



Department
for Education

Strengthening protections in non- school alternative provision

Government consultation response

August 2025

Contents

Introduction	4
Context and background	4
Responses received	6
Methodology	7
Quantitative analysis	7
Qualitative analysis	7
Analysis of offline responses	8
Executive summary	9
Main findings	9
Terminology	10
The government's response	11
Analysis of consultation responses	16
Chapter one: Time-limited interventions	16
The government's response to chapter one	20
Chapter two: New regulatory arrangements for unregistered alternative providers	23
The government's response to chapter two	30
Chapter three: EOTAS special educational provision	33
The government's response to chapter three	36
Chapter four: Regulating providers delivering EOTAS special educational provision	37
The government's response to chapters three and four	42
Chapter five: The new national standards for unregistered alternative provision	45
The government's response to chapter five	59
Equalities impact assessment	61
Additional questions	65
Qualitative summary of emailed responses	66
Next steps	67
Annex A: analysis of online respondents	68
Annex B: analysis of school respondents	69
Annex C: analysis of local authority respondents	71
Annex D: analysis of unregistered alternative provider respondents	73

Annex E: other respondents	75
Annex F: analytical annex	76

Introduction

On 9 May 2024, the government launched an online public consultation on strengthening protections for children in unregistered alternative provision¹, which closed on 5 July 2024. The consultation took place during the 2024 pre-election period, which meant that the Department for Education (DfE) was unable to undertake planned engagement events with unregistered alternative providers, schools and local authorities while the consultation was open. This document includes DfE's analysis of the consultation responses and the government's response.

Context and background

Local authorities and schools can arrange alternative provision² and special educational provision³ for children of compulsory school age in settings which are not required to register as schools⁴. This is commonly referred to as unregistered alternative provision. When commissioned and used effectively, good quality unregistered alternative provision can provide a range of flexible and bespoke education and support for vulnerable children who for varying reasons have disengaged from the education system.

In January 2025, 17,327 children of compulsory school age were in school arranged placements in unregistered alternative provision⁵, and there were 10,333 school aged children in local authority arranged placements⁶. Many have identified special educational needs and disabilities (SEND).

¹ [Strengthening protections in unregistered alternative provision - GOV.UK](#).

² As outlined in [DfE's statutory guidance](#) on arranging alternative provision, section 19 of the Education Act 1996 states that local authorities are responsible for arranging suitable full time education for permanently excluded children, and for other children who, because of illness or other reasons, would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority area who are not receiving a suitable education. Under Section 29A of the Education Act 2002, introduced by the Education and Skills Act 2008, schools can also direct pupils offsite to alternative provision for behavioural support.

³ In certain circumstances, local authorities can arrange for any special educational provision necessary to meet a child's special educational needs (SEN) to be provided otherwise than in school. Section 61 of the Children and Families Act 2014 says, so far as is relevant here, that a local authority may arrange for any special educational provision that it has decided is necessary for a child for whom it is responsible to be made otherwise than in a school, if it is satisfied that it would be inappropriate for the provision to be made in a school. This is known as 'education otherwise than in a school' and is often abbreviated to EOTAS.

⁴ As outlined in [The Independent School Standards](#), institutions that provide full time education to 5 or more children of compulsory school age, or at least one such child who is a Looked After Child or who has an Education, Health and Care plan, and which are not maintained by a local authority or are a non-maintained special school, are required to register as an Independent School.

⁵ [Schools, pupils and their characteristics, Academic year 2024/25 - Explore education statistics - GOV.UK](#)

⁶ Details on this data are outlined in Annex F.

This fluid, diverse sector comprises of many localised and often small providers, delivering training, vocational education, work experiences and support. It also includes larger tutoring companies and online providers, some of which operate nationally across England.

Unlike schools, colleges or accredited online education providers, unregistered alternative provision is not subject to national regulation or independent inspection. In some areas, local authorities and school commissioners have developed quality assurance frameworks to help ensure that the provision they use is safe, and that the education and support provided is of good quality.

This practice is not, however, widespread. The government previously consulted on a range of measures to improve the local oversight of, and strengthen protections for, children placed in unregistered alternative provision. The proposals were informed by a 2022 call for evidence on the use of unregistered alternative provision⁷ as well as extensive engagement with local authorities, schools and unregistered alternative providers. The consultation proposed a balanced and proportionate approach, focusing on improving the commissioning and quality assurance of this type of provision.

The proposals included:

- limiting the time that children could be placed in unregistered alternative provision, with children remaining on school admissions registers throughout the placements and returning to mainstream education at the end of that period
- prohibiting local authorities from meeting their section 19 duties by placing children who are not on a school admissions register in unregistered alternative provision
- making local authorities responsible for the quality assurance of all unregistered alternative provision settings offering time-limited placements in their areas
- enabling local authorities to arrange for all a child's special educational provision under section 61 EOTAS⁸ to be delivered in a single unregistered alternative provision setting
- requiring unregistered alternative providers delivering special educational provision under EOTAS arrangements for children to register with DfE
- requiring all unregistered alternative providers to comply with new national standards

⁷ [Understanding the use of unregistered alternative provision - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/understanding-the-use-of-unregistered-alternative-provision).

⁸ As outlined in footnote 3.

Responses received

DfE received 308 responses in total: 297 submitted via the government's online Citizen Space portal⁹ with a further 11 submitted via email. Most were from unregistered providers, schools, local authorities and parents or carers of children who have been placed in unregistered settings. A small number were from other types of respondents with an interest in this subject. A breakdown of respondent types is included in annex A.

⁹ [Strengthening protections in unregistered alternative provision - GOV.UK.](#)

Methodology

All responses have been treated equally with the assumption that the respondents are sincere in the beliefs and individual viewpoints that they expressed. The consultation elicited a broad range of views, and the government is very grateful to all those who took the time to respond.

The consultation included 29 questions on the policy proposals outlined in each of its 5 chapters. Most were closed multiple choice questions and respondents were asked whether they agreed, disagreed or did not know. Following each closed question, respondents who disagreed were asked to provide explanatory free text. There were also some open free text questions for respondents to supplement their responses. There is sufficient data from the responses to provide quantitative breakdowns by respondent type and qualitative analyses outlining broad themes across all respondent types.

Quantitative analysis

In the closed section, respondents answered a range of multiple-choice questions. The quantitative analysis of these questions categorised responses into the following respondent groups: Schools, Local Authorities, Unregistered Alternative Providers, Parents and Others.

Summary tables have been generated for each of the closed questions, which present the numbers and percentages of respondents that agreed, disagreed and did not know, by respondent type. These tables show the breakdown of respondent type for each question.

Qualitative analysis

A thematic qualitative analysis was undertaken by coding the free text responses to each closed question from respondents who disagreed and all responses to the open questions. The coding of these responses was undertaken manually with the free text responses to each question being reviewed and coded into themes to develop a coding framework that could be applied across all responses. The coding was undertaken by a team of analysts and policy professionals to reduce the risk of individual bias. As part of the quality assurance process, the initial coding framework and a representative sample of 15% of all responses was reviewed by a departmental analyst before being finalised

for use. The qualitative analysis utilised Braun and Clarke's (2008)¹⁰ method for thematic analysis, where key themes and patterns were drawn out of the information collected and are described in the findings section of this report. The analysis also includes some anonymised illustrative quotes from different types of respondents.

Analysis of offline responses

In addition to responses submitted via Citizen Space, a small number of offline responses was submitted via email. As these account for less than 1% of all responses received, it is not possible to provide a quantitative analysis of these responses. A qualitative summary of the broad themes emerging from the offline responses is included at page 66.

¹⁰ [Braun and Clarke \(2017\)](#) Thematic analysis, The Journal of Positive Psychology.

Executive summary

Main findings

In most cases written feedback was sought only from those who disagreed with the proposals. Therefore, the qualitative analysis primarily focuses on concerns with the proposals and potential solutions, rather than on where there was general agreement with the proposed approach.

Responses from parents provided valuable insight, with some heartfelt testimonies of their children's experiences of unregistered alternative provision and the mainstream education system. Unregistered alternative providers of differing sizes outlined their experiences of delivering a wide range of education and support. Schools and local authorities were informed by their experience of commissioning services from unregistered alternative providers and by the local quality assurance frameworks that exist in some areas.

As the quantitative analysis demonstrates, opinions tend to vary according to respondent type. Generally, local authorities and schools (which are broadly responsible for the commissioning and oversight of unregistered alternative provision) were more likely to agree with the proposals, while parents and providers were more likely to disagree.

Most respondents disagreed with the proposals in chapter one, namely, limiting the amount of time that children can spend in unregistered settings and preventing local authorities from placing children who are not on school admissions registers in unregistered alternative provision in order to meet their section 19 duties. Key themes emerging from the qualitative analysis were that commissioners use this type of provision because the mainstream school system is not sufficiently inclusive and is therefore not meeting this cohort's needs, and the belief that the duration and type of support should be based on individual needs. Some respondents suggested that placements should be extended in exceptional circumstances where there is clear evidence, based on children's needs, that an extension would be beneficial to supporting sustained re-integration back into school.

Respondents to chapter two broadly agreed that all unregistered settings offering time-limited interventions should be required to comply with the new national standards. Most also agreed that local authorities should be responsible for quality assuring local providers against the national standards and that they should publish lists of approved unregistered settings. Key themes emerging from the analysis of qualitative responses were concerns about the capacity and capability of local authorities to oversee the quality assurance frameworks, and that local authorities should be able to draw upon varying types of provision to respond to differing needs.

Most respondents agreed with the proposals outlined in chapter three to enable EOTAS special educational provision to be delivered in single non-school settings. Key themes emerging from the analysis of qualitative responses were that EOTAS provision should continue to be flexible and tailored to meet individual needs, and that single unregistered alternative providers are not able to deliver a sufficiently broad range of EOTAS special educational provision.

Respondents to chapter four broadly agreed that unregistered alternative provision settings delivering EOTAS special educational provision for children not on school admissions registers should be registered with DfE and independently inspected. The main theme emerging from qualitative responses was that national regulation may be too resource intensive, which may lead to smaller or more specialist providers ceasing to offer this type of support. There were also concerns that the regulation may stifle the flexibility of unregistered settings, preventing them from responding to the individual needs of this cohort. Some said that other forms of regulation may be preferable, including the local authority oversight proposed in chapter two.

The majority of respondents to chapter five agreed with the introduction of the new national standards and with the proposed themes for the standards. Most also agreed that the proposed standards are sufficiently proportionate for all types and sizes of provision. The main theme emerging from the analysis of qualitative responses was that some providers may not be able to comply with the new standards, with concerns that smaller settings with limited administrative resources and those delivering online support may be disproportionately affected. Some local authorities said that they would need additional resources as they do not currently have sufficient capacity to administer localised standards frameworks. There were also concerns that some of the proposed standards would not meet the individual needs of the children and young people who attend this type of provision.

Terminology

In the call for evidence, the term ‘unregistered alternative provision’ was used to collectively describe this diverse sector. Some sector representatives feel that this term can have negative connotations, but in the consultation, the previous government decided to continue with this nomenclature, as it is a well-recognised description of this type of provision. For consistency with the consultation document, the analysis included in this document continues to refer to ‘unregistered alternative provision’.

Having considered the consultation responses, the government intends to introduce a new quality assurance framework for this type of provision. This will mean that all providers will be required to demonstrate compliance with new national standards, before being included in local directories of approved provision. Given the government’s ambition to improve the regulation of this sector, it is referred to as ‘non-school

alternative provision' in the government's response. Thereafter, DfE and the government will refer to non-school alternative provision when describing the support and education being delivered by this sector.

The government's response

The Plan for Change¹¹ puts children's futures at the centre of rebuilding public services and breaking down barriers to opportunity. We want to drive sustainable and lasting change that will ensure all children, including those in non-school alternative provision, get the best start in life.

Some parents who responded to this consultation told us that their children attend non-school alternative provision because they cannot access the good quality, specialised education and support that they need, when they need it most, in the mainstream system. Improving the SEND system is a priority for this government. We want all children to feel like they belong in a mainstream setting, if that is the best place for their needs to be met, so that they receive the right support to succeed in their education and lead happy, healthy and productive adult lives. To help deliver this, we are considering reforms to the SEND and alternative provision system, working in partnership with the Inclusion Expert Advisory Group, the Neurodivergence Task and Finish Group and local authorities, health providers, schools and parents.

In the future, the role for non-school alternative provision will be to offer good quality bespoke, time-limited interventions which are informed by each child's individual needs, and which can be delivered whenever they are required. Placements in non-school alternative provision should supplement in-school learning, re-engage children with the school system and give them the skills and confidence they need to successfully move on to education, training or employment after they leave school. The diversity and flexibility of this sector is key to achieving this and to improving the longer-term life chances of some of the most disengaged children in the education system.

