

Bath and Wells Multi Academy Trust

Planning and Commissioning Alternative Provision (AP) Procedure

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1. Purpose of this procedure

Bath and Wells Multi Academy Trust schools are committed to working together and in partnership with all agencies providing services to children, young people and their families. This document is based on statutory guidance and provides a set of guiding principles that BWMAT schools should follow to ensure that children benefit from high quality provision which is safe, secure and appropriate to their individual needs. Within this guidance there are clear references to national legislation and guidance, along with protocols that LAs follow.

In this document:

- “AP” means alternative provision generally.
- “LA” means the local authority for the area in which the Pupil normally resides.
- “Parent” means a person with Parental responsibility for the Pupil;
- “Provider” means the organisation with whom the school enters into an agreement, or proposes to enter into an agreement, to provide Alternative Provision for a Pupil.
- “Provision” means the specific Provision accessed, or which the school proposes to access, for a Pupil.
- “Pupil” means a pupil accessing alternative provision, of for whom the school is proposing to access alternative provision, whilst remaining on roll at the school.
- “School” means the school where the Pupil is on roll.

2. Key Principles

This document follows the overarching principles for planning and commissioning AP, these are:

- The School remains responsible for the education, safety and well-being of the Pupil in exactly the same way as if they were receiving their education on the school site even though they are delegating some of the operational functions;
- The LA has clearly identified responsibilities, especially for children with EHCP, but also as overall safeguarding lead;
- The LA is there to support all schools in carrying out their responsibilities;

- Participation of stakeholders, especially Parents and Pupils at all stages is key;
- The purpose and desired outcomes of the Provision should be clearly defined;
- Accessing AP not just about educational improvement : H&S and Safeguarding must be secured first;
- The monitoring of the Provision is central to success;
- Before accessing the Provision, it must be formally agreed by Parents or in the case of a child who has an EHCP or who is looked after, the Local Authority

N.B. All Parents of the Pupil are entitled to be informed of the proposed Provision, and each Parent has a right to make decisions about the Pupil's education. Where there is disagreement between Parents as to whether the (proposed) Provision is appropriate for the Pupil, the School will consider their different points of view and seek to reach agreement, but is not required to obtain consent from all Parents. If a Parent feels that Provision has been accessed in breach of their right to determine how the Pupil should be educated, that Parent may bring a complaint or seek a direction from a court of competent jurisdiction.

Within this guidance there are clear references to national legislation and guidance, along with protocols that LAs follow.

3. What is Alternative Provision (AP)?

AP can be defined as educational activity in which a pupil participates as part of their regular timetable, away from the site of the school where they are enrolled. Whilst AP is not led by school staff, it may be appropriate for a School staff member to support a pupil whilst accessing AP to maintain continuity of support and to enable a smooth transition back to School.

Schools can use AP to provide targeted therapeutic support where a pupil is at risk of exclusion, or to re-engage pupils in their education. Pupil referral units are themselves a form of AP, but many pupils who are on the roll of a pupil referral unit also attend additional forms of AP off site.

Pupils attending AP remain on roll at their school **and the school has statutory responsibility for the pupil at all times.**

4. What Schools Should Know

Responsibility for monitoring the quality, safety and suitability of the alternative provision used rests with the School. 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 this should make reference to all costs including potential transport implications and value for money. It is the School's responsibility to make arrangements for payments to the Provider.

The School should maintain on-going contact with the Provider, Parents and Pupil, with clear procedures in place to exchange information, monitor attendance and progress and to provide pastoral support.

A personalised plan for the Provision should be prepared by the school 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.

The School should maintain a full record of all Provision accessed, including a each Pupil's progress, achievements and destination following the Provision. This should also include the Pupil's own assessment of their Provision.

5. What is Good Alternative Provision?

Good AP is that which appropriately meets the needs of Pupils emotionally and academically 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 (for example by the School).
- 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 workers, 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 the Pupil are properly identified and met in order to help them to overcome any barriers to attainment;
- The Provision leads to improved Pupil motivation and self-confidence, attendance and engagement with education;
- The Provision has clearly defined objectives, including next steps following the Pupil accessing the Provision including how the therapeutic aspects of the Provision will be continued and transferred back into the School ; and
- Effective reintegration into mainstream education, further education, training or employment.

6. Key Points for Consideration before commissioning Alternative Provision

- If the Pupil has an EHCP, has the LA agreed to the Provision?

