

CABINET- 25 FEBRUARY 2025

CABINET RESPONSE TO THE REPORT OF THE CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE

Item under consideration: ALTERNATIVE PROVISION (AP)

Recommendations:

The Children, Families, Lifelong Learning and Culture Select Committee notes the significant improvement between February 2024 and October 2024 in the number of children and young people receiving 15 or more hours of education each week. It is encouraged by the Service's increased focus and attention on children not in school and applauds the efforts so far to ensure that this easily forgotten cohort is not neglected.

The Committee recommends that the CFLL Service:

- I. Prioritises achieving the target of 15 hours a week for all Children and Young People, except those who have complex medical or mental health needs that mean they can cope only with fewer hours.
- II. Delivers a strategy and plan to assess the quality of Alternative Provision provided based on whether the provision is meeting the needs of the CYP receiving it and enabling the CYP to return to full-time education or appropriate alternative employment/training.
- III. Considers – with safeguarding partners – how children not in school (and not just those who are electively home educated) could be better safeguarded. The Committee remains concerned that this sizeable cohort of children are particularly vulnerable, and the issue warrants increased attention.
- IV. Works with schools to understand why 2,303 children and young people are missing more than half of the school year, and how this number can be reduced - particularly the 514 severely absent pupils with an EHCP in mainstream, given the SCC strategy of ensuring more children with EHCPs are educated in mainstream environments.
- V. Presents to the Select Committee the findings of the Surrey Virtual School review into 'suitable education', which was due to go to the education subgroup of the Corporate Parenting Board in November 2024.

Cabinet Response:

- I. Teams to increase the number of hours of provision CYP can access. There is an ongoing challenge to teams to continue to review the number of hours provision being made and progress remains ongoing. Guidance has been circulated to Case Workers regarding the expectation that no child shall have education below 15 hours unless for complex medical reasons. In DfE most

recent guidance around Alternative Provision – “Arranging Alternative Provision – A guide for Local Authorities and Schools – February 2025” it states:

“The law does not define “full-time education” but children should have provision, where possible, which is equivalent to the education they would receive in a mainstream (or special) school. This may not mean the same number of hours. If, for example, a child receives one-to-one tuition, the hours of face-to-face provision could be fewer as the education may be more intensive.”

In line with best practice, already being implemented by Surrey Virtual School, our ambition for those able to is that they would receive the equivalent of 18 hours of provision. However, for those children receiving 1:1 provision which could include 1:1 tuition, the number of hours they are able to successfully access is likely to be less.

- II. As set out in ‘Area of Improvement 4: Alternative Provision’ of the Surrey Local Area SEND Partnership Improvement Plan (January 2024), a comprehensive programme of activity is underway to increase the breadth, level, and quality of AP services in Surrey. Progress against the AP Strategic Improvement Plan activities is overseen by the AP Governance Board as well as the Additional Needs and Disabilities (AND) Joint Commissioning, Alternative Provision and Pathways to Independence Project Board.

A key activity within the AP Improvement Plan is the implementation of the Independent AP Dynamic Purchasing System (DPS), established to ensure high quality and consistency in the commissioning of provision for CYP requiring independent AP. The DPS process ensures that all successful providers meet a benchmarked standard, allowing providers to join at set periods provided they meet the necessary qualitative evaluation criteria. This strengthened commissioning process for independent AP is supported by the development of a range of new reporting mechanisms, enabled through the DPS framework, which align with the wider AP Improvement Plan KPIs. KPIs include a key focus on outcomes for CYP (including reintegration), underpinned by Individual AP Agreements (IAPAs) for each placement. The IAPA outlines the expected outcomes of the placement at its inception, linking to needs set out in the EHCP. As part of the ongoing monitoring of provider quality, work is underway to implement a Risk Assessment tool (RAV) for AP, overseen by an AP Quality Assurance monitoring steering group. This will be in place by March 2025.

In line with the objectives set out in the Alternative Curriculum and Reintegration Support Strategy, Surrey is transitioning to an ‘in-house first’ approach, reducing reliance on independent providers. Where it is necessary to commission an independent AP provider Surrey’s position is that these settings must be registered with the DfE or be contracted under the DPS framework. Only in exceptional circumstances would there be reason to commission a new placement with a provider not meeting one of these criteria, i.e. because of a Tribunal decision, in which case Surrey will conduct the necessary compliance checks to provide a minimum level of assurance around the quality and suitability of provision.

The current Alternative Curriculum and Reintegration Support Strategy will be refreshed for September 2025.

