

Section 3



Understanding Social Emotional Mental Health and Reducing Exclusions

3.8 Alternative Learning Provision (ALP or AP) – Guidance for Schools

Definition of ALP

Alternative provision is defined as:

Education arranged by local authorities [*or schools*] for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour (Alternative Provision Statutory guidance for local authorities. DfE January 2013/16).

Schools can use such provision to try to prevent exclusions, or to re-engage pupils in their education. Pupil referral units are themselves a form of alternative provision, but many pupils who are on the roll of a pupil referral unit also attend additional forms of alternative provision off site.

It is estimated that there are at least 32,083 pupils educated across at least 761 alternative provision settings in England. These pupils are amongst those with the highest levels of need and most significant vulnerabilities in the country. 81% of pupils in alternative provision (ALP) are on the SEND (special educational needs and disability) register, which is almost six times more than in mainstream schools. Almost half (47%) of pupils in ALP are eligible for free school meals (FSM) compared to 13.6% of their mainstream peers.

*Data extracted from the Integrated Toolkit, 2022.

This guidance sets out the key principles that schools should follow when placing children and young people in alternative provision (ALP) to ensure they benefit from high quality education provision that is safe, secure and appropriate to their individual needs.

What Schools Should Know

Schools have a statutory responsibility to keep children safe in education (*Keeping Children Safe in Education, DfE 2022*):

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“Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil.

Schools should obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff” (KCSIE 2022 para 327 – 328)

Responsibility for the alternative provision used rests with the school commissioning the placement. Commissioning schools should carefully consider what providers are available that can meet the needs of their pupils, including the quality and safety of the provision, costs and value for money.

A personalised plan for intervention should be prepared by the commissioner setting clear objectives for improvement and attainment, timeframes, arrangements for assessment and monitoring progress, and a baseline of the current position against which to measure progress. Plans should be linked to other relevant information or activities such as EHCPs for children with SEND.

The school commissioning the placement should maintain on-going contact with the provider and pupil, with clear procedures in place to exchange information, monitor progress and provide pastoral support.

The school commissioning the placement should maintain a full record of all placements they make, including a pupil's progress, achievements and destination following the placement. This should also include the pupil's own assessment of their placement.

What Does High Quality Alternative Provision Look Like?

High quality alternative provision is that which appropriately meets the needs of pupils and enables them to achieve good educational attainment on par with their mainstream peers. Provision will differ from pupil to pupil, but DfE say provision should:

- Have a clear purpose with a focus on education and achievement as well as meeting the pupils needs and rigorous assessment of progress
- Offer appropriate and challenging teaching in English, mathematics and science (including IT) on par with mainstream education - unless this is being provided elsewhere within a package of provision.

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- Be suited to the pupil's capabilities; give pupils the opportunity to take appropriate qualifications and involve suitably qualified staff who can help pupils make excellent progress; and
- Have good arrangements for working with other relevant services such as social care, education psychology, child and adolescent mental health services, youth offending teams, and drug support services, etc.

Schools should also ensure that:

- The specific personal, social and academic needs of pupils are properly identified and met in order to help them to overcome any barriers to attainment;
 - Provision leads to improved pupil motivation and self-confidence, attendance and engagement with education; and
 - Provision has clearly defined objectives, including the next steps following the placement such as reintegration into mainstream education, further education, training or employment.
- 4. Key Points for Consideration
 - Have the pupil, parents and relevant teacher been spoken to before a decision about alternative provision has been made?
 - Are the nature of the intervention, objectives and timeline clearly defined?
 - What other considerations are there, such as transport arrangements?
 - What does the pupil want, or need, to get from the provision?
 - How long should the provision be for?
 - Is it part time or full time? If part-time, the pupil should attend school as usual on the days they are not in the alternative provision
 - How will it fit with the pupil's mainstream curriculum? If part-time or temporary, it should complement and keep up with the pupil's current curriculum, timetable and qualification route.
 - What will success look like at the end of the provision?
 - What outcomes do you hope to achieve – particularly in the areas of attendance, attitude, attainment, behaviour and positive destination

DfE Registration Requirements for Alternative Providers

Every provider of education that is not a maintained school or academy must be registered as an 'independent school' if it provides full-time education to:

- five or more pupils of compulsory school age, or
- one such pupil who is looked-after, or
- one such pupil with an Education Health & Care Plan (EHCP).

