

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Executive Director of People in consultation with the
Cabinet Member for Children and Education

Date: 10 June 2024

Subject: Behaviour and Reintegration Outreach Support

Report of: Daryle Mathurin, Head of Assets and Resources
Georgina Herry, Head of School Effectiveness

SUMMARY

This paper seeks approval for a direct award to Ormiston Academy Trust (OAT) for the provision of Behaviour and Reintegration Outreach Support services to support the avoidance of permanent exclusions from 1 April 2024 to 31 March 2025.

RECOMMENDATIONS

To approve the direct award of a contract from the 01/04/2024-31/03/2025 to Ormiston Academy Trust for the provision of a Behaviour and Reintegration Support Outreach Service at a total cost of £310,000.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Local provider and employer will have improved financial certainty as it moves to a new business model.
Creating a compassionate council	Pupils have a strong educational offer that also helps meet additional needs.
Doing things with local residents, not to them	Pupils have a strong educational offer that also helps meet additional needs.
Being ruthlessly financially efficient	Contributes to stabilising and significantly reducing the HNB overspend.
Taking pride in H&F	Quality provision and outreach provision to support children reaching their full potential in mainstream schools. Children should feel that they are in a safe and nurturing environment. As a result, they can take pride in their schools and in their borough.

Rising to the challenge of the climate and ecological emergency	Schools are a key partner for supporting H&F's climate agenda alongside partner organisations; building on their knowledge to design a robust climate curriculum for all settings in H&F.
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FINANCIAL IMPACT

The proposal is to pay OAT a sum of £0.310m from 1st April 2024 to maintain the contract for Behaviour Outreach.

The previous decision to cease this contract in November 2023 had shown delivery of a saving of £0.310m against the High Needs Safety Valve target of £0.250m in 2024/25.

The inclusion of the Behaviour Outreach contract from the 1st April 2024 will decrease the forecast 2024/25 HNB underspend of £0.467m reported to the Department for Education (DfE) in the 2023/24 Q3 Safety Valve monitoring report. This underspend contributes to the reduction of the HNB retained deficit and the requirement to eliminate it to zero by March 2026 under the conditions of the Safety Valve agreement.

High Needs funding remains constrained and a continued system wide approach is required to ensure the longer term sustainability of the budget.

The proposal to reinstate the Behaviour Outreach contract includes the continuation of recovering Alternative Provision top-up paid in advance to OAT in 2024/25. The mechanism being that Hammersmith and Fulham (H&F) pay in advance for 50 places at the OAT Bridge Academy and will recover top-up on an individual pupil basis for pupils placed at the OAT Bridge Academy from other local authorities and for pupils placed directly by schools as part of a managed move agreement.

Based on previous half-termly data provided by OAT, H&F can expect to recover between £0.08m and £0.1m. This projection is volatile based on the status of pupils placed in the OAT Bridge Academy. This income recovery will help to mitigate the reinstatement of the Behaviour Outreach contract and support the requirement to eliminate the HNB retained deficit.

Financial implications completed by Caroline Baxter, Finance Manager, 25th April 2024.

Verified by James Newman, AD Finance 14/5/2024

LEGAL IMPLICATIONS

This report recommends the approval of a direct award to Ormiston Academy Trust for £310,000 for a Behaviour and Reintegration Support Outreach Service to start from 1st April 2024. The contract is a High Value Contract and therefore subject to competition requirements under the Council's Contract Standing Orders unless a waiver to CSO 19.1 has been granted.

The contract is also subject to the Public Contracts Regulations 2015. However, as a light touch contract (i.e., for primary and secondary education) it falls below the threshold above which a contract must be procured under the PCRs.

As the contract has a value of £300,000, the decision to award the contract is a Key Decision under Article 12 of the Constitution. This report must be submitted to Committee Services for publication on the Council's website.

The contract must be sealed by Legal Services as it has a value of over £100,000.

The appropriate decision maker for the recommendations overall is the Cabinet Member.

