

NAME OF BAIP Behaviour and Attendance Improvement Partnership (BAIP)

Service Level Agreement (SLA) for school financial years 2018 – 2021

1. The Agreement

This agreement sets out the role and responsibilities between Cambridgeshire County Council and the schools who constitute Behaviour Attendance Improvement Partnerships (the BAIPs) for the funding of alternative education. This agreement will cover the period from September 2018 – August 2021 and will be refreshed by exception to take into account changes to national policy, and or personnel changes within schools (key SLA signatories.)

1.1 Any changes or modifications will be negotiated and agreed by BAIP Leads.

1.2 The annual funding formula data will be informed by the October school census provided by the DfE. The school data feeding in to the funding formula will be refreshed annually in line with the main schools funding formula, accounting for changes in demography on an annual basis.

1.3 This agreement is based upon principles established in collaboration with the Head teachers and partnerships in Cambridgeshire. These are as follows

- i) To work for the benefit of all pupils who are usually resident in Cambridgeshire
- ii) To be responsible to the community which schools serve
- iii) To make a choice for collaboration and working in partnership with peer Heads
- iv) To reduce permanent exclusion as far as practicable and to retain responsibility for permanently excluded pupils
- v) To maintain pupils on school rolls
- vi) To adhere to the principle of peer challenge as a means of governance and also in service of pupil outcomes.
- vii) To champion the needs of the vulnerable child

2. Devolved Functions

2.1 The devolvement of funds for alternative education from the High Needs Block to schools via BAIPs is to put Head teachers in control of the decision making process by giving Heads direct financial control of the budget. Head teachers are best placed to make these decisions for their schools and pupils. Schools, working in partnership within the BAIP allows for Heads to plan, collaborate and to challenge each other as peers to ensure that the system remains coherent, fair and transparent. This requires trust and also investment in the partnership as an entity by Heads.

2.2 The devolution of funding does not change the current statutory responsibilities of the Local Authority and schools. However, the devolved arrangements clearly shift the responsibility and accountability of the provision of alternative education through devolved funding of the budget to schools and partnerships. It is by mutual consent that the Local Authority and the schools have agreed to work in partnership, to devolve the budget and therefore to pass the operational responsibility for decision-making and placement for alternative education to the Head teachers. The Education White Paper 2016 follows this direction of travel and statutory change is likely to result. It is likely that the SLA may need to be changed in anticipation of legislative changes which may follow.

2.3 It is an explicit condition of the devolvement of the budget that schools within each BAIP accept the responsibility for the education of all Cambridgeshire pupils. This includes Cambridgeshire resident pupils, previously Electively Home Educated pupils, Looked After Children placed by other Local Authorities as well as those accommodated by Cambridgeshire and Cambridgeshire resident pupils whose catchment school is not in Cambridgeshire. Annex 1 sets out a flowchart for determining schools and BAIP responsibility for students. The devolved budget is for all pupils with behavioural and medical needs. It includes transport costs except when these are covered by the Authority's home to school/college travel assistance policy. It does not cover pupils with an Education Health Care Plan (EHCP) as these pupils are placed by the Statutory Assessment Team within the SEND Specialist Service (0-25 years).

2.4 The Education Services Directorate retains responsibility and central funding for the Pilgrim Pupil Referral Unit (PRU) which supports in-patient medical needs students. This includes pupils who are placed in in-patient beds through NHS admission out of County. The Education Services Directorate will retain management responsibility for behaviour support functions offered to schools where these are not already offered on a traded basis, for example the Education Inclusion Officers who will contribute to the inclusion work of schools.

2.5 All pupils will remain on or be placed upon a school roll. The principle is for all pupils to belong to a school and for schools to have continuing responsibility for the pupils and for their results. The default position is that a pupil will be placed on the roll of the catchment school. The County cannot open and hold an educational roll for pupils who are not placed on a school roll as we are no longer OFSTED registered.

2.6 It is recognised that there are potential issues for Heads who are leading their school and also working in an area based partnership when they may also be part of a Multi-Academy Trust (MAT) which has a very different geographic reach. It is important that the Cambridgeshire arrangements are made clear to new MATs which are formed or expand to include schools in Cambridgeshire. The Local Authority will expect to negotiate and enter into agreements with MATs when necessary.

