

Planning, Commissioning and Monitoring Placements with Alternative Providers (AP)

Advice and Guidance for all Commissioners of AP

Note: Langford Village CP School will only commission Alternative Providers that are on the OCC Approved Providers list, as approved by the Governing Body, to safeguard the pupils in our care.

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Chair of Governors: Mrs S Porteous

Background

This guidance is based upon Section 19(1) of the Education Act 1996, which defines the exceptional provision of education for pupils placed with Alternative Provision providers. It follows the Alternative Provision Statutory Guidance, which provides a set of guiding principles that the commissioners should follow to ensure that pupils benefit from high quality provision, which is safe, secure, and appropriate to their individual needs [Alternative provision - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Who is the guidance for?

This document refers to commissioners as any person (officer of the local authority, school staff member or parent/carer who has been granted a personal budget to meeting the outcomes detailed in the EHCPs) who commissions part or full-time support delivered by Alternative Provision providers.

Note: while schools and local authority officers can commission alternative provision for any pupil at risk of exclusions or to reengage in their education, only those parents/carers who have a personal budget can commission AP (The OCC Personal Budget Policy will apply in this instance).

Statutory guidance

What is Alternative Provision?

Alternative Provision is defined as ‘education arranged by local authorities 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’ (DfE 2013).

Alternative provision can be defined as something in which a pupil participates as part of their regular timetable, away from the site of the school where they are enrolled, and not led by school staff.

It is expected that the guidance will be used to commission Alternative Education for pupils who are: -

- At risk of exclusion from school; or
- Permanently excluded from school; or
- Otherwise require alternative educational provision to meet their educational entitlement, for instance in line with an Education, Health and Care Plan or is a Looked After Child with no school place.

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. 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.

In most cases this will mean that the education package (excluding travel time) will start no later than 9.00 am and finish no earlier than 3.00pm. In some cases, a commissioner can judge that the package put together for a pupil is equivalent to full-time within a shorter school day, e.g. that time spent in intensive small group or 1:1 teaching equates to the same amount of education that a pupil would receive in a longer session within a larger group. In such cases, the commissioner must liaise with parents/carer and/or key professionals to ensure that appropriate supervision and safety arrangements are in place for the child between the hours of 9.00am and 3.00pm.

Compulsory school age

A child begins to be of compulsory school age if he or she attains five years of age on one of the prescribed days, or on the next prescribed day following his or her fifth birthday. The prescribed days are currently 31st August 31st December and 31st March.

A child ceases to be of compulsory school age on the school leaving date for any calendar year if he or she attains the age of 16 on (or will do so by) that date or will do so after that date but before the beginning of the next school year. The school leaving date is currently set as the last Friday in June.

Raising the participation age does not affect the compulsory school age. However, its effect is that a young person who has ceased to be of compulsory school age but has not yet reached the age of 18 (and has not attained a level 3 qualification), is under a duty to participate in education or training.

DfE Registration Requirements

Every provider of education that is not a maintained school or academy must be registered with the DfE 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 pupils with an Education Health and Care Plan.

DfE also considers 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.

It is an offence to operate an unregistered independent school, and if any such cases are suspected they should be reported to DfE, Ofsted and the Virtual AP Head teacher at Oxfordshire County Council.

If a provider does not meet any of the criteria for registration with DfE, there is no need for provider to register. Such provision falls outside of any existing designation as a school. These include a wide range of providers, from dedicated tutoring companies, online providers to bespoke vocational training and therapeutic support. This provision is commonly known as unregistered alternative provision. The use of unregistered alternative provision requires careful planning and oversight. When used appropriately and safely, it can provide essential part of bespoke package of education, training, and support.

What is good alternative provision?

Good 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.
- 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.

What should the Commissioner know about the provider?

Oxfordshire County Council operates a [Catalogue of Approved Alternative Providers](#), the school can provide an up to date list of approved AP on request. This is a list of approved alternative providers that have been through an application and checking process carried out by the Council.

The approval process involves a formal application process. Checks are being carried out in relation to compliance with health and safety, safeguarding, staffing arrangements, training and supervision, policies and other relevant aspects of the alternative offer provided.

The Council strongly recommends that schools and other commissioners only use alternative providers listed in the Catalogue.

If there is a reason why a non-listed AP provider is used, it should be reported to the Virtual AP Headteacher who will liaise with the Quality Improvement Manager and the Procurement Team to ensure that a desk top review is carried out to check adequate processes, insurances, and systems are in place.

