Review of Local Authority Commissioning Arrangements for Education Otherwise than at School Provision

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Views expressed in this report are those of the researchers and not necessarily those of the Welsh Government

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Glossary

Acronym/Key word	Definition
ADHD	Attention Deficit Hyperactivity Disorder
ALN	Additional Learning Needs*
ASD	Autism Spectrum Disorders
BESD	Behavioural, Emotional and Social Difficulties (also referred to as SEBD)
CDSF	Department for Children, Schools and Families
EAL	English as an Additional Language
EHE	Elective Home Education
EOTAS	Education Other than at School
ESF	European Structural Funds
EP	Education Psychologist
EWS	Education Welfare Service
FEI	Further Education Institution
HLTA	Higher Level Teaching Assistant
IDP	Individual Development Plan
LAC or CLA	Looked After Children / Children who are Looked After
LA/LEA	Local Authority / Local Education Authority
MLD	Moderate Learning Difficulties
PMED	Physical and Medical Difficulties
PMLD	Profound and Multiple Learning Difficulties
PLASC	Pupil Level Annual School Census
PRU	Pupil Referral Unit
SAO	School Attendance Order
SEBD	Social, Emotional and Behavioural Difficulties (also referred to as BESD)
SEMH	Social, Emotional and Mental Health
SEN	Special Educational Needs*
SEND	Special Educational Needs and Disabilities
SIMS	Schools Information Management System
SLCD	Speech, Language and Communication Difficulties
SLA	Service Level Agreement
SLD	Severe Learning Difficulties
SNRB	Special Needs Resource Base

SpLD	Specific Learning Difficulty[1]

*The term Additional Learning Needs (ALN) is replacing the term Special Educational Needs (SEN) and has the same definition in law. The Additional Learning Needs and Education Tribunal (Wales) Act 2018, reforms the education system for young learners with additional needs, and establishes the new term. As the system prepares for its implementation from September 2020, both terms are being used. For the purpose of this report, they should be regarded as interchangeable.

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[1] This is a term that refers to a difference or difficulty with aspects of learning. The most common SpLDs are dyslexia, dyspraxia, attention deficit disorder, dyscalculia and dysgraphia.

Executive Summary

Introduction

OB3 Research was appointed by the Welsh Government to undertake a review of approaches used by local authorities (LAs) and schools when commissioning education otherwise than at school (EOTAS) and school commissioned education provision. The specific objectives were to:

- identify and analyse existing models and processes adopted across all LAs when commissioning EOTAS provision

- analyse quality assurance processes used by organisations when commissioning such provision

- analyse quality assurance processes used by schools when commissioning external education provision

- identify the perceived strengths and weaknesses of the commissioning practices and processes adopted

- identify the merits and drawbacks of current processes in place across Wales

- make recommendations for future commissioning guidance.

EOTAS is education provided by the LA to meet the needs of pupils who, for whatever reason, cannot attend a maintained school. It plays a crucial role in affording some of the most vulnerable young people access to learning in a range of settings including, but not limited to, pupil referral units (PRUs), further education institutions (FEIs), independent schools and third sector organisations. These options can also be combined with part-time education at a mainstream school 'as part of a package of measures designed to provide suitable education'[2]. It is notable, however, that a 2018 analysis of pupil registration practices found that the 'current definition of EOTAS was open to subjective interpretation'[3].

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[2] Section 4 (2) Education Act 1996.
[3] Welsh Government (2018) An Analysis of Local Authority Referral Panels and/or Practices for Learners. Accessing EOTAS Provision.

Successive studies have shown there are variations in terms of the availability, nature and quality of EOTAS provision from one LA area to another[4] which indicate a need for national government to 'take a stronger role by establishing national policies and procedures'[5]. Whilst the Welsh Government considers 'the organisation of EOTAS to be a local matter'[6], it intends to develop guidance to help LAs and schools strengthen arrangements for commissioning external EOTAS to ensure due diligence is undertaken regarding safeguarding and to assure the appropriateness and quality of the setting and education.

Method

The review was undertaken between March and July 2019 and involved:

- an inception stage, which included an inception meeting with Welsh Government officials and preparing a refined methodological approach and project plan

- desk based research, which involved an analysis of relevant policy and regulatory documents relating to EOTAS, including Welsh Government publications; an analysis of published data relevant to EOTAS; and a brief review of commissioning and monitoring guidance relating to school commissioned provision in England

- preparing five qualitative discussion guides to interview key stakeholders and representatives from LAs, PRUs, schools and external EOTAS providers

- undertaking interviews with three key stakeholder organisations[7]

- undertaking interviews with representatives responsible for EOTAS provision across all 22 LAs[8]

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[4] Welsh Government (2013) Evaluation of Education Provision for Children and Young People Educated Outside the School Setting.
[5] Welsh Government (2019) Education otherwise than at school (EOTAS) Framework for Action, p.5.
[6] Ibid, p.5.
[7] Estyn, Children's Commissioner for Wales and the Welsh Independent Schools Council.
[8] One interview was undertaken with a representative responsible for EOTAS in both Gwynedd and Anglesey.

- undertaking interviews with representatives responsible for PRU provision within 13 LAs, typically the teacher in charge

- gathering information from stakeholders, LAs and PRUs on schools involved in commissioning or using provision, as well as EOTAS providers who could be approached to contribute to the review. In all, details were supplied for 48 schools and 35 EOTAS providers

- undertaking interviews with representatives from 17 EOTAS providers and 12 schools who are involved in commissioning or using provision

- synthesising the findings of the fieldwork and preparing a report to provide an assessment of the effectiveness of existing commissioning practices and highlight commonalities and divergences in approaches.

Key Findings

In terms of the legal and regulatory context, the review found that:

- LAs are required to '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'[9]. LAs also have the power (but not the duty) to provide suitable EOTAS for 'young persons who…may not receive suitable education unless such arrangements are made'[10]

- beyond what is set out in legislation, there is no clear, commonly understood definition of EOTAS. It can, however, be provided in a range of settings including PRUs, FEIs, independent schools and other settings such as third or private sector providers

- there is no consistent interpretation of what is meant by 'EOTAS' or 'alternative provision', despite these terms being defined within legislation and Welsh Government guidance. There is a need to improve awareness and understanding of current legislation and guidance relating to this area of work as a priority

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[9] Education Act 1996 19 (1).
[10] Education Act 1996 19 (4).

- there is very limited robust literature on recognised and effective external education provision commissioning practice in order to inform the development of guidance in Wales. The findings of the review of England-based school commissioned provision by Ofsted,[11] which offers an insight into the strengths and weaknesses of current practice, have been considered in developing our recommendations for future commissioning guidance in Wales.

In terms of the number of pupils in Wales who are educated other than at school, the review found that:

- the EOTAS census conducted annually every January reported there were 2,286 pupils in January 2019[12] in Wales who received education outside of school funded by Welsh LAs. Of these, 1,784 received their main education other than at school whilst the remaining 502 pupils received their main education in a maintained school[13]
- there has been a notable decline in the proportion of EOTAS pupils not on a school roll and a growth in those with subsidiary enrolment between January 2012 and 2019
- PRUs account for the largest proportion of EOTAS pupils, at 43.5 per cent with independent schools the second most used provision, at 14.3 per cent in January 2019
- the average number of hours of education provided to pupils whose main education is outside of school is 21 hours, although this varies by the type of educational setting used.

In terms of LA commissioning arrangements, the review found that:

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[11] Ofsted (2016) Alternative provision: The findings from Ofsted's three-year survey of schools' use of off-site alternative provision.
[12] Based on information gathered during a census week between 14th and 18th January 2018.
[13] Welsh Government Statistical First Release Pupils education other than at school, 2018/19.

- arrangements vary from one LA to another. In all, 13 LAs commission EOTAS provision from external providers. Vocational provision accounts for most of this. In all but two LA areas, PRU provision is provided
- seven LAs operate a framework of approved EOTAS providers secured via an open competitive commissioning process. A further two operate either a framework or list of providers via a non-competitive route, whereby quality assurance checks are undertaken by the LA. Arrangements in the remaining LAs where provision is commissioned from external providers are less transparent
- LAs which use a competitively procured framework of providers appear to have rigorous processes in place to assess the suitability of commissioned providers by taking into account organisational policies and practices. Approaches could be improved by placing a greater emphasis on the quality of teaching, pupil progress and ability to accommodate learners whose preference is to learn in Welsh in the future
- EOTAS funding approaches vary from one LA to the other, particularly in terms of financial claw-back arrangements from schools, with funding drawn from various sources, including from PRU and school budgets.

In terms of PRU and school commissioned provision, the review found that:
- PRUs and schools regularly commission external education provision. Arrangements for doing so were found to be fairly informal at the school level with a high degree of reliance upon word of mouth and using providers previously used by schools
- 16 LAs reported that schools commission external education provision. In two areas, the LA was not aware that schools commission provision, despite this review identifying such instances
- in all, 9 of the 12 schools interviewed commission external education provision directly. The nature of provision varies as does the number of pupils attending each setting.

In terms of placing pupils within EOTAS, the review found that:

- schools play a significant role in informing LAs of pupils who may require EOTAS. There is widespread use of referral panels and referral forms to aid this process and there is scope to increase the consistency of the information requested within the referral process. LAs would welcome guidance around an appropriate pupil referral 'threshold' which could be shared with schools

- the review found that the needs of, and educational outcomes for pupils, are usually identified at the point of making an EOTAS referral. Processes could be improved by ensuring that education outcomes are agreed in writing at the referral stage

- there is a growing trend to explore LA direct delivery solutions for pupils for whom a PRU would not be suitable. The fieldwork also found instances of schools taking positive, preventative action to better meet the needs of pupils who possibly would otherwise have been referred to EOTAS provision.

In terms of monitoring and managing commissioned provision the review found that:

- most LAs have either contracts or service level agreements (SLA) in place with external providers. Several LAs thought they could be more proactively involved in monitoring provision, particularly in terms of monitoring the quality of provision and the extent to which provision is meeting learner needs

- there are significant differences in the approaches and effort deployed to monitor and manage LA commissioned provision and this is an area which future guidance should prioritise

- schools make limited use of contracts of SLAs when commissioning education provision and their monitoring arrangements are mostly informal. PRUs on the other hand were found to take a bespoke approach to putting external provision in place for pupils and adopt a very hands-on role to monitor it. It would be beneficial for schools to replicate these effective practices.

The review concludes that there is a need for the Welsh Government to develop detailed guidance which covers the commissioning and management of all forms of externally delivered provision including that which is commissioned in line with Section 19 of the Education Act and the provisions within the Education Act 2002. The review also concludes that the Welsh Government should consider that:

- the practice of school's adopting a more inclusive approach to meet the needs of pupils who would otherwise be referred to EOTAS is not encouraged in any way via the current Welsh Government's performance monitoring of schools in terms of KS4 achievements

- there is a need to offer greater standardisation and guidance around the registration status of EOTAS pupils and pupils who attend education provision outside of mainstream school organised and/or delivered by schools

- the guidance should set out expectations in relation to the reintegration of pupils into mainstream education

- the guidance should set out the minimum data and reporting which external providers could be expected to share with LAs, PRUs and schools.

Recommendations

The review offers nine recommendations for the Welsh Government to adopt within its commissioning guidance:

General approach
1.   We recommend that the guidance clearly sets out to reinforce current legislation and guidance in relation to what is LA commissioned EOTAS and alternative provision as well as school commissioned education provision, in order to improve understanding amongst practitioners.
2.   We recommend that the guidance be applicable to the commissioning and management of all external education provision undertaken by LAs, schools or PRUs across Wales.

Setting out the rights of the pupil

3.   The guidance should set out the rights of the pupil and what they can expect to experience during the referral process and what to expect when accessing EOTAS or external education provision. This could be set out in a user-friendly guide for young people.

Planning and referring into external education provision

4.   We recommend that the guidance sets out:

- an approach and suggested timeframe that LAs, in collaboration with schools, PRUs and providers, should adopt to review and identify EOTAS supply and demand within their area on a regular basis

- the information which would be expected to be included within referral forms used by schools when referring pupils for EOTAS provision. Referral forms should, at the minimum, set out the expected graduated response that schools would be expected to make prior to referring a pupil to EOTAS and suggest a suitable threshold at which schools should be referring pupils for EOTAS provision

- the need for LAs to use referral panels in relation to EOTAS. Guidance could helpfully set out the terms of reference and expected membership for referral panels. The guidance could also outline how referral panels could support the objective of pupil reintegration back into mainstream education, where appropriate. Schools should be included as members of referral panels.

Commissioning external education provision

5.   We recommend that the guidance sets out a detailed quality assurance checklist for those who commission EOTAS or external education provision to assess the suitability of external providers, which includes:

- checking the registration status of providers and ensuring that any education provision which contravenes the regulations about registration should not be used

- an appropriate list of organisational policies and practices which providers would be expected to have in place. We suggest that these include pupil behaviour policies, curriculum plans, pupil safeguarding arrangements, anti-bullying policy, health and safety policy, quality of accommodation and qualifications and experiences of staff

- an appropriate assessment on the quality of teaching offered by the provider

- written information about social networking and the use of social media

- written information about the commissioner's expectations for child protection which should be followed if providers have concerns about a pupil

- written information about how the commissioner should be informed of pupil attendance and procedures for addressing any absence.

Monitoring and quality assuring provision

6. We recommend that the guidance sets out what is required of commissioning bodies in terms of actions to monitor and quality assure any external education provision. In particular, we recommend that:

- the guidance could helpfully set out a checklist which LAs, schools or PRUs could use to monitor any externally commissioned provision. We would recommend that the checklist considers pupil progress and achievements, the quality of provision, the leadership and management arrangements put in place by providers, as well as provider staff development and training

- those commissioning education provision should be encouraged to systematically evaluate the quality of teaching and learning provided to pupils

- those commissioning education provision should assess the impact of teaching and learning upon pupils' progress towards the qualifications they are studying.

Expectations of commissioning bodies

7.   We recommend that the guidance sets out the responsibilities expected of LAs, schools and PRUs when commissioning education provision. We expect that these should cover:

- the steps which they are expected to take to ensure that pupil welfare in terms of safeguarding as well as health and safety is in place

- pupil level information which the school or PRU should share with the provider prior to the placement commencing

- the nature of communication which the LA, school or PRU should convey to the pupil and parent/carer during the process of referral and the placement itself

- written information required in relation to placement objectives, educational outcomes and (where appropriate) formal qualification targets for the pupil

- what is required in terms of monitoring pupil progress against the objectives agreed

- what is expected of the commissioning body in terms of monitoring visits, including how regular it should visit the provider to review the placement

- plans for monitoring attendance and arrangements for addressing any period of absence

- transport arrangements for the pupil to attend the placement

- plans for ensuring the pupil remains a member of the school community

- plans for reintegrating a pupil back into school, should it be appropriate to do so

- the steps expected of the school and PRU to review the outcomes being achieved by the pupil and the quality of external provision accessed

- the requirement for schools and PRUs to accurately report upon those pupils who access external education provision.

Expectations of external providers

8. We recommend that the guidance sets out the responsibilities expected of external providers. We would expect these to cover:

- how they comply with legislation and whether they are defined and registered as an independent school

- what policies and procedures they would be expected to have in place to ensure that pupil welfare, education and safety is maintained

- what is expected of them in terms of their contact and communication with both the commissioning body and the parent/carer of the pupil

- by when they would be expected to conduct an initial assessment of the education needs of the pupil and what this assessment should involve

- what is expected of them in terms of notifying the commissioning body about pupil attendance and absence: a review of other guidance suggests that this would be twice daily

- what reporting of pupil progress to the commissioning body would be expected of them and the regularity of this: we would expect

this to cover pupil engagement, attendance, behaviour and educational progress and achievement.

9. We recommend that the guidance sets out what is expected of the LA in terms of supporting school commissioned provision. We recommend that LAs should:

- develop and share a quality assured directory or framework of providers from which schools can commission provision

- have a written policy to support schools commissioning external education provision

- undertake an annual audit to monitor whether schools commission external education provision or not and report to the Welsh Government the number of schools commissioning provision, the pupils accessing such provision and the nature of the provision being accessed.

1.   Introduction

1.1   OB3 Research was appointed by the Welsh Government to undertake a review of approaches used by local authorities (LAs) and schools when commissioning education otherwise than at school (EOTAS) and school commissioned education provision.

1.2   EOTAS is education provided by the LA to meet the needs of pupils who, for whatever reason, cannot attend a maintained school. It plays a crucial role in affording some of the most vulnerable young people access to learning in a range of settings including, but not limited to, pupil referral units (PRUs), further education institutions (FEIs), work-based learning, independent schools and third sector organisations. These options can also be combined with part-time education at a mainstream school 'as part of a package of measures designed to provide suitable education'[14]. It is notable, however, that a 2018 analysis of pupil registration practices found that the 'current definition of EOTAS was open to subjective interpretation'[15].

1.3   Successive studies have shown that there are variations in terms of the availability, nature and quality of EOTAS provision from one LA area to another[16] which indicate a need for national government to 'take a stronger role by establishing national policies and procedures'[17]. Whilst the Welsh Government considers 'the organisation of EOTAS to be a local matter'[18], it intends to develop guidance to help LAs and schools strengthen arrangements for commissioning external provision to ensure due diligence is undertaken regarding safeguarding and to assure the appropriateness and quality of the setting and education.

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[14] Section 4 (2) Education Act 1996.
[15] Welsh Government (2018) An Analysis of Local Authority Referral Panels and/or Practices for Learners. Accessing EOTAS Provision, p.16.
[16] Welsh Government (2013) Evaluation of Education Provision for Children and Young People Educated Outside the School Setting.
[17] Welsh Government (2019) Education otherwise than at school (EOTAS) Framework for Action, p.5.
[18] Ibid, p.5.

1.4   The EOTAS Framework for Action proposes 33 short, medium and long-term actions the Welsh Government should take to improve the outcomes for EOTAS pupils. In relation to commissioning and monitoring of EOTAS provision specifically, these include:

- developing non-statutory guidance on the development of commissioning frameworks and quality requirements for EOTAS provision, having undertaken research into best practice
- considering the introduction of a statutory requirement for LAs to establish commissioning frameworks[19].

1.5   This review aimed to gather evidence surrounding existing EOTAS commissioning arrangements across the 22 LAs in Wales. It was intended that the review would:

- identify existing models, their associated practices and processes in place across all LA areas in Wales
- identify quality assurance and quality control practices and processes used by organisations (LAs and PRUs) when commissioning external EOTAS provision
- identify quality assurance and quality control practices and processes used by schools when commissioning external education provision
- identify how commissioners of external provision (LAs, PRUs and schools) perceive the strengths and weaknesses of the practices and processes adopted
- assess the relative merits and drawbacks of processes currently employed
- make recommendations for commissioning guidance.

1.6   The methodology adopted involved desk-based research and fieldwork with a range of stakeholders including LAs, PRUs, schools and external EOTAS provider representatives.

1.7   This report is presented in 13 chapters as follows:

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[19] Ibid, p.12-13.

- chapter one: provides an introduction to the study

- chapter two: sets out an outline of the study methodology

- chapter three: sets out the background and legislative context for EOTAS in Wales and considers commissioning guidance in England

- chapter four: considers data relating to EOTAS pupils in Wales

- chapters five to 12: set out the findings of the fieldwork

- chapter 13: presents our conclusions and recommendations for future Welsh Government policy and practice.

2.   Methodology

2.1   This chapter sets out the method deployed for undertaking the review and considers some key methodological considerations.

Method

2.2   The review, which was undertaken between March and July 2019, involved the following elements of work:

- an inception stage, which included an inception meeting with Welsh Government officials and preparing a refined methodological approach and project plan

- desk based research, which involved an analysis of relevant policy and regulatory documents relating to EOTAS including Welsh Government publications; an analysis of published data relevant to EOTAS and a brief review of commissioning and monitoring guidance relating to school commissioned provision in England

- preparing five qualitative discussion guides to interview key stakeholders and representatives from LAs, PRUs, schools and external EOTAS providers

- undertaking interviews with three key stakeholder organisations[20]

- undertaking interviews with representatives responsible for EOTAS provision across 22 LAs[21]

- undertaking interviews with representatives responsible for PRU provision within 13 LAs, typically the teacher in charge

- gathering information from stakeholders, including LAs and PRUs about schools involved in commissioning or using provision as well as EOTAS providers who could be approached to contribute to the review. In all, details were supplied for 48 schools and 35 EOTAS providers

- undertaking interviews with representatives from 17 EOTAS providers and 12 schools who are involved in commissioning or using external education provision

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[20] Estyn, Children's Commissioner for Wales and the Welsh Independent Schools Council.
[21] One interview was undertaken with a representative responsible for EOTAS in both Gwynedd and Anglesey.

- synthesising the findings of the fieldwork and preparing this report to provide an assessment of the effectiveness of existing commissioning practices and highlight commonalities and divergences in approaches.

Methodological considerations

2.3   The following methodological issues need to be taken into account when considering the findings of this review:

- the intention had been to interview a total of 15 schools and 20 EOTAS providers, ensuring a cross-section in terms of type and geography. The sample of providers was intended to offer a cross-section of independent schools, FEIs, private and third sector providers. Gathering information on suitable schools and providers to approach was dependent upon LAs, stakeholders and PRUs offering suitable suggestions. Whilst an adequate number of schools and providers were suggested, the quality of the contact details varied thereby making it difficult to approach the right contact. It also proved very difficult to secure the contribution of schools and providers: a number either did not respond to the request to participate or were reluctant to do so, despite several attempts to contact them. Provider circumstances also prevented some from contributing e.g. one did not perceive themselves as providing any EOTAS provision whilst another was about to cease trading

- interviewees had varied interpretations of what constitutes EOTAS provision and this had bearing upon the focus and content of interviews. For instance, some interviewees considered provision commissioned by schools to be EOTAS provision and, therefore, reflected upon this in their responses, whereas others did not

- the findings and conclusions about what constitutes effective and good practice in terms of commissioning and monitoring external education provision is primarily based upon the perceptions and views of stakeholders, including those from LAs, PRUs, schools and providers, who contributed to the research. Whilst the review had set out to identify recognised and effective commissioning practice, it became apparent that, other than evidence available via the inspection bodies of Estyn and

Ofsted, there is limited documented evidence available to draw upon. As a result, the analysis of the relative merits and drawbacks of the processes adopted has been mostly informed by our fieldwork and the evidence offered during research interviews.

