





Department for Children,  
Schools and Families

# **Back on Track**

## **A strategy for modernising alternative provision for young people**

Presented to Parliament  
by the Secretary of State for Children, Schools and Families  
by Command of Her Majesty

May 2008

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## Ministerial foreword

The Children's Plan set out our proposals for improving the lives of children and young people – making this country the best place in the world to grow up. In the consultation on the Plan, parents told us about the importance they attach to good classroom discipline, so that their children can learn and do well at school. We agree. That is why we took swift action following the report of Sir Alan Steer's Practitioners' Group on School Behaviour and Discipline by implementing their key recommendations, including giving school staff for the first time a clear statutory power to discipline. We agreed with Ofsted to 'raise the bar' for their inspection of behaviour in schools, and we have provided sustained support and new powers for schools and teachers to promote good behaviour and have encouraged them to work in partnership to support each other. We have provided additional targeted resources for schools to promote good behaviour. In the Children's Plan we asked Sir Alan to review the implementation of his recommendations, and I am grateful to him for his ongoing work and in particular for his contribution to the development of this White Paper (see annex 3).

Of course heads must exclude pupils where their behaviour has overstepped the mark in a serious way and young people and their parents must face up to the consequences of their actions. At the same time, school leaders and other education

professionals have told us that we need to do more to intervene early to support and challenge those young people who are starting to cause difficulties in school and to improve educational provision for those who are permanently excluded from school. Two-thirds of permanently excluded pupils and 75 per cent of pupils in Pupil Referral Units have special educational needs, and there is more that we can and should be doing to identify and address those needs earlier. Too many of these young people not only fail to fulfil their own potential, but go on to cause serious problems for themselves and their communities. It costs around £4,000 a year to educate a pupil in a mainstream school, but about £15,000 a year for a full-time placement in a Pupil Referral Unit, where most permanently excluded pupils are educated. So there is a clear economic as well as moral case to do more, through early intervention, to minimise the need for permanent exclusion. Where heads decide that permanent exclusion is necessary, we must ensure that the provision we make for those young people is of high quality and gets them back on track.

This White Paper builds on the Children's Plan proposals to set out a new strategy for transforming the quality of alternative educational provision for those who are excluded from, or who for some other reason are unable to attend, mainstream school. These children and young

people are currently provided for either in local authority run Pupil Referral Units or in other alternative provision commissioned by local authorities and schools.

Of course, not all children in alternative provision are there because of behavioural problems. Around half are there because of medical needs (including teenage mothers), or because they cannot cope in mainstream schools, or simply because they are temporarily without a school place. This reinforces the need for a range of tailored provision geared to meeting diverse individual needs. The other half are those young people who have either been excluded or are at risk of being excluded. Around one per cent of school age children are in alternative provision, and they include some of our most vulnerable young people.

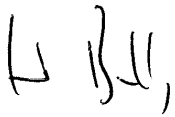
Our strategy will apply the lessons of ten years of public service reform and improvement that has seen standards rise dramatically in mainstream schools. We will strengthen the role and capacity of local government as commissioners of alternative provision. We will ensure better basic standards by ensuring all young people outside mainstream schools have a plan for their education and receive a good curriculum entitlement. We will encourage greater diversity of alternative provision, with more input from the private and voluntary sectors, and will fund a series of innovative new pilot projects in 10 areas, at a cost of £26.5 million, working with the private and voluntary sectors and including at least one which takes over from an underperforming Pupil Referral Unit. We will strengthen the accountability of commissioners and providers, and as announced in the draft legislative programme, will take powers to improve accountability and step in where standards do not improve quickly enough.

The White Paper emphasises the key role for schools in identifying children with challenging behaviour early on, and being able to access the right support before they reach the point of permanent exclusion. As part of this, schools should be able to make more use of alternative provision as a preventative early intervention. The Government has encouraged secondary schools to collaborate in 'behaviour partnerships' to manage children with challenging behaviour, and as announced in the draft legislative programme, has accepted Sir Alan Steer's advice that participation in these partnerships should be mandatory for all publicly funded schools. We accept his view that behaviour is best managed for the whole community by schools co-operating with each other, so that every school can be a good school.

Our strategy for improving alternative provision goes hand in hand with our emphasis on personal and parental responsibility. Primary responsibility for good behaviour sits with young people themselves, and with parents and families. The best alternative provision can support their motivation and commitment, but it is not a substitute. This is why we are determined to work with young people and their families to take our strategy forward.

No school should ever be required to take a pupil who is not ready to return from permanent exclusion, and no school should be required to take an unfair share of pupils who have been permanently excluded. But young people do not disappear when they are permanently excluded. Where a pupil remains in alternative provision because they are not ready to be re-integrated to a mainstream or special school, it is essential that they nonetheless receive an education that puts them on the path to success in adulthood. This is not just the right thing for them, but for their local community and for society more widely.

This White Paper sets out the Government's proposals for transforming alternative provision into a vibrant and successful part of the education system, working in close partnership with mainstream schools, special schools, children's services, and the third sector. By creating a culture of early intervention, quality of provision, and strengthened accountability, its proposals will help schools ensure good discipline and behaviour, and will help young people get successfully back on track.

A handwritten signature in black ink, appearing to read 'Ed Balls'.

**Ed Balls MP**

# Executive summary

In recent years, the Government has taken a number of steps to improve the quality of alternative provision for young people who are excluded from school or who are otherwise without a school place. We have made it a requirement for all Pupil Referral Units to have a 'management committee', with significant representation from the heads of local schools, to improve their accountability and their responsiveness to schools' needs. We have taken powers to direct failing Pupil Referral Units to seek advisory support, where necessary, in line with measures for failing maintained schools. And we have published guidance on accommodation in Pupil Referral Units and on effective commissioning.

In the Children's Plan consultation, we heard from parents how important good discipline and behaviour in schools was for them, we heard from schools how important it was for them that they could access good quality alternative provision, and we heard from across the children's workforce how important it is that young people in alternative provision get the help they need to get back on track. As a result, the Children's Plan set out the next steps of our strategy to bring about a transformation in the quality of alternative provision, both to support more effective early intervention by schools to tackle problems before they become acute, and to provide high quality

support for those young people who have to be permanently excluded or who are otherwise without a school place. Young people have their own responsibility to turn bad behaviour around. We need to work with them and their parents to improve their behaviour – both for their own sake but also so that other children and society are safer. This White Paper sets out our proposals in more detail.

## Chapter 1: Bringing about a step change improvement

Alternative educational provision is for children and young people without a school place. Around 135,000 pupils a year, mostly of secondary age, spend some time in alternative provision. About one third of placements are in Pupil Referral Units; the rest are in a range of other alternative provision, including in further education and the private and voluntary sectors. 75 per cent of young people in Pupil Referral Units have special educational needs. There is limited performance data available for pupils in alternative provision, but what there is indicates often very poor outcomes. In 2006 only 1 per cent of 15 year olds in Pupil Referral Units achieved 5 GCSEs at grades A\*-C or equivalent; 11.3 per cent achieved 5 or more grades A\*-G; and 82.1 per cent achieved 1 or more qualification. At the same time the lack of such information at the local level is a problem

for those who are responsible for arranging alternative provision, and hampers accountability. The Government has already taken steps to improve commissioning, sharpen accountability and strengthen partnership working. However, there now needs to be a step change in the quality of both Pupil Referral Units and other alternative provision, building on the good and innovative practice that exists already and on the excellent work of many of the individuals working in this sector.

A central aim of this strategy is that alternative provision should enable young people to get back on track. Schools should be able to make more use of high quality alternative provision as an early intervention for their pupils who are at risk of permanent exclusion. At the same time young people whose behaviour has required permanent exclusion should get alternative provision that helps prevent them getting into even more serious trouble later on.

The strategy is based on the following core principles which run through the White Paper:

- that we should start from what will work best for each young person taking account of his or her different needs and in consultation with parents and carers;
- that we should secure a core educational entitlement for all young people in alternative provision;
- that there should be better planning and commissioning of alternative provision both at an area level and for the individual;
- that local authorities should be held to account for outcomes from the alternative provision they deliver or commission;

- that there should be better professional support for those working in the sector and better accommodation and facilities;
- that there should be better partnership working between alternative provision, other parts of the education sector and other agencies and services working with young people to facilitate early intervention and ensure an integrated approach to meeting the young person's needs; and
- that we must learn from the best and support innovation.

It has been put to us by Sir Alan Steer and other secondary heads that we need to find a new name for Pupil Referral Units. We agree. 'Pupil Referral Unit' is an outdated and unhelpful label, and we will reflect this in legislation to signal our commitment to change in this sector.

## Chapter 2: Starting from the child

Young people in alternative provision are there for a range of reasons, not just because they have been excluded or are badly behaved. A high proportion of them have special educational needs or other challenging personal circumstances. We need to ensure that alternative provision is better able to meet the diverse needs of these young people. At the moment there is no specified minimum curriculum for pupils in alternative provision. We will work with local authorities and schools to:

- ensure that all young people in alternative provision have a personalised education plan, and consult on developing a standardised 'information passport' for young people moving between places of education, so that their needs can be identified and assessed much earlier;

- ensure that there is a clear responsibility for the education and well-being of young people in alternative provision; and
- secure an appropriate curriculum for young people in alternative provision and work towards developing a national minimum standard of provision.

### Chapter 3: Better planning and commissioning of alternative provision

Whilst many local authorities have taken a strategic approach to planning the alternative provision they need for pupils out of school, elsewhere the approach appears much more fragmented. This means that schools cannot rely on the support of good alternative provision; young people are not getting provision that meets their needs; and not enough is being done locally to encourage the best providers to develop and expand what they offer. We want to open up the supply of alternative provision from the best and most innovative organisations. We need to ensure better planning and commissioning of alternative provision for vulnerable young people, in which schools are much more closely involved. We will launch this autumn a commissioning support programme for Children's Trusts to improve the commissioning of children's services, and in particular we will support local authorities and schools to improve their commissioning by:

- publishing a toolkit on commissioning alternative provision;
- launching a national database of providers of alternative provision in September.

We will also expect school behaviour partnerships to have a leading role in deciding the extent of educational provision that is needed for all pupils in the partnership.

### Chapter 4: Increasing accountability

Improved information and accountability is the key to improved alternative provision. Over the last ten years we have developed a powerful accountability framework for mainstream schools that has driven rising standards across the board. By comparison, the accountability framework for Pupil Referral Units and alternative provision is under-developed, and there are no requirements for any performance data to be shared with parents. Ofsted tell us that just over half of Pupil Referral Units are good or outstanding (56 per cent) and in 2006/07 Ofsted judged 10 per cent of Pupil Referral Units inspected that year to be inadequate. We will now systematically strengthen and improve accountability for pupils in alternative provision. We will:

- collect and publish data annually on attendance at Pupil Referral Units;
- pilot the collection and publication at local authority level of educational outcomes data (GCSEs and equivalents) for pupils at the end of Key Stage 4 in alternative provision;
- consult on how best to gather progression and value added data for pupils in alternative provision;
- we will ask Ofsted to take account of any Pupil Referral Units in special measures in a local authority in its comprehensive area assessments;
- consult on the application of new school indicators on pupil well-being to Pupil Referral Units;
- strengthen the Secretary of State's powers to intervene when Pupil Referral Units fail, by requiring local authorities to replace them with a specified alternative, as announced in the draft legislative programme;

- introduce a new power to require a local authority, when necessary, to hold a competition to find the best provider of the specific alternative model that has been identified to replace a failing Pupil Referral Unit; and
- publish statutory guidance in 2009-10 on alternatives to Pupil Referral Units, informed by pilots and other innovative work.

### **Chapter 5: Developing the capacity of alternative provision – better professional support, better accommodation and better facilities**

We are dependent on the commitment, energy and professional skills of those who work in and lead alternative provision, many of whom do an outstanding job in difficult circumstances. We are also aware of the impact poor accommodation and facilities can have on those who work and learn in Pupil Referral Units. We need to improve support for the workforce in Pupil Referral Units and alternative provision and improve their accommodation and facilities. We will:

- ask the School Teachers' Review Body to make recommendations on special educational needs allowances for teachers working with these pupils in Pupil Referral Units;
- ensure that the new negotiating body to determine the pay and conditions of school support staff makes sure that staff in Pupil Referral Units are appropriately rewarded for the work that they do;
- ask the National Strategies, in consultation with local authorities, to look at opportunities to further promote continuing professional development (CPD) for staff working in Pupil Referral Units and alternative provision and to develop local networks for staff to support each other;

- ensure that, as we develop the Masters in Teaching and Learning qualification, the programme takes account of the needs of staff and the children in Pupil Referral Units and alternative provision;
- consult local authorities and the social partners about how the 'new professionalism' agenda is being applied to staff in Pupil Referral Units and alternative provision and whether this workforce are receiving all the statutory entitlements to support them in raising standards;
- increase access to high quality leadership and management support through the National Leaders in Education Programme;
- promote the National Programme for Specialist Leaders of Behaviour and Attendance (NPSL-BA), which provides leadership training in behaviour and attendance;
- expect that Pupil Referral Units will continue, as planned, to be built or refurbished through the Building Schools for the Future programme;
- expect Pupil Referral Units and other alternative provision to work in collaboration with other providers (schools, colleges, training providers) and with employers to ensure their pupils can access the range of teaching and facilities they need; and
- look at how better links can be made between Pupil Referral Units and parenting and whole family support.

### **Chapter 6: Alternative provision as part of our overarching strategy for behaviour in schools**

Alternative provision is a central and essential part of our strategy for improving behaviour in schools. We need to ensure that alternative provision works closely with mainstream and special schools, including those working in behaviour partnerships,

and with wider local services to provide support for challenging pupils. We will:

- introduce legislation to implement Sir Alan Steer's recommendation to require secondary schools and Pupil Referral Units to work together in local behaviour partnerships, as announced in the draft legislative programme, and secure the participation of future academies through their funding agreements;
- ask the National Strategies to support the development of school behaviour partnerships in adopting preventative strategies;
- encourage Pupil Referral Units and alternative provision to work more closely with special schools or mainstream schools with designated units for pupils with special educational needs, and with wider support services;
- expect all schools to take their fair share of previously excluded pupils, but only where these pupils are ready for reintegration in the mainstream.

### Chapter 7: Learning from the best and supporting innovation

We will take the opportunity to pilot different ways of making educational provision for young people out of school that is focused on attainment and meeting their wider needs. We want to learn lessons from innovative practice already in place.

We will:

- invite local authorities and schools to run up to 10 pilots to test a range of models to deliver alternative provision (£26.5 million is available to support these pilots over three years);
- strongly encourage voluntary / private sector providers to engage with local authorities and schools in the pilots;

- use findings from pilots to encourage innovative effective practice and to inform legislation to require local authorities to replace failing Pupil Referral Units with a specified alternative.

### Chapter 8: Delivering change

This chapter sets out the support that we will offer local authorities and school behaviour partnerships to deliver change.

We will work in partnership with local authorities and schools to deliver a step change in the quality of alternative provision. Drivers of change will be:

- the publication of performance data;
- the introduction of personalised education plans;
- Ofsted inspections of local authorities and individual alternative provision providers;
- the new national database to support smarter commissioning;
- our pilot programme to spread innovation and test best practice;
- the new powers for the Secretary of State to require local authorities to replace failing Pupil Referral Units with a specified alternative and to hold competitions for their replacements;
- our plans to make behaviour partnerships mandatory.

We will also work with local authorities to provide additional support at the strategic level through the National Strategies.

We also intend to drive forward our strategy through:

- Improving support for the workforce;
- improving accommodation; and

- promoting closer partnerships between alternative provision, mainstream and special schools, and local authority support services.

### Note

All references to “alternative provision” in this document relate to local authority or school arranged provision. Neither the phrase “alternative provision” nor the phrase “pupils not on a school roll” refers to parents’ decisions to provide education for their children at home under section 7 of the Education Act 1996.

# Chapter 1:

## Bringing about a step change improvement

This chapter sets out the outline of our plans for a transformational strategy for alternative educational provision based on the following core principles:

- that we should start from the young person, taking account of his or her different needs and in consultation with parents and carers;
- that we should secure a core educational entitlement for all young people in alternative provision;
- that there should be better planning and commissioning of alternative provision both at an area level and for the individual;
- that local authorities should be held to account for outcomes from the alternative provision they deliver or commission;
- that there should be better professional support for those working in the sector and better accommodation and facilities;
- that there should be better partnership working between alternative provision, other parts of the education sector and other agencies and services working with young people to facilitate early intervention and ensure an integrated approach to meeting the young person's needs; and
- that we must learn from the best and support innovation.

We will also consult on finding a new name for Pupil Referral Units which we will reflect in legislation to signal our step change improvement.

### What is alternative provision?

1.1 Alternative provision is education for children and young people who are unable to be provided for in mainstream or in a special school. Local authorities are required by law to make provision for all children of compulsory school age who have been permanently excluded from school or who

are otherwise without a school place. Alternative provision is also used by schools for pupils who remain on the school roll, but who need specialist help with learning, behavioural or other difficulties. At any one time just under 1 per cent of pupils (70,000) are in some form of alternative provision: many placements are short term, so the numbers

passing through alternative provision in any one year are about double this – 135,000.