Monitoring of providers

Oxfordshire County Council is committed to an ongoing Quality Assurance process with an aim to improve outcomes for children and young people, deliver appropriate, safe, and good quality support. OCC follows an agreed QA process managed by the Quality Improvement and Manager [Guidance for Quality Assurance AP](#)

The outcome of the QA process is recorded on the AP providers spreadsheet and is available to all commissioners across Oxfordshire [Details for AP providers on DPs](#)

Key points for consideration when commissioning an individual AP placement

Commissioners should carefully consider what type of providers are available that can meet the needs of the pupil, including the quality and safety of the provision, travelling time, costs and value for money.

Responsibility for the alternative provision rests with

- the school commissioning the placement, this applies for all pupils on roll of that school.
or
- the local authority for pupils who have been permanently excluded or do not have a school placement.

Note: Alternative arrangements for children with EHCPs should always be consulted with OCC (SEN team). In such cases an early annual review of the plan should be arranged so that any future decisions can be informed by the statutory process.

What should commissioners consider before making an alternative arrangement?

All pupils should be helped to achieve or exceed the standards of a good education. Schools should be able to recognise any issues or barriers with a particular focus on early and accurate identification of needs before the behaviour has deteriorated to the extent that exclusion is the only option. This process is likely to trigger a personalised plan of interventions and for some pupils it may include access to alternative provision. The key elements of such plan must include:

- An assessment and on-going reassessment which will result in the identification of triggers for the challenging behaviours.
- Planning of interventions that are relevant and proportionate to the outcome of the assessment and analysis of need
- Setting clear outcomes which are monitored regularly

It is important to remember that pupil's voice and parental views are key to the success of any interventions considered by schools.

A personalised plan for intervention should be prepared by the commissioner setting clear objectives for improvement in 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 (example of a personalised AP Support Plan is set out in Appendix A)

Commissioners 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 learning;
- 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.

Before the alternative placement is arranged commissioners should consider

- Have the pupil and parents been engaged before a decision about alternative provision is made? What does the pupil/parent/carer want, or need, from the provision?
- Is the provision age appropriate and take into consideration any pupils who might be at greater risk, for example due to health conditions or learning difficulties, so this can be taken into account when planning the placement.
- Are interventions and objectives clearly defined?
- What other considerations are there, eg transport arrangements?
- How long should the provision be for? Is it part time or full time? If part-time, is the pupil going to 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 are the review arrangements including frequency?
- What will success look like at the end of the provision? What outcomes are aimed to be achieved – particularly in the areas of attendance, attitude, attainment, behaviour and positive destination?

Safeguarding

All staff have a responsibility to provide a safe environment in which children can learn. Commissioners must satisfy themselves that providers are compliant with the statutory guidance Keeping Children Safe in Education 2022.

- Give providers good quality 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 them to access safeguarding CPD.
- Undertake good quality risk assessments jointly with the provider, covering both the activity itself and the pupil in the context of the activity. Check that health and safety measures are securely in place.

- Ensure that all other relevant information is shared with providers, including any information on special educational needs, literacy, behaviours that challenge, strategies that have worked in the past, aptitudes and interests.
- Ensure arrangements are in place for working with other relevant services such as social care, educational psychology, drug support services. When a learner has an EHC plan, liaise with the Local Authority.

Commissioners must satisfy themselves that providers are familiar with the council procedures and protocols for safeguarding the welfare of their pupils in alternative provision; providers must have a designated Safeguarding Lead and deputy and have undertaken the relevant and appropriate training.

Commissioning schools retain responsibility for the process of making referrals to children's social care and for statutory assessments under the Children Act 1989 and any role they might be expected to play in such assessments (KCSIE 2019).

At Langford Village CP School, we will only be using the recommended OCC list of approved Alternative Provision providers, as agreed by the Governing Body.

Decision Making

Who makes the decision to agree an alternative provision?

Once this analysis of need, interventions and outcomes is complete, a request to agree a part- or full-time alternative provision can be made. Factors such as SEN status or where the child is on roll will determine who makes that decision.

