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NP15 1GA

Wednesday, 4 November 2015

Notice of meeting / Hysbysiad o gyfarfod:

Children and Young People Select Committee

Thursday, 12th November, 2015 at 2.00 pm,
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

Please note that a pre meeting will be held 30 minutes prior to the start of the meeting for members of the committee.

AGENDA

Item No	Item	Pages
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Public Open Forum	
4.	To confirm the minutes of the previous meeting <ul style="list-style-type: none">• Ordinary Meeting held on Thursday 17th September 2015• Special Meeting held on Wednesday 21st October 2015	1 - 12
5.	Future models for Play in line with the Play Sufficiency Assessment Review	13 - 66
6.	Scrutiny of the Budget Monitoring Report - Period 6	67 - 100
7.	Her Majesty's Inspection of Probation Report on the Youth Offending Service	101 - 106
8.	Annual Complaints Report for Children's Services	107 - 120
9.	Performance Report on School Exclusions	121 - 238
10.	Children and Young People Select Committee Work Programme	239 - 250
11.	To confirm the date and time of the next meeting	

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

P. Jones
P. Farley
L. Guppy
P. Clarke
R. Harris
M. Hickman
S. Howarth
D. Jones
M. Powell

Added Members

Members voting on Education Issues Only

M Fowler (Parent Governor Representative)
C Robertshaw (Parent Governor Representative)
Dr S James (Church in Wales Representative)
K Plough (Association of School Governors)

Added Members

Non Voting

Vacancy (NAHT)
Vacancy (ASCL)
Vacancy (NUT)
Vacancy (Free Church Federal Council)
Vacancy (NASUWT)

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Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

**Minutes of the Children and Young People Select Committee
held at County Hall, Usk held on
Thursday 17th September 2015 at 10.00 a.m.**

PRESENT: County Councillor P. Jones (Chair)

County Councillors: P. Farley, L. Guppy, D. Jones, R. Harris, M. Hickman and M. Powell.

Also in attendance: County Councillors E Hacket Pain and D. Edwards.

CO-OPTED MEMBERS:

C. Robertshaw, M. Fowler

OFFICERS IN ATTENDANCE:

S. McGuinness	-	Chief Officer, Children and Young People
T. Thomas	-	Youth & Community Manager
N. Wellington	-	Finance Manager
H. Jones	-	Youth and Community Officer
J. Klein	-	Youth and Community Officer
N. Perry	-	Democratic Services Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from County Councillors P. Clarke, S. Howarth and Mr. K. Plow.

2. DECLARATIONS OF INTEREST

County Councillor L. Guppy declared personal non prejudicial interests pursuant to the Members Code of Conduct as a member of Caldicot Youth Group.

3. PUBLIC OPEN FORUM

No members of the public addressed the Committee as part of the public open forum.

4. MINUTES

Members confirmed and signed the minutes of the Children and Young People Select Committee meeting held on 23rd June 2015. In doing so the following points were noted:

- Members require an update regarding the uptake of ICT in schools and progress report (**ACTION – SH**)
- County Councillor D. Jones was present at the meeting.

Members confirmed and signed the minutes of the Children and Young People Select Committee meeting held on 9th July 2015, noting the following amendment:

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- Item 6, point 4 - typographical error should read closest not closet.

5. SCRUTINY OF CONSULTATION ON THE FUTURE PROVISION OF ADDITIONAL LEARNING NEEDS AT DERI VIEW PRIMARY SCHOOL

The Chair agreed to defer the item. Members noted there may be a special meeting to address the item dependant on timescales.

6. SCRUTINY OF PERFORMANCE REPORTS ON YOUTH SERVICE INCOME GENERATION

The Chairman advised the Committee that Items 6 and 7 of the agenda may be integrated, and therefore scrutiny may overlap.

Context:

Members received a report for scrutiny detailing the progress made on Monmouthshire Youth Service's income generation and savings (Members were referred to budget Mandate 42), in response to the request for an update made by Members at the 21st May 2015 meeting.

Key Issues:

In accordance with the 2015-16 approved budget, Monmouthshire Youth Service had to find £200k to sustain its current provision whilst improving services to young people in Monmouthshire.

Income generating programmes had been developed so that the Youth Service would be less dependent on local authority funding but continued to provide a high quality service to young people in Monmouthshire. The Youth Service had taken a creative approach to exploring funding streams from external sources although these sources were reducing and becoming more competitive in the current financial climate.

Income generation would not be sustainable in the long term if the delivery of services continued in the same way to young people.

Annual grants were not confirmed for 2016/17 and should they not be received there would be a greater shortfall.

Member Scrutiny:

We heard that the Youth Service were engaging with the community and were currently working on marketing material. A Member offered to add the advertising information to his next newsletter.

We heard that the anticipated shortfall expected at the end of the year was anticipated to be £140,000.

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Members noted that the Youth Service was an invaluable service and noted that implications of the failure of the service would have an effect on all areas of the organisation. The Cabinet Member for Schools and Learning reassured the Committee that there were no thoughts to close the Youth Service and any shortfall would be defended and sought from other areas.

A Member referred to the deflection of staff and management time to income generation, and questioned if this was too great a burden and at a cost to the service. The Youth and Community Manager reassured Members that to date there had been no reduction to frontline services, and management were mindful to the wellbeing of staff. Officers were currently exploring models of alternative working methods.

Concerns were raised regarding the profits made through the training courses, in response it was explained that the figures were low currently but when the programmes were imbedded they could then move forward. In future the costs could be increased when the market was established.

Recommendations:

The report recommended that Members receive the performance report and take account of its content in decisions that may affect young people in Monmouthshire.

Committee's Conclusion:

Chair's Summary:

The Committee commended officers and noted the invaluable service. It was noted there were some concerns regarding profitability but Members were assured this would improve going forward.

Members were reassured by the Cabinet Member support.

The Committee agreed to scrutinise the item in 6 months.

7. PRE-DECISION SCRUTINY OF MONMOUTHSHIRE NEET (NOT IN EMPLOYMENT, EDUCATION OR TRAINING) REDUCTION STRATEGY

Context:

Members were presented with the draft Monmouthshire NEET Reduction Strategy (Not in Employment, Education or Training) and action plan, which would be delivered by Monmouthshire's schools and Youth Service.

Key issues:

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The Monmouthshire NEET Reduction Strategy sets out its commitment to creating better outcomes for young people aged 11-25 through increasing engagement and progression of existing and future provision, with the aspiration of creating a NEET free county.

Schools, Education Welfare Service, Pupil Referral Service, Youth Service and Careers Wales with the LA would work together with a single goal, to support and improve outcomes for young people at risk of becoming NEET or who those who were NEET. The model had reduced Monmouthshire NEET figures to 1.7% in 2015 (2nd lowest in Wales).

Whilst the good work achieved in Monmouthshire Schools to date in identifying and preventing disengagement at all stages of their education was acknowledged, this strategy would build on schools' contributions and would work toward an early identification system, a suitable curriculum and learning pathway to support skills development and qualifications.

Primary Schools have a key role to play in the early identification of children at risk of becoming NEET.

Member Scrutiny:

Members were informed that the 3 year funding would be received on a quarterly basis. We heard the figures were:

- Inspire to Achieve, the pre-16 programme – total programme cost is £827,180, with a match funding element of £454,949, the ESF injection of £372,231.
- Inspire to work – total programme cost is £516,947, with a match funding of £284,321, bringing an income of £232,626.

A Member questioned if there were links with Community Learning as part of the work in association with Coleg Gwent. We heard that MCC would be working with Coleg Gwent on the Inspire to Achieve programme. Adult Education had been approached in regards to European funding and may be looking to come in on the Skills for Growth Project. Further information to be provided (**ACTION – HJ**).

It was noted that the report was part of a bigger arrangement with other Authorities and clarification was requested regarding the scrutiny arrangements. The Cabinet Member explained that authorities would likely scrutinise their individual areas of the agenda. It was agreed that this could be looked into further. It was noted that Newport City Council were leading the project, and all authorities were following the same model.

Members stated that it would be preferable to receive figures rather than percentages to enable efficient scrutiny. Further information was also requested regarding the information received from the consultees.

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We heard that the figures in the report were produced in relation to the school attended rather than the place of residence, which could be an issue where pupils were residing in England but attending schools within Wales.

The Committee would welcome further updates on the figures following implementation of the plan.

A Member questioned benchmarking processes undertaken. In response we heard the consultee groups held discussions surrounding good working practices, and significant progress and impact had been made through work through schools and transition groups.

Clarification was required regarding children residing in Wales but being schooled in England. We heard that the Local Authorities held responsibility for individual being schooled in their authority. The individual could access MCC services outside the school environment.

Recommendations:

The report recommended that Members receive and scrutinise the draft NEET strategy prior to submission to Cabinet for approval.

Committee's Conclusion:

Chair's Summary:

The Chairman expressed thanks to the Officers.

It was recognised that the committee had discussed and scrutinised the report as part of a pre-scrutiny process.

The committee resolved to recommend that an update is brought back to Children and Young People Select three months after implementation.

8. WORK PROGRAMMING

We received and noted the Children and Young People Select Committee work programme.

Members questioned if the Education Strategic Review should be sighted by the Committee. The Cabinet Member explained that the Education Strategic Review had been resurrected as an ongoing piece of work led by Cabinet, being an over-arching strategy looking at short, medium or long term aspects of education. Reports would be brought to Select Committee where policies were established. All Members were welcome to sit on the review panel, whether it be at every meeting or as and when.

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Thursday 17th September 2015 at 10.00 a.m.**

A concern was raised regarding The Capability Policy, and if Select Committee would have an opportunity to look at the changes. **(ACTION – SM)**

9. DATE AND TIME OF NEXT MEETING

We noted the next Children and Young People's Select Committee Meeting would be not be 15th October 2015 as stated on the agenda. The correct date for the next meeting:

- Wednesday 21st October 2015 at 2.00pm – Budget Scrutiny

The meeting ended at 12.40 pm

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the Special Meeting of the Children and Young People Select Committee held in the Council Chamber, County Hall, The Rhadyr, Usk on Wednesday 21st October 2015 at 2.00p.m.

PRESENT: County Councillor P. Jones (Chairman)

County Councillors: P.S. Farley, R.G. Harris, S.G.M. Howarth and M. Powell.

ALSO IN ATTENDANCE:

County Councillors: D. Blakebrough, E. Hackett Pain and P. Murphy and V.E. Smith.

ADDED / CO-OPTED MEMBERS:

M. Fowler (Parent Governor Representative)
K. Plow (Monmouthshire Association of School Governors)

OFFICERS IN ATTENDANCE:

S. McGuinness	-	Chief Officer, Children and Young People
K. Beirne	-	Chief Officer, Enterprise
I. Saunders	-	Head of Leisure and Culture
T. Thomas	-	Youth and Community Service Manager
J. Robson	-	Head of Finance
N. Wellington	-	Finance Manager
S. Randall Smith	-	Head of Resources and Achievement
H. Illett	-	Scrutiny Manager
S. King	-	Senior Democratic Services Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from County Councillors P. Clarke, L. Guppy, M. Hickman and D.W.H. Jones.

2. DECLARATIONS OF INTEREST

County Councillor R.G. Harris declared a personal and prejudicial interest pursuant to the members' code of conduct in relation to Item 3 B20 mandate. Councillor Harris left the meeting during discussion of the mandate.

County Councillor M. Powell declared a personal interest pursuant to the members' code of conduct in relation to ALN provision at Deri View Primary School, as a School Governor.

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Mr M. Fowler declared a personal interest in relation to ALN provision as a parent of a statemented child.

3. DRAFT BUDGET PROPOSALS 2016/17 FOR CONSULTATION

We received a report from the Head of Finance in which Select Committee Members were provided with detailed draft proposals on the budget savings required to meet the gap between available resources and need to spend in 2016/17.

Report explains background for budget proposals of 2016/17 and the period of consultation runs up to end of November. Mandates are work in progress, the report provided an opportunity for members, staff and public to influence what goes in to final proposals.

Headlines identified:

- MTFP gap over £11 million over 4 years, based on assumptions and pressures in report.
- Report focuses on next years budget 2016/17 position, £3 million gap. £844,000 already identified as savings, but there are still savings.
- It's about understanding context and issues surrounding it and to welcome alternative ideas to meet the gap.

Committee scrutiny:

- Concerns were expressed that there would be less cash for schools. This was as a result of cash flat line and inflation was not in the model.

We resolved to receive the report and noted its content.

4. SERVICE AREA BUDGET MANDATES

We welcomed Officers who presented the budget mandates and we heard the proposals before the Committee were invited to ask questions.

During discussion the following points were noted:

i) Mandate B1 - Assess the feasibility to establish a Not for Profit Service Delivery Model

- Purpose of mandate is so that select committee members are presented with relevant budget aspects, within the remit of the Children and Young People select committee.
- Outline problem that will be addressed through the mandate, trying to sustain access to locally significant services, this is a priority of the organisation.
- Targeted reduced services, huge scope to integrate an offer which is growing.
- There is a need for income generation and using assets to make money

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- Return on investment generated by visitor economies and main part is that a lot of time spent with front line and staff are stretched beyond. Massive income targets which have been increased year on year, based on facilities and capital investment we have saturated markets. Need to change format and current restraints on way of working.
- Future options approach to bring services together in a more effective way.

Member scrutiny:

- A member queried whether schools would be subjected to a form of charge for using leisure facilities and members were mindful that charges should not be significantly increased as to dissuade customers from using facilities. We were informed that partnerships between schools and leisure facilities had to be developed, this involved appropriate dialogue with stakeholders and ensuring correct agreements were in place.
- There was a need for market forces to be considered, this was to ensure that prices were not excessively increased to dissolve market competitiveness.
- Members were reminded that it was imperative to make a change, as there were significant risks to the services as a result of doing nothing.
- Options for alternatives were provided, which included not for profit companies, commercial opportunities, leisure and school budget combined.
- The first cohort would be undertaken and if there were successes then introduction of other services would follow.
- Clarification was requested regarding acronyms. The term 'TECKAL' was defined as not having to go through EU procurement processes for a company to delivery services.
- In response to a question regarding outdoor education, we were advised that outdoor education has undergone review, which is near to completion and would contribute to new vehicle going forward. Subsidy levels are questionable but moving forward, adult market and commercial opportunities are ones to focus on. There are very different offerings on each site, multitude of opportunities.
- Outdoor education needs to be about the mass market, and support museums, youth service etc. the services make a massive contribution in terms of wellbeing.
- We discussed the possibility of collaborative working with other authorities for outdoor sites, which included specialised activities and income generation.
- A question was raised in relation to how accountability and scrutiny would work, particularly where some areas were statutory and not discretionary. We welcomed further discussions and clarity to look at accountability and scrutiny, for example, if youth is not part of directorate but part of new company. It was important for good scrutiny and governance arrangements to be in place at the outset.

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- Officers confirmed that it was anticipated services would become more accountable as there would be a need to prove outcomes and achievements.
- Services were well known and recognised within the authority, there were no apparent concerns of services losing identity and autonomy through change. Officers welcomed services being developed and opportunities to access resources, which would ordinarily not be available within a smaller service/organisation.

ii) Mandate B20 – Review of service provision for children with special education needs with the authority

- County Councillor R. Harris left the meeting during discussion of this item.
- Process was to reform ALN provision across the authority. Two stages of ALN had been undertaken, the purpose of the mandate is for Deri View to be considered and to consult on closure of 24 place facility.
- Service provisions were considered and Deri View usage had reduced significantly.
- Reasons for closure had been supported by parents of children, with mild to moderate needs, which could be incorporated into mainstream school provision.

Member scrutiny:

- The committee wanted to be reassured that there was confidence in proposals being cost effective. In response, we were advised that the proposals were based on needs of children in Monmouthshire. ALN had not been reviewed for a number of years and there was a need to meet requirements, through improved adaptation and change.
- As part of the 21st Century Schools project, the Cabinet Member confirmed ALN facilities would be included within the four comprehensive schools. The review included regional provisions, which would ensure that provision was replicated in the North and South of the county.
- In terms of costs associated for redundancy, considerations would be given so that these were minimised as much as possible, they would be achieved through the £300k allocated to the school.
- The authority had a responsibility to redeploy employees where possible. The authority were charged with supporting schools and cross directorate work was a factor.
- In relation to concerns expressed regarding cost of floor space, the Chief Officer reiterated that as part of the ongoing strategic review of education, a fundamental part was looking at estate and where there are surplus. The

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Welsh Government requirement for this aspect to be considered was also being addressed.

- The process of consultation would commence, with the needs of the children at the centre and will work with school to make transition as smooth as possible. Work would be undertaken with parents to ensure most suitable timescales were used.

iii) Mandate B23 – Discretionary Fees and Charges Review

- Feedback from previous consultation with public, prefer charges to be increased than services cut. Therefore, required to look at discretionary fees and charges.
- Already 2.5% increase assumed in budget model, this increased up to 10%. Cabinet agreed income generation strategy, being more innovative but will take time for fruition.
- Schedule to mandate gives all fees and charges, as well as a target figure. Services areas will consider how this will impact and how it will be delivered.
- Flexibility for services to look within 10% increase.
- Some of the services are within remit of this Select committee.
- The Cabinet member advised that it was not anticipated for school meals to be increased by 10%. Possibility of looking at increased adult meals, or work within school meals to assist with functions so that an income stream could be generated. Welcome select committee views.

Member scrutiny:

- The Cabinet member advised that officers had provided detailed information in earlier agenda item. It was made clear that it was in mind of officers that there was a point that increased point couldn't go beyond. It is not a proposal for prices to be increased to 10%, it shows potential of what could be achieved.
- In response to a request for clarification regarding SLA arrangements between leisure and schools, we noted that these were in place with primary schools for swimming, but not for secondary.
- A member highlighted that the figures should be included and form part of public consultation. The Cabinet member confirmed that this would be considered and discussed with public and consultation/engagement sessions.
- General concern expressed by committee, that members would be strongly dismayed if cumulative effect would bring disadvantages to children and their parents.
- Chair agreed that there were specific areas which would affect children and young people.

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Committee dated 21st October 2015 - continued**

Committee's Conclusion:

Chair's Summary:

Thanks to Joy and team for production, for officers and Cabinet members.

Understand difficulty of remit, not easy to cut for income generation and budget.

Overall committee agree mandates in principle, but would like issues discussed to be considered and the effects they have on children and young people (school meals, outdoor education, activities outside schools).

Committee concern scrutiny of new models is sufficient to ensure accountability. Do not want to lose sight of outcomes and achievements in future.

Welcomed future items to be considered by the committee, strategic review of schools, Mounton House and charges.

The next meeting would be held on 2nd November 2015 at 2.00pm, items included EAS and safeguarding prior to Estyn visit.

The meeting ended at 3.45pm.

SUBJECT:	PLAY OPPORTUNITIES REVIEW
MEETING:	Children and Young People Select
DATE:	12 November 2015
DIVISION/WARDS AFFECTED:	ALL

1. PURPOSE:

- 1.1 To consider a future delivery model for staffed play provision; to consider the Play Sufficiency Action Plan for 15/16 and to inform members of the proposed timetable for the review of the Play Sufficiency Assessment.

2. RECOMMENDATIONS:

- 2.1 To receive and scrutinise the future delivery model for staffed play provision and the Play Sufficiency Action Plan for 15/16 prior to its consideration by cabinet;
- 2.2 To note the proposed timetable for the review of the Play Sufficiency Assessment and the intention to report the draft results of the Play Sufficiency Assessment and Action Plan for 16/17 to a future meeting of this committee.

3. KEY ISSUES:

3.1 Review of delivery models for staffed play provision

- 3.1.1 The LSB commissioned a review of our current managed play provision (the summer play scheme) based on concerns that the current provision is unsustainable on several grounds:

- The changes in the regulatory framework from Welsh Government and the Care and Social Services Inspectorate Wales (CSSIW), including more rigorous staff qualifications and training requirements and changes to the National Minimum Standards (especially for 8 - 12 year olds)
- The equality challenge of the differing treatment of children with disabilities in the current model
- The pressures in place as a result of reduced delivery capacity, including the financial pressures to meet income targets at leisure centres.

- 3.1.2 The review report (Appendix 1) by Torfaen Play Service has considered the potential benefits and risks associated with the current and alternative delivery models and the potential to deliver jointly on all or some aspects of the scheme. The current model of providing closed access play is regulated childcare and as such subject to CSSIW

inspection and legislative restrictions – MCC is unusual in continuing to provide a closed access scheme. In light of the current delivery challenges, the future legislative changes and the equality challenge the review report proposes a shift to community based “open access” play provision utilising a model successfully deployed in other authorities and potentially allowing wider geographical provision across the County – option 4 in the attached report / appendix.

- 3.1.3 To address the current inequality of provision the proposed delivery model would ensure all summer play sessions are inclusive to all and relevant support is provided linked to individual needs. Children with complex and challenging needs would be accommodated in a suitable inclusive venue(s).
- 3.1.4 The model proposed would rely on a mixed workforce of paid and volunteer workers, empowering and training young people (16 -18 yr. olds) and contributing to meeting Welsh Baccalaureate targets.
- 3.1.5 Whilst the purpose of staffed play provision is to offer play opportunities in a safe environment without parental supervision to enable children to play, learn and develop and mix with their peers, rather than provide child care, in practice many parents have relied on the current model to provide inexpensive childcare. So the new delivery model would result in a potential reduction in childcare as community sites would provide half day provision. To mitigate this impact the model would allow leisure services to offer a wider provision based on sports camps in the leisure centres. This would allow leisure services to play to their strengths and offer a wider and inclusive choice to children and young people.
- 3.1.6 Delivery of the new model would depend on the result of current consultations with partners, most notably Town and Community Councils due to the reliance on their funding and potential future partners. This makes it difficult to scope at this stage the full potential of new provision. As noted equality issues are at the centre of these considerations and once it is possible to gauge the scale of likely provision specific consultations will be carried out with current users, including the parents of children with disabilities to inform the detailed options.

3.2 Play Sufficiency Action Plan for 15/16

- 3.2.1 The Draft Play Sufficiency Action Plan for 15/16 is appended (Appendix 2). An Action Plan needs to be prepared and reviewed annually to record progress. Given the review of the delivery models for staffed play provision and the requirement to complete a new Play Sufficiency Assessment by March 2016 this action plan essentially covers a period of re-assessment and review, through which a fuller and more specific action plan will result for 16/17. Approval of the 15/16 plan will position the authority to access any further Play Opportunities Grant should that become available.

3.3 Review of the Play Sufficiency Assessment

3.3.1 The first statutory Play Sufficiency Assessment (PSA) was undertaken in 2013 and requires review after three years. The new PSA must be undertaken by 31 March 2016, having either been approved by cabinet or in a final version timetabled to be so approved. Welsh Government and Play Wales have recently issued a revised toolkit for its preparation. It is intended that the Play Strategy Group take a lead in the PSA's review involving other specialist officers as required to consider the wider measures including open spaces and access around communities. The proposed timescale is scrutiny of the draft PSA and the 16/17 Action Plan during March 2016 prior to its submission to Welsh Government and cabinet consideration, which is programmed for April 2016.

4. **REASONS:**

- 4.1 "Wales: A Play Friendly Country" is Statutory Guidance to Local Authorities on assessing for and securing, as far as is reasonably practicable, sufficient play opportunities for children in their area by addressing the defined measures set out in legislation.
- 4.2 The provision of sufficient play opportunities for children contributes to the Single Integrated Plan themes that People are Confident, Capable and Involved and Our County Thrives; supporting families to benefit from positive environments to nurture their children to grow, develop and prosper; and access to flexible and appropriate play opportunities.
- 4.3 The 2013 -16 Outcome Agreement with Welsh Government Theme 1: Improving school attainment includes "To ensure children and young people have access to flexible and appropriate play opportunities" and Theme 5: Improving early years' experiences - including access to physical activity and play for children and young people; to complete a Monmouthshire Play sufficiency audit and address areas of improvement identified.

5. **RESOURCE IMPLICATIONS:**

- 5.1 There is currently no dedicated budget for play. Existing staffed play provision (excluding the Bulwark scheme which is funded by Chepstow Town Council) is funded via contributions from ten Town and Community Councils (in 15/16 contributing £30K), income from charges (in 15/16, £52K), and Families First access grant money (in 15/16, £20K) to enable children with disabilities to access mainstream play schemes. However despite this funding and income generation the current provision has an unfunded element (in 15/16 of circa £40K), principally staffing costs, which is being absorbed by leisure services and impacting negatively on their trading position.
- 5.2 Given the reliance on Town and Community Council funding it is not possible at this stage to present a budget for the future delivery model but the clear principle will be that the unfunded element is not sustainable and that the community based staffed play element will need to be self-supporting. Additional external grant aid is also being investigated.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

The significant equality impacts identified in the Future Generations evaluation (Appendix 3) are summarised below for members' consideration:

- The positive impact that securing sufficient and accessible play opportunities can have on children, families and communities.
- The positive impact in providing equality of the number of sessions available to children with disabilities.
- The challenges of accommodating children with the highest tier of complex and challenging needs which will require consultation with the parents of disabled children to inform the detailed options.
- The negative impact that changes to staffed play provision could impact on those parents using the current play provision as childcare, but potentially mitigated by the changes allowing the offer of a wider summer sports camp provision in the leisure centres.

The actual impacts from this report's recommendations will be reviewed annually and criteria for monitoring and review will include:

The impact of the delivered services to children and communities to ensure there is equality of access and opportunities in line with the assessed needs from the Play Sufficiency Assessment.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

- 7.1 The Critical Assessment and the presented options reflect the safeguarding requirements for staffed play provision, the legislative and regulatory requirements and the national minimum operating standards.

8. CONSULTEES:

The review carried out by Torfaen Play Services has involved extensive internal and external consultation – see page 3 of Appendix 1

Finance

Play Strategy Group

Consultations with Town and Community Councils on the staffed play scheme options are underway

9. BACKGROUND PAPERS:

[Appendix 1: Monmouthshire Play Review – A Critical Assessment of Staffed Play Provision, Torfaen Play Service October 2015](#)

[Appendix 2: Draft Play Sufficiency Action Plan 15/16](#)

[Appendix 3: Future Generations Evaluation](#)

[Play Sufficiency Assessment Toolkit, Welsh Government and Play Wales 2016](#)

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Monmouthshire Play Review

A Critical Assessment of Staffed Play Provision

Torfaen Play Service October 2015

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1. Introduction

The following review looks at the current state of play within Monmouthshire. This will entail critically analysing existing delivery and identifying future proposals to continue and extend staffed play provision across the county.

Play is an essential and integral part of every child's life regardless of age, ability, gender or social background. Staffed play provision can provide many benefits both to children and young people as well as the community as a whole.

Monmouthshire Play Sufficiency Assessment (2013) *recognised the importance of play in children's lives, not only for its recreational value but for the important part that it plays in children's physical and emotional health and well being and in their personal development.*

Play provides a platform for children to learn, to have fun and to develop friendships with other children in a variety of settings from the school playground to formal open spaces and the wider physical environment. Play is a common denominator that should be capable of being enjoyed by all children irrespective of their social or cultural background or the ability of their parents to pay for the opportunity to participate (Monmouthshire Play Sufficiency Assessment 2013 – Full Findings Document).

2. Consultation with Partners

This review has been carried out through consultation with the following partners to gage a cohesive view of the current state of play in Monmouthshire:-

- *Monmouthshire Housing
- *Leisure Services
- *Community Infrastructure
- *Early Years
- *Clybiau Plant Cymru
- *Sports Development
- * Sure Start
- *Youth Service
- *The Magic Project
- *Action for Children
- *Children with Disabilities Team
- *Community Nursing Team
- *Green Infrastructure
- *Inclusive Youth Worker
- *Families First
- *Disability Sports
- *Parks and Open Spaces
- *Town and Community Council

3. Population Breakdown

Monmouthshire is geographically diverse with over 18,000 children and young people living within the county

Breakdown of Monmouthshire population 2011 Census

Age	Amount
0-3	3,644 children aged 0-3
4-7	3,845 children aged 4-7
8-12	5,106 children aged 8-12
13-15	3,648 children aged 13-15
16-17	2,628 children aged 16-17

Current numbers of children who require support (May 2015)

	Amount
Children with Disabilities	117
Looked After Children	81
Children on Child Protection Register	39



4. Play Sufficiency - Meeting Welsh Government Standards

Welsh Government placed a duty on every local authority in Wales to critically review and assess its commitment to children's play (Children and Families (Wales) Measure 2010) .

With this in mind, each local authority completed a Play Sufficiency Assessment within 2012/13 which placed a focus on assessing the following areas:-

Matter A = Population

Matter B = Providing for a Diverse Need

Matter C = Space Available from Children to Play

Matter D = Staffed Provision

Matter E = Charges for Provision

Matter F = Access to Space / Provision

Matter G = Securing and Developing the Play Workforce

Matter H = Community Engagement and Participation

Matter I = Play within all relevant Policy and Implementation Agendas

Each local authority then developed an Action Plan for 2013 / 2014 which contributed to the local authorities Single Integrated Plan.

Welsh Government requests that feedback be provided annually on the yearly Action Plan and a new Action Plan be submitted for the following year.

The Action Plans are monitored locally by the Play Sufficiency Action Group / Play Planning Group.

In 2014, Welsh Government placed a statutory duty on every local authority in Wales to provide sufficient play opportunities.

The next full Play Sufficiency Assessment needs to be completed over the next couple of months in line with the time-scale specified by Welsh Government.

March 1 st 2016	Local Authorities are required to complete and submit a copy of their Play Sufficiency Assessments, the Results of the Play Sufficiency Assessments and the Action Plan (with associated costs) to the Welsh Ministers.
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(Creating A Play Friendly Wales 2012)

5. Current Play Provision in Monmouthshire

(NB. All figures in this section refer to the 2014 playschemes)

5.1 Closed Access Summer Playschemes

Monmouthshire County Council currently delivers summer playschemes for children aged five to eleven years on a closed access basis. This means that children and young people are not permitted to leave site during playscheme hours. A free bus service is provided for those attending the Caldicot playscheme.

Name	Age	Time
Abergavenny Leisure Centre	5-11 years	9.00-3.30
Caldicot Leisure Centre	5-11 years	9.00-3.30
Chepstow Leisure Centre	5-11 years	9.00-3.30
Monmouth Leisure Centre	5-11 years	9.00-3.30
Bulwark Community Centre	5- 11 years	9.00-3.30

5.2 Charges for provision

There is a daily charge for playscheme per child. The details of this our provided within the chart below

Cost for Playschemes run from Leisure Centres

£8.50 per day	Per child
£7.50 per day	For siblings
£4.25 per day	for children on free school meals
£3.50 per day	Breakfast Club (per child)

Cost for Bulwark Playscheme

£3.00 per day	Per child
£2.50 per day	For siblings
Free	For children on free school meals

5.3 Comparative Childcare Costs

Whilst a whole day's session can add up to £12 per day, per child, this is significantly cost effective in comparison to other local childcare providers. (This is based on average cost of local childcare providers).

Comparative costs to childcare

Playscheme	Amount	Childcare	Amount
One week , 1 child	£60	One week , 1 child	£100
Four weeks ,1 child	£240	Four Weeks, 1 child	£400

Due to the high volume of children attending the Playschemes, it has had a significant effect on childcare providers in the area. In the current economic climate it demonstrates a clear demand for cost effective childcare to meet the needs of families.

5.4 Attendance on schemes

A large volume of children attend the Playschemes in Monmouthshire each year. The chart below details the registered attendance for each site and the average weekly attendance figures.

Name	Total number of children registered	Average daily attendance figures
Abergavenny Leisure Centre	310	72
Caldicot Leisure Centre	216	52
Chepstow Leisure Centre	318	80
Monmouth Leisure Centre	319	90
Bulwark Community Centre	70	50

5.5 Out of County Attendance

The following charts provide an insight into the number of sessions attended by children out of county.

Abergavenny Leisure Centre

Town/Village	No	Town/Community Council	Total
Llangattock	27	Llangattock Community Council	27
Crickhowell	25	Vale of Grwyney	25
Other	138	New Inn 10, Tredegar 41, Grifithstown 1, Cwmdu 5, Italy 7, Hereford 6, Blaenavon 10, Ebbw Vale 3, Pontypool 26, Brynmawr 3, Birmingham 4, Ireland 4, Pandy 15, Bettws Newydd 3	138
Sub Total		From outside Monmouthshire	190

Total Number sessions attended by children within county	1247
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13.2% attending from out of county

Caldicot Leisure Centre

Town/Village	No	Town/Community Council	Total
Bristol	2	Bristol City	2
Ringland	8	Newport City	22
Corpa	9		
Underwood	5		
Pontypool	20	Pontypool Community Council	20
Redwick	15	Redwick Community Council	15
Sub Total	59	From outside Monmouthshire	59

Total Number sessions attended by children within county	991
--	------------

5.7% attending from out of county

Chepstow Leisure Centre

Town	No	Town/ Community Council	Total
Beachley	15	Tidenham Community Council	15
Sedbury	19		19
Tutshill	54		54
Woodcroft	0		0
St Briavels	5	St Briavels Parish Council	5
Other	207		207
Sub Total	300	From outside Monmouthshire	300

Total Number sessions attended by children within county	1295
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18.8% attending from out of county

Monmouth Leisure Centre

Town	No	Town/ Community Council	Total
Ross on Wye H	53	Ross on Wye Town Council	53
Coleford FOD	35	Coleford Town Council	35
Symonds Yat H	31	Whitchurch & Ganarew Parish Council	31
Goodrich H	22	Goodrich & Welsh Bicknor Parish Council	22
Redbrook FOD	21	Newland Parish Council	21
Caerphilly	15	Caerphilly CBC	15
Sub Total		From outside Monmouthshire	177

Total Number sessions attended by children within county	1613
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9.9% attending from out of county

Whilst these figures demonstrate a large proportion of children and young people attending out of county, it should be noted that certain factors should be considered such as the location of where parents/carers work.

5.6 Inclusive Practice

A number of children and young people with disabilities are supported to attend the closed access Playschemes each year averaging five to six children per site.

However, a number of recommendations were raised in relation to improving inclusive practice. This included specialist training being delivered to staff as well as stronger links with parents and carers and the use of alternative venues.

Through consultation with partners it was noted that children with disabilities were not able to access the same amount of provision as their non-disabled peers. This was linked to issues such as staffing and training of staff. In addition to this, costing implications is also a significant factor in relation to delivering inclusive practice.

