

Consultation

Launch Date 20 May 2004

Respond by 12 August 2004

Commissioning Alternative Provision

This guidance suggests a framework to support LEAs in commissioning, monitoring and quality assuring alternative provision. It also provides a statement of minimum standards for alternative provision, and suggests ways in which LEAs can promote good quality. It provides model forms and procedures for LEAs to adapt to fit their own circumstances.

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Commissioning Alternative Provision

A Consultation

To LEAs, Schools, PRUs, Other

Issued 20 May 2004

Enquiries To If your enquiry is related to the policy content of the consultation you can contact Elizabeth Rouse on:

Telephone: 020 7925 5812

e-mail: Elizabeth.ROUSE@dfes.gsi.gov.uk

Contact Details

By post to:

Elizabeth Rouse
Area 5
Department for Education and Skills
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Alternatively:

via e-mail to: Elizabeth.ROUSE@dfes.gsi.gov.uk, or telephone:
020 7925 5812

Foreword from David Miliband

We have a wide ranging agenda to improve opportunities for all children and young people. Part of this agenda is to open up curriculum design and delivery to enable other, inclusive, forms of learning – including work based learning. Our Strategy for 14-19 year olds, which was published on 21 January 2003, announced our vision for transforming the learning experience for all young people, to allow them the freedom to follow programmes that meet their needs. The Working Group on 14-19 Reform (the Tomlinson Review) is due to report in the summer, when the Qualifications and Curriculum Authority (QCA) is also due to publish guidance on curriculum design for alternative education programmes for young people at Key Stage 4.

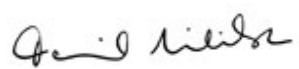
This paper, “Commissioning Alternative Provision: the role of LEAs”, which is concerned with improving education for young people who are being educated otherwise than at school, is an important part of our agenda. For the first time, we have set out clearly, in one place, the standards that we expect all Alternative Provision to meet, and suggest practical methods that LEAs can adopt to drive up standards and ensure quality.

Our early work on at improving the education for this group of young people was focused on ensuring that all pupils who have been permanently excluded from school received a suitable full time education. Now that most LEAs are meeting that target, we are turning attention to the quality of the education received by pupils in education otherwise than at school. This will be of increasing importance to schools as the new Key Stage 4 curriculum flexibilities mean that an ever increasing number of pupils are likely to receive education outside mainstream schooling, either organised by schools or the LEA. Alternative Provision is no longer only appropriate to the small number of pupils who have been excluded or who are at risk of disaffection.

From the evidence that we obtained from the [Alternative Provision survey](#) the DfES commissioned last autumn (insert hyperlink), we confirmed that most Local Education Authorities (LEAs) use a variety of providers for providing education to young people other than at school. And, whilst there is a wide range in the type of provision offered, LEAs have a responsibility to ensure that appropriate standards are met and maintained by all providers, to ensure the highest possible quality provision for those pupils.

This draft guidance offers advice on commissioning, monitoring and quality assuring Alternative Provision which is drawn from existing good practice within some LEAs. It was prepared in consultation with a wide ranging group of practitioners. It provides examples of good practice, as well as model forms, contracts and procedures that some LEAs are already using, and which can be adapted by others to fit their own circumstances. We are now seeking views from all LEAs, teachers in charge of Pupil Referral Units and others with an interest in the field.

I look forward to seeing your comments.

A handwritten signature in black ink, appearing to read "David Miliband". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

