

# People Scrutiny Commission

19 July 2021



**Report of:** Alison Hurley, Service Director Education and Skills, People

**Title:** Alternative Learning Provision Statement of Action

**Ward:** All

**Officer Presenting Report:** Alison Hurley, Service Director Education and Skills, People

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## **Recommendations:**

To note and provide feedback on:

- The content and recommendations of the ALP Review.
- The approach Bristol City Council intends to take in response to the ALP Review.

## **The significant issues in the report are:**

A review of ALP (appendix A) has been completed which makes 31 recommendations for improvement in the ALP system in Bristol.

Bristol City Council's view of the work required to deliver against the recommendations is outlined in a draft ALP Statement of Action (appendix B).

Co-production of the final ALP Statement of Action is in progress and will be completed by 22<sup>nd</sup> October 2021. Completion of the ALP Statement of Action is expected by September 2022.



## 1. Summary

1.1 Alternative Learning Provision (ALP) is education outside of school arranged by local authorities and schools for children in Key Stage 1, 2, 3 or 4 who are permanently excluded, at risk of exclusion, or for whom mainstream education is inappropriate. It 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.

1.2 The purpose of the report is to present the Review of Alternative Learning Provision (“ALP Review”) and associated draft ALP Statement of Action (SOA) and co-production proposal to People Scrutiny Commission for information, consultation, and discussion.

## 2 Context

2.1 An outcome of a Judicial Review in SEND required BCC to review the effectiveness of Alternative Learning Provision (ALP). The review was incorporated into Improvement Priority 4.3 of Bristol Local Area Written Statement of Action (WSOA) for Special Educational Needs and Disabilities (SEND)

2.2 As a response, BCC commissioned an independent review into ALP with the following aims:

- To gain a full understanding of how Alternative Learning Provision is currently being used in Bristol in order to enable transparent decision making for future placements and consistency across settings.
- 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.
- To inform future ALP recommissioning. This links with the Inclusive City Belonging Strategy and the review of Specialist Provision, alongside the WSOA SEND.

This provides momentum for BCC to transform and improve ALP arrangements to better meet the needs of citizens and is a key part of the reform of the end-to-end SEND system.

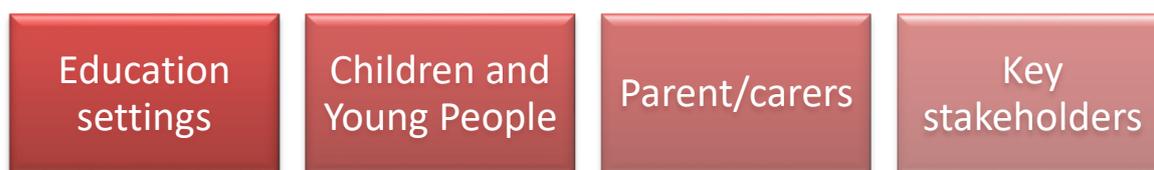
2.3 The **ALP Review** made 31 recommendations for improvement in the ALP system (see appendix A for further detail). These have been grouped into interlinking themes for delivery:



2.4 **ALP and SEND** refers to the current inter-dependency between SEND and ALP with actions to clarify and strengthen processes and relationships between these two areas. There are high numbers of pupils with SEND with either education, health and care (EHC) plans or proceeding through the EHC Needs Assessment process, currently in ALP. High numbers of pupils going to ALP are also presenting with additional needs, particularly Social, Emotional and Mental Health (SEMH), Speech and Language and low literacy and maths skills.