In many local authorities there are well established frameworks to quality assure the diverse range of localised non-school alternative provision. There is undoubtedly much good practice, and we want to build upon this. However, we remain concerned that some already vulnerable children are placed for indefinite periods of time in non-school alternative provision without adequate child safeguarding measures, health and safety checks or attendance monitoring. As outlined below, we intend to legislate to introduce new national standards for non-school alternative provision when parliamentary time

¹¹ [Break Down Barriers to Opportunity - GOV.UK](#)

allows. Local authorities will need to ensure that all provision in their areas is compliant with these standards before it can be made available to commissioners. The standards will help to address our concerns about safeguarding, health and safety checks and attendance monitoring.

We will also ensure that children will not be able to attend non-school alternative provision unless they are registered with a school¹². They will also no longer be placed in non-school alternative provision without a plan for returning to school. We plan for children who attend non-school alternative provision to be in scope of the Children Not in School registers which are included in the Children's Wellbeing and Schools Bill. Other measures outlined below will help to ensure that non-school alternative provision delivers value for money and the high-quality education and support that all children placed in these settings need and deserve.

We will introduce new mandatory national standards for non-school alternative provision.

Providers, commissioners and parents all agreed with the proposed introduction of mandatory standards for non-school providers delivering alternative provision to children of compulsory school age. The government intends to legislate to introduce a range of proportionate standards that are applicable to all types of non-school alternative provision settings. The standards will set clear and consistent requirements for providers and that will support commissioners in monitoring children's attendance, wellbeing and progress.

Local authorities will quality assure non-school alternative provision against the new national standards, with schools focusing on ensuring that interventions are meeting individual needs.

We intend to make local authorities responsible for quality assuring local provision against the new national standards. They will be required to compile, and make available to commissioners, localised directories of approved non-school alternative provision that is compliant with the new national standards¹³. We intend that the effectiveness of a local authority's quality assurance, commissioning and oversight arrangements will be

¹² The only exception would be children in non-school provision who receive *all* their s61 EOTAS in non-school alternative provision, and who therefore will not be registered with a school.

¹³ Non-school alternative provision settings that solely deliver EOTAS special educational provision to children who are not registered with a school will not be required to be compliant with the national standards and therefore do not need to be included in these localised directories.

evaluated periodically as part of Ofsted and the Care Quality Commission's inspections of local services for children and young people with SEND¹⁴.

For these new arrangements to function effectively, local authorities will need to be aware of all placements that have been commissioned in their areas. We will therefore require schools to routinely inform their local authority of every placement they have commissioned in non-school alternative provision.

While schools would not need to carry out any checks that duplicate those made by local authorities, school commissioners will need to ensure that the non-school alternative provision is meeting each child's needs. This approach would lead to a clearer separation of functions between quality assurance of the settings (undertaken by local authorities) and the quality assurance of the interventions (undertaken by schools).

Placements in non-school alternative provision will be time-limited, with the expectation that children will be re-integrated back into school. Placements can be extended beyond the time limits, but only in exceptional circumstances.

By delivering targeted, bespoke interventions to address complex needs, high quality non-school alternative provision can supplement inclusive local systems. This can be through education, support and sometimes qualifications that may not be readily available in mainstream and special schools, or other types of alternative provision. When used well, good quality non-school alternative provision can address the individual learning needs of children with SEND, improving behaviour, supporting regular attendance and re-engaging children with school. However, at present, too many vulnerable children are being placed indefinitely in non-school settings, without any plans to re-integrate them back to in-school education.

We believe that wherever possible, all children in non-school alternative provision should successfully move back into a mainstream, special or alternative provision school when their placements end. Every placement should start with a full assessment of the child's needs: an unambiguous, child-centred plan, setting out how needs will be met, the type and duration of the interventions, and the support that will be provided to transition successfully back into school, or to sustained post-16 destinations for those at the end of key stage 4. Ofsted will continue to evaluate the extent to which schools ensure that placements they make in offsite alternative provision, including in non-school settings, are safe and effective in promoting pupils' progress.

¹⁴ [Area SEND inspections: information about ongoing inspections - GOV.UK](https://www.gov.uk/government/news/area-sen-d-inspections-information-about-ongoing-inspections).

We intend to introduce legislation so that all placements in non-school alternative provision, except for those for children who are EOTAS, will be time-limited, with commissioners and providers working together so that children are fully equipped to return to school when placements end. We have noted concerns raised by consultation respondents about the proposals for time-limiting placements. In exceptional circumstances, where there is clear evidence that additional time in non-school alternative provision would support sustained re-integration back into school, there will be scope for local bodies to decide whether placements should be extended beyond the specified time limits. In these exceptional circumstances, we would expect there to be a plan for re-integration, to be reviewed regularly.

Children in non-school alternative provision will be registered with schools.

We want the time-limited interventions in non-school provision to complement in-school education and for children to return to full time education in school when their placements end. We intend to legislate to ensure that children will not be able to receive alternative provision in non-school settings unless they are registered with a mainstream, alternative provision or special school or a further education college, so that the children benefit from the protections of being connected with a school throughout their placements¹⁵. This will mean that local authorities will no longer be able to meet their section 19 duties by placing children who are not already on a school admissions register in non-school alternative provision.

DfE are looking in depth at how EOTAS special educational provision is delivered in non-school alternative provision settings before we decide if and how to regulate the settings.

The consultation included some proposed measures to improve the oversight of the non-school alternative provision delivering EOTAS special educational provision.

Respondents told us that before considering how the settings delivering this type of support are regulated, we should look in more depth at why the provision is being used, and why some parents feel that it is more suited to supporting complex needs than mainstream and special schools. These broader, systemic issues were outside the scope of this consultation. We agree with these calls for further exploration of practice and the issues around the use of EOTAS and are looking in more depth at this before deciding how to regulate any settings delivering EOTAS special educational provision. We will confirm our intentions over the regulation of EOTAS special educational provision in due course. We will not therefore take forward the proposals in the consultation on EOTAS at

¹⁵ The exception would be children in non-school provision who are *only* receiving section 61 EOTAS and who therefore will not be registered with a school.

this stage and we do not currently consider any EOTAS special educational provision to be within scope of the new voluntary national standards. This means that:

- non-school alternative providers that solely deliver EOTAS special educational provision¹⁶ would not need to be included in local authorities' directories of approved non-school alternative provision
- providers delivering EOTAS and other types of non-school alternative provision are within scope of the voluntary national standards and should be included in the local authority directories. These providers would, however, only be expected to demonstrate that the education and support being delivered to children who are not EOTAS are meeting the voluntary national standards

In both scenarios local authorities can use the voluntary standards to measure the quality of their EOTAS special educational provision if they believe this will help them to demonstrate to schools, parents and others with an interest, that the settings are safe and delivering good quality education.

We will introduce voluntary standards and guidance and test these new arrangements before they become mandatory

We expect that nearly all children in time-limited placements in non-school alternative provision that have been commissioned by local authorities or schools will benefit from the stronger protections that these new measures are intended to provide. When combined, these measures will provide transparency for parents, certainty for school and local authority commissioners, clarity for providers, and improved safeguards, education and support for the children in this type of provision. We have included more detail on these measures in the analysis of each chapter. In parallel to the consultation response, we will publish new guidance to encourage schools, local authorities and commissioners to begin implementing the new national standards voluntarily.

The government intends to pursue the proposals outlined when parliamentary time allows.

¹⁶ As set out in section 61 of the Children and Families Act 2014, where it is specified in section F of a child's EHC plan.

Analysis of consultation responses

Chapter one: Time-limited interventions

In the consultation's first chapter, it was proposed that local authority and school commissioners should be able to arrange alternative provision in unregistered settings for non-EOTAS children either for:

- short, intensive periods of support, for a maximum of 12 weeks, after which children would return to full time education in mainstream or specialised schools
- longer term, part time interventions for up to 2 days or 4 sessions a week, while children would attend school for most of the time

All those receiving these time-limited interventions would continue to be registered at a school throughout the placements.

In this chapter, it was also proposed that local authorities should no longer be able to place children who are not on a school admissions register in unregistered alternative provision in order to meet their section 19 duties.

Having considered the consultation responses, for the reasons set out in its response, the government has decided to implement these proposals, with some adjustments to reflect the feedback from the consultation.

The quantitative and qualitative analysis of each question in this chapter, and the government's response, are provided below. As outlined in the methodology, the qualitative summaries are based on feedback only from respondents who disagreed with each question.

Question 1: Do you agree or disagree that short term time-limited placements in unregistered alternative provision should be 12 weeks or less, and for up to 5 days a week, with agreed plans for all pupils to return to their schools at the end of that period?

Quantitative summary

All 297 online respondents answered this question. Nearly two thirds (65%) were opposed to restricting placements in unregistered alternative provision to 12 weeks or less. Parents overwhelmingly disagreed with this proposal (90%), and more than three quarters of providers (77%) and half of school respondents (50%) also disagreed. Most respondents from local authorities (63%) agreed with this proposal.

Table 1: Do you agree or disagree that short term, time-limited placements in unregistered alternative provision should be 12 weeks or less, and for up to 5 days a week, with agreed plans for all pupils to return to their schools at the end of that period?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	86 (29%)	19 (45%)	36 (63%)	17 (18%)	4 (5%)	10 (43%)
No, I do not agree	192 (65%)	21 (50%)	14 (25%)	74 (77%)	71 (90%)	12 (52%)
I don't know	19 (6%)	2 (5%)	7 (12%)	5 (5%)	4 (5%)	1 (4%)

Qualitative summary

Most respondents who disagreed with this proposal stated that 12 weeks is insufficient time for interventions to be effective, and that imposing time limits might impede successful re-integration to mainstream, special or alternative provision schools or sustained post-16 destinations where applicable. Some agreed in principle that there should be time limits but disagreed with the specified durations.

Many said that the duration and type of support should depend on children's individual needs. Some respondents were also concerned that imposing a 12-week timescale might be problematic for children being assessed for Education, Health and Care (EHC) plans, which typically take longer than 12 weeks to assess, and for children with the most complex needs such as those requiring multi agency support for mental health or medical conditions. Many respondents felt that children are placed in unregistered settings because their mainstream schools do not have sufficient capability and capacity to meet their needs and because of localised shortages of positions in special and alternative provision schools.

A few respondents suggested that imposing time limits without flexibility may increase pressures on the SEND system and that more parents may opt to home educate or request EHC plans and/or EOTAS packages.

Learners with complex needs may require longer than 12 weeks for meaningful progress. Abruptly ending support disrupts momentum and can be detrimental. Unregistered alternative provision can address diverse needs. Some may require intensive short-term interventions (less than 12 weeks) while others might benefit from longer term, phased re-integration back to mainstream education.

An unregistered alternative provider

Question 2: Do you agree or disagree that longer term time-limited placements in unregistered alternative provision (for more than 12 weeks) should only be part time, for up to 2 days or 4 sessions per week, with the pupils spending the rest of their time attending school?

Quantitative summary

All 297 online respondents answered this question. Nearly two thirds (61%) were opposed to restricting placements in unregistered alternative provision to 2 days or 4 sessions a week. Parents were overwhelmingly opposed to this proposal (90%) and around two thirds of providers also disagreed (63%). Most respondents from local authorities (53%) and schools (60%) agreed with this proposal.

Table 2: Do you agree or disagree that longer term time-limited placements in unregistered alternative provision (for more than 12 weeks) should only be part time, for up to 2 days or 4 sessions per week, with the pupils spending the rest of their time attending school?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	99 (33%)	25 (60%)	30 (53%)	29 (30%)	5 (6%)	10 (43%)
No, I do not agree	180 (61%)	16 (38%)	23 (40%)	60 (63%)	71 (90%)	10 (43%)
I don't know	18 (6%)	1 (2%)	4 (7%)	7 (7%)	3 (4%)	3 (13%)

Qualitative summary

The themes emerging from responses to this question were similar to those given to the previous one. Many believed that the time limits specified in the proposal are not sufficient to meet the often complex needs of children attending unregistered alternative provision. Some suggested that progress made during interventions should be reviewed while in unregistered settings and/or at the end of the placements, with scope for placements to be extended if it is considered to be beneficial.

A further common theme was that children are placed in unregistered settings because the mainstream school system is not sufficiently inclusive, sometimes due to mainstream school curriculums not being broad enough to meet children's needs.

If the goal is to provide meaningful support in order to transition back to full time school, then the priority should be getting the right alternative provision in place on an individual basis to support this objective.

Parent of a child in unregistered alternative provision

Question 3: Do you agree or disagree that local authorities should no longer be able to place children who are not on a school admissions register in unregistered alternative provision in order to meet their section 19 duties?

Quantitative summary

All 297 online respondents answered this question. Most (56%) were opposed to preventing local authorities from being able to place children who are not on a school admissions register in unregistered alternative provision in order to meet their section 19 duties. Three quarters of parents (75%), around two thirds of providers (65%) and just under half of local authorities (46%) disagreed with this proposal. Around two thirds of school respondents (67%) agreed with this proposal.

