

## Monitoring and quality assurance of alternative provision placements

Ofsted requires local authorities to report on children not in receipt of full-time education in the usual way. This includes the duty to monitor pupils placed by mainstream and special schools in off-site alternative provision (AP).

Ealing schools are required to report on any alternative provision placements made and to confirm to the LA that they have robust arrangements in place to monitor and quality assure such placements.

This applies to all AP placements, full or part time.

### Permitted reasons for alternative provision placements

1. The DfE definition of alternative provision made by schools is as follows: 'pupils being directed by schools to off-site provision to improve their behaviour.' (Alternative provision - Statutory guidance for local authorities DfE January 2013)

In addition to those pupils the LA requires information regarding following arrangements:

2. Arrangements made in partnership with the school where a parent chooses to part-time home educate their child (Elective Home Education) – providing and/or paying for off-site provision alongside or instead of the school timetable
3. Off-site courses for selected groups of children run to enrich or extend the curriculum made in school
4. Children placed with an alternative provider in order to meet additional learning needs or an aspect of a child's SEN as required by an education, health and care plan or a Statement of SEN.

#### Note:

AP placements can offer useful opportunities to pupils who need a more bespoke programme than is available within a school.

Ealing primary and high schools can use the information in the attached document Additional guidance: Monitoring and quality assurance of alternative provision placements checklist to ensure that they have considered all aspects of a placement before making it and to quality assure the placement once made.

### Unregistered independent schools and out of school settings

Departmental advice for collaborative working between the Department for Education, Ofsted and local authorities March 2018 and related information.

An 'independent school' is defined as a school that is not maintained by a local authority or is not a non-maintained special school, and at which full-time education is provided (a) for five or more pupils of compulsory school age or (b) for at least one pupil of that age who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989) or has a statement of special educational needs or an education, health and care plan.

The legal definition of an 'independent school' in the Education Act 1996 refers to a school that is providing 'full-time' education. Institutions that provide less than full-time education do not come under the definition. There is currently no legal definition of 'full-time education' but the Department for Education (DfE) has issued guidance to say that 18 hours or more a week is likely to constitute full-time education.

An unregistered school is defined as a setting that is operating as an independent school, without registration. It is a criminal offence to operate an unregistered independent school in England.

It is illegal for unregistered independent schools to operate and to accept referrals. Schools must not place pupils in such a school nor endorse a parent's decision to do so.

If a school is considering an AP placement they need to check if the provider is registered with Ofsted. Schools should:

- Check how many pupils are on the roll
- How many hours are provided.

#### If the provider is not registered

If the hours available are very close to or over 18 and the number of pupils on roll are over 4 mainstream pupils or there is more than one Looked After Child (LAC) or more than one pupil with an EHCP, then that school is illegal and should not be used even on a part-time basis. It should be reported to the LA and the DfE's unregistered schools team.

If a school becomes aware that a student has been removed from their roll under a parent's right to educate their child at home but has subsequently been placed in an illegal independent school they have a duty to inform the LA or the DfE's Unregistered Schools Team.

Elective home education – DfE Departmental guidance for parents April 2019

Para 6.7: A small minority of parents send their children to establishments which despite the registration requirement mentioned in the paragraph above are in fact already operating as unregistered independent schools, providing a full-time education. The proprietors of these settings may be committing an offence, and the settings may be inspected by Ofsted and closed down. If you suspect that a setting you are considering for your child falls into this category you should ask the local authority if it has any relevant information about the setting, or the DfE's unregistered schools team.

See also: Prosecuting unregistered independent schools [Regulating independent schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/prosecuting-unregistered-independent-schools)

- Out of school settings which provide less than full time education (accepted as 18-25 hours) do not need to be registered and may be commissioned as providers of AP placements as long as the school is confident that they meet the criteria in the Attached Guidance and that the remaining hours are appropriately filled.

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Confirmation form for alternative provision placements made by Ealing schools 2021 – 2022.docx (docx)

**Related content**

[Checklist when choosing an alternative provision](#)

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