5.7 Financial Breakdown

The Summer Playschemes Report 2014 provided the following information in relation to income received to deliver Playschemes:-

Name of Site	Total Amount of income contributed to Playschemes
Abergavenny	Town and Community Council = £8,000 Families First = £ 4790.49 MCC Development Grant = £250 Total Amount = £13,040.49
Caldicot	Town and Community Council = £9,850 Families First = £ 3,880.23 MCC Development Grant = £250 Total Amount = £13,900.23
Chepstow	Town and Community Council = £8,540 Families First = £ 4695.99 MCC Development Grant = £250 Total Amount = £13,485.99
Monmouth	Town and Community Council = £2,600 Families First = £ 4544.97 MCC Development Grant = £250 Total Amount = £7,394.97
Bulwark	Town and Community Council = £10,575.88 Total Amount = £10, 575.88

Total amount of monies received to deliver Playschemes in Monmouthshire

= £58,397.56

The report also detailed the amount of monies received from daily charges and how this was utilised. Please see the following in relation to individual site breakdown/costs

Income & Expenditure 2014

Abergavenny Leisure Centre

Income		
Area	Description	Amount £
Admission Charges	5-11 years	£11,437.30
	Breakfast Club	£366.36
	Kiddievouchers	£249.40
Town Council Funding	Abergavenny	£8,000.00
Families First Funding	Grant to employ support staff	£4,790.49
	MCC Development Grant	£250.00
Total Income		£25,093.55
Income		
Area	Description	Amount £
Staffing Costs	Includes training, employment and associated costs, Breakfast Club, Fitness, Leisure Assistants	£13,515.31
Payroll and Administration	Covers all Starter Form and Timesheet Processing	£1,000.00
Management Costs	Includes interviews, planning and liaison with CSSIW and Coordinators	£1,000.00
Inclusion Coordination	Covers time spent organising Support Staff, Diary Sheets Leisure Passports	£1,000.00
Support Staff for Children with Disabilities	Internal (through payroll)	£4,790.49
Staff Training Catering (Chepstow Leisure Centre)	Refreshments	£25.00
Facility Hire	Sports Hall, Community Rooms & Outside Areas	£2,000.00
Staff Uniforms	Playscheme & Support Staff	£239.49
19 CRBs @ (£44.00)	Playscheme Staff	£836.00
Transport	Advance Van (diesel)	£25.00
Equipment	ESPO	£200.00
Marketing	Banners, Focus, Voice, Primary Times etc	£467.80
Photocopying	Marketing material & paperwork	£25.00
Petty Cash	General	£23.35
Total Expenditure		£25,147.44
Income v Expenditure Total		-£53.89

Caldicot Leisure Centre

Income		
Area	Description	Amount £
Admission Charges	5-11 years	£7,504.20
	Breakfast Club	£114.70
Town Council Funding	Caldicot Town Council	£5,000.00
Community Council Funding	Magor with Undy	£3,500.00
	Rogiet	£550.00
	Portskewett	£800.00
Families First Funding	Grant to employ support staff	£3,880.23
	MCC Development Grant	£250.00
Total Income		£21,599.13
Income		
Area	Description	Amount £
Staffing Costs	Includes training, employment and associated costs for Playscheme, Breakfast Club, Leisure Assistants and Sports Development	£13,414.17
Payroll and Administration	Covers all Starter Form and Timesheet Processing	£1,000.00
Management Costs	Includes interviews, planning and liaison with CSSIW and Coordinators	£1,000.00
Inclusion Coordination	Covers time spent organising Support Staff, Diary Sheets Leisure Passports	£1,000.00
Support Staff for Children with Disabilities	Internal (through payroll)	£3,344.03
	Direct Payments	£536.20
Staff Training Catering (Chepstow Leisure Centre)	Refreshments	£25.00
Facility Hire	Sports Hall, Community Rooms & Outside Areas	£2,000.00
Staff Uniforms	Playscheme & Support Staff	£245.75
14 DBS @ (£44.00)	Playscheme Staff	£616.00
Transport	Advance Van (diesel)	£25.00
	Bus Service (29 seats - 20 days x £80)	£1,600.00
Equipment	ESPO, Consortium, Eureka	£287.83
Marketing	Banners, Focus, Voice, Primary Times etc	£467.80
Photocopying	Marketing material & paperwork	£25.00
Petty Cash	General	£17.98
Total Expenditure		£25,604.76
Income v Expenditure Total		-£4,005.63

Chepstow Leisure Centre

Income		
Area	Description	Amount £
Admission Charges	5-11 years Breakfast Club Kiddievouchers	£12,958.30 £970.30 £816.10
Town Council Funding Community Council Funding	Chepstow Town Council Caerwent	£8,000.00 £540.00
Families First Funding	Grant to employ support staff MCC Development Grant	£4,695.95 £250.00
Total Income		£28,230.65
Expenditure		
Area	Description	Amount £
Staffing Costs	Includes training, employment and associated costs for Playscheme, Breakfast Club, Leisure Assistants and Sports Development	£12,766.22
Payroll and Administration	Covers all Starter Form and Timesheet Processing	£1,000.00
Management Costs	Includes interviews, planning and liaison with CSSIW and Coordinators	£1,000.00
Inclusion Coordination	Covers time spent organising Support Staff, Diary Sheets Leisure Passports	£1,000.00
Support Staff for Children with Disabilities	Internal (through payroll) Direct Payments	£4,320.61 £375.34
Staff Training Catering (Chepstow Leisure Centre)	Refreshments	£25.00
Facility Hire	Sports Hall, Community Rooms & Outside Areas	£2,000.00
Staff Uniforms	Playscheme & Support Staff	£264.57
15 DBS @ (£44.00)	Playscheme Staff	£660.00
Transport	Advance Van (diesel)	£25.00
Equipment	ESPO, Eureka, Thirsty Cups	£252.30
Marketing	Banners, Focus, Voice, Primary Times etc	£467.80
Photocopying	Marketing material & paperwork	£25.00
Petty Cash	General	£49.06
Total Expenditure		£24,230.90
Income v Expenditure Total		+£3,999.75

Monmouth Leisure Centre

Income		
Area	Description	Amount £
Admission Charges	5-11 years Breakfast Club Kiddievouchers	£12,789.90 £558.00 £2,657.30
Town Council Funding Community Council Funding	Monmouth Town Council Trellech United Community Council Mitchel Troy Community Council	£2,000.00 £350.00 £250.00
Families First Funding	Grant to employ support staff MCC Development Grant	£4,544.97 £250.00
Total Income		£23,400.17
Income		
Area	Description	Amount £
Staffing Costs	Includes training, employment and associated costs for Playscheme, Breakfast Club, Leisure Assistants and Sports Development	£15,072.98
Payroll and Administration	Covers all Starter Form and Timesheet Processing	£1,000.00
Management Costs	Includes interviews, planning and liaison with CSSIW and Coordinators	£1,000.00
Inclusion Coordination	Covers time spent organising Support Staff, Diary Sheets Leisure Passports	£1,000.00
Support Staff for Children with Disabilities	Internal (through payroll)	£4,544.97
Staff Training Catering (Chepstow Leisure Centre)	Refreshments	£25.00
Facility Hire	Sports Hall, Community Rooms & Outside Areas	£2,000.00
Staff Uniforms	Playscheme & Support Staff	£218.07
18 CRBs @ (£44.00)	Playscheme Staff	£792.00
Transport	Advance Van (diesel)	£25.00
Equipment	ESPO	£189.95
Marketing	Banners, Focus, Voice, Primary Times etc	£467.80
Photocopying	Marketing material & paperwork	£20.00
Petty Cash	General	£86.58
Total Expenditure		£26,442.35
Income v Expenditure Total		-£3,042.18

Bulwark Community Centre

Income		
Area	Description	Amount
Admission Charges	5-11 years (through Chepstow LC)	£1,257.40
Town Council Funding	Chepstow Town Council	See * below
Total Income		£1,257.40
Income		
Area	Description	Amount
Staffing Costs	Includes training, employment and associated costs for Playscheme, Leisure Assistants and Sports Development	£5,020.93
Payroll and Administration	Covers all Starter Form and Timesheet Processing	£1,000.00
Management Costs	Includes interviews, planning and liaison with CSSIW and Coordinators	£1,000.00
Inclusion Coordination	Covers time spent organising Support Staff, Diary Sheets Leisure Passports	£1,000.00
Support Staff for Children with Disabilities	Internal (through payroll)	£2,642.56
Staff Training Catering (Chepstow Leisure Centre)	Tea/coffee/water/biscuits	£25.00
Staff Uniforms	Playscheme & Support Staff	£89.31
5 DBS @ (£44.00)	Playscheme Staff	£220.00
Transport	Advance Van (diesel)	£100.00
Equipment	ESPO	£242.88
Marketing	Banners, Focus, Voice, Primary Times etc	£467.60
Photocopying	Marketing material & paperwork	£25.00
Total Expenditure		£11,833.28
Income v Expenditure Total	£	-£10,575.88
*Town Council Subsidy	Chepstow Town Council	£10,575.88
	Scheme balances back to zero	£0.00

5.8 Meeting Standards

Recent changes in standards by CSSIW have stated the following recommendations on closed access Playscheme providers

Circular Letter WGC 004/2015 – Temporary amendment to Standard 13.6(DC) of the National Minimum Standards for Regulated Child Care 2012, in relation to holiday play schemes.

Present Legal Position

The Child Minding and Day Care (Wales) Regulations 2010 made under Part 2 of the Children and Families (Wales) Measure 2010 set out the requirements for the range of registered child minding and day care provision, including open access and holiday play provision.

Schedule 1 paragraph 28 of the Child Minding and Day Care (Wales) Regulations 2010 requires “the person in charge has the qualifications, skills and experience necessary for the role they perform in relation to the looking after of children under the age of eight”.

Regulation 14(1) requires “the registered person must have regard to the national minimum standards which relate to the type of care provided by the registered person”.

The National Minimum Standards for Regulated Child Care, 2012 (NMS) in Standard 13.6(DC) states “The person in charge has at least a level 3 qualification recognised on the Care Council for Wales’ current list of Accepted Qualifications for the Early Years and Childcare Workforce in Wales or Skills Active’s Integrated Qualification Framework for Playwork (or any lists which supercede them), which is appropriate to the post”.

2. Amendment to Standard 13.6(DC) of the National Minimum Standards for Regulated Child Care 2012

Stage 1 – to come into effect from June 2015 – September 2016

For the period stated, **Standard 13.6(DC)** will read:-

“The person in charge is required to hold at least a level 3 qualification recognised by the Care Council for Wales List of Required Qualifications to work within the Early Years and Childcare Sector in Wales or the SkillsActive list of Required Qualifications to work within the Playwork Sector in Wales (or any lists which supercede them), which is appropriate to the post.

For a holiday play scheme

The person in charge of a holiday play scheme should have the appropriate qualifications, skills and experience to undertake this role. The accepted qualifications will include a level 3 qualification recognised on the Care Council for Wales’ current List of Required Qualifications to work within the Early Years and Childcare Sector in Wales or SkillsActive’s List of Required Qualifications to work within the Playwork Sector in Wales (or any lists which supersede them), which is

appropriate to the post, or a teaching, youth work, or other relevant qualifications at level 3 or above. The post holder should also have the relevant managerial skills and experience to effectively manage a holiday play scheme.”

Stage 2 – to come into effect from September 2016 – September 2018

For the period stated **Standard 13.6(DC)** will read:-

“The person in charge is required to hold at least a level 3 qualification recognised by the Care Council for Wales List of Required Qualifications to work within the Early Years and Childcare Sector in Wales or the SkillsActive List of Required Qualifications to work within the Playwork Sector in Wales (or any lists which supercede them)”, which is appropriate to the post.

For a holiday play scheme

The person in charge of a holiday play scheme should have the appropriate qualifications, skills and experience to undertake this role. The accepted qualifications will include a level 3 qualification recognised on the Care Council for Wales’ current List of Required Qualifications to work within the Early Years and Childcare Sector in Wales or SkillsActive’s List of Required Qualifications to work within the Playwork Sector in Wales (or any lists which supercede them), which is appropriate to the post, or a teaching, youth work, or other relevant qualifications at level 3 or above. The post holder should also have the relevant managerial skills and experience to effectively manage a holiday play scheme.

Where the person in charge of a holiday play scheme does not hold a level 3 Playwork qualification, they should also hold the level 3 unit in “Managing a Holiday Play Scheme.” *

*During the summer of 2015, an Award in Managing a Holiday Play Scheme will be developed. This will provide an interim qualification which will be added to the SkillsActive List of Required Qualifications to work within the Playwork Sector in Wales, specifically for persons in charge of a holiday play scheme.

Stage 3 – to be in effect from September 2018

From September 2018, **Standard 13.6(DC)** will read:-

“The person in charge is required to hold at least a level 3 qualification recognised by the Care Council for Wales List of Required Qualifications to work within the Early Years and Childcare Sector in Wales or the SkillsActive List of Required Qualifications to work within the Playwork Sector in Wales (or any lists which supercede them), which is appropriate to the post.

For a holiday play scheme

Standard 13.6(DC) applies to holiday play schemes as to other provision under The National Minimum Standards for Regulated Child Care, 2012.”

3. Reason for the Amendment

A proportion of holiday play providers are experiencing difficulties in meeting the qualification requirements set out in the NMS. This is particularly the case for the

Person in Charge holding a level 3 Playwork qualification. This has already led to a reduction in registered holiday play provision and raises concerns about the further loss of provision

The Minister for Communities and Tackling Poverty recognises the importance of holiday play provision for children and their parents. To avoid further loss of this valued provision, whilst ensuring the ongoing achievement of level 3 playwork qualifications for persons in charge of holiday play schemes, the Minister is issuing Circular Letter WGC 004/2015.

From recent consultation with service providers it was highlighted that to achieve recommendations would provide unrealistic with the ethos of recruiting for seasonal staff.

There would also be a potential cost in ensuring that workers hold the relevant qualifications to carry out their role when looking at the level 3 unit –Managing a Playscheme.

6. Open Access Play Provision

Recent legislation and guidance from Welsh Government recommends that a wide program of rich and varied play provision be delivered to children and young people within each authority (Creating a Play Friendly Wales 2012). This includes both closed and open access play provision as well as parks and open spaces.

In 2013, Monmouthshire County Council carried out a full Play Sufficiency Assessment (PSA) on play and play provision in line with the recommendations set out by Welsh government.

It was highlighted within the findings that “Play forms an important part of the Council’s early years and pre -school provision and it is also an important element of the foundation phase once children enter the formal education structure”

However, whilst play was recognised within education and early years it also highlights the distinct lack of open access play provision delivered, mainly due to the absence of a Play Officer being in post.

With this in mind, the delivery of open access play has relied heavily on 3rd sector partners.

6.1 3 Counties Community Play Project

Torfaen Voluntary Alliance (TVA) in partnership with Torfaen County Borough Council (TCBC), Monmouthshire County Council (MCC) and Newport City Council (NCC) successfully secured funding from BIG Lottery (BIG) in August 2010 under the Child's Play Programme to deliver the 3CCP Programme.

A total of £999,092 was awarded for Round 2 of the programme, with the initial aim to set up play opportunities for children aged 5-15 years, predominately 8-12 years by using community buildings, open spaces, parks and wooded areas across the three counties of Monmouthshire, Newport and Torfaen. In addition;

- * providing opportunities to involve volunteers and equip them with the skills they need to sustain the provision by offering play work courses, soft skills and accredited qualifications.

- *to work with community members to establish management groups, which at the end of the funding would take on the delivery of play provision with support from key partners.

The programmes original proposal set to deliver three outcomes and in January 2014, BIG agreed for the scope of the 3CCP programme to be extended, with two additional outcomes. Outcomes are as followed:

Outcome 1: More play opportunities. By the end of the project a minimum of 500 children aged 8 – 12 years across the region will have accessed 24 new, quality, open access, play opportunities, identified within the regional play audit.

Outcome 2: Sustainable Communities. By the end of the project there will be an increase in the level of community based play provision within the target areas across the region. 96 community volunteers will have become positively engaged in the planning and delivery of provision.

Outcome 3: Attitudinal Changes. By the end of the project research carried out will have shown a change in adult attitudes within communities which will enable children and young people to access their right to play.

Outcome 4: Community Engagement. By the end of the project 21 'Play in the Community' events will be delivered across the 3 Counties.

Outcome 5: Community Schools. By the end of the project, 39 schools will be committed to the Play Partnership Agreement and 60 School Staff & 6th Form Pupils will be trained across the three counties.

6.2 Play Provisions supported by Three Counties Community Play in Monmouthshire

Frequency	Location	Age Range	Time
Monday	Woodland View, Wyesham	5 - 12 years	3:45 - 4:45
Tuesday	Llanishen Village Hall	5 - 12 years	6:00 - 8:00
Wednesday	Dewstow Primary School	5 - 15 years	4.00 - 5.00
Wednesday	Gilwern Play Club – Community Education Centre	5 - 9 years	5.00 -6.30
Thursday	Pandy Red Kites Club - Pandy Village Hall	5 - 12 years	4.30 - 6:00
Friday	Pandy Junior Youth Club	5 - 12 years	6:00 - 7:00

The project ended in March 2015. Feedback from 3 Counties Play Project Evaluative Report (April 2015) stated the following [*with commentary added*]:-

- Overall, the project has had a positive impact within all areas, exceeding the targets set in the primary outcomes. Great progress was made towards the additional outcomes agreed in 2014, which focused on school & community engagement & it was actions outside of the control of the project that delayed progress; early indicators show that the outcomes were achievable had there been more time.
- The importance of play has been advocated throughout each county by engaging with local communities through the medium of play. Training sessions, interactive workshops, community events are some of the methods used to engage, raising the awareness of the benefits of play.
- Each County has a differing level of need with regards to play & therefore the projects level of involvement within each county varied; Monmouthshire received the highest level of support, being attributed to the absence of a dedicated play team/officer.
- Of those who accessed the project it is evident that there is a wider understanding of the importance of play & the role that it has on the development of children; 42% increase in a belief that 'play is important for children' & 35% increase in them believing 'children directly benefit from play'.
- Parents confidence in their children attending a volunteer led provision was low, although there was a significant improvement of child attendance once project staff were more visible in the establishment of the clubs. This provided volunteers the opportunity to engage with parents building trust.
- Monmouthshire: 103 volunteers have accessed training. Currently 18 are actively supporting the delivery of clubs.
- Monmouthshire: 1,076 children registered have accessed all play opportunities provided within the area.
- 11 provisions were established & supported [*3 of these were existing provision of the Monmouthshire Youth Service*], with 5 sustained through the recruitment and training of community members.

Through consultation with partners concern was placed on whether these provisions were still running due to the project finishing.

Concern was also put forward in relation to supporting the community volunteers who were previously involved in the project.

Through the consultation process many partners were unaware that the project had ceased delivery due to a lack of correspondence with project management. Additionally, it was highlighted that some of the provisions listed above were already in place prior to the project starting.

6.3 Outreach Open Access Play Sessions

Groundworks Sustainability Play is a relatively new project funded by Welsh Government to deliver outreach open access play settings within the heart of the community.

The project will only be within Monmouthshire for a limited amount of time as the project covers a large part of Wales. With this in mind, specific project time is allocated to each local authority.

Monmouthshire Youth Service also offered open access play provision over 5 weeks during Summer 2015.

Lead	Location	How often	Age	Cost
Groundwork South East Sustainable Play	Green space at Hillside Estate Abergavenny	Every Wednesday	5 – 12 years	Free
Monmouthshire Youth Service	Various locations	60 sessions over the summer period	5-12 years	Free

7. Closed Access Play Provision

A number of closed access play sessions (childcare) run on a weekly basis

School	<u>Out of School Clubs on School Premises</u>	BC	AS		
			C	HC	
Archbishop Rowan Williams Primary	ARW ASC		1		
Deri View Primary	Deri View Dragons		1	1	
Ysgol Y Ffin Primary	Dragon Club		1	1	HC -Inset days only
Gilwern Primary	Hopscotch		1	1	
Llanfoist Fawr Primary	Llanfoist ASC		1		
Llanvihangel Crucorney Primary	Time Out @ Pandy		1		Tues / Weds
Magor CIW Primary	Magor HC			1	
Overmonnow Primary	OK Club		1		
Cantref Primary	Playworks		1		Mon / Thurs
Trellech Primary	Playworks		1		
Osbaston CIW Primary	Playworks		1		Mon/ Thurs
Usk CIW Primary	Playworks		1		
Raglan Primary	Rascals	1	1	1	HC -Inset days only
Dell Primary	Schools out at the Dell		1		
Shire newton Primary	Shire newton		1	1	
St Mary's RC Primary	SMASH Care		1	1	HC - Over 8s
Llandogo Primary	Starlights		1	1	ASC -Tues - Thurs
Rogiet Primary	Tigers		1	1	
Llantilio Pertholey Primary	Teilos Fun Club		1		
Ysgol Gymraeg Y Ffeni	Clwb Carco		1		Mon - Thurs
Thornwell Primary	Thornwell ASC		1		New Development opened April 2015
	Totals	1	20	9	

Non School Based Clubs

Goytre	1	1	1	ASC - also offer places for children 11 plus
Two Tribes		1		Pick up from Magor CIW & Undy Primary
Abacus	1	1	1	Pick up for schools in Abergavenny
Sunnybank	1	1	1	Pick up service for schools in Chepstow

8. Play provision for Children with Disabilities

The provision for children with disabilities linked to play is limited within Monmouthshire.

*The Monmouthshire Parent Network (MAGIC) runs weekly sessions. In addition to this, sessions are also delivered through Action for Children.

*During holiday periods Monmouthshire Youth Service 3 sessions a week during holiday times for young people with disabilities.

*The “*Building Bridges*” Project funded by Big Lottery supports young people with additional needs.

*A number of children are supported each year to attend the closed access Playschemes run by the local authority however, as stated above, not all children are able to attend every day due to issues such as staffing and training.

*Extra Hands funding (Early Years) can be utilised within the county to provide support for children with disabilities to attend closed access play settings.

*There is also a specialist provision run for children and young people with Down Syndrome and a voluntary group named Bebes run from the Chepstow area.

However, from speaking to partners it was stated that a joined up, collaborative approach to delivering provision for children with disabilities would prove beneficial. This could include discussing currently delivery as well as sharing training and resources etc.

Further discussions highlighted the possibility of utilising SEN (Special Educational Needs) bases within local schools as potential venues for summer playschemes for children with disabilities.

The main SEN Units are located at Pembroke Primary School in Chepstow, Durand Primary School in Caldicot, Overmonnow Primary in Monmouth and Deri View Primary School in Abergavenny

9. Training the Workforce

A number of play related training sessions and qualifications have been available in Monmouthshire. This has included Level 2 and Level 3 Playwork qualifications which are funded through the Early Years Sector.

Further Playwork training such as P3 has been delivered previously through the 3 Counties Play Project which entailed a number of Youth Service staff obtaining play training.

Soft skills and Play Awareness sessions have also been delivered through the 3 Counties Play Project to community groups and parents.

Play Awareness and Inclusive Play Sessions have also been delivered by Torfaen Play Service as part of the Level 2 Youthwork qualification based with Monmouthshire Youth Service.

10. The Way Forward

A full Play Sufficiency Assessment will be carried out for Monmouthshire over the following months. This will include a full assessment with findings as well as a future action plan complete with costs for service delivery.

It is required that the documents be signed off and submitted to Welsh Government by 31 March 2016.

It is intended that the Green Infrastructure & Countryside Manager for Monmouthshire County Council will lead on this piece of work.

The key concerns / issues put forward through consultation with partners were as follows:-

- Leisure Services are under great strain to continue to deliver the closed access playschemes specifically with the new onset of standards proposed by CSSIW. In addition to this, there is also lost cost opportunity which impacts adversely on their management and staffing capacity. As a result, this then hampers Leisure Services in achieving their wider service targets, including trading targets.
- Leisure Services are unable to continue to support children with disabilities with challenging needs due to the specialist support that is required to meet standards. The extensive work and protocols that are required to be put in place in relation to inclusive practice (training, care plans etc.) are unachievable with current staffing, resources and timescales
- Whilst partners are keen and enthusiastic to champion play from their service areas and recognise their role in supporting children's play, without a designated Play Officer co-ordinating and pushing the development of play forward in Monmouthshire it will prove extremely challenging.
- Play provision for children with disabilities is far more limited than that of mainstream children.

The appendices include the options for the way forward.

Resources

Creating A Play Friendly Wales, Welsh Government (2010)

Monmouthshire's Play Sufficiency Full Findings Document (2013)

Monmouthshire's End of Summer Closed Access Playscheme Report (2014)

Torfaen Voluntary Alliance – 3 Counties Play – End of Project Report (2015)

Future Generations Evaluation

(includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation</p> <p>Matthew Lewis Green Infrastructure & Countryside Manager</p> <p>Phone no: 01633 644855 E-mail: matthewlewis@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Play Opportunities Review - To consider a future delivery model for staffed play provision; to consider the Play Sufficiency Action Plan for 15/16 and to inform members of the proposed timetable for the review of the Play Sufficiency Assessment in 2016.</p>
<p>Name of Service</p> <p>Tourism, Leisure & Culture</p>	<p>Date Future Generations Evaluation form completed</p> <p>22 October 2015</p>

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Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive – Access to good quality play opportunities contributes to education, particularly the foundation phase</p> <p>Negative – Changes to staffed play provision could impact on childcare and hence access to employment (although childcare is not the purpose of play provision it can be used by parents as such)</p>	<p>To mitigate any negative indirect impact on childcare the potential new staffed play provision model would allow leisure services to offer a wider summer provision based on sports camps in the leisure centres.</p>
<p>A resilient Wales</p>	<p>Positive – play opportunities extend across all</p>	<p>The review of the Play Sufficiency Assessment</p>

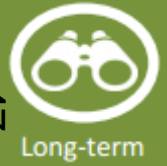

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Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	open spaces and include those for environmentally focused play.	(PSA) will help identify such opportunities and there is potential to involve a wider set of partners through the Monmouthshire Environment Partnership.
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Positive – Play is essential for the growth of children's cognitive, physical, social and emotional development	The review of the PSA will help identify the sufficiency of provision and any shortcomings and the action plan will address how appropriate play opportunities can be secured.
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive – Play contributes not only to children's lives but to the well-being of their families and communities and looking at a community based delivery model for staffed play provision would further contribute to this.	The review of the PSA will help identify the sufficiency of provision and any shortcomings and the action plan will address how appropriate play opportunities can be secured.
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Positive - Children's right of play is enshrined in the United Nations Convention on the Rights of the Child, which Welsh Government has formally adopted.	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Positive – recreational activities form part of play opportunities.	The review of the PSA will help identify such opportunities. The potential new staffed play provision model would allow leisure services to offer a wider summer provision based on sports camps in the leisure centres
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Play is established as one of children's rights, internationally and by Welsh Government. Access to good quality play provision can be a way of reducing inequalities between children and so reducing poverty of experience for all children.	Addressing the current inequality of provision in relation to children with disabilities is at the heart of the staffed play provision review to seek to ensure all summer play sessions are inclusive to all and relevant support is provided linked to individual




Appendix 3

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
		<p>needs.</p> <p>The review of the PSA will help identify the sufficiency of provision and any shortcomings and the action plan will address how appropriate play opportunities can be secured.</p>

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
<p>Page 47</p>  <p>Long-term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>Access to good quality play opportunities is a long term investment in children, families and communities. However short term pressures and changes in the operating environment clearly make the current delivery model for staffed play provision unsustainable.</p>	<p>To seek to develop a new model for staffed play provision which is based on successful provision elsewhere, addresses the short term risks, and seeks to identify a longer term and sustainable approach, with potential for further development.</p> <p>The review of the PSA will consider progress and shortcomings and form the basis for a rolling the action plan reviewed annually.</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>Partnership working is central to the delivery of staffed play provision, to the assessment of play sufficiency and to seeking to secure sufficient play opportunities.</p>	

Appendix 3

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The review carried out by Torfaen Play Services of staffed play schemes has involved extensive internal and external consultation and further consultations with Town and Community Councils and the Play Strategy Group are underway. Children's views have been sought utilising a standardised approach from Play Wales to inform the PSA and further views will be sought as part of the PSA review</p>	<p>As the staffed play provision review and the review of the PSA develop further targeted consultation will be undertaken.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Seeking to develop a new model which addresses the short term risks and problems and identify a longer term and sustainable approach.</p>	
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p>As securing play opportunities contributes positively to children, families and communities it is inherently impacting on people, economy and environment as reflected in the breadth of the statutory measures to be addressed in the PSA.</p>	<p>The Play Strategy Group already involves a wide spread of interests and expertise and this will be supplemented by inviting the participation of other specialists as required to consider the wider measures.</p>

Appendix 3

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The target ages for play opportunities are under 18 year olds and for staffed play provision principally aged 5 to 12		Additional consultation through the play sufficiency assessment to understand the needs and views of children.
Disability	To address the current inequality of provision the proposed delivery model would ensure all summer play sessions are inclusive to all and relevant support is provided linked to individual needs. This would provide equality of the number of sessions available to children with disabilities. Children with complex and challenging needs would be accommodated in a suitable inclusive venue(s).	Depending on the identification of suitable venues and the assessment of children with complex and challenging needs greater traveling time may be required (but this could be offset with being able to more appropriately accommodate children with greater needs including those previously excluded). All sessions will be of shorter duration (half day not full day) (for all children whether with disabilities or not)	Consultation with the parents of disabled children to inform the detailed options once consultations with funding partners are sufficiently developed to allow the potential scale of likely provision to be established
Gender reassignment			
Marriage or civil partnership			
Race			
Religion or Belief			
Sex			
Sexual Orientation			

Appendix 3

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	The potential to extend play provision in the Welsh Language should a sustainable model be adopted		Needs to be further considered once consultations with funding partners are sufficiently developed to allow the potential scale of likely provision to be established

Appendix 3

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire’s Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	Safeguarding requirements are a fundamental component of staffed play provision.		The presented options reflect the safeguarding requirements for staffed play provision, the legislative and regulatory requirements and the national minimum operating standards.
Corporate Parenting			

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What evidence and data has informed the development of your proposal?

<p>The Monmouthshire Play Sufficiency Assessment 2013 The Welsh Government / Play Wales Play Sufficiency Assessment Toolkit September 2015 A critical review of staffed pay provision in Monmouthshire carried out by Torfaen Play Services August 2015 Inspection reports from the Care and Social Services Inspectorate Wales (CSSIW) of Monmouthshire’s current registered summer play scheme September 2015</p>
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Appendix 3

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The positive impact that securing sufficient and accessible play opportunities can have on children, families and communities.
 The positive impact in providing equality of the number of sessions available to children with disabilities.
 The challenges of accommodating children with the highest tier of complex and challenging needs which will require consultation with the parents of disabled children to inform the detailed options.
 The negative impact that changes to staffed play provision could impact on those parents using the current play provision as childcare, but potentially mitigated by the changes allowing the offer of a wider summer sports camp provision in the leisure centres.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Consultation with the parents of disabled children to inform the detailed options.	Mid-November to Mid-December Once consultations with funding partners are sufficiently developed to allow the potential scale of likely provision to be established.	Matthew Lewis / Mike Moran	
Additional consultation through the play sufficiency assessment to understand the needs and views of children.	Through preparation timescale (to March 2016)	Matthew Lewis / Mike Moran	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Impacts will be re-evaluated when presenting the review of staffed play provision to Cabinet in January 2016 and the play sufficiency audit / play action plan 16/17 to CYP Select and Cabinet in March/April 2016
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Play Sufficiency Action Plan 15/16

Name of Local Authority:	Monmouthshire County Council
Name of Responsible Officer:	Matthew Lewis
Job Title:	Green Infrastructure & Countryside Manager
Date of Completion:	October 2015

Actions to be taken to address the issues/shortcomings recorded in the Play Sufficiency Assessment

Proposed Actions for the period of 2015/16

(Funding source: funding from Local Authority own budgets and to be included in the Single Integrated Plan)

Matter	Priorities	Targets	Milestones	Resources including costs	Funding Source (new or existing funding streams)
Statutory Guidance – policy framework	To achieve a child friendly approach to play provision and, where there is an evidenced need for improvements, to ensure that there is equality of access and opportunity.	Work in collaboration with partners and the voluntary sector to secure improvements to play provision in Monmouthshire.	Continue to support the Monmouthshire Play Strategy Group. Complete the three yearly review of the Play Sufficiency Assessment	Management resources	Existing staffing budget

Matter	Priorities	Targets	Milestones	Resources including costs	Funding Source (new or existing funding streams)
			<p>(PSA) utilising the revised tool kit by 31 March 2016 leading to an Action Plan for 16/17 to be reviewed on an annual basis.</p> <p>The Tourism, Leisure & Culture service will take a lead and a lead officer has been identified.</p>		
Matter A: Population	<p>The Council has an up to date set of data relating to play planning and provision, held at ward level but with the ability to interrogate data down to smaller area populations.</p> <p>Monmouthshire has robust population data for forward planning.</p>	Develop better integrated set of data relating to play and agree a mechanism for producing forward population projections.	Audit current data sources and identify future data / forecast requirements as part of the review of the PSA.	Management resources	Existing staffing budget
Matter B: Providing for Diverse Needs	The Council takes into account requirements of children and/or families with diverse needs when considering decisions relating to play provision.	Identify play requirements of disabled children, Welsh speaking children and those from different cultural backgrounds.	<p>Continue the development of the Play Strategy Group and its links with the LSB.</p> <p>Carry out further consultations as part of the PSA review.</p>	Management resources	Existing staffing budget, working with partners
	To ensure that we have an up to date list of carers in the county and that we fully understand their needs and requirements.	Work with Crossroads Care South East Wales and other agencies to try and identify those carers with whom we do not currently engage.	Review action as part of PSA review		

Matter	Priorities	Targets	Milestones	Resources including costs	Funding Source (new or existing funding streams)
Matter C: Space available for children to play	Ensure up to date records are held by the Council regarding access to open spaces and play areas in the county.	Carry out access audits for all open spaces and play areas and identify priority sites for improvement.	Ongoing	Management and staffing resources	Existing staffing budget
	To develop one good quality "destination" play area with a range of accessible play equipment in each of the five towns plus one in the Magor/Undy area.	One new destination play area to be open and available to the public.	Review action as part of PSA review, including application of play space standards required to reflect budget pressures / S106 & CIL; of existing and new opportunities; incorporating in the "Green Infrastructure" approach, multi-use spaces / natural play etc.	To be determined following review	Possible source of funding through Section 106 off site play and recreation developer contributions / CIL or other grant sources
Matter D: Supervised Provision	There is a range of supervised play provisions available to the local community during the school summer holidays and at other times of the year.	Examine with other partners the possibility of extending the playscheme and other play provision to holiday periods other than summer holidays.	Review options for future summer play schemes, including the impact of regulatory changes. Work with town and community councils and other partners and neighbouring authorities to develop a community play framework for open access provision.	To be determined following review	Existing staffing budget, contributions from town and community councils or other grant sources
	To ensure that staffed play provisions provided by the Council's partners meet the regulatory requirements and the National Minimum Standards.	Work with Clybiau Plant Cymru Kids Clubs to help the non-registered play provisions operating on school sites to move towards becoming	Review current provision to understand issues in relation to cost, transport and availability of places.	To be determined following review	Funding source(s) to be identified

Matter	Priorities	Targets	Milestones	Resources including costs	Funding Source (new or existing funding streams)
		registered.			
Matter E: Charges for play provision	The Council has in place sufficient funding to provide access to play provisions for children with disabilities.	Seek continued funding to employ support workers to provide access for disabled children to play provisions (currently funded by Families First grant). Identify possible funding sources or any potential for budget adjustments.	Review Family First funding along with other sources of funding that are currently contributing to Play in Monmouthshire to gain a whole overview of how funding is being utilised in comparison to need.	Management resources	Existing staffing budget
	To ensure that there is no cost/low cost play provision in areas of disadvantage or areas with low income families.	Review existing provision and work with local families & relevant Town Councils to agree possible solutions.	Forms part of review of options for play schemes	Management resources	Existing staffing budget
Matter F: Access to space/provision	The Council has a comprehensive range of information in place, in an accessible format, about children's play facilities and activities.	Set up a designated section on the Family Information Service (FIS) website, setting out the full range of play opportunities for children and families.	Continue to develop information for families about play opportunities in Monmouthshire.	Management resources	Existing staffing budget
	To ensure that any new or improved play provision provided through Section 106 funding are easily and safely accessible.	Ensure that Section 106 contributions for access to play areas are mindful of any public transport or transport requirements.	Review action as part of PSA review, accessibility of existing and new opportunities; incorporating in the "Green Infrastructure" approach, multi-use spaces / natural play etc.	Management resources	Existing staffing budget
	To ensure that the Council has	To coordinate current and	Incorporate training	Management	Existing staffing

Matter	Priorities	Targets	Milestones	Resources including costs	Funding Source (new or existing funding streams)
Matter G: Securing and developing the play workforce	in place the resources necessary to co-ordinate play provisions and activities in Monmouthshire in an effective manner.	future play provisions & activities.	awareness sessions about play for professionals and key decision makers as part of PSA review.	resources	budget
	To ensure that all people working in play in Monmouthshire are identified and are given access to suitable training opportunities.	Work with partners from other agencies and the voluntary sector to undertake a training needs analysis for the county's play workforce.	Forms part of PSA review to continue to audit and develop play skills and training across Monmouthshire.	Management resources Cost of providing suitable training courses for play workforce in the county	Existing staffing budget
Matter H: Community engagement and participation	The Council engages with other statutory & non statutory organisations when considering decisions in relation to play provision.	Investigate the possibility of collaborative approaches to community led play in the county.	Partners work together to contribute to the PSA review and deliver activities.	Management resources	Existing staffing budget
Matter I: Play within all relevant policy and implementation agendas	To ensure that the Play Sufficiency Assessment and Action Plan makes a significant contribution to the Council's Single Integrated Plan and that the Local Service Board (LSB) takes into account the legal framework relating to play when developing and reviewing its actions and work programmes.	Ensure that the Play Sufficiency Assessment and Action Plan forms part of the Single Integrated Plan (SIP).	Ongoing: The SIP Performance Group oversees links and clarity around the PSA and action plan delivery.	Management resources	Existing staffing budget
	To ensure that all play provision in the county is properly risk	Obtain information from other relevant Local Authorities on	Ongoing	Management resources	Existing staffing budget

Matter	Priorities	Targets	Milestones	Resources including costs	Funding Source (new or existing funding streams)
	assessed and that adequate insurance cover is in place for all Town/Community Council and/or third sector provisions	the provision of insurance to third sector play providers/Community Councils and consider whether to introduce such provision in Monmouthshire			

Future Generations Evaluation

(includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation</p> <p>Matthew Lewis Green Infrastructure & Countryside Manager</p> <p>Phone no: 01633 644855 E-mail: matthewlewis@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Play Opportunities Review - To consider a future delivery model for staffed play provision; to consider the Play Sufficiency Action Plan for 15/16 and to inform members of the proposed timetable for the review of the Play Sufficiency Assessment in 2016.</p>
<p>Name of Service</p> <p>Tourism, Leisure & Culture</p>	<p>Date Future Generations Evaluation form completed</p> <p>22 October 2015</p>

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Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive – Access to good quality play opportunities contributes to education, particularly the foundation phase</p> <p>Negative – Changes to staffed play provision could impact on childcare and hence access to employment (although childcare is not the purpose of play provision it can be used by parents as such)</p>	<p>To mitigate any negative indirect impact on childcare the potential new staffed play provision model would allow leisure services to offer a wider summer provision based on sports camps in the leisure centres.</p>
<p>A resilient Wales</p>	<p>Positive – play opportunities extend across all</p>	<p>The review of the Play Sufficiency Assessment</p>

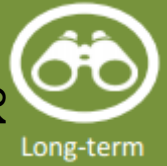

Appendix 3

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	open spaces and include those for environmentally focused play.	(PSA) will help identify such opportunities and there is potential to involve a wider set of partners through the Monmouthshire Environment Partnership.
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Positive – Play is essential for the growth of children's cognitive, physical, social and emotional development	The review of the PSA will help identify the sufficiency of provision and any shortcomings and the action plan will address how appropriate play opportunities can be secured.
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive – Play contributes not only to children's lives but to the well-being of their families and communities and looking at a community based delivery model for staffed play provision would further contribute to this.	The review of the PSA will help identify the sufficiency of provision and any shortcomings and the action plan will address how appropriate play opportunities can be secured.
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Positive - Children's right of play is enshrined in the United Nations Convention on the Rights of the Child, which Welsh Government has formally adopted.	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Positive – recreational activities form part of play opportunities.	The review of the PSA will help identify such opportunities. The potential new staffed play provision model would allow leisure services to offer a wider summer provision based on sports camps in the leisure centres
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Play is established as one of children's rights, internationally and by Welsh Government. Access to good quality play provision can be a way of reducing inequalities between children and so reducing poverty of experience for all children.	Addressing the current inequality of provision in relation to children with disabilities is at the heart of the staffed play provision review to seek to ensure all summer play sessions are inclusive to all and relevant support is provided linked to individual




Appendix 3

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
		<p>needs.</p> <p>The review of the PSA will help identify the sufficiency of provision and any shortcomings and the action plan will address how appropriate play opportunities can be secured.</p>

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
<p>Page 61</p>  <p>Long-term Balancing short term need with long term and planning for the future</p>	<p>Access to good quality play opportunities is a long term investment in children, families and communities. However short term pressures and changes in the operating environment clearly make the current delivery model for staffed play provision unsustainable.</p>	<p>To seek to develop a new model for staffed play provision which is based on successful provision elsewhere, addresses the short term risks, and seeks to identify a longer term and sustainable approach, with potential for further development.</p> <p>The review of the PSA will consider progress and shortcomings and form the basis for a rolling the action plan reviewed annually.</p>
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>Partnership working is central to the delivery of staffed play provision, to the assessment of play sufficiency and to seeking to secure sufficient play opportunities.</p>	

Appendix 3

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The review carried out by Torfaen Play Services of staffed play schemes has involved extensive internal and external consultation and further consultations with Town and Community Councils and the Play Strategy Group are underway. Children's views have been sought utilising a standardised approach from Play Wales to inform the PSA and further views will be sought as part of the PSA review</p>	<p>As the staffed play provision review and the review of the PSA develop further targeted consultation will be undertaken.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Seeking to develop a new model which addresses the short term risks and problems and identify a longer term and sustainable approach.</p>	
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p>As securing play opportunities contributes positively to children, families and communities it is inherently impacting on people, economy and environment as reflected in the breadth of the statutory measures to be addressed in the PSA.</p>	<p>The Play Strategy Group already involves a wide spread of interests and expertise and this will be supplemented by inviting the participation of other specialists as required to consider the wider measures.</p>

Appendix 3

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The target ages for play opportunities are under 18 year olds and for staffed play provision principally aged 5 to 12		Additional consultation through the play sufficiency assessment to understand the needs and views of children.
Disability	To address the current inequality of provision the proposed delivery model would ensure all summer play sessions are inclusive to all and relevant support is provided linked to individual needs. This would provide equality of the number of sessions available to children with disabilities. Children with complex and challenging needs would be accommodated in a suitable inclusive venue(s).	Depending on the identification of suitable venues and the assessment of children with complex and challenging needs greater traveling time may be required (but this could be offset with being able to more appropriately accommodate children with greater needs including those previously excluded). All sessions will be of shorter duration (half day not full day) (for all children whether with disabilities or not)	Consultation with the parents of disabled children to inform the detailed options once consultations with funding partners are sufficiently developed to allow the potential scale of likely provision to be established
Gender reassignment			
Marriage or civil partnership			
Race			
Religion or Belief			
Sex			
Sexual Orientation			

Appendix 3

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	The potential to extend play provision in the Welsh Language should a sustainable model be adopted		Needs to be further considered once consultations with funding partners are sufficiently developed to allow the potential scale of likely provision to be established

Appendix 3

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire’s Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	Safeguarding requirements are a fundamental component of staffed play provision.		The presented options reflect the safeguarding requirements for staffed play provision, the legislative and regulatory requirements and the national minimum operating standards.
Corporate Parenting			

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What evidence and data has informed the development of your proposal?

