

Alternative Provision Commissioning Strategy



1. Introduction

The purpose of this Alternative Provision Commissioning Strategy for the City of York sets out:

- the statutory responsibilities relating to the commissioning of alternative provision places,
- the range of alternative provision that is available in York and;
- the key priorities to improve the range of provision available.

The creation of additional alternative provision places is just one part of our wider SEND Strategy to support mainstream inclusion, where appropriate, and deliver strong and robust SEND processes to ensure the Local Area SEND Partnership meets the needs of all children in York.

The aims of this Alternative Provision strategy are to promote:

- An inclusive education system with effective early intervention, supported by a skilled workforce able to access additional support when it is needed;
- To provide high quality alternative provision locally, operating alongside mainstream and special schools to meet the needs of York pupils for some or all their education;
- To create a shared understanding with parents/carers, schools and providers about when alternative provision may be appropriate, what is available in York, and how it can be accessed;
- To commission for outcomes using our SEND outcomes framework to ensure that children and young people are able to achieve secure destinations
- To identify the gaps in alternative provision in York and identify the key priorities for development.

2. The National Context

The Government's SEND and AP Improvement Plan sets out the Government's proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives. The paper seeks to establish a new national SEND and alternative provision system setting nationally consistent standards. The Plan recognises that at their best, alternative provision schools are experts in supporting children and young people whose behaviour or other needs can present a barrier to learning, but, has also

identified that too often the role of alternative provision is unclear, and it is used too late or in a way that is not best focused on children's individual needs. To address these barriers the Plan seeks to create a three tier AP system that focuses on:

- Targeted early intervention in mainstream;
- Time limited intensive placement in AP settings;
- Longer term placements to support the return to mainstream or sustainable post 16 destinations.

The Education Act 1996: Section 19 places important statutory responsibilities on local authorities for supporting children and young people. This is a vital role that Local Authorities retain in an increasingly school-led education system and one that requires long-term strategic planning, informed by detailed local knowledge enhanced through consultation with parents and carers, and good relationships with local school.

The Local Authority must ensure that it has systems, services and alternative provisions, which will enable it to discharge its statutory responsibilities and do the right thing for children, ensuring that where possible, children can be supported to receive their education through regular attendance at school. Where this is not possible, and/or they require access to alternative provision, there must be sufficient suitable and local places available that can be accessed by schools and the Local Authority to meet their duty to ensure that all children can receive a suitable full-time education.

3.What is alternative provision (AP)?

Alternative provision (AP) is where children and young people of compulsory school age can receive their education if they aren't able to remain in their school some, or all of the time. This can be for health reasons, exclusion, or because they need some additional support beyond that which can reasonably be offered by their school.

4.Local Authority Statutory duties

The Local Authority has a statutory duty to make arrangements for the provision of suitable education at school, or otherwise, for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it unless such arrangements were made (The Education Act 1996: Section 19 and DfE statutory guidance on Alternative Provision 2013).

This is a comprehensive duty, which is normally fulfilled through children having access to and regular attendance at mainstream and special schools. In some circumstances this may not be the case and the local authority is then required to act and ensure that alternative provision is in place.

This duty applies equally where a child is known to be on the roll of a school but not accessing their education:

- Section 19 Education Act 1996 places a duty on local authorities to provide suitable alternative education for children of statutory school age who cannot attend school because of illness, exclusion or 'otherwise'.

- The courts have found that 'otherwise' is intended to cover any situation in which it is not reasonably possible or practicable for the child to take advantage of existing suitable schooling.

- The DfE guidance for Children Missing Education says that when the reason why a child has stopped attending a school is not known, the Local Authority should investigate the case and satisfy itself that the child is receiving suitable education.

The Section 19 duty covers all compulsory school age children irrespective of their needs and the reasons leading up to them. These groups include:

Excluded pupils : Permanently Excluded Children – The Local Authority is required to provide full time education from the sixth day of exclusion for permanently excluded pupils and for pupils who are suspended from a pupil referral unit for a fixed period of more than 5 days.

Medical reasons: Children unable to attend their provision due to medical reasons (normally where the absence is likely to exceed 15 days)

Other: ('situation in which it is not reasonably possible or practicable for the child to take advantage of existing suitable schooling'.)

In York we have created a local partnership which has ensured that the Local Authority and schools work together, in the best interests of all children, within an inclusive education system. The alternative provision offer running alongside mainstream and special schools must be flexible, clear and coherent, containing sufficient high-quality places and support to meet the needs of pupils when they need it.

The Local Authority is confident that schools will always take all necessary action and appropriate measures to support the children on their roll to have access to and engagement in full time education. This will include the commissioning of off-site professional services and short or long-term alternative provision placements.

