

FULL EQUALITY IMPACT ASSESSEMENT – IMPLEMENTATION OF ‘IMPROVING ALTERNATIVE PROVISION’

Title: Implementation of ‘Improving Alternative Provision’.

On 1 September 2011 the Secretary of State asked Charlie Taylor, the Government’s Expert Adviser on Behaviour, to conduct a full review of the alternative provision (AP) sector. Mr Taylor’s report was published on 8 March 2012.

This equality impact assessment is being published to accompany a consultation on plans to implement the recommendations in Mr Taylor’s report.

The report makes the case for the need to reform the AP sector and improve the outcomes of the vulnerable children in AP. It cites statistics such as the fact that only 1.4% of pupils in this sector at the end of Key Stage 4 obtained 5 or more GCSEs at grades A*-C, including English and maths, compared with 53.4% of pupils in all schools in England.

The report makes a total of 28 recommendations to reform this sector. The Secretary of State welcomed the report and accepted its recommendations.

We are now seeking the views of the sector on how we can best implement these recommendations.

Description of the policy

As Charlie Taylor’s report ([here](#)) states, AP often caters for the most deprived and vulnerable children in our society. Children in PRUs and AP are twice as likely as the average pupil to qualify for free school meals, and over three-quarters of pupils in PRUs have SEN. Pupils in AP come with a wide range of needs that have to be addressed: for example behavioural difficulties, and mental health or emotional issues. In some cases mainstream schools have failed to deal with these issues, while in others they do not have the expertise or provision needed to help these pupils progress.

Mr Taylor visited a variety of settings and providers as part of his review and found that the quality of provision was extremely varied. He found some outstanding provision, addressing both the individual needs of their pupils and their academic requirements so that they could either return to mainstream school or progress to further education, training or employment. However, he also found some provision that failed to meet the academic needs of their

pupils, and others which did “little more than keep their pupils off the streets”.

In his report Mr Taylor sets out the issues behind poor provision, from low expectations to poor quality assurance and commissioning. He also makes 28 recommendations on how the sector should be reformed in order to improve the standard of provision across the sector and thereby improve the outcomes for pupils in AP. These recommendations are set out below.

- **Expectations for AP**

- **Recommendation 1:** That AP policy and practice, nationally and locally, has an increased focus on effective assessment and identification of children’s needs. This should take place as early as possible and before a child’s behaviour has deteriorated to the extent that permanent exclusion is the only option.
- **Recommendation 2:** That information is shared between schools and providers and that locally this leads to clear and realistic plans with baselines against which to measure progress (including towards reintegration into mainstream schooling, further education, or employment). Where children have SEN, these plans will link to ‘Education, Health and Care Plans’ on which DfE is expected to provide more guidance in due course.
- **Recommendation 3:** All children who are referred to AP should continue to receive appropriate and challenging English and Maths teaching. All providers should offer this provision, or arrange it in partnership with other providers or the school if the child is educated in more than one place.

- **The Quality Assurance of AP**

- **Recommendation 4:** That schools, LAs and PRUs as commissioners should set up local systems for quality assuring the AP in their area, so they can place children in the right provision.
- **Recommendation 5:** That the DfE should stop maintaining a central register of AP providers. Information about AP providers is a local issue and there is no role here for central government.

- **The Exclusions Trial**

- **Recommendation 6:** That schools rather than LAs should be responsible for commissioning AP and PRU services.
- **Recommendation 7:** That over the mid-term LAs should work with schools to begin to devolve the funding they currently use for this purpose to schools.
- **Recommendation 8:** That head teachers or senior managers from

schools should sit on the management committees of their local PRU.

