

CHILDREN AND LIFELONG LEARNING SCRUTINY PANEL

DATE	6 th March 2025
REPORT OF	Jennifer Steel – Service Director Education, Inclusion and Integration
SUBJECT	Alternative Provision
STATUS	Open

CONTRIBUTION TO OUR AIMS

The North East Lincolnshire Council Plan 2023 – 2026 sets out the key aims of a listening council that is ambitious in its drive to create stronger economies and stronger communities.

Receiving an education regardless of whether this is within a traditional school setting, or within an alternative provision will contribute towards enabling our children to

- Reach their full potential through skills and learning
- Enjoy good health and wellbeing

And feeds into the Children and Families Vision;

- Supporting children so they are ready for school and ready to learn;
- Enable more children and young people to lead lifelong healthy lifestyles with improved social, emotional wellbeing and reduced health inequalities.
- Work in partnership with schools to champion education so all children attend inclusive provision, have high aspirations and are supported to achieve their full potential;
- Help young people into adulthood, to develop life skills, and be ready for work

EXECUTIVE SUMMARY

All children, regardless of their circumstances, are entitled to an efficient, full-time education which is suitable to their 'age, ability, aptitude' and any special educational needs they may have.

Governing bodies of schools are responsible for arranging suitable full-time education from the sixth (or earlier) school day of a suspension for any child of compulsory school age.

Nationally, local authorities have seen a rise in the numbers of pupils who are receiving both fixed term suspension and permanent exclusions, however North East Lincolnshire's numbers are higher than our statistical neighbours.

MATTERS FOR CONSIDERATION

This report to Scrutiny Committee provides an overview of matters relating to Alternative Provision for children of compulsory school age, who are at risk of or have been excluded from their home school, covering:

- National Context and guidance
- Local (NEL) policy and practice
- Insights developed and understood about local need
- Managing risks

A robust Discovery Project concluded in December 2024, identifying key areas of development and exploration to enable a newly commissioned Alternative Provision offer to be developed. The outcome of this project concludes a recommendation, that is endorsed by Service Director Education, Inclusion and Integration to proceed with the delivery of full Transformative Project, including the delivery of establishing new ways of working and procuring a new offer.

1. BACKGROUND AND ISSUES

National Context

National guidance is based upon Section 19(1) of the Education Act 1996, which defines the exceptional provision of education in pupil referral units or elsewhere, such as Alternative Provision providers.

It follows the Alternative Provision Statutory Guidance, which provides a set of guiding principles that the Local Authority, commissioning bodies and schools should follow to ensure that children and young people benefit from high quality provision, which is safe, secure and appropriate to pupil needs.

Alternative Provision is defined as ‘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. Schools can use as to such provisions to try to prevent exclusions, or to re-engage pupils in their education.

In February 2025, the Department for Education published its updated guidance “Arranging Alternative Provision”. This updated guidance provides a clear director on statutory duties, the roles of both local authorities and schools in commissioning alternative provision, as well as the roles parents/carers should play in agreeing suitable provision and reintegration back into a mainstream school. The guidance describes both statutory requirements and best practice, to distinguish between which we use the following terms:

- Must – where a person or body has a legal duty to do (or not do) something.
- Can / may – where a person or body has a legal power or ability (not a duty) to do something.
- Should – for guidance on best practice for both local authorities and other commissioners such as schools.

National guidance sets expectations that all children regardless of circumstance or setting, should expect to receive a good education. This can be provided through accessing a variety of provisions, the focus being upon good quality provision, delivered by high quality staff with suitable training and experiences. The provision on offer should be suitable to the child’s age, ability and aptitude, and any SEN they have.

We understand that nationally children who experience both fixed term suspensions and permanent exclusions has been steadily increasing. NEL is no different. We also know the main reasons sighted for why children need to be suspended or excluded from their home school is due to disruptive behaviour. Again, NEL is no different in this regard.

Local Context

In North East Lincolnshire we have a shared vision and ambition for our children and young people. This is set out in the 'Our Children, Our Future' promise and states:

“Our ambition is for every young person in North East Lincolnshire with Special Educational Needs and Disabilities to be included in education and society; to develop their independence; and to achieve the outcomes that are important to them to lead successful and fulfilling lives. To provide access to an alternative provision system that focusses on supporting children to remain in or return to mainstream education”

To achieve our ambitions, we have defined a local approach to commissioning and delivering Alternative Provision in North East Lincolnshire. The approach is outlined in the North East Lincolnshire SEND and Alternative Provision Strategy and builds upon the Tiered Model of provision outlined in the SEND & Alternative Provision Green Paper (2022).