New guidance for Schools on roles and responsibilities with regards to the commissioning of AP will be published by April 2025. This will support schools in ensuring a focus on quality and outcomes for CYP in AP. For those CYP with an EHCP whose AP has been commissioned by the LA, new Case Officer Guidance will be implemented which outlines the expectations for regular review of provision. Currently for Children Looked After review of provision being made to children takes place through the maintenance of their Personal Education Plan. The provision made to children with an Educational Health and Care Plan will be reviewed through the Annual Review of their Plan. Both these mechanisms assure whether the needs of a child or young person are being met and they are making progress.

- III. Joint working across the directorate has facilitated the development of guidance, training, and enhanced reporting to ensure the safeguarding of Children Not in School (CNiS) is prioritised. Areas of focus include:
- Creation of practice guidance by Surrey Virtual School all children with a Social Worker not in school to ensure clarity around LA responsibilities and policies.
 - Education leader participation in regular Social Worker training events (e.g. 'Team Tuesday' session)
 - Social Care and Education data and reporting enhanced to include tracking of electively home educated children coming to the attention of the C-SPA
 - Schools are required to ensure all children on their roll receive access to the national curriculum and have access to a suitable education that meets their needs. Schools may need to differentiate how they deliver that education according to the needs of the child. Attending school part time for a short period of time to allay anxiety may be the best option for a young person.
 - Guidance has been provided to schools around the use of Part-time timetables.
 - Schools make a half termly return to the Council of the names of children who are accessing part-time timetables and provide reasons why this is in place and when the provision will be reviewed
 - Ongoing training for Social Workers around CNiS/Elective Home Education (EHE)
 - New guidance for schools setting out their role and responsibilities when commissioning AP – to be published by April 2025
 - Data matching on a rolling 6-months basis between EHE and referrals to C-SPA. This is available to practitioners via Tableau.

The Department for Education recently published information on thematic reviews for CNiS, focussing on joint commissioning of programmes with

health and social care. A plan outlining our preparation for a potential thematic review has been developed and outcomes of the national thematic review report will identify areas for development.

- IV. As at 24.01.25 there were 2,667 children recorded as Severely Absent in academic year 2024/25. Of these 1,673 remained as active on roll with their school.

	Total Aut 24/25	No. remaining on roll at same school		
		Total	Of which EHCP Mainstream	Of which EHCP Special
No. pupils SA	2,667	1,673	427	121

Of the 994 that are no longer identified as on roll at the school in which they were recorded as being severely absent in Autumn 24/25,

Destination Situation	Total	Of which EHCP
EHE	231	23
Change of school placement**	182	97
Accessing AP	77	39
CME	11	6
Other* (i.e. moved out of area)	493	4
Total	994	169

*This primarily consists of children that have moved out of area

**Not recorded as SA in new placement

Further work to better understand the circumstances leading to absence will be carried out, auditing those who remain active on roll. Auditing and dip sampling will continue on a regular basis with particular attention being paid to vulnerable groups (children with a Social Worker, those Severely Absent, EHE, those on a part-time timetable). This activity will be a focus of a multi-agency CNiS group being formed in response to the DfE Thematic review and will then be used to support ongoing partnership working, including:

- Implementation of new attendance guidance, including targeted support meetings
- Encouraging attendance group – working with schools and wider partners to focus on education neglect and develop action plans to address this

Whilst work is ongoing to ensure strong partnership working to improve children's attendance it is important to note that Surrey is not an outlier with regards to attendance. As indicated below, the proportion of children severely

absent from a Surrey school was below that seen nationally and across the South East.

Category/ Cohort	Surrey number of children	Data Source	National average	SE average	Stat neighbour average	Comment	Good to be.
Children who are Severely Absent from School	3184 pupils Attendance > 50% 23/24 – provisional estimate 2.0%* (2505 pupils, 1.7% 22/23)	DfE provisional LA data download Aug 24 for AY 23/24 (DfE published data)	2.0% 22/23	2.1% 22/23	n/a	Lower than national and SE	Low

*this is based on a calculation of 3184 pupils / total 155,679 pupils in the DfE file. The published figure may differ from this when released as there are complex rules applied when calculating attendance statistics. Individual children may be counted more than once if they attend multiple schools in the same period

- V. A key findings summary will be made available to the Select Committee by end February 2025. A final draft is attached to this document at Annex 1.

