

# **Improving Alternative Provision**

**Charlie Taylor**

**The Government's Expert Adviser on  
Behaviour**

## Foreword

On 1 September 2011 the Secretary of State for Education, Michael Gove, made a speech at Durand Academy about the 'educational underclass'. He was referring to pupils who are outside the mainstream education world who fail to achieve academically and grow up without the skills to become successful adults and members of society. He asked me to conduct this review of the existing provision and make recommendations for improving the outcomes for these vulnerable children. The starting point of this review is that the focus of pupil referral units and alternative provision, just as it is in schools, should be about getting high quality education for all pupils and the best value for public money. All decisions around provision should take this as the starting point.

In taking on this review I have been able to visit or speak to colleagues from the following areas: Bolton; Bradford; Essex; Greenwich; Hackney; Hammersmith and Fulham; Hertfordshire; Hounslow; Lancashire; Manchester; Nottinghamshire; Oldham; Oxford; Peckham; Redbridge; Sandwell; Somerset; Southwark; Suffolk; Tower Hamlets; and Waltham Forest. I would like to thank the pupil referral unit head teachers , alternative provision providers, other head teachers and teachers, local authority officers and education welfare officers who took the time to share their insights and experience in a frank and open manner.

Finally, I would like to thank officials from the Department for Education for all their help in putting together this report.

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## Introduction

1. This report looks into the issue of alternative provision (referred to as AP throughout) and pupil referral units (referred to as PRUs throughout) in England. It describes the current situation and makes recommendations to improve this important, but often ignored, sector.

2. The Ofsted survey of AP in June 2011 highlighted some serious concerns and these have been confirmed in the research for this review. This report is critical of the commissioning role played by many schools, PRUs, AP and LAs, but most of all it is critical of a flawed system that fails to provide suitable education and proper accountability for some of the most vulnerable children in the country. The Government and the educational establishment cannot continue to hold these children in their peripheral vision. If we fail to give them a first-class education then, as the events of last summer (2011) showed, we will all pay a heavy price.

3. The review also came across some examples of truly outstanding practice, which are described here, and from which others can learn.

4. It is important to note that many children who are referred to PRUs and AP come from the most deprived backgrounds. They often come from chaotic homes in which problems such as drinking, drug-taking, mental health issues, domestic violence and family breakdown are common. These children are often stuck in complex patterns of negative, self-destructive behaviour and helping them is not easy or formulaic. Many also have developed mental health issues. To break down these patterns they need the time, effort, commitment and expertise of dedicated professionals working in well-organised, well-resourced and responsive systems.

5. This review has seen many remarkable examples of AP and PRUs where committed staff in outstanding institutions work together to ensure the best possible outcomes for the children in their care. The ultimate goal of this work must be to help these young people achieve all that they are capable of in their studies and prepare them to be effective members of society.

6. AP is defined as an organisation where pupils engage in timetabled, educational activities away from school and school staff. PRUs are also a form of AP, but for the purposes of this report they will be treated separately.

7. There is no reliable data on the number of pupils in AP but the latest figures from the Department for Education (DfE) 2011 AP Census recorded 14,050 pupils in PRUs and 23,020 in other AP settings on full or part-time placements. Children attend AP for a wide range of reasons, but predominately they are children with behaviour difficulties in years 10 and 11. These children have either been permanently excluded from school and are placed in AP by the local authority (LA throughout) or the PRU, or they are sent to AP by individual schools as early intervention to change behaviour.

8. There is a broad range of provision on offer, ranging from therapeutic independent schools for children with severe behavioural, emotional and social difficulties (BESD) to a local provider offering training in car maintenance for one or two pupils. AP is provided by further education colleges, charities, businesses, independent schools and the public sector.

9. Children in PRUs and AP are twice as likely as the average pupil to qualify for free school meals. They are more likely to have had poor attendance in school and to be known to social services and to the police. As set out in the DfE's Statistical First Release for children with special educational needs (SEN), in January 2011, 79 per cent of pupils in PRUs have SEN, and often the boundaries between AP and SEN provision are blurred. Two-thirds of pupils in AP and PRUs are boys.

10. The academic outcomes for pupils who go into AP and PRUs are poor. Pupils often arrive in AP late in their school career and may only spend a matter of months in the provision. It is likely that these children have been failing academically for some time as a result of bad behaviour, poor attendance or a special educational need and, in some cases, a failure of the school to deal with these difficulties. Nevertheless some AP and PRUs do not pay sufficient attention to improving academic attainment for their pupils.

11. The best providers do a remarkable job with pupils who often have extremely challenging behaviour that mainstream schools have been unable to manage. They address BESD, improve attendance, and help children to achieve academic success. These providers work in partnership with schools, the LA and PRUs to ensure their pupils get a suitably rigorous programme to prepare them for the next stage in their life, whether this is a return to mainstream school, a place at college or access to work or an apprenticeship. Some providers have a specialism such as music or boxing that is used as a hook to engage children back into education.

