

Review of Education Otherwise Than at School and Action Plan

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Review of Education Otherwise Than at School and Action Plan

1. Introduction

1.1. This document represents the work that has been undertaken to review existing sources of information and develop an approach to ensure adequate and high quality education otherwise than at school (EOTAS). EOTAS refers to education provided by the local authority and does not encompass elective home education provided by parents. A summary of the main sources of evidence used in this Review is contained in the separate Evidence Document available on the same web page as this Review. Actions are identified throughout the document and these are brought together in an action plan in Annex A. Many of the actions are expressed as broad objectives and discussions will take place with a wide range of stakeholders to define the detail and decide the best approach to implementation.

1.2. The underlying principle in carrying out this review is the need for equality of opportunity and the right of children and young people to receive high quality education, no matter where that education may be delivered – as set out in the United Nations Convention on the Rights of the Child (Article 28) which has been fully adopted by the Welsh Government. Article 28 also set out that states should 'Take measures to encourage regular attendance at schools and the reduction of drop-out rates', which is particularly relevant for out-of-school provision.

1.3. Article 12 of the UNCRC sets out the rights of children to express their views freely on all matters which affect them. This is the basis of the Welsh Government's approach to the participation of children and young people. It is as important for children and young people receiving education outside the school setting as those within schools that this right should be promoted.

1.4. Any consideration of EOTAS must sit alongside the need for local authorities, schools and their partners to adopt preventative strategies to reduce the number of children and young people requiring alternative provision as far as possible by ensuring that any additional support needs that they have are recognised as early as possible and suitable arrangements made to avoid exclusion. Existing guidance in this area is on the Welsh Government's webpages: www.wales.gov.uk/inclusionandpupilsupport.

1.5. As part of Estyn's Thematic Survey of EOTAS, local authorities reported that, at May 2004, 1,600 learners were being educated out-of-school and around 1,000 of these were at PRUs, with around 60% singly registered and 40% dually registered. The first collection of EOTAS pupils through PLASC gave a figure, at January 2010 of around 1,000 pupils whose main provision was EOTAS. Around a further 1,400 pupils, were receiving local-authority funded EOTAS but had their main provision as a school. 1,166 pupils were registered at a PRU, with 800 of these being dual-registered at a school. However, it must be borne in mind that the data collected by Estyn and that

from PLASC may not be comparable as the methods used were different. Those discussions aside, EOTAS represents a small proportion of all learners. Their needs, however, are disproportionately high and the levels of support consequently much higher with associated raised levels of costs.

1.6. The latest information, collected from local authorities by the Welsh Government the Pupil Level Annual School Census (PLASC) suggested that there were 49 units at February 2011, a significant rise over the number of 31 units at January 2005. However these figures should not be taken at face value as evidence of a recent marked rise in PRUs. The Welsh Government undertook an exercise with local authorities in 2005/06 to audit the number of PRUs in Wales and this identified several PRUs which had not previously been registered. The rise therefore may largely be reflecting tighter registration and it is likely that the 2011 figure is still an underestimate due to difficulties in maintaining up-to-date lists of registered PRUs.

1.7. Ensuring high quality and sufficient out-of-school education is particularly relevant in social justice terms as many of those requiring such provision will already be vulnerable due to their having long term needs such as special educational needs or through their being in public care. Young people receiving education outside school are one of the categories most at risk of becoming not in education, employment or training (NEET). Improving the quality of EOTAS is therefore an integral aspect of the Welsh Government's aim to reduce the number of young people who are NEET.

1.8. The National Behaviour and Attendance Review (NBAR), published in May 2008 highlighted once more the challenges local authorities and schools face in ensuring adequate and high quality out-of-school provision for those who require it, whether this is due to their being excluded from mainstream schools, as a short-term provision to get pupils back on track, or any other reason such as illness or motherhood.

1.9. The key messages contained in the NBAR Report were that:

'...there are a number of pupils who are out-of-school for a variety of reasons, whose educational provision is not being properly monitored and who are not receiving an appropriate education. It is for this reason...'

'... although some excellent alternative curriculum and out-of-school provision exists, this too, tends to vary from authority to authority...'

