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Responsibility-based models of decision-making, funding and commissioning for alternative provision

Research report

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Executive Summary

Introduction

In 2018, we were commissioned by the Department for Education (DfE) to undertake research into how local alternative provision (AP) “systems” operated and what made for an effective local system of AP. One of the key findings from this research concerned the importance of mainstream schools remaining responsible for pupils who require support from AP.

In the autumn term of 2019, we undertook some further research with school, AP and local authority (LA) leaders in 12 local areas to explore further the different approaches local areas have taken to develop systems of decision-making, funding and commissioning of AP based on responsibility for pupils placed in AP, and to explore how these systems work in practice. Our focus has been specifically on how these arrangements operate in the secondary phase, although our findings about what is needed to establish and sustain such approaches can apply equally to the primary and secondary phases.

When we describe “responsibility-based models”, we mean approaches that seek to foster responsibility on the part of mainstream schools, AP providers and local support services for all pupils in a locality, including those in AP, and cultivate a shared understanding and collective custodianship of the local system’s resources for supporting pupils requiring inclusion support and AP. In this report, we focus on two main types of responsibility-based models:

- **collective decision-making models** – local areas with these arrangements operate a collective decision-making process whereby school, AP and LA leaders and partners can take informed, collective decisions about the use of shared system resources for AP; and
- **devolved funding models** – local areas with these arrangements seek to make clear to schools the finite resources that are available for supporting pupils who may require AP and, by devolving funding to schools, seek to empower school leaders to use this devolved funding, along with their own delegated resources, to put in place timely support.

We distinguish responsibility-based models from the arrangements in local areas where responsibility for decision-making, funding and commissioning around AP is more “centralised” and is seen primarily as the responsibility of the LA.

One of the ways of cultivating this sense of responsibility is to devolve high needs block funding for AP to mainstream schools to enable them to put in place support to prevent

exclusion and ensure timely access to support. In our previous research, we were able to identify local areas with devolved funding arrangements in place and compare them with local areas with other arrangements (although this included some local areas that had cultivated responsibility-based arrangements other than through devolving funding). We found that local areas with devolved funding arrangements:

- had lower proportions of pupils placed in AP and lower rates of permanent exclusion; and
- were more likely to report that they used AP for preventative reasons and that their spend on AP was in line with their budgets.

In our present research, school, AP and LA leaders working within different responsibility-based AP arrangements reported that these arrangements had the following forms of impact:

- a clear vision and purpose for the AP system that underpinned the operation of day-to-day processes;
- greater confidence that the local AP system, and how it was used, was fair;
- appropriate planning and arrangement of placements, including in AP, for pupils;
- transparency about resources, enabling collective understanding and effective use so that spending was in line with available resources; and
- a broader range of pathways for students, enabling pupils to achieve good outcomes and make a successful transition to further education, employment and adult life.

Establishing responsibility-based models: Two key factors

Through our research with the 12 local areas, we identified two key factors necessary to establish a responsibility-based model of local AP. The first key factor concerns the importance of convening system leaders and making the case for change. School, AP and LA leaders described to us the importance of:

- bringing leaders together to confront the issues and pressures on the system, to recognise the system-level nature of these challenges and the need for a system-wide set of solutions, and to agree how a more effective set of AP arrangements should operate in the future;
- the role played by the LA in convening system leaders and facilitating this process, given that local AP arrangements are not within the direct control of any one body,

and given the LA's unique position in terms of oversight of the system, statutory responsibility for all pupils, including those in AP, and wider links to other services that support inclusion; and

- recognising that there is no single right model, but that instead solutions need to be co-developed by school, AP and LA leaders and grounded in the local context to ensure shared understanding and ownership.

Some of the local areas we engaged had experienced resistance when seeking to establish responsibility-based models. School and LA leaders in these local areas noted that setting up a responsibility-based model is dependent on the willingness of school and AP leaders to participate in it. They argued that the national policy did not provide sufficient incentives for schools and AP providers to work in this responsibility-based way. As a result, in these local areas, some schools had simply refused to enter into and abide by a responsibility-based approach, undermining the attempts to establish it.

The second key factor concerns the importance of co-developing a vision for how the system will operate in the future. The school, AP and LA leaders we engaged highlighted three aspects:

- having an ethos of shared responsibility (“they are all our children”) for the education and outcomes of all pupils in that local area, including those requiring support from AP;
- building trust and confidence in the fairness of any new AP arrangements, including ensuring equitable, needs-led access to support and AP, and avoiding any sense of unfairness or the lack of a “level playing field” (meaning that some schools could not gain an unfair advantage financially or in performance terms by overusing AP and not contributing to the reintegration of pupils); and
- translating these principles of fairness and responsibility for all pupils in a local area into a concrete plan for how the system would operate in practice – making this transition can be a significant undertaking, and several of the local areas we engaged had developed working groups of school, AP and LA leaders to develop a plan with immediate and longer-term actions for making this shift.

Sustaining responsibility-based models: Five key factors

Our research also suggested that there are five key factors in sustaining responsibility-based approaches.

1. **A shared understanding of the purpose and aims of the local AP system that is regularly revisited and re-articulated** – school, AP and LA leaders emphasised the

importance of regularly referring back to the purpose and aims of the local AP system, using them to induct new leaders, and ensuring that they informed and were reflected in day-to-day processes around access to support and reintegration of pupils from AP into mainstream education.

2. **System-level decision-making informed by an understanding of the shared and finite resources available to support the local AP system** – this entails ensuring that pupils requiring AP are “visible” to school leaders and the wider system through collective decision-making and oversight arrangements that enable school, AP and LA leaders to consider how the system’s resources can be used equitably and effectively.

3. **Confidence in the fairness of the day-to-day operation of the system through effective oversight and support** – mature responsibility-based models have well-developed systems for monitoring the use and effectiveness of AP, and sharing and making transparent how AP is being used, in order to give all leaders within the local system confidence that local AP is being used fairly and effectively. They also ensure that there is capacity within the system to support its day-to-day operation, including capacity to work directly with schools and AP providers, to offer advice, broker support, provide challenge and maintain oversight of pupils placed in AP and the range and quality of the overall offer from AP.

4. **A clear role for AP that explicitly supports the aims of the local system** – school, AP and LA leaders emphasised the importance of seeing the role of AP in terms of how it contributed to the overall aims of the system and how this role fits with that of other forms of inclusion support. These aims can include fostering collective responsibility for all pupils, upholding fairness, and enabling inclusion, prevention and reintegration. This requires AP providers to be connected to local decision-making about placements in AP, commissioned and funded in a way that reflects their contribution to the system’s priorities, and to be involved in discussions about commissioning an offer of AP that is responsive to local needs.

5. **Having a formal mechanism for handling schools that refuse to be part of local AP arrangements.** Since responsibility-based approaches are dependent on the willingness of school leaders to participate in and uphold them, there is a risk that some schools will refuse or cease to engage with local AP arrangements, corroding the trust and sense of fairness that is needed to underpin those arrangements. Some of the local areas we engaged had developed formal mechanisms for handling non-engaging schools. One local area with devolved funding arrangements retains the resources that would have been devolved to non-engaging schools and uses these to fund the cost of AP placements where those schools exclude pupils. The LA then seeks to recover the costs of AP placements where schools’ use exceeds this amount. There remains, however, a degree of confusion about where responsibility sits regarding non-engaging

schools, and how issues around non-engagement and disproportionate use of AP should be raised and dealt with.

Conclusion

In our research, we have identified three overarching themes regarding the development and maintenance of responsibility-based models of local AP.

1. Cultivating a sense of responsibility for pupils placed in, and the use of, AP provides an important protection against some of the pressures on AP and resources that many local areas are facing.
2. There is no “right model” for organising AP decision-making, funding and commissioning; instead, it is crucial to build consensus, trust and shared responsibility among school, AP and LA leaders about what the right set of arrangements should be for each local area.
3. School, AP and LA leaders feel strongly that there is a lack of incentives in the current national policy framework for schools and AP providers to operate in a responsibility-based way.

Introduction

Context and aims of this work

We were commissioned by the DfE in 2018 to undertake a research project into how local AP “systems” operated and what made for an effective local system of AP.¹ By local AP “systems”, we mean the arrangements for the planning, use and funding of AP and other, related, forms of support within the local area covered by an LA. The research involved gathering evidence about local AP systems from just over three quarters (118) of LAs in England, as well as in-depth work with LA, school and AP leaders in 15 local areas. The report setting out our findings was published in October 2018. (This research was commissioned in parallel with research looking at good practice at school and provider level.²)

One of the key findings from our original research concerned the importance that school, AP and LA leaders placed on mainstream schools remaining responsible for pupils who require support from AP, pupils at risk of exclusion and pupils who have been excluded. The present research sought to explore further this theme of school responsibility for AP and had two central aims:

1. to describe the main “models” of decision-making and funding related to AP that local areas have developed to foster responsibility for pupils placed in AP; and
2. to explore how models founded on this sense of responsibility work in practice, how they have been set up and sustained, and the challenges local areas have found in doing so.

