

Meeting date: 14 February 2023

Report to: Cabinet Portfolio Holder for Children and Education

Report title: Development of Primary Alternative Provision

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Wards affected:

All

Public/private report: Public

Exempt by virtue of paragraph: n/a

1. Executive Summary

- 1.1 The Alternative Provisioning Commissioning Strategy was approved on 23 January 2023. The strategy identifies 10 key priorities, one of which is the development of primary alternative provision.
- 1.2 Solihull Alternative Provision Multi Academy Trust is Solihull's main alternative provision provider and currently offers a range of alternative provisions for secondary age pupils, except for the medical pathway which is offered through the Triple Crown Centre. Following initial conversations, the Trust have agreed, in principle, to work with officers on the development of a primary AP offer in Solihull, potentially from Autumn 2023.
- 1.3 In order to open a primary provision, Solihull Alternative Provision Multi Academy Trust will need to carry out a period of consultation on a proposal to change their age range and then submit a business case to the Regional Director for approval. Approval does not lie with the Council. The business case will need to include details of how the places will be commissioned and how any capital costs for the proposal will be funded.
- 1.4 Daylesford Academy, part of the Solihull Alternative Provision Multi Academy Trust, is due to relocate to the old Daylesford Infant School site in February 2023. There is spare capacity on this site to potentially accommodate a primary provision. Feasibility work is underway on the old nursery wing of the school to ascertain its suitability for the

delivery of alternative provision and any associated costs with the further development of this site. This capital spend will need to be considered as part of the Schools Capital Programme.

2. Decision(s) Recommended

- 2.1 Approve that Officers work with Solihull Alternative Provision Multi Academy Trust to develop and consult on a proposal to create a primary alternative provision and submit a business case to the DfE Regional Director.

3. Matters for Consideration

- 3.1 The approved Alternative Provision Commissioning Strategy seeks to provide a baseline to work with schools and the wider community on the development of a cohesive alternative provision offer in Solihull.
- 3.2 The strategy identifies 10 key priorities, one of which is the development of primary alternative provision which has been raised as a matter of considerable concern for schools, particularly this academic year, as the number of primary permanent exclusions and those children at risk of permanent exclusion has increased.
- 3.3 Solihull does not currently have a primary age pupil referral unit or a primary alternative provision provider. Operationally this means that, other than requiring mainstream schools to admit a child, the local authority has no capacity to make planned or urgent provision available to a child not in receipt of education due to exclusion, health or other reasons. This includes children who may be on the roll of a school but not attending.
- 3.4 Any potential provision must be registered, so that children can be dually or singly registered. It should be able to offer short-stay assessment and intervention placements, often at short notice, with a view to supporting the children to remain in their mainstream school or transition to different destination provision. The provision might also cater for those primary age children waiting for a school place (in excess of 15 days).
- 3.5 Work is underway to identify the needs of the primary alternative provision cohort more clearly. If approved, it is essential that the provision has a clear remit and entry and exit criteria and that there is clarity about how it would fit within the current short stay Social, Emotional and Mental Health (SEMH) intervention provision offer within Solihull. Once the work around the pupil cohort is complete, there will be a clearer picture whether this provision can meet the needs of the whole cohort or if further development, such as primary SEMH SEND provision will also need to be considered.
- 3.6 Solihull Alternative Provision Multi Academy Trust is Solihull's main alternative provision provider and currently offers a range of alternative provisions for secondary age pupils, except for the medical pathway which is offered by the Triple Crown Centre. Following initial conversations, the Trust have agreed, in principle, to work with Officers on the development of a primary AP offer in Solihull, potentially from Autumn 2023.
- 3.7 In order to open a primary provision, Solihull Alternative Provision Multi Academy Trust will need to carry out a period of consultation on a proposal to change their age range

and then submit a business case to the Regional Director for approval. Approval does not lie with the Council. The business case will need to include details of how the places will be commissioned and how any capital costs for the proposal will be funded.

- 3.8 Daylesford Academy, part of the Solihull Alternative Provision Multi Academy Trust, is due to relocate to the old Daylesford Infant School site in February 2023. There is spare capacity on this site to potentially accommodate a primary provision as well. Feasibility work is underway on the old nursery wing of the school to ascertain its suitability for the delivery of primary alternative provision and any associated costs with the further development of this site. The capital spend required for this project will need to be considered as part of the Schools Capital Programme.
- 3.9 DfE guidance on making significant changes to an open academy 2022, outlines the process that Solihull Alternative Provision Multi Academy will need to undertake to change their age range and open a primary provision. Officers will work with the Academy Trust to undertake a period of consultation and complete the required DfE process.