3. Literature review

3.1 This chapter first sets out the relevant legal and regulatory context for EOTAS. It then considers external education provision commissioning guidance which is available in England.

The legal and regulatory context

3.2 Section 19(1) of the Education Act 1996 requires LAs to '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'[22].

3.3 Section 19(4) of the 1996 Act also gives LAs the power (but not the duty) to provide suitable EOTAS to 'young persons who … may not receive suitable education unless such arrangements are made'[23]. Young persons are defined for this purpose as individuals over compulsory school age but under the age of 18.

3.4 Under section 19(6) of the 1996 Act, suitable education is defined as 'efficient' education suitable to the age, ability, aptitude, and to any special educational needs (SEN) the child (or young person) may have. LAs must decide, in consultation with parents/carers, what may be regarded as a suitable education outside of school for a particular child, in accordance with the LA's policies, the efficient use of resources and having regard to Welsh Government guidance. LAs cannot decide not to arrange any education or to make arrangements that do not provide suitable education for any child[24].

3.5 Under section 4(2) of the Education Act 1996 (as amended by paragraph 10 of Schedule 7 to the Education Act 1997) it is open to the LA to arrange part-time attendance at a mainstream school as part of a package of measures designed to provide suitable education.

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[22] Education Act 1996 19 (1).
[23] Education Act 1996 19 (4).
[24] Welsh Government (2016) Inclusion and pupil support: Guidance, p.149.

3.6   Welsh Government 2016 guidance, [Inclusion and Pupil Support](), sets out responsibilities for pupils who require extra support to ensure they receive suitable education, including education provided outside the school setting. The guidance notes, inter alia, that LAs:

- 'should ensure that all parties are kept fully informed of the range of options for alternative education available to them and how they might access them, either directly or through the local authority'
- 'should have a named officer with responsibility for coordinating alternative provision'
- remain accountable for the quality of education that it chooses to contract out e.g. to FEIs, independent schools or work-based learning providers
- have a responsibility for 'undertaking an assessment of suitability before placing pupils with new providers'
- have a responsibility for drawing up 'a contract/service-level agreement with every provider, which details the nature of the arrangement, making clear the LA's expectations and reinforcing statutory requirements'
- should 'establish robust systems to monitor the arrangements on an ongoing basis'
- should ensure that 'levels of education are of a sufficient standard and that provision represents good value for money', taking into account indicators of the effectiveness of provision which include:
    - 'unit costs
    - quality of provision – in terms of suitable environments and personal development opportunities, as well as curriculum delivery
    - attainment levels
    - attendance
    - numbers of exclusions
    - reintegration rates
    - numbers moving on to further education and training or getting jobs

- opportunities for appropriate accreditation'[25].

3.7 In terms of the responsibility to ensure the quality of externally commissioned provision, Estyn (2016) recommended that LAs check carefully the registration status of each provider they use to ensure that, where appropriate, provision they commission is registered as an independent school with the Welsh Government[26]. It also noted that schools should 'check carefully the registration status of each provider that they use and check whether they should be registered if they are not'[27]. Estyn was not specific that this related to registration with the Welsh Government as independent schools. Mandatory registration also includes registration with the Health and Safety Executive as the designated Adventure Activities Licensing Authority.

3.8 Estyn reported that 'most local authorities do not monitor or oversee EOTAS or alternative provision robustly enough', with LAs generally unsighted about the numbers of pupils 'accessing full-time offsite alternative provision' directly commissioned by schools as opposed to being provided or commissioned by LAs themselves[28]. Estyn also noted that whilst 'most local authorities collect data on the qualifications gained by pupils receiving EOTAS … only a minority … monitor and evaluate' other aspects of the progress made by pupils receiving EOTAS[29].

Defining EOTAS

3.9 As previously noted, beyond what is set out in legislation, there is no clear, commonly understood definition of EOTAS. EOTAS is variously referred to in policy, guidance and research documents as:

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[25] Welsh Government (2016) Inclusion and Pupil Support: guidance, pp.153-155.
[26] Estyn (2016) Education other than at School, p.7. The report was based on responses to a survey of local authorities, interviews with representatives, visits to EOTAS providers and scrutiny of documentation.
[27] Estyn (2016) Education other than at School, p.8.
[28] Estyn (2016) Education other than at School, p.5.
[29] Estyn (2016) Education other than at School, p.5.

- 'education provided by the local authority and does not encompass elective home education provided by parents'[30]

- 'alternative education' provided by other bodies, including third sector and voluntary organisations[31]

- 'alternative provision outside the school setting' commissioned by schools 'independently of their local authorities'[32]

- 2016 guidance refers to 'duties on local authorities and schools for education other than at school (EOTAS) provision – sometimes known as 'alternative provision'[33]

- 'it does not relate to general provision outside the school setting for all pupils, which is the focus of Learning Pathways for 14 to 19 year olds'[34].

Types of EOTAS Provision

3.10 EOTAS can be provided in a range of settings and relevant legislation surrounding particular types of provider is discussed below.

Pupil Referral Units

3.11 Section 19 (2) of the Education Act 1996 defines a PRU as 'any school established and maintained by a local authority which is (a) specially organised to provide education for such children [those who may not receive suitable education unless EOTAS arrangements are made] and (b) is not a county school or a special school'[35].

3.12 Schedule 1 of the Education Act 1996:

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[30] Welsh Government (2011) Review of Education Otherwise than at School and Action Plan, p.2.
[31] Welsh Government (2016) Inclusion and Pupil Support: guidance document no: 203/2016, p.157.
[32] Estyn (2016) Education other than at School, p.19.
[33] Welsh Government (2016) Inclusion and Pupil Support: guidance document no: 203/2016, p.148.
[34] Welsh Government (2011) Review of Education Otherwise than at School and Action Plan, p.6.
[35] Education Act 1996 19 (2).

- requires those in charge of PRUs to ensure a 'balanced and broadly-based curriculum'[36]

- requires sex education to be taught, in line with legislation for community schools[37]

- prohibits political indoctrination and regulates the treatment of political issues in line with legislation for community schools[38]

- requires LAs to make information available regarding the PRU to parents of pupils registered at the PRU[39]

- applies special provisions for school attendance orders[40]

- requires LAs to make provision to establish PRU management committees and recommends that LAs should first seek to appoint representatives from local schools[28].

3.13   A 2013 evaluation of EOTAS notes that 'a PRU is not a mainstream school or special school but is legally both a type of school and education otherwise than at school'[41]. The report goes on, however, to talk of confusion arising out of differing uses of the term 'PRU' (regardless of any legal basis), with different stakeholders using the term PRU to refer to a 'portfolio of education provision in various locations or alternatively…to something much more like a small school in one building with a clearly identifiable population'[42].

3.14   The registration of PRUs by LAs ensures they are subject to inspection. However, Estyn (2016) noted that 'the majority of local authorities visited maintain unregistered PRUs. They operate tuition centres and other non-registered centres to provide education for up to 25 hours a week'[43].

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[36] Education Act 1996, Schedule 1 (6).
[37] Education Act 1996, Schedule 1 (8).
[38] Education Act 1996, Schedule 1 (8).
[39] Education Act 1996, Schedule 1 (11).
[40] Education Act 1996, Schedule 1 (14).
[28] The Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014.
[41] Welsh Government (2013) Evaluation of Education Provision for Children and Young People Educated Outside the School Setting, p.77.
[42] Welsh Government (2013) Evaluation of Education Provision for Children and Young People Educated Outside the School Setting, p.75.
[43] Estyn (2016) Education other than at school, p.5.

Further Education Institutions

3.15   Under section 18 (1) of the Further and Higher Education Act 1992, Further Education institutions (FEIs) have powers to provide secondary education to compulsory school age pupils, subject to consultation with relevant local education authorities. Section 52A of the Act requires FEIs to ensure that no education is provided to a person aged 19 and above in the same room as learners of compulsory school age.

3.16   The Learning and Skills Measure (2009)[44] was introduced to provide a statutory basis for 14-19 Learning Pathways and set out learners' entitlement to select and study from a wide range of courses and opportunities within their local area. Section 13 of the Learning and Skills Measure (2009) also provides for LAs, maintained schools and FEIs to enter into 'cooperation arrangements' in order to maximise the availability of courses included within local curricula.

3.17   Provision typically made available by FEIs includes vocational or preparation for employment type courses and is aimed mainly at pupils in year 11 and, to a lesser extent, year 10. Indeed, some FEIs offer part-time programmes designed to ease the transition into post-16 education and training.

Independent schools

3.18   Section 463 of the Education Act 1996 (as amended by Section 172 of the Education Act 2002) defines an independent school as any school at which full-time education is provided for:

- five or more pupils of compulsory school age; or
- one or more pupils of compulsory school age with a statement of special educational needs, or who is in public care (within the meaning of section 22 of the Children Act 1989),

and which is not maintained by a LA. It is worth noting that whilst full-time education is not defined in law, independent schools are considered to

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[44] [Learning and Skills (Wales) Measure 2009](#).

provide full-time education 'if it is providing education which is intended to provide all, or substantially all, of a child's education'[45]. In practice therefore, if a pupil receives, for example, 10 hours of education per week and this is all delivered by an independent school, then the school is considered to deliver full-time education to that pupil.

3.19   Independent schools in Wales must be registered with Welsh Ministers[46] and anyone who conducts an independent school which is not registered may be liable to a fine or imprisonment[47]. In this context, it is notable that Estyn found that LAs sometimes 'commission EOTAS from unregistered providers operating as independent schools'[48].

3.20   Section 157 of the Education Act 2002 allows for regulations to be made to prescribe the standards required of independent schools. The subsequent Independent School Standards (Wales) Regulations 2003 cover:

- the quality of education
- the spiritual, moral, social and cultural development of pupils
- the welfare, health and safety of pupils
- the suitability of proprietors and staff
- the premises of and boarding accommodation at the school
- the provision of information
- the manner in which complaints are handled.

3.21   In the context of commissioning provision from independent schools, a 2011 Review of EOTAS noted that 'there may be scope for joint-working [between LAs] in terms of commissioning places from the same private or voluntary sector organisations to ensure that standards and charging arrangements are equitable and to explore the possibility of economies of scale … [and] ensuring that good practice is shared[49]'.

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[45] Welsh Government (2014) Independent schools registration and operation guidance.
[46] Education Act 2003 158 (3).
[47] Education Act 2003 159 (2).
[48] Estyn (2016) Education other than at school, p.2.
[49] Welsh Government (2011) Review of Education Otherwise Than at School and Action Plan, p.8.

Home tuition

3.22   As previously noted, the Education Act 1996 places a duty upon LAs to 'make arrangement for the provision of suitable education' for children 'who by reason of illness … may not for any period receive a suitable education unless such arrangements are made for them'[50]. LAs make limited use of home tuition to provide education to children and young people, including those who are unable to attend school due to ill-health. Such tuition is delivered in pupils' homes. Welsh Government guidance recognises that 'the use of internet-based tuition packages is becoming more common' as an approach to home tuition 'and can be effective in providing education in the home, particularly for sick pupils. The use of such packages should not replace pastoral support or the planning of reintegration into mainstream education'[51].

Education provision commissioned by schools

3.23   The Education Act 2002 provides school governing bodies with the power to commission external services through the following provisions:

- Section 116G which places a duty upon a school governing body to deliver local curriculum entitlements during Key Stage 4 (i.e. pupils aged 14-16)

- Section 29 states that 'the governing body of a maintained school may require pupils in attendance at the school to attend at any place outside of the school premises for the purposes of receiving any instruction or training included in the secular curriculum for the school'[52]

- Schedule 1 affords governing bodies the powers to 'do anything which appears to them to be necessary or expedient for the purposes of, or in connection with the conduct of the school'[53] including entering 'into contracts'[54].

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[50] Education Act 1996 19 (1).
[51] Welsh Government (2016) Inclusion and Pupil Support: guidance, p.157.
[52] Education Act (2002) Section 29 (3).
[53] Education Act (2002) Schedule 1, para. 3(1a).
[54] Education Act (2002) Schedule 1, para. 3(3)c.

3.24   The Act also empowers governing bodies to commission work-based learning opportunities, including work placements.

3.25   A number of schools commission external education provision and this is often referred to as 'alternative provision'. For instance, in the same report cited earlier in this chapter, Estyn noted that 'many schools commission alternative provision outside the school setting independently of their local authorities, and all schools commission through the 14-19 network of local providers'[55].

3.26   However, the term 'alternative provision' is defined as LA-commissioned provision within the Education Act 1996: 'educational provision for which a local authority has made arrangements under section 19 of EA 1996 (exceptional provision of education in pupil referral units or elsewhere)'[56]. It is further confirmed as being LA-commissioned provision within the Education (Information About Children in Alterative Provision) (Wales) Regulations 2009. The explanatory note states that:

'These Regulations make provision about the supply of information about children receiving education which is funded by a local authority outside mainstream schools, usually referred to as 'alternative provision. Alternative provision includes education other than at school, education at an independent school or at a pupil referral unit'[57].

3.27   The broad use of the term 'alternative provision' to refer to school-commissioned provision (including within Welsh Government guidance documents[58]) has, therefore, caused confusion[59] and led to a lack of clarity and understanding across the sector as to the meaning of the term.

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[55] Estyn (2016) Education other than at school, p.19.
[56] Academies' Act 2010 Section 9 (4).
[57] The Education (Information About Children in Alternative Provision) (Wales) Regulations. Explanatory Note.
[58] For example:
  - Welsh Government (2016) Inclusion and pupil support: guidance; and
  - Welsh Government (2018) Technical completion notes for local authorities Educated other than at school (EOTAS), p.4.
[59] Welsh Government (2019) Education otherwise than at school (EOTAS) Framework for Action, p.3.

3.28   The Welsh Government has stated that it 'was never the policy intention of the Welsh Government that schools and their governing bodies commission their own EOTAS or Alternative Provision'[60]. More specifically, 'the Welsh Government does not consider it appropriate for schools to commission external provision for the purposes of addressing behavioural issues, for example, home tuition for school refusers'[61].

3.29   LAs operate their own policies in relation to the provisions within the Education Act 2002 which enable schools to commission education provision. Some LAs operate referral panels to approve organisations and provide maintained schools with 'a database of approved EOTAS providers' to which they may refer pupils[62]. Aligned to this, Estyn recommended that schools 'check carefully the registration status of each provider that they use and check whether they should be registered if they are not'[63].

Guidance on commissioning education provision in England

3.30   Our review found very limited robust literature on recognised and effective external education provision commissioning practice in order to inform the development of commissioning guidance in Wales. However, a review of England-based school commissioned provision by Ofsted[64] offers an insight into the strengths and weaknesses of current practices.

Ofsted review of schools' use of off-site provision

3.31   The review of schools' use of off-site alternative provision by Ofsted found that whilst schools were increasingly refusing to use provision which they did not think 'was of a good enough standard' some schools were 'still not taking responsibility for ensuring the suitability of the placements they set

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[60] Welsh Government (2019) Education otherwise than at school (EOTAS) Framework for Action, p.3.
[61] Welsh Government (2019) Education otherwise than at school (EOTAS) Framework for Action, p.3.
[62] Welsh Government (2019) Education otherwise than at school (EOTAS) Framework for Action, p.7.
[63] Estyn (2016) Education other than at school, p.8.
[64] Ofsted (2016) Alternative provision: The findings from Ofsted's three-year survey of schools' use of off-site alternative provision.

up'[65]. Ofsted highlighted poor practices such as schools not visiting provider sites to check safety and suitability and some providers contravening regulations about registration in that they were taking more than five pupils on a full-time basis without being registered providers. The review found that schools were increasingly working in partnership with each other 'to find and commission alternative provision' and Ofsted concluded that 'at its best, this practice was seen to lead to a rigorous process for assuring the quality of the provision and rejecting anything that was not up to standard'[66].

3.32   The report offers recommendations for schools, the Department for Education and its own organisation to consider. In terms of commissioning arrangements, it recommends that schools:

- check the registration status of providers and any alternative provision which contravenes the regulations about registration should not be used

- check that provider staff have appropriate checks such as Disclosure and Barring Service checks

- share written information with providers about social networking, the use of social media, e-safety

- share written information with providers about schools' expectations for child protection and procedures which should be followed if they have concerns for a pupil

- support providers to access appropriate safeguarding training and information.

3.33   In terms of monitoring arrangements, Ofsted recommended that schools:

- systematically evaluate the quality of teaching and learning provided and assess the impact of this on pupils' progress towards the qualifications they are studying

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[65] Ibid, p.7.
[66] Ibid, p.7.

- systematically evaluate the academic, personal and social progress made by pupils

- consider ways of evaluating the impact of provision on pupils' employability skills.

3.34 The report offered two key recommendations for the Department for Education in relation to school commissioned provision:

- provide schools with guidance about how to check the safety and suitability of staff working in unregistered alternative provision

- consider revising the threshold for providers to register as independent schools.

Guidance issued by LAs in England

3.35 In approaching the review of effective commissioning practices, we also considered published guidance offered by local authorities to schools in England. We summarise the key points set out within two guidance documents below although stress that we have not considered any evaluation evidence to determine their effectiveness as part of this review.

3.36 Guidance issued by two local authorities[67], which mostly draw on Ofsted's recommendations, set out principles that schools should follow when planning and commissioning 'alternative provision'. The guidance typically sets out a suggested commissioning checklist, recommending that schools:

- check the registration status of each provider, ensuring that any provision commissioned does not contravene registration regulations

- check provider's policies and procedures, to include behaviour policy, curriculum plans, pupil safeguarding arrangements, anti-bullying policy, health and safety policy, quality of accommodation and qualifications and experiences of staff

- give providers written information about social networking and the use of social media

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[67] Newcastle City Council (2017) 'Alternative provision – Guidance for commissioners and providers' and Redcar and Cleveland Borough Council (2019) Children's Service 'Alternative provision – Guidance for commissioners and providers'.

- give providers written information about the school's expectations for child protection

- support providers to access appropriate safeguarding training and information

- give providers written information about how the school should be informed of attendance and agree upon the subsequent follow up of absence.

4. Data on pupils receiving main education other than at school

4.1 This chapter sets out data on the number and profile of pupils who receive their main education other than at school in Wales.

EOTAS pupil data

4.2 The Welsh Government administers an annual census to collect data about pupils who are educated other than at school and for whom Welsh LAs have financial responsibility. Welsh Government data show that there were 2,286 pupils in January 2019 in Wales[68] who received education outside of school funded by Welsh LAs. Of these, 1,784 received their main education other than at school whilst the remaining 502 pupils received their main education in a maintained school.

4.3 Pupils receiving their main education in a maintained school are also reported via the Pupil Level Annual School Census (PLASC)[69] due to them being included within school census returns and as such are not considered further within the data set out in is chapter.

4.4 The EOTAS census considers pupils who access any the following provisions:

- pupil referral units
- further education colleges
- maintained primary, middle, secondary or special schools
- non-maintained special schools
- individual tuition and tuition at pupils' homes or at hospital
- Youth Gateway
- work related education
- training providers
- voluntary organisations

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[68] Welsh Government Statistical First Release Pupils education other than at school, 2018/19 p.4.

[69] PLASC is an electronic collection of pupil and school level data provided by all maintained sector primary, middle, secondary, nursery and special schools in January each year.

- bought in private sector provision

- independent schools

- pupils attending provision not maintained by the authority, or outside of the authority, for which the authority pays fees

- awaiting provision or not currently in provision

- other.

4.5   The data show the number of pupils who receive their main education other than at school has increased in recent years from 1,220 in 2012/13 to 1,784 in 2018/19. This equates to 3.8 out of 1,000 pupils in 2018/19 compared to 2.6 per 1,000 in 2012/13. The majority of these are boys: 70 per cent of the 2018/19 cohort were boys and 30 per cent were girls.

4.6   When considering pupils of compulsory school age, the age group with the highest rate of pupils receiving their main education other than at school are 15 year olds: over 4 in every 10 of EOTAS pupils whose main education is other than at school were aged 15 as at January 2019. The rate of pupils aged 11 to 15 whose main education is other than at school increases as the pupils' age increases.

4.7   As shown in Table 4.1 the highest numbers of pupils receiving their main education other than at school are recorded in the LA areas of Cardiff, Rhondda Cynon Taf and Swansea whilst Ceredigion, Blaenau Gwent Monmouthshire and Anglesey report the lowest numbers. As a proportion of 1,000 pupils within LA areas however, Conwy, Denbighshire, Flintshire, Pembrokeshire, the Vale of Glamorgan, Rhondda Cynon Taf and Merthyr Tydfil report the highest rate of EOTAS pupils (at 4.5 per 1,000 pupils or above in January 2019) whilst Anglesey, Ceredigion, Blaenau Gwent, Torfaen and Monmouthshire report the lowest rates (at 1.3 per cent per 1,000 pupils or lower in January 2019). There was a notable increase in the number and rate of EOTAS pupils per 1,000 pupils in Pembrokeshire[70], Caerphilly and Merthyr Tydfil between 2017/18 and 2018/19.

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[70] Pembrokeshire had a rate of 7.1 per 1,000 pupils in 2019, up from 1.9 in 2018. This is due to an increase in the number of pupils being recorded as subsidiary enrolment at a maintained school, as opposed to being recorded as main or current enrolment status.

Table 4.1: Pupils receiving their main education other than at school by LA, 2014/15 - 2018/19

	2014/15	2015/16	2016/17	2017/18	2018/19
Anglesey	23	20	40	29	13
Gwynedd	29	69	38	33	40
Conwy	70	55	63	64	72
Denbighshire	45	62	75	198	87
Flintshire	145	119	95	111	121
Wrexham	47	41	36	56	62
Powys	58	69	52	62	59
Ceredigion	15	31	15	15	13
Pembrokeshire	10	18	30	33	123
Carmarthenshire	50	72	59	68	72
Swansea	178	168	140	169	152
Neath Port Talbot	80	76	56	42	45
Bridgend	39	45	30	51	69
Vale of Glamorgan	80	108	103	116	114
Rhondda Cynon Taf	102	160	149	176	193
Merthyr Tydfil	*	40	29	48	73
Cardiff	139	133	183	227	225
Caerphilly	142	70	30	59	113
Blaenau Gwent	33	43	57	*	*
Torfaen	26	24	14	*	*
Monmouthshire	*	12	12	22	14
Newport	68	87	96	88	104
Total	1,387	1,512	1,402	1,609	1,784

Source: Welsh Government Statistical First Releases [71].

