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|  | **Date** | 22nd June 2020 |
| **Ref** |  |
| **Your Ref** |  |
| **Contact** | Tony Barnard |
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| **Fax** |  |
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Dear Colleague

As you will be aware, Leicestershire’s children’s social care services were inspected By Ofsted in September / October 2019 using the ILACS framework (Inspection of Local Authority Children’s Services). As a result of this inspection, six areas for improvement were identified, one of which concerned the *“Monitoring of the quality and appropriateness of alternative education provision for children in care.”*

In most cases, alternative provision (AP) attended by Leicestershire looked-after children (LAC) has been commissioned prior to entry into care either by the local Secondary Education Inclusion Partnership (SEIP) or by the school where the child is on roll.

In order to meet the Ofsted requirement above, the Leicestershire Virtual School (VS) will need confirmation from commissioners of AP what actions have been undertaken to ensure the quality and appropriateness of the AP, and how the progress of the pupil attending AP will be monitored. Provision arranged by the SEIPs is covered by the agreement that the Council has with each partnership, but provision commissioned directly by schools is not.

It is important that providers delivering support have appropriate levels of insurance and as part of any quality assurance process they should be asked to evidence appropriate types and levels of insurance.  As a guide, the County Council expects all providers that it commissions support services from to have the following levels of insurance as a minimum:

* Employer’s (Compulsory) Liability Insurance = £10M
* Public Liability Insurance = £10M
* Professional Indemnity Insurance = £2M

Please note: it is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum.  This is not, though, applicable to Sole Traders.

Schools who commission AP directly for a Leicestershire looked after child will now be requested to complete a Questionnaire for Commissioners (Appendix 4) for each provider attended by each pupil. Through completion of this questionnaire, the Leicestershire VS will be able to have assurance that an appropriate level of quality assurance is being met. We would be grateful if you can start to complete the questionnaire and therefore, the relevant Quality Assurance checks for any Leicestershire LAC for whom you have commissioned alternative provision direct from a provider (not through the SEIP). From the start of the new academic year (September 2020) VS officers will be asking for evidence of the quality assurance checks that you have undertaken.

In order to assist you with this process we attach some further background information, guidance (Appendix 1) and templates that might be of use to you (Appendices 2 and 3). Quality Assurance of AP should be undertaken following the guidelines set out in the guidance and the Questionnaire for Commissioners should be returned to: virtualschool@leics.gov.uk

We are grateful for your co-operation in this matter and should you have any questions please do not hesitate to contact me.

Regards,

Tony Barnard

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Visit the Leicestershire Virtual School website: <https://resources.leicestershire.gov.uk/leicestershire-virtual-school>

**Appendix 1**

**Introduction**

By every objective measure, pupils who have spent time in alternative provision (AP) do considerably worse than their peers. Very few achieve the qualifications that will help them succeed in adult life and they are considerably more likely to become NEET (not in education, employment, or training) (1).

In order to give pupils the best possible opportunity to succeed in AP, it is essential for commissioners to know and understand the relevant legislation and to have robust quality-assurance processes.

Prior to a pupil commencing attendance at AP, the commissioner should see proof of adherence to certain standards and practices (Appendix 2). Policy documents and qualifications of providers need to be viewed and dates the evidence was seen recorded.

Each pupil attending AP should have an individualised education plan and commissioners are required to have a schedule to monitor and review progress. The commissioner should complete regular site visits to scrutinise the provision and make ongoing judgement on the setting (Appendix 3).

**Registration of provision**

Any AP setting that is not maintained by a local authority or non-maintained special school and caters full-time for five or more children of compulsory school age; or one or more such child who is looked after, or has an EHC plan must, by law, be registered with the Department for Education (DfE) and inspected (2). Any provider fitting this profile who is not registered with the DfE could be liable to imprisonment for up to 6 months or get an unlimited fine, or both, if they fail to register their school (3).

There is no legal definition of ‘full time’. However, DfE consider an institution to be providing full-time education if it is intended to provide, or does provide, all, or substantially all, of a child’s education. Therefore, any institution that is operating during the day, for more than 18 hours per week is considered to be providing full-time education (4).

**Subcontracting Arrangements and Pupil Registration**

AP settings that are not maintained by local authorities or non-maintained special schools or fall below the requirements set out (above), do not have to be registered with the DfE. These settings are therefore not inspected by Ofsted in their own right. Local authorities and schools acting as the commissioner should assure themselves that the setting is registered where appropriate, and education delivered by high quality staff with suitable training, experience and safeguarding checks (5).

Commissioning schools are also assessed during all section 5 Ofsted inspections to determine how effectively they ensure that the AP they use is safe for children, and that those children are making progress and behaving and attending well (5).

