



Commissioning Alternative Learning Provision Advice for Schools, Commissioners and Alternative Providers September 2019

This document is based on statutory guidance and provides a set of guiding principles that Bristol schools should follow to ensure that children and young people benefit from high quality provision which is safe, secure and appropriate to their individual needs. Relevant guidance and documents are **bold & underlined** where linked to an external source.

Planning and Commissioning Alternative Provision (AP)

1. What is Alternative Provision?

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

Schools can use such provision to try to prevent exclusions, or to re-engage pupils in their education. Pupil referral units are themselves a form of alternative provision, but many pupils who are on the roll of a pupil referral unit also attend additional forms of alternative provision off site.

2. What Schools Should Know

Responsibility for the alternative provision used rests with the school commissioning the placement. Commissioning schools should carefully consider what providers are available that can meet the needs of their pupils, including the quality and safety of the provision, costs and value for money.

A personalised plan for intervention should be prepared by the commissioner setting clear objectives for improvement and attainment, timeframes, arrangements for assessment and monitoring progress, and a baseline of the current position against which to measure progress. Plans should be linked to other relevant information or activities such as EHCPs for children with SEND.

The school commissioning the placement should maintain on-going contact with the provider and pupil, with clear procedures in place to exchange information, monitor progress and provide pastoral support.

The school commissioning the placement should maintain a full record of all placements they make, including a pupil's progress, achievements and destination following the placement. This should also include the pupil's own assessment of their placement.

3. What is Good Alternative Provision?

Good alternative provision is that which appropriately meets the needs of pupils and enables them to achieve good educational attainment on par with their mainstream peers.

Provision will differ from pupil to pupil, but DfE say provision should:

- Have a clear purpose with a focus on education and achievement as well as meeting the pupils needs and rigorous assessment of progress
- Offer appropriate and challenging teaching in English, mathematics and science (including IT) on par with mainstream education - unless this is being provided elsewhere within a package of provision.
- Be suited to the pupil's capabilities; give pupils the opportunity to take appropriate qualifications and involve suitably qualified staff who can help pupils make excellent progress; and
- Have good arrangements for working with other relevant services such as social care, education psychology, child and adolescent mental health services, youth offending teams, and drug support services, etc.

Schools should also ensure that:

- The specific personal, social and academic needs of pupils are properly identified and met in order to help them to overcome any barriers to attainment;
- Provision leads to improved pupil motivation and self-confidence, attendance and engagement with education; and
- Provision has clearly defined objectives, including the next steps following the
- Placement such as reintegration into mainstream education, further education, training or employment.

4. Key Points for Consideration

- Have the pupil, parents and relevant teacher been spoken to before a decision about alternative provision has been made?
- Are the nature of the intervention, objectives and timeline clearly defined?
- What other considerations are there, such as transport arrangements?
- What does the pupil want, or need, to get from of the provision?
- How long should the provision be for?
- Is it part time or full time? If part-time, the pupil should attend school as usual on the days they are not in the alternative provision
- How will it fit with the pupil's mainstream curriculum? If part-time or temporary, it should complement and keep up with the pupil's current curriculum, timetable and qualification route.
- What will success look like at the end of the provision?
- What outcomes do you hope to achieve – particularly in the areas of attendance, attitude, attainment, behaviour and positive destination?

5. DfE Registration Requirements for Alternative Providers

Every provider of education that is not a maintained school or academy must be registered as an 'independent school' if it provides full-time education to:

- five or more pupils of compulsory school age, or
- one such pupil who is looked-after, or
- one such pupil with an Education Health & Care Plan (EHCP).

It is an offence to operate an unregistered independent school. Applications for registration by new schools must be submitted and approved before a school begins to operate and admit pupils. Ofsted may decide to make an unannounced visit to an institution on the basis of information they have received about it operating as an unregistered independent school. If Ofsted consider in the course of such a visit that an institution is operating unlawfully and should cease to operate as a

school, they will inform the operator it is an offence to operate without registration and take any appropriate steps with the LA to ensure the premises are closed and the children provided for.

6. Definition of Full Time Provision

'Full-time education' is not defined in law but DfE say it should equate to what the pupil would normally have in school – for example, for pupils in Key Stage 4 full-time education in a school would usually be 25 hours a week.

