

TUESDAY, 3 DECEMBER 2024

An update on Alternative Provision in Surrey

Purpose of report:

To provide an update to the committee on alternative provision in Surrey. The report focuses on the issues, raised by members of the committee in February 2024 and those related issues that were discussed in September 2024.

1. Introduction:

1.1 This report relates to local authorities' statutory duties under section 19 of the Education Act 1996. The section 19(1) duty states that local authorities are responsible for arranging suitable and (normally) full-time education for children of compulsory school age who, because of exclusion, illness, or other reasons, would not receive suitable education without such provision.

1.2 This duty is referred to as 'the section 19 duty' and means that where a child cannot attend school because of a physical or mental health need, and cannot access suitable full-time education, the local authority is responsible for arranging suitable alternative provision. The legal duty applies to children of compulsory school age (5-16 years) who would normally attend maintained schools, including: academies, free schools, special schools, alternative provision, or independent schools.

1.3 The law does not define full-time education but children with health needs should have provision, where possible, which is equivalent to the education they would receive in a mainstream school. 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.

1.4 Where full-time education would not be in a child's best interests for reasons relating to their physical or mental health, local authorities must arrange part-time education on whatever basis they consider to be in the child's best interests.

1.5 This report focuses on children who receive their education other than at school (EOTAS). There are a range of arrangements that enable children to receive education if they are unable to attend school. These arrangements described as **Alternative Provision** include the following.

Children who attend a **Pupil Referral Unit (PRU)** or Alternative Provision (AP) Academy following a permanent exclusion.

- Children who receive **individual tuition** – through Surrey Online School (SOS), through the councils Access to Education teams (A2E) service or those who access externally commissioned tuition services.
- Children who attend a **Hospital PRU** due to a medical condition.
- Children who attend alternative education settings that are commissioned by Surrey Council
- Children who attend alternative education settings that are commissioned by schools.

(Appendix 1 provides contextual data relating to Alternative Provision)

1.6 EOTAS and alternative provision can sometimes be confused with EHE or elective home education. **EOTAS** is initiated and arranged by the local authority for children unable to attend school due to specific needs, with oversight and funding provided by the authority. **EHE**, on the other hand, is chosen and managed by parents, with no financial support from the local authority, though authorities conduct checks to ensure the child is receiving a suitable education.

2 Specific issues raised by previous committees.

2.1 There are a range of questions that have been asked by select committee following their meetings in February and September 2024. These issues and our responses are set out below.

1. **How many young people are receiving less than the 15-hour minimum a week education set by the Department for Education, and please breakdown to fewer than 10 hours and fewer than five.**

	February 2024	October 2024	No. Change
Receiving less than 5 hours education	114 (36.5%)	75	-39
Receiving Less than 10 hours (but more than 5 hours education)	68	46	-22
Total receiving less than 10 hours education	182	121	-61
Receiving less than 15 hours (but more than 10 hours education)	58	45	-13
Receiving more than 15 hours education	72	133	+ 61

Total	312	299	-13
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Of those children receiving alternative provision in February 2024, there has been an 85% increase in the proportion receiving 15 hours or more of education.

Most children have an EHCP and require AP to be able to meet the outcomes set out in their plan. It is not always easy to identify alternative provision to meet all the needs set out in an EHCP.

Many of the children receiving alternative provision are awaiting placement in a specialist provision as their needs are complex and cannot be addressed by tuition.

It should be noted there are some children who are unable to access more than 5 hours education due to complex medical needs and anxiety.

As stated above, there is no specified level of alternative provision that a child should receive. The level of provision is determined on an individual basis according to their needs and the capacity of the young person to receive intensive one-to-one education.

