

Commissioning Alternative Learning Provision: Guidance for Schools Commissioners

Introduction

Some pupils who are struggling to engage with education in school may attend alternative learning provision as part of their timetables. In most cases, this provision is commissioned by the school where the pupil is 'on roll', i.e., the school that they typically attend. Therefore, the school is responsible for ensuring that the provider meets the pupil's needs with a safe, meaningful, and sufficiently ambitious placement for the pupil.

The purpose of this guidance document is to support schools and educational settings that are responsible for commissioning alternative learning provision for pupils. It is based on statutory guidance and provides a set of guiding principles that North Somerset schools should follow to ensure that children and young people benefit from high quality provision.

This guidance document will cover the following key areas:

- What is alternative learning provision?
- How should alternative learning provision be used?
- Guidance for commissioning placements
- Guidance for monitoring placements

Relevant guidance and documents are **bold & underlined** where linked to an external source.

What is Alternative Learning Provision?

'Alternative learning provision' is an umbrella term that covers a broad range of educational experiences that children and young people can access instead of, or in addition to, regular school. The aim of alternative learning provision is to offer education to pupils who are having a difficult time engaging in typical classroom learning and need some support to re-engage.



This might be due to challenges around physical or mental health, additional learning needs, or because the young person has been temporarily or permanently excluded. Alternative provision can take a variety of different forms depending on the needs of the pupil, but it should always focus on the long-term goal of re-engaging children and young people with education, training, or employment.

In North Somerset, there are two main types of alternative learning provision:

Our Pupil Referral Unit

The Voyage Learning Campus is our Pupil Referral Unit. It is a school for children and young people who are unable to attend mainstream schools for medical reasons, or because they have been permanently excluded from school. The Voyage Learning Campus may also be able to provide some outreach support for pupils who are at risk of permanent exclusion. Some pupils who are on the roll of the Voyage Learning Campus also attend other forms of alternative learning provision off site.

Independent Alternative Provision

Alternative learning provision from an independent provider can make up a part or all of a pupil's timetable. It will be commissioned by the pupil's school, or, in cases where the pupil is not registered at a school, by the local authority. This type of provision can take many forms, e.g., mentoring, small-group approaches, forest school, or equine therapy. In North Somerset we are part of the Alternative Learning Provision Framework and have a list of pre-approved providers we recommend schools commission these services from.

The Alternative Learning Provision Framework

The Alternative Learning Provision Framework is a collaboration between North Somerset Council, Bristol City Council and South Gloucestershire Council. To join the framework, independent providers must go through a rigorous application process to demonstrate their ability to provide safe, high-quality provision. **Other than in exceptional circumstances, North Somerset Council is now only commissioning placements from providers that are on the framework. We strongly encourage our schools to take the same approach.**

The framework commissions three types of Alternative Learning Provision to cover a variety of pupil needs, which are full-time, part-time, and in-school approaches. You can use **the Alternative Learning Provider Finder** to search online for a framework provider by name, key stage or online provision.

How should Alternative Learning Provision be used?

Placements in Alternative Learning Provision should be used as a short-term, focussed intervention to support a pupil's individual needs, in close collaboration with the child's school. All pupils should be supported and encouraged to access a good education at school, and every attempt should be made to identify the need for Alternative Learning Provision as early as possible so that it can either take place within school or only as a small part of the pupil's timetable. Alternative Learning Provision should only ever be used to make up the majority of a pupil's timetable when there is genuinely no way to engage the child in education within school.

Alternative Learning Provision is not a long-term replacement for school, and it should only be used where there is a plan in place for the intervention that includes clear aims and objectives, timeframes for achieving these, and a methodology for monitoring progress. The placement should also include an appropriately challenging offer of teaching in English, mathematics and science on par with mainstream education, unless this is being offered elsewhere within a package of provision.

Guidance for Commissioning Placements

Key considerations for commissioning placements

Before you begin the process of commissioning an Alternative Learning Provision placement, you should make sure to consider the following:

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

Choosing a suitable provider to commission from

Once you have a clear set of answers to the above questions, you can begin to consider which provider would be best able to meet the pupil's needs. We recommend commissioning placements from a provider that is part of our **Alternative Learning Provision Framework**. There are providers on the framework who offer a wide range of services, spread across geographical locations, to suit the needs of most pupils.

When you commission a framework provider, you can be assured that the local authority is holding them to a set of common standards around safeguarding, staff development, partnership working, and equalities. In addition to these core standards, we also have specific standards for how education is delivered in each type of provision that all providers are evaluated against before they can join the framework. There is also a quality assurance process in place around the framework, and we as a local authority aim to complete a monitoring visit to all North Somerset providers each year.

However, commissioning a provider from the framework does not negate your duty to perform checks and quality assurance on all the placements you commission.