- **Commissioning of AP**

- **Recommendation 9:** That when schools decide to send a pupil to AP they share all relevant information with providers, agree the nature of the intervention and set targets for the pupil. Progress should be regularly monitored and plans put in place for the next stage in the child's life.
- **Recommendation 10:** That schools look at using money they currently spend on AP to build up their capacity for managing pupils' behaviour.
- **Recommendation 11:** That the DfE commissions a payment by results trial for AP.
- **Recommendation 12:** That the regulations on how long pupils can stay in AP are relaxed. Children directed to AP by the school should be able to stay for as long as is necessary, providing the placement is appropriate, is meeting the child's needs and that progress is regularly monitored.

- **The Cost of AP**

- **Recommendation 13:** That schools work in partnerships with PRUs and LAs to develop funding systems for AP that enable them to use provision flexibly and responsively whilst still supporting sustainability and growth of quality.

- **The Inspection of AP**

- **Recommendation 14:** That the Government should set clear standards for the commissioning and use of AP by schools.
- **Recommendation 15:** As part of the new strengthened section 5 inspection, Ofsted ensures that inspectors continue to pay close and consistent attention to how well schools take account of the needs of children in AP.
- **Recommendation 16:** That when Ofsted inspects an AP provider they look at sufficient provision to evaluate pupils' experiences.
- **Recommendation 17:** That the DfE and Ofsted should consider setting up a more structured approach to monitoring alternative provision as part of Ofsted's survey programme.
- **Recommendation 18:** That as part of the development of the new inspection arrangements for independent schools, Ofsted seeks to ensure stronger alignment with the section 5 arrangements in the

reporting and judgements, to assist parents and those commissioning provision for pupils to make suitable choices about AP.

- **Recommendation 19:** Ofsted should ensure that any concerns identified by inspectors regarding alternative provision are fed into the risk assessment for schools.

- **Pupil Referral Units (PRUs)**

- **Recommendation 20:** That the regulations on Teacher Training should be changed to allow work-based training, teaching practice, the acquisition of QTS and the NQT year to take place in PRUs and AP Academies. In the future this change could also apply to AP Free Schools.
- **Recommendation 21:** That PRUs and AP Academies should be encouraged to apply to become teaching schools.
- **Recommendation 22:** All PRUs should have the opportunity to apply to convert to Academy status through any suitable route either independently, with a sponsor or as part of a federation.
- **Recommendation 23:** That where PRUs are failing they can be taken over by successful PRUs, successful alternative providers, or by Academy sponsors.
- **Recommendation 24:** That where PRU head teachers or management committees wish to convert to Academy status, LAs should be supportive and cooperate with this process.
- **Recommendation 25:** The regulations on the make-up of management committees should be amended to ensure local school representation is in the majority.
- **Recommendation 26:** That, if the exclusion trial becomes policy, schools can pool resources to set up their own AP Academy or AP Free School or put PRU/AP services out to tender.
- **Recommendation 27:** That PRUs are removed from LA control, by becoming Academies where possible and closure where it is not. By 2018, the only PRUs remaining would be those where maintenance by the LA added value to the operation of the PRU. To achieve this, the Secretary of State may need to intervene to oblige PRUs to enter into Academy arrangements in cases where the PRU is not failing, but is not delivering expected outcomes.
- **Recommendation 28:** That if LAs wish to open new provision, it should be set up as an AP Academy or an AP Free School.

The Government is consulting on a range of measures – regulations and guidance – relating to AP to take forward the majority of these proposals.

There is a separate discrete consultation on the proposals relating to teacher training. DfE will also work closely with Ofsted to take forward the proposals relating to inspection. Furthermore, DfE is already trialling a new approach to exclusions, whereby schools would take responsibility for commissioning AP for permanently excluded pupils, and would be held accountable for those pupils' attainments.

The evidence base

Data on the AP sector are incomplete as pupils being taught (often for part of the week only, or for a short period) by smaller providers may not be identified in data collections. The information available covers all PRUs and most registered AP providers (eg, independent schools, FE colleges). However, there is no reason to believe that the make-up of the overall AP population would differ significantly from that of the pupils on whom data are available.

