

**Buckinghamshire
SENDIAS
Online Training
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FACT BUCKS**



A local voice for parent carers of children with SEND



Alternative
Provision
and
Education
Otherwise
than at
School

Summary: This webinar is for you if your child is not able to attend school or further education provider because of ill-health, exclusion or other reasons. It aims to help you to know your rights and what to expect.

Duration: 1 hour 15 minutes including opportunity for questions



Education – whose responsibility?

Parents and guardians have the duty to ensure their children receive a **suitable, full-time** education. This duty is from the [Education Act 1996, section 7](#). Most do this by sending their children to school.

This duty applies to children who are of **compulsory school age**



Compulsory school age

A child is of compulsory school age the first term after their 5th birthday:

- children who turn 5 between 1st January and 31st March will be of compulsory school age at the beginning of the school term after 1st April;
- children who turn 5 between 1st April and 31st August will be of compulsory school age at the beginning of the school term after 1st September;
- children who turn 5 between 1st September and 31st December will be of compulsory school age at the beginning of the school term after 1st January.

A child remains of compulsory school age until the last Friday in June in the school year that they turn 16.

[Section 8, Education Act 1996](#)

Full-time education

There is no exact legal definition of full-time education.

Government Circular 7/90 (1990) 'Management of the School Day' recommends for weekly taught time:

21 hours for pupils aged 5–7 years (key stage 1)

23 hours and 30 minutes for pupils aged 8–11 years (key stage 2)

24 hours for pupils aged 12–13 years (key stage 3)

25 hours for pupils aged 14–16 years (key stage 4)

Taught time does not include breaks, registration or acts of collective worship

Suitable education

This is efficient education suitable to a child's:

- age
- ability
- aptitude
- any special educational needs he may have
- [Section 19, Education Act 1996](#)



What is alternative provision and who is it for?

It is education that is arranged outside of school.

It can be arranged by the Local Authority or schools.

It is for children who because of:

- **Illness**

- **Exclusion**

- **Other reasons**

would not otherwise receive suitable education.

[Section 19 \(1\) Education Act 1996](#)

In all cases the aim of alternative provision is to:

- Help a child or young person to stay engaged with education
- Ensure continued development of their knowledge and skills whilst they are unable to attend a setting
- Support them to return to an appropriate setting in the future

Some examples of alternative provision:

- Individual Tuition – face to face, online
- Online schools – students attend lessons with a teacher online
- Online learning packages – students access learning materials independently at their own pace
- Therapeutic packages such as animal care and equine therapy
- Small group learning at designated centres such as those operated by Aspire at [Pupil Referral Units](#) and [Orchard House](#)



Registered and Unregistered Alternative Provision

Alternative provision can be set up by public, voluntary and private sectors. These include:

Registered providers:

- Registered by Ofsted
- Offer over 15 hours a week
- Offer examinations

Unregistered providers:

- Not required to be Ofsted registered
- Can only offer up to 15 hours a week
- Cannot offer examinations

[Alternative provision - statutory guidance 2013](#)



Alternative provision should be:

- Good quality, registered where appropriate
- Delivered by high quality staff with suitable training, experience and safeguarding checks
- Has clearly defined objectives relating to personal and academic attainment

Where an intervention is part-time or temporary it should complement and keep up with the pupil's current curriculum, timetable and qualification route.

The appropriateness and effectiveness of alternative provision should be reviewed regularly and changed where needed.



What is the law on alternative provision?

Local authorities must:

“make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.”

[Section 19 \(1\) Education Act 1996](#)



**How much
alternative
provision
should my
child have?**

“3A) The education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be—

(a) full-time education, or

(b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child's best interests.

3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child”

[Section 19 \(3\) Education Act 1996](#)

At what point must my child receive alternative provision if they are ill?



Local authorities have a duty to provide alternative provision to children who are not well enough to attend school.

The law does not state when during a child's illness it becomes the LA's responsibility to secure full time education. Guidance says it should be put in place 'as quickly as possible'.