The Monmouthshire Play Sufficiency Assessment 2013
 The Welsh Government / Play Wales Play Sufficiency Assessment Toolkit September 2015
 A critical review of staffed pay provision in Monmouthshire carried out by Torfaen Play Services August 2015
 Inspection reports from the Care and Social Services Inspectorate Wales (CSSIW) of Monmouthshire’s current registered summer play scheme September 2015

Appendix 3

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The positive impact that securing sufficient and accessible play opportunities can have on children, families and communities.
 The positive impact in providing equality of the number of sessions available to children with disabilities.
 The challenges of accommodating children with the highest tier of complex and challenging needs which will require consultation with the parents of disabled children to inform the detailed options.
 The negative impact that changes to staffed play provision could impact on those parents using the current play provision as childcare, but potentially mitigated by the changes allowing the offer of a wider summer sports camp provision in the leisure centres.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Consultation with the parents of disabled children to inform the detailed options.	Mid-November to Mid-December Once consultations with funding partners are sufficiently developed to allow the potential scale of likely provision to be established.	Matthew Lewis / Mike Moran	
Additional consultation through the play sufficiency assessment to understand the needs and views of children.	Through preparation timescale (to March 2016)	Matthew Lewis / Mike Moran	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Impacts will be re-evaluated when presenting the review of staffed play provision to Cabinet in January 2016 and the play sufficiency audit / play action plan 16/17 to CYP Select and Cabinet in March/April 2016
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REPORT

SUBJECT	REVENUE & CAPITAL MONITORING 2015/16 MONTH 6 OUTTURN FORECAST STATEMENT
DIRECTORATE	Chief Executive's Unit
MEETING	Children & Young People Select
DATE	12th November 2015
DIVISIONS/ WARD AFFECTED	All Authority

PURPOSE

The purpose of this report is to provide Select Committee Members with information on the forecast revenue outturn position of the Authority at the end of reporting period 2 which represents month 6 financial information for the 2015/16 financial year.

- 1.2 This report will also be considered by Select Committees as part of their responsibility to,
- assess whether effective budget monitoring is taking place,
 - monitor the extent to which budgets are spent in accordance with agreed budget and policy framework,
 - challenge the reasonableness of projected over or underspends, and
 - monitor the achievement of predicted efficiency gains or progress in relation to savings proposals.

2. RECOMMENDATIONS PROPOSED TO CABINET

- 2.1 That Members consider the position concerning the second period of revenue monitoring in 2015/16 (£1.066 million deficit) and seek a further report back to the next Cabinet outlining the Recovery Plans to be put in place to address the overspends in service areas
- 2.2 That Members note the forecast use of earmarked reserves and, in order to ensure adequacy of reserves for the MTFP, approve the following change in practice:
- Increase workforce planning and redeployment to reduce the need for reserves to cover redundancies

- Any request for reserve funding must first explore whether existing budgets, or external funding sources can be used for the proposal accepting this may require a change in priorities if existing budget are used
- Use of reserves to implement budget savings must use the saving first to repay the reserve
- IT investment bids will need to be considered in the core capital programme when the IT investment reserve is extinguished, this may necessitate displacing some of the core capital programme allocations depending on the priorities agreed

2.3 Members consider the position concerning period 2 Capital Monitoring with a revised budget of £60.496 million for the 2015/16 financial year.

3. MONITORING ANALYSIS

3.1 Revenue Position

3.1.1 Revenue budget monitoring information for each directorate's directly managed budgets is provided together with information on corporate areas.

3.1.2 Responsible Financial Officer's Summary of Overall Position Period 2

Table 1: Council Fund 2015/16 Outturn Forecast Summary Statement at Period 2 (Month 6)	Annual Forecast @ Month 6	Revised Annual Budget @ Month 6	Forecast Over/(Under) Spend @ Month 6	Forecast Over/(Under) Spend @ Month 2	Forecast Variance Month 2 to Month 6
	£'000	£'000	£'000	£'000	£'000
Social Care & Health	39,237	38,136	1,101	519	582
Children & Young People	51,427	51,230	197	274	(77)
Enterprise	9,900	9,299	601	338	263
Operations	16,723	16,384	339	634	(295)
Chief Executives Unit	6,825	6,856	(31)	(120)	89
Corporate Costs & Levies	18,190	18,251	(61)	63	(124)
Net Cost of Services	142,302	140,156	2,146	1,708	438
Attributable Costs – Fixed Asset Disposal	182	233	(51)	0	(51)
Interest & Investment Income	(84)	(51)	(33)	(30)	(3)
Interest Payable & Similar Charges	3,279	3,661	(382)	(202)	(180)

Charges Required Under Regulation	5,752	5,722	30	74	(44)
Contributions to Reserves	90	90	0	0	0
Contributions from Reserves	(1,287)	(1,395)	108	(90)	198
Amounts to be met from Government Grants and Local Taxation	150,234	148,416	1,818	1,460	358
General Government Grants	(67,642)	(67,642)	0	0	0
Non-Domestic Rates	(26,737)	(26,737)	0	0	0
Council Tax	(60,694)	(60,094)	(600)	(500)	(100)
Council Tax Benefits Support	5,945	6,097	(152)	(93)	(59)
Net Council Fund Surplus) / Deficit	1,106	40	1,066	867	199
Budgeted contribution from Council Fund	0	(40)	0	0	0
	1,106	0	1,066	867	199

3.1.3 The bottom line situation, a £1,066,000 potential overspend, has continued to be mitigated significantly by anticipated net Council Tax receipts and favourable treasury considerations. The net cost of services pressure is £2,146,000, with the main overspending areas being:

- Children's social services (£1.1 million overspend),
- Enterprise Directorate (£601K overspend), relating to markets, community education, community hubs, IT, Leisure and Museums
- Operations Directorate (£339k overspend) relating to Home to School transport, and Property services
- CYP Directorate (£196k overspend) relating to the Youth Service

3.1.5 As part of the outturn report presentation to Cabinet and Selects it was explained that a review would be done of adhoc savings made during the year in more detail to assess those that could be of a permanent or long term nature that could be considered by members as replacing the mandated savings not made in 2014-15 totalling £571,000. This work is still on going.

3.1.10 Given the financial challenges that will continue to face the Authority for the foreseeable future, Chief Officers continue to be tasked with ensuring that services live within the budgets and savings targets set for the current financial year. Monitoring reports will seek to contain the information on what is being done to manage the over spends identified and the positive action that is required to ensure that the budget is not breached.

3.1.11 A summary of main pressures and under spends within the Net Cost of Services Directorates are presented here:

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Social Care & Health (SCH)					
ADULT SERVICES					
Severn View DC & My Day DC	(24)	0	(24)	(9)	Underspend due to low Superannuation take up and manager temporarily reduced to a 3 day week.
MardyPark Rehabilitation Unit	(12)	0	(12)	17	Section 33 income is running ahead of budget but has reduced
MardyPark	48	0	48	(47)	Due to low level of income as a result of falling long term clients. A recently approved transformation model will look to readdress this position.
Severn View Residential	61	0	61	(12)	Combination of mandate savings not being achieved plus lower income charges from less full paying clients.
Direct Care	(80)	0	8	(88)	Reflects increased income from client referrals and Management vacancy
Transition Co-operative	(24)	0	(24)	8	Relates to income from staff seconded to an external agency.
Adult Services Man/Support	(99)	0	(99)	(40)	Current Disabilities team manager vacancy plus ICF grant meeting costs of the Direct Care team manager.
CHILDREN SERVICES					
Fostering Allowances and Payments For Skills	156	0	168	(12)	We are paying for an additional 7 children in foster placements with the age mix of children altering leading to increased payments. Skills payments to foster carers has also risen with the numbers of SGO's supported through this budget increasing by 7 this year.

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Younger People's Accommodation	(96)	0	(99)	3	A vast amount of work has been undertaken in this budget over the past two years to deliver, at present, an under spend. This budget is prone to volatility and we will continue to monitor over the year before deciding on viring budget to a different cost centre.
Ty'r Enfys	(52)	0	(52)	(8)	This facility with now remain closed for the entire year.
Counsel Costs	18	0	18	(55)	This service has received extra budget provision during the period of reporting
Therapeutic Service	(28)	0	(26)	(2)	Under spend due to vacant Play Therapist post being filled on a part time basis from 07/09/15
External Placements - LAC	920	0	920	508	Current activity is 64 placements and we are seeing a full year effect of placements that only entered the system in the latter part of last year.
External Placement - Non-LAC	(97)	0	(97)	(21)	This cost centre is generally used to fund the over spend within S026.
GWICES (Gwent Wide Integrated Community Equip Services	(26)	0	(26)	(1)	Forecast based on GWICES report for August 2015 received from the host Torfaen CBC
Other Children's Services –appendix 6	(2)	0	(2)	32	
SCYP - Placement & Support Team	128	0	128	43	Over spend due to use of agency staff, contact and assessment costs and home to school transport. More recently this budget has funded building work to create in house contact centres.
Children Services Safeguarding Unit	(21)		(21)	(8)	A vacant part time Independent Reviewing Officer post not expected to be filled until 01/01/16.
SCYP - Supporting Children & Young People Team	198	0	198	130	Overspend relates to the employment of 5 agency workers to cover staff sickness and capacity issues and a 77% increase in transport costs since last year.
Disabled Children	88	0	88	22	Large part of overspend relates to the continued use of agency staff to cover sickness and the employment of a Student Placement Social Worker.

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
FRS – Family Support Team	27	0	27	119	This budget is currently employing the services of 12 social workers to cover for various staff absences.
Bus Cases / Temp Funding - Cabinet 06/05/15	83	0	83	(129)	£68,000 relates to the employment of permanent staff
COMMUNITY CARE					
Aids for Daily Living	(31)	0	(99)	67	Forecast based on GWICES report for August 2015 received from the host Torfaen CBC
Adult Transformation	(57)	0	(57)	(56)	Delay reserve funding by £57K into 2015/16. Head of Service to make formal reserve slippage request.
Other Social Care	32	n/a	32	98	See appendix 6
COMMISSIONING	(7)	0	(3)	(4)	See appendix 6
RESOURCES	(1)	0	(1)	27	See appendix 6
Total SCH at Month 6	1,101	0	1,101	582	Total SCH Outturn at Month 6

Children & Young People (CYP)					
ISB	28	0	28	28	Additional costs of protection at schools and additional teacher
Management	36	n/a	36	(8)	Efficiency savings for the directorate still to be identified
Support Services	37	n/a	37	20	Legal costs incurred by the Authority
Additional Learning needs	(102)	n/a	(102)	(134)	Recoupment income is anticipated to be £102k more than budgeted.
Primary Breakfast Initiative Grant	55	n/a	55	(6)	Take up continues to increase and therefore resulting in additional staffing requirements.
Community Education Youth General	0	137	137	23	Progression made towards mandate saving. Additional funding avenues being explored in order to reduce current forecasted overspend.

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Other CYP	5	n/a	5	0	See Appendix 7
Total CYP at Month 6	59	137	196	(77)	Total CYP Outturn at Month 6

Enterprise (ENT)					
Sustainability	50	33	83	21	Sections' inability to achieve the expected income targets.
Strategic Property Management	(57)	0	(57)	(47)	Under spend relates partly to a staff vacancy, and a reduction in budgeted professional fee's
Cemeteries	(42)	n/a	(42)	(2)	Increase in budgeted income along with lower than anticipated expenditure,
County Farms Unit	9	n/a	9	39	Lower than anticipated maintenance costs
Markets	38	70	108	(2)	Overspend on employee costs due to delayed implementation of restructure along with unbudgeted overtime. The section is also forecasting an inability to meet the increase income target (Mandate £50k Markets Income)
Community Education	90	0	90	90	£50,262 relates to one off redundancy costs which the section requests reserve funding. The remaining £40,000 due to the reduction in franchise income
Community Hubs	190	125	315	263	Increase staffing costs are due to the delayed implementation of the Community Hubs restructure and the mandated savings of £250k relating to a full year of savings. The community Hubs are likely to achieve savings of six months from September 2015.
Homelessness	(49)	0	(49)	(49)	Funding of the Financial Inclusion Officer coming from the Implementing the Housing Act Grant £28,000 and a reduction in expenditure against B&B accommodation.
Lodgings Scheme	(45)	0	(45)	(45)	Occupancy levels being forecast at a fairly high level therefore increasing the amount of rental income and HB benefit.

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Whole Place	(42)	n/a	(42)	(16)	Staff vacancies - Delayed appointment
ICT General Overheads	0	110	110	10	The 100k savings that were to be achieved through in-house software development and the sale of products will not occur. Other options to look for alternative savings are being actively sought.
Development Plans	(150)	0	(150)	(150)	LDP savings as scheme unlikely to be implemented in 2015-16
Leisure Services	60	35	95	95	20k over spend from Children's Services. 30k relates to a Learning Co-ordinator post that is not grant funded anymore, 20k 3G pitch income issues with the lighting and electricity supply
Museums, Shirehall, Caldicot Castle & Country Parks	105	45	150	70	Budget does not reflect the cost to run the service. Historic budget assumptions along with 24k savings from 13-14 carried forward will not be made. Income on target for 15-16 but spend to achieve this income will be over budget.
Other Enterprise	26	0	26	(13)	See Appendix 6
Total ENT at Month 6	183	418	601	263	Total ENT Outturn at Month 6

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Operations (OPS)					
Public Transport Subsidy Grant	(48)	0	(48)	(48)	Administering the Bus Services Support Grant is claimable against the grant £50,000, this has been off set by small over spends on vehicle costs of £2,000.

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Home To School Transport	234	101	335	35	The over spend against budget is due to similar issues to that in 2014-15, in particular the assumed ALN transport savings have proven unachievable, budgeted increased income levels were not made whilst at the same time corporate budget decisions regarding reductions in overtime costs were imposed. A mandate has been put forward to highlight the fact that the service cannot operate within its existing budget and has requested further funding via the MTFP in 2016-17.
Building Cleaning	(70)	90	20	(30)	Overspend due to delayed implementation of the mandate saving - transferring public conveniences to town councils.
Schools Catering	35	n/a	35	(20)	the section is continuously improving meal numbers and so overspend reduced from M2
Procurement	0	n/a	0	72	Now forecasting a balanced position
Resources	103	n/a	103	(197)	variance from month 2 is partly due to an increase in fee's chargeable to the 21st century schemes in this year's programme A virement from procurement of £79k improved position
Accommodation	(150)	n/a	(150)	(25)	Underspend due to a continued reduction in premises and supplies and services costs on all accommodation
Highways	(65)	50	(15)	(15)	Advertising income will not be fully achieved as Cabinet approval was only granted in May. increased income relating to Fixed Penalty notices on Street works,
Refuse & Cleansing Operations	(66)	86	20	(106)	pressures of the budget mandates are still real, however have been mitigated by a reduction in fuel costs (£60k benefit from budget) and a reduction in Superannuation as about 20 staff have opted out of the Council provided pension (£96k). Managers are to engage with staff to ensure that their decision to opt out of the pension is what they want to do, so this may not be a recurring saving.
RAG Training	46	0	46	46	Has seen demand fall due to both increasing competition from other training providers and Council's facing major budget pressures only undertaking mandatory training.
Other Operations	(7)	0	(7)	(7)	See Appendix 9
Total OPS at Month 6	(2)	341	339	295	Total OPS Outturn at Month 6

Chief Executive's Office (CEO)					
Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved	Targeted 2015-16 Savings not yet realised	Forecast Outturn Position <u>net</u> of savings not achieved	Movement since Period 2	Headline Comment
	£'000	£'000	£'000	Red= Adverse (Green) = Favourable	
Customer Relations	12	0	12	12	Professional fees incurred during a complaint investigation.
Benefits	(30)	n/a	(30)	90	Increases in the bad debt provision and a net increase in Housing Benefit expenditure.
Council Tax & NNDR Administration	65	0	65	65	Forecast shortfall in income from court fees, includes potential redundancy costs for Officer
Cashiers	16	0	16	16	Overspend is largely attributable to estimated annual card fees made to Global Payments
Revenues Systems Administration	(43)	0	(43)	(43)	Vacant post, reduced petrol costs due to long term sickness and reduced system costs as proportion now charged to Housing Benefits
Financial Systems Support and VAT	(7)	0	(7)	(7)	additional income from Schools following the renegotiation of contract costs
Communications	30	0	30	30	due to an under recovery of costs for the post of Digital Media Designer
Policy and Partnership Management	(29)	0	(29)	(29)	Mainly £23,000 of one off LSB grant attributable to a post which is currently vacant
Other CEO	(45)	0	(45)	(45)	See Appendix 10
Total CEO at Month 6	(31)	0	(31)	89	Total CEO Outturn at Month 6

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Corporate (COL)					
Audit Commission Fees (Certification Grant Claims)	(22)	n/a	(22)	4	Forecasted saving in relation to the auditing of grant claims
Coroner Fees	16	0	16	6	Original budget insufficient for service costs
HMRC Rate Reimbursements	(36)	0	(36)	(19)	VAT rebates exercise
Early Retirement Pension Costs	150	n/a	150	16	Additional cost of redundancies notified in latter part of 2014/15& during 2015/16
Insurance Premium Payment(Direct)	(60)	n/a	(60)	(18)	Based on reduction in premium costs as a result of the tender completed in September 2015.
Indirect Revenue Gains Reserve	(114)	0	(114)	(104)	Rate rebates from MCC Properties
Other Corporate	6	0	6	(5)	See appendix 11
Total COL at Month 6	(60)	0	(60)	(124)	Total COL Outturn at Month 6

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
Appropriations (APP)					
Attributable Costs - Fixed Asset Disposal	(51)	0	(51)	(51)	Some schemes have underspent as sold without incurring costs; but virements will be made to other schemes now being planned. Underspends on those schemes will be slipped to 16/17 (£102k) to complete schemes
Interest and Investment Income	(33)	0	(33)	(4)	Increased cash income due to increased cash balances - in turn due to temporary borrowing taken out when rates were

Directorate / Service area	Forecast Outturn Position exclusive of savings not yet achieved £'000	Targeted 2015-16 Savings not yet realised £'000	Forecast Outturn Position <u>net</u> of savings not achieved £'000	Movement since Period 2 Red= Adverse (Green) = Favourable	Headline Comment
					advantageous to prevent concentrated borrowing at difficult times.
Interest Payable and Similar Charges	(382)	n/a	(382)	(180)	Movement from Month 2 mainly due to long term borrowing now no longer being forecast in year (£9m at month 2); Temporary borrowing has not increased due to slippage on 21C schools programme.
Charges Required Under Regulation	30	n/a	30	(44)	MRP reduction due to 14/15 slippage (-£137k) removed as incorrect - Offset by reduction in MRP relating to annuity funding of 21C schools program - delayed to 18/19 expected date of school opening
Parmarked Contributions From Reserves (Revenue)	108	n/a	108	198	
Other Appropriations	0	0	0	0	
Total APP at Month 6	(328)	0	(328)	(81)	App Outturn at Month 6

Financing (FIN)					
Council Tax	(600)	n/a	(600)	(100)	Surplus due to projected better Council Tax Collection rates.
Benefit Support	(152)	n/a	(152)	(59)	The forecast reflects the current commitments within the system. Caseloads continue to reduce, a trend that is expected to continue through to year end.
Total Financing	(752)	0	(752)	(159)	
Grand Total @ Month 6	173	906	1,079	212	

3.1.12 More detailed monitoring information together with a narrative of more significant variance over £25,000 is provided in the Select Appendices 2 to 5.

3.2 SCHOOLS

3.2.1 Each of the Authority's Schools is directly governed by a Board of Governors, which is responsible for managing the school's finances. However, the Authority also holds a key responsibility for monitoring the overall financial performance of schools. Below is a table showing the outturn forecast Schools' balances position based on month 6 projections.

Draft Council Fund Outturn 2015/16– Schools Summary outturn position at Month 6 (Period2)	(A) Opening Reserves (Surplus) / Deficit Position 2015/16 £'000	(B) Budgeted Draw on School Balances 2015-16 £'000	(C) Variance on Budgeted Reserve Draw £'000	(D) Draw Forecasted on School Balances @ Month 6 £'000	Forecasted Reserve Balances at 2015-16 Outturn (A+D) £'000	Draw Forecasted on School Balances @ Month 2 £'000	Variance Month 2 To Month 6 £'000
Clusters							
Abergavenny	(412)	124	(24)	(19)	(431)	(312)	(119)
Caldicot	(426)	275	(23)	153	(273)	(174)	(99)
Chepstow	98	36	9	63	161	143	18
Monmouth	(424)	166	27	154	(270)	(231)	(39)
Special	24	(18)	(10)	105	129	(4)	133
	(1,140)	583	(21)	456	(683)	(578)	105

3.2.2 School balances at the beginning of the financial year amount to £1,140,000. The Schools budgeted draw upon balances is forecasted to be £456,000 for 2015/16, therefore leaving £683,000 as forecasted closing reserve balances.

3.2.3 Within these summary figures, of particular note, is the deficit reserve position forecasted for the Chepstow Cluster, Chepstow Comprehensive school have a recovery plan in place, the latest forecast indicates an increase in the deficit for the school. This is due to the contribution to redundancy costs that the school has incurred. The recovery plan is currently being reviewed and given the number of pupils on roll this deficit will still be met over the duration of the plan.

3.2.4 5 schools exhibited a deficit position at the start of 2015/16; Llanvihangel Crocorney (£15,039), Castle Park (£39,730), Chepstow Comprehensive (£388,687) Llandogo (£12,347) and Mounton House Special School (£25,955). Of these five schools the following two have seen an increase in their deficit balance at month 6, Llanvihangel Crocorney (£33,714), this is due to the pupil numbers in the school increasing and therefore an additional teacher needed to be employed and Mounton House Special School (£136,144), due to significant staffing changes and a delay in grant funding through the ESF project. One more school, Overmonnow is now reporting a deficit, (£8,239), this is again due to an increase in pupil numbers resulting in an additional teacher being employed. Overmonnow are in the process of developing a recovery plan.

3.2.5 Schools balances are exhibiting a fluctuating trend with some schools showing a continuing reduction in schools balances which is of concern and others a more balanced trend.

Financial Year-end	Net level of School Balances
2011-12	(965)
2012-13	(1,240)
2013-14	(988)
2014-15	(1,140)
2015-16 (Forecast)	(683)

3.2.6 There has been a significant reliance on reserve balances to supplement school spending plans in the last 4 years across individual schools with a certain amount of replenishment. As a rough guide, prior to 2010, Welsh Government advocated that school balance levels equated to no more than £50,000 for a primary school and £100,000 for a secondary school. Members may wish to seek a comfort that balances aren't being used to subsidise and sustain core costs such as staffing.

3.2.7 Further information on Schools is provided in Children & Young People Select Appendix 5.

3.3 2015/16 Savings Progress

3.3.1 This section monitors the specific savings initiatives and the progress made in delivering them in full by the end of 2015/16 financial year as part of the MTFP budgeting process.

In summary they are as follows:

2015/16 Mandated Budgeted Savings Progress at Month 6

DIRECTORATE	Specific Savings Initiatives 2015/16 £'s	Savings Identified @ Month 6 £'s	Percentage Progress In Savings Achieved %	Delayed Savings to 2016/17 £'s	Savings Unachievable in 2015/16 £'s
Children & Young People	1,514,000	1,377,000	91%	137,000	0
Social Care & Health	274,000	274,000	100%	0	0
Enterprise	1,392,983	974,983	70%	125,000	293,000
Operations	1,513,000	1,258,000	83%	50,000	205,000
Chief Executives Office	85,000	85,000	100%	0	0
Total Budgeted Savings	4,779,983	3,969,983	83%	312,000	498,000

3.3.2 Forecasted mandated savings are currently running at 83%, with £498,000 being deemed unachievable at the end of month 6, and a further £312,000 unlikely to crystallise in 2015-16.

3.3.3 The emphasis of reporting savings has changed from previously where savings were reported when they were manifest, however the judgement is now whether saving is forecast to be achieved.

3.3.4 The savings appendix also has a traffic light system to indicate whether savings are likely to be achieved or have reasons explaining the mandates delayed implementation. The following savings mandates are still reported to be high or medium risk.

Operations (OPS)

- Home to School Policy Changes of £29,000 have been deemed to be unachievable due to other budget pressures within the Transport Section, although £72,000 of the total has been achieved.
- The £50,000 saving for the Transfer of Public Conveniences to Town Councils has not been achieved and £40,000 of additional external income has not been achieved within the Waste section.
- Highways advertising income forecasting a £50,000 shortfall due to implementation of the scheme due to planning issues.
- Route Optimisation has £86,000 of unachievable costs due to unattainable savings in regard to leasing costs and delay in restructuring

Enterprise (ENT)

- Museums, Shirehall & Castles and Tourism – £15,000 shortfall due extra staffing requirements at Chepstow TIC and unattainable green screen savings (£10,000) and conservation income (£20,000).
- Utility supply issues at the Caldicot 3G sports pitch has resulted in reduced income (£20,000) and £15,000 for caretaker charges at Abergavenny Leisure Centre.
- The delayed implementation of the Community Hubs project has led to a £125,000 savings shortfall.
- Sustainable Energy Initiatives is reporting £33,000 of unachievable income targets
- In House development of ICT systems and associated income generation estimated at £110,000 will not occur with additional savings of £20,000 still be found from software contracts.
- MCC Markets are indicating that the extra income of £70,000 from the Markets and associated activities is unachievable due to budget pressures relating to the Borough theatre.

Children and Young People (CYP)

- The Youth Service are forecasting to achieve £63,000 of the mandated savings (£200,000) and are trying to identify the shortfall which has been reported as an over spend at month 6.

Social Care & Health (SCH)

- The Mandates for Adult Social Care Service re-design and the transfer of SCH Transition project staff to Bright New Futures are forecast to be fully achieved.

Chief Executive's Office

- All current financial year savings have been identified within the Chief Executive's section of responsibility.

3.4 Capital Position

3.4.1 The summary Capital position as at month 6 is as follows

MCC CAPITAL BUDGET MONITORING 2015-16 AT MONTH 6 by SELECT COMMITTEE						
CAPITAL BUDGET SELECT PORTFOLIO	Annual Forecast	Slippage Brought Forward	Total Approved Budget 2015/16	Provisional Capital Slippage to 2016/17	Revised Capital Budget 2015/16	Forecasted Capital Expenditure Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Children & Young People	13,727	7,267	51,311	(34,566)	16,745	(18)
Adult	353	35	353	0	353	0
Economic & Development	642	531	706	(70)	636	6
Strong Communities	7,588	2,940	8,127	(578)	7,549	40
Capital Schemes Total	25,310	10,773	60,496	(35,214)	25,282	28

MCC CAPITAL BUDGET MONITORING 2015-16 AT MONTH 6 By SCHEME CATEGORY

CAPITAL BUDGET SCHEME	Annual Forecast	Slippage Brought Forward	Total Approved Budget 2015/16	Provisional Capital Slippage to 2016/17	Revised Capital Budget 2015/16	Forecasted Capital Expenditure Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Asset Management Schemes	3,371	889	3,354	0	3,354	18
Future Schools	15,136	6,699	49,702	(34,566)	15,136	0
Other School development Schemes	251	219	269	0	269	(18)
Infrastructure & Transport	3,174	670	3,242	(68)	3,174	0
Regeneration Schemes	972	947	1,208	(247)	960	12
Sustainability Schemes	81	81	81	0	81	0
County Farm Schemes	347	152	352	0	352	0
Inclusion Schemes	1,354	348	1,354	0	1,354	0
ICT Schemes	304	188	288	0	288	16
Other Schemes	318	581	646	(333)	313	0
Capital Schemes Total	25,310	10,773	60,496	(35,214)	25,282	28

3.5 Proposed Slippage to 2016-17

3.5.1 The only major proposed slippage apparent at month 6 relates to 21c schools initiative, and reflects the latest cashflow profile provided by CYP colleagues.

3.6 Capital Outturn

3.6.1 After allowing for the slippage volunteered by services, the capital programme for 2015-16 is forecasting to be £28,000 over spent at Month 6.

3.6.2 This prediction is unlikely to be the reality, because the levels of actual capital expenditure incurred by the end of month 6 doesn't provide a sufficiently robust measure on which to base a greater accuracy of forecast.

3.7 Capital Financing and Receipts

3.7.1 Given the anticipated capital spending profile reported in para 3.4.1, the following financing mechanisms are expected to be utilised.

MCC CAPITAL FINANCING BUDGET MONITORING 2015-16 AT MONTH 6 By FINANCING CATEGORY						
CAPITAL FINANCING SCHEME	Annual Forecast Financing	Slippage Brought Forward	Total Approved Financing Budget 2015/16	Provisional Budget Slippage to 2016/17	Revised Financing Budget 2015/16	Forecasted 2015/16 Capital Financing
	£'000	£'000	£'000	£'000	£'000	£'000
Supported Borrowing	2,420	0	2,420	0	2,420	0
General Capital Grant	1,462	0	1,462	0	1,462	0
Grants and Contributions	13,839	3,953	21,246	(7,406)	13,839	0
S106 Contributions	704	690	946	(247)	698	6
Unsupported borrowing	2,236	1,274	17,091	(14,856)	2,236	0
Earmarked reserve & Revenue Funding	998	409	1,248	(250)	998	0
Capital Receipts	3,421	4,414	15,894	(12,455)	3,439	(18)
Low cost home ownership receipts	189	33	189	0	189	0
Unfinanced	40	0	0	0	0	40
Capital Financing Total	25,310	10,773	60,496	(35,214)	25,282	28

3.8 Useable Capital Receipts Available

3.8.1 In the table below, the effect of the changes to the forecast capital receipts on the useable capital receipts balances available to meet future capital commitments is shown. This is also compared to the balances forecast within the 2015/19 MTFP capital budget proposals.

Movement in Available Useable Capital Receipts Forecast

TOTAL RECEIPTS	2015/16	2016/17	2017/18	2018/19
	£'000	£'000	£'000	£'000
Balance b/f 1 st April	17,440	19,592	19,802	11,100
Receipts forecast to be received in year as 2015/19 MTFP	10,235	25,220	2,150	0
Increase / (decrease) in forecast receipts forecast at month 6	(5,009)	(1,320)	6,050	2,000
Deferred Capital Receipts	4	4	4	4
Less: Set aside Capital Receipts	0	(10,452)	0	0
Less: Receipts to be applied - General	(3,077)	(140)	(509)	(509)
Less : Receipts to be applied - 21C Schools	0	(13,103)	(16,397)	0
TOTAL Actual / Estimated balance c/f 31st March	19,592	19,802	11,100	12,595
TOTAL Estimated balance reported in 2015/19 MTFP Capital Budget proposals	11,660	21,104	11,542	10,388
Increase / (Decrease) compared to MTFP Capital Receipts Forecast	7,932	(1,303)	(443)	2,207

Points to note:

- The reduction in the capital receipts forecast in 2015/16 and increase in 2017/18 is due to the delay in 2 LDP receipts from 2015/16 to 2016/17 (£5.6m) and 2016/17 to 2017/18 (£6.2m).
- The increase in the Capital receipts balance of £7.9m compared to the MTFP at 31/3/2016 is mainly due to forecast slippage of receipts funded budgets (21C schools) to 2016/17 (£12.3m), offset by the reduction in forecast receipts in 2015/16 (£5m). By the end of the MTFP window these slippage effects are largely reversed.

3.8.2 The Council has agreed to the inclusion of 21c schools initiative within the Capital Program and this relies on utilising £29.7 million of capital receipts during this next 4 year MTFP period. Consequently the balance of capital receipts available for other schemes during this MTFP window has considerably reduced.

3.8.3 Despite changes in the timing of individual receipts, which remains a risk to the Council to ensure it has sufficient receipts to fund its expenditure aspirations in the years necessary and to avoid temporary borrowing costs, the balance of capital receipts available to fund capital expenditure, at the end of this next MTFP window has been revised to circa £10.3 million, as a consequence of additional receipts predominantly LDP related.

3.9 Reserve Usage

3.9.1 Revenue and capital monitoring reflects an approved use of reserves. Building upon the inclusion of a reserve summary provided as part of 2014-15 the following table indicates the anticipated position both at the end of 2015-16 but also the predicted position for 2016-17 based on decisions already made.

SUMMARY EARMARKED RESERVES POSITION 2015-16

Earmarked Reserves	2014-15	Revenue Approved Usage		Capital Usage	2015-16	Revenue Approved Usage		Capital Usage	2016-17
	b/fwd	Replenishment of Reserves	Draw on Reserves			Replenishment of Reserves	Draw on Reserves		c/fwd
Invest to Redesign	(1,483,521)	(60,228)	797,362	402,095	(344,292)	(114,827)	270,737		(188,382)
IT Transformation	(639,840)		323,200	103,091	(213,549)				(213,549)
Insurance & Risk Management	(2,250,388)				(2,250,388)				(2,250,388)
Capital Receipt Regeneration	(460,342)		153,845	79,512	(226,985)			135,191	(91,794)
Treasury Equalisation	(990,024)				(990,024)				(990,024)
Redundancy & Pensions	(599,936)		325,434		(274,502)		192,126		(82,376)
Capital Investment	(1,620,945)	(15,500)		528,611	(1,107,834)			518,541	(589,293)
Priority Investment	(1,973,294)		759,050	648,877	(565,367)		169,000		(396,367)
Museums Acquisitions	(59,798)				(59,798)				(59,798)
Elections	(83,183)	(25,000)			(108,183)	(25,000)	100,000		(33,183)
Grass Routes Buses	(160,615)	(5,000)	25,913		(139,702)	(5,000)			(144,702)
Sub Total	(10,321,886)	(105,728)	2,384,804	1,762,186	(6,280,624)	(144,827)	731,863	653,732	(5,039,856)
Restricted Use Reserves									
Chairman's	(36,754)				(36,754)				(36,754)
Youth Offending Team	(382,226)				(382,226)				(382,226)
Building Control Trading	(490)				(490)				(490)
Outdoor Education Centres	(190,280)				(190,280)				(190,280)
I Learn Wales	(48,674)				(48,674)				(48,674)
Total Earmarked Reserves	(10,980,310)	(105,728)	2,384,804	1,762,186	(6,939,048)	(144,827)	731,863	653,732	(5,698,280)

3.9.2 This indicates that by the end of 2016-17 the Council is likely to utilise over 48% of the useable earmarked reserves brought forward from 2014-15, based on approvals to use reserves so far. Further reserve usage is anticipated before the end of the year, in particular this report refers to redundancy costs in relation to Community Hubs which will need approval (£305k) and is likely to extinguish the Redundancy and Pensions reserve.

3.9.3 Given the forecast use of earmarked reserves, it is proposed that in order to ensure adequacy of reserves for the MTFP, the following change in practice is approved:

- Increase workforce planning and redeployment to reduce the need for reserves to cover redundancies
- Any request for reserve funding must first explore whether existing budgets, or external funding sources can be used for the proposal accepting this may require a change in priorities if existing budget are used
- Use of reserves to implement budget savings must use the saving first to repay the reserve
- IT investment bids will need to be considered in the core capital programme when the IT investment reserve is extinguished, this may necessitate displacing some of the core capital programme allocations depending on the priorities agreed

3.9.4 A revaluation of the insurance reserve requirement is to be commissioned in the third quarter, and the work undertaken in the 4th quarter so that the figures will be current and available for 2015/16 closure. This may give scope to re-designate some of this reserve but this is subject to the outcome of the work outlined.

3.9.5 If action is not taken to slow down the use of ear marked reserves through the above mechanisms, consideration would need to be given to budgeting to replenish reserves or including in the base budget, requests that would normally have been funded by reserves, both of which will increase the resource gap in the MTFP.

4 REASONS

4.1 To improve budget monitoring and forecasting information being provided to Senior Officers and Members.

5 RESOURCE IMPLICATIONS

5.1 The forecast overspend and use of earmarked reserves, requires action to be taken to ensure that the budget is kept on track and earmarked reserves are maintained at an adequate level for the MTFP.

6 WELL BEING OF FUTURE GENERATIONS IMPLICATIONS

6.1 The decisions highlighted in this report have no future generations and sustainability implications.

7 CONSULTEES

Strategic Leadership Team
All Cabinet Members
All Select Committee Chairman
Head of Legal Services
Head of Finance

8 BACKGROUND PAPERS

8.1 Month 6 monitoring reports, as per the hyperlinks provided in the Appendices

9 AUTHOR

Mark Howcroft – Assistant Head of Finance
Dave Jarrett – Senior Accountant Business Support

10 CONTACT DETAILS

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Children & Young People Select Committee Portfolio Position Statement Month 6 (2015-16)

CYP DIRECTOR'S COMMENTARY

The Directorate's month 6 position is a forecasted overspend of £196,000, this is an improvement of £77,000 from month 2. The youth service remains a volatile area having been subject to a £200,000 savings mandate. The current forecast over spend for the youth service is £137,000. It is pleasing to note that the Additional Learning Needs service is underspent by £102,000, again an improvement of £134,000 since month 2.

SCH DIRECTOR'S COMMENTARY

At month 6 Children's Services is predicted to overspend by £1.296m, with £115K subject to reserve funding. A large element of expenditure is within external residential placements supporting 64 children. The service is experiencing significant staff issues and continued increased demand resulting in the use of agency staff as well as additional capacity. LAC numbers have continued to increase this year from 106 to 121. A number of work streams are being followed in relation to recruitment and cost reductions. For example, we are working to implement in house contact centres, which will reduce costs of renting external facilities for contact and venue costs to host child protection conferences and LAC reviews etc.