1.10. The Evidence Document contains all the recommendations from the NBAR Report relating to out-of-school education.

1.11. Further evidence of the need to undertake a review of provision other than at school comes from Estyn, the Inspectorate of Education and Training in Wales. The Welsh Government commissioned Estyn to undertake a survey of pupil referral units (PRUs) and similar provision which was published in 2005 (see Evidence Document). Its recommendations included the need to improve clarity on the role of PRUs, enhance communication and links, tighten

registration practices and monitor the progress of establishments and individual pupils. The Welsh Government also commissioned Estyn to undertake a survey of the ways in which local authorities locate and monitor pupils being educated outside school and those missing education (see Evidence Document) and this provided further information for this Review.

1.12. Estyn further highlighted many of the above messages in the Chief Inspector's annual report for 2009-10 (see Evidence Document). On average, the grades received by PRUs inspected by Estyn since 2004-05 are lower than for schools (see Evidence Document). However, there are some PRUs who are delivering excellent education and could be a useful source of good practice for sharing more widely. Whilst there is an element of subjectivity in the grades given for each key question, nonetheless they may provide a further indication of the areas which need particular focus in Wales. Considering the averages across Wales would suggest that PRUs as a group are particularly adept at supporting and guiding (KQ 4 – average 1.5) but are some way behind on:

KQ3 How well do the learning experiences meet the needs and interests of learners and the wider community? (2.5)

KQ5. How effective are leadership and strategic management? (2.3)

KQ6. How well do leaders and managers evaluate and improve quality and standards? (2.4)

KQ7. How efficient are leaders and managers in using resources? (2.4)

1.13. Not surprisingly, many of the issues raised in the recent review of alternative provision undertaken in England by the Department for Children, Schools and Families ('Back on Track' and 'Taking Back on Track Forward', 2008) are very similar to those in Wales. Whilst this work was undertaken under a previous government, and many of the actions will not be taken forward under the current government, it remains a useful source of further evidence and can inform possible approaches which may be taken in Wales (see Evidence Document).

1.14. Also of interest are two reports undertaken by Ofsted. The first in 2007 (Establishing successful practice in pupil referral units and local authorities), in which they considered the approaches undertaken by 28 successful PRUs in England in order to ascertain the key elements needed to successfully run a PRU. The second, in 2011, relates to Alternative Provision (see Evidence Document).

1.15. The research report, 'Good Practice in the Provision of Full-time Education for Excluded Pupils' (2004) produced by the National Foundation for Educational Research (see Evidence Document) also represents a useful source of information on how local authorities seek to address this challenge. Although it relates to English local authorities many of the issues are the same as those in Wales.

1.16. A number of recent developments in Wales have begun to put in place a structure to assist the development of EOTAS. Pilots are currently under way

as part of the Behaviour and Attendance Action Plan, to develop new ways of working across EOTAS. One area which the pilots are seeking to improve is the links between mainstream schools, PRUs and special schools by sharing the expertise on aspects such as behaviour management. This expands on the approaches which have already been developed between mainstream and special schools through the Unlocking the Potential project. A second element currently being piloted is the development of multi-agency working to improve the level of reintegration.

1.17. The need to gather more information on numbers of young people receiving education outside the school setting is also being addressed through the establishment of the EOTAS Pupil Level Annual School Census (PLASC). As indicated above, this new annual data collection, gathering information on all children and young people receiving EOTAS at January, began in 2010. As with the PLASC for schools, this collects information on individual pupils and represents a powerful new source of information on which to base commissioning and planning decisions locally and to inform national policy on EOTAS. The information collected on each individual pupil is similar to that collected on the schools PLASC and includes personal characteristics and the type and hours of provision that each young person received in the week in question.

1.18. The Statistical Release is available on the Welsh Government's webpages and is labelled for 2010 as 'experimental statistics' in order to recognise that the first year's collection of data of this type is unlikely to be as accurate as those in subsequent years due to the need to fully establish definitions and validation processes.

1.19. The needs of children and young people educated outside the school setting are often complex and require interventions from a range of partners other than schools and the education departments of local authorities, e.g. social services departments, voluntary sector organisations, youth offending teams, and CAMHS. Given this need for collaborative working across a number of agencies, Children and Young People's Partnerships have a particularly key role to play in overseeing the coordination of commissioning and planning of appropriate provision.