[Alternative provision - statutory guidance 2013](#)

[Arranging education for children who cannot attend due to health needs 2023](#)

[Summary of responsibilities where mental health issues are impacting on a child's attendance 2023](#)

[Buckinghamshire Schools Toolkit for Emotionally Based School Non-Attendance](#) and [Emotionally-Based School Avoidance webinar](#)

[Home Tuition and Hospital Teaching Service](#)



At what point must my child receive alternative provision if they are excluded?

For permanent exclusions, alternative provision **must** begin from the 6th day following the exclusion. However, it can begin sooner.

If your child has been suspended for 5 days or more, then alternative provision **must** begin from 6th day following the suspension. This is regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

[Suspension and Permanent Exclusion from Maintained schools, Academies and Pupil Referral Units in England 2023](#)

What about other reasons for alternative provision?

Requests for alternative provision are considered by the LA on a case-by-case basis.

When considering the need for alternative provision, the LA must assess how reasonable it is to expect a child to attend a particular school.



1. My child is unable to attend school full-time.



2. My child is of compulsory school age.



3. My child is not receiving full-time suitable education.



My child is entitled to alternative provision.

If you can answer yes to the numbered statements above, then your child is entitled to alternative provision.

Preparing to discuss your child who is not attending school

1. When your child was last able to attend
2. The reasons why they are struggling to attend
3. What has been tried already and the outcome of this
4. What education they are receiving now, if any
5. What you feel will help
6. What you feel is needed longer term