Schools within each BAIP agree to:

- Provide all secondary age pupils with appropriate educational provision in accordance with national regulations and guidance.
- Adhere to the provisions detailed in the County Alternative Provision Directory Guide, including the use of appropriate forms and documentation and to work with the County Alternative Education Manager who is the owner of this document.
- Provide alternative education to excluded students from the 6th day of their exclusion (permanent or fixed term) and from the first day if the pupil is LAC. Whilst this remains a statutory function for the Local Authority the funding for such provision has been devolved to the BAIP. Schools are also required to provide for any student for whom a school can no longer provide onsite provision, whether they are excluded or not.
- Only use devolved funding for services (including preventative work) for pupils who are, or who may be at risk of exclusion, or where there are medical needs and they are not well enough to attend school in line with the Medical Needs Protocol.
- Maintain an up-to-date register of all students receiving alternative education as required by Ofsted and share with the County AP Manager on a termly basis so a central register can be maintained. The local definition of a pupil who is receiving alternative education is where a pupil receives an education with a 20% or more variance from the mainstream curriculum

offer. All such pupils should have their educational plans detailed in an Individual Alternative Education Plan. Schools should also have an Early Help Assessment (EHA) for these pupils.

- Maintain attendance data records with accurate coding to record the attendance of pupils attending alternative provision where this is provided off site.
- Send information about prior attainment to any alternative education provider as part of the planning process.
- Review the Individual Alternative Education Plan with the pupil and parents every 6 weeks. The BAIP should take steps to ensure that the pastoral care and oversight of all pupils receiving alternative education is maintained by the responsible school. The IAEP form should be signed by the parent and student.
- Meet as a partnership at least once a term. The internal organisation of the BAIP is a matter for the partnership. It is advised that the BAIP maintain a Partnership Agreement for the working of their BAIP, setting out the responsibilities of the individual schools that comprise the BAIP. The BAIP should make their partnership organisational structure and points of contact known to the Local Authority. The BAIP may wish to invite Local Authority Officers to attend their meetings in full or in part, as non-voting attendees.
- Work in partnership with the County AP Manager to enable quality assurance/AP internal audits within schools to take place and review when necessary.
- Comply with the Local Authority's policies. The devolvement of funds for alternative education is predicated upon the BAIP and their schools adhering to the Authority's policies and protocols for Managed Moves, Medical Needs, Mid-phase transfers and Approved transfers, Registration, In Year Fair Access and the statutory Admissions Code.
- Permanent Exclusions are rare in Cambridgeshire Secondary Schools; the possibility to arrange a Managed Move or refer to alternative education has largely removed the need to permanently exclude. Where, however, a Head does use this sanction, the excluding school will retain the responsibility for that pupil's education until such time as they can be placed in another school; if another mainstream setting is not considered appropriate then they will need to continue to educate the student. It should be noted that DfE requires schools to remove permanently excluded pupils from roll. Therefore the Basic Entitlement will be lost so the excluding school will have reduced funding with which to provide alternative provision. Where a permanently excluded student is placed in another school and that placement also breaks down, there is an exception for the BAIP to look to a solution which would not penalise the receiving school, with liability remaining with the sending school for 15 weeks.
- If any school should not sign the BAIP SLA, the funding allocation for the school will be held centrally by the Local Authority. If a school that has not signed the BAIP SLA permanently excludes a student, this case will be referred to the Local Authority's Fair Access Panel where an alternative school will be identified within the BAIP, to place that student on their school roll. If the student requires AP, the funding held centrally by the Local Authority will be used to commission appropriate AP, informed by the Local Authority's Central AP Directory.
- If a school has signed the SLA but excludes a student, a £70 per day 'Student Level Contribution' will be payable by the excluding school to the receiving school, pro-rata for remainder or the current school year.

Adherence to the Council's Quality assurance framework for Alternative Provision.

The County Alternative Education Provision Directory offers a guide to Cambridgeshire Schools

– the Providers within are working with us to meet the rigorous Local Authority quality assurance processes overseen by the AP Quality Assurance Board.

Schools have an obligation to procure services in line with their own arrangements for Contract Procedure Rules and their responsibility to be compliant with EU Procurement Regulations. Ultimately it is the responsibility of each individual Commissioning School to reassure themselves of the quality and suitability of any Alternative Provision. However, the Directory explains the quality assurance checks that have been undertaken by the Local Authority and provides direction towards good quality and local availability of Provision.

The information within the Directory shows the quality assurance checks undertaken by the Local Authority in stages – Stage 1- 4 and recommends further quality assurance checks that schools must undertake to satisfy themselves of quality and appropriateness of the provision.

