



Commissioning Alternative Provision

Guidance for Local Authorities and Schools

Overview and Aim

1. The aim of this guidance is to assist partners responsible for arranging alternative provision for children and young people in commissioning appropriate alternative provision that suitably meets young people's needs and aspirations, whilst also ensuring good quality and value for money.

Introduction

2. Around 135,000 children of compulsory school age every year receive alternative provision, and around 70,000 pupils do so at any one time. About one third are educated in Pupil Referral Units, including some as an early intervention measure while remaining on their mainstream school roll. The remainder attend settings in the private and voluntary sectors.

3. Local authorities commission alternative provision for the majority of children and young people who need this type of education, including those who have been permanently excluded from schools. Schools may commission alternative provision to meet the entitlement of pupils who have been excluded for fixed periods of six or more days, and also to meet the needs of other pupils who would benefit from alternative provision, usually for short periods. Schools may enjoy economies of scale if several schools come together to commission or arrange for the local authority to commission on their behalf.

4. This guidance is presented as a four-part process, in the sequence we expect commissioners to follow when deciding to engage the services of providers of alternative provision with whom they have not previously worked or when they are re-commissioning services from an existing provider. The four parts of the process (as set out in the flow chart on page 3) are:

1. Establishing demand.
2. Planning.
3. Implementation.
4. Supporting and challenging.

5. This four stage process should match the annual commissioning and planning cycle which each local authority uses to develop and review the Children and Young People's Plan and the Local Area Agreement (which should, in turn, fit with and influence the wider financial cycle in the local authority). In essence this usually means reviewing the CYPP from July - September, starting to revise it in November and December), and then finalising any revisions ready for the start of the new financial year in April.

6. This guidance makes suggestions for the process and the criteria used through the various stages to help decide which provision to commission. It offers advice on engaging providers to meet general needs and also to meet the needs of individual pupils who may require specialised provision. We expect all commissioners and providers to work with young people requiring alternative provision to help them achieve academic, vocational and other outcomes.

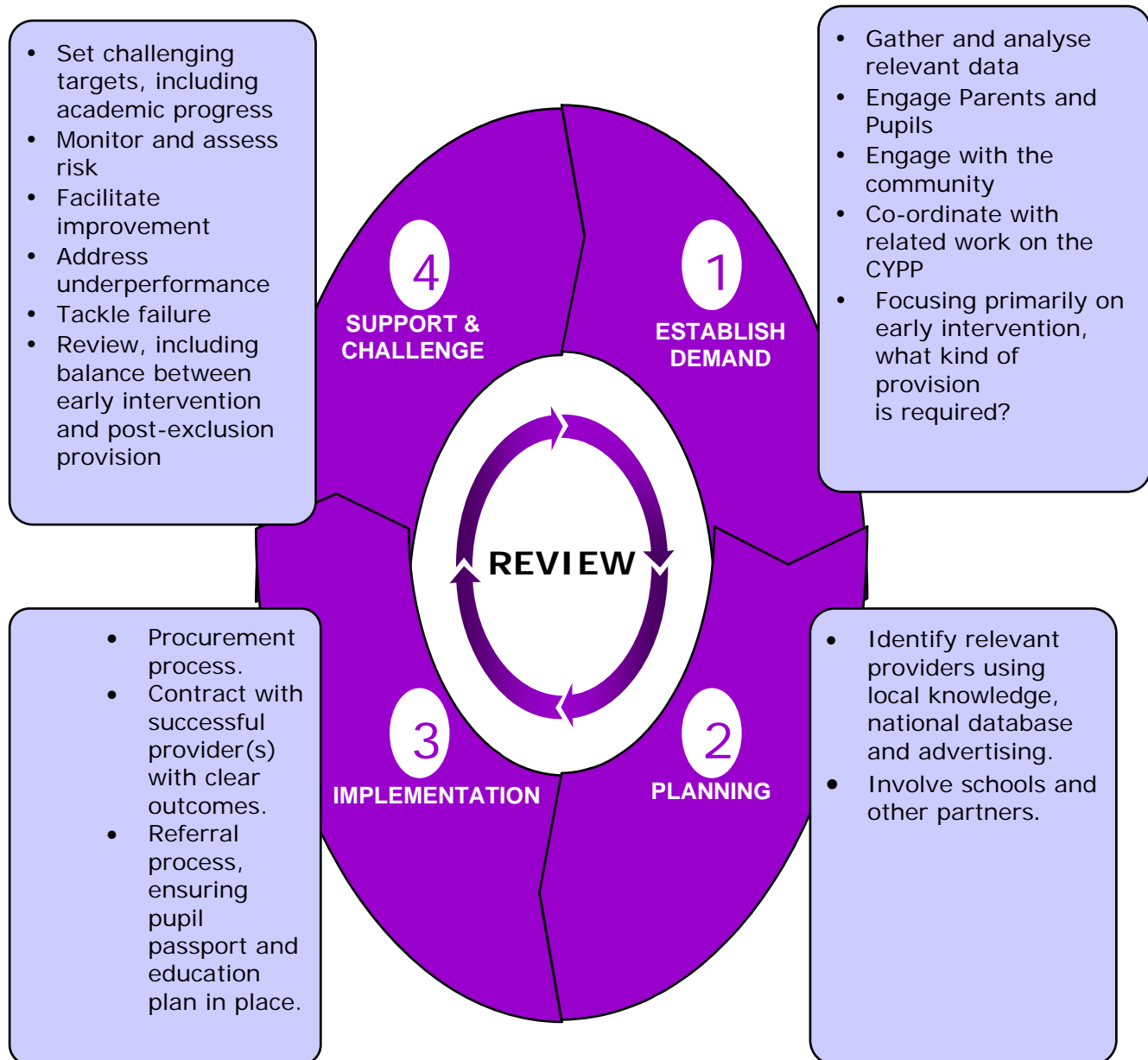
7. There are three elements to the commissioning process which fall within the four stages :