**1.2** The great majority of alternative provision placements are of secondary age pupils. About one third of placements are in the 450 local authority-run Pupil Referral Units; the other two thirds are in other forms of alternative provision commissioned by local authorities and schools. Other alternative provision includes placements in further education; in private and voluntary sector provision and in independent schools.

**1.3** The statistics available for pupils in Pupil Referral Units tell us that

- 75% have special educational needs (62% without statements; 13% with statements);
- 91% are aged 11-15; and
- 69% are boys.

**1.4** There is a range of reasons for pupils being in alternative provision. The biggest single group (just under 50 per cent) are pupils who either have been excluded from school or who have been deemed at risk of exclusion. Both categories are likely to have special educational needs. The other 50 per cent are in alternative provision either for medical needs (e.g. pupils with emotional and physical health needs and teenage mothers) or for other reasons (pupils unable to cope in mainstream school, children temporarily without a school place). The diversity of pupils for whom alternative provision must cater presents a real challenge in ensuring that they are all appropriately provided for.

### Why alternative provision needs reform

**1.5** There is currently scant data available about the outcomes of children and young people in alternative provision. However such data as are

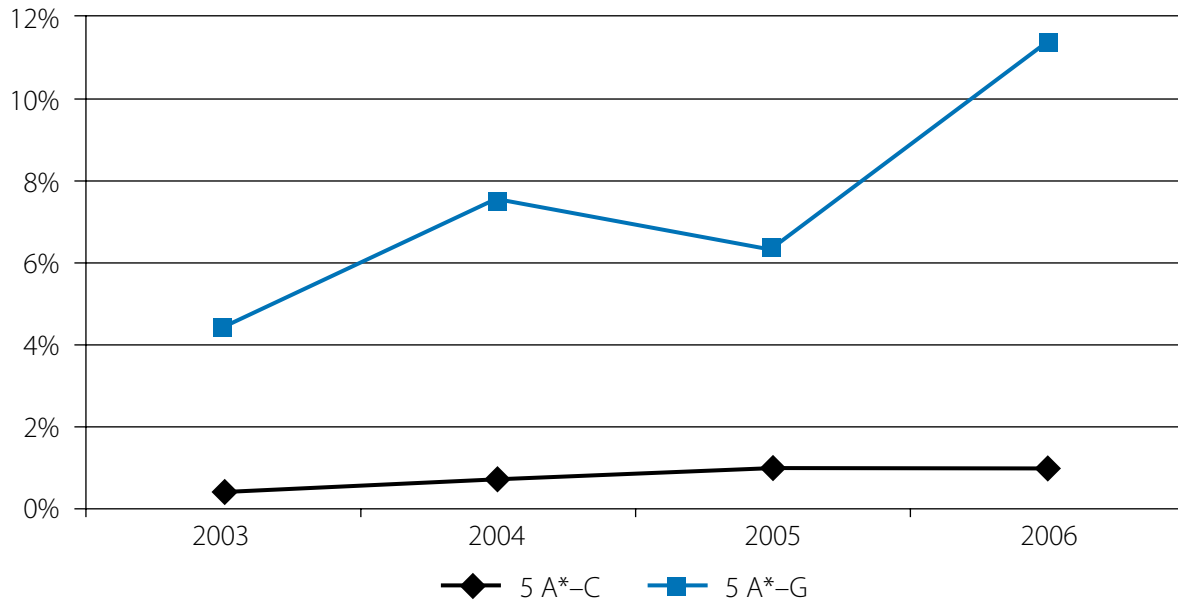
available indicate very poor outcomes for this group and there is limited accountability to the public and parents compared with mainstream schools. There are currently no published performance data at institutional or local authority level for pupils in Pupil Referral Units or in alternative provision. Pupil Referral Unit leaders, local authorities and Ofsted inspectors therefore have to rely on the institution's own data on pupil outcomes and have no means of benchmarking this against other Pupil Referral Units and alternative provision, as is possible with mainstream and special schools.

**1.6** In 2006 only 1 per cent of 15 year olds in Pupil Referral Units achieved 5 GCSEs at grades A\*-C or equivalent; 11.3 per cent achieved 5 or more grades A\*-G; and 82.1 per cent achieved 1 or more qualifications. This compares with 45.8 per cent; 90.5 per cent and 97.8 per cent in mainstream schools. While there has been some slight improvement over time (see table below) these outcomes remain very poor. In addition to these poor educational outcomes, we know that young people who have been excluded from school and likely to have spent time in alternative provision are more likely to be involved in crime and risky behaviours, become NEET and have poor job prospects.<sup>1</sup>

**1.7** We must raise our expectations for these young people. The level of underachievement diminishes their future opportunities and is strongly associated with poor job prospects and poor life chances. We recognise that many of the young people for whom alternative provision caters are among the most challenging of their generation. Many will have struggled to keep up at school and arrive in alternative provision with very low prior attainment. We know that 75 per cent of

<sup>1</sup> 21 per cent of respondents to the 2004 Youth Cohort Survey who were excluded from schools in Years 10 and 11 were not in education, employment and training (NEET) at age 16. This includes both those who were permanently excluded and those excluded for a fixed period.

## Attainment of pupils in Pupil Referral Units – GCSE Exam Results



Source : Key Stage 4 Achievement and Attainment Tables

pupils in Pupil Referral Units have special educational needs. Many of these will have social, emotional and behavioural difficulties, which may mask underlying learning difficulties or a disability. For some children with special educational needs the failure of schools to meet their needs or make reasonable adjustments for the particular needs of disabled children will have contributed to their exclusion. Some will come from difficult home backgrounds. We also know that looked after children are seven times more likely to be permanently excluded from school than other children, so they are significantly more likely to be in alternative provision, compounding their already greater educational needs. But this should not mean that we abandon expectations for this cohort of young people. The challenge for the alternative provision sector is to enable every young person to achieve their best.

**1.8** Permanent exclusion from school for bad behaviour is a defining moment for youth crime prevention. For some of those excluded, what happens next will either accelerate them along the path to entrenched criminality or allow them to reassess and reshape their futures.

**1.9** The challenges posed by the children and young people requiring alternative provision make it particularly important that the provision made for them can address the underlying causes of problems and is of high quality. But this is too rarely the case. While there is some good and some outstanding alternative provision, there are systemic weaknesses. Ofsted's 2004 report on provision for children out of school found that:

"...overall the quality of provision for children and young people out of school, their low attainment, the targeting and monitoring of provision, and the tracking of their progress are unsatisfactory..."

**1.10** A 2007 survey by Ofsted of good or better Pupil Referral Units found that they had to cope with inadequate accommodation, pupils of diverse ages and need arriving in an unplanned way, limited numbers of specialist staff and problems in re-integrating children into mainstream schools.

**1.11** The 2004 Ofsted report and a 2005 survey of alternative provision commissioned by the then DfES found widespread weaknesses including:

- some local authorities were using a limited range of providers, and failing to monitor the outcomes achieved and challenge unsatisfactory providers;
- in some areas the number and type of placements available did not match local needs;
- placements in alternative provision were often for an indefinite period;
- weak links between Pupil Referral Units and schools including inadequate communication from schools about the prior attainment and 'case histories' of their former pupils;
- low expectations of young people placed in alternative provision on the part of staff, parents and the young people themselves;
- a lack of curriculum strategies for alternative provision;
- limited access for pupils in alternative provision to work placements and other vocational opportunities; and
- crisis management rather than prevention with little capacity in Pupil Referral Units for preventative work with schools.

**1.12** In addition to these weaknesses, there is insufficient research as to why such a large number of children with special educational needs are in alternative provision and what their particular needs are. There are also currently no published performance data at local authority level or institutional level for pupils in alternative provision. This means that, as already noted above, there is no way of benchmarking the outcomes achieved and of using these data to hold commissioners and providers to account.

**1.13** The Government has taken a number of steps to improve Pupil Referral Units and alternative

provision. We have strengthened the management arrangements for Pupil Referral Units. Since February 2008, local authorities have been required by law to establish management committees with a similar role to school governing bodies, to improve the accountability of Pupil Referral Units and their responsiveness to schools' needs. We have also provided additional local support to Pupil Referral Units by requiring local authorities to appoint School Improvement Partners (SIPs) whose role is to provide school leaders with challenge and support that is tailored to their needs and delivered to nationally consistent standards. The Government has also taken the power, from February 2008, to direct failing Pupil Referral Units to seek advisory services where necessary, in line with measures for failing maintained schools. The Government has also published guidance on effective accommodation for Pupil Referral Units in February 2007 and a report on 'Effective Alternative Provision' in October 2007.

**1.14** Since 1993, schools established and maintained by a local authority which are specially organised to provide education for pupils who, by reason of illness, exclusion from school or otherwise, have been known in law as Pupil Referral Units<sup>2</sup> (see Annex 2 for legal basis of Pupil Referral Units). Any school, unit or centre, however described, that has these characteristics is legally a Pupil Referral Unit. But this title is not widely used. Out of 450 Pupil Referral Units currently open, only 77 have this in their title. This suggests that the name is not popular and this was confirmed by Sir Alan Steer and the Practitioners' Group on Pupil Behaviour and Attendance. Although it is only a name we believe that we need to find a new name which better describes these local authority schools to signal a step change improvement and would like to seek views on what this should be.

2 Pupil Referral Units were introduced by section 298 of the Education Act 1993

One suggestion would be to refer to these schools as Alternative Education Centres. **We plan to replace the use of the term Pupil Referral Unit in legislation at an early opportunity and welcome views on an alternative title.**

### What needs to be done

**1.15** These measures will help to sharpen up commissioning and accountability and to strengthen partnerships between schools and alternative provision in preventative work. However, we need to go further. The alternative provision sector now needs a concerted national effort to transform the quality of the education and support it provides to young people. There must be a step change in the quality of both Pupil Referral Units and all forms of alternative provision, building on the good and innovative practice that does exist and on the excellent work of many of the individuals working within Pupil Referral Units and other alternative provision.

**1.16** Our strategy will apply the lessons of ten years of public service reform and improvement that has seen standards rise dramatically in mainstream schools. We will strengthen the role and capacity of local government as commissioners of alternative provision. We will improve basic standards by ensuring that all young people outside mainstream schools have a plan for their education and receive a good curriculum entitlement, tailored to their differing needs. We will increase focus on achieving outcomes for these pupils through better commissioning and sharper public accountability. We will encourage greater diversity of alternative provision, with more input from the private and voluntary sectors, and will fund a number of innovative pilot projects. We will strengthen the accountability of commissioners and providers, and take powers to step in where standards do not improve quickly

enough. And we will build a better understanding of best practice in alternative provision, in particular in meeting the needs of children with special educational needs, to ensure local authorities can continue to improve practice.

### What the Children's Plan said

**1.17** The Children's Plan set out proposals to drive up the quality of alternative provision. These were

#### Better informed and more demanding commissioning

- a national database of providers of alternative provision to be launched to give local authority and school partnership commissioners better information on what is available, the outcomes delivered and costs;
- new guidance to be produced to help commissioners look more critically at the relative cost effectiveness of different providers;
- new forms of alternative provision to be piloted including using small schools with close links to business and providing a high quality vocational education;

#### More tailored, planned provision with monitoring

- for every pupil not on a school roll, local authorities to ensure that objectives have been set for educational outcomes and for the timing of their reintegration into mainstream education where appropriate;
- there should be arrangements in place for monitoring progress and for review involving the pupil and his or her parents;

#### Stronger accountability

- performance data for pupils not on a school roll to be published at local authority level to

ensure local authorities have incentives to improve their performance;

### Stronger intervention

- new legislation to be introduced to enable the Secretary of State to require local authorities to replace failing Pupil Referral Units with a specified alternative; and
- new powers for the Secretary of State to require local authorities to hold a competition for replacement Pupil Referral Units.

**1.18** This White Paper develops these proposals into a national strategy to achieve a step change in the quality of alternative provision.

### The vision

**1.19** The vision driving the strategy set out in this White Paper starts from the premise that we want to intervene early to minimise the number of pupils who are permanently excluded from mainstream education. That means mainstream schools meeting their duties towards children with special educational needs and disabled children; doing their best to keep young people engaged and on track; and being ready to intervene early and effectively to address issues before they reach crisis point, supported by local authorities. Schools should be using the Common Assessment Framework to identify pupils' individual needs and support the planning of services to meet them. We expect schools to develop more in-school alternatives to exclusion, ranging from a more engaging curriculum to Learning Support Units, which could be on-site or at a neighbouring school. Schools will also need to be supported by more effective partnership working within Children's Trusts to enable "swift and easy access" to any specialist support services that may be needed to meet a child's particular needs, including any support that the family may require.

This includes access to the core offer of extended services and support from other services, in particular health, social care, child and adolescent mental health services (CAMHS) and youth justice and wider youth services. Schools must also work closely with parents to identify problems and tackle them before they lead to a child becoming at risk of exclusion.

**1.20** We believe that alternative provision should be used much more and more effectively as an early intervention and preventative measure, so avoiding the need to resort to permanent exclusion. Schools should be able to turn to local Pupil Referral Units or to special schools for specialist help in tackling pupils' personal, behavioural and learning needs. This early and appropriate intervention may mean that more children come into contact with alternative provision, but for less time and without the need for exclusion.

**1.21** Where pupils are excluded permanently or it is decided that pupils at risk of exclusion or with other learning or behavioural issues would be better provided for in a Pupil Referral Unit or other alternative provision, and for all other pupils who are without a school place, we should ensure that:

- the provision is tailored around the pupil's individual needs, both educational needs and any wider needs, including any special educational needs which may not have been adequately identified and met;
- there is an explicit plan to address those educational and wider needs with clear outcomes, discussed and agreed with the pupil and their parents (see Chapter 2);
- the personal learning and development pathway for the pupil gives access to an appropriate curriculum, leading to recognised qualifications and opportunities;

- a behaviour assessment is undertaken before reintegration to mainstream; and
- there are clear arrangements for review.

**1.22** The raising of the participation age for compulsory education or training to 17 by 2013 and 18 by 2015 adds to the urgency of Pupil Referral Units and alternative provision providers focusing on progression and outcomes. We want to see young people leaving alternative provision equipped with or on track to gain the skills and qualifications that will support them in their future life. Providers will also need to consider how to plan for young people in Pupil Referral Units and alternative provision to have full access to their entitlement to the reformed 14-19 curriculum, including all 17 lines of the new diploma and the offer of an apprenticeship or pre-apprenticeship learning.

**1.23** Realisation of this vision of what alternative provision could be requires a transformational strategy built around the following principles:

- that we should start from what will work best for each young person, taking account of his or her different needs and in consultation with parents and carers;
- that we should secure a core entitlement of educational and wider activities for all young people in alternative provision;
- that there should be better planning and commissioning of alternative provision and for the individual;
- that local authorities should be held to account for outcomes from the alternative provision they deliver or commission including through the new performance framework of Comprehensive Performance Assessment;

- that there should be better professional support for those working in the sector and better accommodation and facilities;
- that there should be better partnership working between alternative provision, other parts of the education sector and other agencies and services working with young people to facilitate early intervention and ensure an integrated approach to meeting the young person's needs; and
- that we must learn from the best and support innovation.

**1.24** This White Paper sets out how the Government plans to take forward this ambitious agenda.

#### Consultation question

What new name should we use for Pupil Referral Units which better describes these local authority schools to signal a transformation? (see paragraph 1.14)

**Please see Annex 4 to find out how to respond.**

# Chapter 2:

## Starting from the child

**We need to ensure that alternative provision is better able to meet the diverse needs of young people. We will work with local authorities and schools to:**

- **ensure that all young people in alternative provision have a personalised education plan, and consult on developing a standardised information passport for young people moving between places of education, so that their needs can be identified and assessed much earlier;**
- **ensure that there is a clear responsibility for the education and well-being of young people in alternative provision; and**
- **secure an appropriate curriculum for young people in alternative provision and work towards developing a national minimum standard of provision.**

### The case for change

**2.1** In recent years, we have taken steps to ensure that the education system as a whole offers a more personalised service tailored to the individual needs of children and young people. The key principles of personalisation include high quality individual assessment, effective teaching and learning, a flexible curriculum and partnerships beyond the classroom to meet the needs of the whole child.

**2.2** For children and young people in alternative provision, and especially those who have been permanently excluded, the need for a personalised approach is particularly acute. These are young people who are likely to have responded poorly to the curriculum and teaching on offer in a mainstream school; whose special educational

needs may not have been adequately identified or met; who have become disengaged from education and see little value for themselves in pursuing it; and whose interaction with and behaviour in schools and other formal settings may have been affected by underlying personal and family issues.

