



Department
for Education

Arranging Alternative Provision

A Guide for Local Authorities and Schools

February 2025

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Summary

This is guidance from the Department for Education on statutory duties and powers concerning the use of alternative provision.

This document includes statutory guidance from the Department for Education. Local authorities should have regard to that guidance when carrying out their duty to arrange suitable education for children who cannot attend mainstream provision.

The guidance also covers the role that the child's home school (if they have one) should play when commissioning alternative provision to ensure the child receives a suitable education in a safe environment.

This guidance also highlights the role the parents / carers and the child should play in agreeing suitable provision and on how and when a child could be reintegrated back into mainstream schooling (where relevant).

The 'home school' in this document refers to the school that the child is on the admission register of before they enter alternative provision. Not all children will have a home school as, for example, they may have recently moved into a local authority area.

This guidance describes both statutory requirements and best practice, to distinguish between which we use the following terms:

Must – where a person or body has a legal duty to do (or not do) something.

Can / may – where a person or body has a legal power or ability (not a duty) to do something.

Should – for guidance on best practice for both local authorities and other commissioners such as schools.

For the purposes of this guidance, the definition of alternative provision is as follows: education arranged by local authorities for children of compulsory school age who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; alternative provision can also be used by schools for children on a suspension (fixed period exclusion); and for children being directed by schools to off-site provision to receive education intended to improve their behaviour.

Elective home education (EHE) and special educational provision otherwise than at school arranged under section 61 of the Children and Families Act 2014 (EOTAS) are not a form of alternative provision. EHE is a term used to describe a choice by parents to provide education for their children at home (or elsewhere) instead of

sending them to school full-time. For further information, see the [guidance on Elective Home Education](#). EOTAS under section 61 is arranged for children and young people with special educational needs (SEN), typically with an Education, Health and Care (EHC) plan, when it would be inappropriate for the provision to be made in a school, college or other educational institution; often due to the child's multiple and / or complex SEN.

This guidance replaces the previous version, published January 2013.

Who this publication is for

This guidance is for:

- Local authorities
- School leaders, school staff and governing bodies / boards in all:
 - Maintained schools and academy schools (including free schools)
 - Pupil Referral Units (PRUs)
 - Alternative provision academies and free schools
 - Independent providers that deliver alternative provision
- Children of compulsory school age, parents and / or carers.

Main points

- This guidance relates to local authorities' statutory duties under section 19 of the Education Act 1996. S.19(1) states that local authorities must arrange suitable and (normally) full-time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive suitable education without such provision being arranged. This duty is referred to as 'the s.19 duty' throughout this guidance.
- Governing bodies of schools are responsible for arranging suitable full-time education from the sixth (or earlier) school day of a suspension for any child of compulsory school age.
- Schools may also direct children off-site for education [to help improve their behaviour](#).
- Local authorities and the governing bodies of maintained schools have statutory duties to have regard to some parts of this guidance. Local authorities and the proprietors of all state-funded schools (including

academies) are also required by general public law to take account of anything in the guidance that's relevant to carrying out their functions. Others are expected to treat the guidance as recommended practice.

- This guidance applies whether a child is on a school admission register or not.
- All children, regardless of circumstance or setting, should expect to receive a good education. Commissioners responsible for arranging alternative provision should ensure that it is good quality, registered where appropriate, and delivered by high quality staff with suitable training, experience and safeguarding checks.
- Alternative provision must be suitable to the child's age, ability and aptitude, and any SEN they have.
- For children who cannot attend school due to their health needs, local authorities and schools should have regard to both this guidance and [Arranging education for children who cannot attend school because of health needs](#).
- Placements into alternative provision should always be made with the child's reintegration back into mainstream education or move onto a sustained post-16 destination in mind.
- Where a child has an EHC plan, the local authority will usually name an educational institution for them to attend. It is not common practice, but local authorities can name an alternative provision on an EHC plan. However, alternative provision should not be used as a substitute for special school provision simply because there is insufficient capacity in local SEN provision.
- The s.19 duty does not apply to children and young people under or over compulsory school age. However, local authorities and schools should have clear policies in place to support these children and young people to access education and should follow the principles set out in this document, as good practice.
- When the term 'parent(s)' is used throughout this document it should be taken to refer to parents, carers, or legal guardian, as appropriate.

Document history

This guidance replaces 'Alternative Provision: Statutory guidance for local Authorities', published in March 2016.

The guidance has been updated to reflect changes in policy and / or legislation on:

- Arranging education for children who cannot attend school because of health needs
- Attendance regulations;
- Exclusions and suspensions;
- Remote education;
- Free school meals
- Looked after children

This guidance will be kept under review and updated versions will be published if necessary.

Policies and Processes

Strategic planning

All local authorities should have a strategic plan in place for alternative provision in their area. Plans should include:

- how the local authority will assess and ensure that there is sufficient and suitable quality alternative provision to meet all children's needs
- funding arrangements
- agreement on how placements into alternative provision are handled
- commissioning process
- quality assurance of placements, including quality of education and safeguarding
- reintegration policies
- plans and processes for outreach work and delivering interventions in mainstream schools

Local authorities should consider producing multi-year strategic plans to ensure alternative provision is securely funded and to better enable providers to plan appropriate curriculum, therapeutic offers and sustainable outreach provision.

The local strategy is there to ensure that all children who require alternative provision get timely and quality support that will meet their needs, re-engage them in learning and return them to mainstream education.

Placement planning

Local authorities have a duty to ensure there are sufficient school places for all children, including those in need of alternative provision. If the local authority identifies a shortage of alternative provision places for children, resulting in a significant number having to travel considerable distances to a suitable placement or being placed in inappropriate provision, local authorities should consider creating or expanding provision. Local authorities can seek proposals for new schools via the free school presumption route (see Annex 2), drawing on the basic need and specialist provision capital funding we provide.

