

### Alternative Provision in Solihull (v4 October 2021)

#### What is alternative provision (AP)?

Alternative provision (AP) is for children of compulsory school age (5 to 15) who are unavoidably unable to attend mainstream or special schools and who would not otherwise, for any reason, receive suitable education.

Local authorities are responsible for arranging suitable education for permanently excluded children and for other children who – because of illness or other reasons – would not receive suitable education, without such arrangements being made.

Where a child has been subject to a fixed-period suspension of more than five school days, schools must arrange AP.

Funding for AP comes from the High Needs Block part of the Dedicated Schools Grant (DSG) to local authorities. The high needs funding allocation within the DSG is used primarily to support provision for 0-25 year olds with special educational needs (SEN) and disabilities, funding for AP provisions and placements is embedded within this. Unlike SEND funding, there is no additional AP funding for the Local Authority based on numbers of placements or levels of need.

It is generally expected by Government that schools commission and fund AP placements for pupils on their roll where it is deemed necessary to ensure such children receive a suitable full-time education. The circumstances where this may be necessary are discussed later.

Depending on the reason a child requires AP, placements may be commissioned and funded by either local authorities or schools. It is up to the commissioner to determine the most appropriate AP for the child but they should take into account the views of the child, their parents and other professionals.

AP is provided through full or part-time, and short or longer-term placements. 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 Freeschools are largely not required to 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 should assure themselves that the setting is registered where appropriate, and delivered by high quality staff with suitable training, experience and safeguarding checks. Commissioning schools are also 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.

#### 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 in mainstream and special schools. In some circumstances this may not be the case and the local authority is then required to take action to remedy the situation and ensure that 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 Guidance 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 requiring support to access 'suitable full-time education. 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

- 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 EHC 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

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.

In order for this 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 AP 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.

### **Routes into AP**

	<b>Description of routes into Alternative Provision</b>	Commissioner	Lump Sum Funding £10k (where appropriate)	Top Up Funding £ variable	Registration
1	From 5 <sup>th</sup> day following Permanent Exclusion	LA	LA	LA	Dual initially then single Reg.
2	Health reasons – including physical or mental health needs	School	LA/School	School	Dual

3	Where a child is receiving interim provision whilst awaiting placement in a mainstream school	LA	LA	LA	Single reg AP
	<b>Description of routes into Alternative Provision</b>	Commissioner	Lump Sum Funding £10k (where appropriate)	Top Up Funding £ variable	Registration
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
5	Behaviour which results in a suspension for more than 5 days*, or an off-site direction by a school **	School	School/LA	School	Dual
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

\*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

## 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, and increasingly AP will play a critical role in making this happen. AP can provide support to children at challenging moments in their lives above and beyond that support which is already made available in their school setting and each placement has the potential to transform a child's life chances.

### Registered AP providers located within Solihull at September 2021.

**Triple Crown Centre:** 32 place short stay Pupil Referral Unit for secondary age pupils with health needs

**Summerfield Education Centre:** 35 place Pupil Referral Unit for secondary age pupils. Previously the LA provision for permanently excluded pupils. This provision is subject to an Academy Order, so will be converting to an Academy and joining a Multi Academy Trust – The Regional Schools Commissioner has identified Solihull Academy as the preferred sponsor and the required due diligence process is underway. As part of this, the education offer will be redefined within the wider Solihull Academy Trust Offer (see \* below) The target date for the transfer is March 2022.

**Solihull Academy:** Currently 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 AP provision not available elsewhere in Solihull.
- **Saturn Centre:** 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.
- **Summerfield Centre** \* In the event that this provision joins the Solihull Academy Trust, the provision will be developed to initially provide 30 further AP places for secondary age pupils, available to be commissioned by the LA or Schools. The exact details are yet to be confirmed but could offer full and part time places through a variety of delivery methods including on-line and off-site 1-1.

There is currently no AP provision explicitly catering for primary age children.