- Have all Parents been given adequate opportunity to participate in the planning process and decision making about the use of alternative provision for their child?
- Has at least one Parent given consent to the Provision? If not, is the School able to commission the Provision with the agreement of the LA (either through EHCP decision, Education Supervision Order or Social Care proceedings)
- Has the Pupil's voice been heard throughout the planning and decision-making process about the Provision?
- What does the Pupil want, or need, to get from of the Provision?
- What will success look like at the end of the provision – particularly in the areas of attendance, attitude, attainment, progress, behaviour and positive transition?
- 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 accessing the Provision.
- Does the provision provide both therapeutic and academic support?
- 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.
- Will a key adult from the pupil's school support the pupil whilst attending the AP?
- How will the approach/therapeutic provision transfer back into the pupil's school for on-going support?
- Do the Behaviour Policies and expectations of the School and the Provider differ? If so, are any variations appropriate in respect of the Pupil whilst accessing the Provision, and have these been recorded in the agreement between the School and the Provider.
- In particular, only the Headteacher of the School where a pupil is on roll can sanction an exclusion. What arrangements are in place for a situation where the Provider seeks an exclusion but the School does not agree? In such circumstances, if the Provider refuses to admit the Pupil on to its premises, whether temporarily or permanently, the School must decide either to sanction the exclusion or make alternative arrangements for the education of the Pupil during that time.
- What other considerations are there, such as transport arrangements?

7. DfE Registration Requirements for AP 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).

Our schools should not commission full-time Provision at any facility which is not a maintained school, a Pupil Referral Unit, and academy or an independent school registered with the DfE and Ofsted, For these purposes, “Full-Time” means 18 hours per week or more.

8. Approved Alternative Providers

Local Authorities often have a list of approved Alternative Provision providers that have been through a process of quality assurance by the LA (see links below). Alternative Provision providers have been subject to a checking process as part of their application. Some of these alternative providers are commissioned by Council Education Services. It is recommended that Schools only use alternative providers from the LA AP lists. **However, it is important to note that the Headteacher of any School commissioning Provision is ultimately responsible for a full risk assessment, safeguarding of pupils, attendance, health & safety and quality assurance of the provider.** All Schools using any AP must:

- 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 the Provider’s policies and procedures:
- Check the Provider’s written behaviour policy setting out amongst other matters any sanctions employed by the Provider
- Agree detailed curriculum plans and schemes of work, and student assessment procedures
- Check the particulars of arrangements to safeguard and promote the welfare of pupils and how those arrangements have regard to [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 the Providers written information about the School’s policy on social networking, the use of social media and e-safety, making the School’s expectations clear
- Give the Providers written information about the School’s expectations for child protection and procedures they should follow if they have a concern about the Pupil
- Support the Provider in accessing appropriate safeguarding training and information
- Give the Provider written information about how the School should be informed of attendance and agree the subsequent follow up of absence.

[Somerset AP Directory](#)

9. Health and Safety

- The Provider has primary responsibility for health and safety of the Pupil whilst on its premises and should be managing any significant risks. The School should take reasonable steps to satisfy itself that the Provider is doing this.
- The School must ensure the Provider's premises and environment are appropriate for the Pupil. Provision must be age appropriate and take into consideration any medical, social, emotional and/or mental health conditions as well, whether or not the Pupil has an EHCP in place.
- The School should discuss with the Provider what activities and facilities the Pupil will access at the Providers premises, noting any relevant precautions.
- The Provider must inform the School and Parents of any significant health and safety risks to the Pupil and how they are being controlled.
- It is the responsibility of the 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 Provider's premises. Checks should be kept in proportion to the risks involved.
- In lower risk environments, information gained may be relatively straight forward and limited, whilst in environments with less familiar risks such as as workshop/machinery the checks will need to be more robust.
- Schools should satisfy themselves that adequate health and safety arrangements are in place and Pupils should know how and who to raise health and safety concerns.
- There should agreement on key points of contact between the Provider and School during the provision to discuss any issues or concerns relating to H&S. This includes the reporting of any serious accidents or incidents to the School who should follow their own accident reporting procedure.
- Schools should carry out appropriate monitoring throughout the placement to satisfy them that providers are continuing to manage the health and safety of Pupils.

10. Safeguarding

Schools must satisfy themselves that Providers are compliant with the statutory guidance [Keeping Children Safe in Education 2022](#). 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.

Schools must satisfy themselves that providers are familiar with BWMAT's 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.

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 2022).

