

Nottinghamshire County Council Policy for the Delivery or Commissioning of Learning for Children and Young People through Education Other Than At School 2024-2028

Legal Duties

1. Section 19 of the Education Act 1996 **requires** local authorities to make arrangements to provide "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. This does not apply to young people who are within 6 weeks of the statutory school leaving age and are not entered for any examinations.
2. Section 61 of the children and Families Act 2014 states that a local authority in England **may arrange** for any special educational provision that it has decided is necessary for a child or young person for whom it is responsible **to be made otherwise than at school** or post 16 institution or a place at which early years education is provided. An authority may only do so if satisfied that it would be inappropriate for the provision to be made in school or at such a place and before doing so the authority must consult the child's parents or the young person.
3. Section 100 of the Education and Inspections Act 2006 requires the Local Authority to provide full-time education for all permanently excluded pupils who are resident within the county. Consequently, from the sixth school day of the notification of a permanent exclusion, the Local Authority is statutorily responsible for ensuring that suitable full-time education is provided for pupils resident in Nottinghamshire (unless there is evidence that the pupil is unable to access full time learning at that time).

Education Other Than at School in Nottinghamshire

4. In line with the [SEND and alternative provision improvement plan - 2023](#), Nottinghamshire County Council supports the principle that all children should ideally be on a school/educational setting's role to receive their educational entitlement. In addition, we are committed to the principle that the majority of children with Special Educational Needs and Disabilities (SEND), including Social, Emotional and Mental Health needs, can have their needs met in our local mainstream schools, with the appropriate additional support.
5. There are specialist support teams and funding streams available to enable Nottinghamshire mainstream and special schools to develop effective strategies to support the needs of most pupils placed on roll, allowing highly personalized packages of education to be developed and managed by schools both onsite and offsite. Schools and the Local Authority officers are expected to work collaboratively with parents, carers, and other agencies to create appropriate inclusive education pathways that recognise and respond to individual needs and genuinely enable children and young people to learn and thrive in a school in their local community where they feel valued wherever possible. Schools are expected to follow a graduated response towards meeting pupil needs and to seek support through Family/ District Special Educational Needs Coordinators (SENCOs) and the relevant locality based School Attendance and Behaviour Partnerships.

6. The Local Authority is aware that there are exceptional situations where a child or young person may be in a position where an appropriate mainstream school or special school place is not available or accessible.
7. In the exceptional situations described within this policy the Local Authority may directly commission educational provision. Children and young people Educated Other Than at School in Nottinghamshire do not have access to places in a pupil referral unit. Education Other Than at School is expected to be commissioned from approved alternative education providers and tutors or delivered directly by the Nottinghamshire County Council Health Related Education Team.

Exemptions from this policy

8. Children and young people whose parents have chosen to provide Elective Home Education. In this circumstance whilst the children or young people are being educated other than at school it is the parents who have a legal responsibility to ensure that their child/children receive an education. Section 7 of The Education Act 1996 provides that:

'The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –

- (a) to his age, ability and aptitude, and*
- (b) to any special educational needs, he may have,*
*either by regular attendance at school **or otherwise.***

9. Education 'otherwise' includes by means of elective home education, and parents may elect to enhance their home education arrangements by enabling their child or young person to access learning via Tutors or other educators at any stage. Whilst their children are of statutory school age, parents or carers must ensure that they receive suitable full-time education for as long as they have elected to educate them at home.

This policy does not apply to Electively Home Educated children and young people.

10. Children and young people with an Education, Health and Care Plan whose parents or carers have agreed with the Local Authority that it is in the best interests of their child or young person for a personal budget to be allocated and for the parents or carers to make appropriate arrangements to access education otherwise than at school. This policy does not apply to children and young people with Education, Health and Care Plans educated otherwise than at school through personal budget arrangements.
11. Children on a mainstream or special school roll where the school have arranged for part, or all, of a pupil's education to take place offsite in an alternative provision setting or with a Tutor.

Children and young people who may qualify for access to Education Other Than at School directly funded by the Local Authority

12. Nottinghamshire County Council recognises the need for interim education provision to be made under Section 19 of the Education Act 1996 in the following situations:
 - 1) Pupils on roll at a school who have physical and/or mental health needs that have led to absence from school for 15 days, where there is evidence that they are unable to access the learning that their school has currently put in place for them, and the school needs time to make suitable arrangements.

- 2) Looked After Pupils without a school place and whose needs evidence that they are not yet ready to be placed on a school roll.
 - 3) Pupils without a school roll known to the Fair Access Team whose needs evidence that they are not yet ready to be placed on a school roll, or where no appropriate school roll is available.
13. Nottinghamshire County Council recognises the need for interim education provision to be made under Section 19 of the Education Act 1996, and under the Education Inspections Act 2006, in the following situation:
- 4) Pupils temporarily without a school roll because they have been permanently excluded from school and no appropriate alternative mainstream school place has been identified.
14. Nottinghamshire County Council recognises the need for interim education provision to be made under Section 19 of the Education Act 1996 or under Section 61 of the Children and Families Act 2014 in the following situation:
- 5) Pupils with special educational needs and disabilities who have an Education, Health and Care Plan (EHCP) whose needs cannot, at a specific period of time, be met in mainstream or special school settings and/or where no appropriate school or specialist place is available.