- **Strategic planning of the scale and range of alternative provision that is required by the local authority and schools in its area**, which should take account of the wider context of special educational needs provision, the 14 to 19 strategy and the Children and Young People's Plan ; this element falls within the Establishing demand/planning stages of the process.
- **Tendering for contracts with alternative provision providers** on a scale and basis that is consistent with the local strategic plan for alternative provision; this element falls within the implementation stage of the process.
- **Referral and placement of individual pupils**; this also falls within the implementation stage of the process.

8. The final part of the four stage process – support and challenge – is just as important as the preceding three and should not be overlooked. Local authorities have an ongoing duty of care towards all children within their area, and commissioners should bear this in mind when engaging providers. The local authority or school (whichever places a child with an alternative provision provider) remains accountable for the suitability of the provision and has certain responsibilities relating to pupils that cannot be transferred to external providers. It is vital that placements are monitored carefully to ensure that

each individual pupil's needs are being met by the placement, that the provider is complying with their contract and providing a good quality of provision overall, and that the provision continues to provide value for money.

The chart shows the expected stages of the commissioning process.



The Stages of Commissioning

Step 1: ESTABLISHING DEMAND

Analysing Overall Need

9. Many pupils can be placed in local authority run and managed provision – Pupil Referral Units (PRUs) - but PRUs alone will not be able to offer suitable provision to cover the often wide-ranging needs of all those pupils requiring alternative provision.

10. It is essential that local authorities and schools work in partnership, through their Children’s Trust, to assess the level of need for alternative provision and how addressing that need fits within the wider strategic planning to improve outcomes for all children and young people in their area.

11. The principal emphasis for local authorities and schools should be to intervene early and help turn round pupils before they become disengaged with their education, and to ensure that the provision being arranged would deliver appropriate educational progress for children. The strategy and planning for commissioning alternative provision should be geared to addressing this need for early intervention. It should be based on an up-to-date needs audit, which should take into account the context of the wider local needs assessment used to develop and review the Children and Young People’s Plan. These audits should:

- be carried out regularly – we suggest annually;
- be part of local authorities’ strategic plans for their area;
- include provision needed by schools and school partnerships;
- take account of the expected overall number of pupils requiring alternative provision (based on previous years and by using latest available data) and the number of pupils requiring specific types of provision, such as those with SEN or teenage parents, at relevant key stages, as well as those who need it as part of early intervention and preventative programmes.

