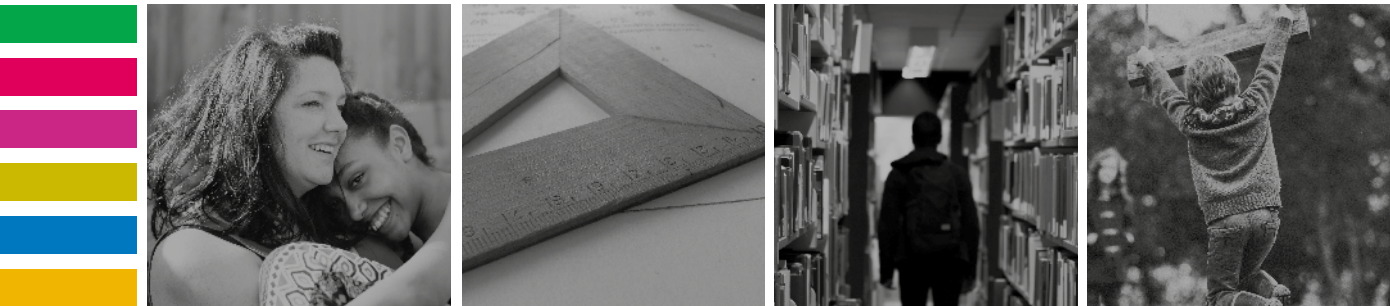


# PROVIDING THE ALTERNATIVE

How to transform school exclusion  
and the support that exists beyond

July 2018



Providing the Alternative  
How to transform school exclusion and the support that exists beyond  
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Published by the Centre for Social Justice,  
The Centre for Social Justice,  
10 Greycoat Place  
London SW1P 1SB  
[www.centreforsocialjustice.org.uk](http://www.centreforsocialjustice.org.uk)  
@CSJthinktank

Designed by Soapbox, [www.soapbox.co.uk](http://www.soapbox.co.uk)

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# About the Centre for Social Justice

Established in 2004, the Centre for Social Justice is an independent think-tank that studies the root causes of Britain's social problems and addresses them by recommending practical, workable policy interventions. The CSJ's vision is to give people in the UK who are experiencing the worst multiple disadvantages and injustice every possible opportunity to reach their full potential.

The majority of the CSJ's work is organised around five 'pathways to poverty', first identified in our ground breaking 2007 report *Breakthrough Britain*. These are: family breakdown; educational failure; economic dependency and worklessness; addiction to drugs and alcohol; and severe personal debt.

Since its inception, the CSJ has changed the landscape of our political discourse by putting social justice at the heart of British politics. This has led to a transformation in government thinking and policy. For instance, in March 2013, the CSJ report *It Happens Here* shone a light on the horrific reality of human trafficking and modern slavery in the UK. As a direct result of this report, the Government passed the Modern Slavery Act 2015, one of the first pieces of legislation in the world to address slavery and trafficking in the 21st century.

Our research is informed by expert working groups comprising prominent academics, practitioners and policy-makers. We also draw upon our CSJ Alliance, a unique group of charities, social enterprises and other grass-roots organisations that have a proven track – record of reversing social breakdown across the UK.

The 14 years since the CSJ was founded have brought it much success. But the social challenges facing Britain remain serious. In 2018 and beyond, we will continue to advance the cause of social justice so that more people can continue to fulfil their potential.

# Acknowledgements

We would like to extend an enormous thank you to the sponsors of this report Catch22, without whom this work would not have been possible: Catch22, Richard Munton, David Gunner, and Brian Linden.

We would also like to thank all the incredible individuals and organisations who took the time to help inform our report.



Catch22 is a not-for-profit business with a social mission. Its 1,800 employees and volunteers work at every stage of the social welfare cycle, supporting over 45,000 individuals from cradle to career. They work in many areas, including: children's social care, getting people into work through apprenticeships and employment programmes, building stronger communities through social action, delivering social justice and rehabilitation services in prisons and in the community, and providing alternative education.

Catch22's alternative education independent schools and Multi-Academies Trust provide a safe place for young people to learn and supportive staff that help students to realise and achieve their potential. But they don't just stop at changing lives on the frontline. They take the learning and surplus resource from their delivery and funnel it into public service reform – investing in new structures and programmes that do things differently and change the system for good.

# Working group

## **Andrew Burns**

### **Executive Principal for Ormiston Forge Academy and Tenbury High Ormiston Academy**

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After graduating from Warwick University in 1994 with a mathematics degree, Andrew became a mathematics teacher in inner-city Birmingham. He has since worked in a number of different schools, all in challenging environments.

Andrew became Principal of Ormiston Forge Academy in 2012, when the predecessor school was struggling and had to academise. He has turned the school around and the academy is now securely rated as good. Andrew also became a National Leader of Education in March 2017, and was appointed Executive Principal for both Ormiston Forge Academy and Tenbury High Ormiston Academy in March 2018.