**2.3** We believe that there should be greater differentiation in provision to enable the widely diverging needs of young people to be met. A “one size fits all” approach risks neglecting young people with specific needs. Differentiation needs to take place according to age and aptitude. As well as those who have been excluded from school or are at risk of exclusion, Pupil Referral Units cater for young people with physical and emotional medical needs (including children in

units attached to hospitals and some pregnant students) and young people who are awaiting a school place. Some local authorities run Pupil Referral Units that provide for the range of pupil needs across a key stage of education while some have specialist units, for example for teenage mothers. However provision is arranged, local authorities need to consider how best to provide for the range of pupils so that all receive an education that meets their needs and enables them to feel safe and where possible actively engages and listens to parents and works with them as partners in their children's learning and development.

**2.4** Many pupils in Units are known to Youth Offending Teams and a number of them are returning from a custodial sentence. We know that 60 per cent of excluded young people report having offended in the last 12 months compared with 26 per cent in mainstream education<sup>3</sup>. Research also suggests that 15 per cent of young offenders are currently excluded from school and 27 per cent have been excluded for a fixed period in the last year<sup>4</sup>. From 2009, local authorities will be required to make provision for young people subject to a Youth Rehabilitation Order<sup>5</sup> and may do so through placing them in Pupil Referral Units.

**2.5** There is great variation in the length of time pupils spend in alternative provision. Some stay for a few weeks before returning to school, some are dual registered and attend part-time, while others are full-time and remain for long periods. Many children will have short-term medical needs at some time during their school life and we would expect schools to ensure that arrangements are put in place so that they do not fall behind and there is a clear reintegration plan. For children with longer term medical needs (emotional and

physical health needs) which lead to lengthy periods not attending school or sporadic attendance, a more formal approach is needed. The older a child is when they enter alternative provision, the more likely they are to remain until they leave compulsory education.

**2.6** Because many of these young people present additional challenges, it is essential that alternative provision is properly geared up to identify and address their needs as effectively as possible. For many of these young people, alternative provision will provide their last chance to get back on the path to successful educational outcomes and a fulfilling adult life.

#### **Characteristics of pupils in Pupil Referral Units:**

75 per cent have special educational needs (62 per cent without statements; 13 per cent with statements)

27 per cent eligible for free school meals

91 per cent are aged 11-15 (and 70 per cent are aged 14-15)

69 per cent are boys

77 per cent are White

Figures taken from the Pupil Referral Unit Census, 2008

**2.7** While there is some excellent practice, the evidence from Ofsted inspection in particular indicates that, too often, what is offered to young people falls short of what is needed. And, of course, this is an area of provision where quality is especially important, because of the wider consequences for society of failing to rise to the challenge.

<sup>3</sup> MORI Youth Survey 2004

<sup>4</sup> Barriers to Engagement, Youth Justice Board, 2006

<sup>5</sup> Criminal Justice and Immigration Bill

- 2.8** Ofsted reports in recent years have pointed to:
- a lack of robust systems and support for young people in alternative provision;
  - an inadequate curriculum offering, which is narrow and uninspiring and fails to prepare young people adequately for life beyond the Unit;
  - an inability to meet young people’s Special Educational Needs within some Units<sup>6</sup>; and
  - a third of Pupil Referral Units found it difficult to gain sufficient support from child and adolescent mental health services (CAMHS).

### Our proposals

**2.9** The Children’s Plan outlined our approach to tackling these deficiencies. Chapter 1 of this White Paper set out the case for reform and the need to introduce greater accountability. In this chapter, we set out in more detail our proposals for personalised education plans for young people in

#### Extracts from Ofsted reports relating to alternative provision

Disturbingly, the lack of robust systems and support are doubly disadvantaging the very children and young people who are most in need. *(A survey of the educational support and provision for pupils not in school – November 2004)*

In one in 10 Pupil Referral Units the curriculum is inadequate, often because it is too narrow and insufficiently focused on preparing pupils for their lives once they have left the unit. Outstanding educational provision in PRUs is characterised by high levels of consistency in the teachers’ use of daily assessments, so that each pupil’s progress is kept under constant review and is linked to clear long-term goals. In these successful settings, there is a particular emphasis on the development of skills to ensure pupils’ future economic well-being. *(The Annual Report of Her Majesty’s Chief Inspector of Schools 2005/06)*

In too many cases, local authorities placed pupils who had statements of special education need in Pupil Referral Units which were unable to meet their special needs. Monitoring and evaluation of provision in units by the local authority were variable in quality and too often lacked the necessary focus on pupils’ progress. *(The Annual Report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2006/07)*

Pupil Referral Units cater for some of the most vulnerable pupils, and of those inspected, while 52% are good or outstanding, 14% are inadequate. These inadequate units have approximately 700 pupils on their combined rolls. They lack a clear vision for their pupils and offer an uninspiring curriculum. *(The Annual Report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2006/07)*

Although there is a wide variety of Pupil Referral Units, they face similar barriers in providing children and young people with a good education. These may include inadequate accommodation, pupils of different ages with diverse needs arriving in an unplanned way, limited numbers of specialist staff to provide a broad curriculum and difficulties reintegrating pupils to mainstream schools. *(Establishing successful practice in pupil referral units and local authorities – September 2007)*

6 Pupil referral units: establishing successful practice in pupil referral units and local authorities, Ofsted, September 2007

alternative provision, for a core educational entitlement for such young people and for a clearer local authority role in ensuring that the necessary changes are implemented and followed through. In other chapters of this White Paper, we discuss the closely related issues of how alternative provision is commissioned and monitored, how local authorities are held accountable for outcomes and the infrastructure within which Pupil Referral Units operate.

### Personalised education plan

**2.10** We do not underestimate the challenge of meeting the diverse needs of young people in disparate circumstances. But an essential precondition of meeting those needs is effective planning. **We believe that every pupil being educated in alternative provision should have a personalised education plan, tailored to their needs.** This is already good practice in many Pupil Referral Units.

**2.11** This plan should build from the mainstream school's records, including information on attainment, attendance, behaviour, any Special Educational Needs (emotional and physical health needs), and the Pastoral Support Plan (if one is in place). It will be particularly useful to pass on information about any needs assessment of and engagement with the young person by the school and other agencies, including safeguarding, youth offending and health agencies, using the Common Assessment Framework. It is critical that full information is passed to the Pupil Referral Unit or alternative provider as soon as possible, so that planning can be initiated early and in full knowledge of the individual issues to be addressed and of the support which the young person has already received. Unless this happens the provider will have to spend valuable early time gathering information which is already known locally.

**2.12** A number of local authorities have agreed protocols for information sharing when pupils move from mainstream schools into Pupil Referral Units or alternative provision and when they move on to school, college or other provision. Most such provision includes an initial assessment of the pupil's educational and social skills. The purpose should be to create a personalised educational plan which addresses the five Every Child Matters outcomes for each pupil in a way which supports the pupil and engages all relevant agencies.

**2.13** We are **considering the case for developing a standardised information passport that accompanies a child from the moment of referral, or exclusion.** Excluding or referring schools would be expected to participate in an initial case conference in order that they contribute to drawing up a pupil education plan, based on the Common Assessment Framework. Given the importance of speed if the Pupil Referral Unit is to be successful in integrating the child, we believe that it would be helpful to set a time limit for information transfer. We will consider this as we develop individual education plans.

**2.14** The scale and scope of the individual education plan needs to be proportionate to the circumstances in which it is produced. A plan for a young person receiving two weeks of part-time anger management support in alternative provision will be different from that for a young person who is moving into full-time alternative provision for a year or more. But the principles of good planning are common to all cases. They involve:

- an assessment of need based on access to all the available evidence about the individual young person, including evidence derived from discussion with the young person's family or carer;

## Case study – robust protocols in place for information transfers (Sheffield)

The Children's and Young Persons' Directorate of Sheffield City Council have agreed robust protocols to ensure comprehensive information is provided by and to schools when children and young people are moving between schools and alternative provision.

These new ways of working have significantly reduced the numbers of permanently excluded pupils, and have significantly increased the success rates of children and young people who are reintegrated into community education. Children and young people who are referred as at risk of permanent exclusion are assessed for:

- graduation (completion of education in alternative provision);
- intervention (a period of intensive support before returning to own school); and
- supported transfer (reintegration and placement into a new community school).

The protocols place great emphasis on the exit meeting, where all appropriate information as agreed in the protocol is gathered, agreed and exchanged. This enables the actioning of robust intervention plans to support the pupil back into mainstream education, whenever possible. Parents are present at this meeting and are fully informed and linked into the process throughout.

Reintegration processes are put in place, supported by 'readiness for reintegration' plans. These plans are highly personalised, providing a wide range of information and data including attainment, attendance, learning preferences, plus 'softer' information, and provides receiving schools with practical and simple strategies to support success. Transition mentors work with schools to help to embed these processes, smooth transition and build capacity in schools, while supporting the young person.

Before any young person can be reintegrated into a mainstream school, a multi agency reintegration and placement panel, which always includes a serving head teacher, sits to assess every case file to ensure all of the agreed protocols have been followed, and all information sharing has been fully adhered to. This part of the process has given head teachers and chairs of governors confidence in the robustness of the system. The protocols are agreed and formally ratified at head teachers' meetings every year.

- an understanding of why previous interventions and support available at school failed to meet the child's needs;
  - provision specifically tailored to meeting the need;
  - a clear sense of the clearly defined, timed, desired outcomes, whether in terms of educational achievement or personal development (or both), next steps for the pupil and their next placement;
  - regular review of progress towards the desired outcomes, also involving the young person's family or carer; and
  - for children with special educational needs it is particularly important to ensure that any underlying causes of, for example, challenging behaviour, are identified.
- 2.15** The same principles apply to arrangements for the young person's progression from alternative provision to mainstream school or into

post 16 provision, following an assessment that their behaviour has improved and they are ready to move on. A reintegration plan should be developed in partnership between the alternative provider and the school or college, brokered by the local authority, and involving other agencies who are working with the young person and his or her family or carers. This should both record what has been achieved during the period in alternative provision and also give clear direction to receiving schools or providers on how to maintain progress by the pupil. The plan should be clear about any barriers to the young person's continuing progression and wellbeing; how these barriers are being addressed; and the role of each of the agencies in providing continuing support to the young person. Again, parents or carers should be given an opportunity to be involved in agreeing these reintegration plans.

**2.16** However, we recognise that some pupils with challenging behaviour or other issues may not return to mainstream education. Local authorities, Pupil Referral Units and schools need to consider the most appropriate longer term provision for these pupils. This could be in a resourced unit in a mainstream school, a special school in the maintained, non-maintained or independent sector, or in contracted alternative provision which undertakes specialist work. For children with statements of special educational needs, the local authority will need to amend the statement to name appropriate provision in place of the school from which the young person has been excluded, and must give the parents the opportunity to make representations before finalising the amended statement. We recognise that for a few older children it may not be feasible to secure a school place and that they are likely to remain at a Pupil Referral Unit. Where this is the case, it is important that the breadth of provision that is

required to meet their needs is put in place, which will often require Pupil Referral Units to work with schools and specialist provision to offer them a range of opportunities. In the next chapter, we make clear that where children with special educational needs are routinely being placed in Pupil Referral Units long-term, local authorities need to consider whether their planning for school provision to meet special educational needs is adequate.

**2.17 We plan to publish guidance for local authorities and schools later this year on developing and reviewing personalised education plans for every child educated** in a

Pupil Referral Unit or in alternative provision, whatever their length of stay and reason for the placement, building on the most effective practice. This would support better differentiation between the varying needs of the different groups of young people. For pupils in Pupil Referral Units we envisage that the plan would be drawn up by the teacher in charge of the Pupil Referral Unit, or their deputy. Plans for pupils in contracted alternative provision should be drawn up by the commissioner (local authority officer or school staff). Plans for pupils who remain on the school roll should be drawn up in conjunction with the school. Where the pupil has a statement of special educational needs the local authority officer who maintains the statement should be involved. Also, the personalised education plan should record the pupil's statement of special educational needs and provision but not duplicate it. Looked after children should already have a personal education plan which is part of their overall care plan. Where a looked after child is educated in alternative provision, this should be reflected in their personalised education plan.

**2.18** Plans should be discussed with the pupil as soon after arrival as possible and there should be

consultation with their parents or carers. The impact on parents of their child being placed in alternative provision should be considered. We would expect that the pupil's progress against the plan should be monitored and recorded. The parents or carers should be kept informed of their child's progress and be invited to regular reviews, at least once a term. This should feed into the annual review of the pupil's statement of special educational needs where appropriate. For pupils in Key Stage 4, the plan should also set out their post-16 progression aspirations and how their alternative provision will help them achieve these. It should also name the officer or officers that will be responsible for ensuring that planning and monitoring for individual young people works effectively (see paragraphs 2.35-2.36). A personalised education plan developed with those other agencies could form the basis of a pastoral support package that might enable the child's successful progression to school. The personalised education plan should be sent with the pupil's record to any subsequent placement.

**2.19 We will consult local authorities, alternative provision providers, head teachers, school staff and other stakeholders about how to ensure plans along the above lines become standard practice. We will also consult them on the idea of going further to develop a standardised information passport that would accompany a young person from the moment of referral.**

#### Securing a core educational entitlement

**2.20** Ofsted report that inadequate Pupil Referral Units offer an uninspiring curriculum. By contrast, they report that:

*Effective pupil referral units rekindle their pupils' interest in learning, often with the help of*

*external providers and work placements. They equip the pupils with the skills and qualifications to cope with re-entry to mainstream schooling or with a move to employment and further learning<sup>7</sup>.*

**2.21** Pupil Referral Units are currently required by law to offer a "broad and balanced curriculum", but what that means in practice is not specified and nor are Pupil Referral Units required to offer full-time provision to all their pupils. Local authorities are required to provide a suitable full-time education for pupils permanently excluded from school, from the sixth day of their exclusion, but again the meaning of "suitable" is not currently defined.

**2.22** We recognise the challenges faced by Pupil Referral Units in providing a rich curriculum offering. They are much smaller than mainstream schools and may not have all the facilities that we would expect in a secondary school. But the best Units meet these challenges through effective partnership working with other local schools, with their 14-19 partnership, with local employers and with private and voluntary sector organisations, and by making imaginative use of information technology.

**2.23 We want to ensure that all pupils in alternative provision can expect a curriculum offer that is broad, relevant, links to clear outcomes and meets their needs.** To this end, we will consider developing **a national minimum standard of provision** for alternative provision.

This would cover:

- a minimum curriculum entitlement;
- the number of hours of education and training that should be available to the young person; and

### Case study– video conferencing KS2/KS3 transition pilot (Cornwall)

In 2007/08 Cornwall County Council developed a Key Stage 2 to Key Stage 3 transition pilot to raise the profile of video conferencing as a tool to enhance teaching and learning and to create a local pool of expertise that can be used to support and train other schools in the future. The pilot comprised four primary schools and five secondary schools and involved 259 pupils (91 in primary and 168 in secondary schools) working together on a single project through video conferencing. The project aimed to develop imaginative transition units (working in groups to save the residents of Montserrat from a fictitious impending volcanic eruption and hurricane) that are given high status and work that can be transferred from primary to secondary schools, enabling pupils to feel more confident and enthusiastic about their move. Additionally, it aimed to increase enjoyment and engagement, foster greater collaborative working and nurture a positive attitude to learning.

The use of video conferencing increased challenge, motivation and engagement and primary pupils in particular gained a deeper understanding of collaborative working and working autonomously in small groups. On line surveys were used to formally evaluate the work alongside pupil tracking. Cornwall have already established links with schools in Brittany and other parts of the world, and have developed free video conferencing links with the Natural History Museum and National Archives. The project has increased pupil engagement and motivation and schools have identified further cross-curricular development in subjects such as PE, drama, music, humanities, English, maths, science and modern foreign languages. There are obvious applications to improving behaviour and supporting work of Pupil Referral Units, particularly in rural areas.

- minimum standards regarding the length of time that a child should wait before being appropriately placed and the length of time for the engagement of support services such as child and adolescent mental health services (CAMHS).

**2.24** In developing a national minimum standard of provision, we shall aim to build in a degree of flexibility to meet the needs of a diverse range of pupils in alternative provision, including those with special educational needs. It will also be important to make a distinction between those moving into full-time alternative provision that are likely to stay for a year or more, and those attending a Pupil Referral Unit or alternative provision for a short period of time. Where a move to a school is planned it is vital that pupils should be following the curriculum that they will be expected to follow on arrival in the new school.

**2.25** To help align the curriculum offer with that in schools, the curriculum in Pupil Referral Units and alternative provision will need to enable all young people to become:

- successful learners who enjoy learning, make progress and achieve;
- confident individuals who are able to live a safe, healthy and fulfilling life; and
- responsible citizens who make a positive contribution to society.

