

Alternative educational provision in the UK

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Introduction

The trend towards inclusion in school has been the hallmark of much educational change in recent years. Underpinning this commitment to inclusion has been a commitment to children's rights, social justice and recognition of the need to address social and economic disadvantage at large. However children and young people across the four countries of the UK (England, Northern Ireland, Scotland and Wales) can still be officially, legally excluded from school for reasons associated with disruptive behaviour. Most are re-admitted to school but others are barred from returning and only able to continue their education in alternative provision (AP). Children and young people who experience exclusion are research are more likely to have additional or special needs, to live in families affected by poverty, ill health and/or trauma, and are more likely to be male than female (Riddell and McCluskey, 2012). Children and young people in AP share these same characteristics (Taylor, 2012, Ofsted 2011). The number of children and young people in AP in the UK is small, but it is clear that their needs are often great. It is well known that the outcomes for learners educated outside mainstream school are poorer than for their peers (e.g. Pirrie et al. 2009) and the consequent penalty for failing to provide education of the highest quality for learners with the greatest support needs is often much higher; research consistently points to the relationship between the economic and social costs of such failure (Evans, 2010; Parsons 2009; The Prince's Trust 2007).

Although there is a large body of research on children's rights and a helpful body of research on AP, there has been relatively little interest to date in the intersection of AP and children's rights in the UK, despite its importance. Recent research has begun to redress this balance, though often only tangentially (Williams 2013, Taylor 2012, Welsh Government 2012, Gutherson et al. 2011, Thomas et al. 2010, Hollingsworth 2008, Drakeford 2009, Kendall et al. 2007, The Children and Young People's Assembly for Wales, 2007). This paper therefore focuses on this issue, seeking to understand the current context regarding children's rights specifically within the context of debate about AP, and to identify some possible ways forward.

In terms of AP, and of pressing concern in the debate about children's rights in AP, are recent reports and research drawing attention to issues related to safeguarding, child protection, behaviour management as well as concerns about the quality of alternative education provision in terms of referral processes, curriculum breadth and depth, strategies for reintegration and positive outcomes and achievements (Centre for Social Justice, 2011; House of Commons Education Committee, 2011; Office of the Children's Commissioner, 2012, 2013; OfSTED, 2011; Ogg & Kail, 2010; Estyn 2012, Estyn, 2011, Butler 2011, Assembly Government 2011, 2009, Welsh Assembly Government 2008). The cumulative power of these reports and the evidence amassed suggests a striking disconnection between the aspirations of Government and the experiences of children and young people. This paper therefore offers a necessary analysis at an important point in the debate about the development of AP overall and in relation to children's rights in particular.

Current and recent research

This paper draws mainly on my own recent research with colleagues at Edinburgh University

(McCluskey et al. 2013), but also on work with colleagues at University of West of Scotland and Warwick University (Pirrie et al.2009). It is important to acknowledge that very helpful work has also been undertaken in other contexts, especially in Australia (e.g. the work of Martin Mills and Gwenda McGregor). I would also want to acknowledge the work underway at present in this area, led by Professor Pat Thompson at Nottingham University and funded by the Prince's Trust; 'What's the alternative? Effective support for young people disengaging from the mainstream'. This study includes consideration of each of the four countries of the UK and is due to report in October. It will be particularly interesting to see how the issues are evolving, given the increasingly divergent political priorities in these four countries.

In the discussion of AP which follows, it is worth noting that although England, Wales and Northern Ireland, all use the term 'Alternative Provision' and have a history of systems, policies and procedures associated with this, Scotland traditionally has not. This means for example, that Scotland does not have pupil referral units. There is a very small number of special schools (supporting around 1% of the pupil population), but children and young people identified as 'unable' to continue in mainstream classes in Scotland are most often educated in 'inclusion units' or inclusion bases' situated in mainstream and/or supported by their mainstream or special school on individualized education or vocational programmes.

Young people's views on Alternative Provision

Many of the young people and families who have participated in research on alternative provision have been fulsome in their praise of the academic experience and pastoral care within their alternative provision (AP) and compare this with previous experience, sometimes in other AP provision but more often with their earlier experience of education in mainstream schools. In our most recent study (McCluskey et al. 2013) one young woman aged 16 said;

'Within school, they treat you as if like you're not your age. As if you're a lot younger than what you are. They don't treat you with as much respect'.

She continued,

'If I had a problem one day and I come in [here], like one a' the staff would come talk to you for five minutes. Have a word. You'd go back into the class and you'd be fine. In school it's "carry on and get on with it". But I don't find that's the way it should be. It should always be... take at least, what, a minute outta your time to make, you know, just to make sure the child's okay'.