2. Context of the Review

2.1. The **principles** under which the Review was undertaken were:

that we should start from what will work best for each young person taking account of his or her different views and needs and in consultation with parents and carers; and

that we should secure a core educational entitlement for all young people in alternative provision.

2.2. And its specific **aims** were:

to improve planning and commissioning of alternative provision both at an area level and for the individual;

to improve the level and strategic use of information on children and young people receiving education otherwise than at school and tie this into a broader performance management system for local authorities.

to improve the level of professional support for those working in the sector and better accommodation and facilities;

that there should be better partnership working between alternative provision, other parts of the education sector and other agencies and services working with young people to facilitate early intervention and ensure an integrated approach to meeting the young person's needs;

to ensure that the best practice is shared across Wales.

Guidance

2.3. Current Welsh Government guidance on provision of education outside the school setting (or EOTAS) is set out in Section 5 of Inclusion and Pupil Support (Circular 47/2006). Specific guidance on PRUs is contained in Annex 5.1 to the section.

2.4. The guidance relates to the same aspects covered in this review i.e. specific provision required to ensure pupils who by reason of illness, exclusion from school or otherwise may not receive suitable education. 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.

Legislation

2.5. Relevant legislation is set out at Annex B.

3. Aspects to address

3.1. This section sets out in summary form a number of the key issues identified for Wales in the documents set out in Chapter 1. Actions to address weaknesses highlighted are set out throughout the text. Many of these are repeated as they will address more than one aspect.

Variety and quality of provision across Wales.

Planning, commissioning and strategic use of provision

3.2. Local authority inspection reports and data on the provision for excluded pupils highlight the wide variety in the type and level of provision of EOTAS provision across Wales, including the standard of accommodation in which provision is housed. For example, the largest authority in Wales, Cardiff has 1 PRU, whereas the smallest, Merthyr Tydfil also has 1, indicating markedly different approaches. The extent to which out-of-school provision features in Children and Young People's Plans also varies markedly. Much of this variation may relate to local decisions on the amount of funding allocated to provide alternative education or very different organisation of education services. There may however be scope for assessing which approaches are more effective in terms of pupil outcomes and introducing more effective planning and commissioning arrangements in some areas. This could help improve partnership working within local authorities amongst those involved in providing education for children and young people receiving EOTAS.

Curriculum

3.3. PRUs and providers of other EOTAS provision are not required to follow the national curriculum but should offer a balanced and broadly based curriculum (paragraph 6 (2) of Schedule 1 to the 1996 Act) which: promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society; and prepares pupils for the opportunities, responsibilities, and experiences of adult life. This flexibility on curriculum is intended to enable authorities and schools to spend more time on the specific needs of individuals. However, this flexibility leads to a wide range of different types of curriculum across different PRUs and authorities. It would be worth exploring the methods used by those organisations providing a broader curriculum and considering how they might be adopted more. The Welsh Government, in cooperation with the Welsh Association of Chief Police Officers (WACPO) has recently extended the delivery of the All-Wales School Core Liaison Programme to out-of-school locations to ensure that all learners can have access to it. The programme covers substance misuse, personal safety and relationships with others and runs from primary school through to secondary school.

Collaboration across authorities

3.4. Given the small size and local nature of provision, widespread collaborative working between authorities may not be feasible in terms of sharing a specific provision, but there may be scope for joint-working 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. Collaborative work could focus on ensuring that good practice is shared across Wales in order to inform effective planning and commissioning of EOTAS. More extensive information on children and young people receiving EOTAS in each authority should allow greater opportunity for exploring differences in approaches taken by other local authorities – particularly those with populations with similar socio-economic characteristics.

Ensuring that provision is modern

3.5. It is particularly important that local authorities and schools are easily able to keep in touch with new approaches based on technological advances and have the information at hand in order to make informed decisions to make the best use of innovative approaches. An example might be the range of options, such as virtual schools, which enable those requiring education in their homes (e.g. due to sickness) to gain access to learning resources and individual support.

Minimum Standards

3.6. Developing minimum standards of provision for those receiving EOTAS in terms of hours of provision, variety of curriculum etc. may help address some of the inequity in provision, whilst recognising that some of these standards are already set out in legislation. One approach would be for the standards to be set out within an approach based on self-evaluation, such as the profile used within the School Effectiveness Framework or toolkit for inclusion currently being developed by the Welsh Government.

