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for Education

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Rt Hon Michael Gove MP
Secretary of State for Education

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Dear Secretary of State,

Update on implementing the recommendations from the review of Alternative Provision

In your response to my report on alternative provision you asked for swift implementation of all the recommendations. This letter is an update to show the progress of this work.

Reception of the review

In general there has been a positive response from schools, pupil referral units (PRUs), alternative provision (AP), local authorities and most of the teacher unions. There is an appreciation that we must improve the education of children in AP.

The Quality Assurance of AP

The quality of the sector is being improved. There will be greater diversity following the approval of 6 AP Free Schools, which we expect to open this September and the 2013 application process has now ended, with officials expecting to confirm numbers shortly. Continuing to bring more providers into the sector should create competition, improve quality and drive down costs.

Increasing diversity in the AP sector makes it more important than ever that commissioning decisions be made locally. The Department has, therefore, removed its archaic central register of AP providers.

The Commissioning of AP

The arrangements for the placement of pupils from mainstream school in alternative provision will be revised in the next year to ensure that pupils are able to stay in AP for as long as is suitable for each child.

In preparation for this change, revised statutory guidance will be published in the next year, which will include the safeguards we expect commissioners to put in place when commissioning AP for their pupils. These safeguards have been agreed by Ofsted, whose inspectors will use them when inspecting schools on their use of AP.

Officials have sought the views of a number of schools, PRUs and local authorities for a Payment by Results (PbR) trial. The PbR trial will aim to improve the quality of commissioning and incentivise providers to deliver a better service to individual children. Detailed plans are under development with a number of interested parties and the trial will begin in the next academic year.

The Exclusion Trial

The Exclusion Trial, which sees schools rather than local authorities, placing excluded pupils in alternative provision, has been set up and there are now 11 local authorities and 300 schools involved. The Trial encourages early intervention for those pupils that exhibit challenging behaviour and are vulnerable to exclusion.

The Exclusion Trial will end the local authority monopoly of providing education for excluded children, and schools will be able to use any suitable provider rather than having to rely on the local PRU.

The first evaluation report of the Trial will be available in February 2013 and dependent on the findings, officials will begin to explore transferring, through legislation, the responsibility for excluded pupils to schools.

The cost of AP

The Government has announced details of future funding arrangements for AP settings, including PRUs, AP Academies and AP Free Schools, from the start of 2013-14. These arrangements will mean that AP providers receive a specified amount of base funding for an agreed number of places, which will provide some stability of funding and ensure all providers are funded on an equivalent basis. Above this level, commissioners will pay top-up funding based on the needs of individual pupils. In addition, it will be important that local authorities work with schools and Academies and use the flexibility in the new arrangements to devolve funding for AP where appropriate. There will also be important work to develop local protocols that link devolved funding to schools and Academies to the associated duties and functions.

Pupil Referral Units

Regulations are in place to ensure that all Pupil Referral Units (PRUs) will also have the opportunity to benefit from the freedoms of Academy status. The Department has already received 45 registrations of interest and 15 applications from PRUs. Work is underway with PRUs to convert to AP Academies from September 2012. These pioneers are helping officials to get the conversion process right and are building the momentum that will mean most PRUs will have converted to AP Academies by 2016.

Regulations have also been made so that failing PRUs that are in Ofsted's 'causing concern' categories will, like mainstream schools, be liable for intervention by the Secretary of State and could become sponsored AP Academies.

The Government has consulted on the recommendations relating to underperforming PRUs and this finished on 17 May. This included changes to regulations that will allow much needed intervention in PRUs requiring improvement, and ensure local schools are more closely involved in the composition of PRU management committees.

Ofsted recently announced changes to category 3 in section 5 inspections. While this will not bring all category 3 schools within scope of intervention powers, it will enable the DfE to identify PRUs which are consistently underperforming so that officials can work with the PRU and the LA to reach a solution.

Regulations are also being put in place to enable initial teacher training in PRUs from September. 34 out of the 35 outstanding PRUs who were approached, expressed interest in becoming involved. I expect that 8 PRUs, working in partnership with established providers, will offer up to 20 accredited training places from this September with many more joining the following year. This will help improve both their own and the wider schools' workforce in teaching difficult children.

Although no PRUs have yet come through as a lead teaching school, teaching schools are starting to engage PRUs as strategic partners to lead in areas of training and on school-to-school support. The National College will work with PRUs and, in due course, AP Academies to promote their involvement in the teaching school programme.

The inspection of schools' use of Alternative Provision

Officials are working with Ofsted on a range of measures related to the crucial inspection of school's use of alternative provision. These include developing a clear set of standards for the commissioning and use of alternative provision which will be contained in revised, shorter statutory guidance. Officials are working with Ofsted to develop a more structured approach to monitoring alternative provision through thematic surveys which will begin from the 2012/13 academic year. These surveys are essential to ensure that the commissioning of AP by schools for these vulnerable and difficult children significantly improves.

Next Steps

I am certain that my recommendations, alongside more commissioning responsibility on schools through the Exclusion Trial and greater diversity of provision from AP Free Schools and Academies will transform AP out from the shadows into a flourishing and successful sector.

A further update will be provided towards the end of the year to provide a clearer picture of how change has developed the sector.

I would like to thank officials in the BASD and across the department for their work in implementing these recommendations.



Charlie Taylor
The Government's Expert Adviser on Behaviour