Another young person in a different setting explained,

'They will go that extra mile. They don't just think, waste of our time'.

Yet another commented;

'He's kind. He doesn't shout. He doesn't put you under pressure'.

The themes of listening and support are strong in the accounts of young people. They talk about school as a place where they are often seen as a *'waste of time'* and AP as a place where teachers *'don't, like, shout at you, they try to explain first'*, and where they *'got on with the people and staff'*. When they are critical of AP (and this is rare), it is when it seems to repeat the problems of previous educational experience. Often the young people speak with pride about achievement, and especially so when talking about academic achievement;

'I got my B Tec and my GCSEs here. I have done more here than any other school I have been in'.

One mother commented;

'If it weren't for the staff here he would never have got to where he got. They give them a lot

of time... they focus on what they're best at. They've got a lot of time for parents as well. They always contact you. The welcome is nice, really nice'.

Being in AP had also helped alleviate family tensions for some;

'My mum's glad I am here. They text our parents every night to say how many points we've got and how we've behaved'.

One set of grandparents who were carers for a young boy with autism, spoke with relief about the pupil referral unit as the first place willing to listen to their views on good ways of working with their grandson. Overall, the children and young people we spoke with in this study summed up their experiences very positively in AP. They felt valued because they were given time to talk, they appreciated the non-judgemental attitudes of staff but also the clear boundaries set. They liked the way that teachers and others working with them kept in touch with home and shared the positive achievements rather than merely their misdemeanours. They talked about how helpful it was when teachers explained carefully, did not belittle their efforts, and made space for them to learn at their own pace. For the young people of age 13 -16, they especially valued the ways in which in they were treated *'more like an adult'*.

In interviews with head teachers, teachers and other professionals in this same study (McCluskey et al, 2013), it was clear that there were some highly dedicated staff, committed to bringing on and bringing out the best in children and young people living with some very difficult circumstances and displaying some very challenging behaviour. A large number of the older young people had alcohol or drug issues and many also had involvement with youth justice. Their very positive experiences in AP indicate that although exclusion itself has negative impact, AP can be compatible with a

commitment to children's rights, ensuring the 'best interests of the child', that 'respects children's dignity', where 'their views are taken seriously' and which offers a place to develop the 'personality, talents, mental and physical abilities of the child' (UNCRC 1989). It is important to bear this in mind as the focus now turns to the questions illuminated by consideration of broader patterns and trends in AP provision.

Patterns and trends in AP

There are difficulties in making sense of the patterns and trends for AP. The National Foundation for Educational Research (NFER), 2013) lists fifteen types of alternative provision including, specialist support e.g. Child and Adolescent Mental Health Services, pupil referral units, individual work placements, additional services provided by the local authority e.g. traveller education support, time spent in further education college either full time or part time, time spent in another school, private sector organisations e.g. offering learning and training opportunities, home tuition service, independent specialist providers e.g. behavioural, voluntary and third sector organisations, youth work organisation, sports clubs e.g. boxing academy, football club, hospital school, e-learning provision, other provision.

And within this range of terms, there is further variation; the term, 'pupil referral unit' is used sometimes to refer to provision based on a single site but at other times to education offered across a range of locations. This is further complicated by the way in which provision may focus on support for one age group in one area, but elsewhere on a range of age groups. In some areas, pupil referral units are full-time and in others only part-time. The navigation of these terms is problematic enough for researchers, but the multiplicity of terms and lack of clear definition of the terms raises a much more important question about the experience of children and families, often in an already stressful

situation, as they attempt to find their way into and through the system, understand their options and exercise their rights. The range of AP provision itself in the UK is also varied and variable. Its main focus is usually on education provision for children and young people with identified behavioural, social and emotional difficulties but there is no clear and commonly agreed definition of the term, nor a commonly agreed national set of referral processes and parameters. Much provision is aimed at pupils aged 14-16 seen as disaffected/disengaged from school questions but younger children are also found in AP, despite significant evidence of the negative impact of doing so.

There are clearly a number of strengths in having flexibility and one key stakeholder in our recent study (McCluskey et al, 2013) who commented on the variety of provision, argued;

'It is not a one size fits all, nor should it be because actually we are talking about kids with multiple needs and they are all individual. What might appear good practice in one authority in one authority might not necessarily be the same in another authority'.