**Planning for alternative provision**

All pupils must receive full-time provision in total, whether in one setting or more, unless a pupil’s medical condition makes full-time provision inappropriate.

AP should meet defined needs including significant behavioural problems; complex medical or mental health conditions; and extreme vulnerability due to personal and social issues. It is an expectation that the AP provider will work with the mainstream school where the pupil is registered to put in place a tailored plan to support them to achieve the high-quality qualifications they need for adult life. Pupils with health needs should be able to feel fully part of their school community, stay in contact with classmates, and have access to the opportunities enjoyed by their peers (7).

The commissioner should prepare a personalised plan for intervention by setting clear objectives for improvement and attainment, timeframes, arrangements for assessment and monitoring progress, and a baseline of the current position against which to measure progress. Plans should also be linked to other relevant information or activities such as Education, Health and Care Plans (EHCP) for children with Special Educational Needs (SEN) (6).

Commissioners should maintain a full record of all placements they make, including a pupil’s progress, achievements and destination following the placement. This should also include the pupil’s own assessment of their placement (6).

**Good-quality alternative provision**

Good alternative provision is that which appropriately meets the needs of pupils which required its use and enables them to achieve good educational attainment on par with their mainstream peers. All pupils must receive a good education, regardless of their circumstances or the settings in which they find themselves. Provision will differ from pupil to pupil, but there are some common elements that alternative provision should aim to achieve, including:

* good academic attainment on par with mainstream schools – particularly in English, maths and science (including IT) – with appropriate accreditation and qualifications;
* that the specific personal, social and academic needs of pupils are properly identified and met to help them to overcome any barriers to attainment;
* improved pupil motivation and self-confidence, attendance and engagement with education; and
* clearly defined objectives, including the next steps following the placement such as reintegration into mainstream education, further education, training or employment (6).

**Commissioning of good-quality alternative provision**

Responsibility for the quality assurance of alternative provision rests with the commissioner.

The nature of the intervention, its objectives and the timeline to achieve them should be agreed and clearly defined. Progress against these objectives should be frequently monitored, appropriate reviews should be built in and continuity into the next stage in the child’s life should be considered. Where reintegration to the school is an objective, there should be agreement on how to assess when the pupil is ready to return, and the school should provide an appropriate package of support to assist their reintegration. These objectives and plans should be agreed with providers, set out in writing and regularly monitored, including through frequent visits to the provider.

Commissioners should maintain on-going contact with the provider and pupil, with clear procedures in place to exchange information, monitor progress and provide pastoral support. If a pupil is on the roll of their previous or current school, they should remain so and encouraged to feel part of the school. Records should be kept on a pupil’s progress in the provision, appropriate staff liaison arrangements should be in place, and appropriate mechanisms of challenge should be agreed.

Provision should:

* have a clear purpose with a focus on education and achievement as well as meeting the pupil’s needs and rigorous assessment of progress;
* offer appropriate and challenging teaching in English, mathematics and science (including IT) on par with mainstream education – unless this is being provided elsewhere within a package of provision;
* be suited to the pupil’s capabilities, give pupils the opportunity to take appropriate qualifications and involve suitably qualified staff who can help pupils make excellent progress; and
* have good arrangements for working with other relevant services such as social care, educational psychology, child and adolescent mental health services, youth offending teams and drug support services etc. impartial advice, information and guidance about next steps (6).

References:

1. DfE Educational Excellence Everywhere, March 2016
2. DfE Registration of independent schools, Departmental guidance for proprietors and prospective proprietors of independent schools in England, August 2019
3. Gov.UK Independent school registration (England and Wales) https://www.gov.uk/independent-school-registration
4. EFA letter template to Independent Learning Providers providing education and training to children of compulsory school age
5. DfE Creating opportunity for all, Our vision for alternative provision, March 2018
6. DfE Alternative Provision, Statutory guidance for local authorities, January 2013
7. Ensuring a good education for children who cannot attend school because of health needs, Statutory guidance for local authorities, January 2013