DfE also say they will consider any institution that is operating during the day for more than 18 hours per week to be providing full time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and therefore indicates that the education provided is the main source of education for that child.

Relevant factors in determining whether education is full-time include, the number of hours per week including breaks and independent study time, the number of weeks in the academic term/year the education is provided, the time of day, and whether the education provision in practice precludes the possibility that full-time education could be provided elsewhere.

All pupils must receive full-time provision in total, whether in one setting or more, unless a pupil's medical condition makes full-time provision inappropriate.

Bristol City Council Catalogue of Approved Alternative Providers – the PALS Catalogue

The PALS Catalogue is a list of approved alternative providers that have been through an application process to the Council. As part of this application alternative providers have been subject to a checking process as part of their application. Some of these alternative providers are commissioned by Council Education Services. The Council recommends that schools and commissioners only use alternative providers on the Catalogue. All commissioners of AP, including schools should:

- Check the registration status of each provider and whether they should be registered if they are not. Never use provision which contravenes the registration regulations.
- Check provider's policies and procedures:
- The written behaviour policy setting out amongst other matters the sanctions to be adopted in the event of pupil misbehaviour
- Detailed curriculum plans and schemes of work, and student assessment procedures
- Particulars of arrangements to safeguard and promote the welfare of pupils and how those arrangements have regard to DfE guidance: **Keeping Children Safe in Education** and **Working Together to Safeguard Children**
- Check (for) the provider's:
 - Anti-bullying policy
 - Health and safety policy
 - Complaints procedure
 - Quality of accommodation
 - Qualifications and experience of staff
 - Arrangements for administering First Aid
 - Fire risk assessment and procedures
 - Recruitment and vetting checks for staff and management
- Give providers information in writing about social networking, the use of social media and e-safety, making the school's expectations clear
- Give providers information in writing about the school's expectations for child protection and procedures they should follow if they have a concern about a pupil
- Support providers to access appropriate safeguarding training and information

- Give providers information in writing about how the school should be informed of attendance and agree the subsequent follow up of absence.

7. Health and Safety

The Health and Safety at Work Act 1974 places a duty on employers, including alternative education providers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees, and others who are affected by their activities such as young people on educational placements.

Under the Management of Health and Safety at Work Regulations 1999, employers have a responsibility to ensure that young people at work (including those attending alternative education provision) are not exposed to risk due to lack of experience, being unaware of existing or potential risks and/or lack of maturity, physical capability etc. The council follows the current guidance by the Health and Safety Executive (HSE). This information should be referred to in conjunction with this guidance.

Key Points:

1. The alternative education provider has primary responsibility for health and safety of the pupil and should be managing any significant risks. Schools should take reasonable steps to satisfy themselves that providers are doing this.
2. Those commissioning and organising alternative education provision must be competent and ensure it is appropriate for pupils concerned. Provision must be age appropriate and take into consideration any pupils who might be at greater risk, for example due to health conditions or learning difficulties, so this can be taken into account when planning the placement. This should include details of any medical or behavioural conditions as well.
3. Schools should discuss with the provider what the pupil will be doing during the placement, noting any relevant precautions. The alternative education provider (employer) can include specific factors for young people into their existing risk assessment as appropriate.
4. Providers must inform parents/carers of any significant health and safety risks to their child on placement and how they are being controlled. Providers must also inform the school.
5. When commissioning alternative education provision, relevant health and safety information should be obtained to assess the suitability of the provider. The government's Crown Commercial Service Standardised Pre-Qualification Questionnaire includes information on health and safety which should be considered as part of the process when commissioning alternative education provision. The Institution of Occupational Safety and Health (IOSH) have also produced a Public service procurement health and safety checklist which can be used to consider key health and safety issues. These lists are not exhaustive and schools should ensure that adequate health and safety information is obtained.
6. It is the responsibility of schools to decide the extent of checks that are carried out when commissioning provision. This will be based on the type of environment and potential risks involved within the placement. Checks should be kept in proportion to the risks involved.
7. In lower risk environments, information gained may be relatively straight forward and limited, whilst in environments with less familiar risks or for those in higher risk environments, such as construction, agriculture, manufacturing or motor vehicle repairs, as well as workshop/machinery environments etc.; the checks will need to be more robust.
8. Schools should satisfy themselves that adequate health and safety arrangements are in place and the work the pupil will be doing is being effectively managed to ensure their health and safety. This will need to consider induction, training, supervision, site familiarisation and any protective equipment that might be needed etc. In addition, pupils should know how and who to raise health and safety concerns.