Table 3: Do you agree or disagree that local authorities should no longer be able to place children who are not on a school admissions register in unregistered alternative provision in order to meet their section 19 duties?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	95 (32%)	28 (67%)	21 (37%)	23 (24%)	11 (14%)	12 (52%)
No, I do not agree	165 (56%)	9 (21%)	26 (46%)	62 (65%)	59 (75%)	9 (39%)
I don't know	37 (12%)	5 (12%)	10 (18%)	11 (11%)	9 (11%)	2 (9%)

Qualitative summary

Many respondents who disagreed with this proposal stated that children are placed in unregistered settings because it is often the best local option available for those who are not able to attend mainstream schools. Some said that placements in unregistered alternative provision help to minimise gaps in education for those not attending school and that in some areas unregistered settings are used for children waiting for school places. Some respondents stated that the school system does not work for all children and that placements in unregistered settings should therefore be based on individual children's needs. A few respondents also raised concerns about the local governance arrangements needed to oversee this proposal.

The government's response to chapter one

Targeted interventions in non-school alternative provision will be time-limited, but there will be flexibility for the duration of placements to be extended in exceptional circumstances. Children will be registered with schools throughout their placements and will receive the support they need to re-integrate successfully back into full time in-school education when their interventions end.

The government has noted that most respondents to this chapter disagreed with the proposals to limit the duration of placements. It is clear from the feedback that while many agreed with the principle of limiting the time spent in non-school alternative provision, some also felt that a small number of children with complex needs would be more likely to return to school full time if they spent longer in the provision than specified in the consultation. We also note concerns from respondents who felt that not building flexibility into this process risks unintended consequences like children missing school, or an increased demand for EHC plans.

These are all legitimate concerns, but too often vulnerable children are being placed in non-school settings indefinitely with no plans for transitioning back to mainstream education. We therefore intend to introduce legislation to specify time limits which will be applicable whenever alternative provision is commissioned in non-school settings. As proposed in the consultation, commissioners will be able to place children in non-school alternative provision full time for up to 12 weeks. Schools and local authorities will also be able to commission part time placements for up to 2 days or 4 sessions per week for as long as is needed. This will mean that children can continue to receive nearly half their education in non-school alternative provision for indefinite periods of time, benefiting from longer term bespoke support, while attending lessons in school for the rest of the week.

These bespoke, time-limited interventions should complement and support in-school education. The diversity and flexibility of this sector is key to achieving this. We therefore plan to introduce a new requirement for all children to be registered with a school throughout placements in non-school alternative provision with the expectation that they will return to full time education in a mainstream, special or alternative provision school when their interventions end. Until these new requirements take effect, it is our intention that children attending unregistered alternative provision will be included on the Children Not in School registers which are included in the Children's Wellbeing and Schools Bill, to ensure that they do not slip under the radar.

As many consultation respondents made clear, children's needs differ, and we recognise that some may need additional time and support before they are ready to return successfully to school. As noted above, commissioners will be able to place children in non-school alternative provision part time with continued school attendance for the rest of the week. In some cases therefore, following the end of a time-limited full hours placement, commissioners may consider it beneficial for a child to continue to attend the

provision part time while attending school for the remainder of the week, to ease the transition back into full time in-school education.

Going forward, the role of non-school alternative provision will be to support in-school learning and re-engage children with the school system. We believe that wherever possible, all children in non-school alternative provision should successfully move back into a mainstream, special or alternative provision school when their placements end. Every placement should start with a full assessment of the child's needs in the form of an unambiguous, child-centred plan that sets out how needs will be met, the type and duration of the interventions, and the support that will be provided to transition successfully back into school, or to sustained post-16 destinations for those at the end of key stage 4.

In exceptional circumstances, where there is clear evidence that additional time in non-school alternative provision would support sustained re-integration and regular attendance in school in the future, there will be scope for full time, time-limited placements to be extended beyond 12 weeks. In some local authorities, multidisciplinary inclusion teams routinely review placements in alternative provision to support successful re-integration. In these areas there are regular, child-centred reviews of the progress made during interventions, with consideration given to whether these interventions are meeting needs, and evidence-based assessments of each child's readiness for returning to school. We would like this to happen in more areas and DfE will include examples in its guidance.

The additional flexibility to extend placements beyond 12 weeks in exceptional circumstances could mean that in certain circumstances some providers would meet the legal threshold to register as independent schools¹⁷. It is not our intention to require providers offering short term, time-limited interventions in these circumstances to register as independent schools, as children should return to school after completing these interventions. In the Children's Wellbeing and Schools Bill, we are proposing an expansion of the types of full time settings that need to register as independent educational institutions. Revised registration guidance will be published after the Bill has passed through Parliament. We will also consider the definition of full time education as part of that guidance, including how it relates to the use of non-school alternative provision and whether additional steps are needed to meet the outlined policy intention.

Local authorities will no longer be able to place children who are not on school registers in non-school alternative provision.

¹⁷ As outlined in [The Independent School Standards](#).

In the consultation the government proposed that local authorities should be prohibited from using their section 19 duties to place children who are not on a school admissions register in non-school alternative provision. Most of those who disagreed and provided feedback said that this is happening because non-school alternative provision is the best available local option to meet children's needs. In some cases, these placements are temporary while children await places in mainstream or special schools. In other instances, vulnerable children are placed indefinitely in non-school settings due to insufficient local special school provision or because mainstream schools do not have the expertise or capacity to address their needs.

Local authorities already have a duty to ensure that there are sufficient school places to meet needs in their areas, including in alternative provision and special schools¹⁸. We are committed to improving inclusivity and expertise in mainstream schools as well as to ensuring that special schools and alternative provision cater for those with the most complex needs. We want non-school alternative provision to complement the education provided in schools. We therefore intend to introduce legislation to make clear that local authorities can only use schools (including alternative provision or special schools), accredited online education providers or provision for 14- to 16-year-olds in further education colleges when fulfilling their section 19 duties for children not on a school admissions register.

This will mean that local authorities will not be able to place children directly into non-school alternative provision settings unless the children are recorded on school admissions registers. Local authorities will therefore want to consider how they organise and arrange their alternative provision before these new requirements take effect.

¹⁸ Under section 14 of the Education Act 1996, local authorities have a duty to ensure that sufficient schools are available for their area to provide primary and secondary education.

Chapter two: New regulatory arrangements for unregistered alternative providers

In the second chapter, it was proposed that local authorities would be responsible for the quality assurance of all unregistered alternative provision settings offering the time-limited interventions proposed in the previous chapter. This would mean that:

- all unregistered alternative provision would need to meet new national standards before it can be made available to local commissioners
- all local authorities would compile and publish up to date directories of unregistered alternative providers in their areas which have met the national standards
- commissioners would only be able to arrange time-limited interventions in unregistered settings that are included in directories of approved provision
- the effectiveness of each local authority's quality assurance of unregistered alternative provision would be evaluated during Ofsted and the Care Quality Commission's local area SEND inspections

Having considered the consultation responses, for the reasons set out in its response, the government has decided to implement these proposals.

It was also proposed that the local authority oversight would include any unregistered alternative providers delivering special educational provision for EOTAS where pupils remain on school admissions registers. As outlined in its response to chapter four, DfE will carry out further work before the government decides whether to proceed with the proposals relating to EOTAS. In the meantime, this proposal will not be implemented.

The quantitative and qualitative analysis of each question in this chapter, and the government's response, are provided below. As outlined in the methodology, the qualitative summaries are based on feedback only from respondents who disagreed with each question.

Question 4: Do you agree or disagree that all unregistered alternative provision offering time-limited interventions should be required to comply with new national regulatory standards?

Quantitative summary

All 297 online respondents answered this question. Nearly three quarters (70%) agreed that all unregistered alternative provision offering time-limited interventions should be required to comply with new national regulatory standards. Nearly all school (95%) and local authority (95%) respondents agreed with this proposal. More than two thirds of

unregistered alternative providers (71%) also agreed. Just over half of parents (52%) disagreed.

Table 4: Do you agree or disagree that all unregistered alternative provision offering time-limited interventions should be required to comply with new national regulatory standards?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	207 (70%)	40 (95%)	54 (95%)	68 (71%)	25 (32%)	20 (87%)
No, I do not agree	58 (20%)	2 (5%)	2 (4%)	10 (10%)	41 (52%)	3 (13%)
I don't know	32 (11%)	0 (0%)	1 (2%)	18 (19%)	13 (16%)	0 (0%)

Qualitative summary

Like the previous chapter, many respondents who disagreed with this proposal told us that limiting the time spent in unregistered alternative provision, combined with increased regulation would lead to less flexibility for commissioners. Many also expressed concerns that introducing standards would negatively affect providers. Some told us that, if implemented, there may be reduced access to this type of support, and that smaller providers who are unable to meet these standards may no longer be able to offer their services. Additionally, some respondents believed that local authorities may not have sufficient capacity to ensure that providers are complying with the standards.

Question 5: Do you agree or disagree that local authorities should be responsible for quality assuring all unregistered alternative providers offering time-limited interventions in their areas?

Quantitative summary

All 297 online respondents answered this question. Just under two thirds of all respondents agreed that local authorities should be responsible for quality assuring unregistered alternative providers offering time-limited interventions in their areas. More than three quarters of unregistered alternative providers (82%) and schools (76%), and nearly two thirds of local authorities (65%) agreed with this proposal. Just under half of parents (47%) disagreed.

Table 5: Do you agree or disagree that local authorities should be responsible for quality assuring all unregistered alternative providers offering time-limited interventions in their areas?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	192 (65%)	32 (76%)	37 (65%)	79 (82%)	30 (38%)	14 (61%)
No, I do not agree	77 (26%)	6 (14%)	14 (25%)	11 (11%)	37 (47%)	9 (39%)
I don't know	28 (9%)	4 (10%)	6 (11%)	6 (6%)	12 (15%)	0 (0%)

Qualitative summary

A large proportion of respondents who disagreed with this proposal were concerned about the ability of local authorities to provide the required levels of quality assurance. Some were concerned about insufficient local capacity to oversee unregistered alternative providers in their areas, while others believed that local authorities may not have sufficient understanding of the sector to undertake this role. Some respondents said that in areas where this already happens, the quality assurance is variable and inconsistent and that this proposal may lead to unnecessary duplication of roles within local authorities. Some respondents suggested alternative inspection regimes, including Ofsted, schools and/or academy trusts and local alternative provision schools.

Question 6: Do you agree or disagree that commissioners from schools and other local authorities should not be required to carry out checks (for example on the suitability of staff) on any unregistered alternative provision setting that is included in local authorities' directories of approved provision?

Quantitative summary

Respondents who agreed with question 5 were asked to answer this question. There were 194 online responses. More than half (58%) agreed that commissioners from schools and other local authorities should not be required to carry out checks on unregistered settings that are included in local authorities' directories of approved provision. Most schools (63%), local authorities (56%), unregistered alternative providers (58%) and parents (53%) agreed with this proposal.

Table 6: Do you agree or disagree that commissioners from schools and other local authorities should not be required to carry out checks (for example on the suitability of staff) on any unregistered alternative provision setting that is included in local authorities' directories of approved provision?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	194	32	39	79	30	14
Yes, I agree	112 (58%)	20 (63%)	22 (56%)	46 (58%)	16 (53%)	8 (57%)
No, I do not agree	67 (35%)	12 (38%)	11 (28%)	27 (34%)	12 (40%)	5 (36%)
I don't know	15 (8%)	0 (0%)	6 (15%)	6 (8%)	2 (7%)	1 (7%)

Qualitative summary

While respondents to question 5 broadly agreed that local authorities should be responsible for checking that non-school provision is compliant with safeguarding or health and safety requirements, a large proportion of respondents who disagreed with question 6 said that schools should be able to make their own contextual checks (including on whether interventions are meeting children's needs, to monitor children's progress during interventions or on individual safeguarding issues). Some respondents suggested that independent bodies like Ofsted should carry out checks and others suggested additional types of checks, including on staffing, transition and re-integration, as well as on the values and aspirations of the settings.

There should be a degree of checking carried out by the schools. Not a repeat of the local authority approval checks but checks that show the school understood how it meets the needs of the child, so that together they can decide the overall aims for their time there.

An unregistered alternative provider

Question 7: Do you agree or disagree that all local authorities should be required to compile, publish and make available to commissioners up to date directories of approved, unregistered alternative providers with core information about each provider?

Quantitative summary

All 297 online respondents answered this question. More than three quarters of respondents (81%) agreed that local authorities should be required to compile, publish and make available to commissioners up to date directories of approved, unregistered alternative providers. Nearly all schools (93%) and unregistered alternative providers (93%), more than three quarters of local authorities (81%) and more than half of parents (57%), agreed.