Action:

- **Publish new guidance on commissioning alternative provision.**
- **Improve the information available on children and young people educated outside schools through setting up an EOTAS PLASC and tying this into the broader performance framework for local authorities.**
- **Develop ways of sharing good practice, including use of approaches being developed through the School Effectiveness Framework web pages and the Behaviour Support Team Network.**
- **Consider the opportunities to further embed and expand the delivery of the All-Wales School Liaison Core Programme in EOTAS locations.**
- **Develop minimum standards of provision for EOTAS.**

Reintegration of pupils

3.7. Whilst all-Wales figures are not available on the numbers of all pupils referred to out-of-school provision who successfully reintegrate to mainstream provision, figures on the provision of education on the 16th day after exclusion suggest a wide-variety of approaches throughout Wales. Gathering more information on reintegration rates in each local authority on a one-off basis would help inform national approaches on a challenging aspect of local authorities' and schools' work.

Action:

- **Undertake a one-off research project which will explore the barriers which local authorities face in providing full-time provision to excluded pupils; consider reintegration rates across Welsh local authorities; and produce case studies of good practice.**

Dual registration and funding of EOTAS pupils

3.8. Particular issues arise for pupils dual registered at PRUs and mainstream schools or for pupils solely registered at schools who receive all of their education outside the school setting. Dual registration can be a very useful approach to take for those pupils who are unable to cope with the pressures of mainstream education, either for a set period of time on a full-time basis or for part of the week, with a view, where possible, to reintegrate them full-time into mainstream education or special school.

3.9. Whilst pupils remain registered at a school the school will retain their duties towards those pupils, including maintaining a responsibility for their welfare and recording their attendance and attainment. It is evident from the PLASC data that many schools are not complying with their duties to record attendance of pupils when they are due to attend PRUs. A large proportion of dual-registered pupils are recorded as having 100% attendance, highlighting that schools are simply recording them as attending when they are due to be at a PRU without ascertaining their actual attendance record.

3.10. A number of local authorities in Wales also operate the practice of keeping pupils on a mainstream school's roll despite their never attending that school and receiving only EOTAS provision. If local authorities are adopting this approach as a specific and strategic method of inclusion and the 'home' school maintains its duties to the pupil, including maintaining active links, then this is a viable approach. However, it is apparent that in many cases this is often done solely for the purpose of local authorities' education departments being able to access funding for the individual pupils locally through the age-weighted pupil units (AWPU) and nationally through the local government settlement. This gets round the problem that pupils registered solely at PRUs or other EOTAS do not currently appear in either funding formula. Whilst the Welsh Government recognises why this behaviour is taking place, it is not

appropriate, and probably unlawful, if the schools at which the pupils are registered are not complying with their duties to those pupils. For that reason the Welsh Government is proposing to amend the funding formulae to include pupils receiving only EOTAS and solely registered at PRUs or other provision. At the same time it will look to clarify the duties which local authorities have towards pupils on their roll. It is intended that these changes would be incorporated in any wider changes to funding arrangements for schools rather than being a separate exercise.

Action:

- **Improve the accuracy of recording of attendance for dual registered pupils.**
- **Amend funding formulae to include pupils solely registered at EOTAS.**
- **Set out clearly the responsibilities of schools towards pupils who are registered with them.**

Placement of pupils with Special Educational Needs

3.11. Estyn reports have highlighted the problems of pupils with complex special needs being placed at PRUs and these not being able to fully meet their needs. The current work to consider how the current statementing process could be replaced with a more holistic and less bureaucratic approach will be key in exploring how pupils with complex SEN are given appropriate provision which normally will not entail being placed in PRUs.

Action:

- **Use the findings from the additional learning needs (ALN) pilots to consider how best to provide for pupils with special educational needs and to avoid their being placed inappropriately in PRUs and other EOTAS.**

Provision for excluded pupils

3.12. Current guidance on exclusions in *Inclusion and Pupil Support* refers to full-time provision after 15 days of exclusion. In addition, local authorities have a legal duty to provide pupils in alternative provision with a 'suitable education', defined as 'efficient education suitable to his age, ability and aptitude and to any special educational needs he may have'. It could be argued therefore that in many cases education should already be full time because otherwise it is not "suitable". However, we are aware from evidence that there is a wide variation in the amount of provision that local authorities are currently providing to excluded pupils and more work is required to explore the practicalities of making full-time provision a clear statutory duty.

