



Register, Regulate and Raise Standards

The Children's Commissioner's view on
unregistered alternative provision

July 2025

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Foreword from Dame Rachel de Souza



As Children's Commissioner I strongly believe that every child has the right to an excellent education no matter who they are or where they live. Young people have also told me how important a good education is to them.

Over the last four years I have heard from a million children through my surveys, *The Big Ask* and *The Big Ambition*, about their experiences of school.

Last year *The Big Ambition* results showed that children still deeply value their education. 75% said they had great teachers who supported them, and 60% said they enjoy school or college. And my 2021 *The Big Ask* survey showed that 52% of 9-to 17-year-olds said that a good education was important for their future.

While most children told me that they want to be in school, they want to learn, and they understand that education is the key to their future, some children also talked about the barriers that prevent them from getting a good education.

These barriers – including access to suitable support for mental health and special educational needs and disabilities – are having a significant impact on attendance. Latest statistics show that there are 1.7 million children either persistently or severely absent from school.¹

In these cases, alternative provision schools can offer a lifeline. When done well, they can re-engage children who have fallen out of the system and help them find their spark again, but this report also highlights a concerning and growing problem: the widespread use of unregistered alternative provision.

My report found that there were 24,325 children in unregistered AP in 2023/2024 placed across 27,091 placements – one child could be in multiple placements – commissioned by either schools or local authorities.

This is comparable in scale to the number of children in registered state-funded AP.

My report found that there were 91 unregistered alternative provision settings operating as potential illegal schools in January 2023/24, attended by over 1,000 children.

Some examples of unregistered AP, including one-to-one tuition, smaller vocational settings, and therapeutic provision, can offer significant benefits, providing holistic care and life skills education that registered schools, including registered alternative provision settings, may not be able to offer.

However, because they are not registered as schools or colleges anyone can set up an unregistered AP setting which can create significant risks to children's safety and to the quality of their and learning.

These unregistered settings operate outside the oversight of Ofsted or the Department for Education. There is no national register. No standardised inspection regime.

There is no guarantee that staff are properly trained, or even that they have passed the most basic safeguarding checks. In the worst cases, these settings have been run by individuals with serious criminal histories – and in some appalling instances, have placed children at risk of exploitation.

That is simply not acceptable. As Children's Commissioner, I want to see a system that protects children and ensures they receive a high-quality education – wherever that happens.

That means introducing a national register for all unregistered alternative provision providers, so we know where children are and who is educating them.

It means requiring providers to meet national safeguarding and education standards before they can operate. We also need to create a clear inspection framework, so children, families, and commissioners can trust the placements being made.

Crucially, it also means removing the barriers that prevent high-quality providers from registering.

I have seen inspiring examples of unregistered provision — often small, community-based, and deeply committed to children — who are doing everything right but lack a clear path to becoming part of the regulated system. We should be supporting those providers, not shutting them out.

This report sets out a blueprint for change which puts children first. No child should be left in a setting that puts them at risk and every child — whatever their background, needs or experience — deserves the safety, care, and opportunity that a good education provides.

Executive summary

One of the Children's Commissioner's key priorities is to enshrine every child's right to an education. She wants children to be in education every day, prepared to learn in a safe and high-quality learning environment. For the vast majority of children, that means a school setting. During her tenure, she has spoken to large numbers of children who say that they want to be in school but sometimes do not get the support they need to engage in education.

As part of the Children's Commissioner's *Attendance Audit*, discussions were held with hundreds of parents, teachers, and children who described the additional support needed in order to learn.² For some, this extra support was provided through unregistered alternative provision settings (unregistered APs). These settings offer informal or bespoke education and are not registered as schools or colleges, meaning they are not subject to Ofsted inspections. Examples include one-to-one tuition, smaller vocational settings, and therapeutic provision, which can offer significant benefits, providing holistic care and life skills education that registered schools, including registered APs, may not be able to offer.

The Children's Commissioner has seen the many benefits that high quality unregistered AP can bring, especially for children who otherwise struggle to access education. However, not being registered means there is no oversight into the quality and safety of these settings. Anyone can establish an unregistered AP setting, which then operates without official oversight from the local authority or Ofsted. This creates risks to both children's safety, and to the quality of their education.

This report draws from the Children's Commissioner's work on attendance, notably the report *Voices of England's Missing Children*,³ as well as children's and adult's responses to *The Big Ambition* which mentioned alternative provision,⁴ and pupil-level analysis of DfE's administrative data on schools and AP.

Our analysis finds:

- **In 2023/24, there were 24,325 children in unregistered AP, placed across 27,091 placements – one child could be in multiple placements – commissioned by either schools or local authorities. This is comparable to the number of children in registered state-funded AP.⁵**

- **Central government does not know where the majority of these children are educated or the quality of their education**, because it is impossible to account for the total number of unregistered AP settings. The Department for Education's data does not clearly distinguish between providers. Since there is no national register, there is very little oversight nationally on these placements.
 - **There is no national quality assurance system for unregistered AP, so there is no national programme of inspection of the quality of education or the standards of safeguarding.** The Office's qualitative evidence demonstrates that unregistered AP can be a lifeline and can provide an invaluable opportunity to reengage with education, but there have been instances of children being placed in settings which offer them no education. In some of the worst cases, in their investigations into unregistered APs of which they become aware, Ofsted has found unregistered AP settings which operate in appalling conditions run by individuals with criminal records, and in some instances potentially grooming young people for gangs.⁶ Due to their lack of oversight, adults employed in unregistered APs are inconsistently monitored for whether they have passed the Disclosure and Barring Service (DBS) checks to confirm they have not been barred from working with children.⁷
 - **This report's analysis identified 91 potential illegal schools in January 2023/24, attended by over 1,000 children.** These were unregistered AP settings which appear to be in contravention of their legal responsibility, given the number of children in attendance, to register as a school and to subject themselves to the national inspection system. The Children's Commissioner's office made Ofsted aware of these settings.
 - **The unregistered AP market has grown considerably over the last few years. Since 2018/19, the number of local authority commissioned placements in unregistered AP has nearly doubled.** Although there is no historic data for unregistered AP commissioned by schools, the data for local authority commissioned unregistered AP shows a growth of 91%, from 5,997 placements in 2018/19 to 11,436 in 2023/24.
 - **Much of this growth has come from children with Education, Health and Care Plans (EHCPs).** 56% of placements in local authority commissioned unregistered AP in 2018/19
-

were for children with an EHCP, which then rose considerably to 76% in 2023/24. This means that 2.3% of all children with an EHCP – roughly 1 in 50 – were in unregistered AP in 2023/24.

- **Vulnerable children from the most disadvantaged backgrounds and those with special educational needs were disproportionately likely to be placed in unregistered AP.** Children in unregistered AP were 1.3 times more likely than the general pupil population to be living in the 10% most deprived neighbourhoods: 17% of children in unregistered AP lived in neighbourhoods more income deprived than at least 90% of other neighbourhoods, compared to 13% of pupils in state-funded schools. And children in unregistered AP were over 11 times more likely than all children in state-funded schools to have an EHCP: 55% of children in unregistered AP (school and local authority commissioned) had an EHCP, relative to 4.7% of state-funded pupils.
- **Commissioners are using unregistered AP for undefined reasons.** Across all placements, commissioned both by local authorities and schools, the most common reason for placements was for off-site behavioural support (30% of placements). However, the second most common reason for referral was "other" (29% of placements), a reason which is not defined in any guidance. This makes it difficult for policymakers to understand the purposes of unregistered AP or how the use of AP has changed over time.
- **The majority of children placed in unregistered AP attended the setting long-term, regardless of the reason they were placed.** The proportion of placements which were long-term ranged from 86% for children who were placed because the unregistered AP was named on their EHCP, to 58% for children placed because of a suspension. When children were placed in unregistered AP because it was the setting named on their EHCP, they spent the vast majority of their school week in that setting.

The current system is failing children, often those who need the greatest support from the education system. There is insufficient accountability, poor commissioning, and in some instances unsafe placements. The lack of oversight has led to the unregistered AP system becoming a shadow SEND system, filling the gaps where there is insufficient support in mainstream or special school places. We

should not be placing our most vulnerable learners in the least regulated, least safe settings. We should be striving for the very best for these children.

Children who are currently in unregistered AP deserve the very best quality of education. Many of them will have previously struggled with school and turn to these placements as a second chance. The education provided by unregistered AP will always be different from schools but it must still offer a safe and quality education. But as previous research by the Children's Commissioner has shown, this isn't always happening. 22% of children remanded or sentenced to custody in a secure setting – such as a Young Offender Institution – had most recently been educated in an unregistered AP.⁸

Like schools – including registered alternative provision – currently unregistered APs should be expected to register with the Department for Education before they can offer education to children. While they should not have to register as schools and be subject to the same legislative duties as schools, they should have to register, for instance as “licensed supplementary education” and pass a national standards inspection undertaken locally. Non-compliant providers should be identified, fined, or shut down.

A regulatory framework is needed to set national standards for safeguarding, education quality, and the outcomes of children. All local authorities should have quality assurance teams which inspect providers before commissioning placements and which conduct regular reviews.

Ofsted should inspect local quality assurance processes and hold commissioners accountable for the outcomes of children.

The Children's Commissioner believes that with these changes, we could improve the quality of education currently provided in unregistered AP, protect some of our most vulnerable children from harm, and ensure that all children who most need AP access a high-quality, evidence-based placement, which reignites their love of learning, and enables them to thrive in education.

What does it mean to be “registered” or “unregistered”?

An unregistered AP is called “unregistered” solely because it has not registered with the Department for Education as a school. Some unregistered APs may be registered through other registration schemes. For example, they may have registered as providers of childcare alongside their alternative provision offer. But an unregistered AP will never be registered with the Department for Education as a school.

The Commissioner has heard of the benefits of unregistered APs: **as settings not registered as schools, unregistered APs enjoy a low level of legislative responsibility, which allows them to operate as a small and adaptable market which can complement the offer of neighbouring schools, and meet the specific needs of pupils at those schools.**

Conversely, unregistered APs should not operate entirely in absence of some form of registration scheme, as without one the Department for Education does not know where these settings are, who’s running them, or the quality of their education or safeguarding procedures.

The Children’s Commissioner is calling for the introduction of a new registration scheme for settings presently operating as unregistered APs. A new registration scheme would introduce long-overdue quality assurance processes, but must also preserve the market’s current advantages and flexibility.

1. What is unregistered alternative provision?

This chapter defines unregistered alternative provision (AP) and explains the different legal referral pathways to unregistered AP placements. Analysis of the reasons for using unregistered AP shows that 44% of local authority commissioned placements were because the setting was named on the child's Education, Health and Care Plan (EHCP), and 52% of commissioned placements from school were for off-site behavioural support.

1.1. Defining unregistered alternative provision

Broadly, alternative provision (AP) is defined in legislation as education “for children of compulsory school age who, because of exclusion, illness or other reasons, would not otherwise receive suitable education.”⁹

In some instances, children are sent to registered AP settings. In this context, “registered” means that the setting has been registered with the Department for Education (DfE) as a school. Types of registered AP include: pupil referral units, AP free schools, AP academies, and independent AP schools. However, commissioners may choose to place a child in an unregistered AP setting – a setting which is not registered as a school. According to the Education Act 2002, settings must register as a school if they provide full-time education for:

- Five or more pupils of compulsory school age;
- One or more pupils of compulsory school age with an Education, Health, and Care Plan (EHCP);
- One or more pupils of compulsory school age who are looked after by their local authority.¹⁰

While there is no legal definition of what constitutes “full-time education”, guidance from the Department for Education on independent schools states that an institution would not be regarded as offering full-time education if they operate for less than 18 hours per week.¹¹

Settings which offer alternative provision and are not a school are normally known as “unregistered alternative provision”. As these settings are not registered with DfE, they are not subject to any national educational requirements or regulation.¹² Examples include one-on-one tuition, forest schools,

therapeutic provision, vocational courses, and more, with further details in Section 1.3. The scale of diversity in the unregistered AP market is beyond anything seen across schools, and besides their unregistered status there is little else which is true of all unregistered APs. In 2023/24, there were 27,091 placements in unregistered AP, for 24,325 children (one child could be in multiple placements). This is comparable to the number of children in registered state-funded AP.¹³

Children in unregistered AP sit within the wider group of children who are educated not in a school. Although a count of the total number of children educated not in a school is difficult to calculate, DfE has published that 153,300 children were electively home educated (EHE) at any point in 2023/24,¹⁴ and that 40,601 children with an EHCP were placed other than at a school, early years or further education setting in January 2024.¹⁵ There will be some overlap between these different groups of children not in school.

Although children in unregistered APs are not in school, that does not mean that they qualify as children missing education. For a child to be deemed as missing education while attending a non-school setting, the child's local authority must determine that the setting's education provision is not suitable.¹⁶ However, in the Children's Commissioner's 2024 report on children missing education, *Lost in Transition*, local authorities reported that it is difficult to identify children not in suitable education.¹⁷

1.2. Are any unregistered AP settings registered?

The Secretary of State for Education maintains a register of all state-funded and independent schools in England, which includes all registered alternative provision schools. Unregistered APs are named "unregistered" because they have not registered with the Department for Education as a school.

Besides the Department for Education's register of schools, there are other registration schemes which operate at national and local levels. Some unregistered APs may, for example, be registered as providers of childcare, or as charities. They may also have voluntarily registered with the UK Register of Learning Providers (UKRLP), which assigns a unique UK Provider Reference Number (UKPRN) identifier, although the UKRLP does not quality assure its registered providers in any way.¹⁸

Additionally, some local authorities have their own registration schemes for the unregistered APs they commission.¹⁹ These registers sit at a local level and do not feed into a national picture on unregistered AP, so the total number of unregistered AP settings listed on these local schemes is not known.

1.3. What are the different types of unregistered AP?

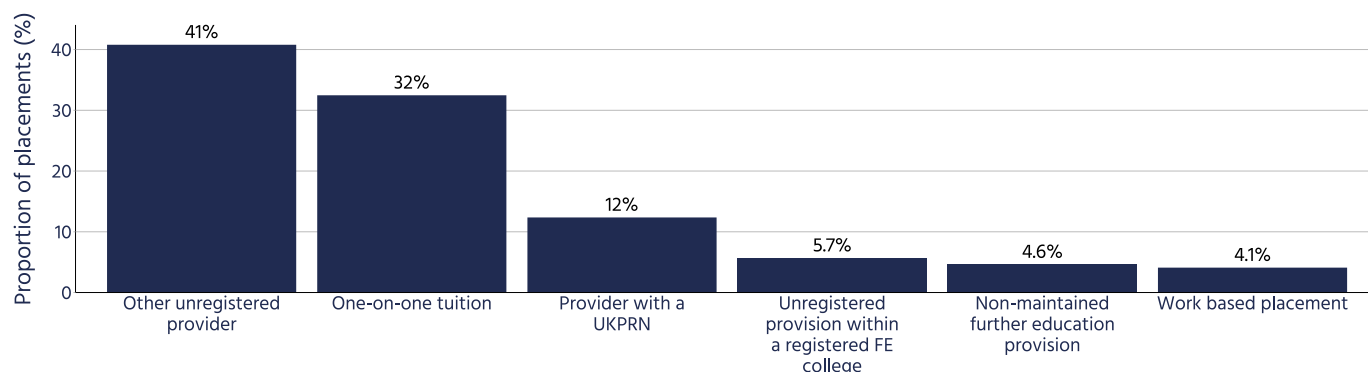
The Department for Education's administrative data captures some information on the type of unregistered AP delivering each placement. However, this information is often patchy and incomplete as there is no single agreed typology of unregistered AP.