9. Schools should also check that the provider understands about the specific factors relevant to young people at work, including certain industry specific prohibitions and limitations.

10. For all environments, the local authority strongly recommends that a physical check of the provider and placement is carried out by a competent person. A competent person is somebody who has suitable training, skills, experience and knowledge. Physical checks should look at the general suitability of workplace conditions, housekeeping, toilets and washing facilities, fire precautions, guarding of machines, provision of any necessary protective equipment etc. This list is not exhaustive and there may be other important aspects to consider dependent upon the type of environment and risks involved.

11. There should also be agreement on key points of contact between the provider and school during the placement to discuss any issues or concerns. This includes the reporting of any serious accidents or incidents to the school who should follow their own employer's accident reporting procedure.

12. Schools should carry out appropriate monitoring throughout the placement to satisfy them that providers are continuing to manage the health and safety of pupils on placement. This could be undertaken as part of a general quality assurance visit to assess the overall effectiveness of the provision. Health and safety checks should be undertaken by a competent person and be kept in proportion to the environment and risks involved. Checks should be recorded.

Providers should complete the Statement of Significant Risks & Control Measures Form. For further information and advice, schools should contact their health and safety advice provider. For more information on health and safety competent advice, refer to: <https://www.hse.gov.uk/> Schools where NCC is the employer should contact the NCC Corporate Health & Safety Service.

8. Safeguarding

Commissioning schools must satisfy themselves that providers are compliant with the statutory guidance **Keeping Children Safe in Education 2019**. A key part of this process should be school staff ensuring that staff at the registered alternative provision had appropriate checks, for example Disclosure and Barring Service (DBS) Checks.

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

Commissioning schools retain responsibility for the process of making referrals to children's social care and for statutory assessments under the Children Act 1989 and any role they might be expected to play in such assessments (KCSIE 2019). In Bristol, these referrals are made to **Bristol Childrens Social Care Teams (or) through First Response**

The Placement - What are Schools Responsible for?

Once a placement has been agreed, the school maintains responsibility for:

- Pupil welfare: safeguarding, child protection; health and safety
- Sharing all relevant information with the provider including any information on SEND, literacy, safeguarding or other issues.
- Ensuring that parents (and the LA where the pupil has an EHCP) have clear information about the placement - why, when, where, and how it will be reviewed
- Setting out in writing the agreed objectives and plans for the placement, and monitoring progress against the objectives of the placement, including carrying out frequent visits to the provider

- Where reintegration to school is an objective, planning for and providing an appropriate package of support to assist the pupil's reintegration
- Involving parents (and LA if child has EHCP) in regular reviews of the placement.
- Attendance monitoring and follow-up of absences
- Meeting the needs identified within a child's EHC Plan;
- Transport arrangements;
- Where a pupil is eligible for free school meals, this will need communicating to the provider and suitable arrangements made;
- Sanctioning a fixed term or permanent exclusion; pupils are legally on the roll of a school and therefore only the pupil's home school can sanction these;
- Ongoing contact with the pupil and provider to exchange information, monitor progress and provide pastoral support;
- Ensuring the child remains a member of the school community, such as involvement with extra-curricular activities, social events, parents' evenings, letters to parents or child, and rewards;
- Careers guidance, schools to ensure pupils receive their full entitlement to careers information, advice and guidance;
- Pupil outcomes – obtaining a final report on the pupil's achievements during the placement including attainment and progress, attendance records and evidence of change in behaviour.
- Seeking pupil's views on success of the placement.
- For Year 11s, working with the provider to prevent young people becoming NEET and ensuring that they can move on to suitable education, training or employment alongside part-time study. Schools should collect and record information about the pupil's next destination, as an indicator of alternative provision quality.

9. Recording and Monitoring Attendance

Each pupil attending alternative provision MUST remain on a school roll and the school retains the ultimate duty of care for pre-16 pupils, wherever they are being educated. Whilst a pupil is attending an alternative provider, they are 'on loan' from school and providers are obliged to support the school in their duty of care.

To ensure robust safeguarding of pupils in placement, there is an expectation that schools and providers have a clear agreement about how the school are informed of attendance and the subsequent follow up of absence.