Table 7: Do you agree or disagree that all local authorities should be required to compile, publish and make available to commissioners up to date directories of approved, unregistered alternative providers with core information about each provider?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	240 (81%)	39 (93%)	46 (81%)	89 (93%)	45 (57%)	21 (91%)
No, I do not agree	41 (14%)	2 (5%)	8 (14%)	5 (5%)	24 (30%)	2 (9%)
I don't know	16 (5%)	1 (2%)	3 (5%)	2 (2%)	10 (13%)	0 (0%)

Qualitative summary

Many of those who disagreed with this proposal raised concerns about the practicalities of compiling directories, including the possibility that the content may become outdated and that the nature of some types of bespoke provision may be difficult to summarise. A few respondents said that publicising this type of provision may increase demand for services, placing additional pressure on local budgets. Some were also concerned about the capacity of local authorities to compile and update the directories.

We agree with the broad principle that such directories must be available. Local authorities should be able to collaborate with other local authorities on this task or commission others to deliver on their behalf.

Professional with experience of supporting commissioners or working with unregistered alternative provision providers

Question 8: Do you agree or disagree that schools should be required to inform local authorities about any time-limited interventions they have commissioned in unregistered alternative provision?

Quantitative summary

All 297 online respondents answered this question. More than three quarters (76%) agreed that schools should be required to inform local authorities about any time-limited interventions they have commissioned in unregistered alternative provision. Three quarters or more of local authorities (86%), schools (81%) and unregistered alternative providers (75%) alongside nearly two thirds of parents (63%) agreed with this proposal.

Table 8: Do you agree or disagree that schools should be required to inform local authorities about any time-limited interventions they have commissioned in unregistered alternative provision?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	226 (76%)	34 (81%)	49 (86%)	72 (75%)	50 (63%)	21 (91%)
No, I do not agree	51 (17%)	5 (12%)	6 (11%)	16 (17%)	22 (28%)	2 (9%)
I don't know	20 (6%)	3 (7%)	2 (4%)	8 (8%)	7 (9%)	0 (0%)

Qualitative summary

Most respondents who disagreed felt that implementing this proposal would be excessively burdensome for schools and in some cases for local authorities. Some felt that schools may need additional resources to carry out this requirement and others believed that the additional work may deter schools from using unregistered provision. Some respondents said that more clarity around expectations would be needed. A few were concerned that this proposal may adversely affect schools' autonomy and some stated that these new requirements should not be used to hold schools to account.

Question 9: Do you agree or disagree that the proposals in this chapter should be applicable to children with EOTAS special educational provision who appear on school admissions registers?

Quantitative summary

All 297 online respondents answered this question. Nearly two thirds of respondents (64%) agreed that the proposals in this chapter should be applicable to children with EOTAS special educational provision who appear on school admissions registers. More than three quarters of schools (86%), local authorities (81%) and unregistered alternative providers (78%) agreed with this proposal. More than two thirds of parents (68%) disagreed.

Table 9: Do you agree or disagree that the proposals in this chapter should be applicable to children with EOTAS special educational provision who appear on school admissions registers?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	189 (64%)	36 (86%)	46 (81%)	75 (78%)	16 (20%)	16 (70%)
No, I do not agree	79 (27%)	3 (7%)	4 (7%)	14 (15%)	54 (68%)	4 (17%)
I don't know	29 (10%)	3 (7%)	7 (12%)	7 (7%)	9 (11%)	3 (13%)

Qualitative summary

Most respondents who disagreed with this proposal did so because they believed that EOTAS special educational provision requires a different approach to other types of alternative provision. The reasons for this vary. Some believed that EOTAS is not understood and is therefore being misused, some stated that this is because EOTAS differs from case to case, some raised concerns about the possible implications of imposing limits on the duration of EOTAS placements and some were concerned that this proposal may add new challenges for these children and their families.

The government's response to chapter two

All local authorities will be required to establish quality assurance frameworks to ensure that all non-school alternative provision in their areas is meeting the new national standards. Commissioners will only be able to use provision that meets the new national standards.

The proposals in this chapter drew upon well-established quality assurance frameworks for non-school alternative provision that already operate in many local authorities, with the provision assessed against clear, locally defined standards. While there is much good practice, the government is concerned that in some areas, routine child safeguarding measures, health and safety checks and attendance monitoring are not undertaken. Too often, commissioning arrangements do not ensure that the provision is offering value for money, delivering good quality education and support, and meeting children's needs.

All children educated and supported in these settings must be safe and receiving evidence-based interventions that help to re-engage them in education. Most respondents agreed that non-school alternative provision should comply with new national standards. We outline our intention to legislate to introduce these standards in chapter five.

There was also general agreement with the proposals to introduce local authority led quality assurance frameworks to measure non-school alternative provision against the new national standards. Some respondents favoured national registration similar to the regulatory framework for Independent Schools. Given the diversity and scale of this sector, we believe that implementing this from scratch would be bureaucratic and time consuming. Instead, we want to build on existing best practice from across the country, where local authorities, schools and providers have collaborated to introduce high quality local frameworks. This will best assist local authorities and schools to meet their commissioning responsibilities and enable non-school alternative providers to demonstrate the quality of their services to commissioners.

As outlined in the consultation, we would also encourage local areas to consider whether some of the services offered in non-school alternative provision, like one-to-one tuition for example, could be delivered instead within a more inclusive mainstream education system.

Local authorities will be required to compile and publish directories of approved, non-school alternative provision.

To support effective implementation and improve transparency, we intend to require all local authorities to compile and maintain directories of approved, non-school alternative provision, which must be made available to those responsible for commissioning alternative provision. The directories would include the core information about each

provider needed to inform commissioning choices, such as the types of education and support being delivered and the types of settings in which the provision is taking place. Commissioners will only be able to place children in settings that have been judged to have met the new national standards, and which have been included in these directories.

The local authorities in which the settings are located would be required to undertake the necessary checks on all aspects of the provision and ensure that they are adhering to the new national standards. This local authority led oversight of unregistered alternative provision will improve systemic cohesion and provide reassurance for schools that these time-limited placements are meeting their pupils' needs.

Some consultation respondents were concerned that the introduction of these new legal duties may lead to additional burdens and costs for local authorities. These measures are subject to DfE securing the necessary resources and producing an assessment of the impact on local authorities. Following the publication of this response, DfE will continue to work with local authorities, schools and providers to determine the most cost effective way of delivering the proposals, including exploring whether local authorities may charge schools or providers to access the frameworks.

Schools will be required to inform local authorities of all interventions they commission in non-school alternative provision and will be able to ensure that the time-limited interventions they commission are meeting children's needs.

Some local authorities have told us that for quality assurance frameworks to be effective, they need schools to inform them when they are arranging interventions and to provide feedback. While this does happen in some areas, there is currently no requirement for all schools to report in this way. We strongly believe that for these new frameworks to function effectively, local authorities will need to be aware of all placements that have been commissioned by schools in their areas. We will therefore require schools to inform their local authorities of every placement they have commissioned in non-school alternative provision.

Respondents generally accepted that schools should not need to carry out checks duplicating those made by local authorities. However, some respondents believed that schools should be free to make contextual checks to ensure that placements they have commissioned in non-school alternative provision are meeting their pupils' needs, or to check on safeguarding issues relating to individual children. We agree that schools should be able to ensure that placements are meeting children's needs. This approach leads to a clearer separation of functions between quality assurance of the settings (undertaken by local authorities) and the quality assurance of the interventions (undertaken by schools).

In circumstances where local authorities have a role in commissioning time-limited placements (for example where children with EHC plans are receiving some of their

education in a school and some in an unregistered setting), local authorities and schools will both need to be satisfied that any interventions delivered by unregistered alternative providers are meeting children's individual needs.

Ofsted and the Care Quality Commission will evaluate the effectiveness of each local authority's quality assurance frameworks.

In its school inspections, Ofsted will continue to evaluate the extent to which schools ensure that placements they make in offsite alternative provision, including in non-school settings, are safe and effective in promoting pupils' progress. To support local authorities in their quality assurance role, the effectiveness of every local authority's quality assurance framework will be evaluated independently during Ofsted and the Care Quality Commission's local area SEND inspections¹⁹.

¹⁹ [Area SEND inspections: information about ongoing inspections - GOV.UK](#)

Chapter three: EOTAS special educational provision

In this chapter, the government sought views on:

- whether children should be able to receive all of their special educational provision specified under EOTAS arrangements from a single unregistered alternative provider
- whether providers delivering this type of special educational provision should be exempt from registering as independent schools

As outlined in its response to chapter four, the government has decided that DfE should carry out further work to enhance its understanding of how EOTAS is used and what the key issues are, before it decides how to follow up the proposals in the consultation. In the meantime, the proposals in this chapter will not be implemented.

The quantitative and qualitative analysis of each question in this chapter, and the government's response, are provided below. As noted in the methodology, the qualitative summaries to most questions in this chapter are based on feedback only from respondents who disagreed with the question. Question 12 was an open question, and all respondents were able to provide feedback.

Question 10: Do you agree or disagree that children should be able to receive any special educational provision specified under EOTAS arrangements from a single unregistered alternative provider?

Quantitative summary

All 297 online respondents answered this question. Most respondents (60%) agreed that children should be able to receive any special educational provision specified under EOTAS arrangements from a single unregistered alternative provider. Three quarters of local authorities (75%), almost three quarters of unregistered alternative providers (73%) and more than half of schools (55%) agreed with this proposal. More than half of parents (53%) disagreed.

Table 10: Do you agree or disagree that children should be able to receive any special educational provision specified under EOTAS arrangements from a single unregistered alternative provider?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	177 (60%)	23 (55%)	43 (75%)	70 (73%)	29 (37%)	12 (52%)
No, I do not agree	89 (30%)	14 (33%)	12 (21%)	14 (15%)	42 (53%)	7 (30%)
I don't know	31 (10%)	5 (12%)	2 (4%)	12 (13%)	8 (10%)	4 (17%)

Qualitative summary

The strongest theme to emerge in response to this question was that EOTAS special educational provision should be flexible. These arrangements should be suitable for children's varying needs as outlined in EHC plans, and they must always be in children's best interests. EOTAS special educational provision can include a range of differing interventions, and some respondents questioned whether a single unregistered setting can successfully deliver the required breadth of support. Some of those who disagreed were concerned that, if implemented, this proposal may lead to barriers like increased demand or fewer providers being able to deliver this type of provision.

Many of those who disagreed with this proposal expressed concerns about the quality and safety of unregistered alternative provision. Some said that single settings cannot provide good quality education and others believed that there should be more clarity on the oversight of unregistered providers before single settings are allowed to deliver all of a child's EOTAS special educational provision.

There should be a set of national standards that all providers adhere to which would ensure compliance with safeguarding, health and safety etc. One provider might be the best fit for certain young people, but there needs to be flexibility whilst ensuring high quality provision.

Headteacher in a mainstream school

Question 11: Do you agree that any providers delivering this type of special educational provision should be exempt from registering as independent schools (unless they meet other requirements to register as independent schools)?

Quantitative summary

Respondents who agreed with question 10 were asked to answer this question. We received 180 online responses. More than three quarters of the respondents (78%) agreed that single unregistered alternative providers delivering EOTAS special educational provision should be exempt from registering as independent schools. More than three quarters of unregistered alternative providers (88%) and parents (83%), nearly three quarters of local authorities (72%) and more than half of schools (58%) agreed with this proposal.

Table 11: Do you agree that any providers delivering this type of special educational provision should be exempt from registering as independent schools (unless they meet other requirements to register as independent schools)?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	180	24	43	72	29	12
Yes, I agree	141 (78%)	14 (58%)	31 (72%)	63 (88%)	24 (83%)	9 (75%)
No, I do not agree	22 (12%)	4 (17%)	9 (21%)	4 (6%)	4 (14%)	1 (8%)
I don't know	17 (9%)	6 (25%)	3 (7%)	5 (7%)	1 (3%)	2 (17%)

Qualitative summary

A few respondents who disagreed with this question provided additional information. Some said that all alternative provision should be regulated. Some suggested that this type of provision should be subject to existing standards frameworks like the Independent Schools Standards or the standards applicable to mainstream schools. A few thought that this proposal would result in a more complicated system or that it would lead to more requests for EOTAS special educational provision.

Question 12: What are the barriers that currently impede local authorities' ability to arrange all of a child's section 61 EOTAS special educational provision in a single unregistered setting?

This was an open question where all respondents were asked to provide free text responses. A large proportion said the main barrier was a lack of suitable providers to deliver EOTAS special educational provision. In some cases, this was simply due to insufficient providers in their areas or a lack of qualified staff in the settings that were operating. Some respondents thought that single providers would not be able to deliver the required breadth of support and education, and others highlighted safeguarding concerns.