Refer to any evidence you have

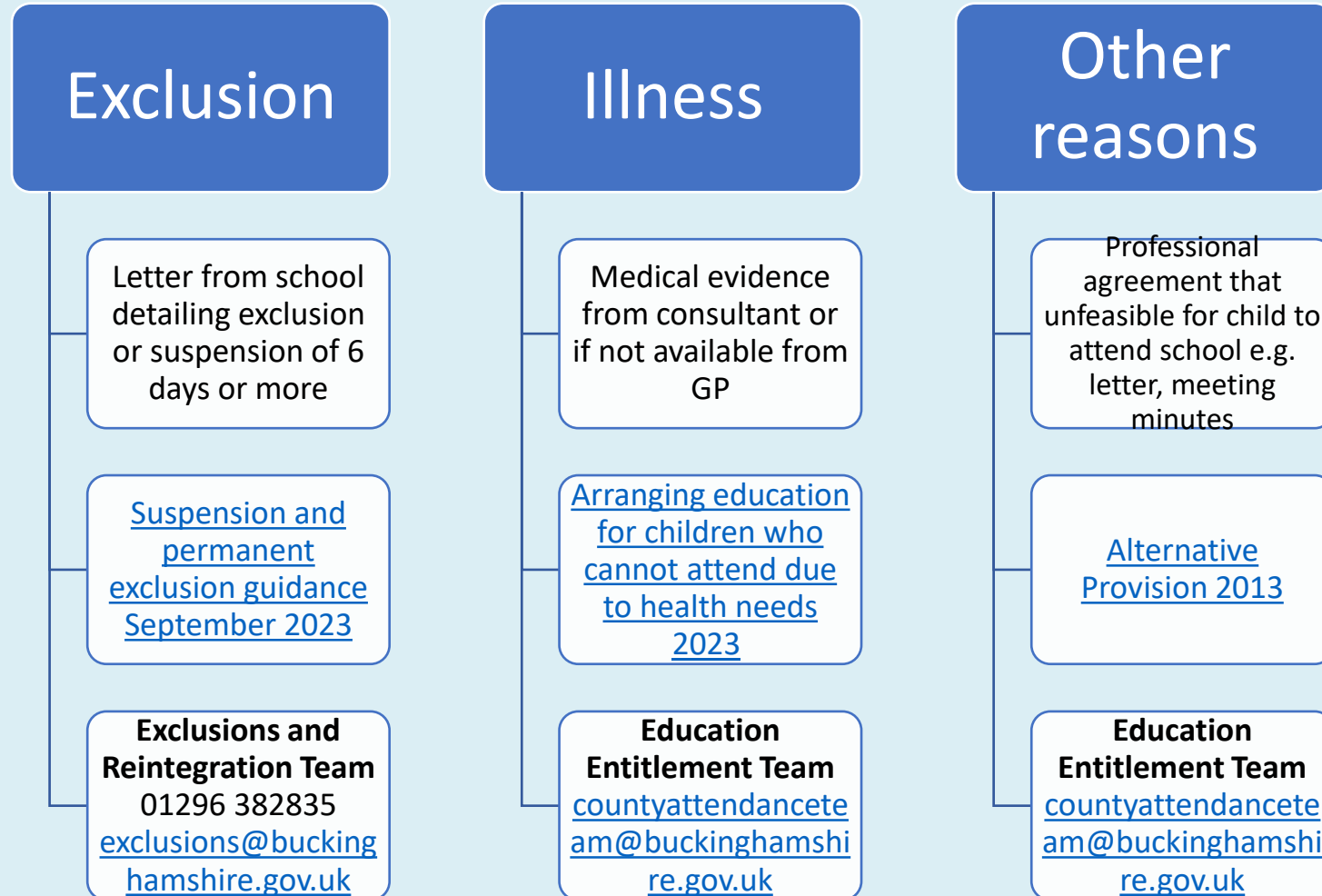
Discuss with your child's school

If necessary, contact Bucks Education Entitlement Team :

countyattendanceteam@buckinghamshire.gov.uk

If your child has an EHC plan, contact your EHCco [Working with professionals | Buckinghamshire Council](#)

What evidence do I need?



Direction to offsite alternative provision to improve behaviour

“The governing body of a maintained school in England may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil.”

[Section 29A Education Act 2002](#)

Where interventions or targeted support have not been successful in improving a pupil’s behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school

[Suspension and Permanent Exclusion from Maintained schools, Academies and Pupil Referral Units in England 2023](#)

Part-time or reduced timetables

Exclusions and Reintegration Team

01296 382835

exclusions@buckinghamshire.gov.uk

Web link:

<https://www.gov.uk/government/publications/school-exclusion>

SchoolsWeb: [Exclusions and Reintegration | SchoolsWeb \(buckscc.gov.uk\)](#)

[Asking for an early review of an EHC plan - IPSEA](#)

All pupils of compulsory school age are entitled to a full-time education.

A reduced timetable must be short-term and lead to a return to full-time education.

A reduced timetable must not be used to manage a pupil's behaviour or instead of suspension or exclusion.

A reduced timetable can only be set up with agreement from the parent/carer.

A pupil on a reduced time-table is also entitled to alternative provision if they are well enough to receive suitable, full-time education



Managed move

A supported way of introducing a child to a new school for a fresh start

Must have the agreement of the parents/carers and the receiving school

If the managed move fails, the child remains on roll at their original school

[Managed Moves - childlawadvice.org.uk](http://childlawadvice.org.uk)

Alternative provision and SEN Support plans

If a child or young person has SEN support, alternative provision should be recorded in the SEN Support plan

It should be clear which outcome/s the alternative provision is supporting

The impact of the alternative provision should be reviewed as part of the SEN support plan

SEN support plan reviews should take place at least termly

[SEN Support in mainstream school - ages 5 to 16](#)

Alternative provision and EHC plans

[Enforcing your EHC plan | \(IPSEA\) Independent Provider of Special Education Advice](#)

If your child or young person has an EHCP there is an additional duty on the Local Authority from Section 42 of the Children and Families Act:

“Duty to secure special educational provision and health care provision in accordance with EHC Plan:

- 1) This section applies where a local authority maintains an EHC plan for a child or young person.*
- 2) The local authority must secure the specified special educational provision for the child or young person.”*

This means that for the education of a child with an EHC plan to be suitable, the LA must secure the provision in Section F of the EHC plan

Where the LA cannot secure all the provision in the EHCP through one placement, alternative provision may be agreed. The required alternative provision is specified in Section F (provision) of the EHCP.