Adult Services continues to exhibit good news with a potential £195,000 underspend with Community Care carrying on its journey of practice change. The Adult Services budget has benefited this year from Intermediate Care Funding which has helped support new initiatives and in part has assisted the bottom line position

1 Revenue Outturn Forecast

1.1 The combined budget and outturn forecast for this portfolio is

Children & Young People Service Area	Budget @ Month 2 £000's	Budget Revision Virements £000's	Budget @ Month 6 £000's	Forecast Outturn £000's	Variance @ Month 6 £000's	Variance @ Month 2 £000's	Forecast Movement Months 2 to 6 £000's
21st Century Schools	0	0	0	0	0	0	0
Individual School Budget	43,783	14	43,797	43,825	28	0	28
Resources	1,424	(22)	1,402	1,476	74	61	13
Standards	5,449	(15)	5,434	5,392	(42)	99	(141)
Youth	597	0	597	734	137	114	23
CYP Directorate	51,253	(23)	51,230	51,427	197	274	(77)
Children's Services	7,796	400	8,196	9,493	1,297	675	622
Total C&YP Select	59,049	377	59,426	60,290	1,494	949	525

1.2

The most significant over and underspends are

Children & Young People Service Area	Overspend Predicted £000's	Underspend Predicted £000's	Forecast Movement Mth's 2 to 6 (Positive) / Negative £000's	Commentary on forecasted outturn
STANDARDS				
Additional Learning Needs		(102)	(134)	Staff vacancy and higher than anticipated recoupment income.
Primary Breakfast Initiative Grant	55		(6)	Take up continues to increase and therefore resulting in additional staffing requirements.
RESOURCES				
Support Services	73		12	Efficiency savings for directorate to be identified. Directorate legal costs and a small saving due to a vacancy.
YOUTH				
Community Education Youth General	137		23	Delay in the start of the ESF project will result in less income in this financial year.

CHILDRENS SERVICES				
Fostering Allowances and Payments For Skills	156		(12)	We are paying for an additional 7 children in foster placements with the age mix of children altering leading to increased payments. Skills payments to foster carers has also risen with the numbers of SGO's supported through this budget increasing by 11 this year.
Younger People's Accommodation		(96)	3	A vast amount of work has been undertaken in this budget over the past two years to deliver, at present, an underspend. This budget is prone to volatility and we will continue to monitor over the year before deciding on viring budget to a different cost centre.
Ty'r Enfys		(52)	(8)	This facility with remain closed for the entire year.
Therapeutic Service		(29)	(3)	Under spend due to vacant Play Therapist post being filled on a part time basis from 07/09/15
External Placements - LAC	920		509	Current activity is 64 placements and we are seeing a full year effect of placements that only entered the system in the latter part of last year.
External Placement - Non-LAC		(97)	(21)	This budget is generally used to fund the over spend within LAC.
SCYP - Placement & Support Team	128		43	There is a mixture of reasons for the overspend such as use of agency staff, contact and assessment costs and home to school transport. More recently this budget has funded building work to create in house contact centres.
SCYP - Supporting Children & Young People Team	198		130	Overspend relates to the employment of 5 agency workers to cover staff sickness and capacity issues and a 77% increase in transport costs since last year.
Disabled Children	88		22	Continued use of agency staff to cover sickness and the employment of a Student Placement Social Worker.
FRS – Family Support Team	27		119	Use of numerous agency social workers to cover for various staff absences.
Bus Cases / Temp Funding - Cabinet 06/05/15	83		(129)	Relates to delayed staff appointments.

Further analysis of the Service Areas contained within CYP Select can be found in Appendix 7 and Appendix 6 for Children's Services

2 2015-16 Savings Progress

The savings required by the 2015-16 have not yet been secured.

Children & Young People's budgeted savings were £1,514,000 and at month 6 £1,377,000 have been identified. Of the remaining savings £137,000 are currently deemed to be delayed in year.

Man. No.	Mandate Description	Target Savings £'s	Forecast Savings Identified £'s	Delayed In year £'s	Unachievable £'s	Forecasted Savings Variance Since Month 2 £'s
	Children & Young People					
16	Delegated Schools Budget	1,124,000	1,124,000	0	0	0
18	School Library Service	20,000	20,000	0	0	0
20	School Music Service	50,000	50,000	0	0	0
35	CYP / Additional Needs / Mounton House	120,000	120,000	0	0	0
42	Youth Service	200,000	63,000	137,000	0	0
	TOTAL C&YP	1,514,000	1,377,000	137,000	0	0

2.1 Further analysis of the Savings mandates can be found in Appendix SM.

3. SCHOOLS

3.1 Each of the Authority's Schools is directly governed by a Board of Governors, which is responsible for managing the school's finances. However, the Authority also holds a key responsibility for monitoring the overall financial performance of schools. Below is a table showing the outturn forecast Schools' balances position based on month 6 projections.

Draft Council Fund Outturn 2015/16– Schools Summary outturn position at Month 6 (Period 2)	(A) Opening Reserves (Surplus) / Deficit Position 2015/16 £'000	(B) Month 2 Draw on School Balances 2015-16 £'000	(C) Variance on Month 2 Reserve Draw £'000	(D) Draw Forecasted on School Balances @ Month 6 £'000	Forecasted Reserve Balances at 2015-16 Outturn (A+D) £'000	Forecasted Balances @ Month 2 £'000
Clusters						
Abergavenny	(412)	100	(119)	(19)	(431)	(312)
Caldicot	(426)	251	(98)	153	(273)	(174)
Chepstow	98	45	18	63	161	143
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	(1,140)	561	(105)	456	(683)	(578)

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3.1.2 School balances at the beginning of the financial year amount to £1,140,000. The Schools budgeted draw upon balances is forecasted to be £456,000 for 2015/16, therefore leaving £683,000 as forecasted closing reserve balances.

3.1.3 Within these summary figures, of particular note, is the deficit reserve position forecasted for the Chepstow Cluster, Chepstow Comprehensive school have a recovery plan in place, the latest forecast indicates an increase in the deficit for the school. This is due to the contribution to redundancy costs that the school has incurred. The recovery plan is currently being reviewed and given the number of pupils on roll this deficit will still be met over the duration of the plan.

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3.1.5. Schools balances are exhibiting a fluctuating trend with some schools showing a continuing reduction in schools balances which is of concern and others a more balanced trend.

Financial Year-end	Net level of School Balances
2011-12	(965)
2012-13	(1,240)
2013-14	(988)
2014-15	(1,140)
2015-16 (Forecast)	(682)

3.1.6 There has been a significant reliance on reserve balances to supplement school spending plans in the last 4 years across individual schools with a certain amount of replenishment. As a rough guide, prior to 2010, Welsh Government advocated that school balance levels equated to no more than £50,000 for a primary school and £100,000 for a secondary school. Members may wish to seek a comfort that balances aren't being used to subsidise and sustain core costs such as staffing.

3.1.7 Individual School Balances are available in Appendix A CYP School Select.

Capital Outturn Forecast

The total budget for Capital Schemes within the Children & Young People portfolio is £50,368,595 comprising an original budget of £43,100,948 together with authorised capital slippage from 2014/15 of £7,267,647. The budget is separated under the following headings

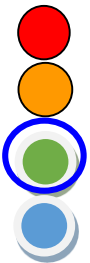
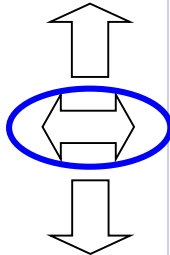
CHILDREN & YOUNG PEOPLE	Annual Forecast	Original Budget	Slippage from 2014/15	Budget Virement or Revision	Total Approved Budget @ Month 6	Forecast Over / (Under) Outturn @ Month 6	Variance Since Month 2
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Development Schemes Over £250k	19	0	19	0	19	0	0
Education Strategic Review	49,165	42,247	6,917	0	49,165	(18)	0
Maintenance Schemes Property	1,185	854	331	0	1,185	0	0
Grand Total	50,369	43,101	7,268	0	50,369	0	0

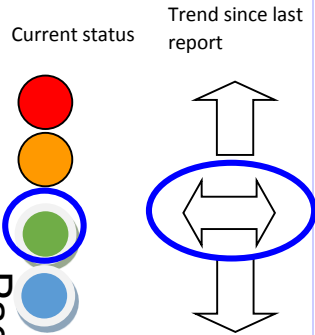
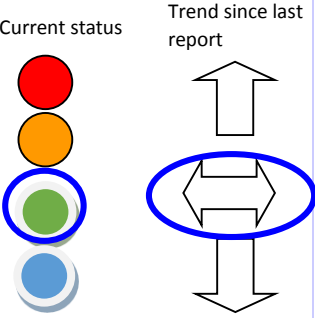
Further details of all the schemes are contained in the appendix 5C. Currently no variation has been reported and so the budgets are presented here for information only.

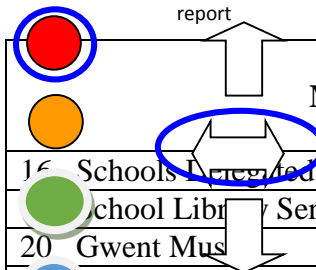
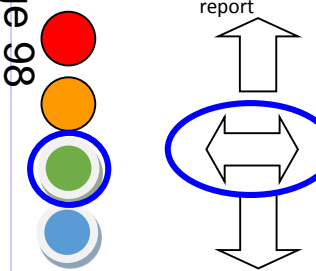
APPENDIX (links to Hub)

- [Appendix 5C M6 Capital Monitoring Children and Young People Select 2015-16](#)
- [M6 Social Care and Health Revenue Budget Monitoring 2015-16 Appendix 6](#)
- [M6 Children and Young People Revenue Budget Monitoring 2015-16 Appendix 7](#)
- [M6 Schools Movement on Reserves Appendix Monitoring 2015-16 Appendix 14](#)
- [M6 Savings Mandates Appendix SM 2015-16](#)

CHILDREN & YOUNG PEOPLE SELECT Budget Mandates
Progress and Next Steps at Month 6

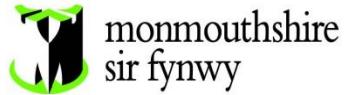
Mandate RAG	Progress for month one and two	Next Steps	Type	Year end target	Forecasted to achieve	Variance	Owner
<p>Mandate 16</p> <p>schools delegated budgets</p> <p>Current status</p>  <p>Trend since last report</p> 	<p>Schools budgets will be protected at cash limit, this means no pay inflation and or non pay inflation is provided for in funding, This is about finding opportunities to reduce costs in schools.</p> <p>Schools are being supported to seek opportunities for savings. Cluster led meetings. All schools being supported with performance management. Training needs have been identified for Head Teachers to address any skill gaps when managing their budgets. All schools continue to engage.</p>	<p>Ensure the identified 'quick wins' are developed and continue to be published, shared and evaluated throughout all schools. Highlight schools who need more significant support and agree action to mitigate any financial challenges. Continue to review resource impact for foundation phase. Monitor schools closely to ensure they follow their</p>	<p>Income</p> <p>Savings</p> <p>Total</p>	<p>1124,000</p> <p>1124,000</p>	<p>1124,000</p> <p>1124,000</p>	<p>0</p> <p>0</p>	<p>Nikki Wellington</p>

	Fully met, the delegated funds were reduced to all schools.	budget plans and more schools do not fall into a deficit.					
<p>Mandate 18 *</p> <p>School library service - combine with general library service</p> <p>Current status Trend since last report</p> 	<p>2014/15 mandate with 2015/16 savings*</p> <p>Savings achieved – mandate delivered</p>	No next steps necessary	<p>Income 0</p> <p>Savings 20,000</p> <p>Total 20,000</p>	<p>0</p> <p>20,000</p> <p>20,000</p>	<p>0</p> <p>0</p> <p>0</p>	<p>0</p> <p>0</p> <p>0</p>	<p>Sharon Randall - Smith</p>
<p>Mandate 20</p> <p>Gwent Music</p> <p>Current status Trend since last report</p> 	<p>Gwent Music is a joint service hosted by Newport. The plan is to refocus the service to make them more efficient and increase the value by :-</p> <p>Increase charging to parents per term to bring it in line with other LA's delivering the same service i.e Newport.</p> <p>Introduce an instrument charge.</p> <p>Not fill the vacant post.</p> <p>Music access fund agreed as of 19th June by cabinet.</p>	<p>To continue to work with Gwent music to develop the music provision for Monmouthshire schools in light of the reductions.</p> <p>To launch the access fund to all schools from September</p> <p>Gwent music have worked very successfully on income generation and very closely with Monmouthshire to achieve this.</p>	<p>Income 0</p> <p>Savings 50,000</p> <p>Total 50,000</p>	<p>0</p> <p>50,000</p> <p>50,000</p>	<p>0</p> <p>0</p> <p>0</p>	<p>0</p> <p>0</p> <p>0</p>	<p>Nicky Wellington</p>

<p>Mandate 42 Youth Service</p> <p>Current status Trend since last report</p>  <p>Mandate Summary</p> <p>16 Schools - Secured budgets</p> <p>1 School Library Service</p> <p>20 Gwent Mus</p> <p>Transformation of ALN</p> <p>4 Youth Service</p>	<p>Replace core funding with other income sources.</p> <p>The Youth Service is exploring new ways of working. They are embracing this opportunity in an innovative way. Small groups are exploring ideas to generate income streams and savings whilst ensuring quality service is maintained.</p> <p>Secured and secured ESF funding for pre and post 16 for a period of 3 years. 130k per year secured and runs an academic year so circa 70k will be in this financial year.</p>	<p>Meetings with all schools to look at new roles for staff and outcomes required to meet funding criteria.</p> <p>Planning and writing of resources and courses to be completed over summer period</p> <p>Programme to start delivery on 2nd September 2015</p>	<p>Income</p> <p>Savings</p> <p>Total</p>	<p>200,000</p> <p>0</p> <p>200,00</p>	<p>63,000</p> <p>0</p> <p>63,000</p>	<p>137,000</p> <p>0</p> <p>137,000</p>	<p>Tracey Thomas</p>
<p>Mandate 35 Transformation of ALN</p> <p>Age 98</p> <p>Trend since last report</p> 	<p>We are undertaking a review of Additional Learning Needs. Its forms a 3 stage process.</p> <p>Savings fully met for this year</p> <p>Community Kitchen in Abercavenny has been awarded a grant from the council and the team have commenced operation. Taking as part of the stages; children's parties and community consultation is considered robust and well evidenced.</p> <p>Difficult in predicting the volume of year opening until full consultation is complete. All actions present opportunities for delivery</p> <p>Audit and accounts have been set up</p> <p>Marketing ready to go out</p> <p>Propel is steadily progressing</p> <p>Courses ready to advertise</p> <p>Staffing being trained currently to deliver</p> <p>Wellbeing is steadily progressing</p> <p>Courses being written. Staff who have expertise in this area are finding it difficult to fit in this as well as working with young people on their case load as these are their priority.</p>	<p>Make scale of delivery of the packages available within the city kitchen opened September 2015.</p> <p>Continue to review and adapt the course to ensure it is established and families.</p> <p>Simple to be operational by September 2015 plan.</p> <p>Secure stage 2 projects and establish business flow is established</p> <p>Still awaiting for HUB section to promote courses</p> <p>Meeting with staffing team to look at where time can be found in order to free staff up to deliver specialised courses and offer more packages to families and young people</p>	<p>Income</p> <p>Savings</p> <p>Total</p>	<p>0</p> <p>120,000</p> <p>120,000</p>	<p>0</p> <p>120,000</p> <p>120,000</p>	<p>0</p> <p>0</p> <p>0</p>	<p>Sharon Randall-Smith</p>

	<p>£63,000 of savings met, but the service are reporting an £137k overspend at month 6.</p>						
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SUBJECT:	YOUTH OFFENDING SERVICE INSPECTION REPORT
MEETING:	Children and Young People's Select Committee
DATE:	12th November 2015
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

1.1 The purpose of this report is to advise the Children and Young People's Select Committee of the outcome of the inspection of Youth Offending work in Monmouthshire & Torfaen conducted by Her Majesty's Inspectorate of Probation (HMIP) between 22-24th June 2015.

2. RECOMMENDATIONS:

2.1 That the Children and Young People's Select Committee scrutinise the inspection report and highlight any concerns relating to performance in achieving outcomes for children and young people.

3. KEY ISSUES:

3.1 Monmouthshire & Torfaen Youth Offending Service (YOS) was established in 2000 as a statutory function of the Crime and Disorder Act 1998. The primary purpose of the service is to prevent offending and re-offending by children and young people (aged 10-17 years).

3.2 Between 22-24th June 2015 HMIP conducted a Short Quality Screening (SQS) of work in Monmouthshire & Torfaen. The inspectorate examined 14 cases of children and young people who had recently offended and were supervised by Monmouthshire & Torfaen YOS. The SQS inspection focuses upon the quality of work at the start of a sentence through to the point when initial plans should be in place post sentence. This period is chosen because the quality of work completed at this stage is deemed to be critical to the likelihood of positive outcomes being achieved following completion of the sentence. The YOS had received two weeks advanced notice of the inspection.

3.3 In summary the inspectorate found:

“that the performance of the Monmouthshire and Torfaen YOS was consistent with our findings from our previous inspection in 2010. Staff were well supported in their

work and they engaged positively with children and young people and partner organisations. There is scope for improving the quality of practice by ensuring that all assessments and plans are underpinned by an analysis of relevant case issues and integrate diversity matters when required. Achieving consistency between staff in this respect would help to improve the quality of the services offered by the YOS as a whole.”

3.4 The inspectorate identified a number of key strengths, including:

- **The quality of advice given to Courts:**
HMIP found that sufficient advice had been given to the Courts to assist with sentencing in all cases examined.
- **The engagement of children and young people and parents/carers in assessments:**
HMIP found that children and young people and their parents/carers had been positively engaged and involved in the preparation of all pre-sentence reports examined.
- **Priority was being given to addressing compliance and non-engagement issues:**
HMIP found that the levels of supervision by the YOS of children and young people maintained a good balance between promoting compliance, providing appropriate interventions and holding young people to account for their behaviour. Where children and young people had not co-operated with their sentence HMIP considered that the YOS had taken appropriate action in all cases examined.

3.5 The areas for development identified by HMIP included:

- **The need for all assessments and plans to be informed by an analysis of relevant issues:**
HMIP found that in 3 of the 14 cases examined the assessments of what was likely to make a child or young person offend were not of sufficient quality. This was largely because the assessments were insufficiently analytical. In such cases, HMIP found that the insufficient assessment had led to an insufficient plan, thus limiting the possibility of positive outcomes being achieved. HMIP noted that assessment and planning was an area of considerable strength for some staff and that the YOS could improve by ensuring consistency between staff.
- **Reviews need to reflect any significant changes in the circumstances of children and young people:**
HMIP found that three of the nine assessments that had been reviewed had not been done well enough. This was then mirrored in the associated plans. This was largely because the reviewed assessment did not reflect significant changes in the family or personal circumstances of the child or young person likely to result in a need to change the focus of the planned intervention.
- **Evidence of the impact on quality of management oversight of cases needed to be better recorded:**
HMIP found that staff supervision and quality assurance arrangements had made a positive impact in many of the cases inspected. They found that staff valued management oversight of their practice and felt that they received effective supervision and that their line managers had the skills and knowledge to help them develop and improve. However, HMIP noted that management

oversight of cases was not regularly evidenced in case files and had not delivered the required quality in all cases.

3.6 The YOS welcome the findings from the SQS inspection and have completed a post inspection improvement plan in response to the recommendations. The inspection improvement plan includes a commitment to reviewing existing quality assurance and case recording policies and processes and training for frontline practitioners (see appendix 1 for a copy of post inspection action plan).

4. REASONS:

4.1 The Children and Young People's Select Committee is responsible for monitoring the performance of services provided to children and young people in Monmouthshire.

5. RESOURCE IMPLICATIONS:

5.1 The YOS budget is complex as it is made up of statutory partner contributions as well as external grant funding for the provision of a service (both preventative and statutory) that spans two local authorities.

5.2 This report does not propose the development of an additional service, hence there are no current resource implications. However, by virtue of the complexity of the YOS budget, changes in one element of funding could have a significant impact upon other funding which would have the potential to impact upon the service. To this end finance, which incorporates funding contributions and year on year financial planning is a standing item on the YOS Local Management Board agenda.

5.3 Local authority contributions currently make up 79.23% (38.87% Monmouthshire County Council and 40.36% Torfaen County Borough Council) of the contributions from statutory partners. Torfaen County Borough Council have reduced their contribution for 2015/16 by £50,000 but have agreed to make up the shortfall in contribution from their proportion of the YOS reserve. In addition to this the Youth Justice Board reduced their 'Good Practice Grant' by 7.6% for 2015/16 and are in the process of consulting on a potential further, in year reduction, of between 10.5-14%.

5.4 The month 5 forecast indicates that the YOS will come in on budget for 2015/16. The anticipated in-year reduction in grant funding from the Youth Justice Board has been offset by a forecasted underspend on staffing due to time-limited vacancies. The YOS and Local Management Board are in the process of considering where future savings can be made in light of the reduction in the budget.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 This report does not require a decision and as such, no equality impact assessment has been completed at this stage.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

7.1 The work completed in YOS complies with all safeguarding requirements and corporate parenting processes in all areas of work in both Local Authority areas.

8. CONSULTEES:

8.1 Tracy Jelfs – Head of Children’s Services

9. BACKGROUND PAPERS:

9.1 Report of Short Quality Screening (SQS) of Youth Offending Work in Monmouthshire and Torfaen

<https://www.justiceinspectors.gov.uk/hmiprobation/inspections/monmouthshiretorfaensqs/>

9.2 Monmouthshire & Torfaen Youth Offending Service post inspection action plan (please see appendix 1).

10. AUTHOR:

10.1 Jacalyn Richards – Youth Offending Service Manager

11. CONTACT DETAILS:

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E-mail: jacalynrichards@monmouthshire.gov.uk



Monmouthshire & Torfaen Youth Offending Service

Inspection Action Plan – SQS

	Area requiring improvement	What we will do	Timescale	Lead	RAG
1.	All assessments and plans are informed by an analysis of relevant issues	Review and update / amend report gatekeeping tool	November 2015	JR	Yellow
		Create intervention plan gatekeeping tool	November 2015	JR	Yellow
		Create 'good practice' library	October 2015	TD / GS	Green
		Review format of APIS workshops as a means of sharing good practice and upskilling staff.	November 2015	JR	Red
		All Case Managers to complete Assetplus training	April 2016	GS	Red

2.	Diversity issues need to inform relevant assessments and plans	Arrange diversity training for all Case Managers	December 2015	GS	
		Arrange APIS workshop following training to implement learning from training	January 2016	GS	
		Operational Team Managers to oversee planning meetings for statutory Court Orders	October 2015	TD / GS	
3.	Reviews need to reflect any significant changes in the circumstances of children and young people	Review and update / amend process for reviewing statutory Court Orders	November 2015	TD	
4.	Evidence of the impact on quality of management oversight of cases needs to be better recorded	Create quality assurance and audit framework.	November 2015	JR	
		Review and update / amend Case Recording Policy	October 2015	JR	

SUBJECT:	ANNUAL COMPLAINTS, COMMENTS AND COMPLIMENTS REPORT FOR CHILDREN'S SOCIAL SERVICES
MEETING:	Children and Young People Select
DATE:	12 November 2015

1. PURPOSE:

To provide Children and Young People Select committee with information on the number and types of complaints, comments and compliments received and dealt with from 1 April 2014 until 31 March 2015 about Children's social services.

2. RECOMMENDATIONS:

To note the contents of the report.

3. KEY ISSUES:

- 3.1 All Local Authority Social Services are required to follow the new Social Services Complaints Procedure (Wales) Regulations 2014 and The Representations Procedure (Wales) Regulations 2014.

Guidance is also issued under Section 7 of the Local Authority Social Services Act 1970. This means that local authorities must comply with it.

4. REASONS:

The guidance on handling complaints and representations by local authority social services state that we must publish an Annual report on the handling and statistical information relating to the complaints and representations we've dealt with.

The guidance also states that the Annual report should be discussed at the appropriate Scrutiny Committee.

5. RESOURCE IMPLICATIONS:

- 5.1 The legislation requires that external independent investigating officers **must** be appointed for formal Stage 2 investigations together with an independent person to ensure that the investigation is carried out fairly for all parties concerned.

5.2 There is an existing budget of £17,503 for this work (including complaints about Adults Social Care) and we will endeavour to keep within the budget expenditure. However, we cannot forecast how many complaints will be made.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

No implications have been identified in respect of this proposal.

7. CONSULTEES:

Former Director of Social Services
Head of Children's Social Services

8. AUTHOR:

Annette Evans, Customer Relations Manager
Tel: 01633 644647
Email: annetteevans@monmouthshire.gov.uk



monmouthshire
sir fynwy

SOCIAL CARE AND HEALTH

CUSTOMER RELATIONS

ANNUAL REPORT FOR CHILDREN'S SOCIAL SERVICES

APRIL 2014 – MARCH 2015

1 Introduction

- 1.1 Representation and complaints procedures in Social Services departments are a statutory requirement. They were introduced under the Children Act 1989 and the Health and Social Care (Community Health and Standards) Act 2003.

New complaints regulations came into force on 1 August 2014 – The Representations Procedure (Wales) Regulations 2014 and the Social Services Complaints Procedures (Wales) Regulations 2014.

- 1.2 All local authority social services are required to produce an annual report on its performance in the handling and investigation of complaints and representations.

This report looks at complaints, compliments and comments about our Children's social services.

2 Listening to our Service Users

- 2.1 Everyone who makes a complaint about social services has a right to be listened to properly and have their concerns resolved quickly and effectively.
- 2.2 Despite our best intentions, things can go wrong. We recognise this and the representation and complaints procedure provides the opportunity for people to voice their concerns when they are dissatisfied so that the issue can be sorted to their satisfaction wherever possible; make compliments and suggest improvements.

3 Social Services Complaints Procedure

- 3.1 The complaints procedure has two stages:

Stage 1 Local Resolution – The emphasis at this stage is to resolve the complaint locally wherever possible by means of discussion and problem solving.

This approach should allow for the quick and successful resolution of most complaints, to the satisfaction of the complainant. The emphasis is on achieving service user satisfaction rather than avoiding a formal investigation.

Stage 2 Formal Investigation - Where initial discussions have not achieved a resolution, complainants have the right to make a formal complaint. Investigations are undertaken and are subject to statutory time limits for completion of the investigation (25 working days). The

complainant receives a full response detailing findings, conclusions and recommendations.

If the complaint or representation is not resolved

If the complaint or representation is not resolved at the formal investigation stage, the complainant has the right to complain to the Public Services Ombudsman for Wales.

3.2 The Public Services Ombudsman for Wales

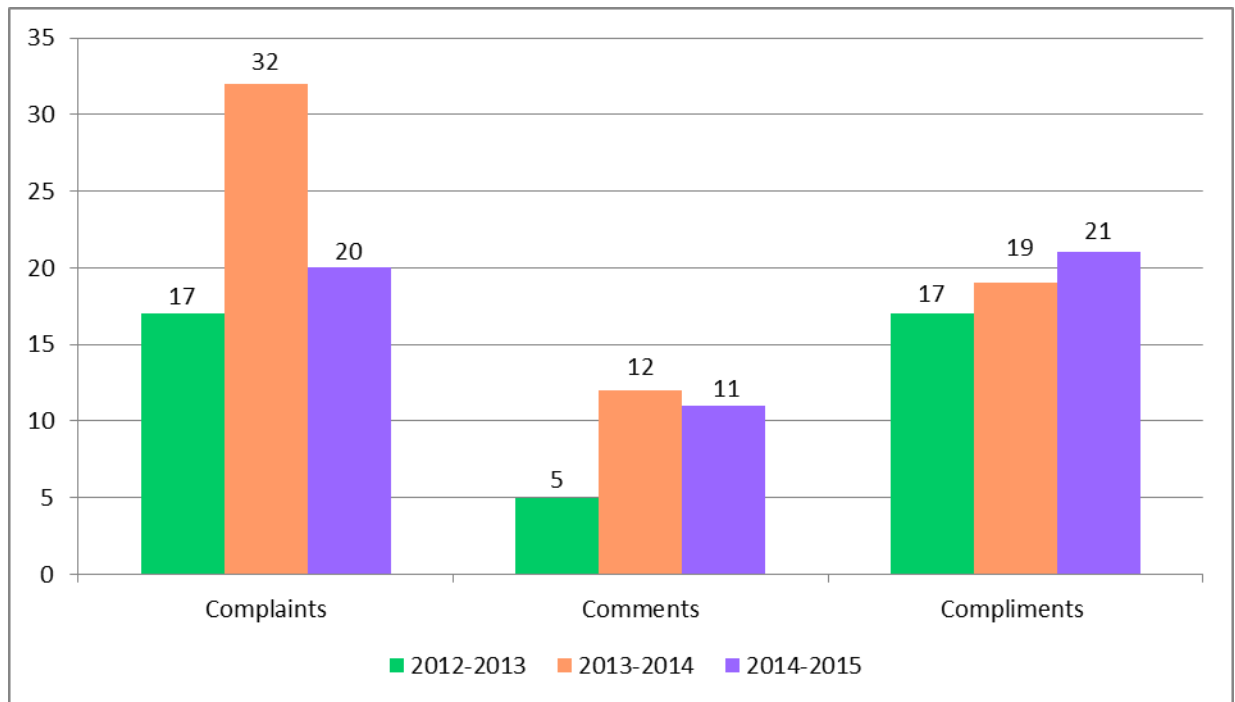
The Ombudsman provides an external independent service to consider complaints about all local authority services including social services. The Ombudsman is concerned with maladministration causing injustice and will normally require complainants to have used their local council's procedures before accepting a complaint for investigation.

4 Making a complaint

- 4.1 We have a leaflet for children and young people called "Listen to me" which explains the procedure.
- 4.2 General advice about the procedure can be found in our complaints leaflet "How to be heard". Alternatively, people can contact the Customer Relations team for help and advice about how to make a complaint.
- 4.3 Translations of the representation and complaints procedure can be provided on request and we can also arrange interpretation services where required.
- 4.4 All children and young people are entitled to and offered an advocate.
- 4.5 Our aim is to secure a better service for people and we are:
 - Accessible and supportive to those with particular needs
 - Prompt and responsive with resolution at the earliest possible time
 - Operate without prejudice or discrimination

5 How many complaints / comments / compliments were made

Period 1 April 2014 – 31 March 2015



5.1 Comments

11 comments were received about Children's Services.

Examples of Comments made:

- Initial assessment report had very minimal contents, lots of spelling and punctuation errors in it.
- Concerns about conduct of social worker.
- Concerns about the way the family had been treated by Social Services.
- Concerns about contact with grandchildren.
- Concerns that Social Services did not find out all the facts before making a decision.
- Experiences with Social Services have not been satisfactory.
- Transition process is very disappointing.
- Young person commented that she is not seeing her sister every week.
- Concern from parents that son was turned down for service.

5.2 Compliments

21 compliments were received that related to Children's Services.

Compliments about staff in Children's services were received with individual staff named for their support, help and professionalism. All staff were informed of the compliments received about them and a certificate given to them commending their efforts.

Some examples of compliments made:

"Thank you so much for putting up with my stressy emails for the last few months I couldn't wish for a better social worker for N, thank you."

"C has done a very detailed letter which summarises the history and supports the paternal family caring for A and highlights the potential risks from his mother. She really is an excellent social worker and all of us are very impressed with her work and her lovely manner. We are all so very grateful for the assistance that Monmouthshire are giving us."

"J had his last respite stay... Anyway, what I wanted to say was how much we appreciate the work done by J and I in looking after him in respite care."

"L is an absolute asset to the Department... she is warm to speak to and gives you confidence that something will happen/be done when you speak to her."

"J's mother said that she is very happy with the pictures and certificate J received today. She is also "over the moon" with the work you've done with him and the support you've shown."

"I wanted to say thanks for the invite to the tea and cakes get-together. I thought it was really good, very casual and relaxed and we were made to feel really welcome. Would you pass on my thanks to everyone please. Hopefully this will be a regular thing as not only did it mean that we could meet/catch up with the people involved in supporting us and our families (and get progress reports on various things) it also meant that we had the opportunity to meet some of the behind-the-scenes people such as finance, transport etc and chat about our families so that they know a little more about the people they only really knew as names on forms."

"N was fantastic and caring towards the children! She said that social services get a lot of flak and she thinks they're superb, and wanted to say thank you!"

"I just wanted to contact you to say what a fantastic job you've done with N's extension and adaptation. It really is amazing and one of the best I've ever seen - it rivals DIY SOS! I know that it was a huge team effort to get to the stage it's at and I just wanted to say that it's excellent and as you know is already making such a difference to N and his family."

“I would like to say a massive thank you to L, B AND C, they have been fantastic in their efforts to make sure our little lodger will be coming on holiday with us. His passport will be here tomorrow after much wrangling and pleading. I will also add that L has been a tower of strength to us over the last few months and it is down to her that we are still fostering.”

“Just like to say thank you for all your help and support over the last couple of years and I am sure when A has matured a bit more he will be as well.”

At the court hearing, the mother and maternal grandparents via their solicitor expressed their appreciation of the actions of the Local Authority since M was born. They appreciated the efforts the LA had made to keep mother and baby together, particularly by agreeing to consider mother and baby placement. These comments were also echoed by Judge W who congratulated the LA in their sensitive management of the case.

“I just wanted to let you know that H has been absolutely brilliant with L. He has made so much difference and has clearly become an integral part of their lives. He comes up with new initiatives and takes the time to fill us in on any developments. He is a real pleasure to work with.”

5.3 Complaints

20 complaints were received about Children’s Services.

The majority of complaints were resolved locally. However, **4** complaints were referred to stage two of the Social Services complaints procedure for formal investigation.

6 **Stage 1 Complaints**

Of the 20 complaints received, **16** were resolved at Stage 1 the local resolution stage.

6.1 The most common aspects of services complained about were:

- Issues with staff eg, attitude / professional standards of workers
- Contact / communication with Children’s Social Services.

Some examples of complaints:

- Request for a new social worker as there had been no minutes to any of the meetings including the initial child protection meeting and every core meeting thereafter. Lack of support and communication and did not know the current status of the case.
- That complainant’s children have had different social workers over the last few years, and at times there has been no named social worker when there has been considerable sickness.

- Complainants would like to continue with the current arrangement of two hourly meetings four times each year but suggest that the formality may well be reduced, and the quality of the meeting improved, if only one social worker is present. Also would like young person to attend family events.
- Poor quality of contact reports.
- Issues with social worker and quality of reports written about family.
- Mum feeling pressurised by the department to accommodate her son who lived with his father.
- Not happy with actions of social worker.
- Not happy with lack of services for child with autism.
- Foster carers unhappy with lack of support in caring for young person.
- Parent not happy with amount of respite young person receives.
- Parent feeling threatened by department.
- Young person wants more contact with her siblings.
- Department not adhering to agreed course of action.
- Issues with a young person's reparation sessions.

7 Stage 2 Complaints

7.1 4 complaints went to stage 2 of the complaints procedure.

7.1.1 The first complaint concerned:

Not receiving information in a timely way as promised.
When it was received, the information was usually misleading.
Complainant had not received the promised, monthly updates on a regular basis.
The contact arrangements had not been followed as specified by the court.

None of the above complaints were upheld.

7.1.2 The second complaint concerned:

The attitude and practice of the social worker.
The Stage 1 complaint was not properly investigated.
Issues about Professional Strategy Meeting process.

Information being shared without consent.

There were a number of sub elements. 6 areas were not upheld, 7 were partially upheld and one was upheld.

7.1.3 The third complaint concerned:

The department's failure to provide the complainant with copies of the Initial and core assessments; case conference minutes, child protection plan and core group minutes. Also the conduct of the social worker at the core group meeting.

4 areas were partially upheld; 7 areas were upheld and 2 areas were not upheld.

7.1.4 The fourth complaint concerned:

General lack of recognition by the department of child's needs, the implications of these needs not being addressed, the challenges of the child's behaviour and the consequential distress suffered by the child's wider family.

Three areas of the complaint were upheld, one area of the complaint was partially upheld, 3 areas there were no findings; 2 areas of the complaint were not upheld

8 Ombudsman Complaints

We did not receive any requests for information from the Ombudsman during this period.

9 Complaints made by children and young people

Most complaints concerning Children's Services are from parents/carers. We received **two** complaints directly from young people.

They were resolved at stage one. Both complaints were resolved by providing information or an explanation and where appropriate an apology.

As with previous years, complaints from children and young people are low in number and there is no pattern or emerging trends in the provision of services or quality of care. The low number of complaints received is consistent with other local authorities across Wales who meet to share good practice and research in relation to children and young people's complaints.

Summary of complaints concerned:

- More contact with siblings
- Issues with reparation sessions

10 Analysis of Complaints

The number of complaints received has decreased this year. The main theme running through stage 1 complaints continue to be lack of communication and information.

Year	Number of complaints	Number of Stage 2's	Number of Stage 3's
2014-2015	20	4	-
2013-2014	32	3	1
2012-2013	17	2	Nil
2011-2012	28	1	Nil
2010-2011	28	2	Nil

10.2 Response Timescales

There are statutory requirements established in respect of the timescales for responding to complaints. A full response should be provided within 17 working days for stage 1 complaints and for stage 2 complaints, a full response is required within 25 working days. Where we need to exceed these limits, we will get the service user/carer's agreement.

This table shows the length of time it has taken to respond to complaints:

Social Services Timescales	2013/14		2014-31/07/2015*	
	Stage 1	Stage 2	Stage 1	Stage 2
Up to 10 working days	14		5	
11 – 25 working days	7	1		
25+ working days	8	2	1	1
Total	29	3	6	1
			01/08/2014-31/03/2015*	
			Stage 1	Stage 2
Up to 17 working days			8	
18 - 25 working days			3	
26+ working days			1	3
Total			12	3

*please note new statutory process and timescales started 1st August 2014

Complaints, in the main, have been dealt with, in the timescales. Where stage 2 complaints have exceeded the timescales, this is partly due to staffing issues and also to the complexity of the matter under investigation and the need to consult with others (who may not be available) before concluding matters. Complainants were kept informed of any delays.

11 Learning from and responding to complaints and comments made

Information collected during the handling of individual complaints provides feedback on performance management and operational matters. This information helps us to recognise where we need to focus our attention.

People do not always want to complain through a formal channel, however they may want to comment about aspects of the service they receive. We ensure that comments are noted and responded to.

The following are some examples of appropriate action taken on issues raised as a result of a complaint.

- Service users need to be advised as soon as possible if any appointments are due to be cancelled. Where contact between family members are cancelled, alternative provision needs to be arranged.
- Outcome of investigations shared and reflected upon with staff through supervision to identify any learning needs.
- The closure process reviewed. It is good practice to ensure that closure letters are sent to all services users when their involvement with the department comes to an end.
- The department reviews its procedure on the transfer of cases, consider whether it is of a good standard and consider methods to ascertain whether it is being implemented.
- Early consideration be given to transitional planning.
- Apologies given where appropriate
- Services reviewed

The most commonly mentioned reasons for making a complaint are that:

- A genuine grievance is recognised and acknowledged
- An apology is provided
- Practical action to remedy an injustice is undertaken
- Where it has been identified as having failed, departmental policy, procedure and practice is reviewed
- Action is pursued against staff and managers

12 Commentary

12.1 The Welsh Government has issued new guidance and regulations to underpin a new social services complaints and representation process. The new regulations came into force on 1 August 2014.