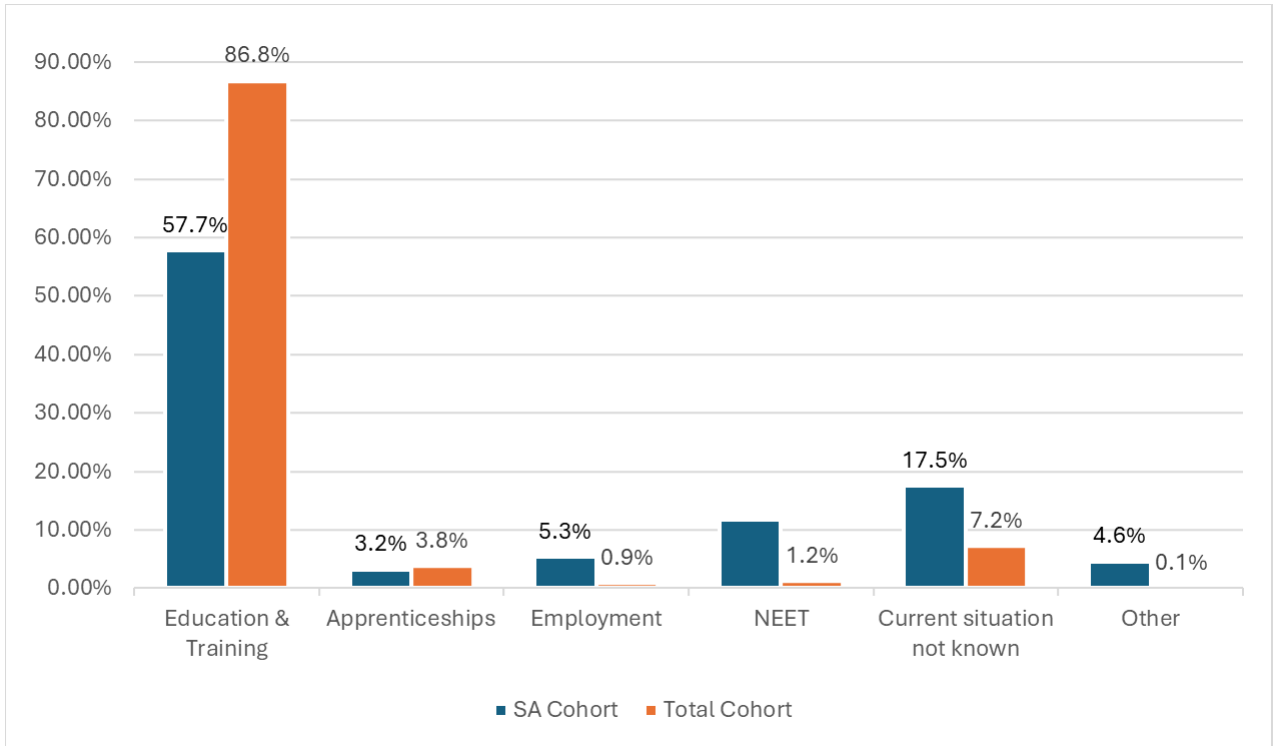
2. What is the impact of missing significant amounts of school on children – it was requested that officers investigate the destinations of Year 11s who had been severely absent.

It is a statutory requirement for the Council to track and record the destinations of all young people resident in Surrey in NCY 12 and 13. Those tracked include young people who were missing education (CME), in Alternative Provision (AP) and in Non-Maintained Independent (NMI) provision as at 31st May of Year 11. The data does not include young people attending independent schools.

The destination data for those who were in National Curriculum Year 11 in 2022/23 and severely absent from education was analysed. 435 Year 11s were recorded as severely absent. The tracking of post-sixteen destinations for those Year 11 leavers who were severely absent in academic year 2023/24 is ongoing as part of the annual cycle of data collation. They are now in year 12 – and account for 3.6% of the Year 12 population (12,005).

Tracking destinations for those who have been severely absent is not part of the general data collection. This was a bespoke request therefore it is not possible to make a comparison for the severely absent cohort to previous years, nor against statistical neighbours or national performance, However, it is possible to compare the severely absent cohort with the total tracked cohort for the same year.

The graph below compares the destination data for those severely absent (SA) with the general cohort.



The comparison between the SA cohort and the total cohort of year 11 indicated that.

- 66.2% are engaged in Education, Employment, or training (EET) compared with 91.5% of the total cohort.
- Those who were SA in their final year of statutory education (Year 11) are less likely to progress into full-time education than their peers, however, they are more likely to progress to employment or training.
- The proportion of those severely absent whose current situation remained unknown at the end of January 2024 is notably higher than that across the total cohort.
- It is important to note that disclosure of current activity for those aged 16-18 is at the young person and/or family’s discretion.
- The NEET and unknown figures are disproportionate for those that were SA in their final year of education.
- Tracking of post-16 pupils is for those residents in the local authority area, therefore those previously the responsibility of Surrey as they were on roll at a Surrey school are tracked into Year 12 by their home authority.