David Miliband
Minister of State for School Standards

1 Executive Summary

- 1.1 LEAs use a variety of different providers to fulfil their responsibilities to provide suitable education for young people otherwise than at school. Although this provision may take place in a variety of settings and may appear very different from the outside, there are some common requirements, laid down by legislation and good practice, which should be applied by all LEAs when commissioning provision and monitoring pupil placements.
- 1.2 This guidance suggests a framework to support LEAs in commissioning, monitoring and quality assuring alternative provision, and provides some model forms and procedures for LEAs to adapt to fit their own circumstances. These have been developed from examples which are currently in use by LEAs.
- 1.3 It provides a statement of minimum standards for alternative provision, and suggests ways in which LEAs can promote good quality in this provision under 4 broad headings:
 - a) Strategic Planning and Coordination
 - b) Commissioning Provision
 - c) Placement of Pupils
 - d) Monitoring and Quality Assurance
- 1.4 This guidance is being issued in parallel with Guidance for LEAs: PRUs and Alternative Provision, which brings together and updates guidance on PRUs and Alternative Provision in Circular 11/99 and other sources. These 2 documents are intended to be living documents, and will be available on the Teachernet website at [Guidance for LEAs - PRUs and Alternative Provision](#) and [Commissioning Alternative Provision - The Role of the LEA](#). Over time, the examples of LEA documentation will be expanded, along with the addition of examples of good practice. Hyperlinks are included in both documents to enable access to more detailed information.
- 1.5 We are very grateful to the LEAs who have generously contributed to the production of this guidance, through sharing examples of local practice and in shaping its format and content. In particular, we would like to acknowledge the contribution made by LEAs who participated in pathfinder activity in 2003, and by the IBAP Reference Group and the informal reference group of PRU and LEA colleagues who have commented on early drafts.
- 1.6 The LEAs involved in the pathfinder activity were: Birmingham, Cornwall, Hackney, Hartlepool, Manchester, Oxfordshire, Redcar and Cleveland, Waltham Forest and

Worcestershire. A number of colleagues in these LEAs also contributed to development of this guidance, along with PRU and LEA officers from Barnet, Brighton and Hove, Gloucestershire, Havering, Kirklees, Slough and Tower Hamlets.

- 1.7 Preliminary consultation has also been held with a wide range of organisations, including the IBAP Reference Group, which includes representatives from all the teaching unions, LEA representatives, Ofsted, LGA, ConFed, and other interested parties.

2 Background and Context

- 2.1 LEAs use a variety of organisations to provide education outside mainstream schools (Alternative Provision [AP]). Some LEAs have asked for clarification and guidance on how to commission, monitor and quality assure AP. This guidance, which has been prepared in consultation with a number of LEAs, sets out, for the first time, minimum standards for LEAs to follow, and also offers model forms and procedure, and is intended to offer practical help to all LEAs.

3 The Proposals

3.1 Minimum Standards

The minimum standards outlined below are derived from the revised framework for the inspection of local education authorities published by Ofsted and the Audit Commission, which came into effect from January 2004. These apply to all alternative provision including that which is provided by the LEA itself through pupil referral units, home tuition and other provision:

- The LEA's strategy and planning are based on an up-to-date audit of need in the local area
- Schools are provided with information about the LEA's provision for pupils who, by reason of illness, exclusion or otherwise, are educated other than at school (EOTAS)
- Guidance has been provided to schools about their use of Alternative Provision for pupils who remain on the roll of schools
- The LEA maintains a database which contains an up-to-date list of the pupils who are educated otherwise than at school, with details of their current educational placement and provision

- The LEA has procedures for following up children of school age who may not be on the roll of a school or who are unable to attend school because of medical conditions
- Clear referral systems exist for accessing LEA provision in PRUs or other alternative provision, and ensuring appropriate admissions. [See the Guidance for LEAs](#)
- The LEA satisfies itself that providers have appropriate insurance and has procedures to monitor the health and safety, and to safeguard the welfare, of pupils in Alternative Provision
- The LEA monitors attendance and attainment of pupils in Alternative Provision and uses the results of monitoring to improve provision
- The LEA has arrangements for monitoring standards and quality assurance of alternative provision
- There is a system for supporting pupils transferring at the end of their statutory education
- Costs of making provision for EOTAS pupils are shared with head teachers
- Procedures have been agreed between the LEA and other agencies to exchange information and to ensure that pupils of school age who are not on the roll of a school or who are unable to attend school because of medical conditions are identified

3.2 In addition, LEAs should satisfy themselves that their EOTAS provision offers a curriculum that supports pupils' continuing education, enabling them to make progress and to return to mainstream education or training wherever possible.