It is an offence to operate an unregistered independent school. Applications for registration by new schools must be submitted and approved before a school begins to operate and admit pupils. Ofsted may decide to make an unannounced visit to an institution on the basis of information they have received about it operating as an unregistered independent school. If Ofsted consider in the course of such a visit that an institution is operating unlawfully and should cease to operate as a school, they will inform the operator it is an offence to operate without registration and take any appropriate steps with the LA to ensure the premises are closed and the children provided for.

Definition of Full Time Provision

'Full-time education' is not defined in law but DfE say it should equate to what the pupil would normally have in school – for example, for pupils in Key Stage 4 full-time education in a school would usually be 25 hours a week. DfE also say they will consider any institution that is operating during the day for more than 18 hours per week to be providing full time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and therefore indicates that the education provided is the main source of education for that child.

Relevant factors in determining whether education is full-time include, the number of hours per week including breaks and independent study time, the number of weeks in the academic term/year the education is provided, the time of day, and whether the education provision in practice precludes the possibility that full-time education could be provided elsewhere.

All pupils must receive full-time provision in total, whether in one setting or more, unless a pupil's medical condition makes full-time provision inappropriate.

South Gloucestershire, Bristol & North Somerset framework of approved Alternative Providers

Bristol City Council, North Somerset Council and South Gloucestershire Council are working together to jointly commission a framework for Alternative Learning Provision. Providers that are approved onto the framework have been through an application process and have been marked and moderated by all three Local Authorities. The application process is rigorous and covers: *safeguarding, business continuity, equalities & a pricing schedule* alongside quality questions on: *Curriculum and Service Offer, Engagement, Partnership Working & Transitions*. The Council recommends that schools and commissioners only use alternative providers on the framework.

The framework is divided in to three lots: full-time, part-time, and early intervention:

Lot 1: Full-time: The service will offer full-time education to pupils who are not able to, or are at risk of not being able to, receive effective education in mainstream schools, and require support through ALP. The service will have high aspirations for all pupils and will focus on supporting engagement, personal development and academic learning.

Lot 2: Part-time: Part-time ALP offers additional and complimentary support to that provided by schools, to support pupils' sense of belonging as well as their attendance, academic attainment and personal development. The service will offer a programme for individuals or groups of pupils, supporting engagement, personal development and academic learning, based on each pupil's own needs, aspirations and preferences.

Lot 3: Early intervention: Early intervention in-school ALP, to be delivered within mainstream schools, will support pupils' sense of belonging as well as their attendance, academic attainment and personal development. The service will support schools to be more inclusive and help them to keep pupils in mainstream school, wherever possible.

A contract between the local authority and the alternative learning provision providers will be for the period of 5 years and will commence on the 01st September 2022 with the option to extend for up to a further 1 year. There is a ceiling of £4.55m per year across the three local authorities. Whilst the framework is now live, it will launch officially in September 2023, with promotion and information events occurring in the months prior.

Are You as a School Obligated to Only Use ALP Providers on the Framework?

The local authority's expectation is that schools will utilise the framework when choosing an ALP that is most suited to the needs of the young person.

Where funding has been secured through an EHCP, HRG or Cluster the ALP should be commissioned from list of approved providers on the framework.

Where funding for ALP or interventions is coming from a schools' budget then the local authority strongly recommend that the ALP is commissioned from the Framework. However, this is not mandatory and responsibility for selecting and quality assuring the ALP chosen remains with the school.

Regardless of whether ALP has been selected from the framework or not, **schools remain responsible for safeguarding and quality assurance checks and monitoring**. You can see the Local Authorities framework as a safety net. Whilst it does not negate the responsibilities of the school, you can be assured that these providers have demonstrated the highest level of quality, and are signing up to ongoing Quality Assurance and Monitoring processes.

Any provision that is offering full-time education must be registered with the Department for Education. They will be subjected to Ofsted inspection and Ideally, they should have been judged to be good or better at the last Ofsted inspection.

OFSTED may ask you if the ALP you are commissioning is approved by the Local Authority. If you have chosen a provider who is not on the framework we will not be able to support you and you will have to inform OFSTED that it is not approved by the Local Authority.