**2.26 We would welcome views on whether there should be a prescribed minimum core entitlement for pupils in Pupil Referral Units and alternative provision, and if so, how such a minimum entitlement might be specified.** We are inclined against making it mandatory for the full National Curriculum to be offered in all Pupil Referral Units and other alternative provision. The

full National Curriculum may not be the most appropriate route to maximise some pupils' learning and achievement, particularly those who have been disengaged by their experience of the National Curriculum at school and/or have specific learning or behavioural issues which need to be addressed before they can access a wider curriculum. We consider however that all pupils in alternative provision should have some entitlement to at least a minimum curriculum offer. The range of options for such an entitlement includes:

- a reduced version of the National Curriculum (for example, the core subjects of English, mathematics, science, ICT, plus PE and citizenship). This would be a minimum entitlement which all pupils would be expected to follow (though there would need to be provision for dis-application for individual pupils). Alongside this common core curriculum, pupils should be offered the opportunity to study subjects or topics or acquire skills that met their individual needs and aspirations; and
- a minimum entitlement curriculum in terms of literacy, numeracy, ICT, and personal and social development. For pre-14 pupils, the basic skills requirement could be drawn from the National Curriculum programmes of study for English, maths and ICT. For older (14+) pupils the basic skills requirement could be aligned with functional skills.

The above options are illustrative and not exhaustive. We would welcome views on other ways in which a minimum or core curriculum entitlement could be specified.

**2.27** The law already requires permanently excluded pupils to be provided with a suitable full-time education and our guidance on provision for permanently excluded pupils sets out the

number of hours for each key stage (see <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/>). Except for pupils with specific health and emotional needs or whose statement of special educational needs specifies fewer hours than would otherwise be expected for pupils of at their key stage, we expect that all pupils in alternative provision should receive a full-time education on the same basis as permanently excluded pupils.

**2.28** Pupils that are permanently excluded from school must be provided with suitable full-time education within six days of their exclusion. Other pupils need to transfer smoothly from school to alternative provision and onwards and should remain in school or alternative provision until a place is available for them. Where admission to alternative provision and reintegration is arranged through local panels they already have protocols for pupils to move to their next placement within a specified time. Our view is that this should be arranged within two weeks. Where pupils need the support of another local agency then local protocols need to ensure that services can be accessed within a reasonable timescale. Our view is that this should normally be within two weeks unless very specialist support is required.

**2.29 We welcome views on the minimum number of hours of education and training that should be available to the young person and on the minimum length of time that a child should wait before being appropriately placed and the length of time for the engagement of support services, as set out in the above paragraphs.**

**2.30** Pupils who are likely to remain in a Pupil Referral Unit until they reach the end of compulsory education should be working towards recognised qualifications. Where appropriate to their needs and interests, it will be important that pupils in Pupil Referral Units and alternative

provision have clear routes to achieve combinations of qualifications at Entry Level and level 1 that will prepare them fully for level 2 and beyond. The Foundation Learning Tier will create a more coherent set of entry level and Level 2 qualifications, which will ensure young people develop the skills they need for further education and employment, as well as being able to progress more readily up the qualifications ladder. It will also offer smaller units of learning in more inspiring and motivational subjects which will appeal to a broader range of learners. A key component of the Foundation Learning Tier is Progression Pathways. The Progression Pathways will offer clear and appropriate progression routes toward Level 2 and positive destinations such as employment or independent living.

**2.31** We will expect that Key Stage 4 pupils who have achieved the standard required, and wish to take GCSEs or Foundation Diplomas will be offered the opportunity to do so. The September Guarantee, the guarantee of the offer of a suitable place in learning for every young person leaving Year 11 has been in place nationally since September 2007. We want to ensure that this guarantee is being fully implemented for young people in Pupil Referral Units and that they are given the support to progress further in education or training.

**2.32** The Foundation Learning Tier is focused around three central curriculum strands: functional skills; personal and social development skills; and vocational skills. Progression Pathways for 14-19 learners will be piloted from September 2008. These are intended to provide progression to a Foundation Diploma or GCSE, skilled work (an apprenticeship) or independent living/supported employment. We anticipate that around 115 centres will be involved in the pre-16 pilots, seven of which will be Pupil Referral Units. Lessons from

the pilot will identify good practice and inform how the pathways can be developed in time for full implementation by 2010-11, including where appropriate through Pupil Referral Units.

**2.33** Pupil Referral Units are also working in partnerships with schools, colleges, training providers and employers on Key Stage 4 engagement pilots which provide work-focused alternative provision for disaffected 14-16 year olds. They typically spend two days a week on the scheme with the remainder in classrooms following the rest of the National Curriculum. Early evidence shows that the scheme is proving effective at remotivating young people to stay in learning and we are encouraging other areas to adopt the forms of provision being developed by the pilots.

**2.34** In the light of responses to the consultation which this section of the White Paper initiates, we plan to **publish new guidance on the curriculum for Pupil Referral Units and other alternative provision in September, and legislate where necessary**. We will also ask Ofsted to consider how best to reflect this guidance in its new inspection framework.

### Clear responsibility for education and well-being

**2.35** We want to ensure that there is much clearer responsibility for the education and well-being of young people in alternative provision. Where such provision is organised and commissioned by the young person's school, the responsibility clearly sits with the school. But for permanently excluded pupils and others without a mainstream school place, the responsibility may not always be so clear cut. While legally the responsibility rests with the local authority, the responsibility at individual officer level may not be clear. While our proposals for sharpening up individual planning and provision will help at the level of the provider, we believe that there is a need – over and above this –

for a clear role within the commissioning local authority to oversee the quality of provision for each young person in alternative provision, to monitor their progress and to ensure that support is mobilised for that young person from other agencies, as required. We see this role as being similar to that of the designated teacher for looked after children, which is currently being piloted in 11 local authorities, as well as being developed by others to ensure that all schools within a local authority can be supported and challenged to provide the best possible education to the looked after children on their roll. For children with health needs, partnership working with health agencies will be particularly important to ensure services are tailored to improving Every Child Matters outcomes, through extended schools clustering arrangements, so that support can be arranged swiftly.

**2.36 We therefore propose that a named officer or officers in each local authority should be responsible for ensuring that planning and monitoring for individual young people in alternative provision works effectively.**

This function sits well with the enhanced local authority accountability for the outcomes of young people in alternative provision, for which we set out proposals in Chapter 4. It also links closely with the function of planning needs across the local authority and commissioning provision to meet those needs, for which proposals are set out in Chapter 3. It may therefore make sense for all of these functions to be combined under one officer, but the precise arrangements are a matter for individual local authorities. It would be helpful if this officer was referred to in the pupil's individual education plan (see paragraphs 2.17-2.18).

### Consultation questions

We are considering the case for developing a standardised information passport that accompanies a child from the moment of referral, or exclusion. Welcome views on this, in particular what information should this contain and what time limits should be set for information transfer? (see paragraph 2.13)

What should a personalised education plan contain, who should be involved in drawing it up, and how often should it be reviewed? We would also welcome any good practice examples. (see paragraph 2.17)

How can we ensure that individual pupil plans become standard practice for a child educated in a Pupil Referral Unit or in alternative provision? (see paragraph 2.19)

Should there be a prescribed minimum core entitlement for pupils in Pupil Referral Units and alternative provision, and if so, how such a minimum entitlement might be specified? (Please see suggested examples in paragraph 2.26)

What minimum hours of education and training should be available to pupils in alternative provision? (see paragraph 2.29)

How quickly should a pupil be placed in alternative provision and how long should be allowed to engage any support services that they may need? (see paragraph 2.28)

**Please see Annex 4 to find out how to respond.**

# Chapter 3:

## Better planning and commissioning of alternative provision

**We need to ensure better planning and commissioning of alternative provision for vulnerable young people. We will launch this autumn a Commissioning Support Programme for Children's Trusts to improve the commissioning of all children's services and in particular we will support local authorities and schools to improve their commissioning by:**

- **publishing a toolkit on commissioning alternative provision in the summer; and**
- **launching a national database of providers of alternative provision in September.**

**We will also expect school partnerships to have a leading role in deciding the extent of educational provision that is needed for all pupils in the partnership.**

### The case for more strategic commissioning

**3.1** Alternative provision is commissioned by local authorities, usually on behalf of permanently excluded pupils and others without a school place, and by schools, usually on behalf of their own pupils (including those who are excluded for fixed periods). Alternative provision can be commissioned from a range of providers in the voluntary and private sectors, such as small independent schools. Where school behaviour partnerships run local provision themselves, the local authority could commission provision from the partnership to meet its own responsibilities. In the case of Pupil Referral Units, the local authority is both the commissioner and the provider; but schools can also commission specific services from Pupil Referral Units.

**3.2** The role of schools – and school behaviour partnerships – as commissioners of alternative

provision is becoming increasingly important. This is partly because we have introduced a statutory requirement for schools to make full-time educational provision for their pupils from the sixth day of a fixed period exclusion. But, more generally, we also want schools to use Pupil Referral Units and alternative provision as part of their early intervention and preventative work. Alternative education should be at the centre of work on early intervention and prevention. Early and appropriate intervention may mean that more children come into contact with alternative provision, but for less time. As well as providing for children who have been permanently excluded and for others who, for whatever reason, cannot be educated in a mainstream or special school, we want to see more use made of alternative provision as a means to reduce the need for exclusion. Schools need to see alternative education as a resource that they can access for early intervention without running

up against lack of capacity. Local authorities that focus on quality and effectiveness should be ensuring that in planning capacity they identify places that are specifically for short term placements to support this early intervention work, as well as longer term placements for those who need them.

**3.3** Whether commissioned by local authorities or by schools, the quality of the commissioning process is an essential underpinning for high quality alternative provision. It depends on a transparent and vibrant market, in which there is a range of excellent providers and in which the commissioners know what they need, who the providers are and what they can offer. Commissioning the right provision from the market depends on high-quality user engagement – on a sophisticated understanding of need, which is shared by commissioners and providers. In turn, effective commissioning should help to generate the conditions in which an effective market can operate, helping the better providers to expand their services, while driving improvement in other provision (or removing it from the market altogether). But we know from Ofsted inspection evidence and from other surveys that there is often a mismatch between the number and type of placements and local needs; that local authorities tend to use a limited range of providers; and that local authority and school commissioning does not always focus closely enough on needs and outcomes. We need to tackle this directly.

**3.4** Many local authorities have taken a strategic approach to planning what alternative provision they need for pupils out of school. However, elsewhere, the approach appears much more fragmented as alternative provision has been commissioned piecemeal over the years to supplement Pupil Referral Unit provision. In 2007,

a DCSF commissioned report by the National Foundation for Educational Research found that:

*“Unless AP [alternative provision] is integrated with the LA’s core mainstream offer, there is a danger of inadequate or ad hoc provision. Without this integration and the message of equivalence this conveys, there is a danger that AP remains marginalised and perceived by parents, pupils and employers as being of lower status than other learning opportunities. References to AP in a range of key LA policy and planning outputs can be an important indicator of this integration and status<sup>8</sup>”*

## Clarifying roles of schools and local authorities

### The role of local authority Children’s Trusts

**3.5** We need to engender a much more strategic approach to commissioning so that pupils whose needs cannot be met in school have access to tailored provision and so that there is capacity for preventative work to minimise the number of permanent exclusions. At local authority level, contracted alternative provision has usually been commissioned by the Behaviour Support Team or equivalent within Children’s Services. But to ensure that alternative provision is commissioned as part of the wider strategic commissioning process for the local area it should be done within the context of the Children’s Trust arrangements.

**3.6** All local authorities should now have Children’s Trusts which oversee and coordinate a set of local arrangements for a joint needs assessment, strategic planning and, where appropriate, joint commissioning of services to improve well-being for children and young people, which is of particular importance to those with health needs. Commissioning alternative provision should be embedded in this process. The Children’s Plan raised the bar for what is expected

8 Effective alternative provision, Research Report DCSF-RW002, October 2007

of Children's Trusts to drive the necessary step change in improved outcomes. The Department is currently consulting on additional statutory guidance for Children's Trusts on inter-agency co-operation to improve the wellbeing of children, young people and their families. The consultation ends on 26 June; a copy may be found on <http://www.dcsf.gov.uk/consultations/conDetails.cfm?consultationId=1544>.

**3.7** Local authority commissioners may also find it useful to refer to the Department of Health document "Better Care: Better Lives", which sets out a commissioning strategy involving health, social care and education services for improving outcomes for children with life limiting and life threatening conditions who may require alternative provision. We would expect Children's Trusts to take this into account in commissioning services for this group of children.

**3.8** Given the high proportion of children in alternative provision who have special educational needs, it is important that local authorities consider the commissioning of alternative provision alongside planning and developing special educational provision. Where local data shows that pupils with particular special educational needs are being placed in Pupil Referral Unit provision long-term, local authorities need to re-assess whether they have the right special educational provision, in mainstream and special schools, to meet the needs of children in their area.

### The role of schools

**3.9** It is important that Children's Trusts should involve schools in agreeing their strategy for alternative provision. This includes jointly determining the overall level of need, based on good local data, and the balance between preventative and reactive support needed. It also includes deciding on the balance between local authority-maintained Pupil Referral Units and

contracted alternative provision, based on good quality market intelligence about what is available to meet needs.

**3.10** As part of this process of agreeing a local commissioning strategy, it is important that local authorities and schools are clear about their respective roles. The extent to which local authorities delegate or devolve budgets for behaviour support to schools (and school partnerships) will vary from place to place. The key point is to ensure that there is clarity about who is responsible for what, so that there is seamless provision for children and young people whatever their circumstances.

### **3.11 We expect school behaviour partnerships (see Chapter 6) to have a leading role in deciding the extent of educational provision that is needed for all pupils in the partnership.**

As school partnerships (unlike individual schools) are not a legal entity, the local authority may be better placed to commission alternative provision but we would expect school staff to be involved in the tendering and sifting process. Partnerships should have the opportunity to ensure that there is sufficient funding available to meet needs, through the Schools Forum, and to agree local funding arrangements that incentivise preventative strategies across schools. Schools already commission alternative provision direct, and we encourage them to continue to do so, but we believe that commissioning is more likely to deliver successful outcomes when it is part of a coherent overall strategy overseen by the Children's Trust.

### Support for local authorities and schools in commissioning alternative provision

**3.12** We want to support local authorities and schools in commissioning and quality assuring alternative provision, including by disseminating effective practice. To this end, **we intend to publish a toolkit on commissioning alternative**

## Case study – commissioning a range of public and voluntary sector provision (North Lincolnshire)

North Lincolnshire first commissioned a range of alternative provision to complement its Pupil Referral Unit provision in April 2006. They used competitive tendering for full-time alternative provision and specified rigorous standards to ensure that providers would work to meet the needs of young people in alternative provision. The local authority stipulates the standards required, in terms of levels of attendance and accreditation. Through the tendering and contracting process, the local authority sets out aims and objectives for providers for outcomes such as attendance and attainment for contracted providers.

There are also less formal service-level agreements with other providers which have not gone through a formal contracting process, however, a local authority officer monitors quality of provision and facilitates placements on behalf of schools. The establishment of monitoring requirements prior to accessing alternative provision ensures that all parties know what is expected of them. North Lincolnshire Children’s Services also asked other council directorates to help find placement opportunities in their services, making the council more joined up. For example Leisure and Tourism provide part-time opportunities in horticulture which are linked back to the curriculum in school.

**provision** in the summer. This will replace existing guidance and emphasise the need for contracted alternative provision to focus on attainment and outcomes for young people, within a quality assurance framework. It will also highlight the need for links with an authority’s planning and development of special educational provision.

**3.13** The toolkit will provide specific advice on key parts of the commissioning process, covering the following areas:

- analysis of pupils’ needs and anticipated volumes;
- ‘gap analysis’, comparing future needs against current provision;
- advertising for provision, including specification of outcomes;
- securing best value for money; and
- quality assuring provision.

**3.14** We will also launch this autumn, with the Department of Health, a commissioning support programme for Children’s Trusts. The programme will be aimed at strategic and operational level

commissioners in key Children’s Trust partner organisations and will focus on improving the quality of commissioning of all children’s services. It will capture and disseminate expertise which is already in the system, support commissioner networks, and provide bespoke support to empower individual commissioners dealing with specific local challenges.

### Encouraging the use of a wider range of alternative provision

**3.15** We encourage the use of a range of organisations offering alternative provision, such as the voluntary sector and private providers, where they are best placed to meet young people’s needs. But we are aware that in some areas there seems to be only limited provision available outside the public sector. We are also aware that some providers are looking to expand their operation but do not have access to market intelligence which would suggest the most likely areas to target. To address these issues, **we are developing a national database of providers of alternative provision, to be launched in**

**September**, which will be populated by information given by local authorities and providers. This will enable commissioners to trawl for providers in their local area or neighbouring

areas and enable providers to identify areas with limited provision, where their services may be a useful addition. The Department expects commissioners to quality assure external provision.

### Case study – a local authority directory of alternative provision for schools (Rochdale)

Rochdale produced a Directory of Wider Learning Opportunities in 2007 to ensure schools are aware of the types of alternative provision available across the local authority. The directory includes details of 17 alternative providers based within the authority. It provides contact details, information on what the provision offers young people (including the learning programme offered), entry requirements, assessment methods, progression opportunities, costs, the number of places offered, the length of the course and the qualifications offered.