Although much of alternative provision is delivered in PRUs, or in alternative provision academies including free schools, it can also take place in a wide range of other settings, such as:

- hospital schools
- colleges
- independent schools
- vocational and unregistered settings
- one-to-one tuition

Alternative provision settings may also deliver outreach support within mainstream schools through targeted interventions to improve children's behaviour, engagement with learning or attendance, and to reduce preventable exclusions.

When planning alternative provision, local authorities should always consider the type and range of needs of those children who may attend alternative provision now and in the future. They should ensure there are sufficient suitable places and resources to meet those needs across all settings.

There are a number of different ways local authorities and schools can discharge their responsibilities in regard to alternative provision. Whichever system is used, local authorities and schools should always explore the most effective arrangements for alternative provision commissioning and funding in their area.

Local authorities should always take account of the needs of local schools and the community in determining the demand for alternative provision and how it is delivered, encouraging schools to think collectively about their use of alternative provision, and how the full cost of provision can be met.

Many local areas have developed strong partnership arrangements, which seek to share responsibilities across schools for alternative provision commissioning, funding, and accountability. Such arrangements can include the local authority devolving some decision-making and funding to groups of schools.

In circumstances where funding and decision-making are devolved to local schools, the local authority still retains the s.19 duty and responsibility to ensure there are sufficient alternative provision places in their local area. Local authorities also need to ensure they have sufficient oversight of pupil movement to ensure they can carry out their duties to ensure that all children in their area have access to suitable education and are kept safe.

Working together

When devising an alternative provision strategic plan there should be effective collaboration between all relevant stakeholders and agencies, for example:

- all local mainstream and special schools, alternative provision settings and colleges
- special educational needs and disability (SEND) services
- child and adolescent mental health services (CAMHS)
- health commissioners and integrated care boards (ICBs)
- education welfare and attendance improvement services
- educational psychologists
- professionals involved with children who are supported by children's services
- youth offending teams
- neighbouring local authorities, where cross-border commissioning occurs

The plan should be clear on the role and responsibility of all stakeholders and agencies in the planning and delivery of effective education for children who need additional support.

Parents also have an important role to play throughout the planning and commissioning of the child's placement and can provide necessary information about the child and their needs. Parents should always be consulted before new provision begins.

Children should be involved in decision making from the start to the extent that their age and health allow. How a child is engaged should reflect their age and maturity. This will help ensure that the right provision is offered and will encourage the child's commitment and engagement.

Many alternative providers will also work with their local mainstream schools to offer outreach support to provide capacity and capability to those mainstream schools as well as to deliver specific interventions for children or groups of children. Outreach support within mainstream schools can assist leaders and teachers in supporting children who are at risk of preventable exclusion and who might otherwise be placed in alternative provision.

Local policy statement

All local authorities should have a written, publicly accessible policy statement on their arrangements for complying with the s.19 duty.

Local authorities should have processes or policies in place which support a child in getting the right and appropriate type of provision and a good education. Local authorities should also have processes and policies in place on how they support children and young people under and over compulsory school age to access

appropriate education. It is good practice for local authorities to make this policy available and publish it online.

Funding

For full guidance please see the [High Needs Funding Operational Guidance](#).

Alternative provision settings can receive their funding in different ways, depending on the type of setting, through:

- Core funding for PRUs, alternative provision academies and alternative provision free schools: the annual allocation of funding based on an amount per high needs place for a number of places (place funding), which a school receives either directly from the local authority (for PRUs maintained by that authority, based on the financial year), or from the Education and Skills Funding Agency (ESFA) (for alternative provision academies and alternative provision free schools, based on the academic year).
 - The number of places, which does not have to relate to the physical capacity of the alternative provision, is determined each year by the local authority that maintains the PRU, or that previously maintained the alternative provision academy, working with the alternative provision setting and, in the case of an academy, the ESFA.
 - The number of funded places in an alternative provision free school is determined by the ESFA, working with the free school and those local authorities and schools that commission places at the free school.
- Top-up funding: the funding required over and above the core or place funding, to facilitate the education being provided, which the setting receives directly from the local authority or sometimes the school that commissions each placement.
- Locally negotiated funding for alternative provision services provided by alternative provision settings, such as outreach, which is separate from the above place and top-up funding, usually based on a service level agreement between a local authority or school (or group of schools) and the alternative provision setting. This type of funding includes funding for independent alternative provision, which is locally negotiated between the commissioner and provider and is separate from the place and top-up funding system.

Where the local authority commissions a placement for a pupil at a PRU, alternative provision academy or alternative provision free school, the top-up funding is allocated from the local authority's high needs budget.

A standard top-up funding rate is usually set for each PRU, alternative provision academy or alternative provision free school, reflecting the overall budget needed to deliver the provision for the children attending. The principles of local authorities working constructively with schools and providers to co-produce transparent local arrangements for the provision offered and the expected cost rates (as set out in the [high needs funding operational guide](#)) are as important for alternative provision as for any other form of high needs provision.

Where a school commissions a place at a PRU, alternative provision academy or alternative provision free school, the top-up funding may come from centrally held high needs funding that has been devolved to that school or a local partnership of schools (for example, via a service level agreement), or from the school's delegated budget share or (if an academy) general annual grant.

Additional high needs and other funding

Other funding streams that the local authority passes on to alternative provision settings (pupil premium grant for children placed in alternative provision or historic teachers' pay and pensions funding etc) are separate from both high needs place and top-up funding.