The most common unregistered AP setting type was "other unregistered provider", accounting for 41% of all placements in 2023/24 (Figure 1). There is no guidance defining "other", so it is difficult to describe this form of provision.

One-on-one tuition was the second most common unregistered alternative provider type, accounting for 32% of placements. This tutoring may cover a range of subjects and circumstances, but one example was described in the Children's Commissioner's report on looked-after children who are not in school.²⁰ In this, local authorities reflected that unaccompanied children seeking asylum often need some form of 1:1 and small group tutoring to enable them to transition into a school environment.

12% of unregistered settings had a UKPRN, as described in Section 1.2, meaning that further information about their offer could be found through searching the UK Register of Learning Providers. The office undertook a desk-based review of 29 of these providers' websites to better understand the makeup of this provision. Providers included: forest schools, online tutoring, therapeutic provision, and vocational courses. In some instances, the providers described themselves as a "school" or called themselves "quality assured by the Department for Education". These providers would have been only accredited for childcare or apprenticeship provision, but they were not schools in the official or legal sense.

Figure 1: Proportion of placements by setting type, 2023/24



1.4. Who commissions unregistered AP and why?

AP can be commissioned by schools or local authorities. The same settings may also be used for children in home education. Throughout this report, when we use the term “unregistered AP” it is with reference only to local authority and school commissioned provision. This analysis does not include any AP which may be used by children in home education as there is no national data on this provision.

Of the 27,091 placements in unregistered AP in 2023/23, 42% (11,436) were local authority commissioned and 58% (15,655) were school commissioned.

1.4.1. Local authority commissioned unregistered AP

There are two referral routes for local authorities to commission unregistered AP settings:

- **Section 19:**

Section 19 of the Education Act 1996 places a duty on local authorities to make suitable alternative education for children of compulsory school age who cannot attend school because of exclusion, illness or any other reason.²¹ The referral routes for a local authority commissioning into AP can include permanent exclusion, health referrals and temporary referrals when a child is awaiting a placement in a school.

- **Education Other Than At School (EOTAS) through an Education, Health and Care Plan (EHCP):**

Section 61 of the Children and Families Act 2014 says that a local authority may arrange special educational provision in an unregistered AP if they are satisfied that it would be inappropriate for the provision to be made in a school or post-16 institution. Before they do so, local authorities must consult with the child's parents or the young person.²²

Case law provides examples of when a school environment may be considered inappropriate. Case law has determined that the full effect of the word "inappropriate" must be considered, including but not limited to the child's medical and educational needs, the parents' wishes, and the facilities available at, and costs of, a school and a setting other than a school.²³

While the most recent Department for Education guidance on alternative provision categorically states that Education Other Than At School is not a form of unregistered AP,²⁴ the evidence presented in this report shows that there is significant overlap between these populations. For example, there were at least 103 providers of unregistered AP which were being used for both EOTAS and other reasons such as Section 19 or school commissioned routes in 2023/24.

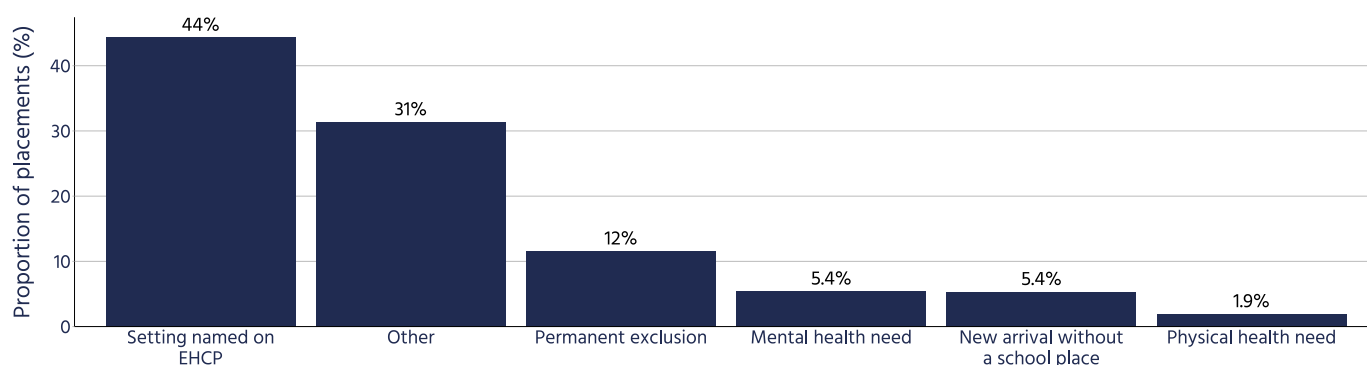
Attempts by the Department for Education to make this distinction is concerning to the office, as any legislation to regulate solely EOTAS risks unregistered APs pressuring parents and local authorities to commission them under Section 19, thereby avoiding any new legislative duties.

There are indications in the data that this is already happening: while the proportion of placements in unregistered AP for children with EHCPs has grown over time, the proportion of those placements being used for EOTAS has diminished, while at the same time there has been an increase in placements for the ambiguous "other" reason (Section 3.4.5). This report therefore maintains that when looking at the unregistered AP market, it is essential to also consider EOTAS placements.

Of the 11,436 local authority commissioned placements in unregistered AP in 2023/24, 5,070 (44%) were for EOTAS, defined in the office's analysis as placements with a placement reason of "setting named on

EHCP” (Figure 2).ⁱ “Other” was the second most common reason for placement, accounting for 31% of placements. “Other” is not defined in guidance.

Figure 2: Proportion of placements by placement reason, local authority commissioned unregistered AP, 2023/24



1.4.2. School commissioned unregistered AP

There are three referral routes for schools to commission unregistered AP:

- **Provision for children following a suspension:**

Under Section 100 of the Education and Inspections Act 2006, governing bodies of schools are responsible for arranging suitable full-time education from the sixth day of a fixed period exclusion.²⁵

- **Off-site directions for improving behaviour:**

Under Section 29A of the Education Act 2002, schools can also make off-site directions for pupils to attend any educational provision outside of school which is intended to improve their behaviour.²⁶

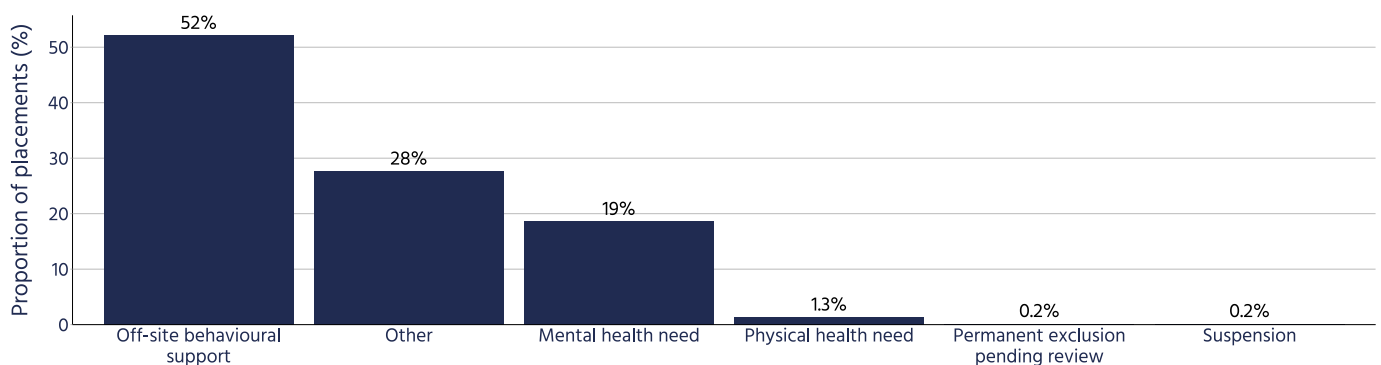
ⁱ See the Methodology for more details.

- **Referrals for healthcare needs:**

Section 100 of the Children and Families Act 2014 places a duty on governing bodies of maintained schools, proprietors of academies and management committees of PRUs to make arrangements for supporting pupils at their school with medical conditions.²⁷ In some cases, children with medical conditions will need support through unregistered AP placements.²⁸

The majority (52%) of placements from schools in 2023/24 were for off-site behavioural support (Figure 3). “Other” was the second most common reason for placement (28%), and again is not defined in guidance. Mental health and physical health referrals made up 20% of placements.

Figure 3: Proportion of placements by placement reason, school commissioned unregistered AP, 2023/24



Note: Data collections permit different placement reasons for school commissioned and for local authority commissioned unregistered AP, so Figure 3 is not directly comparable with Figure 2.

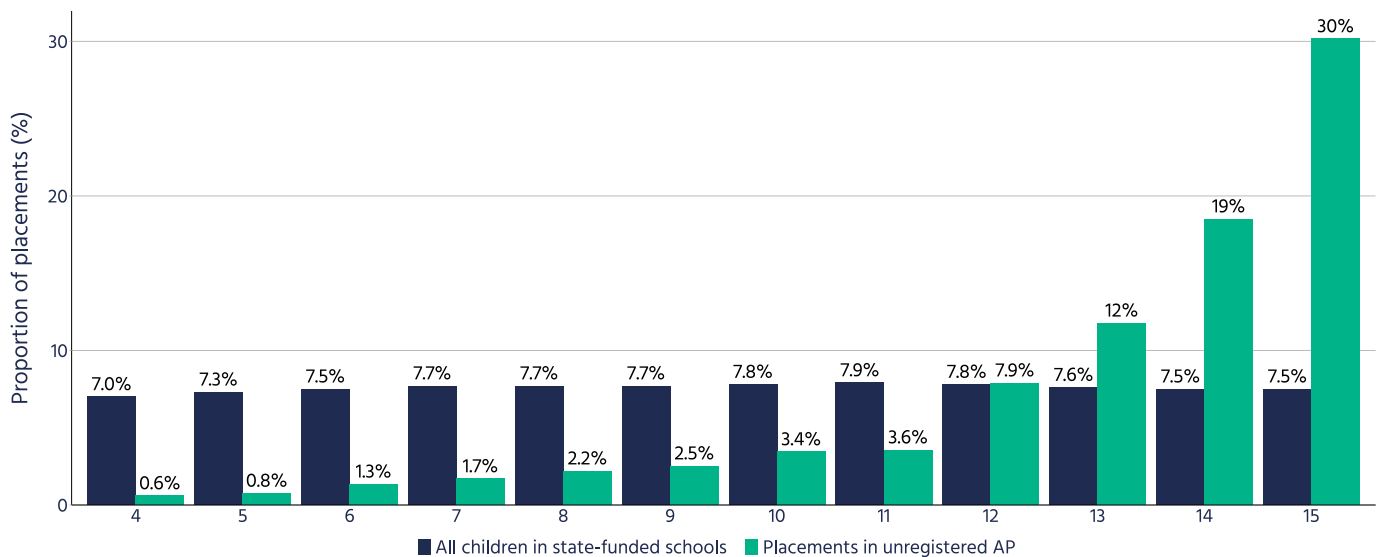
2. Who are the children in unregistered AP?

This chapter explores the characteristics of children with placements in unregistered AP, both local authority and school commissioned. The office's analysis shows that vulnerable children from the most disadvantaged backgrounds and those with special educational needs are disproportionately more likely than other children to be placed in unregistered AP. The findings also show that older children, particularly those in Key Stage 4, are much more likely to be placed in unregistered AP.

2.1. Age

Children in unregistered AP are more likely to be older than the wider pupil population. Almost half (49%) of all placements in unregistered AP were for children aged 14 or 15 at the start of the academic year (Figure 4), equivalent to Years 10 and 11. For comparison, only 15% of children in state-funded schools were aged 14 or 15.

Figure 4: Proportion of placements in unregistered AP by the age of the child placed, compared to pupils in state-funded schools, children of compulsory school age only, 2023/24



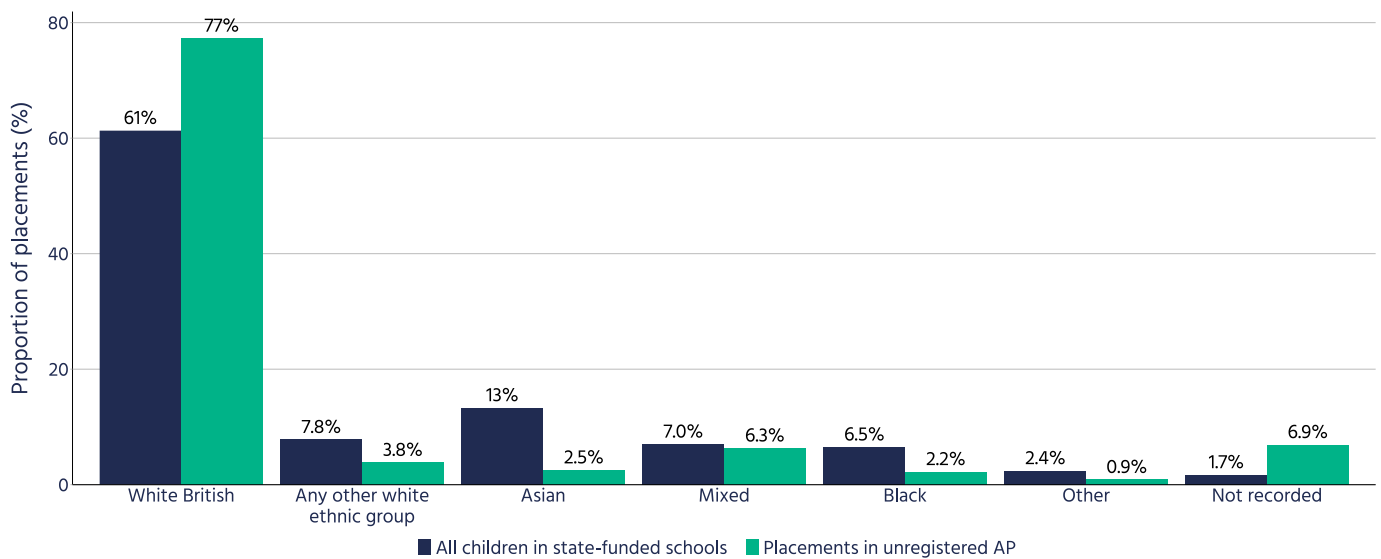
Note: Percentages within groups do not add to 100% as children not of compulsory school age have been excluded from this graph, but not from the calculation of percentages.

2.2. Ethnicity

Children in unregistered AP are disproportionately likely to be white British. 77% of all placements in unregistered AP were for white British children, compared to 61% of all children in state-funded schools who were white British (Figure 5).

Children from minority ethnicity backgrounds are underrepresented in the unregistered AP sector. There is also a disproportionately high proportion of ethnicity information missing in the unregistered AP data – this reflects the poor quality with which Department for Education allows the data collection to be conducted.