There is also wide variation in terms of the quality and quantity of education children and young people received in AP (McCluskey et al. 2013, Ofsted 2011, Pirrie et al. 2009). It is difficult to establish from the statistics how many hours education pupils receive in AP per week. Some local authorities are still offering very limited hours, particularly of home/individual tuition, which could be as little as two hours a day. Curriculum offerings are also variable, with some AP offering a full and balanced curriculum, with opportunities for achievement and certification, while others are offering only a very basic curriculum. This variation and variability points to one of the key dilemmas in AP; that in trying to meet the individual and local needs of children and young people in flexible and child-centred ways, the likelihood of inconsistency, unevenness and hence inequality increases.

There have also been a number of criticisms of AP management structures, particularly of pupil referral units. Pupil referral units do not have a head teacher but instead usually have a management committee. Although some individual managers are held in high regard, the role and structure of the management committee has been raised as a concern. Gatekeeping has also found to be an issue, with pupil referral units still often regarded as a 'dumping ground'. Many of those working in AP provision argue that it still tends to be forgotten in terms of access to new developments, for example, in curriculum.

Finally, and perhaps most serious of all the concerns to emerge from recent studies, are questions about behaviour management and relationships. Some young people interviewed in our recent study (McCluskey et al, 2013) talked about the use of physical restraint, isolation and time-out in their current placement. Most of the young people who had been in mainstream school or other AP provision (usually older pupils) readily recalled experience of such interventions. This did not simply reflect the difficulty of the pupils' behaviour or the kind of pupil population, as it was clear that some settings with extremely challenging young people still chose not to use time-out in this way. The implications for children's rights are urgent and grave in this context.

In summary then it is clear that children's experience of AP is highly variable. Findings from research with children and young people suggests that in the best of practice, this gives professionals opportunities to provide flexible and imaginative education taking full account of the wishes and needs of the pupil and her/his family, clearly informed by a concern for children's rights and focused on re-integration, progress and achievement. However findings from research in the UK often also

reveal a lack of scrutiny and high levels of local variation leading to situations where children and young people experienced inappropriate and poorly developed curricula, little pastoral support, few opportunities for success, or for successful re-integration into school or on to college, and in the most disturbing examples, included the use of physical restraint and the use of isolation as punishment.

Discussion: What needs to change?

The views of young people in research on AP in the UK have often been very positive, whether they are, for example, placed in a pupil referral unit, a college placement or have an individualised education package. Although their circumstances are often difficult on entering AP and continue to be so, they often say that they feel welcomed, valued and able to be proud of their successes, often for the first time. The parents, grandparents and other carers are also very strongly supportive. The variety and flexibility of AP provision on this test, seems to be a strength indeed.

However, the outcomes for children and young people who are educated in AP in the UK overall are still very poor. The quantity of education and the quality of education in AP might be described as a 'postcode lottery', when it varies so widely across the country. The leadership and management systems across AP are uneven, lack scrutiny, and in the case of pupil referral units, have often been widely criticised. Reintegration rates are low and there remain serious issues about the use of inappropriate behaviour management techniques, the use of physical restraint and punitive isolation. My call for change is therefore based on a profound disquiet. Children and young people referred to AP provision are already among the most vulnerable in society; the majority live in families affected by poverty and they are likely to have additional learning needs. They and their families are not well positioned to have influence on policy and practice. Their advocates are few and sadly they too often have limited impact.

My argument therefore, is that any change must be directed not only to ensuring the rights of individual children who experience exclusion and AP but must also vigorously challenge the disconnections between policy and practice in the exercise of children's rights overall. Change must seek to improve *all* provision to improve the situation for the most vulnerable. The rights set out by the UNCRC affect all aspects of a child's life but, arguably, impact most directly on questions of AP through the following: Article 3, which focuses on the best interests of the child; Article 12, which states that 'every child has the right to say what they think in all matters affecting them and for their views to be taken seriously'; Article 19 focusing on the right to protection from abuse and violence; Article 28, which includes the statement that 'discipline in schools must respect children's dignity'; and Article 29, which refers to the need to develop 'the personality, talents, mental and physical abilities of the child to their fullest potential' (UNCRC 1989). Article 12 is often seen as a gateway right because without it, children and young people have great difficulty in exercising their other rights and therefore is especially pertinent to this discussion.

In thinking about change, this may then lead to the suggestion that the views of young people cannot be helpful; that their views are worth hearing, but in the end are too partial, too particular, to form a basis for change either of mainstream school or of AP. It might be argued that their positive views of AP are a sad consequence of the extremely poor experience they have endured previously in mainstream schools, often involving exclusion, whether official or unofficial.

However, it is important not to lose sight of the substance, the crux, of the points being made by these children and young people. The findings from this body of research reveal that the aspects of AP which these children have praised so highly often map closely on to the children's rights

framework; they feel valued; this resonates with Article 28, they have new opportunities for achievement (Article 29); they feel they are listened to (Article 12).

