


## Appendix B

 <b>Brent</b>	<b>Cabinet</b> 15 April 2019
	<b>Report from the Strategic Director of Children and Young People</b>
<b>Approval to establish an Alternative Provision Free School with Integrated Youth Offer from the Roundwood Youth Centre</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Two: <ul style="list-style-type: none"> <li>Appendix 1: Summary specification and assessment criteria</li> <li>Appendix 2: Equality Analysis</li> </ul>
<b>Background Papers:</b>	None
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### 1.0 Purpose of the Report

- 1.1 The purpose of this report is to seek Cabinet approval to follow the Free School Presumption process to establish an Alternative Provision Free School with an integrated youth offer on the site of Roundwood Youth Centre.

- 1.2 The 2019-23 School Place Planning Strategy, approved by Cabinet in November 2018, identifies the need for additional Alternative Provision in the borough at secondary level that would offer a bespoke curriculum for pupils whose social, emotional and mental health needs cannot be met within mainstream schools. Subject to the presumption process, the intention is that the new Alternative Provision Free School opens in January 2020.

## **2.0 Recommendation(s)**

That Cabinet:

- 2.1 Confirms approval of the establishment of an Alternative Provision Free School with integrated youth provision on the site of Roundwood Youth Centre as set out in sections 4 and 5 of the report.
- 2.2 Approves use of the Free School Presumption process to establish the school, as set out in paragraph 5.2, noting that the final decision on the selected provider will be taken by the Secretary of State for Education.
- 2.3 Delegates authority to the Strategic Director of Children and Young People, in consultation with the Lead Member for Children's Safeguarding, Early Help and Social Care, to identify the Council's preferred provider of the Alternative Provision Free School with integrated youth provision.

## **3.0 Detail**

- 3.1 Local Authorities have a responsibility under section 507b of the Education Act 1996 (as amended by Education and Inspections Act 2006) to secure, so far as reasonably practicable, sufficient educational and recreational activities which are for the improvement of young people's well-being, personal and social development, and sufficient facilities for such activities for young people aged 13 – 19, (or up to 25 for young people with additional needs).
- 3.2 In the context of a reduced budget for non-statutory services and increasing demand within statutory children's services, Brent Council has been reshaping its Youth Service since 2015. This has included how the Roundwood Youth Centre, which was opened using MyPlace funding from the Department for Education in 2012, is used to support young people. Currently the Centre is used to provide evening and weekend activities for young people delivered by the council and the voluntary sector. Young people can also access mentoring support and services commissioned by the council to provide information, advice and guidance regarding their education, employment and training options at the Roundwood site.
- 3.3 Brent Council approved a saving of £0.25M from the Youth Service budget (savings reference number CYP005) as part of the 2019/20 budget at Full Council on 25<sup>th</sup> February 2019. This approved the transformation of the Roundwood site to an educational setting with voluntary and community sector led activities to enhance the current offer for vulnerable adolescents while saving on premises costs.