- If children and young people are on roll of a school, decisions are made by members of school's senior leadership team. If an EHCP is in place, any recommendations about the type of provision should be made as a result of an annual or early annual review, and it is the statutory duty of the LA to make the final decision.
- If children and young people are permanently excluded from schools (with or without EHCPs), it is for the LA to make suitable arrangements from day 6. In Oxfordshire, this duty is delegated to the Access to Learning Team.
- If children don't have a suitable school place (with or without EHCPs), it is for the LA to determine a suitable educational provision. In most cases that suitable provision will be in a school, however in exceptional circumstances, when this is not appropriate, the LA has a duty to arrange an alternative suitable education. In Oxfordshire, this duty is delegated to the Statutory SEN team (for children with EHCPs) or the Access to Learning Team (for children without EHCPs).
- If children have medical needs and are not able to attend school (with or without EHCPs), it is a joint decision between the health service (a consultant who determines that the child is not able to attend school) and the LA. The LA duty to deliver provision for this group of children and young people is delegated to Oxfordshire Hospital School.

It is recommended that a summary of use of AP provision, and in particular analysis of outcomes for children and young people, is regularly considered by the senior leaders in schools, governors and local authority officers.

Monitoring arrangements

Monitoring of individual placements

The responsibility for quality assurance and evaluation sits with the local authority and/or the commissioning school. As a guide the following key areas will be considered when undertaking quality assurance and evaluation:

- Academic progress, ensuring targets are suitably challenging
- Accreditation including English and Maths
- Personal development and well-being
- Pupils' views
- Employability and skills for life – progression to post-16 destinations.
- Safeguarding arrangements
- Health and safety (including quality of accommodation)

Commissioners of individual placements must maintain on-going contact with the provider, pupil and parents. A full record, including a pupil's progress, achievements and destination following the placement should be maintained. This should also include the pupil's own assessment of their placement.

Once a placement has been agreed, the commissioning school or the local authority (for children who not on roll of a school) maintain responsibility for:

- Pupil welfare: safeguarding, child protection; health and safety
- Sharing all relevant information with the provider including any information on SEND, literacy, safeguarding, eligibility for free school meals or other issues.
- Ensuring that parents (and the LA where the pupil has an EHCP) are fully involved and 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
- Where reintegration to school is an objective, planning for and providing an appropriate package of support to assist the pupil's reintegration.
- Attendance monitoring and follow-up of absences
- Transport arrangements;
- 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;
- 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;
- 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.
- Careers guidance, schools to ensure pupils receive their full entitlement to careers information, advice and guidance;

- 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.

Recording and Monitoring Attendance for AP placements commissioned by schools.

Each pupil attending alternative provision commissioned by a school **MUST** remain on a school roll and the school retains the ultimate duty of care, wherever they are being educated. Alternative providers are obliged to support the school in their duty of care.

To ensure robust safeguarding of pupils in a 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 responsibilities for monitoring attendance on a daily basis are as follows:

- The provider is responsible for recording, monitoring and reporting attendance and absences. This **MUST** be completed twice a day, am and pm. This is a legal requirement for all pupils (The Education Pupil Registration (England) Regulations 2006).
- It is the schools' responsibility to authorise or not authorise any unexplained absences marked by the providers.

Schools and providers must adhere to the DfE national codes to record and monitor attendance and absence in a consistent way which complies with the regulations. They are also used for collecting statistics through the School Census System. The data helps to gain a greater understanding of the level of, and the reasons for, absence.

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:

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.

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 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.

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.

Recording and Monitoring Attendance for AP placements commissioned by the local authority for pupils without a school place.

The responsibility for monitoring arrangements for AP placements commissioned directly by the local authority for pupils without a school place rests with the relevant service area of the LA e.g. responsibility for monitoring of pupils with EHCPs on EOTAS packages rests with the SEN team.

The monitoring involves the following:

- Providers will be requested to provide the relevant service areas with weekly attendance reports. They should list the attendance record and any action taken to address non engagement.
- Providers will be asked to submit termly progress reports which should be prepared as a result of a review meeting, in consultation with the pupil, parents and relevant professionals. This report should focus on progress against outcomes agreed at the beginning of the placement
- For pupils with EHCP early or annual statutory review of the plan.

Statutory Guidance on Alternative Provision

- DfE 2013 Alternative Provision
- DfE 2019 Independent School Registration
- DfE 2013 Education for children with health needs who cannot attend school.
- Ofsted 2013 Pupils Missing Out

Further Reading - Alternative Provision

- Ofsted 2016 Alternative Provision - Findings of a 3 Year Survey
- DfE October 2018 Alternative Provision Market Analysis
- DfE October 2018 Investigative Research into Alternative Provision