The focus on the new complaints and representations process is on early local resolution stage and on tackling issues quickly and effectively. If they are not, there is a formal stage and if issues are still not resolved there is recourse to the Public Services Ombudsman for Wales.

- 12.2 Issues with communication is still causing problems and resulting in people complaining. We have to encourage our staff to put more effort into improving communication with our customers. Early intervention is so important in order that matters are dealt with quickly and effectively. Delays can result in complainants exercising their right to go to the Formal investigation stage if they feel their complaints are not being dealt with in a timely manner.
- 12.3 Action plans are prepared after every formal investigation to ensure that recommendations arising from them are acted upon and lessons learned where appropriate.
- 12.4 The head of Children's Social Services and myself meet on a monthly basis to discuss complaints received. Issues are then discussed at the Children's Services leadership team and also in her 1:1 meetings with managers.

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SUBJECT: Report on Young People Excluded from Schools

MEETING: Children and Young People Select

DATE: November 12th

DIVISION/WARDS AFFECTED: All

NON-PUBLICATION

(Insert appropriate non publication paragraph if necessary)

1. **PURPOSE:** To share information so that members are aware of the progress in reducing exclusions from schools and the current levels of exclusion in Monmouthshire Schools and enable comparison with statistical neighbours.

2. **RECOMMENDATIONS:** For members to accept the content of the report and for this agenda item to be reported annually.

3. KEY ISSUES:

i If children and young people are excluded from schools, research suggests that there is a higher probability of them being involved in anti-social behaviour and becoming disaffected with education.

ii If children and young people of school age are permanently excluded from schools then the Local Authority would need to ensure that educational provision is provided at the next nearest school or via the Pupil Referral Service until appropriate educational provision is secured. If pupils are permanently excluded then this could result in the Local Authority having to provide transport to enable the pupil to be able to attend educational provision. This could have a significant impact upon transport budgets.

iii Welsh Assembly Guidance – Exclusions from Schools and Pupil Referral Units (81/2012) describes informal or unofficial exclusions, as unlawful regardless of whether they are done with the agreement of parents or carers. Unlawful, unofficial or informal exclusion refers to schools:-

- sending learners home for disciplinary reasons, but not following the procedures required for formal exclusion
- learners being sent home for either short periods of time, or for longer indefinite periods which can sometimes result in the learner not returning to school at all.

Unlawful exclusions deprives parents and young people of their rights to appeal against a head teacher's decision to exclude them. If this is suspected within Monmouthshire, schools would be challenged by Local Authority Officers.

If Children and Young People are subject to unlawful exclusions then there are potential safeguarding issues as children and young people would be out of educational provision.

iv Pupils from vulnerable groups such as Black Minority Ethnic Groups (BME), Looked After Children (LAC), Gypsy Traveller Pupils can experience higher rates of exclusion than pupils not in these vulnerable groups. Exclusions amongst these cohorts are monitored rigorously.

v Levels of primary fixed term exclusion in Monmouthshire were too high and the Local Authority were allocated an additional resource July 2012 to provide intervention to reduce levels of primary fixed term exclusions

4. REASONS:

Head teachers can only consider excluding learners:-

- in response to serious breaches of the school's behaviour policy and
- if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

5. RESOURCE IMPLICATIONS: None required

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

The significant equality impacts identified in the assessment (Appendix 1) are summarised below for members' consideration:

- i** Costs for transport to another school if required
- ii** Target socially excluded pupils

The actual impacts from this report's recommendations will be reviewed annually and criteria for monitoring and review will include:

- i** The number of pupils who have been permanently excluded and who have had to have transport provided to enable them to attend another maintained school
- ii** The number of pupils who have been supported by the Pupil Referral Service

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

As identified in 3iii if Children and Young People are subject to unlawful exclusions then there are potential safeguarding issues as children and young people would be out of educational provision.

The Local Authority monitors all exclusions and where there are corporate parenting implications, every available effort is made to avoid a permanent exclusion.

8. CONSULTEES:

Directorate Management Team for Children and Young People

9. BACKGROUND PAPERS:

Exclusions Analysis- Progress since last Estyn Inspection 2012.

Welsh Government Guidance-Exclusions from Schools and Pupil Referral Units (081/2012)

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Llywodraeth Cymru
Welsh Government

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Exclusion from schools and pupil referral units



Guidance

Guidance document no: 081/2012

Date of issue: September 2012

Exclusion from schools and pupil referral units

Audience	Headteachers and governing bodies of maintained schools in Wales; teachers in charge of pupil referral units (PRUs); local authorities (LAs); teaching and other unions; learners; parents/carers; parent/carer support organisations; diocesan authorities and voluntary organisations.
Overview	This document provides guidance on exclusions and appeal procedures for both mainstream schools and PRUs. This guidance replaces <i>Guidance on exclusion from schools and pupil referral units</i> National Assembly for Wales Circular No:1(A)/2004 (2004).
Action required	Schools and LAs to have regard to the guidance when considering and excluding a learner.
Further information	Enquiries about this document should be directed to: Pupil Wellbeing Branch Support for Learners Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6080 e-mail: wellbeingshare@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/educationandskills
Related documents	<i>Inclusion and Pupil Support</i> National Assembly for Wales Circular No: 47/2006

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Summary

This guidance covers the exclusion of learners from schools and pupil referral units (PRUs); the procedures for appealing against an exclusion and steps to take to maintain the education of excluded learners.

The guidance revises that currently contained in *Guidance on exclusion from school and pupil referral units* National Assembly for Wales Circular 01(A)/2004. The guidance is in seven parts.

1. Use of exclusion

General guidance on deciding whether or not a learner should be excluded and the arrangements for their education during and after exclusions. This is relevant to the work of headteachers, discipline committees and independent appeal panels.

2. Procedure for excluding a learner: role of headteacher

Guidance for headteachers and teachers in charge of PRUs on procedures to be followed when they decide to exclude a learner.

3. Responsibilities of the discipline committee

Guidance on the work of the discipline committees of governing bodies, which must review all permanent and serious fixed-term exclusions.

4. Independent appeal panels

Guidance on the establishment of and support for independent appeal panels, which consider appeals against permanent exclusions that have been endorsed by the discipline committee.

5. Police involvement and parallel criminal proceedings

Guidance on exclusion decisions and appeals in cases of police involvement and possible parallel criminal proceedings.

6. Procedures and reintegration following exclusion

Guidance on the steps which need to be taken immediately following an exclusion and for maintaining the longer-term provision of education for excluded learners.

7. Money to follow excluded learners

Guidance on how schools' and LAs' budgets should be adjusted on exclusion of a learner.

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Introduction

Under section 52(4) of the Education Act 2002, headteachers, teachers in charge of a PRU, governing bodies, LAs and independent appeal panels must by law have regard to this guidance when making decisions on exclusion and administering the exclusion procedures and appeals. There is a strong expectation that the guidance will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.

These procedures apply to all maintained schools, including nursery schools and PRUs, and all learners in them, including any who are below or above compulsory school age. They do not apply to independent schools or sixth form colleges, as they determine their own exclusion procedures.

The legal framework

The guidance is based on the following.

- The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003.
- The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003.
- The Education (Pupil Exclusions and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004.
- The Education (Reintegration Interview) (Wales) Regulations 2010.
- The Equality Act 2010.

Definitions

'Relevant person' as defined in the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 means:

- the parent/carer if the learner was aged 10 or below on the day before the beginning of the school year in which the learner was excluded
- both the parent/carer and learner if the learner is of compulsory school age and was aged 11 or above on the day before the beginning of the school year in which the learner was excluded
- the learner if aged over compulsory school age (normally 16).

The effect of the definition means that all excluded learners aged 11 and above have the right to be notified formally of their exclusion and the right to appeal the exclusion decision. In the case of learners aged 11–16, i.e. in most cases secondary school learners of compulsory school age, parents/carers will also be notified of the exclusion. For these learners, if the parent/carer sends a written notice to the LA saying that they do not intend to appeal the exclusion decision the notice will be treated as final whether or not the learner has given such notice. The right to appeal for learners above compulsory school age rests solely with the learner. Throughout this document the term ‘parent/carer’ and/or ‘learner’ is used to reflect the situation as described on page 5.

‘Parent’/carer means anyone who has parental responsibility for, or care of, a learner, which includes guardians and corporate parents. Where a learner is the subject of a care order, the local authority will have parental responsibility for the child. See also paragraph 1.19.2 on page 28.

‘Pupil referral unit’ (PRU) – throughout this guidance, references to a school should be read as referring equally to a PRU. In particular, where the term ‘headteacher’ is used this also refers to the teacher in charge of a PRU. Where guidance applies differently to PRUs then this will be indicated separately. The right to appeal against exclusion from a PRU was introduced in the Education Act 2002.

‘Discipline committee’ – the term discipline committee is used throughout this guidance to mean the learner discipline and exclusions committee as defined in the Government of Maintained Schools (Wales) Regulations 2005.

Behaviour policies

Schools must have policies and procedures in place that promote good behaviour and prevent poor behaviour. A school’s behaviour and attendance policy should be seen as an integral part of its curriculum, as all schools teach values as well as skills and knowledge. The policy must be based on clear values such as respect, fairness and inclusion, and reflect the school’s overall aims and its social, moral and religious education programmes. These values should be the basis for the principles underlying the school’s behaviour and attendance policy.

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The principles should include promoting self-discipline and respect for others, and the importance of listening to all members of the school community, including the learners. They should be relevant to every member of the school community, including staff and parents/carers. Section 3 of *Inclusion and Pupil Support* National Assembly for Wales Circular No: 47/2006 provides further guidance on behaviour policies.

The policy should also tie in with the school's general approach on promoting the emotional well-being of its learners, address any mental health problems of individual learners, advance equality of opportunity between learners, and tackle inequalities and discrimination. Schools must assess the impact of their proposed or existing policies, procedures, and practices in accordance with their specific duties under the Equality Act 2010.

1. Use of exclusion

1.1 The decision to exclude

1.1.1 A decision to exclude a learner should be taken only:

- in response to serious breaches of the school's behaviour policy and
- if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

1.1.2 Only the headteacher or teacher in charge of a PRU can exclude a learner. If they are absent from school, then the most senior teacher may exercise the power of exclusion, though they should make clear that they are acting in the headteacher's absence. The headteacher or teacher in charge cannot routinely, or on an ad hoc basis, delegate the power to exclude to another teacher.

1.1.3 A decision to exclude a learner permanently is a serious one. It will usually be the **final** step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success (see paragraph 1.5.1 on page 11). It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the learner and should normally be used as a last resort.

1.1.4 There will, however, be exceptional circumstances where in the headteacher's judgement it is appropriate permanently to exclude a learner for a first or one-off offence. These might include:

- serious actual or threatened violence against another learner or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- use or threatened use of an offensive weapon.

1.1.5 In most cases it would be appropriate for schools to inform the police if they believe such a criminal offence has taken place. There may be cases where this approach is appropriate for learners excluded for a fixed-term. Schools should also consider whether or not to inform other agencies, e.g. Youth Offending Team, social workers, etc.

1.1.6 These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

1.2 Drug-related exclusions

1.2.1 In making a decision on whether or not to exclude for a drug-related offence the headteacher should have regard to the school's published policy on substance misuse and should consult the appropriately trained members of the school staff. The decision, however, will also depend on the precise circumstances of the case and the evidence available. In some cases fixed-term exclusion may be more appropriate than permanent exclusion. In more serious cases, an assessment of the incident should be made against criteria set out in the school's policy. This should be a key factor in determining whether permanent exclusion is an appropriate course of action.

1.2.2 Details on developing and implementing substance misuse policies are contained in *Draft guidance for substance misuse education* Draft guidance document no: 076/2012 (Welsh Government, 2012).

1.3 Factors to consider before making a decision to exclude

1.3.1 Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the learner concerned. Before deciding whether to exclude a learner, either permanently or for a fixed-term, the headteacher should:

- ensure that an appropriate investigation has been carried out
- consider all the evidence available to support the allegations. The more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be
- take account of the school's behaviour and equal opportunities policies, and, where applicable, the Equality Act 2010
- allow the learner to give his or her version of events

- check whether the incident may have been provoked, e.g. by bullying or by racial or sexual harassment
- if necessary consult others, but not anyone who may later have a role in reviewing the headteacher's decision, e.g. a member of the discipline committee
- keep a written record of the incident and actions taken.

1.3.2 The standard of proof to be applied is the 'balance of probabilities', i.e. if it is more probable than not that the learner did what they are alleged to have done, the headteacher/teacher in charge may exclude the learner. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied.

1.3.3 Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available to the headteacher may be very limited. However, it should be possible for the headteacher to make a judgement on whether to exclude the learner. Part 5 (on page 56) of this guidance deals with those circumstances in more detail.

1.4 When exclusion is not appropriate

1.4.1 Exclusion should not be used for:

- minor incidents such as failure to do homework
- poor academic performance
- lateness or truancy
- pregnancy
- breaches of school uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules and where all other avenues for resolving the uniform dispute have been exhausted
- punishing learners for the behaviour of their parents/carers, e.g. where parents/carers refuse or are unable to attend a meeting
- protecting victims of bullying by sending them home.

1.5 Alternatives to exclusion

1.5.1 Exclusion should not be used if alternative solutions are available. Examples include the following.

- Pastoral Support Programmes (PSPs) for learners who are not responding to schools' general actions to combat disengagement and disaffection and are in need of longer-term intervention. PSPs are plans for learners to better manage their behaviour and should be drawn up using a multi-agency approach (including the learner and parents/carers) and reviewed on a regular basis.
- Restorative justice, which gives offending learners the opportunity to redress the harm that has been done to a victim, and enables all parties with a stake in the outcome to participate fully in the process. All professionals need to be involved in the process and all parties must consent to participate.
- Internal exclusion (also known as internal seclusion), which can be used to diffuse situations that occur in school that require a learner to be removed from class but may not require exclusion from the school premises. The exclusion could be to a designated area within the school, with appropriate support, or to another class on a temporary basis, and may continue during break periods.
- Managed move: if a school feels that it can no longer manage the behaviour of a particular learner, the school may arrange, normally through the LA, for another school to take over the learner's education. This should only be done with the full knowledge and cooperation of all parties involved, including the parents/carers and the LA, and in circumstances where it is in the best interests of the learner concerned. Parents/carers should never be pressured into removing their child from school under threat of a permanent exclusion, nor should learners be deleted from the school roll to encourage them to find another school place. Regulation 8 of the Education (Pupil Registration) (Wales) Regulations 2010 details the only lawful grounds for deleting a learner's name from the school roll.

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1.6 Unlawful exclusions

1.6.1 If a headteacher is satisfied, on the balance of probabilities, that a learner has committed a disciplinary offence and needs to be removed from the school site, formal exclusion is the only legal method of removal.

1.6.2 Unlawful exclusions, more commonly referred to as informal or unofficial exclusions, are unlawful regardless of whether they are done with the agreement of parents or carers.

Unlawful, unofficial or informal exclusion refers to:

- sending learners home for disciplinary reasons, but not following the procedures required for formal exclusion
- learners being sent home for either short periods of time, or for longer indefinite periods which can sometimes result in the learner not returning to school at all.

For example, where a learner is sent home for disciplinary reasons for part of a school day, the school may view this as a 'cooling off' period and not take action to exclude the learner formally. There is no basis in law for this and the relevant regulations do not state a minimum length of exclusion, so if a learner is sent home, even for short periods of time, this must be **formally recorded** as an exclusion.

1.6.3 In every instance where a learner is sent home for disciplinary reasons, headteachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). They should ensure that:

- they are meeting their legal duty of care towards learners, and that parents/carers are formally notified of the exclusion
- child protection issues are taken into account, e.g. bearing in mind the learner's age and vulnerability, that a parent/carer is at home and the learner is not placed at risk by, for example, being left to wander the streets
- that work is sent home or alternative provision is arranged.

1.6.4 The very fact that unlawful exclusions are not recorded means that it can be extremely difficult to identify instances of this practice. If a learner is excluded unlawfully they are unlikely to have educational provision made for them.

1.7 Length of fixed-term exclusions

1.7.1 The regulations allow headteachers to exclude a learner for one or more fixed-terms not exceeding 45 school days in any one school year. However, individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the learner to reintegrate into the school. Inspection evidence suggests that one to three days is often long enough to secure the benefits of exclusion without adverse educational consequences. Exclusions may not be given for an unspecified period, e.g. until a meeting can be arranged. Such a practice amounts to an unlawful exclusion, for which no legal arrangements exist (paragraphs 1.6.1–1.6.4 on page 12).

1.7.2 The limit of 45 days applies to the learner and not to the institution, therefore any days of fixed-term exclusion served on the learner in any school or PRU in the same school year will count towards the total. It is important therefore that, when a learner transfers to a new school during the current academic year, records of any fixed-term exclusions a learner has received during the current academic year are transferred promptly to the new school.

1.7.3 A fixed-term exclusion does not have to be for a continuous period; for example, a learner may normally attend school three days a week and a PRU for the other two; so a five-day exclusion from the school could be for three days in one week and two days in the following week.

1.7.4 A learner who exceeds 45 days of fixed-term exclusions within a school year does not automatically proceed to a permanent exclusion. The 45-day 'limit' has been placed in Regulations to avoid ineffective use of fixed-term exclusion.

1.7.5 Discipline committees must convene when a learner exceeds 15 days fixed-term exclusion within a term. If a learner's total number of days of fixed-term exclusion exceeds 15 school days in one term, any subsequent fixed-term exclusion(s) of the learner in the same term would again trigger the discipline committee's duty to consider the circumstances of the exclusion (see paragraph 3.2.1 on page 35).

1.7.6 As the decision to exclude should not be taken lightly the governing body may consider it appropriate to convene to consider a situation where there has been 25–30 days of fixed-term exclusion

within the school year regardless of whether the exclusions occurred in different terms. If schools look to adopt this approach when a learner reaches 25–30 days it could provide for an additional safeguard from a learner accruing 45 days, and another opportunity for schools and LAs to reassess any support plans in place.

1.8 Setting and marking work

1.8.1 The school's obligation to provide education continues while the learner is still on the roll. The name of a permanently excluded learner should remain on the school roll until the appeals procedure is completed, or until the time for appeals has expired without an appeal being lodged. It may be removed earlier if the parents/carers and/or learner give notice in writing that they do not intend to appeal.

1.8.2 In all cases of more than a day's exclusion, work should be set and marked. Headteachers must arrange for work to be provided as soon as a learner is excluded for a fixed-term. Parents/carers should arrange for the work to be collected and returned and the school must ensure that it is marked and that further work is set until the learner returns to school. Letters to parents/carers and/or learners informing them of the exclusion must include the arrangements for setting and marking work.

1.8.3 The governing body is responsible for ensuring that the school complies with these requirements. Headteachers should have a written policy on arrangements for receiving learners back into school after a fixed-term exclusion, which should include receipt of work completed during the exclusion. However, failure to complete work does not constitute a reason for refusing to allow the learner to return to school.

1.8.4 Partnership agreements between LAs and each of the schools it maintains must set out the responsibility of the school for the setting and marking of work for excluded learners.

1.8.5 Where a headteacher is considering excluding a learner for more than 15 school days in any one term, whether permanently or for a fixed term, they should put in place plans to address the learner's problems and secure their continuing education. The Welsh Government expects LAs and schools to work toward ensuring all learners excluded for more than three weeks receive full-time

and appropriate education. Where, in exceptional cases, this is not possible owing to the circumstances of an individual learner, there should be in place plans for full-time, appropriate provision with regular reviews of progress (see part 6 page 59).

1.8.6 The school therefore must initiate early contact with the LA, ideally before the learner is excluded, to discuss how to provide an appropriate package of full-time education for the learner that will facilitate reintegration into the school at the end of the exclusion. The school needs to involve other relevant agencies such as education social work and education psychology services, social services or medical services in this process. The school and the LA need to discuss how the cost of providing education for the learner will be met. The school would usually be expected to meet some of the costs.

1.9 Lunchtime exclusion

1.9.1 Some learners' behaviour can be particularly difficult at lunchtime. Where this is the case, it may be possible, through discussion and agreement with the parent/carer, to arrange for the learner to go home for lunch. If this is not feasible, provision exists to exclude the learner for the duration of the lunchtime, placing the legal responsibility for the learner back with the parent/carer.

1.9.2 Where lunchtime exclusion is used it should be a short-term measure only, with regular review of whether it continues to be an appropriate approach. Lunchtime exclusion must be treated as equivalent to one quarter of a school day. If these quarter days add up to more than five school days in a school term, including when they are added to other fixed-term exclusions, this will then entitle the relevant person to make representations to the governing body.

1.9.3 Where a learner is kept in the school during lunchtime, but away from other learners, this will not count as a formal exclusion but as an 'internal exclusion' (see paragraph 1.5.1 on page 11). Arrangements should be made for learners who are entitled to free school meals. This may mean providing a packed lunch.

1.10 Removal of learners for specific lessons

1.10.1 Learners may be removed from a class, on a one-off basis, as part of a school's range of sanctions against disruptive behaviour. Learners should not, however, be removed regularly from specific

lessons as a way of dealing with disruptive behaviour unless other suitable arrangements are made for the learner's education. In these circumstances the situation should be discussed with the parent/carer and learner, and the school should review the arrangements regularly, with a view to the learner returning to the lessons. Removal of learners for specific lessons is not classified as an exclusion.

1.11 Removal of learners from school in exceptional circumstances

1.11.1 There may be exceptional circumstances in which headteachers need to remove learners from the school site when exclusion would be inappropriate. An example is where a learner is accused of committing a serious criminal offence which took place outside the headteacher's jurisdiction or where there may be insufficient evidence to warrant exclusion.

1.11.2 A headteacher can authorise leave of absence for a fixed term, with the parents'/carers' agreement. Alternatively, exercising powers delegated to the governing body (or management committee for PRUs) under section 29(3) of the Education Act 2002 gives the governing body the power to direct a learner to attend educational provision elsewhere (without parental approval, although the parents/carers should be notified).

1.11.3 However, such educational provision elsewhere must be arranged for the purposes of receiving any instruction or training included in the secular curriculum for the school and should not be continued for longer than is absolutely necessary. Whether the learner has been granted leave of absence or is being educated elsewhere, the school must ensure that the learner's full-time education continues while off-site. Any such arrangements do not amount to an exclusion from school on disciplinary grounds and should be kept under periodic review involving the parents/carers. Where there is sufficient evidence to enable a headteacher to consider exercise of the power to exclude, the Welsh Government would expect the headteacher to consider exercising that power, rather than the power in section 29(3), or authorising leave of absence. It is important that in the exceptional circumstances where the section 29(3) power or authorised leave of absence is used, the headteacher's actions and arrangements are documented to remove any possibility of this being construed as an unlawful exclusion.

1.11.4 If exclusion some time later remains a possibility, the headteacher should make the parents/carers aware of this at the outset. The more time that passes the more likely it is that the exclusion will be regarded as an improper exercise of the power. The section 29(3) power should **not** be used to direct learners off-site for educational provision/training to improve their behaviour.

1.12 Removal of learners on medical grounds

1.12.1 Headteachers may send a learner home, after consultation with the learner's parents/carers and a health professional (such as a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease the learner poses an immediate and serious risk to the health and safety of other learners and staff. This is not an exclusion but an authorised absence and should be recorded as such in the attendance register. It should be for the shortest possible time. If difficulties persist, the headteacher should seek medical advice.

1.12.2 Health and safety considerations, including a risk assessment, can contribute to a school's case for exclusion, but cannot in themselves be grounds for exclusion, which can only lawfully be for disciplinary reasons. Similarly, learners cannot be sent home on health and safety grounds for their own protection because they are being bullied.

1.13 Parental cooperation

1.13.1 If a parent/carer refuses to cooperate with a formal exclusion by sending the excluded learner to school, or refusing to collect or arrange collection of the learner at lunchtime, the school must have due regard for the learner's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the learner at risk. If efforts to resolve the issue with the parents/carers are unsuccessful, the school should consider whether to contact the Education Welfare Service and seek the advice of the LA about available legal remedies.

1.14 'Voluntary' withdrawals

1.14.1 Influencing or encouraging parents/carers to 'voluntarily' withdraw their child from school as a way of dealing with difficult or challenging behaviour is not an appropriate response. Heavy pressure

put on parents/carers to withdraw their child, particularly to withdraw a child permanently, denies the child an education, as it is unlikely that a new school place can be arranged quickly. In the case of learners encouraged to leave school towards the end of Year 11, it can mean that they become 'lost' to the work and training environment and increases their risk of becoming socially excluded.

1.14.2 'Voluntary' withdrawals deny the learner and the parent/carer the safeguards of access to the exclusion and appeals procedures to which they are entitled. A headteacher who considers a learner's behaviour sufficiently difficult to warrant exclusion, either for a fixed-term or permanently, should use the procedures described in this guidance. Alternatively, they may wish to discuss the possibility of a 'managed move' to another school with the parents/carers and the LA (see paragraph 1.5.1 on page 11).

1.14.3 LAs will need to consider what action is appropriate where schools are found to be practising 'voluntary' withdrawals.

1.15 Behaviour outside school

1.15.1 Learners' behaviour outside school on school business, e.g. on school trips, away school sports fixtures or work experience placements is subject to the school's behaviour policy. Bad behaviour in these circumstances should be dealt with as if it had taken place in school. For behaviour outside school, but not on school business, a headteacher may exclude a learner if there is a clear link between that behaviour and maintaining good behaviour and discipline among the learner body as a whole. This will be a matter of judgement for the headteacher. Learners' behaviour in the immediate vicinity of the school or on a journey to or from school can, for example, be grounds for exclusion.

1.15.2 Schools must act reasonably both in relation to expectations of learners' behaviour and in relation to any measures determined for regulating behaviour by learners when off the school site and not under the control or charge of a member of staff. Schools need to decide what to take into account in deciding whether or not a sanction in a particular case is reasonable.

1.15.3 Schools may find it helpful to relate whatever factors they decide to use to a set of overall objectives that make clear why a policy for regulating behaviour off school premises is being applied.

Such objectives might be to:

- maintain good order on transport, educational visits or other placements such as work experience or college courses
- secure behaviour which does not threaten the health or safety of learners, staff or members of the public
- provide reassurance to learners who may feel threatened or intimidated by the behaviour of a small minority of their peers
- provide reassurance to members of the public about school care and control over learners and thus protect the reputation of the school
- provide protection to individual staff from harmful conduct by learners of the school when not on the school site.

1.15.4 School staff who intervene to control the behaviour of learners on public transport or in public places should be mindful of the fact that they are not empowered to use measures beyond their normal common law powers as citizens.

1.15.5 Section 3 of *Inclusion and Pupil Support* National Assembly for Wales Circular No: 47/2006 provides further guidance on behaviour and conduct outside of school www.wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en

1.16 Learners with special educational needs (SEN)

1.16.1 Statutory guidance on identifying, assessing and making provision for learners with SEN, including those with behavioural, social and emotional needs, is given in the *Special Educational Needs Code of Practice for Wales* (Welsh Assembly Government, 2002), which came into force on 1 April 2002. Schools must have regard to this guidance. School governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any learner who has SEN.

1.16.2 Other than in the most exceptional circumstances, schools should avoid permanently excluding learners with statements of SEN. They should also make every effort to avoid excluding learners who are being supported at School Action or School Action Plus under the *Special Educational Needs Code of Practice*, including those at School Action Plus who are being assessed for a statement.

In most cases, the teacher will be aware that the school is having difficulty managing a learner's behaviour well before the situation has escalated. Schools should try every practicable means to maintain the learner in school, including seeking LA and other professional advice and support at School Action Plus, or, where appropriate, asking the LA to consider carrying out a statutory assessment. For a learner with a statement, where this process has been exhausted, the school should liaise with their LA about initiating a formal review of the learner's statement.

1.16.3 Where a learner is permanently excluded, the headteacher should use the period between their initial decision and the meeting of the discipline committee to work with the LA to see whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible, the headteacher should normally withdraw the exclusion.

1.16.4 It is extremely important that parents/carers of learners with SEN who are excluded from school receive advice on the options available for their child's future education. Schools should advise parents/carers that advice and information on SEN is available through their local SEN Parent Partnership. The Parent Partnership should also be able to provide details of voluntary agencies that offer support to parents/carers, including those that can offer advice concerning exclusions.

1.17 Equality

1.17.1 The Equality Act 2010 ("the 2010 Act") consolidates and replaces the previous discrimination legislation for Wales, England and Scotland. It also strengthens the law to support progress on equality. Detailed guidance has already been made available for schools at www.equalityhumanrights.com/advice-and-guidance/education-providers-schools-guidance

The protected characteristics

1.17.2 The 2010 Act protects learners from discrimination based on protected characteristics. The relevant protected characteristics are disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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Definitions of discrimination

1.17.3 Under the law, there are different categories of discrimination with differences in the legal framework surrounding them.

'Direct discrimination' happens when a learner is treated less favourably than others in comparable circumstances because of a protected characteristic. Direct discrimination is generally unlawful.

'Discrimination by association' is a form of direct discrimination that occurs if, for example, a school treats a learner less favourably because of that learner's association with another person who has a protective characteristic.

'Discrimination by perception' is another form of direct discrimination against a learner who is wrongly thought to have a particular relevant characteristic, or is treated as if they do have that characteristic.

'Indirect discrimination' occurs when a provision, criterion or practice is applied equally to all but has the effect, or would have the effect, of placing learners of one or more protected groups, e.g. disabled learners, at a substantial disadvantage as a result. Indirect discrimination is unlawful unless it can be shown to be a proportionate means of achieving a legitimate aim.

'Combined discrimination' takes place when a learner is treated less favourably because of a combination of two of the specified relevant characteristics, e.g. disability and race.

'Discrimination arising from disability' occurs when a disabled learner is treated less favourably than others, not because of the learner's disability but because of something arising from, or in consequence of, their disability such as the need to take a period of disability-related absence.

'Victimisation' is where a learner is treated less favourably because they have taken action in respect of discrimination, e.g. by bringing a complaint or giving evidence for a peer. Victimisation is unlawful.

'Harassment' is any unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. The relevant protected characteristics are disability, race, pregnancy and maternity, and sex. Harassment is also unlawful.

1.17.4 To decide whether a school has treated a learner with a protected characteristic less favourably a comparison must be made with how the school has treated learners who do not have that protected characteristic or would have treated them in similar circumstances. For example, if the school's treatment of a disabled learner places that learner at a disadvantage compared with non-disabled learners then it is likely that the treatment will be less favourable.

Exclusions

1.17.5 The 2010 Act does not prohibit schools from excluding learners with a protected characteristic but does prohibit schools from excluding learners because of their protected characteristic (e.g. excluding a disabled learner because of their disability or because of their racial group) or discriminating unlawfully during the exclusions process. This applies to permanent and fixed-term exclusions.

1.17.6 It is direct discrimination to exclude a learner because they are perceived to have a protective characteristic or because they are associated with someone with a protective characteristic.

1.17.7 It is also unlawful to exclude a learner with a protective characteristic for behaviour that a learner without a protective characteristic would not be excluded for. For example, if a disabled learner is excluded for behaviour connected to their disability this could be unlawful discrimination arising from disability unless the school can justify the exclusion as being a proportionate means of achieving a legitimate aim. Whether or not the school has complied with its duty to make reasonable adjustments for the learner will have an impact on whether or not the exclusion can be justified. The Act requires schools to make reasonable adjustments for disabled learners both to the exclusions process and to the disciplinary sanctions.

1.17.8 The 2010 Act applies to all activities covering school life and means that everything a school does must be non-discriminatory, as well as requiring schools to review and possibly revise their policies, practices and procedures to ensure that they do not discriminate against such learners. For example, policies that lead

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to a higher proportion of learners from particular racial groups being excluded will be unlawful indirect discrimination unless the application of the policy can be justified.

The Public Sector Equality Duty

1.17.9 Section 149 of the 2010 Act imposes a general duty on the governing body of a school to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.17.10 Having due regard means consciously thinking about the three aims of the general duty as part of the process of decision making. This means that consideration of equality issues must influence the decisions reached by schools. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

1.17.11 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it involves having due regard, in particular, to the need to tackle prejudice, and to promote understanding.

1.17.12 Each element of the duty could impact directly or indirectly on learners with protected characteristics so schools should review their behaviour and equality policies to ensure that they address the issues that they are meant to address.

1.17.13 The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 imposes specific duties on school governing bodies to enable better performance of the general duty.

Appeals where discrimination is alleged

1.17.14 Appeals against permanent exclusion where disability discrimination is alleged to have taken place will be heard by the independent appeal panel. Claims alleging disability discrimination in respect of fixed-term exclusions will be heard by the Special Educational Needs Tribunal for Wales (SENTW). Schools will be required, in disability discrimination claims, to demonstrate that their actions are justified and that no reasonable adjustments could have been made to prevent the incident which led to the exclusion. Since many disabled learners will also have SEN, schools may wish to consider the action they have taken to address those needs in this context. Claims alleging discrimination other than disability are heard by a county court.

Guidance

1.17.15 The Equality and Human Rights Commission has a number of guidance documents and a code of practice to assist schools in understanding and complying with their duties under the Equality Act 2010, including in relation to exclusions. The Welsh Government strongly recommends that schools and those involved in exclusion decisions and appeals read the guidance and the code of practice, which is available on the Equality and Human Rights Commission website (www.equalityhumanrights.com).

1.18 United Nations Convention on the Rights of the Child (UNCRC)

1.18.1 The best interest of the child, in line with the United Nations Convention on the Rights of the Child, needs to be at the core of any decision to exclude and any subsequent exclusions procedures.

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Particularly relevant are the following articles:

- Article 2: Non-discrimination
- Article 3: Best interests of the child
- Article 12: Participation and respect for the views of children and young people
- Article 28: Education
- Article 29: Aims of Education.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 28

1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - a) make primary education compulsory and available free to all
 - b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need
 - c) make higher education accessible to all on the basis of capacity by every appropriate means
 - d) make educational and vocational information and guidance available and accessible to all children
 - e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods.

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In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - a) the development of the child's personality, talents and mental and physical abilities to their fullest potential
 - b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations
 - c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own
 - d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin
 - e) the development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

1.19 Looked-after children

1.19.1 Children looked after by LAs are especially at risk of low attainment in school. Schools should be especially sensitive to exclusion issues where looked-after children are concerned. Schools should try every practicable means to maintain the learner in school and should seek LA and other professional advice as appropriate. Local authority children's services departments should in all cases be involved at the earliest opportunity in working with the school to avoid the need to exclude the learner.

1.19.2 In cases where a looked-after child is excluded, anyone who is acting as a parent/carer will have the right to make representations and to appeal. The definition of a parent for the purpose of section 576 of the Education Act 1996 is broadly drawn and includes a person who has parental responsibility or has care of the child. This will include the local authority where they have a care order in respect of the child and any person (e.g. a foster parent) with whom the child lives. These are in addition to the child's birth parent(s). This means that there could be more than two parents/carers whom the school has to notify about exclusions and who will have the right to make representations and appeal.

1.19.3 Even where the local authority does not have parental responsibility, the child's social worker should be informed about any exclusion. The designated teacher for looked-after children will be able to advise on the legal status of learners in public care in the school. For further guidance see *Guidance on the Education of Children Looked After by Local Authorities* National Assembly for Wales Circular 2/2001 and Guidance (2001).

1.20 Role of the Welsh Government

1.20.1 The Welsh Government provides guidance on exclusion, to which headteachers, teachers in charge of a PRU, governing bodies, LAs and independent appeal panels must have regard.

1.20.2 The Welsh Government considers, while each of the above should have regard to this guidance, that all parties should adopt a proactive approach to exclusions within their areas and work closer to determine a simplified and accessible system to reduce burden on services, schools and families.

1.20.3 The Welsh Government can consider complaints about a discipline committee's operation of the exclusion procedure but has no power to overturn the exclusion or to consider complaints about the decision of an independent appeal panel (see part 4, section 4.13 page 54).

2. Procedure for excluding a learner: role of headteacher

2.1 Informing the 'relevant person' about the exclusion

2.1.1 Headteachers should carefully follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions.

2.1.2 Whenever a headteacher or teacher in charge of a PRU excludes a learner, the 'relevant person' should be notified immediately, ideally by telephone or other reasonable method, followed up by a letter within one school day.

2.1.3 The 'relevant person' is defined in the introduction to this document and in the regulations referred to in part 1 (page 8). Under the regulations, notification of an exclusion should be sent to parents/carers of learners where the learner is below the age of 11, i.e. normally in primary school; both the parents/carers and the learner where the learner is of compulsory school age but aged 11 and over and to the learner alone where the learner is above compulsory school age.

2.1.4 In exceptional circumstances, where the headteacher feels it is essential that the learner be required to leave the school premises immediately, a check should be made with the parent/carer to ensure that the learner is not left unsupervised.

2.1.5 Where a learner is excluded from school with immediate effect during the morning session, this counts as an exclusion of half a school day for the purposes of determining the length of the exclusion. Where the learner is excluded during the afternoon session the day of the exclusion should be disregarded for the purposes of calculating the length of the exclusion.

2.1.6 Whenever a headteacher or a teacher in charge of a PRU excludes a learner, the parent/carer, or the learner if over compulsory school age, must be notified immediately, followed up by a letter. When the parent/carer/learner must be notified in writing depends on when the learner is excluded:

- where the learner is excluded during the morning session, written notice must be given before the start of the afternoon session
- where the learner is excluded during the afternoon session, notice must be given by the end of that afternoon session.

2.1.7 Letters of notification of exclusion must state:

- for a fixed-term exclusion – the precise period of the exclusion
- for a permanent exclusion – the fact that it is a permanent exclusion
- the reason(s) for the fixed-term or permanent exclusion
- for maintained schools:
 - the parent’s/carer’s and learner’s right to make representations about the exclusion to the discipline committee
- for a PRU:
 - for a fixed-term: the parent’s/carer’s and learner’s right to make representations about the exclusion to the LA
 - permanent: the right to an independent appeal panel hearing
- the person whom the parent/carer and/or learner should contact if they wish to make such representations (normally the Clerk to the discipline committee, Clerk to the independent appeal panel or in the case of fixed-term exclusions from PRUs, an LA officer).