4.8 Between January 2012 and 2019, there was a notable decline in the proportion of EOTAS pupils not on a school roll and a growth in those with subsidiary enrolment, as shown at Table 4.2. By January 2019, 42 per cent of EOTAS pupils had subsidiary enrolment status at a maintained school whilst 57 per cent were not on roll at a maintained school. This proportion varies from one LA to another: in six LA areas no EOTAS pupils had subsidiary enrolment status at a maintained school whilst eight LAs had

[71] See: 2014/15, 2015/16, 2016/17, 2017/18 and 2018/19.

higher number of EOTAS pupils with subsidiary enrolment status at a maintained schools than enrolled at a maintained school.

Table 4.2: Enrolment status of pupils receiving their main education other than at school, 2012/13 and 2018/19

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Not on roll at a maintained school	995 (82%)	958 (78%)	909 (66%)	909 (60%)	892 (64%)	1,008 (63%)	1,027 (58%)
Have subsidiary enrolment status at a maintained school	225 (18%)	267 (22%)	478 (34%)	603 (40%)	510 (36%)	601 (37%)	757 (42%)
Total	1,220	1,225	1,387	1,512	1,402	1,609	1,784

Source: Welsh Government[72].

4.9 In all, 36 per cent of Wales' pupils whose main education is other than at school (649 of 1,784 pupils as at January 2019) are entitled to free school meals (FSM). This compares with 18 per cent of all pupils aged 5 to 16 years old[73].

4.10 Overall, 88 per cent (1,571 of 1,784) of pupils whose main education is other than at school during 2018/19 had special educational need (SEN) provision. School Action Plus is the most common SEN provision for these pupils.

4.11 In terms of provision accessed, Table 4.3 shows that 43.5 per cent of pupils whose main education is other than at school in January 2019 were at PRUs. PRUs have been the most frequently used EOTAS provision since 2012/13. Independent schools were the second and home tuition the third most used provision in January 2019. FEIs accounted for just over a tenth of all pupils accessing their main education other than at school. Data provided directly by the Welsh Government, however, suggests there are additional pupils who attend FEI courses. During the academic year 2019/20, 118 pupils were enrolled on a Junior Apprenticeship programme. These pupils are generally sole registered with their school.

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[72] See: 2012/13, 2013/14, 2014/15, 2015/16, 2016/17, 2017/18, 2018/19.
[73] As at January 2019 68,674 of 375,894 pupils in Wales were entitled to Free School Meals. See 2018/19.

4.12   The average number of hours of education provided to pupils whose main education is outside of school was 21 hours during the census week. This varied from an average of around 25 hours within non-maintained special schools, independent schools and further education colleges to an average of under 12 hours a week for maintained school and individual tuition.

Table 4.3: Pupils whose main education is other than at school, by educational provision, 2018/19[74]

	Number of enrolments	% of enrolments	Average number of hours pupils are scheduled to attend in a week
Pupil referral unit	820	43.5	23.3
Independent school	270	14.3	25.0
Individual tuition	265	14.0	11.5
FEI	209	11.1	24.7
Maintained school	92	4.9	13.6
Non-maintained special school	68	3.6	25.2
Other[75]	47	2.5	20.8
Training provider	38	2.0	22.0
Awaiting provision or not currently in provision	28	1.5	n/a
Bought in private sector provision	18	1.0	20.8
Provision not maintained by, or is outside of, authority[76]	17	0.9	22.6
Work-related education	15	0.8	15.7
Total	1,887	100.0	21.0

Source: Welsh Government (2019) Statistical First Release Pupils educated other than at school, 2018/19[77].

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[74] Pupils may attend more than one educational provision in a week, so some pupils may be counted against more than one provision.

[75] In total, ten providers were coded as being 'other' types of providers.

[76] Defined as a pupil attending provision not maintained by the authority, or outside of the authority, for which the authority pays fees.

[77] Pupils educated other than at school, 2018/19.

5.   EOTAS provision arrangements

5.1   This chapter presents the findings of the fieldwork with stakeholders, including LAs, PRUs, schools and EOTAS providers in terms of how they interpret EOTAS. It also considers LAs' approaches to EOTAS provision, including identifying demand and supply as well as funding arrangements.

Defining EOTAS

5.2   The fieldwork found that there is no consistent or common interpretation for EOTAS among stakeholders we spoke to, despite it being defined by law, and further clarifications being provided within various Welsh Government publications. Contributors offered varied interpretations of what they thought did, and did not, constitute EOTAS provision, with several interpreting Welsh Government and Estyn guidance in different ways. It was notable that several contributors (of both the commissioning and provider body) told us they would welcome greater clarification on what constitutes EOTAS provision (and this is considered further at Chapters 12 and 13). Table 5.1 illustrates the complexity in respect of EOTAS provision by setting out all types of providers which were commissioned by LAs, PRUs and schools identified by the review.

Table 5.1: Types of providers commissioned by LAs, PRUs and schools identified within fieldwork

LA led or commissioned	PRU led or commissioned	School led or commissioned
o PRU o FEI o home tuition o private sector providers o third sector providers o training providers o independent schools o non-maintained special schools o maintained special schools outside of LA	o FEI o home tuition o private sector providers o third sector providers o training providers	o inclusion units (on and off school site) o school-based collaborative models o home tuition o FEI o private sector providers o third sector providers o training providers

5.3   Several LAs reported that they adopt the Welsh Government's definition of EOTAS adding that it is provision funded by the LA, outside mainstream school settings. Some were very clear that it only includes LA-funded provision, whereas others took a broader definition of EOTAS as being 'literally, education other than at school'. In these cases, it was argued that it includes provision funded and arranged by the LA, schools and PRUs.

5.4   There was considerable debate as to whether provision commissioned directly by schools could be regarded as EOTAS. Some LAs suggested that this is 'a bit of a grey area' with one adding 'any off-site provision is technically EOTAS and I think the provision which schools make available could be regarded as EOTAS'. Other LAs, however, were clear they define such provision as 'alternative provision', not EOTAS. It was also noted that the interchangeable use of two terms verbally ('EOTAS' and 'alternative provision') adds, rather than reduces, confusion.

5.5   In many cases, LA staff reported that EOTAS includes provision made available by independent schools, PRUs and external providers outside of the maintained sector such as training, private sector and third sector providers. LA staff also noted that EOTAS includes home tuition provided by the LA, provision available to pupils not registered at a school due to permanent exclusion and those with significant ALN whose needs can only be met via independent special schools or other registered providers. A small number of LA staff also thought that home education provision is included as EOTAS, although this is excluded within Welsh Government guidance.

5.6   There were mixed views as to whether provision commissioned from special maintained schools could be considered as EOTAS or not, with some taking the view that it isn't on the basis that pupils are attending a 'registered school' and, therefore, not EOTAS.

5.7   Three LAs adopt a slightly narrower definition of EOTAS than others in that it is considered to be full time provision for pupils not on the school roll. One argued that…

'…EOTAS is something five days a week … not on a school roll … singly registered at the PRU … because they [the PRU] are responsible for the qualifications of those young people'. (LA staff)

Another reported that the only EOTAS provision within the county is LA funded PRU provision and that any part-time non-mainstream education (which includes provision arranged by the LA, schools and PRU) is regarded as alternative provision[78].

5.8 There was considerable debate as to whether provision funded via the Youth Employment and Attainment European Structural Funds (ESF) operations (the TRAC 11 -14 project[79] available in north Wales, the Cynnydd project[80] available in mid and west Wales and Inspire to Achieve[81] in south east Wales) and/or provision made available via the extended curriculum introduced as part of the Learning Pathways for 14 to 19 year olds constitutes EOTAS provision. As a result, several LA, PRU and school interviewees drew upon the commissioning practices adopted for these initiatives when interviewed, whereas others discounted them on the basis that they did not constitute EOTAS but rather additional or enrichment provision which schools and LAs make available to a wider cohort of pupils.

LA approaches to providing education for children who are experiencing difficulties in school

5.9 In line with the data set out at Chapter 4, the most common approach reported by LAs for providing education to children who experience difficulties at school is via PRUs. Only two LAs do not have any PRU provision in place but in both cases inclusion units are in place within mainstream school settings, both on and off-school sites. Indeed, a small number of LAs reported that they are currently exploring allocating more LA

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[78] Despite this, the commissioning arrangements for alternative provision in this LA have been considered within this review.

[79] Helping improve the career and life prospects of young people who are at risk of disengaging and falling out of education and training.

[80] Providing individually-tailored programmes of support, including training, volunteering opportunities and paid work placements to improve the career prospects of young people aged 11-19 years.

[81] Inspire to Achieve.

resources towards providing inclusion units within schools and several examples of such approaches were identified across schools.

> One LA reported that a review of EOTAS and ALN arrangements currently underway is likely to result in additional resources being allocated to schools to provide inclusion unit support on-site in order to allow SEBD and anxious pupils to continue being part of the school community. Rather than running a PRU spread over several sites, the LA intends to establish an outreach service to work with schools to help maintain young people on their roll. This will involve employing a teacher and teaching assistant trained to deal with children with social, emotional and behavioural difficulties (SEBD) and other difficulties to work in secondary schools. This will enable schools to support some six additional SEBD pupils each.

5.10   As shown at Table 5.2, 13 LAs reported that they commission external EOTAS provision, although in one of these cases the provision is considered alternative provision.

5.11   In 16 LAs, it was reported by LAs that schools commission alternative provision, including alternative provision sourced via ESF operations such as Cynnydd, TRAC and Inspire to Achieve.

Table 5.2: LA approaches to providing education for children who experience difficulties at school

	Is there a PRU within the LA?	Does LA commission EOTAS provision?	Is LA aware of schools commissioning alternative provision?
Blaenau Gwent	No	No	Yes
Bridgend	Yes	Yes	Yes
Caerphilly	Yes	Yes	Yes
Cardiff	Yes	Yes	Yes
Carmarthenshire	Yes	Yes	Yes
Ceredigion	Yes	Yes	No
Conwy	Yes	No	Unsure
Denbighshire	Yes	Yes[82]	Yes
Flintshire	Yes	Yes	Yes[83]
Anglesey / Gwynedd	Yes	No	No[84]
Merthyr Tydfil	Yes	Yes	Yes
Monmouthshire	Yes	No	Yes
Newport	Yes	Yes	Yes
Neath Port Talbot	No	No	Yes
Pembrokeshire	Yes	No	No[85]
Powys	Yes	Yes	No[86] (but PRUs do)
Rhondda Cynon Taf	Yes	No	Yes
Swansea	Yes	Yes	Yes[87]
Torfaen	Yes	Yes	Yes
Vale of Glamorgan	Yes	Yes	Yes
Wrexham	Yes	No	Yes

Source: OB3 Research

5.12   FEIs delivering Junior or Youth Apprenticeships or Youth Access
programmes form another important element of EOTAS provision in some
areas. In some cases, this provision is being commissioned and paid for by

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[82] But not defined as EOTAS. This was viewed as alternative provision.

[83] Via the TRAC project.

[84] Via the TRAC project.

[85] Although the research found evidence that schools do commission provision.

[86] Although the research found evidence that schools do commission provision.

[87] Via the Cynnydd project.

the LA whereas, in others, this arrangement is made directly between schools and the college. Provision delivered by FEIs is usually vocational in nature and includes pre-vocational courses in areas such as construction, beauty and hairdressing.

5.13 A few LAs highlighted the use of home tuition to educate pupils unable to attend school because of issues such as medical issues, anxiety about school or as a result of being disengaged with education. Home tuition is delivered by LAs via a range of methods including employed staff, PRU staff and external providers. By way of example, one LA reported the use of both employed staff and an external provider whilst another LA reported using PRU resources to deliver home tuition. Some LAs fund what they understand to be the minimum amount of home tuition required of them by Welsh Government guidance (five hours a week)[88], whilst others reported providing more than this e.g. 10 hours a week. In one case, the LA's referral panel occasionally recommends that schools source and fund home tuition independently given the scarcity of provision available via LA-arranged provision.

> In one LA, an external provider is commissioned to deliver tuition to year 9, 10 and 11 pupils who are unable to attend school due to factors such as medical issues and anxiety about school, and who have been in receipt of home tuition, delivered by LA staff, for some time. The provider is tasked with addressing the specific social and emotional needs of pupils. One element of their work involves bringing pupils who are anxious about school or school phobic together in small groups with the aim of helping them to 'get out of the house', to 'socialise' and tackle issues of 'isolation'.

5.14 In one case, home tuition is delivered as an e-learning provision whereby pupils work towards a limited number of GCSE qualifications, with LA staff undertaking the role of learning mentors to oversee provision. This provision has been put in place for pupils with long term mental health issues and for whom the PRU would not be an appropriate solution.

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[88] Though no such minimum is noted and the legislation only specifies that an LA shall make arrangements for the provision of 'suitable education' to such pupils.

5.15   ESF-funded operations play an important role in providing additional alternative provision for pupils who are retained on school rolls, and in some cases on PRU rolls. Contributors regularly referenced the Cynnydd operation in mid- and south-west Wales and TRAC in north Wales although it was noteworthy that very little reference was made to the Inspire to Achieve operation in south east Wales. This provision is commissioned and procured via regional and/or local LA led frameworks and large numbers of pupils are engaged (e.g. over 800 in one authority). Significant concern was expressed about how these pupils would be supported when EU funding for the operations come to an end - indeed only one authority thought that they were unique in contributing core funding to this programme over and above the required match funding to sustain some provision post programme funding.

5.16   The main advantages identified by LAs of commissioning provision from external providers were thought to include:

- being more able to respond and meet the needs of pupils
- quick turnaround for arranging placements and meeting demand
- flexibility in terms being able to accommodate varying number of pupils over time.

5.17   The main disadvantages identified included:

- a lack of external providers available to deliver alternative provision (in some areas)
- difficulties finding appropriate provision to meet the needs of some pupils
- logistical challenges and costs associated with transporting pupils to the provider's setting; as well as the disadvantage for the pupil in having to travel some distance to access provision, particularly in a large geographical area served by very few providers
- supporting new providers can prove time-consuming and costly to LAs
- the costs of external provision can be high, particularly in the case of special schools and out-of-county providers.

5.18   To address some of these disadvantages, at least five LAs reported that they were either developing or expanding cost-effective in-house solutions in response to the increasing cost of external EOTAS provision. In two of these cases the focus is upon exploring how to make better use of preventative initiatives within schools.

> One LA which has experienced a growth in EOTAS numbers over time is exploring more cost-effective solutions and is turning to directly provided solutions to complement perhaps more expensive externally commissioned provision. The LA has adopted a previous school site which is centrally located within the county (so as to reduce travel time and costs for pupils) and is delivering elements of provision in-house. This includes a BTEC course covering cookery, life and work skills. This setting is considered by the LA to be different to a PRU or a special school in that it only provides part-time provision and accommodate the needs of pupils whose main place of education is mainstream school but for whom PRU provision would be unsuitable. The LA is unlikely to transition completely to directly provided provision, as it wishes to ensure that a wide range of provision continues to be available to pupils via externally delivered settings.

Joint commissioning of EOTAS

5.19   The fieldwork did not find any examples of LAs commissioning EOTAS provision on a joint basis although five south east authorities, operating within one regional consortium, had explored the possibility of developing a joint commissioning framework for EOTAS. However, this was reported to have not materialised due to factors such as differences in EOTAS definition across authorities, differences in their approach to budgeting for EOTAS provision and the range of EOTAS services required, making it too complex to pursue and a perceived lack of will on the part of some LAs.

5.20   Other factors which restrict any collaborative commissioning were thought to include low numbers of EOTAS pupils making it difficult to justify the effort; practical issues to transport pupils (to provider locations outside the county); and concerns about meeting stringent procurement requirements set by individual authorities.

5.21   Despite the lack of collaborative commissioning arrangements in respect of EOTAS, examples were identified of schools collaborating to commission

alternative provision (be that within the same county or with schools in a neighbouring county)[89].

Identifying demand and supply of EOTAS provision

5.22 Three LAs said they have undertaken an analysis of demand for, and availability of, EOTAS provision in their area. In all cases, this involved working with school heads to identify gaps in provision in order to tailor provision already available.

> In terms of good practice, one LA consults with its EOTAS pupils, providers and schools on their experiences of provision on an annual basis. This feedback is used to inform the preparation of an annual report to outline which EOTAS courses have been most beneficial, what has worked and what has not worked as well. This annual report is used to highlight gaps in EOTAS provision which then informs future procurement policy. So, for instance, the latest annual report highlighted a lack of land-based[90] and life skills provision available to pupils which was addressed for the following academic year via in-house LA provision.

5.23 Four LAs reported that they have recently started to explore the demand for, and availability of, EOTAS provision in their area. One has started to work with school heads to plan whilst another admitted that their plans for doing so were in their infancy. A third has seconded an officer to synthesise and analyse information about EOTAS provision within the county. Their intention is to present a paper to cabinet outlining future options, based on up-to-date information about EOTAS provision, needs and requirements.

5.24 A further five LAs referred to current strategic reviews of provision for pupils with behavioural issues and ALN which would be likely to have a bearing upon their future EOTAS approach.

5.25 One LA, whilst aware of the lack of external provision available in their county, had not yet sought to address the gap and meet demand, adding that they needed:

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[89] Discussed in detail at Chapter 10.
[90] Such as agricultural, countryside and horticultural studies.

'to think outside the box from the usual construction and mechanics… things like sport, outdoor pursuits, working with animals…we need a greater variety of things' (LA staff).

Another mentioned that they had been approached by an external organisation with a view to supporting them to predict likely future demand for EOTAS using a Schools Information Management System (SIMS) data screening tool. Whilst keen to explore this option on a regional basis with other LAs, they felt constrained to do so due to the different definition of EOTAS adopted by neighbouring LAs.

5.26　LAs which had not explored the demand for, and supply of, EOTAS either argued they had not done so because it was being undertaken by schools or it had not been a priority to do so. The difficulties associated with predicting demand, since some issues such as mental and emotional health related issues could not be anticipated in advance, was also acknowledged by LAs, even when data about existing cohorts of pupils were available.

5.27　It was frequently suggested by LA staff that demand for EOTAS provision exceeds supply, with supply largely associated and constrained by funding e.g. number of applications made for provision, such as that delivered by FEIs, exceed the places available. This was often attributed to recent increases in demand for EOTAS provision from referring schools, with notable increases in the number of pupils referred with SEBD and anxiety issues. In an effort to plan for future EOTAS demand, one LA has started to consider trends across the primary sector to project future additional learning needs (ALN) and alternative provision needs in secondary schools. However, it was acknowledged by this LA that predicting future SEBD demand is difficult as needs are subject to change over pupils' time at school.

5.28　Some LAs drew upon their experience of procuring external provision via their ESF operations frameworks: in these cases it was reported that the procurement process had been informed by consultation with stakeholders about the needs which provision must meet, but in some cases it was

suggested that the breadth of provision may have been restricted by funding requirements.

5.29 Aligned to this, a small number of LAs had experienced an increase in demand for support amongst primary school pupils yet were mindful that there was very little provision available for this cohort. Primary aged EOTAS provision, despite being a relatively under-developed area, is considered important by LAs in order to address and alleviate future emotional and behavioural issues amongst pupils.

LA approach to funding EOTAS provision

5.30 LAs adopt several different approaches to funding EOTAS provision and there is no standard approach across authorities, making it difficult to quantify how much is allocated to EOTAS at a pan-Wales level. In several cases funds are part of wider LA budgets such as those allocated to PRU provision and for supporting vulnerable pupils more generally. Furthermore, not all LAs set budgets for externally commissioned provision, but rather source the funding on an 'as and when needed' basis, particularly in cases where use of external provision is low.

5.31 Some LAs reported having an amalgamated budget for supporting vulnerable young people which includes EOTAS. The rationale for doing so, in one case was said to be to protect the overall EOTAS budget by reducing the risk of any underspend on specific activities being identified and, therefore, reduced by the LA. Other authorities reported that they allocate specific budgets for different aspects of EOTAS.

5.32 Some LAs have arrangements where a financial claw back arrangement is in place for when a pupil is transferred from a school to a PRU or where the pupil accesses home tuition, where a proportion of the Age-weighted Pupil Unit (AWPU) is clawed back from the school if the pupil is still on roll at the school. In one LA, the authority reported that schools are charged for 50 per cent of the cost of home tuition. In another, schools are charged a higher rate than the AWPU allocation for provision accessed by its pupils at an independent school. In another, whilst the bulk of the costs of the PRU are met by the LA centrally, schools are expected to pay a contribution

towards pupil placements at the PRU. This contribution is based on the numbers of pupils schools place at the PRU over the course of a year, with a charge of £10k per annum made for up to 10 pupils who access the six week placement and £20k for between 11 and 20 pupils. In effect, a school who would place 10 pupils with the PRU would contribute £1k per pupil whilst another who might only place one pupil would contribute £10k for that pupil. This graduated fee system replaced a flat charge to schools of £15k per annum, which was thought to have been unfair because some schools make considerably more use than others of the service.

5.33   In other cases, no funding is clawed back from schools if a pupil is transferred to the PRU or accesses external EOTAS provision, as the LA does not wish to penalise schools for referring pupils. Two LAs devolve a significant sum of funding to schools on an annual basis to undertake preventative action, with the objective of retaining more KS4 pupils in mainstream education schools. In one of these cases, schools are required to bid for funding and demonstrate how it will be used. Typically, schools use the funding to develop a more bespoke programme of learning for its pupils around a reduced curriculum.

5.34   Two PRUs receive an annual budget from the LA for the purposes of commissioning external EOTAS provision and have full discretion on how this is spent.

5.35   In the case of alternative provision arranged via ESF funded operations for pupils on the school roll, provision is funded via the ESF project grant with match funding provided by LAs and a contribution from schools. Schools retain their AWPU funding for pupils attending ESF funded alternative provision.