Figure 5: Proportion of placements in unregistered AP by the ethnicity of the child placed, compared to pupils in state-funded schools, 2023/24



2.3. Gender

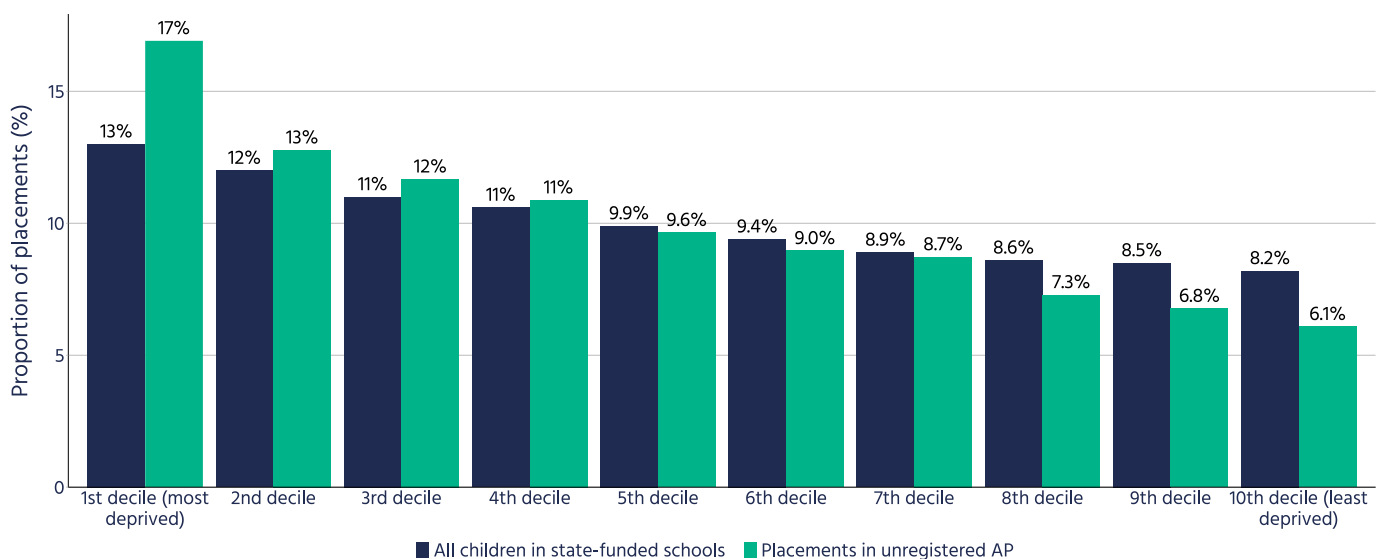
Boys are disproportionately overrepresented in unregistered AP. In total, 66% of all placements in unregistered AP are for boys, compared to the 51% of children in state-funded schools who are boys.

2.4. Deprivation

Children from disadvantaged neighbourhoods are overrepresented in the cohort of children in unregistered AP. Children in unregistered AP were 1.3 times more likely to be living in the most deprived 10 percent of neighbourhoods – neighbourhoods more income deprived than at least 90% of other neighbourhoods – according to the Income Deprivation Affecting Children Index (IDACI).

In total, 17% of all placements in unregistered AP were for children in the 1st decile of IDACI, compared to 13% of all children in state-funded schools from the same background (Figure 6). Children in the 1st decile were experiencing income deprivation in their home neighbourhood worse than at least 90% of other neighbourhoods.

Figure 6: Proportion of placements in unregistered AP by the Income Deprivation Affecting Children Index of the placed child’s home neighbourhood, compared to pupils in state-funded schools, 2023/24



2.5. Special educational needs

Children in unregistered AP were substantially more likely to have identified special educational needs (SEN) when compared to their peers in state-funded schools. More than half (55%) of all placements in unregistered AP were for children with an Education, Health and Care Plan (EHCP). For comparison, only 4.7% of children in state-funded schools had an EHCP. Therefore, children in unregistered AP were more than 11 times more likely than children in state-funded schools to have an EHCP.

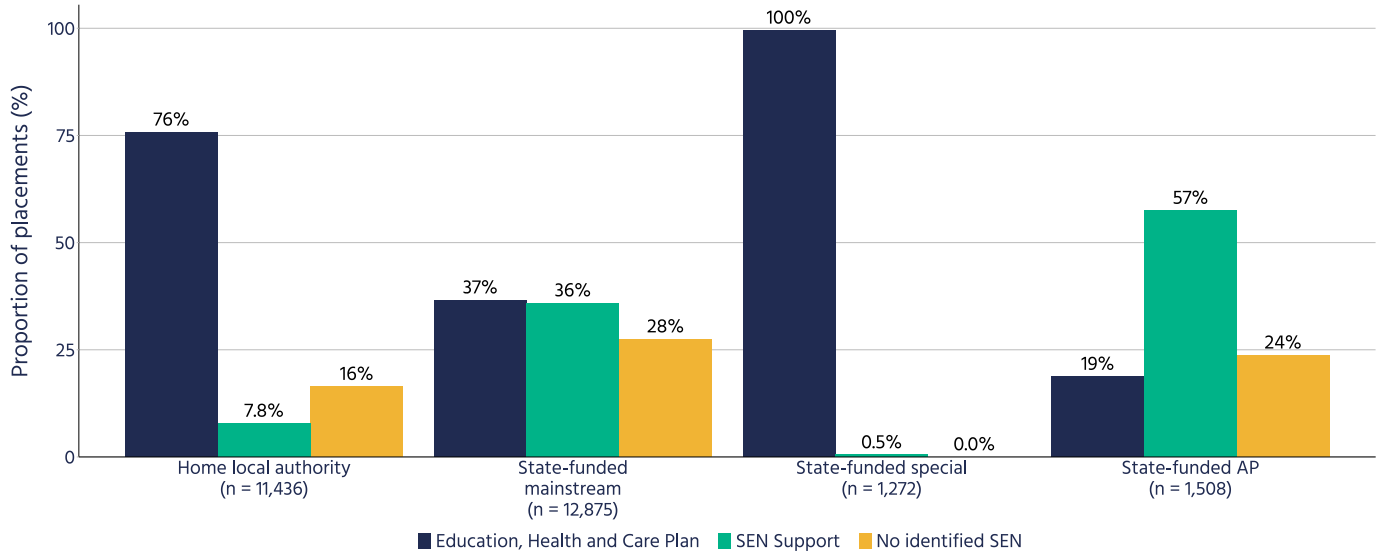
Similarly, children in unregistered AP were also disproportionately likely to be in receipt of SEN Support. 24% of placements in unregistered AP were for children receiving SEN Support, compared to 13% of children in state-funded schools.

There were 13,529 children with an EHCP placed in unregistered AP in 2023/24. This represents 2.3% of all children with an EHCP, or roughly 1 child out of every 50 with an EHCP.²⁹ Similarly, there were 5,637 children in receipt of SEN Support, representing 0.5% of all children with SEN Support, or roughly 1 out of every 220.³⁰

Further analysis shows that, for placements commissioned by local authorities, most are for children with an EHCP. Around three quarters (76%) of these placements are for children with an EHCP, with a further 7.8% for children receiving SEN Support and 16% with no identified SEN (Figure 7). This proportion has grown dramatically over time: 56% of placements in local authority commissioned unregistered AP in 2018/19 were for children with an EHCP.

For comparison, 37% of placements commissioned by state-funded mainstream schools are for children with EHCPs – still overrepresented relative to the general pupil population, but substantially less so than among placements commissioned by local authorities.

Figure 7: Proportion of placements in unregistered AP by the SEN provision of the child and by the commissioner of the placement, 2023/24



3. How has the market changed over time?

The Department for Education has been collecting annual placement-level data on local authority commissioned unregistered AP since 2017/18, and on school commissioned unregistered AP since 2022/23. This chapter looks at the change in the market for local authority commissioned unregistered AP over the five years between 2018/19 and 2023/24.

Over this period, there has been an increase in the proportion of local authority commissioned placements for mental health needs or undefined “other” reasons. There has been an increase in the proportion of placements for children with EHCPs in unregistered AP, and a decrease in the proportion for children in Key Stage 4. There has also been an increase in the proportion of placements for children from more affluent neighbourhoods.

3.1. Growth in unregistered AP placements

The unregistered AP market has grown considerably over the last few years. Since 2018/19, the number of local authority commissioned placements in unregistered AP has almost doubled, growing by 91% from 5,997 in 2018/19 to 11,436 in 2023/24. Although data for school commissioned placements was only first collected in 2022/23, there has still been substantial growth in the year since, by 25% from 12,507 in 2022/23 to 15,655 in 2023/24.

Given this substantial increase in the overall number of placements, for almost all characteristics examined within this analysis, the numbers of children with a given characteristic has also increased. This limits the utility in comparing how numbers have changed with time, and as such this analysis instead focuses on how the proportions of children with a given characteristic have changed.

3.2. Change in placement types

Over this period, there have been substantial changes in the types of unregistered AP that local authorities commission.

Between 2018/19 and 2023/24, there was a large decrease, from 52% to 27% of the market, in placements in “other unregistered providers” (Figure 8). Guidance does not define what these settings are.

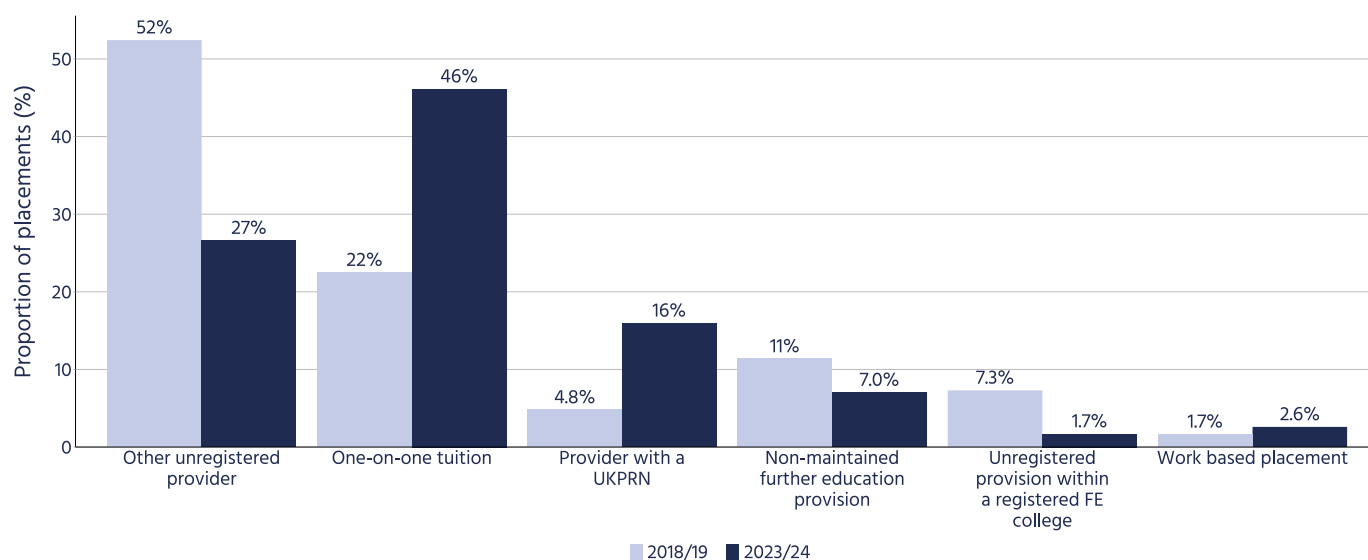
At the same time, there has been a substantial increase in the use of one-on-one tuition and providers with UKPRNs (i.e. providers register with the UK Register of Learning Providers, but not DfE). One-on-one tuition has more than doubled, from 22% to 46% of the local authority commissioned unregistered AP sector. Providers with a UKPRN have increased even further from 4.8% in 2018/19 to 16% in 2023/24, or by 223%.ⁱⁱ

This change in the market could represent a genuine shift in the types of providers that are commissioned, with an increasing use of one-on-one tuition because of their bespoke approach to education and accessibility for children unable to access school. However, it could also represent an improvement in data quality, where providers who were previously listed as “other unregistered provider” have been categorised more specifically within the data.

Over the same period, there has been a decrease in the use of unregistered provision in further education (in non-maintained further education, and in registered further education colleges).

ⁱⁱ There were 1,348 local authority commissioned placements in one-on-one tuition in 2018/19, up to 5,275 in 2023/24. There were 287 local authority commissioned placements in providers with a UKPRN in 2018/19, up to 1,824 in 2023/24.

Figure 8: Proportion of placements in local authority commissioned unregistered AP by setting type, 2018/19 and 2023/24



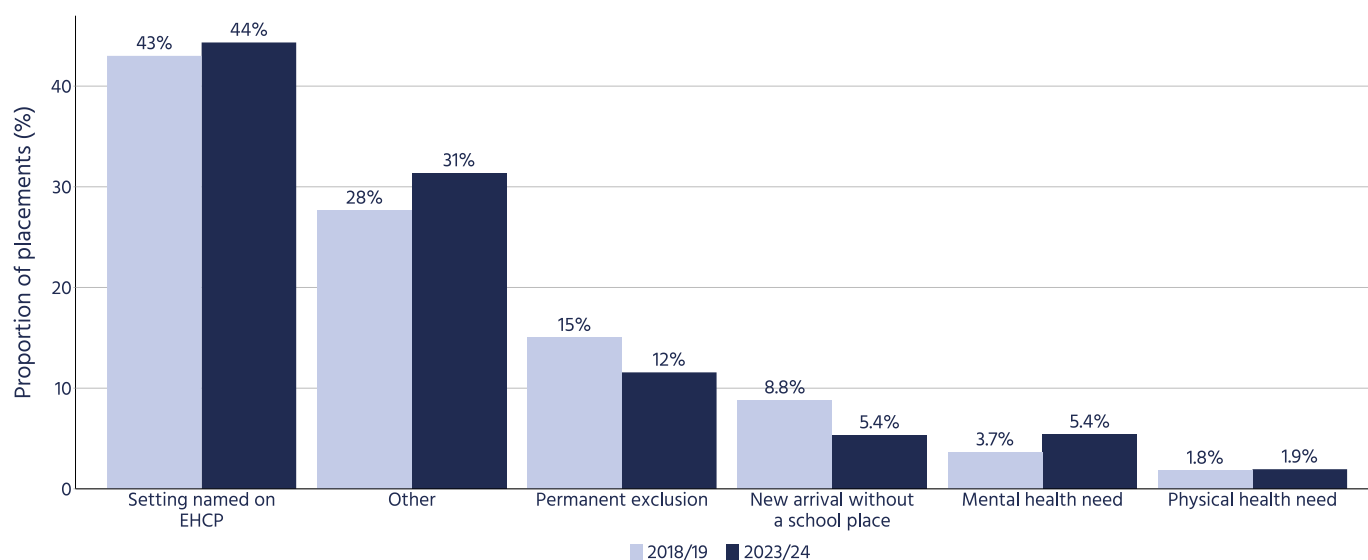
3.3. Change in reasons for placements in unregistered AP

Analysis of Department for Education data shows that the reasons children are placed by local authorities in unregistered AP has remained largely unchanged between 2018/19 and 2023/24. The ranking of placement reasons by frequency has remained mostly the same (Figure 9), and a similar proportion of children are being placed in Education Other Than At School, where the unregistered AP is the setting named on the child’s EHCPs.