Children and young people below and above compulsory school age

- There is no legal requirement to educate children below compulsory school age.
- Young people must continue in education or training until at least their 18th birthday, so after compulsory school age.
- The legal requirement is on the young person to participate, not the parent
- Local Authorities have broad duties to help and encourage young people to take part in education or training
- Any young person aged 16 or 17 is entitled to the offer of a suitable place to continue their education and training for the following academic year
- Local authorities have a power (not a duty) to arrange education provision, where not already available, for pupils aged 16-18



Frequently Asked Questions

1. My child is managing to attend school a few hours a week. Are they still entitled to alternative provision?
2. The school have put together a plan to help my child to return to school. Is my child still entitled to alternative provision in the meantime?
3. I have been told my child has to be signed off as being too unwell to attend school before they can be referred for alternative provision. Is this the case?
4. My child is unable to attend school, but I have been told they are not eligible for home tuition provision. What can I do?
5. I have been told the school does not have enough funding for alternative provision. What can I do?
6. I don't think the alternative provision my child has been given is suitable for them.

What is Education Otherwise Than At School (EOTAS)?

Education provision to meet the specific needs of children and young people who, for whatever reason, cannot attend any type of school, mainstream or special.

It is a formal, personalised special education package to meet the outcomes on an Education, Health and Care Plan (EHCP), for which the local authority, in this case Buckinghamshire Council, remains legally responsible.

It is not the same as [Elective Home Education \(EHE\) | Bucks SENDIAS Service](#)

EOTAS may be necessary when a suitable educational placement cannot be found for a child or young person, so it is more likely to be an option in the following circumstances:

- If a child or young person has not been able to attend an educational placement for several months because of exclusion, ill health or other reasons
- If consultations with educational placements have not been successful
- [Education Otherwise than at School \(EOTAS\) | Bucks SENDIAS Service](#)



The law around EOTAS

(1) A local authority in England may arrange for any special educational provision that it has decided is necessary for a child or young person for whom it is responsible to be made otherwise than in a school or post-16 institution or a place at which relevant early years education is provided.

(2) An authority may do so only if satisfied that it would be **inappropriate for the provision to be made in a school or post-16 institution or at such a place.**

(3) Before doing so, the authority must consult the child's parent or the young person.

[Section 61 Children and Families Act 2014](#)

- If EOTAS is agreed, section I of the EHCP (name of school) will be left blank.
- The EOTAS provision agreed should be specified in Section F of the EHCP

Buckinghamshire process for requesting EOTAS

- Speak with your EHCCo
- Discuss and request EOTAS at the [annual review](#) of the EHC plan
- Complete a Personal Budget Form
- Your request is considered by a panel
- If agreed, you will be offered choice of how the Personal Budget is administered

Personal Budgets

A Personal Budget sets out the amount of money that is available to spend on support for your child, to meet their assessed needs. In Buckinghamshire personal budgets may be available relating to:

- Education (requires an EHC plan)
- Health
- Social care
- Transport

The aim is to give you more choice and control.

It is not extra money.

If a personal budget is agreed, you can choose:

1. to manage it yourself as a Direct Payment
2. to ask Buckinghamshire Council to manage it
3. to ask a third party to manage it

[Personal Budgets - Bucks SENDIAS](#)

[SEND Code of Practice](#) Sections 9.110 to 9.118



Buckinghamshire
Children & Young
People's Partnership

Working together to reach our goals

Buckinghamshire SEND NEET Team

sendneetteam@buckinghamshire.gov.uk



What does the SEND NEET Team do?

The SEND NEET Team sits within the **Integrated SEND Service**, and we co-ordinate the offer to young people who are NEET with an EHCP, including communications, activities in the community, work in schools and tracking.

Our goal is to **reduce the numbers** of young people with EHCPs in Buckinghamshire who are NEET.



The SEND NEET Team's work includes...