6. Placing a pupil in EOTAS provision

6.1 This chapter considers how a pupil who requires EOTAS is identified and referred to such provision and the subsequent consideration given to the pupils' needs and educational outcomes. The chapter focuses on provision which is arranged and/or commissioned by LAs: consideration is given to provision commissioned by PRUs and schools at Chapters 9 and 10 respectively.

Identification of a pupil who requires EOTAS

6.2 The evidence gathered during the fieldwork found that schools play a significant role in informing LAs of pupils who may require EOTAS provision and were identified as the main referral source by LA, PRU and school interviewees. Other educational professionals such as behaviour and welfare officers were also thought to play a role in bringing to LA's attention pupils who have behavioural issues. Frequently, these pupils will already be on the LA's radar prior to a referral being made to the LA for EOTAS provision, often due to schools informing LAs that the pupils are at risk of exclusion.

6.3 Most LAs reported using a 'graduated response' approach whereby they will work with schools to find solutions to try to maintain pupils in mainstream education prior to their referral for EOTAS. This includes deploying support from behaviour teams, educational psychologists, welfare officers and issuing statements. One such example is set out below.

> Schools within one LA who have identified that a pupil is experiencing difficulties at school are able to access specialist advice and support options via a tiered intervention approach. In the first instance, schools refer pupils who need additional support to a Secondary Additional Support Panel (SASP). This panel considers if the pupil meets the fixed criteria for funding via an ESF project and if so, the school will be advised to make an application directly to the ESF project panel. The project panel considers whether the pupil meets the funding criteria and if places are available, pupils will be accepted and placed with whichever funded provider that best meets their needs. If the original SASP concludes that a pupil would be best placed at the PRU or a training provider then they

> will be further referred onto these admission panels. However, if a pupil is not deemed to meet the criteria for either option, schools may consider other solutions such as reducing pupils' time in education or organising work placements.

Use of referral panels

6.4   All but one LA use referral panels to make a decision about whether EOTAS provision is required for pupils. The nature and number of panels within each LA varies: some are general in nature whilst others focus on specific issues such as ALN or PRUs.

6.5   In all, 11 LAs each used one LA referral panel for all their EOTAS referrals[91]. There is evidence that these referral panels draw on a wide membership including representatives from secondary schools, primary schools, education welfare officers and social services. These panels meet regularly, usually monthly.

6.6   In the remaining authorities where a referral panel is used, the panel has either a wider remit than just EOTAS or the LA administers more than one panel for specific EOTAS provision. For instance, in one authority an inclusion panel will meet to consider PRU referral requests whilst a Youth Access Panel will meet to consider applications for this EOTAS scheme. In another LA, four panels are convened covering PRU, ALN, special schools and complex cases.

6.7   Only one LA was found not to use any referral panels. In this case, requests for EOTAS provision are dealt with during half termly meetings between individual schools and the LA.

Evidence presented to referral panels

6.8   Several LAs reported using a document-based application process for consideration by the referral panel and it was argued that this is a preferred model as it offers a greater degree of transparency to referring bodies than one which involves the input of staff advocating the case on behalf of

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[91] Four of the LAs referred to these panels using names other than referral panel. They were named as Access to Education Panel, Moderation Panel, Clearing Panel and Fair Access Panel.

pupils. In contrast, others prefer to adopt a person-based advocacy approach. One LA, which regards its approach to identifying and referring EOTAS pupils as good practice, reported that its wellbeing and behavioural team work with individual pupils who are likely to be in need of access to EOTAS provision whilst in mainstream school, with the objective of gaining a detailed understanding of pupil needs prior to making a referral to the panel. This approach was also thought to be more timely in responding to pupil needs:

> 'my team brings each case to the panel and they will be well informed about all pupil issues relating to attendance, behaviour, attainment, SEBD and so on' (LA staff).

This approach was thought to work well as there is a focus on addressing pupils' issues in advance of any referral.

Evidence of pupil need

6.9   A number of LAs make use of a formal EOTAS referral form. As set out at Table 6.1 a review of six referral forms made available by LAs to the research team shows that the information required varies. In one case, the main purpose of the referral is to identify which EOTAS provision (from a list) a pupil would benefit from whereas in others, the level of evidence required about the pupil's situation from a range of agencies is asked for. Referral forms, regarded as good practice by LA staff, require supporting evidence from these agencies to make the case that EOTAS provision is required and suitable. They also elicit evidence of actions taken by schools and other agents to maintain pupils in mainstream settings. In one case for instance, schools have to demonstrate they have undertaken School Action Plus, if appropriate, prior to referring a pupil for EOTAS provision.

Table 6.1: Information requested via EOTAS referral forms

	LA1	LA2	LA3[92]	LA4[93]	LA5	LA6
Views from teachers	✓		✓	✓		✓
Academic data	✓		✓	✓	✓	✓
Attendance data	✓		✓		✓	✓
Exclusion data	✓		✓			✓
Views from LA employees	✓*		✓		✓	✓*
Views from health care professionals	✓*		✓	✓	✓	✓*
Views from EOTAS professionals	✓*				✓	✓*
Views of child/family professions	✓*				✓	✓*
Views of parent/carer	✓	✓[94]	✓	✓[95]	✓	✓
Views of child		✓			✓	✓

Source: OB3 Research review of LA EOTAS Referral Forms

* as part of the application, reports from other agencies and reviews can be attached

> In one LA, the transparent application process to the referral panel was considered good practice by LA representatives as its introduction had resulted in more appropriate referrals from schools. In this area the use of a 'request for EOTAS services' form with supporting written guidance provides a clear guide to schools about what they need to have put in place for pupils prior to making a referral to the panel. Its introduction had reduced the number of cases being turned down by the referral panel and returned to schools for School Action support. Now, it is estimated that some three-quarters of the applications considered by the referral panel were accepted. As part of the application, requests must show evidence that (inter alia):
> - an attempt has been made to understand the complexity of factors that may be affecting the pupil's behaviour and emotional responses
> - strategies that have been designed and tried on the basis of an assessment of the pupil's needs

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[92] A single Education Services Inclusion Referral Form is adopted across the county, for which EOTAS provision is one of many services requested using the form. Other services include the TRAC 11-24, pupil referral units and home tuition.

[93] Referral Form for Medical Needs Tuition.

[94] This is a parental consent and medical information form.

[95] Parental or carer consent.

- pupil needs, and the strategies tried, have been reviewed and evaluated and appropriate action taken on the basis of the review
- support from outside agents such as the Behaviour and Learning Team and or Educational Psychology Team has been sought.

6.10 Broadly, it was thought that in areas where there is a clear referral policy, with use of referral forms and referral panels, the referral practices are consistently being applied. Over time and with greater experience, it was reported that schools had become better at adhering to the practices required of them, although it was noted that the quality of evidence provided by schools could vary from one case to the next.

6.11 Referral practices were less consistent in LAs which do not have these elements in place and one consequence of this was thought to be individual schools adopting different 'thresholds' about whether a pupil's behaviour warranted being referred. By way of example, one authority suggested that one school may make a referral based on a single incidence of bad behaviour, whereas another school would only refer a pupil on the basis of persistent bad behaviour and where in-school interventions had been unsuccessful. To address this issue, a number of LAs had checklists for schools to adopt, to ensure they had explored all other possibilities and routes prior to making a request for EOTAS provision. Others reported that a pupil referral would be issued back by the panel to a school where it was clear that all possibilities had not been explored or where there was insufficient information provided on the steps taken by the school prior to referral. A common message voiced by LAs was around the need to develop a standardised (possibly national) 'threshold' to provide greater clarity to schools on when they should be referring pupils for EOTAS.

6.12 There was a consistent view that effective referral practices consisted of using referral panels which are regularly attended by multiagency staff. In particular, LAs stressed the importance of panels being attended by school heads. In terms of good practice identified by the research team, one LA panel was found to include the LA engagement manager, inclusion officer and tuition manager, as well as representatives from the youth offending service, children services, youth service, SNAP Cymru, LAC team, ALN, specialist teaching team and head teachers from four schools. In one LA,

the lack of school representation on the panel is considered a weakness. The downside of using referral panels was thought to be the time and resource intensive nature of the process and the fact that the process could take longer for EOTAS provision to be put into place. In such cases, the use of emergency placements was suggested as being important. Referral panels and referral forms were also thought to put the needs of the pupil at the centre of the process and offer a transparent route for all concerned.

Identifying the needs and educational outcomes of the child

6.13   LAs routinely identify the needs of the child at the same time as deciding about whether EOTAS provision is needed. Pupils' needs usually have been identified by the school prior to referring the pupil for EOTAS, particularly where a graduated response approach has been adopted. In some areas a specific request for a particular EOTAS provision or 'course' for a pupil would be made as part of the referral process.

6.14   In cases where pupils have been referred to PRU provision, a more detailed understanding of pupil needs is gathered during the transition period. PRUs reported that they adopt a pupil centred approach so as to put in place a bespoke package of activities and support based on the pupil's needs and interest. This often includes externally delivered provision. In one case, pupils experience a 'visit' day to the PRU, which includes visiting all external provision available in order to decide upon their package of education.

6.15   LAs argued that the educational outcomes for pupils are also usually identified at the same time as the decision about whether EOTAS provision is required. These will frequently cover attendance, behaviour and well-being outcomes, although the extent to which they cover attainment outcomes vary. Referral panels play an important role in considering the likely educational outcomes for EOTAS pupils and will reflect upon information such as pupil's potential to achieve particular outcomes set out within referral forms. PRUs reported that they regularly receive information from schools about pupils' projections of likely attainment outcomes. LAs who commission external provision noted that educational outcomes and

'targets' are discussed verbally with the provider prior to a placement commencing, although the setting of formal qualification targets will be dependent upon whether the provider offers these.

Placing a pupil with an external EOTAS provider

6.16   Where they exist, referral panels base their decision to place a pupil with an external EOTAS provider on information provided via referral forms and/or evidence provided by the referring lead (usually a school) and other key individuals such as welfare officers. The decision will also be informed by panel members' knowledge of referred pupils. LAs stated that decisions are made in the best interest of the pupil.

7. LAs approach to commissioning external provision

7.1 This chapter considers the approach adopted by LAs when commissioning external provision, including the use of commissioning frameworks or lists and the activities undertaken after commissioning takes place. Whilst not necessarily defined as EOTAS provision by LA representatives, this chapter also considers arrangements adopted by LAs for commissioning external provision via ESF operations where this was raised during interviews.

7.2 It draws primarily upon the findings of the interviews with LAs who commission EOTAS from external providers.

Type of external provision which is commissioned

7.3 The number of external EOTAS providers usually used by LAs varies from one or two to six to eight. Where providers are sourced via regional ESF operations procurement, the number of providers identified on procurement frameworks is higher (e.g. 40 in one LA) due to the need to accommodate a greater number, age range and needs of pupils.

7.4 The most common type of external EOTAS provision commissioned by LAs is vocational provision, delivered by private, third sector and FEIs. Examples include outward bound, sports, farming/agriculture, hairdressing, mechanics, plumbing, childcare, construction, animal care and catering courses as well as extended work placements. In many cases, the provision is similar to provision sourced either directly by schools or via LAs' frameworks for ESF operations, such as Cynnydd and TRAC.

7.5 In two cases, LAs only commission external provision from a limited number of specialist schools outside of their area, on an individual needs basis, for pupils with difficulties who cannot be catered for by provision from within the area. There is relatively little choice available to them and decisions to place pupils at these schools are often determined by the availability of suitable places at any given time. The opportunities are not usually advertised openly. Parental preferences play a key role in the identification of an education setting, provided the chosen special school can accommodate the pupil. Where there is a choice, the cost of provision

is taken into account. In most cases, a relationship with special schools has been in place for a number of years and the assessment of continued suitability of the setting tends to rely on feedback from LA staff who visit schools regularly (e.g. social workers, LAC co-ordinators). In one case, intelligence is gathered and considered within annual reviews of provision and arrangements with any special school who is deemed to be providing unsatisfactory or inappropriate provision is terminated.

7.6   A small number of LAs discussed their approach to commissioning home tuition which is delivered by external providers for pupils who could not attend school on the basis of health or medical reasons. One LA provides one hour's tuition per day to these pupils on either a one-to-one basis or in small groups in venues such as libraries or community centres (although such group-based provision cannot be defined as home tuition). In another LA, where the majority of EOTAS pupils are those with medical and mental health needs and who are unable to attend mainstream schools and for whom attending a PRU would be inappropriate, pupils are accommodated via an online education provider who can offer GCSE numeracy and English qualifications to pupils. In this case, LA staff act as learning mentors to pupils enrolled with the online education provider to monitor and address any issues.

7.7   The main reasons identified by LAs for commissioning external EOTAS provision includes the need to meet the specific needs of pupils, the need to be able to offer varied and appropriate learning opportunities for pupils, the lack of capacity or skills to deliver provision in-house and the view that external providers (including FEIs) are better placed to deliver the provision required. In some cases, where the discussion also considers external provision commissioned via ESF funded operations, the availability of funding is a factor which allows LAs to commission provision.

Use of external provider lists or frameworks

7.8   As shown at Table 7.1, seven LAs have a framework of approved EOTAS providers which has been secured following an open competitive commissioning process, although in two of these cases the framework of

providers was procured via the ESF external provision frameworks. In all cases, LAs had issued an invitation to tender via Sell2Wales and received submissions from prospective providers. LAs undertake an assessment of suitability as part of the tendering requirements. The process usually involves interviews and due diligence checks on prospective providers. In cases where LAs adopt a competitive commissioning process, the number of providers used is greater than for those LAs who do not undertake a similar process.

Table 7.1: LAs who commission external provision and their use of provider lists or frameworks

LAs operating competitively commissioned framework	Caerphilly, Ceredigion, Denbighshire, Newport, Pembrokeshire, Swansea, Vale of Glamorgan
LAs operating non-competitively commissioned framework	Cardiff
LAs operating list of quality assured providers	Wrexham
LAs not operating framework or lists of providers but do commission provision	Blaenau Gwent, Carmarthenshire, Flintshire, Merthyr Tydfil, Powys, Torfaen

Source: OB3 Research fieldwork with LAs

7.9　　Only one LA had developed a commissioning framework of approved EOTAS providers without having undertaken a competitive procurement process. The framework, based upon Estyn's inspection framework, was developed using quality assurance checks for known external providers. This involved providers undertaking a self-assessment exercise to demonstrate how they met the LA requirements and a meeting between the provider and LA to agree upon any areas for improvement. This framework of approved providers is made available to schools to commission provision directly.

7.10   Only one LA had compiled a list of quality-assured EOTAS providers who were active in their area. The list was compiled using local knowledge and a member of the LA team had checked that providers had relevant policies in place.

7.11   The six remaining LAs, who do commission external provision, do not have a formally commissioned framework or list of EOTAS providers in place. These use informal commissioning processes and tend to use a much smaller number of providers, typically those already known to the authority and which have been used for a number of years. In these cases, LAs have negotiated directly with prospective providers on an individual basis to put provision in place.

7.12   LA interviewees identified the advantages of developing an open and competitively sourced framework of approved providers as:

- being able to explore the market for a range of possible providers
- operating in an open and transparent manner
- ensuring compliance with LA procurement procedures
- being able to undertake due diligence checks
- ensuring compliance with legal and statutory duties, and
- securing better value for money.

7.13   One disadvantage was that the process is resource and time intensive. A small number of LAs (including those which had not undertaken competitive procurement for providers) argued that some effective EOTAS providers were being ruled out on the basis of not being able to meet the procurement requirements set by the LA. It was noted that small scale providers were less inclined to respond to formal procurement exercises due to the amount of work involved in preparing written submissions. In a few areas, the introduction of a competitive procurement process had led to a reduction in the number of EOTAS providers being used. In other areas, the number of providers available to the LA were considered to be so low that a formal procurement process would not add value.

Criteria for quality assuring external providers

7.14   The majority of LAs were confident they adopt appropriate criteria for assessing the quality of external providers and the review found that provider policies and processes are considered extensively within this assessment. The fieldwork with LAs revealed that a more formal and robust quality assessment of providers is undertaken by those which adopt a competitive tendering process to identify providers. In these cases, a wide range of assessment criteria are used. The most commonly cited criteria used to assess providers as part of the quality assurance process are provider policies, arrangements for safeguarding learners, arrangements for planning provision to suit individual learners' needs and the ability to accommodate learners who have SEN/ALN.

One LA requires providers to have the following policies and procedures in place as a minimum:
- child protection policy/safeguarding (including safe recruitment/use of ICT/social media/protection of vulnerable adults
- complaints procedures (including learner grievance)
- data protection policy
- equality policy (including Welsh Language Policy)
- sustainability policy
- pupil/learner discipline (including anti-bullying) policy
- quality assurance policy including learner voice
- special educational needs policy
- staff discipline, conduct, capability and grievance policies
- staff recruitment policy.

7.15   Overall, there is less focus on assessing the quality of provision for learners when assessing external providers. Likewise, less focus is given to providers' ability to accommodate learners whose preference is to learn in Welsh, although commissioning documents reviewed by the research team do identify this as a requirement. It was noted that Estyn reports are only used in a very small number of cases where consideration is being given to using registered school providers.

7.16   In cases where there had not been an initial, structured quality assurance assessment (largely due to providers having been used by LAs for a number of years), LAs monitor the suitability of providers on an ongoing basis. Where a provider is also used by other LAs, inclusion or safeguarding managers share intelligence or any concern about providers with other LAs via various network meetings.

7.17   Newer or less mature EOTAS providers are subject to greater scrutiny by LAs.

By way of an example, one LA has developed a checklist so as to assess the suitability of external providers in a consistent manner (and this is used on an ongoing basis to monitor suitability). This spreadsheet explores issues under four themes: outcomes, wellbeing, safeguarding and matching need:

Outcomes
- whether staff understand the literacy and numeracy levels of relevant pupils
- the progress made by pupils and whether they are on track to achieve targets
- arrangements for the setting and monitoring of targets
- arrangements for record keeping
- arrangements for planning special examinations/qualifications
- the qualifications offered to pupils

Wellbeing
- the learning environment
- whether pupils show interest and engage
- relevant pupils' attendance rates
- pupil behaviour
- targets set in Individual Development Plans (IDPs)
- pupil involvement in decision making
- settings' effectiveness in developing life skills
- extra-curricular opportunities available
- transition planning arrangements
- additional professional support
- staffing considerations e.g. understanding of roles, turnover
- arrangements for reporting bullying and harassment
- arrangements for consulting parents/carers

Safeguarding
- the existence of a safeguarding and lone-working policies

> - existence of a designated lead for safeguarding
> - whether DBS checks in place for staff
> - arrangements for informing and training staff re safeguarding and restrictive physical intervention
> - staff awareness of policies and what to do
>
> Matching need
> - the use of IDPs to set targets, plan and deliver provision and monitor progress
> - pupils' ability to access an appropriately broad and balanced curriculum
> - liaison with specialists e.g. SALT
> - physical adaptations to meet pupils' needs.

7.18 When commissioning provision via a competitive process, LAs typically develop a specification outlining the nature of provision required and offering an indication of the 'capacity' required. LA procurement teams play a vital role in overseeing the commissioning process, securing the input of the inclusion team as appropriate. LA specifications typically include information on what LAs expect in terms of pupil-teacher ratio, organisational policies, expected number of learners, disclosure and barring service (DBS) arrangements, insurance, risk assessments, child protection policies and staff disciplinary procedures. Some LAs advertise external provision opportunities on a regular basis (e.g. every two years in the case of one LA).

> In one LA the invitation to tender was split into three 'lots' and parties were invited to bid for one or more. The three lots were focused on:
> - Lot 1 – vocational learning, apprenticeships, construction, motor mechanics, animal care, hair and beauty, business administration, retail, hospitality, customer services, literacy and numeracy
> - Lot 2 – learning and education through physical activity, sports, essential skills, public services, armed forces, literacy and numeracy
> - Lot 3 – environmental learning/horticulture, animal therapies, wellbeing, literacy and numeracy.
>
> In this case the assessment criteria and their respective weighting used to award the contract were identified as:
> - experience of delivering services to young people (10%)

- important issues and factors to be confronted and overcome during the contract lead-in period, including dealing with ad-hoc provision (10%)
- experience of focused work undertaken with a young person according to need (6.6%)
- working in partnership with other agencies, including education services (6.7%)
- adherence of policies and procedures with Wales child protection policies and procedures (6.7%)
- process of assessing suitability and competence of potential staff (4%)
- keeping staff informed and trained on implementation of policies and procedures including change to legislation (2%)
- appropriateness of plans to cover staff during absence (4%)
- arrangements for monitoring and evaluating the quality of service and compliance to contract requirements (5%)
- plans for managing continuous improvement (5%)
- process implemented during a safeguarding issue (20%)
- interview and presentation (20%)

7.19 Whilst not directly a requirement of the study brief, information on the criteria used by some LAs to assess the suitability of external provision sourced via ESF funded operations such as TRAC and Cynnydd was also captured and reviewed. The approach and criteria used appear to be similar and consistent with those used for EOTAS.

7.20 LAs which commission places at FEIs for schemes such as Junior and Youth Apprenticeships tend to do so via block placement contracts for the upcoming year following a negotiation process e.g. one LA commissions an FEI on an annual basis to accommodate some 40 pupils for the following academic year.

7.21 In the case of the one LA, which had developed a list of quality assured external providers in place via a non-competitive approach, it was noted that the assessment of providers considers:

- whether they are registered as an independent school with the Welsh Government

- relevant policies

- safeguarding arrangements

- approach to working with SEBD pupils.

7.22 In LAs which do not have a list or framework of approved providers but do commission external provision, other than specialist schools, it was reported that the LA had agreed to the provision being exempt from adhering to the authority's tendering policy, whereby contracts of provision over a particular value have to be procured competitively. Two of the LAs indicated they are likely to move towards openly tendering such EOTAS opportunities in future years and a third had done so during this research. More informal approaches are adopted to commission placements in other LAs. In one instance, the LA identified providers on the basis of their track record and previous use by the LA. Whilst placements are commissioned on an individual and group basis, no formal contracts are put in place.

