

**Draft Alternative Provision Commissioning Strategy
(Consultation version – November 2022)**

DRAFT - Alternative Provision Commissioning Strategy (for consultation Nov 22)

1. Introduction

The Government's recently published 'Green Paper' - The SEND Review, 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 'Green Paper' 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 needs. To address these barriers the Paper seeks to: -

- Make alternative provision an integral part of local SEND systems by requiring the new SEND partnerships to plan and deliver an alternative provision service focused on early intervention.
- Give alternative provision schools the funding stability to deliver a service focused on early intervention by requiring local authorities to create and distribute an alternative provision specific budget.
- Develop a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations.
- Deliver greater oversight and transparency on children and young people's movements into and out of alternative provision.
- Launch a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice.

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 schools.

This Strategy is part of a wider framework of policy documents that support the Council Plan 2020 to 2025 which sets out 5 Council priorities.

- Building a vibrant economy
- Promoting and delivering social value
- Enabling communities to thrive
- Actioning our climate change declaration
- Improving skills and access to good work.

Solihull is seeking to transform life chances by holding children and young people at the heart of everything we do and strives to be ambitious for children and young people - ensuring all have access to a funded, high-quality inclusive education which empowers them to lead independent and successful lives. However, we recognise that to achieve this there is more work to do.

The LA 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 - when they need it.

The aims of this Alternative Provision Commissioning strategy are to develop:

- 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 Solihull 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 Solihull and how it can be accessed.
- To identify the gaps in alternative provision in Solihull and provide a clear action plan and timescales to address them.

In September 2021, a discussion paper 'Alternative Provision in Solihull' was shared with schools and providers seeking views on the current landscape of alternative provision in Solihull. This strategy seeks to build on that initial work and provide an outline for the next steps in creating a more cohesive alternative provision system.

2. Summary

This document provides a basis to work with schools and parents on what is required from an alternative provision commissioning system in Solihull, to ensure that all children have access to high quality, suitable full-time education. It identifies what is currently available in Solihull, the challenges and existing gaps in provisions, services and systems. A number of key actions have been identified to form the basis of wider consultation that will be used to underpin a redesign of the system, provide sufficient capacity and bring about clarity, coherence and flexibility in provisions and approach.

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).

This is a comprehensive duty, which in the main is 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 councils 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 Council 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'.) – Some examples include:

- Children new to the area for whom a school place is yet to be identified.
- Children on roll at a provision, where attendance is very poor, and child/parents/professionals are challenging the suitability (often those with an EHCP but not always)
- Children 'too anxious' to attend school e.g., Emotionally Based School None Attendance (EBSN), alleged bullying etc.
- Children resident in Solihull, where parents are neither seeking to secure education for them nor choosing to educate their children themselves at home (EHE).
- Children thought to be resident in Solihull whose whereabouts are uncertain

For the Section 19 duty to be satisfied, it is important to ensure 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. In some cases, this will include the commissioning of offsite professional services and short or long-term 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. Routes into Alternative Provision and Funding responsibilities

| | Description of routes into Alternative Provision | Commissioner | Lump Sum Funding £10k (where appropriate) | Top Up Funding £ variable | Registration |
|---|--|--------------|---|---------------------------|--|
| 1 | From 6 th day following Permanent Exclusion | LA | LA | LA | Dual initially then single registration alternative provision. |
| 2 | Health reasons – including physical or mental health needs | School | LA/School | School | Dual, School main |
| 3 | Where a child requires interim provision whilst awaiting placement in a school | LA | LA | LA | Single reg alternative provision |
| 4 | Children requiring short term assessment or intervention provision to support reintegration back into their home school or transition to a different type of provision | School | LA/School | School | Dual, School main |
| 5 | Behaviour which results in a suspension for more than 5 days*, or an off-site direction by a school ** | School | School | School | Dual, School main |
| 6 | Where the LA needs to make provision in accordance with Section 19 'other reasons' | LA | LA/School | LA/School | Dual or single |
| 7 | Offsite attendance for part of the week to access vocational or other courses, whilst attending home school for the rest of the week. | School | School | School | Dual, school main |

*Maintained schools and Academies are under a duty to arrange for the provision of suitable full-time education from the sixth day of a suspension.

**Governing bodies of maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. Academies can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association. In these

circumstances, the school or academy is the commissioner and funder of the alternative provision placement.

6. Alternative Provision and Places

Alternative Provision is provided through full or part-time places, and short or longer-term placements and could include support to schools through outreach work. Placements can be delivered by AP academies, AP free schools and pupil referral units (PRUs). Other settings also provide AP, including independent schools, further education colleges, and other providers from the private and voluntary sectors.