- 3.4 The Roundwood Youth Centre also hosts a provision called Right Track that is commissioned by secondary schools to provide education for children who are subject to fixed term exclusions.
- 3.5 The current delivery model has been successful at supporting a range of vulnerable children and young people through offering positive diversionary activities via the youth offer, engaging them with EET opportunities, and use of the 'Right Track' exclusion provision, where necessary. However, the Centre has the potential to be used more effectively to support young people in Brent. By focusing upon building additional services that will support a cohort of young people most at risk of permanent school exclusion during the day, when the Centre is under-utilised, it will make a significant contribution to the borough priorities of keeping young people safe and improving educational outcomes for all.
- 3.6 The council also has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school place. Through co-ordinated and focused activity between the local authority and Brent schools there has been a declining recent trend in the number of permanent exclusions at secondary level and performance in the 2016-17 academic year was better than the national average. However, there is still an average 35 Brent pupils of secondary age placed in Alternative Provision settings each academic year who are subject to fixed-term exclusions. Many are placed out of borough because there is insufficient local, high quality provision to meet their needs. Consultation with secondary headteachers has identified a need to develop local Alternative Provision that schools can commission for young people subject to permanent/fixed term exclusions, or for those with social, emotional or mental health difficulties, whose needs cannot be met in mainstream, either for respite or for longer-term places (at Key Stage 4).
- 3.7 The council has gained a greater understanding in recent years of contextual safeguarding approaches to supporting young people and the links between deprivation, school exclusion, undiagnosed learning difficulties and serious youth violence. The multi-agency Vulnerable Adolescents' Panel has identified connections and concerning patterns of behaviour in some young people that lead to negative outcomes. This learning has informed the need to develop services that are able to provide a co-ordinated, community-based response.
- 3.8 The council is committed to providing services that respond to the challenges faced by a rise in serious youth violence within the borough, particularly the continued high number of knife crime victims, which in 2018 was the second highest amongst statistical neighbour London authorities. The vast majority of both victims and perpetrators of serious youth violence are more likely to be young (under 25), male, live in the south of the borough and are of Black African or Black Caribbean heritage.
- 3.9 Responding to the impact of gang-related activity is also a council priority. The council's Integrated Offender Management Programme has demonstrated that the profile of people within the programme is closely aligned to those who are

most likely to be a victim or perpetrator of serious youth violence. Education training and employment is the most prominent need/pathway within the cohort and an issue for approximately 60% of the offenders on the programme.

- 3.10 To support the response to the issues of school exclusion, to promote positive educational outcomes, to reduce the risks of serious youth violence and to provide more local activities for young people it is proposed that an Alternative Provision Free School with integrated youth provision is established on the Roundwood site, within existing buildings. The proposal is for the provider to deliver an integrated youth offer to secure access to an exciting, supportive and expanded youth offer in the afternoons, evenings, weekends and school holidays from the same site.
- 3.11 The wraparound youth and community offer at Roundwood Youth Centre would form part of the borough's early intervention strategy as set out in the 2019-23 Borough Plan - to better connect vulnerable young people with support services and improve access to community-led provision outside of traditional working hours. The offer will support a contextual safeguarding approach that considers family, school and neighbourhood/social contexts, including a rapid multi-agency response, thereby improving outcomes for young people and their families through earlier intervention. The intention is that the Alternative Provision school will be a key component in the borough's response to helping young people - keeping them safe and improving their outcomes for adult life.

#### **4.0 The Proposal**

- 4.1 The Alternative Provision School and wraparound youth offer would be based within the community of south Brent. The intention is that the local community is involved in ensuring services meet need through local organisations running services from the site and voluntary sector representation prominent within the governance of the school. It is envisaged that the Young Brent Foundation would work closely with the successful bidder to enhance the current youth offer from the Roundwood site with the intention that there would be a doubling of the number of hours of universal services currently on offer from the site.
- 4.2 The Alternative Provision School would operate a full school timetable and meet need within borough for pupils at risk of exclusion, thereby ending the need to place young people out of borough in maintained and independent alternative provisions. The wrap-around youth provision would also provide a "soft start" to the school day and afternoon enrichment activity, offering a wider, more supportive pastoral package than currently available either in or out of borough. An information, advice and guidance offer would complement the provision, providing a longer term range of options and pathways and supported transitions for those vulnerable Brent secondary pupils who are placed in the Alternative Provision.
- 4.3 This Alternative Provision School would be an integral part of the wider Brent community of schools and educational settings. Secondary schools, alongside the council, would commission places and there is confirmed support from secondary headteachers in Brent for this approach. Places would be accessible

to vulnerable students who schools feel would benefit from short-term respite (at Key Stage 3), as well as longer-term engagement modules. It is envisaged that at KS3 the Alternative Provision School would offer the opportunity to re-engage vulnerable young people at risk of exclusion through a 12-week assessment and therapy module. At Key Stage 4 the school would provide full-time education for some permanently excluded students for whom, because of specific needs or peer network concerns (e.g. social/gang interactions), the local Pupil Referral Unit (Brent River College) is not an appropriate provider.

- 4.4 The curriculum offer would include access to core academic subjects to ensure pupils with academic potential leave with the required qualifications to apply to further or higher education, alongside a wider vocational offer. The vision is to offer a true alternative to mainstream secondary, within a very different context, in order to re-engage and re-enthuse disengaged students. The anticipated maximum number of young people on roll at the new Alternative Provision School would total 30 - 40 secondary aged pupils.
- 4.5 Currently a small youth service team deliver activities for young people 3 nights a week from the Roundwood Youth Centre and the intention is that the new offer significantly enhances these arrangements to bring in a greater range of other providers who currently operate from the centre. At the present time a variety of activities are delivered by both the local authority youth team and the Voluntary Sector including cookery, martial arts, music production, table tennis, Wii sport, craft activities and a steel band, as well as mentoring by the local authority youth workers. Providers from the voluntary sector deliver a service on the remaining weekday nights.
- 4.6 More use would be made of the site for youth activities than is currently the case and an expectation of the successful provider would at least double the amount of hours of universal youth offer services to the wider local 11-19 population (or 25 for young people with SEND). There is an opportunity to provide activities before school and to make more use of the site at the weekends and school holidays than is currently the case.
- 4.7 It is envisaged that a number of smaller voluntary and community sector organisations, supported by the Young Brent Foundation, would deliver activities, before and after the school day, at weekends and during school holidays. The Roundwood site currently has outdoor grounds for sports and facilities inside for a wide range of activities, including kitchen/quiet areas, gym/showers, dance/music studios, and break out areas for small group work or 1:1 mentoring. This could be enhanced to allow for significant enrichment, positive role-modelling and personal and social development. This integrated youth offer would be universal, open to all young people across Brent, whether they attend the day-time Alternative Provision School or not.
- 4.8 The Council's recently launched online youth offer, 'Brent Youth Zone', developed in collaboration with young people across the borough including Brent Youth Parliament and users of Roundwood Youth Centre would help drive up awareness of the new services and encourage take-up of the offer.

- 4.9 The Roundwood site would also remain as a key access point for the re-commissioned Targeted Service to Promote Education, Employment and Training for Young People that delivers the authority's statutory duties in relation to information, advice and guidance for 16-19 year olds and young people up to the age of 25 for those with SEND.
- 4.10 The anticipated outcomes contributed to by the combined, wraparound service at Roundwood Youth Centre for vulnerable groups would be:
- A reduction in the proportion of 16-18 year olds, who are not in education, employment or training (NEET);
  - A reduction in the numbers of first time entrants into the Youth Justice System aged 10-17;
  - A reduction in the number of young people vulnerable to CSE;
  - Mitigation against the future risk of young people becoming gang affected;
  - A reduction in the under 18 conception rate;
  - A reduction in the number of 16-18 year olds presenting as homeless;
  - Mitigation against the risk of school exclusion, and;
  - An increase in the percentage of young people (aged 14-16) actively engaging with and participating in learning.

## **5.0 Submission of proposals**

- 5.1 It is not possible for the council to open new community schools (Education Act 2011). There are two routes to establishing new schools once the council has identified need:
- The Free School presumption route whereby the council would advertise a proposal to establish a new school and invite DfE approved academy sponsors to apply to run the school. The council is responsible for providing a site and buildings.
  - The Free School application process run by DfE, which would provide capital investment for approved projects.
- 5.2 As there is not currently a Free School application window open for Alternative Provision proposals and given that the council already has a site and building available at the Roundwood Youth Centre, it is proposed that the Local Authority triggers the Free School Presumption process for an Alternative Provision Free School. This involves notifying the Department for Education of the intention to invite proposals for the development of an Alternative Provision Free School with an integrated youth offer and working with the DfE via the presumption process to identify a suitable provider. Through the presumption process, the Local Authority evaluates proposals and identifies a preferred provider that is notified to the Secretary of State for approval. The Regional Schools Commissioner acts on behalf of the Secretary of State in this regard. It is proposed that delegated authority is given to the Strategic Director for Children and Young People, in consultation with the Statutory Lead Member for Children's Safeguarding, Early Help and Social Care and the Cabinet Member for Schools, Employment and Skills to identify the Local Authority's preferred provider.