Change is urgently needed across mainstream education and AP and the evidence suggests that communication and relations between the two sectors should have a much stronger focus if children and young people are to benefit. This change, at least in the UK, should usefully consider the following:

- Clear national guidance on the use of isolation in mainstream schools and AP, in which unacceptable practices such as forced isolation, are clearly specified and renounced.
- Much wider sharing and promotion of good practice in AP. This could include sharing of examples of curricula and of effective child-centred behaviour management approaches.
- Efforts to reduce exclusion from school through building the capacity, skills and confidence of staff in mainstream school in using for example, restorative practices, to nurture relationships and improve behaviour in schools.
- Advocacy and mediation services which are more widely publicized and used to support pupils and their families.
- Gathering and disseminating data on reintegration, on education outcomes and post-school destinations of pupils in AP.
- Active, effective and respectful involvement of family wherever this is possible.

The UNCRC makes clear that all children have equal rights to a fulfilling education that respects their dignity. This is not a privilege to be awarded to some, and it does not depend on where a child lives, their family circumstances or even their behaviour. Reflecting finally on the comments made by children and young people, however, it is apparent that the security and confidence that these

children should have in a children's rights framework is often missing. The tenor of their comments is often of gratitude, relief and perhaps even surprise, that education might not always see them as a 'waste of time'. Their voices reveal their lack of confidence in their right to have a 'place' in education but also their lack of confidence in those around them who should be duty bearers. If AP is to improve life chances and contribute to the aims of social justice this is our challenge, to be addressed critically, urgently and openly, as a focus for change.

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Appendix 1 Alternative provision in the UK

The alternative education provision systems differ across the four countries of the UK. England and Wales share similar systems. Northern Ireland has a less formalised system than England and Wales. Scotland has no formalised system of alternative provision as such. More detail on this is given below:

ENGLAND

Key points

- Local authorities are responsible for arranging suitable education for permanently excluded pupils and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision
- Any school that is established and maintained by a local authority to enable it to discharge the above duty is known as a **pupil referral unit**
- Governing bodies of schools are responsible for arranging suitable full-time education from the sixth day of a fixed period exclusion.
- Schools may also direct pupils off-site for education, to help improve their behaviour.
- Statutory guidance sets out the Government's expectations of local authorities and maintained schools who commission alternative provision and pupil referral units. The Government expects those who are not legally required to have regard to the statutory guidance to still use it as a guide to good practice.
- Regulations require local authorities to establish management committees to run pupil referral units in their area, to make provision for the constitution (including composition) and procedures of management committees, and to delegate specific powers to management monitoring the aims and objectives of the unit to ensure children are safe, have their needs met and receive a good standard of education.

Funding arrangements

All direct state-funded alternative provision institutions (including pupil referral units) will receive base funding of £8,000 per place, topped up by funding from the commissioning local authority or school for each pupil admitted. The amount of the top up for each child will be for local decision.

Scrutiny

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. The regulations cited below provide more information about who may be eligible in the different categories.

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.
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Ref: Department for Education (2013) Alternative Provision: Statutory guidance for local authorities, London: DfE

NORTHERN IRELAND

Key points

Education Other Than At School i.e. all forms of education that takes place outside of the formal school environment includes

- home or hospital tuition for pupils unable to attend school through illness or disability
 - pupils educated at home (because parents choose this method of education for their children)
 - Alternative Education Provision (AEP) for School Age Mothers (SAMs)
 - AEP for young people of compulsory school age who cannot adjust to or cope with mainstream schooling
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- Some provision may be used for pupils who are in mainstream school but need to go out of school for extra help, with behavioural problems for example.
 - This could be for a term or two, or for a number of days per week.
 - Should a child need some form of EOTAS [alternative provision] the school may suggest a suitable placement.
 - Alternatively, parents can contact their local Education and Library Board to discuss the options available for their child.

The Department's Promoting and Sustaining Good Behaviour: Discipline Strategy for Schools set out the provision/expansion of worthwhile alternatives to mainstream schooling for disaffected pupils, many of them in their final 1 or 2 years of compulsory education.

A number of alternative education projects catering for such pupils already exist in both the statutory and voluntary sectors.

SCOTLAND

Does not have a formalized system of alternative provision. There is a small number of special schools and the majority of these provide schooling to pupils with social, emotional and behavioural needs. All provision is funded by local government and subject to national government inspection.