### **Other provision**

Although not designated AP provision, there are also 2 additionally resourced provisions (ARPS) which offer short term intervention placements based on school referrals. Children accessing these provisions remain dual rolled at their mainstream school. These placements are therefore not available to children without a home school place.

**The Elms:** 8 place provision for KS3 pupils based at Tudor Grange Academy Solihull

**Cedars:** 8 place provision for primary age students based at Tudor Grange Academy Yew Tree

**New planned primary provision:** A new primary SEMH intervention and assessment centre is planned to open this academic year, located alongside Coleshill Heath Primary school. This provision of 8 Infant places and 10 junior places will offer part time intervention placements for children whose Social, Emotional and Mental Health (SEMH) needs are such that they need additional support in a smaller and more therapeutic environment. These placements are expected to be short-term intervention placements, with some attendance at the home school so the overall education offer equates to full time. This provision, through intervening early and offering targeted support is expected to 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):** Provision is made for some children through this service, which currently provides 1 -1 learning to children mostly at home and is delivered by teachers employed by the Council on a casual basis. This service is not a registered provision. Historically, 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. A small number of secondary age pupil in receipt of this service previously had unsuccessful placements at Triple Crown.

In addition, ESCOS has also become the default provision for any primary age children not accessing education due to exclusion, health needs or other reasons. A situation which is neither sustainable nor in best interests of the child. The offer is only part time and can continue for a significant amount of time which means that the local authority is failing in its duty to ensure that the children are receiving a suitable full-time education. In September 2021 there were 7 children in receipt of ESCOS, but this has the potential to increase significantly if the lack of other provision remains.

## **Issues to be addressed.**

### **Provisions and access**

The most immediate need is for the LA to create provision, systems and services which will enable it to discharge its statutory responsibilities and do the right thing for children. Implicit in this is the need to ensure that where possible, children can be supported to receive their education through regular attendance at their home school. Where this is not possible, and/or they require access to AP, there must be sufficient suitable and local AP places available in the system that can be accessed by commissioners to enable schools and the Local Authority to meet their duty to ensure that all children have the opportunity to receive to a suitable full time education - when they need it.

### **Clarity and Coherence**

Having the right provisions and services available for children is crucial, but it is also important to ensure that the system is understood by all in the education community, including parents. Currently the routes in, out and between intervention and AP services and provisions are confused and inconsistent.

Similarly, funding, admissions and access criteria for some services and provision are not sufficiently robust, visible or understood.

Any consideration of AP must also take account of LA and other support services for children and schools alongside places in provisions outside of mainstream and special schools. This document will also consider the need for setting out how all of these elements will be addressed. In taking this forward the Local Authority, though consultation with schools, parents and the wider community will set out proposals to implement a significant change in how AP is accessed and delivered in the future

### **Provision Requirements**

#### **Secondary:**

Solihull Academy is currently the main, and largest provider of Secondary AP in Solihull. Operating across a number of locations (from September 2021) with a broad flexible offer, the Academy can currently accommodate up to 150 full-time equivalent placements, based on student age and need. The Academy provides a flexible offer which can be full or part time, interim, assessment/intervention or destination placements, which can cater for students requiring alternative provision for a variety of reasons. Places can be commissioned by either the Local Authority or schools, with the pupils being either singly or dually registered. The potential addition of Summerfield PRU which is likely to join the MAT as an Academy next term will add extra capacity and offer the opportunity to broaden the offer further.

The LA is of the view that this will provide sufficient capacity for it to meet its statutory duty in relation to S19 in the medium term, but is working with Solihull Academy to ensure that it can be responsive and flexible to meet potential future needs of the LA and schools both in terms of potential fluctuation in numbers and needs.