12. The expectation for children of compulsory school age is that the planning and commissioning of alternative provision should assume full-time education unless this is not appropriate for any individual, eg a pupil with a medical condition. Such full-time provision does not need to be with just one provider; commissioners may decide on a mix of provision from different providers and in some instances a pupil may spend part of the week in their mainstream school and part in some kind of alternative provision (for example, dual registration at a mainstream school and a PRU).

13. Once the type(s) of need has been determined, commissioners will need to work with their Children's Trust partners to identify providers who can adequately meet the needs of pupils who require alternative provision which cannot be met in a PRU.

14. It is also vital to meet the needs of all young people aged 14-19 as they progress to adulthood and employment. All provision in this phase will play an important role as we move towards raising the participation age to 17 by 2013 and to 18 by 2015. The 14-19 strategy sets out that there will be 4 learning routes complemented by the right package of support so that all young people can choose the route that will work best for them. Local Authorities will be responsible for ensuring delivery of this provision and will set out how they will achieve this in their 14-19 plan, which is part of their overall Children and Young People's Plan. Clearly the projected demand and planned supply of alternative provision for young people must be an integral part of these wider 14-19 plans, so that pupils in alternative provision have the same opportunities as other young people to enter these learning routes.

Gap Analysis

15. Those responsible for commissioning alternative provision should carry out regular reviews of the types of provision they use, and their capacity, and compare it with the needs analysis to ensure that they have sufficient appropriate provision to meet the range of individual needs and aspirations of pupils. Commissioners should also ensure that they have sufficient provision

available to meet the expected increase in early intervention, as outlined in the White Paper 'Back on Track'.

16. Local authorities should engage with the end user of the provision - as part of the wider local area needs assessment to inform the Children and Young People's Plan, those who use the provision, and their parents/carers where appropriate, should be invited to offer views on the effectiveness of provision available to them, e.g. how it is being used, and whether it assists them to meet their aims including their educational goals.

17. Where gaps in provision are identified, commissioners should look to identify other providers who offer appropriately specialised provision.

STEP 2: PLANNING

18. It is important that young people receiving alternative provision have the same access to the full range of support services as they would have had in school, so the commissioning of alternative provision should be embedded within the wider Children's Trust commissioning strategy, informed by the local Children and Young People's Plan.

19. There are a number of separate issues to be resolved in the planning of provision but the basis of this step is simply to determine what is required, based on the needs and gap analysis:

- What kind of provision is required?
- What providers are there that could provide this?
- Which of such providers would provide best service and best value for money?
- What process should be used to decide this?

Identifying providers

20. The DCSF has launched a database of providers in the private and voluntary sectors which offer alternative provision. Providers can apply to the department to be included on the database which will be available to both schools and local authorities via Teachernet website. They can access the registration form at: <http://www.teachernet.gov.uk/apdataform>

21. We have asked local authorities and schools to encourage providers that they use to register with the database, so that others can have access to information on the services they provide and their contact details.

22. The database includes contact details for the providers and main information on the types of provision they offer, the aim of the provision, type(s) of needs expected to meet, length of provision, geographical availability and their prices. Schools and local authorities are able to search for providers operating both in their local authority and in other authorities. Where there is a demand for a type of provision not available in a particular area, providers have the opportunity to expand their operation to other areas. The database can be accessed at:

<http://www.teachernet.gov.uk/alternativeprovision>

23. Many local authorities have a directory of 'approved providers' that they use regularly. The Department's provider database should not be considered as a replacement for such local directories or as being in competition with them. They should be seen to complement each other and local authorities which have their own local directory can make use of the providers' database to help them find new providers to fill any gaps in provision. Where such a local directory is available, the information should be shared with schools and school partnerships.

24. It is important that commissioners do not make assumptions about the local availability of providers and the type of provision available in their areas. By using the providers' database, commissioners may well be able to identify providers that they were not previously aware of. Commissioners could also advertise for 'new' providers; this may well reveal providers that local authorities and schools were not aware of or who are willing to enter the market anew.

STEP 3: IMPLEMENTATION

25. It is important that in this stage, any contracts offered to providers set out clear outcome expectations including educational progress and have all the necessary safeguards in place. Other issues to consider include market development and ensuring that the right provision is in the right place – perhaps by ensuring that potential providers understand local needs, and what kind of provision is needed, so they can build their capacity to meet the need if they wish.