A further finding from our original research was that there is no single “right model” for arranging local AP and inclusion support, and that a key factor in successfully establishing and sustaining any set of local arrangements depended on building consensus about the right approach for each local area’s context. This was underscored strongly by leaders from the local AP systems we engaged during the present project. As such, our aim in this current research has been to understand the different approaches local areas have taken to develop systems of decision-making, funding and

¹ The research was led by Ben Bryant, Natalie Parish and Beth Swords from Isos Partnership, working with Peter Gray (from Strategic Services for Children and Young People), Karina Kulawik (from SEN Solutions) and Aliya Saied-Tessier (from Alma Economics). The report can be found at the link below.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752548/Alternative_Provision_Market_Analysis.pdf

² The parallel research on AP was carried out by IFF Research, and the report can be found at the link below.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748910/Investigative_research_into_alternative_provision.pdf

commissioning of AP based on responsibility for pupils placed in AP, and to explore how they work in practice.

How we have approached the research

While our original research focused on AP in both the primary and secondary phases, the present research has focused on AP for secondary-age pupils. Nonetheless, the principles and characteristics of the models that we describe, and the key factors and challenges in establishing them, can apply equally to the primary and secondary phases.

We have worked with 12 local areas to gather evidence about their local AP arrangements. We selected local areas primarily on the basis that they had established or were exploring responsibility-based models of local AP, both those that had done so successfully and those that had experienced challenges. We also selected local areas to ensure a spread of contextual characteristics – rural/urban areas, geography, levels of deprivation, spend per capita on AP, size of pupil population and the rate of permanent exclusion. The 12 local areas with which we worked were: Barnsley*, Bath and North East Somerset*, Blackpool, Cambridgeshire*, Hertfordshire, Leeds, Liverpool, Middlesbrough*, Nottingham City, Nottinghamshire*, Redbridge*, and Warwickshire. All had contributed to our previous research.³

During the autumn term 2019, for each local area we conducted semi-structured interviews with:

- the LA strategic lead with responsibility for AP;
- a small selection of secondary school leaders (between two and five per local area); and
- the leader of the main AP provider(s) in the local area.

The evidence from these interviews was collated and analysed to build up a picture of each local area's arrangements, and to identify cross-cutting themes, key factors in establishing and sustaining responsibility-based approaches, and common challenges. We have drawn together this qualitative evidence, along with some of the quantitative data gathered during our previous research, to shape the findings set out in this report. We continue to be grateful to all colleagues who have contributed to this and our previous research.

³ All of the local areas that participated in the present research had contributed to our previous research project by completing a survey about local AP arrangements that we sent to all LAs in England. Those in the list above marked with an asterisk also participated in the in-depth fieldwork phase of our previous research.

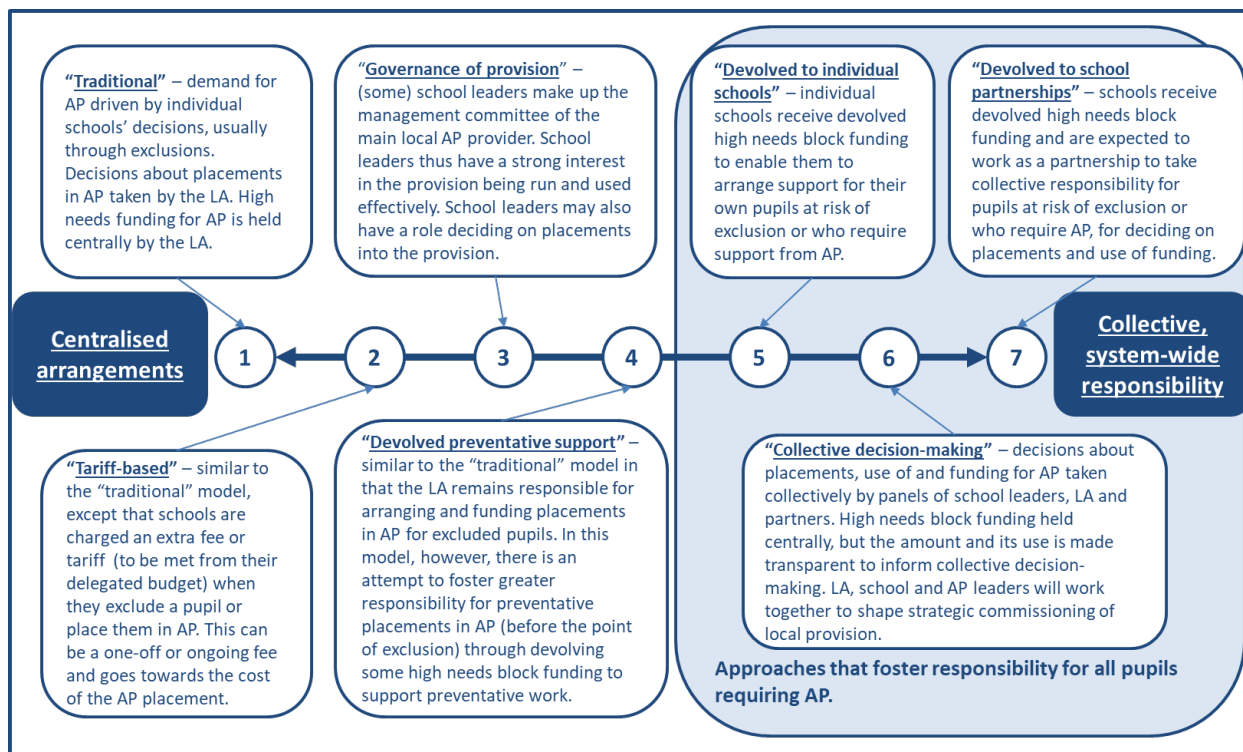
Chapter 1: About responsibility-based models of AP decision-making and funding

Different models of decision-making and funding for AP

In our original research, we found that local systems of AP and inclusion support do not function as traditional “markets”. Instead, they need to be understood as *systems* that require strategic planning, oversight, and a well-developed sense of responsibility across the system, both for the use of inclusion support and AP, and for the pupils who might require them. We found that an essential precondition for having a well-managed AP system is that mainstream schools remain responsible, individually and collectively, for pupils placed in AP. These responsibilities complement those of AP providers (ensuring the offer of provision matches the needs and strategic priorities of the system) and LAs (oversight of pupils not in full-time mainstream education, and links to wider support services).

In the present research, we have considered different types of arrangements that foster responsibility for pupils placed in AP. Figure 1 below presents a continuum, with models where responsibility is held centrally by the LA (and school responsibility is more limited) at one end, moving across to models that explicitly foster shared responsibility at the other.

Figure 1: Continuum of different AP models, depending on the extent to which AP arrangements are centralised or seek to foster responsibility for all pupils requiring AP



There are three overarching points to draw from this. First, the **"traditional"** model (model 1 in Figure 1 above) is most at risk from some of the increasing pressures on provision and resources and trends relating to non-inclusion:

- rising levels of exclusions;
- rising pressure on AP places;
- difficulties arranging the reintegration of pupils in AP back into mainstream schools;
- difficulties securing fair access placements of hard-to-place children;
- pressures on other parts of the local system, such as rising requests for education, health and care plans (EHCPs) and children being home-educated; and
- pressures on high needs block resources.

Within the "traditional" model, there is a separation between who is taking decisions that may lead to a placement in AP (principally school leaders) and the body with responsibility for arranging, overseeing and funding that placement (the LA). Within this model, there are no protections against these pressures.

Second, we have highlighted the final three models – **"devolved to individual schools"** (model 5), **"collective decision-making"** (model 6) and **"devolved to school**

partnerships” (model 7) – as models that explicitly seek to foster responsibility for pupils placed in AP. When we talk about *responsibility* in this context, we do not mean that there is a change in the *statutory* responsibilities of LAs for pupils not in full-time education. Instead, we mean *responsibility* in the sense of having an ethos and a set of processes through which school, AP and LA leaders together take ownership of making decisions, ensuring the effective use of resources, and seeking to achieve the best outcomes for all pupils who may require support from AP in a local area.

“**Collective decision-making**” models seek to achieve this by making transparent the AP resources available to the local area, and operating a collective decision-making process whereby school, AP and LA leaders and partners can take informed, collective decisions about the use of this shared resource.