The majority of the providers in the directory are signed up to the 'Rochdale Protocols for Wider Learning Opportunity Partnerships' which offer commissioners some quality assurance of the provision on offer. The Directory aims to support head teachers and curriculum deputies in planning a broader range of learning activities and curricula for pupils and provides them with information about the range of wider learning opportunities available within the local authority. The local authority intends to update the Directory on an annual basis in order to include new providers and review existing provision and the 2008/09 update is likely to list around 20 providers.

### Case study – quality assuring alternative provision (Wandsworth)

The London Borough of Wandsworth has in place a framework for quality assuring alternative provision it commissions from external providers. Providers complete a comprehensive self assessment document which includes a list of criteria under seven themes indicating whether they fully, partially or do not meet each criteria and provide the necessary evidence to back up their assessment. Providers also assess themselves on each theme as outstanding, good, satisfactory or inadequate. The completed form is then submitted to a Quality, Monitoring and Evaluation team (QMET) made up of local authority officers, school senior managers and providers, who draws on information in the self assessment document to set objectives for the visit.

During the visit, issues agreed by the QMET are discussed with the providers which may include:

- the evidence used to support their self assessment
- discussions with teaching and other staff
- sampling students' work
- ensuring providers meeting statutory requirements, e.g. CRB checks for staff

A variety of information, including strengths and weaknesses of the provision, are gathered and agreed with providers to inform the Quality Improvement Plan (QUIP). The QUIP includes main areas for development during the coming year; strategies to tackle areas for improvement and actions carried forward from the previous QUIP. The QUIP is regularly monitored.

# Chapter 4:

## Increasing accountability

**We need to strengthen accountability for pupil outcomes from alternative provision.**

**We will:**

- **pilot the collection and publication at local authority level of educational outcomes data (GCSEs and equivalents) for pupils at the end of Key Stage 4 solely registered in Pupil Referral Units and other alternative provision;**
- **collect and publish data annually on attendance at Pupil Referral Units;**
- **consult on how best to gather progression and value added data for pupils in alternative provision;**
- **consult on the application of new school indicators on pupil well-being to Pupil Referral Units;**
- **ask Ofsted to take account of any Pupil Referral Units in special measures in a local authority in its comprehensive area assessments;**
- **strengthen the Secretary of State's powers to intervene when Pupil Referral Units fail, by requiring local authorities to replace them with a specified alternative;**
- **introduce a new power to require a local authority, when necessary, to hold a competition to find the best provider of the specific alternative model that has been identified; and**
- **publish statutory guidance in 2009-10 on alternatives to Pupil Referral Units, informed by pilots and other innovative work.**

### **Raising attainment for pupils in Pupil Referral Units and alternative provision**

**4.1** The accountability framework for Pupil Referral Units and alternative provision is seriously under-developed compared with mainstream schools. Much of the performance data that are available for schools are simply not available for this sector. Attainment data at national level

include attainment of pupils who are solely in Pupil Referral Units or alternative provision, but these are not currently available at local authority level.

Pupils who are dual registered in schools and Pupil Referral Units or alternative provision have their attainment attributed to their school. This provides an incentive for schools to provide the support pupils need to succeed. Also, we do not

have attendance data for pupils in alternative provision although we are planning to collect it for pupils in Pupil Referral Units from 2009. The lack of pupil level data for pupils solely registered in Pupil Referral Units and other alternative provision means that local authorities, the institutions themselves and Ofsted do not have the hard data needed for critical appraisal of relative performance compared to others in the sector. Ofsted also report that many local authorities do not track outcomes or provide sufficient challenge to contracted providers<sup>9</sup>.

**4.2** A further weakness of the accountability framework for alternative provision is that there are no requirements for any performance data to be shared with parents. And although all Pupil Referral Units now have School Improvement Partners to provide support and challenge, their job is hampered by the limited availability of comparable data.

**4.3** We need to address this lack of performance data so that the commissioners and providers of Pupil Referral Units and other alternative provision can be held to account for outcomes in the same way as mainstream schools.

**4.4** We will tackle this by introducing the following reforms. First, **we intend to pilot the collection and publication of educational outcomes data (GCSEs and equivalents) for pupils at the end of Key Stage 4 solely registered in Pupil Referral Units and other alternative provision**, starting from January 2009 for the 2007-08 academic year. The published data will be local authority-wide rather than for individual institutions and providers, because we recognise the variation between different types of local provision, particularly where there are specialist units. These data will enable the National

Strategies to provide more focused support and challenge to local authorities. As mentioned in Chapter 3, our intention to publish performance data should help to focus providers and commissioners on the need to ensure that pupils in alternative provision at Key Stage 4 are working towards recognised outcomes. This in turn fits with the local indicator set relating to “enjoy and achieve” and the national target to raise the educational achievement of children and young people. Pupils who are dual-registered in a school and in a Pupil Referral Unit or other alternative provision already have their results attributed to their school. We will look for ways that enable results to be attributed to both schools and providers while avoiding double counting. Ofsted will also take account of the newly available end Key Stage 4 performance data in its comprehensive area assessments.

**4.5** But publication of Key Stage 4 performance data will not identify the educational attainment of younger pupils or those who are only in alternative provision for a shorter period or are also on the register of a school. We recognise the need to monitor the progress which young people in alternative provision make across the age range and this is why in Chapter 2 we set out our proposals that all pupils outside mainstream school should have a personalised education plan, tailored to their needs. **We will consult on how best to gather progression and value added data for pupils in alternative provision**, taking account of the varying lengths of time that pupils spend there.

**4.6** In addition to attainment data we plan to extend other useful information available for Pupil Referral Units. We will **collect and publish data annually on attendance at Pupil Referral Units**, starting from January 2009 for the 2007-08 academic year. **We will also consult on how the**

9 A survey of educational support and provision for pupils not in school, Ofsted, November 2004

## Children's Plan proposal for new school-level indicators of pupil well-being could apply to Pupil Referral Units.

**4.7** From April 2009, Ofsted will carry out a rolling three year inspection programme of local authority provision and outcomes for looked after children, alongside the new Comprehensive Area Assessment. While we do not currently hold accurate figures on the number of looked after children in alternative provision, we know that some of them are being educated in this sector. We will discuss with local authorities how we might obtain this information. Where significant numbers of looked after children are educated in alternative provision, we will ask Ofsted to consider the quality of education provided and outcomes achieved for these pupils as part of their rolling programme of inspection of children in public care.

### Inspecting Pupil Referral Units and intervening when necessary

**4.8** Ofsted tell us that just over half of Pupil Referral Units are good or outstanding (56 per cent), slightly more than for secondary schools (51 per cent). In 2006/07 Ofsted judged 10 per cent of Pupil Referral Units inspected that year to be inadequate, very similar to the 9 per cent of secondary schools. Units judged inadequate in that year had approximately 700 pupils on their combined rolls<sup>10</sup>.

**4.9** At present (May 2008) 11 Pupil Referral Units are in special measures. Pupil Referral Units which are judged inadequate are provided with similar support to schools in this position to help them improve and in some cases they do improve within 12 months. The average turnaround time for a Pupil Referral Unit in special measures was 15 months in 2006/07. This is less than the average time for a secondary school (22 months). The

Secretary of State already has powers to direct closure of failing Pupil Referral Units and to enable us to require that local authorities engage external advisory support for failing Pupil Referral Units, enabling the expertise of the private and voluntary sector to be brought to bear in such cases. **We will also ask Ofsted to take account of any Pupil Referral Units in special measures in a local authority in its comprehensive area assessments.**

**4.10** These arrangements and powers are helpful, but we believe that on occasion we need to go further. Where Pupil Referral Units fail to improve despite advisory support or other strategies there need to be options other than closure to make better provision for vulnerable young people. We believe that this is more likely to be in pupils' and parents' interests. Options for pupils in a Unit facing closure without replacement may be very limited, and there would be a risk of pupils being placed inappropriately in mainstream provision. Ultimately we believe that more radical options may be needed.

**4.11** The current intervention regime for Pupil Referral Units in special measures only allows the Secretary of State to direct closure and does not permit the Secretary of State to require that a Pupil Referral Unit be replaced with an alternative model. **We intend to strengthen the Secretary of State's powers to intervene when Pupil Referral Units fail, so that he can both direct closure and require local authorities to replace them with a specified alternative.** This will require legislation. This new power would be triggered when a "case is considered urgent" following an "inadequate" Ofsted monitoring report at the second visit. This would normally be about 12 months after going into special measures but may be earlier in some cases. Before directing

<sup>10</sup> Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2006/07 and updated figures for complete year

replacement with a specified alternative, DCSF officials would discuss options with advisers and local authority officers to gain a full picture and then advise the Secretary of State accordingly.

**4.12** The alternatives are likely to be specified in terms of management and accountability arrangements, the nature of the curriculum, pupil numbers, age range and other key criteria. Statutory guidance on the range of alternatives would be informed by the pilots that are described in Chapter 7. The alternatives will include provision run by the private or voluntary sector or by local schools.

**4.13 We will also take the power to require a local authority, when necessary, to hold a competition to find the best provider of the specific alternative model that has been identified.** This will help to drive up standards by competitive pressure and will increase the diversity of the alternative provision sector.

**4.14 We will publish statutory guidance in 2009-10 on alternatives to Pupil Referral Units, informed by pilots and other innovative work** set out in Chapter 7. This will set out in detail the circumstances in which the Secretary of State's power would be exercised and the complete process from the unit being judged inadequate to closure and replacement with a specified alternative.

We will seek views later on how best to gather progression and value added data for pupils in Pupil Referral Units, taking account of the varying lengths of time that pupils spend there. (see paragraph 4.5)

We will also seek views later on how the Children's Plan proposal for new school-level indicators of pupil well-being should apply to Pupil Referral Units. (see paragraph 4.6)

# Chapter 5:

## Developing the capacity of alternative provision – better professional support, better accommodation and better facilities

We need to improve support for the workforce in Pupil Referral Units and alternative provision and improve their accommodation and facilities. We will:

- ask the School Teachers' Review Body to make recommendations on special educational needs allowances for teachers working with these pupils in Pupil Referral Units;
- ensure that the new negotiating body to determine the pay and conditions of school support staff makes sure that staff in Pupil Referral Units are appropriately rewarded for the work that they do;
- ask the National Strategies, in consultation with local authorities, to look at opportunities to further promote continuing professional development (CPD) for staff working in Pupil Referral Units and alternative provision;
- ensure that, as we develop the Masters in Teaching and Learning qualification, the programme takes account of the needs of staff and the children in Pupil Referral Units and alternative provision;
- ask the National Strategies to develop local networks for staff working in Pupil Referral Units and other alternative provision;
- work with local authorities and the social partners to evaluate the implementation of the new professionalism agenda for staff in Pupil Referral Units and alternative provision and whether this workforce are receiving all the statutory entitlements to support them in raising standards;
- increase access to high quality leadership and management support through the National Leaders in Education Programme;
- promote the National Programme for Specialist Leaders of Behaviour and Attendance (NPSL-BA) which provides leadership training in behaviour and attendance;
- expect that Pupil Referral Units will continue, as planned, to be built or refurbished through the Building Schools for the Future programme;
- expect Pupil Referral Units and other alternative provision to work in collaboration with other providers (schools, colleges, training providers) and with employers to ensure their pupils can access the range of teaching and facilities they need; and
- look at how better links can be made between Pupil Referral Units and parenting and whole family support.

**5.1** The success of this strategy will in very large part be dependent on the commitment, energy and professional skills of those who work in and lead alternative provision, many of whom do an outstanding job in difficult circumstances. We know that Pupil Referral Units and alternative provision can face particular difficulties in recruiting skilled leaders and staff and providing them with appropriate career pathways. We also know that where good provision currently exists it is often associated with a particular inspirational leader. We need to create sustainable support structures for Pupil Referral Units and alternative provision to help them develop and maintain their capacity as centres of expertise. The proposals set out in this White Paper also require that Pupil Referral Units and other alternative provision can provide access to a wider range of curriculum provision, including placements with employers. Delivering a richer and more engaging curriculum in turn requires better facilities and better accommodation. Local authorities also need to ensure that specialist children's service professionals – educational psychologists, the Child and Adolescent Mental Health Service, targeted youth support – are mobilised so that staff in alternative provision have timely access to the range of specialist support required.

### Developing the workforce

**5.2** Working with pupils in alternative provision is particularly demanding. Staff in alternative provision need to be able to engage, motivate and inspire the most challenging pupils. That will involve:

- ensuring that staff in Pupil Referral Units have the right pay and conditions;
- building the skills of the workforce through continuing professional development (CPD); and

- avoiding the professional isolation that can be a feature of work in Pupil Referral Units and other alternative provision.

**5.3** We are committed to ensuring that all teachers and support staff in Pupil Referral Units are rewarded for the work they do. **We will be asking the School Teachers' Review Body, within their 2008 remit, to make recommendations on Special Educational Needs allowances for teachers involved with supporting pupils with Special Educational Needs. As part of this, we will expect the Review Body to consider how teachers in Pupil Referral Units could be rewarded for this work.**

**5.4** We are establishing a new negotiating body to determine the pay and conditions of school support staff. **We will ensure that in developing a new framework, the new body ensures that all staff, including those in Pupil Referral Units, are appropriately rewarded for the work that they do.** We expect the Chair and framework to be in place by September 2008, so that work can begin in developing a nationally consistent approach to support staff employment matters whilst containing sufficient flexibility to help meet local needs.

**5.5** We will do more to ensure that staff in alternative provision have the opportunities and support they need to develop their skills. **We have therefore asked the National Strategies, in consultation with local authorities, to look at opportunities to further promote high quality continuing professional development for staff working in Pupil Referral Units and other alternative provision. We will also ensure that, as we develop the Masters in Teaching and Learning with the Training and Development Agency for Schools and social partners, the programme takes account of the needs of staff**

## Case study – providing continuing professional development for alternative provision staff (Hackney)

The Learning Trust Hackney run a “virtual Pupil Referral Unit” with up to 140 pupils in contracted provision including places in further education colleges and work experience. The unit is supported by a recently strengthened team which undertakes rigorous contract management, pupil progress tracking and direct pupil support. They have set key performance indicators for providers and have given them a provider handbook which sets out Hackney’s expectations. Key performance indicators are individually tailored to provision and take into account the student cohort. They cover:

- progress in behaviour;
- progress in achievement;
- attendance;
- accreditation;
- retention; and
- transition to post 16.

While most contracts focus on outputs for pupils and monitoring and feedback arrangements, Hackney expect staff working in contracted alternative provision to undergo continuing professional development and functional training such as Health and Safety training. Possibly uniquely, as part of their commissioner/provider arrangements, The Learning Trust arrange this development and training for their providers as part of the contract.

### and the children they work with in Pupil Referral Units and other alternative provision.

**5.6** Development opportunities for contracted staff in alternative provision are often very limited. It is good practice for local authorities to build requirements for continuing professional development for staff into their contracting arrangements. They may also find it helpful to draw on expertise from colleagues in the health and voluntary sector.

**5.7** We know that networking between colleagues working in Pupil Referral Units and other alternative provision can be a key source of ideas, advice and professional support. The same applies to work between staff in alternative

provision and mainstream schools, special schools or other providers. **We have therefore asked the National Strategies to develop local networks for staff working in Pupil Referral Units and other alternative provision**, linking them with each other and also with staff working in mainstream and special schools. This would give them the opportunity to discuss common issues and share effective practice. **We shall also consult local authorities and the social partners to evaluate the implementation of the new professionalism agenda<sup>11</sup> for staff in Pupil Referral Units and alternative provision and whether this workforce are receiving all the statutory entitlements to support them in raising standards.**

<sup>11</sup> The new professionalism agenda aims to support teachers in their core task of improving teaching and learning and also to support the way they develop themselves and each other.

## Developing leaders

**5.8** We need to build the capacity of head teachers and teachers in charge of Pupil Referral Units. The National College for School Leadership is introducing a revised qualification for headship from September 2008 which will provide a more personalised development package than before. Leaders of Pupil Referral Units will have better access to more context-specific training to prepare them for the distinct challenges they face. **We will also increase their access to high quality leadership and management support through the National Leaders in Education Programme.** In addition, **we will continue to promote the National Programme for Specialist Leaders of Behaviour and Attendance (NPSL-BA) which provides leadership training in behaviour and attendance.** It offers qualifications and creates career pathways for the growing number of specialists who work in the field of behaviour and attendance.

## Better accommodation and facilities

**5.9** The Government recognises the importance of good quality accommodation and design in Pupil Referral Units, and is already investing huge sums in improving educational buildings, with a total investment in schools rising to over £8 billion a year by 2010-11. Pupil Referral Units are eligible for support from all DCSF's capital programmes, including devolved funding that goes direct to Pupil Referral Units and local authorities, and strategic programmes such as Building Schools for the Future. Between 1997 and 2007, Government investment has supported the building of 42 new Pupil Referral Units around England. It is the Government's intention to build or refurbish all Pupil Referral Units to the same timescale as

secondary schools. The majority of local authorities in Building Schools for the Future have already included Pupil Referral Units in the plans for their current waves, many of them as new build. We expect that Pupil Referral Units should continue to be built or refurbished through the Building Schools for the Future programme. Where there is need and Pupil Referral Units have not been included in an authority's current project, they should be included in a later wave of the programme. The Department has also issued building guidance<sup>12</sup> to help planners and architects drive up the quality of Pupil Referral Unit buildings. This provides guidelines and case studies of effective practice in Pupil Referral Unit accommodation.