All Commissioners of ALP, Including Schools Should:

- Check the registration status of each provider and whether they should be registered if they are not. Never use provision which contravenes the registration regulations.
- Check provider's policies and procedures:
- The written behaviour policy setting out amongst other matters the sanctions to be adopted in the event of pupil misbehaviour

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- Detailed curriculum plans and schemes of work, and student assessment procedures
- Particulars of arrangements to safeguard and promote the welfare of pupils and how those arrangements have regard to DfE guidance: Keeping Children Safe in Education and Working Together to Safeguard Children
- Check (for) the provider's: - Anti-bullying policy - Health and safety policy - Complaints procedure - Quality of accommodation - Qualifications and experience of staff - Arrangements for administering First Aid - Fire risk assessment and procedures - Recruitment and vetting checks for staff and management
- Give providers information in writing about social networking, the use of social media and e-safety, making the school's expectations clear
- Give providers information in writing about the school's expectations for child protection and procedures they should follow if they have a concern about a pupil
 - Support providers to access appropriate safeguarding training and information 4
- Give providers information in writing about how the school should be informed of attendance and agree the subsequent follow up of absence.

PLEASE NOTE: Appendix 1 below is a due diligence checklist which you may wish to use when deciding whether an Alternative Provision is of suitable quality and to ensure that policies and procedures are in place.

The Placement - What are Schools Responsible for?

Once a placement has been agreed, either off the framework or independently, the school maintains responsibility for:

- Pupil welfare: safeguarding, child protection; health and safety
- Sharing all relevant information with the provider including any information on SEND, literacy, safeguarding or other issues.
- Ensuring that parents (and the LA where the pupil has an EHCP) have clear information about the placement - why, when, where, and how it will be reviewed
- Setting out in writing the agreed objectives and plans for the placement, and monitoring progress against the objectives of the placement, including carrying out frequent visits to the provider

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- Where reintegration to school is an objective, planning for and providing an appropriate package of support to assist the pupil's reintegration
- Involving parents (and LA if child has EHCP) in regular reviews of the placement.
 - Attendance monitoring and follow-up of absences; this needs to be on a daily basis.
- Meeting the needs identified within a child's EHC Plan;

Ensuring adequate transport arrangements. (please note that the Local authority are not responsible for transport arrangements when ALP is being commissioned through funding from HRG or Cluster or if funded by school)

- Where a pupil is eligible for free school meals, this will need communicating to the provider and suitable arrangements made;
- Sanctioning a fixed term or permanent exclusion; pupils are legally on the roll of a school and therefore only the pupil's home school can sanction these;
- Ongoing contact with the pupil and provider to exchange information, monitor progress and provide pastoral support;
- Ensuring the child remains a member of the school community, such as involvement with extra-curricular activities, social events, parents' evenings, letters to parents or child, and rewards;
- Careers guidance, schools to ensure pupils receive their full entitlement to careers information, advice and guidance;
- Pupil outcomes – obtaining a final report on the pupil's achievements during the placement including attainment and progress, attendance records and evidence of change in behaviour.
- Seeking pupil's views on success of the placement.
- For Year 11s, working with the provider to prevent young people becoming NEET and ensuring that they can move on to suitable education, training or employment alongside part-time study. Schools should collect and record information about the pupil's next destination, as an indicator of alternative provision quality.
 - Maintaining regular contact with the child and the provider to exchange information, monitor progress and provide pastoral support. The local authority would recommend a minimum of one visit every half term to a provider and this should be agreed at the point of commissioning. Parents, carers and the young person (where appropriate) should be involved in the reviewing and monitoring of the placement.

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- When pupils are involved in part-time ALP there is a risk that they may fall behind with their studies in school. Formal catch-up arrangements should be made by schools where pupils miss core curriculum provision through being in part-time alternative provision.

Recording and Monitoring Attendance

Each pupil attending alternative provision MUST remain on a school roll and the school retains the ultimate duty of care for pre-16 pupils, wherever they are being educated. Whilst a pupil is attending an alternative provider, they are 'on loan' from school and providers are obliged to support the school in their duty of care. To ensure robust safeguarding of pupils in placement, there is an expectation that schools and providers have a clear agreement about how the school are informed of attendance and the subsequent follow up of absence. The provider is responsible for enrolling pre-16 pupils onto their course(s) and for recording, monitoring and reporting attendance and absences. This MUST be completed twice a day, am and pm. This is a legal requirement for any pre-16 group in the same way as it is for post-16 groups (The Education Pupil Registration (England) Regulations 2006).