2.1.8 Letters should also confirm:

- the latest date by which the discipline committee must meet to consider the circumstances in which the learner was excluded (except where the exclusion is for fewer than six school days in any one term, and would not result in the learner missing a public examination)
- the parent’s/carer’s right to see and have a copy of the learner’s educational record upon written request to the school as outlined in regulation 5 of the Education (Pupil Information) (Wales) Regulations 2004
- in the case of a fixed-term exclusion, the date and time when the learner should return to school (in the case of a lunchtime exclusion, the number of lunchtimes for which the learner is being excluded, and if applicable the arrangements for the learner to receive free school meals)
- if the exclusion is permanent, the date it takes effect and any relevant previous history

- the arrangements made for enabling the learner to continue their education, including the setting and marking of work. It is the parent's/carer's responsibility to ensure that work sent home is completed and returned to school
- the name and telephone number of an officer of the LA who can provide advice
- if appropriate, that the parent/carer will be invited to attend a reintegration interview (further information can be found in part 6 paragraphs 6.3.1 to 6.3.8 on pages 60–61) and that a parent's/carer's failure to attend a re-integration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on the parent/carer.

2.1.9 Four model letters for notifying parents/carers and learners of fixed-term and permanent exclusions are provided in Annex A to this guidance (page 77).

- Model letter 1: for fixed-term exclusions of fewer than six days and where a public examination is not missed.
- Model letter 2: should be used for fixed-term exclusions of between six and 15 days (single or cumulative) or where a public examination is missed.
- Model letter 3: for fixed-term exclusions (single or cumulative) of 16 days or more.
- Model letter 4: for permanent exclusions.

2.1.10 Letters may need to be translated into other languages, where parents'/carers' first language is not English or Welsh. In the first instance it should be established whether someone in the family or a representative can provide a translation/interpretation for the family.

2.1.11 The details of all exclusion cases should be treated in the strictest confidence by all those involved in the process.

2.1.12 In exceptional cases, usually where further evidence has come to light, a fixed-term exclusion may be extended or converted to a permanent exclusion. In such cases the headteacher must write again to the parents/carers and/or learner explaining the reasons for the change. The headteacher may choose to withdraw an exclusion that

has not yet been reviewed by the discipline committee. The statutory time limits in which the discipline committee hearing must take place will begin at the date at which the parent/carers and/or learner are informed of the change from fixed term to permanent unless all parties agree to keep to the date previously agreed for the hearing on the fixed-term exclusion.

2.1.13 Where learners are excluded for a fixed term and no alternative provision is made before the sixteenth day of exclusion for them to continue their education, they should be marked as an authorised absence in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the learner registration regulations and learners attend it, they should be marked using the appropriate code, such as Code B (Educated off-site) or Code D (Dual registered).

2.2 Informing the discipline committee and the LA

2.2.1 Within one school day the headteacher must inform the governing body discipline committee and the LA of:

- permanent exclusions
- exclusions which will result in the learner being excluded for more than five school days or 20 lunchtimes in any one term
- exclusions which will result in the learner missing a public examination.

2.2.2 Fixed-term exclusions totalling five or fewer school days, or 20 or fewer lunchtimes (quarter days), in any one term, and where the learner is not missing a public examination must be reported to the discipline committee and LA once a term.

2.2.3 For a permanent exclusion, if the learner lives outside the LA in which the school is located, the headteacher must also advise the home LA of the exclusion, so that they can make arrangements for the learner's full-time education from and including the sixteenth school day of exclusion. It is essential that the home LA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits.

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2.2.4 Exclusion reports must include:

- the learner's name, age, date of birth, gender and ethnicity
- whether the learner has a statement of SEN, is being assessed for such a statement, or is on School Action or School Action Plus
- whether the learner is in LA care
- the length of the exclusion
- the reason for the exclusion.

2.2.5 The teacher in charge of a PRU must give similar information to the LA.

2.2.6 In the case of a looked-after child from another local authority area, the 'home' local authority should be informed.

2.2.7 One (or for a number of offences) of the following exclusion codes/terminology should be used when informing the LA of an exclusion:

- assault/violence (staff)
- assault/violence (learner)
- defiance of rules/discipline policy
- disruptive behaviour
- bullying
- racial harassment
- sexual harassment
- verbal abuse
- threatening or dangerous behaviour
- possession/use of weapon
- theft
- damage to property
- substance misuse
- other.

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3. Responsibilities of the discipline committee

3.1 The discipline committee

3.1.1 The governing body must establish a discipline committee, under the Government of Maintained Schools (Wales) Regulations 2005. The role of the committee includes reviewing the use of exclusion within the school. The committee has to be made up of three or five governors, drawn from members of the governing body and not including the headteacher. The governing body should aim to include a range of different types of governor. They should also take account of the need for members of the discipline committee to meet quickly when a learner has been excluded.

3.1.2 It is important that discipline committee members who are called upon to review exclusions receive training to equip them to discharge their duties properly. The Welsh Government would expect the LA to organise a training session for members on exclusions issues and for members to make every effort to attend.

3.1.3 The governing body should also appoint a Clerk to the discipline committee to provide advice on the exclusion process and handle the administrative process. The quorum for a meeting of the discipline committee is three. Where a governor has a connection with the learner or the incident which might reasonably raise doubts about their ability to act impartially they should not serve at that particular hearing. Where four members are considering whether to uphold an exclusion the Chair will have the casting vote in the case of equal voting.

3.1.4 At one meeting the discipline committee may consider more than one exclusion as long as they comply with the statutory time limits within the regulations relating to each one.

3.1.5 If exclusion would result in the learner missing a public examination, the discipline committee should try to meet before the date of the examination. If, exceptionally, in the case of a fixed-term exclusion the Chair of the committee does not consider it practical for the committee to meet before the time when the learner is due to take the public examination, the Chair alone may consider the exclusion and decide whether or not to reinstate the learner (these are the only circumstances in which the Chair can sit alone to review an exclusion). In such cases the parent/carer and/or learner has the right to make written and oral representations to the

committee or, as the case may be, the Chair. If possible, the Chair should hear details from an LA officer on how other comparable cases within the LA have been dealt with.

3.1.6 In some cases, depending on the nature and seriousness of the exclusion, the discipline committee may exercise its discretion to allow an excluded learner on the premises for the sole purpose of taking a public examination. There is no automatic right for an excluded learner to take a public examination on the excluding school's or PRU's premises; this is entirely at the discipline committee's discretion.

3.2 Discipline committee meetings to consider exclusions

3.2.1 On receiving notice of an exclusion from the headteacher:
the discipline committee:

- a) must, in the case of one or more fixed-term exclusions totalling five school days or fewer in any one term, consider any representations from the parent/carer and learner but cannot direct reinstatement (see Model letter 1, in Annex A, page 77) but they can put a record of their considerations on the learner's educational record.

The Chair of the discipline committee may agree to convene a meeting if the parent/carer requests a meeting to discuss the exclusion. While no statutory time limits apply to the consideration of such exclusions, the Chair should consider responding promptly to any request from the parent/carer.

the Clerk or Chair:

- b) must, in the case of one or more fixed-term exclusions totalling more than five but not more than 15 school days in any one term, convene a meeting between the sixth and the fiftieth school day after receiving the notice of exclusion, to consider the exclusion, if the parent/carer and/or learner requests a meeting. The meeting may direct reinstatement (see Model letter 2, in Annex A, page 80)
- c) must, in the case of a permanent exclusion, or one or more fixed-term exclusions (including lunchtimes) totalling more than 15 school days in any one term, convene a meeting between the

sixth and fifteenth school day after the date of receipt to consider the exclusion (see Model letters 3 and 4, respectively, in Annex A, pages 83 and 86)

- d) must, in the case where a learner is to miss a public examination (so far as is practical for them to do so) convene a meeting before the date on which the learner is due to take the examination and in any event no later than as outlined in paragraphs b and c on page 35 (see Model letter 2, in Annex A, page 80)
- e) must invite the parent/carer and/or learner, headteacher and an LA officer to the meeting at a time and place convenient to all parties (within the statutory time limit)
- f) should ask for any written statements (including witness statements) in advance of the meeting
- g) should circulate to all parties, including the learner if it is known that they are to attend the meeting, within five school days of the meeting, any written statements (including witness statements) and a list of persons who will be present at the meeting
- h) must offer the opportunity for the views of the excluded learner to be considered at the meeting, irrespective of their age.

3.2.2 Where a meeting of the discipline committee has previously been convened and further exclusions take place within the same term, the discipline committee is required to meet in relation to each exclusion to assess the effectiveness of the support plans put in place for that learner.

3.2.3 The discipline committee should conduct the meeting along the lines of the principles and procedures laid out in part 4, section 4.7 on page 47. Under regulations which came into force in January 2004, learners of all ages have the right to have their view heard at both the discipline committee meeting and the independent appeal panel hearing. This may be in person, in writing or any other practical format.

3.2.4 The discipline committee should allow the parent/carer and/or learner to be accompanied by a friend or legal representative at their request.

3.2.5 Where learners of compulsory school age are not accompanied by their parents/carers the LA should endeavour to obtain the services of an advocate to speak on behalf of the learner. This is

particularly important where learners may be considered not to have sufficient maturity or capacity to represent themselves effectively.

3.2.6 The committee must comply with the statutory time limits and are not relieved of their legal obligation to carry out the relevant duty if they fail to comply. Accordingly their decision will not be invalid simply on the grounds that it was made out of time.

3.2.7 The discipline committee's role is to only review exclusions imposed. Only the headteacher has the power to exclude. The discipline committee cannot increase the severity of an exclusion for example, by extending the period of a fixed-term exclusion or by imposing a permanent exclusion in substitution for a fixed-term exclusion.

3.2.8 The discipline committee can uphold an exclusion, or direct the learner's reinstatement, either immediately or by a certain date. If the discipline committee cannot direct reinstatement because the period of exclusion has expired and the learner has returned to school, they can place a copy of their findings on the learner's school record. The discipline committee should bear in mind that, in the case of a permanent exclusion, if an appeal is lodged against the committee's decision the independent appeal panel will not just review the committee's decision, it will rehear all the facts of the case including any fresh evidence.

3.3 Procedure at the discipline committee meeting

3.3.1 The LA is not required (and it may not be practical) to send a representative to all discipline committee meetings in its area. However, the LA should send a representative to all permanent exclusion meetings and to longer fixed-term exclusion meetings if possible. The LA can make a statement to the discipline committee, for example, about how other schools in the area have dealt with similar incidents and to advise on alternative arrangements for the learner to continue his or her education if the exclusion is confirmed.

3.3.2 The discipline committee may ask the LA officer for specific technical or procedural advice. However, the discipline committee should make its decision in private, asking the other parties to withdraw. The Clerk may stay with the committee to help them with reference to his notes of evidence and in wording their decision. The Chair should clarify the limited role of the Clerk at the beginning of the hearing.

3.3.3 The discipline committee should decide whether to direct reinstatement. In reaching their decision the committee should consider:

- any representations made by the parent/carer, the learner and the LA officer
- issues where there is a lack of clarity or where more information may be needed, or where guidance appears to have been ignored
- whether the headteacher has complied with the exclusion procedure and has had regard to the Welsh Government's guidance before deciding to exclude the learner
- appropriate school policies, including the school's published behaviour policy, equal opportunities policy, anti-bullying policy, SEN policy and race equality policy.

3.3.4 In the case of permanent exclusion, the discipline committee should normally satisfy itself that all other strategies to improve a learner's behaviour have been tried and have not been successful. Particular consideration should be given to the use of PSPs.

3.3.5 Where the discipline committee decides that the learner should be reinstated, the discipline committee should then decide if reinstatement is practical. Practical, in this sense, refers to the individual circumstances and needs of a learner, rather than issues such as financing of support for the learner within the school. If reinstatement is practical the discipline committee should then decide if the learner should be reinstated immediately or by a specific date. Normally, a learner would be reinstated immediately or no more than five school days after the decision date. If the discipline committee decides to direct reinstatement, it should discuss with the LA whether extra short-term support would help to ensure successful reintegration.

3.3.6 If the discipline committee decides to confirm a headteacher's decision to exclude for more than 15 school days, it should be satisfied that there are suitable arrangements for the learner to continue their education while away from school. It will not be sufficient for the learner simply to continue to do work at home with no supervision, and the discipline committee should ensure that extra support (e.g. home tuition) or, if appropriate, specialist services (e.g. counselling) are being arranged.

3.3.7 Where reinstatement is not practical, e.g. because the learner has returned to school following the expiry of a fixed-term exclusion or because the parent/carer and/or learner makes clear they do not want reinstatement, the discipline committee must consider whether the headteacher's decision to exclude the learner was justified based on the evidence. The outcome of their review should be added to the learner's educational record for future reference.

3.4 After the meeting

3.4.1 The discipline committee should inform the parent/carer and/or learner, the headteacher and the LA of their decision in writing within one school day of the hearing, stating its reasons. The committee may not attach conditions to any direction it may give to the headteacher to reinstate the learner; however, this does not prevent a school from following good practice in reintegrating the learner.

3.4.2 Where the discipline committee decides not to direct a headteacher to reinstate a permanently excluded learner, its letter to the parent/carer and/or learner should also include:

- the reason for the decision
- their right to appeal to an independent appeal panel, together with the name and address of the person to whom any notice of appeal should be sent (normally the Clerk to the independent appeal panel)
- the date by which any notice of appeal should be lodged (15 school days after the day on which notice in writing was given of the discipline committee's decision; where the notice is sent by first class post it is treated as having been given on the second working day after it was posted)
- that any notice of appeal must set out the grounds on which the appeal is made
- that any claim of discrimination should also be set out in the notice of appeal.

3.4.3 A model letter for notifying parents/carers and/or learners of a decision to uphold a permanent exclusion is provided in Annex A (Model letter 5, page 88).

3.4.4 A note of the discipline committee's views on the exclusion should be placed on the learner's school record, along with a copy of the headteacher's exclusion letter and other relevant papers. However, if the learner is reinstated the school is under no obligation to comply with any request from parents/carers to delete details of the exclusion from the learner's record. Indeed, where the exclusion is a matter of fact, i.e. it has been served or partly served, it would not be lawful to delete details of it from the learner's educational record.

3.5 Pupil referral units

3.5.1 The LA must review fixed-term and permanent exclusions from PRUs and consider any representations made by parents/carers and/or learners. In the case of one or more fixed-term exclusions (including lunchtimes) totalling more than 15 school days in any one term, where reinstatement is a practical option, the LA must consider whether to reinstate the learner. In the case of such exclusions the LA must allow oral representations to be made by the parent/carer and/or learner and teacher and the representations must be heard within the same timescales as apply to discipline committees, set out in section 3.1 on page 34. A model letter is contained in Annex A (Model letter 3, page 83).

3.5.2 In the case of permanent exclusions oral representation from the parent/carer and/or learner may only be made at the appeal panel stage.

4. Independent appeal panels

4.1 Notifying parents/carers and learners

4.1.1 When a permanent exclusion is upheld by the discipline committee, the committee's decision letter (Model letter 5; see Annex A, page 88) to the parent/carer and/or learner must:

- state the reasons for the decision
- give the last day for lodging an appeal
- explain that the grounds for the appeal should be set out in writing.

4.1.2 In the case of a permanent exclusion from a PRU, the letter from the teacher in charge should give this information.

4.1.3 The LA should also write to the parent/carer and/or learner as soon as possible after the discipline committee hearing, but within three working days at the latest, indicating the latest date by which an appeal may be lodged. This will be 15 school days from the date of the discipline committee's decision. The letter must also include the name and contact details for the Clerk to the appeal panel, and explain that the notice of appeal must be in writing, setting out the grounds on which it is made.

4.1.4 The day on which the parent/carer and/or learner is given notice is taken to be the second school day after the date of posting by first class post, or, where the notice is hand delivered, the date of delivery (unless a different date of receipt can be demonstrated).

4.1.5 Any appeal made after the latest date for lodging an appeal will be out of time and should be rejected by the LA.

4.1.6 A notice in writing given by the parents/carers of learners aged under 11 or learners above compulsory school age to the LA which states that they do not intend to appeal will be treated as final. For learners of compulsory school age and aged 11 and over, such a notice from the parents/carers will be treated as final whether or not the learner has given such notice in writing. A notice received only from learners aged 11 and above but of compulsory age will also be treated as final.

4.1.7 Parents/carers have a right to an independent appeal panel hearing even if they did not make a case to, or attend, the discipline committee.

4.2 The timing of the hearing

4.2.1 An appeal panel must meet to consider an appeal no later than the fifteenth school day after the day on which the appeal was lodged. However, if necessary, the panel may then decide to adjourn the hearing if, having regard to the particular circumstances of the case, they consider that it would not be appropriate for them to proceed to determine the appeal. This might include circumstances where more information is awaited. The panel may adjourn on more than one occasion if necessary.

4.2.2 In exceptional circumstances, the LA have discretion to extend the date of the appeal hearing to a date later than the fifteenth school day, e.g. where the parent/carer and/or learner requires further time to prepare for the appeal hearing. However, any agreement to an extension is at the discretion of the LA, and each request should be considered on its merits. If a later hearing date is set the panel will be deemed to have adjourned the hearing.

4.3 Combined appeals

4.3.1 If the issues raised by two or more appeals are the same or connected, the panel may decide to combine the hearings if it considers that it is expedient to do so. In such cases the panel should check that no party objects to this approach. The panel must be aware of possible conflicts of interests between the parties involved.

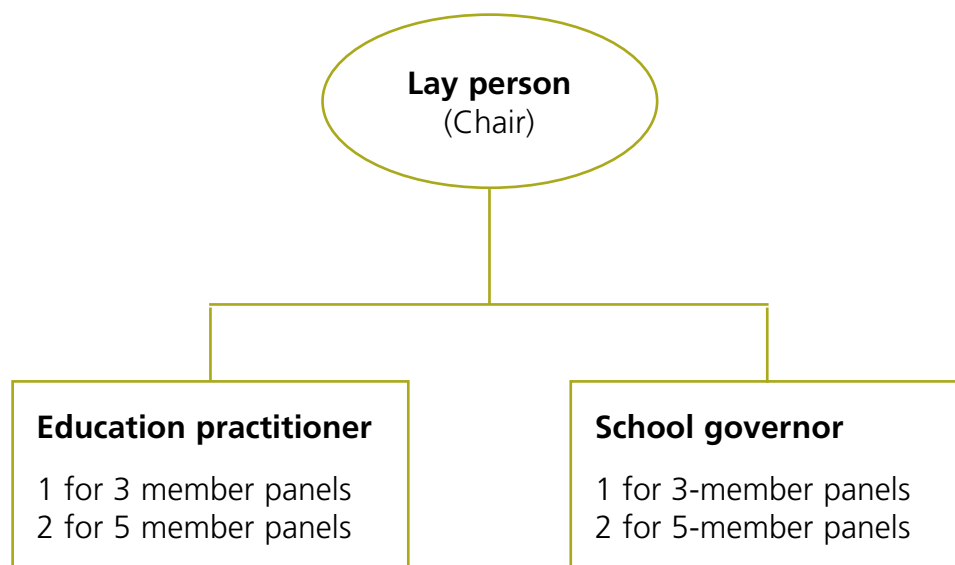
4.3.2 The panel has discretion to combine the appeals or refuse any request for combination, but must take all the relevant considerations into account, including any views expressed by the parties. In particular, where learners have been permanently excluded as a result of their participation in the same incident, and their participation and mitigation are not substantially different, the appeal panel may consider it is appropriate to combine all the appeals arising out of the incident. The panel should consult the parties (including the discipline committee as well as the parents/carers/learner) before deciding to combine appeals. Where the panel decides not to combine appeals, or it is impracticable to do so, then to avoid unfairness and inconsistency, it is recommended that the same panel members hear the appeals. A panel which has decided to combine or not to combine hearings arising out of the same incident must be prepared to justify the way

that it has reached that decision, and should record its reasons for doing so. Such a decision is subject to judicial review.

4.3.3 Where a decision is made to hear appeals separately and the same panel members are not available, the panel should take practical steps to ensure that similarities or differences in the cases can be taken into account by different panels considering the cases arising from the incident. Decisions about combining appeals should be taken by the panel, and not by the Clerk to the panel or by the LA that set up the panel. A panel is not required to tell legally represented parties, who do not ask for combining, that appeals may be combined.

4.4 Composition of independent appeal panels

4.4.1 The LA must constitute the independent appeal panel and appoint a Clerk. All panels will constitute three or five members as follows.



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- The lay person will be the Chair. A 'lay person' is someone without personal experience in the management of a school or the provision of education, other than in a voluntary capacity or as a school governor.
- Education practitioner will be a headteacher or other person currently working in education management.
- School governor will be a governor who must have served for 12 consecutive months within the last six years and have not been a headteacher or teacher during the last five years.

4.4.2 Whenever possible panel members considering a primary school exclusion should have experience of that phase of education, those considering a secondary school exclusion should have experience of secondary education, and those considering an exclusion from a special school should have experience of that area of education. The lay member should have the necessary skills and qualities to chair the panel effectively.

4.4.3 Whenever possible, to maintain a wider education view, at least one of the members of the panel should be working outside the area covered by the LA which manages the school of the excluded learner.

4.4.4 The following persons are disqualified from serving as a member of an appeal panel:

- any member of the LA or of the governing body of the school in question
- teachers of the school or PRU in question or any person who has held that position within the last five years
- any person employed by the LA, other than as a teacher
- any person who has had, at any time, any connection with the LA or person employed by the authority (other than as a teacher) that might reasonably be taken to raise doubts about their ability to act impartially
- any person who has had, at any time, any connection or association with the learner in question that might reasonably be taken to raise doubts about their ability to act impartially.

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4.4.5 All prospective panel members should declare any such conflict of interest at the earliest opportunity.

4.4.6 Doubts about impartiality may arise from the panel member having worked closely with the headteacher or governing body of the excluding school, or from being a teacher or governor of a school (or PRU), to which the learner might be admitted if the exclusion is confirmed. If LAs have difficulty finding within their own authority area serving education practitioners and governors who feel they are able to act impartially they may need to recruit more than one panel member from neighbouring LAs.

4.4.7 LAs should ensure that all panel members and clerks receive suitable training and that the Chair is trained in the specific chairing skills the panel requires. LAs will wish to identify and train sufficient chairs, members and clerks to ensure they can arrange hearings within the necessary timescale and should establish a clear procedure for selecting potential panel members. In appointing the Chair, LAs should look to individuals with prior experience in appeal panel work and where possible with a legal background.

4.4.8 The LA must indemnify the members of an appeal panel against any reasonable legal costs. LAs are required to advertise for lay members of appeal panels. Financial costs reasonably and properly incurred by members of an appeal panel in attending an appeal meeting will be covered by the Local Government Act 1972. Payments will be at a rate determined by the LA.

4.5 Role of the Clerk

4.5.1 The Clerk provides an independent source of advice on procedure for all parties. The Clerk should not have served as Clerk to the discipline committee hearing.

4.5.2 Following training, clerks should be allowed to develop experience in the conduct of appeals. If the Clerk has not received legal training and no member of the panel is legally qualified the LA should consider whether the panel might benefit from an independent source of legal advice, especially where the appellant and/or the school is legally represented.

4.6 In advance of the hearing

4.6.1 The LA must take reasonable steps to find out when the parent/carer and/or learner and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the appeal, taking into account neutrality, and suitable access and provision of additional facilities for any attendees with disabilities. Appeals must be heard in private. Appeal hearings should never be held at the excluding school.

4.6.2 The following are entitled to attend a hearing and present their case, either in writing or orally, and to be represented:

- the parent/carer and learner
- the headteacher (where an excluding headteacher has left the school, the appeal panel may use its discretion in deciding whether to invite them to make representations)
- a nominated governor
- a nominated LA officer.

All the above parties, as well as the governing body, may be represented by a legal or other representative.

4.6.3 An excluded learner of any age has the right for their view to be heard in an independent appeal panel, which may be in person, in writing or other practical form. The panel cannot compel witnesses to attend the hearing. A member of the Administrative Justice and Tribunals Council may attend any meeting of an appeal panel as an observer.

4.6.4 Where learners of compulsory school age are not accompanied by their parents/carers, the LA should endeavour to obtain the services of an advocate to speak on behalf of the learner. This is particularly important where learners may be considered not to have sufficient maturity or capacity to represent themselves effectively.

4.6.5 The Clerk should remind the parent/carer and/or learner of their right to be accompanied by a friend or represented at the hearing by a legal representative or advocate. If the parent/carer and/or learner wishes to bring more than one friend or

representative, the Clerk should seek the panel's agreement in advance, having regard to a reasonable limit on numbers attending the hearing.

4.6.6 The Clerk should also ascertain whether an alleged victim (e.g. in the case of an exclusion for bullying) wishes to be given a voice at the hearing either in person, through a representative or by submitting a written statement. Their role would be that of a witness and they would not be able to question any of the parties.

4.6.7 The Clerk must give all parties details of those attending and their role, and notify them of the order of hearing. All parties should keep the others informed, through the Clerk to the panel, of who will attend and what witnesses (if any) will be called.

4.6.8 The Clerk should circulate all written evidence to all parties five working days before the hearing. This must include the statement of decision by the discipline committee and the notice of appeal from the parent/carer and/or learner which gives the grounds for the appeal and any discrimination claim. The headteacher, governing body and LA may also make written representations. If any of the parties intend to raise matters or produce documents at the hearing that are not covered by the statement of decision or the notice of appeal, they should be asked to submit these to the Clerk in good time before the hearing.

4.7 Conduct of the appeal hearing

4.7.1 It is for the appeal panel to decide how to conduct the proceedings, which should be reasonably informal so that all parties can present their case effectively. Tape-recording of the hearing should be avoided unless there is good reason and all parties agree.

4.7.2 In opening the appeal hearing it is helpful for the Chair to outline the procedure to be followed and to explain to all parties that the panel is independent from both the school and the LA. The panel needs to have regard to legislation and to Welsh Government guidance in its conduct and in reaching its decision.

4.7.3 Following introductions, the Clerk should explain the order in which the parties entitled to be heard will state their case (as previously notified to them) and that there will be an opportunity for questioning by the other parties after each presentation. The Chair should then lead the panel in establishing the relevant

facts. Panel members may wish to ask questions to clarify an issue or to elicit more information. Questions from the panel should generally be taken at the end of each party's statement and following questioning by the other parties. The Clerk may be called on to give legal or procedural advice to the appeal panel during the course of the hearing and when they retire to consider their decision.

4.7.4 Sufficient time must be allowed for each party to put their case forward. The panel should ensure that the parent/carer and/or learner is given the opportunity to comment on relevant information obtained from the LA or governing body. Care must be taken to ensure that no party attending the hearing is present alone with the appeal panel in the absence of any other party.

4.7.5 If the parent/carer and/or learner appears to be having difficulty in presenting their case, the Chair should intervene to assist them to ensure that their case is established and that factual matters not in dispute are clearly identified. The Chair should assist parents/carers and/or learners whose first language is not English or Welsh or who have literacy problems and who may not have understood all the paperwork.

4.7.6 If necessary the school and/or LA should arrange for the services of an interpreter where the parents/carer of an excluded learner do not speak or have a good understanding of English or Welsh. Correspondence and documentation relating to the exclusion should, where possible, be translated into their mother tongue (part 2, paragraph 2.1.10, page 31). In such cases the school and/or LA should arrange for an interpreter to be present at any meetings with the parent/carer about the exclusion.

4.7.7 An appeal cannot continue if the number of panel members drops below three at any stage. In this event the panel may need to adjourn until its quorum is restored. Once an appeal has begun, no panel member may be substituted by a new member for any reason. Accordingly, where a member cannot continue as a result of illness, death or other unavoidable reason, a new panel will normally have to be constituted. In the case of a five-member panel, however, the panel may continue in the event of a death or illness of one (or even two) of its members, provided all three categories of member are still represented. If a panel is reduced to four members and is deadlocked, the Chair has the casting vote.

4.8 Evidence and witnesses

4.8.1 Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable.

4.8.2 All parties may put forward new relevant evidence about the event that led to the exclusion, including evidence that was not available to the headteacher or the discipline committee. All parties should be given the opportunity to respond to any such new evidence which has been put forward. The school may not however, introduce new reasons for the exclusion.

4.8.3 To reach a decision, the panel will generally need to hear from those directly or indirectly involved. The governing body may wish to call witnesses who saw the incident that gave rise to the exclusion. These may include any alleged victims or any teacher, other than the headteacher, who investigated the incident and interviewed learners.

4.8.4 The panel is required to consider the view of the excluded learner which may be either in person, in writing or any other practical form.

4.8.5 Where adult witnesses are unwilling to appear in person or are unavailable, the panel must rely on their written statements, copies of which will have been circulated to all parties by the Clerk before the hearing. If any witnesses are going to appear in person, all parties need to know the details in advance of the day of the hearing.

4.8.6 In the case of witnesses who are learners of the school, it will normally be more appropriate for the panel to rely on written statements. Learners may appear as witnesses if they do so voluntarily and with their parent's/carer's permission. Panels should be sensitive to the needs of learner witnesses to ensure that the learner's view is properly heard.

4.8.7 All written witness statements must be attributed and signed, unless the school has good reason to wish to protect the anonymity of learners, in which case they should at least be dated. The general principle remains that an accused person is entitled to know the substance and the source of the accusation. The panel must consider what weight to attach to written statements, whether made by

adults or learners, as against oral evidence. They should bear in mind that a written statement may not encompass all the relevant issues and that the author cannot be questioned.

4.8.8 The calling of character witnesses is at the discretion of the panel but should be allowed unless there is good reason to refuse. It is for the panel to decide whether any witnesses, having given evidence, should stay for the remainder of the presentation of the case. On some occasions this would help the informality of the proceedings but there could also be objections which the panel will need to consider. In any event it should be made clear that after giving their evidence they will not be allowed to give further evidence.

4.9 Reaching a decision

4.9.1 In considering an appeal, the panel should decide, on a balance of probabilities, whether the learner did what they are alleged to have done. In other words, it is more likely than not that the learner did what they are alleged to have done. The more serious the allegation and therefore the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied, but it does mean that when investigating more serious allegations, headteachers should have gathered and taken account of a wider range of evidence (extending in some instances to evidence of the learner's past behaviour if relevant to the allegation) in determining whether it was more probable than not that the learner committed the offence. If more than one incident of misconduct is alleged, the panel should decide in relation to each one.

4.9.2 The panel should consider the basis of the headteacher's decision and the procedures followed having regard to:

- whether the headteacher and discipline committee complied with the law and had regard to the Welsh Government guidance on exclusion in deciding, respectively, to exclude the learner and not to direct that they should be reinstated. While the law states that the panel must not decide to reinstate a learner solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors

were not considered. Particularly important areas to consider are whether an appropriate PSP had been put in place or whether the educational provision specified in a statement of SEN had been provided

- the school's published behaviour policy, equal opportunities policy, anti-bullying policy, SEN policy, and race equality policy, or any other relevant policy
- the fairness of the exclusion in relation to the treatment of any other learners involved in the same incident.

4.9.3 Having satisfied themselves as to these issues, the panel should consider whether to overturn the exclusion. If they do so, they should then decide whether this is an exceptional case where reinstatement is not a practical way forward.

4.9.4 In deciding whether or not to uphold the exclusion decision and whether or not to direct reinstatement, the panel must balance the interests of the excluded learner against the interests of all the other members of the school community.

4.9.5 Where a parent/carer appeals against permanent exclusion and makes a claim alleging discrimination, the appeal panel must consider whether there has been discrimination under the Equality Act 2010.

4.9.6 Where a parent/carer appeals against permanent exclusion and makes a claim alleging disability discrimination, the appeal panel must consider whether the learner is disabled and whether there has been discrimination within the meaning of the Equality Act 2010. Any extra costs incurred in proving a disability would need to be met by the LA and/or school rather than the parents/carers. It is strongly recommended that appeal panels consider the advice and guidance provided by the Equality and Human Rights Commission regarding the school's obligations towards learners under the Equality Act 2010, including in relation to exclusions. Schools and those involved in exclusion decisions or appeals are strongly recommended to read the code of practice, which is available on the Equality and Human Rights Commission website at www.equalityhumanrights.com

4.10 The decision

4.10.1 The appeal panel's decision shall be based on a majority agreement with a second or casting vote held by the Chair.

An appeal panel may:

- uphold the decision to exclude
- overturn the decision to exclude and direct reinstatement
- decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction.

4.10.2 If the panel directs reinstatement, the date specified must be reasonable in the circumstances. Unless there is a compelling reason, the date of reinstatement should be no more than five school days from the decision date. The panel may not attach conditions to the reinstatement of a learner.

4.10.3 In some cases it will not be practical for the panel to direct reinstatement because the parent/carer and/or learner has made clear they do not want it, or because the learner has become too old to return to the school.

4.10.4 There may also be exceptional cases where the panel considers that the permanent exclusion should not have taken place, but that reinstatement in the excluding school is not a practical way forward in the best interests of all concerned. This could include situations where there has been an irretrievable breakdown in relations between learner and teachers; between the parents/carers and the school; or between the learner and other learners involved in the exclusion or appeal process. In such situations and before deciding that exceptional circumstances exist, the panel should try to establish what efforts have been made to address the breakdown in relations. Balancing the interests of the learner and the whole school community may suggest that reinstatement would not be the most sensible outcome in such cases. In considering whether exceptional circumstances exist the panel should consider representations from the governors, the headteacher, the parent/carer and the learner.

4.10.5 In any case where the panel decide that reinstatement would have been justified but is not practical, they should indicate this in their decision letter and give details of the circumstances that made

them decide not to direct reinstatement. Such a letter should be added to the learner's school record for future reference.

4.11 Record of the proceedings of an appeal panel

4.11.1 The Clerk to an appeal panel should take minutes of the proceedings, the attendance, the voting and the decision in a format approved by the LA. The Clerk should aim to finalise the minutes within five working days of the meeting and for these to be approved by as many of the panel members as possible. The minutes are not public documents but should be retained by the LA for a period of at least five years, as they may need to be considered by a court or by the Public Services Ombudsman for Wales.

4.12 After the hearing

4.12.1 The panel is independent. Its decision is binding on the parent/carer and/or learner, the governing body, the headteacher and the LA. The panel cannot revisit its decision once made.

4.12.2 The panel must let all parties know its decision by the end of the second working day after the hearing. Model letter 6, provided in Annex A (page 90), is for notifying the parent/carer of the decision of the panel. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

4.12.3 If the appeal panel upholds the permanent exclusion, the Clerk should immediately report this to the LA. If the learner is of compulsory school age, it is for the LA in whose area the learner lives to make arrangements as quickly as possible for the learner to continue in suitable full-time education. If the learner lives outside the area of the LA arranging the appeal, the Clerk should make sure that the home LA is also informed immediately of the position. The home LA should already be aware of the exclusion as the headteacher must notify the home LA of the exclusion within one school day of the exclusion (see part 2, paragraph 2.2.3 on page 32).

4.12.4 Where the exclusion is upheld the Clerk should also advise the parent/carer to contact the appropriate person at the home LA about arrangements for their child's continuing education. The headteacher should remove the learner's name from the school roll the day after the conclusion of the appeal.

4.12.5 Where the panel directs reinstatement it should immediately inform the headteacher of the decision and specify the date on which the learner must be readmitted.

4.12.6 Details of an exclusion may not lawfully be deleted from the learner's educational record even if reinstatement is directed. The Governing Body must, however, comply with any parent's/carer's request to append their appeal statement to the learner's record. It will be for the governing body to decide what details of the exclusion are included in the learner's school record. Copies of the principal correspondence might be included and possibly the minutes of the discipline committee and appeal panel hearings, if the discipline committee and appeal panel respectively agree to this.

4.12.7 Where an appeal panel is regularly directing that a school reinstate permanently excluded learners it should draw this to the attention of the LA. The LA should discuss the underlying issues with the headteacher about the way in which exclusion is being used within the school.

4.13 Remedies after the appeal hearing

Complaint to the Public Services Ombudsman for Wales

4.13.1 A parent/carer or learner can complain to the Ombudsman. The grounds of complaint would be maladministration by the appeal panel. The Ombudsman has the power to make recommendations. The Ombudsman has no powers to direct reinstatement or to order a fresh appeal hearing, though a fresh appeal hearing could be recommended. It would be for the LA to decide whether to accept the Ombudsman's recommendation, although it would normally be expected to comply.

Complaint to the Welsh Ministers

4.13.2 The Welsh Ministers can consider complaints about a discipline committee's operation of the exclusion procedure but has no power to overturn the exclusion or to consider complaints about the decision of an independent appeal panel.

Judicial review

4.13.3 If the parent/carer or learner, the governing body or LA consider that the panel's decision is perverse, they may apply to the High Court for a judicial review. This must be done promptly and usually no later than three months from the date of the decision. If a judicial review were granted, the court would consider the lawfulness of the panel's decision. If it found the panel's decision to be unlawful or unreasonable (in the narrow legal sense of 'unreasonable', i.e. irrational or perverse) it could quash the decision and direct the LA to hold a fresh appeal hearing before a newly constituted panel.

5. Alleged criminal offences, police involvement and parallel criminal proceedings

5.1 Introduction

5.1.1 A school-related incident may also be the subject of a police investigation, which may subsequently result in criminal proceedings. This can mean that the evidence available to headteachers, teachers in charge of PRUs, discipline committees and independent appeal panels is very limited. They may not, for example, be able to hear relevant witnesses or to consider relevant material; it may not be known whether a criminal charge is to be brought; if a charge has been brought, the eventual outcome of any court proceedings may be uncertain.

5.1.2 It should be remembered that while the police and courts apply the criminal standard of proof ('beyond reasonable doubt'), the headteacher, discipline committee and the independent appeal panel must, when making a decision to exclude or uphold an exclusion, apply the civil standard of proof ('the balance of probabilities').

5.2 Headteachers' decision to exclude and consideration of the circumstances by the discipline committee

5.2.1 A headteacher should not postpone their decision to exclude a learner simply because of the possibility that criminal proceedings might be brought in respect of the same incident. In these circumstances, a judgement must be made on the basis of the evidence available. Relevant considerations include the fact that:

- a serious allegation has been made against the learner by another learner or member of staff at the school which is the subject of a police investigation which may result in criminal proceedings being brought
- pending the conclusion of any such criminal proceedings, the learner's continued presence in the school may have an adverse effect on the complainant and other potential witnesses, and on the promotion of good order and discipline at the school generally.

5.2.2 Where a headteacher excludes a learner in circumstances such as those outlined in the preceding paragraph, the school's discipline committee also has no power to postpone their meeting to consider the learner's exclusion. In deciding whether to direct the headteacher

to reinstate the learner, the discipline committee may therefore be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis.

5.3 Arrangements for appeal hearing in parallel criminal proceedings cases

5.3.1 Where a discipline committee decides not to direct a headteacher to reinstate a permanently excluded learner in the circumstances described in the preceding paragraph, the parent/carer and/or learner should be notified of their decision and of their right to appeal in accordance with part 3 of this guidance (page 34). Any appeal must be lodged no later than 15 school days after the day on which notification of the discipline committee's decision was received and the appeal panel must meet to consider the appeal no later than 15 school days after the day on which the appeal was lodged.