**5.10** It is important that improvement continues. Local authority asset surveys from 2005-6 indicate that around one third of Pupil Referral Units were in poor or bad condition. On average, Pupil Referral Units were in slightly worse condition than mainstream schools, and Ofsted<sup>13</sup> highlights that many Pupil Referral Units are housed in inadequate accommodation, which can affect their ability to provide children and young people with a good education. Inadequate accommodation can limit the curriculum which can be taught on site, for example inadequate space to teach physical education or no specialist teaching rooms for science, ICT, design and technology, art or music.

**5.11** The Department therefore:

- expects local authorities to check that they are, as intended, managing Pupil Referral Unit building assets alongside the rest of their educational estate, surveying buildings regularly, and prioritising building works for Pupil Referral Units on the basis of their locally agreed asset management plans; this should

<sup>12</sup> *Learning Environments in Pupil Referral Units*, February 2007

<sup>13</sup> *Establishing successful practice in pupil referral units and local authorities*, September 2007

mean that, where justified against other schools' needs, Pupil Referral Units are receiving a share of investment from 2008 to 2011;

- will monitor capital investment in Pupil Referral Units by local authorities through the new annual reporting arrangements being developed to provide audit assurance that government investment is being well spent; and
- will work with Partnerships for Schools to ensure that, where BSF is running in an area, the local authority covers all the schools, including Pupil Referral Units, in that wave in its BSF Strategy for Change submissions. This will include refurbishing or rebuilding Pupil Referral Units as part of the long-term estate strategy, and how Pupil Referral Unit provision will be improved to ensure access to a wider, broad-based and balanced curriculum. The Department looks to local authorities, architects and designers to follow the new building bulletin guidance and to share good practice in the design of Pupil Referral Units.

### Extending capacity through collaboration

**5.12 Pupil Referral Units and other alternative provision providers should work in collaboration with schools, colleges, employers and training providers to ensure that their pupils have access to the curriculum provision, and the facilities that they need**, for example through their involvement in school behaviour partnerships.

**5.13** The development of 14-19 Diplomas in particular requires a new approach to commissioning and collaboration if pupils in alternative provision are to benefit from this new development. Traditionally, education in Pupil Referral Units and in alternative provision has been viewed and managed separately from the local

school population. 14-19 reforms are creating a new curriculum and qualifications entitlement and require a collaborative approach to commissioning provision and teaching young people across a local area.

**5.14** Consortia of schools, colleges, and work-based learning providers are already established across the country, preparing to teach the first phase of Diplomas from this September. Pupil Referral Units are already taking part. Fifty Pupil Referral Units across the country are involved in consortia that will be delivering Diplomas from September 2009. By 2013, the national entitlement to Diplomas will ensure that every young person in an area is able to access the new curriculum, building on the collaboration taking place now.

**5.15** A number of local authorities, working closely with their secondary schools, are now providing a broader range of subjects at Key Stage 4, including vocational subjects such as motor vehicle maintenance, bricklaying, plumbing and hairdressing. This curriculum can be accessed by all pupils, whether in mainstream schools or in Pupil Referral Units. We need to see practice such as this more widely adopted.

**5.16** DCSF is currently working with internal and external stakeholders to design a new Entry to Learning Programme that will re-engage those who are not currently engaged in learning post-16. Through Entry to Learning young people will be supported through mentoring to move from good quality re-engagement activities through semi-formal personal development and other learning back into more formal learning, through steps they can manage.

**5.17** A number of innovative voluntary sector and local authority funded schemes have succeeded by restoring young people's confidence and self-esteem, and Entry to Learning will help to ensure

that re-engagement activity is accompanied by clear and personalised progression routes which will take them step by step back into formal learning.

### The team around the child and their family

**5.18** Pupils in Pupil Referral Units and alternative provision often have additional needs that require specialist support. These might be emotional or mental health needs, problems with substance misuse or other risky behaviours, or difficulties at home. For these vulnerable young people it is particularly important that there is a close working relationship between the range of specialist support services for young people, families, and alternative provision so that each individual young person's needs are met – the 'team round the child' in action. We will also **look at how better links can be made between Pupil Referral Units and parenting and whole family support** provided to the most disadvantaged and challenging families, which aims to improve outcomes by supporting families in an integrated way.

**5.19** For children with special educational needs, the involvement of other agencies in this way might inform further review of support already in place, especially for children who are at the School Action Plus or statementing stages of special educational needs provision including further consideration about appropriate settings and support for longer-term education. It might also be helpful for psychiatric support workers to be attached to Pupil Referral Units to build the capacity of their staff.

We will seek views later from local authorities and the social partners to evaluate the implementation of the new professionalism agenda for staff in Pupil Referral Units and alternative provision and whether this workforce are receiving all the statutory entitlements to support them in raising standards. (see paragraph 5.7)

### Case Study – providing multi-agency support to support a Pupil Referral Unit (Nottinghamshire)

At the Bassetlaw Learning Centre, effective multi-agency support has been engaged by establishing a clear line of contact with the Connexions information, advice and guidance service by identifying a dedicated personal adviser to work at the centre. The Connexions personal adviser is funded to visit the centre to work with permanent excludees and pupils referred for managed moves. The personal adviser supports young people through the transition process (from mainstream to alternative provision), identifies appropriate alternative provision for pupils and supports and advises them in their reintegration to mainstream school or post-16 destinations. The Connexions personal adviser is well informed about local alternative provision and post-16 opportunities and so is well placed to provide information, advice and guidance about appropriate alternative provision on an individual basis. The benefits of having this dedicated support are that the learning centre has been able to establish strong working relationships with the Connexions service; the personal adviser has become attuned to the needs of the particular client group at the centre; and the young people are given ease of access to external expertise and guidance from a member of staff with whom they have established a positive relationship.

# Chapter 6:

## Alternative provision as part of our overarching strategy for behaviour in schools

Alternative provision is a central and essential part of our strategy for behaviour in schools. We need to ensure that alternative provision is properly integrated with mainstream and special schools, including those working in behaviour partnerships, and with wider local services to provide support for challenging pupils.

We will:

- introduce legislation to require secondary schools and Pupil Referral Units to work together in local behaviour partnerships (and will also secure the participation of future academies through their funding agreements);
- ask the National Strategies to support development of school behaviour partnerships in adopting preventative strategies;
- encourage Pupil Referral Units and other providers of alternative provision to work more closely with special schools or mainstream schools with designated units for pupils with special educational needs and with wider support services; and
- expect all schools to take their fair share of previously excluded pupils, but only where these pupils are ready for reintegration in the mainstream.

### The role of schools

**6.1** Alternative provision needs to be seen within the context of our wider strategy for improving behaviour in schools. This strategy is based on the principle that schools should intervene as early as possible to address emerging behaviour problems, including those masking underlying learning difficulties or disabilities, thereby minimising the need for permanent exclusion. All local authorities and schools have legal duties towards children with special educational needs and disabled children. These require schools to make reasonable

adjustments to policies and the delivery of their curriculum to prevent disabled children being treated less favourably and to use their best endeavours to meet the special educational needs of children. We recognise that there are cases where permanent exclusion cannot be avoided, though, and we are therefore determined to ensure that educational provision for young people who have been permanently excluded is as good as it can be. Accountability for these pupils' progress needs to be transparent and to support this, young people need access to a range of suitable provision.

**6.2** To have effective early intervention systems, schools must both develop their own internal capacity to identify and support children and young people with difficulties and must also be able to call in external support where necessary. This is one of the core principles underlying our work with schools to develop extended services for their pupils and the wider community. Over £1.3 billion is being provided for the extended schools programme for the period 2008-09 to 2010-11 (which includes capital funding). This includes £265 million to subsidise the participation of disadvantaged children in a range of enriching activities, and £102.5 million to fund Parenting Support Advisers. Extended school services (childcare and activities, parenting support and family learning and swift and easy access to specialist services) have a key role to play in supporting pupils who are at risk of exclusion from school, and their families. In particular, enriching activities can engage pupils in learning and build confidence and social skills. Access to specialist health, social and other services, parenting support and family learning support the child and family in tackling underlying issues that contribute to challenging behaviours which can result in exclusion. Schools should be using the Common Assessment Framework to identify pupils' individual needs and support the planning of services to meet them.

**6.3** In the Children's Plan we said we would be carrying out work with local authorities which have a relatively good record in reducing exclusions of children with special educational needs to identify any effective practice which can be shared more quickly. The National Strategies are taking forward this work and the outcomes should help to inform school and local authority strategies on preventative work.

## School behaviour partnerships

**6.4** We believe that schools working in partnership will be more effective than those seeking to address these issues in isolation. Schools working in partnership can share expertise (for example, learning mentors, family outreach workers and behaviour support specialists), facilities (for example, a shared learning support unit or a shared facility for pupils who have been excluded for a fixed period) and resources (for example, pooling funds to buy in specialist provision from the voluntary and private sectors). A group of schools working in partnership will also be able to commission alternative provision more efficiently and effectively than individual schools and will be a more powerful influence to drive up the quality and responsiveness of local authority support services and Pupil Referral Units.

**6.5** For these reasons, we set an expectation that all secondary schools (including academies) should be working in such behaviour partnerships from September 2007. Feedback from local authorities indicates that the great majority of secondary schools (some 98 per cent) are now in such partnerships and all academies have agreed to be part of local partnerships, although the extent to which partnership working is truly embedded and making a difference remains variable.

**6.6** We are convinced that partnership working between schools to improve behaviour is the right way forward and the indications from those partnerships which have been established longest support that view. These early partnerships have seen a reduction in the need to permanently exclude pupils and a reduction in rates of persistent absence and we are keen to replicate those results more widely. In 2005/06 a number of local authorities achieved zero or very low levels of permanent exclusion by identifying pupils at risk of permanent exclusion and providing access to

preventative programmes. Local authorities clearly have a key strategic role in encouraging the development of school partnerships and providing challenge when necessary. **We have asked the National Strategies to support development of school behaviour partnerships** so that all of them can over time be brought up to the standard of the best. This work will include encouraging partnerships to adopt preventative strategies and work with Pupil Referral Units and other alternative education providers to make this provision as part of the continuum of support.

**6.7** Effective partnership working requires the active participation of all schools in an area. One or two schools operating on different principles and refusing to share responsibility with the wider school community can undermine the efforts of the majority which are working in partnership. In the Children's Plan, we said that we were minded to make participation in behaviour partnerships a statutory requirement and invited Sir Alan Steer to advise on this point as part of his review of progress in implementing the recommendations of his Practitioners' Group's earlier report on school behaviour and discipline. The Group had recommended that participation in these partnerships should cease to be a voluntary option for schools by 2008. Sir Alan has now confirmed this view, strongly supporting the principle that all schools need to work in collaboration in order to promote good standards of behaviour. **We therefore intend to require all secondary schools – including academies and Pupil Referral Units – to work in behaviour partnerships and will secure this through funding arrangements (for future academies) and legislation (for all other schools).** Speaking at the NASUWT conference on 26 March, the Secretary of State said:

“Virtually all secondary schools – 97 per cent – are working in these partnerships. But as Sir Alan says, just a few schools not co-operating in an area can undermine the effectiveness of partnerships and so I accept Sir Alan's advice that all schools should be required to be in these partnerships, and I intend to legislate on this at the earliest opportunity. New academies will be required to join partnerships and I can confirm that all open academies have now agreed to be part of local behaviour partnerships.”

We have also asked Sir Alan Steer to review the effectiveness of behaviour partnerships and look forward to his report in the autumn.

### The role of alternative provision

**6.8** Alternative provision is a key part of the support landscape for children and young people experiencing difficulties which express themselves in poor behaviour. It can both support schools in addressing those difficulties, by providing specialist support, including part-time courses to boost self esteem and help with issues such as anger management; and it provides full-time education for those who have been permanently excluded or who do not have a school place.

**6.9 Pupil Referral Units and other alternative provision should play a key role in school partnerships to improve behaviour and tackle persistent absence, and so maximise the opportunities for sharing expertise and strategies across educational provision.**

By developing and strengthening such links, we would expect to see further improvements in the ability of schools to intervene early to support vulnerable young people. We would also expect to see more children coming into contact with alternative education for shorter periods as part of efforts to keep them engaged and in mainstream

schools. But there will also be dividends in cases where permanent exclusion cannot be avoided, in terms of improved transfer of key data between school and Pupil Referral Unit to support the planning of provision, and in terms of more effective reintegration for young people when they are ready to move back into the mainstream.

**6.10** Pupil Referral Units should also be seen as an integral part of local extended schools provision and should be part of their local cluster of extended schools. Pupil Referral Units should offer access to extended services themselves and with partner private, voluntary and statutory organisations and support the engagement of their pupils in the services provided by mainstream schools.

### The role of wider support services

**6.11** Local authority and related support services have a key role to play in supporting schools and alternative education providers to address the needs of vulnerable young people. These services include special educational needs support and outreach, educational psychologists, social workers, education welfare officers, the child and adolescent mental health service (CAMHS) and health workers.

**6.12** We are keen that these services should increasingly work together as multi-agency teams, to provide joined-up support and early intervention – and indeed we are committed to have such ‘targeted youth support’ arrangements in place for at risk teenagers in all local authorities by the end of 2008. This work should be led by Children’s Trusts.

**6.13** These reforms offer huge potential for a step change in the quality of specialist support available for young people. It is essential that schools, Pupil Referral Units and alternative providers are fully alert to the benefits to be obtained from these services and that they are ready to step up to meet their own responsibilities as identifiers of need, as commissioners of provision and as sponsors

looking after the interests of the individual children and young people for whom they are responsible. Local authorities in turn have a key role in brokering effective relationships between the customers for and the providers of these support services, so that each understands the role of the other. To support this joint working, we ran a series of regional workshops early in 2008 to enable local authorities to start to make the links between school partnerships (including Pupil Referral Units) and targeted youth support. We have also developed supporting guidance (available on line at <http://www.teachernet.gov.uk/wholeschool/behaviour/collaboration>). As part of their work in supporting and challenging school behaviour partnerships, the National Strategies will continue to promote the importance of developing these links.

**6.14** An increasing body of evidence shows that participation in positive activities can help young people develop confidence as well as the communications, social and emotional skills that they need to build successful relationships with their peers and adults, cope with peer pressure and, in the longer term, succeed in the workplace. Local authorities are now legally required to secure young people’s access to positive leisure time activities, including extended schools services and ‘youth services’ as well as the wider range of sports, cultural and leisure activities and facilities provided by public, private and third sector organisations. The legislation also requires local authorities to publicise to young people information on positive activities and take account of their views on current provisions, including whether they think there is a need for any new activities and facilities.

**6.15** Local authorities and their third sector partners will be supported to fulfil these duties by over £700 million investment and new reforms introduced by the Government’s ten year strategy for positive

activities, 'Aiming high for young people', which was published in July 2007. Statutory guidance on the 'positive activities' legislation makes clear the Government's expectation that local authorities will focus resources, including those introduced by 'Aiming high for young people', on improving participation amongst the most vulnerable and disadvantaged young people, as well as to make sure that they can influence decision making processes. We believe that pupils who attend Pupil Referral Units will be amongst those who will benefit most from participation in positive activities, and that local authorities should ensure that they make best use of the trained professionals and supportive environment of the Pupil Referral Unit to help young people find out about local activities and provide the advice and support they will need to participate.

**6.16** Through Aiming High, we acknowledged that the most effective third sector organisations often lead the way in engaging marginalised young people, including those young people that require alternative provision, but that many organisations struggle to sustain their provision or to expand their services to a greater number of young people.

**6.17** We have therefore committed to invest up to £100 million over the next three years through a new Youth Sector Development Fund (YSDF) to support third sector organisations that can demonstrate effective approaches to engaging and empowering young people, particularly the most disadvantaged. The funding will provide a mixture of large and small grants and expert business support to help these organisations sustain and grow their provision so that more young people can benefit from the activities and provision they offer. The YSDF will be managed by an external body, a key role of which will be to support third sector organisations to become commissioning ready and to broker beneficial

relationships between effective third sector providers and commissioners. The following pathfinder illustrates how the YSDF will support the expansion of alternative provision delivered by the third sector:

### Case study – UK Youth

UK Youth runs courses and programmes that offer accredited learning outcomes for young people that are disengaged from mainstream education. They aim to build skills that will remain useful throughout the lives of the young people they work with. They will use YSDF funding (£4.093 million over the next 3 years) to set up 10 Youth Achievement Foundations which will provide non formal alternative learning and support services, based on UK Youth's established curriculum, putting young people at risk from exclusion or are NEET back on the path to success.