How this additional funding is allocated may change in future years, so it is always best to get up-to-date information from the latest version of the [high needs funding operational guide](#) and any funding guidance relating to the separate grants that, from time-to-time, may be payable.

When to provide support

When a local authority arranges alternative provision for non-medical reasons, that education should begin as soon as it is possible, and at the latest by the sixth school day of the child's absence.

Governing bodies of maintained schools and the trust boards of academy schools and alternative provision academies are responsible for arranging suitable full-time education from the sixth school day (or earlier) of a suspension.

All schools (including independent schools) are required to make a 'sickness return' to their local authority when a pupil of compulsory school age is recorded in the

attendance register using code I (unable to attend because of sickness) and they have reasonable grounds to believe the pupil will miss 15 days consecutively or cumulatively because of sickness. Only one sickness return is required for each continuous period of absence in a school year. This is to help the school and local authority agree any provision needed to ensure continuity of education for pupils who cannot attend because of health need.

There is no absolute legal deadline by which local authorities must start to arrange education for children with additional health needs. However, as soon as the local authority has been informed by the home school that the child will be absent for 15 days or more they should begin the process of arranging suitable alternative provision. For further information please consult the [Arranging education for children who cannot attend school because of health needs](#) guidance.

Criteria for placing children in alternative provision

Local authorities should have robust criteria, shared and agreed with all local schools, on how and why they would place children in alternative provision. Strategies should clearly set out the roles and responsibilities of each partner involved in the placement to ensure there is rigorous oversight and a continuum of support surrounding every child placed in alternative provision.

Many local authorities use advisory “panels” to ensure that alternative provision placements are an appropriate and proportionate response to a child’s behaviour and needs. The panels bring together a range of local partners who use their expertise to best identify a child’s needs and source the most suitable provision and interventions to meet those needs and with the aim of returning the child to mainstream education as soon as possible.

Where a child or young person has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. The LA responsible for maintaining the plan must be closely involved in any decision about placement in alternative provision. The EHC plan will set out the pupil’s SEN and will specify the special educational provision they require. Any AP arrangements should be made to ensure that this provision continues to be delivered.

Identifying a suitable placement

When it is decided that a child would benefit from alternative provision the placement should focus on enabling them to overcome any barriers to learning they may have and to assist them back into mainstream education or into a sustained post-16

destination. As such, the commissioner should always ensure that a placement will address the individual needs of the child as well as providing education in line with that of their home school to better enable re-integration.

When identifying any placement, the commissioner should always consider the individual circumstances of the child and whether the setting is appropriate. This includes discussions between the home school and local authority to ensure there are no safeguarding concerns about the location of the placement and that the route between home and provider is manageable and safe.

To support commissioning practice, many areas use quality assurance frameworks, with local authorities, schools and providers working collaboratively to produce approved lists of all local providers, including unregistered alternative provision, which are measured against clear, locally defined standards (including registration where necessary, safeguarding, health and safety, quality of accommodation, quality of education etc). These frameworks assist local authorities and schools to meet commissioning responsibilities, as set out in this guidance, as well as enable unregistered alternative providers to demonstrate compliance with the standards before their services can be used.

These lists, where they exist, can provide a helpful starting point. However, the commissioning school or local authority is ultimately responsible for the provision they put in place. As such the commissioner, prior to placement, should always conduct their own due diligence to assess whether the provision is safe, offers high quality education and is suitable for meeting the child's individual needs.

Cross-border placements

When a placement is arranged for a child in another local authority area from where they live, the local authority in whose area the child is wholly or mainly resident in retains responsibility for that placement.

In areas where cross-border commissioning occurs, all participating local authorities should ensure they collaborate during their respective sufficiency and strategic planning processes.

The commissioner of a cross-border placement will still retain responsibility for the oversight of the provision as set out in this guidance.

When arranging a cross-border placement, the commissioner should always liaise with the local authority in whose area the provision is located to ensure there are no safeguarding concerns about the child travelling to another local authority area and that the route between home and provider is manageable and safe.

Arranging a placement

As soon as a suitable placement is identified, the commissioner and alternative provision setting should agree the nature of the intervention, its objectives, reintegration and the timeline to achieve these objectives. The provider should set this out in a personalised plan for the child.

Regular review dates (at least half-termly) between the commissioner and the provider should be built in to monitor the child's progress against objectives and to consider any changes that may be necessary to ensure the placement is successful. The provider should be responsible for advising commissioners on any necessary changes and next steps to support transitions.

Where reintegration back into a mainstream school is the main objective, there should be agreement between the home school and the provider on how to assess when the child is ready to return. A joint plan between the provider and home school should be put in place outlining the support package and resources needed from both the placement and the home or new school to help the child to reintegrate back into mainstream schooling successfully.

All objectives and plans should be agreed with all relevant stakeholders, including the parents and child, where appropriate. Objectives, plans, roles and responsibilities should be set out in writing by the provider and regularly reviewed with all stakeholders.

When a decision is made to commission an alternative provider to offer outreach support, the mainstream school and provider should agree on the nature of the intervention, the intended outcomes, and how progress will be monitored and evaluated. Any intervention should be led by the evolving needs of the child and should be kept under review.

Oversight of placements

Responsibility for the oversight of the alternative provision used always rests with the local authority or school that commissioned the placement.

Schools should always inform the local authority when they commission a placement in alternative provision for a child to ensure the local authority maintains oversight of sufficiency and safeguarding.

Commissioners should maintain regular contact with the provider and child, with clear procedures in place to exchange information, monitor progress and provide

pastoral support. A child should not be removed from the home school's admission register, with the school making every effort to ensure that the child continues to feel that they belong and are part of the school.

The commissioner and alternative provider should discuss and agree a proposed maximum period of time as part of the planning phase for an off-site direction.

