

**Report to the Cabinet**

Meeting to be held on Thursday, 7 September 2023

**Report of the (Acting) Director of Education, Culture and Skills**

**Part I**

Electoral Division affected:  
(All Divisions);

**Corporate Priorities:**  
Supporting economic growth;

**Alternative Provision Strategy 2023-2026**

(Appendix 'A' refers)

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**Brief Summary**

This report provides an update on the development and the use of alternative provision in Lancashire. In October 2020, Cabinet approved the current Alternative Provision Strategy 2020 to 2024.

In March 2023, the Department for Education published the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan. This publication was the government's response to the public consultation on the SEND Green Paper; Right Support, Right Place, Right Time consultation, which took place in 2022. There has also been increased demand for alternative provision in Lancashire. The Alternative Provision Strategy 2020 to 2024 was subsequently reviewed in light of these developments to create the new Alternative Provision Strategy 2023 to 2026.

**Recommendation**

Cabinet is asked to consider and comment on the new Alternative Provision Strategy 2023 and 2026, as set out at Appendix 'A'.

**Detail**

In October 2020, Cabinet approved the Alternative Provision Strategy 2020 to 2024. This initial strategy was developed in response to the rising numbers of pupils being



permanently excluded from school, concerns about the outcomes for children attending alternative provision in comparison with those attending mainstream school, and the increasing pressure this was placing on high needs block funding. Although there has since been some improvement in the exclusion rates, the demand for alternative provision continues to increase, along with an associated increase in cost. More information about some of these pressures is provided below.

The Special Educational Needs and Disability and Alternative Provision Improvement Plan: Right Support, Right Place, Right Time, published in March 2023, outlines the government's commitment to the delivery of a fully integrated alternative provision and special educational needs system. This Plan was produced in response to feedback received in relation to the green paper public consultation. The Plan highlights the vital role that alternative provision can play in supporting children and young people to remain in mainstream education by offering both early, targeted support and time-limited or transitional places in alternative provision schools, for pupils who need more intensive support.

The Alternative Provision Strategy 2020-2024 was reviewed and a new Alternative Provision Strategy 2023 to 2026 was developed, which is set out at Appendix 'A'. The new Strategy reflects the Special Educational Needs and Disability and Alternative Provision Improvement Plan.

## **Current position**

State funded alternative provision in Lancashire is provided by settings that are referred to as either pupil referral units or short stay schools. Local authorities are required to make alternative provision available to provide:

- education for pupils who, because of exclusion, illness, or other reasons, would not otherwise receive suitable education;
- education arranged by schools for pupils on a fixed-term exclusion, now referred to as a suspension;
- education for pupils being directed by schools to off-site provision to improve their behaviour.

There are seven secondary and two primary pupil referral units located across the county, all of which are rated good or outstanding by Ofsted. There is no primary pupil referral unit in the east area of the county, so alternative provision in this area is currently commissioned from an independent non-maintained provider, where required.

The pupil referral units enable the local authority to fulfil its statutory duties in respect of:

- day 6 provision for pupils that have been permanently excluded;
- temporary placements for children who are new to the country where appropriate;
- short-term placements where a child is unable to attend school for medical reasons.



Pupil referral units are also able to offer intervention places, where there are places available within the commissioned numbers, and where these places are not required for the local authority to fulfil its statutory duties.

A comparison between exclusion and suspension rates in England and Lancashire is provided in the table below.

		2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Permanent exclusions (rate)	Lancashire	0.21	0.19	0.19	0.09	0.08	0.14
	England	0.10	0.10	0.10	0.06	0.05	0.08
Suspension (rate)	Lancashire	4.42	4.36	5.06	3.13	4.16	7.12
	England	4.76	5.08	5.36	3.76	4.25	6.91

It can be seen from the data presented that suspension rates in Lancashire from 2016/17 to 2020/21 had been consistently lower than was evident nationally, although in 2021/22, the suspension rate in Lancashire exceeded that across England the first time since 2016. Permanent exclusion rates have remained consistently higher in Lancashire, in comparison with the national rate. Although exclusion rates began to rise again in 2021/22, the difference between Lancashire and the rest of England was not as great as seen before the Covid-19 pandemic. It is possible that the increase in Lancashire's suspension rate in 2021/22 accounts for some of this, as schools were suspending rather than permanently excluding pupils. Preliminary data available within the local authority indicates there is likely to be a further rise in both exclusion and suspension rates in 2022/23. The information available currently, although not yet published, indicates there is also likely to be an increase in exclusion and suspension rates nationally in 2022/23.

The number of commissioned places in state funded pupil referral units was 851 in 2023/24. This is the same number as was commissioned before the pandemic. The budget forecast for these commissioned places in 2022/23 was £11.8m. It is anticipated that this will increase to at least £13m in 2023/24. This increased pressure on funding is largely attributable to the 132 additional places that have been commissioned for secondary aged pupils, which accounts for £2.3m.

Information about individual pupils' placements provided as part of the census data indicates that, on average, a pupil in Lancashire will spend at least one year in a pupil referral unit following admission. The same data reveals that pupils on intervention places can remain in a pupil referral unit for two years or more. However, it should be noted that this data is a little misleading as it does not account for pupils provided with very short-term placements who do not appear within the census data. There is an ongoing investigation into this.

Most pupil referral units have pupils who have been on roll for more than four years. As indicated above, in April 2023, all secondary pupil referral units had exceeded their commissioned number of places and/or had pupils waiting for a place following their permanent exclusion. At that time, there were 60 pupils who were not receiving their full-time entitlement to education in a school following their exclusion, including 12 pupils awaiting medical placements.



Reintegration rates data is limited although it seems likely that these are below 5%, particularly for older pupils and those who have been subject to permanent exclusion.

