

# SCRUTINY REPORT

<b>MEETING:</b>	<b>Children's Scrutiny Committee</b>
<b>DATE:</b>	<b>11 June 2024</b>
<b>SUBJECT:</b>	Update report on use of independent provision for children with an EHCP and monitoring of that provision.
<b>REPORT FROM:</b>	<b>Jeanette Richards, Executive Director Children and Young People</b>
<b>CONTACT OFFICER:</b>	<b>Stephen Holden, Director of Education</b>

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## 1.0 BACKGROUND

Following the BBC Panorama documentary concerning the independent school 'Life Wirral', this update describes the framework for overseeing such schools, Bury's use of this type of school and the national trends in the use and spend on these schools.

Firstly, it is important to note that the responsibility for the quality and oversight of independent schools, such as 'Life Wirral' lies with Ofsted or the Independent Schools Inspectorate and their inspection framework. Ofsted's inspection reports for this provision can be found here: [LIFE Wirral Sports School - Open - Find an Inspection Report - Ofsted](#).

The inspection framework for independent schools is described in this link: [Regulating independent schools - GOV.UK \(www.gov.uk\)](#).

All independent schools must be registered by the Department for Education (DfE), and they must meet the requirements of The Education (Independent School Standards) Regulations 2014 in order to remain registered. Ofsted inspects about half of all independent schools in England, which we refer to as 'non-association' independent schools. The rest of the schools belong to independent school associations and are inspected by the Independent Schools Inspectorate (ISI), which has been approved by the DfE.

Independent schools, whether overseen by Ofsted or the ISI, are normally inspected once every 3 years. Independent schools lie outside of the oversight of local authorities and it is the DfE that retains this role, which it discharges through Ofsted and the ISI.

This situation is complicated when a local authority agrees to fund an educational placement in an independent school for a child with an Education, Health and Care plan, or even in sometimes for a child without one. In such circumstances, the local authority retains responsibility for ensuring an annual review that provision detailed in the plan is meeting the needs of the child and considering whether that plan needs to change. However, the regulation of the school remains with central government, who discharge that duty through Ofsted or the ISI. In the event of an adverse inspection of an independent school, local authorities will respond by removing children from that school (as Wirral did on this occasion following the TV programme). Section 2 outlines the number of children with EHCPs in Bury of school age and where they are educated. For children in independent special schools, or non-maintained special schools, the total and average cost is provided, together with their Ofsted Grade

## 2.0 ISSUES

Wherever possible the local authority aims to place young people who have an EHCP and require a specialist setting in a local maintained special school and we are able to do this for 70% of children in need of a special school to support their needs. Plans are also in place under the Project Safety Valve agreement with the Department for Education (DfE) to increase the amount of local special school provision over the next 5 years.

	Number of Pupils	Total Cost	Average cost per pupil
Mainstream	879	6,254,110	7,115
Academy Maintained Special	661	16,168,162	24,460
Non maintained Special	31	2,032,066	65,551
Independent Special	264	11,328,836	2,912
Alternative Provision	66	563,717	8,541

### Independent Special Schools

The number and costs listed are for the financial year 2023/24

	Ofsted Grade	No. of pupils	Total Cost	Average cost
Mill School	Good	40	1,824,449	45,611
Aim Habonim	Good	33	1,019,708	30,900
Edstart	Good	26	585,993	22,538
Rosendale	Good	22	1,330,000	60,455
Craig Omerod	Closed	21	383,613	18,267
Cumberland	Good	19	1,173,261	61,751
Belmont	Good	20	831,765	41,588
Westmoreland	Outstanding	13	910,312	70,024
Woodlands	Good	13	609,422	46,879
Bridgeway	Good	12	690,077	57,506
T'Mimei Lev Special	Good	11	286,516	25,047
Talmud Torah Tashbar	Requires improvement	4	46,292	11,573
The Holden School	Good	4	204,825	51,209
Nugent House	Good	3	159,933	53,311
Waterloo Lodge	Good	3	170,540	56,847
Aspire	Closed	2	33,340	16,670
Cedar House	Good	2	63,588	31,794
Mayfield House	Good	2	73,369	36,684
Progress School	Outstanding	2	229,667	114,839
Raise the Youth	Good	2	104,476	52,238
Reddish Hall	Good	2	107,724	53,862
Birchwood	Good	1	72,803	72,803
Brambles	Good	1	27,182	27,182
Bright Futures	Good	1	35,414	35,414
Changing Lives	Good	1	52,000	52,000
Chesham Sch	Good	1	51	51,094
Great Howarth	Good	1	105,000	105,000
High Peak	Good	1	101,380	101,380
Keyes Barn	Good	1	45,074	45,074
<b>Total</b>		<b>264</b>	<b>11,328,836</b>	<b>42,912</b>

## Non maintained Special

Birtenshaw	Good	23	1,554,872	67,603
Inscape House	Good	6	365,786	60,964
Seashell Trust	Good	2	111,408	55,704
Total		31	2,032,066	65,551

High levels of expenditure on independent and non-maintained special schools (INMSS) is a national issue. Analysis of planned Local Authority and School expenditure in 2023/24 published by the DfE in September 2023 [Planned LA and school expenditure, Financial year 2023-24 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](#) shows that the expected spend on INMSS by local authorities in England in 2023/4 was £2.16 billion. This represented an increase of over £1 billion and a doubling in spend since 2018/19 (£1.06 billion).