12. In some PRUs and AP there is no provision for more able pupils who end up leaving without the GCSE grades they are capable of earning. It is of course essential that children in AP and PRUs re-engage with education, that their social and emotional needs are met and their behaviour is improved, but at times this is at the expense of academic rigour. Some AP providers do little more than keep their pupils off the streets; one PRU head described local AP that seemed to feel its main role was to produce good pool players.

13. There is such a variety of provision directed at such a range of needs that defining good AP is more difficult than defining a good school. The choice and quality of AP varies across different areas of the country. Transport to AP is an issue in rural areas and the fear of moving through post codes that are perceived to be hostile can mean children in cities are reluctant to travel. The existence of good quality AP in any one area is usually more a matter of luck than of any systematic planning by schools, PRUs or LAs.

## Expectations for AP

14. AP is a complex service to plan, deliver and get right. For the most part it is provided to meet the needs of children with behavioural and emotional difficulties who have been failed by mainstream education and have needs that are difficult to meet within conventional school settings. Despite the many complex difficulties of children in AP it is still concerning that only 1.4 per cent of them achieve 5 or more GCSEs at grades A\*-C including English and Maths compared to 53.4 per cent of their peers in all schools, as outlined in the DfE's GCSE and Equivalent Results first statistical release in June 2011.

15. Though it is difficult to estimate the levels of SEN across children who attend AP, we do know that the figure is higher than across mainstream school as a whole. 79 per cent of those attending PRUs have a special educational need. Often this is a behavioural difficulty, but the behaviour frequently masks other issues. It is essential that there is an accurate assessment of the children's needs to ensure that the right provision is put in place.

16. The challenge is to provide a broad range of AP that is able to address the individual difficulties of a particular child. Unfortunately, the planning and assessment around the individual placements is frequently unsatisfactory. During the review the same story was often repeated - that some schools would place, or rather dump, children into AP without apparent consideration of the suitability of the placement.

17. With little information shared about the child's needs, with little or no assessment, with poor ambition or expectation for progress or likely reintegration into mainstream schooling, it is unsurprising that so few children make progress within AP. Frustratingly, at other times when dialogue between school and providers did take place, the expectations around progress were unrealistic.

18. This attitude may arise from national policy around AP which states that the National Curriculum is not applied to these children. When implemented effectively, schools and providers know that this is to enable an acute focus on those key skills around literacy, numeracy and emotional needs.

19. Where implementation is poor, this leads to a set of low expectations and a lack of focus on education, which means the child is written off academically. It is accepted that not all children attain to the same level; however all children can make progress with the right support. For children with acute needs, behind on their schooling, the focus on key skills should never slip. Literacy and numeracy become more important not less.

20. Finally, during this review, where AP was found to be most effective it was positioned clearly as an integral part of the wider local education system. It was not seen as something peripheral, but rather as another option available to local groups of schools who owned and shaped AP as a resource that was available to support them to help their most challenging pupils.

21. An example of this is the placement panel arrangements in Waltham Forest, where local schools meet regularly, pool funding and commission AP, overseen by the local PRU.

## Recommendations

- That AP policy and practice, nationally and locally, has an increased focus on effective assessment and identification of children's needs. This should take place as early as possible and before a child's behaviour has deteriorated to the extent that permanent exclusion is the only option.
- That information is shared between schools and providers and that locally this leads to clear and realistic plans with baselines against which to measure progress (including towards reintegration into mainstream schooling, further education, or employment). Where children have SEN, these plans will link to 'Education, Health and Care Plans' on which DfE is expected to provide more guidance in due course.
- All children who are referred to AP should continue to receive appropriate and challenging English and Maths teaching. All providers should offer this provision, or arrange it in partnership with other providers or the school if the child is educated in more than one place.

## The Quality Assurance of AP

22. The ultimate responsibility for quality assurance must rest with the commissioner. While this section shows some examples of good quality assurance from different sources and makes some recommendations for improving the process, it is essential that the commissioner is held to account for the provision it makes for its pupils.

23. AP providers advertise a range of services to schools and LAs. How they come into the market varies greatly from well-meaning people deciding there is a local need and setting up as an AP, to charities or bigger providers moving into an area, or PRUs, schools or LAs commissioning a provider to develop AP. The quality of teaching on offer, the skills of the staff, the cost and its effectiveness vary greatly. Some providers have been criticised for being unable to deliver the services they advertise.

24. The 2011 Ofsted report described how patchy the quality assurance of AP is nationally. Where schools, PRUs and LAs do not investigate the quality of AP they end up sending children to ineffective provision. In order to select the right provider there needs to be a thorough assessment of the quality of staff, the facilities, the referral process and the outcomes for pupils. They must be shown to provide safe and suitable provision. Good quality assurance means commissioners have the right information when they decide which provision is right for individual pupils.

25. An AP provider that has five or more full time pupils, or 1 pupil who is a looked after pupil or has a statement of special educational needs, must register with the DfE as an independent school and is then inspected by Ofsted.