The provider is responsible for enrolling pre-16 pupils onto their course(s) and for recording, monitoring and reporting attendance and absences. This MUST be completed twice a day, am and pm. This is a legal requirement for any pre-16 group in the same way as it is for post-16 groups ([The Education Pupil Registration \(England\) Regulations 2006](#)).

10. Attendance Register Codes

Schools are legally responsible for using the correct codes and the importance of using the correct code is also a safeguarding issue. All sessions when a pupil is not expected to physically present in school should be marked appropriately using the DfE registration code as follows:

a) Code B: Off-site educational activity

This code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site. Therefore by using code B, schools are certifying that the education is supervised and measures have been taken to safeguard pupils. This code should not be used for any unsupervised educational activity or where a pupil is at home doing school work. Schools should

ensure they have in place arrangements whereby the provider of the alternative activity notifies the school of any absences by individual pupils. The school should record the pupil's absence using the relevant code.

b) Code D: Dual Registered – at another educational establishment

This code is used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they were registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis. It can also be used when the pupil is known to be registered at another school during the session in question. Each school should only record the pupil's attendance and absence for those sessions that the pupil is scheduled to attend their school. Schools should ensure that they have in place arrangements whereby all unexplained absence is followed up in a timely manner.

c) Code C: Leave of absence authorised by the school

In agreeing to a part-time timetable a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence.

11. Quality Assurance and Evaluating the Impact of the Provision

The responsibility for quality assurance and evaluation sits with the commissioning school. As a guide the following key areas for consideration when undertaking quality assurance and evaluation have been taken from Ofsted:

- Quality of teaching and learning at the alternative provision
- Academic progress, ensuring targets are suitably challenging
- Accreditation including English and maths
- Safeguarding and health and safety (including quality of accommodation)
- Personal development and well-being
- Pupils' views
- Employability and skills for life – progression to post-16 destinations
- The role of governors - understanding the progress made by pupils who attend alternative provision so they can ensure decisions about value for money are well informed

Bristol City Council would recommend a minimum of one visit per term to a provider. The scope and detail of regular reports from providers will be agreed locally at the point of commissioning.

12. What are Alternative Providers Responsible For?

- Ensuring they are compliant with the most recent DfE guidance around legislation and the definition of an independent school.
- Maintaining contact with the commissioning school and the pupil's parent/carer, with regular updates on the pupil's progress:
- Carrying out an initial assessment of educational needs for the pupil within one week of referral to confirm what level of course and support is appropriate;
- Notifying the school of attendance and absence; good practice would determine this is twice daily;
- Providing relevant policies and procedures that relate to the child's welfare, education and safety for example; Safeguarding policy including the use of social media and E-safety, Health and Safety Policy and Behaviour Policy;
- Attending relevant multi-agency meetings around the pupil when required, for example: Personal Education Plan (PEP) for children looked after, EHCP meetings, SEND review meetings and Social Care meetings;

- Having clear monitoring criteria to judge the quality of the teaching and learning, and report this to the commissioning school at agreed intervals;
- Providing a named contact for all matters pertaining to the pupils;
- Being aware of and comply with Bristol City Council's policies, standards and procedures, such as Bristol Safeguarding Childrens Board, and Children Missing Education (Information on [Bristol City Council website](#));
- Maintaining Individual Learning Plans, these set out the targets that the pupil will achieve on programme (e.g., L1 Functional Skills English, Pass grade) as well as the wider targets (e.g., 95% attendance, behaviour). All targets must be agreed by the pupil, the Provider and the School.

Reporting and Monitoring of Alternative Provision

13. Role of the Local Authority

The Local Authority has a statutory responsibility to identify and track pupils missing, or at risk of missing education. This includes children who are not attending school provision full time and those accessing alternative provision. The LA role includes:

- Establishing a central database of all children not accessing full-time education in the usual way, including those who are accessing alternative provision
- Monitoring the quality and amount of provision, educational and social outcomes, for all children and young people of compulsory school age who do not access education in the usual way
- Sharing information across LA boundaries in a timely and appropriate way
- Ensuring that every child is on the roll of a school, regardless of their circumstances, unless their parents have elected to home educate
- Supporting alternative providers of education to understand and comply with legal requirements especially safeguarding and registration
- Supporting schools to identify potential alternative providers for example by producing an AP directory

Statutory Guidance on Alternative Provision

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

Further Reading - Alternative Provision

- [Ofsted 2016 Alternative Provision - Findings of a 3 Year Survey](#)
- [DfE October 2018 Alternative Provision Market Analysis](#)
- [DfE October 2018 Investigative Research into Alternative Provision](#)

Any queries regarding this publication should be directed to the Alternative Learning Provision Team at: ALPhub@bristol.gov.uk

Appendix 1

Checklist of factors which schools may consider when deciding that an Alternative Provision is of a suitable quality and that appropriate and robust monitoring arrangements are in place.