- 2.5 **ALP and Schools** is concerned with supporting and challenging schools with the aim of implementing a graduated response to prevent exclusions and reliance on ALP.
- 2.6 **ALP and Data** indicates improvement is necessary in data capture to facilitate accurate planning and reporting.
- 2.7 **ALP and Finance** shows ALP is used to cover a deficiency in the number of appropriate SEND placements and links to the current review of High Needs Block Element 3 funding. While both the ALP and SEND budgets are from the Dedicated School Grant High Needs Block, different LA Officers are making different placements. A clear protocol for placing children/young people with an EHC plan into AP needs to be agreed.
- 2.8 **ALP and Commissioning** mandates a joint ALP and SEND commissioning strategy along with joint quality assurance processes. This links to the recommissioning of ALP in progress.
- 2.9 **ALP and Safeguarding** covers the strengthening of systems for sharing key information between school and ALP, social and mental health support along with capturing the pupil and parent voice.
- 2.10 **ALP and Post-16** will improve careers advice and guidance to young people and is concerned with moving post-16 support from Education and Skills Funding Agency (ESFA) funding back into the Local Authority. It will also cover arrangements for supporting young parents.
- 2.11 **ALP and Governance** links ALP to actions in progress with respect to corporate themes such as the SEND Written Statement of Action and the Belonging Strategy, which will be launched in Spring 2021. There is also the need for clear system-wide strategic leadership of ALP as the ALP Hub has been working in isolation, with insufficient direction or accountability built into structures.
- 2.12 BCC has accepted all the recommendations and the ALP Statement of Action sets out BCC's response to the review. It should be noted this is BCC's internal view of the work required and not the end product. It is intended to help guide the co-production process.
- 2.13 The final agreed version of the Statement of Action will outline the activity that will occur to deliver against all of the recommendations and the timescales to do so. It will contain agreed milestones for delivery so that progress can be tracked in the delivery phase of the Statement of action.
- 2.14 Delivery will be part of the second phase of the Education Transformation Programme using the governance structure that is in place and progress will be published regularly on the Local Offer.
- 2.15 To deliver an inclusive ALP system that works for all, co-production with ALP stakeholders is required. Information sessions with a range of key stakeholders such as ALP Heads have already taken place.
- 2.16 In addition to the eight delivery themes there will be a **cross-cutting co-production workstream**. This workstream has two purposes – to co-produce the delivery plan and, once in the delivery phase, to monitor delivery and ensure new systems and processes are fit for

purpose. There will be four Reference Groups made up of clusters of stakeholders:



2.17 The groups will:

- Review the recommendations and prioritise those which are considered to be most important.
- Review the plans to ensure the right activity is covered and that implementation of the recommendations will be achieved. This is likely to result in changes to the initial planning to produce the final version of the ALP Statement of Action.
- Review the draft recommissioning strategy.

2.18 Co-production activity with the reference groups is planned to be completed by 1<sup>st</sup> September 2021. Following co-production and agreement of the final ALP Statement of Action, stakeholders will continue to be involved to track progress and ensure the quality of the outcomes.

2.19 Stakeholder engagement on the ALP Review has already occurred and more information on this activity can be found in appendix C.

2.20 Appendix B ALP Statement of Action shows BCC’s view of the work required to deliver against the recommendations in the ALP Review. It should be noted this is the starting point of co-production and not the final plan.

2.21 Areas of the report expected to be of particular interest to stakeholders are **ALP and SEND** and **ALP and Schools**. The outline of BCC’s response to these areas is below.

2.22 ALP and SEND

| Ref. | Recommendation   | Summary of response   |
|------|--|---|
| 3    | Clear expectations and protocols between ALP hub and SEND teams need to be agreed and clarified.   | <p>These recommendations will be delivered through the development of new pathways for the various scenarios when children and young people may be considered for specialist provision and ultimately alternative provision.</p> <p>A review of the consultation process for specialist provision is included along with consideration of out of local authority requests.</p> <p>We plan to introduce Mainstream Awaiting Placement Panel (MAPP) meetings. In the MAPP meeting, the school will have the opportunity to discuss what support they require to meet the needs of children and young people and how to prepare for transition to specialist setting with colleagues from other schools, an Educational Psychologist and representatives from specialist outreach providers.</p> |
| 11   | SEND team do not commission individual bespoke ALP packages. Procurement arrangements need to be agreed by Senior Officers of ALP and SEND.                            |   |
| 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. |   |
| 24   | Develop as a matter of urgency a protocol for SEND and ‘high cost’ placements with ALP Hub to enable appropriate placements.   |   |