Nonetheless, there has been some growth in local authority commissioned AP for mental health need and “other” reasons. The proportion of placements for mental health needs increased by 48%, from 3.7% to 5.4%. The proportion of placements for “other” reasons increased by 13%, from 28% to 31%.

Over the same period, there was a decline of 39% in the proportion of placements for new arrivals without a school place, from 8.8% to 5.4%, and a decrease of 23% in the proportion of placements for permanent exclusions, from 15% to 12%.

Figure 9: Proportion of placements in local authority commissioned unregistered AP by placement reason, 2018/19 and 2023/24



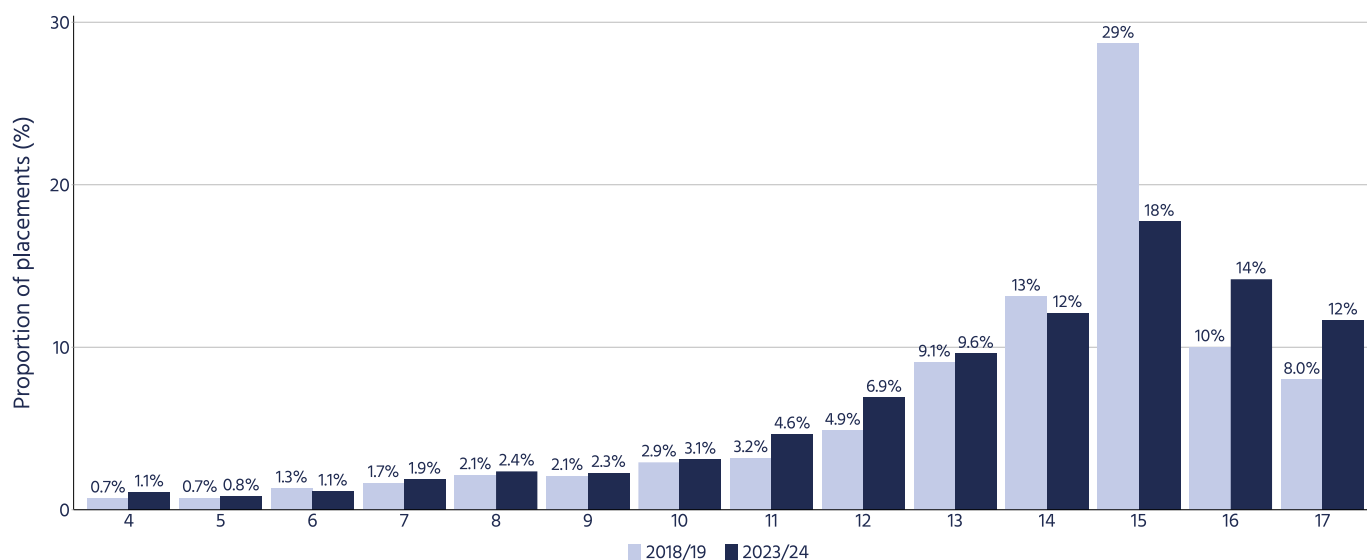
3.4. Change in child characteristics

3.4.1. Age

The overall pattern in age remained broadly the same between 2018/19 and 2023/24, with unregistered AP placements continuing to be mostly used for older children. Children aged 15 at the start of the academic year (those in Year 11) remained the most common age for a child in local authority commissioned unregistered AP, but their share of the total population fell substantially, with the proportion of unregistered AP placements for children aged 15 decreasing by 38% from 29% in 2018/19 to 18% in 2023/24 (Figure 10).

Over the same period, there was growth in unregistered AP placements for children younger and older than 15 - in Key Stage 3 (ages 11 to 13) and Key Stage 5 (ages 16 and 17). Between 2018/19 and 2023/24, the proportion of children in Key Stage 3 in local authority commissioned unregistered AP grew by 23%, from 17% to 21%; and in Key Stage 5 by 43%, from 18% to 26%. Children of primary school age (ages 4 to 10) made up 12% of placements in 2018/19, up to 13% in 2023/24.

Figure 10: Proportion of placements in local authority commissioned unregistered AP by age of the child, 2018/19 and 2023/24



Note: Percentages within groups do not add to 100% as the small proportion of children aged younger than 4 or older than 17 have been excluded from this graph, but not from the calculation of percentages`

Further analysis by age and placement reason (Annex A, Figure A1) shows that while there has been a growth in Key Stage 3 placements across most reasons, the growth was largest in placements for “other” reasons, growing from 5.2% of all local authority commissioned placements to 8.0%. Children in Key Stage 5 also saw sizable growth for “other” reasons (from 4.7% to 8.3%), as well as because the placement was the setting named on their EHCP (from 13.4% to 17.7%).

At the same time, there have been large falls in the proportions of placements for Key Stage 4 children for “other” reasons, permanent exclusions and new arrivals without a school place.

These findings suggest that a greater proportion of children are entering unregistered AP at an earlier age for reasons either poorly detailed or novel reasons not covered by the existing framework; and that the referral routes for children in Key Stage 4 are becoming less related to permanent exclusions and insufficient school places.

3.4.2. Ethnicity

Over this period, there has been an increase in the proportion of white British children in local authority commissioned unregistered AP. In 2018/19, 68% of placements in unregistered AP were for children with a white British ethnic background; in 2023/24, that figure stood at 79%.ⁱⁱⁱ For comparison, 61% of the pupil population in state-funded schools in 2023/24 was white British.

3.4.3. Gender

Boys make up more than half the population of children in unregistered AP commissioned by local authorities, however there has been a small increase in the proportion of girls in unregistered AP over the last few years. In 2018/19, 30% of all placements in local authority commissioned unregistered AP were for girls, in 2023/24 that proportion stood at 34%.

Disaggregating gender by placement reason shows that there has been increases in girls being placed in unregistered AP because it is the setting named on their EHCP, because they have a mental health need, or for “other” reasons (Annex A, Figure A2). Over the same period, there has been a decrease in the proportion of unregistered AP for boys referred because of a permanent exclusion.

3.4.4. Income Deprivation Affecting Children Index (IDACI)

Since 2018/19, there has been a substantial increase in the proportion of children living in more affluent areas placed in unregistered AP (Figure 11), as measured by the Income Deprivation Affecting Children Index (IDACI). Since 2018/19, the proportion of children in unregistered AP who lived in the least deprived 10 percent of neighbourhoods when ranked by IDACI (i.e. children who lived in neighbourhoods experiencing less income deprivation than at least 90% of other neighbourhoods) increased by 60%.

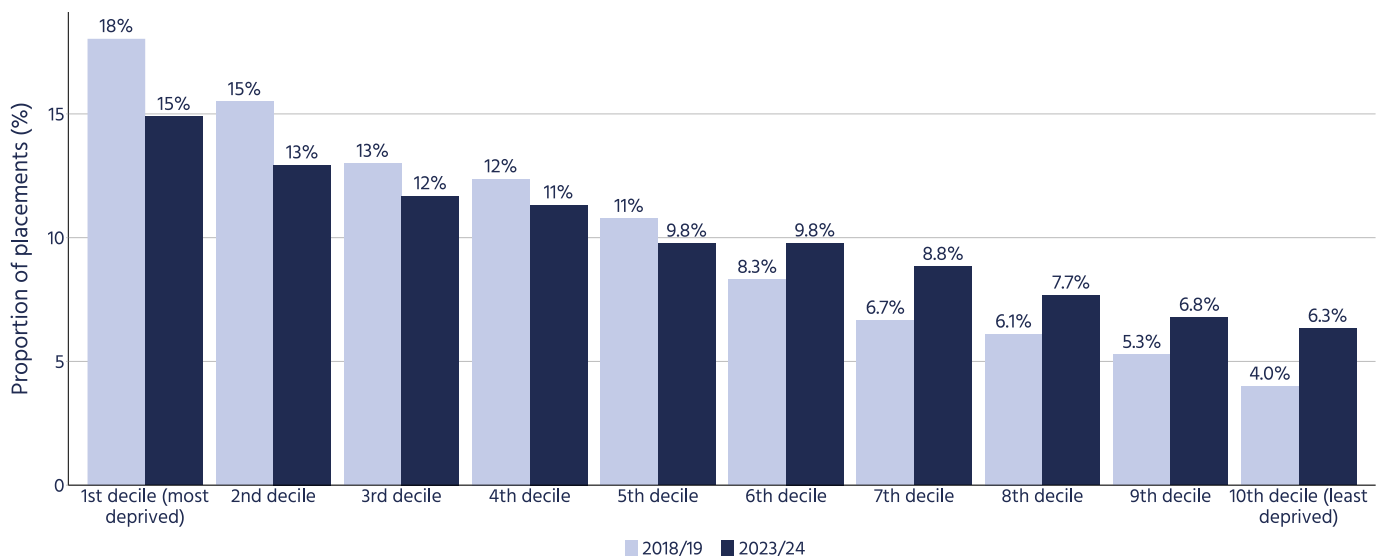
ⁱⁱⁱ Excluding placements where ethnicity information had not been recorded. While such placements were included in the analysis presented in Section 2.4, the quality of historic data for local authority commissioned unregistered AP is particularly poor: in 2018/19, the child’s ethnicity had not been recorded in 24% of placements.

from 4.0% to 6.3%. There has been an increase in the proportion of children placed in unregistered AP from all neighbourhoods experiencing below-average income deprivation (deciles 6 to 10).

However, despite these changes in the composition of the unregistered AP system, children from income deprived backgrounds remain overrepresented and children from more affluent backgrounds remain underrepresented (Figure 6).

Further analysis shows that this increase in children placed from more affluent neighbourhoods has been primarily driven by those placed for “other” reasons (Annex A, Figure A3).

Figure 11: Proportion of placements in local authority commissioned unregistered AP by Income Deprivation Affecting Children Index of the child’s home neighbourhood, 2018/19 and 2023/24



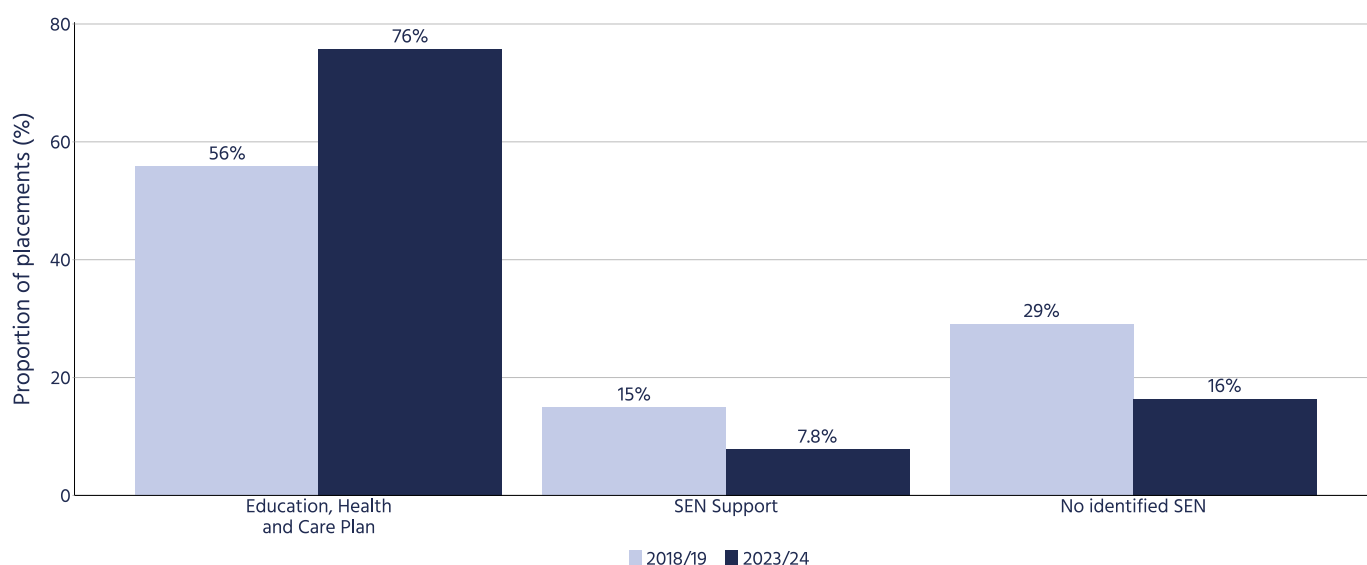
3.4.5. Special educational needs

Over the same period, there has been a substantial increase in the proportion of children with EHCPs in local authority commissioned unregistered AP (Figure 12). In 2018/19, 56% of children had an EHCP, in 2023/24 that figure stood at 76%. This represents a 36% growth in the proportion of placements for children with an EHCP.

This mirrors the growth seen in the wider school system, where the proportion of all pupils with an EHCP has grown from 3.1% to 4.8%^{iv} over the same period.³¹ As a small and flexible market, it is not surprising that unregistered APs have been able to adapt to provide for the needs of this growing number of children with EHCPs.

Over the same period, the proportion of placements for children receiving SEN Support and with no identified SEN decreased by 48% (from 15% to 7.8%) and 44% (from 29% to 16%) respectively.

Figure 12: Proportion of placements in local authority commissioned unregistered AP by the SEN provision of the child, 2018/19 and 2023/24



In 2018/19, 75% of EHCPs in local authority commissioned unregistered AP had been placed because it was the setting named on their EHCP, and 17% for “other” reasons. By 2023/24, “setting named on EHCP” had fallen to 59% of EHCPs, while “other” was up to 31%. Further analysis of the type of special educational needs against placement reasons shows that children with EHCPs placed for a placement

^{iv} Including both state-funded and independent schools.

reason of “other” were one of the fastest growing groups in unregistered AP between 2018/19 and 2023/24 (Annex A, Figure A4).

There have also been sizable changes in the types of unregistered APs children with EHCPs are placed in (Annex A, Figure A5). Between 2018/19 and 2023/24, the proportion of placements for children with EHCPs in one-on-one tuition rose from 15% to 37%.

4. How long do children spend in unregistered AP?

This chapter explores how long children stay in unregistered AP, and how much of their weekly education their unregistered AP placement provides.

Contrary to the Government's intention that AP is a type of education to be used for short periods, as an intervention rather than a destination,³² typical placements last most of a year or more. Regardless of the reason for the placement, the majority of children in unregistered AP were in their placement long-term. And of children who were placed because of their EHCP, as part of an Education Other Than At School (EOTAS) package, they received almost all of their weekly education from their unregistered AP.

4.1. How long do placements last?

As of Spring 2023/24, the average placement had lasted for 276 days (39 weeks),^v and was attended by the child for the equivalent of more than half the school week: an average of 5.6 sessions per week out of a maximum of 10.^{vi} One session is a morning or an afternoon at school.

Local authority commissioned placements took up more of the week and lasted longer than school commissioned placements in unregistered AP. The average local authority commissioned placement provided 7.4 sessions per week and lasted 367 days (52 weeks), and the average school commissioned placement provided 4.3 sessions per week and lasted 210 days (30 weeks). The average child in local authority commissioned unregistered AP had 1.04 placements, compared to 1.15 placements for children whose unregistered AP had been commissioned by their school.

The office has defined placements which provided less than 6 sessions per week as "part-time", and those which provided 6 or more sessions per week as "full-time".^{vii,33} Similarly, the office has defined

^v All averages in this report are means.