The commissioner and alternative provider should agree on appropriate reporting mechanisms, including how the provider can report any issues or concerns and how the provider keeps records on and reports back information about a child's attendance and progress in the provision.

Commissioning schools and local authorities should maintain a full record of all placements they make, including a child's progress, achievements and destination following the placement. This should also include the child's own assessment of their placement.

Where a child has been directed off-site to an alternative provision school, the child should always be dual registered from the beginning of the first day on which the school has directed the pupil to attend the provision. For the purpose of the school census a child should be dual main registered at their school and dual subsidiary registered at the alternative provision.

Safeguarding

Where a child is placed in alternative provision, the commissioning school or local authority continues to retain safeguarding duties towards the child and should therefore be satisfied that the provision is in a safe environment as well as meeting the child's pastoral and educational needs.

Commissioners should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that schools would otherwise perform in respect of their own staff. This includes written confirmation that the alternative provision provider will inform the commissioner of any changes to arrangements that may put the child at risk, e.g. staff changes, so that the commissioner can assure itself that appropriate safeguarding checks have been carried out on new staff.

When a child is attending an alternative provision school, the commissioner should ensure that they have arrangements in place whereby all absence is followed up promptly, particularly unexpected and unexplained absence. When a child is placed in a college or unregistered alternative provision setting, the commissioner should

also ensure that they have arrangements in place whereby the provider of the educational activity notifies them of any absences by the child.

The commissioner should always know where the child is during school hours. This includes having records of the actual address of the commissioned alternative provider and any subcontracted provision or satellite sites the child may attend.

Commissioners should regularly review placements they make in alternative provision. Reviews should be frequent enough (at least half-termly) to assure that the provision is achieving its objectives, that the child is regularly attending and that the placement continues to be safe and meets the child's needs.

Where safeguarding concerns arise, the placement should be immediately reviewed and terminated if necessary, unless or until those concerns have been satisfactorily addressed.

Schools and local authorities should always have regard to [Keeping Children Safe in Education](#) guidance and [Working Together to Safeguard Children](#).

Adapting education to a child's needs

All children, regardless of circumstance or setting, should expect to receive the same high standard of education as their peers in a mainstream school (or special school if applicable).

Alternative provision and the framework surrounding it should offer good quality education equivalent to that provided in mainstream (or special) schools. The provision must be suitable to the child's age, ability and aptitude, and any SEN they have.

Provision should also support the child to overcome their individual barriers to attainment and achievement, giving equal consideration to their pastoral needs, and enabling them to thrive and prosper in the education system.

Provision should address a child's physical or mental health needs as well as personal, social and emotional needs, alongside their educational needs. For example, ensuring that the child feels like they belong to their home school community, and are able to stay in contact with classmates, and where reasonably practicable have access to the same opportunities enjoyed by their peers.

The education offered by alternative provision settings should be of a good quality, delivered by high quality qualified staff who have undertaken suitable training, and have relevant experience and safeguarding checks.

Children should also be involved in decisions about their education from the outset, to the extent that their age, additional needs and health allow. This will help ensure that the child understands the reasons and intended outcome for the placement and will encourage their commitment and engagement.

Children should be given the opportunity to take appropriate and relevant qualifications. This would help prevent them from falling behind their peers and ensure that they are able to access their chosen post-16 destination.

Full-time and part-time education

Local authorities must arrange suitable full-time education for children of compulsory school age who would not receive suitable education without such provision. This applies whether the child is on the admission register of a school or not and whatever type of school they attend.

The law does not define “full-time education” but children should have provision, where possible, which is equivalent to the education they would receive in a mainstream (or special) school. This may not mean the same number of hours. If, for example, a child receives one-to-one tuition, the hours of face-to-face provision could be fewer as the education may be more intensive.

Where full-time education would not be in a child’s best interests for reasons relating to their physical or mental health, local authorities must arrange part-time education on whatever basis they consider to be in the child’s best interests. Further information can be found in [Education for children with health needs who cannot attend school](#) guidance.

Full and part-time education should still aim to achieve good academic attainment particularly in English and maths. Any part-time education should be reviewed regularly, with the aim of eventually increasing the number of hours up to full-time as soon as the child’s health allows.

Where an intervention is part-time or temporary, to help minimise disruption to a child’s education, it should complement and align with the child’s current curriculum, timetable and qualification route.

Where a child is on a part-time timetable in alternative provision, the commissioner of the placement and the provider should ensure there is a clearly defined plan and timeline in place for when and how the child will return to full-time education. All plans should be reviewed regularly.

If the home school refers a child to off-site provision on a part-time basis, as part of a planned intervention or placement, they should attend school as usual on the times on which they are not in the alternative provision.

Induction and assessment

As a child can enter alternative provision at any point in their school career and at any point in the academic year, it is essential that robust induction and baselining take place.

Prior to the placement starting, all relevant information should be shared with providers and other parties (home school, parents, relevant agencies) involved in the placement. This should be jargon free and include any information on SEN, disability or medical need, literacy, safeguarding or other issues, as well as any information requested by the provider as appropriate. Information must be provided in accordance with data protection principles but this should not discourage schools from providing information where they can appropriately do so. Guidance on information sharing for people who provide safeguarding services to children, young people and parents can be found in [Information sharing advice for safeguarding practitioners](#).

A well-structured induction plan will start the process of building a positive relationship between provider and the child. An induction also allows the provider to understand the child's background, experience and needs as soon as they enter the provision. This will enable the provider to tailor the curriculum, the required support and interventions to the child's individual needs, greatly improving their initial experience and ultimately improving outcomes.