26. LAs have a legal responsibility to monitor local maintained schools, including PRUs, and intervene if there is a problem, but there is no such requirement when it comes to AP. Providers who do not have enough places to meet the registration criteria may have no external assessment at all.

27. In some areas there is little or no quality assurance of the AP available and there is only patchy checking undertaken by schools and LAs of the AP they have purchased. One provider said that the only monitoring they received was from a LA officer who was more interested in ticking boxes off on a clipboard than assessing the real quality of the AP.

28. This review has come across some very effective models of quality assurance. In Waltham Forest the PRU is trusted by the schools in the borough to assess the quality and the specialisations of local AP. The PRU buys a number of AP places for its own pupils and closely monitors standards; providers that fail to deliver success are decommissioned. It also publishes comprehensive descriptions of AP that can be used by schools to choose suitable provision for their pupils.

29. Many PRUs are commissioned in this way to undertake the quality assurance

of AP by schools or the LA. The staff in PRUs have a level of expertise and understanding of pupils with behavioural difficulties that is valued by local schools. PRUs often operate as brokers between schools and providers in order to ensure pupils are suitably placed.

30. Manchester City Council does its own excellent quality assurance of AP. On the website there is a comprehensive description of what each provider offers, giving information about, costs, referral processes, safeguarding, who the provider has taken referrals from in the past and what qualifications are offered. Providers in Manchester are encouraged and supported by the LA to register as independent schools. Unfortunately the review has come across other examples where local councils have strongly discouraged providers from registering as independent schools or applying to become AP Free Schools.

31. Bartley Green Teaching School undertakes the quality assurance of AP for the 10 schools in its cluster. A member of staff is responsible for assessing the performance of AP and if standards slip then the contract is ended. Schools are offered advice when deciding which AP is suitable for a particular pupil.

32. A successful quality assurance system then gives information to schools, PRUs or LAs on which providers to choose, but commissioners should ensure that the provision is appropriate for each individual pupil and that action is taken if it is not.

33. The DfE keeps a central register of AP, but this contains only partial information which is not validated. It's unrealistic that the Department will be close enough to make any informed judgement about the effectiveness or quality of local provision. The resource required to keep this up to date, to ensure extensive coverage across all local areas, is disproportionate to the gains. Furthermore, in the worst circumstances, even the presence of this central register can be taken as justification for abdicating local responsibility for quality assurance.

34. It is not easy to define what is good AP. There is not one particular model, or group of models even, that can be used as an example. Local systems will need to vary and the test for them will always be how effectively they meet the needs of local children. However, the following characteristics will be consistently found in quality provision:

- a. a good understanding of the different local needs AP will meet, with routine and thorough processes to map needs and, with this information, help with commissioning;
- b. a demonstration of good outcomes and positive impact, along with a curriculum that is appropriate, delivered by good quality staff who will help children to make excellent progress;
- c. good arrangements in working with other relevant services such as social care, educational psychologists, child and adolescent mental health services, youth offending teams, Drug Support etc.;
- d. rigour at the individual placement level; there is a thorough assessment of pupils' needs, information is shared and there is ongoing monitoring of progress between the school and the provider;

- e. a specific focus on literacy and numeracy at an appropriate level; and
- f. a goal of reintegrating the child/young person into mainstream education when he or she is ready.

## **Recommendations**

- That schools, LAs and PRUs as commissioners should set up local systems for quality assuring the AP in their area, so they can place children in the right provision.
- That the DfE should stop maintaining a central register of AP providers. Information about AP providers is a local issue and there is no role here for central government.

## The Exclusions Trial

35. The DfE is currently running a trial in which schools receive funding and retain responsibility for the education of pupils they permanently exclude. Some LAs have already developed this model and schools have the opportunity to use the money more creatively to provide bespoke interventions for individual pupils.

36. Mark Patterson, head teacher at Chesterton Community College which has been part of the new approach in Cambridgeshire, said:

“By having more control over alternative provision and the funding, we can have better provision in our own schools for those students who would previously have been permanently excluded or who would have simply ‘dropped out’ and then been hard or impossible to re-engage.”

37. He continued:

“The system has worked well, with referrals to the pupil referral units falling by 60 per cent over the past three years, which means far fewer students out of school – and that has to be a good thing.”

38. In Cambridgeshire, schools predict how many PRU places they will need for the year and buy them in advance. Schools choose how to use the left-over money and this has included using local AP or providing tuition in the evening for children who are struggling with a particular subject. Head teachers now have a vested interest in improving the PRU and they sit on its management committee.

## Recommendations

- That schools rather than LAs should be responsible for commissioning AP and PRU services.
- That over the mid-term LAs should work with schools to begin to devolve the funding they currently use for this purpose to schools.
- That head teachers or senior managers from schools should sit on the management committees of their local PRU.

## The Commissioning of AP

39. The best commissioning of AP aims to provide individual children with a bespoke, well-planned intervention. Commissioners assess the pupil and decide what support is required. They approach a provider who has been thoroughly quality assured and contract out the work. This is done, where possible, with the agreement of the parents. The provider is given all necessary information about the pupil and clear, measurable targets are set. The provider, the parents, the pupil and the commissioner meet regularly to assess progress against the targets. At the end of the placement there is a review of the process and plans are made for the next stage in the child's life.