### Targeted Youth Support -- transforming services for vulnerable young people

**6.18** Targeted Youth Support reforms, led by Children's Trusts working closely with partners including schools, Pupil Referral Units, health service providers, voluntary and community service providers, police and community safety, build on the changes already under way in young people's services, in response to the Every Child Matters agenda. Local services are being brought together and are developing common approaches to identifying vulnerable young people early on, assessing their needs and providing integrated support to help them quickly and effectively before their problems escalate.

**6.19** The focus on prevention and early intervention will help to ensure that young people will increasingly have swift and easy access to targeted and specialist services as their schools move

towards providing the extended schools core offer. In addition, Targeted Youth Support helps schools to work in partnerships to improve young people's behaviour and attendance. It helps schools and Pupil Referral Units access the right support at the right time and provides a clear route of referral to specialist services. Through early identification and intervention in universal settings, Targeted Youth Support aims to tackle issues such as persistent absenteeism, poor emotional health and well-being, substance misuse and teenage pregnancy.

### Alternative provision and special schools

**6.20** Around 75 per cent of pupils in Pupil Referral Units have Special Educational Needs. Of these 62

per cent are without statements and 13 per cent have statements. Ofsted report that *"in too many cases, local authorities placed pupils who had statements of special educational need in pupil referral units which were unable to meet their special needs<sup>14</sup>".*

**6.21** Pupils can only be admitted to the roll of a special school if they have a statement of Special Educational Needs or in other specified circumstances<sup>15</sup>. Local authorities can arrange for some or all of a child's special educational provision to be made other than at school and this can include a Pupil Referral Unit<sup>16</sup>. **We believe that alternative provision for pupils with Special Educational Needs could be more effective if**

#### Case study – special schools with Power to Innovate Orders

Two special schools currently have a Power to Innovate Order enabling them for a period of 3 years to admit non-statemented pupils who would more usually be admitted to a Pupil Referral Unit or other types of alternative provision. They are New Woodlands School (Lewisham) and Harbour Special School (Portsmouth). The Orders came into effect in October 2007 and December 2007 respectively.

Both schools see real benefits in having the services and provision to support the continuum of need for children and young people combined under a single management and governance structure, including:

- a more coherent service for children, young people and their families;
- better matching of children's needs to provision;
- deploying staff with different and varied skills more effectively;
- sharing best practice; and
- improving inclusion targets by ensuring that pupils return to mainstream school in a supported, planned and timely manner.

In addition, the schools consider that this kind of management structure should lead to decisions regarding placement/provision to be made more quickly and more efficiently, thereby reducing the length of time some young people currently find that they are out of school awaiting placement. Benefits also include reduced numbers of points of contact for external agencies thereby facilitating improved multi-agency working.

14 Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2006/07

15 Where pupils are admitted for the purposes of assessment; following such assessment; following a change of circumstances; or where the school in question is a hospital school – all under section 316A of the Education Act 1996

16 Section 319 of the Education Act 1996

### **Pupil Referral Units worked more closely with special schools or mainstream schools with designated units, where these exist locally.**

There is particular scope for useful partnership working with special schools for pupils with Behavioural, Emotional and Social Difficulties, since the skills and knowledge required to support such pupils are similar to what is needed in Pupil Referral Units. While there are many pupils in Pupil Referral Units without Special Educational Needs and many pupils in special schools who are not presenting challenging behaviour, there is a substantial overlap in pupil population. This joint working should facilitate the reintegration of children with special educational needs from Pupil Referral Units into school. Pupil Referral Units and special schools operate under separate legal arrangements, although there are some examples of special schools also providing a service along the lines of a Pupil Referral Unit, using a Power to Innovate. We plan to explore further the scope for effective joint working between Pupil Referral Units and special schools, as part of our proposals to pilot innovative approaches, set out in Chapter 7.

### **In Year Fair Access Protocols**

**6.22** All local authorities are required by the School Admissions Code to have an In Year Fair Access Protocol in place to ensure that access to education is secured quickly for children who have no school place, and to ensure that all schools in an area admit their fair share of children with challenging behaviour. All schools and academies must participate in their local authority area's protocol in order to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

**6.23** We do not expect all permanently excluded pupils to be reintegrated to a mainstream school. Their behaviour and readiness need to be assessed

first. Local authority officers, working with parents, should draw up reintegration plans for permanently excluded pupils at an early stage but we recognise that reintegration to school is not the best outcome for some pupils. Some pupils may benefit from an early start in a further education college or other setting. But where previously excluded pupils are to be reintegrated to mainstream schools, we believe that it is fairer for them to be shared across schools in an area rather than concentrated in one or two schools which may already be under pressure.

**6.24** We expect all schools to take their fair share of challenging pupils, but only where pupils are ready for reintegration into the mainstream. Many In Year Fair Access Protocols are managed by local panels, sometimes involving other local agencies, and operate according to locally agreed criteria. Some operate a simple "one-in, one-out" system while others have agreed more complex arrangements which support this reciprocal approach and take account of particular circumstances such as whether a school is in special measures, parental preference and local geography. There are no national rules. The details of protocols are for local agreement. But no school in any circumstances should be required or pressured into taking a pupil who is not ready to return from permanent exclusion, and no school should ever be expected to take more than a fair share of pupils who have previously been permanently excluded from any school.

**6.25** We know that some areas offer additional funding to schools taking in previously permanently excluded pupils to provide support for their reintegration to mainstream. We recognise that such support can be crucial to the successful reintegration of young people, but this is an issue for local agreement between the local authority and the schools in its area.

# Chapter 7:

## Learning from the best and supporting innovation

We want to take the opportunity to pilot different ways of making educational provision for young people out of school that is focused on attainment and meeting their wider needs.

We will:

- learn lessons from innovative practice already in place;
- invite local authorities and schools to run up to 10 pilots to test a range of models to deliver alternative provision (£26.5 million is available to support these pilots);
- strongly encourage voluntary/private sector providers to engage with local authorities and schools in the pilots; and
- use findings from pilots to encourage innovative effective practice and to inform legislation to require local authorities to replace failing Pupil Referral Units with a specified alternative.

### Building on what works

**7.1** We want to build on what works best and to explore innovative ways of meeting the educational needs of some of our most vulnerable groups of children and young people in out of school settings. We are aware of a number of radical ways of arranging provision for pupils beyond school and want to **learn lessons from innovative practice already in place**. We will therefore invite bids from local authorities for us to evaluate their practice, feed this back to them and disseminate effective practice more widely. This will give them an opportunity to showcase their practice and evaluation evidence will support them in making further improvements.

### Testing a range of models

**7.2** But we are also keen to test a range of models to deliver alternative provision focusing on management and accountability arrangements, and encouraging more diversity through seeking private and voluntary sector provision. We will therefore invite local authorities and schools to run up to 10 pilots to test a range of models to deliver alternative provision. We plan to establish up to 10 pilots by September 2009, including 3 to start by December 2008.

**7.3** A total of £26.5 million is available over the next three years to fund pilots, of which £22 million is reserved for capital expenditure. **We are inviting local authorities and schools to bid to run pilots** and this invitation can be found at [www.dfes.gov.uk/exclusions/alternative\\_provision\\_policies/index.cfm](http://www.dfes.gov.uk/exclusions/alternative_provision_policies/index.cfm). We need pilots to be

sustainable beyond the pilot period if they are successful. As alternative provision is funded by schools and local authorities rather than directly by the Department we are restricting bids to them.

However, we will **strongly encourage voluntary/private sector providers to engage with local authorities and schools in the pilots**. We intend to publicise the opportunity presented by pilots widely to enable providers to work with local authorities in putting together bids.

**7.4** We envisage that the alternative provision pilots would include:

- single schools, including special schools and academies, running Pupil Referral Units jointly with or on behalf of local authorities;
- groups of schools, e.g. school partnerships running Pupil Referral Units jointly with or on behalf of local authorities;
- local authorities to contract with school governing bodies the provision of section 19 education for local children and young people;
- Pupil Referral Units sharing sites and resources of local schools and managed by local schools;
- external providers of alternative provision (private and voluntary sector) running Pupil Referral Units jointly with or on behalf of local authorities;
- special schools catering for pupils who would normally attend Pupil Referral Units or other types of alternative provision, and providing outreach service to local schools; and
- e-learning and “virtual” provision, particularly for pupils who cannot attend school due to health needs.

**7.5** Pilots need to make provision for a range of pupil needs that reflect the diversity of pupils that access alternative provision. They could be designed to cater for a specific pupil group (e.g.

pupils at risk of exclusion, pupils with emotional and physical health needs, primary pupils, etc) who need to be better served than is currently possible within existing provision.

**7.6** We are also keen to encourage other innovative approaches not covered above. We intend that one or more pilots should run in a local authority that has had a failing Pupil Referral Unit for more than 12 months so that we can test options in these circumstances. We would also like one or more pilots to provide preventative support for pupils in local authorities that have high levels of permanent exclusion and whose Pupil Referral Units may lack the capacity for much proactive work. We would expect this to be supported by the school behaviour partnership’s commitment to work together to reduce the need for permanent exclusion.

**7.7** Success criteria will be based on the existing criteria for school effectiveness used by Ofsted in its inspection of Pupil Referral Units and schools, which are the overall effectiveness of the school; achievement and standards; quality of provision; and leadership and management. We will evaluate the pilots and share best practice with our partners. Evaluation should include baseline assessments on entry to provision; tackling underlying issues; impact of curriculum on participation; access in rural areas; effectiveness of partnerships with schools and local agencies; tracking progress including reintegration; and lines of accountability in innovative models.

**7.8** We are also proposing separately to develop pilot Studio Schools, offering an innovative enterprise-based curriculum designed to motivate students not engaged by a traditional, academic curriculum. Studio Schools aim to tackle pupil disengagement and to provide general employability and enterprise skills. They will be run as groups of small businesses, closely linked to

particular industries, with young people as much workers as students, with those over 16 receiving a wage. In addition to working in and running the business, the students will participate in enterprise projects, either consulting to local businesses or starting up their own ventures. We would expect Studio Schools to offer a new option for all pupils and to have a comprehensive intake of up to 300 young people.

**7.9** In contrast, Pupil Referral Units tend to be smaller (typically 40-50 pupils), with a large part of the provision concentrated on pupils who need specialist help with learning, behavioural or other difficulties. Studio Schools could provide a suitable, preventative, alternative for some pupils who might otherwise go into a Pupil Referral Unit, as part of a spectrum of alternative provision available to a local authority in addition to its Pupil Referral Units. It is likely that students would opt into the Studio School as part of their 14-19 choices, to have some or all of their learning through the innovative enterprise-based curriculum. The Studio School approach is unlikely to be appropriate for those pupils currently in Pupil Referral Units or other alternative provision who have complex or challenging needs.

**7.10** We are looking to pilot a small number of Studio Schools in late 2008 or 2009 depending upon the readiness of local authorities to engage with this new approach to alternative provision. We will ensure that proposals consider the relationship between Studio Schools and other forms of alternative provision. We will look to monitor the progress of pupils who might otherwise have been sent to a Pupil Referral Unit, and compare these with the outcomes of other pupils referred to Pupil Referral Units or other alternative provision.

**7.11** We will **use findings from all of these pilots to encourage innovative effective practice and to inform legislation to require local authorities to replace failing Pupil Referral Units with a specified alternative.** We plan to publish guidance to support legislation in 2009-10. We will disseminate effective practice through the Department's website and through the National Strategies.

# Chapter 8:

## Delivering change

**We will work in partnership with local authorities and schools to deliver a step change in the quality of alternative provision. Drivers of change will be:**

- the publication of performance data;
- the introduction of personalised education plans;
- Ofsted inspections of local authorities and individual alternative provision providers;
- the new national provider database to support smarter commissioning;
- our plans to make behaviour partnerships mandatory;
- the new powers for the Secretary of State to require local authorities to replace failing Pupil Referral Units with a specified alternative and to hold competitions for their replacement; and
- our pilot programme to spread innovation and test best practice.

**We will also work with local authorities to provide additional support at the strategic level through the National Strategies.**

**We also intend to drive forward our strategy through:**

- improving support for the workforce;
- improving accommodation;
- promoting closer partnerships between alternative provision, mainstream and special schools, and local authority support services; and
- legislating on a new name for Pupil Referral Units, to signal a step change improvement.

**8.1** Delivering the vision set out in this White Paper will require an ambitious programme for a transformation in the quality of alternative provision. By putting the needs of children and families first through the provision of a

personalised education plan, alternative provision will be better able to meet the diverse needs of some of our most vulnerable young people.

**8.2** The Government's role is to set out a clear vision and framework for the future direction of

alternative provision; to monitor outcomes to ensure that the desired level of improvement actually happens and to support and challenge local authorities and school behaviour partnerships in the process of delivering change.

**8.3** Many local authorities and providers of alternative provision are doing excellent work in challenging circumstances. Many schools, organised in behaviour partnerships, are working well with Pupil Referral Units and other providers of alternative provision who are being engaged earlier to support school interventions before a pupil arrives at the point where permanent exclusion is inevitable. These partnerships also have clear processes for ensuring that alternative provision providers have good information from schools about excluded pupils and for reintegrating pupils into the mainstream when they are ready. A large number of schools are also using self-evaluation measures effectively in order to assess their progress and help plan next steps. There is thus a great deal of good practice on which to build. It will be important for us to work in partnership with local authorities and schools to help them achieve a step change in the quality of alternative provision, and of school partnership with alternative provision.

**8.4** We will strengthen the role and capacity of local authorities as commissioners of alternative provision and as providers of Pupil Referral Units. We will also expect schools to work in closer partnership with alternative provision, and to make more use of alternative provision for early intervention. The success of this strategy will depend critically on the extent to which local authorities, schools, school partnerships and providers engage in an active partnership to drive change forward. Other important success factors include the capacity of the alternative provision sector – their accommodation, facilities and the support available

for the leadership and workforce. Together we want to build a system that keeps young people engaged and on track, being ready to intervene early to address issues before they reach crisis point.

**8.5** The main drivers of change will be:

1. The **publication of performance data** which will improve accountability at local authority and provider level, and improve the focus on outcomes. We intend to monitor delivery by tracking closely the outcomes for young people in alternative provision, as described in Chapter 4, benchmarking the performance of individual authorities in similar circumstances and challenging those where performance is inadequate in relation to their peers.
2. The introduction of **personalised education plans** for young people in Pupil Referral Units and alternative provision, with clear targets for progression including reintegration to the mainstream where appropriate. A sharper focus on outcomes will incentivise local authorities and alternative provision providers to develop personalised education plans, as set out in Chapter 2.
3. The introduction of a **core educational entitlement** for alternative provision, subject to consultation, covering the curriculum offer, the right to full-time education and an information passport. Our proposals and questions for consultation are set out in Chapter 2.
4. **Ofsted inspections of local authorities and of individual alternative provision providers.** The availability of performance data will

improve the evidence available to Ofsted in its inspections. We will also ask Ofsted to take account of the number of failing Pupil Referral Units in a local authority in its Comprehensive Area Assessments.

5. The **new national provider database** will help to drive more informed commissioning by providing local authorities with comprehensive information about the range of providers in the market place, what they offer and what they cost. This will encourage local authorities and schools to consider using a wider range of providers. Our plans for the database are explained in Chapter 3.
6. The **new powers for the Secretary of State**, as set out in Chapter 4, will help to drive up standards by increasing competition for existing Pupil Referral Units from other alternative provision providers. We intend to strengthen the powers to intervene when Pupil Referral Units fail, and will take powers to require a local authority to hold a competition to find the best provider and to replace a failing Pupil Referral Unit with a specified alternative.
7. Our plans to **make behaviour partnerships mandatory** will help to integrate Pupil Referral Units and other alternative provision into a whole system of support for young people and strengthen collaboration between schools and alternative provision. The National Strategies will support and develop partnerships to work

effectively, including in their role to support school commissioning of alternative provision as an early preventative measure.

8. Our **pilot programme** supported by £26.5m DCSF funding will demonstrate new ways of providing alternative provision and test best practice. Chapter 7 sets out our plans for the pilot programme.

**8.6** In addition to over £100 million each year on behaviour support services, local authorities already spend over £410 million each year on educating pupils in Pupil Referral Units and other alternative provision. Over the past four years, this figure has risen significantly in comparison with the total school budget<sup>17</sup>. The cost of educating a pupil in a Pupil Referral Unit is around £15,000 a year for a full-time placement<sup>18</sup>, compared with around £4,000 in a mainstream school. We need to improve returns on this investment by driving a greater focus on outcomes, and by ensuring that alternative provision comes in to play earlier in a troubled pupil's journey, so that better value can be obtained by using earlier lower-cost interventions.

**8.7** We accept that the capacity of local authorities to drive change will vary. Those authorities with the furthest distance to travel may often be those with the least capacity to improve. We therefore recognise that support at the national level will be needed too, and we will do this by:

- making available £26.5m funding for pilots to explore innovative ways of offering alternative provision and disseminating the results of those pilots to enable authorities to drive up quality in the most cost-effective ways;

<sup>17</sup> The Pupil Referral Unit spend as a percentage of total school budget rose from 0.74% in 2003-4 to 0.94% in 2007-8.