Action:

- **Undertake a one-off research project which will: explore the barriers which local authorities face in providing full-time provision to excluded pupils; consider reintegration rates across Welsh local authorities; and produce case studies of good practice.**

Managed moves – using EOTAS as interim provision

3.13. Managed moves are now used as a common approach across Wales and when these are effective they can avoid permanent exclusion and provide the opportunity for young people to make a new start. Some authorities use EOTAS provision as a stepping stone in a managed move from one mainstream school to another, often with an agreement with the young person, their family and the new school as to what conditions should be met (e.g. behaviour levels) before they can be admitted to the new school. The Welsh Government issued guidance in February 2011 'Effective managed moves: A fresh start at school for children and young people' in order to set out good practice and improve consistency of approach.

Information collection and performance management

3.14. The Welsh Government undertook in February 2011 to put in place a School Standards Unit as part of its drive to raise educational attainment in Wales. This will focus on the performance of schools, and the Welsh Government will consider whether this work could also include looking at the performance of PRUs and other EOTAS or whether it would be best done as a parallel, linked approach..

3.15. The new PLASC for EOTAS pupils will allow a benchmarking approach to be developed which, in the first instance, could focus primarily on attainment. It may also be possible to use the information to look at variations in reintegration rates but it would be necessary to overcome potential practical barriers. Attendance would also be a contender for benchmarking in this way. However, in the first instance the focus will need to be on improving the recording of the attendance of EOTAS pupils as we know that many of these pupils are simply recorded as having 100% attendance. An additional area to explore would be that of exclusions, but this would involve setting up a new approach as exclusions are not currently included on PLASC.

Action:

- **Develop a benchmarking framework for EOTAS pupils, which would include aspects such as attainment, reintegration rates, exclusions and attendance.**

Pupil Referral Units (PRUs).

3.16. The guidance on PRUs in *Inclusion and Pupil Support* sets out the definition as follows:

‘...Pupil Referral Units (PRUs) are maintained by LAs and are specially organised to provide education outside the school setting for pupils who might not otherwise receive a suitable and appropriate education...’

‘...a PRU is not a mainstream or special school, but is legally both a type of school and education otherwise than at school. These units are diverse in terms of the number and type of pupils catered for, the typical length of the stay, arrangements for admission and transfer to other education, and the nature of the curriculum and length of the school day.’

Local authorities operate different models of PRU provision, developed to meet local circumstances and in line with local policies. Models of provision by local authorities that may be included in the blanket term “PRU” include:

- provision on a single site;
- provision on several sites under a single management structure;
- peripatetic Pupil Referral Service (particularly in rural areas);
- “e-learning” provision using ICT and web-based resources;
- hospital and home teaching services, or discrete parts of a service which provide education in a unit or school-type setting;
- some hospital provision;
- separate provision for young mothers / pregnant pupils; and
- umbrella provision to register pupils who follow individual programmes

3.17. The number of PRUs per authority is shown in Annex C. PRUs are intended as short-term provision with a view to reintegrating pupils back to mainstream schooling, but the Welsh Government recognises that some pupils may need to attend for a longer term, particularly if they are coming to the end of compulsory school-age. This decision should however be made in relation to the needs of the child or young person and any long-term placements should continue to be reviewed on a frequent basis.

3.18. Local authorities are not required to seek the Welsh Government’s permission to set up or close a PRU but are required to notify the Welsh Government when doing so. This has not always happened in the past but there appear to have been improvements in recent years as the Welsh Government has sought to tighten up registration and deregistration of PRUs. It has recently developed a registration and deregistration form which has been in place since Autumn 2009.

3.19. Given the wide range of possible types of PRU it is not always straightforward whether a specific provision should be classified as a PRU. For this reason the Welsh Government undertook an audit of PRUs with local authorities in 2005/06 based on the information gathered from Estyn in their thematic review of 2005. The exercise was repeated on a smaller scale in Autumn 2009 and 2010 to ensure that records were as up-to-date as possible for PLASC in January 2010 and 2011. This will continue to be an annual exercise.