The four routes to Education Other Than at School Provision commissioned directly by the Local Authority

A) Where the physical and/or mental health needs of a pupil on roll at a school are such that they have been absent from school for 15 days, where there is evidence that they are unable to access the learning that their school has currently put in place for them, and the school needs time to make suitable arrangements

15. Schools in Nottinghamshire can seek advice and guidance from the Local Authority's Health Related Education Team, the Partnership Team, the Education Psychology Service, the Primary Social, Emotional and Mental Health team, the Schools and Families Specialist Services, the Physical Disability Support Service and the Fair Access Team, and can seek funding through Additional Family Needs Funding (AFN) or through High Level Needs (HLN) and Partnership Funding to support the development of personalised learning pathways for pupils with physical or mental health needs. It is recognised that physical and mental health needs can occur or escalate unexpectedly, creating situations where schools cannot reasonably be expected to have accessed the advice, guidance or funding that is available and necessary to put in place an appropriate education to meet the needs of the child or young person. Schools can ask the Local Authority to provide Education Other Than at School for pupils who have physical or mental health needs and who have been absent from school for 15 days by making a referral to the Nottinghamshire Health Related Education Team. This includes pupils who are receiving hospital treatment as an inpatient.
16. The Nottinghamshire Health Related Education Team contains specialist teachers and teaching assistants who work with the school and family to ensure that the child or young person can continue to access learning other than at school. This is usually a 12-week programme of interim education to either transition the pupil back into their school place or to allow the responsible school time to make suitable arrangements for the delivery of an appropriate education.

B) Vulnerable, Looked After and Fair Access Pupils who are Children/Pupils Missing Education

17. Where any County Council team is aware of a child or young person who is not on a school roll or who is not in receipt of an appropriate education and there is evidence that the pupil is not in receipt of a suitable education, then the case can be raised at Vulnerable Children Education Commissioning Group. Where appropriate the Local Authority will negotiate the provision of a suitable education placement working with school partners but if that is not reasonable or possible in a timely way then Education Other Than at School in terms of alternative education provision or tutoring can be commissioned through the Nottinghamshire approved alternative provider commissioning process with authorisation from the Vulnerable Children Education Commissioning Group.

C) Permanently Excluded Pupils

18. Schools in Nottinghamshire work in partnership with other local schools through the School Attendance and Behaviour Partnerships to support pupils who are at risk of suspension or exclusion. Wherever possible school led support should be put in place to meet need and the possibility of Managed Moves should be considered if a change of school setting is required.
19. Schools have a statutory duty to notify the home authority of a pupil when they issue a notification of permanent exclusion. Where a pupil resident in Nottinghamshire has been permanently excluded from school, Nottinghamshire County Council has a statutory responsibility to ensure that an education placement is in place 6 days after the notification of exclusion. Where appropriate a new school place will be sought but if that is not reasonable or possible in a timely way then Education Other Than at School in terms of appropriate alternative education provision or tutoring must be commissioned through the Nottinghamshire Approved Alternative Provider commissioning process.
20. The Vulnerable Children Education Commissioning (VCEC) Group meets 3-weekly and must be informed about all pupils who have been permanently excluded.
21. The Partnership Team is expected to commission provision within the 6 day timeline and is not required to wait for authorisation to proceed from the VCEC Group.

D) Pupils with Special Educational Needs or Disabilities who have an Education, Health and Care Plan

22. Where pupils with SEND and an Education, Health and Care Plan are on a mainstream school roll it is possible for the school to directly commission Education Other Than at School by arranging an alternative provision placement or tutoring as part of an agreed support plan. This can be supported through usual SEND Funding processes and the quality assurance, monitoring and safeguarding responsibilities remain with the school. In these situations, alternative provision is typically intended as an interim provision and schools must provide details of a plan to support the pupils' return to mainstream education or training in the future to secure the additional funding. This may or may not be in the current education setting or Key Stage.
23. The Local Authority may only directly commission Education Other Than at School for a pupil with an EHCP where an EHCP assessment or review has led to an agreement between professionals and families that a mainstream school setting cannot meet the needs of the child or young person at that time, and following due diligence by the EHC Assessment Team they can evidence that no appropriate special school place is available. As per any Education Other Than at School package, this will be reviewed regularly with a view to securing an on-roll

placement at a suitable specialist provision at the earliest opportunity. Any request for education provision other than at school to be commissioned directly by the Local Authority for a child or young person with an Education, Health and Care Plan must be authorised by the Integrated Children's Disability Service, EHC Assessment Team and commissioned through the Nottinghamshire Approved Alternative Provider commissioning process.