40. The Ofsted report on AP in June 2011 described a worrying lack of care in the commissioning of AP for vulnerable pupils. A third of schools did not visit the provider before they placed a pupil. When children had started in the AP, a third of providers surveyed were visited by the school less often than once every 6 months and only a sixth were visited every week. This trend was confirmed by AP providers during the review.

41. Schools often do not send children to AP that is suitable for them, have not quality assured the provision and have not agreed targets for success or put systems in place for monitoring progress. Providers have described schools sending them children and taking no interest in the pupil's progress or the success of the placement.

42. PRUs also describe a worrying lack of information about children who come onto their roll after a permanent exclusion.

43. Providers are often presented with limited information about the pupils they have been asked to teach. One council felt it was not appropriate to allow AP to have any data on children's previous attendance rates. As one provider put it:

“One of our pupils has 91 per cent attendance, I don't know if we have done an amazing job, because he used to only attend at 40 per cent or whether we are doing really badly because he used to never miss a day's school.”

44. The Ofsted report strongly criticised the information providers were given by PRUs and schools. They often received no detail about the children's special needs or their levels in English and Maths and nine out of the 39 schools and PRUs surveyed gave only oral information. Poor information-sharing from commissioners means providers do not have any starting point from which to measure progress. They are unable to plan suitable schemes of work because they are given no up-to-date assessments. This unacceptable situation is all the more remarkable because schools are spending considerable sums, sometimes over £12,000 per year on a placement.

45. The reasons for this apparent lack of interest in how their money is spent may have something to do with the reaction of some schools to children with serious behaviour difficulties. Very disruptive children can cause such a level of resentment

that schools may simply want the child out of the school on any terms. Their behaviour can disable the functioning of a school, particularly where there is a lack of expertise or where the systems for managing behaviour are not robust. Some schools are spending up to half a million pounds on AP a year. It would surely be a better use of resources for schools to use this money to build up their own capacity to improve and manage the behaviour of some of their more difficult children.

46. Spending large sums of money on AP suggests that schools do not have adequate systems in place to manage behaviour. Children from chaotic backgrounds, placed in chaotic schools, inevitably become more chaotic in their behaviour. Where the school mirrors their home lives by being disorganised, unpredictable and unsafe, they feel emotionally uncontained and revert to the behaviour that they use to survive at home.

47. Too many children arrive at secondary school unable to read properly and primary schools have a responsibility to reduce this group significantly.

48. The best schools appear to spend less money on AP. Where there are high general standards in a school, fewer children show the sort of challenging behaviour that warrants additional support or referral to AP. The best schools are able to divert resources to the small group of pupils who need the most help rather than spending large sums of money on children who should be accommodated successfully in mainstream schools. Lampton School in Hounslow has only a handful of children in AP, because strong behaviour management, good pastoral support and excellent teaching mean that potentially difficult children are kept within the school. The school takes the commissioning of AP seriously and an assistant head is responsible for organising and monitoring the progress of children in AP.

49. The review has seen examples of clear service level agreements between commissioners and AP. Progress is measured against these agreements and where performance is poor the contract is terminated. With these arrangements in place, AP providers know exactly what is expected of them and they can plan successful interventions.

50. In order to get commissioners and providers to focus more specifically on the outcomes for individual pupils it may therefore be effective to pay AP directly by results.

51. Under the current regulations, poorly behaved children can be directed by the school to attend off-site AP only until the end of the current academic year. Both schools and AP have described how this restriction means children who should spend a longer time in high-quality AP return to school before they are ready. This regulation also imposes a requirement to monitor placements regularly, but often this is ignored as many referrals are informal.

## Recommendations

- That when schools decide to send a pupil to AP they share all relevant information with providers, agree the nature of the intervention and set targets for the pupil. Progress should be regularly monitored and plans put in place for the next stage in the child's life.

- That schools look at using money they currently spend on AP to build up their capacity for managing pupils' behaviour.
- That the DfE commissions a payment by results trial for AP.
- That the regulations on how long pupils can stay in AP are relaxed. Children directed to AP by the school should be able to stay for as long as is necessary, providing the placement is appropriate, is meeting the child's needs and that progress is regularly monitored.

## The Cost of AP

52. There is a wide range in the cost of AP. The Ofsted report suggests it costs between £20 and £123 a day, with the average being £50. This average equates to approximately £9,500 per year full time. Places at PRUs cost between £12,000 and £18,000 per year. It was noted throughout this review though that there were some examples of providers operating far below average levels. While with some providers it was evident that charitable donations or subsidised rents were keeping costs down, in other cases prices were alarmingly low (and it was unclear how quality provision could be provided).