Communication – the links between PRUs and mainstream schools

3.20. Evidence suggests that staff and pupils in PRUs often experience a sense of isolation. For staff this might manifest itself as lack of information on developments across the local authority or nationally, a lack of empowerment in making decisions on the running of their PRU, insufficient access to training and development opportunities and insufficient and late knowledge on individual pupils referred to the PRU. Similarly, pupils may feel isolated for a number of reasons, for example due to the geographical location of the PRU leading to the need to travel further, possibly on their own; a separation from the friendship group that they had previously at mainstream school; and a more limited choice of activities e.g. access to sporting facilities.

3.21. The main responsibility for ensuring that staff in PRUs are integrated fully within education services lies with local authorities. However, there may be scope for taking some actions nationally to address this issue. Approaches could be developed nationally to ensure that staff in PRUs are fully aware of sources of information, particularly those which aim to share good practice.

3.22. The Behaviour and Attendance Pilot Scheme 3 provides the opportunity to develop a model of practice for sharing expertise in behaviour management across special schools, PRUs and mainstream schools which will also provide the opportunity to enhance links between PRUs and mainstream schools.

3.23. In considering methods of attempting to reduce the isolation of individual pupils, part of the approach will be to try and improve practices on dual registration and to increase the amount of reintegration of pupils. This could be achieved by developing methods of sharing good practice as well as developing approaches through the Behaviour and Attendance Pilot Scheme 2 which could be used nationally.

Management committees of PRUs

3.24. Although it is recommended good practice rather than a statutory requirement the majority of PRUs in Wales appear to have management committees. Evidence suggests that the effectiveness of PRUs is helped by having a management committee which challenges and supports the delivery of education in PRUs. The effective practice of setting up management committees could be further bolstered by making these a mandatory requirement and / or setting out guidance on how these might best function.

Action:

- **Continue the registration and de-registration process for PRUs and reaffirm through regular audit of LAs' provision.**
- **Make management committees statutory in Wales and issue guidance on how they should function effectively.**
- **Use the behaviour and attendance pilots to improve approaches nationally to reduce the numbers of pupils receiving education outside school; to increase the level of reintegration of children and young people from EOTAS to mainstream schooling; and improve the sharing of expertise and the levels of communication between EOTAS provision, special schools and mainstream schools.**
- **Undertake a one-off research project which will explore the barriers which local authorities face in providing full-time provision to excluded pupils; consider reintegration rates across Welsh local authorities; and produce case studies of good practice.**
- **Enhance methods of communicating with PRU staff nationally, particularly the sharing of good practice.**

Training and development

3.25. The Welsh Government is in the process of developing new approaches to continuing professional development, professional standards and performance management for education practitioners. Behaviour management and additional learning needs have been identified as 2 of the 6 priority aspects to be included in this work. It will be key to ensure that those working in EOTAS provision are fully involved in the development and implementation of the new arrangements.

Action:

- **Ensure that those delivering EOTAS are included in the development and implementation of new elements on behaviour and additional learning needs within the Welsh Government's new approaches on continuing professional development of education practitioners.**

Annex A: List of Actions from the Review of EOTAS

The table below contains all the actions identified throughout the document. The priority levels have been set following discussion with a working group of local authority representatives and Estyn and with the Steering Group for the implementation of the Behaving and Attending Action Plan. Work on all actions will begin during 2011-12 and greater focus will be placed in completing higher priority actions within the shortest possible timescales.

No.	Action	Priority
Communications and staff development		
1	Develop ways of sharing good practice, including use of approaches being developed through the School Effectiveness Framework, web pages and the Behaviour Support Team Network.	High
2	Ensure that those delivering EOTAS are included in the development and implementation of new elements on behaviour and additional learning needs within the Welsh Government's new approaches on continuing professional development of education practitioners.	High
3	Enhance methods of communicating with PRU staff nationally, particularly the sharing of good practice.	Medium
Funding		
4	Amend funding formulae to include pupils solely registered at EOTAS.	High
5	Undertake a one-off research project which will: explore the barriers which local authorities face in providing full-time provision to excluded pupils; consider reintegration rates across Welsh local authorities; and produce case studies of good practice.	Medium