**Action 1: LA, with the approved sponsor, to review the AP offer made by Summerfield, following its conversion to an Academy.**

A provision gap that has been identified by some schools is 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 2: 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.**

Triple Crown provides for a limited cohort of children who are secondary age, with identified medical needs, able to attend the provision full time, and who do not present with challenging behaviour. A significant number of the pupils join Triple Crown following a period of poor school attendance, often presenting with mental health challenges and at crisis point. Historically a significant number of the young people also have a diagnosis of Autism. Although the provision is short stay, few pupils make a successful return to their home school. It should be noted that the Local Authority funds this provision entirely through the High Needs DSG. Students remain dual rolled with their home school who retain the pupil funding for the children. The means that these pupils are being double funded.

It is expected that the numbers of pupils requiring the Triple Crown provision over time will reduce as a consequence of the following:

- A more coherent system and earlier access to a wider range of intervention and support services will provide other opportunities for young people to receive the support that they need before they reach crisis point and move away from mainstream education.
- Early intervention and support for children, with poor attendance, their parents and schools through the Inclusion Service is expected to reduce the number of children withdrawing themselves from school.
- The Heights Special Free School, due to open in September 2023, is likely to reduce the referrals for children with Autism
- Increasingly, schools are finding more flexible ways to support pupils with health needs to remain engaged in school as far as they are able. Following the pandemic, remote learning systems are better developed and can offer a robust option where children are unable to physically attend school for short periods of time.
- Sharing good practice across schools, given that the approach to supporting students with health needs varies between schools, with some school rarely requesting provision at Triple Crown.
- Changes to funding arrangements, to remove the double funding element may lead to schools commissioning services or provisions for children with health needs in a different way.

The potential for a reduction in demand for places at Triple Crown provides an opportunity to review the current offer and meet the needs of a different set of pupils where provision gaps remain in the system. Some early discussions have taken place with the Triple Crown Headteacher and Management Committee regarding potential changes to its future offer.

**Action 3: Working with the Triple Crown Management Committee, determine how their offer can be realigned to support Schools and the LA commissioning priorities, and bring forward appropriate proposals for consultation. Consider the impact of any consequent changes on the Medical Pathway.**

The local authority has identified a number of inconsistencies within the funding system – for both AP and where pupils are dual rolled, the mainstream school receives full funding for the pupil – AWPU, pupil premium, deprivation and SEND funding up to £6,000 per pupil with additional needs. However, there are instances where the local authority is fully funding provision for the pupil outside the school. This is double funding and cannot continue, but it also creates perverse incentives – for example, it should never be “cheaper” to exclude than to use a correct pathway (do the right thing).

**Action 4 : LA to work with schools through schools forum to clarify relative responsibilities in funding AP placements and review systems to minimise instances of perverse incentives and double funding.**

## **Primary Alternative Provision**

Currently there are no PRU or other AP providers in Solihull for primary age children. 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. Currently it is estimated that a provision offering 30 full-time equivalent places, would be sufficient to meet this need, and also allow for children not on the roll of a provision elsewhere to be singly registered initially and have a registered provision overseeing their education development. Over time this number may reduce as the SEMH ARPS become embedded and the need for urgent provision diminishes through early intervention processes.

### **Action 5 : Develop a 30 place short stay primary provision for children out of school**

The provision should be registered so that children can be dually or singly registered 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.

Historically, some primary age students have received home tuition through ESCOS or other home tuition providers. Often these pupils are not registered at a school and only accessing a part time education, which means the local authority is failing in its duty to ensure that the children are in receipt of full time education. This new provision will allow the needs of this cohort of children to be fully met in a different way.

Provision is also required to cater for those primary age children waiting for a school place (in excess of 15 days) including EHC, 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).

This situation must be addressed as a matter of urgency. All children, other than those whose parents have chosen for them to be electively home educated, should be on the roll of a registered school or provider who is responsible for overseeing their education, whether it be onsite, off-site, or virtual - with the children being on the roll.