“**Devolving funding**” models seek to achieve this by making clear to schools the finite resources that are available for supporting pupils who may require AP and, by devolving this funding to schools, seek to empower school leaders to use this funding, along with their own delegated resources, to put in place timely support. “**Devolving funding to schools in partnership**” is a more explicit means of fostering collective responsibility. This model directly encourages schools to work together to take decisions about support, not solely for the pupils in one school, but for all pupils in a local area. In local areas where there is not yet the trust, shared ethos or strength of relationships between schools to support a more collegiate way of working, “**devolving funding to individual schools**” may be a pragmatic way of fostering understanding of the finite nature of resources and responsibility on the part of individual schools for the pupils who may require inclusion support or AP.

Third, we identified three other models of decision-making, funding and commissioning of AP that sit on the continuum between what we have described as “centralised” approaches and those that seek to foster responsibility explicitly.

- “**Tariff-based models**” (model 2) operate in a similar way to the “traditional” model regarding where funding is held and how access to AP operates. What distinguishes these models is that an extra charge or “tariff” is paid by schools in instances where they exclude a pupil. This approach makes clear the cost to the system when a child is excluded permanently, and asks schools to bear a greater share of this cost. On its own, however, it can be perceived by schools as *punitive*, rather than *enabling* of inclusion, and it focuses only on exclusion, rather than fostering responsibility for all pupils who might require support from AP. Our research suggested that 24% of local areas operated these arrangements, although they were often one aspect of the area’s local AP and inclusion support system.
- “**Governance of provision**” (model 3) – under this approach, school leaders may sit on the management committee or governing body of the main local AP provider.

This gives schools a direct stake in the running of the provision, and fosters responsibility for the use of the provision among local schools.

- **“Devolved preventative support”** (model 4) – in these models, a proportion of high needs block funding for AP is devolved to schools to be used preventatively for pupils who may require support from AP. In this way, there is an attempt to enable inclusive approaches in schools, but not necessarily to foster responsibility for all pupils placed in AP, including those who are permanently excluded.

The present research, however, focuses mainly on the models described in our continuum that foster responsibility for pupils requiring support from AP (models 5, 6 and 7 in Figure 1, above).

Evidence about the impact of responsibility-based models

In our original research, the data we collected from the 118 participating local authorities allowed us to distinguish between local areas that devolved high needs block funding for AP and those that held funding centrally. This comparison between “devolved” models (24% of local areas), as the model with the most explicit aims in terms of fostering responsibility for pupils placed in AP, and “centralised” models (76% of local areas) provided some quantitative evidence about the potential impact of responsibility-based models.⁴ This is set out in Table 1 below. To highlight some key points, local areas with devolved models:

- had a lower proportion of pupils placed in AP, relative to the size of their pupil population;
- had a lower number of places commissioned in AP relative to the size of their pupil population;
- had a lower rate of permanent exclusions;
- had a higher rate of reintegration of pupils placed in AP;
- were more likely to say that they used AP for preventative reasons and less likely to say that they used AP for reasons of permanent exclusion; and
- were more likely to say that their AP spend was in line with what had been budgeted.⁵

⁴ We note that the models that we categorised as “centralised” would include some that contained elements of responsibility for pupils placed in AP. As such, while informative, we note that these comparisons may underestimate the difference between responsibility-based and more centralised AP arrangements.

⁵ The data presented in Table 1 were collected during our original research. Data were provided by 118 LAs in response to our online survey, which ran during the spring term 2018. The exception is the data on the rate of permanent exclusion (marked with an asterisk): this is taken from published data for the academic year 2017/18, the link to which is below.

<https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2017-to-2018>

Table 1: Table comparing devolved and centralised models for organising AP funding

Type of AP model	Pupils placed in AP per 10,000 pupils	Places commissioned in AP per 10,000 pupils	Rate of permanent exclusion for secondary-age pupils*	Proportion of pupils placed in AP reintegrated into mainstream schools	Reasons given for using AP for Key Stage 4 pupils	Reporting spend on AP in line with what was budgeted
Devolved	21.8	27.8	0.14	61%	<u>Prevention:</u> 32%; <u>Permanent exclusion:</u> 29%	59%
Centralised	34.2	34.6	0.23	56%	<u>Prevention:</u> 16%; <u>Permanent exclusion:</u> 46%	44%

We also know that local areas with devolved AP funding arrangements were more likely:

- to be in rural areas (36% of local areas with devolved funding were predominantly rural areas, as opposed to 19% of areas with centralised models); and
- to have a larger pupil population on average (112,714 vs. 85,693) and a slightly lower proportion of pupils eligible for free school meals (11.8% vs. 12.9%).

During the present research, we explored what local areas saw as the impact of the responsibility-based models that they had developed. There were five main areas of impact that school, AP and LA leaders highlighted. These are summarised in Table 2 below.

Table 2: Five main areas of impact of responsibility-based models reported by school, AP and LA leaders

Area of impact	Explanation
Clarity of vision, purpose and strategy	<p>School, AP and LA leaders explained that working within responsibility-based models provided a vision for how the system should work, a clear purpose and aim for the use of AP and other forms of inclusion support, and a strategy that aligned that purpose with the day-to-day operation of the system.</p> <p><i>'It works because we are all on the same page.'</i> (Deputy Headteacher, working within a devolved model)</p> <p><i>'We are trying to ensure, first, collective oversight and responsibility for provision and resources, and, second, a focus on reintegration by ensuring that AP and mainstream schools are close together.'</i> (Headteacher, working within a collective decision-making model)</p>
Confidence in the fairness of the system	<p>School, AP and LA leaders emphasised that working within a responsibility-based model, where this had been implemented and maintained effectively, gave them confidence that there were processes, agreed and adhered to by schools and partners, that governed how the system would operate, and would ensure fairness. These processes reinforced a sense of responsibility for the AP system, and ensured that the day-to-day experience of working within the system matched the overall vision and aims of the system.</p> <p><i>'We know that individual schools will sort the costs of a permanent exclusion themselves. That means that other schools will not take a hit if one school permanently excludes.'</i> (Deputy Headteacher, working within a devolved model)</p> <p><i>'We view ourselves as working together across the locality. We consider that we all have a responsibility for children in the area, regardless of which school's roll they are on.'</i> (Headteacher, working within a collective decision-making model)</p>
Appropriate placements of pupils	<p>Different local areas use AP placements, managed moves and exclusions in different ways. This means that it can be difficult to rely on single data measures to judge the effectiveness of local AP arrangements. What leaders in well-functioning, responsibility-based models agreed on was that their models gave them confidence that the movement of pupils between mainstream schools and into AP was carefully planned, well managed, and appropriately undertaken, and ensured that pupils got access to the right support when they needed it.</p> <p><i>'When pupils come to our school, we know they are our pupils, and we can be flexible and pro-active. This lets us target resources where it is needed'</i></p>

	<p><i>and quickly. In terms of impact, we have fewer exclusions, fewer children in external AP. It is not a one-way street where pupils are sent away [to external AP] and never seen again.'</i> (Senior leader, working across multiple schools within a devolved model)</p>
<p>Spending in line with budget</p>	<p>Local areas with responsibility-based models highlighted the fact that there was clarity about the resources available to support local AP, which provided a clear set of parameters for taking decisions about its use.</p> <p><i>'It works for us as we know the amount of money we have to work within, and can plan pro-actively.'</i> (Deputy Headteacher, working within a devolved model)</p> <p><i>'We cannot overspend because we know the money available.'</i> (Headteacher, working within a collective decision-making model)</p>
<p>Pupil-level outcomes</p>	<p>Leaders in local areas highlighted the difficulties in seeking to capture the impact of AP in one or a small number of pupil-level measures of impact. They highlighted the fact that the needs of pupils within AP will be very different, as will what constitutes success. Overall, leaders working within responsibility-based models emphasised that what was distinct about their models was that mainstream schools retained control over the qualifications that pupils who might require support from AP would work towards achieving. They argued that this ensured that there was a wider range of pathways available to those pupils, who would be more likely to finish their secondary education with the qualifications that would enable them to progress into further education, employment or training.</p> <p><i>'The strength is that we are in control of what we do with our own students. Children leave school at end of Year 11, but they leave from [our school] as [our] students. They may leave with different qualifications, but leave without a "permanent exclusion" label. This makes a big difference to children.'</i> (Headteacher, working within a devolved model)</p>