Contracting with external EOTAS providers

7.23 Some six LAs have contracts in place with external providers commissioned to deliver EOTAS and four LAs have service level agreements (SLAs) in place. One LA was in the process of drafting SLAs for non-maintained and independent school providers used, in order to address the differences in quality of provision.

7.24 In addition to these, it was also noted by several LAs that ESF funded operations such as Cynnydd had formal contracts or SLAs in place covering external providers.

7.25 Broadly, where the LA places a large number of pupils with a provider, contracts or SLAs tend to cover groups of pupils. This is particularly true for FEI-delivered programmes, where the use of a memorandum of understanding is adopted by two LAs. Where pupil numbers are lower, LAs tend to adopt individual contracts or SLAs.

7.26 In cases where no contract or SLAs are put in place, LAs hold providers to account via regular monitoring arrangements.

7.27   LAs reported that where contracts or SLAs are put in place for individual placements, these are usually in place prior to the placement starting. Their content will follow the tendering requirements, where these have been adopted.

8. Managing and monitoring externally delivered EOTAS provision

8.1 This chapter considers the registration arrangements in place for EOTAS pupils, approaches for re-integrating pupils into mainstream education and steps taken by LAs to monitor and manage externally delivered EOTAS provision.

Registration of EOTAS pupils

8.2 EOTAS pupils can be registered as either sole or dual registered. Where a pupil attends, for example, a PRU on a full-time basis, the pupil will generally be sole registered with the PRU. Where a pupil attends, for example, a PRU and a mainstream school the pupil will be dual registered.

8.3 Dual registration has two sub-categories – main and subsidiary. Main is used for the setting which delivers the majority of a pupil's education and subsidiary is used for the setting where the pupil receives the minority of their education.

8.4 In cases where the mainstream school delivers the majority of a pupil's education, the pupil will be registered as dual main at the school. In such instances, the pupil's achievement at KS4 is included within the school's performance data.

8.5 In contrast, where a pupil is registered as dual subsidiary at a school, the pupil's achievement at KS4 is not included in the school's performance data.

8.6 It was argued that the inclusion of the outcomes for EOTAS pupils negatively impacts upon schools' performance data and there is no incentive for schools to adopt an inclusive approach to supporting EOTAS pupils. It was also suggested by LA and PRU interviewees that this helps explain, in part, the practice of off-rolling EOTAS year 11 pupils as well as changing their school registration status (from main to subsidiary) prior to the implementation of the PLASC census annually.

8.7 Pupils who attend external provision organised and funded by the school are sole registered with their school, since there is currently no category

akin to EOTAS registration for registering pupils who attend provision outside of mainstream education organised by schools.

8.8　　LAs' policies in relation to the registration status of EOTAS pupils are complex and differ from one LA area to another and from one group of pupils to another.

8.9　　Pupils who are referred to the PRU for EOTAS provision are generally dual registered at their mainstream/home school and the PRU. Several LAs who operate PRUs who provide part-time or temporary placements stressed that they operate legally compliant policies which do not allow pupils to be sole registered at the PRU. Dual registration policies were considered by LA representatives to encourage schools to keep in touch with pupils and stay involved in their progress, although in practice it was suggested by some PRUs that schools take very little interest in pupils once they have been referred to them.

8.10　　The fieldwork found that some EOTAS pupils are sole registered at the PRU: these are pupils who access longer-term, full-time provision at the PRU and tend to be year 11 pupils, LAC pupils, permanently excluded pupils or those who have come in from another LA.

8.11　　A few examples were found of EOTAS pupils being sole registered with the LA. One LA reported that pupils accessing one type of external provision would be registered as LA EOTAS pupils whilst another reported that permanently excluded pupils could be sole registered as LA EOTAS.

8.12　　The vast majority of pupils who are registered at mainstream schools and access non-PRU external EOTAS provision are sole registered at their mainstream school. The exception to this is some pupils who are placed in FEI provision, such as a Junior Apprenticeship, and become sole registered at the college. In one LA, it was reported that the practice of pupils being off-rolled during year 11 whilst accessing college-based provision was changing and schools would be required to keep pupils on roll in the future whilst accessing this provision.

8.13   Pupils placed at special schools are generally sole registered at those special schools rather than their previous mainstream settings. There were some exceptions to this e.g. pupils at mainstream schools in one authority who were placed with an independent school on a full-time basis were dual registered.

8.14   A mixed picture emerged for the registration status of pupils who access home tuition because of illness. One LA reported that these pupils remain on the school roll but were aware that other LAs remove year 11 pupils from the school roll before the January PLASC reporting date.

8.15   Several LA interviewees expressed their preference for EOTAS pupils to be dual registered but were nonetheless pragmatic about the difficulties this posed for schools. The main strength of dual registration was considered to be the continued involvement and engagement from the school, so that pupils feel they belong there, which was thought to aid reintegration. LA staff were also aware that enforcing dual registration practice discourages schools from 'off-rolling' year 11 pupils, particularly in the run up to the January PLASC pupil data capturing exercise. Despite this, LAs were mindful that this practice was adopted, and several examples were cited of pupils being off-rolled in January.

8.16   Several LA and PRU interviewees argued that schools are reluctant to retain EOTAS pupils on their roll, as doing so negatively impacts upon their key performance indicators (KPIs), in particular their KS4 performance data. Several LAs recognised this and, in some cases, allow an EOTAS pupil to be sole registered at a PRU, even in cases where a pupil has never attended the PRU. In a few cases where the pupil was sole registered at the PRU, they continue to access some of their core curriculum at their mainstream school. In another, year 11 pupils, who access full-time externally delivered EOTAS provision, become sole registered at the PRU in January, as it was thought that being able to remain on the school register until then allows the pupil to return to their mainstream school setting should the placement fail.

Reintegration of pupils into mainstream education

8.17   In addressing issues relating to reintegration, LA and PRU interviewees mostly focused on those pupils who are placed within PRU provision. In principle, both LA and PRU interviewees expressed their support for EOTAS pupils being re-integrated as soon as possible, adding that this was the LA's overall objective. Some LAs had clearer practices on how this would be achieved, as their PRUs only offer time-limited placements e.g. in one LA pupils attend the PRU for a short six-week intervention, whereas others offer a longer or unlimited duration of provision.

8.18   Broadly, a higher proportion of pupils studying at KS3 or below at PRUs reintegrate into mainstream education, whereas the reintegration of KS4 pupils is less common, if at all. Indeed, there is often an implicit understanding between schools and PRUs (as well as external providers in some cases) that it would be highly unlikely for year 10 and 11 pupils to return to a mainstream school setting, if accessing full time EOTAS provision. Two PRUs had no expectation for KS4 learners to return to mainstream, as they would not stand to benefit from doing so, given that it would be disruptive for their education.

8.19   Several LAs and PRU interviewees recognised where EOTAS provision was proving effective for KS4 pupils, working towards an objective of reintegration back into school was not necessarily in the pupil's interest. The disruption of reintegration could impact negatively upon their educational progress particularly given practical issues such as schools and PRUs studying different elements of the national curriculum. It was also argued that it was futile to attempt to re-integrate a pupil back into education during KS4 where they had disengaged from school education.

8.20   Pupils who maintain some contact with their mainstream school, particularly where they are accessing part-time EOTAS provision and receiving some of their core education at school, were broadly thought to have a greater chance of being re-integrated.

8.21　A small number of LAs recognised that their current approach to re-integrating EOTAS pupils was weak and required improvement. In particular, LAs thought that they would benefit from clearer and more consistent policies for the reintegration of EOTAS pupils. LAs suggested that referral panels could have an important role in helping to re-integrate pupils back into mainstream school by regularly reviewing whether EOTAS provision was still the most suitable provision for the pupil and setting in place consistent practices to support the return of a pupil to mainstream school. Furthermore, it was suggested that school staff could benefit from support and upskilling in order to better prepare for pupils returning to the classroom setting. For instance, it was suggested that school staff would benefit from a pupil handover session, which would include receiving feedback from the EOTAS provider on what works for the pupil concerned and a period where a support worker accompanies the pupil back into mainstream school via a phased approach.

EOTAS pupil data

8.22　Current legislation requires only very limited data to be gathered about young people in EOTAS provision[96]. The data includes basic information such as pupil identifiers, pupil name, gender, date of birth, ethnic group, national identity, national curriculum year group and postcode, as well as information on whether the pupil is eligible for free school meals, has special educational needs, is looked after by the relevant local authority and the type of provision attended. PRUs adopt similar data collection and reporting procedures as required of mainstream schools. Additional data for pupils accessing ESF funded operations are collected by schools as a requirement of EU funding criteria.

8.23　Responsibility for gathering and reporting data for young people placed in external EOTAS provision varies, with schools and LAs, often via the PRU, undertaking this role in different areas depending upon who has commissioned the provision. The fieldwork found instances where LAs

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[96] See The Education (Information About Children in Alternative Provision) (Wales) Regulations 2009.

were unsighted about the data collected by schools about pupils accessing external provision commissioned by schools, as this would not be reported to them.

8.24 Some LAs do not ask schools for additional data in respect of pupils undertaking EOTAS or external education provision or collate this centrally in any way. In one of these cases, the LA recognises that it needs to address the issue in order to improve its monitoring of EOTAS provision.

8.25 In other LAs, additional data to that which would be recorded for reporting into PLASC is requested. Several schools, PRUs and LAs access pupil level data during monitoring meetings with external providers and via progress reports (e.g. half termly or termly progress reports). These tend to cover broad progress being made by the pupil. In one LA, a specific management information system has been established to collect information about pupils on external EOTAS provision. It was acknowledged that this was challenging to maintain, not least due to difficulties getting data from providers who are not registered as independent schools.

8.26 Indeed, not all LAs were satisfied with the quality of data reported to them by external EOTAS providers. One such LA reported that the data were not being provided in the form or frequency required and that they had become more demanding of late about the quality of data provided by providers. Another LA reported that the quality of data from independent schools was poor and suggested that there is scope to increase the demand for better reporting if LAs were to jointly commission services on a block basis.

8.27 Pupil level data are primarily used to monitor the progress being made by pupils. For instance, several PRUs reported that they capture daily attendance data for pupils which they have placed within external EOTAS provision. At a broader level, data are used by LAs to monitor the outcomes being achieved by pupils, to inform next steps for the pupil, to assess the value for money being achieved and to contribute towards strategic planning for the future.

8.28   It was suggested that it may be beneficial for LAs to adopt a more formalised assessment of the soft skills developed by EOTAS pupils, particularly in order to assess whether a pupil is doing better within an EOTAS setting compared to mainstream school.

8.29   In terms of perceived good practice:

- one PRU produces pen-portraits of individual pupils, setting out their start points, their potential goals and progress made to date. These pen-portraits are shared with pupils as well as with the PRU's management committee and have been identified by Estyn as good practice
- one LA has developed a pupil tracking system to gather more detailed information on pupil well-being and attainment whilst in EOTAS provision.

Monitoring the quality of EOTAS provision

8.30   The fieldwork revealed significant differences in the approaches and effort deployed to monitor and manage LA commissioned EOTAS provision. Indeed, several LAs thought they could be more proactively involved in the monitoring of provision, particularly in monitoring the quality of provision and the extent to which it meets learner needs. They also thought they could benefit from a clearer structure to assess the quality of provision.

8.31   In those cases where LAs commission provision from independent schools which provide special education, the authority relies on the terms of the contracts in place together with occasional visits to the providers' premises.

8.32   Some LAs formally review provision delivered by external providers on an annual basis, taking into account sources such as Estyn reports (where appropriate) and performance against contract requirements.

8.33   In terms of good practice, PRUs take a more hands-on approach to monitoring their pupils who access external provision e.g. many monitor attendance on a daily basis and take immediate steps to investigate non-attendance: indeed in most cases there is an expectation that providers will inform the PRU (as well as parents/ guardians) if a pupil fails to turn up as expected. PRUs highlighted that they are well placed to judge the quality and suitability of external provision because a support worker often

accompanies pupils accessing external provision, thereby capturing feedback and identifying issues immediately. PRUs also hold formal termly meetings with providers and more regular informal reviews, which are usually set out within SLAs.

Visits to provider premises

8.34   Where the LA commissions external provision, they reported undertaking visits to provider premises, although the frequency does vary from yearly to termly or half termly visits. Visits are undertaken by a range of officers including safeguarding staff, EOTAS managers and social services. Some LAs do not expect schools to undertake visits to external provider premises where the LA has been responsible for commissioning provision, although there is less clarity about LAs' policy for doing so in cases where schools had commissioned provision themselves.

8.35   In terms of good practice, LA project co-ordinators for ESF-funded projects undertake termly or half termly visits to each external provider and this was thought to work well from their perspective, as it reduces any un-necessary duplicate monitoring visits given that pupils from different schools are placed with the same providers.

8.36   PRUs reported that they visit providers' premises on a regular basis to review provision for individual pupils. Often, this role is undertaken by the teacher in charge of the PRU. These visits are supplemented by feedback from PRU support workers, who accompany pupils to their external placement.

9.   Additional findings from PRU interviews

9.1   This chapter sets out the additional key findings from the interviews undertaken with PRU representatives. It firstly sets out an overview of the educational provision delivered by PRUs and how pupils are referred to PRUs, before exploring the role of PRUs in externally commissioned EOTAS provision.

9.2   It draws on the findings from interviews undertaken with staff in a total of 12 PRUs, usually the teacher in charge, covering 13 LA areas.

PRU provision

9.3   The nature, profile and educational provision provided by PRUs varies from one LA to another. Some PRUs offer provision for pupils across KS2, KS3 and KS4 whilst others focus on KS3 and KS4, or only KS2 and KS4.

9.4   Some PRUs offer full-time education to pupils, although in some cases full-time education is limited to KS4 pupils. In other cases, provision is made available to pupils on a part-time basis, including where pupils access their remaining education at school.

9.5   The duration of a pupil placement at the PRU varies. Some offer a 'turnaround' service which entails placing pupils at the PRU for periods of six weeks and, in some cases, a follow-on six-week period during which pupils share their time between the PRU and school. Others offer longer term placements, with no specific limits in place.

9.6   Most PRUs operate from more than one site within a LA area as part of a single PRU portfolio, although at one, changes were underway to consolidate provision at a single site. Multisite PRUs are able to accommodate pupils with different needs and/or different ages e.g. in one LA the PRU is split across sites which accommodate pupils with Social, Emotional and Mental Health (SEMH) issues and another for pupils with SEBD needs.

EOTAS pupil referrals

9.7   The fieldwork with PRUs reinforced referral practices identified by LA interviewees in that pupils in need of EOTAS provision are mainly identified

by schools, with the use of referral panels frequently cited as being the conduit for decision making as to whether a pupil should be placed at the PRU. The teacher in charge of PRUs will often be represented on the referral panel. No examples of direct referrals from schools to PRUs were identified, although one PRU did note that whilst they might get direct requests from schools these are referred back to the referral panel in order to secure a placement.

9.8   It was frequently noted that parents are consulted and must provide consent for their child to be referred by the school to the PRU via referral panels. Several PRU representatives also highlighted the importance of a graduated response within the school setting prior to a referral to the EOTAS (or equivalent) panel being made and were aware, in some areas, of the lack of a referral threshold for schools to comply with. In one case, this threshold had been recently set at a high level: as demand for places at the SEBD PRU facility was high, schools had been informed not to refer disengaged or school phobic pupils who were not permanently excluded to the referral panel for consideration. In this case, demand for SEBD placements had increased three-fold over the previous year and as such the PRU can now only accept pupils who have been excluded from mainstream schools. In this LA, it is expected that schools deal with the issues faced by other pupils directly, by commissioning external, bespoke provision as appropriate, as the LA does not commission any external EOTAS provision itself.

9.9   Broadly, PRUs thought that the needs and educational outcomes of the referred pupil was central to the identification and referral process, although the extent to which the detailed needs are communicated to the PRU vary. Several observed that pupil information would be set out within the EOTAS referral form and this would typically include information and relative success of the approaches attempted by schools to meet pupils' needs.

9.10   Some PRUs thought the data and information supplied for pupils being referred to them is inconsistent and, as such, PRUs commonly undertake their own assessment in order to identify pupil needs and establish their baseline position. It was, however, accepted that it might be challenging for

schools to provide a thorough analysis of pupil needs as pupil's attendance at school could often be erratic in the lead up to referral.

9.11 A variety of approaches are used by PRUs to assess pupil needs including the Vulnerability Assessment Profile (VAP), GL assessment tool[97], Classroom Assessment Techniques (CAT), dyslexia screening, Boxal Profile[98] and the Thrive approach[99]. These assessments, together with inputs from other professionals such as educational psychologists, are used to develop individual development plans for pupils. These plans set out the educational outcomes expected for each pupil. One PRU reported that they meet with pupils, parents and school representatives at the home school to discuss pupils' interests and needs as part of this process.

PRU's role in commissioning external EOTAS provision

9.12 The fieldwork found that of the 12 PRUs interviewed, five commission and fund their own external provision. In some cases, it was difficult for interviewees to separate the roles undertaken by the LA and the PRU in terms of commissioning provision, not least as some staff had a dual role i.e. the LA head of EOTAS provision and the PRU teacher in charge.

9.13 In one case, the PRU commissions external provision using providers selected via the LA EOTAS tendering framework. In another, the PRU commissions provision from providers used by the LA, where providers have been used historically and are, therefore, known to the PRU and the LA. In another, the PRU has used local knowledge to compile a directory of 14 EOTAS providers who are active within the county. In this case, it was reported that the PRU undertook quality assurance reviews of providers to check they have appropriate policies in place. These reviews consider whether providers are registered as independent schools (if required) with the Welsh Government, safeguarding arrangements and providers' approach to working with SEBD young pupils. The list of providers has also been shared with schools which commission provision.

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[97] See GL Assessment
[98] See Boxall Profile
[99] See Thrive

9.14   In the remaining areas, the commissioning arrangements are more informal in nature with quality control being undertaken on an ongoing basis, rather than being done in advance. For instance, one PRU, in the absence of a LA commissioning framework, uses either previous providers who have provided high quality provision or ones which they have come to hear of via word of mouth. In these cases, the PRU undertakes its own quality control checks.

9.15   The fieldwork did not find any instance of any PRUs openly advertising EOTAS provision (other than in the case of one, where this had been undertaken by the LA) or making arrangements to develop commissioning frameworks on a more formal basis.

9.16   In several cases, where PRUs identify the need for external EOTAS provision (accepting that in many cases this will have been considered as part of the referral), the PRU commissions the placement without this being referred back to the referral panel for approval. However, in others, particularly where PRUs work with pupils long term and do not commission provision themselves, pupils are referred back to the referral panel to re-assess their need for additional external provision.

9.17   The main advantages of PRUs being able to commission external provision directly include sourcing a placement quickly and providing access to vocational experiences for pupils which PRUs are unable to provide, due to the lack of appropriate facilities. One disadvantage is the additional work and responsibility involved for the PRU to oversee quality assurance. Another disadvantage is that some pupils (particularly those with emotional issues) struggle to cope at these settings. A further disadvantage is that schools send pupils to the same EOTAS providers as PRUs, so that children who have had past issues with each other are now finding themselves attending the same external provision.

9.18   Six interviewed PRUs do not commission any external provision directly[100], although pupils attending the PRU in some of these LAs do access external provision either commissioned by the LA, which would include special

[100] Although feedback from external providers contradicts this finding.

school provision and vocational provision delivered by FEIs, or via ESF operations since pupils remain registered with the school. In some cases, pupils arrive at the PRU already in receipt of externally delivered ESF funded provision and this is usually maintained post referral.

9.19 The final PRU reported that pupils do not access external EOTAS provision as the provision has not been commissioned as such. Rather, external tutors, either from the Cynnydd project or via other provision, deliver courses within the usual timetable on site. In this case, the quality of teaching and delivery offered by external providers is monitored via the PRU's internal practices.

Access to externally delivered provision within PRUs

9.20 It is fairly common for PRU pupils to access a mix of PRU-led and externally-led provision, although the extent to which they do so varies from one area to another. One PRU reported that around 40 of its pupils access vocational off-site EOTAS provision, in another it was noted that external provision is only used on an exceptional rather than regular basis and in another it is only made available to SEBD pupils.

9.21 SEBD pupils at PRUs access more external provision than SEMH pupils, on the basis that PRUs experience shows that SEMH pupils are better suited to an academic education. It was also reported that the majority of pupils accessing external provision are secondary aged pupils. Only one exception was reported of KS2 pupils in one county accessing equine therapy provision.

9.22 PRU pupils mostly access external provision which is vocational in nature, including provision delivered by FEIs and LA youth services. One example was cited of a PRU which had commissioned a hair and beauty provider to deliver provision at their institution.

9.23 Two PRU representatives observed that provision delivered by FEIs is often unsuitable for its pupils in that it is 'a bridge too far' for them. It was argued that FEIs are not in a position to offer PRU pupils a suitable learning environment, as they are unable to provide the additional pastoral support pupils require.

9.24 The nature of provision accessed by PRU pupils includes motorcycle mechanics, hair and beauty, equine therapy, animal care, mechanics, welding and military preparation. PRU pupils typically access part-time external provision ranging from half a day to two days a week.

9.25 PRUs take a bespoke approach to putting external provision in place for their pupils. This involves working with pupils to gather their ideas and interests and offering taster sessions with external providers. It was argued that simply 'doing more English with them won't work' and that external provision offers a new approach for reengaging SEBD young people. External provision is considered a valuable means of engaging, redirecting and developing young people who would otherwise leave school with no outcomes or skills. However, there was some evidence from PRUs that the availability of external provision has contracted lately and that it is becoming increasingly difficult to create bespoke learning programmes for pupils.

Monitoring external provision

9.26 PRUs take a very hands-on role to monitor externally commissioned provision for their pupils, be that provision arranged by themselves or by the LA. This includes daily attendance monitoring and actively chasing non-attenders. In some cases where the LA has commissioned provision, the PRU takes responsibility for monitoring provision accessed by its pupils. This is aided by the fact that pupils are supported on placement by a PRU support worker.

9.27 PRUs reported holding regular half termly review meetings with external providers to discuss individual pupil cases as well as broader issues.

9.28 A few examples were provided whereby PRUs and external providers use SLAs. In one case the SLA covers matters such as safeguarding requirements, SEN needs, risk assessment and reporting requirements around literacy and attendance. Another example of an SLA between a PRU and an external provider is set out below.