The induction should include an assessment of the child's current academic levels and an opportunity to establish their future ambitions. This will enable the provider to put in place a personalised learning plan that includes an appropriate curriculum, alongside any additional SEN or learning support the child may need.

During the induction the provider should also baseline the child's previous attendance and engagement with education. This will enable them to effectively track and monitor patterns of absence, future attendance and engagement and demonstrate improvements that are made.

Where possible, engagement with parents should also be part of the initial induction plan.

Curriculum

Alternative provision should aim to deliver a high quality, broad and balanced curriculum that responds to the needs and ambitions of all children, giving them the foundations and resilience to succeed in education and in their future life.

The curriculum should allow for a wide range of extra-curricular activities and learning opportunities to improve life skills and experiences, aiding personal development and preparing them for the world of work.

All children should be given access to meaningful and credible subjects, courses and qualifications that will enable them to successfully take the next step into further education, employment or training.

As part of a broader curriculum there should be strong focus on English and mathematics skills and qualifications.

Given the unique nature of alternative provision and its cohort, providers also need to:

- have a strong focus on literacy and numeracy throughout the curriculum that enables children to better access wider learning and improve life outcomes
- provide a flexible curriculum that can be personalised to meet the varied needs and ambitions of all children
- enable curriculum sequencing that allows for the many different possible entry and exit points of children in a school year
- where possible, and particularly when re-integration is the aim, work closely with the child's home school to align curriculums as far as is possible.
- deliver a curriculum that supports academic achievement whilst also aiming to address any additional needs of the child, including improving behaviour and re-engaging them in education.

Providers should use a range of appropriate assessment tools and approaches that enable them accurately to measure progress of all children regardless of their entry and exit points, and regardless of the length of time they are in the provision.

Remote education

Attendance is essential for children to get the most out of their school experience, including for their attainment, wellbeing, and wider life chances. Remote education should not be viewed as an equal alternative to attending school. For this reason, we expect schools to consider it only as a last resort when the alternative would be no education, and only after it has been established that the child is, or will be, absent from school. In such cases, remote education can have the benefit of allowing absent children to keep on track with their education and stay connected to their teachers and peers in some cases.

For some children with health needs that mean they cannot attend school, it may be advisable to only use digital learning for a limited period of time.

Guidance on appropriate use of remote education can be found in [Providing Remote Education](#).

Reintegration

When a child is placed in alternative provision during a suspension of more than five school days, or a child has been directed off-site to improve their behaviour, the home school and provider should agree a plan and process at the beginning of the placement that aims to reintegrate the child successfully back into their home school. The plan should include details of how to assess when the child is ready to return to their home school and should provide an appropriate package of support, from both provider and home school, to assist their reintegration.

The placement should be regularly reviewed, including through regular contact or visits to the provider, and the plan and timetable for reintegration should be adapted as necessary.

The home school should receive regular reports from the provider on the child's achievements and progress, including on their attendance and behaviour management, during the placement. A final report should be produced in anticipation of the child returning to their home school.

When the placement is due to come to an end a discussion should take place between the home school, provider, child (if age appropriate), parent and any relevant external agencies to confirm reintegration arrangements and agree any additional support the child may need, and who will provide it, in order for their return to mainstream school to be a success.

The home school and provider may want to negotiate continued support for the child once they have returned to their home school to ensure they settle back into the mainstream and reintegrate successfully and sustainably.

If the placement does not end with reintegration into the school – for example, when a child reaches the end of Y11 while still in alternative provision – the provider and home school, if appropriate, should have a plan in place to secure a successful destination into further education, training or employment.

Children who cannot attend school due to health needs

Where possible, the home school should continue to provide education to children with health needs who can attend school.

When a child is already attending school, there is a range of circumstances where their health needs can and should be managed by the school so that they can continue to be educated there without the need for the intervention of the local authority. Home schools would usually provide support to children who are absent from school because of illness for a shorter period, for example when experiencing chicken pox or influenza. The [Supporting pupils at school with medical conditions](#) guidance outlines the expectations for schools in this respect.

However, as soon as it is clear that the home school can no longer support the child's health needs and provide suitable education, the school should speak to the local authority about putting alternative provision in place.

Further guidance can be found at [Education for children with health needs who cannot attend school](#).

Early intervention

Alternative provision can support early intervention in mainstream schools to improve school capacity and capability to respond to rising issues over behaviour, attendance, mental health or other needs. Interventions can reduce the likelihood of children becoming persistently or severely absent, reducing preventable exclusion and the need for longer term placement into alternative provision.

Early intervention can take the form of outreach work, supporting children whilst they remain at their home school. This might be through direct work with individual children or their parents, or more general work to build capacity in the home school to address behaviour or other issues before they escalate.

Early intervention can also take the form of planned placements into an alternative provision school for a fixed period. Where such placements are made, all guidance set out in this document should be considered in the same way as for alternative provision placement for an indeterminate period.

Where early intervention is offered, it should be as part of a continuum of support, with clear local processes for referral and to escalate or de-escalate support as required.

Alternative provision in FE colleges

Some further education colleges offer alternative provision to 14–16-year-olds. Where they do so they should be involved in strategic planning for alternative provision and included in all related policies and procedures as outlined in this document.

Ofsted inspects the quality of education for 14-16 year olds registered [full-time at a college](#). Provision for 14–16-year-olds attending alternative provision at college will be covered as part of an inspection of the home school at which they are registered.

Colleges must have regard to the [keeping children safe in education \(KCSIE\)](#) guidance when carrying out their duties to safeguard and promote the welfare of students receiving education or training at the college. FE colleges should also comply with [section 52A Further and Higher Education Act 1992](#) and the Education (Secondary Education in Further Education Institutions) Regulations 1999 that prohibit 14-16-year-olds being in classes with adults unless a teacher is present.