When you commission a placement, as well as ensuring you've covered the above 'Key Considerations' to ensure the educational quality of the placement, you must also, at minimum, check that:

1. Where appropriate, the provision is registered with the Department for Education
2. The provider is compliant with Health and Safety legislation
3. The provider is compliant with the statutory safeguarding guidance **Keeping Children Safe in Education 2019**

A more extensive checklist of factors that we suggest you should consider when deciding that an Alternative Provision is of a suitable quality and that appropriate and robust monitoring arrangements are in place can be found in Appendix 1, but these three key areas are detailed below.

1. DfE Registration Requirements for Alternative Providers

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

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

It is an offence to operate an unregistered independent school. Applications for registration by new schools must be submitted and approved before a school begins to operate and admit pupils.

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

The DfE also state that 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 majority of the time in a week in which it can be reasonably expected a child would be educated, making it the main source of education for that child.

You should never commission a placement with a provider that is illegally acting as an unregistered independent school.

2. Health and Safety

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

Under the Management of Health and Safety at Work Regulations 1999, employers have a responsibility to ensure that young people (including those attending alternative provision) are not exposed to risk within a workplace due to lack of experience, physical capability, or being unaware of existing or potential risks. The Council enacts this duty by following the **current guidance by the Health and Safety Executive (HSE)**, which you should refer to in conjunction with what is written here.

The alternative education provider you commission from has primary responsibility for ensuring the health and safety of the pupil and should be managing any significant risks. However, schools should take reasonable steps to satisfy themselves that providers are doing this, with consideration for the following key points:

1. Those commissioning alternative education provision must ensure it is appropriate for the pupils concerned. Provision must be age appropriate and take into consideration the ways in which any pupils might be at greater risk, e.g. due to medical conditions or behavioural difficulties.
2. Schools should discuss with the provider what the pupil will be doing during the placement, noting any relevant precautions. Where appropriate, the alternative

education provider should include specific mitigations for protecting young people within their existing risk assessments.

3. Providers must inform both the school and the parents/carers of any significant health and safety risks their child is exposed to during the placement, as well as how they are being controlled.
4. When commissioning alternative education provision, schools must obtain relevant health and safety information to assess the suitability of the provider. You can do this using **the Government's Crown Commercial Service Standard Selection Questionnaire**, which includes information on health and safety. The Institution of Occupational Safety and Health (IOSH) have also produced a **public service procurement health and safety checklist** which can be used to consider key health and safety issues. These lists are not exhaustive but do provide a useful starting point.
5. Schools should always assess the extent of health and safety checks required in proportion to the risks involved in the placement. In lower risk environments, information gained may be relatively straightforward, whilst in environments with less familiar risks or for those in higher risk environments, such as construction, agriculture, manufacturing, or motor vehicle repairs, the checks will need to be more robust.
6. Schools should satisfy themselves that adequate health and safety arrangements are in place and the work the pupil will be doing is being effectively managed to ensure their health and safety. This should include appropriate induction, training, supervision, site familiarisation and the supply of any protective equipment that might be needed. In addition, pupils should know how and with whom to raise health and safety concerns.
7. Schools should check that the provider understands the specific factors relevant to young people at work, including certain industry specific prohibitions and limitations.
8. For all environments, the Local Authority strongly recommends that a physical check of the provider and placement is carried out by a competent person. A competent person is somebody who has suitable training, skills, experience and knowledge. Physical checks should look at: the general suitability of workplace conditions; housekeeping; toilets and washing facilities; fire precautions; guarding of machines; provision of any necessary protective equipment. This list is not exhaustive and there may be other important aspects to consider dependent upon the type of environment and risks involved.
9. There should also be agreement on key points of contact between the provider and school during the placement to discuss any issues or concerns. This includes the reporting of any serious accidents or incidents to the school who should follow their own employer's accident reporting procedure.
10. Schools should carry out appropriate monitoring throughout the placement to satisfy themselves that providers are continuing to manage the health and safety of pupils on placement. This could be undertaken as part of a general quality assurance visit to assess the overall effectiveness of the provision. Health and safety checks should be undertaken by a competent person and be kept in proportion to the environment and risks involved. Checks should always be

recorded.

For further information and advice, schools should contact their health and safety advice provider. For more information on health and safety competent advice, refer to: <https://www.hse.gov.uk/> Schools where NSC is the employer can contact the NSC Corporate Health & Safety Service.

3. Safeguarding

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

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

Commissioning schools retain responsibility for the process of making referrals to Children's Social Care, for statutory assessments under the Children Act 1989, and for any role they might be expected to play in such assessments (KCSIE 2019). In North Somerset, these referrals are made to North Somerset's Social Care's Front door.