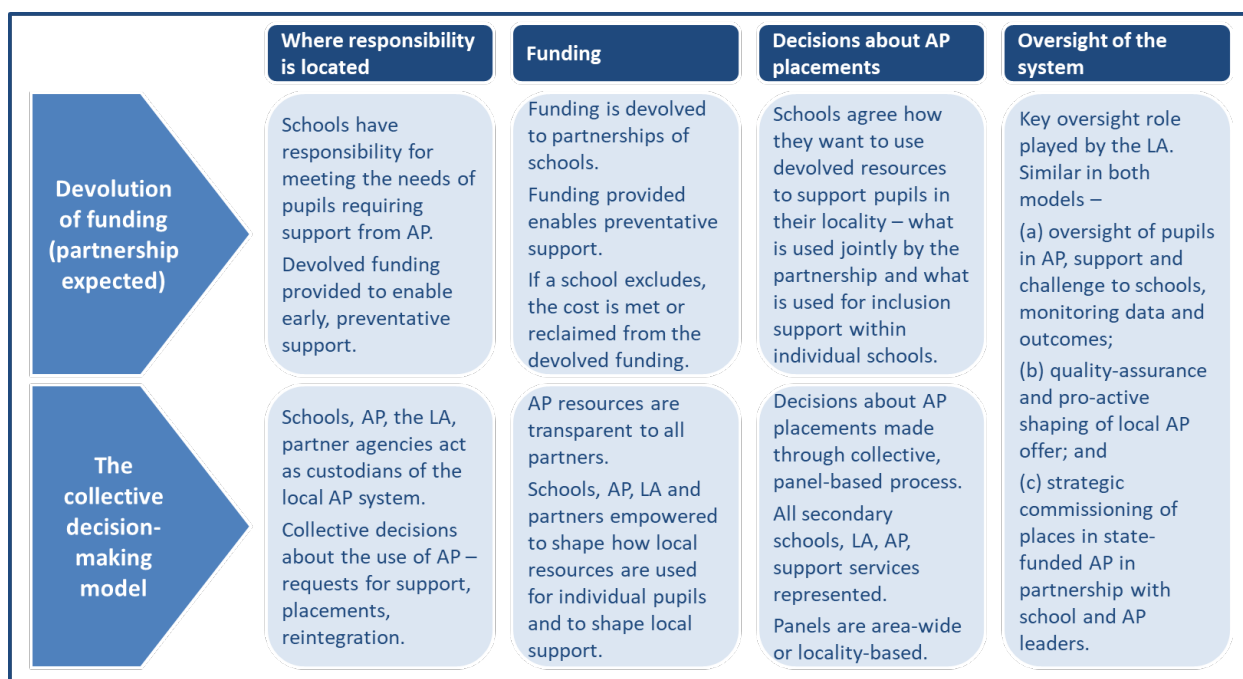
Chapter 2: Two types of responsibility-based models

In our exploration of local AP models, we found that responsibility models had three distinctive features.

1. **Ethos** – these models foster responsibility, often collective responsibility, from mainstream schools, AP providers and local support services for all pupils in a locality, including those in AP.
2. **Custodianship of common resources** – these models cultivate a shared understanding of the local system’s resources for supporting pupils requiring inclusion support or AP and the need for collective custodianship of these resources.
3. **Collegiate decision-making** – these models have formal decision-making processes in place that reinforce this ethos and facilitate collective custodianship.

In this chapter, we describe the two responsibility-based models of local AP that explicitly seek to foster *collective* responsibility for pupils requiring support from AP. These are summarised in Figure 2 below and expanded upon in the remainder of this chapter.

Figure 2: Summary of the two main collective responsibility models



Devolution of AP funding with an expectation of partnership working

Where responsibility is located

Local areas that had established devolved funding arrangements had done so as a means of engendering individual and collective responsibility for all pupils in the local area, and to enable schools to take decisions about the support and provision their pupils need. They had done so to avoid the situation, characteristic of the “traditional” model, where schools are responsible for paying for preventative support from their delegated budgets, but the LA is responsible for paying for provision for excluded pupils from the local area’s high needs block. Local areas had devolved funding to bring together all available resources for AP and inclusion support. In the local areas we engaged, this was done with the explicit aim of enabling schools to use this resource to put in place earlier, more pro-active, preventative inclusion support and access to AP.

It was really powerful that headteachers could identify what they needed, and had resources to use to do that. Schools appreciated the power and flexibility that it gave to them. ... [Our model] has enabled schools to “capture” the first tier of children [who would otherwise not be supported in mainstream schools and would need support in external AP]. Schools are meeting these needs internally. It has been successful and cost-effective. - **Senior school leader, working across several schools within a devolved model**

Nottinghamshire’s devolved funding model

Background

Nottinghamshire is a large local education system, which includes 46 secondary schools. Following critical Ofsted judgements and discussions with Nottinghamshire headteachers, the pupil referral units (PRUs) were closed and a new model was put in place whereby high needs funding was devolved to schools to prevent exclusion and promote inclusion. The rate of permanent exclusions of secondary pupils in England in 2017/18 was 0.2, while in Nottinghamshire it was 0.09. Rates of permanent exclusion have been consistently around half the national rate. The proportion of pupils placed in AP in Nottinghamshire (36 per 10,000 pupils) is also below the national average (48 per 10,000).

How is funding organised?

Funding is devolved separately to primary and secondary schools respectively on a district basis. There are 13 secondary school behaviour and attendance partnerships.

The vast majority of Nottinghamshire schools are part of these partnership arrangements.

Funding is calculated on an individual school basis, using a formula that is based on pupil numbers and deprivation. Partnerships can decide how much money they use centrally and how much individual schools will use to build up their own in-school inclusive capacity. The partnerships also receive devolved funding for special educational needs (SEN), enabling them to take a holistic view of inclusion. School leaders consider that the devolved funding enables them to be pro-active and put in place alternative forms of support that avoid exclusion: *'It is subtle, but there is a world of difference between saying "you've reached the end of the line, you are being excluded, off you go" and "your journey being educated on [the mainstream school] site will come to an end, but you will always be a student of this school". ... Children leave school at the end of Year 11, but they leave from [our school] as [our] students.'*

How are decisions made about placements and provision?

Decisions about access to locally commissioned inclusion services and AP are taken by the schools in their partnerships, which meet monthly. Through these meetings, school leaders consider overall how effectively local resources for inclusion and preventing exclusion are being used, including requests for support, the placement of pupils in AP, reintegration of pupils, and the overall usage of AP by schools in the partnership.

Where a school in Nottinghamshire does exclude a pupil, the LA will identify provision for the young people and the cost of that placement is recovered from the devolved funding of the school in question. This is a condition of receiving devolved funding from the high needs block, and is set out in the service-level agreement.

Who provides quality assurance and oversight of the system?

The Vulnerable Children's Education Commissioning (VCEC) group ensures that there is appropriate oversight of vulnerable pupils and those accessing AP. VCEC is a county-level group made up of LA officers from the Fair Access Team (which also contains advisors who provide support, brokerage and challenge to schools and partnerships), Education Inclusion Services, the Elective Home Education Service, Children's Services, Youth Offending Services, and SEN and health-related support. A monthly meeting enables LA officers to consider those children at risk of becoming marginalised from mainstream education, and to identify which services are best placed to provide support so children do not fall between different services. There is also a parallel panel that oversees pupils who are placed in AP.

Nottinghamshire has developed a framework for quality-assuring local AP. There are currently 66 providers on the framework. This provides assurance about teaching and learning, safeguarding and compliance with relevant legal requirements, and also involves annual monitoring of provision.

How funding and resources are organised and used

The distinctive characteristic of devolved funding arrangements is that funding is devolved from the high needs block to foster inclusion, prevent exclusion and enable the effective use of AP. To distribute funding fairly and transparently, most local areas use factors that relate to the number of pupils on a school's roll and socio-economic disadvantage. We found that the most mature devolved funding models involved devolving all or almost all available high needs block resources for AP, within clear parameters regarding its use.⁶ Rather than retain a central pot of funding, available funding is devolved to foster financial realism and avoid creating perverse incentives whereby schools can bid into a retained central pot if they spend all of their devolved funding. School leaders stressed the importance of the LA committing to maintain funding at similar levels year-on-year to avoid fluctuations.

The use of devolved funding is often set out in a service-level agreement (SLA). From the local areas we engaged, this SLA will often cover:

- the overall aim and purpose of local arrangements;
- the resources available and how they are to be used;
- the respective roles and responsibilities of schools, the LA and other providers;
- reporting requirements relating to the use of devolved funding; and
- how specific situations will be handled, such as instances of permanent exclusion, practices related to dual and single registration, and pupils arriving mid-year.