Further Education Colleges do not need to register as a school to offer alternative provision to 14–16-year-olds.

Post-16 provision

The s.19 duty applies to children of compulsory school age only and as such PRUs, alternative provision academies and free schools generally do not admit post-16 students. Where an alternative provider does admit post-16 students, the funding for places does not come from the local authority's high needs budget unless the authority has agreed to commission a place for a pupil with high needs (normally a pupil with an EHC plan). Key stage 5 places in alternative provision are funded in line with all sixth form places, based on the 16-19 national funding rate.

If an alternative provider has post-16 high needs students with SEN, usually with an EHC plan, the places for those students are funded on the same basis as those for post-16 students with high needs in mainstream schools (using a combination of funding through the post-16 funding formula, £6,000 per place and top-up funding).

Unregistered alternative provision

Local authorities and schools can arrange alternative provision in settings which are not schools or colleges. This is commonly known as unregistered alternative provision because, unlike schools or colleges, this type of provision is not subject to a national registration scheme or inspection framework.

As with other types of alternative provision, commissioners are responsible for the safety and quality of the provision they use and that the placement is appropriate for the child's needs. Commissioners should have regard to this guidance when arranging unregistered alternative provision.

To support commissioning practice many areas use quality assurance frameworks, with local authorities, schools and providers working collaboratively to produce approved lists of local unregistered alternative provision. Approved providers are measured against clear, locally defined standards, including where registration may be necessary, safeguarding, health and safety, quality of accommodation, quality of education etc.

These frameworks assist local authorities and schools to meet commissioning responsibilities set out in this guidance and enable unregistered alternative providers to demonstrate compliance with the standards before their services can be used.

Education providers offering full-time education for five or more children of compulsory school age or at least one child with an EHC plan or who is looked-after by the local authority are required to be registered as independent schools and meet the [Independent School Standards](#).

Commissioners should ensure that they do not place children with an unregistered provider if that would mean that the setting would need to be registered as an independent school.

Free school meals

Many settings that deliver alternative provision must provide free school meals (FSM) to eligible children.

By virtue of the Education Act 1996 children at state-funded schools who meet the eligibility criteria are entitled to FSM. Food provision must be made on school premises, or at any other place where education is being provided.

Many settings that deliver alternative provision are covered by this legislation and must provide FSM to eligible children.

Where local authorities have commissioned alternative provision to be delivered in an unregistered or private setting, it may be reasonable to consider whether a meal should be provided as part of this package of support. Local authorities are strongly encouraged to consider providing meals to children from low-income households, who meet the FSM criteria. Further information can be found in the [Free School Meals guidance](#).

Related Policies

In-school units

Many mainstream schools run their own ‘pupil support unit’ (though the name for the units can vary from school to school). These units offer planned interventions occurring in small groups and in place of mainstream lessons. The purpose of the unit can be two-fold:

- a) as a planned intervention for behavioural or pastoral reasons
- b) as a final preventative measure to support children at risk of exclusion.

In both circumstances, the underlying ambition should be to improve behaviour and maintain learning with the goal to successfully reintegrate children into mainstream lessons.

Guidance on how provision in in-school units should be delivered to address behaviour and improve engagement in education can be found in the [Behaviour in Schools Guidance](#).

Most in-school units provide support and interventions just for children who were already on their own admission register before being referred to the unit, but some units are also set up to take children from other local schools.

Although these units are sometimes referred to as “internal alternative provision”, the placement of children into another mainstream school with the intention of improving their behaviour or re-engaging them in education is a form of off-site direction. This includes where a pupil on the roll of one school is directed off-site to attend a pupil support unit in a different school (for example within the same multi-academy trust) (for further information, see section on off-site direction on page 27). Off-site direction from maintained schools is arranged under section 29A of the Education Act 2002.

Where such units are set up, schools should always discuss their plans with the local authority to consider how they fit with the wider local strategy for alternative provision and the continuum of support available to children.

Where a MAT or a maintained school establishes a unit for the admission of children who are not already on the school’s admission register and would be placed by other schools in the MAT or local area, then:

- parents should always be consulted on any potential change of provision before it takes place
- when placing children in another school's unit, the commissioner must adhere to their legal duties, including those summarised in this guidance
- the unit itself must be part of an existing school and all provision should be arranged and run by the 'host' school (see guidance on significant changes to academies or prescribed alterations to maintained schools for guidance on determining whether something is part of a school or is actually a separate school)
- the host school will have overall accountability for the provision and will be responsible for all of the children while they are attending the unit
- as the host school has overall accountability for the provision, the unit will form part of a school's Ofsted inspection
- children who attend a unit from another separate school must be admitted in accordance with the 'host' school's published admissions arrangements
- the child should remain dual-registered at the referring school
- throughout the placement, it should be clear which school has overall accountability and responsibility for oversight and safeguarding of the child, including when they are travelling between schools
- both the home school and the host school will need to consider travel and transport, setting out what support they will put in place to help a child attend the in-school unit, especially as these may be a considerable distance from home / home school
- the MAT or maintained school should inform the local authority if they intend to set up a unit with the intention of taking children from other schools. Local authorities have overall responsibility for safeguarding and attendance of children in its area and will need to know when a child is moved from one school to another and be assured of the accountability and safeguarding protocols
- the MAT should consider whether the increase in capacity would trigger a significant change at the host academy

The commissioning school should ensure that parents are notified in writing and provided with information about the placement. This should be done as soon as practicable after the decision has been taken and no later than two school days before the start of the placement. (Separate arrangements apply if the child has an EHC plan, see below.)