AP settings that are not maintained by local authorities, or established AP Academies or Free schools may not be registered with the DfE. Unregistered settings are therefore not inspected by Ofsted in their own right. 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. 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.

Action Point: Develop a system where all children are on the roll of a quality assured and registered provider who oversees their education.

7. Funding for Alternative Provision

The SEND Green paper signals the intention for SEND 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 part of the Dedicated Schools Grant (DSG). There is no separate funding allocation to support the delivery of alternative provision in Solihull. The high needs funding allocation within the DSG is used primarily to support provision for 0-25year olds with special educational needs (SEN). The funding for alternative provision is “fixed” – there is no adjustment to the grant for changes in numbers in those attending alternative provision, whereas for special needs places, the Local Authority does receive more or less grant depending on the number of pupils in special schools.

Solihull Council’s High Needs Block for 2022-23 financial year is £37.9 million and is over-committed (operated at a £4m deficit in 2021-22 giving an accumulated £13m overspend brought into 2022-23). The underlying trends of rising spending due to a combination of more pupils, pupils with greater needs and the placement of significant numbers of pupils in independent provision is creating significant overspend on the High Needs Budget.

The local authority has identified a number of inconsistencies within the current funding system. Where pupils are dual rolled, the mainstream school receives full funding for the pupil – age weighted pupil unit (AWPU), pupil premium, deprivation, and funding for additional needs together with an expectation to fund the first £6,000 for pupils with an EHCP. However, there are instances where the local authority is fully funding provision for pupils outside of the school, where the pupils are dual rolled, this is unsustainable.

The local authority will seek to discharge its statutory duties by ensuring a suitable mix of alternative provision is available within, or close to, the borough. In order to do this the Local Authority will normally pay the £10k place value from the High Needs Block grant but would normally expect schools to be the majority commissioner and pay the relevant top-up element. This is because, for a dual rolled pupil, schools receive all the relevant funding through their school budget (AWPU, deprivation, prior attainment).

Action Point: Work with schools, through School's Forum, to clarify relative responsibilities in funding alternative provision placements and review systems to eliminate double funding.

8. Alternative Provision in Solihull

Solihull Local Authority believes that every child deserves an education that enables them to fulfil their potential, whatever their background and individual needs, or location in the Borough. Increasingly alternative provision will play a critical role in making this happen. Alternative provision can provide support to children at challenging moments in their lives, above and beyond support already made available in their school. Each placement has the potential to transform a child's life chances.

Alternative provision currently available in Solihull:

Triple Crown Centre - 32 place short stay pupil referral unit for secondary age pupils with health needs offered on site at the Centre. Access to the provision is by referral through the Council's medical pathway.

Solihull Academy - 150 place alternative provision academy for secondary age pupils operating across 2 sites with a flexible offer delivered in zoned areas and group sizes appropriate to the age and need of the pupils.

- **Main Site** - 110 KS4 destination places, primarily for young people at risk of permanent exclusion.
- **Main Site - KS3 Zone:** 8 places primarily for young people at risk of permanent exclusion
- **Main Site - Mercury Centre:** 12 places for KS4 pupils who have complex SEND or other additional needs requiring bespoke provision not available elsewhere in Solihull.
- **Saturn Centre (located in North Solihull)** - Stand-alone 20 place KS3 and KS4 Intervention and assessment centre for pupils who have been permanently excluded or missing education for a significant time due to behaviour or other reasons. This will be a 20-week placement after which time the pupils will be supported to transition into mainstream, special or specialist AP destination placements.

Daylesford Academy (previously Summerfield Education Centre) - 35 place alternative provision academy for secondary age pupils. Previously the Council's provision for permanently excluded pupils. This provision converted to an academy from 1 September 2022 as part of the Solihull Academy Trust. The provision will be developed to initially provide 35 further alternative provision places for secondary age pupils, available to be commissioned by the LA or Schools.

Action Point: Local Authority to work with Solihull Academy to review the offer made by Daylesford Academy following its conversion to an alternative provision academy.

9. Summary of numbers on Roll at January 2022

| Provision | Places | NOR Jan 2022 Pupil Census | NOR May 2022 Pupil Census |
|--|--------|---------------------------|---------------------------|
| Solihull Academy (includes KS4, KS3, Mercury and Saturn) | 150 | 101 | 125 |
| Daylesford Academy | 35 | 22 | 23 |

| | | | |
|---------------------|------------|------------|------------|
| Triple Crown Centre | 32 | 23 | 29 |
| Total | 217 | 146 | 177 |

The data shows the position at the January and May 2022 pupil census and suggests that there were 71 empty places in January reducing to 40 in May. It is important to note that the very nature of alternative provision is that it needs to respond quickly and therefore there is a need for some spare capacity in order to meet demand throughout the year. That said, it is essential that demand for the provisions is fully understood so that where spare capacity exists that is genuinely over and above what is required, then this can be correctly identified.