26. Market development also includes actively encouraging new providers to come into the market (whether completely new to the alternative provision market or simply new to the local authority's area). The national database of providers (see paragraph 20) can be used for this kind of market development. Local authorities can also advertise for providers, either locally or in the national press or relevant magazines. Some providers in the voluntary and private sectors have also worked together in some areas to better provide for pupil needs. By speaking to their current providers, local authorities should be able to find out whether they have entered into any such partnership working in other areas and, if so, whether they would be willing to extend this partnership working in their area.

Procurement and tendering

27. Each local authority has its own procedures for contracting and procurement of services as set out in their Children's Trust commissioning strategy. School partnerships can also explore how to take on responsibility for commissioning alternative provision for their pupils – perhaps through their local authority or one member school acting as the lead. They can also look at developing a system whereby pupils could be placed temporarily in another school within the partnership if appropriate, as an alternative to exclusion; or commissioning an alternative provision place from external providers. It is therefore vital that the responsibility for commissioning, and the role that schools and/or school partnerships will play in the process, are agreed locally at an early stage and form part of the wider Children's Trust commissioning

strategy.

28. Where schools and school partnerships are commissioning separately or are new to this process, we recommend that they seek advice from their local authority, who can help with procedural and legal matters. It is important that where schools are the commissioners, they are fully supported and are confident in this role. Alternatively the local authority may act as the main commissioner of alternative provision on behalf of its schools, school partnerships and the Children's Trust.

29. Commissioners should ensure that where the value of their contract will exceed the relevant EU procurement threshold over the life of the contract, it must be open to an advertised, EU wide, competitive tendering exercise. For 2008 the threshold for commissioning services is £139,893. Please see the Office of Government Commerce's website for further guidance -

<http://www.ogc.gov.uk/>

30. We expect that local authorities, school partnerships or Children's Trusts will have their own system in place where they offer a tender exercise to identify appropriate providers of alternative provision. We do, however, make a number of recommendations:

- Requirements should be made clear at the tender stage, especially with regard to required monitoring and expected educational progress and other outcomes and the safeguards that are required when working with children and young people.
- Commissioners should expect providers to be able to provide sufficient outcome evidence on the effectiveness of their provision – such as attendance rates, pupil achievements and qualifications, value added and NEET rates for older pupils – to give them a firm evidence base on which to make their decision as to whether they should commission the provider.
- Commissioners must bear in mind from the outset the requirement that any provision commissioned should provide value for money. This is

essential when comparing bids from different providers.

- Providers should offer pupils the opportunity to work towards qualifications or accreditation that are recognised on the DCSF 'Section 96' list (www.dcsf.gov.uk/section96). In line with the commitment in the Children's Plan and the White Paper 'Back on Track', the DCSF will publish data on achievements of Key Stage 4 pupils in alternative provision but only accreditation approved by the Section 96 list will be recorded.
- Providers should have an established system that assesses and sets objectives for individual pupils and monitors their progress, in line with each pupil's personal learning plan.
- A suitable curriculum should be put in place for each pupil, taking into account any guidance on curriculum published by the DCSF. The Department plans to issue curriculum guidance by the end of 2008.
- The expected hours of supervised provision – expected to be full-time for the vast majority of children - should be set out clearly. Where this is not full-time the daily and weekly time to be spent in the provision should be made clear so that the commissioner can ensure that a full-time package of provision is being provided for the pupil overall (alongside either attendance at a mainstream school or other alternative provision).
- Commissioners should consider the advantages of programmes based in natural settings, where evidence is growing of the emotional health-giving properties of natural and green space, and consequent impact on personal economic effectiveness¹.

¹ "Every Child's Future Matters" published by the Sustainable Development Commission, June 2007.

Alternative Education Provision – Green Style

Case Study 1: The ABLE Project, Wakefield

From Cardboard to Caviar

The ABLE project in Wakefield is a 34 acre former landfill site that includes a working fish farm, biofuel initiative, a tree nursery, an English fruits orchard and market garden, and is currently developing bee-keeping and food preparation facilities. It is delivered by ABLE Partnership Ltd in partnership with the Green Business Network, Yorkshire Water, Wakefield District Community School, Wakefield District Primary Care Trust and the local authority. The site offers training in horticulture, aquaculture, aquaponics and also work experience packages.