^{vi} The data does not specify when in the week these sessions took place, or whether these sessions occurred inside or outside of term time.

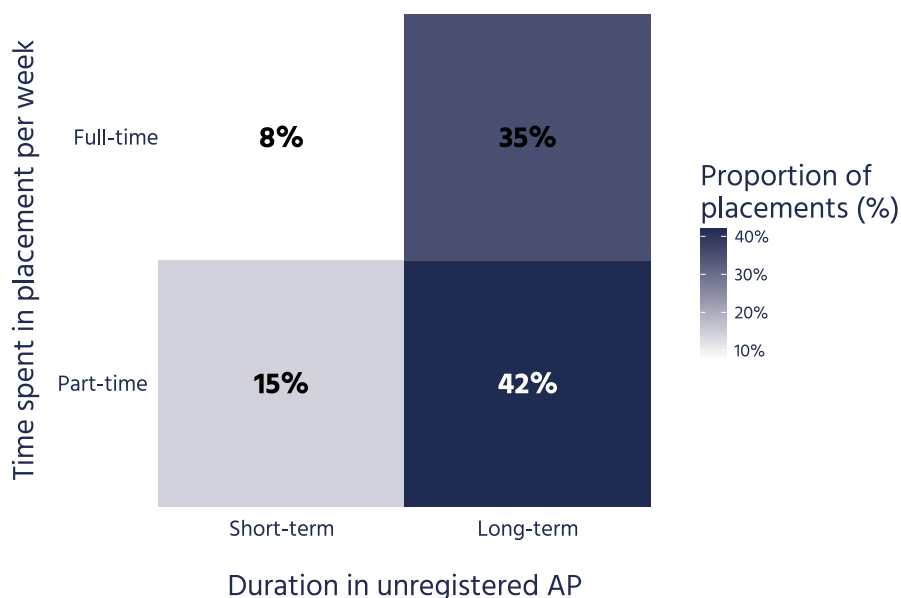
^{vii} This is consistent with Department for Education guidance that 18 hours per week constitutes full-time education, assuming that a school morning or afternoon lasts approximately 3 hours.

placements which lasted for more than 12 weeks – approximately a full school term – as “long-term”, and placements which lasted for 12 weeks or less as “short-term”.^{viii,34}

Across all placements in unregistered AP, the majority (77%) were long-term (Figure 13). 35% were long-term placements the child attended full-time, and 42% were long-term placements the child attended part-time.

Only 23% of placements were short term.

Figure 13: Duration and sessions per week of placements in unregistered AP, 2023/24



4.1.1. Illegal schools

An unregistered setting is legally required to register as a school if it provides full-time education to five or more children of compulsory school age, or to one or more child of compulsory school age who has

^{viii} This is consistent with the definition of “short-term” used by Department for Education in their 2024 consultation on unregistered AP.

an EHCP or is in care. It is an offence, punishable by fine and/or imprisonment, for a setting to meet these requirements but to not register as a school.³⁵ Using a novel approach, the office undertook analysis of how many unregistered APs with a UKPRN^{ix} fulfilled these conditions and therefore was a potential illegal school at the time of the data collection, January 2024.

The analysis identified 91 potential illegal schools.^x These were settings which, despite the number of children in attendance, appeared to be in contravention of their legal responsibility to register as a school and to subject themselves to the national inspection system. These settings were practically schools but were evading inspection by Ofsted and regulation by the Department for Education. These settings were attended by 1,090 children, or 4% of the children in unregistered AP at the time. Given the limitations of this exploratory analysis, the true proportion is much likely higher than 4%. The Children's Commissioner's office flagged these potential illegal schools to Ofsted's inspection team.

While an illegal school is not necessarily of poor quality or dangerous, it does reflect the lack of national oversight over the market that so many children were in potential illegal schools. Indeed, in many ways an illegal school is as unregulated as an unregistered AP – for example, in neither setting are the adults employed consistently monitored for whether they have passed the Disclosure and Barring Service (DBS) checks which confirm whether they have been barred from working with children.³⁶

^{ix} The only identifying information the Department for Education gathers for both local authority and school commissioned unregistered AP settings is UKPRN. If a local authority commissioned unregistered AP does not have a UKPRN, it is impossible to differentiate distinct settings in the data, and so it is impossible to calculate how many children attended a given setting.

^x This count of potential illegal schools is likely to be an underestimate: to be as generous as possible to unregistered APs, this analysis defined full-time children as children who attended 10 sessions per week, as opposed to the 6 to 10 sessions used in all other analysis in this report; and, due to data availability, whether a child was in care was not considered for this analysis.

4.2. How does placement length vary?

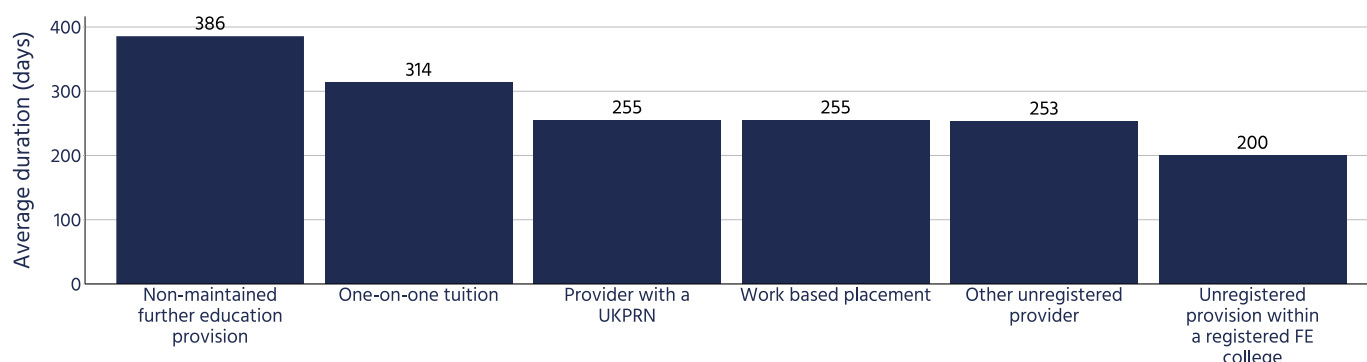
4.2.1. Type of unregistered AP

Placements in non-maintained further education provision had the longest average placement duration, at over a year (386 days, or 55 weeks). The second-longest type was one-on-one tuition, at over 10 months (314 days, or 45 weeks) (Figure 14).

Non-maintained further education provision is poorly defined in guidance,³⁷ and it is unclear why it hosts the longest placements. It may be that the children in these settings were older and stayed in them for the entirety of their post-16 education.

In contrast, placements within unregistered under-16 provision within an otherwise registered FE college were the shortest at under 7 months (200 days, or 29 weeks) on average. Like children in non-maintained further education, these children may similarly have stayed in these settings for the entirety of their post-16 education; however, unlike non-maintained further education placements, which will always be considered unregistered as the setting itself is unregistered, the placements of children aged under 16 at registered FE colleges becomes a registered placement once the child turns 16. As such, while the whole placement may last for a prolonged period, the unregistered element of that placement would be cut short as soon as the child turns 16.

Figure 14: Average duration of unregistered AP placement by setting type, 2023/24



4.2.2. Special educational needs

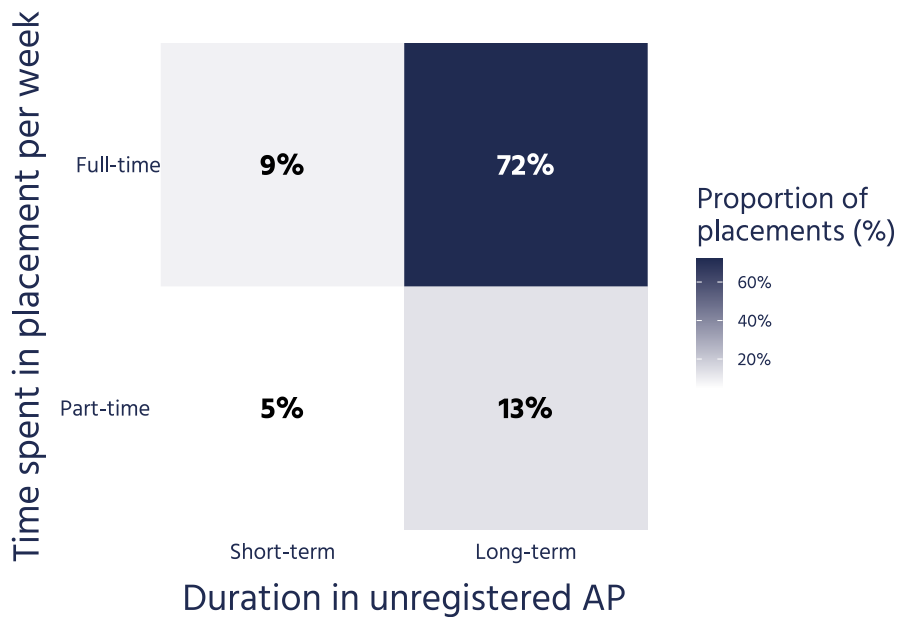
Placement length also varies by child characteristics. Placements for children with EHCPs were longer term on average than other placements. Placements for children with an EHCP in unregistered AP lasted for around 11 months (327 days, or 47 weeks) on average. The long duration of placements for children with EHCPs is likely influenced by cases where the unregistered setting is named on the child's EHCP and is commissioned as Education Other Than At School (EOTAS) (see Section 4.2.3).

In contrast, placements in unregistered AP settings for children in receipt of SEN Support were shorter on average, at under 7 months (204 days, or 29 weeks).

4.2.3. Reason for placement

Children with EOTAS packages – defined as placements where the unregistered AP was the setting named on the child's EHCP – were mostly in long-term placements (Figure 15). The large majority (86%) of all placements for EOTAS were long-term, lasting for longer than 12 weeks. Among these, most were full-time: 72% of all placements for children in receipt of EOTAS were for long-term, full-time placements. Very few EOTAS placements were both short-term and part-time: only 5%.

Figure 15: Duration and sessions per week of placements in unregistered AP for children in receipt of Education Other Than At School, 2023/24



Note: Short-term is defined as 12 weeks or less; long-term is defined as over 12 weeks. Part-time is defined as fewer than 6 out of 10 sessions (mornings or afternoons) per week; full-time is defined as 6 or more sessions.

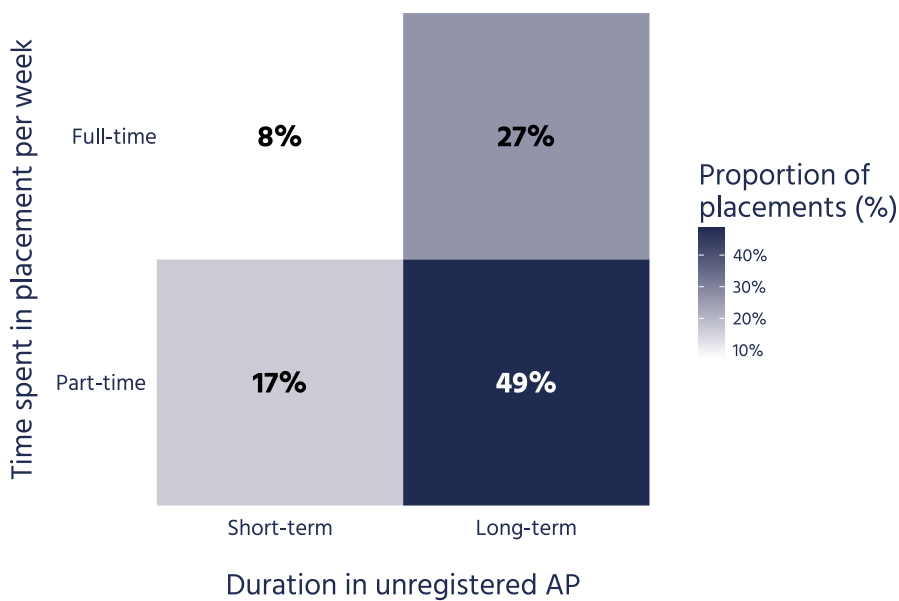
In contrast, children in unregistered AP for reasons other than EOTAS had different attendance patterns (Figure 16). While the majority (75%) were also in long-term placements, most of these were part-time: 49% of placements were long-term and part-time, and 27% were long-term and full-time.

Long-term placements were a majority within every placement reason. Long-term placements were least common among children placed in unregistered AP because of a suspension, of which 58% of placements were long-term. And of the placement reasons besides EOTAS, the reason with the greatest proportion of children placed long-term was “physical health need”, of which 82% of placements were long-term.

17% of placements for reasons other than EOTAS were short-term and part-time, more than three times more frequent than the 5% of short-term, part-time EOTAS placements. These could include outreach

placements and short-term interventions for children who are at risk of exclusion or struggling to engage with school.

Figure 16: Duration and sessions per week of placements in unregistered AP for children not in receipt of Education Other Than At School, 2023/24



Note: Short-term is defined as 12 weeks or less; long-term is defined as over 12 weeks. Part-time is defined as fewer than 6 out of 10 sessions (mornings or afternoons) per week; full-time is defined as 6 or more sessions.

The office’s analysis indicates that placements for EOTAS were more intense than placements made for any other reason. Placements for EOTAS lasted on average over 1 year and 1 month (410 days, or 59 weeks), 67% longer than placements for any other reason, which had an average duration of 8 months (246 days, or 35 weeks).

Similarly, placements for EOTAS provided on average 8.6 sessions per week, almost an entire full school week. By comparison, placements for all other reasons provided an average of 4.9 sessions per week.

Finally, the setting type of the unregistered AP also seems to be more intense for children placed for EOTAS than for children placed for any other reason. About half (53%) of children placed in EOTAS were

receiving one-on-one tuition, compared to only 28% for children placed in placements for any other reason, who were instead most frequently educated in “other” types of unregistered AP (49%).

This suggests that an unregistered AP for EOTAS placement is typically used to constitute a larger proportion of a child’s education, and most often takes the form of one-to-one tutoring arrangements which provide a much higher adult-to-child ratio than is typically available in the registered education system. In the absence of outcomes data for these children, it is impossible to say whether these tutoring arrangements were of high-quality, helping the children to academically attain and to be happy, perhaps even serving as a model for what the wider SEN system could deliver; or were the last port of call for children who have been failed by a system that did not find them a place of education they could comfortably attend alongside their peers.

4.3. Journeys of children in and out of unregistered AP

Some children enter unregistered AP and stay in that setting for the rest of their education while others reintegrate into school settings after their placement. Reintegration is not always the aim of unregistered AP and should not be taken as a universal measure of quality, as some children will be best supported by the bespoke arrangements unregistered AP can provide. But the Government’s SEND and AP Improvement Plan is clear that AP should be an intervention and not the destination for the majority of children.³⁸

To examine the journeys of children in and out of unregistered education, the office investigated a cohort of 8,936 children born in 2008/09, who completed their time in compulsory education in the most recent year of data available, 2023/24 (and so were in Year 7 in 2019/20), and who spent any time in unregistered AP during their time in secondary education (between 2019/20 and 2023/24).^{xi}

Of these 8,936 children who were ever in unregistered AP between Year 7 and Year 11, the majority (79%, or 7,087 children) were in unregistered AP in Year 11, and of these, 69% (4,840 children) had not been in

^{xi} Unregistered AP both commissioned by schools and by local authorities was included in this analysis. However, as data for school commissioned unregistered AP only started to be reliably collected in 2022/23, this analysis necessarily excludes any school commissioned placements in unregistered AP this cohort attended while they were in Years 7, 8 and 9.

unregistered AP before. Most commonly, they had been placed in unregistered AP in Year 11 for “off-site behavioural support” (37%).