10. Other provision/support

Additionally Resourced provisions

Although not designated as alternative provision, there are also 2 additionally resourced provisions (ARPs) which offer short term placements providing early intervention and support. Places are accessed through school referrals and children remain dual rolled at their mainstream school. These placements are therefore not available to children without a home school place.

The Elms, Tudor Grange Academy Solihull - 8 place provision for KS3 with Social Emotional and Mental Health Needs. At January 2022 census 6 pupils were attending the provision.

Cedars, Tudor Grange Primary Academy – Yew Tree - 8 place provision for primary age students with Social Emotional Mental Health Needs. At January 2022 census 7 pupils were attending the provision.

Council's SEMH Inclusion Support Service

Refresh - Nurture provision located on Coleshill Heath School site - A new primary SEMH intervention centre which opened in October 2021 with 10 KS2 places. 8 KS1 places will open in 2022. This assessment centre is an extension to the offer by the Council's Schools SEMH Inclusion Support Service. The Centre offers part time intervention support for children who's Social, Emotional and Mental Health (SEMH) needs are such that they need additional support in a smaller, more nurturing environment which provides an evidenced based programme including access to therapeutic support. These placements are part-time and short-term and are in partnership with the child's school, so the overall education offer equates to full time. By intervening early and offering targeted support, it is expected that the Centre will help more children successfully remain in mainstream education and limit the likelihood of primary age children being permanently excluded.

Education Service for Children out of School (ESCOS) - this service currently provides 1-1 learning to a small number of children mostly at home and is delivered by teachers employed by the Council on a casual basis. It is not a registered provision. Most of the pupils taught by this service are on the roll of a school but considered unable to attend due to their health needs. Although initially intended to be short term, many of these children do not make a successful return to their home school.

Some children with complex needs receive home tuition whilst awaiting specialist provision to be named as part of the EHCP process

In May 2022 16 pupils were in receipt of support from ESCOS 3 primary and 13 secondary age pupils.

As already identified, a number of the pupils receiving education through ESCOS also have health needs. It may, therefore, be appropriate to consider Triple Crown Centre to have overarching responsibility for all pupils with health needs, even if they cannot access provision on site at the

Centre. As well as being a safer and more robust approach for the children, it will ensure that children are in receipt of full-time provision and it will also ensure better access to other services, which can sometimes be denied to children not on the roll of a provision.

Action Point: Work with the Triple Crown Management Committee to determine how their offer can be widened to meet the needs of all secondary age pupils with medical needs. Consider the impact of any consequent changes on the Medical Pathway.

Solihull Inclusion Service – As part of the Reshaping Education in Solihull programme, the Council has invested in a new Inclusion Service whose primary role is to identify and support children and young people who are not/or are struggling to attend the school where they are on roll, or children missing education. The service provides targeted identification and support to schools and children, across 3 locality areas.

The work undertaken by the Inclusion Team will be key to identifying those children struggling to access their school place along with the reasons for this. Targeted support will be provided to remove the barriers preventing children accessing school. This will be essential in building a wider picture of the needs of the future alternative provision cohort and for the future development of provision.

Alongside this there are a number of other teams and services providing support for children at risk of missing education through poor attendance or challenging behaviour including the High Needs SEMH Team and the Emotionally Based School Non-Attendance Team (EBSN). The Inclusion Service will work with other Teams and Services to ensure a joined up approach to support the child and family.

Having the right provisions and services available for children and young people is crucial but it is also important to ensure that the system is understood by all in the education community including parents/carers and the children and young people themselves. Currently the routes in to, out of and between support services and provisions are unclear and inconsistent.

Entry and Exit into Alternative Provision

As previously set out, 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 Borough's graduated approach.

Feedback from the Alternative Provision discussion paper in Autumn 2021 highlighted that more clarity is required about how to access the alternative provision available in Solihull.

Action Point: The Local Authority to establish and make available a directory of its services and provisions. To include a profile of the service or provision offering, access/admissions and exit criteria, cost (if applicable) and contact/referral details.

This directory should show clear linkages with the overall graduated approach and describe how the provisions and services fit together. Much of this is already contained within the Local Offer which is under review to reflect recent changes to how some Local Authority Services are being delivered.

11. Gaps in Provision

- **Pre-16 student access to part-time vocational alternative provision** - A provision gap has been identified by some schools in relation to pre-16 student access to part-time vocation AP provision. In many areas across the country this has been established in colleges or independent, often unregistered providers. This provision could be available for schools to

commission for pupils to access alongside their academic studies in school. No such provision is currently operating in Solihull, and there remains little clarity about what the offer needs to be, and the number of places required.