53. This review came across anecdotal evidence that schools or LAs were at times drawn to cheap provision, with price, not quality, being the main commissioning driver. In some cases schools paid well below the Age Weighted Pupil Unit (AWPU) for a vulnerable pupil they themselves had been unable to keep in school with considerably more money and resource. Concerns have also been raised about PRUs outsourcing pupils to AP at a fraction of the price they receive from the LA. Whilst it is reasonable that the PRU should keep some of the cost for quality assurance, administration and ongoing support for the pupil, AP should not be used as a way for LAs to get provision on the cheap.

54. Providers therefore often have the choice between refusing to take pupils and putting their continued existence in doubt, or taking the reduced money and delivering a cut-price service. AP providers much prefer arrangements whereby commissioners block-buy places for a year or more, meaning they can retain good staff and plan for the future. Where placements are spot-funded, AP providers find it harder to sustain the quality of the service. In Wolverhampton, schools have agreed to have their budgets top-sliced by the LA to fund a highly-rated AP. This strikes the balance between providing an element of core funding to support sustainability with top up funding at the point of places being taken up.

## Recommendation

- That schools work in partnerships with PRUs and LAs to develop funding systems for AP that enable them to use provision flexibly and responsively whilst still supporting sustainability and growth of quality.

## The Inspection of AP

55. In a commissioner-led system there is still a place for inspection.

- Crucially, the inspection of commissioners should ensure that they are fulfilling their functions effectively.
- For providers, inspection will define the standards they should achieve and help them to compare themselves to other providers.
- It will give commissioners information about the quality of providers, reducing duplication of effort in situations where multiple commissioners use the same provider.
- It offers public accountability for larger providers, where significant numbers of children are educated.

56. Mainstream schools, PRUs and AP Academies and Free Schools are being inspected under the new Section 5 framework from January 2012. There is an expectation that pupils in PRUs and AP Academies and Free Schools should make similar academic progress as their mainstream peers.

57. This framework includes questions about the outcomes for pupils whom the school or PRU place in AP, but this is only a very small part of the overall inspection process. In some cases Ofsted may be able to visit a provider and assess the quality of provision. However, it is unlikely that inspectors will have time to look at AP in enough detail to make the radical and significant improvements that are necessary to improve outcomes for pupils in AP.

58. Outstanding and good schools will be inspected much less regularly and yet the Ofsted report shows that there are children in some of these schools languishing in poor quality, cheap AP without targets being set or progress being monitored.

59. Ofsted currently carries out a rolling programme of subject inspection visits to schools. Any school that is graded as outstanding, good or satisfactory may be selected for part of this programme. A feedback letter judging the quality of the provision and outcomes in the subject is sent to the school and, where applicable, the local authority, and is published on Ofsted's website. Where inspectors uncover inadequate standards or practice this information may trigger a full school inspection.

60. Ofsted also inspects AP that is of sufficient size to meet the DfE registration criteria. This process arises out of the DfE standards, which all independent schools have to meet. These standards apply to every independent school from a one place AP provider for a looked after pupil to Harrow School. However, the inspection frameworks for these institutions are different. AP is covered by *The framework for inspecting education in non-association independent schools*. The standards that are inspected are as follows:

- quality of education;
- spiritual, moral, social and cultural development of pupils;
- welfare, health and safety of pupils;
- suitability of staff, supply staff and proprietors;
- premises of and accommodation at the school;
- provision of information; and
- manner in which complaints are to be handled.

61. There is no specific focus in the framework on leadership and management. This framework is totally different from the new simple, Section 5, 2012 framework, on which PRUs, mainstream and special schools will be assessed: teaching and learning; leadership and management; achievement; and behaviour and safety. It is over-complicated to have two separate inspection systems for what is, in effect, the same group of pupils.

62. It is essential that the inspection of AP for a vulnerable child with special needs is as rigorous as it would be for a mainstream school.

63. A head of a PRU explained she used an AP for some of her pupils that had recently been given a 'good' rating by Ofsted. When her own PRU was inspected, the inspector went to check on pupils who were placed with that provider and deemed the provision to be unsatisfactory, resulting in the overall grade for the PRU being marked down.

64. Inspections of AP and mainstream schools appear to operate in parallel without cross-referencing inspection findings. In the example above the inspector's concerns about the AP did not result in it being re-inspected. Similarly, if the inspector of an AP discovers that a school is sending pupils to the provider, but failing to monitor their progress or visit, this is not fed back into Ofsted's risk assessment for that school.

65. It is right that larger AP providers are inspected; they usually operate like a school and therefore should be subjected to similar levels of accountability. However, it would be expensive and unnecessary to extend registration and inspection to all AP, provided there is increased accountability placed on commissioners.

66. Many schools that fit the criteria of an independent school fail to register with the DfE and therefore do not get inspected. There are a great many pupils who are in AP that is below the size threshold for registration and inspection, so some of the most vulnerable pupils are spending time in provision that is not monitored or quality assured.

67. At the moment there is no system for sanctioning or closing down an inadequate provider if it is too small to be covered by the DfE registration requirement and thus Ofsted's inspection remit. This means that children can be placed in inadequate or dangerous provision without there being any external monitoring.