Conversely, only 2.2% (194 children) had been in unregistered AP while in Year 7. Perhaps indicating the high levels of need of these children which brought them into unregistered AP so early, their most common placement reason – besides “other” (36%) – was “setting named on EHCP” (35%). Of these 194 children, 11% (22 children) were solely in unregistered AP from Year 7 to Year 11.

Additional details of the analysis in Section 4.3 can be found in Annex B.

5. What do children, families and professionals think about unregistered AP?

There is little research on the aims of unregistered AP, the pathways children follow into unregistered AP, or the quality of unregistered AP. This section summarises the Children's Commissioner's office's findings on unregistered AP from *The Attendance Audit*³⁹ and *The Big Ambition*⁴⁰.

5.1. Accessing unregistered alternative provision

5.1.1. Timely referrals to unregistered alternative provision

In the *Attendance Audit*, one of the key concerns around unregistered alternative provision was the gap in educational provision when children left their school roll. When a child has been placed in AP following an exclusion, statutory guidance requires local authorities to arrange AP to start no later than the sixth day following the exclusion.⁴¹ There is no statutory requirement on when AP should start when children are placed for reasons other than exclusion.⁴²

Families told the office that there was insufficient contact from local authorities when their child was removed from the school roll. Some said that there was a lengthy delay between being removed from a school roll and being given alternative provision.

"The LA [local authority] off rolled him from the school, he isn't electively home schooled, the LA is offering absolutely nothing" – Mother of 13-year-old, *The Attendance Audit*.

"I had two kids in school, the LA, if you have two missing days, they are on you like that, and now, he's not in school, and it's like, don't worry, don't worry, he can make up [...] now, they can't provide an education, and it's like it doesn't matter [...] oh I was always meant to feel like if they're not in for a day, their education is ruined" – Mother of 9-year-old who lost his school place after having been on a travel ban back to the UK, *The Attendance Audit*.

5.1.2. Unregistered AP placement length

Even when families secured a placement for their child, some parents raised concerns around not knowing how long a placement in unregistered AP would last.

“My SEN advocate said she is entitled to 15 hours [...] from September 2021 to December 2021, she received no education. From December to January she was getting 5 hours, that increased to 9 hours; but the school said it was too expensive. We don't know whether the 9 hours are being paid or not, so that could stop at any time.” – Mother of 14-year-old girl out of education due to lack of support for SEND and anxieties, The Attendance Audit.

Some parents spoke of the challenges they faced advocating for a suitable education for their child with special educational needs. They spoke about the desire they had for their child to study a curriculum which challenged them and helped them to reach their potential, and the frustration they felt about the inadequacy of the support offered to them through the EOTAS package they received. Some spoke about being given the bare minimum number of hours through a tutoring placement.

“Where is the [support] for young people who can't access mainstream education? He has been out of education for 2 years and it has been a fight to even get 5 hours 1:1 in place - there is no other option for the child, no support for the parent, things that are put in place aren't good enough, no consistency, no funding, everything is a real battle. If you lived one day in my shoes I doubt you would cope.” – Adult on behalf of boy, 13, The Big Ambition.

“The government need to educate themselves and listen to parents who care for their children and understand their needs better than any professional. Our son is Educated other than at School and if he had been given support and early intervention, he would most likely have access to a broad and balanced curriculum, now he has a tutor for a few hours to cover the basics and will not have the knowledge to sit his GCSES! The Local Authority failed at their own laws, missed time scales by years and eventually was summoned by Local Ombudsman and Tribunals! [...] The SEN system should not be a postcode lottery and is a shambles, has been for decades. ” – Adult on behalf of boy, 14, The Big Ambition.

5.1.3. Sufficiency of unregistered AP placements

Commissioners reached through *The Attendance Audit* told the office that they were unable to strategically manage the quality and quantity of AP places in their area.

“You can get two or three days, but you might [have] somebody that needs an intensive programme for ten/twelve weeks so they can go somewhere and we can reintegrate them slowly back here ...the provision isn’t there. And it’s no criticism of the people who run the services that are there... there is just not enough of them.” – Headteacher, The Attendance Audit.

Parents who responded to *The Big Ambition* said that they wanted to see more places available for children who would benefit from alternative provision. Some stated that they wanted to see provision for children with complex needs or SEN.

“There are not enough alternative provisions in our area to meet the needs of children with complex needs” – Adult on behalf of girl, 4, The Big Ambition.

“More spaces for SEND children to access alternative provision, many children are stuck in mainstream, which is completely the wrong provision for them, but specialist provisions are full.” – Adult on behalf of boy, 10, The Big Ambition.

5.2. The effectiveness of unregistered AP

5.2.1. The current system of quality assurance

In *The Attendance Audit*, local authorities told the Children’s Commissioner’s office that they were not always aware of the unregistered alternative provision in their area. Some had mechanisms in place to identify and quality assure known providers.

“[We’ve got a] patchwork of private and community [unregistered alternative] providers – we’ve got a framework in place to secure checks. It is not about the quality of the provision that is given to these children. They might occasionally get visited by Ofsted inspectors. We’ve started a conversation about establishing a register for AP. We need to get to a place where we assess the quality of AP – so we’re driving the quality up from that.” – Local Authority Director of Education, The Attendance Audit.

“We tipped off Ofsted, who found that pupils there were on part-time timetables, which was a holding place where kids were out of sight out of mind. Interesting to see that secondary schools who do not come forward to local authorities to tell us about these kids but then we find out that APs could be like a garage – there is no line of sight on these kids.” – Local Authority Director of Education, The Attendance Audit.

Some local authorities raised concerns that unregistered AP settings were not only unregulated in terms of the quality of their educational offer, but also in terms of safeguarding. Ofsted has raised concerns nationally about the standard of safeguarding in unregistered AP. In The Big Listen, Ofsted stated: *“Through our unregistered schools investigations, we have found too many unregistered providers that operate in appalling conditions. We have found some run by people with criminal backgrounds, and some we fear may be grooming young pupils for gangs. In the vast majority of cases, children are placed in these settings by local authorities and schools, despite children not receiving suitable education or support in them.”*⁴³

One local authority that the Office spoke to raised concerns about the suitability of their historic safeguarding checks. They said they had since introduced robust local measures to ensure that all providers commissioned by the local authority or local schools were safe to use and that children’s safety was regularly reviewed through ongoing checks.

The Local Authority Manger for Inclusion at this local authority told us: *“We were using alternative provision externally to the pupil referral units that weren't quality assured enough, and safeguarding arrangements weren't in place.”* They later went on to say: *“[Now] we know where [all children in unregistered AP] are. They're all safeguarded correctly. They've all got individual alternative education plans. They are reviewed every four to six weeks. They have safe and well checks. They were kept an eye on during the COVID pandemic and we are currently reviewing the service level agreement with our schools to ensure that we keep up.”*

5.2.2. Children’s views on their placement

Of those children who had been given an unregistered AP placement, their views were mixed.

Some children said that they preferred going to an AP setting because they adopted a more flexible approach which made it easier for them to engage with education. Children mentioned the smaller class sizes, more relaxed environment and different curriculum offered in unregistered AP settings.

"I've been here since Year 9, coming up three years now. I haven't been to mainstream school since the end of Year 8. It was really good for me to come here. ... it's good to be in this environment to get used to it for college. [...] It's just more chilled- it's less strict. It's smaller and much easier to concentrate. If you need help, there is someone there to give you the help." – Boy, 15, attending an unregistered AP, The Attendance Audit.

However, some children stated that they would prefer to be in a school setting.

"I want to go back to school if I'm honest. It's boring just doing nothing." – Boy, 14, attending an unregistered AP, The Attendance Audit.

5.3. The need for a mixed approach

In the *Attendance Audit*, families and young people told the office that they struggled to find educational provision that suited their needs. Children and parents stated that they wanted to see a more flexible approach to education where the benefits of unregistered AP settings are incorporated into the mainstream school model.

"Give more options for children who are disruptive at school because they find it difficult to be there – don't just put them into 'alternative provision' – give them work experience choices from Year 9, to make them feel that they are valued and have a purpose going forward," – Adult on behalf of boy, 17, The Big Ambition.

"I don't want to be in school as much, but I want to be in school. Three periods a day. [In the time where I'm not in school I would] go to boxing near my house [...] I do it because I want to do it so I have something to focus on I'm not going out and getting in trouble" – Boy, 14, attending an unregistered AP, The Attendance Audit.

6. The way forward

6.1. The case for a national register

This report has shown that the nature of the unregistered AP market has changed substantially since 2018/19. The rising numbers of children in unregistered placements, alongside the disproportionate number of children with EHCPs in these settings, should be a growing cause for concern. Local authorities are increasingly commissioning places for children with EHCPs, either through the Education Other Than At School route, or increasingly through their Section 19 powers, placing children with EHCPs for undefined “other” purposes.

The Children’s Commissioner recognises that in some instances, a placement in what is currently unregistered AP can be life changing. It can be a child’s first positive experience of education. However, the Children’s Commissioner’s office has also heard of children being placed in unregistered AP with no clear plan, not receiving sufficient education to meet their needs, and in the worst cases in settings which are not safe.

The school system should be able to adequately support children with special educational needs by providing a suitable education which meets their needs. Yet recent increases in unregistered AP placements commissioned by local authorities for children with EHCPs shows the failures of current provision. The office is deeply concerned that the unregistered AP market is functioning as a shadow SEN system. We should not be placing our most vulnerable learners in the least regulated, least safe settings. We should be striving for the very best for these children.

The Government should introduce a register for all unregistered AP settings. Before providers can offer education to children, they should have to register for a Unique Provider Code with the Department for Education and pass a national standards inspection undertaken locally. Once providers pass the national standards inspection, they would be deemed as licensed supplementary education providers and added to a publicly assessable national database of providers, with information on their offer and their quality assurance rating.

Any providers which fail to pass the national standards should also be included on the database, with clear information outlining that they do not meet the necessary standards to provide supplementary education and should not be commissioned.

Any provider which does not register or does not pass the national standards inspection would be deemed an unregistered alternative provider and would be acting illegally. The Ofsted Illegal Schools team should be given powers to intervene in these cases, and the Department for Education should be given powers to close these providers and issue a fine to their owners, where appropriate.

6.2. The case for regulation

Given the important role unregistered settings are playing in the education of some of our most vulnerable children, it is right that we introduce regulation to ensure that these providers are operating to the highest standards.

The Government should introduce national standards for licensed supplementary educational providers. These standards should include: safeguarding, health and safety, the quality of education, and additional relevant information on the extent to which providers improve children's engagement with education, child wellbeing and effective transitions (whether to a school setting or a post-16 destination).

These settings cannot and should not operate like a school, and therefore the expectations on them should be different and should be proportionate to allow small settings to continue to provide innovative educational provision. However, there should be no compromise on the standards for safeguarding and there must still be a coherent system of regulation which allows commissioners and policy makers to understand the value of the provision and the outcomes for children.

This system of regulation should be built upon the pre-existing system of local authority quality assurance. Each local area should have an Independent Quality Assurance Team which sits separately to their SEND or Inclusion Team. This Quality Assurance Team would have to conduct an initial inspection on providers before they are commissioned, and ongoing quality assurance checks on a bi-annual basis.

These inspections should be conducted against national standards set out by the Department for Education. The Department for Education should provide free training and necessary additional resources to local authorities to appropriately staff the new Quality Assurance Teams.

Given the need to transition to this new system, the Department for Education should introduce these measures through a phased approach, giving current providers sufficient time to register and be inspected before the new system is fully implemented and before the ban on commissioning unregistered providers is put in place.

Local authorities would be responsible for quality assuring any provider which has registered with the Department and has a legal address in their local authority. Once a provider registers, the Department would notify the relevant local authority with an instruction to inspect. This inspection should take place within two months of the initial application to the register.

6.3. Improving data quality

The register would also enable the Department for Education to create more accurate data returns on the licensed supplementary education provider market. The quality of the current data held on these settings is much lower than the quality of data collected on schools. Nearly a third of all placements are for undefined “other” reasons, and only 12% of placements have a UK Provider Reference Number (UKPRN) which enables policy makers and researchers to look up more information on the type of placement.

As a consequence, our knowledge about the uses of unregistered AP is limited. This is not acceptable for a market which is catering to 24,000 children, filled by some of our most vulnerable children, many of whom are placed in these settings long-term.

The Department for Education should therefore make use of the new register to improve data quality and develop a better understanding of this market.

Annual data returns to the Department for Education on the use of AP should be completed making use of the Unique Provider Code assigned to each licensed supplementary education provider.

As part of efforts to improve the data held nationally on these providers, the Department for Education should create a typology on the different types of licensed supplementary education providers and should publish market research on this sector.

The Department for Education should conduct research on the “other” reasons for placements in these settings and should provide additional reasons which capture the referral routes underpinning these placements. This should be accompanied by new guidance which makes clear to schools and local authorities the legal referral routes for this provision.

6.4. The need to learn what works

The unregistered AP market has evolved to meet the needs of children who have often had a difficult experience in the school system, however, it has never been clear what the purpose of the unregistered AP system is. There is no nationally unified goal for the system, no objectives, no data collection, and no metrics for child outcomes.

However, for some children the office spoke to in the Attendance Audit, unregistered AP was a welcome and positive experience of education. It helped to rebuild their confidence and love of learning, and provided them an environment in which they could learn.

This report has not reviewed the existing data on the performance of unregistered AP settings, such as Key Performance Indicators from schools or local authorities, because, when commissioned properly, each setting is commissioned to meet a specific need of a given child.

The Commissioner believes that if used well unregistered AP can help children who are the furthest from the school system to reengage with learning and can be a second chance for those who desperately need it. However, there is very little knowledge about what works in unregistered AP. Commissioners often have to make decisions based on what is affordable and available, rather than what is in the best interests of a child.

The Government should commission a review into the different types of unregistered AP and the evidence on what works. The Education Endowment Foundation should evaluate the effectiveness of unregistered AP providers including by type of settings, length of placement, and stage of intervention.

6.5. Better commissioning, centred around children's needs

If high-quality, safe settings are used in an evidence-informed way, they can be transformational for the life chances of children. Licensed supplementary education provision could provide an effective educational intervention for a child for whom a school classroom is currently unable to meet their needs.

However, any placements in unregistered AP should always be monitored, so the commissioner can assess the extent to which the placement is working for each individual child and can make changes if necessary.

Currently, there is no consistent approach to commissioning and monitoring placements in these settings. There is insufficient guidance on when to use this provision and how to use it effectively to prevent needs from escalating.

The Government should introduce a Single Child Plan to coordinate any additional provision for children. This would include the education, health and social care provisions the child requires, and would replace existing EHCPs, child in need plans, and other existing plans for children. Schools should be given commissioning powers to use licensed supplementary educational provision through the Single Child Plan.