How decisions about AP placements are made

Where AP funding is devolved to partnerships or with an expectation of partnership working, those partnerships will have two main sets of decisions to make.⁷ First, at a strategic level, they will need to decide what resources should be invested in developing in-school inclusion support and what should be spent on external AP placements. Second, if schools do fund shared provision or keep funding within the partnership as a contingency to fund AP placements, schools will meet to consider requests for AP

⁶ The proportion of high needs block funding available to be devolved differs depending on whether the local area has state-funded AP or not. Where local areas have state-funded AP, current funding regulations mean that providers receive £10,000 per commissioned place. In these local areas, the remainder of AP funding, after place funding is given to providers, is devolved to schools. (Under these arrangements, schools would be involved in shaping the commissioning of AP places.) In local areas with no state-funded AP, all of this funding is available to be devolved.

⁷ Models that involve devolving funding to individual schools without an explicit expectation of partnership working operate in a very similar way in terms of where responsibility is located and how funding is distributed. The difference is that decision-making is located with individual schools, without partnership decision-making and oversight about the use of shared resources and placements in AP.

placements and to oversee the pupils they have placed in AP. Often, these will be the same arrangements as those relating to in-year fair access.⁸ These meetings will involve school leaders (with decision-making authority), LA officers and partners.

Within models of devolved funding, the LA will play an important, ongoing role in maintaining oversight of all pupils placed in AP and those not in full-time mainstream education, providing advice and support to individual schools, and quality-assuring provision. In some of the more mature devolved models we studied through this research, the LA had a small team of education inclusion officers with responsibility for providing advice, brokering support, challenging non-inclusive practice, and shaping provision to reflect the needs of the system (including through maintaining a directory of quality-assured AP).

Cambridgeshire's devolved funding model

Background

Cambridgeshire is a large education system, which includes 35 secondary schools and two AP academies. Cambridgeshire has very low (zero or near zero) levels of permanent exclusion, and also has lower rates of pupils placed in AP (25 per 10,000) than nationally (48 per 10,000).

How is funding organised?

Ten years ago, Cambridgeshire took the decision to devolve all available high needs funding for AP to four partnerships of secondary schools – in practice, some now apportion the money between the individual schools. In return for receiving funding, schools agreed to reduce permanent exclusions and to be responsible for using devolved resources to meet the costs of alternative education. The aim was to put mainstream schools in a position where they could take responsibility for providing support for pupils who needed alternative education and the means to put this in place at the right time.

AP funding is devolved using the same formula as schools block funding. An updated SLA with schools was launched in September 2018, with explicit requirements regarding what schools should report regarding pupils accessing alternative education – for example, schools report on the provision for and progress of all children who access a different curriculum for more than 20% of their school time.

How are decisions made about placements and provision?

⁸ In some local areas, where a pupil resident in the local area has been excluded from a school in a neighbouring local area, or where a pupil cannot be placed in a mainstream school through fair access, the costs of an AP placement for that pupil are passed on to the partnership of mainstream schools. This is designed to reinforce schools' collective responsibility and financial realism, and prompt consideration of how the pupil could be supported to move into a mainstream school.

Decisions about access to support and placements in AP are taken by schools, either acting individually or in partnership. Schools can consider placements in independent AP providers on the Cambridgeshire-wide AP framework.

Who provides quality assurance and oversight of the system?

There are 11 Education Inclusion Officers who work with schools across the county to provide support and challenge to schools on how they can support pupils effectively in a mainstream environment. They also help schools to access the most appropriate AP locally for the needs of the young person.

Recently, Cambridgeshire has focused on strengthening quality assurance arrangements. A Quality Assurance Board, made up of headteachers and senior LA representatives, has been established to oversee the development of a directory of local AP, processes and procedures regarding AP. The LA takes a proactive role, working with local providers to build their capacity; providers compared this favourably with approaches in other local areas, and reported how Cambridgeshire's approach helped both to assure and develop the quality of local AP.

The collective decision-making model

Where responsibility is located

The defining feature of a collective decision-making model is that schools and partners come together to take decisions collectively about the use of local AP. This will often involve considering requests for placements in AP, access to other forms of support to avoid exclusion, oversight of current placements in AP, and the reintegration of pupils from AP into mainstream schools. The local areas that have set up these approaches have done so in order to establish a fair process for making decisions about AP and to do so in a way that encourages schools, AP providers, the LA and partners to act as custodians of the local AP system.

We view ourselves as working together across the locality. We consider that we all have a responsibility for children in the area, regardless of which school's roll they are on. - **Headteacher, working within a collective decision-making model**

How funding and resources are organised and used

Like devolved models, we found that collective decision-making models are often underpinned by financial realism, clarity and transparency about the resources available for AP in the local system. Local areas with collective decision-making models, therefore, will make it transparent to schools and other decision-making partners what resources are available for AP – often in the form of the number of AP places commissioned by the local area – and having an agreement about what a fair distribution of that resource would look like. Often, this is achieved by identifying “shares” of places in AP for the use of individual or partnerships of schools, and tracking the use of AP and other movements of pupils against this.

How decisions about AP placements are made

Most local areas will have some kind of panel relating to the use of AP, but not all local AP panels are *collective decision-making panels*. What differentiates collective decision-making panels from other panel meetings is that they enable schools and partners to take collective decisions about how local AP and inclusion support are used. This is reflected in the membership of collective decision-making panels, which we found will often include:

- senior leaders (headteachers, but more often deputy or assistant headteachers with responsibility for inclusion) from each mainstream secondary school, with an expectation that membership is consistent and that those who attend the panel have the authority to take decisions;
- the LA strategic lead(s) for AP, fair access, admissions and high needs funding;
- leaders from the AP provider(s) within the local system; and
- representatives of other services (early help, social care, youth justice, mental health services, and the police).

Most panels had a broader remit around inclusion and pupil placements. Alongside the use of and reintegration from AP, we found that panels’ remits also included managed moves, in-year fair access, and routes to other forms of support. School, AP and LA leaders considered that this broader remit enabled school leaders to take a holistic view of inclusion across the local system, to take decisions that were fair to all schools, and to consider a wider range of support for pupils.

Panels will either be held to cover the whole local area (more common in smaller, urban areas of 10-20 secondary schools) or localities (in larger, more sparse areas, often matching the structures of existing school partnerships and other services). We found that most collective decision-making panels were made up of between five and 10 schools, although some were smaller to take account of geography or existing school partnerships.

School leaders considered that frequent meetings that enabled swift responses to requests for support were crucial to an effective panel. In the local areas we engaged, we found that most panels met either fortnightly, monthly or once a half term. The frequency of meetings often reflected how AP was used. Panels were held more frequently where AP was used for swift assessment and potential reintegration, not as long-term provision.

Collective decision-making in Bath and North East Somerset (BANES)

Background

The local education system in BANES includes 16 secondary schools. Rates of secondary permanent exclusion have been below the national average but increased to national average levels (0.2) in 2017/18, prompting some adaptations to the local AP model.

A key feature of the system in BANES is the small number of AP places and pupils placed in AP. For a system with over 13,000 secondary school pupils, the system commissions only 27 AP places. The proportion of pupils placed in AP (23 per 10,000 pupils) is under half the national average (48 per 10,000).

How are decisions made about placements and provision?

There are three secondary behaviour and attendance panels (and three corresponding primary panels) that have responsibility for local fair access arrangements and managed moves. Most panels meet every four weeks, and one meets every two weeks. They are attended by deputy headteachers and an LA officer, and centrally coordinated by the LA. Last year, the LA introduced a single point-of-access panel to ensure swift responses to requests for AP placements and placements for excluded pupils. In a model proposed by schools, this is not a standing meeting in its own right: single point-of-access meetings rotate around the existing six primary and secondary behaviour and attendance panels. This means that there is a single point-of-access meeting to consider AP placements every week. A second special educational needs and/or disabilities (SEND) single point-of-access meeting is held weekly for pupils with EHCPs. This panel is attended by colleagues from the SEND department.

In BANES, AP is used to assess pupils' needs and reintegrate pupils who can be supported in mainstream education. As the LA's strategic lead put it, *'Our view is that AP in BANES is 6th day provision, not a long-term alternative to mainstream education.'* Where a pupil is placed in AP, the expectation is that this will be for a short and specific period, with most pupils returning to mainstream school. Where further time in AP is required, this is brought back to the panel for an explicit decision.

How is funding organised?

Funding that has been delegated to schools for behaviour support is identified so that each behaviour and attendance panel area can see what has been provided within their delegated budgets. In some of the panel areas, schools have pooled this resource to fund some additional inclusion and prevention capacity – for example, a family liaison officer or professional assessments. The LA coordinates the commissioning of places in local AP, working closely with school leaders through the panels.