Some of this increase reflects growth in the number of children attending these schools – a rise of 70% from 17,532 in 2019 to 29,802 in 2024 according to figures published in June 2024 by the DfE [Education, health and care plans, Reporting year 2024 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](#), but some of the increase also reflects unit cost rises as well. The increasing cost of places at INMSS and the increasing number of children with EHCPs attending these schools is a key driver for the recent government announcements of new special schools in May 2024, which adds to the 100 new special schools that have been designated since 2010. It is also instructive that establishing new special schools is often a cornerstone of Project Safety Valve agreements between local authorities and the DfE – as is the case for Bury.

### Alternative Provision

The DfE defines alternative provision as follows: education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; arranged by school on a fixed period exclusion; and pupils being directed to off-site provision to improve their behaviour.

Alternative provision is a complex area for regulators as some settings are registered with Ofsted and subject to their inspection framework, while others are not. Ofsted conducted a thematic review of this landscape in early 2024: [Alternative provision in local areas in England: a thematic review - GOV.UK \(www.gov.uk\)](#), which made recommendations for increasing the oversight of alternative provision both at an individual child and an area-wide, institution based level. Recommendations in the report are directed to ‘commissioners’ reflecting that individual schools, multi-academy trusts and local authorities are all commissioners of provision to meet the needs of children.

In Bury, children placed in Alternative Provision listed below are provided with temporary, part-time placements to support transition to the next setting. The numbers in this table relate to the total number of young people who have been placed in Alternative Provision across the financial year with children being placed for varying amounts of time. These young people include those with EHC’s and those without a plan who are placed under the local authorities Section 19 duty.

The local authority maintains an Alternative Provision Directory of approved providers. Providers on this directory have been through the LA procurement process which is now run annually. Where pupils are placed with providers, a minimum of one annual QA visit is carried out with additional visits as required. Providers are also required to provide data, including attendance and engagement, for all Bury pupils placed with them including those

placed by schools. Intelligence from the Quality Assurance visits, service feedback and data, is collated for consideration by the Alternative Provision Assurance Board which meets on a monthly basis and identifies any actions required.

<b>Provision</b>	<b>Number</b>	<b>Total</b>	<b>Average cost</b>
Navigators	10	55,395	5,540
Nisia Virtual Academy	8	35,166	4,396
Randstad	8	66,732	8,342
Achieve Training	7	105,928	15,133
Monarch Education	7	27,819	3,974
Hindles	5	24,975	4,955
Dragon	4	15,885	3,971
Heyhead Farm	4	63,720	15,930
MYFP	3	23,152	7,717
Targetted Provision	2	4,794	2,397
The Enterprise Centre	2	13,600	6,825
CVS Specialist	1	3,450	3,450
Flourish Tuition	1	6,800	6,800
Foundation 92	1	25,590	25,590
NTAS	1	34,494	34,494
Outside Education	1	25,155	25,115
Vision for Education	1	31,062	31,062
<b>Total</b>	<b>66</b>	<b>563,717</b>	<b>8,541</b>

### **3.0 CONCLUSION**

There has been a substantial increase in the use of independent and non-maintained special schools (and alternative provision) over the past decade. This has been driven by growth in identified need amongst children and young people – for example, the 26% increase in new Education, Health and Care Plans issued by local authorities in England in the calendar year 2023, compared to 2022 - and the difficulty in meeting that need within mainstream schools. This in turn has led to the increasing need for specialist school places; a need that the maintained sector (i.e. central government funded) has struggled to meet.

The result of these trends in England has been a doubling in expenditure on independent and non-maintained special schools over the past 5 years and a 70% increase in the number of children nationally placed in these schools. The report also notes that the independent school sector, by definition, lies outside of the maintained school sector and is primarily overseen by central government itself, with that oversight being discharged through the Independent Schools Inspectorate and Ofsted (as described above), with each inspecting about half of the total number of independent schools. Local Authority relationship with INMSS is as a commissioner of services or places to meet the needs of children. While Local Authority officers will visit these schools, sometimes with parents considering the placement of their child; and will cease placements where concerns arise, or not place children where concerns are known, they are not the responsible body for these schools, even if they are within their boundaries. This reflects the increasing complexity of the educational provider landscape and the growing importance of non-government maintained educational providers in meeting growing child need.

Bury exhibits all of these national patterns and also reflects the approach of central government in addressing these trends – with the projected growth in maintained special school places over the next 5 years. Bury’s oversight and monitoring of children placed in alternative provision and residential special schools was one of the areas in which local

practice was deemed to be effective in the recent local area SEND inspection, but there is no room for complacency.

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**List of Background Papers:-**

**Contact Details:-**

*[Report Author]*

Executive Director sign off Date:\_\_\_\_\_

JET Meeting Date:\_\_\_\_\_