A Single Child Plan

A Single Child Plan should be introduced to create coherent system for supporting children with additional needs. That should include as a minimum social care needs and educational needs. As well as detailing support children need in other areas of their lives – for instance with housing, as young carers

The single child plan should be built on the roll out of a consistent identifier. The goal should be to reduce the need for children and families to retell their stories, facilitate information sharing, and enable the provision of genuine multi-agency support.

For children in currently unregistered AP, a Single Child Plan would necessitate that commissioners agree objectives at the start of the placement and agree metrics to assess the progress of the child against their desired outcomes, such as improved wellbeing, engagement with education, or academic targets. Outcomes should always follow consultation with the young person and should reflect their aspirations, wants and needs. Commissioners will have a duty to review placements every 12 weeks.

All commissioners should have a responsibility to initiate a placement in a supplementary education provider within five days, no matter the referral reason. Local authorities should monitor the demand for providers locally and use this to expand provision or inform school improvement locally, where appropriate.

Commissioners would be obliged to use provision which is quality assured and would retain responsibility for implementing the Plan, monitoring the placement, and supporting the provider to reach the child's individual objectives. The Department for Education should issue up-to-date guidance with these responsibilities clearly outlined.

Schools should be made a statutory safeguarding partner and should therefore retain overall responsibility for safeguarding any child that is in supplementary education and on their school roll.

There may be some instances where a child is placed on a school roll but does not regularly attend. If a child is excluded or new to area, they should be placed on the roll of a local alternative provision school, even if they are only attending the licensed supplementary educational provision. In some instances, children would be enrolled in licensed supplementary education provision full time and never expected to attend the school they are enrolled at. This should be documented in the Single Child Plan.

Where it is deemed appropriate for a child to reintegrate to school, the first option should be to reintegrate into the school they are enrolled at, if possible. The transition should be coordinated between the school and the licensed supplementary education provider. In some instances, this may require a gradual reduction of hours in the supplementary provision and a change in the environment in their school setting. The Plan should be clear about what accommodations will be in place during the transition and how professionals will monitor its effectiveness. However, if there is consensus that the child's needs will be better met in a different school, they should be supported to transition to this provider through the appropriate admissions pathway.

6.6. Holding commissioners and quality assurers to account

Under this new system, there would be enhanced responsibilities for commissioners and local authorities as quality assurers. Implemented well, this system will better protect children in licensed supplementary education, will introduce greater accountability for these placements, and will raise standards.

This paper has outlined a new system of regulation for these providers, however, greater accountability for commissioners and quality assurers is also essential. A national standards model implemented on a local footprint will only work if there is a process in place to prevent a postcode lottery in standards.

The Children's Commissioner has long called for the introduction of Ofsted inspections for local authority functions related to education. **Ofsted should begin to inspect local authority quality assurance processes. Ofsted should assess whether local authorities are assessing providers in a timely fashion, with accuracy, and use this knowledge to improve the quality of education for children locally. In their inspections, Ofsted should visit a sample of providers and assess the accuracy of their rating.**

Commissioners should also be held accountable for their role in implementing the Single Child Plan and monitoring the placement. **As part of the local authority SEND inspections and the new school inspections on attendance, safeguarding, and inclusion, Ofsted should inspect the quality of commissioning. Their inspection should include tracking individual cases and assessing the extent to which objectives on the Plan are achieved and refined accordingly. In their inspections, Ofsted should speak to children who have been placed in licensed supplementary education providers.**

Methodology

This report contains new analysis by the Children's Commissioner's office of the Department for Education's School Census and AP Census. The School Census contains information on school commissioned unregistered AP, and the AP Census contains information on local authority commissioned unregistered AP. Both censuses collect similar child characteristic information in similar formats,⁴⁴ and so can be sensibly combined into a single dataset.

Although both censuses have long histories, they have only recently started collecting information on commissioned placements, which limits the oldest years of data available for this analysis: 2017/18 for the AP Census; and 2022/23 for the School Census (data was collected on a voluntary basis in 2021/22). At the time of this report's analysis, the most recent academic year of data was 2023/24.

The School Census happens in each of the Autumn, Spring and Summer school terms. The AP Census happens once a year, on the same day as the Spring School Census. For consistency between the censuses, only the Spring School Census data was analysed.

Children were only included in this analysis if their placement had an entry date, and if (on the day of the census) they either had no leaving date or the leaving date was after the census date. Additionally, children in the School Census had to be on their commissioning school's roll on the day of the census. These filters match filters used by Department for Education in their published statistics on commissioned AP. Checks of the office's dataset confirmed that counts of placements and children matched those in DfE's published statistics.⁴⁵

In both censuses, if the commissioner had not recorded the number of sessions the child attended their placement per week but had recorded their attendance pattern as "full-time", then the office inferred that the placement provided 10 sessions of education per week, as per the documentation for the censuses.⁴⁶ It is important to note though, for this report's analysis, the office defined "full-time" as 6 or more sessions per week (unless stated otherwise) for consistency with operational guidance for practitioners (see Section 4.1).

In both censuses, the child's Income Deprivation Affecting Children Index was joined on by the Lower Super Output Area (or 'neighbourhood') of their home postcode.⁴⁷

In both censuses, the duration of the placement was calculated as the difference between the placement's start and end dates; or, if no end date was recorded, then instead the difference between the placement's start date and the date of the census.

In the AP Census, the commissioner is always the child's home local authority. In the School Census, the office described the commissioning school by the type of that school – a state-funded mainstream, special or AP school – as reported by the school in their School Census return.

Some commissioned placements in the School and AP Censuses are in registered settings. To remove these, the office defined a placement as unregistered if it met at least one of the following conditions:

1. Either the placement setting did not have a URN (URNs are issued to schools when they register with DfE) and a UKPRN; or the setting did not have a URN but did have a UKPRN, and that UKPRN was not in DfE's Get Information About Schools database of registered schools⁴⁸
2. The placement had a URN, and the URN was of a registered provider of further education, and the child was aged 15 or under at the start of the academic year

While the first condition aligns with the definition used in DfE's published statistics on commissioned AP, the second is an innovation by the office. As providers of further education are only registered to provide education to individuals aged 16 and over, it is the office's view that commissioned placements for children of compulsory school age within registered providers of further education only should be treated as unregistered.

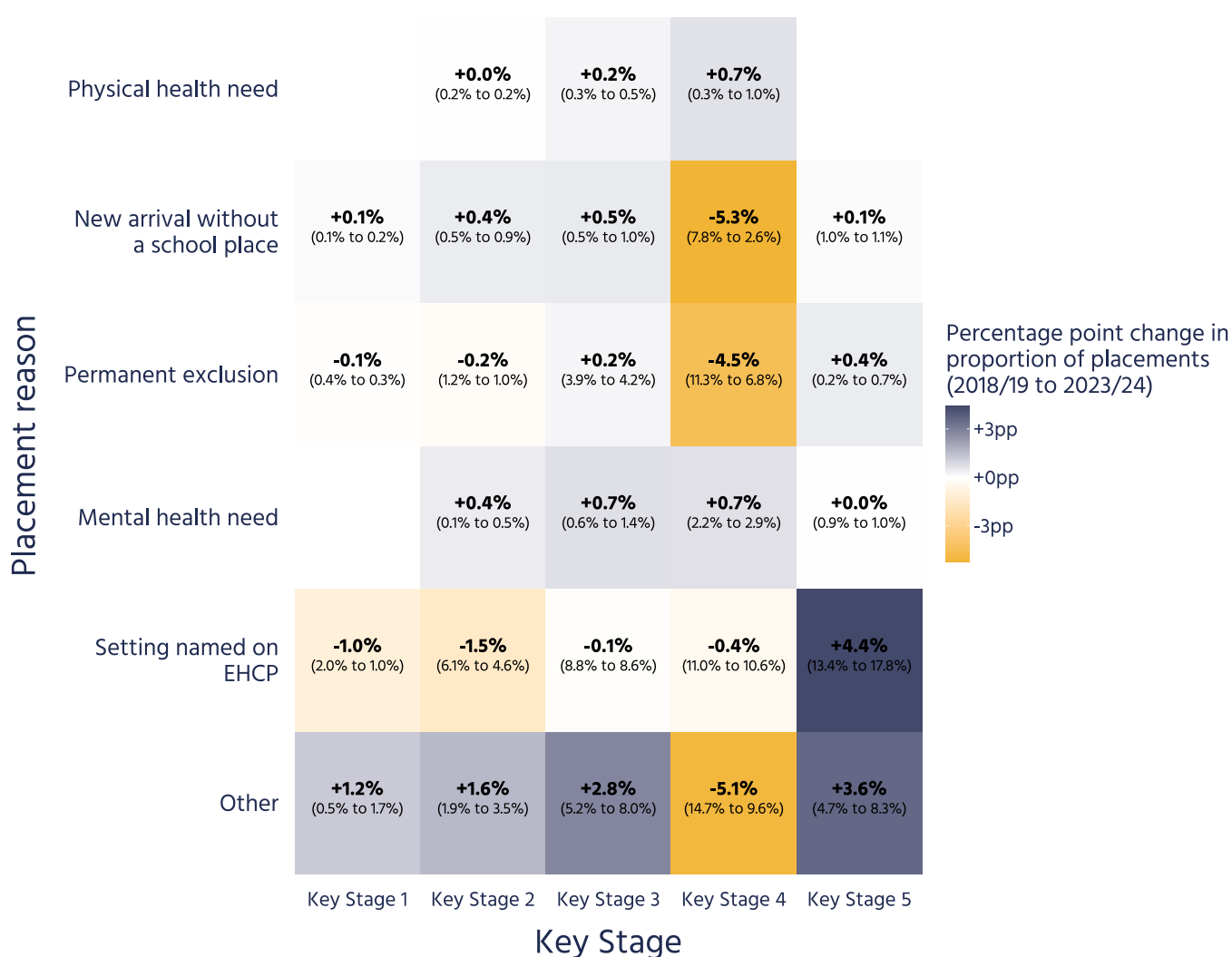
All analysis of unregistered AP data in this report uses placement-level data. Because a child can have multiple placements, this means that some children will be counted more than once in calculations.

For Education Other Than At School (EOTAS), local authorities are not asked in the AP Census to record if a placement is for EOTAS or not, and there is no standardised definition of how to derive if a placement is EOTAS from information which is recorded. For the purposes of this analysis, the office defined a placement as being for EOTAS if the placement reason was "setting named on EHCP".

For the office's desk-based research of unregistered APs with a UKPRN, the 29 unregistered APs were chosen at random.

Annex A. Changes in the market by placement reason and child characteristic

Figure A1: Change in the proportion of placements in local authority commissioned unregistered AP by the placement reason, and by the Key Stage of the child, 2018/19 to 2023/24



Note: Blank cells either never occurred or have been suppressed for the purposes of statistical disclosure control. Children not in Key Stages 1 to 5 were entirely excluded from the calculations for this graph.

Figure A2: Change in the proportion of placements in local authority commissioned unregistered AP by the placement reason, and by the gender of the child, 2018/19 to 2023/24

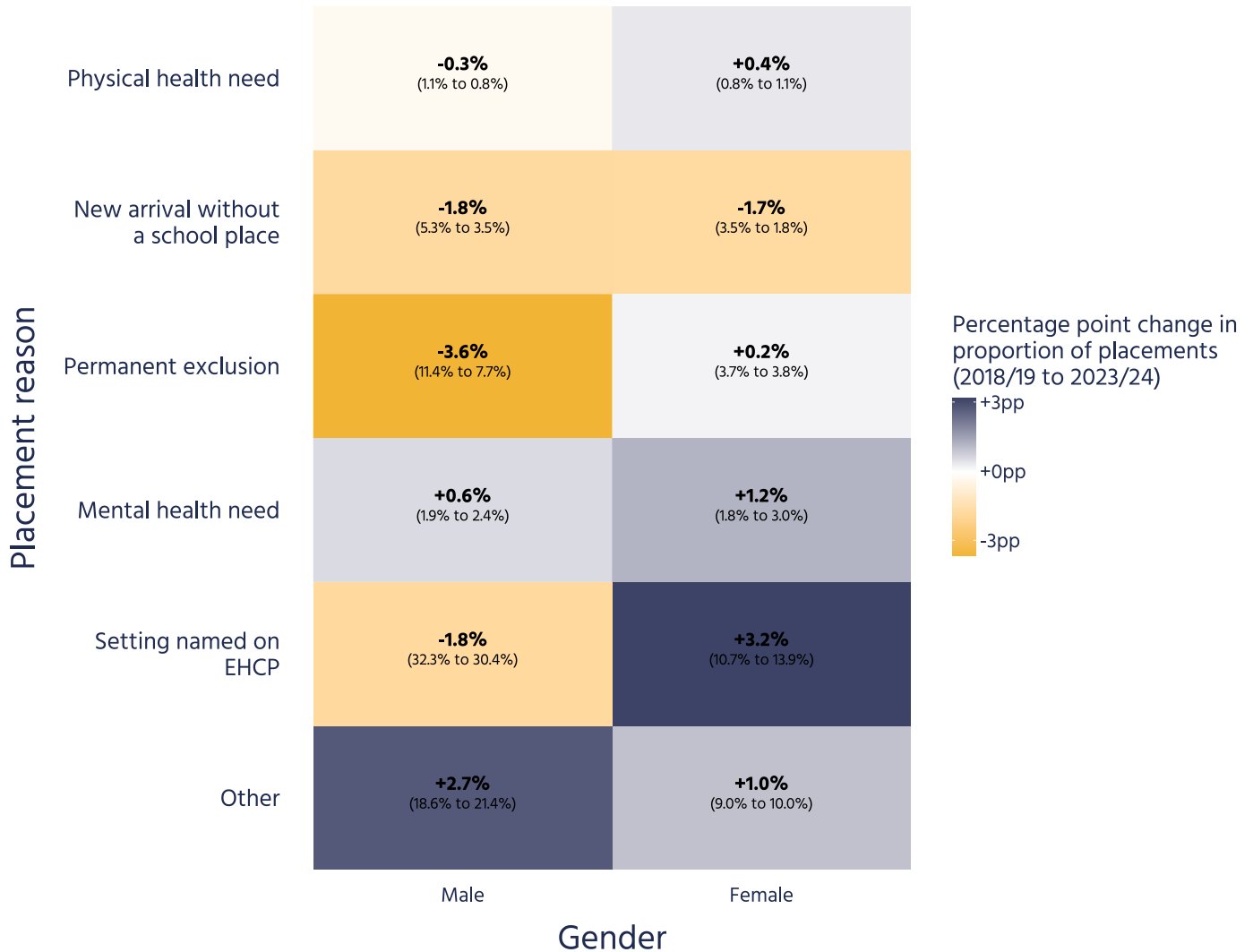
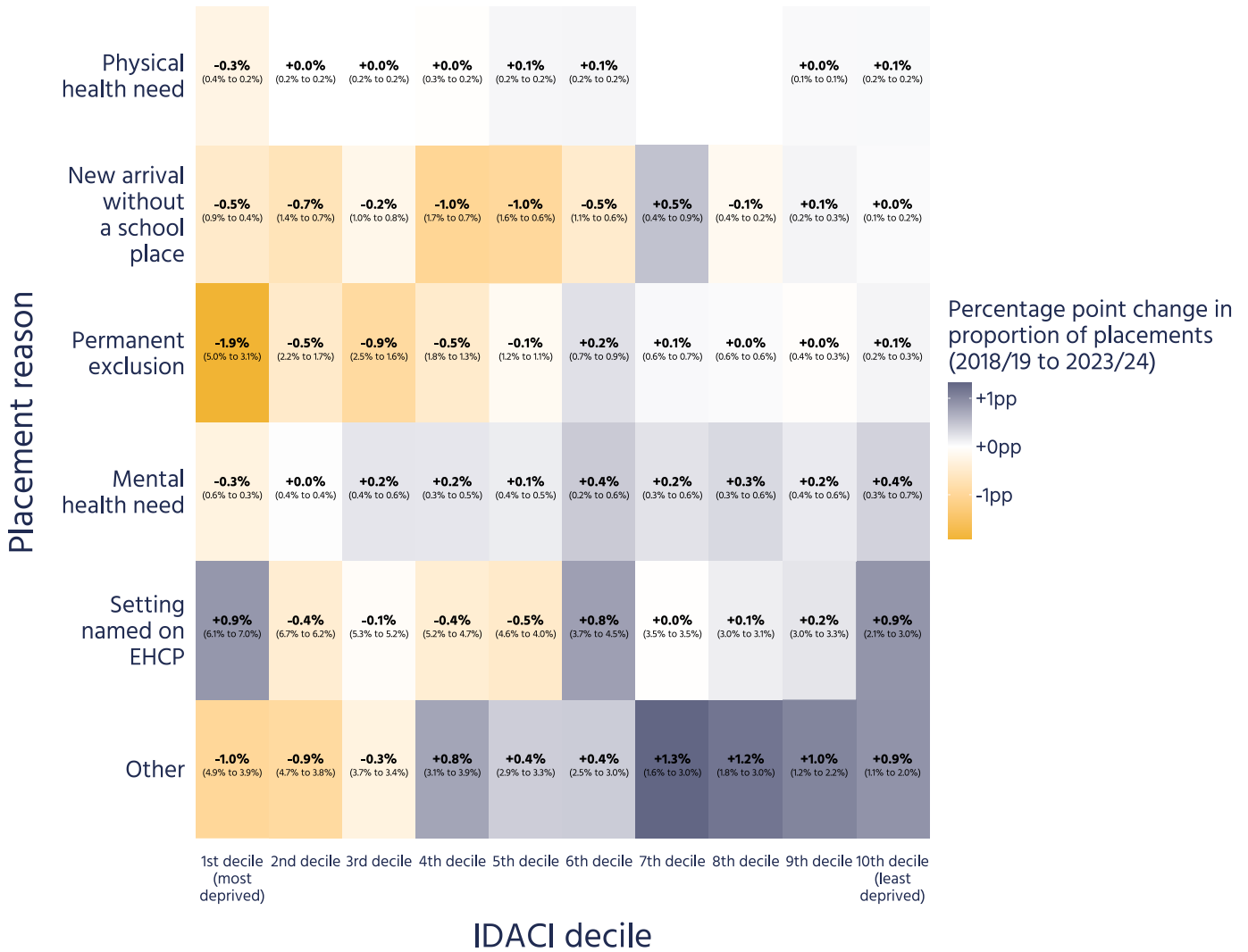