Clauses contained within one SLA between a PRU and external provider cover:

- the obligation to 'provide young people with a structured programme of learning and an opportunity to attain an accredited outcome or nationally recognised qualification'
- the requirement to adhere to the LA's safeguarding and data protection procedures
- developing awareness of child sexual exploitation and the Prevent agenda[101]
- documentation to be maintained e.g.:
  - DBS checks
  - public liability insurance
  - risk assessments
  - health and safety/first aid/accident reporting arrangements
  - course/provision outlines
  - learning outcomes
  - accreditation bodies
  - attendance records
  - placement reports
  - transport
- service hours
- policies relating to welfare, safety and safeguarding
- policies relating to monitoring of pupil attendance, learning experience and progress
- pricing arrangements
- risk management arrangements/policies
- dispute resolution

The SLA does not set out in detail the kinds of services to be delivered or activities pupils will undertake, but there is scope to add some detail about the contracting organisation and its services to the document.

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[101] The Prevent Agenda is a UK-wide strategy that aims to stop people becoming terrorists or supporting terrorism.

10. External provision funded by schools

10.1   This chapter considers the extent to which schools commission external provision. It explores LA policies and approaches to the practice of schools commissioning provision and draws in particular upon the feedback gathered from 12 school representatives.

Profile of interviewed schools

10.2   The 12 schools who contributed to the research are located across 10 LA areas. In all, 11 are secondary schools and one is a special school which caters for pupils aged 3-16, who find it difficult to cope in mainstream education. Whilst a designated special school, the setting operates in a similar manner to a PRU.

External provision commissioned by schools

10.3   Of the 12 schools, nine said they commission external provision directly. In one of these cases the school found itself funding home tuition provision for pupils 'by accident' as they were initially under the impression that the LA would fund the provision. Schools had attempted to meet the needs of pupils within the school prior to referring them externally.

10.4   One school is only involved in LA commissioned external EOTAS provision and the remaining two schools (both within the same county) are not involved in any LA externally commissioned EOTAS provision - the only external provision accessed by these pupils is via the 14-19 framework, PRU provision and an ESF-funded operation.

10.5   In one of the cases, where the school commissions external provision, a collaborative approach is adopted across four schools.

A collaborative approach between four secondary schools from two LA areas is in place to support a small number of year 11 pupils from each setting (four from each) on a full-time basis. Three of the schools take responsibility for delivering vocational provision such as hair and beauty and construction over the course of three days a week, whilst an external provider is contracted to deliver academic provision for the remaining two days per week, including Maths and English GCSE provision. Pupils access the school-delivered vocational provision at the respective 'host'

school whilst the academic provision is provided at an independent venue. Pupils are given a new, different uniform, paid for by their school. Pupils are collected by minibus from their home school daily. FSM pupils receive a packed lunch from their home school and all pupils receive a free breakfast on arrival at the provision.

Pupils are referred to this provision by schools via LA referral panels on the basis that LA funded EOTAS provision, such as PRU provision, is deemed unsuitable. Pupils who are most likely to benefit from the provision are vulnerable pupils who are unable to maintain their mainstream placement due to mental health issues, social and emotional issues or family circumstances as opposed to behavioural issues. The provision is considered effective in maintaining pupils' links with their home schools as it allows pupils to continue to access pastoral support from schools. It is also considered a cost-effective solution, at a cost of £4,000 per pupil per annum (which includes external and school teaching costs). On the basis that LAs have allowed schools to dual register pupils at their PRUs for PLASC reporting purposes (given that the PRU is the main setting and the school the subsidiary setting), the outcomes do not therefore negatively impact upon schools' KS4 data.

10.6   External provision commissioned by schools is typically funded from school budgets, although no school sets a specific budget for this provision.

10.7   The nature of external provision commissioned by schools varies and includes vocational provision e.g. military preparation, college-based BTEC provision, as well as specialist tuition accessed by pupils at home or at centres. The number of pupils at each interviewed school accessing directly commissioned provision varies from a low of one or two, to 30 pupils each at two schools. It was commonly reported that pupils access external provision for up to two days a week, other than home tuition provision which amounts to around five hours per week.

10.8   In some cases, external provision is commissioned to complement additional on-site or off-site school provision made available for pupils to provide a holistic package of intervention. For instance, in one school, the same cohort of pupils can access academic subjects at an off-site school-led centre as well as courses delivered by external providers. At another

school, pupils access both external provision as well as support from an additional needs centre based within the school.

10.9 Schools commission external provision for a number of reasons. In two cases, the LA delegates funding to schools to commission external provision directly rather than do so centrally. In other cases, LA funded EOTAS provision was deemed insufficient to meet pupil demand whilst others noted that LA funded EOTAS provision did not meet the needs of some pupils, particularly where it is confined primarily to PRU provision. Some schools also commission provision for those pupils who are ineligible to access ESF funded operations support (often due to low attendance) but stood to benefit from such intervention.

10.10 Schools noted that the main advantage of directly commissioning external provision is to offer a greater variety and better suited provision to pupils who find it difficult to continue with a traditional curriculum. The main disadvantages relate to the challenges associated with quality assuring and monitoring external provision; as well as the cost of provision. (Home tuition provision, for example is expensive.) Schools are also concerned about having to pay for placements which are not used due to non–attendance.

10.11 Schools reported that head teachers and/or inclusion officers typically take responsibility for identifying pupils who may require external provision. It was also commonly reported that pupils and parents/carers are highly involved in the discussion about selecting and agreeing upon the most appropriate route for the pupil. Most schools who commission provision directly do not involve the LA (or the referral panel) in the process. Schools stressed that provision commissioned by themselves is highly tailored to meet the needs of pupils.

10.12 Schools' approach to commissioning provision from external providers is mostly informal, in that there is high reliance on word of mouth and using reputable providers who are trusted and previously used by schools. Several schools reported that they undertake basic checks on providers at the outset whilst a couple had more rigorous processes, which involve using a checklist to assess provider policies and practices. Schools also

frequently reported that arrangements for pupil placements are made verbally or by email and in this respect, it was widely recognised by schools that their commissioning processes could be improved.

10.13   Four schools (across three LA areas) use external providers who are on the LA's approved provider list. In these cases, the LA had undertaken quality assurance assessments of providers prior to them being included on the approved list.

10.14   The use of contracts or SLAs between schools and external providers is limited. Four schools reported that they have a generic contract in place with the provider outlining broad arrangements and reporting requirements whilst three schools have individual agreements in place for each pupil at the outset of their placement with an external provider.

10.15   Following appointment, schools expect to receive half termly or termly reports from providers. Schools also commonly observed they receive end-of-placement reports for each pupil. Most schools visit provider premises on a regular basis (half termly or termly) to check how pupils are getting on and to meet with provider staff to review provision. However, schools tend not to use any formal monitoring procedures (e.g. checklists) to monitor provision or review progress.

10.16   Pupils who are placed with external providers via school commissioned provision typically remain on school rolls. These pupils are also registered with the external provider, where the provider is registered as an independent school with Welsh Government. Feedback from interviewed schools suggest there is currently a lack of clarity about how the attendance of pupils accessing external provision should be coded by the school. That is, in cases where a pupil is dual registered, schools are uncertain whether they should be the 'main' or 'subsidiary' setting of education. Schools would welcome greater clarity around pupil registration and how to code the attendance for pupils accessing external provision.

LA policy on schools commissioning external provision

10.17   The majority of LAs were aware of schools within their area which commissioned external education provision, although in several of these cases the provision was sourced via ESF operations such as Cynnydd and TRAC. Five LAs were confident their schools did not commission provision from external providers, although in two of these cases feedback from external providers suggested that schools did, in fact, commission them to deliver such provision. In one case, an external provider reported being commissioned by four schools from within the same LA area to deliver vocational courses. In the other, provision was very much a one-off arrangement for a handful of year 11 pupils at one school. In one LA area, where the LA was unsure whether schools commissioned provision, feedback from an external provider suggested that schools 'unofficially piggy back' onto an ESF framework and approach providers directly to commission provision for pupils who are ineligible for the project.

10.18   Only one LA has a written policy on schools commissioning provision from external providers. This LA has a memorandum of understanding in place which schools can adopt. In this case, should a group of schools wish to commission provision on a joint basis then it is expected that they adopt the LA's procurement approach. Another LA expects schools which are commissioning external education provision to use the LA's list of approved providers. In this authority, the commissioning of provision by schools is overseen and monitored by learning coaches, who have been trained in the use of the LA's quality assurance tools and the development of IDPs for pupils. Learning coaches are coordinated by the authority's NEETs coordinator and this provides a feedback mechanism for hearing about any issues with providers.

10.19   Four LAs do not agree with the practice of schools directly commissioning provision from external providers and some of these routinely request assurances from schools that they adhere to this policy.

10.20   The situation was unclear across the remaining LAs in that either they did not know, or different staff expressed conflicting views. It may be the case that the lack of clarity is due to uncertainty as to whether the provision

commissioned by schools amounts to EOTAS or external provision arranged either as part of ESF-funded operation arrangements or arranged independently by the school.

10.21 Several LA interviewees thought that very little direct commissioning was undertaken in practice, given that schools have access to external provision as part of ESF-funded operations such as Cynnydd, Inspire to Achieve and TRAC, which deliver provision similar to EOTAS and external provision, can support a fairly large number of students at each school. One such LA interviewee questioned 'why would they, as Cynnydd pays for it?'

10.22 Many LAs reported that schools had very little funding at their disposal to commission external provision directly and that placements which are being commissioned by one or two schools are exceptionally small in number and restricted to specialist provisions such as military preparation training, for instance. Indeed, there was a fairly consistent view from across LAs, PRUs and schools that schools would only opt to commission provision as a last resort, where options to take up LA funded and arranged provision are not available (or are fully subscribed).

10.23 Some LAs are not involved in the commissioning or monitoring of placements commissioned by schools and took the view that schools are well placed to identify and support the needs of those pupils placed with external providers themselves. Others are involved in a variety of ways. For instance:

- one LA offers advice on commissioning and tendering school led commissions, if requested by the school
- another contributed, as part of an executive group, to the establishment of a Junior Apprenticeship programme which was being commissioned from an FEI on a joint basis by secondary schools from within their area. This LA also contributes to the executive group's remit of overseeing the application process: in this case schools issue applications on behalf of their pupils to secure one of the 50 placements available on the programme for the forthcoming academic year. In addition, the LA also supports the FEI with staff training on how to deal with SEBD issues

- four LAs gather information and/or audit school led commissioning to map out what is being commissioned by schools and from whom. For instance, one conducts an audit on a periodic basis to assess whether schools undertake the necessary checks on providers and establish that learners are gaining appropriate qualifications. In another, the most recent audit found that schools only commissioned one provider and only a 'handful of pupils' accessed this.

10.24   LAs argued that the advantages of allowing schools to directly commission external education provision included schools being well placed to find solutions which met pupils' needs, the process can be quick and is also cost effective for the LA. The main disadvantage was thought to be that the LA was not involved in the assessment of provider suitability and monitoring of provision. PRUs suggested that schools commission external provision because it allows them to tailor provision around a pupil's core school timetable and enables them to access short term provision, such as mental health related provision, with the intention that pupils can reintegrate easily. Other PRUs questioned the rationale for schools doing so directly, rather than adhering to LA processes which include referral to the referral panel.

LA and PRUs' views on the schools' monitoring of external provision

10.25   The kind of external education provision commissioned by schools were thought by LAs and PRUs to include vocational courses, including provision made available via FEIs such as Junior Apprenticeship provision. Several LAs referred to the use of military preparation courses. A few examples were cited of using one-to-one provision, for instance to support the provision of maths/English on a one-to-one basis to pupils who had become disengaged or were considered to be vulnerable.

10.26   Very little evidence was captured from LAs and PRUs about the contractual and monitoring arrangements put in place by schools for any external provision commissioned. Indeed, several LAs were unsighted about this and one authority didn't think that schools undertook any monitoring visits for pupils placed on the FE's Junior Apprenticeship programme.

11. External EOTAS provider feedback

11.1 This chapter explores the experiences of external EOTAS providers on the commissioning and monitoring arrangements adopted by LAs and, where relevant, schools and PRUs. It draws upon feedback from seventeen providers.

Profile of external EOTAS providers

11.2 The profile of providers interviewed varied widely in terms of size and structure. Several providers were charities or charitable trusts, whilst others were set up as not-for-profit or community interest companies. Two were FEIs and three were training companies. Those who were required to register with the Welsh Government as independent schools, had also set themselves up as such. There was also one special school run by the LA included in the interviewed cohort.

11.3 In terms of capacity, external providers vary from those who offer between one to three hours a week per pupil to those who offer full-time provision. The number of pupils which they can accommodate also varies. For example, last year one provider delivered placements for just eight EOTAS pupils whilst on the other end of the scale, another had provided placements to over 200 pupils over the year. Several EOTAS providers cap their daily capacity for EOTAS pupils – for example, one provider is able to accommodate up to 12 pupils across three classrooms daily, whilst another is able to take a maximum of eight in any one group, working with them for up to half a day a week for 20 weeks.

11.4 The type of provision offered by those interviewed also differs and includes one-to-one tuition, home tuition, group tuition, workshops at community centres, traineeships, apprenticeships and vocational courses. Only two providers offer any provision for the Foundation Phase and KS2, whilst the others predominantly offer provision for specific age groups within KS3 or/and KS4.

11.5 15 of the interviewed EOTAS providers had been commissioned directly by the LA, nine had been commissioned directly by schools and eight mentioned that they received direct commissions from PRUs.

11.6   Seven of the EOTAS providers interviewed work solely within one LA, five work across two to three LAs and the remaining five work across four to six LAs in Wales.

Interpreting EOTAS provision

11.7   A wide range of responses were provided to the question of how EOTAS is defined. Several external providers typically described EOTAS provision as 'alternative education' or 'alternative provision' for those who cannot manage mainstream school education for various reasons such as health reasons, behaviour challenges, mental health issues. Other providers had slightly different or more specific interpretations of EOTAS including:

> 'we've always thought of ourselves as a provider who can accommodate the needs of pupils with behavioural and mental health issues. So we sit between the PRU and mainstream'

> 'those pupils not on roll at a school or PRU'

> 'young people who have fallen out of education and go somewhere else'

> 'provision that is alternative to the mainstream for pupils that need a more practical approach to learning'

> (all four quotes were offered by external EOTAS providers).

11.8   Perhaps the following two descriptors best demonstrate how interpretations vary, and how 'alternative provision' commissioned by schools can muddy the water when it comes to defining EOTAS:

> 'alternative educational provision which is not at mainstream school'

> 'alternative provision for pupils that attend mainstream school' (external EOTAS providers).

11.9   External EOTAS providers did not limit the definition of EOTAS to provision only funded by LAs. Two of the providers who work across several different LAs both commented on how each LA views and interprets EOTAS needs differently.

11.10 A few EOTAS providers also mentioned that either they did not use the definition, or it was unfamiliar to them. In these instances, terms such as 'NEET', 'hard to reach' or 'disengaged' were more familiar.

Advantages and disadvantages of EOTAS provision

11.11 The perceived advantages of commissioning external EOTAS provision cited by providers included the fact that the provision offers:

- a reliable, specialist service from highly trained and experienced individuals that would be unsustainable for schools to provide

- a 'flexible', 'bespoke' or 'tailored' approach

- a change of environment for pupils

- smaller group sizes to ensure enough time is invested in often 'invisible' young people

- access a wider spectrum of opportunities, including more practical based provision which is more suited to certain pupils.

11.12 The main disadvantage, mentioned by several providers, was simply described as 'cost'. Other disadvantages include a view that accessing external provision can sometimes make it harder to find a path back to mainstream. One provider, with experience of working with several LAs described how full-time placements with external providers would be better in terms of monitoring and quality assurance, as part-time provision often lacks continuity and creates more issues in terms of who is accountable for learners' progress and outcomes. Other perceived disadvantages, which were thought to put providers at a disadvantage, were thought to include members of commissioning panels lacking an understanding of the offer and the lack of transparency about the criteria being used to award contracts.

11.13 EOTAS providers had several reasons for entering this type of provision. Many had long-standing links with the LA over several years and had developed provision over time. Several of the individuals interviewed had themselves worked for a LA as head teachers, heads of PRUs or other support staff and, therefore, have strong networks and contacts with LA

staff involved in commissioning EOTAS provision. Other providers stated they adapted existing training provision or heard of the opportunities to provide EOTAS provision via word of mouth.

Referral process and expectations for outcomes

11.14　The referral process seems to differ according to who makes the referral. EOTAS external providers who receive referrals directly from LAs all noted they come directly from the referral panel, usually via a referral form providing some background details about the pupil. Referrals from PRUs and schools tend to be more informal, initially via a short telephone call or email from a PRU manager or SENCo at a school but vary in approach thereafter.

11.15　One provider described how the schools they deal with receive a quota of pupils they can refer to the provision. Schools are expected to complete an application form for each pupil they wish to refer, and a panel at the LA meet to consider these. Another provider mentioned that pupils are pre-identified by the school, and the provider then approached for placement. The provider then requests details for each pupil using their own referral form. Similarly, another provider that receives referrals from the LA, PRU and schools in their area requests information via their own referral form so that they have consistency in the information received about all pupils. A provider receiving referrals from a PRU in its locality receives an initial phone call from the manager, followed up by a visit by PRU staff and the young person 'to have a look around and chat'.

11.16　External EOTAS providers had different experiences of the process in place at the outset for identifying the educational outcomes for a child.

11.17　EOTAS external providers consistently mentioned that the information they receive from commissioners, particularly if directly from schools, is somewhat mixed. Some providers receive detailed information and data about a child's educational needs and abilities during referral or admission. For example, one provider described how they hear about the needs of the pupils right from the beginning of the referral process with detailed information provided and outcomes negotiated from the outset, yet with

flexibility built-in as the needs of the child changes or are identified during review meetings.

11.18   However, other providers gave evidence to the contrary and suggested that the information they receive is less than robust and not sufficient for them to identify and plan provision for the needs of the child. One provider described how they refuse to accept block commissioning or 'blank' placements as they are keen to ensure that their provision is suitable for the child in question. Another described how the information about a child is sometimes incomplete and minimal and believed that this was a tactical decision by the LA or school in order to encourage the provider to accept the referral.

11.19   One provider felt that the schools they deal with do not identify the needs of the child very well and that pupils are being referred to them simply because the PRU in their area was full, even though pupils had greater and more severe needs than their provision was designed to deal with. They described how they:

> 'get a lot of pupils with substance misuse, they self-harm and have profound needs…we don't feel equipped to deal with them. I had one threaten to stab a member of staff recently. We're not geared up to handle these issues' (Independent school).

This provider felt that schools should give more consideration to individual pupil needs rather than commission block provision and noted that a recent Estyn inspection had also highlighted the need to improve the quality of information received from schools about learner needs and outcomes.

11.20   Another provider was of the view that the amount of budget available by the LA or school had a bearing upon the provision allocated to pupils. Despite this, the same provider, working across several LAs, described how one LA in particular was 'seamless and really look at the individual needs of the child, and go over their budget annually as a result'.

11.21   Several of the providers noted that they assess the pupil themselves to identify educational outcomes and emotional wellbeing needs. Various approaches to this were outlined including meeting with the school prior to

admitting a child to their provision to find out more about potential pupils' outcomes before offering a range of qualifications including:

- developing their own pen pictures
- undertaking their own assessment to get 'a more accurate and comprehensive picture'
- developing a personal plan in collaboration with the school, pupil and parent
- conducting an initial assessment to get a baseline
- undertaking a BKSB[102] or Boxall profiling assessment
- undertaking a risk assessment and preparing a plan for the particular pupil's needs
- asking the referrer to fill in a form which outlines the challenges and required outcomes for the pupil
- using the initial week as a trial to give instructors time to get to know pupils, feedback to them how they feel they can meet their needs and plan a bespoke package
- following an induction programme to assess the pupil and get a baseline picture…around literacy, numeracy and wellbeing'.

External provider commissioning and monitoring processes

11.22　Providers reported that LAs had diverse commissioning and monitoring processes. Those providers delivering provision within LAs which had approved supplier lists in place described how they had tendered or submitted a bid to be on that list and were audited regularly. These external providers also had to demonstrate they had the necessary policies and procedures in place to fulfil detailed safeguarding, health and safety and registration requirements outlined by the LA.

11.23　However, several other external providers had no contract in place with their LA commissioners and therefore placements for EOTAS pupils were usually via an SLA for each pupil as 'spot purchases' or for a quota of EOTAS pupils. Generally, EOTAS providers would welcome a more formal

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[102] See BKSB Homepage

contract, as it would offer greater security and help plan provision for upcoming years. All these external providers were confident they had the necessary policies and procedures in place to provide EOTAS provision nonetheless, and these were generally covered by the SLA. However, a few providers described how no real checks had been done by the LA or PRU/school and that the process of commissioning 'feels very informal and un-bureaucratic'.

11.24 When commissioned directly by schools (and in two examples with PRUs) almost all external providers mentioned that this was via SLAs either to cover 'block contracts' or a rolling programme for a number of pupils or SLAs were drafted per individual pupil.

11.25 Three providers mentioned how their inclusion as approved provider on Cynnydd or TRAC allowed for schools to be safe in the knowledge they had all the necessary checks and assessment of service in place to be contracted to provide EOTAS provision.

11.26 Following their commissioning, external providers described the various activities and monitoring processes in place thereafter. In general, those external providers who were on approved lists for the LA described robust monitoring processes which required detailed and regular updates on attendance, behaviour and achievement. They described regular meetings with the LA (at least half termly) with visits and spot-checks also part of the monitoring arrangements.

11.27 All external providers collect and share data with their commissioner (LA, PRU or school) on attendance, and most also do the same regarding data on behaviour and achievements. However, their experiences vary in terms of the robustness of the monitoring processes in place.

11.28 For those commissioned directly by LAs, there was generally an expectation for written reports to be provided to include data on engagement, attendance, behaviour and progress. LA commissioners also tend to undertake regular monitoring visits (although there were one or two exceptions):

'we don't really hear from the local authority until there is either an Estyn inspection or at the end of the year. The only data we are required to collect is attendance…I don't think the local authority really looks at the quality of the teaching' (External EOTAS provider).