Our current offer in NEL to provide Alternative Provision was commissioned in stages between 2015 and 2021. Our current offer is delivered within local registered settings, however the model no longer aligns with our updated understanding on local needs and requires realignment with local strategies and national guidance.

Based upon this understanding, in 2024 a comprehensive Discovery project was undertaken to gain an informed understanding about the current Alternative Provision Offer, local needs, national guidance, funding arrangements and impacts of the current offer. This project enabled local schools, alternative provision providers, NEL internal services and parents/carers the opportunity to share their experiences and feedback about the current offer and delivery of Alternative Provision. This project and the opportunities to engage were well received, with quality and constructive feedback being shared.

The Current offer in NEL

Wellspring Academy Trust was commissioned to provide placements for students, referred to them by schools via the referral process managed by the Authority's Inclusion Service. Delivery covers the Local Authorities statutory duty to provide Day 6 Provision for up to students across Key Stage 2, 3&4.

Placements at Wellspring are funded via what was the Education Funding Agency and the Local Authority via the Dedicated Schools Grant High Needs Block, including a top up per child.

Wellspring commenced offering additional “partnership placements” for 16 weeks during 2023/4, as a measure to support collaboration and offer a process whereby regular contact is kept and communication on placement is consistent. This was introduced to enable pupils to be supported with a plan and route back to mainstream schools. Schools directly commissioned these placements. This offer is aimed at reducing the period of time children and young people stay at Wellspring.

The Enquire Learning Trust was procured via a competitive process to deliver the Myspace provision for 10 KS1 and 2 children, specifically those children who are at risk of exclusion. The offer is to provide support to children with social, emotional, and mental health (SEMH) difficulties who are at risk of exclusion or have already been excluded. Where children have been excluded, Myspace will help deliver a smooth transition back into a mainstream setting and is funded by the Designated Schools Grant High Needs Block.

Broadening Horizons, delivered within a maintained school (Western Primary) has historically been commissioned to provide 10 places for KS2 children who are at risk of exclusion. The offer is to provide support to children with social, emotional, and mental health (SEMH) difficulties who are at risk of exclusion or have already been excluded. Where children have been excluded, Broadening Horizons will help deliver a smooth transition back into a mainstream setting and is funded by the Designated Schools Grant High Needs Block.

Accessing an Alternative Provision

The current access to any alternative provision placement in North East Lincolnshire is via the “Request for Alternative Provision” process, known locally as “RAP.” The scope of the panel is “for a request an alternative provision placement as an alternative to a permanent exclusion.” Home schools can request a place by completing the request for Alternative Provision. Additionally, a request can be made via the Permanent Exclusion Notification Form. This process has been operational since April 2023.

The RAP process is a panel meeting where requests for placements are discussed. The panel consists of a weekly meeting with both representatives from the Local Authority and current providers of Alternative Provision Settings, who consider requests. Two outcomes can be a result of review at RAP:

1. Recommendation that current placement is maintained for further interventions and support through the graduated response.
2. The request is agreed

The insights we have collected and what our insights is telling us

- Data and Reporting - Our data collection and reporting processes need to be updated to reflect our current and future needs, enabling local strategies to be delivered.
- Systems and Processes – Our systems have been working in isolation impacting upon how we measure successes and outcomes.
- Communication – Our channels of communication could be used in more effective ways, creating more opportunities for engagement and

understanding the experiences of both our families and our schools.

- Expectations – Our expectations about the offer differ across stakeholders, creating variations in the perspective on the delivery of the offer.
- Culture – Our schools and local providers want to work together to enable change for children and young people.
- The Offer – Our current offer is not aligned with our new strategies.
- Parents and Carers – There is greater role for parents/carers to play and new opportunities to enable parents/carers to be involved.
- Referral process – Our referral process is flexible and can be adapted to support the delivery of our strategies.
- Funding – Our funding arrangements can be adapted to support the delivery of our strategies.
- Children and young people – There are opportunities for the voices of our children and young people to be sought, heard or understood as part of the processes around Alternative Provision.