This means that if exclusion rates continue to rise, the pressure on alternative provision placements will increase and, based on current information, it is anticipated that there will be no capacity to provide support and/or a placement for children who are permanently excluded after October 2023 half-term.

### Alternative Provision Strategy 2023 to 2026

The refreshed Strategy has been guided by feedback from key stakeholders, including young people and practitioners working across education, health and care services. This feedback has resulted in focus being placed on the following outcomes as identified in the previous strategy:

- support a needs led approach so that children and young people are supported more flexibly and innovatively with a reduced dependency on full time placements in alternative provision based upon an outreach first approach;
- support improved outcomes for children and young people at risk of exclusion by identifying need earlier and targeting preventative support;
- redress the unsustainable budget pressures associated with the current level of demand.

A consultation was carried out during the 2023 summer term on the Alternative Provision Strategy 2023 – 2026. The only suggested amendment related to the key principles identified in the original strategy and therefore *'halt the increasing use of specialist provision'* has now been changed to *'ensure appropriate use of specialist provision'*.

Following consideration by Cabinet, the new Strategy will be implemented through the workstreams identified below. The focus for each of the delivery streams is provided, along with any developments that have taken place or that are planned.

Workstream	Focus	Activity
<b>Models of service delivery</b>	<ul style="list-style-type: none"> <li>• Move towards collective system-wide decision making and responsibility.</li> <li>• Improve access to training and resources.</li> <li>• Enhance our outreach first approach, based on multi agency support.</li> <li>• Refine and develop funding arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>• High needs block working group has been established and meetings are ongoing.</li> <li>• Additional funding has been agreed to support key phase transitions at school entry, into secondary school and post-16 provision.</li> </ul>
<b>Policy, procedure and governance</b>	<ul style="list-style-type: none"> <li>• Strengthen our approach to governance.</li> <li>• Strengthen our policies and procedures.</li> <li>• Strengthen the oversight of</li> </ul>	<ul style="list-style-type: none"> <li>• New service level agreement will be in place from September 2023.</li> <li>• Strengthened monitoring and oversight from April</li> </ul>



	alternative provision.	<p>2023 into use of alternative provision; consideration being given to creating additional capacity for this.</p> <ul style="list-style-type: none"> <li>• Pro-active approach to improve attendance by pupil referral units and local authority services.</li> <li>• A review of policies and procedures during autumn term 2023 will be undertaken.</li> </ul>
<b>Stakeholder engagement and co-design</b>	<ul style="list-style-type: none"> <li>• Co-design and develop intervention support and alternative provision, including post 16 provision.</li> <li>• Develop alternative provision good practice guide.</li> </ul>	<ul style="list-style-type: none"> <li>• Surveys/focus groups with pupils using alternative provision to support co-design of approach to be undertaken during the autumn term 2023, building on feedback already provided.</li> </ul>
<b>Alternative provision framework and commissioning</b>	<ul style="list-style-type: none"> <li>• Undertake gap analysis of alternative provision across Lancashire.</li> <li>• Strengthen commissioning arrangements.</li> <li>• Develop a framework for alternative provision.</li> </ul>	<ul style="list-style-type: none"> <li>• North-west region flexible purchasing system for alternative provision is being developed and should be available during the 2023/24 academic year.</li> <li>• Directory of potential local providers has been created.</li> <li>• The development of the Lancashire commissioning/alternative provision framework will be completed during 2023/24 academic year.</li> </ul>
<b>Implementation training and communication</b>	<ul style="list-style-type: none"> <li>• Develop greater sharing of data and local intelligence.</li> </ul>	<ul style="list-style-type: none"> <li>• Publication and launch of the Alternative Provision Strategy 2023 to 2026 from September 2023.</li> <li>• Data will continue to be shared regularly at headteachers' forums and other stakeholder events.</li> <li>• Consideration being given to regular data sharing meetings with stakeholders.</li> </ul>



## Appendices

Appendix 'A' is attached to this report. For clarification, it is summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Alternative Provision Strategy 2023 to 2026

### Implications:

This item has the following implications, as indicated:

### Risk management

The local authority has duties under section 19 of the Education Act 1996 to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

### Financial

High needs funding within the Dedicated Schools Grant supports provision for children and young people with special educational needs and disabilities. This funding enables local authorities and education providers to meet their statutory duties under the Children and Families Act 2014. The escalating pressures on the high needs block are not unique to Lancashire. The special educational needs reforms introduced in 2014, placed new statutory duties on all local authorities, which included an extension in the age range from birth to 25 years; previously, this was up to the school leaving age of sixteen for the majority of young people.

Nationally, the average spend on high needs has increased, and high needs block allocations fall short of existing levels of expenditure and, despite increased funding and the use of Dedicated Schools Grant reserves to support the high needs block, a net deficit continues. The new Alternative Provision Strategy 2023 to 2026 builds on the previous Strategy and looks to de-escalate the need for higher cost provision both inside and outside of county and to keep children within, or closer to their home communities and schools. This should improve the outcome for children, their parents and their communities, and also increase the efficiency and effectiveness of the use of funding received from the government.

### Equality and Cohesion

This proposal impacts on both the age (young people) and disability protected characteristics of the Equality Act 2010, and is designed to contribute positively to the Public Sector Equality Duty's general aim of advancing equality of opportunity and its related aim of increasing participation in public life for these children and young people, their families and carers. The information contained within the report indicates that there are proportionally fewer children and young people educated in mainstream schools in Lancashire than nationally. There are also more children educated in specialist provision and secondary alternative provision than nationally.



The lack of access to supported provision in mainstream schools and to local specialist provision of particular designations and for those with the most complex needs is resulting in some children and young people travelling to schools outside their community.

### List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