Andrew wants to use his experience to make a difference to the lives of disadvantaged children, and sees good quality teaching as a key way to do this.

## **Graeme Duncan**

### **Founder, Right to Succeed**

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Graeme was the first graduate hired by Teach First in 2003, teaching for two years in a secondary school serving a highly disadvantaged community, where he led the Maths Faculty in the second year.

He then joined London First, a business lobby group, focusing on education and immigration projects. From there he joined Teach First in 2008 to work on fundraising, policy and public affairs before, in 2010, becoming Director of Development at Greenhouse, a charity that uses sport to engage and develop young people from disadvantaged backgrounds.

In June 2015, he set up Right to Succeed, a collective impact charity working in local partnership to change educational outcomes in areas of disadvantage. One of their major projects focuses on reducing the risk of pupil exclusion.

## **Kiran Gill**

### **Founder & CEO, The Difference**

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Originally an English teacher in inner-city schools, Kiran left the classroom on her search for solutions to the rising number of vulnerable children falling through the gaps.

Kiran was working at Social Mobility Commission when she conceived the idea for The Difference. The Difference improves outcomes for the most vulnerable by raising the status

and expertise of those who teach them. Its two-year programme creates a new generation of school leaders who are specialist in mental health and reducing school exclusion.

Kiran is driven by her own family experiences. Growing up with two adopted sisters, Kiran witnessed the long-term effects of childhood trauma and the lack of support for young people with complex needs. This insight is what keeps her striving for the most vulnerable children to get the education they deserve.

### **Carrie Herbert** **MBE President and Founder, Red Balloon**

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Carrie Herbert is the President and Founder of Red Balloon. She began her career as a teacher in the UK, before emigrating to teach in Australia for ten years. She returned to complete a Master's at UEA in research methods in Education, and a PhD at the University of Cambridge in sexual harassment in schools. She worked again in Australia as Child Protection Officer for SA before returning to England permanently.

She established an educational consultancy, which she ran until 2008, before becoming CEO of the charity, Red Balloon, which she had founded in 1996. Red Balloon Learner Centres help severely bullied children to recover and return to school or college, or move into employment. There are four physical centres (in Cambridge, Harrow, Norwich and Merseyside) and an online provider, Red Balloon of the Air.

Carrie has written a number of books about bullying and sexual harassment, and has given several keynote addresses, including to Victim Support, The Society of Headmasters and Headmistresses of Independent Schools, and The National Anti-bullying Conference London. In 2008, she was Daily Mail Inspirational Woman of the Year. And in 2012, she was awarded an MBE for services to education.

### **Oliver Large** **Researcher, Centre for Social Justice**

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Ollie is a Researcher in the Education Policy Unit. His main focus to date has been school exclusions and the alternative provision sector. He will soon take leading roles in the CSJ's upcoming skills policy series, beginning with post-18 education.

His policy interests include addressing regional disparity in life chances through skills policy, including ways to incentivise and encourage greater disadvantaged pupil participation in higher education. He is also interested in the interface between education and criminal justice, including how education policy can help pupils avoid being drawn into criminal activity.

Prior to joining the CSJ, Ollie graduated from the University of Cambridge with a First Class degree in Human, Social and Political Sciences, specialising in Politics and International Relations.

**Philip Nye**  
**External Affairs Manager, FFT Education Datalab**

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Philip is FFT Education Datalab's External Affairs Manager. He is the lead on the company's public profile, including the team's use of visualisation. As well as this, Philip is a researcher on inspection, the academy system and other subjects.

He has published influential work looking at those pupils who leave mainstream education, including FFT Education Datalab's Who's Left research series, which raised concerns about off-rolling and the outcomes of pupils who complete secondary education outside of mainstream.

Philip has also provided key insights into the independent alternative provision sector and has produced a comprehensive picture of the availability and quality of registered provision. His other research interests include multi-academy trusts, free schools, school finance, and Ofsted.

**Seamus Oates, CBE**  
**CEO, TBAP Multi-Academy Trust**

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Seamus is CEO of the TBAP Multi-Academy Trust. TBAP MAT runs eleven AP and Special Academies; a Teaching School Alliance; and school outreach services in four London boroughs, across Cambridgeshire, and in the North West of England.

A National Leader of Education (NLE), Seamus twice led the Bridge AP Academy to Outstanding Ofsted status as its headteacher. He previously worked as a teacher for over 25 years and has taught Science and ICT at London comprehensives, Pupil Referral Units, and schools overseas. He believes passionately in the personalisation of learning and in ensuring a chance for every child.

