

# Alternative Provision guidance for children and young people in Warwickshire with an Education, Health and Care Plan

When a child or young person (CYP) is at risk of permanent exclusion or would benefit from support outside of their usual education setting, Alternative Provision (AP) can be commissioned. This leaflet explains the different types of Alternative Provision that a CYP with an Education, Health and Care Plan (EHCP) may be able to access.

More information on Alternative Provision is available on [Warwickshire County Council's \(WCC\) website](#) including a full list of AP settings and a flow chart and animation providing further guidance.

**When a “named placement’ is referenced within this leaflet, it is referring to the substantive educational placement named in the EHCP.**

## Registered Alternative Provision (AP) - Independent School

The definitions below are provided by the Department for Education (DfE)

**What is an independent school?**



An independent school is any school at which full-time education is provided for: a) five or more pupils of compulsory school age; or (b) at least one pupil of compulsory school age with an EHCP or who is looked after by a local authority ([Section 22 of the Children Act 1989](#)), and which is not a school maintained by the local authority ([Section 463 of the Education Act 1996](#))

**What is considered full-time education?**

The DfE considers 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.

**What is Registered Alternative Provision?**

Registered AP has been assessed by the DfE and Ofsted and been given independent school registration and can therefore be the full-time named placement for children and young people with an EHCP.

**What is Unregistered Alternative Provision?**

Unregistered AP has not been assessed by the DfE or Ofsted, or given independent school registration and therefore cannot be the full-time named placement for children and young people with an EHCP.

## This section relates to children and young people in Year 11 and below

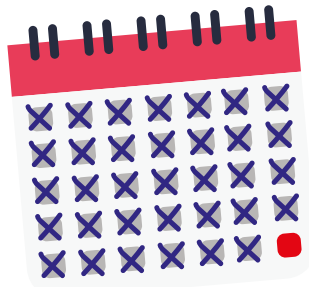
### Alternative Provision (AP)

Up to 10 weeks



Alternative Provision is education provision used for a period of up to 10 weeks to enable a CYP to reintegrate back into their named placement. This may be accessed following an exclusion from an education setting, a risk of exclusion, or risk of placement breakdown.

A further 5 weeks may be requested with evidence



In exceptional circumstances, a further 5 weeks may be requested through the High Needs Provision Panel (HNPP). Clear evidence of the CYPs progression would need to be evidenced and reintegration to their named placement would need to take place within the 5 weeks. This is to remain within the legal guidance of substantive education provision, in line with the Independent Schools Standard and DfE Alternative Provision guidance.

If a CYP was to attend an unregistered AP for most of their academic year this would be unlawful. To remain lawful a CYP can only attend an unregistered AP full-time for a pre-determined period.

**[Section 96 of the Education and Skills Act 2008](#) makes it clear that running an unregistered independent school is a criminal offence. (See above definition of independent school).**

Funding



Alternative Provision can be used full-time for the 10-week period. During this time the AP is responsible for delivering education as required by the named placement. However, the named placement is responsible for ensuring that: all the requirements detailed in Section F of the EHCP are provided; and they have oversight of all safeguarding and attendance matters.

**If funded by the named placement** - the named placement utilises their allocated budget to commission AP from within their universal offer.

**If funding has been requested from WCC by the named placement**, an annual review needs to take place, where a graduated response and all available resources are explored. Funding would then need to be approved through the HNPP.

## Shared placement/curriculum options

**1-2 days per week, all year round**



A shared placement is when a CYP is on role at a named placement but attends an alternative education setting on a part-time basis for certain sections of their curriculum. It may be part of an options block within a curriculum pathway that the CYP's named placement cannot offer.

This can be accessed 1-2 days per week, all year round but never more than the number of days that the CYP is attending their named placement.

If any of the above provisions/placements are being requested as non-temporary and/or as full-time, this is considered a placement change due to the named placement indicating that they can no longer meet the needs of the CYP. The statutory consultation process must therefore be followed.

### Summary Table

Provision/setting/placement - all must be through registered schools or other WCC-approved providers	Full-time - 25 hrs of education a week	Part-time - with another placement to ensure 25 hrs of education is being received per week	Time limit	Able to be named in EHC Plan
Registered AP - independent school	Yes	Yes	None	Yes
Unregistered AP	Yes	Yes (must not be substantive education across 12 months)	10 weeks	No
Shared placement/curriculum options	No	Yes (must not be substantive education across 12 months)	None	No
Interim provision	Yes	Yes (must not be substantive education across 12 months)	10 weeks	No

## This section relates to children and young people in post-16 education



When no other registered education settings can meet the needs of the CYP or have no spaces, then AP that provide post-16 provision can be considered as part of an education package through the formal consultation process.

AP can be named in the EHCP and be accessed full-time if all other options have been exhausted.