Within the limits of available resource and known significant budgetary pressures on the High Needs Block element of the dedicated schools grant, the SLA ensures the best use of resource available to commission AP, supporting schools to:

- remain accountable for the education of pupils in AP and responsible for commissioning high expert provision for pupils with needs and behaviour that have become unmanageable within the mainstream setting
- commission AP to meet defined needs including significant behavioural problems; complex medical or mental health conditions; and extreme vulnerability due to personal and social issues. AP providers to work with the mainstream school to put in place a tailored plan for each pupil to support them to achieve the high quality qualifications they need in adult life.
- retain accountability for their educational outcomes and will take a lead role in commissioning their provision, including when they have permanently excluded the pupil but the pupil has not subsequently enrolled at a different mainstream school
- be responsible for the budgets from which AP is funded, to achieve value for money when identifying the best and most suitable AP.

Within the limits of available resource and known significant budgetary pressures on the High Needs Block element of the dedicated schools grant, the SLA ensures the best use of resource available to commission AP, supporting the Local Authority to to:

- Ensure sufficiency of AP (the Children and Families Act 2014 reaffirms the role of local authorities for securing effective provision for those with high needs).
- Deliver a fairer and clear funding of schools based on the needs and characteristics of pupils and the best use of funds.

BAIP Chair responsibilities

- The BAIP Chair is elected by the BAIP partnership and should be a Head teacher. The post is unremunerated but limited costs may be recouped from the BAIP subject to the partnership agreeing to this annually.
- The BAIP Chair agrees to attend the BAIP Leads meetings. The BAIP Chair is the first point of contact for dispute resolution between Heads or between Heads and the Local Authority. The Chair may hold any contingency funds retained centrally by the partnership for exceptional cases. The Chair may delegate functions for local collaborative or operational

arrangements to a BAIP inclusion sub-group.

- The Chair may also act as a gatekeeper for the access to AP places if the partnership has commissioned places from the AP Academy. If places have been commissioned then the chair will be responsible for the negotiation with the AP provider (currently TBAP) regarding the number of places to be commissioned.
- The Chair agrees to convene the BAIP partnership and in collaboration with Local Authority Officers, induct new Heads into the area into the processes concerning alternative education in Cambridgeshire.

The Local Authority agrees to

- Provide funding from the High Needs Block and to manage the devolvement of funds and formula for budget allocation.
- Provide a dedicated County Manager for Alternative Education as a lead Officer who will be supported by the County Inclusion Manager, County Behaviour and Attendance Manager and the Education Inclusion Officers.
- Provide support and assistance to the BAIP partnerships by way of attendance at meetings.
- Maintain the integrity of the functioning of the policies and protocols in place through casework, challenge and enforcement where necessary.
- Keep schools and BAIPs informed of any changes to funding from the High Needs Block and to seek to maintain the funding commitment via an annual review.
- Act as an arbiter in disputes and to maintain the effective operational structures and process which underpin the devolvement of funding.

3. Funding and Financial Management

The final budget allocation will be agreed by Schools Forum until the national funding formula for schools is agreed and settled. The budget for alternative education is derived from the High Needs Block and this budget is subject to variation. The budget year will run from September to August in line with Academy budgets. Payment will be made to schools directly or through a BAIP nominated banker school.

The financial management of the BAIP must accord with the systems, procedures and other protocols of the Local Authority. The partnership agreement of the BAIP should set out the delegated authority of any individual or group entitled to commit BAIP funds.

Funding will be transferred to schools on a quarterly basis in month 1 of each period.

4. Rectification Processes

Where a school in the BAIP does not meet the agreed quality standards then the Education Services Directorate and the school will meet to discuss improvement measures. In the first instance this will be the role of the County Alternative Education Manager. Subject to the outcomes of these discussions, the Education Directorate may request that the school prepares a written plan setting out the steps it proposes to take to address the issues raised. The matter

will also be raised with the BAIP chair.

5. Signatures

This agreement is signed by the school Head Teacher:

Name:

Date:

This agreement is signed by the Chair of Governors:

Name:

Date:

This agreement is signed by the Chief Accounting Officer:

Name

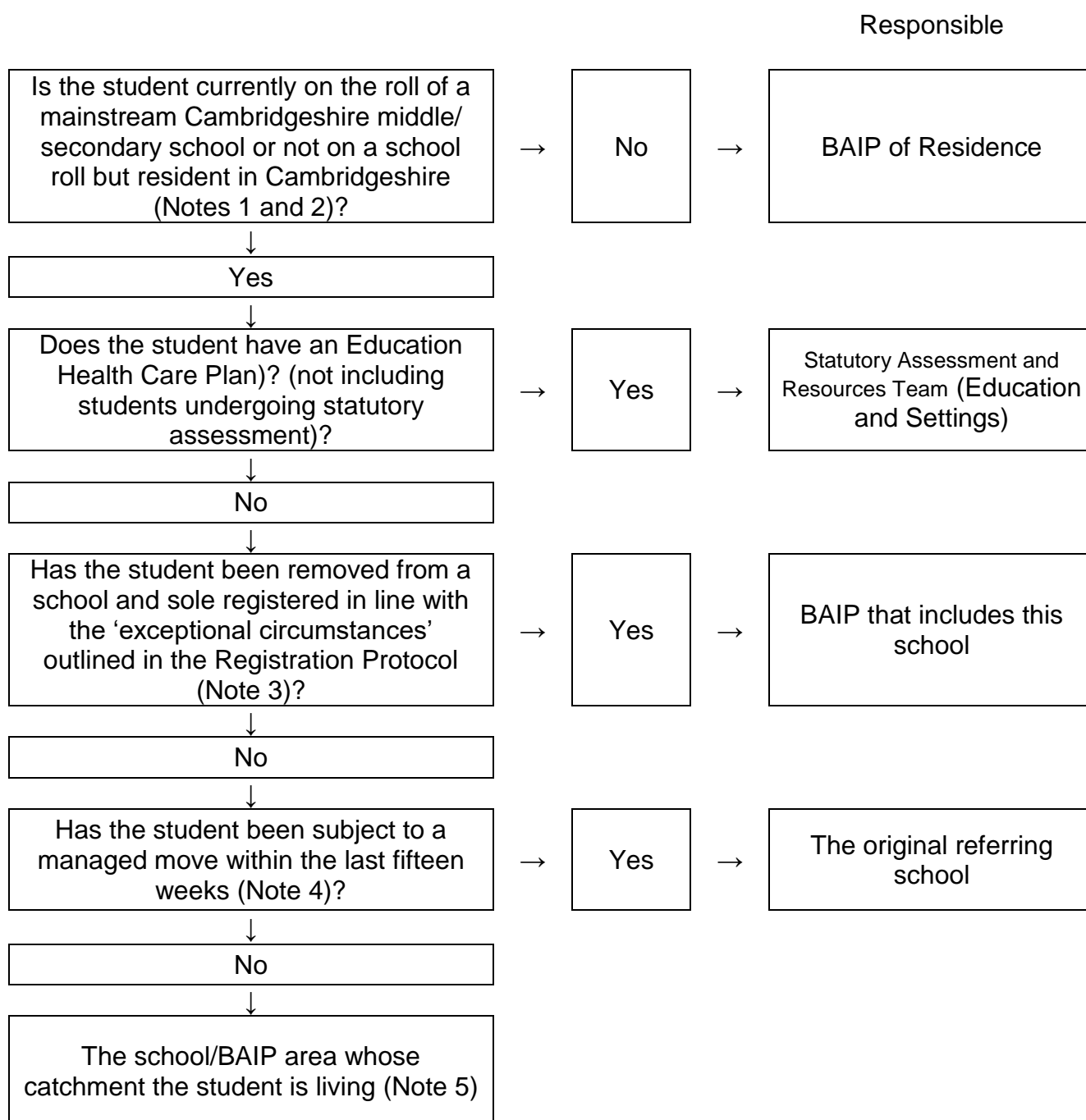
Date:

On behalf of the Local Authority by: Anna Wahlandt - County Alternative Education Provision Manager

Name:

Date:

Allocating responsibility for funding alternative provision for students 11-16 years



If there are any cases where the responsibility for providing alternative provision is still unclear after applying the above processes the Local Authority's Education Director will arbitrate.