- 5.3 As the proposed site used central government MyPlace funding that has a number of conditions attached in terms of providing a youth offer, the Council has sought approval, in principle, from the Department of Culture, Media and Sport (DCMS) for the extended use of the Roundwood site. Indicative support for the proposal from DCMS, ultimately subject to DfE approval, was received on 12<sup>th</sup> March 2019.
- 5.4 In accordance with the Department for Education's guidance for Local Authorities regarding new school proposals, as updated in May 2018, an indicative timeline for the presumption process is outlined below:

<b>Action</b>	<b>Date</b>
Report to Cabinet triggering Free School presumption process	15/04/19
Publish the specification for the school on the local authority's website, and provide a copy to the DfE for publication	Week beginning 23/04/19
Competition period (minimum of 6 weeks)	April to June 2019
Assessment of proposals, including due diligence (DfE requirement: at least 4 weeks) and preferred provider identified by the local authority	By mid-July 2019
Regional Schools Commissioner approval (decision on behalf of Secretary of State)	By mid-September 2019
Pre-opening phase, including statutory 6 weeks consultation by provider	September - December 2019
Alternative Provision School opens, with youth offer in place for out of school hours.	January 2020

- 5.5 The Local Authority is required to develop a specification and criteria for applicants to follow in making a bid to run the provision. The specification includes detail on the School, Vision, Education Plan, Capacity and Capability, Funding and Costs and Equalities Assessments. A summary of the specification and assessment criteria is attached at Appendix 1.
- 5.6 The expectation is that the services would be delivered through a partnership approach to ensure that the provider has appropriate expertise and networks within the wider community to broaden the reach of the Centre's impact. To deliver the youth offer, it is envisaged that a voluntary sector organisation would partner with the Alternative Provision School provider. The final form of governance would need to be shaped by bidders, but the local authority would expect to be involved potentially with a senior officer acting as a Trustee (which is possible so long as this does not constitute more than 19.9% of trustees). This would help to ensure that the Local Authority continued to support the offer and retained influence to ensure that the MyPlace grant conditions continue to be met.
- 5.7 The intention is for one single overall provider working with relevant partners to deliver the Alternative Provision School combined with the integrated youth/community offer. The Council would retain the freehold for Roundwood

Youth Centre but the deed of designation would transfer to the new provider, who would take on responsibility for maintenance of the building.

## **6.0 Financial implications**

- 6.1 The budget for the Roundwood centre and the associated MyPlace budget totalled £360k before a reduction of £250k is applied, as per the youth service saving (ref no. CYP005) approved as part of the 2019/20 budget setting process in February 2019. The saving to the General Fund is to be achieved by ending Council run and directly funded youth services from the site creating savings on premises costs, and creating a different model of community and voluntary provision. This model would come into effect when the Alternative Provision School plans to open in January 2020, so the running costs of the Roundwood centre and cost of any operational activity up until this date would need to be contained within the residual £110k budget, or alternative in-year savings would need to be found across the Inclusion service.
- 6.2 The Local Authority would be responsible for the pre-opening and post-opening revenue costs of the provision. Once open the council would commission places from the Alternative Provision School, funded from the High Needs block of the Dedicated Schools Grant (DSG). Currently, the council commissions alternative provision places from within the borough at Brent River College and from external providers. The Alternative Provision School would allow an increased proportion of pupils to be placed in Brent. The procurement process should therefore consider the rates the provider would charge the council and secondary schools for commissioning places, as this will have an impact on the DSG, and there is potential to achieve better value for money for High Needs Block.

## **7.0 Legal implications**

- 7.1 Section 6A of the Education and Inspections Act 2006 (the 'free school presumption') requires that, where a local authority identifies the need for a new school in its area, it must seek proposals to establish a free school.
- 7.2 The Department for Education (DfE) has issued guidance regarding the free school presumption stating that under the presumption route the local authority is responsible for providing the site for the new school, with the DfE's expectation that the site be made available free or on a peppercorn basis by the local authority to the trust. The local authority is also responsible for meeting the associated capital and pre/post-opening revenue costs.
- 7.3 It is proposed that the Alternative Provision School would be based at the Roundwood Centre. As mentioned in paragraph 5.1, the Roundwood Centre is subject to a Big Lottery Fund MyPlace grant agreement which is protected by a restriction on the council title at the Land Registry and therefore the form of lease would be subject to the approval of the Education and Skills Funding Agency and the Department for Culture, Media and Sport.