5.3.2 Upon first meeting, the appeal panel must consider, taking into consideration any representations made by the parties and on the advice of their Clerk, whether they can proceed to determine the appeal or adjourn the hearing pending the outcome of any police investigation and/or any criminal proceedings that may be brought. The mere fact that parallel criminal proceedings are in progress will not of itself determine whether the hearing should be adjourned. Relevant factors for the panel to consider will include:

- a) whether it would be helpful to know what charge, if any, is to be brought against the learner (bearing in mind that if there is to be no charge it may help the learner's case or, if a charge is brought, the learner may be inhibited in presenting their case)
- b) whether relevant witnesses and documents are available
- c) the likelihood of delay if the hearing were adjourned and the effect it may have on any complainant, the excluded learner or the school itself
- d) whether an adjournment or, as the case may be, declining to adjourn, might result in injustice.

5.3.3 If the panel do decide to adjourn, the LA should take steps to ensure the learner's continuing education pending the hearing. The Clerk will be responsible for monitoring the progress of any

police investigation and/or criminal proceedings and for reconvening the panel at the earliest opportunity when the hearing can proceed to final determination.

5.3.4 If necessary the panel may adjourn more than once. The same panel members should reconvene on each occasion (subject to the considerations referred to in part 4, paragraph 4.7.7, see page 48). Where the panel reconvenes following the disposal of any criminal proceedings it should have regard to any information about them relevant to the issues the panel has to determine. In doing so it needs to bear in mind that even if the learner has been acquitted of any charge relating to the conduct for which they were excluded, such acquittal might be attributable, for example, to a legal technicality and does not necessarily mean that the exclusion should be automatically overturned.

6. Procedures and reintegration following exclusion

6.1 Introduction

6.1.1 LAs have important lead roles in establishing flexible, creative strategies that meet the individual needs of learners permanently excluded from school. Reintegration into the mainstream setting should be considered and encouraged wherever at all possible. Excluded learners should only be educated outside mainstream schools where there are significant problems that are better addressed in a different environment.

6.1.2 LAs should consider the designation of specialist staff to assist the reintegration and support of excluded learners. This might include an LA Officer to oversee individual packages or the use of mentors and specialised learning support staff.

6.1.3 LAs should consider whether their behaviour support plans adequately meet the needs of excluded learners. Many LAs need to expand provision to ensure a full timetable for the majority of entitled learners and should examine the options, including contracting-out provision to the voluntary sector or FE colleges where cost-effectiveness, quality and provision is appropriate to learners' needs.

6.1.4 PSPs will continue to be the main vehicle through which schools and LAs should plan and review the education of learners in danger of exclusion or who have already been excluded.

6.2 Full-time and appropriate provision

6.2.1 Part-time provision is often inadequate to meet the educational needs of excluded learners and to ensure continuity of education. It also leaves some of these learners unsupervised for significant periods of a normal school day. Such learners are often drawn into crime as a result. LAs should ensure that all learners receive full-time education 15 days after being excluded, either at another school or, where necessary, making use of a PRU or other alternative provision.

6.2.2 While the Welsh Government believes that this should remain the aim it recognises that in some cases learners may need to be phased into full-time education. Some learners may have become so disengaged from education, or their current circumstances may be such, that a rapid reintroduction to full-time education is

unlikely to prove successful. For these learners the plans for their future education should cover specifically how the move to full-time education is to be achieved.

6.2.3 Normally, learners excluded for more than 15 days from the date at which the exclusion is upheld by the discipline committee should receive a full-time and appropriate education. This should cover both those excluded for a fixed-term and permanently excluded learners. LAs and schools should look carefully at how to meet this commitment by making best use of existing and additional resources provided.

6.2.4 'Full-time' means that the amount of supervised education should mirror that provided by mainstream schools in the area. An average school week might amount to some 25 hours; so excluded learners should receive around five hours of supervised education or other activity a day. A full timetable for an excluded learner may, however, look significantly different from that provided in a mainstream school. There is no single model of provision that will suit the needs of every learner. LAs are not obliged to provide the full national curriculum to these learners. LAs must, however, make arrangements to provide a broad and balanced curriculum.

6.3 Reintegration meetings for fixed-term exclusions

6.3.1 The Education (Reintegration Interview) (Wales) Regulations 2010 which came into force on 5 January 2011, require headteachers of schools to request in specified circumstances parents/carers of learners excluded for a fixed-term to attend a reintegration interview at the school.

6.3.2 The request for interview applies to all fixed-term exclusions for primary-aged learners but only fixed-term exclusions of six or more days for secondary-aged learners. Reintegration interviews need to take place within 15 school days of the last day of the exclusion period.

6.3.3 A request for interview is not required if the first day of exclusion is within the last 10 days of the term of the school year or the headteacher expects the learner to leave school for a reason unconnected with their behaviour before the end of the required 15-day period for the interview.

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6.3.4 The headteacher must give notice in writing to the parent/carer stating the date, time and duration of the reintegration interview and the purpose of the interview. The notice must also inform the parent/carer that if the LA apply for a parenting order, the Court will be under a duty when deciding whether to make a parenting order in respect of a parent/carer, to take into account a failure by the parent/carer without reasonable excuse to attend a reintegration interview when requested to do so. The notice must be given no later than six school days before the date of the reintegration interview.

6.3.5 The headteacher must try to arrange the interview for a date and time that is convenient to the parent/carer. The interview date suggested by the headteacher should be a school day, but the interview can be held on a non-school day if the headteacher and parent/carer agree.

6.3.6 The reintegration interviews provide the opportunity to:

- emphasise the importance of parents/carers working with the school to take joint responsibility for their child's behaviour
- discuss how behaviour problems can be addressed
- explore wider issues and any circumstances that may be affecting the learner's behaviour
- reach agreement on how the learner's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

6.3.7 Schools will have to offer reintegration interviews and parents/carers will be expected, though not required, to attend them. If a parent/carer does not attend this should not affect the learner's return to school: an exclusion cannot be extended because a parent/carer did not attend a reintegration interview.

6.3.8 Further information on reintegration interviews can be found in Section 3, part 10 of *Inclusion and Pupil Support* National Assembly for Wales Circular No: 47/2006 (2006).

6.4 First steps following permanent exclusion

6.4.1 In the case of a permanent exclusion the learner remains on the roll of the school until:

- any appeal is determined
- the time limit for an appeal has expired without an appeal being brought
- the parent/carer has told the LA that no appeal is to be brought.

6.4.2 While the learner is on the roll of the school it is the responsibility of the school, in conjunction with the LA, that their education continues. As in the case of longer fixed-term exclusions, it may be necessary for the school to seek the help of the LA which maintains the school.

6.5 Funding to follow learners

6.5.1 The transfer of money to follow a permanently excluded learner is discussed in detail in part 7 (page 71). In essence, the money is removed from the excluding school's budget at the point at which the exclusion is upheld by the independent appeal panel, or alternatively if there is no appeal, the final date on which an appeal could have been made. The learner will remain on the excluding school's roll until that time and the school remains responsible for the learner's education.

6.5.2 As LAs will need to aim for excluded learners to receive full-time education after 15 days of being excluded, they will need to negotiate at an early stage after exclusion with the excluding school over the additional support which they may need to provide to support the learner while they remain on the excluding school's roll. This will be dependent on the type of provision and the length of time for which this needs to be provided.

6.6 Assessment and planning

6.6.1 Once a permanent exclusion has been upheld by the discipline committee the LA should assess the learner's needs and how these might be met (even though the exclusion might be overturned at appeal). Once the learner is removed from roll, the LA is responsible for ensuring that suitable education is made available. In cases where the school from which the learner has been excluded is maintained by a different LA, this will be the home LA.

6.6.2 If the appeals procedure is followed, the PSP/reintegration plan should be reviewed at the end of the process. This will not remove the need for excluded learners to receive full-time education in the interim.

6.6.3 In developing plans, the excluding school should provide information about:

- reasons for exclusion
- the learner's educational achievements
- steps that have been taken to address the learner's behavioural problems
- other agencies involved
- whether the learner was on the School Action, School Action Plus or SEN register.

6.6.4 Some LAs find it useful to consider future arrangements for the learner through a panel that either deals only with exclusions or is responsible for coordinating services for all learners out of school. The panel might include:

- education social work service
- social services, if applicable (especially if the learner is looked after by the LA or is on the child protection register)
- educational psychologists
- staff from PRUs
- admissions and SEN policy staff
- headteachers/teachers in charge of PRUs.

6.6.5 LAs will need to balance having all the relevant interests represented with the need for a panel meeting as soon as possible after exclusion. Other agencies, such as the Youth Service, Careers Service, youth offending team and the Child and Adolescent Mental Health Service, should be invited to join where appropriate. A named LA officer should be charged with taking forward the action agreed.

6.7 Reintegration plans and Pastoral Support Programmes (PSPs)

6.7.1 An individual reintegration plan (or transition plan) should be drawn up by the panel, or whoever else within the LA is responsible for arranging education outside school, for each excluded learner. The plan may be an adaptation of an existing PSP or may remain as a separate but linked element. For learners with SEN it should be linked to their individual learning plan (ILP).

6.7.2 Schools and LAs should look carefully at how to meet the needs identified in individuals' plans by using their resources both creatively and flexibly, making best use of existing and additional resources provided. Multi-agency strategies and provision should be fully considered in the development of a full individual timetable. Consideration should be given to whether learners need regular input from a teacher to address their key skills. The amount of input should be agreed according to the individual needs of the learner.

6.7.3 A named LA officer should ensure that the plans are reviewed in accordance with the timetable. A panel can undertake this role but the precise arrangements are for LAs to determine, as they hold ultimate responsibility for making provision.

6.7.4 The LA should liaise with the parents/carers, the learner and the receiving school about the plan, where appropriate agreeing action with the learner. The plan should include:

- the steps to be taken for reintegration into school including action to be taken by a PRU or other provider, to address the learner's problems and ensure a smooth return to mainstream or special school, or transition into post-16 education and training. This should cover both pastoral and educational targets for reintegration
- a timetable for reviewing the reintegration plan (not less than once a month)
- the name of the school to which the learner will return
- a programme of reintegration with the named school; increasing contact with the school the learner is to return to or the college or training provider
- the date for return to the school or entry to post-16 education and training.

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6.7.5 Where it is considered that reintegration into mainstream is appropriate and possible, consideration should be given to:

- support arrangements to be put in place by LA and school
- time-tabling implications
- the views of the learner
- the parents'/carers' views
- Specific Measurable Attainable Relevant Time-bound (SMART) targets
- monitoring and review arrangements
- learning and behaviour targets for individual education plans
- the nomination of a key worker in the LA and school
- multi-agency involvement and key areas of responsibility
- home–school liaison.

6.8 Involving and supporting parents/carers

6.8.1 It is important that LAs involve parents/carers at an early stage and discuss any arrangements for placement in another school. Efforts should be made to discuss this in an environment where parents/carers feel comfortable and able to express their views. The needs of the parent/carer and family should be considered and appropriate support identified as available. Some parents/carers may choose to apply for a place at another school without involving the LA. In many cases parents/carers benefit from advice and support from the LA and help with the application. Helping parents/carers to find a school which is suitable to the learner's needs also benefits the LA, which has a clear interest in making sure the reintegration is successful.

6.8.2 Parents/carers of learners out of school are often isolated. The parents/carers should be regularly informed of progress and encouraged to help implement the learner's plans. The LA should consider whether the family requires additional support, such as a resource room or parenting skills training and how this can best be achieved (in particular, which other agencies should be involved).

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6.9 Immediate return to mainstream or special school

6.9.1 Excluded learners should only be educated outside the mainstream where there are significant problems that need to be addressed in a different environment. For many permanently excluded learners the best course of action is for them to rejoin a mainstream or special school within a matter of days or weeks. The longer a learner is out of school the more difficult it is for them to be reintegrated. For those who are permanently excluded from primary schools, rapid reintegration into a mainstream or special school environment is particularly important. Most primary-aged learners excluded from school should be reintegrated within one term.

6.9.2 For a small number of learners approaching the end of compulsory schooling it may be unrealistic to expect them to make a successful return to school. In these circumstances the LA should, through the PSP, arrange a programme of study and experience designed to lead to further education, training or employment.

6.9.3 Quick reintegration is easier where authorities and schools cooperate closely over the admission of permanently excluded learners, e.g. by operating a voluntary arrangement whereby schools agree that if they exclude a learner, they will accept another excluded learner.

6.9.4 Admission authorities should not normally refuse admission to learners because of their past disciplinary record, including any previous exclusions. *The School Admissions Code* Statutory Code Document No: 02/2009 (2009) which came into force in July 2009, makes it clear that admission authorities should not make subjective judgements as to the suitability of certain learners for a school. It is unacceptable for a school to refuse to admit a learner thought to be potentially disruptive or to exhibit challenging behaviour unless:

- it already has a particularly high concentration of learners with challenging behaviour
- it is trying to improve its standards from a low base as a result of inspection which has categorised the school as in need of special measures or as having serious weaknesses.

6.9.5 The Code stresses the desirability of schools and LAs agreeing policies for admissions that cater for learners with challenging behaviour.

6.9.6 If following admission, a learner is found to be seriously and persistently disruptive, then the school may consider disciplinary action, including temporary and, ultimately, permanent exclusion procedures. However it is important to note that learners with challenging behaviour may be disabled as defined in the Equality Act 2010 and therefore require reasonable adjustments to be made for them in the school or require SEN support.

6.9.7 LAs and the governing body of a maintained school have a statutory duty under section 86(2) of the School Standards and Framework Act 1998 to comply with parental preferences on school admissions. However this duty does not apply when a learner has been permanently excluded from two or more schools and at least one of the exclusions took place after 1 September 1997. The requirement to comply with parental preference is disapplied for a period of two years following the second exclusion.

6.9.8 It is recommended that LAs establish protocols for equity when considering the integration of learners from other schools (including those permanently excluded). This should recognise the needs of the individual school, but also the right of the learner to attend a mainstream school if the PSP has been agreed to be appropriate and possible.

6.9.9 It is strongly recommended that the LA designate a coordinator for managed transfers who will not only have an overview of individual cases, but can consider the perspective of individual schools and LA provision as a whole. This coordinator may work more successfully in close liaison with headteachers to establish mutually effective protocols.

6.10 Incentives to mainstream schools to accept excluded learners

6.10.1 Rapid reintegration of excluded learners into mainstream schools is a significant challenge for both schools and learners. The LA should make help available for the receiving school to ensure that the reintegration is successful. Support may be in terms of LA services – e.g. through a behaviour support team, which agrees to provide a specified level of support if the learner's problems

reoccur. LAs should also consider offering 'dowries' to schools receiving excluded learners, which can then be used to fund extra classroom support or to buy in LA or other services to help meet the learner's needs. This should be separate from the transfer of learner-related funding from excluding schools to accepting schools under the School Funding (Wales) Regulations 2010 and the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999 (as amended) (see part 7, page 71). It is for LAs to decide at what level 'dowries' should be set, depending on local needs and resource constraints.

6.11 Educational achievement

6.11.1 The Welsh Government collects learner level data on the educational achievement of learners, including those being educated out of school. At all times LAs must know how many learners are being educated out of school.

6.11.2 Arrangements should be made to ensure that learners have every opportunity to gain internal recognition or external accreditation and, where possible, Key Stage 4 public examinations.

6.11.3 Learners should have all elements of their individualised educational package formally accredited wherever possible. For example ASDAN Youth Achievement Awards, Duke of Edinburgh's Awards, GCSEs, vocational qualifications and certificates of education. Where formal accreditation is not possible there should be internal recognition of individual learner achievements. These should be recorded and kept in individual learner progress files.

6.12 Providing education out of school for excluded learners

6.12.1 Provision of education otherwise than at school (EOTAS) offers a range of flexible strategies for providing appropriate education for excluded and other learners.

Curriculum

6.12.2 Curriculum flexibility enables LAs and schools to ensure that more time is spent on activities aimed at addressing learners' individual needs. However, every effort should be made to ensure

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that all learners receive sufficient education to maximise their opportunities to acquire formal accreditation. Delivery of this education should take into account the need for diverse learning styles, differentiation and/or a modified curriculum.

6.12.3 For some learners, extra time spent on improving literacy and numeracy competencies will be beneficial. This will help them to learn more effectively in a mainstream setting, and in due course, access a wider curriculum. The curriculum should include English, Welsh for learners educated in a Welsh-medium school, mathematics and, for learners in Key Stages 1 to 3, science.

6.12.4 For learners at all key stages consideration should be given to ensuring that the curriculum is as broad as possible and includes elements such as art, drama, design and technology as well as some form of physical education. Consideration should also be given to providing a balance between individual and group work and adapting this as far as possible to the individual learners' needs.

6.12.5 The main forms of education otherwise than at school are:

Part-time attendance at a mainstream school

6.12.6 It is open to the LA to arrange part-time education at a mainstream school. This can be combined with any of the other arrangements set out below. LAs should bear in mind the desirability of ensuring that excluded learners at all key stages maintain some contact with mainstream education – for learners at Key Stage 4 this might be through some post-16 provision.

Pupil referral units

6.12.7 Provision for excluded learners is often made through PRUs. This provision should be both flexible and creative in meeting the needs of individual learners and mainstream schools. The provision should enable staff and learners to work safely and productively to meet individual targets set in PSPs/IEPs. Consideration should be given to multi-agency working, e.g. sharing premises, wherever this would benefit learners further.

Voluntary organisations

6.12.8 Some LAs contract other bodies to provide education out of school, including voluntary organisations, and also place learners

in units run by voluntary bodies. Such contractual arrangements can be an effective way for LAs to meet their duty to provide education out of school.

Further education colleges

6.12.9 Further education (FE) colleges may be an appropriate option for many learners in Years 10 or 11. FE colleges are able to provide either part- or full-time further education for learners of compulsory school age. Some colleges have developed special part-time programmes to ease the transition to post-16 education and training, which are likely to be of particular interest to learners with difficulties. The LA remains responsible for the costs of making provision in the FE sector for excluded learners, and remains accountable for the performance of their duty to provide education.

Work placements

6.12.10 Older learners are likely to benefit from spending one day a week on a work placement, perhaps studying for a vocational qualification. This can help to equip them with broader life skills. Such provision should always be carefully planned and closely monitored. Special courses to develop work-related skills run by agencies such as the Careers Service, Youth Service and voluntary organisations might also be included in the timetable.

Individual and home tuition

6.12.11 Individual tuition, particularly at the learner's home, is not usually well suited to meeting the needs of learners who have been permanently excluded, but may be of use in the short-term when carefully coordinated with other education services. Some LAs have found that an integrated PRU/tuition service is a flexible use of resources and gives home tutors professional and social support. It can also help to provide additional curriculum flexibility at the PRU.

7. Money to follow excluded learners

7.1 Introduction

7.1.1 Section 494 of the Education Act 1996 and the School Funding (Wales) Regulations 2010 provides that funding should follow a learner who is excluded permanently from an LA-maintained school.

7.1.2 Where a learner is permanently excluded from a maintained school, that school's budget share for that year will be reduced by the amount required in the School Funding (Wales) Regulations 2010.

7.1.3 Where a school admits a learner who has been permanently excluded in that financial year from another maintained school, the LA will allocate an amount for the rest of the financial year as required by the regulations.

7.1.4 Part 3 of the School Funding (Wales) Regulations 2010, which deals with schools' budget shares extend the transfer of funding to cover learners whose exclusion is overturned by an independent appeal panel but whose reinstatement is not directed. Transfers between LAs are dealt with in the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999 (as amended).

7.1.5 The money may follow the learner to another maintained school to which he or she may be admitted. Alternatively it may help offset the cost to the LA of education otherwise than at school under the LA's duty under section 19 of the Education Act 1996. This would include funding for a learner in a pupil referral unit (PRU).

7.2 Relevant date

7.2.1 The relevant date at which the transfer of funding will take place will be the date at which the Independent Appeal Panel upholds the exclusion, or in the case where there is no appeal, the end of the time period within which an appeal might have been made. This will tie-in with the learner remaining on the original school's roll. Schools will therefore continue to receive funding for the learner and will remain responsible with the LA for arranging appropriate education while the learner is still on their roll.

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7.3 Transfers within the LA

7.3.1 The LA is responsible for reducing the budget share of any excluding school it maintains. The amount is determined by the funding formula set out in regulation 22 of the School Funding (Wales) Regulations 2010 and used by the LA for maintained primary or secondary (not special) schools for the financial year in which the relevant date falls, taking into account the learner's:

- age
- characteristics.

7.3.2 'Characteristics' means any learner-specific factor used in the LA funding formula, for example free school meals entitlement. This allows the LA, if they wish, to deduct more than just the age-weighted learner unit. However, the LA may decide that to recalculate the budget share on this basis is inefficient and opt to deduct just the age-weighted learner unit.

7.3.3 The formula (Calculation 1) for an LA to reduce the budget share of one of its own schools excluding a learner is defined as:

$$A \times \frac{B}{52}$$

- A is the amount attributable to a registered learner, determined in accordance with the allocation formula under regulation 22 as it applies in the financial year in which the exclusion takes place.
- B is the number of complete weeks remaining in the financial year calculated from the relevant date.

Date at which excluding school loses the money

7.3.4 The excluding school loses funding from the relevant date of exclusion (as defined in paragraph 7.2.1, page 71). The allocation to the new school is made from the date of entry. The LA keeps the difference between these two amounts to contribute towards any time that the learner is educated out of school. If no school place is found, the home LA keeps the entire deduction for education out of school.

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Complete weeks

7.3.5 The formulae use complete weeks as the basis of the calculation. This represents the proportion of the whole financial year the learner spent in the school. The number of complete calendar weeks is calculated out of 52, i.e. including school holidays, bank holidays and weekends. Complete weeks are calculated from the relevant date to the last day of the financial year, i.e. 31 March.

School receiving an excluded learner

7.3.6 The new school will receive the amount deducted from the old school, or a proportion of that amount if the LA makes provision out of school. This is represented by the following formula (Calculation 2):

$$D \quad \times \quad \frac{E}{F}$$

- D is the amount calculated to be taken from the excluding school as defined in paragraph 7.3.3 on page 72.
- E/F is an adjusting factor to take account of the fact that the learner may not go straight from the excluding school to the receiving school.
- E is the number of complete weeks remaining in the financial year during which the learner is a registered learner at the receiving school.
- F is the number of complete weeks remaining in the financial year calculated from the relevant date.

Transfer year exception

7.3.7 If the excluded learner is in a transfer year and the relevant date falls between 1 April and the beginning of the next school year, then funding is removed until the end of the school year rather than the end of the financial year.

7.3.8 A transfer year is the school year before a learner starts at secondary school, generally Year 6. The last year of compulsory schooling (i.e. Year 11) does not count as a transfer year. This means that if a learner is excluded in their last term of school, money for the entire financial year is removed from the school's budget.

7.3.9 The end of the school year is the last calendar day before the first term after July, e.g. if the new school year begins on 1 September, the end of the school year will be 31 August.

Learner numbers for next year's funding

7.3.10 The LA may adjust actual learner numbers to reflect exclusions taking place after a learner count date that determines funding. This includes reducing or increasing numbers due to permanent exclusions. This is most likely to arise if a learner is excluded between the Schools' Census date in January and 31 March. LAs may adjust actual and estimated learner numbers when determining schools' initial budget shares for the following financial year, as well as any in-year redeterminations of budget shares.

Special schools

7.3.11 For an exclusion from a special school, the amount should be the same as that for a learner of the same age and characteristics as an excluded learner in a mainstream primary or secondary school.

Schools without delegated budgets

7.3.12 There may occasionally be cases where the learner is excluded from an LA-maintained school which does not have a delegated budget. In the mainstream sector it is possible that an excluding school could have had delegation withdrawn by the LA in accordance with section 17 of the School Standards and Framework Act 1998.

7.3.13 Absence of delegation should not affect the movement of funds under this arrangement. Such schools will still have budgets determined in accordance with a scheme. The LA will control the budget. It will be liable to meet claims from other LAs in respect of learners permanently excluded from the school.

7.3.14 The LA will likewise be obliged to add to the budget of a school which it maintains if a permanently excluded learner gains admission there.

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7.4 Transfers between LAs

7.4.1 For transfers between LAs, e.g. where a learner lives in one area but attends a school maintained by a different LA, the funding formula of the LA where the school is situated determines the amount. Where this is subsequently passed to a different LA and on to a school in that or a third LA's area, neither of these funding schemes impacts on the calculation.

7.4.2 The formula for calculating the transfer of funding between LAs will take account of any funding for that learner held centrally by the LA as opposed to within the school's delegated budget as follows (Calculation 3):

$$(A + B) \times \frac{C}{52}$$

- A is the amount calculated to be taken from the excluding school as defined in paragraph 7.3.3 on page 72.
- B is the amount from the old authority's local schools budget attributable to that learner but not delegated to the individual school (i.e. amount held by the LA).
- C is the number of complete weeks remaining in the financial year calculated from the relevant date.

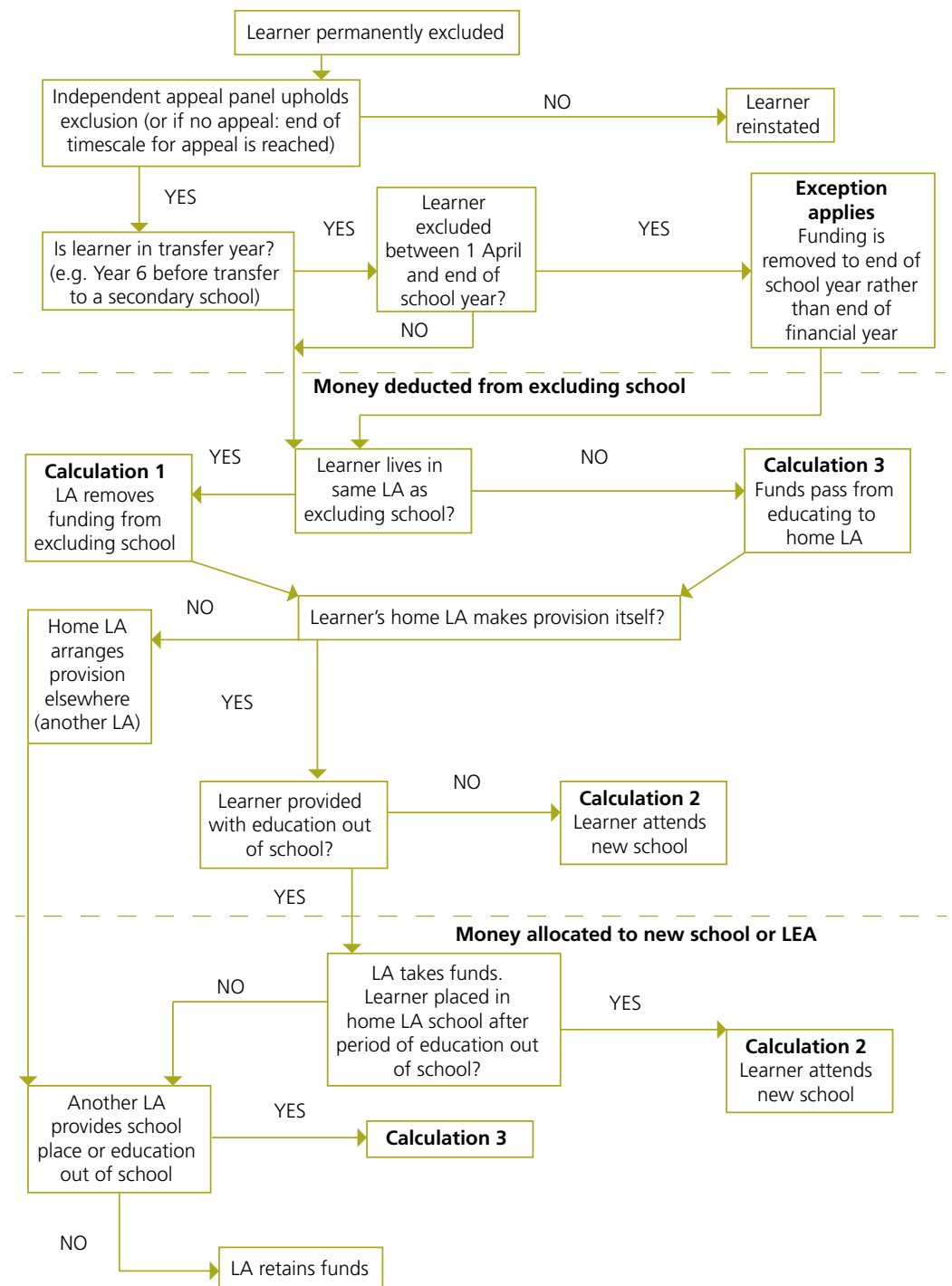
The need for prompt payments

7.4.3 Transfers between LAs must be completed within three months of the relevant date.

7.5 How disputes may be resolved

7.5.1 In the event of a dispute about whether a school is entitled to be paid any amount in relation to a learner permanently excluded by another LA-maintained school, the matter should be referred to the Welsh Ministers for determination, in accordance with section 494 of the Education Act 1996.

7.6 Process chart – arrangements for money to follow learners who have been permanently excluded from school



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Annex A: Model letters

Model letter 1: Fixed-term exclusion of less than six days

From headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a fixed term exclusion of less than six days, and where a public examination is not missed.

Dear **[parent/carer/learner's name]**

I am writing to inform you of my decision to exclude **[learner's name/you]** for a fixed term of **[period of exclusion]**. This means that **[learner's name/you]** will not be allowed in school for the period of the exclusion which began on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[learner's name/you]** has not been taken lightly. **[learner's name/you]** has/have been excluded for this fixed term because **[reason for exclusion]**.

The school will continue to set work for **[learner's name/you]** during the period of his/her/your exclusion **[insert details of arrangements that are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking. **[For learners over compulsory school age insert the following]**. As you have been excluded from the school you should arrange for someone to return the work to us on your behalf.

[School other than PRU]

You **[and learner's name where learner is aged less than 11]** have the right to make representations to the school governors' pupil discipline committee. If you wish to make representations please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible. While the discipline committee has no power to direct reinstatement they must consider any representations you make and may place a copy of their findings on your child's/your school record.

[PRU only]

You **[and learner's name where learner is aged less than 11]** have the right to make representations to **[name of LA]**. These representations will be considered by **[set out arrangements which the LA has made for considering representations]**. If you wish to make representations please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]** as soon as possible.

You also have the right to see a copy of **[learner's name/you]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[learner's name/you]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

[Primary school only]

You **[and learner's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[date within the next 10 days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best **your child's/your** return to school can be managed. You should be aware that **your/your parent's/your carer's** failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on **you/your parent/your carer**.

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You may want to contact **[name]** at **[LA name]** LA on/at **[contact details: address, phone number, e-mail]**, who can provide advice.

[learner's name/your] exclusion expires on **[date]** and we expect **[learner's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[name]

Headteacher/teacher in charge of PRU

Model letter 2: Fixed-term exclusion of 6–15 days

From headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a fixed-term exclusion of six to 15 days, or where cumulative exclusions in the same term fall within this range, or where a public examination is missed.

Dear **[parent/carer/learner's name]**

I am writing to inform you of my decision to exclude **[learner's name/you]** for a fixed term of **[period of exclusion]**. This means that **[learner's name/you]** will not be allowed in school for the period of the exclusion which began on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[learner's name/you]** has not been taken lightly. **[learner's name/you]** has/have been excluded for this fixed term because **[reason for exclusion]**.

The school will continue to set work for **[learner's name/you]** during the period of his/her/your exclusion **[insert details of arrangements that are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking. **[For learners over compulsory school age insert the following]** As you have been excluded from the school you should arrange for someone to return the work to us on your behalf.

[School other than PRU]

You have the right to request a meeting of the school governors' pupil discipline committee at which you **[and learner's name where learner is aged less than 11]** may make representations and the decision to exclude can be reviewed. As the length of the exclusion is more than five school days (or equivalent) the committee must meet if you request it to do so. The latest date the committee can meet is **[date – no later than 50 school days from the date the committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible.

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[PRU only]

You **[and learner's name where learner is aged less than 11]** have the right to make representations to **[name of LA]**. These representations will be considered by **[here set out arrangements which the LA has made for considering representations]**. If you wish to make representations please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]** as soon as possible. **[Note: this wording is not suitable where the learner would lose the opportunity to take a public examination.]**

You also have the right to see a copy of **[learner's name/your]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[learner's name/your]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

[Applies to children of compulsory school age only]

You **[and learner's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[date within the next ten days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best **your child's/your** return to school can be managed. You should be aware that **your/your parent's/your carer's** failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on **you/your parent/your carer**.

You may want to contact **[name]** at **[LA name]** LA on/at **[contact details: address, phone number, e-mail]**, who can provide advice.

[learner's name/your] exclusion expires on **[date]** and we expect **[learner's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[name]

Headteacher/teacher in charge of PRU

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Model letter 3: Fixed-term exclusion of 16 or more days

From headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a fixed-term exclusion of 16 days or more, or where cumulative exclusions in the same term are 16 days or more.

Dear **[parent/carer/learner's name]**

I am writing to inform you of my decision to exclude **[learner's name/you]** for a fixed term of **[period of exclusion]**. This means that **[learner's name/you]** will not be allowed in school for the period of the exclusion which began **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[learner's name/you]** has not been taken lightly. **[learner's name/you]** has been excluded for this fixed term because **[reason for exclusion]**.

Alternative education other than setting work will be provided for **[learner's name/you]** if the exclusion has not been overturned within 15 days. A **[school's maintaining LA]** LA representative will contact you to discuss this.

[School other than PRU]

As the length of the exclusion is more than 15 school days (or equivalent) the school governors' pupil discipline committee must automatically meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish to do so. The latest date the committee can meet is **[date – no later than 15 school days from the date the discipline committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

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[PRU only]

As the length of the exclusion is more than 15 days **[name of LA]** must consider the exclusion. **[Set out the arrangements which the LA has made to review fixed-term exclusions.]** A review meeting will be held and at the review meeting you may make representations if you wish. The latest date for a review meeting is **[date – no later than 15 school days from the date the LA is notified]**. If you wish to make representations and wish to be accompanied by a representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**.

You also have the right to see a copy of **[learner's name/your]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[learner's name/your]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys, LD1 6DF.

[Applies to children of compulsory school age only]

You **[and learner's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[date within the next 10 days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best **your child's/your** return to school can be managed. You should be aware that **your/your parent's/your carer's** failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on **you/your parent/your carer**.

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You may want to contact **[name]** at **[LA name]** LA on/at **[contact details: address, phone number, e-mail]**, who can provide advice.

[learner's name/your] exclusion expires on **[date]** and we expect **[learner's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[name]

Headteacher/teacher in charge of PRU

Model letter 4: Permanent exclusion

From headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a permanent exclusion.

Dear **[parent's/carer's/learner's name]**

I regret to inform you of my decision to exclude **[learner's name/you]** permanently from **[date]**. This means that **[learner's name/you]** will not be allowed back to this **[school/pupil referral unit]** unless reinstated by the **[school governors' discipline committee/LA pupil referral unit management committee]** or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[learner's name/you]** has not been taken lightly. **[learner's name/you]** has been excluded permanently because **[reason for exclusion – also include any other relevant history here]**.

Alternative education other than setting work will be provided for **[learner's name/you]** if the exclusion has not been overturned within 15 days. A LA representative will contact you to discuss this.

[School other than PRU]

As this is a permanent exclusion the school governors' pupil discipline committee will meet to consider the exclusion. At the review meeting you **[and learner's name where learner is aged less than 11]** may make representations to the committee if you wish to do so. The discipline committee has the power to reinstate **[learner's name/you]** immediately or from a specified date, or alternatively, has the power to uphold the exclusion in which case you may appeal to an independent appeals panel. The latest date the committee can meet is **[date – no later than 15 school days from the date the committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

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[PRU only]

You have the right to appeal to an independent appeal panel against this decision. If you wish to appeal please notify **[name of Clerk to appeal panel]** of your wish to appeal including your grounds of appeal in writing to **[address]** by no later than **[specify the latest date – the fifteenth school day after the second working day after the letter is posted if sent by first class post, or, if delivered by hand, the fifteenth school day after delivery]**. If you have not lodged an appeal by this date your right to appeal will lapse.

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

You also have the right to see a copy of **[learner's name/your]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[learner's name/your]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also want to contact **[name]** at **[LA name]** LA on/at **[contact details: address, phone number, e-mail]**, who can provide advice on what options are available to you.

Yours sincerely

[name]

Headteacher/teacher in charge of PRU

Model letter 5: Permanent exclusion – discipline committee’s decision

From the Clerk of the discipline committee notifying the parent/carer of a permanently excluded learner of the discipline committee’s decision.

Dear **[parent’s/carer’s/learner’s name]**

The meeting of the school governors’ pupil discipline committee at the **[school]** on **[date]** considered the decision by **[headteacher]** to permanently exclude you/your son/daughter **[name of learner]**. The committee, after carefully considering the representations made and all the available evidence, have decided:

Either

to overturn the exclusion and direct that **[you/name of learner]** are/is reinstated in the school by **[date]**. We therefore expect **[you/name of learner]** to be back in school on **[date]** at **[time]**. If you wish to discuss **[learner’s name/your]** return to school before reinstatement, please contact **[name of headteacher]** to arrange a convenient time and date.

A copy of this letter will be added to **[learner’s name/your]** school record for future reference.

Or

to uphold **[your/name of learner’s]** exclusion.

The reasons for the committee’s decision are as follows: **[give the reasons in as much detail as possible, explaining how the committee arrived at its decision]**.

You have the right to appeal against this decision. If you wish to appeal, please notify **[name of the Clerk to the appeal panel]** of your wish to appeal. You must set out the reasons for your appeal in writing and if appropriate, you may also include any disability discrimination claim you may wish to make and send them to **[address]** by no later than **[specify the latest date – the seventeenth school day after the date of this letter]**. If you have not lodged an appeal by **[repeat latest date]**, your right to appeal will lapse.

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Your appeal would be heard by an independent appeal panel. A **[three-member/five-member]** panel will comprise **[one/two]** serving education practitioner**[s]** (possibly **[a]** headteacher**[s]**) **[one/two]** serving or recently serving experienced governor**[s]**; and one lay member who will be the chair. The appeal panel will rehear all the facts of the case – if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the fifteenth school day after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

I would like to remind you of the following sources of advice and assistance: **[repeat details from the original exclusion letter, i.e. a named LA officer and the Advisory Centre for Education and any other local source of advice or assistance if known].**

The arrangements currently being made for **[learner's name/your]** education will continue for the time being. However, new arrangements to provide full-time education for **[learner's name/your]** are being made and **[name of LA officer]** will liaise with you shortly about these new arrangements. If you have any questions about this please contact **[name]**.