11.29 External providers who were themselves registered schools have more robust monitoring arrangements in place, irrespective of who commissions their provision. For example, one provider has an annual quality improvement plan and a quality assurance framework in place, so they are able to fully respond to any monitoring requirements from LAs.

11.30 The monitoring arrangements adopted by schools are much less rigorous and whilst external providers do tend to collect data on pupils, this is not a specific requirement placed upon them. According to providers, approaches to monitoring visits varies across schools – some external providers described how they tend to receive at least a termly or half termly visit, whilst others did not meet regularly with school representatives at all. One provider described how they invited their commissioning schools for half termly meetings to look at learner outcomes but 'school interest will vary…some don't want to know and others maintain an interest and come to the meetings' (Independent school).

Registration and reintegration plans

11.31 Very few external providers reported having pupils registered at their establishment, simply because most are not registered schools. Most pupils placed with providers remain sole registered at their school or/and PRU.

11.32 Two providers stated that they did not know what the registration status of their EOTAS pupils were as they did not get involved with it.

11.33 Those external providers who were also FEIs or independent schools highlighted interesting experiences or anomalies of registration including:

- a dual registration between the school and the provider (which is also a registered school)
- a situation where pupils 'remain on the school roll until Christmas then transfer over' to the FEI.

11.34   One registered school that receives pupils from several LAs regarded registration as a 'huge issue' for them that was both confusing and frustrating due to the different policies and practices in place at various LAs. As a result, they have some pupils on their training courses who remain on the school register, others that are dual registered (at the school and at the provider) and others registered solely with the provider. Maintaining responsibility for registration was preferred as this makes it easier for the provider in terms of safeguarding, tracking and monitoring pupil progress.

11.35   A more mixed response was received in terms of reintegration planning. Most external providers mentioned how they do not have any plans in place in terms of reintegration – either because they deal mainly with KS4 pupils where reintegration aims 'would be irresponsible' given that pupils were working towards particular outcomes and pupils had 'settled in' or the providers did not know what the plans were, as it wasn't deemed to be part of their contractual responsibilities.

11.36   Those external providers who deliver mostly school commissioned external provision or part-time EOTAS provision were more likely to describe how reintegration was part of their remit, with reintegration planning built into their SLA, or a strong aim for reintegration with certain cohorts of EOTAS pupils, such as those with mental health or medical conditions. In this example, the external provider works with local PRUs and schools to support reintegration by sharing information, attending transition meetings and communicating regularly with the school.

11.37   The option of a more gradual, phased approach to re-integrating pupils would be welcomed, and transition would be easier, but this was not currently possible due to the way external providers are funded i.e. they are funded to deliver a specific placement opportunity, so once pupils return to school, providers are not financially resourced to provide any further provision.

11.38   One provider described how reintegration during KS2 and KS3 were obviously easier, but they often found it difficult to 'persuade schools to take kids back, even if it is what the pupil wants or it's the best thing for them' (External EOTAS provider).

12. Future Guidance

12.1 This chapter summarises the views and opinions of interviewed representatives including stakeholder organisations, LAs, PRUs, schools and external providers on what guidance the Welsh Government could usefully issue in relation to the commissioning and management of EOTAS provision.

12.2 The majority of contributors stated that they would welcome Welsh Government guidance on the commissioning and management of EOTAS provision. Such guidance would be considered useful in the context of the recent growth in demand for EOTAS provision as well as the wide-ranging interpretations and practices adopted from one authority to another. Several LA representatives thought that the guidance should draw upon areas of good practice already being implemented as this would benefit those LAs who could improve aspects of their approach.

12.3 There was a unanimous call for any future guidance to reinforce the legal definitions of EOTAS and alternative provision given that current interpretations vary, and for this to resolve any ambiguity between what constitutes EOTAS and any provision commissioned by schools or PRUs. Several contributors argued that the guidance should acknowledge the fact that schools and PRUs commission provision by setting in place an overarching framework which schools and PRUs could comply with in a consistent manner.

12.4 Some contributors suggested that the recently formed EOTAS advisory group could provide an important mechanism for supporting the development of the guidance. In particular, it could support the sharing of good practice, policies and procedures and offer feedback on Welsh Government proposals. Indeed, it was noted at the time of the fieldwork that this group had not met since 2018[103] but had the capacity to make an important contribution to the development of the EOTAS sector more widely in Wales.

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[103] Although it is understood that group meetings have been held in 2019.

12.5 Some contributors, whilst welcoming future guidance on EOTAS, argued that it was also important that the Welsh Government, in collaboration with LAs and schools, explore longer term and more sustainable solutions to reduce the need for referring pupils to EOTAS provision. Several contributors believed that there was significant scope for offering a broader curriculum for mainstream school pupils in KS4 in light of the reduction in 14 to 19 pathway provision over recent years. Several LA contributors also voiced their concerns about the possible void in externally delivered alternative or enhanced provision currently available via the ESF funded operations such as Cynnydd and TRAC for mainstream school registered pupils, when these interventions come to a close.

12.6 Despite the availability of technical guidance being available for completing PLASC returns, a fundamental issue which the guidance needs to address was thought to be around the registration status of pupils accessing EOTAS provision. As discussed at Chapter 8 of this report, there is currently a lack of consistency in how LAs and schools register pupils who access EOTAS or external education provision. Contributors would welcome clarity on whether pupils accessing EOTAS provision should be sole or dual registered (and recorded as main or subsidiary pupils at mainstream schools in the case of dual registered pupils), and whether Year 11 pupils in particular should or should not be off-rolled school registers prior to the PLASC exercise every January.

12.7 External providers in particular wished for future guidance to stimulate greater 'consistency' in the commissioning of provision, with several providers calling for clearer guidance at each stage of the process from the initial identification of pupils for their service, the initial commissioning and the management and monitoring thereafter. Providers who were dealing with more than one LA also tended to ask for a less piecemeal approach to commissioning and offered several practical suggestions such as the development of standardised referral forms and an 'all-Wales referral system' or a more regional approach to commissioning.

12.8   In addition to the issues set out above, it was also widely suggested that the guidance should cover a number of practical elements, including:

- being applicable to LA, school or PRU commissioned external provision and not being restricted to EOTAS provision only. It was reported that there was currently a major gap in consistent guidance available for schools which commission external additional provision

- aligned to this, the guidance should cover good practice in relation to the use of competitively procured LA commissioning frameworks, and how schools and PRUs could be expected to access a framework of providers which have been quality assured by the LA for commissioning external education provision

- setting out the minimum steps and actions schools should be expected to have put in place prior to making an EOTAS referral as part of a graduated response to dealing with the needs of pupils and that evidence of this be considered as part of the decision making

- specifying the minimum quality assurance requirements which external providers must satisfy in the form of a detailed checklist that LAs, PRUs and schools could adopt when commissioning provision. This checklist should include policies and practices which providers should be expected to have in place, drawing upon existing good practice across LAs

- offering guidance on how LAs could jointly commission EOTAS provision on a regional basis, possibly resulting in the preparation of a regionally approved framework of external providers

- setting out EOTAS and external education provision performance measures which LAs, PRUs and schools could adopt to monitor any external provision that is commissioned, including quality of provision and educational outcomes achieved

- what would be expected of LAs, PRUs and schools as the minimum requirement to monitor any externally delivered EOTAS or external education provision. This would include what is expected in terms of content and regularity of reporting from providers as well as visits to providers.

12.9   Several providers raised concerns about the lack of sharing accurate, robust and timely information and data between LAs/schools and EOTAS providers at present, and highlighted the need for guidance to be developed to ensure correct and effective safeguarding procedures were in place so as to disclose safety risks for both the pupil and their own staff. In addition, providers would welcome a move towards longer term funding for EOTAS provision as this would allow them to put in place provision for longer than one academic year, which was considered particularly important for KS4 pupils.

13. Conclusions and recommendations

13.1 This chapter sets out our conclusions and offers recommendations for the Welsh Government to consider in developing guidance for commissioning and monitoring external education provision. We reiterate the fact that our conclusions and recommendations have been informed by the perceptions and views of those who contributed to the review about what constitutes effective practice in terms of commissioning provision.

13.2 In doing so, we return to the overarching aim of the study which was to review and report on approaches used by local authorities (LAs) and schools when commissioning education otherwise than at school (EOTAS) and school commissioned education provision.

13.3 Prior to addressing this, however, it is important to note that there is no consistent interpretation amongst those interviewed of what is meant by 'EOTAS' or 'alternative provision' despite this being set out within legislation and Welsh Government guidance. We conclude that whilst these terms are unambiguously defined in legal terms, they are interpreted by LAs, PRUs and schools in several different ways. We, therefore, take the view that there is a need to improve awareness and understanding of current legislation and guidance relating to this area of work as a priority.

Models and processes for commissioning external education provision

13.4 Our main finding is that LA EOTAS commissioning arrangements vary significantly from one authority to another. The review found some examples of joint commissioning of provision at the school level but none at the LA level: barriers such as varying definitions, approaches and budgets had restricted any such attempts by LAs to commission on a joint basis.

13.5 The review also found that EOTAS funding approaches vary from one authority to another, particularly in terms of financial claw-back arrangements from schools, with funding drawn from various sources, including from PRU and school budgets. Only some LAs explore the demand for, and availability of, EOTAS provision in their area but where

this did happen, it was considered by contributors as being helpful in informing future demand.

13.6 Overall, the review found that LAs have clear processes in place to identify pupils who require EOTAS and schools play a significant role in informing LAs of pupils who may require such provision. There is also widespread use of referral panels, which exist in all but one LA, and these were deemed effective by those interviewed in ensuring consistency in the referral practice, particularly where they drew upon a wide membership and were well attended. The use of EOTAS referral forms was also considered to be effective practice by LAs interviewed, particularly those which require schools to demonstrate what actions they had already taken to meet the pupils' needs prior to referral. However, there is scope to increase the consistency of the information requested within the current referral forms used by LAs.

13.7 The review also found that the needs of, and educational outcomes for pupils are usually identified at the point of making an EOTAS referral and subsequently confirmed and consolidated upon entry to provision. However, processes could be improved by ensuring that educational outcomes, including progress and attainment, are agreed in writing at the referral stage.

13.8 The fieldwork found that PRUs and schools regularly commission external education provision. Arrangements for doing so were found to be fairly informal at the school level with a high degree of reliance upon word of mouth and using providers previously used by the schools.

Commissioning quality assurance processes

13.9 A key finding of the review was that 13 LAs commission EOTAS provision from external providers and that vocational provision is the main provision commissioned. In 16 authority areas, LAs reported that schools commission external education provision, although in several of these cases it was reported that the provision sourced was via ESF operations such as Cynnydd and TRAC. In two areas, the LA was not aware that

schools were commissioning provision despite this review identifying such instances.

13.10   Seven LAs operate a framework of approved EOTAS providers secured via an open competitive commissioning process and the evidence provided suggests that LAs undertake a detailed assessment of provider suitability during these tendering exercises. A further two operate either a framework or list of providers via a non-competitive route, whereby quality assurance checks are undertaken by the LA. Arrangements in the remaining LAs where provision is commissioned from external providers are less transparent and tend to be undertaken on an incidental basis since providers have been in use for a number of years.

13.11   LAs which use a competitively procured framework of providers appear to have rigorous processes in place to assess the suitability of commissioned providers. However, in our view, these tend to focus on organisational policies and practices and, in future, a greater emphasis could be placed on the quality of teaching, pupil progress and ability to accommodate learners whose preference is to learn in Welsh. In our view, there would be benefit to having a standardised checklist of quality assurance requirements, such as policies and practices, which external providers would need to meet prior to delivering educational provision.

13.12   The fieldwork revealed significant differences in the approaches and effort deployed to monitor and manage LA commissioned EOTAS provision and, as such, this is an area which future guidance should prioritise. Most LAs adopt contracts or service level agreements (SLAs) with providers, although in some cases these cover groups rather than individual pupil requirements. Several LAs thought they could be more proactively involved, particularly in monitoring the quality of provision and how it was meeting learner needs. We are of the view that the guidance could helpfully provide a clearer structure for LAs (as well as PRUs and schools) to assess the quality of externally delivered provision in a more systematic way, such as a checklist of areas to monitor and expected regularity for visiting providers.

13.13 PRUs were found to take a bespoke approach to putting external provision in place for pupils and adopt a very hands-on role to monitor it. We are of the view that these effective practices could be replicated by schools.

13.14 The use of contracts or SLAs between schools and external providers was found to be limited and monitoring arrangements were mostly informal. We are of the view that these weaknesses should be addressed within the guidance.

Recommendations to inform the development of Welsh Government guidance

13.15 We conclude there is a need for the Welsh Government to develop detailed guidance on the commissioning and management of EOTAS provision. We take the view the guidance must cover the commissioning and management of all forms of externally delivered provision including that which is commissioned in line with Section 19 of the Education Act and the provisions within the Education Act 2002. We take this view as pupils can, in theory, access the same provision from external providers be that via a formal EOTAS referral route or via education provision commissioned by schools.

13.16 In addition to the specific recommendations set out below, we also think the Welsh Government should consider addressing the following four issues in relation to the commissioning and monitoring of external education provision.

Encourage school based preventative action

13.17 There is a growing trend in some areas for LAs to explore in-house EOTAS solutions for pupils for whom a PRU would not be suitable. The fieldwork also found instances of schools taking positive, preventative action to better meet the needs of pupils who possibly would otherwise have been referred to EOTAS provision. These efforts should be recognised and encouraged within the guidance provided they adhere to legislative requirements and ensure pupils are appropriately safeguarded.

13.18 The practice of school's adopting a more inclusive approach to meet the needs of pupils who would otherwise be referred to EOTAS is not

encouraged in any way via the current Welsh Government performance monitoring of schools in terms of KS4 achievements. There is also a question about whether schools make Estyn aware of off-site provision they organise and deliver.

More consistent and accurate pupil registration and reporting

13.19   There is a clear case for offering greater standardisation and guidance around the registration status of EOTAS pupils. The fieldwork revealed that LAs' policies in relation to the registration status of pupils referred to EOTAS, vary from one area to another and for different types of pupils. As a result, the fieldwork found inconsistencies in terms of how pupils accessing EOTAS are registered. Indeed, in a small number of cases, pupils were reported as being sole registered with a PRU, even where a pupil had never attended the PRU. The fieldwork also found several examples of year 11 pupils being off-rolled and registered elsewhere as their continued registration on school rolls post January impacted negatively upon schools' performance outcomes.

13.20   In addition, there is currently no precise way for schools to report pupils who attend education provision outside of mainstream school organised and/or delivered by schools. This means the data collected via PLASC and the EOTAS census is unlikely to identify all pupils receiving education outside of a mainstream setting, thereby resulting in the overall under-reporting of pupils who access external provision. It would be beneficial for schools to declare and report upon those pupils who access external education provision in order to capture more accurate data on these pupils. In order to achieve this, LAs could collect this data and report it to the Welsh Government.

Encourage and support pupil re-integration

13.21   Any future guidance needs to set out expectations in relation to the reintegration of pupils into mainstream education. Based on the feedback gathered, we think it appropriate that this objective generally be adopted for all pupils up until the end of KS3 and that the guidance suggests a mechanism for addressing this e.g. making better use of referral panels to

review the case for reintegrating pupils. However, we would caution against compelling reintegration for KS4 pupils on the basis that returning to mainstream school may not necessarily be in the pupil's best interest.

Improve external education provider reporting

13.22　The guidance could also usefully set out the minimum data and reporting which external providers could be expected to share with LAs, PRUs and schools, as this was one area where LAs expressed some dissatisfaction with the quality of information being returned to them. The reporting could cover pupil engagement, attendance, behaviour and educational progress and achievement. This could be aligned with the development of appropriate performance measures which LAs, PRUs and schools could adopt to monitor any external provision.

13.23　We make the following recommendations for the Welsh Government to adopt within its commissioning guidance:

General approach
1.　We recommend that the guidance clearly sets out to reinforce current legislation and guidance in relation to what is LA commissioned EOTAS and alternative provision, as well as school commissioned education provision, in order to improve understanding amongst practitioners.
2.　We recommend that the guidance be applicable to the commissioning and management of all external education provision undertaken by LAs, schools or PRUs across Wales.
Setting out the rights of the pupil
3.　The guidance should set out the rights of the pupil and what they can expect to experience during the referral process and what to expect when accessing EOTAS or external education provision. This could be set out in a user-friendly guide for young people.

Planning and referring into external education provision

4. We recommend that the guidance sets out:

- an approach and suggested timeframe that LAs, in collaboration with schools, PRUs and providers, should adopt to review and identify EOTAS supply and demand within their area on a regular basis

- the information which would be expected to be included within referral forms used by schools when referring pupils for EOTAS provision. Referral forms should, at the minimum, set out the expected graduated response that schools would be expected to make prior to referring a pupil to EOTAS and suggest a suitable threshold at which schools should be referring pupils for EOTAS provision

- the need for LAs to use referral panels in relation to EOTAS. Guidance could helpfully set out the terms of reference and expected membership for referral panels. The guidance could also outline how referral panels could support the objective of pupil reintegration back into mainstream education, where appropriate. Schools should be included as members of referral panels.

Commissioning external education provision

5. We recommend that the guidance sets out a detailed quality assurance checklist for those who commission EOTAS or external education provision to assess the suitability of external providers, which includes:

- checking the registration status of providers and ensuring that any education provision which contravenes the regulations about registration should not be used

- an appropriate list of organisational policies and practices which providers would be expected to have in place. We suggest that

these include pupil behaviour policies, curriculum plans, pupil safeguarding arrangements, anti-bullying policy, health and safety policy, quality of accommodation and qualifications and experiences of staff

- an appropriate assessment on the quality of teaching offered by the provider

- written information about social networking and the use of social media

- written information about the commissioner's expectations for child protection which should be followed if providers have concerns about a pupil

- written information about how the commissioner should be informed of pupil attendance and procedures for addressing any absence.

Monitoring and quality assuring provision

6. We recommend that the guidance sets out what is required of commissioning bodies in terms of actions to monitor and quality assure any external education provision. In particular, we recommend that:

- the guidance could helpfully set out a checklist which LAs, schools or PRUs could use to monitor any externally commissioned provision. We would recommend that the checklist considers pupil progress and achievements, the quality of provision, the leadership and management arrangements put in place by providers, as well as provider staff development and training

- those commissioning education provision should be encouraged to systematically evaluate the quality of teaching and learning provided to pupils

- those commissioning education provision should assess the impact of teaching and learning upon pupils' progress towards the qualifications they are studying.

Expectations of commissioning bodies

7. We recommend that the guidance sets out the responsibilities expected of LAs, schools and PRUs when commissioning education provision. We expect that these should cover:

- the steps which they are expected to take to ensure that pupil welfare in terms of safeguarding as well as health and safety is in place

- pupil level information which the school or PRU should share with the provider prior to the placement commencing

- the nature of communication which the LA, school or PRU should convey to the pupil and parent/carer during the process of referral and the placement itself

- written information required in relation to placement objectives, educational outcomes and (where appropriate) formal qualification targets for the pupil

- what is required in terms of monitoring pupil progress against the objectives agreed

- what is expected of the commissioning body in terms of monitoring visits, including how regular it should visit the provider to review the placement

- plans for monitoring attendance and arrangements for addressing any period of absence

- transport arrangements for the pupil to attend the placement

- plans for ensuring the pupil remains a member of the school community

- plans for reintegrating a pupil back into school, should it be appropriate to do so

- the steps expected of the school and PRU to review the outcomes being achieved by the pupil and the quality of external provision accessed

- the requirement for schools and PRUs to accurately report upon those pupils who access external education provision.

Expectations of external providers

8.   We recommend that the guidance sets out the responsibilities expected of external providers. We would expect these to cover:

- how they comply with legislation and whether they are defined and registered as an independent school

- what policies and procedures they would be expected to have in place to ensure that pupil welfare, education and safety is maintained

- what is expected of them in terms of their contact and communication with both the commissioning body and the parent/carer of the pupil

- by when they would be expected to conduct an initial assessment of the education needs of the pupil and what this assessment should involve

- what is expected of them in terms of notifying the commissioning body about pupil attendance and absence: a review of other guidance suggests that this would be twice daily

- what reporting of pupil progress to the commissioning body would be expected of them and the regularity of this: we would expect this to cover pupil engagement, attendance, behaviour and educational progress and achievement.

Expectations of LAs
9.   We recommend that the guidance sets out what is expected of the LA in terms of supporting school commissioned provision. We recommend that LAs should: • develop and share a quality assured directory or framework of providers from which schools can commission provision • have a written policy to support schools commissioning external education provision • undertake an annual audit to monitor whether schools commission external education provision or not and report to the Welsh Government the number of schools commissioning provision, the pupils accessing such provision and the nature of the provision being accessed.

Annex A: Research instruments

Semi-Structured Discussion Guide – Local Authorities

A   Involvement with EOTAS

1   Tell me about:

    a   Your role

    b   Your involvement in EOTAS provision - are you involved in externally commissioned EOTAS provision/specific types of EOTAS provision?

B   General approach to EOTAS provision

2   How does the local authority define EOTAS provision? Prompt…

    a   is the definition of EOTAS limited to provision which is funded only by the LA?

3   What is the current LA approach to providing education for children who are experiencing difficulties in school?

4   Does [LA name] work with other LAs in commissioning EOTAS provision?

5   Do schools in the LA area directly commission provision from EOTAS providers? [to note: further questions are asked from Q38 below]

C   LA Approach to identifying demand and supply of EOTAS provision

6   Does the local authority undertake an analysis of demand for, and availability of, EOTAS provision in the LA area?

D   LA approach to funding EOTAS provision

7   How are budgets for externally commissioned EOTAS provision set?

E   Placing a child in EOTAS provision - identifying needs and educational outcomes

8   How does the local authority become aware a child needs EOTAS provision?

9   Who makes the decision about whether EOTAS provision is required? [Prompt - is there a LA EOTAS referral panel?]

10   What evidence is used to assess whether EOTAS provision is required?

11 How consistent are the referral practices across LA?

12 What do you think are the strengths and weaknesses of the referral practices used across the LA?

13 Are the needs of the child identified at the same time as the decision about whether EOTAS provision is required?

14 Are educational outcomes (attainment, attendance, well-being etc.) for the child identified at the same time as the decision about whether EOTAS provision is required?

