

BRISTOL CITY COUNCIL

People Scrutiny Commission

18th February 2016

Report of: Paul Jacobs, Service Director, Education and Skills

Title: Meeting the needs of 'pushed out' learners – commissioning plan

Ward: All

Officer Presenting Report: Paul Jacobs and Annette Jones

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RECOMMENDATION

That the People Scrutiny Commission considers and comments on the proposals set out in the document entitled *Meeting the needs of 'pushed out' learners: Education for students with additional social and emotional needs*, and summarised in this report.

Summary

The Mayor will be asked to approve this plan in the Learning City Board on 9th March 2016. The draft report to the Learning City Board is annexed.

KEY DETAILS:

1. Who are 'pushed out' learners?

This describes learners who are marginalised from conventional school because of their behaviour or other challenges. They may be permanently excluded or disengaged from school. Many have special educational needs (SEN), including social, emotional or mental health difficulties (SEMH). Often they have challenging home circumstances. These difficulties create barriers to accessing mainstream school and they become pushed out of the system. The right education setting for them might be mainstream school with additional support, special school and/or alternative learning provision (ALP) – a pupil referral unit (PRU), alternative provision free school or independent alternative learning provision.

2. What's in the commissioning plan?

- a) Broad proposals, developed by the local authority with schools, to integrate all types of education for 'pushed out' learners and make sure there is enough education provision in each area of the city for students who cannot attend mainstream school. This includes a new whole-system model and unified pathway for learners with additional social and emotional needs.
- b) The local authority's plans to secure full-time education for those students who it may become responsible for – either because they are permanently excluded from

school or to avoid them being permanently excluded.

3. What are our main goals?

- Make sure all students are safe and feel safe
- Improve outcomes for students including attendance and progress in learning
- Make sure all pupils are in an education setting that best suits them
- Reduce / eliminate the need for permanent exclusions
- Enable all students to achieve their potential
- Make sure all students are offered full time education
- Ensure each student progresses post-16 to suitable education, training or employment
- Contain local authority spend on ALP despite Bristol's rising pupil population

4. The case for change

- a) The demand for local authority funded ALP has been rising rapidly due to increased rates of permanent exclusion and the growing pupil population. We seek to better manage demand and supply and contain local authority spend in a number of ways::
- Reducing demand for ALP by investing more in early intervention at key stages 1,2 and 3 focused on re-integration to mainstream school.
 - Reducing permanent exclusions (through whole system change, placement panels and by eliminating the perverse financial incentive to permanently exclude).
 - Encouraging schools to share the costs of provision (through charging for permanent exclusions, jointly funding full-time ALP places and ensuring good quality provision is available for schools to purchase).

5. Proposals in the commissioning plan – a new whole-system approach

a. Partnership - taking collective responsibility for 'pushed out' learners

- Strengthening partnerships across the education system and helping the best schools to support other schools and alternative learning providers.
- Working together to identify needs, plan provision, improve the quality of provision and jointly support students using the 'Think Family' approach to deal with families as a whole, rather than responding to each problem, or person separately.

b. Pathway – a unified SEMH pathway to help improve outcomes for students

- A pupil pathway for SEMH so each pupil learns in the setting that best suits them.
- Area-based pupil inclusion panels administered by the local authority and chaired by a head teacher. Will determine all full-time placements into alternative provision, PRUs and early intervention places.

c. Process - improving the quality of provision and achieving value for money

- Establishing a new ALP framework agreement – an electronic 'dynamic purchasing system' (DPS) including a list of quality-assured providers. Both schools and the local authority will be able to purchase alternative provision from the DPS.
- Setting up an alternative learning hub to support and administer the panels and carry out commissioning for both the local authority and schools. We will liaise with schools further on the role of the hub and how it is funded. We propose that it is run by the local authority (in the central commissioning team) and jointly funded by the council and schools.

d. Provision – sufficient high quality provision in the right locations

The table below sets out how the local authority's recommendations for securing

provision. Bristol schools will also be able to purchase full-time and part-time places from quality-assured providers on the ALP framework.

Proposals for securing local-authority funded provision

Key stage	Local authority funded provision	
	All referrals to be approved by pupil inclusion panel	
	Provision	How we will secure provision
KS1&2	45 pupils supported by SEMH Early Intervention Bases (places for maximum 1 year placement) <ul style="list-style-type: none"> - 15 in North - 15 in East Central - 15 in South 	The LA will commission from SEMH and/or mainstream schools Estimated spend p.a. £900,000 No procurement
KS3	80 FTE alternative learning places in school-like setting, i.e. in a Pupil Referral Unit, AP Free School or Early Intervention Base	The LA will commission from PRU(s) and/or AP Free Schools Estimated spend p.a. <ul style="list-style-type: none"> - Existing PRUs £1,200,000 (60 places) - New EIB £300,000 (15 places in North) No procurement
KS4	c.160 FTE places in AP Free School, independent AP and early entry to college/training	The LA will commission 25 FTE places from Bristol Futures Academy (AP Free School) and 30 PRU places Other places will be procured from providers on the new ALP Framework. 4 x 10 place block contracts. Estimated spend £830,000 Estimated spend p.a. <ul style="list-style-type: none"> - Existing PRUs £400,000 - AP Free School top up funding for 25 students - Procurement from providers on ALP framework, c. £830,000

Timescale / deadline:

SIGN-OFF PROCESS	When
Assistant Mayor Briefing	1/2/16
Agenda Conference	10/02/16
People Scrutiny Commission (TBC)	18/2/16
Learning City Board – key decision	09/03/16
PROCUREMENT TIMETABLE	
Market development	Dec - Mar 2016
Tender new framework agreement and block contracts	Mar – Jul 2016
Framework operating and award of block contracts	Jul 2016
New block contracts start	Sep - Jan 2017
IMPLEMENTATION	
Secondary pilot panel starts to operate	Apr 2016
First EIB pilots established	Apr 2016
Bristol Futures Academy (AP free school) opens	Sep 2016
All changes and new provision open	Jan 2017

Appendices: Appendix A – Draft key decision report

Appendix B – Commissioning plan
Appendix C – Consultation report
Appendix D – Equality impact assessment

**BRISTOL CITY COUNCIL
LEARNING CITY BOARD**9TH MARCH 2016**REPORT TITLE:** Meeting the needs of 'pushed out' learners – commissioning plan**Ward(s) affected by this report:** ALL**Strategic Director:** John Readman, strategic director People**Report author:** Joanna Roberts, commissioning manager**Contact telephone no. & e-mail address:** 0117 9222603
joanna.roberts@bristol.gov.uk**Purpose of the report:**

To ask the Mayor to approve the commissioning plan and whole system changes set out in the document entitled *Meeting the needs of 'pushed out' learners: education for students with additional social and emotional needs*.

RECOMMENDATION for the Mayor's approval:

1. To approve the commissioning plan and whole-system arrangements set out in the document entitled *Meeting the needs of 'pushed out' learners: Education for students with additional social and emotional needs* which are summarised in this report.
2. To authorise the procurement of alternative learning provision as set out in this report via a dynamic purchasing system (for a term of five years with a possible extension of two years) and subsequent award of contracts to alternative learning providers. The anticipated level of council expenditure is £830,000 p.a. (plus any funding received from schools to pay for permanent exclusions or to jointly fund alternative learning places).
3. To authorise funding of £1.2M p.a. to commission Early Intervention Bases and outreach services to support 45 primary pupils across the city and 15 key stage 3 pupils in North Bristol.

The proposal:**Who are 'pushed out' learners?**

1. This is a term adopted from recent research describing learners who find themselves marginalised from conventional school because of their behaviour or other challenges. They may be permanently excluded or disengaged from school. Many have special educational needs (SEN), including social, emotional or mental health difficulties (SEMH). Often they have challenging home circumstances. These difficulties create barriers to accessing mainstream school. As a result, they become pushed out of the system. The right education setting for them might be mainstream school with

additional support, special school and/or alternative learning provision (ALP) – a pupil referral unit, alternative provision free school or independent alternative learning provision.

What's in the commissioning plan?

2. The plan sets out:

- a) Broad proposals, developed by the local authority with schools, to integrate all types of education for 'pushed out' learners and make sure there is enough education provision in each area of the city for students who cannot attend mainstream school. This includes a new whole-system model and unified pathway for learners with additional social and emotional needs.
- b) The local authority's plans to secure full-time education for those students who it may become responsible for – either because they are permanently excluded from school or to avoid them being permanently excluded.

What are our goals?

3. The commissioning plan aims to:

- Improve outcomes for children and young people including attendance and progress in learning
- Make sure all pupils are in an education setting that best suits them
- Reduce / eliminate the need for permanent exclusions
- Reduce fixed term exclusions
- Enable all students to achieve their potential
- Make sure all students are offered full time education
- Make sure all students are safe and feel safe
- Ensure each student progresses post-16 to suitable education, training or employment
- Reduce unnecessary travel for students
- Ensure procurement is lawful and consistent with public procurement regulations
- Contain local authority spend on ALP despite Bristol's rising pupil population

What are the roles of the local authority and schools in relation to these learners?

4. The role of the local authority includes:

- Commissioning school places and alternative learning provision and responsibility for ensuring there are sufficient places in our area.
- A duty to arrange education for permanently excluded pupils and others who, because of illness or other reasons, are unable to attend mainstream school.
- Making sure schools and other partners are focused on safeguarding and promoting the welfare of children.
- Promoting high standards in education.

5. The role of mainstream schools includes:

- Providing additional support and other interventions to pupils who need it and/or arranging intensive support or engagement away from the school environment.
- Commissioning alternative learning provision – by purchasing full-time and part-time provision for students at risk of exclusion or struggling in mainstream school.

Current provision

6. We set up an ALP framework agreement in 2012 to provide a quality-assured catalogue of providers for the council and schools to buy ALP. There are 17 providers on the framework offering either full-time (long term and revolving door), part-time (long

term and revolving door) or preventative programmes within schools. The framework does not allow new providers to join and is now very out of date, not reflecting the provision currently available.

7. In 2014-15, the local authority had block contracts with three ALP providers as well as funding places at pupil referral units. Our contracts with one provider (Kids Company) lapsed on 31.8.15. We have extended other contracts to 31.8.16 and will purchase additional places from framework providers in 2015-16.
8. The table below sets out Bristol education currently available at key stages 1-4 for pupils with additional social and emotional needs.

Schools	Mainstream schools (funded by central government plus SEN top-up for some pupils)
	Primary – 107 state funded schools
	Secondary – 21 state funded schools
	Some schools run their own units for pupils with challenging behaviour
	SEMH schools and resource bases (funded by central government plus SEN top-up)
	Primary – Woodstock and KnowlEDGE
	Secondary – Bristol Gateway and KnowlEDGE (day schools) and Notton House (residential school in Wiltshire)
Resource bases (primary) – Filton Ave, Greenfields	
Alternative Learning Provision (ALP)	Pupil referral units (PRUs) (funded by central government plus SEN top-up for some pupils)
	For permanently excluded pupils at KS3&4: <ul style="list-style-type: none"> - St Matthias Park (40 places) - Lansdown Park (40 places) - The Leap (girls only) (5 places)
	For pupils with specific needs: <ul style="list-style-type: none"> - Bristol hospital education - for pupils with health needs - The Meriton - for young mothers
	Alternative provision free schools (funded by central government plus SEN top-up)
	Bristol Futures Academy opening September 2016 (initially 30 FTE KS4 places increasing to 100)
	Full-time ALP (purchased by the local authority and schools)
	Local authority block contracts (2014-15) <ul style="list-style-type: none"> - Include (60 KS4 places) - CLF Nest (4 KS1&2 places)
	Other providers (places spot purchased by the local authority schools) <ul style="list-style-type: none"> - Learning Partnership West independent school (KS4) - City of Bristol College (KS4) - KTS (KS4) -
	Part-time ALP (purchased by schools)
	A broad range of provision is available offering arts, sports, outdoor pursuits, personal tutoring, etc.

The case for change

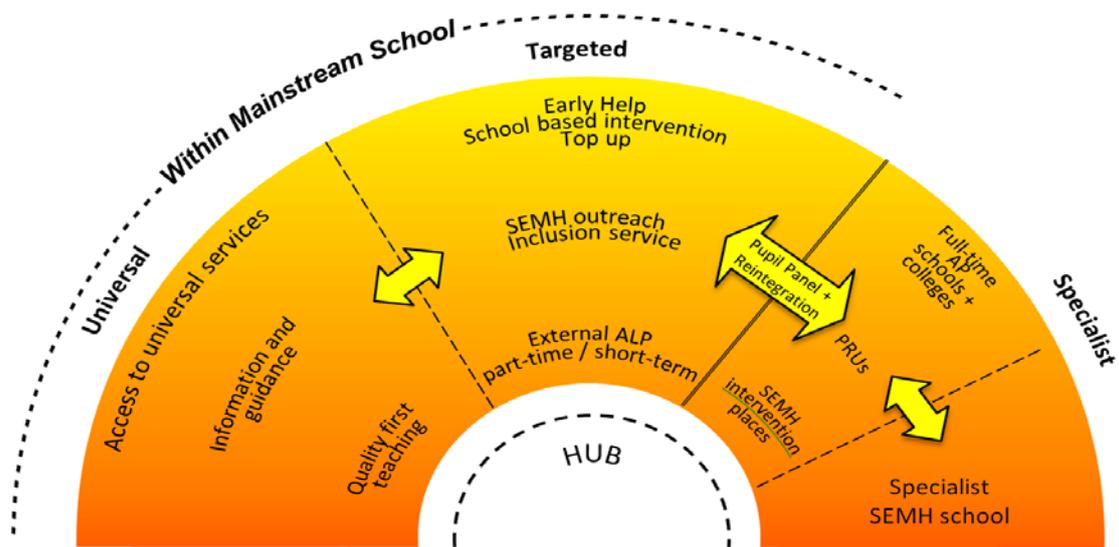
9. There is a need to better manage demand and supply -
 - Permanent exclusions are high, particularly in South Bristol, and have increased recently (from 68 in 2013-14 to 91 in 2014-15).
 - Preventative places are also in short supply - there aren't enough full-time alternatives for both those at risk of exclusion and those with anxiety or refusing school. There is no ALP at all in some areas of the city and many students have to travel too far.
 - Bristol's pupil population is projected to increase substantially by 2019: 22% increase for KS2, 27% for KS3 and 18% for KS4. This will increase demand for ALP unless we succeed in reducing permanent exclusions.
 - We need to make better use of post-16 education and training providers to offer more options to KS4 students who need education out of mainstream school.

10. The demand for local authority funded ALP has been rising rapidly due to increased rates of permanent exclusion and the growing pupil population. We seek to contain local authority spend in a number of ways including by:
 - Reducing demand for ALP by investing more in effective early intervention at key stages 1,2 and 3 focused on re-integration to mainstream school for most learners.
 - Reducing permanent exclusions (through whole system change, panel arrangements and eliminating the perverse financial incentive to permanently exclude).
 - Encouraging schools to share the costs of provision (through charging for permanent exclusions, jointly funding full-time ALP places and ensuring good quality provision is available for schools to purchase).

11. The current system is fragmented, difficult to quality assure and is not achieving positive outcomes for all learners. Funding comes from the Direct Schools Grant and the High Needs Block and the increasing trend of permanent exclusions is putting additional pressure on this budget. Should this continue, an increased contribution from schools' core funding would be required. The proposals in this report take a more strategic approach - to increase choice, reduce risk through over reliance on a small number of providers, drive up quality and create the environment for more competitive pricing. The proposals will also ensure compliance with new procurement regulations and support systems leadership through creating collaborative commissioning arrangements. We are seeking to bring the whole system of schools, local authority and relevant external partners together to ensure that young people who are 'pushed out' of the system have access to high quality alternative provision. We also aim to make sure the provision is suitable to their age and needs, and helps them continue successfully in their education and into employment.

A new whole-system approach

12. The plan proposes an approach where all partners take collective responsibility for 'pushed out' learners to enable them to learn in the setting that best suits them without the need for permanent exclusion. To achieve this we propose a whole system approach, unifying provision as set out in the diagram below.



13. The whole-system approach involves the local authority, schools and other partners working together in five areas:

- Partnership – taking collective responsibility for ‘pushed out’ learners
- Pathway – developing a unified SEMH pathway to help improve outcomes for students
- Process – improving the quality of provision through effective commissioning and support
- Provision – sufficient flexible and responsive local provision
- Participation – listening to pupils and parents and using their views to shape services

Partnership - taking collective responsibility for ‘pushed out’ learners

14. This approach will involve:

- Building trust and strong relationships across the system to promote collaborative practice and share responsibility for pushed out learners.
- Strengthening partnerships between good and outstanding schools (mainstream and specialist) to support other schools and alternative learning providers.
- Working together to identify needs, plan provision, improve the quality of provision and jointly support students.
- Work collectively across the council and partners, using the ‘Think Family’ approach to deal with families as a whole, rather than responding to each problem, or person separately.
- Asking schools to agree to pay the local authority the cost of a PRU placement for each excluded pupil for the rest of the financial year.

Pathway – a unified SEMH pathway to help improve outcomes for students

15. The proposal is for:

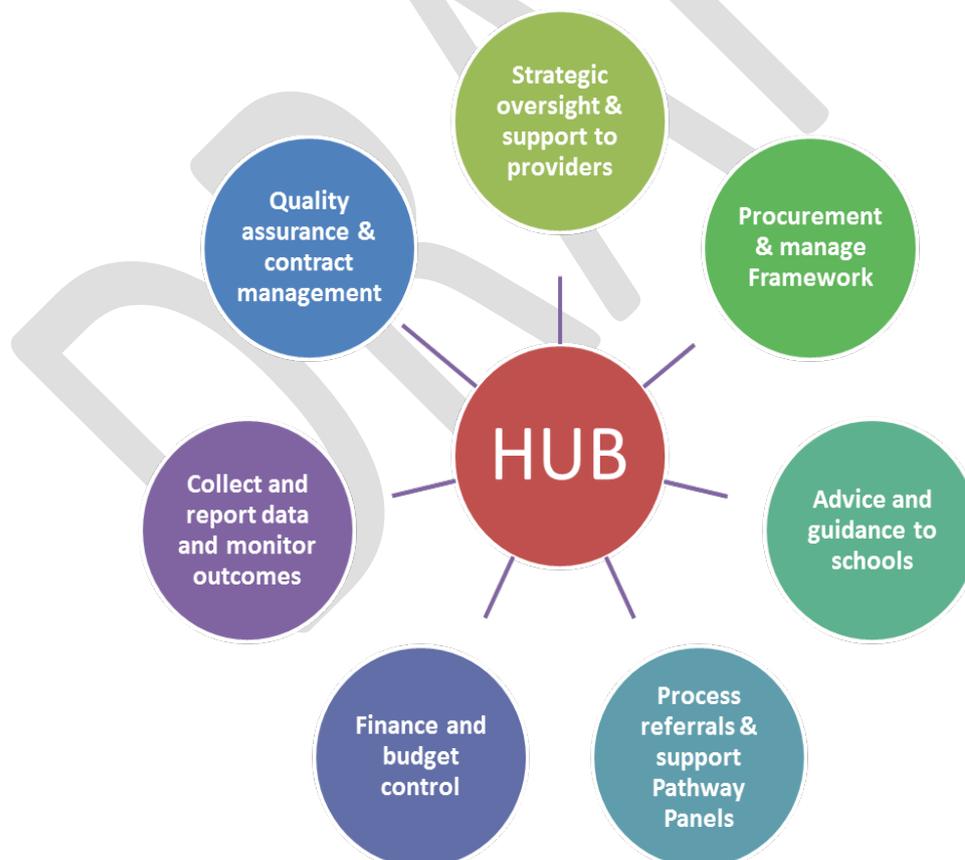
- Area-based pupil inclusion panels (likely to be one for North/East Central and one for South) administered by the local authority and chaired by a head teacher. The panels will meet fortnightly to determine all full-time placements into alternative provision, PRUs and early intervention places. Secondary schools have agreed to a city-wide pilot panel to start operating in April 2016.
- A pupil pathway for SEMH to make sure each pupil is learning in the setting that best suits them without the need to permanently exclude and to encourage re-integration to mainstream or special school where appropriate. Effective early intervention – early identification of concerns, early assessment and early

intervention and prevention. Schools want more support and guidance to enable them to effectively support and manage pupils with SEMH and to obtain SEN top-up funding when required.

Process – improving the quality of provision and achieving value for money through effective commissioning and support

16. This will include:

- Establishing a new ALP framework agreement – an electronic ‘dynamic purchasing system’ (DPS) including a list of providers that satisfy selection criteria, open to new applicants every six months. Both schools and the local authority will be able to purchase alternative provision from the DPS either by block contract or individual purchase.
- Having contracts or service level agreements for all provision, which will include clear outcomes and regular pupil tracking and reporting arrangements. Full-time providers will be required to offer a flexible, personalised curriculum to include English and maths for all pupils. Each pupil will have an individual learning plan for working towards re-integration or suitable post-16 destinations.
- Setting up an alternative learning hub to support and administer the panels and carry out commissioning for both the local authority and schools. We will liaise with schools further on the role of the hub and how it is funded. We propose that it is run by the local authority (in the central commissioning team) and jointly funded by the council and schools. The diagram below sets out the proposed hub functions.



Provision – making sure there is sufficient high quality provision in the right locations

17. At key stage 1 and 2 the proposal is to eliminate permanent exclusions and discourage long-term placements in ALP. The local authority will not commission any independent

ALP but instead will increase the availability of outreach and short-term early intervention places, front loading support to deal with issues. We will fund SEMH special schools (or mainstream special schools working in partnership with a special school) to run one Early Intervention Base (EIB) in each area of the city. Each EIB will support 15 pupils, offering intervention places at the base (up to one academic year) as well as outreach support for pupils in mainstream school. The early intervention places will focus on working towards re-integration to mainstream or SEMH special school. Schools will also be able to purchase short-term and part-time alternative learning provision from quality-assured providers on the DPS.

18. At key stage 3 our proposal is similar. We aim to reduce permanent exclusions and to enable early intervention and re-integration to mainstream school, special school or move on to key stage 4 ALP where appropriate. Again we would like to commission 'school-like' provision able to give students access to a broad academic curriculum (in PRUs, EIBs and/or alternative learning free schools). In the longer-term (by September 2019) we seek to increase the availability of places at key stage 3 from 50 to 80 to enable early intervention and help stabilise students to achieve their potential at key stage 4. In the interim, from September 2016, we propose there are 75 places as follows: 15 places at a new EIB in North (to be run by an existing PRU) and 30 places at each of the two current PRUs (St. Matthias in East Central and Lansdown Park in South). Places will be allocated proportionately to each of the three school areas to encourage consistent approaches and fairness across the city.
19. At key stage 4 our preference is for long-term placements in ALP, helping students to gain suitable qualifications as well as preparing for adulthood and supporting them into appropriate post-16 provision. The local authority's annual budget of £830,000 for ALP will be used to purchase provision from providers on the ALP framework (using the dynamic purchasing system). This will include four block contracts of 10 places each. We will split the council's ALP budget and places proportionately to each of the areas, taking into account the key stage 4 pupil population and deprivation levels.
20. At key stage 4 we will also commission 25 places at Bristol Futures Academy (a new alternative provision free school opening in September 2016 in East Central) and 20 PRU places (or similar arrangement).

Summary of key stage 4 proposals			
Any area	North	East/Central	South
<ul style="list-style-type: none"> 10 block contract places from DPS 	<ul style="list-style-type: none"> 10 block contract places from DPS 10 places at PRU satellite (or other arrangement) Possible new provision developed by schools Panel budget for individual placements from DPS 	<ul style="list-style-type: none"> 10 block contract places from DPS 10 places at St Matthias PRU 25 FTE places at Bristol Futures Academy Panel budget for individual placements from DPS 	<ul style="list-style-type: none"> 10 block contract places from DPS 10 places at Lansdown Park PRU Possible new provision developed by schools Panel budget for individual placements from DPS

21. At each key stage, all placements into full-time EIB or alternative learning provision (including PRUs) will have to be approved by a pupil inclusion panel and funding arrangements agreed by the panel (including possible joint funding agreements between a school and the local authority). Full time places will be for students at risk of permanent exclusion as well as those who have been excluded.

22. Schools will be able to purchase additional ALP provision from providers on the ALP framework (including from Bristol Futures Academy).

Summary of procurement recommendations

Key stage	Local authority funded provision All referrals to be approved by pupil inclusion panel		School funded provision	
	Provision	How we will secure provision	Provision	How will schools secure provision
KS 1&2	45 pupils supported by SEMH Early Intervention Bases (places for maximum 1 year placement) - 15 in North - 15 in East Central - 15 in South	The LA will commission from SEMH and/or mainstream schools Estimated spend p.a. £900,000 No procurement	Full-time revolving door and part-time places in ALP for schools to purchase (schools estimate need 1-5 places per school)	Individual purchases from new ALP framework
KS3	80 FTE alternative learning places in school-like setting, i.e. in a Pupil Referral Unit, AP Free School or Early Intervention Base	The LA will commission from PRU(s) and/or AP Free Schools Estimated spend p.a. - Existing PRUs £1,200,000 - New EIB £300,000 No procurement	Full-time revolving door and part-time places For students with challenging behaviour and anxiety/school refusers	Individual purchases from new ALP framework Schools also considering how to develop additional own provision and/or support new AP free school bids
KS4	c.160 FTE places in AP Free School, independent AP and early entry to college/training	The LA will commission 25 FTE places from Bristol Futures Academy (AP Free School) and 30 PRU places Estimated spend p.a. - Existing PRUs £400,000 - AP Free School top up funding for 25 students Other places will be procured from	Full-time long-term and revolving door places and part-time complementary provision For students with challenging behaviour and anxiety/school refusers	Individual purchases from new ALP framework Schools also considering how to develop additional own provision and/or support new AP free school bids

		providers on the new ALP Framework including 4 x 10 place block contracts. Estimate spend £830,000		
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Consultation and scrutiny input:

Internal and external stakeholders, including school headteachers and other staff, were involved in developing the proposals including in the draft version of the commissioning plan. We then consulted on the draft commissioning plan for 12 weeks in September to November 2015.

a. Internal consultation:

We involved staff in the following council teams in developing proposals:

- Additional learning needs service
- Inclusion Service (Trading with Schools)
- Early help
- Youth offending team
- SEN satellite group of the Integrated Education and Capital Board
- 14-19 strategy group

We arranged two sessions for councillors to learn about and comment on the proposals (instead of taking the proposals to Scrutiny).

b. External consultation:

The table below sets out how and who we consulted during the 12 week consultation period:

Stakeholders	Method	Number of participants
All stakeholders	Completed e-survey	60
School headteachers, principals and governors	Attended workshops and meetings	135
ALP providers, schools and practitioners	Attended 2 x consultation events	55
ALP and post-16 providers	Attended workshops and meetings	35
Students in ALP	3 x focus groups	10
Parents and carers of students in ALP	Phone interviews	9

Consultees were generally very positive about the proposals. A summary of consultation feedback and the council's response is included in the Appendices to this report. The main change we made in response to consultation feedback is to propose we have some block contracts at key stage 4 (instead of spot purchasing all provision for this key stage).

We have also reported twice to Schools Forum (on 15.10.15 and 16.1.16) which has endorsed the proposals.

Other options considered:

These are the main options we considered for securing local authority funded provision.

Key stage 1 & 2

Option	Pros and Cons
<p>Option 1 – no change</p> <ul style="list-style-type: none"> - 10+ places at KidsCo Treetops (block contract) - 4 places at CLF Studio (pilot) 	<p>PROS</p> <ul style="list-style-type: none"> - Minimise disruption for pupils <p>CONS –</p> <ul style="list-style-type: none"> - Not feasible as Kids Co no longer operating - Insufficient provision for the early intervention approach proposed
<p>Option 2 – spot purchase</p> <ul style="list-style-type: none"> - Establish a list of quality assured providers (probably a framework agreement) - LA and/or school spot purchase provision from the list 	<p>PROS</p> <ul style="list-style-type: none"> - Very flexible and can use dynamic purchasing system - Competition between providers could lower price - Will not give message that encourages PEX <p>CONS</p> <ul style="list-style-type: none"> - Risk of insufficient provision to meet need - Unlikely to be viable for providers - Does not link in to SEN assessment and specialist schools - Contract management and QA will be inefficient if have a number of providers
<p>Option 3 – block contracts</p> <ul style="list-style-type: none"> - One or more contracts (area-based or city-wide) - Competitive tender to appoint provider(s) 	<p>PROS</p> <ul style="list-style-type: none"> - Competitive tender could mean price is lower - Encourage diversity in provision - Provide some choice for parents - Council will have reasonable level of control <p>CONS</p> <ul style="list-style-type: none"> - Gives the wrong message, that we are expecting CYP to be excluded and/or require AP - Tender process required – leading to delay - Do not currently have well established market of providers
<p>Option 4 – commission from mainstream/specialist SEMH schools</p>	<p>PROS</p> <ul style="list-style-type: none"> - More sustainable long-term funding - Uses providers with established SEMH expertise - Will enable link with EHCP and SEMH special schools - LA “contract management” will not be required <p>CONS</p> <ul style="list-style-type: none"> - Initial cost to LA could be higher - Risk that “assessment” places are filled by pupils with EHCPs
<p>Recommended option</p>	<p>Combination of option 4 and option 2 (for school procurement)</p>

Key stage 3

Options	Pros and Cons
<p>Option 1 – no change</p> <ul style="list-style-type: none"> - 10 KS3 places at KidsCo, now provided by Include - c.30 KS3 places at PRUs (Lansdown & St Matts) 	<p>PROS</p> <ul style="list-style-type: none"> - Minimise disruption <p>CONS –</p> <ul style="list-style-type: none"> - Not feasible as Kids Co no longer operating and Include contract will expire - Insufficient places for early intervention & prevention
<p>Option 2 – spot purchase</p> <ul style="list-style-type: none"> - Establish a list of quality assured providers (probably a framework agreement) - LA and/or school spot purchase provision from the list 	<p>PROS</p> <ul style="list-style-type: none"> - Very flexible and can use dynamic purchasing system - Competition between providers could lower price - Less likely to encourage permanent exclusion - More likely to be offer choice to pupils and parents <p>CONS</p> <ul style="list-style-type: none"> - Risk of insufficient full time provision to meet need - May not be viable for providers - Contract management and QA inefficient - Council will have very little control
<p>Option 3 – block contracts</p> <ul style="list-style-type: none"> - One or more block contracts (area-based or city-wide) - Competitive tender to appoint provider(s) 	<p>PROS</p> <ul style="list-style-type: none"> - Competitive tender could mean price is lower - A number of contracts would encourage diversity in provision and provide some choice for parents - Council will have reasonable level of control <p>CONS</p> <ul style="list-style-type: none"> - Risk of students remaining too long in ALP - Do not currently have strong market of full-time ALP providers at key stage 3 able to provide broad curriculum
<p>Option 4 – increase capacity at PRUs for KS3 and or commission PRU to provide Early Intervention Base(s)</p> <ul style="list-style-type: none"> - 	<p>PROS</p> <ul style="list-style-type: none"> - PRUs offer broad academic curriculum and ‘school like’ environment - LA has high level of control over PRUs and can ensure pupils are re-integrated to mainstream <p>CONS</p> <ul style="list-style-type: none"> - Will mean reduced capacity in PRUs for key stage 4 - School like environment is not suitable for all learners - Lack of choice for pupils and parents
<p>Option 7 – schools provide or commission it themselves (e.g. set up a new alternative provision free school)</p>	<p>PROS</p> <ul style="list-style-type: none"> - Schools take the lead - Likely to be more local to pupil’s home and enable re-integration to mainstream school <p>CONS</p> <ul style="list-style-type: none"> - Not a viable option until more provision is established
<p>Recommended option</p>	<p>Combination of option 4 and option 2 (for school procurement) with option 7 remaining a possibility if provision is established</p>

Key stage 4

Options	Pros and Cons
<p>Option 1 – no change</p> <ul style="list-style-type: none"> - PRUs (Lansdown & St Matts) - 4 places at the Leap at hospital education - Include c.50 FT places 	<p>PROS</p> <ul style="list-style-type: none"> - Minimise disruption - Include has been a very responsive provider <p>CONS</p> <ul style="list-style-type: none"> - Include contract will expire - Insufficient places to meet current demand
<p>Option 2 – spot purchase</p> <ul style="list-style-type: none"> - Establish a list of quality assured providers (probably a framework agreement) - LA and/or school spot purchase provision from the list 	<p>PROS</p> <ul style="list-style-type: none"> - Very flexible and can use dynamic purchasing system - Competition between providers could lower price - Won't encourage permanent exclusions to fill places - Maximise choice for students, particularly for vocational options <p>CONS</p> <ul style="list-style-type: none"> - Risk of insufficient provision to meet need - May not be viable for providers - Contract management and QA will be inefficient if have a number of providers
<p>Option 3 – block contracts</p> <ul style="list-style-type: none"> - One or more block contracts (area-based or city-wide) - Competitive tender to appoint provider(s) 	<p>PROS</p> <ul style="list-style-type: none"> - Competitive tender could mean price is lower - Will encourage diversity in provision - Will provide some choice for parents - Council will have reasonable level of control <p>CONS</p> <ul style="list-style-type: none"> - Could give the wrong message, that we are expecting CYP to be excluded and/or require AP - Tender process required – leading to delay
<p>Option 4 – increase capacity at PRUs for KS4</p>	<p>PROS</p> <ul style="list-style-type: none"> - Offers GCSE curriculum <p>CONS</p> <ul style="list-style-type: none"> - Higher cost than most independent ALP - Would mean decreased capacity in PRUs for KS3 - Lack of choice and range of options - School like environment not right for some learners
<p>Option 5 – commission additional places from AP free school (Bristol Futures Academy)</p>	<p>PROS</p> <ul style="list-style-type: none"> - Adds immediate capacity from quality provider - Brings capital investment - Increases market choice <p>CONS</p> <ul style="list-style-type: none"> - Not yet established so untested - Not offering GCSE curriculum
<p>Option 6 – schools provide or commission it themselves (e.g. set up a new alternative provision free school)</p>	<p>PROS</p> <ul style="list-style-type: none"> - Schools take the lead - Likely to be more local to pupil's home and enable re-integration to mainstream school <p>CONS</p> <ul style="list-style-type: none"> - Not a viable option until more provision is established
<p>Recommended option</p>	<p>Combination of options 2 and 3 (options 5 and 6 remain possibilities if suitable provision is established)</p>

Risk management / assessment:

FIGURE 1

The risks associated with the implementation of the (subject) decision :

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Panels launched before other infrastructure and provision is in place leading to discrediting of process	Med	Med	Schools have voted for 'pilot' panel and subsequent buy-in will come from their continued engagement with a process of refinements during the pilot period. Vote for adopting panel system on a permanent basis from August 2016.	Med	Low	Annette Jones & Christopher Davies
4	Panel budgets are insufficient to meet demand for ALP places	Med	Med	Close budget management. Clear message to schools that they will need to share the costs of places.	Medium	Low	Annette Jones & Christopher Davies
5	KS4 - Do not have enough KS4 provision on ALP framework, particularly providing academic curriculum for more able students	Med	Med	Ongoing market development, including through coordinating provider forum. Have some block contracts	Medium	Low	Christopher Davies
6	Lack of school engagement - Not all schools work together to reduce permanent exclusions, comply with panel decisions and/or use framework ALP providers	High	High	Continue to liaise with schools to make sure arrangements meet their needs. Use panels to exert peer pressure across schools. Develop robust escalation process if schools fail to comply with panel decisions.	Med	Med	Christopher Davies

FIGURE 2

The risks associated with not implementing the (subject) decision:

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Permanent exclusions will continue to rise leading to increased ALP costs for local authority and poor outcomes for students	High	High	All mitigating measures are included in the proposals	High	High	Christopher Davies
2	Framework. Purchasing ALP without a framework in place unlikely to be compliant with procurement rules for public contracts. Risk of legal challenge	Med	Med	Local authority and schools take steps to ensure that each purchase is compliant with procurement rules, e.g. advertising on contract finder and tender processes	Low	Low	Annette Jones
3	Students will continue to be 'pushed out' and fail to achieve their potential	High	Med	All mitigating measures are included in the proposals	High	Med	Christopher Davies
4	Quality Risk that ALP provision in Bristol is not adequately quality assured or monitored	Med	High	Schools undertake their own quality assurance of all provision	Med	Med	Christopher Davies

Public sector equality duties:

Before making a decision, section 149 of the Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) advance equality of opportunity between persons who share a relevant protected characteristic and those do not share it. This involves having due regard, in particular, to the need to:
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

This commissioning review and plan aims to tackle discrimination and promote equality for all groups. The equality impact assessment is included among the Appendices to this report. Key equalities issues include:

- Bristol excludes proportionally more BME pupils than other core cities.
- Girls are often treated differently from boys do not always have their needs met adequately in ALP settings.
- Discrimination and inequality are very likely to have a negative effect on the emotional health and well-being of ALP pupils.
- Children may reach the point of permanent exclusion before any disadvantages that have led to this are considered.
- There may be a lack of suitable provision to meet the diverse needs of pupils
- The view of pupils with additional needs may not be sought
- We lack important demographics about ALP pupils with protected characteristics e.g. sexual orientation and religion.

The new pupil inclusion panels will be able to play a role in tackling these issues. Training for panel members will include equalities training. We are also facilitating an ALP providers forum to help workers to share expertise in cultural awareness and diversity and will require providers to have equality and diversity policies in place. Other mitigating actions are set out in the equality impact assessment.

Advice given by: Anne James, Equalities & Community Cohesion Team Manager
Date: 22.12.15

Eco impact assessment

Reducing the distance pupil need to travel by spreading service provision more evenly across the city vehicle is likely to have small beneficial impacts in air quality, congestion, fuel use and the emission of climate changing gases. No mitigation measures are required.

Advice given by: Giles Liddell & Steve Ransom, Environmental Performance Team
Date: 31.12.15

Resource and legal implications:

Finance

Funding streams for current provision:

- Local authority ALP budget (from high needs block) - total £1.3M p.a.
- SEMH pupil referral units for (80 places)
 - £10K base funding per pupil p.a. from central government
 - Plus SEN top up funding based on the student's needs (average £10K p.a. per pupil), from the local authority's high needs block
- SEMH resource base assessment places
 - £10K base funding per pupil p.a. from the local authority's high needs block
 - Plus SEN top up funding based on the student's needs, from the local authority's high needs block
- Schools also spend an estimated £1.5 to £2M p.a. on full-time ALP

Key stage	Current		Proposed	
	PRU / Resource base	Independent ALP	PRU/ Early intervention base/ AP Free school	Independent ALP
Key stage 1 & 2	259,630	126,750	900,000	0
Key stage 3	1,600,000	137,500	1,500,000	0
Key stage 4		879,000	400,000	830,000*
Totals	1,859,630	1,143,250	2,800,000	
	3,002,880		3,630,000*	

*includes 310,000 from reallocated place funding

a. Financial (revenue) implications:

The proposals in the report will result in c£3.6m of revenue expenditure being commissioned. This expenditure is funded through the High Needs Block element of Dedicated Schools Grant. The High Needs Block funds education for children with additional learning needs. The introduction of the framework will be managed within existing resource.

There is no additional funding required or savings achieved as a result of the recommendations.

Advice given by Michael Pilcher / Finance Business Partner
Date 13/01/2016

b. Financial (capital) implications:

There are no capital implications as a result of the proposals in the report

Advice given by Michael Pilcher / Finance Business Partner
Date 13/01/2016

Comments from the Corporate Capital Programme Board:

There will be no comments from the Capital Board.

Advice given by Jon Clayton, Principal Accountant
Date 25/01/2016

c. Legal implications:

Regulation 5(1)(d) and Schedule 3 of the Public Contracts Regulations 2015 apply to the provision of Education Services because the sums proposed for this procurement exceed the applicable threshold. As such, the 'Light Touch' procurement regime applies requiring the Council to apply the principles of transparency and equal treatment of potential bidders but allowing the Council wider scope to design its procurement process than is more rigidly prescribed for other types of contract awards. Provided the principles of transparency and equal treatment are followed the proposal to devise an 'open' framework (or one broadly akin to a Dynamic Purchasing System (DPS) where qualifying providers may join the list of suppliers for the provision of the services at any time throughout the life of the contract) is compliant with the Regulations. TUPE provisions should be considered and incorporated into contracts where applicable.

Advice given by Anita Kearney - Legal Officer
Date 14.01.2016

d. Land / property implications:

The report proposes the commissioning of Early Intervention Bases and Outreach Services and it is understood that the preference will be to locate these on existing school sites. Where an existing site has converted to an academy or PFI school there will be a need for variation to the lease and in cases where the Council has a reversionary interest, it may need to provide landlord's consent. If it does not prove to be possible to locate on existing school sites it will be necessary to identify alternative locations which may have property implications. Providers of commissioned services may also require sites or premises to deliver services from and any requests to use surplus council assets will be considered as and when they arise.

Advice given by Steve Matthews – Service Manager Asset Strategy
Date 28.1.16

e. Human resources implications:

The report sets out a number of options available to meet the needs of "pushed out learners" and all options will have an impact on how the service will be delivered in the future which will impact on staff.

Once an option has been decided on and we know the full implications for staff currently involved in providing these services, a full and through consultation process via the

councils “Managing Change” procedure will commence with staff and their representatives.

The main thrust of the consultation will be around the change regarding how people will work in the future, as we are taking the opportunity to modernise practice and work in a much more cohesive and joined up way which will be reflected in new job descriptions.

A number of options may be available including the possibility of TUPE transferring of staff out into new providers, voluntary severance may be another option for consideration. Although both these options are unlikely and will have minimum impact should we need to implement either of them.

As with all significant changes to service provision where employees may be at risk we will do our utmost to retain the skills of experienced workers through our internal redeployment programme.

Advice given by: Lorna Laing, HR Business Partner, People
Date: 5th January 2016

Appendices:

- Appendix 1 – commissioning plan
- Appendix 2 – consultation summary
- Appendix 3 – equality impact assessment
- Appendix 4 – eco impact assessment

Access to information (background papers):

- Needs analysis
- Summary of research and good practice
- Stakeholder feedback – analyse phase



Meeting the needs of ‘pushed out’ learners

Education for students with additional social and emotional needs

Commissioning plan

2.2.16

Authors:

Duncan Fleming

Annette Jones

Joanna Roberts

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Appendices

Appendix A	List of acronyms
Appendix B	Equality impact assessment
Appendix C	Needs analysis
Appendix D	Summary research and good practice
Appendix E	Stakeholder feedback – analyse phase
Appendix F	Consultation feedback

1. Introduction

1.1. Background

This plan sets out proposals to meet the needs of students at risk of being ‘pushed out’ of the education system because of their behaviour, additional learning needs, special educational needs and/or other challenges.

We have adopted the phrase ‘pushed out’ learners from a recent research paper by the Inclusion Trust (February 2015) that describes how thousands of young people across the country resist universal educational opportunities and find themselves marginalised from conventional schools.¹ Many are permanently excluded; others simply disengage. Many have special educational needs; some have social, emotional and mental health difficulties (SEMH); others have challenging home circumstances. Some or all of these difficulties create barriers to accessing mainstream school. As a result, they become ‘pushed out’ of the system

As a city we are committed to taking collective responsibility for these students, working together in partnership to enable students to learn in the setting that best suits them without the need for permanent exclusion, making sure we keep the child or young person at the centre of everything we do. The right setting might be mainstream school, special school or alternative provision (pupil referrals units, alternative provision free schools or independent alternative provision), or a combination of these.

To achieve this we wish to establish a whole system approach, developing a unified pupil pathway for learners with additional social and emotional needs recognising that a personalised approach will be required for each student. Making provision for such learners is challenging as each student requires different approaches at different times. For each student to achieve their full potential the system needs to be flexible and responsive. We need a shared understanding of how all elements of the system fit together, and to make sure there is sufficient high quality provision across the system, in the right locations. As future funding for alternative learning is uncertain, these proposals aim to identify cost effective solutions and sustainable funding streams

The purpose of the plan is twofold:

- It sets out broader proposals being developed by schools and the local authority in partnership that aim to integrate education for students with additional social and emotional needs and to ensure there is sufficient provision in each area of the city for those students who cannot attend mainstream school.
- It identifies more detailed proposals about how the local authority intends to secure provision for those students it may become responsible for – either because they are permanently excluded from school or to avoid them being permanently excluded.

¹ *The alternative should not be inferior: What now for “pushed out” learners*, Loic Menzies and Sam Bears (Inclusion Trust, February 2015)

1.2. Characteristics of 'pushed out' learners nationally

The recent Inclusion Trust report on 'pushed out' learners says students are rarely 'pushed out' because schools do not want to help them; more often it is because these young people's needs are so far outside of the norm that schools in their current form are not equipped to support them.² The report goes on to summarise common needs in terms of gaps:

- A gap in socialisation – difficulties negotiating basic social interactions required in mainstream school such as sitting quietly in a room full of people
- A gap in basic skills – low levels of literacy and numeracy, whether as a result of earlier poor education or special needs
- A gap in basic needs – students are often hungry and endangered or are carers

1.3. Characteristics of 'pushed out' learners in Bristol

Some typical needs and features of Bristol students in alternative provision include:

- Undiagnosed and untreated conditions e.g. anxiety, depression, insomnia, speech and language difficulties
- Caring for a parent or sibling
- Criminal activity and gang involvement
- Habitual drug use
- Child in care
- Older peer group
- Bullied, threatened or afraid of violence
- Family who encourage confrontation
- Poor housing e.g. crowded, sleeps on sofa
- Family member with mental health issues or special educational needs

1.4. Objectives

The main objectives of this plan are:

- Improve outcomes for children and young people
- Make sure all pupils are in an education setting that best suits them, be that in a mainstream school, specialist school or alternative learning provision (ALP) (this includes timely progression from ALP)
- Reduce / eliminate the need for permanent exclusions and reduce fixed term exclusions
- Enable all students to achieve their potential
- Make sure all students are offered full time education
- Make sure all students are safe and feel safe
- Ensure every young person progresses post-16 to suitable further education, training or employment
- Reduce unnecessary travel for children and young people

1.5. Outcomes

² *The alternative should not be inferior: What now for "pushed out" learners*, Loic Menzies and Sam Bears (Inclusion Trust, February 2015)

This plan aims to contribute to improving the outcomes set out below.

Strategic outcomes	Outcomes for children and young people
<ul style="list-style-type: none"> • Reduce (or eliminate) permanent exclusion at key stages 3 & 4 • No permanent exclusions at key stages 1 & 2 • Increase attendance • Improve achievement of academic and vocational qualifications • Reduce gap in achievement for children in care • Reduction in pupils missing education • Reduction in NEET (young people not in education, employment or training) • Reduction in substance misuse • Reduction in offending and anti-social behaviour • Reduction in teenage pregnancy • Reduction in child sexual exploitation 	<ul style="list-style-type: none"> • To intervene and offer support early • Improve attendance • Improve engagement in learning • Improve emotional health and well-being including resilience • Progress in learning • Attain academic and/or vocational qualifications • Are kept safe and feel safe • Successful pathway to follow-on provision • Improve social skills and life-skills • Improve employability

1.6. Local education landscape in Bristol

1.6.1. Role of local authority

The role of the local authority has changed significantly in recent years as schools have become more autonomous. The local authority's core role in the new education landscape is to be:

- a champion for children, especially the more vulnerable
- a commissioner of places
- accountable for performance
- a system leader for learning partnerships

1.6.2. Mainstream schools

There are -

- 21 state-funded secondary schools, all of which have academy or independent school status.
- 107 state-funded primary schools

1.6.3. Special schools

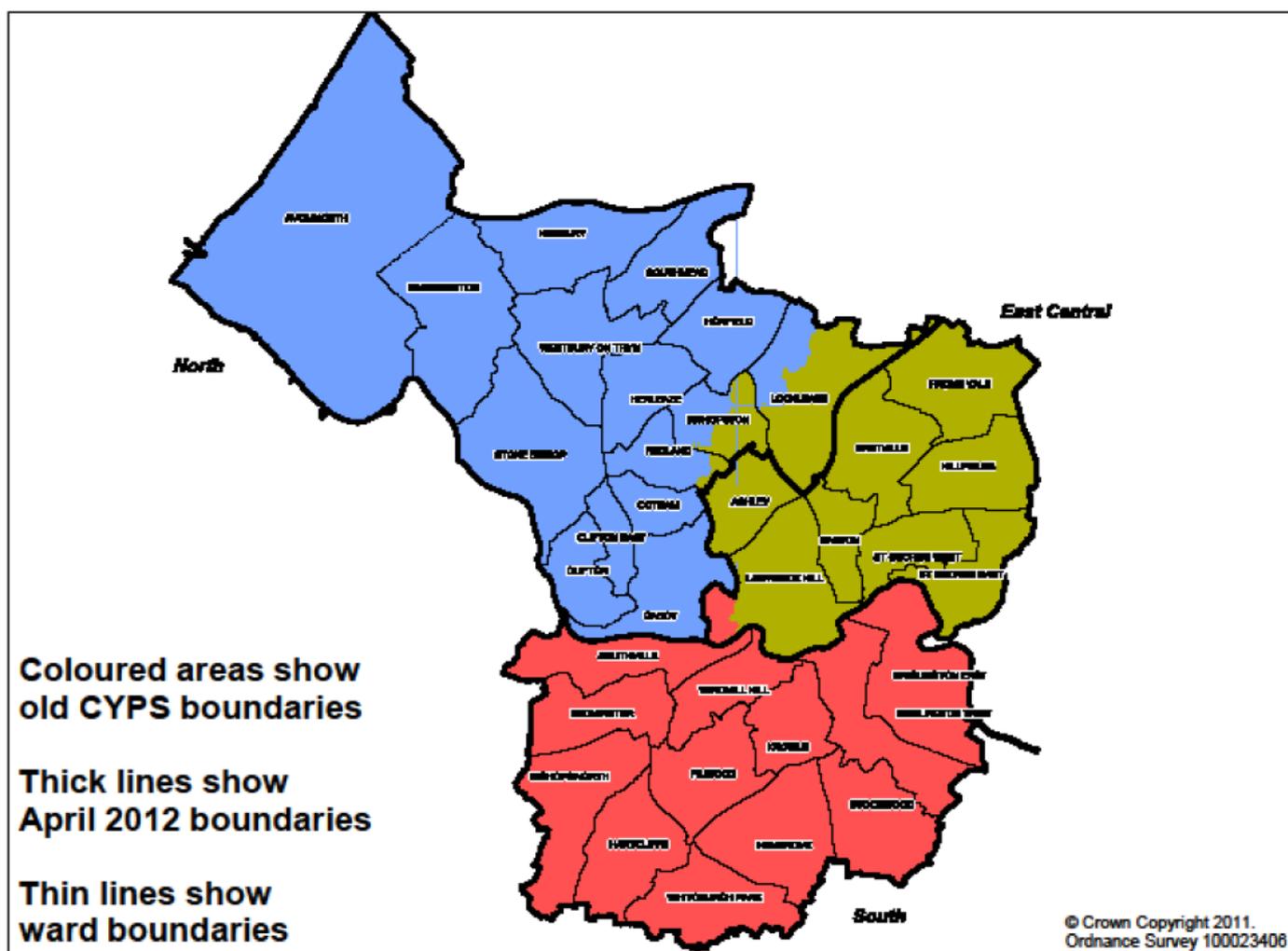
We have nine special schools for students with special educational needs. Places are determined by the local authority in consultation with parents and are generally only for students with an Education, Health and Care Plan (EHCP), except for assessment places.

School	Specialism	Phase
KnowleDGE	SEMH	Primary, secondary & post-16
Woodstock	SEMH	Primary
Bristol Gateway	SEMH	Secondary & post-16
Notton House (residential)	SEMH	Primary, secondary & Post 16
Kingsweston	ASD, SLD & complex PMLD	Primary, secondary & post-16
Briarwood	ASD, SLD & complex PMLD	Primary, secondary & post-16
New Fosseyway	ASD, SLD & complex PMLD	Primary, secondary & post-16
Claremont	ASD, SLD & complex PMLD	Primary, secondary & post-16
Oasis Brislington	ASD, SLD & complex PMLD	Primary & secondary
Elmfield	Hearing impaired	Primary & secondary

All of the special schools are maintained by the local authority. There are also a number of Resource Bases across the city for students with additional needs. These are located in, or next to mainstream schools, funded by the local authority and are run by the host schools and/or one of the special schools listed above.

1.6.4. Partnership and local systems leadership

In Bristol schools are organised into three areas as set out in the map below.



Under the coalition government, schools have been given considerably more autonomy with the aim of creating a self-improving school system led by networks of schools. Schools have been encouraged to form school partnerships to lead local school improvement. The local “systems leadership” involves good and outstanding schools supporting others to improve by developing local networks of school to school support.

The local authority has a role in facilitating this system and championing vulnerable groups. This incorporates making sure that inclusion is at the heart of a school led system and encouraging schools to accept responsibility for pupil needs; making sure that specialist education provision is managed and supported collectively, and that all pupils access education appropriate to their needs.

1.6.5. Alternative learning

What is alternative learning provision?

It is education outside of school, arranged by local authorities and schools for children in KS1, 2, 3 or 4 who are permanently excluded, at risk of exclusion, or for whom mainstream education is inappropriate. It is something in which the pupil participates as part of their regular timetable, away from the site of the school and not led by school staff. Schools can use ALP to prevent exclusions or to re-engage students in their education. It includes:

- Pupil referral units
- Hospital education
- Education for children in custody
- Schemes providing full-time or part-time alternative education outside of schools
- Preventative programmes working with individuals or groups of pupils to prevent them from being excluded from school

- **Pupil referral units (PRUs)** – These are historically maintained by the local authority. They were set up specifically for excluded children as well as those unable to attend mainstream school because of their health needs. Since 2013 the management of PRUs has been delegated from local authorities to PRU management committees. However, the local authority retains responsibility for promoting high standards and has intervention powers to issue warning notices where there are concerns and to drive improvement. Local authorities can no longer open new PRUs.
- **Alternative provision free schools** – These are a new type of school which have academy status and are funded similarly to special schools. They receive direct funding from central government, as well as top-up funding from the local authority for each child placed by the local authority. The funding is given on a per-pupil basis depending on their level of need. These schools may also charge a per-pupil fee to other schools who arrange for their pupils to attend the free school.
- **Colleges of further education** - These colleges normally cater for young people over 16 but they can also offer courses to pupil’s aged 14-16. These courses are usually functional English and Maths as well as vocational courses.
- **Independent alternative learning providers (IAPs)** - These are independent projects, which may be charities, limited companies or community interest companies. They usually charge a per-pupil fee paid by the referring mainstream school, PRU or local authority. The

IAP may also supplement these fees with their own funds raised by charitable donations, grants and other sources. When providing full-time education, they should be registered with the DfE as independent schools and inspected by Ofsted.

1.7. Help for children and families in Bristol

During 2012-2014, the local authority and partners introduced a series of changes to services for children and young people in Bristol. These changes included the following new ways of working:

- **First Response** – A single place for people to call if they are concerned about a child or young person, or think they need some help. It aims to provide preventative services to help families early and brings together specialist teams in a joined up approach to protect vulnerable young people and support parents. First Response may give advice about services available or make referrals to an area-based Early Help Team or to a social work team.
- **Citywide area-based 'Early Help' services** – To get the right help to children sooner. There are three area-based Early Help Teams who coordinate requests for help referred from First Response and support those children and families who don't need a social worker, but still require some help.
- **Integrated 0-25 service for disabled and SEN children and young people** including council and health staff.

The council is a top-performing local authority in the Government's Troubled Families programme. Key workers spend up to six hours a week with families to tackle issues such as youth crime, employability and anti-social behaviour. The programme has contributed to reducing police call outs, domestic abuse and school exclusions.

These changes to services reflect national research and best practice using early support principles. They identify each service or provision within a level spectrum known as universal, targeted or specialist. Children and families can require support in just one area, at one time, they can need support in more than one area and they can need support to prevent them moving into the next level. The focus is always on early intervention and prevention in order to reduce the need for specialist services or provision. Access to support is through assessment and the local authority threshold document shows how children and families' needs are assessed and supported.³

1.8. Other support and intervention available in mainstream and special schools

Universal Interventions

- Behaviour for learning
- Schools behaviour policy and behaviour management framework
- Individual pupil THRIVE assessment* (THRIVE schools)
- Mindfulness programme* (where programme runs)

³ Guidance on Bristol's thresholds is published here http://www.bristol.gov.uk/sites/default/files/documents/children_and_young_people/child_health_and_welfare/Final%20Thresholds%20guidance%20February%202014.pdf

- Nurture group network schools*
- Inclusion Services – Systemic advice from Learning Improvement Service, Behaviour Improvement Service Consultation & Educational Psychology

*A universal offer within specific schools

Targeted support in mainstream and special schools

- Early Help referral through First Response triage
- Pastoral Support Plan
- SEN Support (formerly School Action / School Action Plus)
- THRIVE intervention (THRIVE schools)
- Boxall Profiling, leading to Nurture Group intervention (Nurture Group Network schools)
- One-to-one learning support
- Speech and language referral / intervention
- Education psychology referral / intervention
- Behaviour Improvement Service referral / intervention
- Outside engagement worker referral (e.g. Youth Moves / Breakthrough mentoring) / intervention
- Autistic Spectrum Disorder Outreach team referral / intervention
- School learning mentor / behaviour manager referral, or referral to school attendance / family liaison worker (where available)
- Counselling (internal where available, and external through Early Help)
- Referral to part-time or sessional alternative learning programme (mostly used in secondary and special schools)

2. Legal and policy context

2.1. Legal framework

2.1.1. Local authorities' general duties

- Duty to secure sufficient education in the area (s.14-15B Education Act 1996)
- Duty to promote high standards in education (s.13A Education Act 1996)
- Duty to cooperate to promote children's well-being and protect children from harm and neglect (s.10 Children Act 2010) ('safeguarding duty')
- Duty to promote participation of 16-17 year olds in education and training (s.10 Education and Skills Act 2008)

2.1.2. Safeguarding duties

The Government has defined safeguarding as the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully. ⁴

Children Act 2004

- Section 10 requires each local authority to make arrangements to promote cooperation between the authority, each of the authority's relevant partners and such other persons or bodies who exercise functions or are engaged in activities in relation to children in the local authority's area as the authority considers appropriate. The arrangements are to be made with a view to improving the well-being of children in the authority's area – which includes protection from harm and neglect alongside other outcomes.
- Section 11 places duties on a range of organisations and individuals (including local authorities, schools and contracted service providers) to make arrangements for ensuring that their functions, and any services that they contract out to others, are discharged with regard to the need to safeguard and promote the welfare of children.

Education Acts

- Section 175 of the Education Act 2002 places a duty on local authorities in relation to their education functions; and on the governing bodies of maintained schools and the governing bodies of further education institutions (which include sixth-form colleges) in relation to their functions relating to the conduct of the school or the institution to make arrangements for ensuring that such functions are exercised with a view to safeguarding and promoting the welfare of children.
- Similar duties apply to proprietors of independent schools (which include academies/free schools) and non-maintained schools.

⁴ The March 2015 Working Together to Safeguard Children guidance is published here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf see also statutory guidance for local authorities on *Schools causing concern* (DfE January 2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/434047/Schools_Causing_Concern_Jan2015_FINAL_24Mar.pdf

Children Act 1989

- The Children Act 1989 places a duty on local authorities to promote and safeguard the welfare of children in need in their area.

2.1.3. Local authority duties owed to excluded pupils

Local authorities are responsible for arranging suitable full-time⁵ education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision⁶. This applies to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend.

When a child receives a fixed-term exclusion of more than five days or a permanent exclusion, the school (in the case of a fixed-term exclusion) and the local authority (in the case of a permanent exclusion) must provide alternative education for the child from the sixth day.⁷

2.1.4. Alternative Provision - Statutory guidance for local authorities 2013⁸

This detailed guidance sets out the government's expectations of local authorities and maintained schools. It should also be used as a guide to good practice for academies and alternative learning providers.

The guidance emphasises that all pupils must receive a good education, regardless of their circumstances and sets out some common features of good alternative provision:

- Supports academic attainment (especially Maths, English and Science)
- Meets specific personal, social and academic needs of each pupil
- Improves pupil motivation, self-confidence, attendance and engagement
- Has clearly defined objectives, including next steps and re-integration
- Has arrangements for working with other relevant services

It also outlines that commissioners should:

- Clearly define the objectives of alternative provision placements and agree them with the provider and parents
- Regularly review pupil progress and maintain contact with both the pupil and provider
- Share all relevant information with providers
- Make sure the alternative provision they use is of good quality
- Where alternative provision is part-time, make sure it complements current curriculum and timetable
- Where a pupil returns to school from alternative provision, get a report from the provider and use it to plan re-integration
- Where a pupil does not return to school, collect information about their destination

⁵ Unless the pupil's health means that full-time education would not be in his or her best interests

⁶ Section 19(1) of the Education Act 1996, as amended by section 3 of the Children, Schools and Families Act 2010

⁷ Section 100 of the Education and Inspections Act 2006.

⁸ <https://www.gov.uk/government/publications/alternative-provision>

2.2. Local policy

2.2.1. Bristol City Council Corporate Plan 2014-2017

This commissioning plan aims to contribute to achieving the following council priorities:

- Supporting every citizen to reach their potential
- Making Bristol a learning city where every citizen has access to good education and is able to acquire the skills they need to join Bristol's world class workforce
- Addressing inequalities of health, wealth and opportunity in the city, by providing the right kind of help and support, at the right time
- Raising our young people's attainment to be in the top 25% local authorities in England

2.2.2. Bristol: A Learning City

Learning Cities are being developed across the world to promote the importance of learning and encourage participation. In Bristol, with citizens and leaders working together, the plan is for Bristol to be a Learning City that:

- Promotes and demonstrates learning as an accessible way to transform lives
- Encourages a culture where citizens are proud to continually learn at school, work and in communities across the city
- Develops a highly skilled workforce, joining skills taught in schools and colleges with business needs for the future
- Supports the development of an enterprising, diverse and sustainable world class city

This includes establishing a Learning City Partnership of influential and inspirational leaders from across the city to increase the participation and achievement of citizens across four themes:

- **Learning for life:** Encouraging all ages to actively learn in ways that are enjoyable and fun
- **Learning for everyone:** Creating accessible learning activities to connect those at risk of being marginalised or disengaged from the city
- **Learning in education:** Raising the attainment of students through formal learning in Bristol schools, colleges and universities
- **Learning for and in work:** Supporting Bristol citizens into work and encouraging employers to create sustainable learning organisations

A key aspect of the learning in education theme in 2015 is the development of an inclusion strategy and to develop partnerships to build a highly skilled and knowledgeable workforce.

2.2.3. Inclusion Strategy 2015-2020 - Priorities

One: Improved Outcomes for All Children

- Share and use data to improve outcomes for vulnerable groups
- Provide targeted support for those most at risk
- Develop clear and consistent pathways for referral and transition
- Develop progression pathways into further education, training and work

- Develop person-centred approaches to curriculum planning and early support
- Promote and increase independence in preparation for adulthood

Two: Sufficient, Flexible, Responsive Local Provision

- Ensure strategy, suitability and sufficiency drive capital investment
- Undertake an annual strategic assessment of need across all phases
- Develop a shared understanding about need and demand
- Re-distribute current places, develop new places and provision to meet need
- Provide flexible placements with individual packages of support
- Increase the number and range of post 16 and post 19 places for young people with the most complex needs
- Minimise travel for children and young people
- Develop locally-based multi-agency models for service delivery

Three: High Quality Education Provision for All

- Implement school and provider-led approaches to meet the needs of the most vulnerable
- Broker shared leadership and management of current and new provision
- Monitor and evaluate outcomes for pupils and the quality of provision
- Jointly commission support and provision with schools and partners
- Ensure robust tracking of pupils missing out on education

Four: Highly Skilled and Knowledgeable Workforce

- Recruit and train the best teachers and support staff
- Develop systems of support and training from mainstream, special and teaching schools, through existing and new partnerships
- Share expertise and best practice across all phases to increase skills
- Ensure there are progression routes for all members of the workforce
- Develop a consistent approach to pupil assessment and planning
- Provide a coherent Local Offer for children, young people and families

2.2.4. Integrated Education and Capital Strategy

As part of meeting the local authority's sufficiency duty under the Education Act 1996 we have been developing an integrated education and capital strategy. This strategy seeks to set out the city's plans for education provision across all ages and details capital requirements to meet the strategic priorities and links with the Learning City. The four principles are

- **Improved Outcomes for All Children:** to raise attainment, narrow the gap for those at risk of under-achievement, ensure high quality 'assessment and support' and personalised learning to meet 'needs' across clear learning pathways and transitions.
- **High Quality Provision for All:** to drive for excellent, reflective and high quality practice/ standards, prioritise recruitment, retention and training and ensure leadership capacity and 'systems management' are exemplary.
- **Inclusion & Equity of Access:** to ensure our most vulnerable young people are engaged, involved and kept safe, including systems to track students not in/ missing out on education and targeted support for those most at risk.

- **Sufficient, Flexible and Responsive Local Provision:** to secure and develop provision to ensure local schools for local children/ families, reduce unnecessary travel and ensure flexibility and future-proofing are prioritised.

2.2.5. Bristol Local Authority 14-19 strategy 2014-2016

The intended outcomes of the 14-19 strategy are:

- A coherent, sufficient and high quality local learning offer and learning opportunities
- Clear and flexible learning pathways for young people provided through schools, colleges, work-based learning providers and in other settings
- High quality, coordinated and impartial information, advice and guidance that build on prior attainment and provide access to appropriate progression routes
- Effective individual support provided to ensure the retention or re-engagement of disaffected and vulnerable young people in education and training
- Effective individual support for all young people at points of transition, particularly LDD and the most vulnerable young people to enable them to secure progression to further learning and employment
- High levels of satisfaction from young people with the provision, support and information, advice and guidance

3. Current provision and support for SEMH students in Bristol

Table 1 below sets out details of full-time provision in Bristol at **May 2015** (ALP, school-based provision and SEMH special schools)

Provision at May 2015 Provider	Provision name	Area	KS1&2 capacity	KS3 capacity	KS4 capacity	On framework
LA funded full-time ALP						
Include	Dean Street	East Central			15	Yes
Bristol Met Academy	CLF Studio	East Central	4			No
Include	East Street	South			26	Yes
Kids Co	Lighthouse	South		10	15	Yes
Kids Co	Treetops	North	10		10	Yes
Kids Co	Heart Lodge	North			10	Yes
Include	Southmead Access	North			10	Yes
Include	Outreach	City-wide			15	Yes
			14	10	101	
Pupil referral units						
Lansdown Park	Lansdown Pk	South		20	20	No
St Matthias Park	St Matthias Park	East Central		20	20	Yes
The Meriton	Young parents ed	East Central			15	No
Hospital education	222 Project	East Central			5	No
			0	40	50	
Total LA funded ALP						
			14	50	151	
Other ALP						
LPW	Choices School	East Central			35	Yes
KTS	KTS Training	East Central			20	No
City of Bristol College	Various colleges	City-wide			40	Yes
Filton College		Out of area			15	No
School run provision						
Bristol Met Academy	CLF Studio	East Central	*	*	*	No
Bedminster Down School	The Lamp	South	*	*	*	No
City Academy	ASPIRE	East Central	*	*	*	Yes
Special SEMH schools						
Woodstock School	Same	North	54			No
Filton Avenue	Resource Base	North	7			No
Bristol Gateway School	Same	North		30	40	No
Knowle DGE	Same	South	60	30	20	No
Greenfield School	Resource Base	South	15			No
Total SEMH in Bristol						
			136	60	60	
Notton House (residential school in Wiltshire)	Same	NA			40	No

3.1. Overview of current ALP commissioning arrangements

The council and Bristol schools and academies are the commissioners of ALP in Bristol. The council commissions mainly full-time alternative learning for pupils who are permanently excluded from school. It secures provision by either -

- Procuring alternative provision – where the local authority enters into a contract with an independent alternative provider
- Commissioning places – this includes:
 - Directly funding places in PRUs
 - Agreeing to place pupils in an alternative provision free school (the school receives per pupil direct funding from the Education Funding Agency which is topped up by the local authority SEN funding)

The council can also place pupils in special schools instead of ALP.

Schools and academies commission full-time and part-time alternative learning for non-excluded pupils both as an alternative to mainstream school and to complement mainstream school (e.g. outdoor activities, or vocational courses). The options for schools to secure provision are to:

- Provide it themselves or enter into an arrangement with another school to do it (i.e. where there is no payment to the other school).
- Procure alternative provision – where the school (or group of schools) enter into a contract and pays an alternative provider or another school to educate the pupil. The provider could be an independent school, independent provider, PRU, alternative learning free school, or another mainstream or specialist school.

3.2. Current alternative education provision framework

The alternative education provision (AEP) framework was launched in 2012 to provide a quality-assured catalogue of providers from which the council, schools and academies in Bristol can purchase ALP.⁹ Seventeen providers were successful in getting on the framework, with provision listed in the following categories:

- full-time (long term and revolving door)
- part-time (long term and revolving door)
- preventative programmes within schools

The providers were approved for an initial two years, with the option to extend for a further two years (one year at a time). We have extended the existing framework until 31st August 2016.

The council has block contracts with three ALP providers for 85 full-time pupil places and also funds places at pupil referral units. Table 1 above outlines the full-time ALP available in the city (NB. some numbers are approximate as they change frequently).

⁹ The AEP framework is published here: <http://www.bristol.gov.uk/page/framework-agreement-alternative-education-provision>

3.3. Full-time alternative learning provision

3.3.1. Pupil Referral Units (PRUs)

There are four pupil referral units in Bristol, directly funded by the local authority. Each PRU has its own management committee with delegated authority to manage its own budget and staff.

- **Bristol Hospital Education Service** pupils have medical needs which prevent them attending or mainstream school. These pupils stay on school roll and access provision through referral from a medical route, usually CAMHS or a paediatrician. Schools cannot currently access the service directly as an alternative learning provision. The Bristol Hospital Education Service has recently joined with the Meriton (below) under one management structure.
- **The Meriton** is a PRU for expectant and young mothers in key stage 4 and 5 with an onsite nursery. Schools can refer pupils and pass their school funding to the Meriton. The majority of the places are post 16.
- **Lansdown Park** is a PRU for 40 students in key stages 3 and 4 who have been permanently excluded, were at risk of exclusion or are in need of specific support to help them to be more successful in mainstream education. Students attending can be dual-registered. This means that both the unit and a mainstream school take joint responsibility for their progress, usually during a period of reintegration into a mainstream school setting. Lansdown Park is not on the AEP Framework. It does not currently offer GCSEs but plans to do so from September 2015.
- **St Matthias Park** is a PRU for 40 students who have been permanently excluded, were at risk of exclusion or are in need of specific support to help them to be more successful in mainstream education. Students attending can be dual-registered. This means that both the unit and a mainstream school take joint responsibility for their progress, usually during a period of reintegration into a mainstream school setting. The unit currently works with one alternative provider, The Empire Gym in Bristol. St Matthias is on the AEP Framework and provides part-time revolving door provision as well as full-time places. It offers GCSEs in core subjects including English and Maths.

3.3.2. Independent alternative learning provision

- **Include Bristol** is an independent special school that is part of a charitable trust formerly managed by the CfBT Education Trust and now managed by Catch 22. It provides education for KS3 and 4 students from 13 to 16 years. It offers GCSEs in core subjects along with functional skills and lifeskills. The school has sites in Bedminster, St Pauls, offers outreach from its Southmead site and is has a new site in Kingswood. The school's last Ofsted inspection took place in March 2013 when they were graded as 2 'good'. Include are on the AEP framework, from which the local authority originally block purchased 30 KS3 and KS4 places for students who have been permanently excluded. Schools also commission places at the school. <http://www.catch-22.org.uk/expertise/education/>

- **Choices** is an independent school run by Learning Partnership West, a community interest company. The school is for KS4 students aged from 14 to 16 years. In 2014/15 there were 33 students on roll, all in Year 11. The curriculum includes functional maths and English, personal and life skills and optional units in First Aid, food hygiene and activities. Students attend the centre for four days a week and undertake work experience or independent study on the fifth day of the week. The school's first Ofsted inspection took place in September 2012 where they were graded as 3 'satisfactory' (now 'requires improvement'). Choices has new accommodation in central Bristol and plans to accommodate more pupils. Choices are on the BCC AEP Framework, though the local authority has not block purchased any places from them. KS4 places are commissioned by schools. <http://www.lpw.org.uk/learning/choices-independent-school/>
- **KidsCo Bristol** until July 2015 provided alternative learning in the city. It was part of the charitable trust KidsCo, based in London. KidsCo Bristol worked with boys and girls aged from 6 to 19 years as well as working directly with schools to provide a variety of therapeutic interventions – aimed directly at pupils with behavioural and/or attachment difficulties. KidsCo had KS1 & KS2 provision in Lawrence Weston, KS3 & KS4 provision in Hartcliffe and KS4 provision in Brentry. KidsCo was on the AEP Framework, from which the local authority block purchased 10 places for KS2 children at risk of exclusion and 35 places for students at KS3 & KS4 who were permanently excluded. The local authority's contracts with Kids Company lapsed on 31st August. Schools also commissioned places with KidsCo and these children were dual registered. <http://www.kidsco.org.uk/bristol>
- **KTS Training** is a limited company based in Kingswood providing a range of education, training and apprenticeships for students aged 14 to 19 years. It offers an alternative learning study programme where Yr 10 and 11 students join Post-16 students 2-4 days per week. The curriculum includes: functional maths, English and ICT, work skills and home cooking skills. KTS can accommodate about 20 KS4 students in classes across its sites in Kingswood, St Pauls, Fishponds and Yate. In its most recent Ofsted inspection, in 2013, KTS was graded 2 'good'. KTS is not on the AEP Framework. KS4 places are commissioned by schools. <http://www.ktstraining.co.uk/about.html>

3.3.3. Further education colleges and post-16 provision

FE colleges provide "early college" places to KS4 students who 'in fill' into existing courses. These courses provide a minimum of 15 hours per week (which is 'full-time' for post-16 students). KS4 students are entitled to a full 25 hours of statutory provision and should access another course or provider to meet this requirement. Students study for the whole academic year, usually on post-16 vocational courses and/or GCSE programmes. Most early college students are in year 11 and have struggled to engage in mainstream education. Occasionally places are provided to year 10 students.

- **City of Bristol College**
City of Bristol College has sites across Bristol. They usually have between 35 and 40 early college students on vocational courses across various sites in Bristol. Its latest Ofsted grade, in 2014, was 3 'requires improvement'. The college is on the AEP Framework. Places are commissioned by schools and students are dual registered.

- **SGS College**

SGS College (formerly Filton College) is located just outside of the Bristol border in South Gloucester. In 2014/15 SGS College have 37 early college students some of whom live in Bristol and others in South Gloucester and Gloucestershire. This year, all places were commissioned by schools but sometimes the college receives direct funding for students who were previously educated at home. The college was graded 2 'good' in its latest Ofsted inspection in 2014. It is not on the AEP framework.

A comprehensive list of all post-16 training and education providers can be found at <http://careerpilotapp.org.uk/#/providers>. Some providers currently offer places to key stage 4 students, including:

- A2A Access to Achievement
- Access to Music
- Military Preparation College
- S and B Automotive Academy

3.3.4. Alternative Provision free school (AP free school)

- **Bristol Futures Academy** will be a new alternative provision free school (operating from September 2016) and is part of the Inspirational Futures Trust, an Academy chain run by Weston College.

3.3.5. School-run provision

- **CLF Studio Cabot Learning Federation**

The CLF Studio provides alternative learning provision for pupils in KS1, KS2, KS3 & KS4 primarily for schools within the federation. It has places for up to 25 pupils at risk of exclusion. The federation encompasses five primary and seven secondary academies in Bristol, South Gloucestershire, BANES and North Somerset. The CLF Studio is coordinated by Bristol Metropolitan Academy on behalf of the federation and is mainly for pupils in federation schools who are at risk of exclusion. CLF Studio is not on the AEP Framework as it has only opened recently. The local authority currently commissions four KS2 pupil places with CLF.

- **The Lamp Bedminster Down School**

This is off-site education provision for students at risk of exclusion in KS2, 3 & 4 from Bedminster Down Secondary School and primary schools in the Malago Learning Partnership only. The Lamp is not on the AEP Framework.

- **Aspire City Academy**

The Aspire Centre provides provision for pupils from City Academy only. The centre is on the AEP Framework but no longer offers places for other schools to purchase.

3.4. Other in school support

Schools are using a range of targeted interventions to support students within school. All Bristol secondary schools have recently been asked to identify the intervention they were using for those young people identified at risk of becoming NEET (not in education, employment or training). This cohort is likely to include all 'pushed out' learners and other students with significant SEMH needs. The results were reported in the RONI Analysis 2015 for schools.

The most common internal interventions (in order) were:

- Extra Maths
- Mentoring, including peer mentoring
- Extra English
- Pupil premium advocate
- Options coaching
- RE intervention
- SEN support

The most common external interventions (in order) were:

- Kids Company
- CAMHS (children and adolescent mental health services)
- Health support
- First Response
- Hospital education
- Social care work
- Urban pursuits

3.5. Part-time and other local alternative learning provision

There are a range of other providers in and around Bristol mainly providing part-time alternative learning. Most provision is commissioned by schools often to complement academic studies and these students stay on the school roll. Specialisms and educational focus vary considerably across these provisions. Several have a clear vocational skills focus, others utilise team building and self-esteem development, using sports, physical activity, performing and creative arts, to promote re-engagement with formal teaching and learning.

This schedule below lists the local alternative learning providers we know of. It is not a comprehensive list. Some of the full-time providers described above also offer part-time provision.

Providers on the AEP Framework		Providers not on AEP Framework	
Better care keys	Apricot Online Ltd	Urban Pursuit	KTS
Sports 1st	Core Children's Services	Walter Tull Sports	Re Work Ltd
Rock Steady Training	Young Bristol	The Park	Bristol Rugby
Youth Education Service	Wheels Project	Empire Boxing Gym	Horseworld
Bristol Music Trust	Prince's Trust	Butterfly	Spices
Trinity Arts		Jamie's Farm	

3.6. Cost and value for money

3.6.1. Cost of full-time provision

The table below gives an indication of the costs of different types of provision in Bristol including SEMH special schools.

Full-time provision - annual unit cost	Highest	Lowest	Average (mean)
Alternative provision - block contracts	£13,500	£7,857	£11,192
Early college 15 hrs / week	£5,184	£3,750	£4,467
Pupil referral units	£17,500	£17,500	£17,500
SEMH special schools & resource bases - approximate per place funding plus top-up			£20,000

3.6.2. Cost of part-time provision

Part-time provision daily unit costs	Highest	Lowest	Average (mean)
Group activities and education	£240	£ 44	£ 87
1:1 activities and education	£ 130	£ 25	£ 128

4. Needs and demand analysis

4.1. Summary

A needs analysis is published at Appendix C and is summarised below.

Some national statistics:

- 70% of excluded children have special educational needs (SEN), with or without a statement of SEN
- Pupils with a statement of SEN are six times more likely to be permanently excluded than their peers
- Children with a diagnosed mental health problem are 17 times more likely to be excluded from school than their peers
- Pupils receiving free school meals are four times more likely than their peers to be excluded.

Some local statistics

- The reasons for being excluded in Bristol are most likely to be persistent disruptive behaviour, physical assault against a pupil or verbal abuse/threatening behaviour against an adult.
- In 2014-15 there has been increasing numbers of pupils excluded for drug and alcohol related reasons
- Approximately 50% of permanently excluded pupils in the South, 25% in the North and 25% in East/Central Bristol
- Black and mixed race pupils are more likely to be excluded than pupils who are white, or have Asian or Chinese heritage

4.2. Pupil exclusions

Until recently the number of permanent exclusions (PEX) in Bristol has steadily reduced (down from 0.11% of the school population in 2004/5 to 0.06% in 2012/13). Until 2012-13 the rates in Bristol were the same as core city and national averages and lower than statistical neighbours.

However, the numbers of permanent exclusions have increased markedly since 2013/14, especially in South Bristol.

	2011-12	2012-13	2013-14	2014-15
Total Permanent exclusions from Primary Schools in Bristol	0	0	0	3
Total Permanent exclusions from Secondary Schools	52	52	68	88

4.3. Demand forecasts

4.3.1. Population growth

Bristol's population is growing rapidly and since 2003 is estimated to have increased by 46,000 people, an increase of 11.8%. Between 2003 and 2013 the number of children (aged 0-15) living in Bristol is estimated to have increased by 10,200 (14.2%). This increase has been amongst 0-9 year olds (an increase of 25%), and in particular among 0-5 year olds with an increase of more than a thousand children in each single year of age. The growth in the number of under 5s in the last decade (36%) is one of the highest in the country (E&W 19%). The trends reflect the substantial increase in numbers of births in Bristol in recent years. The current projections of school population growth are set out in the tables below¹⁰.

Key Stage 1

	East Central	North	South	Citywide
2015	4%	2%	3%	3%
2016	9%	5%	8%	7%
2017	13%	7%	12%	10%
2018	15%	6%	14%	11%
2019	9%	3%	12%	7%

Key Stage 2

	East Central	North	South	Citywide
2015	6%	6%	5%	5%
2016	11%	10%	8%	9%
2017	17%	15%	12%	15%
2018	22%	19%	17%	19%
2019	26%	22%	21%	22%

Key Stage 3

	East Central	North	South	Citywide
2015	4%	5%	1%	3%
2016	10%	12%	6%	9%
2017	16%	18%	9%	14%
2018	22%	25%	14%	20%
2019	31%	31%	20%	27%

Key Stage 4

	East Central	North	South	Citywide
2015	1%	4%	3%	3%
2016	3%	6%	0%	3%
2017	6%	9%	3%	6%
2018	13%	16%	8%	12%
2019	18%	26%	10%	18%

¹⁰ These are the local authority's projections at July 2015

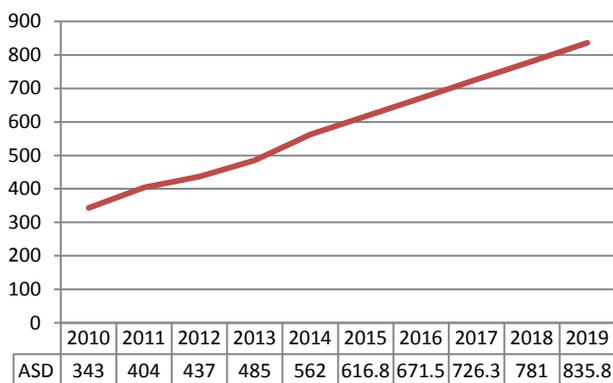
4.3.2. Special educational needs (SEN) population growth

In Bristol the proportion of pupils identified to have SEN decreased slightly in recent years from 18.3% in 2009. This is explained by changes to the local funding system which released £6.2M directly into schools in 2009 to support early intervention and reduced requests for SEN statements. However, because Bristol’s pupil population is increasing, the numbers with SEN are projected to increase as shown in the graphs below. Numbers with the primary SEN category of SEMH (social, emotional and mental health needs) are projected to increase broadly in line with overall SEN trends, while the number with ASC (autism spectrum conditions) is projected to increase at a faster rate. It should be noted that local diagnosis trends can influence projections.

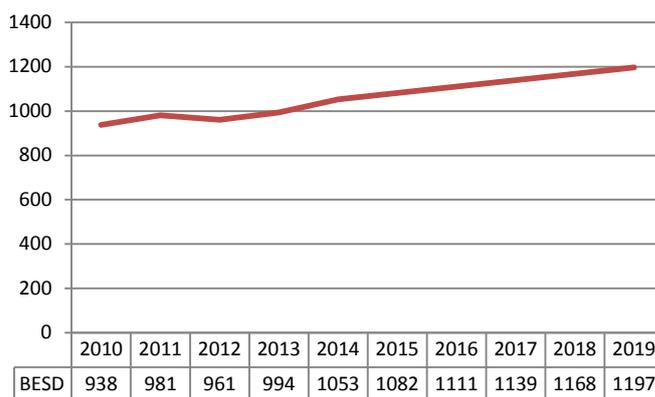
Pupils with identified SEMH needs are frequently identified within the permanently excluded pupil cohorts. This reflects national findings that pupils with unidentified SEN are 70% more likely to be permanently excluded and are more likely to become NEET.

It is accepted that pupils with ASC range across a spectrum. Needs can require a differentiated curriculum, to additional support in the classroom to specialist provision. Individual pupil assessments determine needs and the provision required to meet these needs. Pupils with SEMH also range across a spectrum of needs.

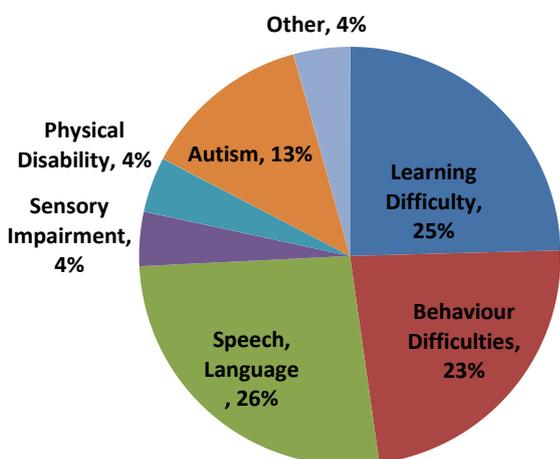
ASD needs (Bristol schools and PRUs)



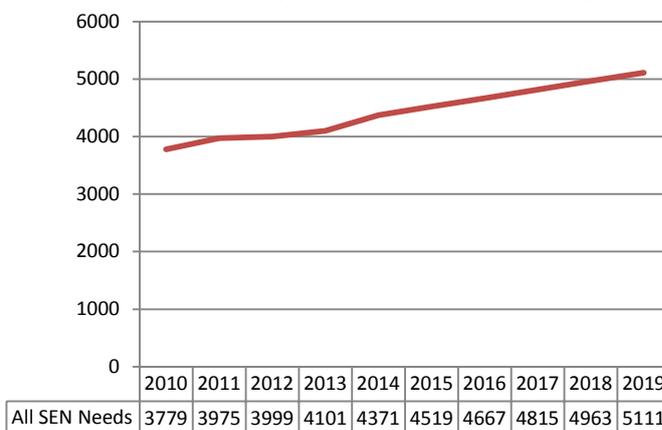
SEMH needs (Bristol schools and PRUs)



Primary type of need of Bristol SEN pupils



All SEN Needs (Bristol schools and PRUs)



4.3.3. Projected demand for full-time ALP places – non excluded pupils

Bristol secondary schools use ALP (as set out in section 4.1) to support learning for pupils who are not excluded but at risk of being ‘pushed out’.

We asked Bristol secondary schools to tell us how many full-time ALP places they would currently use if there were sufficient places of the right quality, in the right location and at the right price. We also asked them to distinguish between places required for pupils with challenging behaviour, and those who are experiencing anxiety and/or other difficulties such as school refusers. The table below sets out the results, showing current demand for KS3 & KS4 to be a total of 270 places, which exceeds current provision available for schools to purchase by 120 places.

Challenging behaviour	East/ Central	North	South	City total
KS3	7	29.5	22	58.5
KS4 - Yr 10	7	17.5	26.5	51
KS4 - Yr 11	9	21	22.5	52.5
Total challenging behaviour	23	68	71	162
Anxiety / school refuser				
KS3	10	20	4	34
KS4 - Yr 10	4	16.5	11	31.5
KS4 - Yr 11	8	19	15	42
Total anxiety / school refuser	22	55.5	30	107.5
Total all full-time ALP	45	123.5	101	269.5

At KS1 and KS2, last academic year the council commissioned 14 full-time places, city-wide for children at risk of exclusion and has commissioned 21 additional places in SEMH schools since 2014. As numbers in ALP are so low, we cannot precisely project future demand, however, we do anticipate more places will be needed.

We asked those primary schools represented at stakeholder events about their needs, and they identified an average of 6.5 pupils per school who would benefit from a period in provision outside of their school, either in an SEMH assessment place or independent ALP. Their preference was generally for part-time or full-time revolving door provision working with pupils on social and emotional development and engagement in learning.

5. Summary of stakeholder feedback

5.1. Analyse phase – stakeholder feedback

The table below sets out how we got the views of stakeholders during the analyse phase. The full report on stakeholder feedback can be viewed at Appendix E.

	Stakeholders	Method	Date(s)	Number of participants
1	ALP providers	e-survey	10 th Dec 2014	18 (3 responses)
2	Primary and Secondary SENCOs and Inclusion Managers	Questionnaire by email	28 Nov 2014	130+ (10 responses)
3	ALP students	6 x Focus groups	Dec-Jan 2015	27
4	Parents and carers of students in ALP	2 x Focus groups	9 th Jan 2015	5
			19 th Jan 2015	
5	ALP providers, schools and practitioners	Workshops	21 st Jan 2015	20
			29 th Jan 2015	25
6	School headteachers and principals	Workshops	30 th April 2015	12
			8 th June 2015	20
			19 th June 2015	22
			19 th June 2015	17

5.1.1. Views of young people in alternative learning

Students considered some aspects of mainstream school to be good e.g. having a varied syllabus, good equipment and the opportunity to socialise. However, they thought school class sizes were too big with not enough teaching support for their needs, and pupils felt pushed out by a lack of respect from staff.

They were generally positive about their experience of ALP. They liked being treated with respect by staff, smaller class sizes, flexible rules, and the opportunity to learn practical skills. But they were concerned about having fewer options, and less opportunity to pass exams and felt having just one tutor / classroom was inadequate.

They said that being excluded from school had damaged their self-esteem. They suggested schools could do more work on understanding emotions, and that ALP should be used earlier before there is a crisis.

5.1.2. Views of parents and carers with children in alternative learning

Parents and carers said that mainstream school offered structured learning and development, but that staff didn't have time to provide the extra support their child required. They said that schools could be rigid and over-react to difficult behaviour and some children needed small group and one to one support, working on emotions.

They felt that ALP settings treated their child with respect and were more flexible, which led to an improvement in behaviour. They praised ALP staff for high level of communication and partnership working.

However, they were concerned that ALP settings lacked structure and that there was not enough emphasis on academic achievement – especially in English and maths. Some thought it might be difficult for their child to readjust to mainstream school.

5.1.3. Views of schools, providers and practitioners

Stakeholders thought there was not enough suitable high quality ALP provision in the right locations at all key stages, and a lack of knowledge about the provision that is available. Bristol requires a central source of information about all available provision. A replacement to the current framework should be flexible so new providers can join easily.

ALP providers said schools do not always give them relevant information about pupils they place and do not always track progress of their pupils in ALP.

Commissioners (schools & LA) were not perceived to be adequately monitoring outcomes achieved by ALP or carrying out regular, on-going quality assurance.

Stakeholders reported an increase in demand for ALP and increasing numbers of permanently excluded pupils. Schools are under pressure to meet performance targets and it is cheaper to permanently exclude a pupil than place in ALP.

They thought there should be more partnership working and joined up thinking. This could include providers working together to provide “blended” packages of ALP.

5.1.4. Views of head teachers and principals

Heads thought ALP needs to be more local and better suited to individual needs of pupils at different key stages. There should be qualified teachers in all full-time ALP to ensure quality education and all education needs more emphasis on social and emotional support.

School staff are finding it difficult to access specialist help and they reported difficulties understanding the process for accessing Top Up etc. Some agencies do not respond quickly or make their criteria clear. Heads would like more guidance about what SEMH and ALP provision is available and how to access it. SEMH special schools thought better use could be made of their expertise to support students across the system. Some schools would like to offer more on-site support themselves, such as Thrive groups, but lack the space.

Primary school heads prioritised the need for early identification, early assessment, and early intervention. They would like to place pupils in external provision earlier, on a revolving door basis, to avoid crises.

Heads thought ALP should help pupils reintegrate back into mainstream or special school where possible. Longer stay ALP may require separate location to avoid behaviour deterioration in short stay pupils.

They would like a central hub to provide a range of functions including: acting as single point of contact for advice and support; coordinating and advising pathway panels / assessments; procurement and quality assurance of provision; advising where and how to buy specialist help from the market; and enabling the sharing of expertise across the system including outreach from specialist schools. The hub could act as conduit for signposting students into the right kind of ALP.

They would like a panel system for ALP and permanent exclusion to determine where students are best placed. The current fair access panel system is not working. Schools want a process that is more fair and transparent. There could be two or three area based panels that work closely to avoid placement delays. Heads stressed that it was essential that schools committed to this new system and accepted pupils placed by the panel.

Secondary heads agreed that collective groups of heads in each area could identify local solutions for ALP in their area and that it is easier for schools to work in partnership on an area basis. Schools could support ALP by providing core subject teaching. ALP and school staff could offer training to each other to increase knowledge. Heads would like a joint approach to quality assurance, including monitoring outcomes.

Much of the head teachers' feedback reflected and is consistent with national research.

5.2. Consultation on draft commissioning plan

On 14th September 2015 we published a draft commissioning plan and began a 12 week consultation to seek feedback on our proposals (summarised in the table below).

Stakeholders	Method	Number of participants
All stakeholders	Completed e-survey	60
School headteachers, principals and governors	Attended workshops and meetings	135
ALP providers, schools and practitioners	Attended 2 x consultation events	55
ALP and post-16 providers	Attended workshops and meetings	35
Students in ALP	3 x focus groups	10
Parents and carers of students in ALP	Phone interviews	9

Appendix F contains a summary of consultation feedback and the council's response.

6. Research and good practice

Appendix D summarises recent research relating to alternative learning and school exclusion. The section below sets out our key findings from research and good practice in other areas.

6.1. Features of good alternative learning provision

- Consistent staff who are experienced, well-trained and receive good supervision
- Provides high quality teaching, care and guidance
- Keeps children safe and helps them to feel safe
- Organisation with good governance arrangements overseeing the quality of provision
- All children who are referred to ALP 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.
- Good relationships between staff and pupils
- Raises aspirations of pupils and does not overlook achievement in their pursuit of engagement
- All pupils make progress, improve their attendance and engagement, gain qualifications and develop skills
- Enables pupils to reflect on the impact of their experiences, recognise the improvements in their confidence and self-esteem, their ability to take more responsibility, their employability skills, motivation, and their understanding of the value of learning
- Works in partnership and regularly communicates with parents
- Works to re-integrate children into mainstream school (or special school where more appropriate) and/or supports to move on to suitable post-16 education, employment or training
- Provides material and practical support where appropriate
- Regularly exchanges information with schools and records and reports progress

6.2. Features of good commissioning arrangements for alternative learning

- 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.
- ALP is selected to meet students' individual needs, rather than students just being sent to the places that are readily available.
- Information is shared between schools and ALP provider and there is ongoing monitoring of progress between the school and the provider. 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'.
- Schools should develop strong relationships with alternative providers and share, rather than shift responsibility for the pupils they are unable to support. This could happen either through commissioning and accountability arrangements or by building school clusters, for example through federations and multi-academy trusts.

- Alternative providers are recognised as partners in delivery and valuable sources of expertise rather than a necessary evil. Quality assurance is best done by a body with the appropriate expertise acting on behalf of schools in the locality. These bodies should be robust and impartial enough to safeguard schools, which are charged with the deployment and use of public money to discharge a statutory function – schooling – to a standard that will bear scrutiny from Ofsted, the DfE and their communities, including their governors.

7. Key issues and potential for improvement

7.1. Systems and leadership

Stakeholders identified a need for better partnership working to meet the needs of pupils who are 'pushed out'. There are examples of good practice in the city, but there needs to be more consistency to ensure there is collective responsibility for pupils with SEMH and a commitment to enabling them to achieve their potential. This will involve the local authority and schools working in partnership together and developing strong links with alternative education providers.

There is a need to better integrate mainstream schools, SEMH special schools and alternative provision (including PRUs and independent provision) to share expertise across the system and to identify the right placements to meet individual pupils' needs. Furthermore there needs to be the right number of placements available in the right locations when they are needed.

There are concerns about the rising numbers of permanent exclusions and a perception that there are increasing numbers of children with SEMH and challenging behaviour.

7.2. Outcomes

There are concerns that some current ALP is not supporting pupils to achieve, that attendance is low, progress in learning is slow and some ALP is not effective at supporting pupils to attain academic qualifications. Schools have stressed the importance of ALP providers offering a minimum of GCSE English and Maths for more academically able pupils.

There is a need to better share expertise across the system, especially the school system and including alternative learning provision. Some schools, particularly primary schools, have indicated they find it difficult to access the specialist help and guidance they need to support SEMH pupils. Meanwhile, SEMH special schools would like to offer more outreach support to mainstream schools to enable them to work effectively with their SEMH pupils.

There is consensus about the importance of identifying early any significant concerns about a pupil, carrying out assessments promptly and introducing effective early intervention. There is concern that pupils are often simply contained, particularly in primary school; that concerns are not addressed effectively and early enough so that school placements later breakdown, often after the pupil moves to secondary school.

Currently Bristol does not have a unified pathway for students with SEMH. Some will remain in mainstream school, some will go to SEMH specialist schools and others may be permanently excluded and placed in a PRU or independent alternative provision. Where a student is educated

could be the result more of luck, timing or geography than a consideration of their needs and choices. Providers of independent alternative learning also tell us that the pupils placed with them are sometimes inappropriate for their provision (for example, capable KS4 learners placed with a provider who does not offer GCSEs).

7.3. Sufficiency of provision

This plan will include proposals to encourage early intervention to reduce the need for ALP and to reduce the number of permanent exclusions, but nonetheless it is likely that demand for ALP and/or SEMH provision will continue to increase because of the rising school population and the changes to the curriculum

There is currently insufficient full-time provision for pupils with SEMH who cannot attend mainstream school, particularly at KS1, KS2 and KS3. Approximately 50% of current ALP pupils live in South Bristol, 25% in North Bristol and 25% in East Central Bristol and in order to minimise unnecessary travel for pupils, and to support their links to their local community, there needs to be some KS1 and KS2 provision in each area of the city and additional KS3 and KS4 provision in the South and North. This provision could be either ALP or SEMH intervention places.

Schools have also highlighted that there is a particular shortage of suitable provision for KS3 and KS4 pupils experiencing anxiety and/or refusing to attend school.

The Education Funding Agency has fixed local authorities' budgets and sees that any increases will be a matter for the local authority and schools to resolve locally. This means that different funding streams will have to be identified to fund any increase in provision. This might include schools developing or purchasing provision themselves (jointly or individually), alternative provision free schools with their own central government funding, or separately funded special school provision.

7.4. Quality

Research and guidance emphasises the importance of quality assurance of ALP. It is important that we develop a robust and consistent approach to quality assurance across the range of provision including part-time provision that is not DfE registered or not subject to Ofsted inspections.

7.5. Commissioning and procurement arrangements

The current AEP framework agreement does not effectively meet the needs of commissioners or providers. It was awarded in 2012 and does not allow new providers to apply to join. This means it is out of date, inflexible and schools often purchase ALP from providers who are not on the framework and have not been quality assured. Stakeholders have also told us that the current framework paperwork is overly complex and rarely used. Meanwhile, providers indicate that referrals from schools are often incomplete and important information is not always shared.

Both schools and the local authority will need to make sure their procurement practices comply with the new Public Contract Regulations 2015.¹¹

7.6. Equality and diversity

This commissioning review and plan aims to tackle discrimination and promote equality for all groups – see the equality impact assessment at Appendix. The impact assessment highlights potential issues arising from the proposals in the plan which might affect people with protected characteristics and identifies a range of actions to mitigate these. In particular our proposals for a pathway panel and robust quality assurance of providers will help eliminate discriminatory practice and promote equality.

Some key issues identified are that Bristol excludes proportionally more BME pupils than other core cities, and girls can be treated differently from boys and may not always have their needs met adequately in ALP settings. As well as addressing these issues through placement panels, we are facilitating an ALP providers' forum to help workers to share expertise in cultural awareness and diversity, and we will require providers to have equality and diversity policies in place.

As we considered each protected characteristics common themes emerged:

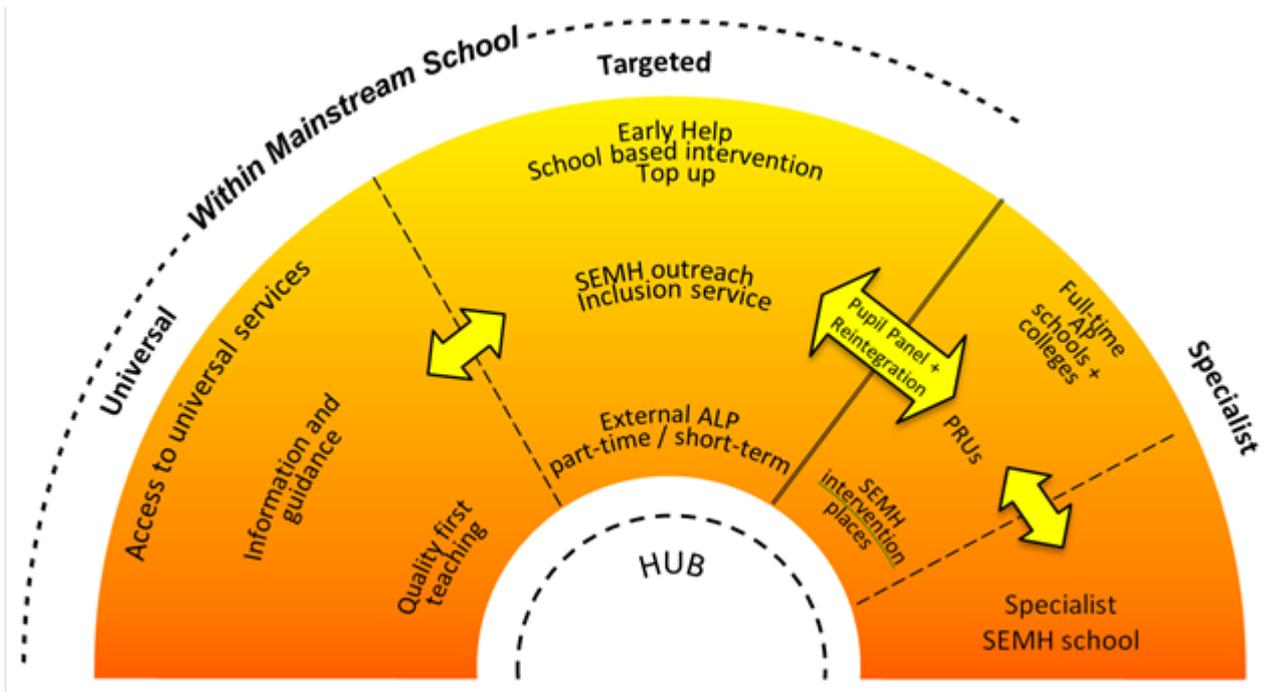
- Discrimination and inequality are very likely to have a negative effect on the emotional health and well-being of ALP pupils.
- Children may reach the point of permanent exclusion before any disadvantages that have led to this are considered.
- There may be a lack of suitable provision to meet the diverse needs of pupils
- The view of pupils with additional needs may not be sought
- We lack important demographics about ALP pupils with protected characteristics e.g. sexual orientation and religion.

¹¹ May 2015 DfE procurement guidance for schools is published here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426875/Effective_buying_for_your_school_May_15.pdf

8. Recommendations - overview

8.1. A new whole-system model

We wish to establish a whole system approach, developing a unified pupil pathway for students with SEMH, recognising that a personalised approach will be required for each student. Sections 1.7 and 1.8 outlined the help available for children and their families within this model.



8.2. A new approach

The local authority, schools and other partners are working together to introduce changes covering five areas –

- Partnership – taking collective responsibility for ‘pushed out’ learners
- Pathway – developing a unified SEMH pathway to help improve outcomes for students
- Process – improving the quality of provision through effective commissioning & support
- Provision – sufficient flexible and responsive local provision
- Participation – listening to pupils and parents and using their views to shape services

8.3. Partnership – taking collective responsibility for ‘pushed out’ learners

This will involve building trust and strong relationships across the system to promote collaborative practice and accountability for ‘pushed out’ learners. It will include strengthening partnerships between good and outstanding schools (mainstream and specialist) to support other schools and alternative learning providers, to identify the need for places and support, plan provision, improve the quality of provision and collectively support students. We will continue to build on our successful Troubled Families programme by working collectively across the council and partners, using the ‘Think Family’ approach to deal with families as a whole, rather than responding to each problem, or person separately.

We will encourage independent KS3&4 ALP providers to affiliate themselves with a local secondary school, to support their staff development and teaching practice. They will also be encouraged to make use of CPD opportunities for Bristol school staff.

We will continue to liaise with schools to do more to remove the perverse financial incentive to exclude students, including seeking the agreement of schools to pay more toward the cost of ALP for any pupil they permanently exclude.

8.4. Pathway – developing a unified SEMH pathway to help improve outcomes for students

We will create a unified pathway for pupils with SEMH to make sure that each pupil is learning in the education setting that best suits them, facilitating the right provision at the right time for each child, without the need to permanently exclude. We also want to enable and encourage re-integration back to mainstream school where appropriate.

We will work with schools to develop area-based pupil inclusion panels. The panels will be administered by the local authority and chaired by a headteacher. They will meet fortnightly to determine all placements into alternative provision, PRUs, and SEMH intervention and recommend where pupils require specialist assessments and potential access to full time special school placements. These panels will be based on the successful model operating in Portsmouth.

A successful pathway for pupils also requires early identification of concerns, early assessment and early intervention and prevention. Schools have indicated they need more effective support and guidance to enable them to effectively support and manage pupils with SEMH and to obtain SEN top-up funding when required. We are developing primary 'outreach' pilots between SEMH special schools and mainstreams schools. The special schools will provide expert outreach support for pupils and their mainstream school as well as providing short-term places in 'Early Intervention Bases'.

The pupil inclusion panels will provide an opportunity for schools to hold each other to account and review whether appropriate 'universal' and 'targeted' approaches have been followed.

8.5. Process – improving the quality of provision and achieve value for money through effective commissioning and support

We will develop an ALP hub to support and administer the panels and carry out commissioning for both the local authority and Bristol schools. The purpose of the hub will be to support the whole system approach and integrated pathway as well as enabling the local authority and schools to collectively and efficiently commission in a way that is lawful.

8.6. Provision- sufficient, flexible and responsive local provision

Using the new modelling tools developed to inform the Integrated Education & Capital Strategy, the Learning City commitment to Inclusion, local intelligence data from the Pupil Panels generated by the Hub and pupil and parent voice, we will develop provision to meet the needs of all children and young people with SEMH.

We propose that at keys stages 1, 2 and 3, full time alternative learning provision should be focussed towards the school system, with the development of new SEMH intervention places, a refocus on the use of the existing PRUs and additional special school places alongside the

development of the outreach services. Our plan is that independent ALP is used at these key stages only on a short-term or part-time basis.

The focus at the key stages 1 and 2 will always be on reintegrating into mainstream or where this isn't possible, identifying an appropriate special school. The focus for those in key stage 3 will be on either returning to mainstream or identifying appropriate special school or external ALP ready for key stage 4. At key stage 4 the 14-19 strategy has shown that there are large numbers of providers who can offer provision, many of these are currently post 16 but some already offer places younger than this. We propose at key stage 4 to create a new open framework from which schools and the local authority can purchase placements. Both schools and the local authority will benefit from market development to increase the range of provision available.

The focus on key stage 4 will be to prepare for progression and destination at post 16.

The new framework will include ALP at all key stages for schools to purchase.

8.7. Participation- listening to the pupil and parents' voice

Participation of parents and pupils has long been recognised in research and best practice to be a key feature of all successful services. The Children and Families Act 2014 placed a duty on all agencies to cooperate together and to commission jointly with pupils and parents; to help clarify where they can receive advice, guidance and information, assessment and access to services at the universal, targeted and specialist levels. This is known as the Local Offer.

Bristol has an active independent parent carers forum Bristol Parent Carers Forum¹², a local parent partnership service; SENDIAS and Kids offers an independent service to young people. Barnardo's and Bristol Youth Links also offer services to maximise participation with young people.

¹² <http://www.bristolparentcarers.org.uk/>

9. Detailed recommendations

9.1. A new provider framework agreement

We will establish a new framework agreement for alternative learning providers. This will be an electronic 'dynamic purchasing system' (DPS) with a list of providers who satisfy the selection criteria. We will consider new applications to join the framework every six months, keeping it up-to-date and comprehensive and making it easier to find out what provision is available and to identify the most suitable ALP for each pupil.

We propose that the framework has two provider lists: one for full-time provision offered as an alternative to mainstream school and one for part-time provision intended to be complementary to school.

Both schools and the local authority will be able to purchase alternative provision from the dynamic purchasing system either by block contract or individual purchase. Decisions to purchase from the DPS will have to be fair and transparent and made either as a direct award or following a mini competition, the detail of which will be made clear to the providers from the outset. There will need to be clear criteria for opting for the chosen provider which are likely to relate to price, quality, suitability and pupil choice.

Any places or contracts secured by the local authority will be procured only from providers on this DPS. The intention is that schools will commit to do the same, and this will give them confidence in the quality of provision as well as assurance that their purchases are consistent with procurement rules. We will simplify the contract documents and referral forms, with input from school commissioners and providers, so that they are fit for purpose and regularly used. The intention is that both the council and schools will use the standard contracts for all ALP purchased from the DPS.

9.2. Contracts, quality and performance

We will have contracts or service level agreements for all provision, all of which will include a clear and concise set of outcomes measures and regular reporting arrangements. These outcomes will be aggregated by provider to enable commissioners to determine how effective the provision is. Providers will also be required to record and report outcomes for individual pupils including tracking and reporting on individual pupil attendance and academic progress. Full-time providers will be required to offer a flexible, personalised curriculum which will include English and Maths for all pupils.

The ALP standard contract will require that providers develop an individual learning plan for each pupil. Once assessments have been completed, this plan will have to include the plan to re-integrate the pupil back into mainstream or specialist school, move to long-term KS4 ALP or move on to suitable post-16 education, employment or training. The outcomes monitored will include at least one long-term outcome to monitor the success of the ALP provider in supporting sustainable transition to school (mainstream or specialist) or post-16 provision (e.g. record destination six months after end of placement).

The contract will also clarify the obligations of commissioners and referrers. This will include giving ALP providers all relevant information about a pupil at the start of a placement and, for full-time

placements, visiting the ALP provision shortly after the start of a placement. We will also develop a new standard referral form and the ALP hub will make sure the referral information provided by commissioners is completed in full.

The ALP hub will arrange regular quality assurance and contract management visits to all providers to make sure that contract requirements are met and pupils are being supported to achieve outcomes.

We propose that the ALP hub is run by the local authority (in the central commissioning team), jointly funded by the local authority and schools. We will continue to work with schools to identify what support they want from the hub, how it is funded, and whether the local authority is the best provider.

9.3. ALP hub

The proposal is that the ALP hub would be jointly funded by the local authority with contributions from schools (and possibly some Fair Access funding). We are in discussion with schools on this proposal to get their views about what support schools want from the HUB and their respective financial contributions. The diagram and table below set out the functions the local authority is offering through the ALP hub.



	Function	Details
1	Procurement and management of ALP framework and procurement of places	<ul style="list-style-type: none"> • Preparation of contract documents • Run tender process for framework including evaluation of applications • Process and evaluate new applications • Update provider information on ALP website • Negotiation and preparation of contract paperwork
2	Provide advice and guidance to schools on options and PEX – for ALP and early intervention	<ul style="list-style-type: none"> • Hub staff with knowledge of local ALP, SEMH provision and early intervention available and provide telephone advice to schools • Publish guidance & FAQs on website • Share good practice and feedback regularly to panels, local panel statistics and city wide statistics to support performance and development of good practice • Maintain and update ALP website
3	Process referrals & support Pathway Panels	<ul style="list-style-type: none"> • Refer into additional support services where schools require • Service the panels (arrange meetings and venues, circulates paperwork, records decisions) • Check paperwork in advance of panels to make sure complete and consider options for each child – staff provide advice to panel
4	Finance and budget control	<ul style="list-style-type: none"> • Process payments for placements agreed by panel • Budget management (including notional panel budgets) • Ensure permanent exclusion funding is transferred to receiving school • Draft information reports for Schools Forum
5	Collect & report data including tracking individual pupils (attendance, attainment, etc.) and monitoring outcomes Monitoring outcomes	<ul style="list-style-type: none"> • Receive and check tracking data for all pupils in full-time ALP and monitor attendance and pupils missing education • Identify issues relating to individual pupils and make sure action is being taken or report • Consolidate data and analyse, producing 6-monthly reports to inform contract management • Collect outcomes data from all providers and generate reports on each provider • Get pupil and parent feedback • Produce annual reports
6	Quality assurance and contract management	<ul style="list-style-type: none"> • Coordinate all QA – undertakes joint inspections with teachers from schools and writes up QA reports • Use QA to inform contract management and vice versa • Publish QA scores on ALP website • Record output data for all providers (number of pupils placed and number of sessions provided) • Contract management reviews 6 or 12 monthly – to consider output, outcomes and value for money, informed by results of QA • Prepare performance review reports for each provider (linked with QA reports)
7	Strategic oversight and SEMH whole system and support to ALP market	<ul style="list-style-type: none"> • Arrange and attend quarterly provider forum • Publish guidance and good practice on website • Support providers to improve through QA and contract management improvement • Coordinate sharing CPD across AP and schools and identify gaps • Provide termly evaluations based on data re performance • Provide co-ordinated CPD offer • Advice and guidance on provision improvements

9.4. Provision

There needs to be a range of quality provision across the city, in the right locations so that pupils do not have to travel too far. For key stage 3 and 4, secondary schools are liaising with the local authority to develop local solutions in each of the three school areas.

9.4.1. Key stages 1 & 2

We wish to eliminate the permanent exclusion of primary school children and discourage long-term placements in ALP. The local authority will not commission any ALP for these pupils and instead will increase the availability of outreach and early intervention places, front loading support to deal with issues earlier. We will fund SEMH special schools (or mainstream schools working in partnership with an SEMH special school) to run 'Early Intervention Bases' (EIB) which will provide outreach to pupils and/or mainstream schools as well as providing early intervention places at the EIB. The EIBs will use Nurture or Thrive approaches with the aim of helping pupils to stay in mainstream school or re-integrate back to mainstream school after a period in the EIB. A minority of pupils will progress on to a special school place if they have an EHCP and that is the right option. All referrals to the EIB will be approved (and reviewed) by an area panel. Placements will be between 12 weeks and one year in duration, depending on the needs of the child and the best timetable for re-integration.

Special schools will also play a key role in the whole system, helping with the early identification of pupils at risk and providing outreach support to schools and pupils while they are in mainstream school including periods of re-integration.

Primary schools have indicated that they need to refer pupils off-site to either SEMH bases or independent ALP on a part-time or revolving door basis. They view such provision as beneficial to the pupil and the school as respite, as well as an opportunity to provide specialist support to pupils (and their families) in their social and emotional development, and to engage them in learning. To ensure there is sufficient provision across the city, there will need to be good quality, independent ALP available from which schools can purchase part-time and revolving door places. We will encourage schools to commit to making all such purchases from the new ALP framework.

9.4.2. Key stage 3

Schools report a rising demand for KS3 provision. Our priority, similar for KS1 and 2, is to enable early intervention and re-integration to mainstream or special school where appropriate – rather than long-term placements in ALP. It is important that KS3 students have access to a broad curriculum which will not limit their future progression. Our plan is that local-authority commissioned provision for these students is 'school-like' provision (either in a pupil referral unit or AP free school) rather than independent ALP. We plan to increase the availability of places at KS3 to enable early intervention and help to stabilise students to achieve their potential at KS4.

We will allocate local-authority commissioned places proportionately to the three school areas, to encourage consistent approaches and fairness to schools in the different areas. All placements will have to be approved (and reviewed) by an area panel. Places will be for pupils who are permanently excluded or at risk of exclusion.

There is currently no 'school-like' alternative provision in the North and schools in that area are leading the development of a local solution. This may involve schools setting up their own

provision or supporting a PRU or AP free school to be established in the North. In the meantime, we will fund St Matthias PRU to run a 15 place Early Intervention Base in North.

We also recognise that independent ALP, including provision that is not 'school-like' has a significant role to play at KS3, in providing short-term intervention and part-time provision. It is important that there is a range of quality KS3 options available on the new ALP framework for schools to purchase.

We will encourage and support the hospital education PRU to apply to join the framework and to offer provision to pupils with anxiety and/or school refusers.

9.4.3. Key stage 4

Our priority at KS4 is that, where possible, students are in suitable long-term placements where they can work to gain suitable qualifications and are supporting to prepare for sustainable post-16 destinations. Students are likely to be most successful in ALP if they start at the beginning of year 10. We will also ask providers to allow year 11 students to start two-year programmes that carry on into year 12 (to give students a greater chance of achieving GCSEs and other qualifications, without requiring them to move on at KS5). We will need to identify the best options for funding at year 12.

We will allocate some current PRU places as KS4 (10 at Matthias and 10 at Lansdown Park) and will fund 10 new places in North (likely to be in a PRU satellite initially).

Providers have argued strongly that they need block contracts in order to plan and recruit staff. For this reason, we will have four block contracts for ten places each (awarded to full-time providers on the framework). In order to encourage diversity in the local provider market, these block contracts will be awarded to a minimum of three different providers. We also want to ensure there is provision in different areas of the city, so we will require that each block of ten places is delivered from different premises and will aim for at least ten in each area of the city (North, East Central and South).

We plan to divide the remaining ALP budget for KS4 provision proportionally across the three areas. These area budgets will be allocated to the area panels. All placements will be approved by the panels and funding arrangements agreed in panel (including possible joint-funding agreements between a school and the local authority). The budgets will be used to make individual purchases from the new ALP framework, either from ALP providers or suitable other 14-19 education/training providers. Placements will be for students who are permanently excluded or at risk of permanent exclusion.

As above, schools are likely to wish to purchase additional ALP provision from AP providers on the new ALP framework. We will encourage the hospital education PRU to apply to join the framework and to offer provision to pupils with anxiety and/or school refusers. We will also expect the new AP free school (Bristol Futures Academy) to apply to join the framework.

9.4.4. Recommendations for local authority funded provision

The tables below set out the local authority's current view about the number of places that are likely to be required to ensure there are sufficient places for any pupils who are permanently excluded. (NB. If permanent exclusions reduce, these places would become available to non-excluded pupils.) All placements would be into local authority funded ALP and SEMH provision would be determined by Pupil Panels. Additional places (part-time or full-time) could be purchased from ALP providers on the framework, funded by schools.

Hospital education and the Meriton (school for young mothers) are unaffected by these proposals and will continue to operate. The Leap will close.

Key stage 1 & 2 provision – alternative learning and SEMH special school

CURRENT 2014-15 local authority commissioned provision (number of places funded)			
Type of provision	North	East Central	South
ALP (independent ALP or PRU)	10 (independent ALP – KidsCo)	4 (school-based ALP – CLF Studio)	
Specialist SEMH	54 Woodstock 7 (resource base – Filton Avenue)	None	60 KnowleDGE 15 (resource base - Greenfield)
Total: 14 ALP, 21 SEMH resource base, 114 SEMH school			
Findings			
<ul style="list-style-type: none"> At April 2015 there were 38 pupils in ALP, resource bases or not placed but supported by KnowleDGE specialist SEMH school By home address: approximately 25 % North, 25% East Central, 50% South; by population: 40% North, 25% East Central, 35% South The projected increase in Bristol's KS2 population by 2019 is 22% in North, 26% in East Central and 21% in South and 22% citywide LA annual spend on independent ALP is £126,750 			
What is needed			
<ul style="list-style-type: none"> Frontload support and enable early intervention. The proposal is to support 45 pupils (15 in South, 15 in North, 15 in East Central). Focus on school-like provision, either SEMH Early Intervention Base (EIB) enabling integration to mainstream school or move on to special school if appropriate or outreach support to pupil in mainstream school Places are for pupils at risk of exclusion or those who have been permanently excluded where provision from day 6 is needed All EIB places should be agreed by panels A team around the child approach which includes specialist outreach to enable mainstream schools to effectively provide different levels support and to facilitate better links with Early Help and improve pupil outcomes 			
Commissioning recommendations for local authority funded provision			
<ul style="list-style-type: none"> LA will commission outreach from with special schools or mainstream schools working in partnership with a special school. Initially these will be commissioned as pilot LA funding stream – £900K p.a. (for 3 x 15 pupils). 			
North	East/Central	South	
One EIB supporting 15 pupils	One EIB supporting 15 pupils	One EIB supporting 15 pupils	
Total 45 (pupils supported by EIBs or existing resource bases) Plus SEMH special school places			

Key stage 3 provision - alternative learning and SEMH special school

CURRENT 2014-15 LA commissioned provision (number of places funded)			
Type of provision	North	East Central	South
ALP (independent or PRU)	None	20 (pupil referral unit – St Matthias)	10 (independent ALP – KidsCo) 20 (PRU – Lansdown Park)
Specialist SEMH	30 (Gateway School)	None	30 KnowledGGE
Total 50 ALP and 60 SEMH school			
Findings			
<ul style="list-style-type: none"> At April 2015, there were 60 key stage 3 students in external ALP (PRUs were over numbers) By home address: approximately 50% South, 25% North and 25% East/Central; by population: 40% North, 25% East Central, 35% South The projected increase in Bristol's KS3 pupil population is 31% in North, 31% in East Central and 20% in South and 27% citywide LA annual spend on external ALP is £137,500 			
What is needed			
<ul style="list-style-type: none"> Focus on early intervention, support, and re-integration or transition to mainstream or specialist school or long-term KS4 ALP. Preference for school-like KS3 ALP through PRU or AP free school. Pupils at KS3 should have access to curriculum that does not limit future options and prepares for progress to KS4 LA projection of need at KS3 is an increase of 60% across the city, i.e. from 50 to 80 ALP places Allocation of places to be split across the three areas, proportionate to population with uplift for South and East/Central to reflect higher levels of deprivation. Places are for pupils at risk of exclusion or those who have been permanently excluded where provision from day 6 is needed All places should be agreed by panels 			
Commissioning recommendations for local authority funded ALP			
<ul style="list-style-type: none"> These recommendations will be kept under review as the Integrated Education and Capital Strategy is developed All ALP provision at KS3 should be refocused at a PRU or Alternative Provision Free School Retaining current PRU funding plus additional core place funding for 15 places in North (£300K p.a.) 			
	North	East/Central	South
Long-term ALP requirements (by September 2019)	25 ALP places required (AP Free School, PRU or Early Intervention Base)	25 places at either: St Matthias PRU, or New Free School if established	30 places at Lansdown Park PRU
Interim arrangements (from September 2016)	15 places in pilot Early Intervention Base	30 places at St Matthias PRU	30 places at Lansdown Park PRU
Total 80 ALP (75 places for interim)			

Key stage 4 provision - alternative learning and SEMH special school

CURRENT 2014-15 LA commissioned provision (number of places funded)			
Type of provision	North	East/Central	South
ALP (independent ALP or PRU)	<ul style="list-style-type: none"> - 10 (independent ALP – KidsCo) - 10 (independent ALP – Include) 	<ul style="list-style-type: none"> - 20 (PRU - St Matthias) - 5 (PRU – 222 at hospital ed) - 15 (independent ALP- Include) 	<ul style="list-style-type: none"> - 20 (PRU – Lansdown Pk) - 26¹³ (indep ALP – Include) - 15 (independent ALP – KidsCo)
Specialist SEMH	- 40 (Gateway)	- None	- 20 (KnowleDGE)
Total 101 ALP and 60 SEMH school			
Findings			
<ul style="list-style-type: none"> • At April 2015, there were 121 key stage 4 students in external ALP and PRUs • By home address: 50% South, 25% North and 25% East/Central; by population: 40% North, 25% East Central, 35% South • North has less deprivation than the other two areas • The projected increase in Bristol's KS4 pupil population is 26% in North, 18% in East Central and 10% in South and 18% city wide • LA annual spend on external KS4 ALP is c.£879,00 			
What is needed			
<ul style="list-style-type: none"> • In 2014/15 we had 101 places, from September 2015 KidsCo contracts lapsed (25 places). From January 2016 there will be 25 FTE new places at Bristol Futures Academy (AP Free School) • To reflect 2019 population LA estimates we will need c.120 FTE • Link into strategic plans for 14-19 year olds, with the more academic learners accessing a broad GCSE curriculum • All students in ALP should have a personalised curriculum including access to vocational training and accreditation. Quality maths and English teaching for all. • Focus on preparation for adulthood and supporting into appropriate post-16 provision • Places should be for pupils who are permanently excluded or at risk of exclusion and offer day 6 provision where needed • All places should be agreed by a panel chaired by a headteacher 			
Commissioning recommendations for local authority funded ALP			
<ul style="list-style-type: none"> • 25 places at BFA– with £10K per place funded directly from EFA • 10 PRU places in each area • All other provision to be purchased from framework agreement providers (including 4 block contracts of 10 places each) • Market development with 14-19 education and training providers • LA funding stream - £830,000 purchases from framework (including block contracts) • Allocation of funding and places - to be split across the three areas, proportionate to KS4 population with uplift for South and East/Central to reflect higher levels of deprivation. 			

¹³ This includes 6 pupils placed by the SEN team in addition to ALP places

Any area	North	East/Central	South
<ul style="list-style-type: none"> 10 block contract places 	<ul style="list-style-type: none"> 10 block contract places from DPS 10 places at PRU satellite (or other arrangement) Possible new provision developed by schools Panel budget for individual placements from DPS 	<ul style="list-style-type: none"> 10 block contract places from DPS 10 places at St Matts PRU 25 FTE places at Bristol Futures Academy Panel budget for individual placements from DPS 	<ul style="list-style-type: none"> 10 block contract places from DPS 10 places at Lansdown Park PRU Possible new provision developed by schools Panel budget for individual placements from DPS

9.5.

9.6. Summary of procurement recommendations

Key stage	Local authority funded provision All referrals to be approved by pupil inclusion panel		School funded provision	
	Provision	How we will secure provision	Provision	How will schools secure provision
KS 1&2	45 pupils supported by SEMH Early Intervention Bases (places for maximum 1 year placement) <ul style="list-style-type: none"> - 15 in North - 15 in East Central - 15 in South 	The LA will commission from SEMH and/or mainstream schools Estimated spend p.a. £900,000 No procurement	Full-time revolving door and part-time places in ALP for schools to purchase (schools estimate need 1-5 places per school)	Individual purchases from new ALP framework
KS3	80 FTE alternative learning places in school-like setting, i.e. in a Pupil Referral Unit, AP Free School or Early Intervention Base	The LA will commission from PRU(s) and/or AP Free Schools Estimated spend p.a. <ul style="list-style-type: none"> - Existing PRUs £1,200,000 - New EIB £300,000 No procurement	Full-time revolving door and part-time places For students with challenging behaviour and anxiety/school refusers	Individual purchases from new ALP framework Schools also considering how to develop additional own provision and/or support new AP free school bids
KS4	c.160 FTE places in AP Free School, independent AP and early entry to college/training	The LA will commission 25 FTE places from Bristol Futures Academy (AP Free School) and 30 PRU places Estimated spend p.a. <ul style="list-style-type: none"> - Existing PRUs £400,000 - AP Free School top up funding for 25 students Other places will be procured from providers on the new ALP Framework including 4 x 10 place block contracts. Estimate spend £830,000	Full-time long-term and revolving door places and part-time complementary provision For students with challenging behaviour and anxiety/school refusers	Individual purchases from new ALP framework Schools also considering how to develop additional own provision and/or support new AP free school bids

10. Funding of education for students with additional social and emotional needs

Funding to support permanently excluded and/or pushed out learners is from two main sources: Education Funding Agency (EFA) and the High Needs Block (HNB). The HNB is part of the total Dedicated Schools Grant (DSG).

The two funding strands are allocated as follows:

- The EFA funds places at special schools and resource bases / Early Intervention Bases.
- The HNB contributes to meeting individual students' needs through "top up" and is the source of funding for the local authority's existing ALP contracts.
- Individual schools receive DSG funding allocated according to a standard formula. They can use this DSG to commission provision, including ALP. They can also choose to de-delegate some of their DSG funding to the local authority to provide services to support 'pushed out' learners. Those schools that are funded directly by the EFA cannot choose to de-delegate this funding. Current de-delegated funding is £168,040.
- In April 2015 the local authority began to recoup DSG from a school when they permanently excluded a student. (If we had done this in 2014-15, we would have recouped approximately £110,000 of school DSG.) Regulations require that this funding follows the student to the receiving school or to the local authority where a return to mainstream is not appropriate.
- DSG also funds support via personalised learning plans for some 'pushed out' learners in ALP where they have statements of special educational needs (or Education, Health and Care Plans). The current annual budget allocation for this £340,000.

The EFA allows the local authority to commission specialist SEN places annually based on demonstrated need. EFA funding is 'lagged' until the following year. This means new places have to be funded from the HNB for up to 15 months from the point of demonstrating need.

EFA funding for ALP places is now capped and it is a matter for schools and the local authority to manage through existing DSG funding streams. This requires schools and the local authority to work in partnership to find the most creative, flexible and cost effective provisions to support 'pushed out' learners.

As already outlined, growth is currently two-fold: both in population and reported need, with a sharp increase in permanent exclusions. This therefore represents a significant challenge for schools and the local authority to address.

In view of this increase in need, it is unlikely that an immediate savings can be identified from existing local authority budget streams. However, if the "whole system" approach in this plan succeeds in reducing permanent exclusions, the local

authority could divert funding from ALP placements to support early intervention for all schools through partnership working and agreed unified systems.

11. Indicative timetable for local authority procurement and implementation

PROCUREMENT TIMETABLE	
Market development	Dec - Mar 2016
Tender new framework agreement and block contracts	Mar – Jul 2016
Framework operating	Jul 2016
Contract award for any block contracts	Jul 2016
New block contracts start	Sep - Jan 2017
IMPLEMENTATION	
Secondary pilot panel starts to operate	Apr 2016
First EIB pilots established	Apr 2016
Bristol Futures Academy (AP free school) opens	Sep 2016
Changes to PRUs	Sep 2016
All changes and new provision open	Jan 2017

12. TUPE

Current and potential providers will need to be aware of the implications of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

When a service activity transfers from one provider to another, the relevant employees delivering that service transfer from the old to the new provider and must transfer on the same contractual terms and conditions of employment. The new provider/employer takes on all the liabilities arising from the original employment contracts. The council will obtain from current providers basis information about the employees who will potentially be affected by this commissioning process.

Bidding providers will need to consider the cost and other implications of TUPE. The council will provide bidders with the information it has collected from current providers about the employees who will be potentially affected. Providers must seek their own legal and employment advice on TUPE. It is the responsibility of bidders/providers to satisfy themselves regarding TUPE requirements.

Appendix A – List of Acronyms

General

AEP	Alternative education provision
ALP	Alternative learning provision
AP	Alternative provision
ASC	Autism spectrum conditions
BCC	Bristol City Council
CPD	Continuing personal development
DfE	Department for Education
DPS	Dynamic purchasing system
EET	Engaged in education, employment or training
EFA	Education Funding Agency
EHCP	Education, Health and Care Plan
FTE	Full-time employment
HNB	High needs block funding
IAP	Independent alternative learning providers
KS1	Key stage 1 (year 1-2)
KS2	Key stage 2 (year 3-6)
KS3	Key stage 3 (year 7-9)
KS4	Key stage 4 (year 10-11)
LA	Local authority
LDD	Learning difficulties and disabilities
NEET	Not in education, employment or training
PEX	Permanent exclusion
PRU	Pupil referral unit
PSHE	Personal social and health education
PTE	Part-time employment
QA	Quality assurance
RPA	Raising the participation age
RONI	Risk of NEET indicator
SEN	Special educational needs
SLE	Specialist Leaders of Education
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006
VCS	Voluntary and community sector
VCSE	Voluntary, community and social enterprise

Category codes for Special Educational Needs

ASD	Autistic Spectrum Disorder
BESD	Behavioural, emotional and social difficulties (has been replaced by SEMH)
HI	Hearing Impairment
MLD	Moderate Learning Difficulty
MSI	Multi-Sensory Impairment

NSA	SEN support but no specialist assessment of type of need
OTH	Other Difficulty/Disability
PD	Physical Disability
PMLD	Profound & Multiple Learning Difficulty
SEMH	Social, Emotional and Mental Health
SLCN	Speech, Language and Communication Needs
SLD	Severe Learning Difficulty
SPLD	Specific Learning Difficulty
VI	Visual Impairment

Meeting the needs of ‘pushed out’ learners – Education for students with additional social and emotional needs

Summary of consultation feedback and our response

On 14th September 2015 we published a draft commissioning plan and consulted on it for 12 week consultation to seek feedback on our proposals (summarised in the table below).

Stakeholders	Method	Number of participants
All stakeholders	Completed e-survey	60
School headteachers, principals and governors	Attended workshops and meetings	135
ALP providers, schools and practitioners	Attended 2 x consultation events	55
ALP and post-16 providers	Attended workshops and meetings	35
Students in ALP	3 x focus groups	10
Parents and carers of students in ALP	Phone interviews	9

Your feedback	Our response
Objectives, outcomes and ‘whole system’ approach	
<ul style="list-style-type: none"> Broad agreement (96% of survey respondents agreed with the proposed objectives and outcomes). Many suggestions about how to improve outcomes including the need for ‘distance travelled’ measures. Whole-system approach welcomed. Respondents identified a number of key ingredients to make the system effective e.g. need for consistency and improved partnership working. 	<p>We will</p> <ul style="list-style-type: none"> Publish feedback so it is available to partners. Take suggestions into account as we implement the proposals. Develop outcomes measures that include ‘distance travelled’.
Early intervention	
<ul style="list-style-type: none"> Agreement that effective early intervention is crucial. Need to involve parents and pupils. Schools and parents need more information about what is available. Early intervention is vital for children of all ages. There can be delays getting top-up 	<p>We will</p> <ul style="list-style-type: none"> Make sure parental involvement is prioritised. Make sure the Local Offer is regularly updated and provides clarity about what is available. Develop a flowchart showing SEMH pathway and publish on SEND pages of the council’s website.

<p>because you can only apply in November or May.</p>	<ul style="list-style-type: none"> • Pilot an extra top-up panel in Jan/Feb.
<p>Placement panel</p>	
<ul style="list-style-type: none"> • Broad agreement (73% of survey respondents agreed, 23% didn't know, 5% disagreed). • Secondary school heads voted to introduce a pilot panel to start operating April 2016. • Need commitment from schools not to place pupils in full-time ALP without going through the panel. • Panel members need to have a mixture of expertise and be very well informed about the needs of pupils and all options available. • Some practical concerns about how the panels will operate and how decisions will be enforced. • Parents gave us feedback about how they would like to have their views heard at the panel. 	<p>We will</p> <ul style="list-style-type: none"> • Make sure parents' views are represented. • Use consultation feedback to inform the design of the panel arrangements • Make sure the panel makes robust, evidence-based decisions. • Publish details of panel arrangements on the council's website. • Develop an escalation policy for instances where schools do not comply with panel decisions (this will include reporting a school to the Secretary of State or Education Funding Agency if necessary).
<p>Allocation and funding and places</p>	
<ul style="list-style-type: none"> • There were mixed views about the proposal to allocate funding and places proportionately to the three school areas (44% of survey respondents agreed, 41% didn't know and 15% disagreed). • Most comments were that the allocation of budgets should be proportionate to need, deprivation and poor outcomes in the area. 	<p>We agree</p> <ul style="list-style-type: none"> • It is important to allocate places and funding to areas based on projected need, so that it is both fair and transparent. <p>We will</p> <ul style="list-style-type: none"> • Review our formula for calculating the allocations so that it reflects recognised methodology using IDACI scores. • We will use this formula to make notional allocations to area-based budgets. We will review quarterly and will be able to move monies across areas if necessary.
<p>Framework</p>	
<ul style="list-style-type: none"> • Broad agreement (74% of survey respondents agreed, 19% didn't know and 7% didn't agree). • Secondary headteachers have voted to confirm they want a new open framework. • Framework needs to be well promoted, up to date and open to a wide range of new providers on a regular basis. 	<p>We will</p> <ul style="list-style-type: none"> • Establish a dynamic purchasing system. • Set high quality and safeguarding thresholds to get onto the framework. • Remove providers from the framework if they cease to meet any of the framework criteria including quality. • Promote the DPS to schools with help on how to use it.

<ul style="list-style-type: none"> Providers should meet a high quality threshold to get onto the framework and be inspected regularly. 	
Quality assurance and monitoring	
<ul style="list-style-type: none"> Consultees made some practical suggestions about how to quality assure ALP provision and measure outcomes. These included assessing the suitability of provider premises, the need for individual pupil outcomes, and the advantages of using a shared management information system. 	<p>We will</p> <ul style="list-style-type: none"> Do proportionate quality assurance of all providers, including part-time providers (ideally involving schools to assess the quality of teaching). Have safeguarding criteria to get onto the framework relating to the quality, safety and suitability of premises (and all full-time providers will have to be DfE registered, which also means their premises have been assessed to be suitable). Have consistent outcomes measures, including distance travelled, for all intervention and ALP so that we can compare the effectiveness of different provision.
Key stage 1 & 2 proposals	
<ul style="list-style-type: none"> Broad agreement to keep learners in mainstream education with outreach support from SEMH specialists (59% of survey respondents agreed, 30% didn't know, 11% disagreed). Primary schools told us they would like to have more outreach support from people with expertise - from SEMH schools or the Inclusion Team. Some respondents were concerned there might not be enough independent ALP providers at KS1 & 2 for schools to commission. 	<p>We will</p> <ul style="list-style-type: none"> Set up pilot 'Early Intervention Bases' (EIB) and review their effectiveness. Undertake market development in order to encourage a choice of quality independent ALP for schools seeking short-term or part-time ALP for their pupils. This will ensure there is a mixed economy of providers.
Key stage 3 proposals	
<ul style="list-style-type: none"> There was broad agreement at events for the proposal that full-time ALP for key stage 3 should be 'school-like' and in a PRU or AP free school. Survey respondents were less sure (41% agreed, 44% did not know, 15% disagreed) The main concern was that some students were very school averse, or could not cope in a crowded school environment would need an 	<p>We agree</p> <ul style="list-style-type: none"> Agree "school like" provision is not right for all learners and that independent ALP has an important role to play at key stage 3 providing short-term intervention and part-time. <p>We will</p> <ul style="list-style-type: none"> Ask PRUs to operate similarly to the Early Intervention Bases at KS3 Establish an EIB in North, supporting 15 pupils.

<p>alternative option. For this reason some respondents thought part-time ALP and short-term ('revolving door') provision had a very important role to play at KS3.</p> <ul style="list-style-type: none"> • Pupils feedback about their experiences of PRUs was variable. 	
<p>Key stage 4 proposals</p>	
<ul style="list-style-type: none"> • 69% of survey respondents agreed with the proposals, 24% didn't know and 7% disagreed. • Students need two years in ALP for years 10 and 11 to achieve their potential. • Academically able pupils must be able to study for GCSEs. • Providers cited various reasons for requiring block contracts to delivery good quality ALP. 	<p>We will</p> <ul style="list-style-type: none"> • Change our procurement plan so we have four block contracts of ten places each. • Have 30 PRU places across the city at KS4 (offering GCSEs). • Ask providers to offer a two-year programme starting in year 11 and carry on into year 12. • Encourage KS4 providers to work in partnership to share resources and extend the curriculum they offer.

Bristol City Council Equality Impact Assessment Form

v5



Name of proposal	Alternative learning provision – draft commissioning plan
Directorate and Service Area	People Directorate: Commissioning
Name of Lead Officer	Joanna Roberts

Step 1: What is the proposal?

What is the commissioning plan?

- Broad proposals developed by the local authority with schools, to integrate all types of education for pushed out learners and make sure there is enough education provision in each area of the city for students who cannot attend mainstream school.
- The local authority's plans to secure full-time education for those students it may become responsible for – either because they are permanently excluded from school or to avoid them being permanently excluded.

What are our goals?

- Improve outcomes for children and young people including attendance and progress in learning
- Make sure all pupils are in an education setting that best suits them
- Reduce / eliminate the need for permanent exclusions and reduce fixed term exclusions
- Enable all students to achieve their potential
- Make sure all students are offered full time education and feel safe
- Ensure each student progresses post-16 to suitable education, training or employment
- Reduce unnecessary travel for students

What is the role of the local authority?

- We commission school places and alternative learning provision and are responsible for ensuring there are sufficient places in our area.
- We have a duty to arrange education for permanently excluded pupils and others who, because of illness or other reasons, are unable to attend mainstream school.

- We must make sure schools and other partners are focused on safeguarding and promoting the welfare of children.
- We are responsible for promoting high standards in education.

What is the role of schools?

- Mainstream schools are committed to providing additional support and other interventions, but are not always best placed to provide it themselves – e.g. intensive support or engagement away from the school environment.
- Schools are also commissioners of alternative learning provision – purchasing full-time and part-time provision for students at risk of exclusion or struggling in mainstream school.

What is our current provision?

- We set up an alternative education provision (AEP) framework in 2012 to provide a quality-assured catalogue of providers for the council and schools to buy ALP¹. There are 17 providers on the framework offering either full-time (long term and revolving door), part-time (long term and revolving door) or preventative programmes within schools.
- We have block contracts with three ALP providers and fund places at pupil referral units. Our contracts with one provider (Kids Company) lapsed on 31.8.15. We extended our other contracts to 31.8.16) and may make purchases from framework providers in 2015-16.

What do we recommend?

A whole-systems approach

This is about all partners taking collective responsibility for pushed out learners to enable them to learn in the setting that best suits them without the need for permanent exclusion. To achieve this we propose a whole system approach, unifying provision as set out in the diagram below.

Partnership - taking collective responsibility for 'pushed out' learners

- Build trust and strong relationships across the system to promote collaborative practice and share responsibility for pushed out learners
- Strengthen partnerships between good and outstanding schools (mainstream and specialist) to support other schools and alternative learning providers
- Work together to identify the need for places and support, plan provision, improve the quality of provision and collectively support students
- We will consult with schools about how to do more to remove the perverse financial incentive to exclude students – ask if schools agree to pay the local authority the cost of a PRU placement for each exclude pupil for the rest of the financial year.

¹ The AEP framework is published here: <http://www.bristol.gov.uk/page/framework-agreement-alternative-education-provision>

Pathway - a unified SEMH (social, emotional and mental health) pathway to help improve outcomes for students

- Pupil pathway for SEMH to make sure each pupil is learning in the education setting that best suits them, without the need to permanently exclude and encouraging re-integration to mainstream or special school where appropriate.
- Area-based panels to be administered by the local authority and chaired by a head teacher. The panels will meet fortnightly to determine all placements into alternative provision, PRUs and assessment places.
- Effective early intervention – early identification of concerns, early assessment and early intervention and prevention. Schools want more effective support and guidance to enable them to effectively support and manage pupils with SEMH and to obtain SEN top-up funding when required. We will review how we commission help for schools and consider alternative models of support. This will include considering how to make better use of the expertise of SEMH specialist schools across the whole system.

Process - improving the quality of provision through effective commissioning & support

A new ALP framework agreement

We will establish an open framework which will have a web-based list of providers that satisfy selection criteria, open to new applicants every six months. Both schools and the local authority will be able to purchase alternative provision from the framework either by block contract or individual purchase.

Contracts, quality and performance

We will have contracts or service level agreements for all provision, all of which will include clear outcomes and regular pupil tracking and reporting arrangements. Full-time providers will be required to offer a flexible, personalised curriculum to include English and Maths for all pupils and an individual learning plan for each pupil working towards re-integration or suitable post-16 destinations

Alternative learning hub

The hub would support and administer the panels and carry out commissioning for both the local authority and schools. We will liaise with schools further on the role of the hub and how it is funded. We propose it is run by the local authority and jointly funded by the local authority and schools. The diagram below sets out possible functions.

Provision -- making sure there is sufficient high quality provision in the right locations

There needs to be a range of high quality provision across the city, in the right locations so that pupils do not have to travel too far. For key stage 3 and 4, secondary schools are leading work to develop local solutions in each of the three school areas, e.g. there is currently no PRU or other “school-like” ALP in North and schools there are leading plans to develop a local solution. This may involve schools setting up their own provision or supporting a PRU or AP free school to set up local provision.

Key stages 1 & 2 proposals

- Eliminate permanent exclusions.
- Significantly increase SEMH assessment places to 49 city-wide, in Early Intervention Bases located in mainstream schools and run by SEMH special schools and/or the host school.
- All placements to be approved by a panel and reviewed by the panel to ensure they are working towards re-integration to mainstream or SEMH special school.
- Schools will be able to purchase short-term part-time and full-time alternative learning provision from the new ALP framework.
- The local authority does not plan to commission any independent KS1 or 2 ALP.

Key stage 3 proposals

- Reduce permanent exclusions.
- Enable early assessment and reintegration to mainstream or special school or progression to suitable KS4 ALP where appropriate.
- Students to have access to a broad curriculum and not limit future progression.
- The local authority will commission “school-like” provision in PRUs and AP free schools – we do not plan to purchase independent ALP for KS3.
- Allocate local-authority commissioned places proportionately to the three school areas, to encourage consistent approaches and fairness to schools across the city.
- All placements to be approved and reviewed by an area panel. Places will be for pupils who are permanently excluded or at risk of exclusion.
- Schools are also likely to need to purchase additional ALP provision from AP providers on the new ALP framework.

Key stage 4 proposals

- Reduce permanent exclusions
- Our preference is for long-term placements, working to gain suitable qualifications and preparing for sustainable post-16 destinations.

- We will allocate 10 places at each PRU for KS4 and fund 10 places in the North in a satellite PRU or similar provision.
- We will have four block contracts with framework providers, each for 10 places.
- Divide the remaining local authority's KS4 ALP budget and allocate it proportionally to the area panels – for individual purchases from the new ALP framework (either from ALP providers or other suitable post-16 providers).
- Placements will be for students who are permanently excluded or at risk of exclusion.
- All placements will be approved by a Panel and funding arrangements agreed in panel (including possible joint-funding agreements between a school and the local authority).
- Schools will be able to purchase additional ALP provision from providers on the new ALP framework (including the Bristol Futures Academy).

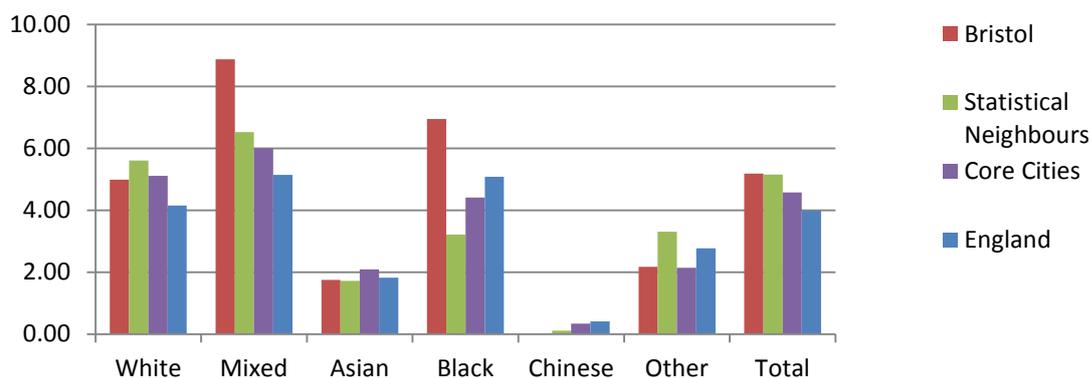
Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Ethnicity

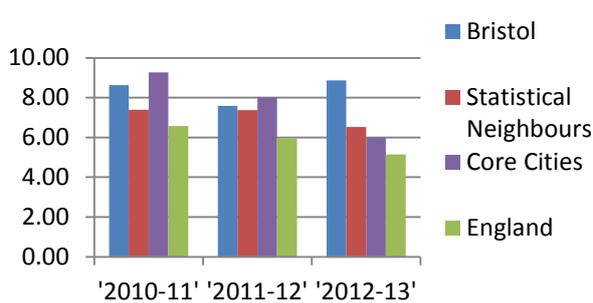
The overall Black and minority ethnicity (BME) school population of Bristol is 33%. Bristol excludes proportionally more BME pupils than other core cities, our statistical neighbours and England averages. Pupils who are multiple heritage and Black are more likely to be excluded than those who are White, Asian and Chinese².

**2012-13 fixed period exclusions by ethnic group
(% of school population)**

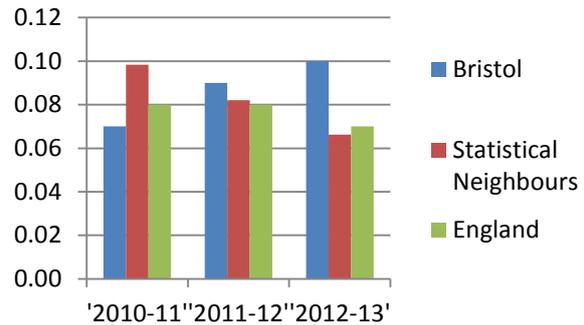


² DfE Schools, pupils and their characteristics: January 2014
<https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2014>

fixed period exclusions of mixed ethnicity (% of school population)



permanently excluded BME pupils (% of school population)



There are marked differences within the broader ethnicity groupings. DfE statistics tell us that in Bristol and other core cities Black Caribbean pupils are more than twice as likely to be excluded from school as Black African pupils.

	Core cities	Bristol
Mixed		
White and black Caribbean	7.90%	11.76%
White and black African	5.66%	11.54%
White and Asian	4.03%	3.58%
Any other mixed	5.36%	6.78%
Black		
Black Caribbean	7.30%	11.63%
Black African	2.97%	5.02%
Black other	4.58%	8.76%

% of school population with at least one fixed period exclusion

Gypsy Roma and Traveller (GRT) pupils are more likely to be excluded from school than their peers, and have the poorest educational and health outcomes of any ethnic group nationally³. Gypsy and Traveller families have the poorest self-reported health and provide more unpaid care than any other ethnic minority⁴. GRT families may require freedom to be mobile for cultural, economic and safety reasons, and often experience severe social exclusion i.e. frequent material poverty, degraded environments, inappropriate or poor housing with severe impact on health, increased risk of accidental injury, problems of access to health and education services. In addition they may experience high levels of racism, discrimination and stigmatisation. Parents may disguise poor literacy to avoid risk of feeling shamed and be reluctant to ask for extra help for children in education.

An under-representation of BME staff in schools may contribute to a breakdown in the relationship between schools and BME pupils, leading to exclusion. Some BME

³ DfE research report – “Improving the outcomes for Gypsy, Roma and Traveller pupils” 2010

⁴ONS, Ethnic variations in general health and unpaid care provision, 2011

pupils in ALP told us in focus groups that lack of staff diversity contributed to their problems in school.

Stakeholders have suggested schools may indirectly discriminate against BME pupils due to lack of cultural competence. Rules about appearance may penalise BME pupils who dress differently or have different hairstyles. Conduct rules may not take into account the diversity of culture around language and ways of demonstrating inter-generational respect⁵.

Research indicates Black and multiple heritage pupils in England (especially boys) are frequently associated by school staff with criminality, violence and hyper-sexuality e.g. groups of BME friends and siblings labelled as a 'gang'. Youth workers and education professionals in Bristol have told us that BME pupils may struggle to understand their own cultural identity.

Just as there is a disproportionately high 'stop and search' rate of ethnic minority young people by police⁶, BME school children may face additional discrimination because of their visibility.

Parents who have migrated to England or who are perceived as not understanding the English education system are particularly vulnerable to poor communication from schools regarding their child's exclusion⁷. Barriers include understanding a schooling system which is different from the one that they attended, and lacking the experience and confidence to interact with school staff and advocate for their children⁸. Both parents and pupils face an extra barrier to communication if they speak English as an additional language.

Racism by pupils is an issue in Bristol schools. Local charity SARI (Stand Against Racism and Inequality) have seen an increase in demand for services requested by schools and colleges aimed at children and young people who have been perpetrators of hate crime to increase their understanding and respect.

Sex (Gender)

About two thirds of pupils placed in alternative provision are male. In Bristol and nationally boys represent over three quarters of the total number of permanent exclusions from school.

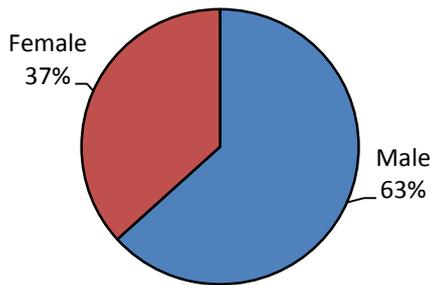
⁵ Improving Alternative Provision, Charlie Taylor, The Government's Expert Adviser on Behaviour (DfE 2012)

⁶ <http://www.theguardian.com/law/2013/apr/22/ethnic-minority-britons-stop-search-white>

⁷ Mapping the Exclusion Process: Inequality, Justice and the Business of Education. Research report for Communities Empowerment Network. Prepared by Christy Kulz March 2015

⁸ [Black Parents and their Children's Education - Runnymede Trust 1999](#)

pupils in Bristol ALP by gender

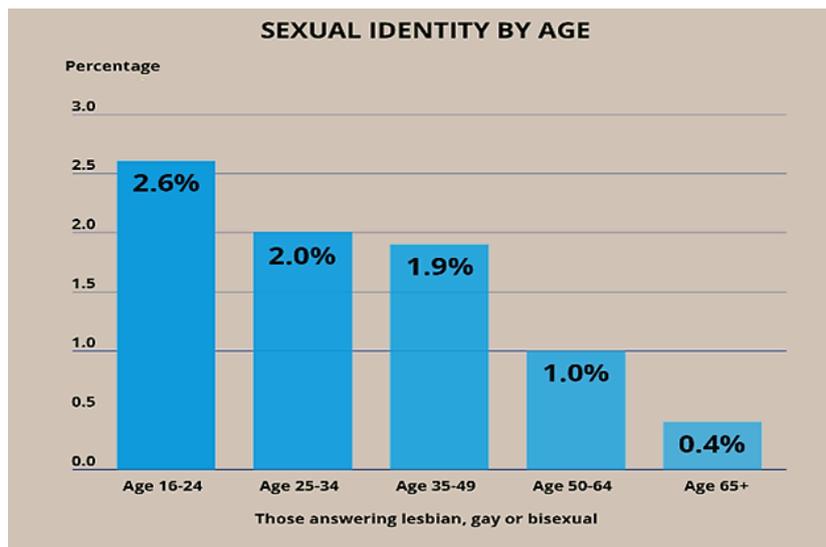


Focus groups told us there was discrimination relating to rules of dress, appearance and conduct that apply differently to boys than they do to girls, a theme which has been highlighted nationally⁹. Some girls told us they were unhappy about the condition of school toilets, and that this was distressing to them.

Some ALP providers told us that girls they work with are generally less challenging and more academically able than the boys. They suggested this could be because schools have a lower tolerance for antisocial and disruptive behaviour in girls, leading to girls being excluded or referred to ALP at a lower threshold. Stakeholders suggested boys are expected by staff to exhibit more aggression and so this is normalised and accepted. Pupils in focus groups also felt that boys and girls had sanctions applied differently. We will ask pupils and professionals to tell us more about pupils during our consultation period.

Sexual Orientation

Older research says 1 in 10 in a classroom would identify as LGBTQ and this rate could be more now. The table below¹⁰ shows that younger people are more likely to identify as lesbian, gay or bisexual, although under-reporting is still likely.



⁹ Improving Alternative Provision, Charlie Taylor, The Government's Expert Adviser on Behaviour (DfE 2012)

¹⁰ Sexual identity in the UK - Integrated Household Survey - January to December 2012, ONS

National research¹¹ indicates that homophobic bullying continues to be widespread in Britain's schools: More than half (55 per cent) of lesbian, gay and bisexual pupils have experienced direct bullying.

Homophobic language is widespread in schools. A national report indicates that almost all young people hear the word 'gay' used to describe things that are defective or inferior, and 96% hear homophobic language used as a personal insult. Only half of gay pupils report that their schools say homophobic bullying is wrong, even fewer do in faith schools (37%). Homophobic comments are used routinely (mostly by boys) to humiliate and control others (primarily other boys)¹². Three in five gay pupils who experience homophobic bullying say that teachers who witness the bullying never intervene. 17% said their teacher and other school staff made homophobic comments (22% in faith schools) .

Homophobic bullying has a very damaging impact on young people's school experience. One in three (32%) gay pupils experiencing bullying said they changed their future educational plans because of it.

People who are bullied are at a higher risk of suicide, self-harm and depression. Two in five (41%) have attempted or thought about taking their own life directly because of bullying and the same number say that they deliberately self-harm directly because of bullying¹¹.

Disability

Many children and young people who have SEN may have a disability under the Equality Act 2010 – that is '...a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities'. This definition includes sensory impairments and long-term health conditions. Children and young people with such conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a disabled child or young person requires special educational provision they will also be covered by the SEN definition.¹³

Research indicates that nationally children with special educational needs (SEN) or medical conditions are still being excluded, singled out for negative treatment, taught separately, and banned from activities for reasons other than discipline. Some schools are failing to offer suitable provision for pupils as set out in their Statement or Education Health Care Plan (EHCP), and then not allowing them a full timetable offer on the basis that their needs cannot be met¹⁴.

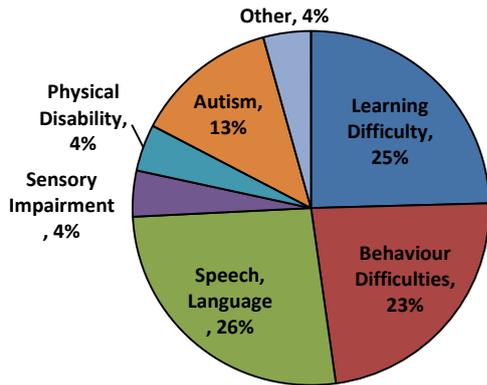
¹¹ 'The School Report' - The experiences of gay young people in Britain's schools in 2012; Stonewall, 2012

¹² Gruber JE, Fineran S. Comparing the impact of bullying and sexual harassment victimization on the mental and physical health of adolescents. Sex Roles. 2008

¹³ Special educational needs and disability code of practice: 0 to 25 years - DfE 2015

¹⁴ Improving Alternative Provision, Charlie Taylor, The Government's Expert Adviser on Behaviour (DfE 2012)

Primary type of need of Bristol SEN pupils



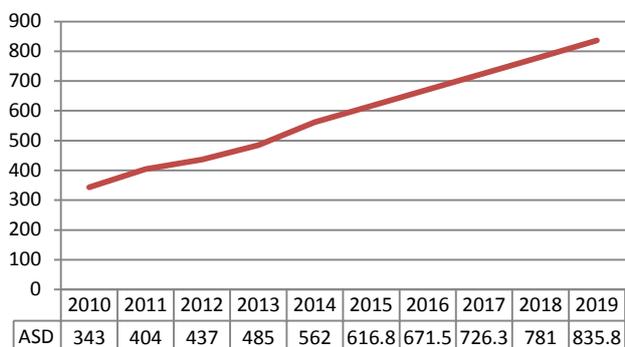
In the 2011 census 3,250 children in Bristol had a "limiting long-term illness or disability". This was 4.1% of the local child population, higher than the national average of 3.8%. Of these 1,300 (1.7% Bristol, 1.6% England) had their daily activities limited a lot and 2,000 (2.5% Bristol, 2.2% England) limited a little.

BCC projections show an upward trend in future numbers of pupils with SEN. BESD, now called SEMH (social emotional and mental health difficulties), is likely to increase broadly in line with overall SEN trends, whilst ASD (Autism Spectrum Disorder) is set to increase at a faster rate.

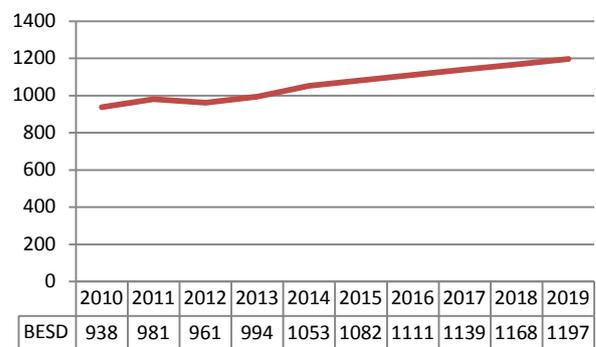
Nationally children with special educational needs (both with and without statements or EHCP plans) account for 7 in 10 of all permanent exclusions, and those with statements are six times more likely to be excluded from school than their peers¹⁵ However this data is not published at a local authority level so we cannot compare Bristol with other cities. In 2014 17.7% of pupils in Bristol had special educational needs and 2.7% had an SEN statement. However the proportion of SEN pupils has fallen slightly in recent years from 18.3% in 2009¹⁶.

Bristol SEN Projections

Number of pupils with ASD needs (Bristol schools and PRUs)



Number of pupils with BESD needs (Bristol schools and PRUs)



¹⁵ DfE. Permanent and fixed-period exclusions in England: 2012 to 2013. *Department for Education - Statistics*. [Online] 2014. <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2012-to-2013>.

¹⁶ Statistics Collection (Special Educational Needs). *Statistics Collection (Special Educational Needs)*. [Online] 2014. <https://www.gov.uk/government/collections/statistics-special-educational-needs-sen>.

Currently 23% of SEN pupils in Bristol have behaviour difficulties, and Bristol schools say most of the children then placed in ALP exhibit social emotional and behavioural difficulties. Nationally children with a diagnosed mental health problem are 17 times more likely to be excluded from school than their peers¹⁷. The most common issues for boys are often perceived as 'conduct problems' (e.g. troublesome, aggressive and antisocial behaviours), whereas for girls they are perceived to be emotional difficulties. Nationally around 10% of children aged 5-16 are experiencing a clinically diagnosable mental and emotional health disorder at any one time. Of these around 6% have a conduct problem and 4% have an emotional disorder¹⁸.

A national survey suggests that around 7% of 15-16 year olds self-harm. There is proportionally more self-harm in Bristol adolescents than in England overall. In 2012-13 over 400 young people were admitted to hospital because of deliberate self-injury.

Although there isn't enough robust evidence to show that mental and emotional health problems like anxiety and depression are actually increasing in children and young people¹⁹, there is a demand for extra capacity in local support services, and health and education professionals tend to report an increase in prevalence.

Religion

We have not found evidence or been told about religious discrimination relating to alternative learning provision or school exclusions in Bristol. However according to the Office for National Statistics, around 33% of British Muslims of working age have no qualifications - the highest proportion for any religious group in this country - and Muslims are also the least likely to have degrees or equivalent qualifications. The age profile of the Muslim population living in Bristol is much younger than that of the population as a whole - almost 40% of Muslims are children aged under 16 compared to 18% of the total population²⁰.

When there are differences in the performance of pupils at faith schools and non-faith schools, it is not clear whether this has to do with school ethos, or an admissions policy which filters the demography of pupils and their families.

Being pregnant or having a child

Currently most young mothers of school age in Bristol of school go to The Meriton PRU, but it is possible for young mothers to stay on at their mainstream school if they have enough support in place.

The Meriton PRU currently provides education at KS4 for around ten mothers who are aged 16 or less. Nearly all are supported by pupil-premium, have additional needs and have previously been educated outside of mainstream school.

¹⁷ NHS "Children and Young People Positive Practice Guide" IAPT - Improving Access to Psychological Therapies 2008 <http://www.iapt.nhs.uk/silo/files/children-and-young-people--positive-practice-guide.pdf>

¹⁸ JSNA. Joint Strategic Needs Assessment 2014 Update. s.l. : Bristol City Council, 2014.

¹⁹ Association For Young Peoples Health. Key data on adolescence 2013. <http://www.youngpeopleshealth.org.uk/>. [Online] 2013.

²⁰ 2011 Census ONS Crown Copyright Reserved [from Nomis on 5 June 2013]

The Meriton has had consistently good and outstanding Ofsted reports, and can demonstrate positive outcomes for pupils. Although the curriculum is inevitably more restricted than at a mainstream school, academic performance is good for an ALP provision.

Gender reassignment

Gender reassignment is a legally protected characteristic within a wider spectrum of gender variance. There is no validated estimate of the overall numbers of Trans people in the UK. However GIRES research indicates perhaps six in 1000 people will identify as transgendered at some point in their lives²¹.

Bristol youth workers told us they thought young people these days are generally more accepting and tolerant of diversity including sexual orientation, but this is not true for gender non-conformity.

Some Trans young people seek medical intervention to halt puberty and Bristol hospital education PRU has had some pupils referred to them with gender non-conformity issues. Children who are exploring their gender identity may experience parental opposition and be deeply unhappy at home, which could affect their school life and lead to them being placed in alternative provision.

Staff may be unaware that they are working with young people considering gender reassignment or those who identify as a different gender from their birth. Although over half of Trans respondents (58%) in a recent survey knew they were Trans by age 13, approximately half had not told their family and 28% had not told anybody²². 94% of LGBTQ young people said they had not been taught anything about transgender issues in school.

Age

As a protected characteristic 'age' is not applicable in the context of education for under-18s. However participants in focus groups have told us that they are not always treated fairly in school because of their age, but that this is usually better in ALP settings - *"Staff are really nice and they treat us the age we are – not like adults - we're not adults!"*

Mainstream placements may break down when children are expected to self-regulate like adults, and staff do not take into account their cognitive and emotional immaturity. Overall ALP settings are seen by young people to provide relationships and boundaries that are more age appropriate and respectful.

Marriage or civil partnership

Not applicable

Looked after children (not a protected characteristic)

²¹ Gender variance in the UK; GIRES 2009

²² Summary of First Findings: The experiences of LGBTQ young people in England. Youth Chances 2014

Data from BCC and provided by schools shows that 8% of pupils in alternative provision in Bristol have a child in need plan, 2% are subject to a child protection plan and 8% are looked after children.

In 2013 15% of looked after children in Bristol had at least one fixed term exclusion compared to 12% for our statistical neighbours²³.

Bristol schools are expected to never permanently exclude a child in care and no looked after children have been permanently excluded for a number of years. There is a process involving the Bristol Hope virtual school for reducing fixed period exclusions of children in care.

Alternative education provision has a role to play in improving long term outcomes for care leavers as around 50% are NEET by age 19-21.

Poverty (not a protected characteristic)

72% of pupils in Bristol school commissioned ALP are in receipt of free school meals compared to 15% for secondary schools nationally. In England children eligible for free school meals are around four times more likely to be permanently excluded, and around three times more likely to be excluded for a fixed term, than children in their cohort who are not eligible for free school meals²⁴. The proportion of permanently excluded pupils who receive free school meals has increased in recent years.

2012-13	2013-14	2014-15
13 (25%)	28 (41%)	45 (50%)

Number and percentage of Bristol permanently excluded pupils in receipt of Free school Meals

Children who attend those secondary schools in England with the most economically disadvantaged pupils are excluded 40% more than those who attend schools with the least disadvantaged pupils.

In England 2012-13 there was an attainment gap of 26.5% in GCSE results (A*-C grade in English and mathematics) between those in receipt of free school meals and those who were not (38.7% vs 65.3%)²⁵.

Nationally young people who were eligible for free school meals in Year 11 were more likely not to be in education, employment or training (NEET) between the ages of 16 and 19 than those who were not eligible. At ages 16 and 17, the difference between these two groups was relatively stable (approximately 10 percentage points), but by age 19 this difference had doubled (approximately 20 percentage points).

Children from families facing economic deprivation may not have their basic needs met. For example if pupils arrive at school hungry they will be unable to concentrate

²³ LAIT Local Authority Interactive Tool. [Online] 2015.

²⁴ DfE. Permanent and fixed-period exclusions in England: 2012 to 2013. Department for Education - Statistics. [Online] 2014. <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2012-to-2013>.

²⁵ DfE. GCSE and equivalent attainment by pupil characteristics: 2013. [Online] 2014. <https://www.gov.uk/government/statistics/gcse-and-equivalent-attainment-by-pupil-characteristics-2012-to-2013>.

on learning. There is evidence of an increased demand on schools to provide basic needs for pupils such as providing breakfast and washing clothes²⁶.

2.2 Who is missing? Are there any gaps in the data?

We have good data about school exclusion but little information about the ethnicity of pupils that schools place in alternative learning. This is because of the limited response to our request for information.

We have generally good information about gender in education. We know how many boys and girls there are, how many are being excluded from school and who are placed in alternative provision.

We do not know how many pupils in Bristol schools or ALP identify as lesbian, gay, bisexual or questioning. School children are not routinely asked about their sexual orientation so we are reliant on national data. Where outside agencies (e.g. specialist youth workers) collect anonymous information about sexual orientation there are a high proportion of 'prefer not to say' responses. This may be a reflection of the way the questions are being asked.

We have good information about the overall numbers of SEN pupils with a statement or EHCP. However we don't have comprehensive information from schools about how many and what type of pupils with a disability are being placed into alternative provision.

There is a lack of robust data about pupils' religious background. Religion is often inferred by ethnicity and language (e.g. low proportion of excluded Asian ethnicity pupils). But schools do not routinely collect and share information about religious background. Voluntary questions about religion were only introduced into the census in 2001.

As with sexual orientation, children in school are not routinely asked about their religious beliefs. Where outside agencies collect this information (e.g. specialist youth work taking place in schools) the information does not appear to be complete or reliable. "None" or "not given" is likely to include those who were not asked about their religion, as well as those who do not know what their religion or belief is.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

During the analysis phase we have gathered the views of stakeholders through:

- Two workshops for stakeholders including providers, schools, and parents.
- Six focus groups with young people in a variety of ALP settings.
- Two focus groups with parent and carers of children in alternative learning.

²⁶ The Guardian <http://www.theguardian.com/education/2014/oct/14/schools-providing-basic-necessities-to-disadvantaged-pupils>.

- Initial equalities impact assessment workshop to consult those with expertise in protected characteristics and alternative learning provision.
- Online questionnaires for ALP providers
- Evaluation responses from school inclusion managers and SEN coordinators.

During the 12 week consultation on our draft plan (Sept-Nov 2015) we engaged with stakeholders through:

- An e-survey completed by 60+ parents, carers and professionals
- 3 x focus groups with students in alternative learning
- 9 x phone interviews with parents and carers of students in ALP
- 2 x consultation events for ALP providers, schools and practitioners
- A gender equalities workshop to identify issues affecting girls in ALP

We will continue to:

- Consult with stakeholders and representatives of equalities groups
- Involve young people in the design of service specifications
- Ensure that the quality assurance system of alternative learning provision promotes positive outcomes for children with protected characteristics
- Involve professionals with expertise in protected characteristics in the evaluation of tenders / appointment of providers

Step 3: Who might the proposal impact?

General issues

1	Issues	Benefit/Action/Mitigation
a	ALP settings are typically smaller than mainstream school with fewer staff and pupils. There is a risk that children with protected characteristics could be marginalised within smaller settings.	<p>At KS1-3 there is more planned provision in schools and 'school like' settings. This will minimise the risk of small setting where there could be more bullying of different children.</p> <p>All commissioned services will have a contract which will clearly state the duty of the provider to comply with the Equality Act 2010 including the duty to have due regard to equality objectives. Providers will be required to develop diversity action plans setting out the equality priorities for their service and action to achieve those priorities.</p>

1	Issues	Benefit/Action/Mitigation
b	<p>Statutory guidance requires head teachers to consider overrepresented groups when making exclusions. There is little guidance about how to do this in practice and often children reach the point of permanent exclusion before any disadvantages that have led to this are considered²⁷.</p>	<p>The proposed panels will allow discriminatory practice to be identified and challenged. Through independent scrutiny it will become apparent if a school is excluding protected groups disproportionately.</p> <p>The panel can also consider whether preparatory work by the school has been inclusive and whether future options will be inclusive. They will have an opportunity to challenge and hold discrimination to account.</p> <p>Training for panel members needs to include non-discriminatory and inclusive practice.</p> <p>Panels will be required to publish and review their equalities data annually.</p>
c	<p>The diverse needs of pupils may not be taken into consideration when placing into ALP</p>	<p>The proposed panel will enable better matching.</p> <p>Purchasing from the ALP framework at KS4 will allow more choice for students.</p>
d	<p>Lack of staff cultural awareness and diversity may lead to indirect discrimination against protected groups</p>	<p>Service specifications will require that all providers' staff are well trained in equality issues and managing these behaviours.</p> <p>Quality assurance and contract management will include discussion of what providers are doing to tackle equalities issues.</p> <p>Providers forum will encourage more partnership working between professionals and arenas for discussion of equalities issues.</p> <p>Schools and providers should have their own procedures for reporting</p>

²⁷ Mapping the Exclusion Process: Inequality, Justice and the Business of Education. Research report for Communities Empowerment Network. Prepared by Christy Kulz March 2015

1	Issues	Benefit/Action/Mitigation
		discrimination as part of their equality and diversity policies
e	We currently lack sexual orientation and religion data about ALP pupils.	We will require that providers collect and share full equality data for pupils over the age of 13, and staff
f	There may be a lack of suitable provision to meet the diverse needs of pupils	A flexible framework will allow new specialist providers to join the market in response to emerging needs.
g	The view of pupils with additional needs may not be sought	Our quality standards will include involvement of children in evaluating the suitability and effectiveness of alternative provision.

Race

2	Issues	Benefit/Action/Mitigation
a	Staff may be uncomfortable challenging BME pupils e.g. if they are racist to other BME pupils, because of a lack of knowledge and confidence.	<p>Providers forum will help workers to share expertise in cultural awareness and diversity.</p> <p>We will require providers to have robust equality and diversity policies in place to actively tackle racism and promote inclusion.</p>
b	There is currently no KS1+2 alternative provision in east and central Bristol – an area which has several localities with a high BME population.	There will be more KS1+2 provision across the city.
c	Although the overall GRT pupil population is low, their population is likely to be concentrated in certain areas e.g. where there are council operated traveller sites. As a high proportion of GRT pupils are currently excluded from school and placed in alternative provision, this may lead to	<p>Flexible framework will allow new providers in respond to emerging needs.</p> <p>Area Panel provision will allow for ‘fast tracking’ of pupils in an emergency</p>

2	Issues	Benefit/Action/Mitigation
	additional pressure on area panels to meet their needs.	

Sex (Gender)

3	Issues	Benefit/Action/Mitigation
a	<p>Schools are placing predominantly boys in some vocational ALP settings, and predominantly girls in others (e.g. vehicle maintenance vs hair and beauty). This may be stereotyping gendered career choices.</p>	<p>At KS1-3 we plan to commission more school and school-like provision. At KS4 there will be individual package purchasing which should offer more choice about environment and course, and gender-neutral options.</p> <p>We will communicate with ALP providers via the providers forum and market development events that there is a need for gender neutral options at KS4</p> <p>We will assess whether providers are offering good quality information and guidance and careers advice.</p>
b	<p>Some ALP provisions have few pupils of one gender in a cohort of another gender. This can make it harder for providers to meet their pastoral and learning needs.</p> <p>Placing pupils in smaller groups or where there are a lot more boys than girls may increase their risk of sexual bullying and exploitation.</p>	<p>Providers will be required to provide PSHE offer which should include more education on positive relationships.</p> <p>We will require providers to have robust safeguarding policies and procedures in place and staff training for all protected characteristics.</p>
c	<p>Stakeholder and focus groups have told us that academically able girls are often placed in ALP settings where there low academic expectations or opportunities</p>	<p>Girls going to inappropriate provision will be challenged by Panel.</p> <p>More school type provision will help girls who are academically brighter from</p>

3	Issues	Benefit/Action/Mitigation
		<p>underachieving.</p> <p>More choice at KS4 will enable suitably tailored placements.</p>
d	<p>The location and premises of ALP provision may increase the likelihood of risk for issues that affect girls and boys differently, such as sexual exploitation, substance misuse and street conflict.</p>	<p>We will require framework providers to have safe, boundaried premises, and we will assess the availability of nearby public transport links.</p> <p>The ALP providers forum will allow professionals to share intelligence about risks affecting groups of girls and boys.</p>
e	<p>The local authority does not plan to run its own girls only provision (currently four girls at 'The Leap' PRU). It is possible that some girls might benefit from a girls only environment in the future.</p>	<p>The flexible framework will allow for the commissioning of independent ALP provision for girls only if this is required.</p>

Sexual orientation

4	Issues	Benefit/Action/Mitigation
a	<p>Smaller provisions might intensify the negative impact of any homophobic bullying and make harder for pupils to challenge, avoid or ignore incidents.</p> <p>Staff may not challenge homophobic banter because they lack confidence or are concerned with maintaining rapport with learners.</p>	<p>Stonewall research suggests homophobic bullying of gay pupils is lower in schools that explicitly state that homophobic bullying is wrong. So we will require framework ALP providers to have clear and promoted policies and procedures to deal with homophobic bullying. Smaller provisions may also make bullying more apparent and easier to confront</p> <p>Ofsted now considers homophobic bullying as part of their inspection framework.</p>
b	<p>Providers may neglect proper discussion of LGBTQ in education on</p>	<p>Ongoing monitoring and quality assurance will assess whether sexual</p>

4	Issues	Benefit/Action/Mitigation
	sex and relationships	orientation is part of a providers' PSHE offer.

Disability

5	Issues	Benefit/Action/Mitigation
a	<p>ALP provision may be in non-accessible buildings.</p> <p>ALP provisions which are lacking in physical space may provoke feelings of claustrophobia.</p>	<p>Providers will be required to deliver services in accessible locations and make any reasonable adaptations to comply with the Equality Act 2010 and The Children and Families Act</p> <p>The proposed Pupil Panel will enable better matching.</p> <p>Purchasing from Framework at KS4 will allow more choice for students.</p>
b	<p>Children with anxiety and depression have very different needs and will often require different settings from those with very challenging behaviour.</p> <p>Some pupils with additional needs may disengage with education and get less support.</p> <p>There is some evidence that pupils with other protected characteristics may experience higher levels of anxiety and depression, leading to non-engagement.</p>	<p>Individualised placements will be purchased to meet particular needs.</p> <p>Other council commissioning outside of this plan will provide mental health practitioners embedded in schools as part of Early Help offer that will advise local Panel, schools and local authority when they think pupils would benefit from referral to ALP.</p> <p>NHS Bristol Clinical Commissioning Group will be working with key stakeholders including the NHS, Public Health, Bristol City Council, youth justice, education and voluntary sectors to further develop and implement the NHS England assured Bristol Emotional Health and Wellbeing Transformation Plan for children and young people.</p> <p>NHS England's 'Future in Mind' (2015), along with local documents such as the CYP JSNA, the Bristol Emotional Health & Wellbeing Needs Assessment and learning from recently undertaken</p>

5	Issues	Benefit/Action/Mitigation
		<p>consultation for the re-commissioning of Community Children's Health Services, will support and inform this multi-agency approach to meeting identified need in Bristol over the next five years.</p> <p>Monitoring and quality assurance procedures will require providers to evidence distance travelled outcomes for improving mental and emotional health.</p> <p>Outreach from specialist SEMH providers will allow pupils with SEN to be better supported earlier in mainstream school.</p> <p>We will invite the Bristol Hospital Education Service to join the new framework so they can offer provision to schools. This will increase the provision for school refusers.</p> <p>The ALP Providers Forum will be an opportunity to share information about other services that promote the emotional health and wellbeing of children and young people with protected characteristics e.g. Freedom Youth LGBTQ service, and Zazi – a partnership between Off The Record (Bristol) and Nilaari targeting BME young people.</p>

Religion

6	Issues	Benefit/Action/Mitigation
a	It may be harder for pupils in a smaller ALP setting to openly express religious views or observe religious duties because of a pressure to integrate with	<p>Monitoring and quality assurance of Providers will address issues such as:</p> <ul style="list-style-type: none"> • Providing opportunities and facilities

6	Issues	Benefit/Action/Mitigation
	their cohort.	for prayer where required <ul style="list-style-type: none"> • Ensuring staff have adequate cultural awareness training • Allowing CYP with religious beliefs to celebrate festivals and holidays through projects and events
b	Staff may lack skills in preventing stereotypes and Islamophobia. Also may be wary of stereotyping so fail to protect Muslim young people who are vulnerable to extremism.	ALP HUB can signpost providers to work with Multi Faith Forums who have specific youth programmes targeting young people from communities who are at risk of exclusion.

Gender reassignment

7	Issues	Benefit/Action/Mitigation
a	It is possible that staff in an educational setting will lack adequate experience on dealing with emerging issues including bullying, social isolation, anxiety and depression.	We can require ALP providers to include gender identity and transphobia in anti-bullying policies and PSHE teaching. GIRES (Gender Identity Research and Education Society) has published guidance on combating transphobic bullying in schools which we can be used by ALP staff ²⁸ . For example uniform rules should not indirectly discriminate against Trans pupils.

Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal

²⁸ <http://gires.org.uk/assets/Schools/TransphobicBullying.pdf>

By consulting with representative groups and pupils in alternative learning we have become aware of many local issues that were not apparent from national research (as identified in Section 3 above). At stakeholder events with school head teachers and others we have asked how the equality issues identified could be collectively addressed and mitigated. This process has led to the proposals in our commissioning plan.

4.2 What actions have been identified going forward?

Full details of the all the actions we have identified as part of this assessment can be found in the table at Section 3 above. Here are the main actions summarised by category:

Pupil pathway panels

We are setting up pupil pathway panels which will:

- Check that inclusive options for learners have been explored before placing into alternative provision
- Place children with protected characteristics in more appropriate settings
- Monitor the level of learners with protected characteristics being placed into alternative learning to challenge discriminatory practice.
- Identify equalities training for panel members.

Quality assurance and monitoring

- Providers joining the new framework will need to demonstrate that that they have robust equalities policies and procedures in place, and that staff are well trained in equality issues and managing these behaviours.
- Quality assurance and contract management will include a section asking what providers are doing to tackle equalities issues.
- We will collect and share full equality data for pupils over the age of 13, and staff
- We will assess whether providers are offering good quality PSHE lessons and careers advice which promotes equality.
- We will require all providers to have safe, bounded premises, and we will assess the availability of nearby public transport links.
- We will be requiring providers to show evidence of distance travelled outcomes including improving emotional health and wellbeing.

Provision

- There will be more suitable KS1+2 provision across the city.
- Outreach from specialist SEMH providers will allow pupils with SEN to be better supported earlier in mainstream school.
- At KS1-3 there is more planned provision in schools and 'school like' settings to help learners with additional needs.
- A more flexible framework will allow new specialist providers to join the market in response to emerging needs.
- KS4 there will be some block contracts plus individual package purchasing which will offer more choice about environment and course.

Market development

- We will use our revised commissioning plan, EqIA and market development events to communicate to providers the need to deliver services that meet the needs of people with protected characteristics.
- We are facilitating a new ALP providers forum which will be a forum for professionals to promote equality, share cultural awareness, and identify issues that affect particular groups.

4.3 How will the impact of your proposal and actions be measured moving forward?

We will measure the impact of our proposals as part of the ongoing quality assurance and monitoring of alternative learning provision in Bristol.

<p>Service Director Sign-Off:</p> <p>Paul Jacobs – Service Director for Education and Skills</p>	<p>Equalities Officer Sign Off:</p> <p>Anne James – Equality and Community Cohesion Team leader</p>
<p>Date: -</p>	<p>Date: - 21 December 2015</p>