Implications completed by Joginder Bola, Senior Solicitor (Contracts & Procurement), 8 May 2024

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. Hammersmith & Fulham (H&F) Council is committed to the early identification of need and intervention to ensure children and young people are able to reach their full potential and be successful in their mainstream school.
2. In line with this ambition set out in the Special Educational Needs and Disabilities (SEND) Strategy, the local area has been transforming services to meet need earlier. This has included setting out clearly what we expect to be ordinarily available prior to reduce needs escalating to statutory processes unnecessarily.
3. In developing this offer, the Local Authority worked in partnership with Ormiston Academy Trust to review the behaviour outreach model. A decision was progressed in line with the commitments in our Safety Valve Agreement to develop a dual funding model, through a Local Authority contribution and a traded model between schools and OAT. This decision was approved in November 2023.
4. Since this decision, school partners have identified and reported an emerging complex behaviour needs which were not seen in the system. They particularly relate to acute behaviour presentation in the reception age cohort and key stage 1. These complex behaviours are requiring high levels of outreach intervention to enable the child to achieve their outcomes and remain in their mainstream setting. These needs are above what we would expect to be ordinarily provided

by a school. The absence of this offer in the context of these needs, would likely result in an escalation to statutory processes or exclusion.

5. Preventing exclusions is important for a plethora of reasons but mostly it is a key factor in improving future life chances for children. Exclusions not only typically lead to isolation and poor academic progress in the short term, but also have far reaching detrimental effects for the young person into adulthood.
6. Officers have therefore reviewed the previously agreed approach and recommend maintaining the original arrangements for a further year. This will allow a holistic and joint review SEMH/behaviour pathway with Ormiston Academy Trust to identify opportunities for reducing the current delivery costs in the context of the SEND Special School Organisation Plan to maximise economies of scale, whilst maintaining a robust commissioned service.

PROPOSALS AND ANALYSIS OF OPTIONS

Option 1 – Agree maintaining the local authority commissioned behaviour outreach service to 31 March 2025. (Recommended)

7. This option enables the academy to set a balanced budget and secures the continued delivery of this provision in H&F.
8. The delivery of an Outreach Service for Behaviour and Reintegration Support to both primary and secondary schools includes both a whole school approach and strategies for effective management of behaviour as well as supporting individual pupils who are at risk of exclusion and who may have social, emotional, and mental health difficulties.

Option 2 – Do not agree to maintaining the local authority commissioned behaviour outreach service. (Not Recommended)

9. OAT would need to be progress a traded delivery model with school partners. Schools who do not engage in this, may subsequently escalate needs through statutory processes unnecessarily, or exclusions may rise which would have a detrimental effect on vulnerable children and young people.

REASON FOR DECISIONS

10. Section 13 of the Education Act 1996 places a duty on a Local Authority to ensure sufficient primary and secondary education provision is available to meet the needs of the population in its area including pupils with Special Educational Needs.

Risk Management Implications

11. This proposal seeks to mitigate the risk that pupils with additional needs do not receive the support which they require and is in line with the objective of creating a compassionate council. Officers are recommending the direct award to prevent permanent exclusions and the escalation to high-cost specialist provision. This is

in line with the objective of being ruthlessly financially efficient.

12. There is a delivery risk that the service provided by Ormiston Academy Trust (OAT) does not achieve the level of care required, cannot successfully administer the programme, or cannot attain the numbers of pupils defined above. To mitigate the risk LBH&F must maintain regular contact with Ormiston Academy Trust (OAT) to assess delivery, management and care standards with a view to making changes, as necessary.

Implications verified by: Jules Binney, Risk and Assurance Manager. 26 April 2024

Climate and Ecological Emergency Implications

13. This decision does not have significant climate and ecological implications. The main expected greenhouse gas emissions sources associated with this provision are in the energy use on-site. These are not linked to this contract, as the premises are leased independently of the contract.
14. Schools are a key partner for supporting H&F's climate agenda alongside partner organisations; continuing to raise awareness and understanding of the climate and ecological emergency, and the steps that people can take.

Verified by: Hinesh Mehta, Assistant Director Climate Change, 26 April 2024

Social Value Implications

15. It is recommended that Social Value requirements are not applied to this contact in view of the direct and embedded model of delivery within the existing school infrastructure and in view of this being grant funded through the High Needs Block of the Dedicated Schools Grant.

Equality Implications

16. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2010, by the approval of recommendations in this report. Officers anticipate a positive impact for children and young people enabling them to be successful in their mainstream school.

CONSULTATION

17. Schools Forum will be consulted in line with the forum's Powers and Responsibilities Guidance.

LIST OF APPENDICES

None