The project offers training and work experience to a wide range of disadvantaged groups, including excluded pupils, young and adult offenders. The referral arrangement includes funding to secure places for Wakefield District Community School's pupils. With pupils attending both full and part-time, the School now locates teachers and teaching support at the site full time, allowing an integrated and creative approach to addressing each pupil's individual learning requirements. The PCT also have health trainers on-site.

ABLE caters for young people who have a range of very challenging behaviour. Some pupils required the individual support of up to two full time support workers at all times. Three young people who started the project one day a week were attending full time within 6 months. One young person has now become a mentor to the new pupils, offering his own experience as a positive role model. He has also made great changes in his engagement in learning, self esteem and employment aspirations, using the new skills that he has learnt.

Key outcomes:

- Alternative education provision for extremely challenging pupils
- 750 young people benefited from provision at the ABLE site in 2007
- Full-time and part-time provision meet individual needs flexibly
- Strong partnership working between ABLE and Wakefield School ensures that maximum opportunities for learning can be exploited within the traditional PRU environment and at an off-site location
- Pupils who were previously disengaged from learning at the PRU have become engaged through the work they undertake at the ABLE project
- Core learning in literacy and numeracy is delivered in creative ways
- New skill sets are developed in young people, linked to local employment opportunities, and a growing marketplace for environmental enterprise
- Young people benefit from understanding about sustainability and how this benefits them and their local community, leading to a strong sense of achievement.

Contracting

31. Local authorities have traditionally been the main commissioners of alternative provision (now through Children's Trusts under local Children and Young People's Plans) and will continue to commission provision, particularly for some types of pupil. However, we are expecting schools to increasingly take a role in the commissioning of provision as key partners in the Children's Trust.

32. All secondary schools should be part of a local partnership to improve

behaviour and tackle persistent absence, and the Government plans to introduce new legislation to make it mandatory for all secondary schools, including PRUs, to be part of such partnerships. Although partnerships are not currently a legal entity and therefore unable to commission as a group, we expect them to have a leading role in deciding the extent of educational provision that is needed for all pupils in the partnership. This would include being involved in the tendering and sifting process where the local authority is commissioning the alternative provision. However, one school could commission provision on behalf of the partnership, with the support of the other schools, but in such cases the legal responsibility would remain with that school.

33. Where schools are in a hard federation, the single governing body of the federation can enter into a contract as an entity on behalf of all of its schools. Likewise, if a number of schools came together in a shared Trust, the Trust, as a body corporate, could sign a contract for services on behalf of the schools in the shared Trust, although this would probably require the schools concerned to agree to delegate a certain amount of their individual budgets to the Trust to procure services on their behalf.

34. Commissioners of alternative provision must ensure that pupils placed with external providers are assured a suitable education that fully meets their needs, and that there are secure and robust systems and safeguards in place to improve their wider well-being including health, safety and academic progress. Contracts should set out how providers will ensure that pupils have appropriate swift and easy access to other services including advice on sexual health and substance misuse. Contracts should also set out how providers will ensure that pupils have appropriate swift and easy access to other services including advice on sexual health and substance misuse. The contract should set out expectations for information transfer between schools and the provider.

35. The contract should also set out what the provider must do to comply with each pupil's personal learning plan and how they will achieve each step outlined in the plan, including expected academic progress at key points and

at the end of the placement. Commissioners should ensure that staff employed by providers are appropriately trained and qualified and have received relevant clearance to work with children.

36. The needs of pupils with SEN should be carefully considered and addressed. Many pupils who have statements of SEN have their needs clearly set out in their statements alongside the provision to be made for them, and for other children with SEN it will be possible to obtain this information from pupils' former school or PRU. Commissioners of alternative provision should ensure that these needs continue to be met whilst in alternative provision, as part of their overall plans for meeting the needs of young people in their area. It will also be important for commissioners of alternative provision to place a clear expectation on providers that they will newly identify children or young people with special educational needs, where appropriate.

37. Commissioners must ensure that private providers are registered with the DCSF as independent schools, where it is appropriate. **Local authorities and schools should not offer contracts to any provider which should actually be registered as an independent school but is not registered as such. Any provider which operates in these circumstances is acting unlawfully.** Currently, Section 172 of the Education Act 2002 defines an independent school as any establishment which provides full time education for five or more pupils of compulsory school age or one or more such pupils with a statement of special educational needs or who is in public care (within the meaning of Section 22 of the Children Act 1989) and is not a school maintained by a Local Education Authority or a non-maintained special school.