Who provides quality assurance and oversight of the system?

Three times a year, the LA and the chairs of the panels meet to consider how the system is working, review fair access protocols, and explore any further support the panels may need. This group also acts as a steering group for the development of local AP. The LA undertakes quality assurance of AP through regular visits and contract monitoring arrangements.

Collective decision-making in Redbridge

Background

There are 18 secondary schools and two PRUs in Redbridge. Rates of secondary permanent exclusion in Redbridge have been steady at 0.16 for the past two academic years (2016/17 and 2017/18), below the national average (0.2). Redbridge also has a smaller proportion of its pupils placed in AP (35 per 10,000 pupils) than is the case nationally (48 per 10,000).

How are decisions made about placements and provision?

Redbridge's approach is based on an expectation that places in AP are temporary, with the aim of reintegrating pupils into mainstream education. Each year, the PRUs will support two or three pupils for every commissioned place, indicating the swift and time-limited use of those places. When pupils are placed in AP, they are dual-rolled to assist with reintegration. Pupils remain dual-rolled for a period of three months after leaving AP to support the transition back into mainstream school. Many schools have developed in-school inclusion units to support their pupils, offer alternative placements to pupils from neighbouring schools, and assist with reintegration from AP.

Decisions about access to AP, reintegration, and other forms of support are taken by the Redbridge Inclusion Panel. The panel is led by assistant headteachers with decision-making authority, and meets monthly, considering between 5 and 10 cases each time. Discussions are collaborative and focus on finding the right solution for each pupil. This has fostered greater peer support, moderation and consistency regarding in-school inclusive practice. There is also a well-developed sense of realism about the

finite nature of local AP resources. As one school leader said, *'I would love for there to be more AP available, but working within a "fixed resource" helps us to be more disciplined and prioritise requests.'*

How is funding organised?

Places in the local PRUs are commissioned by the LA through consultation with schools. There is an allocation of places in the PRUs for pupils who are permanently excluded (funded from the high needs block) and those who are placed in the PRUs for preventative reasons (funded by schools). All requests for placements in AP, however, go through the Inclusion Panel so that there is oversight of the use of available AP capacity.

Who provides quality assurance and oversight of the system?

Oversight of the system, pupils at risk of exclusion and pupils placed in AP is provided by the Redbridge Inclusion Panel and the LA. Fortnightly meetings of LA officers, AP leaders and other services are held to consider pupils who are not in full-time mainstream education.

How oversight of the system operates

Under the collective decision-making model, oversight and quality assurance operate in a similar way as they do under the devolved model. In both, the LA plays a key role in overseeing pupils placed in AP, and in shaping, quality-assuring and commissioning AP and support that reflect the needs of the local area. Within a collective decision-making model, there is a specific emphasis on supporting the panels to make informed decisions by facilitating practicalities like the flow of data and information, and identifying overarching trends about local needs to inform commissioning of local support and provision.

Chapter 3: Two key factors in establishing responsibility-based AP models

In this chapter, we describe what our research suggested were the two key factors – and the corresponding challenges – in establishing responsibility-based models of local AP. Many of these apply to any model of AP decision-making, funding and commissioning.

Key factor 1: Convening system leaders and making the case for change.

School, AP and LA leaders told us that a prerequisite for establishing a responsibility-based model was confronting pressures facing the system (we describe these in Chapter 1), understanding the underlying issues, and agreeing that continuing with current arrangements is not an option. School leaders who had been through this transition reflected on the importance of bringing all school leaders through this process, not apportioning blame, but fostering a recognition of the connection between their day-to-day frustrations with the AP system and the system-level solutions needed to put this right. In the local areas we engaged, this was done by showing how the operation of the AP system is driven by the cumulative impact of decisions about inclusion and exclusion made by school, AP and LA leaders and partners, and empowering school leaders and partners to see themselves as collectively responsible for reshaping the system. Figure 3 below captures what school leaders told us they experience in the day-to-day operation of local AP arrangements and how this reflects wider system-level challenges.

Figure 3: How schools’ experiences of and frustrations with local AP arrangements can connect to wider implications for the local system and help to make the case for change in local AP arrangements

	Implications for individual schools	Implications for the local system	
1	Unustainable pressure on AP, rising rates of exclusions	Schools experience challenges in getting access to advice, support and places in AP when they are needed and before “crisis-point”.	The system experiences growing pressure on AP, reduced preventative capacity, and challenges maintaining the quality of AP.
2	Serious concerns about the quality of local provision	Schools have concerns about the quality of local provision, and want to be in a position to reshape future support.	The system experiences a lack of high-quality provision that reflects local needs, and needs to reshape provision so that it is responsive to local needs.
3	Pressure on and overspend of the high needs block	Schools may be asked to transfer resource to the high needs block, resulting in reduced funding for in-school inclusion.	System resources are increasingly used for “reactive” purposes, diverted away from mainstream education and preventative support.
4	A lack of fairness, equity and transparency	Schools perceive a lack of fairness and transparency in how local resources are used, and a lack of a “level playing field” regarding school performance.	Access to AP is reactive, rather than needs-based. Pupils who need support from AP face delays or have to be placed outside the local area.
5	No and/or poor outcomes for pupils placed in AP	Schools concerned that they cannot see and evidence the progress and outcomes of pupils placed in AP, leading to concerns about quality.	Pupil placed in AP do not achieve meaningful qualifications and progression. Some become NEET (not in education, employment or training).

The effective operation of local AP arrangements is not within the direct control of any one agency or body within a local education system, but depends on the actions of mainstream schools, AP providers, the LA and other strategic partners. School leaders that had been through the transition to a responsibility-based model reflected on the important role played by the LA in convening a process to consider the need for change in local AP arrangements. The LA is in a unique position to do this because it has:

- an overall perspective and oversight of the local system;
- responsibility for the use of the high needs block (and the risk if it is overspent);
- statutory responsibilities for all pupils, including those in AP; and
- a wider set of responsibilities and links to other services that have a role to play in supporting inclusion (inclusion support services, support for pupils with SEN, early help, social care, mental health support, and the police).

The way in which system leaders are convened will differ between local areas and will depend on their local context, the strength of relationships, the nature of partnerships, and the specific challenges facing the local system. Some of the early adopters of responsibility-based models had done so as a result of the failure of local AP, for example local PRUs being placed in special measures by Ofsted. This presented

significant challenges to those systems, but also made clear the need for change and created an opportunity to co-develop a new vision for the local AP system.

In some of the local areas we engaged, specifically those that had been exploring setting up responsibility-based models, leaders had experienced some resistance to the need for change to a responsibility-based approach. School and LA leaders in those local areas that had been committed to making this change reflected that establishing a responsibility-based model is dependent on the willingness of school and AP leaders to participate and to abide by fundamental principles of fairness, transparency and equity regarding the use of AP. They argued that the national policy did not provide sufficient incentives for schools and AP providers to work in this responsibility-based way. Because of this, they argued, the fact that some schools had simply refused to enter into and abide by principles of fairness, transparency and equity regarding the use of AP had undermined from the outset the chances of any new system being fair, transparent and equitable in practice.

Specifically, school leaders were concerned that those who were prepared to abide by these principles would end up paying the cost, in both financial and performance terms, for potentially inequitable and unfair use of AP by non-participating schools. As a result of this, several of the local areas we engaged reported that their attempts to address the pressures that their local AP system was facing by establishing a responsibility-based approach had foundered.

There were lots of models that we looked at, but there was not buy-in from a couple of schools. We would get to 11th hour, but [due to the resistance from some schools] we could not go down a particular route. - ***School leader working with a system that had been exploring responsibility-based models.***

[Setting up a collective responsibility model] can be done ... there has to be a strategy, backed up by partnership responsibility. The LA needs some “teeth”, otherwise it just relies on goodwill. - ***LA strategic lead for AP***

Developing devolved funding arrangements and the challenges of non-engagement in Nottingham City

In recent years, Nottingham City has experienced high levels of permanent exclusions from its 17 secondary schools. The rate peaked at 0.49 in 2015/16, almost three times the national average rate of 0.17. (It has since reduced to 0.25 in 2017/18, compared to the national average rate of 0.20.) The city's education system is diverse, with a range of multi-academy trusts (MATs) responsible for Nottingham City secondary schools.