Depending on the reason a child requires alternative provision, placements may be commissioned and funded by either local authorities or schools. It is generally expected by government that schools commission and fund AP placements for pupils on their roll where it is necessary to ensure such children receive a suitable full-time education.

Local authorities would generally be responsible for funding provision for excluded pupils and pupils that do not have a school place. It is up to the school or the local authority to determine the most appropriate alternative provision for the child, but they should take account of the views of the child, their parents and other professionals.

5. Alternative Provision and Places

The Local Authority and School Community in York are committed to working together to maximise the opportunities for early intervention and prevention to support the achievement and progress of children where there are concerns about their social and emotional wellbeing. We recognise that there are circumstances which impact on the ability of certain children and young people to thrive in mainstream schools at certain times in their journey through education and that this requires the commissioning of high -quality alternative and specialist provision to meet their needs

a) The Danesgate Community

The Local Authority commissions **190 places** from the Danesgate Community. The Danesgate Community is a registered Pupil Referral Unit maintained by the Local Authority. The Danesgate Community provides a flexible mix of provision which includes early intervention through its outreach service, short stay PRU places through and long term provision for children and young people who have been permanently excluded from school. It has also developed specialist SEMH provision for children and young people with education, health and care plans (EHCPs). In the last 4 years the numbers of pupils with EHCPs has increased and they now take up the majority of the long term places at Danesgate. The Local Authority is required to approve the use of all commissioned places for children who are resident in the City of York prior to acceptance into the Danesgate Community.

b) The City of York AP Directory

Local authorities and schools acting as the commissioner must assure themselves that the setting is registered where appropriate, and delivered by high quality staff with suitable training, experience and safeguarding checks. The City of York Council has developed **an alternative provision directory** and has implemented a quality assurance framework which is applied to all providers appearing in the AP Directory. Schools are assessed during all section 5 Ofsted inspections to determine how effectively they ensure that the AP they use is safe for children, and that those children are making progress and behaving and attending well.

Schools in York are increasingly commissioning places from the alternative provision directory. The City of York has a range of unregistered AP providers represented in the AP Directory. The quality assurance process is ensuring that the LA has robust oversight of the unregistered providers that it directly commissions, however the plan is to ensure that the quality assurance framework moves from compliance checks to focus more strongly on outcomes and destinations. This will result in the development of case studies to track both the short and longer term impact of alternative provision for individual children and young people.

This emphasis on outcomes will underpin all commissioning decisions by the LA.

c) The Home Tuition Service

This service currently provides 1-1 learning to children mostly at home and is delivered by teachers and teaching assistants employed by the Council. Most of the pupils taught by this service are considered unable to attend school due to their health needs. The service works with schools and a range of other professionals with the aim to support a return to school. Some children with complex needs receive home tuition whilst awaiting specialist provision to be identified as part of the EHCP process.

6. Funding for Alternative Provision

The SEND and AP Improvement Plan signals the intention for Special Educational Needs provision and alternative provision to be more closely aligned. Further details are needed to assess the implications of this in the future. Currently, funding for alternative provision is from the High Needs Block (HNB) part of the Dedicated Schools Grant (DSG). There is no separate funding allocation to support the delivery of alternative provision. The HNB block funding allocation is used primarily to support provision for 0-25 year-olds with special educational needs and disabilities (SEND). The funding for alternative provision is “fixed” – there is no adjustment to the HNB grant for changes in numbers in those attending alternative provision, whereas for special needs places, the HNB grant varies depending on the number of pupils in special schools.

The underlying trends of rising spending due to a combination of more pupils, pupils with greater needs and the placement of pupils in independent provision has created significant pressure on the High Needs Budget.

An important focus of this commissioning strategy is to work with schools, through School’s Forum, to clarify relative responsibilities in funding alternative provision placements and review systems to eliminate double funding.

7. Entry and Exit into Alternative Provision

Alternative provision (AP) is for children of compulsory school age for whom their mainstream or special schools is not able to meet their needs at a particular point in time and who would not otherwise receive suitable education. It should be viewed as a continuum of provision founded on a principle of early identification, intervention, and access to timely and appropriate support as part of the city’s graduated response.

8. Commissioning Priorities 2023-25

1. Ensuring the sufficiency of primary and secondary alternative provision through the development of additional SEMH resource base places by September 2024.
2. Review and develop the Danesgate SEMH outreach service to focus on early identification and modelling of evidence- based interventions to build capacity in mainstream.
3. Further develop local authority quality assurance of AP to provide evidence of the impact on outcomes and destinations for children and young people.
4. Work with School's Forum, to clarify relative responsibilities in funding alternative provision placements and review systems to eliminate double funding.

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