Action Point: Local Authority to work with secondary schools to better understand if there is a need for part time vocational alternative provision places and, if required, work with them to engage with partners to develop local provision.

➤ **Primary Alternative Provision – full-time, short-term assessment and intervention**

Solihull does not have a primary age pupil referral unit or alternative provision provider. Operationally this means that, other than requiring mainstream schools to admit a child, the local authority has no capacity to make planned or urgent provision available to a child not in receipt of education due to exclusion, health or other reasons. This includes children who may be on the roll of a school but not attending, as parents believe it to be unsuitable, or that it is not reasonably possible, or practicable, for the child to take advantage of existing suitable schooling.

The number of children requiring this provision is unclear, given that historical information about children on roll but not in receipt of education is unreliable and historically, there has been low numbers of primary exclusions.

Any potential provision must be registered so that children can be dually or singly registered on its roll and offer short-stay assessment and intervention placements, often at short notice, with a view to identifying and supporting the children to remain at their home school or transition to different destination provision. The education offer should be flexible and child specific, embracing on-site, off-site and virtual teaching, equating to full time unless there is clear medical evidence that part time is more appropriate.

The provision could also cater for those primary age children waiting for a school place (in excess of 15 days) including EHCP, under assessment, or newly arrived children with significant SEND or additional needs and children unable to attend their home school (often due to 'anxiety', especially those with SEND).

Action Point: Work with schools and alternative provision providers to explore further the scope for a short stay primary provision for children out of school, consider how this provision can be made, and consider the risks of such provision.

➤ **Primary Alternative Provision – full time, destination places**

As part of the work to develop the SEND School Place Commissioning Strategy, a number of primary school headteachers have identified the need for provision for children who have significant needs that cannot be sufficiently met within a mainstream environment. It has been suggested that there needs to be another longer-term option for these children, who are identified as not likely to successfully transition back to their mainstream school, often following a short-term intervention placement.

A longer-term placement, usually for at least a Key Stage, could allow for pupils needs to be more appropriately met in a smaller environment, still accessing a mainstream or bespoke curriculum,

but offering them the opportunity to successfully transition on to the next stage of education. This extended early intervention could help to minimise permanent exclusions, reduce disengagement and poor attendance in Key stage 2 and allow for longer more managed transitions into secondary education. However long-term destination provision for primary age children without an EHC Plan is unusual and it would need to be clear how a provision of this nature supports longer-term inclusion.

Action Point: LA to work with headteachers and other school and Inclusion services to explore the scope for a primary AP destination provision, consider how this provision can be made, and consider the risks of such provision.

12. Identified Key Actions

| Action | Description |
|--------|--|
| 1 | Develop a system where all children are on the roll of a registered provider who oversees their education. |
| 2 | Work with schools through School's Forum to clarify relative responsibilities in funding AP placements and review systems to minimise instances of perverse incentives and double funding. |
| 3 | LA to work with Solihull Academy to review the offer made by Daylesford Academy following its conversion to an alternative provision academy. |
| 4 | Work with the Triple Crown Management Committee to determine how their offer can be widened to meet the needs of all secondary age pupils with medical needs. Consider the impact of any consequent changes on the Medical Pathway. |
| 5 | The Local Authority to establish and make available a directory of its services and provisions. To include a profile of the service or provision offering, access/admissions and exit criteria, cost (if applicable) and contact/referral details. This directory should show clear linkages with the overall graduated approach and describe how the provisions and services fit together. Much of this is already contained within the Local Offer which is under review to reflect recent changes to how some Local Authority Services are being delivered |
| 6 | LA to work with secondary schools to better understand if there is a need for part time vocational AP places and if so, work with them to engage with partners to develop local provision. |
| 7 | Work with schools and alternative provision providers to explore further, the scope for a short stay primary provision for children out of school, consider how this provision can be made, and consider the risks of such provision |
| 8 | LA to work with headteachers and other school and Inclusion services to explore further, the scope for primary alternative provision destination places, consider how this provision can be made, and consider the risks of such provision. |

Relevant Legislation/Guidance

- The Education Act 1996
- The Children and Families Act 2014 and supporting Regulations and Code of Practice
- Statutory Guidance: Children missing education
- Statutory Guidance: Education for children with health needs who cannot attend school
- Statutory Guidance: Alternative Provision

- LGO Guidance: Out of school, out of mind?

13. Consultation Process

The consultation process will run from 31 October 2022 to 9th December 2022. We are keen to hear your feedback on the draft Strategy and in particular on the proposed key actions. Please send your thoughts and comments by email to annpearson@solihull.gov.uk by **9 December 2022**.

DRAFT