An external review was commissioned following the spike in permanent exclusions. The review showed that, at school level, rates of permanent exclusion varied considerably, and in ways that did not reflect solely each school's context. Schools with higher rates of exclusion were taking a disproportionate share of the city's overall AP resource, with differing levels of in-school support provided. More inclusive schools argued that this "penalised" them for taking a more inclusive approach. The review recommended devolving AP funding. The LA consulted with schools and developed an SLA that set out the new approach and the money that each school would receive. Additional funding was found from Dedicated Schools Grant reserves to provide for the "legacy" of pupils who were already out of mainstream education. The SLA also included details of what would happen if the funding was used inappropriately or the LA was forced to provide alternative education for pupils if schools were unable to.

Some schools responded very positively and took their share of the funding. Typically, they used this to further develop their in-school inclusion capacity, either individually or within their trusts. Initially, five schools joined. Subsequently, this has risen to 10. Since 2015, there has been a 25% decrease overall in permanent exclusion numbers. In 2019, nearly 80% of permanent exclusions were from non-engaging schools, with most schools who had signed the SLA excluding none. One of the city's MATs has used its budget to develop its own AP. Year 11 pupils in the provision made better progress and achieved better results than the average for other pupils in AP in the city, regionally and nationally.

The Nottingham City inclusion approach continues to be further developed in order to support schools and MATs with higher exclusions to reduce exclusions to or below national levels and to share successful experiences of schools within the model alongside financial and wider service support.

Key factor 2: Co-developing a vision for how the system should operate in the future.

The second key factor we identified through our engagement with local areas was the need for school, AP and LA leaders to co-develop a vision for how the system would operate in the future. School leaders emphasised the need for this vision to be co-produced so that there was a shared understanding of the need for change, and that solutions were owned by all partners and grounded in the local context. School, AP and LA leaders also highlighted the importance of three things in terms of co-producing the vision for the system.

1. School, AP and LA leaders emphasised the importance of having an ethos of shared responsibility for the education and outcomes of all pupils in that local area. One school leader described this as a ‘hearts and minds’ issue. All of the local areas that had successfully established responsibility-based models had cultivated an ethos of “they are all our children”.
2. Alongside this, school and LA leaders emphasised the importance of building trust and confidence in the fairness of the new system. School leaders argued that they were more likely to be willing to take responsibility for the use of AP if they were confident that the system would operate in a fair and transparent way. In many instances, school leaders spoke about this in terms of having equitable access to the system’s collective resources for AP, but also being expected to contribute equally to supporting pupils who required AP. School leaders referred to the need for a “level playing field”, referring to the need for local AP arrangements to ensure that some schools could not gain an unfair advantage in financial or performance terms by overusing AP and not contributing to the reintegration of pupils fairly and proportionately.
3. School and LA leaders argued that successfully establishing a responsibility-based model was also dependent on translating these principles of fairness and responsibility for all pupils in a local area into a concrete plan for how the system would operate in practice. In addition to resistance to the case for change, the other challenge in establishing a responsibility-based model that local areas reported to us was of translating the vision for how the system should operate into a practical, workable plan for making the transition from the current to the new system.

The leaders in the local areas we engaged that were considering responsibility-based models reflected on the scale of the challenge in moving from a system where demand for AP is ever-increasing and outstrips capacity, where there is a perception of a lack of fairness in how AP is accessed, and where resources are stretched. This can mean that there is limited scope for creating the space in the system to reverse these trends, invest in more preventative support and work towards a fairer distribution of AP resources. Incremental approaches require significant time before the full impact is seen, while

swifter approaches require greater initial investment of high needs resources, which most local areas simply do not have.

To address this, some local areas we engaged had created working groups, or similar, that brought together school, AP and LA leaders to develop a clear plan with immediate and longer-term actions for transforming local AP. The aim of this was to ensure plans for how the system was to be transformed were co-produced, and to provide confidence to all leaders within the local system about how this would be achieved. Some of the immediate actions that had been explored by the local areas we engaged included:

- putting in place the leadership and operational capacity to support the day-to-day operation of the system;
- overhauling existing decision-making processes relating to AP and fair access on the basis of principles of shared responsibility for pupils and fairness; and
- working with providers and support services to explore what forms of support would be needed to prevent placements in AP and support successful reintegration.

First, you need strong leadership from the LA – pulling leaders together. This process has to be led effectively, bringing school leaders along together. You need to be able to thrash out the issues, have brutal conversations, and think about solutions collectively. Second, you need a collective starting point – we had to do something within [our local area]. It was a process of recognising that we weren't all perfect – the realisation comes for different people at different times. You need an honest and flexible process to get to the point of having a collective understanding of the issues. Third, we set some ground-rules – every school now knows the rules. And we got a continuum of support in place, agreed by the LA, schools and partners. - ***School leader in an area implementing a collective decision-making model***

Chapter 4: Five key factors in sustaining responsibility-based models of local AP

In this chapter, we focus on what school, AP and LA leaders said was required to maintain and sustain a responsibility-based model of AP. We highlight five key factors.

Key factor 1: There is a shared understanding of the purpose and aims of the local AP system that is regularly revisited and re-articulated.

In the same way as *establishing* a responsibility-based model of AP requires a clear vision for how the system will operate, *sustaining* such approaches requires regular articulation of the aims and purpose that the local system was set up to achieve. In the local areas we engaged, we found that this was done in three ways.

First, colleagues from the local areas emphasised the importance of system leaders – from schools, AP and the LA – regularly referring back to the fundamental aim of the system. Leaders in all of the local areas that we engaged that had established and sustained responsibility-based models described those aims in terms of ensuring that there was collective responsibility for all pupils, including those requiring AP, in a local area. Sustaining responsibility-based local arrangements requires that these fundamental aims and principles are used regularly and often, both with existing and especially in the induction of new school, AP and LA leaders.

Second, local areas argued that it was vital that these aims inform every aspect of the day-to-day operation of the system and its core processes. School leaders described how, whether through devolved funding or collective decision-making processes, responsibility-based models put them in a position to shape how local resources are used and how they are accessed. This is a manifestation of their ownership of and responsibility for supporting all pupils, including those who may require AP. School and LA leaders also reflected on the importance of the active involvement of other support services – inclusion support, early help, social care, health services, and the police. Those services' engagement in responsibility-based approaches to AP was seen to be both an important reciprocation of schools taking their share of responsibility for pupils placed in AP, as well as playing an important practical role in ensuring that the right multi-agency support could be accessed swiftly and effectively.

Third, in local areas with strong responsibility-based approaches, we found that there was often an explicit aim around the reintegration of pupils into mainstream education. This was often backed up by formal processes for supporting reintegration. These often included cultivating an explicit recognition on the part of schools that timely access to AP required the reintegration of pupils who could make the transition back to mainstream

education, along with formal protocols and arranging services so that there was explicit capacity to support reintegration.

Now, rather than all schools “exiting” children and assuming the system will cope, we understand the budget and system capacity, and ensure that we can work within it. We are now like one big school with 6,000 pupils. - ***Headteacher working with a collective decision-making model***

Key factor 2: There is system-level decision-making informed by an understanding of the shared and finite resources available to support the local AP system.

In local systems with a well-developed sense of responsibility for pupils requiring AP, we found that local leaders had developed processes to ensure that those pupils are “visible” to school leaders. This requires effective decision-making arrangements, the engagement of school leaders with the authority to make decisions about pupil placements, and accurate information about the use of AP. Often that information will cover the provision that is available, the pupils who may require support, the pupils currently placed in AP and their progress and outcomes, and pupils who could be reintegrated from AP into mainstream education.

School and LA leaders also highlighted the way in which local responsibility-based approaches sought to be transparent about the resources available for AP to inform decision-making about the use of AP, whether through devolving funding or designing decision-making processes that make transparent the system’s resources for AP, as we describe in Chapter 3.

Ensuring pupils placed in AP remain visible in Warwickshire

To ensure that children at risk of exclusion and those placed in AP remain “visible” to the system, Warwickshire has developed a model for tracking what they call the “W code” children: pupils who have experienced breaks in their education. As one system leader put it, *‘unless they are visible, nobody will take responsibility.’* Being able to identify this cohort of children fosters a sense of collective responsibility for all children and enables schools and the system overall to oversee their placements, track their outcomes, and ask informed questions and challenge one another about whether the right support is in place. As one system leader said, *‘We have shifted the conversation to one about which pupils are out of school, where they are from, what it is costing, whether it is the right support, and whether we could have done something differently. We are making these children visible. Children who are out of mainstream education have to be visible at every meeting.’* This information is usually collated by the local

authority and provided in a format that enables system leaders to take informed decisions about how local AP resources should be used.

Key factor 3: There is confidence in the fairness of the day-to-day operation of the system through effective oversight and support.