Management and organisation		
No.	Action	Priority
6	Improve the information available on children and young people educated outside schools through setting up an EOTAS PLASC and tying this into the broader performance framework for local authorities.	High
7	Continue the registration and de-registration process for PRUs and reaffirm through regular audit of LAs' provision.	High
8	Make management committees statutory in Wales and issue guidance on how they should function effectively.	High
5	Undertake a one-off research project which will: explore the barriers which local authorities face in providing full-time provision to excluded pupils; consider reintegration rates across Welsh local authorities; and produce case studies of good practice.	Medium

Standards and commissioning		
9	Publish new guidance on commissioning alternative provision.	High
10	Consider the opportunities to further embed and expand the delivery of the All-Wales School Liaison Core Programme in EOTAS locations.	High
11	Develop minimum standards of provision for EOTAS.	High
12	Improve the accuracy of recording of attendance for dual registered pupils.	High
13	Develop a benchmarking framework for EOTAS pupils, which could include aspects such as attainment, reintegration rates, exclusions and attendance.	High
14	Use the behaviour and attendance pilots to improve approaches nationally to reduce the numbers of pupils receiving education outside school; to increase the level of reintegration of children and young people from EOTAS to mainstream schooling; and improve the sharing of expertise and improve the levels of communication between EOTAS provision, special schools and mainstream schools.	High
15	Set out clearly the responsibilities of schools towards pupils who are registered with them.	Medium

No.	Action	Priority
Standards and commissioning (continued)		
16	Continue to ensure that the needs of EOTAS learners are fully taken into account in the development and implementation of national policies.	Medium
17	Use the findings from the additional learning needs (ALN) pilots to consider how best to provide for pupils with special educational needs and to avoid their being placed inappropriately in PRUs and other EOTAS.	High

Annex B: Relevant Legislation

Section 19 of the Education Act 1996 is the primary legislation relating to the duty on LAs to arrange suitable education for young people outside of mainstream school. Section 19(1) of the Education Act 1996 (as amended by Section 47 of the Education Act, 1997) provides that:

‘Each local education authority shall 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.’

Suitable education is defined as ‘efficient’ education suitable to the age, ability, aptitude, and to any special educational needs the child (or young person) may have. LAs decide what is suitable education out of school for a particular child, in consultation with parents, in accordance with the LA’s policies, the efficient use of resources and having regard to this guidance. LAs cannot decide not to arrange any education or to make arrangements that do not provide suitable education for that child.

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.

Section 26 of the Children Act 2004 requires local authorities to set out the arrangements for the education of children otherwise than at school in their Children and Young People’s Plans.

Section 19(4) of the 1996 Act gives LAs the power to provide suitable education otherwise to “young people”, that is, a person over compulsory school age but under the age of 18.

Section 19(2) of the 1996 Act sets out that Pupil Referral Units are legally a type of school even though for the purposes of section 19 of the Education Act 1996 they are classed as providing education otherwise than at school.

Secondary legislation, in the form of regulations, is also in place for PRUs as follows:

The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007

These regulations ensure that various legal provisions apply to PRUs as well as maintained schools. The provisions are contained in the following Acts:

Education Act 1996 – Sections 404, 405 and 559 relating to the requirement of schools to have policies on sex education and to provide transport.

School Standards and Framework Act 1998 – Sections 19, 61 and 62 relating to powers of Ministers to close schools, responsibilities of schools and governing bodies for discipline and reserve power of LAs to prevent breakdown of discipline.

Education Act 2002 – Sections 29(3), 30(4), 32, 101(1)(d) relating to a schools power to require pupils to attend off-site provision, requiring head teachers (teachers in charge) to provide reports to the LA, responsibility for setting dates and times of terms, holidays and sessions, and a requirement for sex education to be part of the basic curriculum for secondary-age pupils.

Education Act 2005 – Part 1 relating to school inspections.

The following secondary legislation also applies:

The Local Education Authority (Payment of School Expenses) Regulations 1999

The Education (School Inspection) (Wales) Regulations 2006

The Staffing of Maintained Schools (Wales) Regulations 2006

The regulations also disapply certain provisions for PRUs:

School Standards and Framework Act 1998 - Sections 86 and 94 relating to parental preference and arrangements for admissions appeals.

and

Education (School Day and School Year) (Wales) Regulations 2003

b. The Education (Pupil Referral Units) (Appeals Against Permanent Exclusion) (Wales) Regulations 2003

These regulations introduced the right to appeal against exclusion from a pupil referral unit. They largely reflect the same approaches as those for maintained schools.