<sup>18</sup> Figure taken from Section 52 returns and school census.

- providing additional support at the strategic level, through the National Strategies, for those local authorities which need advice and guidance on the most effective practice in driving through change and in commissioning alternative provision;
- collecting and making available to local authorities data on educational outcomes for young people in their area, enabling them to compare the performance of different providers and thereby to become more effective commissioners of provision;
- asking the National Strategies to go further in identifying and disseminating examples of good practice; and
- providing guidance on effective planning and commissioning of alternative provision.

**8.8** Chapter 5 sets out our plans to drive forward our strategy through:

- **improving support for the workforce** to engage, motivate and inspire the most difficult pupils, by ensuring that staff in Pupil Referral Units have the right pay and conditions; promoting CPD for staff working in Pupil Referral Units and other alternative provision; and providing better support for Pupil Referral Unit leaders through the National Programme for Specialist Leaders of Behaviour and Attendance;
- **improving accommodation.** We expect that the Building Schools for the Future programme should include refurbishing or building new premises for Pupil Referral Units, and it is already our intention to build or refurbish all Pupil Referral Units to the same timescale as secondary schools; and

- **promoting closer partnerships between alternative provision, mainstream and special schools, and local authority support services.** We believe that closer partnership working will be a key part of driving forward our strategy. We will encourage partnerships between alternative provision, Pupil Referral Units, mainstream and special schools; access to 14-19 consortia to enable a collaborative approach to commissioning provision and teaching young people across an area; and support from other services (such as targeted youth support).

**8.9** We recognise that the name “Pupil Referral Unit” is not widely used, and Chapter 1 commits to consulting and legislating on a **new name** which better describes these local authority schools, to signal a transformation that we believe is necessary.

**8.10** We are committed to working with our key partners to deliver this strategy. How well we deliver our plans will be crucial to their success. We must work together to drive forward this work. And we must spread excellence through the system for the sake of this group of young people.

# Annex 1

## Implementation timeline

2008	<b>May</b>	White Paper – Back on Track: modernising alternative provision for young people – Launch
	<b>September</b>	Alternative Provision database – Launch
	<b>December</b>	First 3 pilots for enhanced PRU / alternative provision – Start
		Guidance on individual education plans for pupils not at school
2009	<b>January</b>	PRU attendance data collection – Start
	<b>Spring</b>	Publish PRU attendance data
	<b>September</b>	10 Pilots now running
		Legislation comes into force
		<ul style="list-style-type: none"> <li>• Power to direct LAs to replace failing PRUs</li> <li>• (possible Basic Skills curriculum for PRUs)</li> <li>• School partnerships mandatory for secondary schools, PRUs and future academies (through their funding agreements)</li> </ul>
2010	<b>January</b>	Performance data for pupils in PRUs and alternative provision – publication

# Annex 2

## Legal and financial framework for Pupil Referral Units and alternative provision

### Legal framework

Section 19(1) of the Education Act 1996 requires each local authority to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. Since September 2007, local authorities have been further required to provide suitable full-time education for permanently excluded pupils from the sixth day of exclusion.

Most local authorities arrange such provision in Pupil Referral Units. A Pupil Referral Unit is defined by section 19(2) of the Education Act 1996 as any school established and maintained by a local education authority which is specially organised to provide education for the groups of children listed in the paragraph above. Pupil Referral Units are therefore legally a type of school. Their small size, rapidly changing roll and the type of pupils they teach mean they are not subject to identical legislative requirements that apply to mainstream and special schools. A Pupil Referral Unit must, however, have a special educational needs policy and appropriate Child Protection procedures in place.

Since February 2008 local authorities have been required to set up a management committee for each Pupil Referral Unit or group of Pupil Referral Units. Membership of management committees comprises key stakeholder groups: local authority, staff, parents and community members.

Management committees could include all or some of the head teachers and other senior staff of schools in an area served by a Pupil Referral Unit as community members, who would be in a majority.

Only a local authority can set up and run a Pupil Referral Unit. A school, group of schools, or other organisations cannot do this. The local authority can delegate functions “within its own organisation” to local authority executives and officers but cannot delegate functions to a group of head teachers for example. Contracting out arrangements prohibit local authorities from contracting out managing Pupil Referral Units to third parties, including other schools. It must remain a local authority function.

Although local authorities can meet their section 19(1) duties through establishing and maintaining Pupil Referral Units they are not obliged to do so. A few local authorities do not have any Pupil Referral Units. Education can be provided by voluntary or private sector “alternative provision” providers to supplement more general Pupil Referral Unit support or in some cases as an alternative to local authorities running a unit. Some local authorities

have a small proportion of children educated under section 19 in Pupil Referral Units while commissioning places for the majority from external providers.

Pupil Referral Units are subject to regular inspection by Ofsted under section 5 of the Education Act 2005 and are treated similarly to other schools. The central principles for recognising and judging the quality and standards of schools apply to schools of all types and sizes. However all school inspections, including inspections of Pupil Referral Units, are tailored to some extent depending upon the type and particular circumstances of the school. Indeed inspections take account of what schools know about themselves, their self evaluation, and are tailored to the context, character and performance of individual schools. This approach is particularly important for Pupil Referral Units and reflects the diversity of provision for pupils with various types of need.

Schools operating in the independent and voluntary sector and offering full-time education for five or more pupils of compulsory school age or where one or more such pupils has a statement of special educational needs or is in public care must register as an independent school, and be subject to inspection by Ofsted

The Education and Skills Bill introduces a new definition of 'independent educational institution', which includes independent schools and other educational institutions which offer education for a minimum of 12.5 hours a week for primary age and 15 hours for secondary age pupils for at least 28 weeks in an academic year. The new definition is intended to capture settings which are the main provider of a child's education and which otherwise would not be subject to any regulatory or monitoring framework.

Where settings which are not subject to Ofsted inspection are used to deliver alternative provision it is the responsibility of contractors (e.g. local authorities and governing bodies) to satisfy themselves that the education is of good quality and that the proprietors of these settings meet all relevant legal obligations.

### Funding Pupil Referral Units and alternative provision

Costs of running Pupil Referral Units are met by local authorities and much contracted alternative provision is also funded by local authorities to meet their legal duties in respect of permanently excluded pupils and others without a school place. Schools also increasingly commission alternative provision direct. Statutory arrangements require local authorities to make pro-rata deductions from schools on permanent exclusion to enable money to follow the pupil and pay towards the cost of suitable full-time education. Regulations also enable local authorities to recover further money from schools to recognise that post-exclusion provision costs more than mainstream education, arranged locally through the Schools Forum. Elsewhere this is met from the centrally retained element of the Schools Budget. No such arrangements apply to pupils referred to local authority funded provision for preventative work or other reasons.

Some local authorities encourage schools to adopt preventative strategies by charging them for the higher costs of making provision for excluded pupils and offering preventative places free or at a much lesser cost. A number of models have been devised to facilitate this. Some local authorities that do not charge schools beyond the basic statutory deductions have found that permanent exclusions continue at a high level. School behaviour partnerships, working with the Schools Forum, are

well placed to discuss how funding arrangements between local authorities and schools can provide schools with access to provision and help to reduce the need for permanent exclusions. In some areas, local authorities have delegated substantial amounts of funding with the expectation that schools can use the money more creatively and this has led to some dramatic decreases in the need for permanent exclusion. Permanent exclusions have been reduced to or very near zero in North Lincolnshire, North Tyneside and St Helens by adopting such approaches. As discussed in Chapter 3, in addition to funding considerations, it is important that schools in an area discuss and agree with the local authority, the overall need for alternative provision and how it should be funded.

# Annex 3

## Pupil Referral Units (PRUs) and Alternative Provision

### Letter from Sir Alan Steer to Ed Balls, Secretary of State for Children, Schools and Families

#### Dear Secretary of State

In your remit letter to me in April, you asked me to bring a practitioner perspective to the development of the planned White Paper on alternative provision and Pupil Referral Units.

The very tight timescale for this work has limited the scope for me to consult colleagues extensively or to research as widely as I would have wished. However, I have had the benefit of two very useful meetings – one with the Secondary Heads Reference Group and the other with a specially convened group of practitioners (from mainstream schools, Pupil Referral Units and local authorities). I have received excellent advice and support from the Department. I have also found it helpful to refer to two recent papers on this area.

- Research and Evaluation of the Behaviour Improvement Programme – Professor Susan Hallam, DfES 2005
- Towards Zero Exclusion – IPPR 2005

#### The scale of the problem

Within the system there are some examples of excellent practice. There is also evidence that there has been some rise in standards, probably as a result of inspection. However, the overall picture is one to give concern. There is a lack of consistency within local authorities and between local authorities and the lack of national systems and

expectations raises doubts about the long term sustainability of good practice where it exists.

#### Key concerns

- A history of a lack of a national strategy.
- Lack of information and data. There is insufficient information available regarding this sector. This makes strategic planning difficult at a national level. Within local authorities, this lack appears to result in many instances in a low sense of accountability and a poor level of provision.
- Absence of a national minimum standard of provision for local authorities. While there is a need for local authorities to have the opportunity for creative solutions regarding provision, the absence of a minimum standard can result in poor provision and the needs of children being neglected.
- Low expectations for children attending some Pupil Referral Units and some alternative provision. 'Less than half PRU pupils gain a single GCSE.' (*Towards Zero Exclusion, IPPR 2005*).
- Insufficient focus on the children attending Pupil Referral Units and alternative provision and insufficient focus on the outcomes achieved within such provision.

- Insufficient places in Pupil Referral Units, with the result that early intervention work often cannot take place. In many areas a child can only gain admittance to a Pupil Referral Unit through permanent exclusion.
- Generally, Pupil Referral Units do not appear to be supported by integrated services such as health and social services.
- Child and Adolescent Mental Health Services (CAMHS). Variable standards affect Pupil Referral Units and in mainstream schools hinder early intervention. (*ASCL survey 2008*)
- Difficulties in recruiting sufficiently skilled leaders and other staff for Pupil Referral Units and alternative provision. There is a lack of clear career progression for staff and they often work in isolation from mainstream colleagues.
- Lack of local behaviour partnerships between Pupil Referral Units and mainstream schools. This contributes to a number of problems, of which the most significant may be lost opportunities for re-integration into mainstream where this is possible.

I am clear that it is in the interests of the whole community for all schools to cooperate to improve behaviour and to manage exclusions. No school should be able to exclude its pupils without regard to the consequences for other local schools, otherwise some schools will end up with an unreasonable share of previously excluded pupils. Because of this, I believe all schools should operate on the basis that when they permanently exclude a pupil, they should expect at some time in the future to accept a pupil who has been excluded from another school. This is not a crude 'one in one out' system. No school should take a pupil who is not ready to return from permanent exclusion, to protect children and staff in mainstream schools from violent pupils being

inappropriately re-introduced to mainstream schools. Some pupils will need alternative provision for a short period, and some (for example in Key Stage 4) may need to leave mainstream schools for good.

### The White Paper and beyond

I am impressed by the vision and focus contained in the discussion document which was circulated as part of the preparation for the White Paper. It is aspirational, but if implemented would do much to address the issues in this sector. I felt that it was entirely consistent with the Children's Plan.

I am aware that there are already a number of initiatives taking place which are highly relevant to these matters. These need to be evaluated so that findings can influence national policy.

### Key issues for the White Paper

The following represent my main conclusions – endorsed by the practitioner colleagues I consulted – about the issues which the White Paper needs to address.

1. *National minimum expectations.* This seems to me to be the central issue. There needs to be a powerful lever for change and any minimum expectations should be monitored through inspection. These would cover a wide range of issues regarding provision. I would like these to include the number of hours of education/training a child should receive. Currently there are examples of very poor practice. I would also like to see minimum standards regarding the length of time a child should wait until being appropriately placed and the length of time for the engagement of support services such as CAMHS. Full implementation of the Common Assessment Framework will assist here. My practitioner colleagues were particularly supportive of these ideas.

2. *Early intervention.* We need to address the issues in Pupil Referral Units and alternative provision, but we also need to work to reduce the need for those services. Some of the children who come out of mainstream could have been retained, had better support been given at an early stage. I remain convinced that extended school based support systems – including psychiatric social workers, nurses, parent support advisers – are essential if *Every Child Matters* aspirations are to be realised. Pupil Referral Units cannot assist in early intervention unless they have the capacity in skills and space.
3. *Information flow and analytical data.* Professor Hallam refers to the absence of data for Pupil Referral Units and alternative provision. In my view this reflects the low priority given to this service. Better data collection and analysis would assist strategic planning at national and local levels and prevent poor provision being tolerated. Headteachers express concerns regarding the inadequate information they receive on vulnerable/challenging pupils and the delays in receiving that information. As a result children can be left for lengthy periods with inadequate provision while their new placement is being processed. Consideration could be given to producing a standardised information passport that accompanied a child from the moment of referral, or exclusion. Excluding/referring schools could be given a duty to participate in an initial case conference in order that they contribute to the drawing up of a pupil education plan. The Common Assessment Framework is again relevant here.
4. *Accountability and outcome focus.* In some areas Pupil Referral Units and alternative provision appear to be a forgotten service where there is little accountability. In my view this is unacceptable and is a major factor in causing

the low levels of outcomes achieved by many pupils in alternative provision. I welcome the proposals in the discussion document to raise levels of accountability. 'Virtual School Heads', which is the pilot initiative for children in care, may produce useful case studies on how this could be further advanced.

5. *Pupil Referral Unit capacity.* There appear to be problems in all regards concerning capacity. The pressure on places due to permanent exclusion is such that there is often no capacity for short term intervention work. When commissioning alternative provision, consideration could be given to identifying places that were specifically for short term placements, though without an effective partnership between schools it might prove difficult to keep these places for that purpose. There is also a need to create capacity in the skills present among Pupil Referral Unit staff. It would be helpful if all Units had a psychiatric nurse, or psychiatric social worker. These staff would provide support for the pupils and be a source of guidance to other schools in the partnership. Creating a climate where Pupil Referral Units were respected as being a source of expertise would be very beneficial.

Leadership capacity is crucial. Where good provision currently exists it often derives from the presence of inspirational leadership. Such dependency raises worries about sustainability. It is likely to prove difficult to recruit sufficient high quality people to lead an expanded service. Consideration may need to be given to imaginative ways to address this problem including the recruitment of leaders from other than an educational background.

The above points were particularly emphasised in my discussions with practitioner colleagues.

6. *Differentiated need.* It appears to me that there is far too little differentiation in provision.

Vulnerable children can be placed with others who are displaying serious criminal tendencies. Children with specific needs can be neglected as a result of a one size fits all approach. Differentiation needs to take place according to age and aptitude. At Key Stage 4 it might be sensible to accept that successful re-integration into a mainstream school is unlikely and that a good quality long term provision is necessary. For many Pupil Referral Unit pupils, the 'studio school' concept would offer an exciting opportunity. Others will be capable of following a more traditional academic curriculum. For many younger pupils re-integration into mainstream should be an expectation while accepting that for many, this may not be appropriate.

7. *The name "Pupil Referral Unit".* In my discussions with other practitioner colleagues, a number of people raised the question of finding a new name for Pupil Referral Units. They suggested that the existing name is outdated, associated with poor quality and suggests a 'one size fits all' approach to diverse needs. A new name would signal a new commitment to transforming the quality of this sector. I believe that it would be helpful to consider a new name to signal the transformation in your thinking.

I hope that these comments will prove useful in developing the thinking in the discussion document for your planned White Paper. I believe strongly that reform in this area is urgently needed and I wish you success in delivering a transformation in the quality of alternative provision.

Sir Alan Steer

May 2008

# Annex 4

## Consultation questions

We would welcome a response to the following questions by Friday 25 July 2008. Please would you send responses to Tim Youlden by email to [timothy.youlden@dcsf.gsi.gov.uk](mailto:timothy.youlden@dcsf.gsi.gov.uk) or by post to Department for Children Schools and Families, Improving Behaviour and Attendance Unit, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

- What new name should we use for Pupil Referral Units which better describes these local authority schools to signal a step change improvement? (see paragraph 1.14)
- We are considering the case for developing a standardised information passport that accompanies a child from the moment of referral, or exclusion. We would welcome views on this, in particular what information should this contain and what time limits should be set for information transfer? (see paragraph 2.13)
- What should a personalised education plan contain, who should be involved in drawing it up, and how often should it be reviewed? We would also welcome any good practice examples. (see paragraph 2.17)
- How can we ensure that individual pupil plans become standard practice for a child educated in a Pupil Referral Unit or in alternative provision? (see paragraph 2.19)
- Should there be a prescribed minimum core entitlement for pupils in Pupil Referral Units and alternative provision, and if so, how such a minimum entitlement might be specified? (Please see suggested examples in paragraph 2.26)
- What minimum hours of education and training should be available to pupils in alternative provision? (see paragraph 2.27)
- How quickly should a pupil be placed in alternative provision and how long should they be allowed to engage any support services that they may need? (see paragraph 2.28)



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