3. Following on from the previous data provided in relation to the statistical and geographical neighbours for (a) data relating to each category - (b) how many of their CYP severely absent from school have (i) SEN support and (ii) and EHCP.

Surrey Pupils Severely absent (SA) – 2023/24	Total	EHCP	SEN Support	No SEN
No.	2,303	612	346	1,345
%		27%	15%	58%

A request has been made to neighbouring authorities to seek the sharing of information that would allow us to see how Surrey compares specifically in relation to those with an EHCP and those at SEN support.

Comparison overall with SE and National is set out in Appendix 2 which indicates Surrey performance is better than both.

4. Data on how many (a) CYP severely absent from school and (b) electively home educated CYP are on the MindWorks waiting list, and how these figures compare with regional neighbours.

The above data is not readily available. MindWorks ask children and their parents if they are in education. Practitioners can identify those children who are not in school and have a mental health need. School-based staff have also been requested to ask about levels of attendance, as have other teams. An awareness of low levels of attendance help guide our conversations about need and risk. Likewise in education there will be a record on individual case notes as to whether severe absence is linked to a mental health need,

Since the above request, conversations have taken place between health, MindWorks and education regarding the legal framework for obtaining the information requested, the need for consent from young people/parents, and the need for an Information Sharing Protocol. It has been agreed to share a list of those with severe absence with the data team and for MindWorks to share their list to see if a matching exercise can be undertaken which, if possible, would provide anonymised data to each service.

Nationally there has been an increase in the number of children with mental health needs and it is felt that systems that allow referral data to be shared would be informative and help to put in place systems that support mental well-being as early as possible.

5. A breakdown of how many of those severely absent children and young people who have an EHCP, how many are in a special school versus a mainstream school.

Number of Severely Absent children with an Education Health and Care Plan attending Special School/ Mainstream School

Pupils with an EHCP classed as Severely Absent	Mainstream School	Special School	PRUs	Total
No.	514	98	0	612
%	84%	16%	0%	

As above, this data is taken from the DfE provisional Surrey LA download for the 2023/24 academic year. It does not include pupils attending independent schools, colleges etc for whom DfE does not collect attendance data. It does include non-maintained special schools.

3. Other issues for consideration by the Select Committee

3.1 Children Looked After and Alternative Provision

When identifying and securing a 'suitable education' for a looked after child, decision-making, timeliness, and processes need to be viewed through a 'corporate parent' lens with due regard to the following statutory guidance.

DFE Statutory Guidance around the education of looked after children defines a 'suitable education' as "a school or other education setting that is best suited to the child's needs." The guidance states that this should be based on "what a good parent wants for their child." 'Suitable' wherever possible, means a full-time place, in a DfE-registered education provision which is judged by Ofsted to be 'good' or 'outstanding.' There should be evidence that the setting can meet the educational needs of the child and help them make maximum progress. Identifying a 'suitable' education should also be informed by a child's wishes and feelings.

The Surrey Virtual School is currently undertaking a review in relation to "suitable education." Findings and recommendations will be presented to the Education Subgroup of the Corporate Parent Board in November 2024. This encompasses three main groups of children.

The review will assess whether Surrey CC has had regard to the seven principles identified in the Children and Social Work Act 2017 when exercising their functions in relation to looked-after children and care leavers. These include ensuring looked after children and care leavers are safe, and have stability in their home lives, relationships and education or work, always returning to the question 'Would this be good enough for my child?'

The review will cover.

- **Children Missing Education** - The 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.*'
- **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. As such it is not regulated by the government or inspected by Ofsted, and therefore it is less possible to assess the appropriateness of education on offer for the children who receive it. This includes 121 tuitions.
- **Children who are enrolled at a school but not attending**
This includes children who are persistently (below 90% attendance) or severely (below 50% attendance) absent. Some of these children may have a reduced hours timetable in place, or a blended programme of Alternative Provision.