Annex C: Number of Registered PRUs by local authority, February 2011

Isle of Anglesey	0
Gwynedd	3
Conwy	4
Denbighshire	1
Flintshire	1
Wrexham	3
Powys	2
Ceredigion	1
Pembrokeshire	1
Carmarthenshire	2
Swansea	4
Neath Port Talbot	3
Bridgend	1
The Vale of Glamorgan	3
Rhondda Cynon Taf	4
Merthyr Tydfil	4
Caerphilly	5
Blaenau Gwent	1
Torfaen	1
Monmouthshire	2
Newport	2
Cardiff	1
Wales – February 2011	49
Wales – January 2009	53
Wales – January 2008	51
Wales – January 2007	41
Wales – January 2006	32
Wales – January 2005	31

Source: Welsh Government PRU Register, PLASC

References

DCSF, 2008 on Track. A Strategy for Modernising Alternative Provision for Young People

DCSF, 2008: Taking 'Back on Track' Forward

DCSF, 2007: Guidance on Management Committees for Pupil Referral Units – Constitution and Roles and Responsibilities

DCSF, 2008: Commissioning Alternative Provision – Guidance for Schools and Local Authorities

Estyn, 2009: Annual Report of the Chief Inspector of Education and Training in Wales 2007-08

http://www.estyn.gov.uk/annual_report.asp

Estyn, 2007: Local education authority practice in monitoring the location of pupils being educated outside the school setting and those missing from education

http://www.estyn.co.uk/ThematicReports/Monitoring_the_Location_of_Pupils_May_2007.pdf

Estyn, 2005: Thematic Survey of Pupil Referral Units and Similar Provisions

http://www.estyn.co.uk/publications/Remit_12_Thematic_survey_of_PRRUs_and_similar_provision.pdf

NFER, 2004: Good Practice in the Provision of Full-time Education for Excluded Pupils (final report)

[http://www.nfer.ac.uk/nfer/publications/FTP01/FTP01_home.cfm?publicationID=346&title=Good%20practice%20in%20the%20provision%20of%20full-time%20education%20for%20excluded%20pupils%20\(final%20report\)](http://www.nfer.ac.uk/nfer/publications/FTP01/FTP01_home.cfm?publicationID=346&title=Good%20practice%20in%20the%20provision%20of%20full-time%20education%20for%20excluded%20pupils%20(final%20report))

Ofsted, 2007: Pupil referral units: Establishing successful practice in pupil referral units and local authorities

<http://ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Pupil-referral-units-establishing-successful-practice-in-pupil-referral-units-and-local-authorities>

Ofsted, 2011: Alternative Provision

<http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Alternative-provision>

Welsh Assembly Government, 2009, Behaving and Attending, An Action Plan Responding to the National Behaviour and Attendance Review

<http://wales.gov.uk/topics/educationandskills/publications/guidance/nba-summaryactionplan/?lang=en>

Welsh Assembly Government Circular 1/2004: Exclusions from Schools and Pupil Referral Units
<http://wales.gov.uk/topics/educationandskills/publications/guidance/exclusionguidance/?lang=en>

Welsh Assembly Government Circular 47/06: Inclusion and Pupil Support
http://wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en

Welsh Assembly Government, 2008, The National Behaviour and Attendance Review
<http://wales.gov.uk/topics/educationandskills/educationskillsnews/2233523/?lang=en>

Welsh Assembly Government, 2006, Shared Planning for Better Outcomes Children Act 2004: Planning Guidance
<http://wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en>

Welsh Assembly Government Statistical Release SDR 99/2009 - Schools Census 2009: Provisional Results
<http://wales.gov.uk/docs/statistics/2009/090701sdr992009en.pdf?lang=en>

Welsh Assembly Government and Cazbah, 2008: Delivering Children & Young People focus groups as part of the National Behaviour & Attendance Review. Feedback report for National Behaviour and Attendance Review Steering Group
<http://wales.gov.uk/topics/educationandskills/educationskillsnews/2233523/?lang=en>

The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007
http://www.opsi.gov.uk/legislation/wales/wsi2007/wsi_20071069_en_1