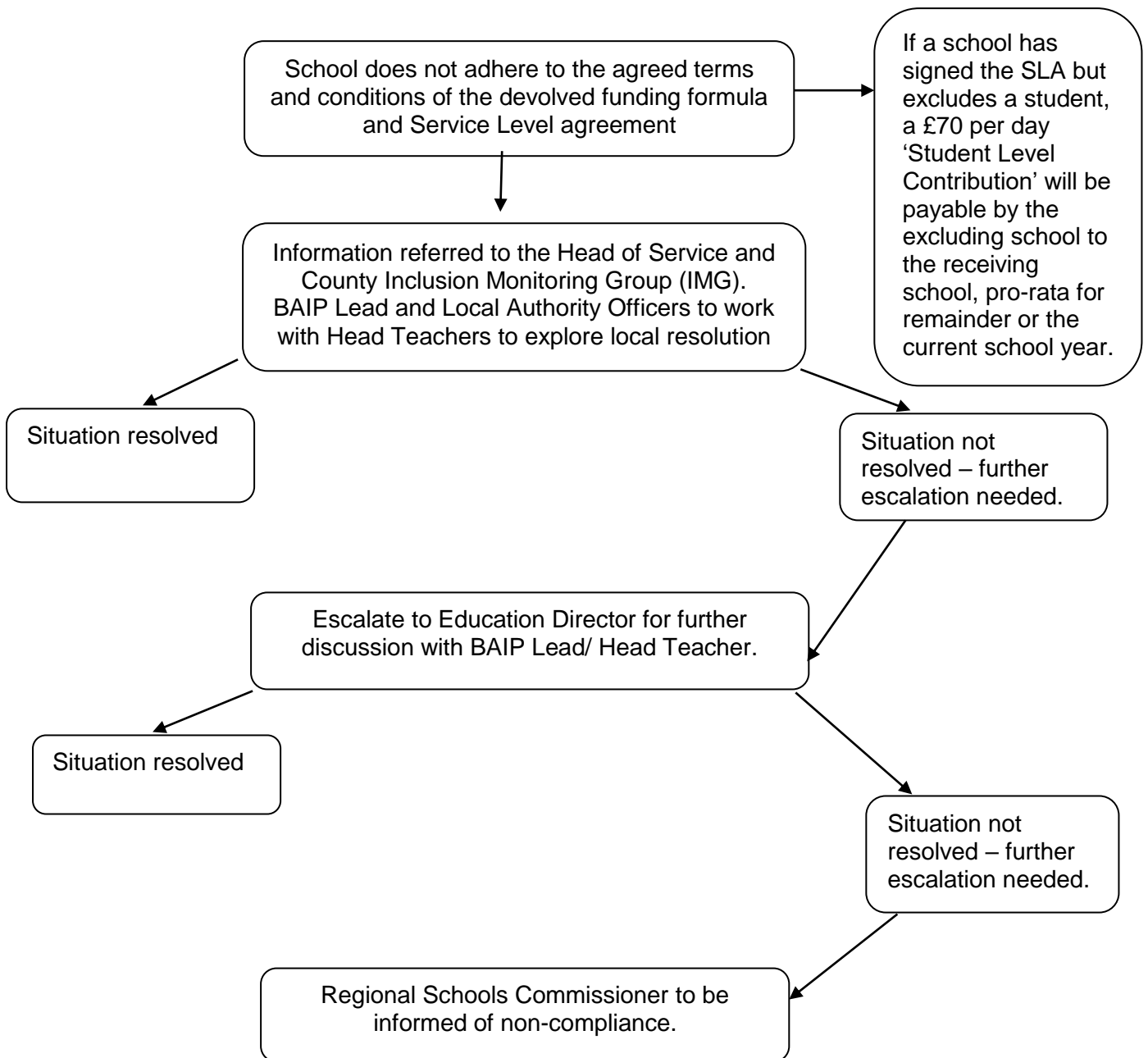
Notes

- 1) There may be a few students who access Cambridgeshire provision without living in the County or attending a state-funded Cambridgeshire school, e.g. if they are funded by a neighbouring authority. Such students would not be the responsibility of a BAIP.
- 2) If the student is on a mainstream secondary school roll the BAIP including that school will be responsible unless the student falls into one of the specific categories on the flowchart. If the student is not on a school roll, but resident in Cambridgeshire, the responsible BAIP will be based on the student's address unless they fall into one of the specific categories on the flowchart. If the student has been permanently excluded from a neighboring authority's school that school should contribute an AWPU recharge in the year of exclusion, but the BAIP will be responsible for all other existing and future costs.
- 3) Sole registration – if a student is taken off roll and registered solely at the PRU in line with the 'exceptional circumstances' set out within the Registration Protocol the financial responsibility remains with the BAIP containing the school taking the student off roll.
- 4) Managed Moves – if a student has been subject to a managed move within the last fifteen weeks the financial responsibility remains with the original referring school in line with the Managed Moves Protocol.
- 5) Where the student's address is used to determine the responsible BAIP this will normally be the BAIP containing the school in whose catchment the address falls. Where an address is not within the catchment of any Cambridgeshire secondary school (as the catchment school lies in a neighbouring authority) the responsible BAIP will be based on the Locality.

The above process assumes that the Authority's guidance on In Year Fair Access, Registration and Exclusion is followed in all cases.

Escalation Route 1.

Below is the escalation route where schools are not adhering to the signed and agreed terms and conditions of this agreement and have had the devolved AP funding.



Escalation Route 2

Below is the escalation route if schools do not sign the SLA.