**Appendix 2**

**Commissioners are expected to have evidence of the following documents:**

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| **Evidence required** | **Seen Yes / No** |
| Employers Liability Insurance Certificate for £5m minimum |  |
| Public Liability Insurance for £2m minimum |  |
| Driving / Trips / Visits Policy |  |
| Health and Safety Policy |  |
| Risk Assessment Example |  |
| First Aid Policy |  |
| Robust staff recruitment and selection processes which safeguard children |  |
| A Single Central Record of employment and Disclosure and Barring Checks for all staff in regulated activity, appropriate references and risk assessments for volunteers, including first aid qualified, how many staff. |  |
| Portable Appliance Test (PAT) Certificate |  |
| Fire Risk Assessment |  |
| Fire Policy |  |
| A written safeguarding policy and up to date child protection procedures that have been agreed by the provisions Governance |  |
| Safeguarding Policies and Procedures must be in place for: Managing allegations against members of staff, physical intervention, pupil behaviour, attendance, e-safety, substance misuse, anti-bullying and child sexual exploitation |  |
| A Lead Designated Child Protection Officer (who is part of the Senior Leadership Team) established and named Deputy/Deputies identified. |  |
| Staff behaviour policy / code of conduct in line with Department for Education guidance. |  |
| Training at the appropriate level for **all** staff, governors and volunteers |  |
| Equal Opportunities and Diversity Policy |  |
| Service level agreement between provider and commissioner |  |
| Data Protection Policy |  |
| Learner Attendance Policy |  |
| Mobile Phone Usage Policy |  |
| Sub-contractor / Off-site Provisions policy |  |
| Behaviour management policy |  |
| E-safety |  |
| Anti-bullying policy |  |

**Appendix 3**

**Commissioners are required to make annual assessments of the quality of provision provided by AP.**

The commissioner should complete site visits and scrutinise the following to make their judgement on the setting. The list is neither prescriptive nor exhaustive**:**

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| **Achievement of children and young people in their learning** |
| Pupil pre-placement information |
| Baseline assessments |
| Lesson observation |
| Book/ work scrutiny |
| Individualised learning programmes |
| Individualised learning plans and agreements |
| Breadth of provision offer |
| Destination data |
| Curriculum plans |
| Lesson plans |
| Schemes of work |
| Attainment data over time including English and Maths |
| Work scrutiny |
| Interviews with teachers |
| Interviews with pupils |
| Progress monitored and reported to pupils- pupil awareness of their individual learning targets |

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| **Quality of teaching in alternative provision** |
| Lesson observations |
| Learning walks |
| Book/work scrutiny |
| Interviews with staff |
| Interviews with pupils |
| Schemes of work |
| Lesson plans |

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| **Behaviour and safety of pupils in alternative provision** |
| Agreements and contracts with schools and commissioners |
| Interviews with pupils |
| Interviews with staff |
| Interviews with parents/ carers |
| Focussed site visit regarding safety and security |
| Health and safety reports |
| Incident reporting evidence |
| Restorative justice |
| Consequences  |

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| **Quality of leadership in, and management of, alternative provision** |
| Policies in place, up to date and evidence of regular reviews |
| Effective leadership and management structure |
| Promotion of health and wellbeing embedded in structure |
| Breadth of provision/ curriculum offer |
| Interview with teachers |
| Minutes of management meetings |
| CPD opportunities for staff |
| Evidence of self-evaluation and action planning |

**Appendix 4**

To be answered by commissioners of AP attended by Leicestershire Looked-After Children and returned to: virtualschool@leics.gov.uk

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| **Choice of provider** |
| 1. How did you decide which provision is most appropriate for this pupil? i.e. how were decisions made on the type of provision and what was the tendering process?
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| 1. Is the provision Ofsted registered?
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| 1. What training, experience and safeguarding checks have the provision’s staff had?
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| 1. What procedures do you have in place to ensure this is good quality provision?

*e.g. defined standards regarding the quality of this provision: safeguarding, health and safety, quality of accommodation, quality of education etc.* |
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| 1. What information about the pupil have you shared with the provider and how was it shared and how is it kept securely?

*e.g. Information on special educational needs, literacy, safeguarding or other issues.* |
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| 1. How will you ensure appropriate and timely referrals to other relevant services such as educational psychology, child and adolescent mental health services, youth offending teams and drug support services etc. *If any concerns arise at the provision, who will follow up and report back?*
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| **Monitoring** |
| 1. What is the nature of the intervention, its objectives and the timeline to achieve these objectives? *It should* *have a clear purpose with a focus on education and achievement as well as meeting the pupil’s SEMH needs and it should be supported by a rigorous assessment of progress*
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|  |
| 1. How does this intervention complement and keep up with the pupil’s current curriculum, timetable and qualification route?
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| 1. What are the clearly defined objectives relating to personal and academic attainment for this pupil? *It should* *be suited to the pupil’s capabilities and offer appropriate and challenging teaching in English, mathematics and science (including IT) on par with mainstream education – unless this is being provided elsewhere within a package of provision*
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| 1. How will you monitor progress against these personal and academic objectives?
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| 1. How frequently will the plan be reviewed and who will be involved in the reviews?
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| 1. What on-going contact with the provider and pupil will you have?
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| 1. How will you enable the pupil to continue to feel part of your school?
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| **Long-term aims** |
| 1. What package of support will you provide to support re-integration into mainstream?
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| 1. If this intervention continues to the end of the key stage, how will you support the pupil to successfully transition into the next phase of education?
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