## Recommendations

- That the Government should set clear standards for the commissioning and use of AP by schools.
- As part of the new strengthened section 5 inspection, Ofsted ensures that inspectors continue to pay close and consistent attention to how well schools take account of the needs of children in AP.
- That when Ofsted inspects an AP provider they look at sufficient provision to evaluate pupils' experiences.
- That the DfE and Ofsted should consider setting up a more structured approach to monitoring alternative provision as part of Ofsted's survey programme.
- That as part of the development of the new inspection arrangements for independent schools, Ofsted seeks to ensure stronger alignment with the section 5 arrangements in the reporting and judgements, to assist parents and those commissioning provision for pupils to make suitable choices about AP.
- Ofsted should ensure that any concerns identified by inspectors regarding alternative provision are fed into the risk assessment for schools.

## Pupil Referral Units (PRUs)

68. There are approximately 14,000 pupils in both full and part time placements in PRUs, as set out in the DfE's Schools, Pupils and their Characteristics, statistical release. The Department for Children, Schools, and Families *Back on Track* (2008) reported that just under half of the pupils in PRUs were there because they had been excluded and over half of children go to their first AP placement via a PRU.

69. There are currently a greater proportion of PRUs rated good or outstanding than mainstream schools. There is a wide variation in the set up, objectives and ethos of PRUs nationally, but the best share some common characteristics. They have strong, authoritative leaders who are respected partners of their mainstream colleagues. Their PRUs are seen as a resource locally where the expertise of staff is used to help mainstream schools to improve their practice.

70. Good PRUs are able to be responsive when a difficult behaviour problem develops in a school and provide appropriate support. They assess the needs of their pupils and provide personalised programmes for each child which, when possible, lead to a return to mainstream school or progress into further education or employment. They have the capacity to help pupils with serious emotional difficulties and improve behaviour at the same time as achieving high academic standards.

71. Many PRUs have expressed an interest in operating independently from the LA as Academies. They would have greater freedom to develop wider services to provide for schools and children, both locally and further afield. If they failed to provide a high-quality service suited to their pupils' needs, then commissioners would be able to choose other providers.

72. In some areas PRU provision is of poor quality. Once placed there, children rarely get back to mainstream school, the curriculum is narrow, the teaching poor and pupils do not achieve academic success. Rather than improving behaviour, the atmosphere of the worst PRUs feeds their pupils' behaviour problems. Some of the most vulnerable children, with a range of differing needs, end up in bleak one-size-fits-all provision.

73. One head described taking over a PRU that was being run like a holiday camp. The object seemed to be keeping children happy and there was no academic challenge. Where this happens the result is that children leave school at sixteen without a good grounding in the core curriculum subjects and with reduced chances of succeeding at college or getting a job.

74. Schools described difficulties working with PRUs, such as a labyrinthine referral process that takes months to get children a place, a poor relationship between them and other schools and a service that seemed to be operating in the interests of the staff rather than schools or children.

75. PRUs are currently funded by the LA using money top-sliced from the schools'

budget. If the local PRU is not good enough, schools have no option but to continue to fund it even if they don't use it. This means they can end up spending considerable sums of money on good AP on top of the money already taken from their budgets to pay for the bad PRU.

76. LAs are both the commissioners and the main providers of services for children who are excluded from school or who need AP for other reasons. Therefore there is an incentive for them to use their own PRU as default provider. This means PRUs often operate a monopoly, even where they don't offer a suitable, high quality service to individual pupils. Schools are not entitled, or required, to have a role in the commissioning or management of their local PRU. However, many LAs have moved some way in this direction, using fair access panels or behaviour and attendance partnerships to place pupils at the PRU, but these arrangements do not question the PRU's place as default provider.

77. Ultimately schools should become responsible for commissioning all AP. The exclusions trial now underway is testing this approach for permanently excluded pupils to ensure that it improves outcomes. Schools have a better understanding of the needs of their pupils than LAs, so it is right that representatives of local schools should be in the majority on management committees of PRUs. Many LAs will support the conversion to Academy status of their PRUs, but a minority may obstruct the process and their current influence on management committees enables them to do this. PRU heads who are keen to convert have expressed concern about LAs using financial and governance levers to block conversion.

78. One head teacher said he would like to open an AP Free School, because he didn't rate his local PRU, but resented having to pay for this while still funding the PRU out of the Dedicated Schools Grant. If the exclusion trial arrangement became government policy then this monopoly of provision would end.

79. If in the future schools become principal commissioners of AP, and the other recommendations around inspection of schools' use of AP are accepted, then schools will be held directly accountable for the provision they make for their pupils.

80. Consideration will need to be given to LAs' duty (section 19(1) of the Education Act 1996) to ensure that children who would otherwise not receive suitable education have a placement. However, there are already a small number of LAs who do not have a PRU and make alternative arrangements for relevant pupils.