Some respondents also cited existing legal restrictions as a barrier, including the specified time limits in the Independent Schools Standards and concerns that providers may be seen as acting illegally if they were to deliver all of a child's EOTAS in the same setting without registering as a school. Some respondents said that they believed the capacity and capability of local authorities to oversee the process is a barrier in some areas as well as issues around funding.

The government's response to chapter three

The government has decided that DfE should undertake further work on EOTAS before deciding on the best way forward. A more detailed response on all proposals concerning EOTAS special educational provision is set out at the end of the next chapter.

Chapter four: Regulating providers delivering EOTAS special educational provision

In this chapter the government proposed that:

- all unregistered alternative providers delivering special educational provision under EOTAS arrangements for children not on a school admissions register would be required to register with DfE²⁰
- those providers that are registered with DfE would need to comply with the new national standards outlined in chapter five
- those providers that are registered with DfE would be subject to periodic national inspections by an independent body appointed by the Secretary of State for Education

As outlined in the government's response, DfE will undertake further work before the government decides whether to proceed with the proposals relating to EOTAS. In the meantime, these proposals will not be implemented.

The quantitative and qualitative analysis of each question in this chapter, and the government's response, are provided below. As noted in the methodology, the qualitative summaries to the questions in this chapter are based on feedback only from respondents who disagreed with the question.

Question 13: Do you agree or disagree that any unregistered alternative providers delivering EOTAS special educational provision for children not on school admissions registers should be required to register with DfE?

Quantitative summary

All 297 online respondents answered this question. More than half (60%) of all respondents agreed that all unregistered alternative provision delivering EOTAS special educational provision for children not on school admissions registers should be required to register with DfE. Nearly all school (93%) and more than three quarters of local authority (84%) respondents agreed with this proposal. More than half of unregistered alternative providers (59%) also agreed. Just over half of parents (51%) disagreed.

²⁰ Except for any provision which is already regulated by a professional body.

Table 12: Do you agree or disagree that any unregistered alternative providers delivering EOTAS special educational provision for children not on school admissions registers should be required to register with DfE?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	179 (60%)	39 (93%)	48 (84%)	57 (59%)	23 (29%)	12 (52%)
No, I do not agree	78 (26%)	2 (5%)	7 (12%)	22 (23%)	40 (51%)	7 (30%)
I don't know	40 (13%)	1 (2%)	2 (4%)	17 (18%)	16 (20%)	4 (17%)

Qualitative summary

The strongest theme to emerge from those who disagreed with this question was that national regulation might negatively affect some providers delivering EOTAS special educational provision. There were concerns that the regulation would be too resource intensive for unregistered alternative providers and that it may cause small or specialist providers to stop offering this type of support. Some respondents were also concerned that the regulation may stifle the flexibility of unregistered settings to respond to the individual needs of this cohort, cause delays in the system, and create capacity issues for providers. Some said that other forms of regulation may be preferable, including the local authority oversight proposed in chapter two.

If they have been subject to a local inspection and made it on to the approved list of providers, this should be sufficient.

An unregistered alternative provider

Question 14: Do you agree or disagree that any unregistered alternative providers delivering this type of EOTAS special educational provision, which are registered with DfE, should be subject to periodic independent national inspections?

Quantitative summary

Respondents who agreed with question 13 were asked to answer this question. There were 179 online responses. Nearly all respondents (92%) agreed that providers delivering EOTAS special educational provision, which are registered with DfE, should be subject to periodic independent inspections by a national body. All schools (100%), nearly all providers (91%) and local authorities (90%) and more than three quarters of parents (83%) agreed with this proposal.

Table 13: Do you agree or disagree that any unregistered alternative providers delivering this type of EOTAS special educational provision, which are registered with DfE, should be subject to periodic independent national inspections?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	179	39	48	57	23	12
Yes, I agree	165 (92%)	39 (100%)	43 (90%)	52 (91%)	19 (83%)	12 (100%)
No, I do not agree	9 (5%)	0 (0%)	3 (6%)	3 (5%)	3 (13%)	0 (0%)
I don't know	5 (3%)	0 (0%)	2 (4%)	2 (4%)	1 (4%)	0 (0%)

Qualitative summary

A small number of respondents provided feedback in response to this question. This included concerns that inspection processes may negatively impact on children's wellbeing, that inspections should be local rather than national, that these settings should be included in Ofsted's inspections of local authorities, and that unregistered settings should be subject to the same levels of scrutiny as other types of alternative provision.

Question 15: Do you agree or disagree that local authorities should be able to place children receiving this type of special educational provision in unregistered alternative provision for up to 3 months until the provider has been registered with DfE?

Quantitative summary

Respondents who agreed with question 13 were asked to answer this question. We received 179 online responses. More than half (55%) agreed that children may be placed in unregistered alternative provision for up to 3 months, until the provider has been registered with DfE. Nearly two thirds of unregistered alternative providers (65%), more than half of local authorities (58%), and nearly half of parents (48%) and schools (46%) agreed with this proposal.

Table 14: Do you agree or disagree that local authorities should be able to place children receiving this type of special educational provision in unregistered alternative provision for up to 3 months until the provider has been registered with DfE?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	179	39	48	57	23	12
Yes, I agree	99 (55%)	18 (46%)	28 (58%)	37 (65%)	11 (48%)	5 (42%)
No, I do not agree	54 (30%)	16 (41%)	9 (19%)	13 (23%)	9 (39%)	7 (58%)
I don't know	26 (15%)	5 (13%)	11 (23%)	7 (12%)	3 (13%)	0 (0%)

Qualitative summary

A large proportion of those who disagreed with this question said that settings should be registered first due to safeguarding risks. Some respondents were concerned that registration would take longer than 3 months and some felt that 3 months is too long. Others agreed with this proposal in principle but suggested that the registration process should be initiated before children are placed in the provision, that children should be closely monitored until the provision is registered, or that an initial quality assessment against the national standards should take place before children can be admitted to settings that have not yet been registered with DfE.

Question 16: Do you agree or disagree that any unregistered alternative providers delivering this type of special educational provision should instead be covered by the local authority registration arrangements proposed in chapter 2?

Quantitative summary

There were 257 online responses to this question. Under half of all respondents (49%) agreed that unregistered alternative providers delivering this type of special educational provision should instead be covered by the local authority registration arrangements proposed in chapter two. More than half of schools (59%), unregistered alternative providers (59%) and local authorities (58%) agreed with this proposal. More than half of parents (56%) disagreed.

Table 15: Do you agree or disagree that any unregistered alternative providers delivering this type of special educational provision should instead be covered by the local authority registration arrangements proposed in chapter two?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	257	41	55	79	63	19
Yes, I agree	126 (49%)	24 (59%)	32 (58%)	47 (59%)	14 (22%)	9 (47%)
No, I do not agree	83 (32%)	13 (32%)	12 (22%)	18 (23%)	35 (56%)	5 (26%)
I don't know	48 (19%)	4 (10%)	11 (20%)	14 (18%)	14 (22%)	5 (26%)

Qualitative summary

Some respondents said that they disagreed with this proposal because they felt that local authorities would not have the capacity or the required expertise to assess the quality of this type of provision. Others suggested that these checks should instead be undertaken by schools or Ofsted, or that settings should be able to choose between national or local quality assurance checks. Other concerns were around whether it would be easy for parents to access support, and whether the proposals may place a greater burden on parents.

The government's response to chapters three and four

DfE is undertaking further work on EOTAS special educational provision before deciding on how any non-school settings delivering this type of provision should be used and regulated.

This government is fully committed to supporting children with SEND in inclusive mainstream education as well as ensuring that special schools educate and support those with the most complex needs. We are working with experts, parents and carers to strengthen accountability and to ensure inclusivity so that all children and young people with SEND receive the right support to succeed in their education and as they move into adult lives.

We have noted the broad support for the proposals outlined in chapters three and four. Most respondents agreed to greater flexibility to allow EOTAS special educational provision to be delivered by single non-school providers and for the settings delivering this type of provision to be subject to national regulation.

We are particularly grateful for the heartfelt and detailed testimonies from parents of children receiving EOTAS special educational provision. Many felt let down by their children's experiences in mainstream education and said that their children attend non-school alternative provision because they cannot access the good quality, specialised education and support that they need when it is most needed. Many were very grateful for the non-school alternative provision that had supported and educated their children while they were unable to attend school.

We recognise that there are many variables in the delivery of EOTAS. For example, such special educational provision is usually delivered outside of the school system but as we acknowledge in chapter two, some children continue to remain registered with schools while receiving EOTAS. Some providers only deliver EOTAS to children with EHC plans while others also deliver it to children who do not have EHC plans. Some types of special educational provision are delivered in settings that are already regulated by professional bodies, but the provision is also delivered by some non-school alternative provision settings that are unregistered and are not part of existing regulatory frameworks.

It remains clear that in some areas, non-school alternative provision is being used because children's needs are not being met in mainstream schools, due to local shortages of specialised school provision, or sometimes both. Respondents told us that, before regulating any non-school settings that deliver EOTAS special educational provision, we should consider the purpose of EOTAS, why it is being used, and why parents feel that it is more suited to children with complex needs than the support currently available in some mainstream and special schools.

These broader, systemic issues were outside the scope of this consultation, which also noted that the evidence base on EOTAS is limited. The responses have added valuable new evidence, and we decided to look in depth at the use of EOTAS more generally before making decisions about the regulatory framework for the settings that deliver it.

DfE is therefore undertaking further work to examine the use of EOTAS holistically and contextually as part of wider reforms to the SEND and alternative provision system. When this work is complete, we will further consider the regulation of the diverse range of settings that deliver this type of education and support. We will not therefore take forward any of the consultation's proposals on EOTAS at this stage.

We do not currently consider any EOTAS special educational provision to be within scope of the new voluntary national standards. This means that:

- non-school alternative providers that solely deliver EOTAS special educational provision²¹ are not in scope of the voluntary standards and would not be included in local authorities' directories of approved non-school alternative provision
- providers delivering EOTAS special educational provision and other types of non-school alternative provision are within scope of the voluntary national standards and should be included in the local authority directories. These providers would, however, only be expected to demonstrate that the education and support being delivered to children who are not EOTAS is meeting the voluntary national standards

In both scenarios local authorities can use the voluntary national standards to measure the quality of their EOTAS special educational provision if they believe this will help them to demonstrate to schools, parents and others with an interest, that the settings are safe and delivering good quality education.

Not regulating non-school alternative provision that delivers EOTAS-only placements, while introducing local frameworks for quality assuring other types of non-school alternative provision, would leave those receiving EOTAS special educational provision as the only compulsory school age children accessing state funded education in settings that are not subject to regulation and independent inspection. As stated earlier, we will consider the regulation of this type of provision in due course. Until then, there are already inbuilt protections for those receiving EOTAS special educational provision through the EHC plan annual review process specified in the SEND statutory framework. Given the complex needs of those receiving EOTAS, we would also expect that all

²¹ As set out in section 61 of the Children and Families Act 2014, where it is specified in section F of a child's EHC plan.

aspects of EOTAS arrangements should already be under scrutiny by local authority commissioners.

Chapter five: The new national standards for unregistered alternative provision

In the previous chapters, the government proposed that all unregistered alternative providers would need to adhere to new national standards for their provision to be made available to local authority and school commissioners. Chapter five of the consultation outlined the scope of those standards and proposed five themes:

1. safeguarding
2. health and safety
3. admissions, support and guidance
4. outcomes for children
5. quality of education

Having considered the consultation responses, the government has decided to introduce new mandatory national standards for non-school alternative provision. DfE has published voluntary standards and guidance so that local areas can adopt and test these new arrangements before they become mandatory.

The quantitative and qualitative analysis of each question in this chapter, and the government's response, are provided below. As noted in the methodology, in most cases, the qualitative summaries are based on feedback only from respondents who disagreed with the questions. In this section there were several open questions where all respondents, or those from the various respondent types, were able to provide feedback on the proposals.

Question 17: Do you agree or disagree that there should be mandatory national standards which would be applicable to all providers of unregistered alternative provision?

Quantitative summary

All 297 online respondents answered this question. More than three quarters (76%) of all respondents agreed that there should be mandatory national standards which would be applicable to all providers of unregistered alternative provision. Nearly all local authority (96%) and schools (95%), and more than three quarters of unregistered alternative provider respondents (81%) agreed with this proposal. Just over a third of parents (38%) agreed with this proposal.

Table 16: Do you agree or disagree that there should be mandatory national standards which would be applicable to all providers of unregistered alternative provision?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	225 (76%)	40 (95%)	55 (96%)	78 (81%)	30 (38%)	22 (96%)
No, I do not agree	48 (16%)	1 (2%)	1 (2%)	11 (11%)	35 (44%)	0 (0%)
I don't know	24 (8%)	1 (2%)	1 (2%)	7 (7%)	14 (18%)	1 (4%)

Qualitative summary

A relatively small number of respondents disagreed with this proposal. A large proportion of those who disagreed stated the proposed standards do not meet the individual needs of the diverse cohort of children in unregistered alternative provision.