|    |   |   |
|----|---|---|
| 14 | A system for joint monitoring, quality assurance and co-ordination of all ALP placements with SEND needs to be established. | We plan to increase capacity to enable better, more joined up quality assurance of placements. We will also introduce a new standard operating procedure which will be reflected in the commissioning arrangements.<br><br>This recommendation links to recommendation 16 and also the recommissioning of ALP in section 5.5. |
| 15 | A review of Top Up (pre EHCP) funding is urgently needed.   | We will review current funding arrangements and put in place a new funding matrix for element 3 of High Needs Funding. This will build on learning from other comparable Local Authorities to ensure best practice is followed.   |

### 2.23 ALP and Schools

| Ref. | Recommendation  | Summary of response  |
|------|---|--|
| 2    | Protocols regarding graduated response from schools need to be drawn up.  | We will work with the schools and settings participating in the Bristol Inclusion Panel <sup>1</sup> process to clarify expectations and evidence required to support the graduated response more explicitly within the referral process. This will ensure more robust, complete and relevant safeguarding information is available to support/improve safe transitions between schools.<br><br>A clear understanding of what an appropriate response looks like will be developed and good practice shared.<br><br>This links to recommendation 27 in the Safeguarding theme. |
| 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) |  |
| 19   | Establish a SEMH Pathway including common language for reporting and recording.   | We will review existing early support arrangements within schools with a view to introduce measures to better support settings.  |
| 21   | A review of early intervention to schools, support advice and challenge to prevent exclusions and reliance on ALP.  | An SEMH pathway will be established. This will be supported by the introduction of a SEMH champions network and training across settings to ensure a consistent approach and knowledge transfer.   |
| 30   | Consider how to appropriately support and challenge schools around the areas of inclusion and exclusions.   |  |

2.24 The ALP Statement of Action is expected to be agreed, following co-production, by 22<sup>nd</sup> October 2021. Indicative delivery dates are included in the draft ALP Statement of Action, but it is expected these will change through the co-production activity. Current expectations of the work required show an end date of September 2022.

<sup>1</sup> The main functions of the Bristol Inclusion Panel are to support the education arrangements for children at risk of permanent exclusion and to fulfil the requirements of the local area Fair Access (mid-year admissions) Protocol – finding school places for vulnerable children missing education. The BIP was co-created by schools and the local authority and continues to be well supported by schools and other education settings. It has been successful in achieving its purpose of significantly reducing permanent exclusions from Bristol secondary schools and ensuring that children are given the opportunity to be successful in appropriate education settings, best suited to the individual needs of students.

### 3. Policy

Not applicable.

### 4. Consultation

#### a) Internal

Not applicable.

#### b) External

Not applicable.

### 5. Public Sector Equality Duties

- 5a) Before making a decision, section 149 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 who 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.
- 5b) An Equality Impact Assessment for the ALP Statement of Action has been completed and is available in Appendix D.

**Summary of significant negative impacts and how they can be mitigated or justified:**

Changes to the ALP system have the potential to affect CYP both with and without protected characteristics. As the ALP SOA has not yet been finalised, negative impacts will be mitigated through representative Reference Groups.

These groups will co-produce the ALP SOA ensuring their views are incorporated and that the actions included in the plan reduce any negative impacts on people with protected characteristics. Once the ALP SOA moves into the delivery phase the Reference Groups will continue to monitor delivery with a focus on reducing negative impacts.

**Summary of positive impacts/opportunities to promote the Public Sector Equality Duty:**

The changes to the ALP system resulting from the ALP Statement of Action will help to ensure that the educational needs of children and young people (CYP) are met with all CYP in appropriate provision. The key objectives of the programme of work are to implement a fairer system with improved service user experience and transparent decision making. This will benefit all CYP including those with protected characteristics.

**Appendices:**

- A. ALP Review Report
- B. ALP Statement of Action (draft)
- C. ALP Co-production proposal
- D. EqIA

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None.