Figure A3: Change in the proportion of placements in local authority commissioned unregistered AP by the placement reason, and by the Income Deprivation Affecting Children Index of the child's home neighbourhood, 2018/19 to 2023/24



Note: Blank cells either never occurred or have been suppressed for the purposes of statistical disclosure control. Children with missing IDACI data were entirely excluded from the calculations for this graph.

Figure A4: Change in the proportion of placements in local authority commissioned unregistered AP by the placement reason, and by the SEN provision of the child, 2018/19 to 2023/24

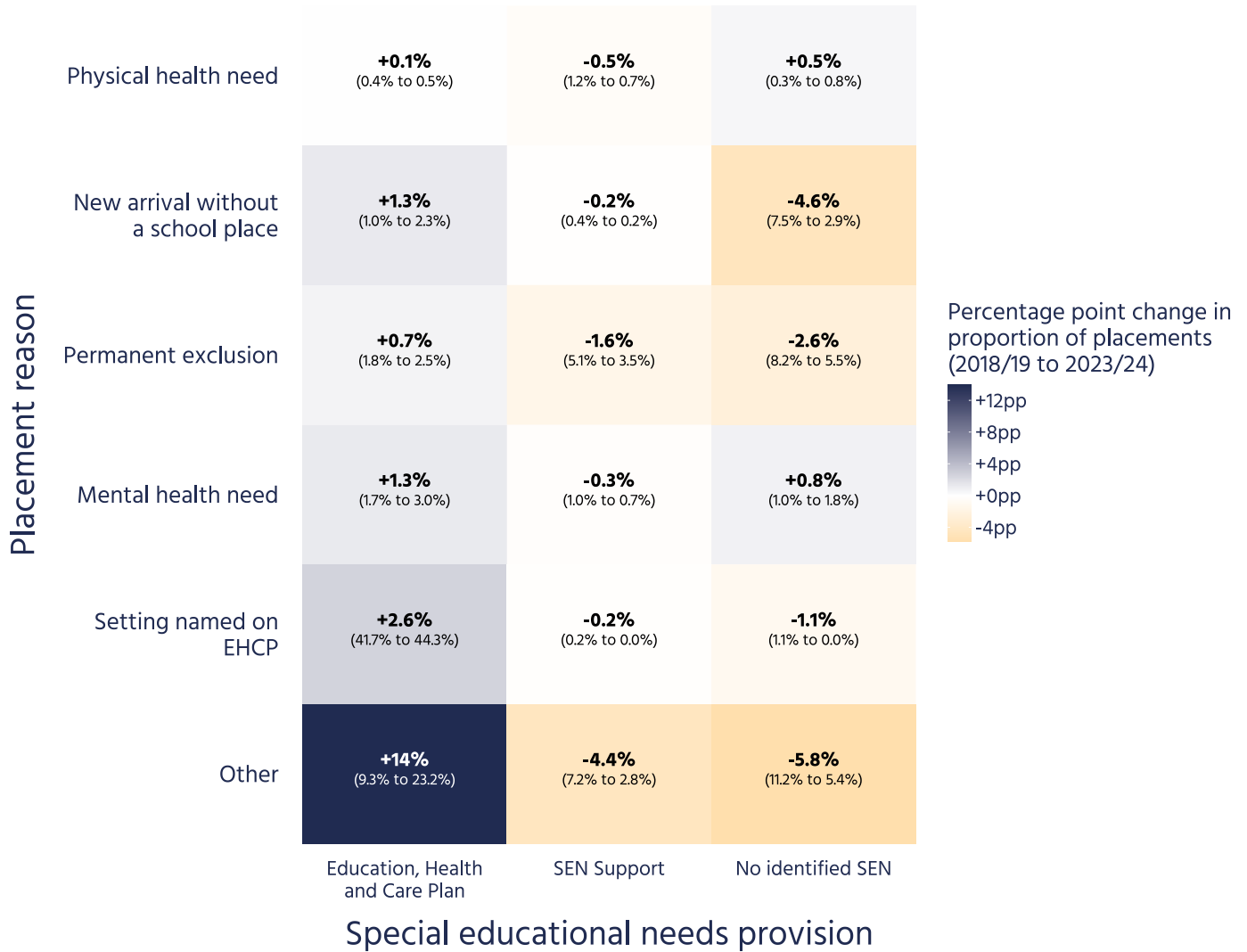
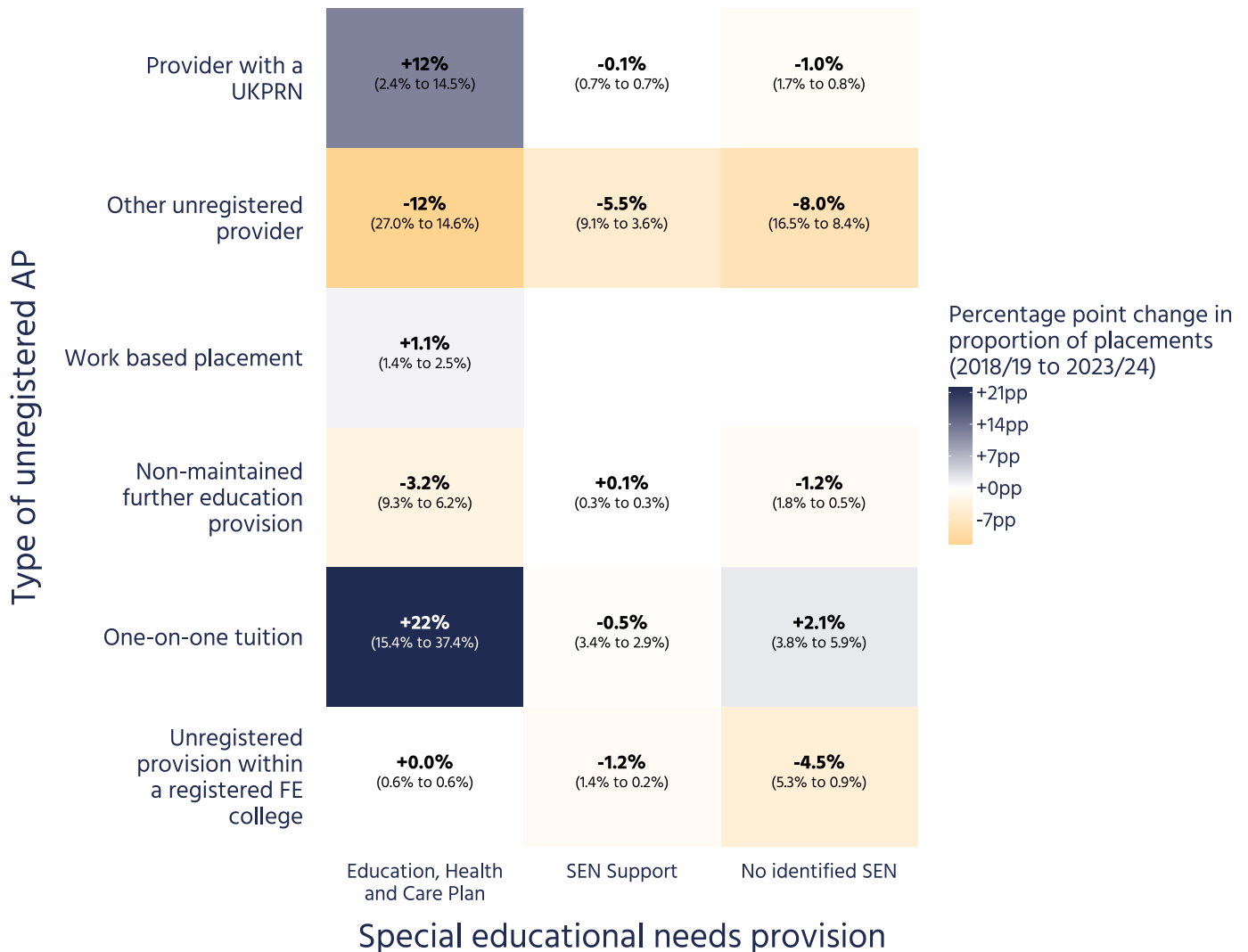


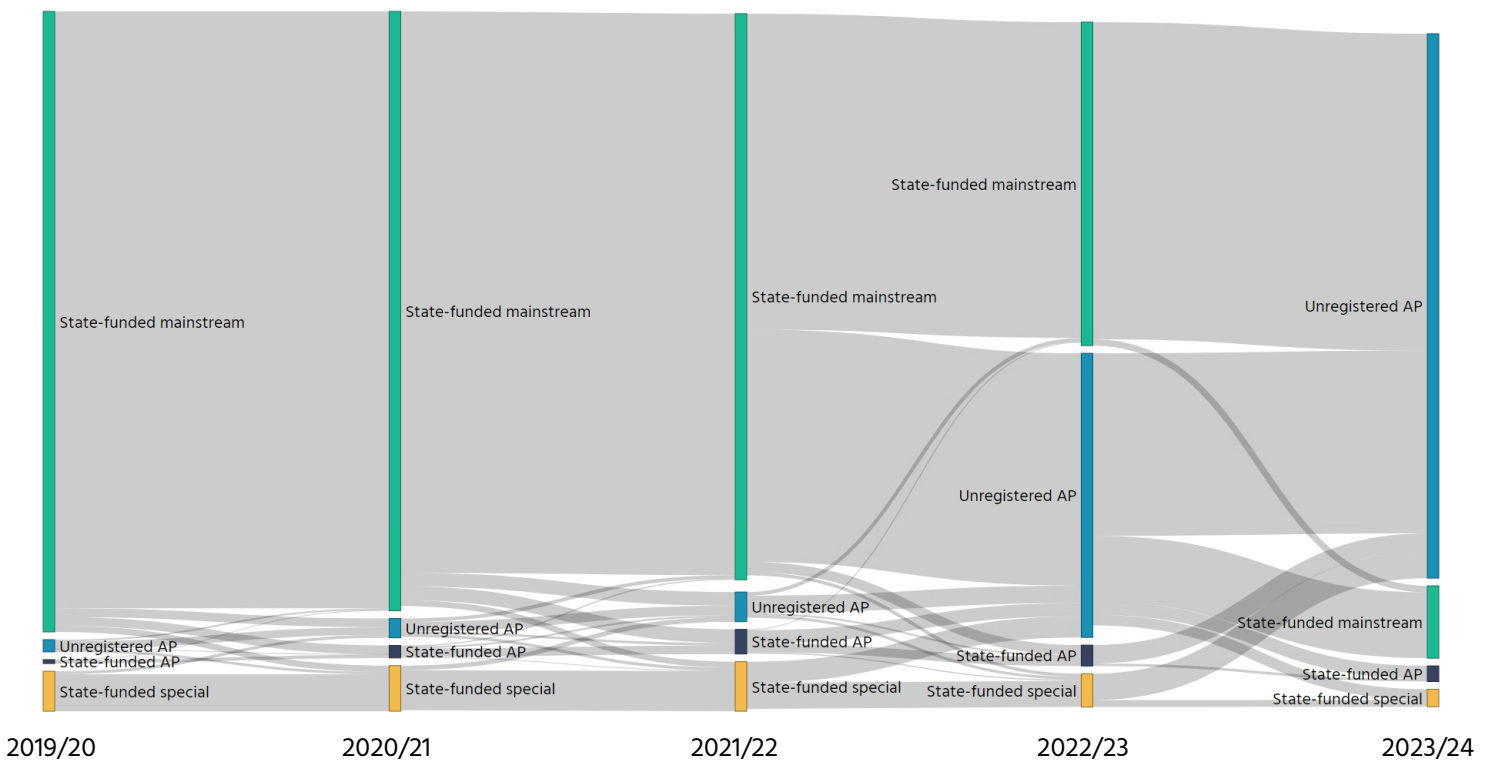
Figure A5: Change in the proportion of placements in local authority commissioned unregistered AP by the type of unregistered AP, and by the SEN provision of the child, 2018/19 to 2023/24



Note: Blank cells either never occurred or have been suppressed for the purposes of statistical disclosure control.

Annex B. Flows of children into and out of unregistered AP during their time in secondary education

Figure B1: Flows of children between unregistered AP and state-funded schools (state-funded mainstream, special and AP), of children who were ever in unregistered AP between 2019/20 (left) and 2023/24 (right), and who were in Year 7 in 2019/20



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