Attendance Register Codes

Schools are legally responsible for using the correct codes and the importance of using the correct code is also a safeguarding issue. All sessions when a pupil is not expected to physically present in school should be marked appropriately using the DfE registration code as follows:

a) Code B: Off-site educational activity

This code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site. Therefore by using code B, schools are certifying that the education is supervised and measures have been taken to safeguard pupils. This code should not be used for any unsupervised educational activity or where a pupil is at home doing school work. Schools should ensure they have in place arrangements whereby the provider of the alternative activity notifies the school of any absences by individual pupils. The school should record the pupil's absence using the relevant code.

b) Code D: Dual Registered – at another educational establishment

This code is used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they were registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis. It can also be used when the pupil is known to be registered at another school during the

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session in question. Each school should only record the pupil's attendance and absence for those sessions that the pupil is scheduled to attend their school. Schools should ensure that they have in place arrangements whereby all unexplained absence is followed up in a timely manner.

c) Code C: Leave of absence authorised by the school

In agreeing to a part-time timetable a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence.

PLEASE NOTE: registers must NOT be pre-populated for the term ahead even if you are expecting the young person to be in alternative provision. If you mark a young person as code B and then get a notification from the provider to say they are absent, you must change your register to reflect this.

Quality Assurance and Evaluating the Impact of the Provision

The responsibility for quality assurance and evaluation sits with the commissioning school. As a guide the following key areas for consideration when undertaking quality assurance and evaluation have been taken from Ofsted:

PLEASE NOTE: unregistered part-time ALP are not subject to OFSTED inspections. Not all part-time providers will offer maths and English accreditation, the below is just a guide to prompt you to think about when quality assuring a provision.

- Quality of teaching and learning at the alternative provision
- Academic progress, ensuring targets are suitably challenging
- Accreditation including English and maths
- Safeguarding and health and safety (including quality of accommodation)
- Personal development and well-being
- Pupils' views
- Employability and skills for life – progression to post-16 destinations
- The role of governors - understanding the progress made by pupils who attend alternative provision so they can ensure decisions about value for money are well informed

When funding has been secured through HRG or Cluster the local authority would ask that you send a letter of assurance that these checks have been

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completed. When funding is agreed, details of how to submit these assurances will be sent to you.

South Gloucestershire Council would recommend a minimum of one visit per term to a provider. The scope and detail of regular reports from providers will be agreed locally at the point of commissioning.

What are Alternative Providers Responsible For?

- Ensuring they are compliant with the most recent DfE guidance around legislation and the definition of an independent school.
- Maintaining contact with the commissioning school and the pupil's parent/carer, with regular updates on the pupil's progress:
- Carrying out an initial assessment of educational needs for the pupil within one week of referral to confirm what level of course and support is appropriate;
- Notifying the school of attendance and absence; good practice would determine this is twice daily;
- Providing relevant policies and procedures that relate to the child's welfare, education and safety for example; Safeguarding policy including the use of social media and E-safety, Health and Safety Policy and Behaviour Policy;
- Attending relevant multi-agency meetings around the pupil when required, for example: Personal Education Plan (PEP) for children looked after, EHCP meetings, SEND review meetings and Social Care meetings;
- Having clear monitoring criteria to judge the quality of the teaching and learning, and report this to the commissioning school at agreed intervals;
- Providing a named contact for all matters pertaining to the pupils;
- Being aware of and comply with Bristol City Council's policies, standards and procedures, such as Bristol Safeguarding Childrens Board, and Children Missing Education (Information on Bristol City Council website);
- Maintaining Individual Learning Plans, these set out the targets that the pupil will achieve on programme (e.g., L1 Functional Skills English, Pass grade) as well as the wider targets (e.g., 95% attendance, behaviour).

All targets must be agreed by the pupil, the Provider and the School.

I am Ready to Find a Placement for a Young Person, What Should I do Now?

1. Visit our [AP directory](#) to view an up-to-date list of approved providers. Here you will find a one-page profile on each provider which will help you to select an appropriate provision.
2. Make contact with the provider, let them know what you are looking for, for how long etc. You may wish to contact more than one provider so that you can compare provision offer, costs, etc and get a feel for who may be the most appropriate to meet the needs of your young person.
3. Once you have chosen a provider, use the due diligence checklist (below) to undergo checks on the provider and to ensure they have all the essential policies and procedures in place.
4. Once you are satisfied, share all relevant information on the young person with the provider (you most likely have a form that you already use to capture this information). It should include things like learner levels, SEND, strengths and difficulties, de-escalation techniques that you know work etc. It should also include SMART targets/ outcomes that will be achieved whilst the young person is attending the provision, how long the placement will last, a built-in review process, a transition plan to get the young person back to school etc. Remember to consider an agreement for how the provider will share information with you and how often. You will also need to consider how the young person is going to get to the provision. You must also gain consent from parents and carers.
5. At the point of agreeing the placement, the provider will most likely send you a contract (often called a Service Level Agreement – SLA) to sign. It is really important that you read through the terms and conditions in detail and are happy with them. Once signed this will form a legally binding agreement between you.
6. Once the provision has commenced, ensure that you monitor closely and keep in regular contact. We recommend a minimum of one in-person visit per term.