## **8.0 Equality implications**

- 8.1 Under Section 149 of the Equality Act 2010, the council has a duty when exercising its public functions to have ‘due regard’ to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a “protected characteristic” and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the council’s Equality and Diversity policies.
- 8.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 8.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 8.4 The service seeks to provide an in-borough Alternative Provision Free School to support vulnerable young people that have been, or are at risk of being, permanently excluded whilst creating an integrated youth and IAG offer. It is anticipated therefore, that there would be positive impact in terms of PSED, due to the increased and wider range of targeted provision. An Equalities Assessment has been conducted and is included at Appendix 2.

## **9.0 Consultation with Ward Members and Stakeholders**

- 9.1 The council has consulted with young people at Roundwood Youth Centre (including young people with Special Educational Needs and Disabilities), council staff and other stakeholders on the proposed Alternative Provision schools and Youth Offer. See time-line below:
- Youth Offer consultation with Brent Youth Parliament, January 2018;
  - Youth Offer consultation with Youth Offending Service, February 2018;
  - Design of the Youth Offer site (Hackathon), March 2018;
  - Consultation with Roundwood Youth Centre (RYC) staff about budget proposals and changes to delivery at RYC, October 2018;
  - Feedback on Youth Offer final design, October 2018;
  - Children’s Commissioner takeover day (re Youth Offer), November 2018.
  - Consultation with RYC service users, January 2019;
  - Consultation with RYC service providers, January 2019;

Young people's views have been sought from the Roundwood Youth Centre as well as from Brent Youth Parliament, Care in Action / Care Leavers in Action and other young people's focus groups (as above). Young people were also previously consulted as part of the Council's Outcome Based Reviews related to Gangs and Children on the Edge of Care, which have fed into proposals.

- 9.2 Budget proposals with respect to Youth services were considered at the Community Wellbeing Scrutiny Committee in November 2018 and separately at the Budget Scrutiny Committee in December 2018. Public consultation took place as part of the budget proposals.
- 9.3 The Council has consulted with schools and voluntary sector organisations in the borough about proposed plans for an in-borough alternative provision and wraparound youth offer. Through this engagement it is clear there is support for the proposal from professionals in these sectors.
- 9.4 Young people will be involved as part of the evaluation process of the proposals for the new provision.
- 9.5 In accordance with the Department for Education, the chosen provider will also conduct a statutory 6-week consultation period in the pre-opening phase, as described in section 5.4 of this report.

## **10.0 Human Resources/Property Implications**

- 10.1 The council currently employs a full-time youth-work team leader, a full time facilities manager and 3-part time youth workers. Any proposed staffing changes will comply with the council's management of change procedures and staff consultation. Whether TUPE or redundancy applies in relation to the 3 youth workers, appropriate staff consultation process would take place over any proposed measures. With new partnership arrangements and a potential new service offer, there may be a change in the direct delivery of youth provision.
- 10.2 It is intended that the council would retain the freehold of Roundwood Youth Centre but the deed of designation would transfer to the provider, who would then take on responsibility for maintenance of the building.
- 10.3 As the proposed site was built through MyPlace funding the council has sought and received approval, in principle, from DCMS. Any requirements that have been placed on the council due to MyPlace funding would be upheld in arrangements made with the new provider.

## **11.0 Public Services (Social Value) Act 2012**

- 11.1 The council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake

consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement. (See 4. above).

- 11.2 The services under the proposed contract have as their primary aim the improvement of the social wellbeing/educational attainment of vulnerable young people in Brent as set out in section 4.

**Report sign off:**

**GAIL TOLLEY**

Strategic Director of Children and  
Young People