It proposed that the committee may wish to be informed of the outcome of this review.

3.2 Quality Assurance of Alternative Provision

There are a number of arrangements that allow the AP used and provided to Surrey children to be quality assured which include, annual visits, Ofsted inspections, dip-sampling of case work, the use of the Independent Alternative Provision Direct Purchasing System.

Whilst roll out of the DPS is still at an early stage, evidence of impact on the market is already being seen. Surrey can negotiate more cost-effective pricing for its pupils whilst delivering improved oversight of outcomes.

4 Conclusions:

4.1 Alternative Provision is delivered in a range of ways to meet a variety of needs in Surrey. Improvements are being made to ensure that Alternative Provision is sufficient to meet children's needs and of good quality. This is the case for all children, particularly those from vulnerable groups.

4.2 These improvements have required reviews and updates to be made to a number of policies and processes, including arrangements for children missing education, emotionally based school non-attendance, commissioning and quality assurance, children with medical needs as well as those who have been excluded and our relationship with schools.

5 Next steps:

Agree an information-sharing protocol between SCC, MindWorks and Health.

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Sources/background papers

1. Report to select committee in February 2024
2. Report to select committee September 2024

10. Appendices

1. Contextual data regarding AP
2. Data provided to the Select Committee 12/09/2024.
3. Response to questions from select committee.

Appendix 1: Alternative Provision (AP)– contextual data @ 1st October 2024

	No.	%	Source Comment
Total number of statutory school age children receiving SCC commissioned AP	507		Tableau – School on Roll (PRUs) Tableau – AP Placement Tableau - AP LIFT child level SOS on roll data
Gender - male	316	62%	
Gender – female	191	38%	
Vulnerable cohorts receiving AP			
EHCP	305	60%	
Children Looked After	15	3%	
Severely Absent	92	18%	Those severely absent in 2023/24
Youth Justice	13	3%	Youth Justice cohort extract as of 15 th Oct 24
Permanently excluded within the last 12 months	82	16%	
Anxiety – Mental Health Needs	-		Being developed


N.B. those children with multiple vulnerabilities will be duplicated across each category.

Appendix 2 - CNIS Surrey data alongside National and Regional comparators where these are available.

Category/ Cohort	Surrey number of children	Data Source	National average	SE average	Stat neighbour average	Comment	Good to be.
CYP Permanently Excluded from School	221 pupils 23/24 (rate 0.09 22/23)	Tableau/ Group Call (DfE published data)	Rate 0.11 22/23	Rate 0.06 22/23	Rate 0.07 22/23	Lower than national Higher than SE/ SN	Low
Children Missing Education	87 pupils Sept 24 (0.1% Aut 23)	Tableau/ EYES (DfE published data)	0.4% Aut 23	0.3% Aut 23	n/a	Lower than national and SE	Low
Children who are being tracked as they may be CME	205 pupils Sept 24	Admissions and Inclusion data	n/a	n/a	n/a	n/a	Low
Children who are Severely Absent from School	3184 pupils Attendance > 50% 23/24 (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
Children who Electively Home Educated (2.04)	2300 pupils Sept 24 (1.1% Aut 23)	Tableau/ EYES 26/07/2024 (DfE published data)	1.1% Aut 23	1.3% Aut 23	n/a	Equal to national Lower than SE	n/a
Children accessing AP that the Local Authority is responsible for commissioning (2.05)	371 pupils Sept 24 (364 AP census 24, 0.18%)	EYES/ Finance spreadsheet/ PMOOE return direct from schools/ Tableau/ Area CME reporting. (DfE published data)	0.12% AP census 24	0.11% AP census 24	n/a	Higher than national and SE	n/a*
Children accessing AP** commissioned by Schools	747 pupils Sept 24 459 Aut 23, 0.22%)	PMOOE return direct from schools. (DfE published data)	0.29% Aut 23	0.28% Aut 23	n/a	Lower than national and SE	n/a*

* Whilst it is neither good nor bad to be in alternative provision where that most appropriately meets the needs of a child, lower levels tend to indicate that more children can have their needs met in a school setting within ordinarily available provision

Appendix 3 - responses to questions from select committee 12/09/2024.

 [Action Item Responses-20240912 v 1.0.docx](#)

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