National Context and drivers for change

In March 2023, The Department of Education published the SEND and AP Improvement Plan “Right Support, Right Time.” This policy sets out the government's intention to enable Special Educational Needs and Alternative Provision standards to be brought together to enable consistent delivery of support for children and young people. The policy sets out an intention to develop sustainable systems to establish quality delivery, financial stability, parental confidence and, fair and consistent processes to access.

In early 2024, the Department of Education published a report completed by OFSTED and the CQC looking at how education, health and care partners work together to commission and oversee alternative provision. The report identifies that nationally that while registered alternative provision providers play an important role in providing quality support and education to vulnerable children, the report finds that too many children and young people's experiences are negative, and the overall picture is of a system in desperate need of reform. The report goes on to evidence that decisions about placing children and young people in alternative provision are not always considered thoroughly enough and the effectiveness of placements is not properly monitored. These issues are compounded by a lack of clear purpose for the use of alternative provision and poor strategic planning in local areas.

February 2025 the Depart for Education released its most up to date guidance to enable schools and Local Authorities to understand the expectations on the commissioning of Alternative Provision. This national guidance echoes the areas of development identified within our Discovery Project. Clear expectations are set around the roles of all stakeholders in working together to develop strategic plans and delivery of these plans. This guidance offers further clarification on the following areas providing key expectations on the future development and delivery of Alternative Provision;

- Funding
- When support should be offered and provided
- Criteria for placing children in an Alternative Provision

- Identifying and arranging suitable placements
- Oversight of placements
- Safeguarding arrangements
- Adapting the offer to the needs of Children
- Induction, Assessment and curriculum
- Reintegration back into Mainstream schools
- Early Intervention
- Unregistered provision
- Pupil movement strategies, including managed moves
- Commissioning alternative provision

2. RISKS AND OPPORTUNITIES

Risks

The following risks have been identified as part of our Discovery project:

- Commissioned arrangements and offer is not aligned with our new strategies to support children and young people through their education.
- Data collection and local reporting systems need to be aligned to support our delivery of local strategies.
- Funding formulations need to be aligned to support our delivery of local strategies.
- Early intervention and support were not commissioned as a priority for delivery
- The offer is consistently at capacity

Opportunities

The following opportunities have been identified as part of our Discovery project:

- Create a transformative, collaborative approach to designing what the future offer could look like in NEL
- Develop a new offer lead by local insights to support the delivery of local strategies
- Established new ways of working with schools and alternative provision providers to deliver local strategies
- Strengthen local approaches to the preventative measures specifically with the aim of preventing permanent exclusions from increasing

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are potential negative reputational implications for the Council resulting from the decision. An action plan will be agreed with the Council's communications service.

There are other potential negative reputational implications for the council, if our offer does not align to the updated guidance and DfE directives.

There are potential positive reputational implications for the Council resulting from the decision, where the local area will have robustly commissioned a offer to meet the needs of learners in NEL.

4. FINANCIAL CONSIDERATIONS

Allocated budgets for the commissioning of alternative provision will continue to be supported by the High Needs block funding received from the DfE.

The recommissioning of Alternative Provision is not designed to change the budget requirements. The aim is the offer to reflect local strategy delivery, meeting DfE requirements and provide value for money.

5. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

If children do not receive a suitable education, or achieve the appropriate qualifications, this limits their future career and job prospects.

Through enabling an offer to be developed based upon a local understanding of need, we will increase both the engagement and attainment of children and young people who have a need to attend an alternative provision, not matter the reasoning why. We will enable more children and young people who find a need to attend an alternative provision placement to return to a Mainstream school.

6. CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS

There are no specific direct implications on climate change as a result of commissioning a Alternative Provision offer, however it is important to ensure our children are exposed to this crucial agenda and to allow them to understand their role in the future workforce of a Green Borough.

7. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result no monitoring comments have been sought from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

8. WARD IMPLICATIONS

Alternative Provision is commissioned for children across North East Lincolnshire.

All wards are affected.

9. BACKGROUND PAPERS

[NEL SENDAP Strategy 2024-2029](#)

[SENDAP Sufficiency Strategy 2024-2029](#)

10. CONTACT OFFICER(S)

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