Yours sincerely

[name]

Clerk to the discipline committee

Model letter 6: Independent appeal panel decision

From the Clerk to the independent appeal panel notifying the parent/carer and/or learner of the outcome of their appeal.

Dear **[parent's/carer's/learner's name]**

Following the hearing of your appeal by the independent appeal panel constituted by **[name of Authority]** Authority on **[date]** at **[location]** against the decision of the governing body of **[name of school]**/the discipline committee for **[name of PRU]** not to reinstate **[learner's name/you]**, I am writing to advise you of the panel's decision.

After careful consideration of your representations (both oral and written) and those of **[school/PRU]** and **[name of LA]** **[and of others if applicable, e.g. any victim]** and in the light of the available evidence, the panel has decided:

Either

(i) to uphold the exclusion

or

(ii) to direct **[learner's name/your]** reinstatement in **[name of school/PRU]** with effect from **[date and time]**. **[learner's name/you]** should report to **[name of school staff member]** at that time

or

(iii) that it is not practical to direct **[learner's name/your]** reinstatement **[here give reasons, e.g. because this is an exceptional case where reinstatement would not be in the learner's best interests or those of the whole school/PRU community]** although otherwise reinstatement would have been appropriate. Your **[child's]** school record will show that the permanent exclusion was overturned on appeal even though reinstatement was not directed.

[Give reasons in as much detail as possible for the panel's decision: the decision may be challenged by judicial review; or be the subject of a complaint of maladministration by the appeal panel to the Public Services Ombudsman for Wales]

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The panel's decision is binding on you, the governing body of **[name of school]/[name of PRU]** and **[name of LA]**.

For decisions (i) and (iii) above:

The alternative arrangements put in place for **[learner's name/your]** full-time education will continue for the time being; but **[LA officer's name]** will be in touch with you to discuss future provision.

A copy of this letter will be added to **[learner's name/your]** school record for future reference.

Yours sincerely

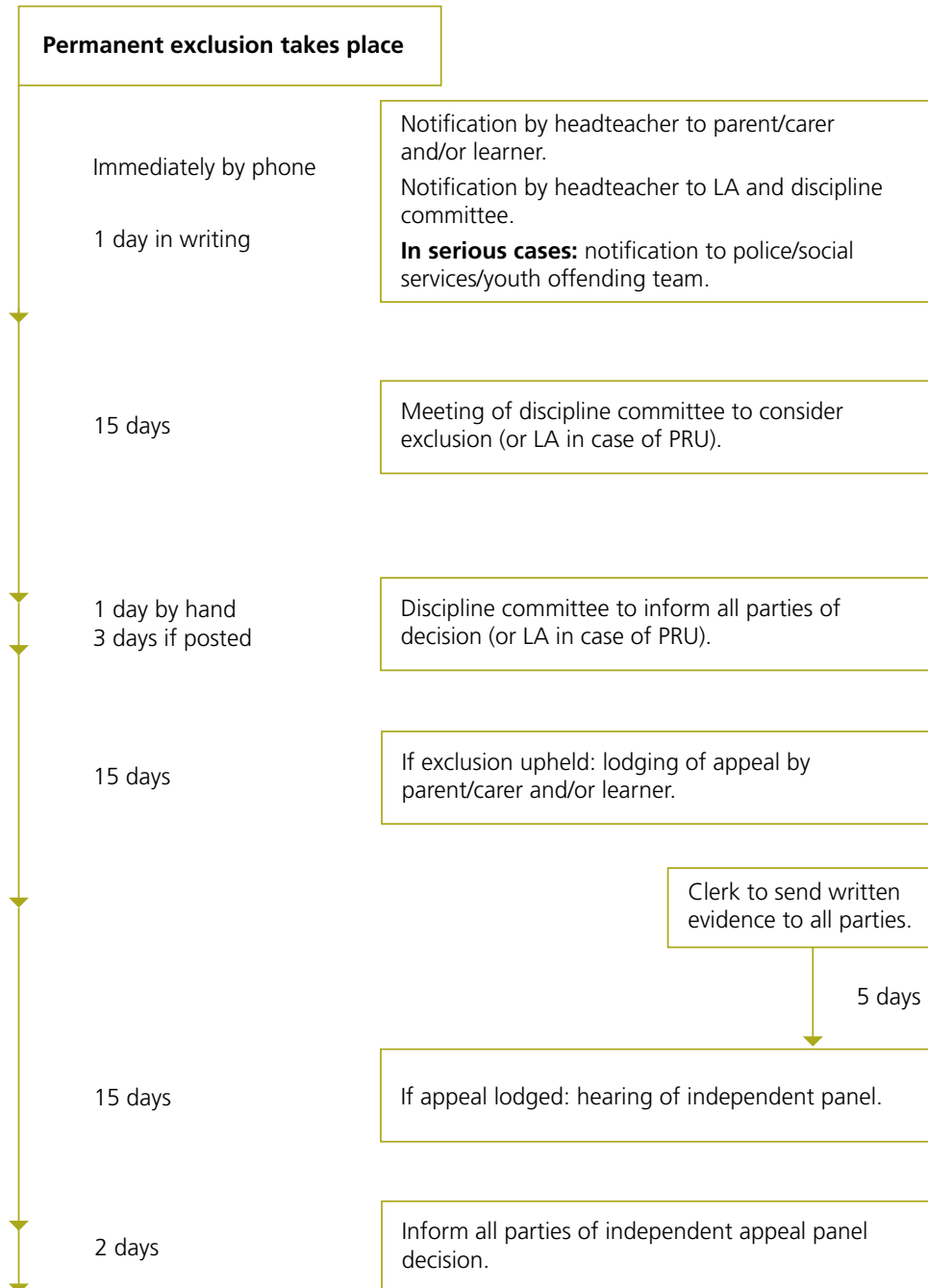
[name]

Clerk to the independent appeal panel

Annex B: Summary of main processes and time limits

Permanent exclusions

The term 'days' refers to school days throughout.

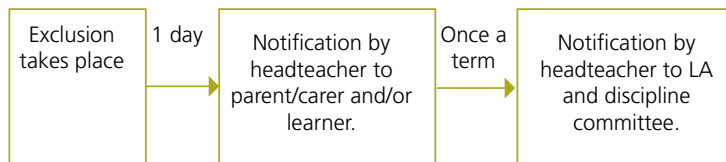


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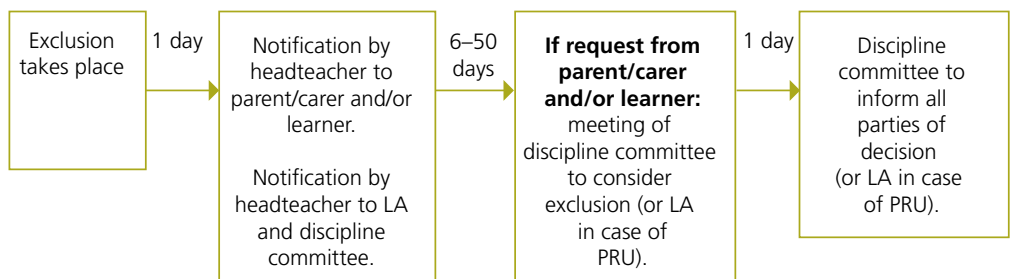
Fixed-term exclusion

The term 'days' refers to school days throughout.

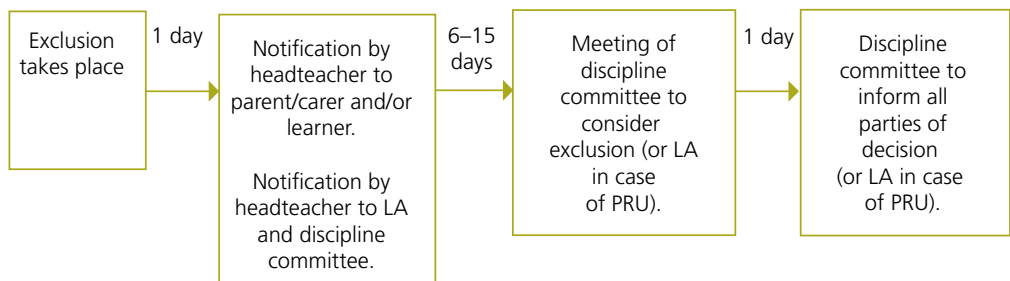
5 days or fewer



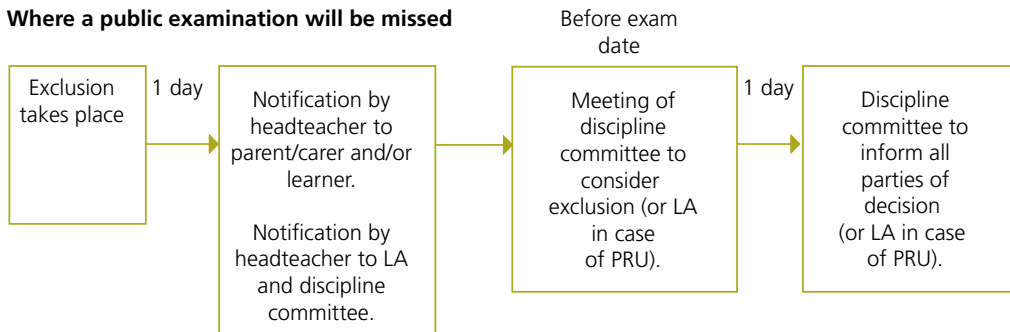
6–15 days



More than 15 days



Where a public examination will be missed



In serious cases: notification to police/social services/youth offending team may also be appropriate.

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Exclusions- Report on Progress since 2012 Estyn Inspection

1.0 Background:

1.1 Monmouthshire works proactively with schools, families and young people to try and avoid the need for permanent exclusion. The Pupil Referral Service works to try and maintain young people in schools and on their roll to secure continuity of provision.

1.2 When using latest available national data, comparing rates of permanent exclusion with similar Local authorities Monmouthshire ranks second out of the five similar Local Authorities being second over the three year period 2011/12 to 2013/14. Monmouthshire only had 1 permanent exclusion in this period and in this instance the parent wanted to exercise their right of appeal.

1.3 When using latest available national data (Welsh Government Statistical Release- Permanent and fixed-term exclusions from schools- 29th Sept 2015) comparing rates of fixed term exclusion of 5 days exclusion or more, Monmouthshire has seen a significant reduction with rates per 1000 pupils falling from 1.4 days to negligible days lost per 1000 pupils. This results in Monmouthshire being ranked second out of the five similar Local Authorities over the three year period 2011/12 to 2013/14.

1.4 When using latest available national data comparing rates of fixed term exclusion of 5 days exclusion or less , Monmouthshire has seen a reduction with rates per 1000 pupils falling from 31.7 days to 29.5 days lost per 1000 pupils. Two of the three similar Local Authorities have seen rises in this period. This results in Monmouthshire being ranked fourth out of the five similar Local Authorities being only 3.1 days lost per 1000 pupils more than the third best performing Local Authority.

1.5 We have embedded our processes for setting individual fixed term exclusion caps with schools and provided support to schools through targeted intervention programmes provided by Youth Access staff via the Youth Progression Framework and the Pupil Referral Service (PRS). Fixed term exclusions are routinely monitored and reports run on a monthly basis.

2.0 Rates of exclusion in Monmouthshire

2.1 The following table outlines the fall since 11/12 of fixed term exclusion rates in Monmouthshire.

Fixed Term Exclusions/1000 pupils in Monmouthshire (2011/12 -2014/15)

	2011/12	2012/13	2013/14	2014/15
Total number of Primary Days lost to FTE	137	50.5	60	41
Total number of Secondary Days lost to FTE	636	481	277.5	371
Rate of Total Secondary FTE per 1000 pupils	81.5	63.6	37.2	50.3
Rate of Total primary FTE per 1000 pupils	13.7	5.1	5.9	4.1

2.2 To address levels of fixed term exclusion in Primary Schools a primary support provision working on an outreach basis and run by the Pupil Referral Services was established in Autumn 2012. The Pupil Referral Service has and continues to provide targeted intervention where pupils are at risk of repeated episodes of fixed term exclusion. The Pupil Referral Service has provided outreach support for schools and intervention for pupils and working in partnership where appropriate with the ALN team, to support pupils whilst long-term provision to meet identified need is secured.

2.3 The development of primary outreach support from the Pupil Referral Service in 2012 has had a significant impact upon the number of days lost to fixed term exclusion (it was 137 days in 2011/12). The number of days lost to FTE has fallen by 96 to 41. However there are still a small number of young people who continue to provide with challenging behaviour. Consequently although the overall number of days lost to FTE have fallen in the primary

phase a greater percentage of these are statemented pupils as there is currently no ALN specialist provision at key stage 2 within the Local Authority.

2.4 Schools have referred secondary pupils to the Pupil Referral Service if these pupils are at risk of permanent exclusion or multiple episodes of exclusion and this allied to the challenge provided by the Local Authority to Schools has resulted in Secondary fixed term exclusion rates falling from 636 days in 11/12 to 371 days in 2014/15. Rates did fall to 277.5 days in 2013/14 hence there was a rise in 2014/15 and this increase in secondary fixed term exclusion rates in 2015 is attributed to the restructuring of internal provisions and systems in 2 secondary schools whose rates of fixed term exclusion rose in 2014/15. Discussions have been held with both schools and one school has been supported by the Local Authority with the re-establishment of small group ALN provision.

3.0 Fixed Term Exclusions ALN Pupils 2011/12 – 2014/15 (Primary)

3.1 The following table outlines the fall since 11/12 of fixed term exclusion rates of ALN pupils in Monmouthshire.

Year	Number of Pupils with ALN subject to FTE	Days lost by pupils with ALN due to FTE	Total number of days lost in LA due to FTE	Percentage of days lost due to FTE attributed to statemented pupils
11/12	10	98.5	137	71.9%
12/13	9	30	50.5	59.4%
13/14	6	26.50	60	44.2%
14/15	6	27.5	41	67%

3.2 The analysis of FTE has enabled us to ascertain whether the Pupil Referral Service is working with the appropriate pupils in primary schools. The tracking of pupils has enabled us to measure the effectiveness of interventions provided by the Pupil Referral Service to ensure that we target resources appropriately and in a timely manner. It is evident that the number of pupils with ALN being excluded has reduced and the number of days lost by this cohort falling from 98.5% to 27.5%, a fall of 71 percentage points.

3.2 There was a permanent exclusion in the primary sector in 2014/15. The Local Authority had secured an appropriate specialist placement but parents insisted on a continuation of a mainstream provision.

3.3 The number of secondary pupils with ALN who were excluded has decreased since 11/12. The days lost by this cohort also decreased over this period.

Fixed Term Exclusions ALN Pupils 2011/12 – 2014/15 (Secondary)

Year	Number of Pupils with ALN subject to FTE	Days lost by pupils with ALN due to FTE	Total number of days lost in LA due to FTE	Percentage of days lost due to FTE attributed to statemented pupils
11/12	15	49.5	631	7.8%
12/13	7	42	481	8.7%
13/14	5	13	277.5	4.7%
14/15	14	41	371`	11.1%

3.4 The number of pupils being excluded who have a statement of ALN fell by 66.67% from 11/12 to 13/14 with a fall of 73% in the number of days lost. There was a rise in 14/15 due to a school choosing not to maintain small class provision but the numbers in 14/15 still show a fall when compared with 2011/12 with days 8 fewer days lost.

3.5 The increase in secondary pupils with ALN who were excluded in 2014/15 is attributed to the restructuring of internal provisions and systems in a secondary school allied to a small cohort of pupils in another secondary school. Discussions have been held with both schools and one school has been supported by the Local Authority with the re-establishment of small group ALN provision and exclusions are being closely monitored.

4.0 Fixed Term Exclusions for Pupils with Free School Meals

4.1. The days lost due to exclusion of primary pupils who are eligible for FSM has remained constant but there has been a rise in the days lost due to exclusion of secondary pupils eligible for FSM.

	12/13	13/14	14/15
Primary Days lost by Pupils with FSM	22	19.5	23
Total Primary Days lost	50.5	60	41
Percentage of Days lost by Pupils with FSM	43.7%	32.5%	56.1%
Secondary Days lost by Pupils with FSM	48.5	91.5	133.5
Total Secondary Days lost	481	277	371
Percentage of Days lost by Pupils with FSM	10.1%	33%	37.9%

4.2 Analysis of exclusions amongst primary pupils eligible for FSM show that days lost in the primary sector by this cohort of pupils has remained constant since 2012/13 with 23 days lost in 14/15 compared with 22 days lost in 12/13. Due to the reduction in overall days lost to fixed term exclusion in the primary sector, the percentage of days lost to pupils eligible for eFSM has increased from 43.6% in 2012/13 to 56.1% in 2014/15. Further analysis of this figure shows that a very small number of pupils had a significant impact amongst this figure. In 2012/13 one child lost 15 days FTE despite extensive outreach support from the Pupil Referral Service. In 2013/14 12 days were attributed to 2 pupils and specialist placements were secured. In 2014/15 8.5 days were attributed to 1 pupil and again a specialist placement was secured.

4.3 Analysis of exclusions amongst secondary pupils eligible for FSM (eFSM) show that days lost in the secondary sector have increased since 2012/13. The number of days lost to fixed term exclusion amongst this cohort has risen by 85 days from 48.5 days in 2012/13 to 133.5 days in 2014/15. The overall levels of fixed term exclusion have reduced from 481 days to 337.5 days over this period and this has resulted in the percentage of days being lost by eFSM pupils increasing from 10.1% to 36%. This situation will be closely monitored.

5.0 Exclusions from Other Vulnerable Groups

5.1 Exclusions amongst vulnerable groups are low; there have been no exclusion amongst Gypsy Traveller pupils.

5.2 Exclusions from Ethnic minority groups are low as outlined in the table below. The exclusions recorded in both 2012/13 and 2013/14 relate to individual pupils in a few schools and a particular incident in one specific area hence the rise in the 13/14 figure can be attributed to 1 pupil. Our analysis enabled us to effectively identify and target schools and families requiring support so that we could provide appropriate support in a timely way and reduce the number of FTEs for this group.

Table showing days lost to Fixed Term Exclusion by Ethnic Minority Pupils

Year	Number of Schools	Episodes of exclusion of ethnic minority pupils	Days FTE	Days lost per FTE	Percentage of total days lost due to FTE
12/13	2 mainstream 1 special	12 6	19 12	1.6 2	3.5% mainstream
13/14	1 mainstream 1 special	23 14	28.5 24	1.24 1.55	8.7% mainstream
14/15	1 mainstream 1 special	12 8	14 16	1.17 2	3.4% mainstream

5.3 The percentage of days lost by mainstream Ethnic Minority pupils fell slightly from 19 days lost in 2012/13 to 14 days lost in 2014/15. This represents a fall from 3.5% to 3.4% in the percentage of days lost. Given that there are approximately 2% ethnic minority pupils in our schools, the percentage of days lost indicates that minority ethnic pupils have high rates of fixed term exclusion than non-minority ethnic pupils, hence this data will be closely monitored.

5.4 The percentage of days lost to LAC pupils attending primary schools in Monmouthshire as a result of exclusion has fallen from 14.8% in 2012/13 to 0 in 2014/15. (7.5 days to 0 days). The percentage of days lost by LAC pupils attending secondary schools as a result of exclusion has fallen from 4.1% in 2012/13 to 1.9% in 2014/15 (19.5 days to 7 days).

Table showing days lost to Fixed Term Exclusion By LAC Pupils in Monmouthshire

	12/13	13/14	14/15
Primary Days lost LAC Pupils	7.5	8	0
Secondary Days lost by LAC Pupils	19.5	5	7

5.5 The improved monthly tracking and analysis has enabled the Local Authority to target and provide support and challenge for schools to enhance their capacity to include pupils from these vulnerable groups and the challenge will be to reduce the number of days lost to fixed term exclusion of pupils eligible for FSM and for those from Minority Ethnic Backgrounds.

Richard Austin
Principal Officer Inclusion

EQUALITY IMPACT ASSESSMENT SCREENING FORM

Assessor(s):	Directorate:	Department:
Richard Austin	Children and Young People	Inclusion
Policy author / service lead	Date of assessment:	
Richard Austin	1 st November 2015	

1 Purpose of Policy/Service:

To ensure that Children and Young People have access to educational provision and are provide with appropriate support and intervention.

2 Are there any people or groups of people with protected characteristics that this policy/service is likely to affect in a **negative way? Please tick appropriate boxes below and move on to question/s **4** and/or **5** below**

Or does the policy/service have a **neutral or positive (good)** effect? Please tick appropriate boxes below and move on to question **3** below.

Negative
Neutral
Positive
Negative
Neutral
Positive

Age		Neutral		Race		Neutral	
Disability		Neutral		Religion or Belief		Neutral	
Gender reassignment		Neutral		Sex		Neutral	
Marriage or civil partnership		N/A		Sexual Orientation		Neutral	
Pregnancy and maternity		Neutral		Welsh Language		Neutral	

- 3 If you have assessed that the impact is either **neutral or positive** could you please give some detail below to justify/evidence this. Once you have done this there is **no requirement to carry on completing this part of the form**. Please move on to complete the **Sustainable Development checklist** on page 9

The Welsh Government Guidance applies to all pupils and there are specific references that schools consider all options before permanently excluding any pupils

- 4 What evidence (actual or perceived) do you have that this policy/service etc has a negative impact on any **external group(s)** or individuals with protected characteristics? Please tick any relevant characteristics below that may be affected and describe the negative impact/s.

Age		Race	
Disability		Religion or Belief	
Gender reassignment		Sex	
Marriage or civil partnership		Sexual Orientation	
Pregnancy and maternity		Welsh Language	

- 5 What evidence (actual or perceived) do you have that this policy/service etc has a negative impact **on individuals or groups of staff (internal)** with protected characteristics? Please tick any relevant characteristics below that may be affected and describe the negative impact/s.

Age		Race	
Disability		Religion or Belief	
Gender reassignment		Sex	
Marriage or civil partnership		Sexual Orientation	
Pregnancy and maternity		Welsh Language	

- 6 Please list the data that has been used for this assessment? eg Household survey data, Welsh Govt data, ONS data, MCC service user data, Staff personnel data etc.

7 Please give details of any consultation(s) or engagement carried out in the development of this policy/service?

8 What actions have been taken to mitigate **negative** impact(s)?

9 Please indicate below whether you consider this policy/service to have a high, medium or low risk of **negative** impact.

	Negative Impact		
	High	Medium	Low
Are a large number of people affected?	3	2	1
Is the potential impact significant?	3	2	1

Is the scale/cost to the Authority significant?	3	2	1
Score			

Scoring

<input type="checkbox"/> 3	Low	No significant impact	No further action required
<input type="checkbox"/> 4 - 6	Medium	Some impact	Additional consultation to further mitigate negative impact
<input type="checkbox"/> 7 - 9	High	Significant impact	A Full impact assessment is required

10 Is a full equality impact assessment required?
Using the matrix and scoring information above:

- A **low** rating means that there is no further action required
- A **medium** rating will require, as a first stage, further consultation in order to determine whether a full impact assessment is required
- A **high** rating in question 6 will mean that a Full impact assessment is required.

Yes / No

SUSTAINABLE DEVELOPMENT CHECKLIST

PEOPLE IN MONMOUTHSHIRE BENEFIT FROM AN ENVIRONMENT THAT IS DIVERSE, VIBRANT AND SUSTAINABLE					
Elements	Contribution			Evidence	Ideas for Improvement
What contribution does this make to:	-	0	+		
Reduce, reuse and recycle waste and water		N/A			
Reduce carbon dioxide emissions by increasing energy efficiency or use of renewable energy		N/A			
Prevent or reduce pollution of the air, land and water		N/A			
Protect or enhance wildlife habitats (e.g. trees, hedgerows, open spaces)		N/A			
Protect or enhance visual appearance of environment		N/A			
Reduce car and road freight mileage, and encourage public transport, walking and cycling	Yes			If pupils need to be transported to a new school as a result of them being permanently excluded from their existing establishment	At present the Local Authority (Pupil Referral Service) will try and maintain all pupils in their existing school-
Have a positive impact on people and places in other countries		N/A			
PEOPLE IN MONMOUTHSHIRE LIVE HEALTHY AND FULFILLED LIVES					
Elements	Contribution			Evidence	Ideas for Improvement
What contribution does this make to:	-	0	+		
Ensure that more people have access to healthy food		N/A			
Improve housing quality and provision		N/A			
Reduce ill health		N/A			

Improve facilities and choice of health care provision		N/A			
Encourage physical activity		N/A			
Promote independence		N/A			

PEOPLE IN MONMOUTHSHIRE LIVE SAFELY AND ARE PROTECTED FROM HARM

Elements	Contribution			Evidence	Ideas for Improvement
What contribution does this make to:	-	0	+		
Encourage community participation/action		N/A			
Targets socially excluded			Yes	At present the Local Authority (Pupil Referral Service) will try and maintain all pupils in their existing school	
Help reduce crime and fear of crime			Yes	Local Authority and schools work closely with Youth Offending Service to develop proactive support packages for young people	
Improve access to local facilities for all local people, regardless of age, gender, ability etc.		N/A			

PEOPLE IN MONMOUTHSHIRE BENEFIT FROM EDUCATION, TRAINING AND SKILLS DEVELOPMENT

Elements	Contribution			Evidence	Ideas for Improvement
What contribution does this make to:	-	0	+		
Improve access to education and training			Yes	At present the Local Authority (Pupil Referral Service) will try and maintain all pupils in their existing school, if this cannot be undertaken a move to another school could be considered or provision could be provided by Pupil Referral Service	

Value and support voluntary work			Yes	Pupils can if appropriate be provided with some work experience as part of their provision	
Increase and improve access to leisure and recreation facilities		N/A			
Increase and improve access to cultural facilities		N/A			
PEOPLE IN MONMOUTHSHIRE BENEFIT FROM AN ECONOMY WHICH IS PROSPEROUS AND SUPPORTS ENTERPRISE AND SUSTAINABLE GROWTH					
Elements	Contribution				Ideas for Improvement
What contribution does this make to:	-	0	+		
Protect local shops and services		N/A			
Link local production with local consumption		N/A			
Improve environmental awareness of local businesses		N/A			
Increase employment for local people			Yes	The Local Authority's youth and progression framework coordinator works closely with schools and the PRU to develop pathways for post year 11 provision.	
Preserve and enhance local identity and culture		N/A			
Consider ethical purchasing issues, such as Fairtrade, sustainable timber (FSC logo) etc		N/A			

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Monmouthshire's Scrutiny Forward Work Programme 2015

Children and Young People's Select Committee				
Meeting Date	Subject	Purpose of Scrutiny	Responsibility	Type of Scrutiny
Joint Special Meeting with Adults Select Committee Early December 2015 TBC	<u>Partnership Scrutiny:</u> Anti-poverty (Single Integrated Plan Theme 3)	Presentation of the Anti-poverty Statement of Intent	Nicola Bowen and... Will Mclean (Anti-poverty Champion)	Performance Monitoring
	Families First Programme	Digital Stories: What we are delivering and the impact on families	Andrew Kirby	
	Joint Assessment Family Framework (JAFF)	Report on "Families First" (the central WG funded programme of the JAFF (which has 7 family focussed projects in total)	Kirsten Major	
	Care and Social Services Inspectorate Wales	Performance Report of Children's and Adult's Social Services.	CSSIW Tracey Jelfs Julie Boothroyd	
14 th January 2016	Adoption and Fostering	To scrutinise the performance of the South East Wales Adoption Service (SEWAS) via their Annual Report. Performance Report on Adoption and Fostering within Monmouthshire.	Tracey Jelfs Matthew Gatehouse	Performance Monitoring
	Post Consultation on ALN provision at Deri View	Post-consultation report on future ALN provision at Deri View Primary School.	Stephanie Hawkins	
	Risk Assessment	Discussion on future risk assessment process.	Matthew Gatehouse	Risk Monitoring
	Schools Funding Formula	To consider changes to the schools funding formula for: Threshold payments, primary school top up and	Nikki Wellington	Policy Review and Performance

Monmouthshire's Scrutiny Forward Work Programme 2015

Children and Young People's Select Committee				
Meeting Date	Subject	Purpose of Scrutiny	Responsibility	Type of Scrutiny
		free school meal funding for primary schools		Monitoring
	Childhood Obesity *TBC*	Public Health Wales to consult the Committee on a Childhood Obesity Strategy for Gwent	Public Health Wales	Consultation
Prov. Special Meeting February 2016	Estyn Feedback	To receive final feedback from the inspection.	Estyn Sarah McGuinness	Performance Monitoring
17th March 2016	Draft Play Sufficiency Assessment 2016-19 and Action Plan 2017-2017	To consider whether the Action Plan addresses needs accordingly.	Matthew Lewis	Policy Development

Meeting Dates to be confirmed for:

- × **Home to School Transport** - Cross party advisory panel established, recommendations to be considered by select and their feedback incorporated into the consultation process.
- × **Corporate Parenting Report** - Annual scrutiny together with discussion on the issues, actions proposed and strategies in place to manage placements and reduce MCC's dependency upon external agencies.
- × **School Meals** - Pre-decision scrutiny.
- × **Categorisation of schools and results of target setting process**
- × **Review of Collaborative Arrangements** - proposed reduction in spending on 16-17 and 17-18.
- × **CYP Self-evaluation** - continued scrutiny

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Council and Cabinet Business – Forward Plan

Monmouthshire County Council is required to publish a Forward Plan of all key decisions to be taken in the following four months in advance and to update quarterly. The Council has decided to extend the plan to twelve months in advance, and to update it on a monthly basis.

Council and Cabinet agendas will only consider decisions that have been placed on the planner by the beginning of the preceding month, unless the item can be demonstrated to be urgent business

Subject	Purpose	Consultees	Author
26th AUGUST 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
Prohibition of sky lantern and mass balloon release on council owned land			Laurence Dawkins
Allocations policy			Ian Bakewell
20 mph and 30 mph limit-various roads, Penpelleni Goytre			Paul Keeble
2nd SEPTEMBER 2015 – CABINET			
Review of allocation policy		Cabinet Members Leadership Team Appropriate Officers	Ian Bakewell
Options appraisal future service delivery			Kellie Beirne
Partnership Agreement with DWP (universal credit)			Ian Bakewell
Caldicot Town Team			Colin Phillips

Subject	Purpose	Consultees	Author
Funding			
9th SEPTEMBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
Expansion of Ysgol Gymraeg Y Fenni to include a nursery class			Susan Hall
Property Services Admin resource restructure			Mark Jones
23rd SEPTEMBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
Remodelling of Mental Health			Julie Boothroyd
Agree to the tenancy renewal of Welsh Church Trust Land at Llanmartin			Gareth King
The sale of land adjacent to 64 Merthyr Road for use as car parking for the adjoining residential properties			Gareth King
Access land to The Hill, Abergavenny			Cerys Halford
Policy and communications team structure			Will McLean
Permanent change to staff structure in planning			Mark Hand
Authorise spend on bat survey			Mark Hand
Release of restrictive covenant at Long Barn			Nicholas Keyse
24th SEPTEMBER 2015 – COUNCIL			
MCC Audited Accounts 2014/15 (formal approval)	To present the audited Statement of Accounts for 2014/15 for approval by Council		Joy Robson
ISA 260 report – MCC Accounts (attachment above)	To provide external audits report on the Statement of Accounts 2014/15		WAO
Corporate Parenting			Gill Cox
Mardy park car park	Approval to add to amend the capital programme		Tracey Harry

Subject	Purpose	Consultees	Author
	to include the car park		
7th OCTOBER 2015 – CABINET			
Business Case for Funding for Team Abergavenny	To agree to release S106 funding against Team Abergavenny Business Plan		Deb Hill Howells
Capital Budget Proposals	To outline the proposed capital budget for 2016/17 and indicative capital budgets for the 3 years 2017/18 to 2019/20		Joy Robson
Revenue Budget Proposals			Joy Robson
Income Generation Strategy			Joy Robson
Education Strategic Review			Cath Sheen
NEETs Strategy			Tracey Thomas
Deri View			Steph Hawkins
Mardy Park			Colin Richings
Future of Llanfair Kilgeddin School			Cath Sheen
Capability policy for school based employees			Sally Thomas
ALN facility	Consultation to establish a 55 place ALN facility at Monmouth Comprehensive School whilst amending the capacity of the mainstream school to 1600.		Debbie Morgan
Caerwent S106 Funding			Mike Moran
14th OCTOBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
Insurance Retender			Mark Howcroft
Local Development Plan – Annual monitoring report.	To seek approval to submit the first AMR on the LDP to the Welsh Government.	SLT & Planning	Jane Coppock.
28th OCTOBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
4TH NOVEMBER 2015 – CABINET			

Subject	Purpose	Consultees	Author
Capital Budget Proposals	To outline the proposed capital budget for 2016/17 and indicative capital budgets for the 3 years 2017/18 to 2019/20		Joy Robson
Safeguarding			Jane Rodgers
Budget Monitoring Report – Month 6	The purpose of this report is to provide Members with information on the forecast outturn position of the Authority at end of month reporting for 2015/16 financial year.		Joy Robson/ Mark Howcroft
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16, meeting 2 held on 24 th September 2015		Dave Jarrett
Well-being of Future generations Act: WAO commentary on preparedness			Will McLean / Matt Gatehouse
£106 Monies for Severnside Town Team			Colin Phillips
21 st Century Schools capital budget			Simon Kneafsey
11th NOVEMBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
Modernising Trade Waste			Rachel Jowitt
Proposed disabled persons parking space			Paul Keeble
TAF Support workers			Andrew Kirby
19^h NOVEMBER 2015 – COUNCIL			
Community Governance Review			Kellie Beirne
The Well-being of Future Generations Act: a commentary on preparedness			Will McLean / Mike Palmer WAO
25th NOVEMBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			

Subject	Purpose	Consultees	Author
Waste restructure review			Rachel Jowitt
Expansion of Ysgol Gymraeg Y Fenni to include a nursery class			Susan Hall
19th NOVEMBER 2015 – COUNCIL			
Gambling Policy			Linda O’Gorman
Casinos report			Linda O’Gorman
An update and proposed amendments to the ICT in schools business case	To update members on progress with the ICT business case and agree amendments to the plan and funding requirements"		Sian Hayward
Safeguarding			Jane Rodgers
2nd DECEMBER 2015 – CABINET			
Council Tax Base 2016/17 and associated matters	To agree the Council Tax Base figure for submission to the Welsh Government, together with the collection rate to be applied for 2016/17 and to make other necessary related statutory decisions.		Sue Deacy/ Ruth Donovan
Reviews of Fees and Charges	To review all fees and charges made for services across the Council and identify proposals for increasing them in 2016/17		Joy Robson
Community Infrastructure Levy			Mark Hand
Revenue & Capital Budget final proposals after public consultation	To present revenue and capital budget proposals following receipt of final settlement		Joy Robson
Quarter 2 Education Framework			Sharon Randall Smith
Deri View			Steph Hawkins
Affordable Housing SPG			Mark Hand
ALN Deri View			Steph Hawkins
Play Opportunities review	To consider future delivery models for play and inform members of progress in the review of the play sufficiency assessment		Matthew Lewis

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Subject	Purpose	Consultees	Author
Effectiveness of Council Services: quarterly update			Matt Gatehouse
Wye Valley Area of Outstanding Natural Beauty Management plan 2015-20	To seek approval of the review of the Wye Valley AONB Management plan	SLT Cabinet	Matthew Lewis
An update and proposed amendments to the ICT in schools business case	To update members on progress with the ICT business case and agree amendments to the plan and funding requirements"		Sian Hayward
23RD DECEMBER 2015 – INDIVIDUAL CABINET MEMBER DECISIONS			
Local Government (Wales) Act 1994 The Local Authorities (Precepts)(Wales) Regulations 1995	To seek approval of the proposals for consultation purposes regarding payments to precepting Authorities during 2016/17 financial year as required by statute.		Joy Robson
DECEMBER 2015 – COUNCIL			
Community infrastructure levy			Mark Hand
Affordable Housing SPG			Mark Hand
6TH JANUARY 2016 – CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16, meeting 3 held on 19 th November 2015.		Dave Jarrett
21ST JANUARY 2016 – COUNCIL			
Final Budget Proposals			Joy Robson
27TH JANUARY 2016 – INDIVIDUAL CABINET MEMBER DECISIONS			
Local Government (Wales) Act 1994 The Local Authorities	To seek Members approval of the results of the consultation process regarding payments to precepting Authorities for 2016/17 as required by		Joy Robson

Subject	Purpose	Consultees	Author
(Precepts)(Wales)Regulations 1995	statute		
3RD FEBRUARY 2016 - CABINET			
Budget Monitoring report – month 9	The purpose of this report is to provide Members with information on the forecast outturn position of the Authority at end of month reporting for 2015/16 financial year.		Joy Robson/Mark Howcroft
Welsh Church Funding Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16, meeting 4 held on the 17 th December 2015.		Dave Jarrett
The Future Food Waste Treatment Strategy: Outline Business Case & Inter Authority Agreement	for the Council to consider the inclusion of MCC in the Heads of the Valleys Anaerobic Digestion Procurement. To agree the Outline Business Case and the Inter Authority Agreement which commits the Council to the procurement and partnership and a 15-20 year contract.	SLT Cabinet	Rachel Jowitt
Waste Strategy			Carl Touhig/ Roger Hoggins
25TH FEBRUARY 2016 – COUNCIL			
Final Composite Council Tax Resolution	To set budget and council tax for 2016/17		Joy Robson
Treasury Management Strategy 2016/17	To accept the annual treasury management strategy		Joy Robson
The Future Food Waste Treatment Strategy: Outline Business Case & Inter Authority Agreement	for the Council to consider the inclusion of MCC in the Heads of the Valleys Anaerobic Digestion Procurement. To agree the Outline Business Case and the Inter Authority Agreement which commits the Council to the procurement and partnership and a 15-20 year contract.	SLT Cabinet	Rachel Jowitt
Waste Strategy			Carl Touhig/Roger

Subject	Purpose	Consultees	Author
			Hoggins
2ND MARCH 2016 – CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16 meeting 5 held on the 21 st January 2016		Dave Jarrett
2015/16 Education & Welsh Church Trust Funds Investment & Fund Strategy	The purpose of this report is to present to Cabinet for approval the 2016/17 Investment and Fund strategy for Trust Funds for which the Authority acts as sole or custodian trustee for adoption and to approve the 2015/16 grant allocation to Local Authority beneficiaries of the Welsh Church Fund.		Dave Jarrett
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1ST APRIL 2016 - CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16, meeting 6 held on the 25 th February 2016		Dave Jarrett
4TH MAY 2016 - CABINET			
Welsh Church Fund Working Group	The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications 2015/16, meeting 7 held on the 24 th March 2016		Dave Jarrett