As we described in the previous chapter, establishing a *fair* system is often one of the central aims of responsibility-based approaches. To sustain such an approach requires that a sense of fairness is maintained in the day-to-day operation of the system. In the local areas we engaged, this was done in two main ways.

1. **Monitoring routines** – mature responsibility-based models have well-developed systems for monitoring the use and effectiveness of AP, and sharing and making transparent how AP is being used, in order to give all leaders within the local system confidence that local AP is being used fairly and effectively.
2. **Capacity to support the day-to-day operation of the system** – likewise, in local areas that had well-developed responsibility-based models, the LA had created capacity to support the operation of the local AP system, including working directly with schools and AP providers, to offer advice, broker support, provide challenge and maintain oversight. In these local areas, part of this role was to maintain and develop pro-actively the offer of local AP. This would involve the LA leading work developing a framework of quality-assured AP, and pro-actively convening providers to shape a coordinated offer of local AP, responsive to local needs.

Conversely, in some local areas where there had been changes in the make-up of school, AP or LA leadership, there had been what local leaders saw as a loss of focus on local AP arrangements. The consequence was that the local AP system had ceased to operate in the way it was intended, with the system experiencing some of the sorts of pressures we described in Chapter 1, and a corrosion of school leaders' trust in the local system. Local areas that had experienced this reflected on the importance of formalising the aim and intended operation of local arrangements in a written document, and pro-actively planning for the succession and induction of new school, AP and AL leaders into the system.

Key factor 4: The role of AP within the local system explicitly supports the vision and aims of local AP arrangements.

Responsibility-based models require that AP leaders see their role not just in terms of what is right for their institution, but also what is right for all pupils and the overall system. It is important to avoid a situation where AP providers are seen to be defining their role in isolation from the rest of the system, or are too willing to “help” schools by taking pupils into AP, both of which can undermine the rigour and fairness of collective decision-making. School, AP and LA leaders in the local areas we engaged emphasised the importance of AP providers being brought into the local education system and their role being seen in terms of how it contributes to the overall aims of the system – notably fostering collective responsibility for all pupils, upholding fairness, and enabling inclusion, prevention and reintegration. This requires that AP providers buy into the ethos of the local system, are connected to local decision-making about placements in AP, commissioned and funded in a way that reflects their contribution to the system’s priorities, and are involved in discussions about shaping and commissioning an offer of AP that is responsive to local needs.

Our research suggested that this can also be a sensitive issue. Some of the AP providers operating within responsibility-based arrangements emphasised the importance of having some certainty around funding to maintain their expertise and the quality of their offer. At the same time, this needs to be balanced with the aim of ensuring that school leaders and partners are empowered to use finite resources flexibly and responsively, according to pupils’ needs. The more resources that are invested “up front” into an existing pattern of provision, the less easy it is for schools and partners to shape how that resource is used when making decisions about support for individual pupils.⁹ Some of the local areas we engaged have sought to balance these priorities by involving AP providers in decision-making about AP placements, engaging providers pro-actively to help them to shape their offers to complement one another and meet the needs of the local system, and taking the strategic decision of investing some resource “up front” with highly valued AP providers.

Furthermore, it is important that there is clarity about the respective role of AP and other forms of inclusion and high needs support. This is crucial in order to avoid the risks that we observed in some of the local areas we engaged where a focus solely on reducing exclusions or difficulties in accessing AP had led to needs being “displaced”

⁹ There is a separate, but related, issue to do with the role and funding of AP free schools. As with other forms of provision, there needs to be equity of access to provision and clarity for system leaders about how funding for AP free schools operates to ensure that some schools are not getting privileged or subsidised access to provision that is funded at a national level or from the high needs block. Our research suggests that there remains, in some local areas, a lack of clarity about AP free school funding and a lack of equitable access to AP free school places. This is particularly the case when AP free schools have been established by and to support pupils from within one MAT, rather than established to play a role across the local system.

inappropriately into other parts of the system, for example resulting in a growth in requests for EHCPs and special school places. Some of the other local areas that we engaged had sought to address this by putting in place joined-up leadership of all inclusion-related work (as opposed to splitting responsibilities for AP, SEND and school improvement), and having strong processes for identifying and assessing underlying needs, and an integrated, multi-agency offer of early support.

Key factor 5: Formal and transparent mechanisms for handling any schools that refuse to be part of locally agreed AP arrangements.

Since, as we described in Chapter 3, responsibility-based approaches are dependent on the willingness of school leaders to participate in and uphold them, established responsibility-based models must manage the risk that some schools will refuse or cease to engage with locally agreed AP arrangements. Where schools cease to engage in such arrangements, this can corrode trust and the sense of fairness necessary to responsibility-based approaches. The issue of the lack of a “level playing field”, described in the set-up of responsibility-based approaches, was also highlighted in relation to what is needed to sustain responsibility-based AP arrangements. A common complaint we heard from school and LA leaders was that the schools that agreed to abide by the principles and processes governing fair and equitable access to AP were more likely to bear the cost, in educational and financial terms, of other schools’ non-engagement. Specifically, these described the risk that the non-engaging schools would use a disproportionate amount of local AP resources, meaning the schools that participated in locally agreed AP arrangements would have less of the collective resource, and would have to support a disproportionate number of pupils with more challenging needs without access to appropriate support. We saw evidence of these trends in a number of the local areas that we engaged.

The model we have now is well embedded because we have strong leaders driving it. What will make it happen regardless of individuals is if schools are accountable not just for their pupils, but the pupils for the whole area. Otherwise, they can opt out at any point. If one school opts out, it pressures the system and erodes the principle at the heart of the system. - **LA strategic lead**

Local areas argued that this challenge was compounded by the lack of clarity about processes for escalating such issues. During our research, we found that there remains confusion about what can and cannot be done within the current policy framework to require schools to be part of fair local arrangements regarding the use of AP. In many instances in our research, schools that refused to engage in locally agreed AP

arrangements were part of larger MATs operating across multiple local areas. Leaders in these local systems were concerned that there was little consideration given to the impact of brokering a new sponsor for a school, which could often result in a spike in exclusions and therefore the demands on AP.

Local leaders also reported to us that there is confusion about how issues and complaints can be raised. Where LAs have sought to challenge higher rates of exclusions and use of AP from academies, for example, there remains confusion about whether this is part of the role of the Regional Schools Commissioners and issues should be raised there, or whether complaints should be raised with Ofsted. There was some concern that, given that local AP arrangements depend on school, AP and LA leaders working together in a spirit of collaboration, trust and shared responsibility, complaining to Ofsted was likely to damage relationships between the LA and schools.

Some local areas have developed mechanisms for handling non-engaging schools. For example, one local area operating a devolved funding model retains the resources that would have been devolved to non-engaging schools and uses these to fund the cost of AP placements where those schools exclude pupils. The LA then seeks to recover the costs of AP placements where schools' use exceeds this amount. Other local areas seeking to develop responsibility-based arrangements had found, however, that attempts to put in place similar funding arrangements had stalled because school leaders had not been willing to abide by principles of shared responsibility and financial realism regarding the use of local AP.

Conclusion

In this report, we have sought to capture our findings about different types of local AP decision-making, funding and commissioning arrangements that could be described as “responsibility-based”, how they have been established, how they operate and the challenges they face. We conclude this report by drawing out three overarching themes regarding the development and maintenance of responsibility-based models of local AP.

First, we found that cultivating a sense of responsibility for pupils placed in, and the use of, AP was an important protection against some of the pressures on provision and resources that we described in Chapter 1. Responsibility-based approaches provide an important counterbalance to what can cause those pressures, and are a pre-requisite for having a well-managed, fair, equitable and transparent local AP system.

Second, while we have described some of the broad types of responsibility-based models we encountered, there are subtle differences between the arrangements in each local area. For example, the collective decision-making models we have described in BANES and Redbridge share a similar aim, but differ in how they operate, as do the devolved funding arrangements in Nottinghamshire, Cambridgeshire and Nottingham City. In this way the present research echoes a central finding of our previous research, specifically that there is no “right model” for organising AP decision-making, funding and commissioning, and instead it is crucial to build consensus among school, AP and LA leaders about what is right for each local area. System leaders reflected that the process of exploring challenges and potential solutions was crucial in creating trust and shared responsibility.

Finally, school, AP and LA leaders emphasised that there is a lack of incentives in the current national policy framework for schools and AP providers to operate in this way. Consequently, the success of attempts to establish and sustain responsibility-based approaches to AP decision-making, funding and commissioning is dependent on the willingness of school, AP and LA leaders to operate in this way. The examples of non-engagement within established, or the refusal to sign up to establishing, responsibility-based AP arrangements demonstrate the inherent vulnerability of these approaches within the current policy framework.



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