81. The expectations on PRUs are rightly high in the new Ofsted framework, but when it comes to the training and recruitment of staff they are at a disadvantage. PRUs are not allowed to operate work-based teacher training such as the Graduate Teacher Programme, students cannot do an assessed teaching practice and teachers cannot complete QTS or an NQT year in a PRU. Many PRUs have described losing high-quality staff who leave in order to train or qualify as a teacher elsewhere. This is unfortunate because the skills required to teach effectively in a PRU are eminently transferable to mainstream or special schools. The best PRUs are an underused resource that could be used to improve both their own and the wider schools' workforce.

## Recommendations

- That the regulations on Teacher Training should be changed to allow work-based training, teaching practice, the acquisition of QTS and the NQT year to take place in PRUs and AP Academies. In the future this change could also apply to AP Free Schools.
- That PRUs and AP Academies should be encouraged to apply to become teaching schools.
- All PRUs should have the opportunity to apply to convert to Academy status through any suitable route either independently, with a sponsor or as part of a federation.
- That where PRUs are failing they can be taken over by successful PRUs, successful alternative providers, or by Academy sponsors.
- That where PRU head teachers or management committees wish to convert to Academy status, LAs should be supportive and co-operate with this process.
- The regulations on the make-up of management committees should be amended to ensure local school representation is in the majority.
- That, if the exclusion trial becomes policy, schools can pool resources to set up their own AP Academy or AP Free School or put PRU/AP services out to tender.
- That PRUs are removed from LA control, by becoming Academies where possible and closure where it is not. By 2018, the only PRUs remaining would be those where maintenance by the LA added value to the operation of the PRU. To achieve this, the Secretary of State may need to intervene to oblige PRUs to enter into Academy arrangements in cases where the PRU is not failing, but is not delivering expected outcomes.
- That if LAs wish to open new provision, it should be set up as an AP Academy or an AP Free School.

## Closing Remarks

### A vision for the future of AP and PRUs over the next six years

82. This section explains how PRUs and AP should look if the recommendations in the report are taken on by Ministers.

83. Funding for permanently excluded pupils will be devolved directly to schools, which will take responsibility for the continued education of these children. It will be up to schools to decide what services they want to commission from LAs, such as quality assurance of AP or educational psychology. It is likely that schools will pool resources and work in partnership to commission work and allocate resources.

84. Through the exclusions trials it is noticeable that the support from good LA officers is essential in enabling the shift described above to happen. It is expected that LAs will still have a key role in overseeing the operation of local systems, advising schools about funding and commissioning strategies, and maintaining responsibility for children missing in education to ensure children and young people don't 'fall through the net'.

85. PRUs will operate independently of the LA in close partnership with their local schools. They will have converted to AP Academies independently, by joining a chain, as part of a federation, or by linking with a sponsor. They will support pupils both with their behavioural and emotional difficulties and with a particular focus on improving English and Maths. There will be higher expectations of what children in AP and PRUs can achieve and no child who is capable of passing a GCSE will be denied the opportunity to take it.

86. There will be more sharing of expertise between PRUs and schools. The rigorous teaching and high expectations of the best schools will combine with the knowledge and understanding the best PRUs have of how to succeed with difficult pupils. There will be opportunities for mainstream teachers to do some teaching in PRUs and vice versa. More placements at PRUs will be short-term early intervention for younger pupils.

87. PRUs will be able to grow their own quality staff through work-based teacher training and students with an interest in behaviour will be able to opt to do teaching practice in PRUs.

88. Partnerships of schools will commission places at PRUs, AP Academies or AP Free Schools with three or five year funding agreements giving financial stability for future planning. Successful PRUs will be able to provide services beyond their current LA boundaries and, where they have capacity, will be able to take over failing PRUs. They will become hubs for accessing other services such as behaviour support, mental health workers and educational psychologists.

89. Secondary schools, PRUs and AP will work with primary schools to enable them to intervene earlier to prevent problems escalating later on. Primary schools will build capacity to work successfully with these children and their good practice will feed back into secondary schools. It may be for some groups of pupils that secondary schools will adopt a model similar to primary schools where vulnerable children spend much of years 7 and 8 with one teacher or 'nurture groups', such as those found at Mossbourne Academy. This will prevent many of the problems that begin at transition and lead to disillusion with school, behaviour difficulties and truancy.

90. Schools and PRUs will be held directly accountable for the AP they commission for their pupils. They will be responsible for ensuring that it is suitable, safe and effective.

91. AP providers will work closely with schools or PRUs to create personalised programmes for individual pupils. AP will operate, not in the shadows of the education world but closely with commissioners, agreeing targets and monitoring progress. AP providers may opt to become AP Free Schools and take over failing PRUs.

92. In some areas there will be few noticeable changes. The review has come across many examples where schools, PRUs, LAs and AP work closely to provide responsive and mutually supportive systems that ensure that vulnerable children receive excellent education. In these areas commissioning arrangements, whether they are through the LA, the PRU or individual schools, will continue.

93. As standards of behaviour and the expertise of staff in managing it improve, there may be fewer children who need to go to full-time AP or PRUs and there may be fewer providers. School leaders will increase the belief and capacity of their staff to manage more difficult children. The quality of providers will improve because in order to satisfy Ofsted, schools will take on a more hands-on monitoring role.

