

Children Accessing Alternative Provision

Children's Overview and scrutiny – October 2024

Local Authority duties

Section 19 - Education Act 1996

Duty to arrange education: Local authorities are responsible for arranging suitable and (normally) full-time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive suitable education without such provision.

Suitable education: The education provided must be full time (or as much as the child's health allows) and must be suitable to the child's age, ability, aptitude and any Special Educational Needs.

Local Authority duties

Sixth day provision - duty for excluded pupils

For children who have been permanently excluded, the local authority are responsible for ensuring that they receive full time education starting from the sixth day of exclusion. This can be through Alternative Provision, including Pupil Referral Units, home education or other alternative provision settings

Children with health needs

The local authority is responsible for arranging suitable alternative provision, for children of compulsory school age who cannot attend school because of a physical or mental health need.

Local Authority duties

Quality of Alternative Provision:

Monitoring quality: those who commission alternative provision are responsible for ensuring it is good quality, assessing whether the provision offers high quality education and is suitable for the pupil's individual needs.

Off rolling and informal exclusions:

Local authorities should also ensure that schools are not encouraging parents to seek alternative provision, informally or off rolling students without proper documentation or exclusion procedures, ensuring transparency and fairness in the process.

Local Authority duties

Children and Families Act 2014

Children Missing Out on Education - Section 42 – If a child with an EHCP needs alternative provision due to special educational needs that cannot be met in a mainstream setting, the local authority must make sure that the provision is suitable and meets the objectives in the plan.

Education Other Than At School (EOTAS) - Section 61 – Local authorities may arrange for any special educational provision that it has decided is necessary for a child or young person for whom it is responsible, to be made other than at school or a post 16 institution or early years provider. They can only do so if they are satisfied that it would be inappropriate for the provision to be made in a school or post 16 institution.



Children not in school - Sept 2024

Children not in education	Number of children
Permanently excluded (Primary) (Section 19)	8
Permanently excluded (Secondary) (Section 19)	40 (estimate)
Health reasons (Section 19)	48
EOTISC (Section 61)	16
CMOE (section 42)	42
EHE	1122
CME	81

Children receiving education within alternative provision in NYC

Type of AP	Number
PRU (Preventative and PEX) (July 24)	115
Medical Education Service (Sept 24)	48
Primary PEX (Sept 24)	8
EOTISC/CMOE (Sept 24)	27
Independent AP (whilst remaining on the roll of a mainstream school) (April 2024 survey - return rate 75%)	317

Impact

Lower attainment: On average, children and young people accessing alternative provision tend to have lower academic attainment compared to their peers in mainstream schools.

Government data shows that fewer pupils in alternative provision achieve qualifications like GCSEs or equivalent, particularly in core subjects such as English and Maths

Progression into Further Education: Students in alternative provision are more likely to face challenges in transitioning to further education, employment or training.

Secondary Exclusion Provision

NYC have 5 pupil referral units (total of 168 commissioned places)

They offer preventative placements for children at risk of exclusion as well as placements for secondary pupils that are permanently excluded.

- NYC alternative provision has a track record of improving behavioural outcomes for some children due to the smaller class sizes, tailored support and flexible approaches to teaching and learning which help engage the students.
- They provide a safe and supportive environment for children with complex social, emotional and mental health needs.
- Pupils report feeling more understood and better supported in alternative provision which can help improve self-esteem and wellbeing.
- Reintegration back into mainstream school is limited, meaning that children often remain in the PRU's for longer than intended.

Primary Exclusion Provision

Primary exclusion support is provided via the SEND locality hubs in partnership with three schools, who each provide two places per school for children who have been permanently excluded so they can access curriculum and social opportunities within the schools.

This nurturing approach to the provision is staffed by centrally recruited specialist practitioners and overseen by a specialist teacher.

Medical Education Service

NYC medical education service currently provides support for children who are unable to attend school due to medical needs. The service is highly valued by families.

The service offers:

- Advice to schools
- AV1 robots
- Online packages
- Small group tuition
- Maths and English 1:1 tuition (home or other locations)

New approaches are being taken to ensure children remain in the service for 12 week blocks with re-integration being at the core of the offer.

EHE support

Pre-decision meetings: EHE advisers have worked with schools to support them to host meetings with parents prior to parents making a final decision around EHE.

The aim is to ensure all parents have an informed understanding of what EHE entails, to address what has caused them to consider EHE and to identify how school can support the pupil to remain in school and have their needs effectively met.

SEND Hub: EHE advisers ensure schools are referring pupils to the SEND Hub when appropriate to improve relationships between school and home and avoid EHE

Suitability of education: EHE advisers ensure parents are aware that they will have to deliver a full-time suitable education which is appropriate to the child's age, aptitude and SEN – and if this is not happening parents may face legal intervention.