11. During the Provision - What are Schools Responsible for?

Once the Provision has been agreed, the School maintains responsibility for:

- Pupil welfare: safeguarding, risk assessment, child protection, health and safety;
- Attendance monitoring and follow-up of absences – a procedure must be agreed and put in place by the School and Provider;
- Sharing all relevant information with the Provider including any information on SEND, literacy, safeguarding or other issues. Ensuring that Parents have clear information about the Provision - why, when, where, and how it will be reviewed;
- Setting out in writing the agreed objectives and plans for the Provision, 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 the Pupil, where appropriate,) in regular reviews of the Provision;
- 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 the School and therefore only the Headteacher of the School can sanction an exclusion;
- Ongoing contact with the Pupil and Provider to exchange information, monitor progress and provide pastoral support;
- Ensuring the Pupil remains a member of the School community, such as involvement with extra-curricular activities, social events, parents' evenings, letters to parents or pupils, and rewards;
- Careers guidance, schools to ensure the pupils receives their full entitlement to careers information, advice and guidance;
- Pupil outcomes – obtaining a final report on the Pupil's achievements during the Provision including attainment and progress, attendance records and evidence of change in behaviour;
- Seeking Pupil's views on success (or otherwise) of the Provision;
- Planning for transition back into school or to a new Provision/school.

12. Recording and Monitoring Attendance

The Pupil **MUST** remain on the School roll and the School retains the ultimate duty of care for pre-16 pupils, wherever they are being educated.

To ensure robust safeguarding of the Pupil whilst accessing the Provision, there is an expectation that the School and Provider have a clear agreement about how the School is informed of attendance and the subsequent follow up of absence.

The Provider is responsible for registering the Pupil's attendance and for recording, monitoring and reporting attendance and absences. This MUST be completed twice a day, am and pm. This is a legal requirement [The Education Pupil Registration \(England\) Regulation 2006](#)

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. The DfE School attendance guidance can be found [here](#). All sessions when the 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 only when the Pupil is present at an off-site educational activity that has been approved by the School. Ultimately schools are responsible for the safeguarding and welfare of the Pupil whilst they are being educated off-site. Therefore, by using code B, the School is certifying that the education is supervised and measures have been taken to safeguard the Pupil. This code should not be used for any unsupervised educational activity or where the Pupil is at home doing school work. The School should ensure they have in place arrangements whereby the Provider notifies the School of any absences by the 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 a 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 (or a Provision commissioned by the 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

The DfE guidance states, '*Only exceptional circumstances warrant an authorised leave of absence. Schools should consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request.*' 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. The school must refer to the LA part time timetable guidance.

13. Pupils with an EHCP

AP for pupils with an EHCP can only be agreed through the statutory Local Authority SEND Policy and Procedures. In a very small number of exceptional cases, the Local Authority may agree to Provision for a child with an Education, Health and care Plan. This should be considered as a short-term Provision, with a view to identifying an appropriate educational setting as soon as possible.

If a school is considering alternative provision for any pupil with an Education, Health and care Plan, the school should contact the LA SEND 0-25 team and request an early annual review.

For some children with an EHCP who are in a mainstream or special school, flexible Provision might be specified in part F of the plan.

14. Quality Assurance and Evaluating the Impact of the Provision

The responsibility for quality assurance and evaluation sits with the 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 Provider
- 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 the Pupil so they can ensure decisions about value for money are well informed

We recommend a minimum of one visit per term to the Provider. The scope and detail of regular reports from Providers will be agreed locally at the point of commissioning the Provision.

15. What is the Provider Responsible For?

- Ensuring they are compliant with the most recent DfE guidance appropriate for the type of Provider (and if appropriate the definition of an independent school).
- Maintaining contact with the School and Parents, with regular updates on the Pupil's progress:
- Carrying out an initial assessment of educational needs for the Pupil within one week of the commencement of the Provision to confirm what level of course and support is appropriate;
- Notifying the School of attendance and absence; determining this is twice daily;
- Providing relevant policies and procedures that relate to the Pupil'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 School at agreed intervals;
- Providing a named contact for all matters pertaining to the Pupil;
- Being aware of and comply with BWMAT and School level policies, standards and procedures, unless specifically agreed otherwise, in writing, by the School;
- Maintaining and contributing to Pupil Support Plans as part of the assess, plan, do, review (APDR) process.

16. Reporting and Monitoring of the Provision

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

- [Ensuring a good education for children who cannot attend school for health reasons - Statutory Guidance for Local Authorities January 2013](#)
- [Alternative Provision Statutory Guidance for Local Authorities January 2013 \(updated June 2016\)](#)
- [Children Missing Education - Statutory Guidance for Local Authorities - September 2016](#)
- [Supporting Pupils at School with Medical Conditions -Guidance for Governing Bodies of Maintained schools and Proprietors of Academies - December 2015](#)

- [School Attendance - Guidance for Schools, Academies and LA's - July 2019](#)
- [School Attendance Parental Responsibility Measures - Statutory Guidance for LAs Schools and Academies \(updated May 2020\)](#)
- [The Behaviour Toolkit | The HUB \(bathnes.gov.uk\)](#)

Further Reading - Alternative Provision

- [Effective Alternative Provision – Research report NFER](#)

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 a Local Authority AP 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.