4. What options have been considered and what is the evidence telling us about them?

- 4.1 The options available to the Council are: -
- Make no change to the level of places
 - Open a new primary alternative provision free school
 - Expand an existing provision.
- 4.2 The consultation process undertaken on the Alternative Provision Commissioning Strategy identified the creation of a primary alternative provision as a key priority and of particular concern to primary schools. In addition the Council has a statutory duty to make provision for primary age pupils not in receipt of education due to exclusion, health, or other reasons. Not addressing the need for primary alternative provision places will mean that the Council continues to have a gap in its range of provision available in Solihull, so may need to commission places outside of the area or be at risk of not meeting its statutory duty.
- 4.3 The Council cannot open a new primary alternative provision unless this was as a Free School delivered through either a government bidding wave or a 'presumption' route. The latter is where the Council funds the development of a site and accommodation and then seeks an Academy Trust to run the school. The provision outlined in this report is not anticipated to be of a size that would support a viable primary alternative provision free school. In addition, the creation of a new alternative provision free school would take 4/5 years to deliver.
- 4.4 Solihull Alternative Provision Multi Academy Trust is the main provider of alternative provision in Solihull. Initial discussions with the Trust have identified the potential to seek a change in the age range of the Trust to include a primary provision offer. This

option has the potential to create places from Autumn 2023.

5. Reasons for recommending preferred option

- 5.1 Initial analysis suggests that the use of spare capacity at the Daylesford Infant School site combined with the change of age range at Solihull Alternative Provision Academy could provide a cost effective and deliverable solution to create primary alternative provision in Solihull.
- 5.2 Making no changes to the breadth of alternative provision places available in Solihull will leave the Council at risk of not being able to meet its statutory duty.

6. Implications and Considerations

- 6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	<p>Development of high quality ‘in-house’ provision will mean a wider offer of specialist provision for families living in Solihull. As well as enabling families to access local provision it will also reduce the travel time for some of Solihull’s most vulnerable children</p>
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough’s economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	<p>The Council has a statutory duty to provide sufficient school places for families living in Solihull. The development of alternative and specialist provision in Solihull will seek to meet the demand from current and future families</p>
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality and reduce net carbon emissions. 	<p>Creating place in Solihull will reduce the travelling distances for children to access their school place.</p>
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	<p>N/A</p>

6.2 Consultation and Scrutiny:

6.2.1 This report is seeking approval to undertake a period of consultation with parents, schools, and the wider community on a proposal to create primary alternative provision places in the Borough.

6.3 Financial implications:

6.3.1 The Government has provided a grant to Local Authorities to support the expansion of AP and specialist provision. The High Needs Provision Capital Allocation (HNPCA) for Solihull equates to almost £6.3 million across 2022-23 and 2023-24 and it will be used to support the work identified in this report.

6.3.2 Feasibility work is underway on the Daylesford site to identify if the site can provide appropriate space to create a primary alternative provision and if so, the cost of doing so. Any capital cost identified would have to be met from the Schools Capital Programme.

6.3.3 In addition to the capital costs required to create the new places, revenue funding will also be required, through the High Needs Block. Revenue funding consists of £10,000 place funding plus the top-up funding for each child

6.4 Legal implications:

6.4.1 The Council has a statutory duty to ensure there are sufficient places to meet the needs of Solihull children and officers will work with Solihull Academy to deliver the required consultation and business case process to create this proposed provision.

6.5 Risk implications, including Risk Appetite:

6.5.1 The approval of this new provision sits with the DfE Regional Director and is outside of the Council's remit.

6.5.2 As yet the feasibility work on the Daylesford site is incomplete so the capital costs involved in delivering the provision may be unaffordable.

6.6 Equality implications:

6.6.1 This proposal seeks to actively reduce inequality and improve the outcomes for children and young people with additional needs or any other protected characteristic.

7. List of appendices referred to

7.1 None

8. Background papers used to compile this report

8.1 Alternative Provision Commissioning Strategy

9. List of Other Relevant Documents

9.1 DfE guidance on making changes to an open academy.