

# **Herefordshire Alternative Provision Approach 2023 – 2026**

Reviewed June 2024

## **Introduction**

This Alternative Provision Commissioning Strategy for Herefordshire sets out the statutory responsibilities relating to the commissioning of alternative provision places, the range of alternative provision that is available in Herefordshire and the key priorities to improve the range of provision available.

This document forms part of the wider SEND strategy and aligns with the national reforms to Alternative Provision (AP) that focus on early intervention and targeted support in mainstream schools, making AP an integral part of the broad SEND system. The national drive weaves together SEND and AP for the first time, recognising that many children that attend alternative provision will often have SEND.

## **1 What is alternative provision (AP)?**

Alternative provision (AP) is where children and young people of compulsory school age can receive their education if they aren't able to remain in their school some, or all of the time. This can be for health reasons, exclusion, or because they need some additional support beyond that which can reasonably be offered by their school.

The creation of additional alternative provision places is just one part of our wider SEND Strategy to support mainstream inclusion where appropriate, and deliver strong and robust processes to ensure the needs of all children in Herefordshire are met.

The aims of this Alternative Provision and Commissioning strategy are to support:

1. An inclusive education system with effective early intervention, supported by a skilled workforce able to access additional support when it is needed.
2. To provide high quality alternative provision locally, operating alongside mainstream and special schools to meet the needs of Herefordshire pupils for some or all their education.
3. To create a shared understanding with parents/carers, schools and providers about when alternative provision may be appropriate, what is available in Herefordshire, and how it can be accessed.
4. To identify the gaps in alternative provision in Herefordshire and identify the key priorities for development.

## **2 National context**

The Government's recently published 'Green Paper' - The SEND Review, sets out the Government's proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives. The paper seeks to establish a new national SEND and alternative provision system setting nationally consistent standards.

The 'Green Paper' recognises that at their best, alternative provision schools are experts in supporting children and young people whose behaviour or other needs can present a barrier to learning, but, has also identified that too often the role of alternative provision is unclear, and it is

used too late or in a way that is not best focused on children's individual needs. To address these barriers the paper seeks to:

- Ensure alternative provision is an integral part of our whole system approach by delivering alternative provision that is fully integrated with the wider SEND system. This means supporting children and young people to remain in mainstream education by offering early, targeted support and time-limited or transitional placements in alternative provision for pupils who need more intensive support. The new SEND and alternative provision partnerships will include planning and delivery of an effective alternative provision service focused on early intervention that meets needs early and well.
- Give alternative provision schools the funding stability to deliver a service focused on early intervention by requiring local authorities to create and distribute an alternative provision specific budget.
- Develop a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations.
- Deliver greater oversight and transparency on children and young people's movements into and out of alternative provision.

In addition the updated keeping children safe in education 2024 states:

[Keeping children safe in education 2024 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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171. Where a school places a pupil with an alternative provision provider, it continues to be responsible for the safeguarding of that pupil and should be satisfied that the placement meets the pupil's needs.

172. The cohort of pupils in Alternative Provision often have complex needs, it is important that governing bodies and proprietors of these settings are aware of the additional risk of harm that their pupils may be vulnerable to. The department has issued two pieces of statutory guidance to which commissioners of Alternative Provision should have regard:

- Alternative Provision DFE statutory guidance, and
- Education for children with health needs who cannot attend school - GOV.UK ([www.gov.uk](https://www.gov.uk)) – DFE statutory guidance

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333. Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, (further information provided in part 2).

334. Schools should obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

### 3 Local context

This Strategy is part of a wider framework of policy documents that support children and young people in Herefordshire:

[Herefordshire Children and Young People's Plan 2019-2024](#)  
[Draft Early Help Multi-Agency Strategy 2021-2024 \(herefordshire.gov.uk\)](#)  
[Herefordshire SEND Strategy](#)  
[Herefordshire Council Plan 2024-2028](#)

Herefordshire is a sparsely populated large rural county that has:

- 52 LA maintained primary schools
- 25 Primary academies
- 1 Primary free school
- 5 LA maintained secondary schools
- 9 Secondary academies
- 1 All through academy
- 2 LA maintained special schools
- 2 Special school academies
- 1 LA maintained PRU
- 1 Special Free school
- 6 Independent Schools
- 5 Independent special schools
- There are a number of independent private alternative provision providers in the county.

The LA ensures that it has systems, services and alternative provisions, which will enable it to discharge its statutory responsibilities and do the right thing for children, ensuring that where possible, children can be supported to receive their education through regular attendance at school. Where this is not possible, and/or they require access to alternative provision, there must be sufficient suitable and local places available that can be accessed by schools and the Local Authority to meet their duty to ensure that all children can receive a suitable full-time education.

### 4 Local Authority Statutory duties

The Local Authority has a statutory duty to make arrangements for the provision of suitable education at school, or otherwise, for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it unless such arrangements were made (The Education Act 1996: Section 19 and [DfE statutory guidance on Alternative Provision 2013](#)).

This is a comprehensive duty, which is normally fulfilled through children having access to and regular attendance at mainstream and special schools. In some circumstances this may not be the case and the local authority is then required to act to ensure that alternative provision is in place. This duty applies equally where a child is known to be on the roll of a school but not accessing their education:

- Section 19 Education Act 1996 places a duty on local authorities to provide suitable alternative education for children of statutory school age who cannot attend school because of illness, exclusion or 'otherwise'.

- The courts have found that 'otherwise' is intended to cover any situation in which it is not reasonably possible or practicable for the child to take advantage of existing suitable schooling.
- The DfE guidance for Children Missing Education says that when the reason why a child has stopped attending a school is not known, the Local Authority should investigate the case and satisfy itself that the child is receiving suitable education.

The Section 19 duty covers all compulsory school age children irrespective of their needs and the reasons leading up to them. These groups include:

#### Excluded pupils

- Permanently Excluded Children – The Local Authority is required to provide full-time education from the sixth day of exclusion for permanently excluded pupils and for pupils who are suspended from a pupil referral unit for a fixed period of more than five days.

#### Medical reasons

- Children unable to attend their provision due to medical reasons (normally where the absence is likely to exceed 15 days).

Other ('situation in which it is not reasonably possible or practicable for the child to take advantage of existing suitable schooling'.) – Some examples include:

- Children new to the area for whom a school place is yet to be identified.
- Children on roll at a provision, where attendance is very poor, and child/parents/professionals are challenging the suitability (often those with an EHCP but not always).
- Children 'too anxious' to attend school e.g., Emotionally Based School Avoidance (EBSA), alleged bullying etc.
- Children resident in Herefordshire, where parents are neither seeking to secure education nor electing to educate their children at home (EHE).

For the Section 19 duty to be satisfied, it is important to ensure that the Local Authority and schools work together, in the best interests of all children, within an inclusive education system. The alternative provision offer running alongside mainstream and special schools must be flexible, clear and coherent, containing sufficient high-quality places and support to meet the needs of pupils when they need it.

The Local Authority is confident that schools will always take all necessary action and appropriate measures to support the children on their roll to have access to and engagement in full-time education. This will include the commissioning of off-site professional services and short or long-term alternative provision placements.

Depending on the reason a child requires alternative provision, placements may be commissioned and funded by either local authorities or schools. It is generally expected by government that schools commission and fund AP placements for pupils on their roll where it is necessary to ensure such children receive a suitable full-time education. Local authorities would generally be responsible for funding provision for excluded pupils and pupils that do not have a school place. It is up to the school or the local authority to determine the most appropriate alternative provision for the child, but they should take account of the views of the child, their parents and other professionals.

## 5 Routes into Alternative Provision and funding responsibilities

Description of routes into Alternative Provision	Commissioner	Lump Sum Funding	Top Up Funding £ variable	Registration
From 6th day following Permanent Exclusion	LA	School by local agreement	Recovery of AWPU from school	Dual initially then single registration alternative provision.
Health reasons – including physical or mental health needs	LA/School	School	School	Dual, School main
Where a child requires interim provision whilst awaiting placement in a school	LA	LA	LA	Single registration alternative provision
Children requiring short term assessment or intervention provision to support reintegration back into their home school or transition to a different type of provision	School	LA/School	School	Dual, School main
Behaviour which results in a suspension for more than 5 days* or an off-site direction by the school**	School	School	School	Dual, School main
Where the LA needs to make provision in accordance with Section 19 'other reasons'	LA	LA/School	LA/School	Dual or single
Off-site attendance for part of the week to access vocational or other courses, whilst attending home school for the rest of the week.	School	School	School	Dual, school main

\*Maintained schools and Academies are under a duty to arrange for the provision of suitable full-time education from the sixth day of a suspension.

\*\*Governing bodies of maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. Academies can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association. In these circumstances, the school or academy is the commissioner and funder of the alternative provision placement.

## 6 Alternative provision and places

Alternative Provision is provided through full or part-time places, and short or longer-term placements and could include support to schools through outreach-work. Placements can be delivered by AP academies, AP free schools and pupil referral units (PRUs). Other settings also provide AP, including independent schools, further education colleges, and other providers from the private and voluntary sectors.

AP settings that are not maintained by local authorities, or established AP Academies or Free schools may not be registered with the DfE. Unregistered settings are therefore not inspected by Ofsted in their own right. Local authorities and schools acting as the commissioner must assure themselves that the setting and the service it provides is registered where appropriate, and delivered by high quality staff with suitable training, experience and safeguarding checks. Schools are assessed during all graded Ofsted inspections to determine how effectively they ensure that the AP they use is safe for children, and that those children are making progress and behaving and attending well.

## 7 Funding for alternative provision

The Green Paper signals the intention for Special Educational Needs provision and alternative provision to be more closely aligned. Further details are needed to assess the implications of this in the future. Currently, funding for alternative provision is from the High Needs Block (HNB) part of the Dedicated Schools Grant (DSG). The majority of the HNB funding allocation is used to support provision for 0-25 year-olds with special educational needs and disabilities (SEND) although funding for alternative provision is included. There is no automatic adjustment to the HNB grant for changes in numbers attending alternative provision, unlike for special needs places, where there is a partial adjustment for the number of pupils in special schools.

Herefordshire's High Needs Block for 2023-24 financial year is £25.7m (gross) and is already over-committed at the start of the year like most local authorities. Herefordshire is forecasting a cumulative £12m deficit by March 2026, caused by DfE funding allocations not being sufficient to meet the increasing costs due to a combination of more pupils, pupils with greater needs and the placement of significant numbers of pupils in expensive independent provision.

## 8 Alternative Provision in Herefordshire

Herefordshire believes that every child deserves an education that enables them to fulfil their potential, whatever their background and individual needs, or location in the County.

Increasingly alternative provision will play a critical role in making this happen. Alternative provision can provide support to children at challenging moments in their lives, above and beyond support already made available in their school. Each placement has the potential to transform a child's life chances.

### Herefordshire Pupil Referral Service (HPRS):

Herefordshire Council commissions places for permanently excluded pupils in Key Stage 3 and Key Stage 4 at HPRS. HPRS is a Pupil Referral Unit (PRU) for secondary pupils.

There are 64 places available for secondary-aged pupils (plus 25 full-time equivalent places at H3) operating across three sites with a flexible offer delivered in group sizes appropriate to the age and need of the pupils. The three sites are: The St David's Centre for Key Stage 4 pupils, The Aconbury Centre for Key Stage 3 pupils and H3 (the hospital school) for pupils who are unable to attend school due to medical reasons.

There is no PRU provision for PEX pupils in the primary sector. Provision is currently sought with The Brookfield SEMH Special School for Key Stage 2 pupils or another mainstream setting for Key Stage 1 pupils.

### HPRS – Position statement 2023 – reviewed June 2024

There has been a 27% increase in permanent exclusions for Herefordshire secondary age pupils in the Autumn Term 2022 compared to the Autumn Term 2021 (11 in Autumn 2021 and 14 in Autumn 2022), as the country continues to experience the aftershock from the pandemic. The increase in permanent exclusions means that HPRS is unable to currently take Key Stage 4 pupils, with a

waiting list in the Spring and summer term of 2023 at Key Stage 4 (currently 41 pupils on roll in Key Stage 4). In light of this sudden increase in demand there is a need to review, in partnership with HPRS and other stakeholders, the number of places currently offered here at Key Stage 4. Accommodation is currently the limiting factor.

June 2024: the increase in permanent exclusions across key stage 3 and 4 has continued into the academic year 2023/24 with the number of permanent exclusions to the end of May 2024 already up by 15.4% on the full academic year 22/23. The result is a small but rising number of young people being placed in alternative provision to meet the LA's responsibility for day 6 provision

The academic year 2022-23 has seen a rise in the number of primary pupils permanently excluded from 1 in 2021-22 to 4 in 2022-23. As of May 2024 this number is already at 5 primary permanent exclusions

## 9 Other provision/support

A range of support for school age children is available from the SEMH Inclusion Service. The full range of support and referral information is available [on our Behaviour and support pages](#). Herefordshire's Educational Psychology Service can provide advice and training to schools. Further information is available [on our Educational psychology page](#).

Although not designated as alternative provision, there are other additionally resourced provisions (ARPs), attached to mainstream schools, that offer short-term placements providing early intervention and support. Places are accessed through school referrals and children remain dual rolled at their mainstream school.

These placements are therefore not available to children without a mainstream school place:

- The Brookfield School - short term provision/intervention places for children with SEMH
- Key Stage 1 Nurture Groups – 7 place provision for intervention places in one of five groups in the following schools: Broadlands, Lea, Ashfield Park, Lord Scudamore and Leominster
- Key Stage 3 Nurture Hub – 12 place provision for intervention places at Earl Mortimer College

Access to the nurture hubs is via a referral from the SEMH Inclusion Service (formally the Behaviour Support Team). Pupils are dual registered when they attend a nurture hub. In addition to the above there are a small number of private independent and unregistered providers of alternative provision in Herefordshire that are commissioned by the local authority and schools:

- **Second Chance** – Asdan Level 1 Animal Husbandry
- **Mercia Learning** – Individualised tuition support programmes for children who aren't thriving in mainstream schooling
- **HVT** (Herefordshire Vocational Training) – Certificates through UK Rural Skills are offered in the following areas:
  - Introduction to health and safety.
  - Work with others. Communication skills. Give and receive information.
  - Care of farm animals. Canine care. Horse care.
  - Tractor driving. Maintenance of machinery.
  - Workshop practice. Hand tools. Manual metal arc welding.
  - Woodwork.
  - Hair and beauty.
  - Farmhouse cookery.



- Introduction to construction.
- Introduction to the Armed forces.
- **Horizons** – 14-16 placements Horizon Training aims to work with schools to provide alternative provision courses, this can help those dis-engaging from mainstream curriculum to gain vocational skills, if the schools decide then this alternative provision can lead towards accredited qualifications
- **Longlands Care Farm** - Level 1 City & Guilds qualification in Land Based and Horse Care Studies and AQA Units
- **Hereford Community Farm** - Provide supportive life experiences, work opportunities, and structured learning programmes for people of all ages and backgrounds who have specific difficulties and who would benefit from the therapeutic effects of working with animals, horticulture, and the environment
- **The Houghton Project** – Not for profit provision, based on a farm, providing rural skills for people who may need additional support and guidance
- **The Cart Shed** - work with adults and young people experiencing mental health difficulties. Based in a north Herefordshire woodland they provide activities such as woodcraft and coppice craft as well as horticulture. Sessions are run by tutors, occupational therapists and mental health practitioners to help build confidence, identify barriers to skills development and explore other issues that might be making life challenging.

## Key action points / deliverables

**The following are headline deliverables reflected in service delivery plans for the relevant service areas.**

- Align AP and SEND strategies
- Create a list of Herefordshire providers of AP and their offer
- QA process to be moderated and consistently applied
  - LA to share their QA process with schools
  - LA to ensure all LA commissioned places are QA's and monitored
- Gap Analysis – identify where areas of AP are not currently offered
- To facilitate and commission places for primary aged children needing AP
- Encourage use of AP to reduce PEX so pupils remain in mainstream
- To reduce permanent exclusions so that pupils remain in mainstream education
- Encourage use of AP to reduce PEX so pupils remain in mainstream
- Support development of whole school resilience and relational approaches across all schools to ensure an effective early response to children and young people at risk of requiring alternative provision
- Engage with school leaders & partners to review the SEMH graduated response, consider the role of universal and targeted services and support for mental health and early help
- Review effectiveness for early help/ early years and targeted support for pupils with SEMH and/ or risk of non-participation in education
- To identify the co-dependency between social care, early help, health and education that influence children's pathways
- Extend the Year 7 nurture group pilot across other secondary schools utilising the lessons learned from the extended pilot programme
- To ensure sufficiency within our alternative provision settings through alignment between the planning for SEND and AP.

- Review the impact of initiatives agreed in relation to universal and targeted support for mental health and wellbeing delivered through the area partnership
- Develop the local area improvement plan – specific focus on the 3 tier model and how this will look in Herefordshire.

## **10 Relevant legislation / guidance**

- The Education Act 1996
- The Children and Families Act 2014 and supporting Regulations and Code of Practice
- Statutory Guidance: Children missing education
- Statutory Guidance: Education for children with health needs who cannot attend school
- Statutory Guidance: Alternative Provision
- LGO Guidance: Out of school, out of mind?