38. However, this requirement is likely to change as a result of forthcoming legislation to the effect that any institution which provides education to one or more pupils for:

- at least 12.5 hours a week for 28 weeks during an academic year at the

- end of which the pupil is under 12 years old; or
- at least 15 hours a week for at least 28 weeks during an academic year at the end of which the pupil is aged 12 or over
- must register as an independent school.

39. If in doubt, Commissioners should check the DCSF website to see whether a provider qualifies to register as an independent school. The relevant address is - <http://www.dcsf.gov.uk/reg-independent-schools/>

40. Although placements with external providers may be appropriate for some pupils, in the process of arranging and then monitoring a placement, local authorities must make sure they continue to comply with their statutory duties in relation to each pupil. These would include those arising from legislation relating to disability discrimination, race equality, special educational needs and children in care.

41. Each contract should allow the termination of the contract immediately by the commissioner in case of non-compliance or matters of great concern. These need to be spelled out to avoid any misunderstandings should it be necessary to invoke such clauses. Local authorities and schools need to ensure that alternative arrangements are in place for those pupils affected within as short a time span as possible. To this end, it is necessary for regular monitoring and communication to take place so that commissioners are fully aware of emerging issues which might mean that alternative arrangements are required.

42. A list of expected items for developing contracts is included at Annex A.

Referral to placements

43. The local authority or school (whichever is commissioning the provision) should assess the particular needs of each pupil once they have been identified as requiring alternative provision. The recent White Paper 'Back on Track' put emphasis on the need to intervene early and proposed that each pupil in alternative provision should have a personal learning plan,

drawn up by the local authority or school. We believe that such plans reflect good practice which many local authorities have already adopted. We would therefore, at this stage, encourage local authorities/schools to complete a personal learning plan, in consultation with the pupil and their parent or carer, early in the placement process and that the results of the local authorities/schools assessment should feed into the personal learning plan. The Department plans to issue guidance on personal learning plans later in 2008.

44. It is vital that personal learning plans are genuinely tailored to the needs of each individual pupil. We would not expect a pupil who is attending alternative provision for a short period of time to address particular behaviour problems (for example, a short anger management course) to have the same personal learning plan as a pupil who is in alternative provision for a longer period because of more complex needs. The same would apply where a pupil is dual registered at their mainstream school and a PRU. External providers should be made aware of the personal learning plan at the outset of any placement. Their contributions to the strategies and outcomes in the plan should be clearly spelled out.

45. The local authority should also maintain an up to date list of pupils who are educated otherwise than at school and PRUs which contains details of their current placement, any specific needs and expected academic and wider well-being outcomes. There should also be a named officer or officers in each local authority responsible for ensuring that planning and monitoring for individual pupils in alternative provision works effectively. Where schools commission their own alternative provision for their pupils, the responsibility for the education and welfare of the pupils sits with the school. Nevertheless, we would expect them to notify the local authority's named officer of pupils they have placed in alternative provision, to ensure that any support which may be necessary from other agencies through the Children's Trust can be mobilised. It will also allow the local authority's named officer to provide support and challenge to the commissioning school to provide the best provision possible. The Department has written to local authorities to outline

the expected duties of the named officer (or officers).

46. There are many elements of good practice that contribute to successful placements. We expect these to be considered by commissioners:

- Clear and locally agreed referral processes that ensure that key information on the pupil's individual needs and circumstances is passed on from the previous setting. The White Paper recommends that there should be a standardised 'information passport' that accompanies a pupil from the moment of referral or exclusion and we will be publishing guidance on this later in the year. In the meantime, we encourage local authorities and schools to consider how best to ensure there is a prompt exchange of relevant information between themselves and providers. Such information should include previous attainment, behaviour and individual support or other needs, e.g. physical and mental health issues.
- For all pupils, it is particularly important that any underlying causes of challenging behaviour are identified and addressed – for example, by identifying a previously unidentified learning difficulty, or addressing a learning difficulty in ways that might be more effective than those interventions used to date. Paragraph 1.11 of the Special Educational Needs Code of Practice says that an essential function of the local authority is to make effective arrangements for SEN by ensuring (amongst other things) that the needs of children and young people with SEN are identified and assessed quickly, and matched by appropriate provision. It is for the local authority to determine whether it discharges this responsibility itself, in relation to a particular child, or whether it arranges for another provider (e.g. a school, a PRU or an alternative provider) to discharge this responsibility on the local authority's behalf.
- Pupils should be encouraged to work towards a range of

recognised qualifications (Section 96 list). Clear expectations should be set for expected outcomes and achievements for each individual pupil as set out in their personal education plan.