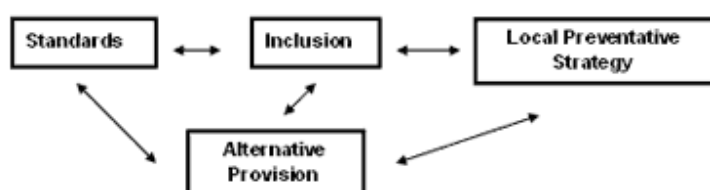
3.3 Effective collaboration with schools and local agencies is a pre-requisite of providing an appropriate range of Alternative Provision that is of high quality and meets the needs of all pupils who need to access it.

4 Strategic Planning of Alternative Provision

4.1 Provision for children and young people outside mainstream settings should not be seen in isolation from LEAs' core policies on school improvement and promoting inclusion. In order to fulfil responsibilities in full, it is recommended that LEAs draw up an over-arching strategy for this area of work that:

- Makes clear the relationship between policies relating to alternative provision and other LEA policies
- States what provision is available for children educated otherwise than at school
- Articulates local approaches to prevent children becoming disaffected or requiring to access Alternative Provision for other reasons
- Recognises the importance of co-ordination of action involving several agencies, and supports collaboration with Children's Services, Health, and Connexions (and others)

4.2



4.3 It is suggested that the over-arching strategy for alternative provision also refers to the LEA's approach to personalised learning and its strategy on 14– 19 curriculum flexibilities and curriculum and qualifications reform, so that there is clarity about the relationship between these strategies.

4.4 In common with other strategies, LEA strategies for Alternative Provision will only be fully effective if they are linked to processes of challenge and ongoing review. The high proportion of vulnerable children in alternative provision makes it even more important that local strategies are integrated with other strategies and plans and that the impact of local policies on patterns of admission to Alternative Provision is monitored, and challenged where necessary.

4.5 One approach to strategic monitoring might be to develop a process of audit and review based on the requirements placed on LEAs to demonstrate compliance with the Race Relations Amendment Act 2000. This places specific responsibilities on LEAs to monitor provision in terms of ethnicity. A similar approach can be taken by monitoring uptake by all groups so that LEAs are in a position to demonstrate the impact of local policies. In taking this approach, LEAs will need to establish a baseline on Alternative Provision, including the nature and range of local providers, the characteristics of pupils who access it, and their pace of their learning (including outcomes). This can then provide a basis for developing local impact measures to enable progress to be assessed.

4.6 Information gleaned from audit and monitoring trends can be used very effectively to inform local understanding of the demand for Alternative Provision, the reasons behind this, and any emerging trends or issues. It will also inform local reviews of policies on admission and reintegration and will be relevant to LEA's wider SEN and

inclusion policies. Ofsted expects standards, results, trends and costs of Alternative Provision to be routinely reported to elected members and other stakeholders, including schools and other providers. There is evidence to suggest that sharing the baseline position and regular reporting of trends can be a powerful source of influence in discussions with elected members and the local education community.

4.7 Examples of how impact measures can be used to monitor inequalities in relation to Alternative Provision are provided at **Appendix A of the guidance for LEAs**.

5 Commissioning Provision from External Providers

5.1 Most LEAs provide some suitable education for pupils out of school through placement in PRUs or similar LEA managed provision. It is important that all provisions directly managed by LEAs are registered with the DfES as PRUs and that changes to local arrangements are also notified promptly. Information about statutory requirements to register all provision, and how to do this are provided in Sections **4.2 – 4.4** and **4.47 – 4.48** of the [Guidance for LEAs](#).