Some expressed concerns that the proposed standards are not inclusive and that a formalised approach to standards may not suit the varying types of support that unregistered settings provide, particularly in the case of education and support in family homes, or EOTAS special educational provision. Some felt that specific types of provision would be negatively impacted such as small providers, medical providers and international providers. A few said that the standards were too burdensome and bureaucratic and that implementing them may drive up costs and force some providers to cease offering their provision.

My local authority is familiar with its unregistered alternative provision and their nature and has adopted a quality assurance framework that fits with them. This includes standards but allows for flexibility within them to reflect the diversity of the settings within the area.

An unregistered alternative provider

Question 18: Do you agree or disagree with the five themes of the proposed standards (safeguarding; health and safety; admissions, support and guidance; outcomes for children; and quality of education)?

Quantitative summary

All 297 online respondents answered this question. More than three quarters (85%) of all respondents, all respondents from schools and local authorities (100%), nearly all providers (91%) and more than half of parents (59%) agreed with the themes.

Table 17: Do you agree or disagree with the five themes of the proposed standards (safeguarding; health and safety; admissions, support and guidance; outcomes for children; and quality of education)?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	252 (85%)	42 (100%)	57 (100%)	87 (91%)	47 (59%)	19 (83%)
No, I do not agree	32 (11%)	0 (0%)	0 (0%)	5 (5%)	23 (29%)	4 (17%)
I don't know	13 (4%)	0 (0%)	0 (0%)	4 (4%)	9 (11%)	0 (0%)

Qualitative summary

A relatively small number of respondents disagreed with this proposal. Many of those who disagreed and provided feedback said that more detail or flexibility were needed and suggested additional content for the standards. To avoid duplication, qualitative responses to this question have been incorporated in the analysis of question 19.

Question 19: Do you have any views on the content of proposed individual standards?

Qualitative summaries

This was an open question where respondents were asked to provide a free text response. There is no therefore quantitative summary for this question. As noted above, this section also incorporates qualitative feedback from question 18. A common theme across all standards was that additional clarity is needed. Respondents also suggested a wide range of additional information for each standard.

Safeguarding

Some respondents were concerned that this standard would not result in improvements to safeguarding in practice. Additional information that was suggested for this standard included Disclosure and Barring Service (DBS) checks, specialised training for staff in unregistered provision, attendance monitoring, processes for recording incidents and whistleblowing. Others suggested that this standard should be more closely aligned with relevant guidance including Keeping Children Safe in Education or the Independent Schools Standards.

Health and safety

Respondents said that more clarity is needed on how this standard would apply to unregistered alternative provision taking place online or in family homes. Some also

suggested including building safety and fire risk requirements. Others suggested health and safety additions including first aid, mental health training and qualifications, risk assessments and medication policies.

Admissions, support and guidance

A large proportion of those who responded suggested amendments to the section on attendance. There were particular concerns about the application of attendance policies, with some respondents suggesting that there should be flexibility around reporting absences, particularly for children with anxiety. Some were also concerned about the proposed requirement for providers to report absences within 30 minutes. Some suggested that parents should be involved in processes for reporting absences and some said that attendance data should be shared with each child's home school. Other respondents said that more clarity was needed on how to differentiate between full and part time placements and on the induction process.

Suggestions for additional information included plans for re-integration and/or transition, careers guidance, SEND identifiers and a General Data Protection Regulation (GDPR) policy.

Outcomes for children

Some respondents were concerned that this standard is too rigid and should account for the individual circumstances of the children in unregistered settings. This included some wanting to see bespoke outcomes for each child. Some suggested that there should be flexibility built in to reflect the diverse needs of this cohort, including softer outcomes like wellbeing to reflect medical or mental health needs, or the effectiveness of therapeutic interventions. Others suggested that re-integration should be included in this standard together with measures for progression to adulthood, key stage 2 and 4 outcome measures and progress measures.

Quality of education

Respondents suggested that this standard should include more flexibility to reflect the fundamental differences between unregistered alternative provision and the curriculum offered in mainstream education. Some suggested that, where possible, the education offer in this type of provision should complement the mainstream curriculum. Additional content suggested previously, like standards on attendance, mental health and wellbeing was suggested again here by some respondents. A few were concerned about how compliance would be measured, and about possible burdens arising from compliance for some providers. A small number suggested that the quality of education standards for schools should be applicable to unregistered alternative provision.

Question 20: Do you agree or disagree that the proposed standards are sufficiently proportionate to enable smaller organisations to comply?

Quantitative summary

All 297 online respondents answered this question. Just over half (55%) of all respondents agreed that the proposed standards are sufficiently proportionate to enable smaller organisations to comply. Three quarters of local authority (75%) respondents and more than two thirds of schools (71%) and unregistered alternative providers (67%) agreed. More than half of parents (58%) disagreed.

Table 18: Do you agree or disagree that the proposed standards are sufficiently proportionate to enable smaller organisations to comply?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes, I agree	164 (55%)	30 (71%)	43 (75%)	64 (67%)	13 (16%)	14 (61%)
No, I do not agree	77 (26%)	9 (21%)	4 (7%)	13 (14%)	46 (58%)	5 (22%)
I don't know	56 (19%)	3 (7%)	10 (18%)	19 (20%)	20 (25%)	4 (17%)

Qualitative summary

A large proportion of respondents who disagreed did so because they believed that demonstrating compliance with the standards would create new and significant burdens for unregistered alternative provision. Some were concerned that the introduction of the standards would cause additional administrative work, which would particularly affect smaller providers and/or providers of part time interventions.

Some respondents felt that there was insufficient detail in the proposed standards and that more clarity was needed around how the standards would be applicable to providers delivering unregistered alternative provision offsite, and around how compliance would be measured. Some felt that more clarity was needed around how providers delivering medical and mental health support, EOTAS special educational provision or offsite interventions would be expected to comply with the proposed standards.

Question 21: Are there any other types of providers that would not be able to comply with the proposed standards?

Quantitative summary

All 297 online respondents answered this question. There was no clear consensus, with 42% of all respondents unable to express an opinion either way. Parents (42%) were

most likely to feel that some other types of providers would not be able to comply with the proposed standards. More than a quarter of local authorities (30%), just under a quarter of unregistered alternative providers (24%) and 17% of schools believed that some other types of providers would not be able to comply.

Table 19: Are there any other types of providers that would not be able to comply with the proposed standards?

	All	Schools	Local authorities	Providers	Parents	Others
Number of respondents	297	42	57	96	79	23
Yes	84 (28%)	7 (17%)	17 (30%)	23 (24%)	33 (42%)	4 (17%)
No	87 (29%)	23 (55%)	21 (37%)	28 (29%)	5 (6%)	10 (43%)
I don't know	126 (42%)	12 (29%)	19 (33%)	45 (47%)	41 (52%)	9 (39%)

Qualitative summary

Some respondents who disagreed did so because they believed that unregistered alternative providers delivering specialised interventions like equine therapy or other types of therapeutic support may not be able to comply. There were also concerns that those delivering one to one and group tutoring, behavioural support or mentoring may find it difficult to meet the proposed standards. In keeping with responses to previous questions, some respondents believed that compliance would be challenging for smaller providers and those delivering education or support at home, online or offsite. Some believed that providers of medical support would not be able to comply and a few suggested that there should be separate regulatory arrangements for this type of provision.

Question 22 (for unregistered alternative providers only): Thinking about the proposed regulatory standards in relation to your provision, would your provision be able to demonstrate compliance?

Quantitative summary

Only respondents who identified as being unregistered alternative providers were able to respond to this question. There were 93 responses. More than three quarters of respondents (77%) said that their provision would be able to demonstrate compliance with the proposed standards. Less than one in 10 respondents (8%) believed that their provision would not be able to demonstrate compliance.

Table 20: (for unregistered alternative providers only) Thinking about the proposed regulatory standards in relation to your provision, would your provision be able to demonstrate compliance?

	Totals
All respondents	93 (100%)
Yes, my provision would be able to comply	72 (77%)
No, my provision would not be able to comply	7 (8%)
I don't know	14 (15%)

Qualitative summary

A few respondents who believed that their provision would not be able to demonstrate compliance with the standards provided feedback. The most common reasons cited were the time, costs and additional bureaucracy attached to compliance. Some suggested flexibility to account for the differing types and sizes of provision.

Question 23 (for unregistered alternative providers only): Would complying with the new proposed regulatory standards administered by one body lead to additional costs or savings to the amount you will need to charge to provide your services?

Quantitative summary

Only respondents who identified as being unregistered alternative providers were asked to respond to this question. Only 4% of the 93 respondents believed that the proposed new standards would lead to savings. A third (33%) said that there would be no change to their costs, just over a third (35%) believed that there would be additional costs, and just over a quarter (28%) said that they did not know.

Table 21: (for unregistered alternative providers only) Would complying with the new proposed regulatory standards administered by one body lead to additional costs or savings to the amount you will need to charge to provide your services?

	Totals
All respondents	93 (100%)
There would be additional costs	33 (35%)
There would be savings	4 (4%)
There would be no change to our costs	31 (33%)
I don't know	25 (28%)

Qualitative summary

Of those respondents who believed that there would be additional costs, the causes included new staffing, training or IT costs. A few respondents indicated that they would try to recover these costs during the commissioning process. A few who believed there would be no change to their costs said that this was because their settings are already meeting similar standards required by local quality assurance frameworks.

Question 24 (for schools only): Would the proposal to remove the need for schools to carry out quality assurance checks on unregistered alternative provision lead to additional costs or savings?

Quantitative summary

Only respondents who identified as representing schools were able to respond to this question. Around a quarter (24%) of the 40 respondents believed that the proposed new standards would lead to savings and more than half (55%) said that there would be no change to their costs. Of the remaining respondents, 7% believed that there would be additional costs, and 15% were undecided.

Table 22: (for schools only) Would the proposal to remove the need for schools to carry out quality assurance checks on unregistered alternative provision lead to additional costs or savings?

	Totals
All respondents	40 (100%)
There would be additional costs	3 (7%)
There would be savings	10 (24%)
There would be no change to our costs	22 (55%)
I don't know	5 (14%)

Qualitative summary

A small number of respondents who identified as representing schools provided feedback. Of these, many believed there would be savings in terms of time and staff costs. Some felt there would not be any cost savings, while others stated that additional staff costs and local authority costs would lead to additional costs for schools.

Question 25 (for local authorities only): Would quality assuring unregistered alternative providers in your area against new regulatory standards lead to additional costs or savings to (a) your high needs spending and (b) your administrative costs?

Quantitative summary

Only respondents who identified as being from local authorities were able to respond to this question. Most (70%) of the 57 respondents said that there would be additional costs. Just under a third (30%) said that they would incur additional costs to their high needs spending, with more than a third (40%) predicting additional administrative costs. Only 7% believed that there would be savings. Almost one in five respondents (19%) said that they did not know.

Table 23: (for local authorities only) Would quality assuring unregistered alternative providers in your area against new regulatory standards lead to additional costs or savings to (a) your high needs spending and (b) your administrative costs?

	Totals
All respondents	57 (100%)
There would be additional costs to our high needs spending	17 (30%)
There would be additional administrative costs	23 (40%)
There would be savings to our high needs spending	4 (7%)
There would be savings to our administrative costs	0 (0%)
There would be no change to our costs	2 (4%)
I don't know	11 (19%)

Qualitative summary

All respondents who identified as representing local authorities were able to provide feedback. Most of those that did, said that they believed these proposals would lead to additional costs if local authorities were required to quality assure all non-school alternative provision used by schools. A range of differing causes were cited, including additional administrative burdens, new commissioning costs, staffing and IT costs, additional resources for site visits, teaching and learning, transport, and increases in EOTAS placements. Small numbers of respondents said they believed that providers may pass on additional costs to school commissioners.

Question 26 (for local authorities only): In addition to the costs outlined in questions 23–25, do you think the proposals outlined in the consultation will create costs or savings to the high needs budget?

Only respondents who identified as being from local authorities were able to respond to this question. There were 57 responses. Respondents were asked to estimate whether the proposals outlined in each chapter of the consultation would result in savings, additional costs, or whether they would be cost neutral.

Most respondents estimated that the proposals in chapters one and two (on time-limited placements in unregistered settings and the new local authority led regulatory frameworks), and those in chapter five (on the new national standards for unregistered alternative provision), would lead to additional costs for local authorities.

Most respondents believed that chapter three's proposal on EOTAS special educational provision delivered in single unregistered settings would be cost neutral. Most respondents estimated that the proposal in chapter four, on the national regulation of unregistered alternative providers delivering EOTAS special educational provision, would either lead to additional costs or would be cost neutral.

Chapter one: the use of unregistered alternative provision as a time-limited intervention to complement education provided in school.