NCC Commissioning Education Other Than at School Provision

24. When NCC commissions Education Other Than at School Provision for pupils where it has been agreed that they should be educated other than at school, pupils will usually be educated in an alternative provision setting, but in exceptional cases a pupil may receive 1:1 tuition for a time limited period.
25. Nottinghamshire County Council maintains a list of approved alternative education providers including 1:1 tuition providers. Some providers are also registered with the Department for Education and those providers are subject to Ofsted inspections. All Nottinghamshire County Council approved providers are subject to Nottinghamshire County Council quality assurance processes and are subject to scrutiny prior to joining the list. The quality assurance processes are designed to ensure that children and young people are placed with education providers who have demonstrated compliance with key health and safety, safeguarding and educational requirements. Education Other Than at School placements directly commissioned by Nottinghamshire County Council can only be commissioned from the Nottinghamshire County Council Approved Provider List except under exceptional circumstances e.g. when commissioning a place for a Nottinghamshire Looked After Child who is residing in another local authority area where providers could not reasonably be expected to have applied to be approved by Nottinghamshire. The team responsible for seeking to commission an Education Other Than at School place for a pupil must adhere to the commissioning procedures agreed with the Nottinghamshire County Council Commissioning Team. Officers must ensure that the needs of the pupil have been clarified and that an education placement is commissioned from the education provider who has a suitable place available, that can meet need, as local to the pupil's residence as possible, at the most cost-effective price. All Education Other Than at School provision commissioned by the Local Authority will be funded from the Education Other Than at School Budget which is agreed annually with the Nottinghamshire Early Years and Schools Forum.

Education Other Than at School Provision Offer

26. An offer of Education Other Than at School provision should always be personalised to meet the needs of the child or young person and should take account of personal strengths and of any anticipated barriers to engagement.
27. Unless the needs of the young person dictate otherwise, or the offer is 1:1 tuition, the offer should be for 25 hours per week, over 38 weeks of the academic year. The Education Other Than at School package should be delivered within core education hours (8.30-4pm) other than in exceptional circumstances, i.e. where a child, young person requires medical interventions at a set time of day. Where a part time offer is initially required the aim must always be to increase the hours of learning as soon as it is appropriate for the young person. The Education Other Than at School provision offered should provide access to a broad range of curriculum areas and support the emotional wellbeing of the pupil. Where it is necessary to offer a personalised programme that combines alternative education providers, the number of providers attended should be kept to the minimum necessary to provide the learning required. For children and young people with an EHCP the education package agreed will need to deliver the provision outlined in section F of the EHCP, this is not an opportunity to request provision not currently in the EHCP outside of the EHC review process.

Monitoring Education Other Than at School Provision

28. Each alternative education provider is quality assured by the Nottinghamshire County Council Commissioning Team on an annual basis and the delivery of education and safeguarding processes are monitored by the Education Partnership Quality Assurance Monitoring Officer.
29. The Team that has commissioned the provision will remain responsible for the pupil and will be expected to participate in the half termly Education Other Than at School Monitoring Meetings and any relevant education reviews, Personal Education Plan reviews, Education, Health and Care Plan Reviews or formal Children's Social Care Child in Need or Child Protection Meetings.
30. The Education Partnership Team must be informed about all Education Other Than at School Placements and will then support with the monitoring of attendance, liaison with pupils, families and education providers, tracking academic progress and safeguarding and reporting back to the team that has commissioned the Education Other Than at School provision.
31. All parents and carers of Education Other Than at School pupils will be provided with the contact details of a Nottinghamshire County Council Education Other Than at School Professional Practitioner as a key point of contact whilst their child is accessing Education Other Than at School education. The families of children and young people with an Education, Health and Care Plan will also be allocated an Integrated Children's Disability Service caseworker.

Duration of Education Other Than at School provision

32. Whilst the need for Education Other Than at School for any pupil is recognised to be a very personal and individual situation, there is a recognition that wherever possible young people should be supported to return to school led and ideally full-time mainstream education at the earliest opportunity. Education Other Than at School provision is not expected to be a long-term solution.
33. For pupils in Key Stage 4 or 5 (EHCP only) accessing examination courses it is recognised that securing their accredited educational outcomes before they transition back into mainstream education pathways must be a priority. Consequently, pupils in Key Stages 4 and 5 (EHCP only) may need to attend Education Other Than at School provision until the end of the key stage before transitioning back into a more mainstream education setting.
34. For a small number of Education Other Than at School pupils it may become clear that returning to mainstream school learning will not be appropriate, in which case appropriate longer-term solutions will need to be explored with support from education, health, and social care colleagues as appropriate.