WALES

The main guidance on exclusion and alternative provision is given in <http://learning.wales.gov.uk/docs/learningwales/publications/121128exclusionguideen.pdf>

More information about Pupil Referral Units is available at

<http://learning.wales.gov.uk/improvementareas/behaviourandattendance/alternativeprovision/pru/?lang=en#/improvementareas/behaviourandattendance/alternativeprovision/pru/?lang=en>

- A Pupil Referral Unit is not a mainstream school or special school, but is legally both a type of school and education otherwise than at school (EOTAS). PRUs are diverse in terms of the number and type of learners catered for, the typical length of the stay, arrangements for admission and transfer of other education, and the nature of the curriculum and length of the school day.
- The aim of PRUs is, where possible, to provide a transitional provision and facilitate a return for learners back to full-time mainstream schooling, an FE college or suitable unit. Teaching at PRUs tends to be as broad as possible, to account for the variety of learner needs.
- PRU teachers are often drawn from a consortium based in schools, other units and FE colleges.
- Local authorities operate different models of PRU provision, developed to meet local circumstances and in line with local policies. The types of provision that would fall under the blanket term PRU could include:
 - provision on a single site
 - provision on several sites under a single management structure (satellite sites)
 - peripatetic Pupil Referral Service (particularly in rural areas)
 - “e-learning” provision using ICT and web-based resources
 - hospital and home teaching services, or discrete parts of a service which provide education in a unit or school
 - type setting
 - some hospital provision
 - separate provision for young mothers/ pregnant learners, and
 - umbrella provision to register learners who follow individual programmes.

The costs of the alternative provision vary and places in alternative provision are paid for by local government. All PRUs must be registered with the Welsh Government to ensure that they are included in Estyn’s [Government inspection service] programme. ofAll Section 10

Appendix 2: Examples of interesting practice in Alternative Provision

(taken from Implementation of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended), Report to Parliament 2013, p43-44)

Example 1

Smithycroft Secondary School Young Parents Support Base, Glasgow City Council

The Young Parent Support Base (YPSB) project at Smithycroft Secondary School is four years old. It is part of Glasgow City Council's strategic approach to supporting vulnerable young people to remain in education across the city, under its young people's sexual health strategy. Education, Social Work services, NHS Greater Glasgow and Clyde and Community Planning Partnership work together to provide an individualised programme of care for girls of school age who become pregnant. Research has shown that the longer expectant girls remain in education, the better their start to motherhood and adult life. Expectant parents may also access support at the base even if they choose to remain at their own school. The school provides help with developing parenting skills and personal development including keep fit, smoking cessation, healthy eating. The YPSB also works with young people, including fathers, who have left school, up to the age of 19. It also offers 'Drop in' support for parent and toddler groups. The team of key workers, working alongside Smithycroft School staff has very successfully supported young mothers from across the city to remain engaged with education and move on to positive destinations. Key workers support young mothers from entry to the school and base and continue supporting young people until they are 21 years old. All young people who moved on from the support base in 2013 achieved a positive destination including apprenticeships, college and university places. All young people felt that the support base and its staff was raising their aspirations significantly both as learners and as parents.

Example 2

Two projects based in North Lanarkshire aim to ensure that all young people have appropriate transition plans as well as a curriculum which will meet their needs. The Flexible Learning Initiative, which is co-ordinated and delivered from the Inclusion Support Base in North Lanarkshire, has been set up to enable mainstream schools to support young people with additional support needs, including those arising from social or emotional difficulties. Every year the project supports 50 young people from S4 and S5 by identifying their needs and providing each with an individual package of support. The young people who are involved in the project are those for whom mainstream education has not been successful. The young people are usually referred to the project at the end of S3. The approach typifies the promotion of a staged intervention model designed to ensure that all appropriate supports have been utilised before referral to the project.

In line with current legislation and policy the aims of the project are to:

✓ support the young people in obtaining a range of qualifications and experiences throughout S4 and S5

- ✓ develop resilience and coping skills in the young people
- ✓ ensure that early transition planning is in place for the young people
- ✓ ensure a seamless transition six months prior to moving onto post- school destinations
- ✓ support the young people beyond their leaving date to ensure that the transition has been successful. 45

Expanded Learning Opportunities (ELO) is a transition programme based in three North Lanarkshire special schools: Fallside and the New Park Centre, Willowbank and Portland. The pupils attending these schools have additional support needs arising particularly from social and emotional factors. ELO is a partnership programme with Skills Development Scotland which involves building and developing unique programmes for individual pupils. The programmes bring personalisation, relevance, choice and flexibility into the learning. As well as programmes which allow vocational and academic progress, specialist interventions, such as counselling, are also available for the pupils when required.