**Quality Assurance (QA) Framework for Alternative Provision (AP)**

Guidance for those (e.g. Education Settings/Parents/Carers/Local Authority) involved in AP commissioning.

## **Background**

B&NES Local Authority, schools, academies and other educational use a range of Alternative Providers for children and young people. The statutory guidance (2013) defines alternative provision as follows:

* Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education.
* Education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.

DfE defines good alternative provision as:

* Having a clear purpose with a focus on education and achievement as well as meeting the pupils needs and rigorous assessment of progress
* Offering appropriate and challenging teaching in English, mathematics and science (including IT) on a par with mainstream education - unless this is being provided elsewhere within a package of provision.
* Being 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
* Having good arrangements for working with other relevant services such as social are, education psychology, child and adolescent mental health services, youth offending teams, and drug support services, etc.

## **What schools and education settings should be aware of when commissioning AP**

In this guidance, the term ‘commissioners’ includes education settings or parents of a learner and/or learner who has been granted a personal budget to meet the outcomes detailed in the learner’s Education, Health and Care Plan (EHCP). These are external commissioners.

Responsibility for the alternative provision sits with the education setting or parent commissioning the placement. Commissioners should carefully consider what providers are available and how they will meet the needs of their learner. Commissioners should use the B&NES approved provider list.

A personalised plan for intervention should be detailed by the commissioner setting clear objectives for improvement, progress and attainment, clear timeframes for the

intervention, arrangements for assessment and monitoring, and a baseline of the current position against which to measure progress. Plans should be linked to other relevant information or activities such as EHCPs for children with Special Education Needs and Disabilities (SEND), Child Protection (CP) or Child in Need (CIN) plans or Personal Education Plans (PEPS) for children who are looked after. It is the responsibility of the placement to provider regular updates around these objectives to the commissioner and parent or carer.

The commissioner should maintain a full record of all placements they make, including a pupil’s progress, achievements and destination following the placement. This should also include the pupil voice and their reflections on the impact of the placement on their learning.

A clear service level agreement should be in place between the provider and the commissioner, an exemplar for this is available on our website.

## **DFE registration requirements for alternative provision**

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.

It is an offence to operate an unregistered independent school. The DfE also state they will consider any institution that is operating during the day for more than 18 hours per week to be providing full time education. This is because the education being provided is taking up the substantial part of the week and therefore indicates that this provider is the main source of education for that child.

If a provider does not the criteria for registration with the DfE as listed above, so for example by only offering part- time education, there is no need for the provider to register. Bath and North East Somerset Council publish a directory of providers. All providers on the list have been through the local authority’s due diligence checks and are visited regularly by the local authority to ensure they are delivering quality provision.

The quality assurance work carried out by Bath and North East Somerset Council is there to guide the decisions around placement but not replace responsibility for the alternative provision.

## **Definition of efficient and suitable full-time education**

School aged children are entitled, under the Education Act 1996 to receive efficient full-time education suitable to age, ability, aptitude, and special needs. “Efficient” and “suitable” education are not defined in the Education Act 1996 but

• “efficient” has been described in case law as an education that “achieves that which it sets out to achieve,” and

• “suitable” education is one that “primarily equips a child for life within the community of which he/she is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he wishes to do so and to be capable of living on an autonomous basis as far as he or she chooses to do so.”

There is no legal definition of what constitutes “full-time” education, either at school or in the home. While ‘full-time’ is not defined in law, learners in alternative provision should receive the same amount of education as they would receive in a maintained school, unless the learner’s health means that full-time education would not be in his or her best interests. AP Statutory Guidance (DfE 2013)

Full time education can be made up of two or more part-time provisions.

## **Key checks that commissioners must carry out prior to placement**

Prior to placing a learner, all commissioners of alternative provision must check:

* The registration status of each provider and whether they should be registered if they are not.
* Provider’s policies and procedures to include anti-bullying, behaviour and sanctions, child protection, business continuity plan, recruitment and selection of staff policy including DBS checks, data protection to include GDPR, training and development policy, details of safeguarding training including appropriate training for the DSL, qualifications of staff (as appropriate), equality, diversity and anti-discrimination policies, medication policy and complaints & whistle blowing policy.
* Insurance details to cover public liability, professional indemnity and employer liability.
* Assessment and monitoring procedures.
* Curriculum plans and schemes of work.
* Particulars of arrangements to safeguard and promote the welfare of pupils and how those arrangements have regard to DfE guidance: Keeping Children Safe in Education and Working Together to Safeguard Children.
* Details of how attendance is monitored and the protocol if a child is absent.
* 2 professional references.

## **Responsibilities during a placement at alternative provision**

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| --- | --- |
| **The school will** | **The provider will** |
| Provide the provider with details of any additional learning needs and outcomes set (e.g. EHCP) for the student. | Provide an agreed structured programme of learning, with clear aims, objectives, and methods |
| Provide updates to the Alternative provider and risk assessment as appropriate during the students’ time at alternative provision | Provide updates to the risk assessment as appropriate during the students’ time at alternative provision |
| Visit the provision (where applicable) before completion of the Alternative Provision referral | Provide a thorough learner induction programme, including health and safety, at the start of the programme. |
| Settle invoices for the agreed payment within the specified time, as agreed. | Invoice the school for the agreed amount at the agreed intervals. |
| Seek assurance that the provider has the necessary safeguarding and health and safety arrangements in place including the relevant insurance cover. | Ensure that learners are effectively safeguarded at all times. |
| Share student safeguarding information securely and in line with safeguarding and data protection regulations with the provider. | Maintain all the student data in accordance with the General Data Protection Regulation (GDPR). |
| Maintain contact with the named person in the provision regarding attendance/progress and student wellbeing or safeguarding as it arises. | Maintain contact with the named person in school regarding attendance/progress and student wellbeing or safeguarding as it arises. |
| Notify the provider of any significant change or circumstances involving the student or school likely to affect programme delivery. | Notify the school of any significant change or circumstances involving the student or provider likely to affect programme delivery |
| Co-ordinate provision reviews at regular intervals to ensure the student is on track to return to school or if post 16, to education, training, or employment with training. | Ensure the curriculum offer/courses offered have a clear progression route back to school or if post 16, in education, training or employment with training. |

