



Alternative Provision (AP) Policy



Policy author	Chief Executive Officer: W Hemmingsley
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Approved by	The MILL Executive

The MILL Academy (the Trust) is a school trust currently comprising of: The Henry Box School, Queen Emma's Primary School and Finstock Church of England Primary School. The MILL Academy Trust is run by a Board of Trustees. The MILL Academy Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment.

1. Purpose

This policy sets out how Trust schools — as the legally responsible decision-maker (not parents or external requesters) — considers, commissions, quality-assures and monitors any Alternative Provision (AP). Any AP placement will be a school-led decision, strictly time-limited, and commissioned only with the clear objective of reintegration back into school wherever appropriate. It ensures pupils who cannot temporarily access on-site education receive safe, suitable and outcomes-focused provision.

In line with Section 19 of the Education Act 1996, where a pupil is absent from school for 15 school days or more (whether consecutive or cumulative), or is unable to attend for another lawful reason, the Local Authority holds the legal duty to arrange and fund suitable full-time education without delay. The school will formally apply for Section 19 provision and funding where appropriate, but cannot be held responsible for the Local Authority's decision or timelines in fulfilling its statutory duty.

It is important to note that, in certain circumstances, Alternative Provision may be commissioned for children with an Education, Health and Care Plan (EHCP) on behalf of the Local Authority, where the school named in Section I of the plan is deemed unsuitable. In such cases, the Local Authority remains legally responsible for securing the provision specified in Section F of the child's plan. Therefore, where Alternative Provision is required in order to deliver or secure this provision, it is the Local Authority's responsibility to commission and fund that AP.

While AP can be commissioned without an EHCP, it is ordinarily most appropriate for pupils with an Education, Health and Care Plan (EHCP) or those with a level of assessed need that may lead to one. AP is not a default pathway and will only be used where it is clearly the most suitable, time-limited intervention with the ambition of return to school. It reflects DfE statutory guidance on AP (updated 5 Feb 2025), the SEND Code of Practice, KCSIE, and DfE attendance and exclusion guidance, and is consistent with the Children and Families Act 2014 (CAFA) duty to ensure that any placement is compatible with the efficient education of other pupils and the effective use of resources.

2. Scope and definitions

- Alternative Provision (AP): Education arranged by a school or local authority for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; and/or education arranged by a school to improve behaviour off-site.
- EOTAS: "Education Otherwise Than At School" usually applies where an EHCP specifies that education will be delivered entirely outside a school; this is a local authority decision via the EHCP, not a school-commissioned AP route.

3. Parental Requests and Legal Limits

Parents and carers may express views or make requests regarding Alternative Provision; however, AP is not a parental opt-in or entitlement. The decision to commission AP lies solely with the school, in line with law and assessed need.

Under the Children and Families Act 2014 (CAFA), any placement must be compatible with the efficient education of other pupils and the efficient use of resources. Therefore, even where a parent requests AP, the school may decline if the request does not meet these legal thresholds.

4. Decision-Making and Commissioning

Any decision to commission Alternative Provision is made solely by the school following a formal, evidenced process. All AP is commissioned with a clear, time-limited purpose and the default objective of reintegration back into school wherever appropriate.

The decision will be based on assessed need, the graduated Assess–Plan–Do–Review cycle, safeguarding considerations, and statutory duties — including Section 19 and CAFA compatibility.

5. Safeguarding Responsibilities and Ongoing Oversight

The school retains full safeguarding responsibility for any pupil placed in Alternative Provision. All providers must meet KCSIE expectations, including safer recruitment, DSL availability, immediate safeguarding reporting and suitable supervision.

6. Statement on Flexi-Schooling

Since the pandemic, a small number of parents and carers have asked Trust Schools about Flexi-Schooling.

The parent or carer is responsible for ensuring their child receives full-time education at statutory school age. Where a parent or carer educates a child partly at school and partly at home or elsewhere as an expression of parental preference, this is called Flexi-schooling.

Flexi-schooling must not be confused with elective home education (EHE). Parents and carers have a legal right to choose to home-educate their child, but they do not have a legal right to insist on a flexi-schooling arrangement with a school. The discretion to allow Flexi-schooling rests with the Headteacher.