94. Permanent exclusion will become less frequent because schools will put support in place before behaviour deteriorates to the degree that there is no other option.

# Summary of Recommendations

## Expectations for AP

**Recommendation 1:** That AP policy and practice, nationally and locally, has an increased focus on effective assessment and identification of children's needs. This should take place as early as possible and before a child's behaviour has deteriorated to the extent that permanent exclusion is the only option.

**Recommendation 2:** That information is shared between schools and providers and that locally this leads to clear and realistic plans with baselines against which to measure progress (including towards reintegration into mainstream schooling, further education, or employment). Where children have SEN, these plans will link to 'Education, Health and Care Plans' on which DfE is expected to provide more guidance in due course.

**Recommendation 3:** All children who are referred to AP should continue to receive appropriate and challenging English and Maths teaching. All providers should offer this provision, or arrange it in partnership with other providers or the school if the child is educated in more than one place.

## The Quality Assurance of AP

**Recommendation 4:** That schools, LAs and PRUs as commissioners should set up local systems for quality assuring the AP in their area, so they can place children in the right provision.

**Recommendation 5:** That the DfE should stop maintaining a central register of AP providers. Information about AP providers is a local issue and there is no role here for central government.

## The Exclusions Trial

**Recommendation 6:** That schools rather than LAs should be responsible for commissioning AP and PRU services.

**Recommendation 7:** That over the mid-term LAs should work with schools to begin to devolve the funding they currently use for this purpose to schools.

**Recommendation 8:** That head teachers or senior managers from schools should sit on the management committees of their local PRU.

## Commissioning of AP

**Recommendation 9:** That when schools decide to send a pupil to AP they share all relevant information with providers, agree the nature of the intervention and set targets for the pupil. Progress should be regularly monitored and plans put in place for the next stage in the child's life.

**Recommendation 10:** That schools look at using money they currently spend on

AP to build up their capacity for managing pupils' behaviour.

**Recommendation 11:** That the DfE commissions a payment by results trial for AP.

**Recommendation 12:** That the regulations on how long pupils can stay in AP are relaxed. Children directed to AP by the school should be able to stay for as long as is necessary, providing the placement is appropriate, is meeting the child's needs and that progress is regularly monitored.

### **The Cost of AP**

**Recommendation 13:** That schools work in partnerships with PRUs and LAs to develop funding systems for AP that enable them to use provision flexibly and responsively whilst still supporting sustainability and growth of quality.

### **The Inspection of AP**

**Recommendation 14:** That the Government should set clear standards for the commissioning and use of AP by schools.

**Recommendation 15:** As part of the new strengthened section 5 inspection, Ofsted ensures that inspectors continue to pay close and consistent attention to how well schools take account of the needs of children in AP.

**Recommendation 16:** That when Ofsted inspects an AP provider they look at sufficient provision to evaluate pupils' experiences.

**Recommendation 17:** That the DfE and Ofsted should consider setting up a more structured approach to monitoring alternative provision as part of Ofsted's survey programme.

**Recommendation 18:** That as part of the development of the new inspection arrangements for independent schools, Ofsted seeks to ensure stronger alignment with the section 5 arrangements in the reporting and judgements, to assist parents and those commissioning provision for pupils to make suitable choices about AP.

**Recommendation 19:** Ofsted should ensure that any concerns identified by inspectors regarding alternative provision are fed into the risk assessment for schools.

### **Pupil Referral Units (PRUs)**

**Recommendation 20:** That the regulations on Teacher Training should be changed to allow work-based training, teaching practice, the acquisition of QTS and the NQT year to take place in PRUs and AP Academies. In the future this change could also apply to AP Free Schools.

**Recommendation 21:** That PRUs and AP Academies should be encouraged to apply to become teaching schools.

**Recommendation 22:** All PRUs should have the opportunity to apply to convert to Academy status through any suitable route either independently, with a sponsor or as part of a federation.

**Recommendation 23:** That where PRUs are failing they can be taken over by successful PRUs, successful alternative providers, or by Academy sponsors.

**Recommendation 24:** That where PRU head teachers or management committees wish to convert to Academy status, LAs should be supportive and co-operate with this process.

**Recommendation 25:** The regulations on the make-up of management committees should be amended to ensure local school representation is in the majority.

**Recommendation 26:** That, if the exclusion trial becomes policy, schools can pool resources to set up their own AP Academy or AP Free School or put PRU/AP services out to tender.

**Recommendation 27:** That PRUs are removed from LA control, by becoming Academies where possible and closure where it is not. By 2018, the only PRUs remaining would be those where maintenance by the LA added value to the operation of the PRU. To achieve this, the Secretary of State may need to intervene to oblige PRUs to enter into Academy arrangements in cases where the PRU is not failing, but is not delivering expected outcomes.

**Recommendation 28:** That if LAs wish to open new provision, it should be set up as an AP Academy or an AP Free School.

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