5.2 A number of LEAs also use external providers to increase the range and volume of provision available. External providers may include FE colleges, work-based learning providers, voluntary and community groups, and provision organised by other statutory services. Use of external providers can be a useful supplement to LEA provision, particularly in meeting the needs of individual children or groups of pupils, and in responding to fluctuations in the demand for provision outside schools. However, it is essential that LEAs develop secure mechanisms that:

- ensure that provision meets minimum standards
- establish that the education offered is of acceptable quality
- safeguard the welfare of young people
- makes clear to providers what is expected of them
- ensure external providers are resourced sufficiently to meet the needs of young people
- provides robust reporting of progress (particularly in relation to attendance)

5.3 In placing pupils with external providers, LEAs (or schools whilst pupils remain in roll) remain accountable for the quality of education and have core responsibilities in relation to these pupils that cannot be delegated. These include, amongst others, responsibilities for health and safety, duties towards disabled pupils under the Disability Discrimination Act 1995, duties under the Race Relations (Amendment Act) 2000, and duties in relation to children with statements of SEN and children in

public care. In addition, the LEA has an ongoing duty of care towards all pupils within its area.

5.4 LEAs should therefore have written documentation (through a contract or service agreement) that provides a clear framework within which pupils are placed with external providers. The basis on which pupils are admitted to Alternative Provision should also be made clear, with information about admission arrangements being made available locally. LEAs should also ensure that contractual arrangements with external providers and for admission of pupils are consistent with local policies and with statutory requirements to promote equality of access by all groups.

5.5 Checklists are provided as Appendices covering:

- Basic activities to be undertaken when commissioning from external providers
- Items to be included when drawing up a Service Level Agreement (or similar contractual document)

6 Placement of Pupils

6.1 Lower standards should not be applied to placement of pupils with external providers than those applied when admitting pupils to LEA provision. Good practice identifies a number of features common to all forms of provision. These are particularly relevant in placing pupils who have experienced difficulties in their previous school careers. Key features of good practice include:

- Comprehensive referral arrangements, including information on:
 - Attainment
 - Social circumstances
 - Behaviour
- Initial pupil assessment
- Partnership with parents
- On-going planning for individual pupils
- On-going liaison, as appropriate, between provider / schools / LEA
- Information about past education records / individual support needs
- Pupils have opportunities to attain a range of qualifications

- Regular access to services such as Connexions
- Individual Reintegration Plans
- Arrangements for reporting on attendance and progress
- Strategic exchange of data analysis to ensure that local stakeholders are kept informed about trends

6.2 Checklists for commissioning Alternative Provision from external providers, developed from current practice in LEAs, are provided at **Appendices B, C and D** of the [Commissioning Guidance](#).

7 Monitoring and Quality Assurance

7.1 Data Collection (7.1 - 7.2)

The collection and sharing of data is a key tool for monitoring provision and assessing the impact of local policies. In using data as a monitoring tool, LEAs will need data across a range of measures, including:

- Pupil characteristics:
 - o Age
 - o Ethnicity
 - o Gender
 - o Whether SEN or statemented
 - o Other individual characteristics (e.g. child in public care)
 - o Reason for admission
 - o Placement
- Attendance
- Attainment and outcomes
- Destinations post 16

7.2 Collection of data also enables LEAs to benchmark, to make judgements about cost effectiveness of provision and to track the progress of individual pupils.

Mechanisms for quality assurance

7.3 LEAs have ongoing responsibilities towards pupils placed in Alternative Provision. Mechanisms should therefore be in place to assure the quality of provision delivered through external providers. In line with established practice for inspection in other areas of education, it is recommended that these be based on a system of self-assessment and development planning, linked to on-going liaison and review. Headings to be covered through self-assessment include:

- Achievement and standards
- The quality of education and training
- Leadership and management
- Staff development and training
- Links with other agencies
- Arrangements for progression

7.4 Examples of questions to be posed under these headings are provided at **Appendix G** of the [Commissioning Guidance](#).

8 How To Respond

8.1 Responses can be sent by email to: Elizabeth.ROUSE@dfes.gsi.gov.uk,
by fax to: 020 7925 5086,
or by post to Elizabeth Rouse, Level 5D,
Department for Education and Skills, Sanctuary Buildings,
Great Smith Street, Westminster, London, SW1P 3BT.

If you have any queries regarding the issues raised by this consultation or the consultation process please contact Elizabeth Rouse.

9 Plans for making results public

9.1 We will make comments available one month after the closure of the consultation exercise.