Just under half of the respondents (44%) believed that this proposal would lead to additional costs for local authorities. Just under a third (32%) believed that this proposal would be cost neutral, 9% estimated that there would be savings and 16% did not know.

Table 24: (for local authorities only) In addition to the costs outlined in questions 23–25, do you think the proposals in the consultation will create costs or savings to the high needs budget?
Chapter one: the use of unregistered alternative provision as a time-limited intervention to complement education provided in school.

	Totals
All respondents	57 (100%)
There would be savings	5 (9%)
This proposal would be cost neutral	18 (32%)
There would be additional costs	25 (44%)
I don't know	9 (16%)

Chapter two: new regulatory arrangements for unregistered alternative providers offering time-limited interventions to complement the education provided in school.

Quantitative summary

More than half of the respondents (51%) believed that this proposal would lead to additional costs for local authorities. A quarter (25%) believed that this proposal would be cost neutral, 11% estimated that there would be savings, and 14% did not know.

Table 25: (for local authorities only) In addition to the costs outlined in questions 23–25, do you think the proposals in the consultation will create costs or savings to the high needs budget?

Chapter two: new regulatory arrangements for unregistered alternative providers offering time-limited interventions to complement the education provided in school.

	Totals
All respondents	57 (100%)
There would be savings	6 (11%)
This proposal would be cost neutral	14 (25%)
There would be additional costs	29 (51%)
I don't know	8 (14%)

Chapter three: Greater flexibility for local authorities to enable EOTAS special educational provision to be delivered in a single unregistered setting.

Quantitative summary

Just under half of the respondents (44%) believed that this proposal would be cost neutral for local authorities. Just over one in five respondents (21%) estimated that it would lead to savings, with the same proportion estimating that there would be additional costs and 14% did not know.

Table 26: (for local authorities only) In addition to the costs outlined in questions 23–25, do you think the proposals in the consultation will create costs or savings to the high needs budget?

Chapter three: Greater flexibility for local authorities to enable EOTAS special educational provision to be delivered in a single unregistered setting.

	Totals
All respondents	57 (100%)
There would be savings	12 (21%)
This proposal would be cost neutral	25 (44%)
There would be additional costs	12 (21%)
I don't know	8 (14%)

Chapter four: the national regulation of unregistered alternative providers delivering EOTAS special educational provision to children who are not on school admissions registers.

Quantitative summary

Just over a third of the respondents (35%) believed that this proposal would lead to additional costs for local authorities. A third (33%) believed that this proposal would be cost neutral, 14% estimated that there would be savings and 18% did not know.

Table 27: (for local authorities only) In addition to the costs outlined in questions 23–25, do you think the proposals in the consultation will create costs or savings to the high needs budget?
Chapter four: the national regulation of unregistered alternative providers delivering EOTAS special educational provision to children who are not on school admissions registers.

	Totals
All respondents	57 (100%)
There would be savings	8 (14%)
This proposal would be cost neutral	19 (33%)
There would be additional costs	20 (35%)
I don't know	10 (18%)

Chapter five: the new national standards for unregistered alternative provision.

Quantitative summary

Just over half of the respondents (51%) believed that this proposal would lead to additional costs for local authorities. A quarter (25%) believed that this proposal would be cost neutral, 9% estimated that there would be savings and 16% did not know.

Table 28: (for local authorities only) In addition to the costs outlined in questions 23–25, do you think the proposals in the consultation will create costs or savings to the high needs budget?
Chapter five: the new national standards for unregistered alternative provision.

	Totals
All respondents	57 (100%)
There would be savings	5 (9%)
This proposal would be cost neutral	14 (25%)
There would be additional costs	29 (51%)
I don't know	9 (16%)

Qualitative summary

All respondents who identified as representing local authorities were able to provide feedback. Most of those that did said that they believed these proposals would lead to additional costs, which might be caused by:

- the implementation of new processes
- staffing, training, visits and resources
- providers passing on increased costs to local authorities
- providers ceasing to offer provision
- the possible breakdown of placements

A smaller number of respondents said that long term savings could be realised if the provision was high quality. A few also believed that children receiving all their EOTAS special educational provision from a single provider may also lead to reduced costs.

A very small number said that these proposals would be cost neutral as similar policies are already in place in their areas.

The government's response to chapter five

We intend to legislate to introduce mandatory national standards that will be used by local authorities to quality assure all non-school alternative provision operating in their areas. Until the standards become mandatory, we will encourage local authorities to adopt them voluntarily.

The government has noted that most respondents to this consultation agreed with the proposed introduction of national standards for all providers that deliver non-school alternative provision to children of compulsory school age. Most respondents also agreed with the proposed themes:

1. safeguarding
2. health and safety
3. admissions, guidance and support
4. outcomes for children
5. quality of education

There were some concerns, particularly from smaller providers and those delivering alternative provision online in family homes, that they may not be able to comply with all the standards. We want all providers, regardless of their size or the types or provision they deliver, to be able to comply with the standards. To help with this, DfE will provide explanatory guidance, and work with the sector, prior to implementation.

We therefore intend to legislate to introduce new mandatory national standards for non-school alternative provision. These standards will apply to all types of non-school alternative provision for children of compulsory school age except for those which only deliver EOTAS special educational provision²². As outlined earlier, local authorities will be required to quality assure non-school settings operating in their areas against these standards before the providers can be commissioned to deliver time-limited interventions.

When introduced, these standards will:

- set clear and consistent expectations for non-school alternative providers
- support commissioners in monitoring children's attendance and progress

²² As outlined in the government's response to chapters three and four, DfE is carrying out further work on the use of EOTAS special educational provision.

- ensure that all children placed in non-school settings are safe and receiving high quality education

The introduction of mandatory national standards will also mean that implementation should be consistent across the country. This will be particularly helpful to providers delivering services in multiple local authorities, and who currently have to comply with differing local frameworks and standards. The new arrangements will mean that they will only have to demonstrate compliance with DfE's national standards.

In response to feedback from the consultation, we have streamlined the themes of the standards. There will now be four themes:

1. safeguarding and the welfare of children
2. health and safety
3. admissions, guidance and support
4. quality of education

The first theme sets out fundamental child safeguarding principles, and the second is based around the general health and safety requirements expected of any organisation delivering services to children and supervising them on their premises. Themes 3 and 4 will help to ensure that all children in non-school alternative provision receive a good education and high-quality support that is appropriate for their needs. Compliance with the standards in all four themes will help to assure commissioners that providers have created a safe environment which allows children to thrive and achieve positive outcomes.

Equalities impact assessment

Question 27: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with protected characteristics?

Quantitative summaries

Respondents were asked to estimate the potential impact of the proposals in the consultation on children in unregistered alternative provision with the following protected characteristics:

- a) age
- b) gender reassignment
- c) maternity
- d) disability
- e) race (including colour, nationality, ethnic or national origin)
- f) religion or belief
- g) sex
- h) sexual orientation

All 297 online respondents answered these questions.

As outlined in table 29, more than half of all respondents (60%) believed that the proposals would have a positive impact (28%) or no impact (32%). Just over a quarter (27%) were uncertain, with 13% believing that the proposals would have a negative impact.

Table 29: Combined aggregate responses to all questions on the protected characteristics

Combined aggregate responses to all questions on the protected characteristics	Totals
These proposals would have a positive impact	670 (28%)
These proposals would have no impact	751 (32%)
These proposals would have a negative impact	303 (13%)
I don't know	652 (27%)

For nearly all the protected characteristics, most respondents believed that the proposals would have either a positive impact or no impact. A smaller proportion believed that the proposals would have a negative impact and about a quarter of respondents (27%) were unsure about the possible impact of the proposals. The exception to this was in responses to the question about the impact of the proposals on children with a disability. A higher proportion of respondents (41%) to this question believed that the proposals would have a positive impact but a higher proportion (27%) also believed they would have a negative impact. We will continue to consider this feedback as we take forward plans to legislate, and as the EOTAS policies are developed.

Quantitative summaries for each characteristic are provided in the following tables.

Table 30: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? a) Age

a) Age	Totals
These proposals would have a positive impact	94 (32%)
These proposals would have no impact	86 (29%)
These proposals would have a negative impact	47 (16%)
I don't know	70 (24%)

Table 31: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? b) Gender reassignment

b) Gender reassignment	Totals
These proposals would have a positive impact	82 (28%)
These proposals would have no impact	97 (33%)
These proposals would have a negative impact	36 (12%)
I don't know	82 (28%)

Table 32: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? c) Maternity and pregnancy

c) Maternity and pregnancy	Totals
These proposals would have a positive impact	74 (25%)
These proposals would have no impact	103 (35%)
These proposals would have a negative impact	29 (10%)
I don't know	91 (31%)

Table 33: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? d) Disability

d) Disability	Totals
These proposals would have a positive impact	121 (41%)
These proposals would have no impact	43 (14%)
These proposals would have a negative impact	79 (27%)
I don't know	54 (18%)

Table 34: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? e) Race (including colour, nationality, ethnic or national origin)

e) Race (including colour, nationality, ethnic or national origin)	Totals
These proposals would have a positive impact	81 (27%)
These proposals would have no impact	99 (33%)
These proposals would have a negative impact	29 (10%)
I don't know	88 (30%)

Table 35: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? f) Religion or belief

f) Religion or belief	Totals
These proposals would have a positive impact	68 (23%)
These proposals would have no impact	107 (36%)
These proposals would have a negative impact	26 (9%)
I don't know	96 (32%)

Table 36: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? g) Sex

g) Sex	Totals
These proposals would have a positive impact	72 (24%)
These proposals would have no impact	111 (37%)
These proposals would have a negative impact	28 (9%)
I don't know	86 (29%)

Table 37: Do you think the regulatory arrangements and national standards for unregistered alternative provision proposed in this consultation would have an impact on children with the following protected characteristics? h) Sexual orientation

h) Sexual orientation	Totals
These proposals would have a positive impact	78 (26%)
These proposals would have no impact	105 (35%)
These proposals would have a negative impact	29 (10%)
I don't know	85 (29%)

Additional questions

In the two final open questions, respondents were asked to provide free text responses. There is no quantitative analysis of these questions.

Question 28: How could DfE support providers and commissioners to transition to the new standards and regulatory arrangements proposed in this consultation if they were to be implemented?

Qualitative summary

There were 218 free text responses to this question. A large proportion of respondents said that DfE should provide additional funding or other types of support. Many stated that local authorities should receive additional funding and a smaller proportion thought that unregistered alternative providers should receive financial support for any new costs incurred.

A large proportion of respondents believed that DfE should help to facilitate engagement with and collaboration between those involved in the process. Many asked for clarity in any guidance that is published, with some asking for bespoke guidance for differing types of unregistered alternative provision. Some respondents suggested other approaches, including establishing support networks or focus groups.

Many respondents asked for different types of training, the most popular of which was training on quality assurance processes. Many also made other suggestions including sufficient time to implement the new arrangements, with smaller numbers asking for flexibility during the implementation period. Some respondents suggested that accountability measures should be built into the arrangements, while others re-stated their opposition to the proposals.

Question 29: Please provide any additional views on any of our proposals.

Qualitative summary

There were 128 free text responses to this question. Many respondents had suggestions on implementation, including retaining flexibility in the system, improving accessibility in mainstream schools and renaming unregistered alternative provision. Many re-affirmed concerns raised in responses to earlier questions, such as parents giving examples of their children's prior experiences in mainstream and unregistered provision.

Many respondents raised differing concerns about the proposals. Some re-iterated concerns raised in response to the consultation questions about costs and the potential impact of the proposals on unregistered alternative providers. Some were concerned about the effects of the proposals on vulnerable children or worried that regulation may stifle the valuable flexibility and bespoke nature of this type of provision. Conversely,

some respondents re-affirmed their agreement with the proposals, or their support for a quality assurance framework for unregistered alternative provision. Some offered to work with DfE as these proposals are implemented.

Qualitative summary of emailed responses

Eleven respondents replied by email, either by attaching offline versions of the consultation document or via submissions in differing formats. This accounts for a very small proportion of all responses received. Due to this, and the differing formats, it is not possible to provide a quantitative analysis of these responses. However, a qualitative summary of the broad themes emerging from these responses is provided below.

The themes in the emailed responses were consistent with those found in the analysis of the online consultation responses. Most respondents were broadly supportive of the proposals although some made it clear that they disagree fundamentally with unregistered alternative provision being used at all, and that all provision should be regulated in some way. A few respondents believed that this provision is commissioned because mainstream and specialised schools are not sufficiently inclusive and emphasised the need to improve system-wide inclusivity.

As with the online responses, there were mixed views on the proposals to introduce time limits on placements in unregistered settings. While some agreed that children should not be placed in unregistered alternative provision indefinitely, others wanted flexibility to extend the placements beyond the specified timescales in exceptional circumstances. Similarly, some respondents agreed that local authorities should quality assure unregistered settings in their areas, while others favoured national regulation.