- **Prevention**
 - Working with schools and alternative provisions as well as those with Individual Packages, EOTAS and Elective Home Educated to identify, track and support young people who are at risk of being NEET
- **Identification and tracking**
 - Working with EHCCo's, settings, young people and their families to identify SEND NEET young people, with the data being used to inform the government scorecard on NEET figures for Buckinghamshire
- **Direct work**
 - Individual casework
 - Supporting Youth Voice and engaging with families through newsletters, social media and drop-in's
- **Advice and guidance**
 - Providing specialist advice and guidance for Buckinghamshire Council colleagues and education professionals working and engaging with young people with EHCP's on the range and suitability of options post 16
 - Support with transition and the phase transfer process



As well as...

Developing Education, Employment, Training and Volunteering opportunities

- Maintaining a database of all the Post 16 EETV opportunities young people with an EHCP including:
 - Re-engagement programmes at alternative provisions
 - Supported Internships
 - Supported Apprenticeships
 - Employment opportunities
- Developing relationships with employers and training providers to create new disability confident opportunities through such initiatives as the **SEND Employment Forum**
- Ensuring that young people with an EHCP, their families, the education and council professionals who work with them, are aware of the range of opportunities available



For more information on local provision use the link below

[Find activities and organisations near you](#) | [Family information service](#) | [Buckinghamshire Council](#)

Post 16 SEND Opportunities List

- [Post 16 SEND Opportunities list.xlsx](#)
- The SEND NEET Team have developed a comprehensive list of Post 16 SEND opportunities, with contact details and key information, covering:
 - Specialist providers
 - Re-engagement programmes
 - Mentoring
 - Supported Internship providers
 - Work experience / volunteering / purposeful activity providers
 - Employability and training providers
 - Careers, advice, guidance and support services

As this is a live council-maintained document, it is only accessible if you have been emailed the link directly. SENDIAS have access to this and it is designed to be used as a guide, primarily for professionals to use to support young people and their families.

Referral Process

- If you have a young person with an EHCP that you would like to refer to the SEND NEET Team please email us on sendneetteam@buckinghamshire.gov.uk
- Or you can contact the team individually
 - Hilary Hutchinson – SEND Lead Practitioner for NEET (Chiltern and South Bucks) hilary.hutchinson@buckinghamshire.gov.uk
 - George Charlton – SEND Practitioner for NEET (Aylesbury) george.charlton@buckinghamshire.gov.uk
 - Andrew Taylor – SEND Practitioner for NEET (Wycombe) andrew.taylor@buckinghamshire.gov.uk



Post 16 SEND Opportunities Showcase


Tuesday 6th February
3.30 - 6pm

The Gateway, Gatehouse Rd,
Aylesbury HP19 8FF

Come along and find out more about the different programmes offered by a range of specialist SEND Post 16 providers

Access advice,
information and
guidance on pathways
into employment and
next steps



Any questions? 

sendneetteam@buckinghamshire.gov.uk

- This event will provide the opportunity to **explore pathways into employment and alternative Post 16 options** (to the traditional college route) as well as opportunities for support through information, advice and guidance providers and the SEND NEET Team.

Bucks SENDIAS Service

- If you require further information to help you please first refer to the SENDIAS webpages: [Bucks SENDIAS service | Buckinghamshire Council](#) and if necessary contact SENDIAS using the [clickable Bucks SENDIAS Contact Form](#)

- Sign up for our email updates

- Live webchat:

Mondays 1-3pm and Fridays 10am- 12 noon

Important information

In this news update you will find information about:

- New to SEND? - Free FACT Bucks/Bucks SENDIAS Service Webinar - 10-11am on Friday 27 January 2023
- Shout out for SEND - Youth Voice Bucks
- The Prince's Trust Team Programme
- Family Support Service - three exciting projects online and in person for young people in school years 7 and upwards starting in February 2023
- Contact - Welcome to What's new
- Bucks SENDIAS Service Live Web Chat



