



# Systemic Failings in Alternative Provision: Horrendous But Sadly Not Surprising

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“All children and young people should have access to safe, high-quality education. For some children in alternative provision (AP), this is not the case”. This is how CQC and Ofsted’s [Thematic Review of Alternative Provision in England](#) begins.

## Challenges and Government Response

The Review continues, highlighting inconsistent and ineffective practices that fail the young people needing AP, resulting from:

- A lack of national standards
- A lack of clarity on responsibilities for AP commissioning
- A lack of oversight
- Underdeveloped strategic planning
- Insufficiently clear purpose of AP
- A lack of monitoring of children’s outcomes
- Agencies often failing to strategically collaborate with each other.

Significantly, the report found “a worrying lack of involvement from health partners in particular” and local authority leaders who had yet to embed systems for understanding whether pupils’ needs in alternative provision were being met.

These conclusions are certainly damning but sadly not surprising.

AP, the name for educational provision for children and young people who are unable to access mainstream schooling, encompasses a wide range of registered and unregistered settings caring for some of the most vulnerable pupils in the country. The very nature of the client group necessitates significant resources and time to achieve the outcomes required by those that these providers support. As the Review has found, so often, the sector struggles to access the resources and support that it needs.

The Review comes almost a year after the Government's SEND and AP '[Improvement Plan: Right Support, Right Place, Right Time](#)', which concluded that "*alternative provision...is increasingly being used to supplement local SEND systems*" and proposed that greater financial sustainability within the sector, amongst other measures, would improve outcomes for children and young people.

## Media Spotlight and Family Advocacy

Whilst those of us who work for individuals and providers within this sector have been acutely aware of the difficulties (in obtaining appropriate pupil placements, the underfunding of providers, and the heartache caused to so many as a result of both), the wider media is now sharing these same stories: Member of Parliament, Munira Wilson, recently described the SEN system as [broken](#); a BBC report concluded that the system urgently required reform, with specialist schools [overcrowded and oversubscribed](#), citing one example of highly vulnerable children having to be taught in a cupboard as the school had run out of classroom space; and articles sharing the news that [BCP council](#) may be forced to make "unacceptable cuts to SEND services" due to budget deficits.

Due to the numerous failings in their children's education, families are taking matters into their own hands. The number of SEND appeals against local authorities has been continuing to rise, and the Children's Commissioner for England reported last month that [98% of local authority decisions were overturned](#) either wholly or partially in favour of families in 2022-2023.

Is it too much to hope that CQC and Ofsted's Review could be part of the same trend as the overturning of local authority decisions, that scrutiny of decision-making, a version of sunlight being the best disinfectant, could be exactly what the sector needs to obtain the resource, finances, and prioritisation that it so very much deserves?

## Contact us

At Lester Aldridge, our [special educational needs lawyers](#) provide specialist advice and support to parents, young people, and providers to help children and young people successfully access education, health and social care services. If you require support, please get in touch with our education, health and social care lawyers to discuss how we can help at [Nicole.Ridgwell@LA-Law.com](mailto:Nicole.Ridgwell@LA-Law.com).