A few respondents agreed with the proposals about EOTAS being delivered by a single unregistered provider, although some thought that these settings should be required to register as independent schools. While those who expressed views agreed that these settings should be regulated, some said that the regulation should be local rather than national.

All email respondents agreed that there should be national standards for unregistered alternative provision and agreed with the proposed themes. A few respondents suggested additional content for some of the standards.

Next steps

Until the standards become mandatory, local authorities are encouraged to adopt them voluntarily and to compile lists of local provision that meets the standards. To support local areas with this, alongside this consultation response, DfE is publishing updated standards with accompanying guidance, which have been informed by the consultation feedback. These voluntary standards are intended to improve the oversight and commissioning of non-school alternative provision and to help providers understand what will be expected of them.

Local authorities may also voluntarily adopt the other measures that will be taken forward. DfE continues to encourage feedback from local authorities, commissioners and providers before the standards become mandatory. We will publish full supporting guidance at that point.

Annex A: analysis of online respondents

A total of 297 responses to the consultation were submitted via the government's online Citizen Space portal. The table below provides a breakdown of online responses by respondent type.

Table 38: Analysis of online respondents by respondent type.

Respondent type	Totals
All	297 (100%)
Schools	42 (14%)
Local authorities	57 (19%)
Unregistered alternative providers	96 (32%)
Parents	79 (27%)
Other respondents (including former school leaders, consultants, charities, academics, trade unions, representative bodies, regulators and regional partnerships)	23 (8%)

Annex B: analysis of school respondents

A total of 42 schools submitted online responses to the consultation. Individual respondents included school and academy trust leaders, trust inclusion leads, teachers, support staff, school business managers, other types of school managers, and SENCOs. The table below provides a breakdown of online responses by school type.

Table 39: Analysis of school respondents by school type.

School type	Totals
All	42 (100%)
Mainstream schools, including academies and free schools	22 (52%)
Special schools	1 (2%)
Alternative provision schools	8 (19%)
Independent schools	2 (5%)
Other types of schools (including academy trusts, social, emotional and mental health provision, and collaborative groups of schools)	9 (21%)

The table below provides a breakdown of online responses from these 42 schools by the age range of their pupils. More than half (52%) were secondary schools.

Table 40: Analysis of school respondents by age range of pupils.

School type	Totals
All	42 (100%)
Primary schools	3 (7%)
Secondary schools	22 (52%)
All-through schools	10 (24%)
Others	7 (17%)

Schools and academy trusts that responded to the consultation

The following schools and academy trusts submitted responses²³:

Academy21, Alpha Learning Staffordshire, Alternative Learning Trust, Anglian Learning, Archway Learning Trust, Bedlington Academy (Northumberland), Bradford Academy RP, Bradford Diocesan Academies Trust, Broadstones School Ltd, Castleman Academy Trust, Chaselea Alternative Provision Academy (Staffordshire), East Preston Junior School (West Sussex), Hillyfield Primary Academy (Waltham Forest), Kirton Academy (North Lincolnshire), North East Learning Trust, Orchardside School (Enfield), Outwood Academy Freeston (Wakefield), Pioneer Educational Trust, Progress Schools Ltd., Raleigh Education Trust (Nottingham), Respect Collaboration of Schools (Derby City), Rise Academy (Hull), Salutem Care and Education, Sir John Nelthorpe School (North Lincolnshire), St. Mary's Catholic High School (Derbyshire), TCES East London Independent School/TCES North West London Independent School/TCES National Online School, Ted Wragg Trust, The FitzWimarc School (Essex), The Hub School (East Riding of Yorkshire).

²³ This list does not include schools and academy trusts where respondents requested confidentiality.

Annex C: analysis of local authority respondents

A total of 57 local authorities submitted online responses to the consultation. Nearly three quarters (73%) were from members of teams that commission unregistered alternative provision. The table below provides a breakdown of online responses by respondent type.

Table 41: Analysis of local authority respondents by respondent type.

Respondent type	Totals
All	57 (100%)
Director of children's services	2 (3%)
Member of a team that commissions unregistered alternative provision	43 (73%)
Member of the virtual schools team	4 (7%)
Others (including education project managers and inclusion, SEND, alternative provision or safeguarding lead officers)	14 (24%)

The local authority respondents were asked to specify the number of unregistered alternative providers delivering education to children in their areas. Nearly half of the respondents (45%) have more than 20 providers in their areas. The table below provides a breakdown by numbers of providers.

Table 42: Analysis of local authority respondents by numbers of unregistered providers in each area.

Number of unregistered alternative providers delivering alternative provision in each area	Totals
All respondents	57 (100%)
2 to 5 providers	9 (16%)
11 to 15 providers	5 (9%)
16 to 20 providers	9 (16%)
More than 20 providers	25 (45%)
Not stated/don't know	9 (16%)

The local authority respondents were also asked whether their areas currently compile and/or publish a list of approved, unregistered alternative provision. A total of 54 respondents answered this question. More than three quarters of respondents (78%) compile lists, and more than half (54%) publish their lists. The table below provides a breakdown of responses to this question.

Table 43: Number of local authorities that compile and publish lists of approved unregistered alternative provision.

Number of local authorities that compile and publish lists of approved unregistered alternative provision	Totals
All respondents	54 (100%)
Yes, we compile and publish a list	29 (54%)
Yes, we compile a list, but we don't publish it	13 (24%)
No, we don't compile or publish a list	11 (20%)
Don't know/not sure	1 (2%)

Local authorities that responded to the consultation

The following local authorities submitted responses²⁴:

Barnsley Metropolitan Borough Council, Bolton, Bracknell Forest, Brighton & Hove City Council, Bury, Cheshire East, City of London Corporation, Derby City Council, Devon, Doncaster Council, East Sussex County Council, Essex County Council, Hertfordshire, Kent, Lambeth, Leicester City, Leicestershire, Lewisham, London Borough of Sutton, Manchester, North Somerset Council, North Yorkshire Council, Nottingham City, Nottinghamshire, Oldham, Portsmouth, Reading, Rotherham, Royal Borough of Windsor and Maidenhead, St Helens, Staffordshire, Stockton on Tees, Stoke-on-Trent City Council, Suffolk County Council, Surrey County Council, Wakefield, Walsall Council, West Sussex County Council, Wirral, Worcestershire.

²⁴ This list does not include any local authorities where respondents requested confidentiality.

Annex D: analysis of unregistered alternative provider respondents

DfE received 96 online responses from unregistered alternative providers. Most respondents either owned or held leadership roles in these settings and the remaining respondents were employees.

In keeping with the diverse nature of this sector, these providers delivered a wide range of differing types of on- and offline education, training and support. Their provision took place in schools, communities, workplaces and in family homes, supporting children of all ages. The types of support included:

- one to one and group tuition
- behavioural interventions
- therapeutic support and interventions
- SEN support
- medical, mental health and wellbeing support
- vocational training
- forest schools
- mentoring and pastoral care
- EOTAS packages of support

Qualifications offered included GCSEs, functional skills and BTEC vocational qualifications. Some also offered post-16 education, training and support (which is outside of the scope of this consultation).

Unregistered alternative provider respondents were asked to specify how many children they supported. As outlined in table 44, nearly half (46%) said that their provision supported more than 50 children.

Table 44: Unregistered alternative providers by numbers of children supported.

Unregistered alternative providers by numbers of children supported	Totals
All respondents	96 (100%)
2 to 5 children	12 (12%)
11 to 15 children	8 (8%)
16 to 25 children	16 (16%)
26 to 50 children	11 (11%)
More than 50 children	45 (46%)
Not stated	4 (4%)

Unregistered alternative providers that responded to the consultation

The following unregistered alternative providers submitted responses²⁵:

Accepting Behaviour Ltd., Ackerman Pierce, Alternative Programme of Education (A.P.E.), Atypical Education, Baby People, Bradford Medical Needs & Hospital Education Service, Bramble Lodge, Brightstar, Change of Scene, Chiron OEP, Crossbar Alternative Provision, Dorset Trade Skills (SW) Limited, Dorset Wellbeing, Eastern Outreach Ltd., Eastern Outreach, Educla Ltd., EK Outreach Services, Elmtree Learning Partnership Ltd., EM Tuition, FareGos Home Education Group, First Class Tailored Solutions Ltd., Fleet Education Services, Fresh Start in Education Ltd., Harmony alternative education, Higher Rhythm, InclusEd Ltd., Just Around the Corner, Keane Futures Ltd., Launch2learning, LIFE 16+ Alt Ed Project, Mercia Learning C.I.C., Mighty Oak, MindJam, Navigators Alternative Provision, New Forest Care – Alternative Education, Notts County Foundation, Oak Activities, Oaktree Academy (part of Oaktree Child Care Services), Positive Impact Academy, Project Challenge, Quality Personnel Development Training Ltd., Regency Source Alternative Provision Ltd., Restart Programme, SENSE Learning, Sirona Therapeutic Horsemanship, Skills 4 All, Sound Communities, South Brockwells Farm School, Special Education Services, Spectrum Space, Strive Academy, Tailor-Made Tutoring, TBAC Consultants Ltd., The Cart Shed Charity, The Dare2DREAM Foundation, The Education Hub @ Tranmere Rovers, The Old Post Office Wellbeing Hub, TLC LIVE, Whirlow Hall Farm Trust, Wiltshire Outdoor Learning Team, Work Skills Learning, X Adventure Activities.

²⁵ This list does not include any unregistered alternative providers who requested confidentiality.

Annex E: other respondents

In addition to the responses from schools, local authorities, unregistered alternative providers and parents, DfE also received responses from other respondents with an interest in unregistered alternative provision, including former school leaders, consultants, charities, academics, trade unions, representative bodies, regulators and regional partnerships.

The following organisations submitted responses²⁶:

Association of Directors of Children's Services, Association of School and College Leaders, Centre for Social Justice, Community, Define Fine, Huis Technologies, Independent Provider of Special Education Advice (IPSEA), Leicestershire Secondary Education and Inclusion Partnerships, Local Government and Social Care Ombudsman, Local Government Association, NASUWT – the Teachers' Union, National Association for Hospital Education, National Association of Head Teachers, National Education Union, National SEND Forum, North West Association of Directors of Children's Services, Office of the Children's Commissioner, Ofsted, Special Education Consortium – Council for Disabled Children, The Bell Foundation, The Difference, West Midlands Children's Services.

²⁶ This list does not include any other respondents who requested confidentiality.

Annex F: analytical annex

This statistical annex intends to provide transparency regarding the number of pupils in school arranged, unregistered alternative provision and the number of placements in local authority funded, unregistered alternative provision, as outlined on page 4 of this consultation.

Local authorities are required to provide DfE with data on children, young people and adults up to the age of 25 placed in non-school alternative provision. This annex details how the numbers for local authority funded, unregistered alternative provision included in this consultation (for those of compulsory school age) differ from those previously published (for those of all ages). The methodology behind the statistics is also outlined.

School arranged, unregistered alternative provision

In January 2025, there were 17,472 pupils of all ages in school arranged, unregistered alternative provision. In the same year, there were 17,327 pupils of compulsory school age (between 4 and 15 years of age at the start of the academic year) in unregistered alternative provision.²⁷

Local authority funded, unregistered alternative provision

In January 2025, there were 15,801 placements for children and young people of all ages in local authority funded, unregistered alternative provision.²⁸ In the same year, there were 10,333 placements for pupils of compulsory school age (between 4 and 15 years of age at the start of the academic year) in unregistered alternative provision.

Methodology

Schools and local authorities are required to provide DfE with a school census return (using a DfE designed survey instrument) covering a wide range of information on the characteristics of schools and the pupils within them in January each year. Independent schools, general hospital schools and alternative provision settings provide (via the local authority) details on the number and characteristics of their pupils.

Data on school arranged alternative provision is collected in the school census while data on local authority funded alternative provision is collected in the alternative provision census. Further guidance on data collection can be found [here](#).

²⁷ [Schools, pupils and their characteristics, Department for Education, Academic year 2024/25](#)

²⁸ [Schools, pupils and their characteristics, Department for Education, Academic year 2024/25](#)

A setting is defined as unregistered if it does not have a Unique Reference Number (URN). Published statistics for pupils of all ages in school arranged alternative provision and placements for pupils of all ages in local authority funded alternative provision can be found in the [Schools, Pupils and their Characteristics](#) statistical publication. Using this publication, we have calculated figures for school-arranged, unregistered alternative provision, both for pupils of all ages and for pupils of compulsory school age, by subtracting the number of pupils in settings with a URN from the total number in school-arranged alternative provision. We have calculated the number of placements in local authority funded, unregistered alternative provision for those of all ages in the same manner. This annex also contains the corresponding number of local authority funded placements for pupils of compulsory school age (those aged between 4 and 15) at the start of the academic year.



Department
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