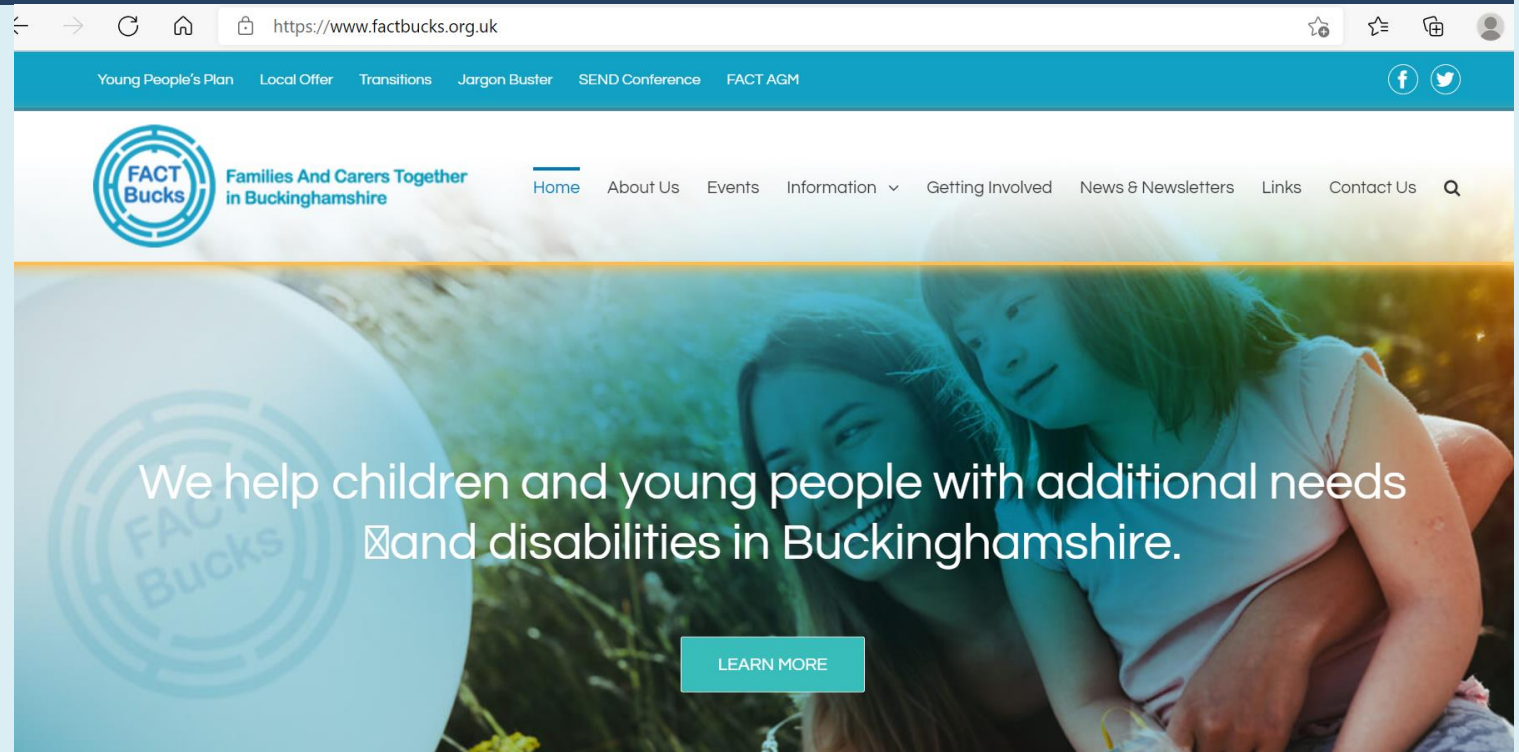
A local voice for parent carers of children with SEND

FACT Bucks

<https://www.factbucks.org.uk/>

[FACT Bucks | Facebook](#)

[FACT Bucks - Families and Carers Together in Bucks \(@FACTBucks\) / Twitter](#)





Any Questions?

Your feedback please

Please let us know whether you found this webinar useful:

Message us in the chat or use our [**Bucks SENDIAS Contact Form**](#)

Thank you