD provision). There would be additional costs to educate locally to a value of approximately £180,000. Therefore, the net saving would be £152,000.
Maintaining pupils locally	£200,000 2014/15 cost avoidance	The Authority has been able to avoid £200k additional costs by multi agency working meaning two pupils with complex needs being kept in county instead of being placed out of county.

8. Recommendation

- 8.1 To ask the Committee to consider and discuss the content of the report and provide any comments.

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Background documents:

None

Case study L**Basic Details**

L became looked after when he was at primary school age ; he was the oldest of a large sibling group, for whom he had taken on the role as a young carer prior to becoming looked after. L and his siblings had early experiences of witnessing domestic violence, physical abuse severe neglect, emotional abuse and parental alcohol and drug misuse.

Prior to becoming looked after he attended his local primary school; his attendance was reported to have been 56%. He was referred to the Educational Psychology Service because of the school's concerns regarding his attention and behavioural difficulties.

L moved to a nurture provision within the school he had been attending from reception. He displayed significant behaviour problems in the Nurture class; he was attention seeking, displayed verbal aggression towards staff and physical aggression towards his peers and often ran from school with threats to 'kill himself'. Unfortunately, his behaviour resulted in a number of fixed term exclusions. At this time L was referred to the Looked After Children's Education Team (LACE), the request was for additional support in the classroom. Following this, his behaviour in school began to show slight improvement.

L experienced a number of foster placement breakdowns due to his aggressive and challenging behaviour. L moved to new foster carers outside of the authority, it was agreed that L would benefit from a 'fresh start' at his catchment school.

L had now experienced the longest period of stability in a foster placement but despite the efforts of his carers and the development of attachment between them and L, his foster carers gave notice on the placement due to his complex needs and extreme challenging behaviour: L's case was presented to the 'Out of Authority' panel and the request for a specialist residential school in England was granted.

L remained in this residential placement for several years.

L's behaviour improved significantly and L was requesting to return to Bridgend and be part of a 'family'. Professionals met to consider a plan for L's transition back to Bridgend within a foster family. Local authority foster carers were identified, carers who had first-hand experience of caring for a child with ASD and ADHD. A number of meetings took place to ensure L's needs would be met on his return. An additional worker was appointed to foster carers providing support and advice on emotional and behavioural issues.

Education Plan for transition

Prior to L returning to Bridgend, the LACE Team manager presented L's case to Bridgend's education 'Complex Needs Panel'. Members of the panel felt that L's needs would be best met at a Local Authority specialist provision initially, with support for him to return to a mainstream school.

L was introduced to his new carers; carers visited L in his placement a number of times. His transition plan included overnight stays on weekends building up to full time. During his visits, his foster carers were encouraged to drive past his new school so L would have a visual memory of his new school.

Context and rationale

L was primary school age when he became LAC; he had experienced significant neglect and abuse. He was the main carer of his sibling group. School had never been a happy place for him; he struggled with his behaviour and emotions. Entering the care system, he was separated from his siblings and extended family.

L was a child that had missed out on his childhood, school and emotional warmth and his basic care needs being met. L needed supporting, nurturing and safe environment in order

for him to develop a sense of stability and consistency.

Evidence and evaluation

Evidence

- L's wishes and feeling were taken into consideration.
- Good collaborative working.
- Plan for transition at L's pace.
- In house – experienced foster carers identified.
- Planning for education provision made well in advance of L's return to ensure a smooth transition.
- Prioritised support for L from the LACE team, someone that L was familiar and comfortable with.
- Admission to a similar provision and gradual transition to mainstream. Flexible timetable at the point of entering mainstream allowing L to access the lessons he was comfortable with and was willing to participate in.
- L involved in all planning arrangements.

Evaluation

By sharing L's transition plan with all relevant professionals and by regular reviews, everyone involved had a part to play in supporting this, the plan was flexible and at L's pace. For the first time in a number of years, L was attending a mainstream school. He not only managed transition from living in residential care and being educated in small classes of 4 to attending a large mainstream comprehensive. L's attendance is 98%, the highest attendance he has ever had, and he is accessing the full curriculum and working towards a full complement of GCSE's.

L is receiving constant and consistent positive feedback about his behaviour, attitude and attainment. He is far more confident now and happily participates in a wide range of activities, representing the school at sport and has been nominated pupil of the month a number of times. L is far more confident and happy to express his views willingly.

The impact of good effective forward multi-agency planning is evident in the case of L. He successfully returned to a foster family in Bridgend (his home town) from an out of county therapeutic residential school, successfully returned to mainstream comprehensive school, improved educational attainment in and out of school, and L has improved social and emotional wellbeing. L is now a happy young man who has grown in confidence, self-esteem and has clear ambitions for his future.

Case study J

Basic Details
<p style="text-align: center;">Case Study OOA pupils</p> <p>Out of authority (OOA) pupils with statements of special educational needs has become a focus for the Bridgend Change Programme. A greater investment into the monitoring and evaluating of provision for OOA pupils with an ALN is ongoing to ensure that pupils are receiving the additional provision to which they are entitled. Currently, there are a small number of pupils placed OOA due to their significant and complex needs that cannot be met within the authority. However, the cost for OOA provision is high and this option may not always be the best use of resources. For some children and young people, being placed far away from home without links to their local community can make returning to Bridgend a greater challenge.</p>
Context and rationale
<p>Ensuring stability and continuity in young people's lives is of key importance to promote resilience and build success in later years. The aim for Bridgend is for children and young people to remain within their local community with family and friends, attending a local school that is able to meet their educational needs. Recognising that there will always be some exceptions, the Local Authority are ensuring that children placed OOA, who require highly specialised placements, or who are LAC, have access to good appropriate provision, which is regularly reviewed and monitored.</p>
The practice
<p>OOA Case study</p> <p>J has a specific disability and is of low ability, J has a statement of special educational needs. As a primary age pupil, he was placed in a Resource Base, which was appropriate for his needs. In school, J presented as a sensitive pupil, with a high level of anxiety. On transition to Key Stage 3, parents wanted J to attend a school with pupils of similar needs. At that time, it was felt that Bridgend LA could not meet J's needs because his emotional and social skills were affected by his condition.</p> <p>J transferred to an out of authority residential provision, for young people with his specific disability). Specialist teachers taught J in a small teaching group. He made good progress whilst attending the school and returned to his family on weekends and during school holidays. However, he tended to opt out of some activities in school and reported that he 'missed his mum and dad'.</p> <p>J remained in an out of authority residential provision for a number of years. Over time, parents noticed a change in J. They felt that he was losing the concept of 'family' because he had been away for so long and that his relationship with his siblings was becoming more distant. J was often emotional when leaving his family after they visited him. J expressed the view that he wanted to come home and attend a local school in Bridgend. The Educational Psychologist and an Advisory Teacher worked hard with parents and school to enable J to transfer to a local school with the appropriate resources to meet his needs.</p> <p>Throughout his schooling, J made progress in the core subjects and developed new skills. In the local community, he used public transport and joined in social activities out of school. J began to integrate more into the local community and became more accepting of his impairment. J reported that he was very happy with his school placement and his self-esteem and confidence had improved. J was eventually able to transition to a local college.. J received the support of specialist agencies and Careers Wales throughout his schooling. He reported that he was happy being at home with his family.</p>