### **Home Tuition/ESCOS**

For some children, tuition at home may be appropriate, for some of the time, if their presenting needs means that it is appropriate, e.g. some health-related issues. Where this is the case, the home tuition would be better commissioned and overseen by their home school. Where there is no home school registration, the education could be delivered and overseen by the one of the age appropriate AP providers, where they would be placed on roll. 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 6: Develop a system where all children are on the roll of a registered provider who oversees their education, to include those in receipt of LA funded 1 – 1 tuition.**

## **Primary Destination Alternative Provision**

A number of primary school headteachers have identified the need for provision for children without an EHCP, but 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, following a short-term intervention placement in an SEMH or other intervention ARP.

For secondary age pupils, such destination provision is available through Solihull Academy. It may be the case that a primary version of this should be considered for children with additional needs as part of the SEND Commissioning Strategy. This is 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 there is a risk that such provision will entrench non-inclusion with their peers and do little to ensure the children are mainstream secondary ready at the end of year 6.

**Action 7: LA to work with headteachers and other school and Inclusion services to investigate if there is a need for primary AP destination provision, consider how this provision can be made, and consider the risks of such provision.**

## **Clarity and Coherence**

As previously set out, alternative provision (AP) is for children of compulsory school age who cannot attend mainstream or special schools 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.

Schools report that in addition to the gaps in AP provision discussed earlier, there is significant confusion regarding the remit of, and access to, some provisions and services that do exist. Increasingly, Headteachers and to some extent, parents, report that there is insufficient clarity about what provisions and services are available; how the services and provisions are accessed, and how do they engage with the Local Authority if they need help to support a child struggling to access education.

Through the Reshaping Education agenda, Solihull is significantly changing how education services are being delivered, all centred around the needs of the child. The reshaped service design is currently in the implementation phase. A new Inclusion Service has been established which will be entirely focussed on identifying, preventing and/or intervening when children are not receiving suitable full-time education. This Service is currently developing systems that will allow the Local Authority to quickly identify children and young people who are missing education for any reason and a team of Inclusion Officers will be providing support, advice, guidance, and where necessary, challenge wherever it is needed, to support children identified as missing education for any reasons.

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 Team and the Emotionally Based School Non Attendance Team (EBSN).

**Action 8. 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.**

## **Summary**

This document is a consideration of what the Local Authority and schools require from an AP System to support the goal of ensuring that all children have access to high quality, suitable full-time education. It examines what is currently available in Solihull, and identifies 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 and action plan 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.



## Identified Key Actions

1. LA, with the approved sponsor, to review the AP offer made by Summerfield, following its conversion to an Academy, and Multi Academy Trust finalised. LA to review the AP offer made by Summerfield, following its conversion to an Academy, and the Multi Academy Trust arrangement finalised.
2. LA to work with secondary schools to articulate the specific requirements of schools 'part time vocational AP places and work with them to engage with partners to develop local provision.
3. Working with the Triple Crown Management Committee, determine how their offer can be realigned to support Schools and the LA commissioning priorities, and bring forward appropriate proposals for consultation
4. LA to work with schools through schools forum to clarify relative responsibilities in funding AP placements and review systems to minimise instances of perverse incentives and double funding.
5. Develop a 30 place short stay primary provision for children out of school
6. Develop a system where all children are on the roll of a registered provider who oversees their education, to include those in receipt of LA funded 1 – 1 tuition
7. LA to work with headteachers and other school and Inclusion services to investigate if there is a need for primary AP destination provision, consider how this provision can be made, and consider the risks of such provision
8. 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.

## Next Steps

This document is being shared with a number of key groups to gain initial feedback and checks of factual accuracy. Following this it will be updated and form the basis of a wider informal consultation. During the consultation period, officers will be available to discuss the issues and proposed actions and hear views from schools, governors, parents etc.

In particular we would like to hear all views on the proposed actions, and if there are any key issues or challenges that we have not reflected.

The consultation details are yet to be finalised but will commence in early November after which time responses will be reviewed and taken into account before a final action plan is developed.

Any observations/views or comments on this document should be directed to Michele Sadler , Head of Inclusion by email to [msadler@solihull.gov.uk](mailto:msadler@solihull.gov.uk),

## 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?