- Pupils' needs should be identified and referrals made to relevant support services. This links to the proposals in the White Paper 'Back on Track' and the design principles (number 4) for school partnerships –

The educational, personal development and welfare needs of pupils are identified early, assessed then the partnership arranges additional support as a co-ordinated package and monitors progress towards agreed educational outcomes.

The full list of design principles is accessible through Teachernet –

<http://www.teachernet.gov.uk/wholeschool/behaviour/collaboration/guidance/designprinciples>

47. A checklist of measures to apply when placing pupils with external providers is included at Annex B.

Case Study: The GAP Initiative at Groundwork Leeds

Bridging the gap between schools and communities

The GAP project run by Groundwork Leeds offers alternative education provision for 14-16 year olds in an environmental regeneration context. Referrals are made directly from PRUs and schools.

The project delivers practical experience and accredited learning in grounds maintenance, horticulture, basic construction, landscaping and parks improvement. Through attending one day a week for up to two years (depending on individual need), pupils gain ASDAN awards, and other qualifications. As a result of Groundwork's close partnerships with local community groups, schools, housing providers and the local authority, they provide a real work experience offer, delivered through projects in community settings. Young people take ownership and pride through their work which are based in their neighbourhood. Community members acknowledge the positive contributions that these young people are making.

The course forms part of a menu of alternative provision available to years 10 and 11 pupils in local PRUs and schools. The flexible and creative learning approach meets the needs of individual challenging pupils and the referring schools and PRUs benefit from additional diversity of provision, and from the sustained two year involvement on the programme.

A 15 year old boy, Dwain, was out of mainstream school provision by the age of 13. He describes his achievements below:

Since Year 7 I've found it difficult to get along at school. My behaviour got so bad that I was expelled. I couldn't get along with the teachers so my school work suffered. When I was in

Year 9 my school recommended me to the GAP scheme as alternative education which has worked out better for me. I have achieved my ASDAN Bronze award and now I'm working towards my Silver. With this qualification I can move on and now I'm applying to study Joinery, Plumbing or Landscaping at Leeds College of Building. I've learnt about different plant species and where they can grow, and how to improve the appearance of green areas. I have discipline and a clear career path now. If I hadn't started GAP I would no doubt be getting into more trouble or not doing anything at all. It's given me a different outlook. To others I would advise not to get into my situation in the first place, but if you do, GAP is a way out and a way forward.

Dwain has now completed his second year at GAP, and is just finishing his portfolio for assessment for his Silver ASDAN award. He has also gained qualifications at Entry Level 3 in ICT, as well as acquiring core skills in team work, communication, site safety and other skills valued by employers. He is now fully engaged in learning and he is really excited about going to college.

Key outcomes include:

- Increased attendance in education setting for young people disengaged from school
- Reduces risk of Pupils leaving year 11 without qualifications
- Engages and motivates young people with the most challenging behaviours
- Offers creative and practical learning, developing useful skills sets for future employment
- Cultivates interest in learning among young people at risk of becoming NEET at 16
- Introduces concept of citizenship
- Extended work experience approach encourages pro-employment skill
- Clear progress in literacy and numeracy skills
- Increased self esteem and resilience amongst young people attending the programme

STEP 4: SUPPORTING AND CHALLENGING

Monitoring Placements

48. It is important to remember that the commissioner's duty does not end once provision has been commissioned and pupils placed. In line with proposals set out in the Children's Plan, published in December 2007 and the White Paper: Back on Track, commissioners continue to be responsible for pupil outcomes including those in alternative provision. Local authorities, or schools where they do the commissioning, have an on-going duty of care toward the pupils they place in alternative provision and they are ultimately responsible for the pupil's progress and achievement while they are placed in the provision.