Clare Curran
Cabinet Member for Children, Families and Lifelong Learning
17 February 2025

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Surrey Virtual School

SVS

Ensuring Children Looked After Receive a Suitable Education

Findings from a review conducted by the Surrey Virtual School

Anwen Foy
Virtual School Headteacher
and Assistant Director

January 2025

Findings from a review of children looked after who are not in full time education

Aims of the review

- To define expectations of a 'suitable education' for children in the care of Surrey
- To review why a minority of these children are not currently receiving a 'suitable education'
- To clarify the LA's approach as the Corporate Parent, to ensuring a suitable education is in place and the Virtual School and partners' actions to secure this for every looked after child
- To make recommendations and highlight next steps to ensure all children looked after receive a suitable education

Brief Background

Children's right to an education

The UN Convention on the Rights of the Child states that every child has a right to an education. In England, those who hold parental responsibility (including the LA as corporate parent for children they look after) have a legal duty to secure education for any of their children of compulsory school age.

Looked after children who are not in school: Context

The Children’s Commissioner’s 2023 report, ‘[Lost in Transition](#)’, found that children missing from education were more likely to come from deprived neighbourhoods, have a special educational need, or be known to social care. [Further research](#) conducted by the Children’s Commissioner (2023) showed that looked after children were over-represented among those missing from school and that **2.7% of looked after children nationally were not in school**. Her analysis also highlighted that “*unaccompanied children seeking asylum, male children, older children, children with special educational needs, and children without stable care placements were disproportionately more likely to not be in school.*”

This review took into account the requirements of statutory guidance and legislation which support an understanding of what a ‘suitable education’ means for a looked after child. This included [Section 19\(1\) of the Education Act 1996](#), [DFE Statutory Guidance](#) around the education of looked after children, [the SEND Code of Practice](#) as well as [DfE’s guidance on the registration of schools](#) which sets out that there is no legal definition of what constitutes ‘full-time’ education and that “*generally, we consider any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education.*”

Which children were in scope?

The Virtual School’s review focused on the available dataset as at June 2024, and included looked after children **of statutory school age** who were not in school because they were:-

1. **Children Missing Education.** DfE defines CME as ‘*children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school*’.
2. **Children who are receiving unregistered education provision.** This means that the education provision that a looked after child is receiving is not registered as a school with the DfE.
3. **Children who are enrolled at a school but not attending.** This includes those who are ‘persistently’ absent (90% or less attendance) and those who are ‘severely’ (50% or less attendance) absent. Some of these children may have a reduced hours timetable in place, or a blended programme of Alternative Provision (AP).

Please note that: -

- For unaccompanied asylum-seeking young people, the concept of ‘alternative’ provision must be viewed in a different light, as it is generally not being used as an alternative to traditional full-time schooling. Instead, it forms part of a graduated induction into life in a new country and formal education, alongside the development of cultural orientation and age-appropriate life skills. This is followed up in the ‘recommendations’ below.
- Young people in post 16 (years 12 and 13) were not in scope of this review.

Key findings by group

Please note that as numbers are small in each group, exact data is not included in order to ensure that no child can be identified.

Group 1: Children Missing Education (CME)

- The percentage of children looked after recorded as CME included in this review was very low (below 2%). This is reflective of consistently low figures for the past 2 years due to the collective efforts led by the Virtual School, to ensure that every child has education in place. As of December 2024, this figure reduced to 0.5%.
- Within this small group, over half were in Key Stage 4, with the majority of others in Key Stage 3, therefore reflecting a predominantly adolescent demographic. A small number were asylum experienced young people, newly arrived in the UK.
- There was an equal distribution of in and out of county, however, all those with EHCPs (around a third of the total CME) were out of county.
- Children 'new to care' (i.e. in care for 12 months or less as of March 2024) were a feature of this group. We work hard to minimise the impact of any unavoidable school moves as a result of a care setting move.
- Although this group is very small, the characteristics outlined above are representative of what is seen at other points in the year

Group 2: Children in unregistered alternative provision (AP) (not on roll of a school)