F **Where the LA commissions external EOTAS provision - Placing individual children with external providers**

15 a What is the basis of the decision to place a child with an external EOTAS provider?

b Who makes the decision that a child should be placed with an external EOTAS provider?

G **LA approach to commissioning external provision**

16 Where the local authority commissions EOTAS from external providers:

a What type of provision does the local authority commission external providers to deliver?

b Why does the local authority commission this provision externally?

c. What is the balance between EOTAS provision delivered directly by the LA and that delivered by externally commissioned providers?

d Does the local authority have a list of approved providers? If so, how many providers are on the list?

e Does the local authority use a commissioning framework? If so, how many providers are on the framework?

f How many external EOTAS providers is the LA currently using?

Where the LA does not use a list or framework, please move to Q 24

Where the local authority has both a list and a framework, please ask questions 17 to 23 for the list and then repeat for the framework

17 Where the local authority has a list of approved providers and/or uses a commissioning framework…

a What do you feel are the advantages/disadvantages of using an approved list/using a commissioning framework

b   How does the local authority identify providers to include on the list/framework? E.g. does the local authority advertise the opportunity to be included on the list/framework?

c   Does the local authority undertake an assessment of suitability prior to including the provider on the list/framework?

18   If the local authority undertakes an assessment of provider suitability, what criteria are used?

19   When you commission provision via the list of providers/commissioning framework…

a   Do you advertise and award contracts for individual placements and/or use block placement contracts (that is a number of placements are secured at the same time?)

20   Is a competitive approach used or is a single provider on the list/framework approached?

Do you feel there are any advantages/disadvantages to using this approach?

21   [If a competitive approach is used] What is the assessment criteria used to award the contract?

22   [Where a competitive approach is used] Who is involved in the assessment to award the contract?

Is a panel of people involved? If so, who is included on the panel?

23   [If a competitive approach is not used] What are the criteria for awarding a contract?

[Where the local authority does not have a list of approved providers/does not use a commissioning framework]

24   What process is used by the local authority to commission EOTAS placements from external providers?

H   Contract between the local authority and the EOTAS provider

25   Does the local authority have a contract with each provider commissioned to deliver EOTAS?

26 [Where the local authority puts in place contracts or SLAs for individual placements]

    a   Are individual contracts put in place prior to the placements starting?

    b   If not, when are contracts put in place?

    c   What is the content of the contract or SLA?

I   **Activities following contract award/confirmation of a provider being commissioned to deliver EOTAS**

27   What happens after the contract has been awarded/EOTAS commissioned?

28   What do you think are the strengths and weakness of your approach following the award of a contract?

J   **Registration and reintegration plans**

29   What is the policy in relation to the registration status of pupils referred to EOTAS? E.g. single registered with school or PRU/dual registered?

30   What do you think are the strengths and weaknesses of the current approach to registration?

31   What is the LA policy on managing the re-integration of pupils into mainstream education?

32   What do you think are the strengths and weaknesses of the current approach to re-integration?

K   **Managing and Reviewing externally commissioned EOTAS Provision**

33   What pupil level data is collected about young people in EOTAS?

34   What other pupil level data might usefully be collected?

35   How is the quality of EOTAS provision monitored and managed?

36   What factors are taken into account when monitoring the quality of provision?

37   Are visits to the providers' premises undertaken when assessing the quality of provision?

L   External provision funded by schools

38   Does the local authority have a policy on schools commissioning provision from EOTAS services?

39   Where the local authority agrees with schools directly commissioning provision from EOTAS providers…

   a   Does the LA have any involvement in referrals to school commissioned EOTAS provision?

   b   Does the local authority have any involvement in the commissioning or monitoring of provision commissioned by schools?

   c   What is the LA position on the registration of pupils where EOTAS provision has been commissioned by the school?

   d   Is the local authority aware of the extent to which schools follow the LA policy on schools commissioning provision from EOTAS providers?

   e   What do you think are the strengths and weakness of the LA approach to schools directly commissioning EOTAS provision?

40   Where the local authority does not agree with schools directly commissioning provision from EOTAS providers…

   i   Is the local authority aware of the extent to which schools follow the LA policy on schools commissioning provision from EOTAS providers?

   ii   If the local authority becomes aware of schools directly commissioning provision from EOTAS providers, does the LA take any action? If so, what action is taken?

   iii What do you think are the strengths and weakness of the LA approach to schools directly commissioning EOTAS provision?

41   Where the local authority is aware of schools directly commissioning provision from EOTAS providers…

   a   What kind of external education provision do schools tend to commission?

   b   Why do schools commission this provision directly rather than through their LAs?

M   Future Welsh Government Guidance

42   What guidance could Welsh Government usefully issue in relation to the commissioning and management of EOTAS provision?

Semi-Structured Discussion Guide – Stakeholders

A   Involvement with EOTAS

1.   Tell me about
   - Your role
   - Your organisation

2.   In what way are you/is your organisation interested in, or involved with, EOTAS provision?

B   General approach to EOTAS provision

3.   What is your understanding of what constitutes EOTAS provision?

4.   Are you aware of the approaches LAs currently adopt to provide education for children who are experiencing difficulties in school? e.g. placed in units within schools, pupil referral units, externally commissioned provision, mixed approach etc.?

5.   Are you aware of LAs commissioning EOTAS from external providers – such private sector providers, independent schools and colleges?

6.   Are you aware of any LAs who commission EOTAS provision on a joint basis?

7.   Are you aware of any schools which directly commission provision from EOTAS providers?

8.   Are you aware of any PRUs which directly commission provision from EOTAS providers?

C   Identifying demand and supply of EOTAS provision

9.   Are you aware of any LAs who undertake an analysis of demand for, and availability of, EOTAS provision in their area?

D   Approach to funding EOTAS provision

10.   Do you have a view on the role budgets may/may not have in shaping the approaches LAs take to EOTAS provision?

E   Placing a child in EOTAS provision – identifying needs and educational outcomes

11.   Are you aware of how LAs become aware of a child who needs EOTAS provision? That is, the referral processes used.

12.   Thinking about the process from referral to placement, do you think the needs of the child identified at the right time and by the right person(s)?

13.   Thinking about the process from referral to placement, do you think the educational outcomes (attainment, attendance, well-being etc) for the child identified at the right time and by the right person(s)?

F   Commissioning external EOTAS provision

14.   Are you aware of the types of provision LAs commission external providers to deliver (such as vocational courses)?

15.   Are you aware of LAs operating lists of approved providers or using commissioning frameworks? [Using approved lists/frameworks means that the LA would only approach those on the list, the contract would not be publicly advertised]

16.   Are you aware of the assessment of suitability LAs use prior to including providers on the list or framework?

17.   Are you aware of LAs using a competitive approach to commission EOTAS provision?

18.   What do you think would be important to take into account when assessing which provider should be awarded a contract to deliver EOTAS? [Use above list as prompts if required]

19.   Are you aware of LAs who do not use an approved list or framework to commission EOTAS placements (such as the local authority publicly advertising each contract?)

G   Contract between the LA and EOTAS provider

20.   Are you aware of how common is it for LAs to issue contracts or service level agreements (SLAs) to EOTAS providers? For EOTAS providers, do local authorities issue your organisation with contracts or SLAs?/ For LA employees, do LAs issue contracts or SLAs?

21.   [Where relevant] are you aware of what LAs include in contracts or SLAs?

H   Activities following contract award/confirmation of a provider being commissioned to deliver EOTAS

22.   Are you aware of the steps most frequently taken by LAs after awarding or commissioning EOTAS provision?

23.   What do you think are the strengths and weaknesses of the approaches adopted by LA(s) following the award of a contract?

I   Registration and reintegration plans

24.   Are you aware of the current approaches adopted by LAs to register EOTAS pupils?

25.   Are you aware of the current approaches adopted by LAs to re-integrate pupils back into mainstream education?

J   Managing and reviewing externally commissioned EOTAS provision

26.   How appropriate is the current pupil level data being collected about young people in EOTAS provision?

27.   How effectively do you think LAs monitor the quality of commissioned EOTAS provision?

K   External provision funded by schools and PRUs

28.   Are you aware of any schools which commission educational provision?

29.   Are you aware of any PRUs which commission educational provision? If so,

L   Future Welsh Government Guidance

30.   What guidance, if any, could Welsh Government usefully issue in relation to the commissioning and management of EOTAS provision?

Semi-Structured Discussion Guide – Schools

A   Background

   1.   Tell me about
- Your role
- Your school

B   General approach to EOTAS provision

   2.   What is your understanding of what constitutes EOTAS provision?

   3.   In what way is your school involved with EOTAS provision?

   4.   In what way is your school involved with EOTAS provision arranged by the LA?

   5.   Does your school directly commission any kind of external education provision?

C   Placing individual children with external providers

   6.   [Tailor as appropriate for school commissioned provision or LA commissioned provision] What is the basis of the decision to place a child with an external EOTAS provider?

D   For schools which directly commission external provision

   7.   What kind of external education provision have you commissioned for children who have difficulties attending or who are unable to attend mainstream school?

   8.   How does the school go about identifying external providers?

   9.   [Where the school commissions provision but does not use an LA list of approved providers/ commissioning framework] What activities does the school undertake to assess the suitability of external providers?

   10.   [Where the school commissions provision but does not use an LA list of approved providers/ commissioning framework] How does the school go about commissioning provision?

11. [Where the school commissions provision but does not use an LA list of approved providers/ commissioning framework] How effective are the processes adopted by the school to commission external placements?

12. Does the school issue contracts or SLAs to providers which are commissioned directly?

13. What steps does the school take after awarding or commissioning external provision?

14. What do you think are the strengths and weaknesses of the approach adopted by the school following the award of a contract?

E   Approach to funding EOTAS provision

15. What are your views on how the LA sets its budget for externally commissioned EOTAS provision?

16. [Where a school has commissioned external education provision for children who are unable to attend mainstream school] What is the school's typical annual budget for externally commissioned EOTAS provision?

F   Placing a child in EOTAS provision – identifying needs and educational outcomes

17. How does the LA become aware that a pupil at your school needs EOTAS provision?

18. What are the strengths and weaknesses of the referral practices adopted across the LA?

19. Are the needs of the child identified at the same time as the decision about whether EOTAS provision is required?

20. Are educational outcomes (attainment, attendance, well-being etc.) for the child identified at the same time as the decision about whether EOTAS provision is required?

G   For schools where external EOTAS provision is (also) commissioned by the LA

21.   What kind of LA externally commissioned EOTAS provision have pupils at your school accessed?

22.   How effective are the processes adopted by the LA to identify external EOTAS providers?

23.   How effective are the processes adopted by the LA to commission external EOTAS provision?

24.   Are you aware whether the LA issues contracts or SLAs to EOTAS providers?

25.   What steps does the LA take after awarding or commissioning EOTAS provision to pupils at your school?

26.   What do you think are the strengths and weaknesses of the approach adopted by LA following the award of a contract?

H   Registration and reintegration plans

27.   What does the LA expect of the school in terms of the registration status of pupils referred to EOTAS? Are pupils single registered with the school or are they dual registered?

28.   What are the strengths and weaknesses of the current approach to the registration status of pupils referred to EOTAS?

29.   How effectively are EOTAS pupils re-integrated into mainstream education?

I   Managing and reviewing externally commissioned EOTAS provision

30.   Are you aware of the data which is currently collected about children in EOTAS provision?

31.   If so, do you feel the data being collected about children in EOTAS is appropriate? What, if any, other pupil level data might be usefully be collected? Why do you say this?

32. [Where the school commissions EOTAS provision] How does the school monitor and manage the quality of EOTAS provision for pupils registered with the school/dual registered?

33. [For schools where external EOTAS provision is (also) commissioned by the LA] How does the LA monitor and manage the quality of EOTAS provision commissioned?

34. [Ask this question for either or both (i) where the school commissions EOTAS provision and (ii) for schools where external EOTAS provision is (also) commissioned by the LA] What factors are taken into account when monitoring the quality of provision?

35. [Ask this question for either or both (i) where the school commissions EOTAS provision and (ii) for schools where external EOTAS provision is (also) commissioned by the LA] Does the school undertake visits to providers' premises to assess the quality of provision for EOTAS pupils registered with the school/dual registered?

J   External provision funded by schools

36. [Ask only of schools which do not commission external provision directly] What is the LA's position on schools commissioning provision from EOTAS providers? i.e. does it agree or disagree?

37. [Where the LA does agree with schools commissioning provision] What role does the LA have in school commissioned EOTAS provision?

38. [Where LA does not agree with schools commissioning provision] How does the LA respond to the school's practice of commissioning EOTAS provision?

K   Future Welsh Government Guidance

39. What guidance, if any, could Welsh Government usefully issue in relation to the commissioning and management of EOTAS provision?

Semi-Structured Discussion Guide – PRUs

A   Background

1.   Tell me about:
   - Your role

2.   What is your understanding of what constitutes EOTAS provision?

B   General approach to EOTAS provision in the local authority area

3.   What approach is adopted by the LA to provide education for children who are experiencing difficulties in school? e.g. placed in units within schools, pupil referral units (PRUs), provision commissioned from independent providers including colleges, mixed approach etc.?

4.   Are you aware of schools in the LA area directly commissioning education provision for children experiencing difficulties in school, such as from independent EOTAS providers, colleges and independent schools?

5.   What are your views on schools directly commissioning education provision for children experiencing difficulties in school?

6.   Are you aware of the LA's position on schools directly commissioning provision for children who are experiencing difficulties in school? (for example, independent EOTAS providers, colleges, independent schools etc). That is, does the local authority agree or disagree with schools doing this?

7.   [Where the LA does agree with schools commissioning provision] Are you aware of whether the LA has a role in provision commissioned by schools?

8.   [Where the LA does not agree with schools commissioning provision] Are you aware of how the LA responds to school who commissioning education provision from EOTAS providers?

C. Funding EOTAS provision

9.   Are there any aspects of finance or budget arrangements which you feel affect the LA approach to EOTAS provision?

D. Provision delivered by the PRU

10.   What types of education provision does the PRU provide?

11.   How many pupils are typically placed at the PRU?

E. Placing a child at the PRU – identifying needs and educational outcomes

12.   How are you informed about a pupil who could benefit from a placement at the unit?

13.   How is the decision to place a child at the unit made?

14.   When are the needs of the child identified? Are they identified prior to the PRU being approached? When the placement has been agreed? When the placement starts?

15.   When are educational outcomes (attainment, attendance, well-being etc) for the pupil identified? (That is, what outcomes the pupil can achieve). Are they identified prior to the PRU being approached? When the placement has been agreed? When the placement starts?

F. Registration and reintegration plans

16.   What is the LA approach to the registration status of EOTAS pupils?

17.   What is the LA approach to re-integrating PRU pupils back into mainstream school?

G. Education provision outside of the PRU

[Where the PRU pupils access EOTAS provision from other settings as well as the PRU]
18.   Is provision arranged by the LA?
[Where the PRU commissions/organises external EOTAS provision/education provision for its pupils in settings other than the PRU]

19.   How many pupils typically access external provision over the course of an academic year?

20. What type of provision have pupils accessed?

21. How does the PRU determine that a pupil at your institution needs to access external provision?

H. Practices and processes involved in commissioning/arranging providers

22. How does the PRU go about identifying providers?
    - Does the PRU undertake an assessment of provider suitability prior to including the provider on the list/framework?

23. Where the PRU undertakes an assessment of suitability, what criteria are used?

24. Are places commissioned for individual children or are places commissioned for multiple places at the same time?

25. What do you think are the advantages and disadvantages of using the approved list/commissioning framework?

26. What do you think are the strengths and weakness of the approach adopted by the PRU to commissioning/arranging external provision?

Where the PRU does not use an approved list/commissioning framework:

27. What processes are used by the PRU to commission/arrange provision with external providers?

28. What do you think are the strengths and weakness of the approach adopted by the PRU to commissioning/arranging external provision?

I. Contractual arrangements and service level agreements (SLAs)

29. Does the PRU issue contracts or SLAs to providers which are commissioned directly? [record both where appropriate]

30. How well or otherwise do you think this approach works? Why do you say this?

Where the PRU does not award contracts/SLAs

31. How does the PRU hold the provider to account for delivering the provision commissioned?

32. What do you think are any strengths and weaknesses of this approach?

J. Steps taken after a contract is awarded/provision is arranged with a provider

33. What steps does the PRU take after awarding or commissioning provision?

34. What do you think are the strengths and weaknesses of the approach adopted by the PRU following the award of a contract/agreement to provision?

K. Monitoring provision

35. Does the PRU monitor the quality of provision it arranges for its pupils?

36. How is this information used?

37. Does the PRU undertake visits to providers' premises to monitor the quality of provision the PRU provides for its pupils?

38. What do you think are the strengths and weaknesses of the approach adopted by the PRU to monitor the quality of the provision it commissions/arranges for its pupils?

L. Where the LA has commissioned external providers (colleges, independent schools, independent EOTAS providers etc) to deliver educational provision

39. What kind of LA externally commissioned EOTAS provision have pupils at your PRU accessed?

40. Are you aware of the processes adopted by the LA to identify external EOTAS providers (such as the use of an approved list, commissioning framework or publicly advertising contracts)?

41. Are you aware whether the LA issues contracts or SLAs to EOTAS providers?

42. Are you aware of the steps the LA takes after awarding or commissioning EOTAS provision for pupils at your PRU?

43. In what way, if at all, is the PRU involved in the process of commissioning/arranging the external provision organised by the LA for pupils at the PRU?

44. What do you think are the strengths and weaknesses of the approach adopted by LA following the award of a contract?

M. Managing and reviewing externally commissioned EOTAS provision

45. What data does the LA collect about your pupils in relation to the external provision? (eg attendance, behaviour, well-being, achievements)

46. Are you aware of the arrangements put in place by the LA to monitor the external provision they organise for pupils at the PRU?

47. Does the LA undertake visits to external providers' premises to assess the quality of provision for the pupils at the PRU?

48. What role, if any, does the PRU have in monitoring the quality of external provision arranged by the LA?

49. Does the PRU undertake visits to providers' premises to assess the quality of provision arranged for PRU pupils by the LA?

N. Future Welsh Government Guidance

50. What guidance, if any, could Welsh Government usefully issue in relation to commissioning and managing EOTAS/education provision for children who have difficulties attending maintained mainstream school?

Semi-Structured Discussion Guide – External Providers

A   Involvement with EOTAS

1   Tell me about
- Your role
- Your organisation

2   In what way is your organisation involved in providing EOTAS provision?

3   Which organisations commission you to deliver EOTAS provision?

4   [If working across more than one LA area] Are you aware of any LAs who commission EOTAS provision on a joint basis?

B   General approach to EOTAS provision

5   What is your understanding of what constitutes EOTAS provision?

6   What do you feel are the advantages [for LAs, PRUs and schools, as appropriate] of commissioning EOTAS provision from providers like yourselves?

7   What do you feel are the disadvantages [for LA, PRUs and schools, as appropriate] of commissioning EOTAS provision from providers like yourselves?

8   [If working across more than one LA area and have experience of provision being commissioned jointly] What are the advantages and disadvantages for LAs of provision being commissioned on a joint basis?

C   Identifying demand and supply of EOTAS provision

9   How did you first hear about the opportunities to get involved in EOTAS provision?

D   Placing a child in EOTAS provision – identifying needs and educational outcomes

10   How are pupils who require EOTAS provision made aware of, or referred to, your organisation?

11   At what point are the needs of the child identified?

12   At what point are the educational outcomes (attainment, attendance, well-being etc) for the child identified?

E   Commissioning external EOTAS provision

13   Is your organisation on a local authority list of approved providers? If so,
      - How did you get to hear about this opportunity? Were opportunities advertised?
      - What process did your organisation go through in order to be included on the list?

14   Is your organisation on a local authority commissioning framework(s)? If so,
      - How does the LA commission provision via this framework e.g. do they advertise and award contracts for individual placements and/or use block placement contracts?

15   Does the LA(s) adopt a competitive approach or is a single provider on the list/framework approached?

16   [Where a competitive approach is used] What assessment criteria is used to award contracts of provision?

17   [Where a competitive approach is used] How appropriate do you feel is the assessment criteria used by the LA to award contracts of provision?

18   [Where provider is not on a list of approved providers or on a commissioning framework] What process is used by local authorities to commission EOTAS placements from your organisation?

19   [Where provider is commissioned directly by a school] How does the school(s) go about commissioning EOTAS placements from your organisation?

20   [Where provider is commissioned directly by a PRU] How does the PRU(s) go about commissioning EOTAS placements from your organisation?

F   Contracts between commissioning organisations and the EOTAS provider

21   Do commissioning organisations (LA, schools and PRUs, as appropriate) issue a contract to your organisation covering EOTAS provision?

22   [Where the organisation does have a contract or SLA for individual placements]
   - Are individual contracts put in place prior to the placements starting?

G   Activities following contract award/confirmation of a provider being commissioned to deliver EOTAS

23   What steps are taken after the contract has been awarded to your organisation or when EOTAS provision has been commissioned?

24   What do you think are the strengths and weaknesses of the approach adopted by LA(s) /schools/PRUs following the award of a contract?

H   Registration and reintegration plans

25   What do you understand to be the current policy in relation to the registration status of pupils referred to EOTAS? E.g. single registered with school, the LA or dual registered?

26   What do you feel are the strengths and weaknesses of the current approach to registration?

27   What, if anything, do you understand to be the LA's policy on re-integrating pupils back into mainstream education?

28   What are the strengths and weaknesses of the current approach to re-integration?

I   Managing and reviewing externally commissioned EOTAS provision

29   What pupil level data are you expected to collect about young people placed with your organisation for EOTAS provision?

30   [Ask in each case as appropriate for (i) LAs, (ii) Schools and (iii) PRUs] How do commissioning organisations monitor the quality of EOTAS provision delivered by your organisation?

31   Do you receive visits to assess the quality of your EOTAS provision?

J   Future Welsh Government Guidance

32   What guidance, if any, could Welsh Government usefully issue in relation to the commissioning and management of EOTAS provision?