Guidance for Monitoring Placements

Once a placement has been commissioned, a set of ongoing processes must be established to ensure that it runs smoothly and that the child is making progress towards their intended outcomes. Schools will lead this process and should carry out ongoing quality assurance through regular visits to and communication with the provider.

What are schools responsible for?

During a placement in Alternative Learning Provision, the child's school remains responsible for:

Pupil Welfare

- The overall welfare of the pupil, including safeguarding, child protection, and health and safety
- Attendance monitoring and follow-up of absences (see Appendix 2 for specific requirements around this)
- Transport arrangements

- Where relevant, communicating a child's free school meal eligibility to the provider and ensuring suitable arrangements are made for the fulfilment of this entitlement
- Ensuring the needs identified within a child's EHC Plan are met, if they have one
- Ensuring the child remains a member of the school community, e.g. via involvement with extra-curricular activities, social events, parents' evenings, and rewards
- Ensuring pupils receive their full entitlement to careers information, advice and guidance
- Understanding that they are the sole power who is legally able to sanction a fixed term suspension or permanent exclusion of a child

Pupil Progress Monitoring

- Setting out in writing the agreed outcomes and plans for the placement, and then monitoring progress against these outcomes both through monitoring progress reports and visiting the provider regularly
- Where reintegration back into school is an objective, planning for and providing an appropriate package of support to assist the pupil's reintegration
- Obtaining a final report on the pupil's achievements during the placement, which includes attainment and progress, attendance records and evidence of changes in behaviour
- For Year 11s, working with the provider to prevent young people becoming NEET and ensuring that they can move on to suitable education, training or employment alongside part-time study. Schools should collect and record information about the pupil's next destination, as an indicator of alternative provision quality

Relevant Information Sharing and Engagement with Partners

- Sharing all relevant information about the child with the provider, including any information on SEND, literacy, safeguarding or other pre-existing issues
- Ensuring that parents/ carers (as well as the LA, where the pupil has an EHCP) receive clear information about the placement
- Involving parents/carers (as well as the LA, where the pupil has an EHCP) in regular reviews of the placement
- Ongoing contact with the pupil and provider to exchange information, monitor progress and provide pastoral support
- Seeing pupil's views on the success of the placement

What are Alternative Providers responsible for?

- Ensuring they are compliant with the most recent DfE guidance around registration of independent schools
- Maintaining contact with the commissioning school and the pupil's parent/carers, with regular updates on the pupil's progress

- Maintaining Individual Learning Plans that set out the academic targets that the pupil will achieve during the placement (e.g., L1 Functional Skills English, Pass grade) as well as the wider targets (e.g., 95% attendance, certain behaviour changes). All targets must be agreed by the pupil, the provider, and the school
- Notifying the school of attendance and absence twice daily
- Providing the school with relevant, up to date policies and procedures that relate to the child's welfare, education and safety
- Attending relevant multi-agency meetings around the pupil when required, for example: Personal Education Plan (PEP) meetings for children in care, or EHCP meetings for children with SEND
- Complying with all quality assurance visits and KPI reporting from school commissioners and/or the Local Authority
- Complying with **North Somerset Council's policies, standards and procedures for protecting children**

What is the Local Authority responsible for?

- Identifying pupils who are at risk of or already missing out on full-time education and ensuring there is a plan in place for resolving this
- Monitoring provision and outcomes for all children and young people of compulsory school age who do not access education in the usual way
- Ensuring that every child is on the roll of a school, regardless of their circumstances, unless their parents/ carers 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 by working with Bristol City Council and South Gloucestershire Council to develop a framework of approved providers
- Carrying out overarching quality assurance on local providers and supporting them to make service improvements where required

Appendices

Appendix 1: Checklist of factors for schools to consider when assessing whether 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 on the Alternative Provision Framework? (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) 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
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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 are 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) /carer(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 always adequate to cover eventualities pertaining to its business.

Appendix 2: Guidelines for Recording and Monitoring Attendance

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

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

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

Attendance Register Codes

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

- **Code B: Off-site educational activity** - This code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site, therefore, by using Code B, schools are certifying that the education is supervised, and measures have been taken to safeguard pupils.

This code should not be used for any unsupervised educational activity or where a pupil is at home doing schoolwork. Schools should ensure they have in place arrangements whereby the provider of the alternative activity notifies the school of any absences by individual pupils. The school should record the pupil's absence using the relevant code.

- **Code D: Dual Registered – at another educational establishment** - This code is used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they were registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school, or a special school on a temporary basis. It can also be used when the pupil is known to be registered at another school during the session in question. Each school should only record the pupil's attendance and absence for those sessions that the pupil is scheduled to attend their school. Schools should ensure that they have in place arrangements whereby all unexplained absence is followed up in a timely manner.
- **Code C: Leave of absence authorised by the school** - In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence.