REVIEW REPORT – BRISTOL ALTERNATIVE LEARNING PROVISION – OCTOBER – NOVEMBER 2020

Commissioned by Bristol City Council

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2 Review Brief

- To gain a full understanding of how Alternative Learning Provision (ALP) is currently being used in Bristol in order to enable transparent decision making for future placements and consistency across settings.
- The review will be used to inform the collaborative approach to specialist education to agree what Bristol would like to achieve with ALP and how it will be used in the future.
- It will also inform future ALP recommissioning. This links with the Inclusive City Belonging Strategy and the review of Specialist Provision, alongside the 'Written Statement of Action' (WSOA) SEND.

3 Methodology

- Online interviews with all current ALP providers at CEO and Head teacher level. Examination of data given, finance information and use of ALP via the Bristol Inclusion Panel (BIP).
- Interviews of wide range of professionals involved with students in ALP and attendance at Local Authority Officer meetings.
- Examination of School's Forum information, strategic plans, previous reviews, checking of Local Authority (LA) website information.
- Data from statistical neighbours, DfE advice and guidance.
- Deep dive of 39 case studies regarding students accessing or who have accessed ALP. Identified by using a cross section of age, gender, ethnicity and post code to select the cases in each of the main ALP settings.
- Meetings with the Chair of the Management Committee of the Bristol Hospital Education. Examination of previous review of the Meriton.

4 Executive summary

4.1 Overall Relationships

Very good relationships exist between schools and ALP Hub, and the whole team is highly thought of. Head of ALP makes excellent connections across professional boundaries and aims to collaborate with all parties involved with the children. There was evidence of good case practice witnessed during a number of team meetings attended. Providers feel well supported by the hub and report effective communications.

Generally, all Local Authority Officers are keen to improve the system for young people and are open to change. They are open about strengths and weaknesses of the organisation, with failures frequently attributed to numerous changes of senior management. There is a positive view that the new Director of Education and Skills has had a good impact on moving issues forward and working with schools. ALP providers report a lack of communication especially from Special Educational Needs and Disabilities (SEND) teams and management. The Providers would like clearer strategic direction. They also report lack of appropriate information on pupils from schools, leading to some inappropriate placements.

4.2 Data

The reviewer found that the data capture given was unreliable and incorrect on many of the fields, leading to difficulties for reporting and planning accurately. The ALP Hub collects separate data, reporting that there are difficulties using the EYES system which prevents them using the central system. The June 2020 data capture was incorrect when tested against other information from Providers and the Hub. The use of ALP over the last few years lacks centrally held data. While there is information in the 2016 ALP commissioning review that established the ALP Hub, the main data for the department is now only held by the ALP Hub team. Different teams within the LA are collecting information on the ALP pupils. For example, Safer Options teams are triaging cases with the police but they report poor health input. However, all this information is not on one IT system as yet and cannot be used for effective case planning and management.

4.3 Strategic Planning

Insufficient and incorrect data makes it difficult to strategically plan ALP. There is a whole system IT development (EYES) which isn't imbedded and requires universal data entry, which, as already mentioned, is not yet the case. The ALP Hub has very good 'separate' data to predict need but there is little evidence this has been used or reported appropriately. There was an ALP review Commissioning Plan in 2016 called 'pushed out learners', where one of the actions was to set up three eight placed KS1&2 provision and Early Intervention Bases (EIB). The base in the South of the City offers eight full time places. while the other base in the North does not offer the full-time provision. North Star developed an alternative offer based on what they could provide practically not what had been originally commissioned. Both provisions are funded on a per-place basis. North Star appear to provide a good outreach and part time programmes but no full-time provision in this area of the City does cause a travel issue for the younger pupils. An area-based needs assessment would help with development and recommissioning ALP in this area. There are a number of strategic plans, both in place and on-going for sufficiency of places across the city and it would be helpful to include the EIBs in the planning. It is worth mentioning the following two plans though there are others. These illustrate the necessary links, the first plan a whole city approach and the second focused on the delivery of the whole city plan; **One City Plan -** Mayor Marvin Rees published the city's first ever One City Plan on 11 January 2019, a first written attempt to set out the challenge and bring

the city together around its common causes. **The Belonging Strategy** is lead and developed within the Educational Directorate with a central focus of school attendance and inclusion. It is expected to be a joined up, whole system approach to trauma informed practise and adverse childhood experiences. This strategy has yet to be published and was not available for input into this report.

4.4 Cost of ALP

Bristol City Council block-purchase places at most provisions for £10,000 and top-up by £9,330. However, there are 50 commissioned places at £28,000 a place at one ALP provider = £1,400,000, 14 of these places are 'reserved' for SEND pupils with EHCPs and attract additional top-up spending from SEND. The funding for this provider is higher cost than the other providers and it isn't clear that these are 'different' children or if the provision is offering different support. The responsibility for quality assurance of all pupils need to be clarified, in particular for the SEND pupils. The SEND team monitors the EHCPs to ensure that the pupil's needs are met but does not have a quality assurance role around the SEND placements. There have been some examples of the SEND team members arranging bespoke ALP packages and the ALP Hub having little or no knowledge of this process taking place. This makes for two parallel systems for providers and different reporting systems on some of the same pupils. ALP Budget appears to be £3,514,712.67, which includes £600,000 for Early Intervention, though the cost centre only reports £300,000. The total ALP actual spend appears to be closer to £3,940,000 but the cost centres and the budget lines do not match.

Data Capture June 2020 shows a predictive spend of:

£1,300,000 for Block purchase (actual £1,400,000)

£1,200,000 for spot purchasing (which also includes some unknown income from schools)

EIBs = £360,000

(EIB actual £600,000 includes, Lansdown South, North Star and The Nest)

Education 1st = £710,615

The budget includes:

Snowdon Village = £1,083,000

Bristol Futures = £293,053

Learning Partnership West = £1,093,516

BHES Budget is £2,155,000, which (includes £150,000 for the Meriton. The charging policy of £25 a day has been suspended and needs to be reviewed and applied or cancelled.

There are a couple of providers that have gone out of business but total costs of individual programmes before closure were £98,555. (i.e. Hop, Skip & Jump £27,415)

School demands also drive the market but as already explained BCC have no sight of other school spend on ALP and so understanding the complete spend on ALP is impossible.

4.5 Finance

To a large degree the ALP budget is covering lack of SEND placements. While it is an estimate as figures and reporting varies, with approximately 70% of ALP places taken up by pupils who have SEND or are in the process of the assessment for an EHCP and this figure is 58% in the case studies. Some ALP providers are at risk of turning into special schools but are not registered as such. The SEND Budget is clearly increasing (Schools Forum papers 2020) but this cost is not included. The ALP budget is closely connected to the SEND demand, but it is unclear which areas of spend are increasing, at what rate and why. It is normal to have a certain amount of SEND pupils within the ALP but not to see the numbers at this high percentage.

While both the ALP and SEND budgets are from 'High Need' block, different LA Officers are making different placement decisions. A protocol of SEND and 'high cost' placements needs to be agreed with ALP Hub to control this area of spend.

Joint monitoring and co-ordination of all ALP placements would be advisable, some EHCP reviews include ALP Hub staff but a lack of capacity means that this doesn't happen as a matter of course. This usually happens when a pupil is placed in ALP and then undergoes assessment for EHCP. Further examination of this area of work and the cross over between the ALP and the SEND system needs to take place. While there are statutory requirements for SEND pupils, there is no obligation to monitor ALP pupils in the same fashion.

Schools are also able to apply to the Local Authority for pre-EHCP top-up funding which is supposed to prevent the need for further assessment or exclusion. It is reported that a large number of pupils receiving this type of unusual funding have SEMH needs but the exact numbers are unclear. There is also no available data on how preventative this funding support may be or how much is being spent for this provision.

4.6 Quality Assurance (QA)

While all AP schools used are now rated 'Good' from their last Ofsted inspections, there was an issue with the closure of one of the Key Stage 3/4 provisions. This provision has now transferred under the management of another provider, but this happened as an emergency and not as a planned strategy. BCC has to ensure this does not happen in other settings as there were also short notice closures of small AP providers during this financial year. There is a lack of Service Level Agreements across a number settings. There appears to only be one setting with an SLA in place

at the present time. Contract checking and general quality assurance issues for a number of settings need to be resolved. Though the Head of Safeguarding in education accompanies Officers on QA visits it is not clear how often these visits take place and the visits have been suspended due to COVID. Having safeguarding policies from settings is not enough to ensure good safeguarding working practises. The larger Providers are doing additional QA when they are outsourcing individual programmes. Schools are 'rarely' checking providers, tending to leave that to LA. Lack of capacity in the ALP Hub and difficulties for the team to challenge schools and ALP Providers means that the QA is not as rigorous as it needs to be. ALP Hub team is too small to adequately undertake Quality Assurance of ALP. Safeguarding policies are required of settings/providers, but cross triangulation is needed to ensure good practise.

4.7 <u>Information sharing</u>

There are many challenges to good information sharing, some causally linked to poor data capture as not all professionals are using the EYES/IT system. There is a further challenge with schools who use a variety of systems. The professionals interviewed, reported that it is often not clear which other professionals are involved with cases and this makes follow up weak. However, they are aware of the issue and do make efforts to link with other teams when the issues are obvious. A lack of graduated response information to BIP and ALP providers from schools was reported.

However, the small ALP Hub team has had a positive impact on reducing exclusions over the last few years and make strenuous efforts to share information on pupils. Examples of pupils with unmet and unassessed needs were identified by providers. It was referred to as the main reason for inappropriate pupil placements. Pupils accessing ALP are part of the windscreen of LA help and support but are also on the continuum of SEND. SEND is often seen as a destination for pupils rather than part of a journey. A SEMH Pathway would help schools and parents understand what support is available.

4.8 <u>Early Intervention Bases (EIB) and Support to schools</u>

There has been a reduction in the overall exclusions over the last few years and in particular the permanent exclusions, (PEX) which is primarily due to the focus and work from the ALP Hub as already described. However, exclusions are still higher than statistical and City neighbours. (See Appendix 3 - Bristol Exclusions data) The availability of EIB is poorly distributed in some areas of the City. There is more support in North and Central East than in the South of the city. Services have developed over time but may need some restricting, redefining and coordinating in order to address this problem. While there is some evidence of improving outreach from Lansdown during this academic year, this may be a temporary situation due to fewer referrals of pupils during the COVID pandemic. They have recently capped places in order to focus more on outreach. Sufficiency for outreach support for inclusion is an issue, as is service coordination from other LA inclusion teams. As

one Officer remarked 'inclusion can't wait' for COVID to disappear. Further development of EIBs especially for Secondary schools could be further developed but would require funding and agreement from schools.

4.9 <u>SEND</u>

As already stated, there are extremely high numbers of SEND pupils with EHCPs and in the progress of having EHCPs in ALP. These are the highest cost ALP placements. There are some issues that need to be considered by BCC before naming ALP on an EHCP, as it should not ideally be named on the plan unless the provision can clearly meet the children or young person's needs. One of the issues for ALP is that they are not resourced and often not trained for the needs as described on EHCPs. Lack of sufficiency in specialist placements is in the process of being addressed but is a long-term planning process. Pupil placement decision are sometimes poor and with the best intentions on occasions SEND Case Officers are arranging individual high cost bespoke programmes without further discussion with senior ALP officers. High numbers of the pupils going to ALP are then assessed with un-met needs. They go on to have EHCPs but then can't be found placements. The main presenting need is SEMH (Social Emotional Mental Health) though some pupils with ASD/Challenging behaviour have been recorded. Providers report in the case studies high numbers with speech and language problems, along with dyslexia and dyspraxia and potentially other undiagnosed issues. There are 70% of SEND pupils in the total ALP cohort and 58% of case study pupils who had EHCPs or were in the process of obtaining an EHCP.

4.10 <u>Case Studies highlights</u>

- Data supporting highlights will be found in Appendix 1 – Data supporting case study highlights
- High numbers of long-term placements were found rather than revolving door support. However, one setting did say it had better outcome of revolving door cases than the case studies picked for that setting.
- High numbers of pupils who have been moved around the system a number of times to different setting.
- Lack of sufficiency for 'hard to reach' and 'hard to place' children and young people. Children fitting settings rather than settings fitting children.
- For pupils moving schools via 'managed moves' or 'negotiated transfers', without support the chance of success at a new setting is poor.
- Potentially undiagnosed educational needs, especially speech and language problems.
- Schools looking for an ALP place before more than one mainstream school has been attempted.
- Schools being too risk averse and refusing pupils a place based on 'hearsay' of criminality rather than actual evidence.

- Lack of safeguarding information and educational difficulties being forwarded to a child's new school.
- Schools/ALPs offering pupils inappropriate amounts of offsite education due to behavioural issues.
- Some students can have to wait weeks to start at an ALP after being allocated a place at the BIP.
- Lack of graduated response and behavioural support evident at mainstream school level leading to an over reliance on ALP to manage the city's 'hard to place/reach' young people. Information from schools needs to improve.
- Evidence in the form of a young person at one ALP who has been moved around 7 schools for 'extreme' behavioural incidents that all share the same features indicative of past trauma. It is likely that undiagnosed and unaddressed learning and mental health needs have led to numerous school moves and a compounding of issues.
- Obviously, due to the COVID pandemic and time constraints, it has not been possible to hear the pupils or parent voice during this review.

4.11 <u>Post-16 concerns</u>

Lack of transition planning was highlighted for ALP pupils. Large numbers of young people are going onto college with a wide range of 'un-met' needs, some with very poor attendance. Young people who have come out of mainstream schools in their final year/eighteen months, who had support from ALP and other professionals but are then expected to cope in a college environment. Lack of good careers advice and guidance results in many becoming NEET.

4.12 <u>The Meriton (BHES)</u>

Post -16 ESFA funding needs to move out of the budget line and management of personnel transferred to the LA because this funding is targeted at students over 16. There are 15 places at £10,000 and no individual programmes are taking place. Mentoring and support to young parents is reported as positive, but this service is not managed in the appropriate setting/department.

4.13 <u>School Improvement</u>

There is a lack of capacity to support and challenge schools around the area of inclusion/exclusions. ALP Hub does this strategic work as well as all their other duties. There is new SEND School Improvement post starting in January 2021 which will be a positive move forward. However, it will be difficult for this post to also focus on ALP and SEND but there is a need to consider or resource an ALP focus within School Improvement. Lack of resources from LA means schools may not be as 'inclusive' as they need to be, Head of Learning City (School Partnerships), acknowledged that schools need more support and challenge on exclusions and management of behaviour.

4.14 Commissioning review 2016

The 2016 commissioning review of 'Pushed out Learners' did an extensive needs analysis and made clear recommendations. It would be helpful to the LA to return to the report to determine to what extent the actions have been carried out and implemented successfully. It established the ALP Hub and reorganised some ALP, but it appears that not all recommendations have been fully realised.

5 Recommendations

Overall Relationships Recommendation

1. A clear strategic joint SEND/ALP commissioning plan should be published.
2. Protocols regarding graduated respond from schools need to be drawn up.
3. Clear expectations and protocols between ALP hub and SEND teams need to be agreed and clarified.

Data Recommendation

4. Migration onto the one system needs to be successfully completed as soon as possible.
5. A common language is needed to ensure all data input is consistent.

Strategic Planning Recommendation

6. To ensure clear links between plans to reduce duplications and increase opportunities to join work streams together.
7. The One City plan has been recently updated for 2020, the outcomes and actions from this review need to directly link to service planning of ALP.
8. The Belonging Strategy is published.

Cost of ALP Recommendation

9. Cost centres and budget lines need to be agreed and match.
10. Officers are unable to meet budget expectations and controls, this needs to be rectified.
11. SEND team do not commission individual bespoke ALP packages. Procurement arrangements need to be agreed by Senior Officers of ALP and SEND.

Finance Recommendation

12. Sufficiency plan of SEND placements is underway but a plan of how to manage and fund the SEND pupils in ALP provision in the meantime needs to be drawn up and agreed.
13. As a matter of urgency there is a need for a High Needs/Block placement spending protocol/panel.
14. A system for joint monitoring, quality assurance and co-ordination of all ALP placements with SEND needs to be established.
15. A review of pre EHCP funding is urgency needed as this is not a normal part of the SEND code of practise.

Quality Assurance (QA) Recommendation

16. Consider appropriate resource to adequately embed the safeguarding principles and QA process. A dedicated QA post (is being explored and the

management of that post reviewed). The appointment to this post would allow an independent check on providers.

17. Clarify SLA expectations across all settings.
18. BCC should ensure that the resources are available to satisfy itself of the financial and educational ongoing viability of providers.

Information sharing Recommendation

19. Establish a SEMH Pathway including common language for reporting and recording.
20. Paperwork and graduated response from schools should be evidenced prior to the BIP referral. Better evidence is needed of previous behaviour and learning supports. (There is a separate review of the BIP taking place which may address this issue)

Early Intervention Bases (EIB) and Support to schools Recommendation

21. A review of early intervention to schools, support advice and challenge to prevent exclusions and reliance on ALP.

SEND Recommendation

22. SEND Written statement of action (WSOA) and sufficiency plan completed.
23. Capital Investment Strategy completed.
24. Develop as a matter of urgency a protocol for SEND and 'high cost' placements with ALP Hub to enable appropriate placements.

Case Studies highlights Recommendation

Most of the issues have been address in other section recommendations except for the following.

25. Clarify expected response timescales with ALP providers.
26. A deeper understanding of the 'hard to reach' and 'hard to place' pupils would be helpful in tailoring better educational, social and mental health support. Obtain the pupil and parent voice.
27. Clarify and strengthen graduated school response, insisting on safeguarding information before placement agreements.

Post-16 concerns Recommendation

28. Improve careers advice and guidance, especially to the group of 'hard to reach' young people going into college settings.

The Meriton (BHES) Recommendation

29. Move budget, staffing and responsibility into the LA.

School Improvement Recommendation

30. Consider how to appropriately support and challenge schools around the areas of inclusion and exclusions.

Commissioning review 2016 Recommendation

31. Carry out a comprehensive needs analysis of ALP.

6 Description of ALP and general outcome findings

6.1 What is the alternative learning provision known as ALP?

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. Alternative Learning Provision is for Children and Young People of school age who are unable to attend mainstream or special educational settings because of health, emotional or behavioural reasons. 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. Schools remain responsible for the students while they remain on their roll.

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 but are now Academy Trusts. In Bristol all the PRUs are Multi Academy Trusts. 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 and more often now, Management Boards of Academy Trusts. 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 relatively 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 and are part-time.

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.

6.2 Local education landscape in Bristol

Bristol is a broadly affluent, ethnically and culturally diverse city with pockets of significant poverty. It is useful, within an increasingly independent Education landscape, to consider Bristol's Statistical Neighbours rather than National or Core Cities when looking at how Bristol is performing with and for its citizens. The Local Authority has a strategic & partnership role as an influencer, rather than an executive function in these endeavours. It is also useful to consider how services and stakeholders can work with each other to improve outcomes. The issues that education establishments face are highly complex, cumulative & impossible to resolve in isolation. Many of these issues are driven by funding pressures as well as the historic & perverse incentives of competition and data driven metrics for successful schools.

6.3 Mainstream schools in Bristol

There are:

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

Special schools

- There are 9 special schools for students with special educational needs. Places are determined by the local authority in consultation with parents and are only for students with an Education, Health and Care Plan (EHCP), except for some assessment places.

Schools with SEMH Specialism

- Knowle DGE SEMH Primary, secondary & post-16
- Woodstock SEMH Primary
- Bristol Gateway SEMH Secondary & post-16
- Notton House (residential) SEMH Primary, secondary & Post 16

There is also the Capital Investment Strategy ongoing which is looking at placement sufficiency.

6.4 <u>Alternative Learning Provision – ALP/AP</u>

There are six AP schools in Bristol as well as a number of part time alternative learning providers. All ALP providers rated as 'Good' and have good outcomes for most pupils.

- [Lansdown Park Academy – PRU Learn@ MAT](#)
- [St Matthias Park Academy – PRU Learn@ MAT](#)
- [LPW Independent School](#) – Social Enterprise Trust
- [Bristol Futures Academy – Cabot Learning Federation](#)
- [Snowdon Village City School – Cabot Learning Federation/Bristol Futures](#)
- [Bristol Hospital Education Service](#)
- There is Catalogue of approved ALP called the PALS Catalogue which is available online.
- 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.
- Some smaller ALP providers have gone out of business within the last two years. i.e. Hop, Skip & Jump.
- At the time of the data capture there were 212 pupils in ALPs, and this is reported as lower than normal for the time of year due to the COVID pandemic. There are 290 places commissioned.

6.5 Cost of full-time (F/T) and part-time (P/T) provision

[Figure 1 Costs - Percentage of Total REMOVED DUE TO PERSONALLY IDENTIFIABLE INFORMATION]

- This information was taken from the data capture of June 2020. While there may be some errors in the data it gives an indication of the estimate costs of different types of provision in Bristol and shows the variety of placement costs. A closer examination of the pupil outcomes would give a better idea of value for money.
- Information taken from another spreadsheet from the ALP Hub shows full-time provision annual unit cost of Alternative Provision and block contracts vary per place between £28,500 to £9,330. Only one student is showing at Bristol City College, but further checking of the data shows there were a larger number of Early college students at 15 hours/week - £5,184 to £3,750. Pupil referral units average around £19,500, including top-up. One Provider, SEMH special schools & resource bases, had approximate per place funding of £28,000 plus top-up. Also the ALP Hub data shows a total ALP being closer to = £3,940,184

- Cost of part-time provision and group activities/education range from £44 to £240 per day. Also 1:1 activities and education costs anywhere from £25 to £130 per session depending on the Provider.

[Figure 2 -Percentage of Children in ALP by Postcode REMOVED DUE TO PERSONALLY IDENTIFIABLE INFORMATION]

[Figure 3 - Percentage of Children in ALP by Ethnicity REMOVED DUE TO PERSONALLY IDENTIFIABLE INFORMATION]

6.6 Local ALP Provision

Partnership and local systems leadership in Bristol schools are organised into three areas as set out in the map below.

Areas vary in need and levels of deprivation. However, the ALP doesn't appear to have always developed around the same local need. Providers report that their provision has often grown where/when premises and funding has allowed. Needs analysis would give a better idea of need but the 2016 commissioning review did show some trends. The 2016 review identified the need of 270 places which was a short fall of 120 places at that time. There are now 290 ALP places available. While the data capture in June was only showing placement for 212 pupils, this was in the middle of the COVID-19 pandemic and the two-month closure of the BIP. It is unlikely that more places are needed but the types of placement may need revising. There definitely appears to be an imbalance of provision across the City which doesn't match with identified deprivation indices, again this needs further examination.

The 2016 commissioning review recommended the creation a unified pathway for pupils with SEMH. This would 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. Unfortunately, the pathway appears

to have been only partially created and has not extinguished the need for permanent exclusions. However, there has been a dramatic reduction in overall exclusions as a direct result of the work from the ALP Hub.

The ALP hub undertakes the Quality Assurance role as well as the commissioning role with providers. They do have input from the Head of Safeguarding in Education but struggle with the capacity to cover all the duties of the Local Authority. The providers must meet Crown Commercial service criteria and service-related criteria. The service-related criteria include curriculum and programs offered, attendance, pupil engagement, safeguarding and pupil outcomes. Certainly, when the procurement process was established in 2016 it appears to have been comprehensive. However, the capacity to adequately fulfil this LA function appears to sit only in the ALP Hub. There is some ongoing work to establish a post within the commissioning team.

Figure 4 Boundary Map
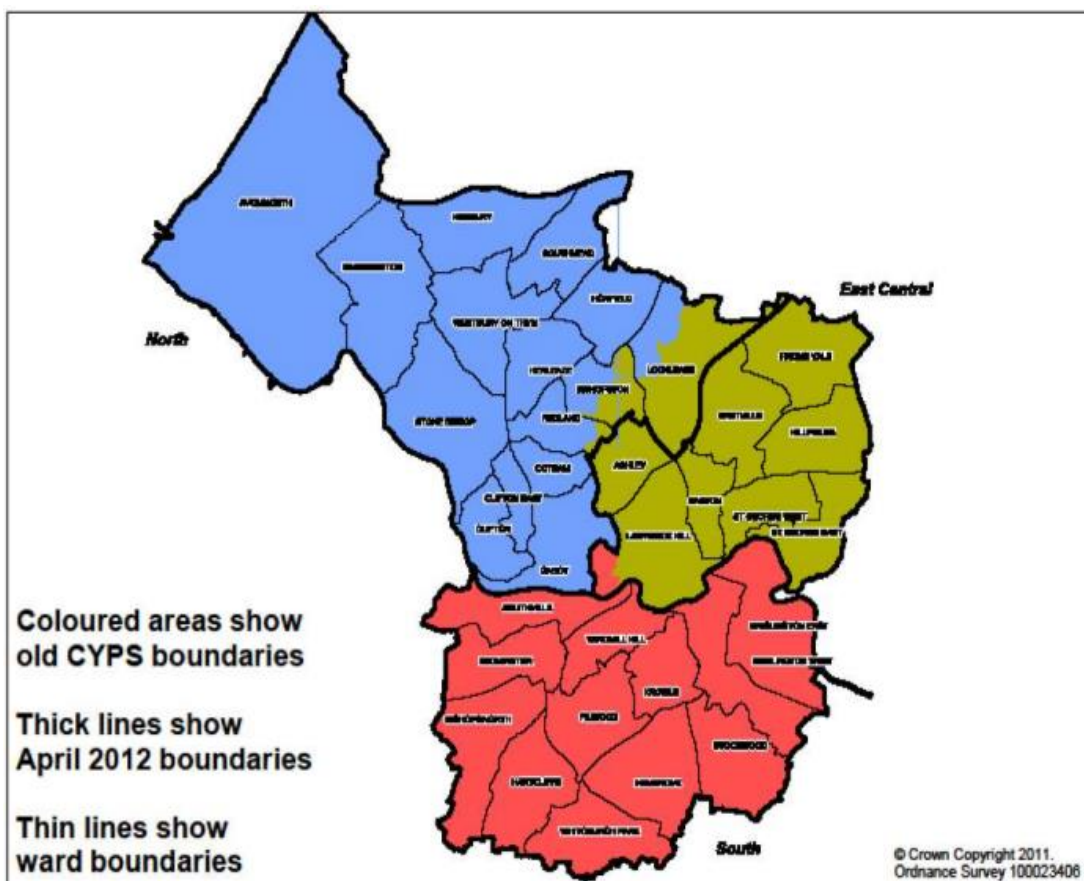
The new Ofsted School Inspection Framework recognises that the way in which schools are measured affects what they are subsequently more inclined to do. Measuring inclusivity, exclusions and scrutinising 'Off Rolling' activity is now firmly in their scope. Under successive governments, schools have been given considerably more autonomy with the aim of to 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. It was not within the scope of this review to examine if these partnerships are in place or having a positive impact on inclusion. The chair of the BIP reported cooperation between schools and a monitoring of pupil placements via the BIP. Alternative provision (AP) is loosely regulated, and information on pupil moves into AP nationally and the reasons for these moves is often scarce. Improving the quality of available alternative provision is difficult as a result of this. The best way of measuring success in ALP is the child's improvement from baseline and questioning if the individual student is doing better in ALP than they were before they came into it. ALP should not form all, or substantially all, of a child's education unless made in a DfE registered school. The survey of the 39 case studies shows a wide variety of outcomes but it is unclear if specific measurable outcomes (other than the Ofsted measures) for each student are put in place at the beginning of these placements. All the Provider's interviewed in Bristol are keen to develop appropriate support and services but see BCC as the strategic leader of that planning. The size and the scope of the Multi Academy Trusts vary greatly but they are all responding to market forces to a lesser or greater extent.

Figure 5 ALP Places

School	Key Stage (s)	Places	Area	Comments: All basically funded at £10,000 with £9,330 top-up
Lansdown Park Academy (PRU) Learn@MAT	2 3	21 30	South Bristol	Also provides outreach services for South Primaries
St Matthias Academy (PRU) Learn@MAT	3&4	65	20 North (KS3) 45 East/Central	KS3, only in North Bristol Mixed KS3&4 in East/Central
Learning Partnership West Independent School	KS4	60	South Bristol	Offer across the City but travel an issue from the North
Bristol Futures	KS4	50	South Bristol	Offer across the City but

Academy (CLF)				travel an issue from the North
Snowdon Village City School (CLF)	KS4	50	East/Central & South	Offer across the City but travel an issue from the North
CLF Nest	KS 1&2	15	East/Central	Offer across the City but travel an issue from the North
Bristol Hospital Education Service (PRU)	All KS	Duel roll and open numbers	City wide School site in the North	1:1 Home tuition, Classes at the North site, Riverside (CAMHS) and tuition in Children's hospital. Support to Young Parents (The Meriton)

Total number of places commissioned = 291 + BHES numbers approx. 500 (250 in-patients and 250 programmes)

6.7 Analysis of Provision

Most of the Alternative Learning Provision (ALP) places are for 14-16-year olds and are at Key Stage 4, in total 160 places. There are some revolving door PRU places for 11 – 13-year olds, North, South and East Central, 70 places. However, a high proportion of places are long term students and have a high percentage of pupils with EHCPs or in the process of being assessed for EHCPs, approximately 70%. Exact figures are difficult to obtain, the LA information differs from that held by providers.

While it is not philosophically good to encourage schools to have primary aged students out of mainstream, there are a small number of students who need this support. There are very few primary age full time ALP places for key stage 1 and 2, 5 to 10-year olds, 14 in total and only in one location. Travel for this age group is a challenge and again the 14 places are mainly taken by students with EHCPs awaiting school placement of those undergoing assessment for EHCP.

There is an increasing focus on **Early Intervention Outreach Support to Primary Schools** from the 3 area early Intervention Bases - North Star Outreach, CLF Nest and Lansdown Park. They are intensifying their advice and guidance to schools, but this is depending on how many students are in full time places within Lansdown and the Nest. North Star does not support students on-site full time but are using the financial resources to support part-time programmes and in-school support. It is not

clear if this provision is based on an area needs assessment or has just grown ad-hoc. It has developed over time and appears to be supporting children well with positive outcomes.

There is anything up to **500 children accessing BHES** service at any one time. Approximately 250 in hospital and 250 spread either, on 1:1 at home, part time programmes and at the Riverside base. All referrals come via health professions and are rarely part of the BIP process.

There is demand on the High Needs SEND block funding of pre-EHCP funding. Schools can apply for to the LA before full statutory assessment which is a support that is both unusual and unmonitored.

6.8 Use of ALP

DfE benchmarks show that **Bristol is a very high user of ALP** against National trends. The increasing pressure on places are blocked to a great extent by SEND children in placements 'long-term'. These are mainly the students with EHCPs awaiting school placement of undergoing assessment for EHCP. The schools commission part time ALP as well as the Local Authority commissioning of part time ALP. Schools are also commissioning directly with ALP providers with no involvement from the Local Authority. How much direct use of ALP schools are using isn't captured and cost is also unknown. Equally, BCC does not have visibility of Academy ALP spend and so cannot know the full market demand. Schools have access to a Provider Catalogue (PAL) produced by BCC. The main ALP settings are included in the twenty-nine providers within the catalogue. BCC quality assure all providers on the list but schools can and will make their own arrangements, especially for part time learning. BCC gives each provider in the catalogue an overall quality score of satisfactory, good or excellent, but these scores are not shown within the catalogue. PALs sets out what the provider can offer to which students and the costs of provision. It is a helpful tool for schools to have some assured settings to support alternative learning. To what extent schools are using the catalogue is anecdotal and how much money is being spent is, as stated, unknown.

6.9 Exclusions

There are two types of exclusions: fixed term exclusions (FTE) and permanent exclusions (PEX). All exclusions are issued on disciplinary grounds – School Behaviour/Exclusions Policy. A fixed term exclusion excludes the pupil from the premises temporarily. Permanent exclusions are where a Headteacher decides to exclude permanently, either in response to serious or persistent breaches of the school's behaviour policy; or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Bristol's FTE in the past have been relatively high, the picture is steadily improving but not for all groups. While there are very few PEX from Bristol Schools with more permanent exclusions of Bristol resident children from schools in other local authorities, there has been a recent rise. Boys feature highly in the numbers, as do children from financially deprived areas, children with SEND and Children and Young People from BAME communities are overrepresented in Bristol's school exclusions. This is highlighted in the heat map below which shows the correlation between social deprivation areas and exclusions. West Brislington is an exception, which may indicate a more inclusive practise in this area or better use of appropriate support services. This is worthy of closer investigations and a sharing of good practice. The increase use of ALP may be in part related directly to the reduction in exclusions over the last couple of years. BAME communities were not found to be proportionally over represented within ALP.

The majority of FTEs are not unsurprisingly from secondary schools. Most Bristol secondary schools work with 'Ready to Learn' or similar 'Behaviour for Learning' as a standard Behaviour Policy. Whilst there appears to be an evidence base that says 'Ready to Learn' is an effective whole school behaviour approach and some schools have described it in positive terms as 'transformational', it does generate high numbers of FTE (at least initially). Whilst some might consider 'Ready to Learn' as a zero-tolerance or no excuses policy its supporters say it does allow for flexibility with some (cohorts of) children. In line with expectation and statutory requirements stating that schools have to take into account disability (discrimination) and equalities factors. Looking at the characteristics of both FTE and PEX pupils this does not always seem to be the case. Some schools are taking a more trauma informed, or relationship based, approach encouraged by the LA. The negative and cumulative life experiences, often driven by trauma (ACEs) and in many cases compounded by unassessed and unmet additional learning, social, communication & mental health needs (special educational needs and disabilities or SEND) cannot always be ameliorated by a year or two in AP. Children have often had multiple exclusions, managed moves, poor attendance and limited engagement in learning, extra familial harm, abuse, criminal exploitation and youth violence. There has been some sharing good practice and the LA intends to step this up with advice & guidance via the **Belonging in Education Strategy.**

**Exclusion data below shows the coloration between deprivation and
exclusions – see Appendix 3 - Bristol Exclusions data for further data.**

Figure 6 Indices of Deprivation
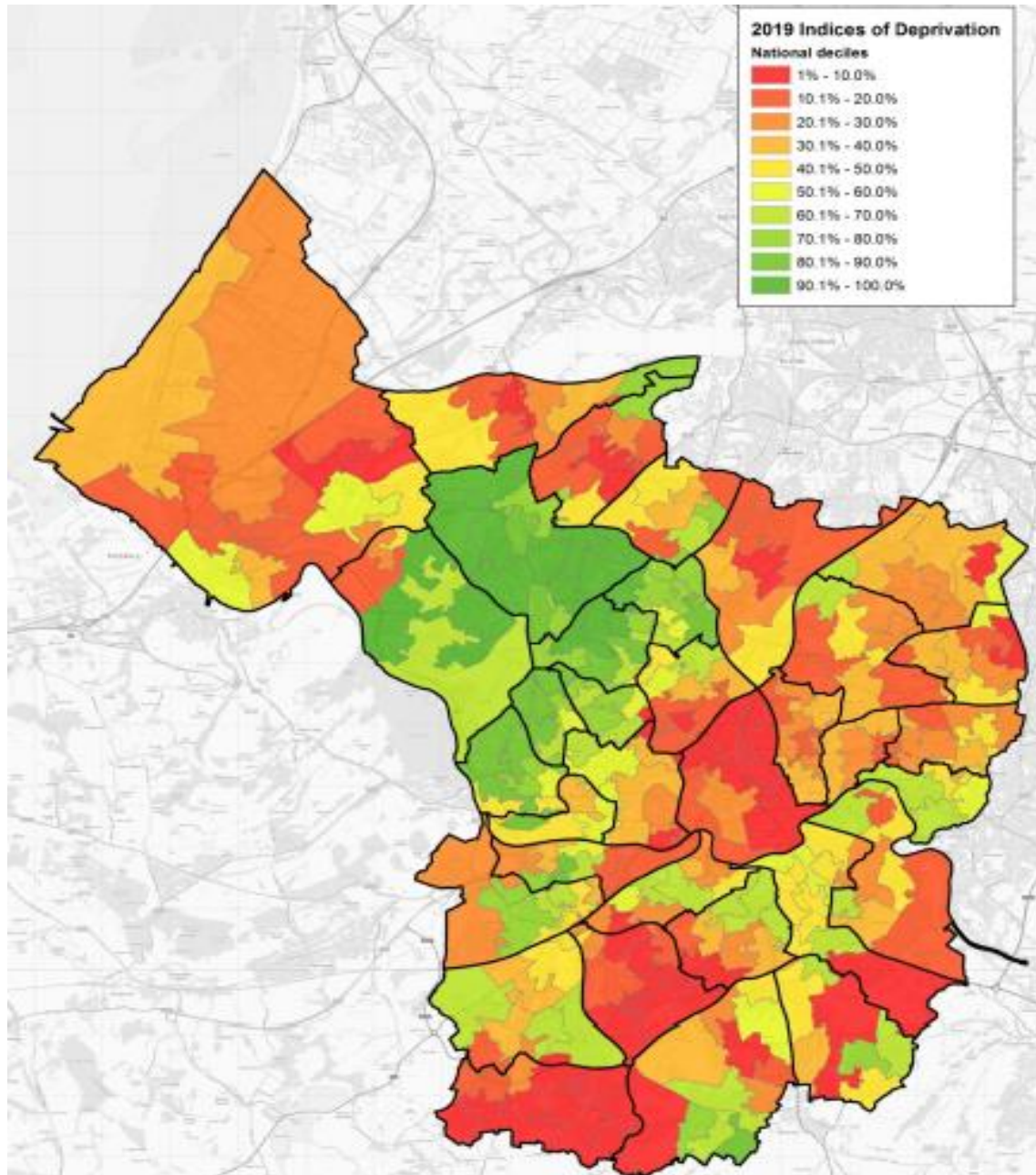
Figure 7 Fixed Term Exclusions

Fixed-Term Exclusions
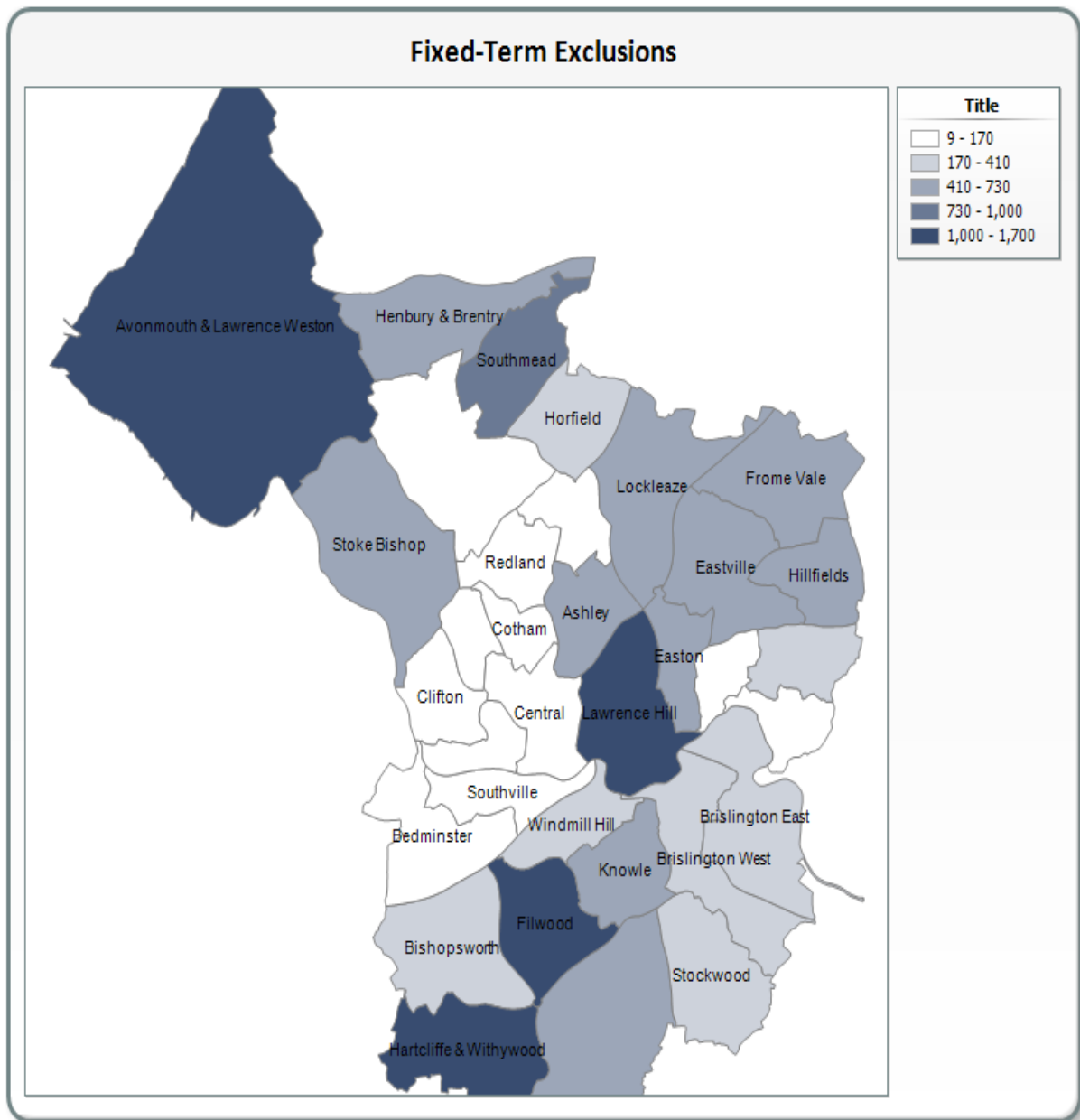
6.10 Fair Access Protocols & Bristol Inclusion Panel

All local authorities must have a Fair Access Protocol, agreed with the majority of schools in its area, which aims to ensure that children who have not been able to secure a school place during the school year are offered a place at a suitable school as quickly as possible. It must also ensure that no school, including those with available places, is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

Bristol has a Primary Fair Access Protocol in place for pupils of Reception age through to Year 6 and a Secondary Fair Access Protocol in place for students in Years 7 to Year 11. Bristol's Secondary Fair Access Panel meets every two weeks to find places for children missing education (CME). The Panel is called Bristol Inclusion Panel (BIP) this panel also seeks to find and manage alternatives to PEX. All 22 secondary schools and 5 ALP schools attend, along with other agencies. Students coming to Panel are at risk of permanent exclusion. Students may be found a new mainstream school place, be offered a place for 12 weeks at a PRU, or (for older students in KS4) be offered a place at an ALP school. There is an ongoing and separate safeguarding review of the BIP taking place which is looking into this process in more detail.

Children with EHCPs do not come to Fair Access or Behaviour Inclusion Panels (BIP), though a number of students referred to the panel may have an ongoing SEND assessment.

6.11 Case Studies

As part of the review a deep dive of 39 case studies was undertaken regarding students accessing or who have accessed ALP. Survey proformas were sent to each setting and cases were identified by using a cross section of age, gender, ethnicity and post code. There were many examples of good case work reflecting pupil's attendance and attainment improving. All Providers showed they are committed to the pupils in their care and are passionate about improving their life chances. While some pupils make expected progress, other were coming from a very low starting point. i.e. one student identified in year 10 by the ALP provider's SENCO as having been missing from education since year 6 for a variety of reasons.

Settings reported a lack of graduated response and behavioural support in some mainstream schools, which then can lead to an inappropriate placement. There are pupils moving schools via 'managed moves' or 'negotiated transfers', those without support stand less chance of success at a new setting. Undiagnosed educational needs, especially speech and language problems, were all given as reasons for poor outcomes.

There were high numbers of long-term placements rather than revolving door support in the cohort. One Provider did say it had data on better outcomes of revolving door cases than the case studies picked for that setting. However, there were high numbers of pupils who have been moved around the system a number of times to different settings.

When looking at the cases where outcomes were not so positive, a lack of sufficiency for 'hard to reach' and 'hard to place' children and young people was given as the main reason. In both SEND (EHCP) pupils and late arrivals in key stage 4 pupils the outcomes are the least positive. Children fitting settings rather than settings fitting children. [SENTENCE REMOVED DUE TO PERSONALLY IDENTIFIABLE INFORMATION] There are a large number of pupils at key stage 4 being offered high amounts of offsite education due to behavioural issues. Bespoke

packages are arranged in these circumstances and other agencies appear to be involved with these young people. ALP providers are quality assuring these arrangements but it's unclear if the bespoken package providers are in the PAT Catalogue. There were 58% of case study pupils who had EHCPs or were in the process of obtaining an EHCP.

On the other end of the spectrum the surveys also reported some schools being too risk averse and refusing pupils a place based on 'hearsay' of criminality rather than actual evidence. Some schools looking for an ALP place before more than one mainstream school has been attempted occurred in a small number of cases. Some cases were found where safeguarding information and educational difficulties were not being forwarded to a child's new school. Also, there were some reports from professionals that students can wait weeks to start at an ALP after being allocated a place at the BIP. However, it has not been possible to include the pupil voice or hear the views of parents during this review.

7 REVIEW OF THE MERITON WITHIN Bristol Hospital Education Service (BHES)

7.1 The Meriton

Prior to 2017, The Meriton was a registered PRU which supported young women between the ages of 13-19 to gain an education other than at school. Alongside the educational courses offered, the Meriton provided advice and guidance with housing, benefits, job and college applications. It had teaching and support staff as well as learning mentors, sexual health support and advice, links with health and social care and a 0-3yrs nursery provision on site. The Meriton was transferred under the management of the BHES provision and re-organized in 2017 due to falling number on roll. The service review plan was drawn up as the consequence of significant changes in the needs of school students in Bristol. Specifically, the significant reduction in pre16 young parents due to the pregnancy prevention strategies implemented in schools, increased inclusive practice by education providers and also budgetary constraints due to changes in funding streams available to meet the costs of providing the service to post 16 students at The Meriton. All of these factors led to the review of the service provision and staffing structure. As a consequence, The Meriton was de-registered as a PRU and staff redeployed. The plan agreed in 2017 left an allocation of 1.6fte learning mentors with 0.2 management within the BHES.

The rate of teenage conceptions in Bristol per 1,000 females aged 15-17 years has shown a steep decline since 2007. In 2017, the Bristol rate was 14.8 conceptions per 1,000 girls aged 15-17, statistically similar to the England average of 17.8 per 1,000. In terms of absolute numbers, teenage conceptions (to under 18s) in Bristol fell from 360 in 2007 to 94 in 2017. Conceptions in young women under 16 have also fallen

markedly during the last 10 years; the rate of teenage conceptions per 1,000 females aged 13-15 years old was 1.6 per 1,000 in 2017, similar to the England average of 2.7 per 1,000. There were 10 conceptions within this age group in Bristol in 2017, compared to 73 in 2009. Around half of teenage conceptions in Bristol end in an abortion, and of the 94 conceptions in Bristol in 2017, 51 led to a birth, compared to 206 in 2007.

The present service is mainly a post-16 support service, with a different funding stream coming from ESFA. It does not appear to be appropriately aligned with the remit of the BHES. The work links more directly to that of Children's Centres and community services. It is not an ALP provider service and while the Head of BHES has efficiently managed the service to the best delivery, this is a situation that needs to be resolved. In last year's budget it amounted to £150K in high needs block funding coming directly from the ESFA. The funding is for colleges, Higher Education Institutions, training organisations, Local Authorities and employers to deliver education and training for young people aged 16-19. While the individual mentoring staff may be making good connections with the Bristol young parents, (the reviewer did not examine their work specifically), it is recommended that they need an official route to link their services into Post-16 advice and guidance services.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921382/ESFA_Funded_Adult_Education_Budget_Funding_Rates_and_Formula_2020_to_2021_V3.pdf

8   Other 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:

8.1 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.

8.2 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.

8.3 <u>Safer Options</u>

- 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 have reflected 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. There are also three area-based Education Inclusion Managers based in FiF teams, working with schools and other professionals are mentioned below.

Following the ALP commissioning review in 2016 and other organisational changes, the following services have also been created:

8.4 <u>ALP Hub team -</u>

- The ALP Hub. The small team of five Officers (inclusive of one part-time administrative post) deal with all the City schools and the young people who are residents. They carry out the Local Authority functions and statutory responsibilities for children in Alternative Learning Provision, School Exclusions (fixed-term and permanent) & Fair Access Protocols & Process for potentially complex mid-year admissions of vulnerable children. All 3 areas of responsibility are connected with numerous stakeholders & partners. The ALP Hub is a relatively small but outward facing team with a wide and complex brief. The team has made a positive impact in reducing exclusions across the city.
- Under the Safer Options umbrella three new posts of Education Inclusion Managers have been created in the last eighteen months to build a bridge between schools and other services addressing the issues of knife crime and gang violence. These posts have been in place for just over a year but are showing some promising impacts.

8.5 <u>A City Belonging in Education Strategy</u>

- The Local Authority is working with Bristol City Schools to adopt an ACE aware/ trauma informed approach to inclusion, supporting individuals on a relationship-based approach to behaviour support. This is an ongoing development and has been held up to some degree by the COVID pandemic.

    See Appendix 4– Education and Skills Structural Chart and other interventions for other interventions

8.6 Role of local authority and the development of ALP

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.

(See Appendix 2 - Legal and policy context)

There are several risks to the further expansion of Alternative Provision (AP), including increasing perverse incentives for schools. Expansion may encourage schools to move more pupils into AP, when it may not necessarily be in a pupil's best interests. Such a policy could easily undermine existing SEND support in mainstream schools and reduce the inclusion of vulnerable children.

The high court cases challenging the government's funding of special needs and DfE has since committed to review both funding and the overall system for SEND and the 'high needs block' is an obvious focus for policy change. This is the allocation mechanism through which funding for local authority SEND services, special schools, alternative provision, and top-up funding for schools educating children with greater needs, flows. There are increasing pressures on high needs funding which arise from a number sources. The relevant source to Bristol is the rising SEND pressure which is driven by a combination of:

- Increasing numbers Education Health and Care Plans, (EHCPs) particularly those children with SEMH
- Complex needs and those with autism
- The extension of SEND services to the age of 25 years

Linked to and exacerbating rising need is the tendency of funding and accountability pressures in mainstream schools, which those schools say are making it more difficult for them to provide adequate SEND support. Even though numbers of permanent exclusions remain relatively low in the Bristol City the national picture is of rising numbers of permanent exclusions increasing the pressure on specialist

places, and increases in home schooling or missing education where specialist provision demand cannot be met. The movement of students out of schools via the BIP also masks the numbers of PEX but the experience for the students is often the same. Another source of pressure is the inability of the current high needs allocation formulae to deliver funding that is reasonably consistent from one local authority to another and also flexible in the face of changing needs profiles.

The first point to note is that for alternative provision, no objective basis for determining the "right" number of places has been proposed. By contrast, there is a clear – albeit imperfect – regulated process that controls the flow of children into special schools. And it has been clear for some time that special school places are in shortage. The number of children with SEND who are out of school has at least doubled since 2010, to approximately seven-and-a-half thousand nationally, counting those either awaiting a suitable place or for whom the LA or their parents have made educational arrangements other than a school.

These numbers exclude older children and young people newly eligible for SEND support since 2014 from the latest figures for the purposes of making a reasonable comparison over time, but a similar number of young people over age sixteen are either awaiting a place or not in education, employment or training (NEET).

The regulation of entry to special schools through the SEND Code of Practice performs an important function that is missing from alternative provision, by regulating the demand for places such that children's best educational interests must be considered before removing them from mainstream school. By contrast, school exclusions have very weak regulation with the decision vested almost entirely in the hands of the head teacher, who by definition is an interested party, and faces incentives other than the interest of the individual child concerned. As described above, the regulation of school exclusions does not adequately protect children with SEND as a matter of law. Where schools are strongly encouraged not to exclude SEND pupils (with or without EHCPs) there is nothing stopping them from doing so. Often schools may exclude out of frustration when they feel that the Local Authority is not moving forward on a more appropriate placement for the child. The question is does Bristol have a vision for using the present ALP available effectively?

Benefits might be found should BCC develop and communicate a vision with schools for using the present ALP effectively, positioning ALP to support inclusion and schools appropriately and ensuring good systems of quality assurance and accountability.

8.7 Managed moves

Behaviour Inclusion Panels (BIP) were established to oversee the process of Manage moves, reduce permanent exclusions and provide alternatives to

exclusions. It is also important to note that many children enter alternative provision without having been officially excluded, via a process which varies locally, but is known generically as 'managed moves'. The Bristol BIP fulfils these functions accessing revolving door placements in PRUs and manages places into AP schools. It enables joint funding of placements, as well as providing oversight and management of the process. It provides the monitoring of school practise and should advocate in the best interests of the pupils. The LA should take a stance on Managed Moves and Negotiated Transfers as part of a strategy on inclusion. The decision to move a child into ALP via managed move is even less transparent nationally than official exclusion as it is only recorded locally, and is unlikely to face any effective challenge from parents because it purports to have taken place with their consent. It's important to note that the parents waive their right to the exclusion appeal system by agreeing to the referral to the Panel (BIP). It is also worth noting that some managed move are monitored via the BIP and others are negotiated moves between schools which do not involve the LA. There are clear records of the former but no capacity or means the monitor the latter.

The line between a managed move by parental consent and an illegal exclusion by coercion is difficult to distinguish due to a paucity of case law. The net result is that we are in the dark about the volume and appropriateness of managed moves, including those into AP. Partial data systems and incomplete regulation mean that complete information on this cannot be extracted from administrative data.

It is reported anecdotally nationally that on occasions parents are allegedly coerced with the threat of permanent exclusion if they did not sign a managed move agreement, but nobody knows how common this is precisely because it is likely to be illegal but is not effectively regulated. The success of these moves is caged by the stability of the new placement and if the pupil does not reappear within the system. Fundamentally the BIP route into ALP is a choice. Also, anecdotally ALP providers, along with schools in Bristol, report that pupils are less traumatised and more positive about transferring to AP via the BIP than going through a permanent exclusion route.

8.8 Different models of provision

The current system includes routes into two kinds of specialist education provision, one more tightly regulated than the other, but each often providing for children with similar underlying needs. The SEND and special school route provide a place until age eighteen and, at least in theory, support until age twenty-five. The alternative provision without EHCP route can result in loss of support after age sixteen and difficulty continuing in education. This is a simplification: there are children with EHCPs without places or placed in ALP, and some children in ALP do transition to further education. But it is a reasonable simplification of what is typical in a complex system. In addition to these two main forms of specialist school provision, a third option exists for pupils with SEND and/or behaviour difficulties: mainstream schooling with additional support and reasonable adjustments.

The weaknesses in the regulation of exclusions and managed moves that currently allow increasing numbers of children to slip out of mainstream schooling fail to reflect the reality that unmet special needs are an extremely common underlying cause for challenging behaviour.

To recap, in the absence of a major policy shift, mainstream schooling is supposed to be the default unless a child's needs and best interests are more effectively met in a specialist placement. In terms of regulatory safeguards and transparency, special school provision has advantages over alternative provision, but they are often used interchangeably for educationally vulnerable groups of children. The cost of one being higher than the cost of the other.

Bristol schools face incentives to demand ever more places in AP as a release valve for pressures in school funding and increased attainment expectations and accountability. There is no regulation to act as an effective brake on this demand, unlike for special schools. If alternative provision is expanded significantly, there will be little incentive for schools to improve the support for the inclusion of children with SEND.

9 <u>The Way Forward</u>

A little-known feature of the high needs funding formula is that when new special schools are approved, corresponding extra place funding is channelled to the local authority in question – it is not 'out of pocket'. However, the same is not true of new alternative provision. Free school AP places are direct funded by central government without recourse to the LA for the first two years, but after that £5,833 per place is deducted from the LA high needs budget. This is one reason why LAs have had a say in new provision, over time it drains their budget, and those funds are then not available for providing top-up funding and other support for mainstream schools. With less support available in mainstream, the more AP you have, the more you are likely to need.

High needs funding sits with local authorities, and is not devolved to schools, as previously envisaged. This means that schools do not have to budget for it when moving pupils into AP, which would constrain them to limit their demand. They only have to convince the local fair access panel that the child is at risk of exclusion and if a school says a child is at risk of exclusion, then by definition they are, whatever the accuracy of that assessment.

These conflicts of interest become even worse if one considers, hypothetically, a multi-academy trust (MAT). Under the new policy, that MAT can bid to open new alternative provision under the free schools' programme. The local authority wouldn't be able to block this even though they will be paying towards it from their high needs budget. There is no regulation that restricts children from being moved inappropriately from mainstream schools into this provision. When those children are moved to AP, they no longer count in the school performance tables for that MAT and they are then funded at a higher rate than they were previously, with no checks or balances. It is imperative that BCC works alongside the local provider's to ensure

appropriate provision and all the providers interviewed are very keen for this collaboration to take place. Implementation of this review's recommendations will go some way to ensuring value for money and fair access to ALP.

Bristol needs to keep its eyes firmly fixed on the best interests of the children concerned when planning provision and shaping policies to tackle these issues. The children this concerns are somebody's children and there needs to be a real commitment not to marginalised children with SEMH further. Obviously, it's been a challenging time to carry out this review due to the pandemic but as one Bristol Officer remarked 'inclusion can't wait'. It was a shame that the voices of children and parents weren't able to be captured more widely via this review but some second hand feedback via providers was heard. There is evidence that pupils in ALP are making good progress and have been appropriately supported during this challenging time. What Bristol needs now is not only 'innovators and trailblazers', though these are welcome if they support inclusion, they need the careful development of policy and provision based on empirical evidence.

Finally, apart from the recommendation challenges in section 5 of this report, the reviewer found a great deal of good practise across the city and a real capacity for improvement and change. Grateful thanks to all those who participated.

10 Appendix 1 – Data supporting case study highlights

Figure 8 Reasons for Referral to ALP

Reason for referral	Count	Percentage of total
12-week BFA revolving door as part of Graduated response	1	1%
CME	7	10%
FAP - CME	1	1%
Graduated Response	2	3%
Graduated response - SEND without EHCP	2	3%
ill health (including mental health	5	7%
PEXED	11	16%
previous exclusion or risk of exclusion	17	25%
Risk of PEX	17	25%
risk to the community	1	1%
SEND with EHCP	2	3%
SEND without EHCP	2	3%
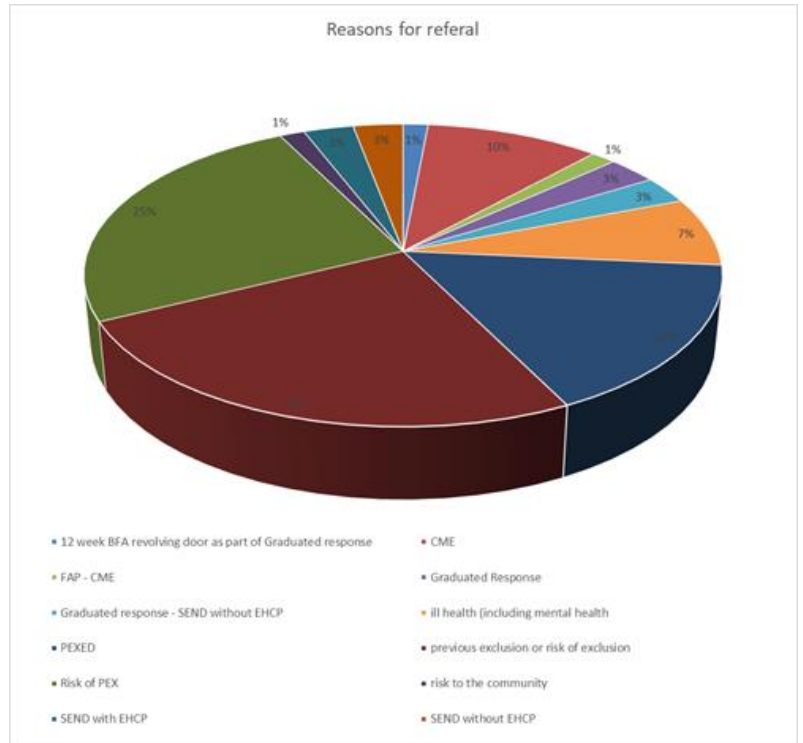
Figure 9 Percentage SEND in Case Studies

EHCP status	Count	Percentage
None	29	43%
In Progress	8	12%
EHCP	31	46%
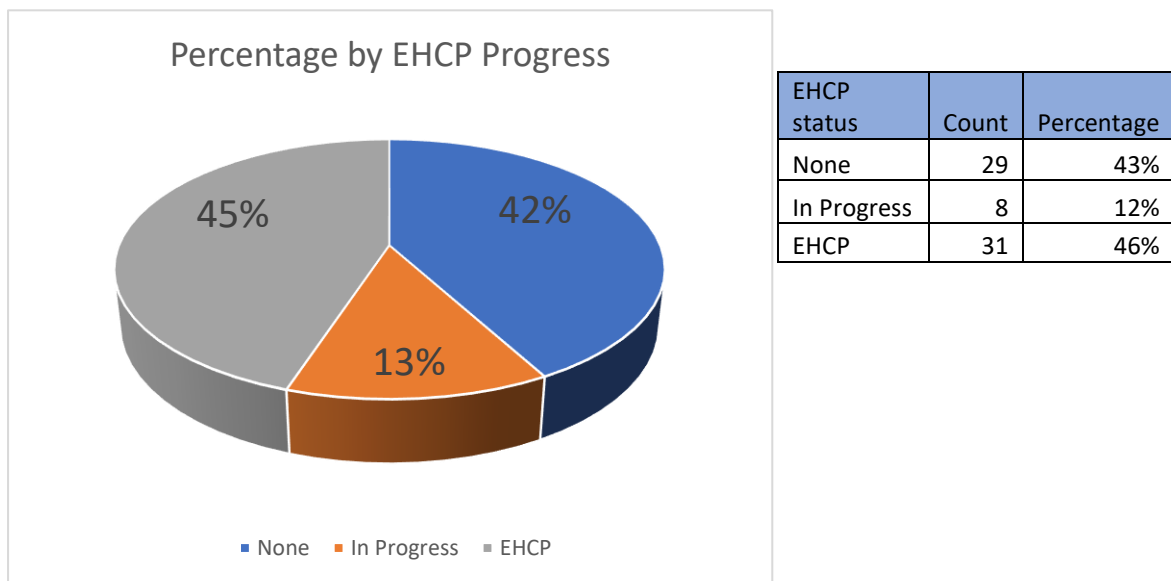
[Figure 10 Ethnicity in ALP REMOVED DUE TO PERSONALLY IDENTIFIABLE INFORMATION]

11 Appendix 2 - Legal and policy context

11.1 Legal framework

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)

11.2 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.

11.3 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.

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

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

11.4 Local authority duties owed to excluded pupils

Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who

– because of illness or other reasons

– would not receive suitable education without such provision

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.

11.5 Alternative Provision Statutory Guidance

- Statutory guidance for local authorities 2016

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

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

12 Appendix 3 - Bristol Exclusions data

Figure 11 Updated Bristol Exclusions info from the DfE release for School Year 2018-19

EXCLUSIONS* RANKING of 152 LAs – Statistical Neighbours								
LA Name	201112	201213	201314	201415	201516	201617	201718	201819
Portsmouth **	147	140	132	134	140	133	143	143
Bristol	102	126	138	137	141	142	139	128
Bournemouth	131	136	137	120	134	136	136	140
Plymouth	25	23	28	53	78	71	126	136
Sheffield	112	135	143	138	143	140	125	133
Coventry	65	71	66	58	86	110	104	76
Brighton and Hove	145	148	98	68	114	111	96	70
Derby	91	94	119	108	120	99	91	120
Reading	64	108	93	22	73	106	86	48
Southampton	149	149	128	94	94	77	63	71
Leeds	115	99	105	122	124	128	56	85

*overall fixed term exclusions (FTE) only from all school types primary, secondary and special This does not include permanent exclusions (PEX) **For the purpose of comparison Portsmouth data is included but cannot taken into account. The number of FTEs in Special school is assumed to be as a result of some atypical action or event.

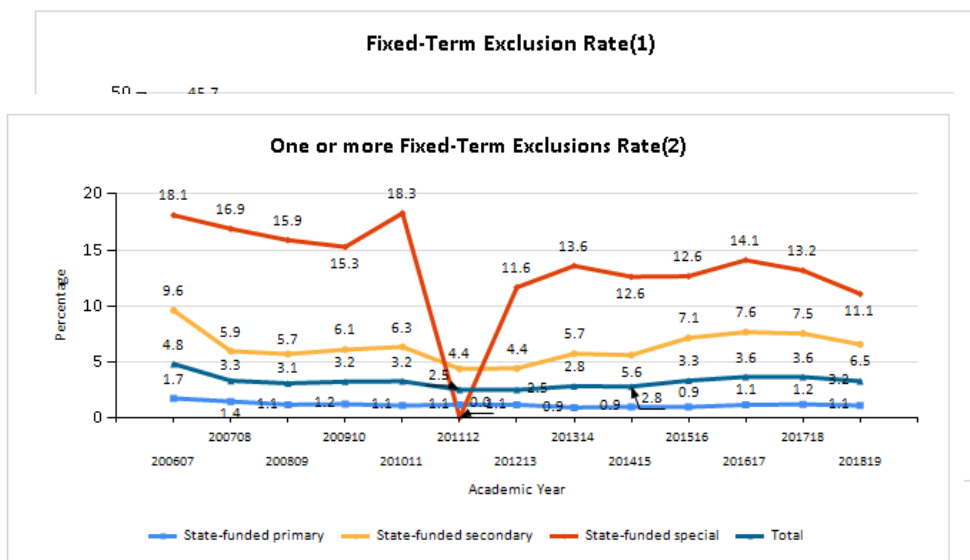*Figure 12 Fixed Term Exclusion Rate*

Figure 14 Permanent Exclusions - Bristol
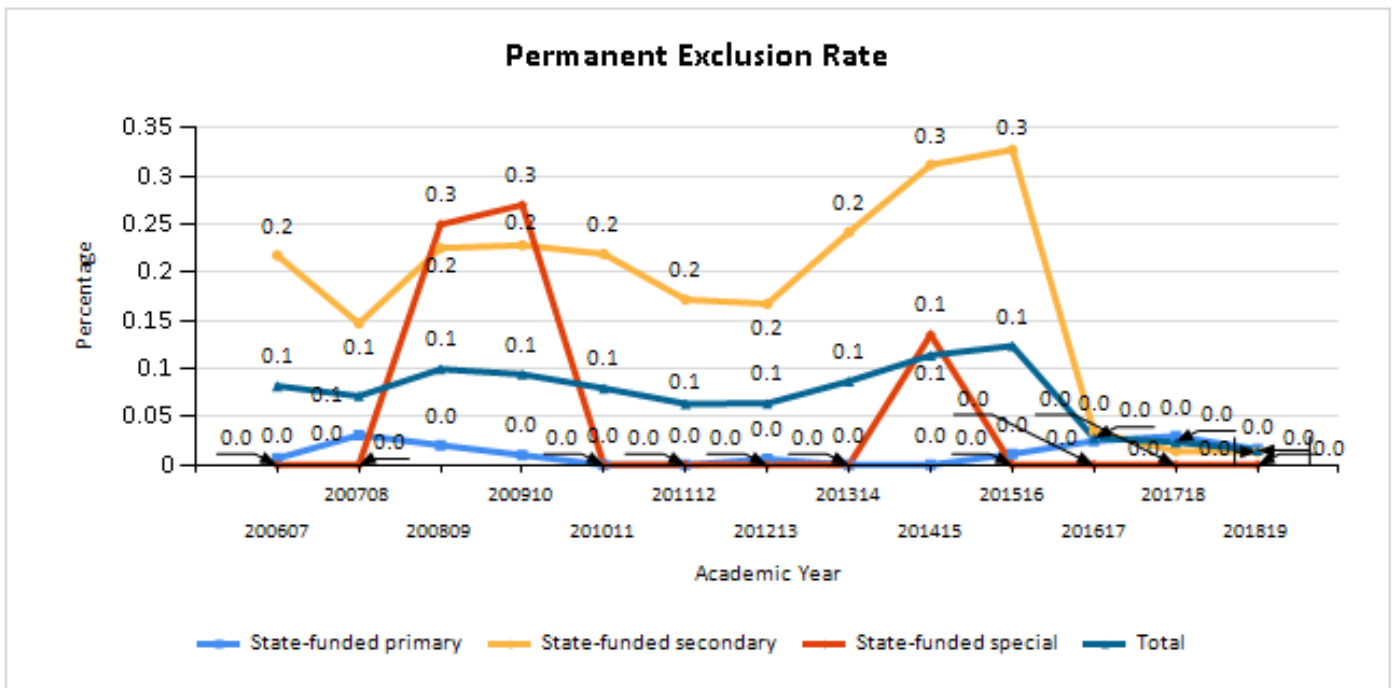
Figure 15 Permanent Exclusions - Bristol, Core Cities, National & Statistical Neighbours
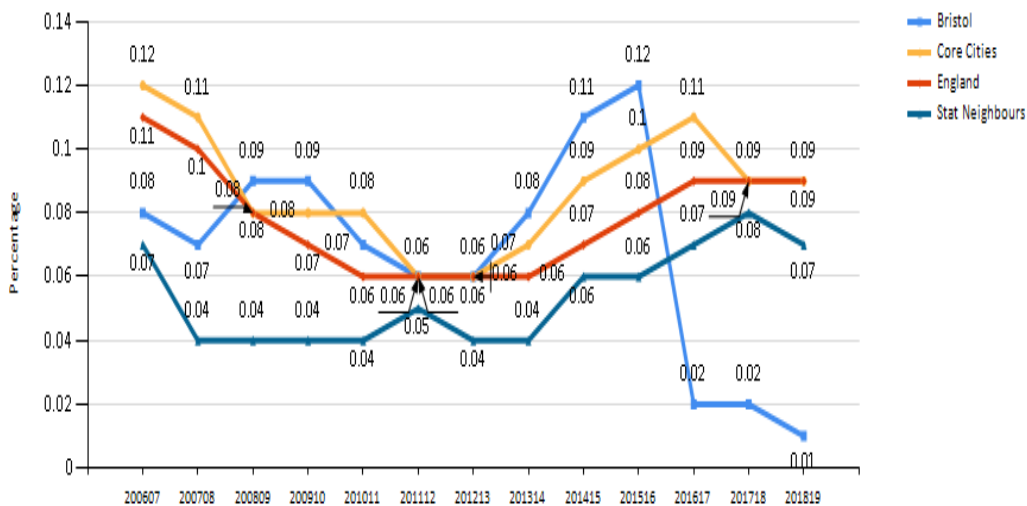
The overall number of fixed term exclusions (FTE) has decreased from 2017-18.

(1) The number of fixed-term exclusions expressed as a percentage of the number of pupils on roll.

(2) The number of pupils with at least one fixed-term exclusions, expressed as a percentage of the number of pupils on roll.

(1) and (2) differ from each other because (2) may include pupils with more than one FTE

Numbers of Permanent Exclusions (PEX) from Bristol Schools are low for all school types and phases compared to Core Cities, National & Statistical Neighbours. Secondary PEX is very low. Primary PEX has reduced since 2017-18.

Figure 16 Bristol Exclusions & Ethnicity

Number of Fixed-Term Exclusions in Total schools

Ethnicity	200607	200708	200809	200910	201011	201112	201213	201314	201415	201516	201617	201718	201819	
Any Other	8	12	9	9	6	11	7	5	8	15	17	32	22	
Asian Other	14	4	4	8	11	13	7	12	15	10	4	19	17	
Bangladeshi	6	11	6	6	8	2	1	3	5	6	2	18	6	
Black African	225	170	141	185	169	141	146	197	206	247	225	271	364	←
Black Caribbean	219	149	147	170	130	124	112	146	160	147	201	217	178	←
Black Other	116	91	52	61	44	46	51	44	53	68	61	81	71	
Chinese	2	1	2	5	3	0	0	1	4	1	3	1	3	
Gypsy Roma	1	2	1	5	4	9	1	3	10	7	6	49	85	←
Indian	17	14	2	8	14	8	4	8	4	6	9	14	22	
Irish Traveller	15	4	10	5	2	3	4	6	10	7	26	51	11	
Mixed - White/African	41	17	12	13	18	21	39	36	18	40	47	67	66	
Mixed - White/Asian	15	9	10	13	19	9	19	11	6	19	22	20	29	←
Mixed - White/Caribbean	256	207	160	202	147	135	168	210	199	234	296	338	377	←
Mixed Other	105	50	60	69	77	80	72	99	93	121	95	141	155	←
Pakistani	66	89	36	55	59	42	48	34	40	77	75	59	55	
Unclassified	71	34	31	32	65	35	17	24	49	39	63	90	113	←
White British	3026	1743	2011	2005	2109	1443	1546	1881	2280	2889	3636	3491	2724	←
White Irish	28	7	6	2	15	11	13	8	9	14	24	27	12	←
White Other	43	62	101	97	41	41	32	66	60	98	154	193	173	←
Total	**4274**	**2676**	**2801**	**2950**	**2941**	**2174**	**2287**	**2794**	**3229**	**4045**	**4966**	**5179**	**4483**	←

There was a significant increase in the number of FTEs for Black African and Gypsy Roma children in 2018/19. Also, an increasing 3-year trend in the number of FTEs for Mixed-White/Caribbean & Mixed Other and children not assigned a classification. The overall numbers of FTEs were significantly reduced from 2017/18, particularly for the largest group - White British.

Figure 17 Number of Permanent Exclusions in total schools

Number of Permanent Exclusions in Total schools

Ethnicity	200607	200708	200809	200910	201011	201112	201213	201314	201415	201516	201617	201718	201819
Any Other	0	0	0	0	1	0	0	0	0	0	1	0	0
Asian Other	2	0	0	0	0	0	0	1	0	0	0	0	0
Bangladeshi	0	0	0	0	0	0	0	0	0	0	0	0	0
Black African	1	0	2	2	2	1	1	2	1	5	1	2	0
Black Caribbean	0	6	2	8	0	3	5	3	5	1	0	2	2
Black Other	5	3	2	0	0	0	1	0	4	0	0	0	0
Chinese	0	0	0	0	0	0	0	0	0	0	0	0	0
Gypsy Roma	0	0	0	0	0	1	0	0	1	0	0	0	0
Indian	0	1	0	0	0	0	0	0	0	0	0	0	0
Irish Traveller	0	0	0	0	0	0	0	0	0	1	1	0	0
Mixed - White/African	0	0	0	1	0	0	1	0	1	0	1	1	1
Mixed - White/Asian	2	0	0	0	1	0	0	0	1	0	0	0	0
Mixed - White/Caribbean	3	5	6	5	3	2	5	3	5	1	1	1	0
Mixed Other	2	2	0	1	0	5	1	0	0	1	0	0	0
Pakistani	0	4	1	0	1	0	0	0	1	0	0	0	0
Unclassified	0	2	2	0	0	0	1	1	0	2	0	0	2
White British	20	10	29	28	30	20	17	34	40	55	9	8	4
White Irish	0	0	0	0	0	0	0	0	0	1	0	0	0
White Other	2	0	4	0	1	0	0	2	3	2	2	0	0
Total	37	33	48	45	39	32	32	46	62	69	16	14	9

The number of PEX for children in all categories has decreased year on year since 2016 and remains relatively low. It is possible to assert that the % of the small number of children who were PEX and not White/British is disproportionately high.

13 Appendix **4**– Education and Skills Structural Chart and other interventions

- Universal Interventions • Behaviour for learning • Schools behaviour policy and behaviour management framework and Guidance on Bristol's thresholds has been published. There is Provision Guidance being developed but the delivery of this has been affected by COVID.
- 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 Individual pupil THRIVE assessment* (THRIVE schools) (*A universal offer within specific schools Targeted support in mainstream and special schools) Mindfulness programme* (where programme runs) • Nurture group network schools* • Inclusion Services – Systemic advice from Learning Improvement Service,
- Education psychology 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 Educational Psychology is a buy back service and varies across the City.
- SEND Services, HOPE Virtual School (CiC), Education Welfare Service, Educational Psychology Service, Safeguarding in Education Team, Gypsy Roma Traveller Service, Bristol Autism Team (Education & Family Hubs), School Partnerships, School Improvement, Alternative Learning Providers, Hospital Education Service, Early Years, Post 16 Education Providers, Place Planning, Data and Assessment, Governor Services, Adult and Community Learning, Young Careers and Pathways, Families in Focus, Safer Options Team, Social Care, Disabled Children's Service, Supportive Parents, Finance, Children's Commissioning Team, Procurement, ICT, EYES, SEND & Education Transformation, Primary Mental Health Care and CAMHS, Health Commissioning, Police and Youth Justice/Youth Offending Team, Voluntary Sector Services, Private Sector Education Specialists, Other Local Authorities and other Local Authority Schools, Bristol Admissions, Targeted Youth Services… along with new providers & professional services as they come along.

14 **Appendix 5 -** References

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