49. Commissioners should monitor the placement closely to ensure that it is achieving what is expected. Where problems are identified, the commissioner should find out the cause of the problem, and provide support to the provision where required and intervene where necessary. Problems

should not be allowed to continue without remedial action being agreed between the commissioner and provider and, where necessary, an appropriate and agreed action plan being put into place. Where the problem concerns an individual pupil, the pupil and their parent should be involved in this process wherever possible and they should agree to any action plan. This action plan should be reviewed on a regular basis, with feedback from all involved.

50. Where a provider is not complying with their contract in some way or is failing in some aspect of the requirements under the contract, it may be appropriate to apply penalties, which should be set out in the contract. These might include paying the provider at a reduced rate or possibly withholding payment altogether until the problems are resolved satisfactorily.

51. But ultimately, if the standard of provision as a whole is not satisfactory and remedial measures have been taken but failed, pupils should not be expected to continue in the provision. It is important that the commissioner should have a contingency plan, should there be such a breakdown in the placement. It is essential that alternative arrangements are put in place as soon as possible to prevent a pupil being left without education. Where a school has placed a pupil in alternative provision and the pupil remains on the school roll, if the placement breaks down, the pupils should attend the school as normal until a further placement is arranged.

52. We expect the following measures to be in place for monitoring alternative provision placements:

- The contractor should conduct on-going planning and monitoring through the use of personal learning plans. There should be a system in place for reporting attendance, including notifying the commissioning local authority or school of any absences on the day they occur so that they may follow-up with the pupil's parent/carer to find out why the pupil is absent - and on the progress of pupils.
- There should be regular reviews of the personalised learning plan to which the pupil, his/her parents or carers, provider and

commissioner should contribute. The frequency of the reviews should be specified in the plan in accordance with DCSF guidance.

- Regular communication with parents or carers to update on progress with work and behaviour/attendance where necessary.
- Commissioners should ensure that they retain flexibility in their placement protocols to allow pupil movement between provisions in the event that a placement breaks down.

Quality assurance of contracts

53. There should also be a wider quality assurance system in place to monitor the effectiveness, quality and value for money of provision offered by alternative provision providers. We expect local authorities to have a common system in place which reflects quality assurance used for other Children's Services and, where appropriate, based on criteria used by Ofsted. We recommend that other commissioners (schools and school behaviour partnerships) develop a quality assurance system based on that used by their local authority.

54. We also recommend that a self-assessment system is put in place for use by providers and their staff, supported by annual review and on-going liaison with those commissioning.

Appendix A: Expectations for contract content

- Requirement for Child Protection procedures.
- Outcome targets for attendance, achievement and, where appropriate, behaviour, are set. A personalised education plan for each individual pupil. NEET should also be included in the targets.
- Performance management arrangements, including frequency.
- Explanation of system for obtaining and maintaining student information.
- Contractor to be provided with passport information from local authority/school – then to undertake appropriate baseline assessment.
- Commitment to design a programme and timetable for students that should be shared with parents and commissioning school/local authority – in line with the personalised education plan, and the expectation that most pupils should receive full-time education.
- System in place to notify local authority/school of change in pupil circumstances.
- Regular attendance records for each pupil are provided to local authority/school on agreed dates – including notifying parents of absence on the day.
- Requirement for Health and Safety policies in place and monitoring system.
- Required level of insurance is in place.
- Details of each pupil's entry for accreditation are shared with local authority/school.
- Behaviour policy arrangement.
- Details of payment arrangement.
- Staff employed in accordance with the relevant pay and conditions arrangements, including the School Teachers Pay and Conditions Document, where appropriate.
- Continuing Professional Development for alternative provision staff.
- Requirement for sharing information with relevant external agencies.
- Monitoring and review arrangements.

Appendix B: Checklist for Placing Pupils with External Provider

- A suitability assessment is undertaken by local authority officer/school, looking at the needs of each individual pupil to be placed in the provision.
- A contract is agreed before any placements made.
- A personalised education plan is agreed between the local authority/school, the pupil and their parents and the provider.
- Provider complies with commissioner requirements for equality, child protection, and health and safety policies. System is developed to make regular checks and assessments.
- A risk assessment is undertaken for each pupil prior to placement.
- Systems are agreed to keep track of pupil attendance, attainment and progression and a mechanism for regular reporting on these is in place.
- A system is developed to monitor and review the provision for quality assurance purposes, and continuous improvement.