<http://www.education.gov.uk/rsgateway/DB/SFR/s001012/index.shtml>

for data on free schools meals and ethnicity;

<http://www.education.gov.uk/rsgateway/DB/SFR/s001007/index.shtml>

for data on special educational needs (SEN);

<http://www.education.gov.uk/rsgateway/DB/SFR/s000985/index.shtml>

for experimental data on the attainments of Key Stage 4 pupils in AP.

What the evidence shows – key facts

Note: comparisons are with secondary schools, as most pupils in AP are of secondary school age.

- In 2009/2010, 1.4% of pupils in AP in Y11 obtained 5 or more GCSEs at grades A*-C, including English and maths, compared with all schools in England.
- In Jan 2011, 34.6% of pupils in PRUs and 13.8%* of pupils in other AP, were eligible for and claiming free school meals, compared with 14.6% of pupils in secondary schools. [*Note: in some AP settings, free school meals would not be available, so that figure is under-stated, but we cannot say by how much.]
- In Jan 2011, 25.2% of pupils in PRUs, and 20.3% of those in other AP were recorded as minority ethnic pupils, compared with 22.2% in secondary schools.
- In Jan 2011, 7.1% of pupils in PRUs, and 5.7% of pupils in other AP,

were recorded as black, compared with 4.6% in secondary schools.

- In Jan 2011, 79.0% of pupils in PRUs had recorded SEN, compared with 21.3% in secondary schools. 12.1% of pupils in PRUs had statements, compared with 2.0% in secondary schools.
- In Jan 2011, there were more than twice as many boys in PRUs as girls, and nearly three times as many boys as girls in AP.
- In Jan 2011, 1.4% of pupils in AP were Gypsy/Roma compared to 0.1% in secondary schools.

Challenges and opportunities

As the key facts above show, pupils in AP are more likely to be on FSM and have SEN than their counterparts in secondary schools. They are also more likely to be male, black or Gypsy/Roma. Any reforms that seek to raise the quality of the whole sector would therefore have a disproportionately positive effect on the pupils in these groups.

The overall package of measures proposed by the report should lead to more timely and effective intervention to address behavioural problems, and to more appropriate placements for pupils who need AP. The longer-term result should be better outcomes for these pupils: not just in terms of their GCSE results, but also in their remaining in education and being better equipped for employment at the end of their education.

The greatest challenge lies in the mind-set that has arisen from the past low attainment of pupils in this sector. What would be viewed as unacceptable in other sectors has been seen as explicable, even excusable, for these pupils. We need to change that mind-set and raise expectations.

The focus on the sector provided by Charlie Taylor's report is an opportunity to change that mind-set and bring about radical change in the alternative provision sector, ensuring that these vulnerable young people receive a better quality education.

Challenges will include: bringing more high quality providers into the sector; persuading schools to pay more attention to the needs of this group of pupils; and supporting the sector through a period of significant change. These challenges will require a new way of working, both at a local level and for central Government in supporting this change and driving improvements in outcomes.

Equality impact assessment

A - A positive impact on equality is explicitly intended and very likely

All of the measures proposed are intended to raise standards throughout this sector.

As the sector provides education for above average proportions of pupils from certain relevant groups – socio-economic deprivation, some BME groups, special educational needs – improvements in this sector should have a positive impact on pupils in these groups, and help to narrow gaps.

At this stage it is not possible to quantify the likely positive impact.

Next steps

The Government is consulting on measures to take forward many of the proposals. In the light of that consultation, regulations will be amended and new guidance issued.

The Government will also monitor the outcomes of pupils in AP on an annual basis.

The exclusions trial that has begun will also provide information about what is happening with one group of pupils in AP – those who have been permanently excluded.

For the record

For the record, but not for publication, give:

Date cleared by Minister:

Name of drafter and date: Neil Remsbery 4 April 2012

SRO endorsing and date: Sara Cooper 5 April 2012

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