Contacts:

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Commissioning from Framework queries:

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Safeguarding queries

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Section 3



Understanding Social Emotional Mental Health and Reducing Exclusions

Appendix 1

Checklist of factors which schools may wish to consider when deciding that an Alternative Provision is of a suitable quality and that appropriate and robust monitoring arrangements are in place.

General Policies

| Question / Area to Check | Yes | No | Comments |
|--|-----|----|----------|
| Is the provision on the South Glos AP framework? (This does not replace a schools duty to make its own checks regarding each provision). | | | |
| Which of the following checks were carried out prior to placement? | | | |
| a) Staff and volunteer record – single central record of qualifications, recruitment and vetting checks | | | |
| b) Insurance certificates (see details below) | | | |
| c) Core risk assessments | | | |
| d) Admissions policy and procedures and register | | | |
| e) Attendance policy and procedures and register | | | |
| f) Health and safety policy | | | |
| g) Educational Visits and Outings Policy and Procedures | | | |
| h) Code of conduct and Behaviour policy (to include drugs policy and anti-bullying policies) | | | |
| i) Data protection policy and procedures | | | |
| j) Equality information and objectives (public sector equality duty) statement for publication | | | |

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| k) Child protection policy and procedures | | | |
| l) Statement of procedures for dealing with allegations of abuse against staff | | | |
| m) Sex and relationships education policy | | | |
| n) Complaints procedure statement | | | |
| o) That an institution which should be registered as an independent schools (has 5 or more students or 1 with an EHCP on roll full time) actually IS registered | | | |
| p) OFSTED report for a registered Independent School where applicable | | | |
| q) Other – specify | | | |

Quality of Provision

| Question / Area to Check | Yes | No | Comments |
|--|-----|----|----------|
| The commissioned course meets the educational and SEMH needs of each pupil | | | |
| The premises are fit for purpose | | | |
| Health and Safety arrangements are of an appropriate standard | | | |
| Teaching and Learning is of a high standard | | | |
| Suitable resources and teaching materials are available | | | |
| Behaviour management is strong | | | |
| Attendance recording and reporting are robust | | | |
| Tracking and reporting on progress is robust | | | |
| Suitable accreditation and other outcomes are on offer | | | |

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| Due attention is paid to reintegration or progression to post-16 pathways | | | |
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Supporting Documentation in place

| Question / Area to Check | Yes | No | Comments |
|--|-----|----|----------|
| Service Level Agreement | | | |
| Education plan for each pupil of group of pupils | | | |
| Review calendar / system for monitoring progress and outcomes and quality of provision | | | |
| Formal agreement from the parent (s) for the arrangements | | | |
| Effective communication protocol | | | |
| Systems for monitoring progress and outcomes and quality of provision | | | |

Insurance (see requirements below)

| Question / Area to Check | Yes | No | Comments |
|-----------------------------------|-----|----|----------|
| Public liability insurance | | | |
| Employers liability insurance | | | |
| Professional negligence insurance | | | |
| Motor vehicle insurance | | | |
| Subcontractor liability | | | |

***Recommended Levels of Insurance Cover**

Public Liability insurance for a minimum of five million pound sterling (£5,000,000) in respect of any one act or occurrence or series of acts or occurrences in any one year

Employer’s Liability insurance for a minimum of ten million pound sterling (£10,000,000) in respect of any one act or occurrence or series of acts or occurrences in any one year;

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Professional Negligence insurance for a minimum of two million pound sterling (£2,000,000) in respect of any one act or occurrence or series of acts or occurrences in any one year;

The Service Provider and its Personnel shall have in place motor vehicle insurance commensurate with the potential liabilities of the Service Provider relating to the operation of vehicles used for the transport of Service User/s and their visitors

Subcontractor Liability – the Service Provider shall ensure that the same levels of insurance are maintained for any sub-contracted Services;

The onus is on the Service Provider to ensure that its insurance policies are adequate at all times to cover eventualities pertaining to its business.