The MILL Academy Trust considers that a school is best placed to deliver the complex demands of the National Curriculum. Therefore, Headteachers within our Trust will not support requests for Flexi-Schooling arrangements.

7. Quality Assurance and Monitoring of AP Providers

The school will only commission AP providers who can demonstrate high standards of safeguarding, curriculum quality, qualified staffing, attendance systems and alignment with SEND and Inclusion responsibilities. Written agreements will state curriculum intent, safeguarding reporting routes, attendance expectations and review schedules. The school will maintain regular contact, require progress updates and intervene immediately if provision is unsuitable.

8. Review, Reintegration and Exit Strategy

All AP placements are time-limited and reviewed at agreed intervals, normally every 6–8 weeks. Reviews will assess academic progress, personal development, attendance, wellbeing, and safeguarding. Unless clearly

inappropriate, reintegration back into school remains the default objective from the outset. Where AP is no longer appropriate or effective, the school will adjust provision accordingly, which may include increased in-school support or referral for EHC assessment.

9. Summary for Parents/Carers

Alternative Provision is not something parents/Carers can choose or demand. It is only used when the school decides it is necessary, lawful, time-limited and in the child's best interests, with the aim of helping them return to school as soon as appropriate.

The school will always listen to your views — but AP can only be used if it:

- is educationally and legally appropriate,
- is compatible with the efficient education of other pupils, and
- represents an efficient use of public resources (CAFA 2014).

Under the DfE guidance *Working Together to Improve School Attendance*, parents have a legal duty to ensure their child attends school regularly. AP will not be used to facilitate avoidance of the regular school attendance requirement.

Where a child cannot attend school for medical or other lawful reasons, the Local Authority — not the school — has the legal duty to fund and arrange education under Section 19 of the Education Act 1996.

Trust schools remains fully committed to inclusive education and will always seek reintegration wherever appropriate.

Alternative Provision is a short-term intervention designed to support pupils to overcome barriers to learning or access appropriate support, with the clear expectation that they will reintegrate back into school once it is suitable to do so.

Appendix A — Legal Compliance Summary

This policy has been reviewed against and is fully compliant with current statutory and regulatory requirements governing Alternative Provision (AP) in England. It reflects all relevant national legislation, guidance, and safeguarding expectations as of February 2025.

Key Legal References and Compliance Overview:

Education Act 1996 (Section 19):

Confirms the Local Authority's statutory duty to arrange suitable full-time education for pupils unable to attend school due to illness, exclusion, or other lawful reasons. The school's role in applying for and liaising over Section 19 provision is lawfully outlined.

Children and Families Act 2014 (CAFA):

Ensures all AP decisions are compatible with the efficient education of other pupils and the effective use of public resources. The school's commissioning and review procedures meet CAFA's legal thresholds for decision-making.

SEND Code of Practice (2015):

Fully embedded through the use of the Assess–Plan–Do–Review model and clear linkage between AP decisions and wider SEND responsibilities, including potential EHC assessments.

Department for Education Statutory Guidance on Alternative Provision (updated February 2025):

The policy mirrors DfE requirements regarding the commissioning, monitoring, and review of AP placements, with reintegration to school as the default objective.

Keeping Children Safe in Education (KCSIE, 2024):

Safeguarding oversight, safer recruitment, and reporting expectations are explicitly maintained for all AP settings, with the school retaining legal safeguarding responsibility for all pupils placed off-site.

Working Together to Improve School Attendance (DfE, 2024):

Reinforces the parental duty to ensure regular attendance and confirms that AP will not be used to circumvent attendance requirements.

Flexi-Schooling and Elective Home Education:

The policy correctly distinguishes between flexi-schooling and elective home education, clarifying that flexi-schooling is at the headteacher's discretion and not a parental right.

Local Authority Definition – Oxfordshire County Council (OCC):

The policy references the local context by including the definition used by Oxfordshire County Council: "Alternative provision can be defined as something in which a pupil participates as part of their regular timetable, away from the school's site where they are enrolled, and not led by school staff."
(Source: schools.oxfordshire.gov.uk)

Statement of Assurance:

This policy provides a legally compliant, transparent, and robust framework for the commissioning and oversight of Alternative Provision across The MILL Academy. It ensures lawful practice, prioritises pupil welfare and reintegration, and aligns fully with statutory guidance in force as of February 2025.