Parents and, where the child has an EHC plan, the local authority, can request, in writing, that the home school holds a review meeting. When this happens, under the Education (Educational Provision for Improving Behaviour) Regulations 2010 the home school should comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.

In-school units, even those that take children from other schools, do not receive specific high needs funding in the same way as SEN units or resourced provision (see below). All places are therefore funded from the funding that the primary or secondary school receives for its pupils through the national or relevant local funding formula. However, if the local authority or a school other than the 'host' school is commissioning a place at the unit, they may pay an amount for each placement.

An in-school unit should not be created solely to support children with EHC plans or SEN. If a school, MAT or local authority identify the need for such provision they should explore the option of opening a SEN unit or resourced provision. Further information on opening SEN Units or resourced provision is available in '[Making significant changes to an academy](#)' guidance.

Moving children with an EHC plan to a unit in another school

Where a child with an **EHC plan** is placed in an in-school unit (i.e. within the school named on their EHC plan), the relevant statutory duties for the school and local authority will continue to apply.

The home school should, where possible, contact the local authority that maintains the EHC plan at an early stage if it is contemplating a placement for a child with an EHC plan in a unit that is in another school. If the home school wants to place a child with an EHC plan in a unit that is in another school, the local authority will need to follow the statutory procedures for considering amending the setting named on the plan. Parents will have all the usual rights over any proposal to amend a plan. The decision-maker is the local authority.

Pupil movement strategies to support behaviour

Movement of pupils

For the vast majority of children, off-site direction to another mainstream school or to alternative provision, or the managed moves of children between mainstream schools, may not be necessary, as other strategies can manage and support behaviour.

Movement of pupils should be used only when all other strategies have been exhausted, including, if appropriate, the initial intervention strategies (found on page 29 of the [Behaviour in Schools guidance](#)) and the provision of outreach support from alternative provision in the mainstream school.

Commissioning alternative provision using off-site direction

Full guidance on arranging off-site direction, the reviewing of placements and plans for reintegration can be found in the [Suspension and Permanent Exclusion Guidance](#). In summary:

Off-site direction is when a governing body of a maintained school requires a child to attend another education setting to improve their behaviour. Off-site direction is arranged under section 29A of the Education Act 2002.

Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers.

Where interventions or targeted support have not been successful in improving a child's behaviour at their home school, off-site direction can be used to arrange time limited placements at an alternative provision or another mainstream school.

During the off-site direction to another school, children **must** be dual registered.

Off-site direction into alternative provision can be full-time or a combination of part-time support in alternative provision and continued mainstream education.

When arranging off-site direction into alternative provision, the governing body must have regard to this guidance and comply with the Education (Educational Provision for Improving Behaviour) Regulations 2010.

For maintained schools the governing body must ensure that parents (and, if the pupil has an EHC plan, the local authority) are notified in writing and provided with information about the placement as soon as practicable after the decision to give a

direction has been made and no later than two school days before the day the pupil is required to start attending the placement.

Parents and, where the child has an EHC plan, the local authority can request, in writing, that the governing body hold a review meeting. When this happens, governing bodies must comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.

The length of time a child spends in another mainstream school or alternative provision will depend on what best supports the child's needs and potential improvement in behaviour. However, the governing body should hold regular reviews of the placements and invite parents to each review.

The governing body must give written notification to parents within six days of the review meeting if they decide to continue the placement, including their reasons for the extension and how long the extension will last.

Managed moves

Further information on managed moves can be found in the [Suspension and Permanent Exclusion Guidance](#).

A managed move is the transfer of a child from one mainstream school (the home school) to another mainstream school (the new school), permanently, and involves a move from the home school's admission register to the admission register of the new school.

A managed move can also be undertaken following a period of off-site direction to an alternative provision setting where the child is dual registered (i.e., registered at both the home school and the alternative provision). If, following a review of the off-site direction it is agreed that it is in the best interest of the child, a managed move can take place and the child's name can be removed from the admission register of their home school.

Managed moves must be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Managed moves should only occur when it is in the child's best interests and should be offered as part of a planned intervention.

Any managed move should be preceded by information sharing between the home school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the child is provided with an effective integration strategy.

Naming alternative provision on an EHC plan

Where a child has an EHC plan, the local authority will usually name an educational institution for them to attend. A school or other institution, including an alternative provider, can be named in an EHC plan if the relevant requirements in the Children and Families Act 2014 have been met. The school or other institution has a duty to admit the child if the conditions in section 43 of that Act are met.

It is not common practice, but local authorities can name an alternative provision on an EHC plan. Alternative provision should not be used as a substitute for a special school provision because there is insufficient capacity in local SEN provision. Although the majority of children and young people in alternative provision have some form of SEN, alternative provision serves a distinct purpose that is different to special schools. Placements into alternative provision should always be made with the child's reintegration back into their mainstream or special school or into a sustained post-16 destination in mind.

Commissioning alternative provision for a child with an EHC plan

Local authorities are responsible for maintaining a child's EHC plan. As such, if the educational setting named on a child's EHC plan believes that the child would benefit from alternative provision, they should inform the local authority responsible for the EHC plan so that the authority can then consider whether to review the plan.

If the local authority agrees that an intervention from an alternative provider might be appropriate, the local authority would need to consult the child's parents, consider their wishes and consult with the alternative provider to ensure they are able to meet the child's needs. The local authority may need to review and amend the EHC plan, for example to name the alternative provision school in Section I as a new placement or as a dual placement alongside the home school or other institution.

Further information can be found in the [SEND Code of Practice](#).

Children who have a social worker, including looked-after children

If a child is facing an exclusion, the child's social workers or the local authority's [Virtual School Head](#) (VSH) should, as far as possible, attend the governing board meeting to share information. This should include helping to identify how the child's circumstances may have influenced the circumstances of the child's suspension or permanent exclusion and ensuring that safeguarding needs and risks and the child's welfare are taken into account.