- Within the review, as of June 2024, 5.2% of the statutory school CLA cohort were receiving their education in this way. There is no national dataset for this measure, however benchmarking with the Children's Commissioner report (2023) is possible, which shows that a higher percentage of Surrey CLA within this review were in unregistered AP than the 2.7% found nationally in 2023.
- Within this group of Surrey CLA included in the review, over half had EHCPs, there were no children recorded as 'SEND Support.' However just over a third were UASC recent arrivals (and therefore new to care). If this group were discounted, the overall percentage would reduce from 5.2% to 3.2%.
- Over half of the group were in Year 11 (correlating in part to the presence of UASC in this group) and nearly three quarters were living out of county.
- Children were receiving a mixture of online and in person tuition, and UASC were also accessing other strands of the Virtual School's UASC induction programme.
- The number of hours' of education accessed by each child varied, although Section 19 legislation around children with EHCPs stipulates that it education should be 'suitable to a child's age, ability and aptitude and to any special educational needs they may have.' Equally, DFE guidance around UASC recognises that these young people '*may never have had access to education before*' and that it may need to be introduced gradually alongside '*cultural orientation and life skills appropriate to their age.*'

Concerns about unregistered alternative provision

- We are mindful that this type of education is not regulated by the government or inspected by Ofsted, and therefore it is less possible to independently assess its appropriateness as a "suitable education" for the children who receive it.
- As good corporate parents, our other main concerns about this for looked after children are around the gradual increase we are seeing in its use, the potential variability in number of hours, quality and breadth of curriculum provided and the

assurances around access to therapeutic aspects of EHCPs where these are in place. Safeguarding and cost requirements also need to be met from within the LA rather than with through a child's registered school or provision.

Group 3: Children who are enrolled at a school but not attending (persistently or severely absent)

- As of June 2024, there were 127 statutory school aged looked after children who were on the roll of a school but persistently absent and a further 61 who were severely absent.
- Whilst 'unauthorised absence' is generally very low for looked after children, it was higher within the group in scope of this review who were either persistently or severely absent.
- We know from Welfare Call (the provider which collects daily attendance marks for all CLA) that 'refused' is sometimes used by schools as a reason for non-attendance, meaning that it is unauthorised. This is always followed up by the Virtual School and the reason for absence is frequently found to be EBSNA (Emotional Based School Non-Attendance) based. This reflects the prevalence of emotional and mental health needs within this group of children.
- Our review also found that children looked after who were persistently absent were more likely to have additional needs (with either an EHCP or SEND Support) or to be UASC, with reduced hours timetables in place for around 20% of this group of children.
- Just over 10% of children persistently absent and 20% of children severely absent were new to care during the previous school term, and therefore still in a period of adjustment and stabilisation, including to their pattern of school attendance.
- 15% of children who were severely absent had additionally experienced 2 or more care placement moves during their Year 11, reflecting that dealing with changes, transitions and potential feelings of instability are highly likely to have affected children's school attendance, on practical, emotional and behavioural levels.
- 80% of the children severely absent were in Years 9-11, a much higher proportion than for persistently absent (51%) and within this group, 13% became 'not on roll' during the year, meaning that severe absence for a proportion, was a pre cursor to coming off the roll of a school altogether.
- A higher proportion of children persistently absent than severely absent were attending schools in other LAs.

Educational outcomes

Finally, the Virtual School's review considered Key Stage 4 educational outcomes for the 38 children in year 11 who were included in this review. The following caveats apply:-

- Individual children will frequently have multiple factors impacting on their education which have a cumulative effect. Each child will respond to these kinds of challenges in different ways.
- The group in scope here is small (38 children) and presents a snapshot of the Year 11 children

Findings

- Whilst mindful of these caveats, our review strongly suggests that children who do not receive a 'suitable education' are far more likely to achieve poorer educational outcomes and struggle more at transition points.
- It also suggests that being in DfE registered provision more strongly supports achievement of at least some qualifications and likelihood of successful transition to post 16 EET.
- Unsurprisingly, children persistently absent were more likely to achieve qualifications than those with greater levels of absence (severe absence).

Recommendations

The following recommendations have been agreed by both social care (CP PLT) and education leadership teams (ELL LT) and are already being actioned, led by an Assistant Headteacher from the Virtual School – progress is shown below

	Recommendations (December 2024)	Progress	RAG
1	<p>We take collective responsibility within CFLL, as good corporate parents to ensure that every statutory school aged looked after child, is on the roll of a DfE registered education setting and we agree that sufficiency of 'suitable education' in a specific geographical area is not an acceptable reason for a looked after child to be out of school.</p> <p>Where this is the case: -</p> <ol style="list-style-type: none"> 1. An SVS Deputy Headteacher / Assistant Headteacher will quality assure the PEP following completion by the Education Support Officer <ol style="list-style-type: none"> a. 18 hours of online tuition for a block of 6 weeks* will be offered as interim education with a clear start and end date in line with the statutory guidance and best practice. b. Tuition providers will need to provide assurances of quality and sufficiency, inputting into meaningful learning targets which link to the child's current and future needs as recorded on their PEP. c. Steps taken to support the child back into education are clearly recorded and dated on their PEP. d. A new 'Practice Standard' is drawn up to guide social workers in their practice around children looked after who are not in full time, registered education 	<p>Agreed by ELL leadership team 16th January and Corporate Parenting PLT 15th January 2025</p> <p>In place</p> <p>In place</p> <p>In place</p> <p>In place</p> <p>Published and in place</p>	
2	<p>Escalation processes are used where support and challenge have not been successful including:</p>	<p>All in place, monitoring of use and impact</p>	