General Policies

| Question / Area to Check | Yes | No | Comment |
|--|-----|----|---------|
| Is the provision in the Bristol AP (PALS) Catalogue? (This does not replace a school's duty to make its own checks regarding each Provision.) | | | |
| Which of the following checks were carried out prior to placement? | | | |
| a) Staff and Volunteer Record – Single central record of qualifications, recruitment and vetting checks | | | |
| b) Insurance Certificates (see details below) | | | |
| c) Core Risk Assessments | | | |
| d) Admissions Policy and Procedures and register | | | |
| e) Attendance Policy and Procedures and register | | | |
| f) Health and Safety Policy | | | |
| g) Educational Visits and Outings Policy and Procedures | | | |
| h) Code of Conduct and Behaviour Policy (to include drugs policy and anti-bullying policies) | | | |
| i) Data Protection Policy and Procedures | | | |
| j) Equality information and objectives (public sector equality duty) statement for publication | | | |
| k) Child Protection Policy and Procedures | | | |
| l) Statement of procedures for dealing with allegations of abuse against staff | | | |
| m) Sex and Relationships Education Policy | | | |
| n) Complaints Procedure Statement | | | |
| o) That an institution which should be registered as an independent school (has four or more students or one with a statement/EHC Plan on roll full time) actually is registered | | | |
| p) Ofsted Report for a registered independent school where applicable | | | |
| q) Other - specify | | | |

Quality of Provision

| Question / Area to Check | Yes | No | Comment |
|--|-----|----|---------|
| The commissioned course meets the educational and SEMH needs of each pupil | | | |
| The premises are fit for purpose | | | |
| Health and safety arrangements are of an appropriate standard | | | |
| Teaching and learning is of a high standard | | | |
| Suitable resources and teaching materials are available | | | |
| Behaviour management is strong | | | |
| Attendance recording and reporting are robust | | | |
| Tracking and reporting on progress is robust | | | |

| | | | |
|---|--|--|--|
| Suitable accreditation and other outcomes are on offer | | | |
| Due attention is paid to reintegration or progression to post-16 pathways | | | |

Supporting Documentation in Place

| Question / Area to Check | Yes | No | Comment |
|---|-----|----|---------|
| Service Level Agreement | | | |
| Education plan for each pupil or group of pupils | | | |
| Review calendar/ System for monitoring progress and outcomes and quality of provision | | | |
| Formal agreement from the parent(s) for the arrangement | | | |
| Effective communication protocol | | | |
| System for monitoring progress and outcomes and quality of provision | | | |

Insurance (see requirements below*)

| Question / Area to Check | Yes | No | Comment |
|-----------------------------------|-----|----|---------|
| Public Liability insurance | | | |
| Employer's Liability insurance | | | |
| Professional Negligence insurance | | | |
| Motor Vehicle Insurance | | | |
| Subcontractor Liability | | | |

*Recommended Levels of Insurance Cover

Public Liability insurance for a minimum of five million pound sterling (£5,000,000) in respect of any one act or occurrence or series of acts or occurrences in any one year

Employer's Liability insurance for a minimum of ten million pound sterling (£10,000,000) in respect of any one act or occurrence or series of acts or occurrences in any one year;

Professional Negligence insurance for a minimum of two million pound sterling (£2,000,000) in respect of any one act or occurrence or series of acts or occurrences in any one year;

The Service Provider and its Personnel shall have in place motor vehicle insurance commensurate with the potential liabilities of the Service Provider relating to the operation of vehicles used for the transport of Service User/s and their visitors

Subcontractor Liability – the Service Provider shall ensure that the same levels of insurance are maintained for any sub-contracted Services;

The onus is on the Service Provider to ensure that its insurance policies are adequate at all times to cover eventualities pertaining to its business.