## **Attendance coding whilst using AP**

D coding represents a dual placement with another DFE registered provider. It should be used to indicate that the pupil was not expected to attend the school in question because they were scheduled to attend the other school at which they are registered.

B code represents education off site. It should be used when the pupil is attending unregistered alternative provision arranged or agreed by the school and supervised by someone authorised by the school.

## **New Providers and Application Process**

If you have links with a provider that you might like to work with and they are not listed on the Bath and North East Somerset Alternative Provision directory, please ask the provider to contact [EOTAS@bathnes.gov.uk](mailto:EOTAS@bathnes.gov.uk).

Providers can apply to go on the BANES AP Directory by emailing this mailbox.

Please note, BANES do not operate a formal Commissioning Framework for AP, it is an informally commissioned AP Directory consisting of an Approved Provider list.

DfE guidance on Alternative Provision

• Alternative Provision Statutory Guidance (DfE 2013)

• Creating opportunity for all: our vision for alternative provision (DfE 2018)

• Keeping Children Safe in Education (DfE 2023)

• School Attendance Guidance (DfE 2022)

• SEND Code of Practice (DfE 2015)

• Unregistered Independent Schools and Out of School Settings (DfE 2018)

## **B&NES Local Authority Approach to Quality Assurance**

B&NES provides guidance around alternative provision [here](https://livewell.bathnes.gov.uk/special-educational-need-or-disability-send/send-services-and-organisations/alternative-learning-0) on Livewell B&NES. Schools and other commissioners are responsible for their own Quality Assurance processes, they should only use OFSTED registered alternative providers or providers on the list of approved providers issued by the local authority.

In exceptional circumstances, when it is necessary to use a provider which is not listed (for example when a provider is specified by the SEND Tribunal). The local authority will carry out due diligence checks following their own procedures to ensure the provider has adequate processes, insurances and systems in place.

B&NES is committed to an ongoing Quality Assurance process with an aim to improve outcomes for children and young people, deliver appropriate, safe, and good quality support.

Value for money and financial sustainability will be considered as part of the QA review process.

## **QA Review Process**

In B&NES, the Quality Assurance process consists of:

**Regular, termly progress reporting**

All AP providers will be required to provide regular updates on all children and young people placed in their provision by the commissioning body. These reports will have to be submitted termly, 3*x* per year, using Appendix B.

The reporting of progress of individual children will be overseen and monitored by the commissioning body.

Regular, meetings between the AP Provider and the designated officer or education professional responsible for tracking of progress will be scheduled so that a regular desk top audit of information can take place. If necessary, issues will be escalated to senior management.

The termly reporting is in addition to the daily reporting of attendance which must be maintained with the commissioning school or service.

**Annual self-assessment**

All AP providers listed in the Catalogue will be required to complete an annual self-assessment. The format of the self-assessment is going to cover all aspects of support including leadership and management, staffing, safeguarding, health and safety and monitoring of and reporting on educational outcomes. If required, additional documentation may be requested. The full content of the self-assessment is set out in Appendix A.

**On-site visits** will be carried out to validate information provided through the self-assessment process. This will be an opportunity to meet in person, build relationships with providers and have a more in-depth discussion about outcomes for children and young people placed with the providers. Ordinarily, these will be routine visits and they will not be triggered by any particular concerns.

**Spot check visits** will be carried out when, as a result of the information received from the AP provider or reported by AP commissioners, a concern is raised, and it requires further investigation. Any such visits may have to be attended by additional officer relevant to the identified concern; for example, where there is a safeguarding concern LADO support will be required. For children and young people Looked

After, the relevant officer will seek information from the Virtual School along with the allocated Social Worker.

Following every visit, a written summary of findings will be circulated. A suggested proforma is available in Appendix C. A Note of Visit is for recording information about an AP provider and does not relate directly to an individual pupil. It is a summary of a conversation that has taken place face to face and the content should never be a

surprise to the provider. The Note of Visit provides a vital record of what was said and agreed that can be referred to next time, a way to celebrate success or enable escalation, as appropriate.  Notes of Visits are also a very valuable way for members of services to share information about the provider within or across services.

Notes of visits will be managed by the relevant officer or education professional and filed according to internal procedures.

**Escalation process**

In cases where, as a result of the self-assessment and annual or spot check visits, issues or concerns have been identified, an action plan will be agreed, recorded and monitored. The AP provider will be required to act on such action plan without delay and provide regular updates on progress, as agreed and specified in this plan. Timescales will be agreed on case-by-case basis.

If the AP provider is continually underperforming or not following the agreed action plan, this will be escalated within the Local Authority and an urgent meeting will be arranged to decide on the continuation and/or future placements. In extreme cases the AP provider might have to be removed from the List of Approved Alternative Providers. In such cases all commissioning services and schools will be informed.

**Appendix A - Annual self-assessment form**

**Appendix B - Termly reporting**

**Appendix C - Note of visit**