	<ul style="list-style-type: none"> a. Referral and follow up from the monthly SEND SVS SCT quadrant-based meetings so that visibility and accountability remain high b. An IRO alert c. Use of appeal and direction to admit d. Use of the multiagency FAST process (Finding A Solution Together where appropriate) (Surrey only) e. Referral to the 'School Monitoring Group' within ELL 'as appropriate. (Surrey only) f. For children not resident in Surrey, the Surrey Virtual School will facilitate contact with the other LA's Virtual School, so that 'local' escalation routes (including lodging an official complaint) can be explored and identified. 	now put in place	
3.	For those OOC CLA with EHCPs there will be a named Surrey 'virtual' SEND Case Officer acting as a link for the other LA's SEND team and taking the necessary steps to secure DfE registered provision without delay for the child, should they return to Surrey.	Agreed at ELL Leadership Team 16.1.25 Currently being operationalised	
4.	A qualified SENCO to be part of the SVS staff team who will support and challenge the child's professional network and SEND Commissioning about the quality of education and delivery of their EHCP whilst they are not on roll of DfE registered provision. For children who are 'CME' they will retain oversight of their EHCP and Annual Review and monitor their access to the therapeutic aspects of their plan.	SENCO now in place	
5.	AP Commissioners for children looked after with EHCPs to: - <ul style="list-style-type: none"> a. Ensure that arrangements for delivery of therapeutic aspects of their plan are either built in and delivered as part of the service received or commissioned separately for the child. b. Number of hours provided is sufficient and builds to full time as soon as possible 	Discussions with Commissioning at an early stage	
6.	SVS Education Support Officer (ESO) will attend (in person or virtually) and input into Annual Review of any Surrey CLA with EHCPs OOC <i>who are CME or have AP only in place</i> . Support and training to be provided by Surrey SEND for this activity. Best practice would be for the Annual Review and PEP to be a combined meeting.	Introduced January 2025	

7.	That consideration is given within the LA to ways in which Surrey children looked after could be placed on roll on a Surrey DFE registered education setting, short term, whilst they are receiving unregistered 'AP only' provision – one example could be children in Year 11 placed on the role of a post 16 college.	Discussions underway with lead LA officers prior to discussion at Post 16 Phase Council	
8.	The impacts and implications of a 'suitable education' for UASC have been identified following SVS' review for children looked after and are currently being shared and carefully considered. Consideration of a connected document which focusses on the needs of UASC is taking place and will be reported back in February 2025 to Education Subgroup of Corporate Parent Board.	To be presented at the March meeting of the Education Sub Group for Corporate Parenting	
9.	Social care teams to do everything possible to avoid care placement moves in the time leading up to statutory assessment in Years 6 and 11. Where this is unavoidable, we recommend that signoff is required from the Virtual School Head, and rationale recorded by the social worker on the child's record on LCS. Details of mitigations and support to prevent educational underachievement recorded on PEP.	In progress	
10.	<p>Reduced hours timetables (RT) are put in place only in exceptional circumstances, in line with the requirements of statutory attendance guidance as outlined in this paper and should not be used as a way to manage a child's behaviour.</p> <p>We expect that a RT for a looked after child:</p> <ol style="list-style-type: none"> Outlines its purpose and ambition for the child Includes a clear start and finish/review date Is uploaded to the child's PEPs always notified to the local authority where the child attends school The Surrey Inclusion and Virtual School teams will link half termly to track and monitor the use of RTs for looked after children, as well as linking closely and regularly with the SVS Assistant Headteacher with responsibility for school attendance. 	RT closely monitored by the Virtual School. In progress.	

Acknowledgements: Kind thanks to members of Surrey Corporate Parent PLT, Quality and Performance Service, Education and Lifelong Learning Leadership Team and Surrey SEND, for their consultation and input.