Where a looked-after child (LAC) is likely to be placed in alternative provision, the designated teacher (DT) should contact the VSH as soon as possible. The VSH, working with the DT and others, should consider what support the child needs to overcome barriers to attainment and achievement, giving equal consideration to the pastoral needs of the child, to ensure an appropriate alternative provision placement can be made. Where relevant, the school should also engage with the child's social worker, foster carers, or children's home workers.

Further information on [promoting the education of looked-after children](#) can be found here.

ANNEX 1

Opening and closing alternative provision academies and PRUs

Academies & free schools

Further advice on closing an alternative provision academy by mutual consent can be found at [Closure of an academy by mutual agreement](#) guidance.

The process for pursuing an enforced closure in an academy is outlined in the [Schools causing concern](#) guidance.

Alternative provision and special provision are arranged in response to very specific local needs and all specialist provision is funded by the local authority through the High Needs Budget. As such the department is unlikely to accept any proposals to change designation without strong rationale as it could be seen as setting up new provision (and closing down other specialist provision) which could unbalance the local offer.

Trusts requesting to make changes to the type of provision offered should contact the department at the earliest point via an [enquiry form](#).

Pupil Referral Units

The Secretary of State has the power to direct a local authority to close a PRU which requires special measures or significant improvement. When this happens, the local authority must provide the Secretary of State with information about the arrangements it is making to ensure that children receive suitable education.

Regulations allow the Secretary of State to make an alternative provision Academy Order in relation to a PRU which requires special measures or significant improvement.

Local authorities can choose to close a PRU in their area without consulting the DfE. However, they must obtain the consent of the Secretary of State before closing a PRU:

- which requires special measures or significant improvement;

- where the Secretary of State has established an interim executive board (IEB); or
- where Ofsted has notified the PRU that an inspection is to take place.

If a local authority does close a PRU they will need to inform the department to have the school removed from Get Information About Schools. Information should be sent to the AlternativeProvision.PRU@education.gov.uk inbox.

Significant changes

When considering [significant changes](#) to provision in alternative provision academies, evidence of consultation responses from local authorities will be particularly important. Local authorities are responsible for commissioning and funding high needs places, and they will be expected to confirm that the proposed changes reflect the provision required to meet current and forecast needs.

The academy trust responsible for special and alternative provision academies should follow the significant change process if it seeks to increase the number of places by:

- 20% or more, or
- 20 pupils or more (whichever is the smaller number), except for special boarding schools where the limit is 5 pupils

The significant change process does not need to be followed where a special school is established in a hospital.

A local authority does not need to seek permission from the department to make a significant change to a PRU. However, they will need to inform the department to have the changes update on Get Information About Schools. Information should be sent to the AlternativeProvision.PRU@education.gov.uk inbox.

PRU management

PRUs are alternative provision schools maintained by the local authority.

Regulations require local authorities to establish management committees to run PRUs in their area, to make provision for the constitution (including composition) and procedures of management committees, and to delegate specific powers to management committees. The management committee must have a strategic role setting out and monitoring the aims and objectives of the unit to ensure children are safe, have their needs met and receive a good standard of education.

Local authorities are required to delegate budgets to the management committee of the PRU. The relevant regulations prescribe how PRUs' budget shares are to be calculated and what funds for high needs children can be retained centrally by a local authority.

Giving management committees a delegated budget will ensure that PRUs can act more responsively and specifically in the best interests of children. Local authorities must delegate to the management committee responsibility to set budgets. Management committees also have responsibility for all other financial decisions necessary to manage and spend budgets effectively, such as maintaining accurate accounts, signing contracts and deciding on severance payments to dismissed staff.

Responsibility for all decisions about the recruitment and management of staff sits with the management committee. As with community schools, the local authority remains the employer of staff in PRUs and continues to be responsible for agreeing pay and conditions. The management committee, however, have responsibility for making decisions about appointing, managing, appraising, suspending or dismissing members of staff. In carrying out the duties with regard to this, management committees must adhere to the relevant provisions of the School Staffing Regulations.

In terms of the composition of management committees, they must contain at least seven, but no more than 20 members. The structure is outlined in the table below. Regulations provide more information about who may be eligible in the different categories:

Management Committee Members	Composition
Parent members	At least one, but no more than one-fifth of the total committee
Staff members	At least one, but no more than one-third of the total committee
Local authority appointed members	At least one, but no more than one-third of the total committee
Community members	Must outnumber all of the other members combined
Sponsor members	Sponsor members are entirely optional but where a committee has sponsor members there must be at least one, but no more than two.

When appointing community members, local authorities (or the management committee itself where it is already in place) must first seek to appoint representatives from local schools. The regulations also specify that local authority employees, other than persons employed by the local authority to work in a maintained school by them, cannot be community members.

School representation on management committees will help ensure that the needs of children are better met and help build continuity and raise standards in their educational attainment. This is therefore a priority for management committee membership. Where it is not possible to appoint a school representative and there is difficulty in finding people to appoint as community members, consideration should be given to appointing community members who are involved with the young people, who may typically be in alternative provision in their area. This may include community groups, offending or drug support groups, and other alternative provision and PRUs. Local businesses, colleges and others who work with young people could also be considered. Where the local authority or management committee feel it would be valuable to retain the input from other local authority services (who previously sat on the committee as community members) it should be noted that representatives from these services can still attend management committee meetings to offer valuable insights, though they would not have voting rights.

Where a PRU requires special measures or significant improvement, or where a PRU is judged to be underperforming, the Secretary of State can replace members of the committee with interim executive members.



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