Seamus was, until recently, a member of the NWSLC Head Teacher Board and a long-serving member of the Youth Justice Board. He is often consulted by government on education and youth justice reform. In 2017, Seamus was recognised in the Queen's Honours List for his services to education and was awarded a CBE at Buckingham Palace.

**James Scales**  
**Head of Education, Centre for Social Justice**

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James is head of the CSJ's Education Policy Unit. James is a qualified lawyer; prior to joining the CSJ, he practised at Dentons, an international law firm, where he specialised in employment law.

He is committed to improving lives through social policy and has a particular interest in education and labour market policy. He recently joined the board of DFN Project SEARCH, a charity that supports individuals with special educational needs to make the transition from education to employment.

His academic background blends law, economics and politics. He has a Master's degree from the University of Cambridge, where he graduated with Distinction and won the course prize for the top performing student, and a First Class degree from the University of Bath.



## **Nathan Singleton**

### **CEO, LifeLine Projects**

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Nathan is the CEO of LifeLine Projects, an East London based charity dedicated to impacting individuals and influencing systems.

Nathan has worked at LifeLine since 2003 and has developed key partnerships with schools across East London to provide pastoral support in the form of mentoring, alternative provision, and youth leadership programmes.

Prior to this, he worked for the local Children's Fund as a Community Liaison Officer. He continues to support youth organisations by providing education/mentoring advice and training. Nathan sits on the Health and Wellbeing Board and The Children's Partnership. He is also a governor of a local secondary school.

## **Audrey Swann**

### **Head of Alternative Provision, and Virtual School Head for Looked After Children, Lancashire County Council**

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Audrey has over 30 years' teaching experience. Initially she worked in mainstream secondary schools in Liverpool and West Yorkshire. After completing a diploma (and later a Post Graduate qualification) in SEN, she worked with SEN pupils in mainstream schools in Lancashire before moving into special education.

She spent 10 years in an independent BESD Special School (initially as SENCO and later as Senior Deputy Head), before being appointed Head of West Lancashire Personalised Curriculum Support Service - a secondary PRU, which was judged outstanding.

She currently works for Lancashire County Council. As Head of Alternative Provision for Lancashire, she led on the National Exclusion Trial for the county. In 2015, she became Head of Lancashire Virtual School for Looked After Children and Alternative Provision at the council.

## **Chris Wright**

### **Chief Executive, Catch22**

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Chris Wright is Chief Executive of Catch22, a social business driving public service reform. He leads the team of 1,800 staff and volunteers that last year supported 46,000 individuals nationally.

With 30 years' experience across the social care and criminal justice systems, his background spans practice (Chris originally trained as a social worker and probation officer, establishing Nottingham's first multi-agency Youth Offending Team) and policy (as Head of Performance at the Youth Justice Board).

Chris has long advocated the need for radical reform of a wide range of public services. Under his leadership, Catch22 has not only delivered significant frontline impact, but has grown its work supporting others to transform their services; from advising government through to supporting and investing in big ideas and small delivery charities.

The CSJ is extremely grateful to everyone who has contributed to this report. Working group members, in particular, have provided significant time and effort to help inform our work. Please note that recommendations made in this report should not be construed as perfectly representative of all parties in all instances.

# CEO's foreword

When I co-founded the charity TwentyTwenty, its focus was on supporting disadvantaged 16–21-year-olds who were not in education, employment or training. However, shortly after we started we realised that, to stem the tide of all those young people sweeping in with entrenched challenges, we had to start earlier and work at the pre-16 level. This move took us into the world of alternative provision. And what a different world it was. It was an honour to be part of the work and the wider team – the different willing schools, the volunteers, and the staff. Together we were able to bring skills training, direction, care, and hope to a very challenged, and challenging, group of young people.

That included Dan, one of our students. Dan came to us because family life had disintegrated in front of him. He didn't know why his dad had been taken away; he didn't really understand why his mum was always acting unpredictably. But he knew he didn't want to go home. Soon he began to disengage – from school, from home, from all that had provided any sense of a platform in life. He was slipping rapidly into the abyss and ended up in our hands. With the tireless and dedicated support of the team, Dan recovered well and went on to get a job.

This story had a happy ending. But this was possible because all parts of a complex network (including school, provider, council, teachers) came together. And for every Dan there are many others who don't have access to such a coordinated, well measured and proactive set-up, meaning their life prospects dissipate rapidly into thin air.

For those who work on the front line, the staggering fact that 58 per cent of young adults in prison were permanently excluded at school is of little surprise. This is because there is only so much that good existing alternative providers, like the one I was part of, can do – mainly because they operate in a system that is broken.

Exclusions, official and unofficial, are rising at an alarming rate. That's because too many schools lack the tools to manage complex needs, and miss the boat when it comes to early intervention. But there is also a rotten underbelly to these trends; although not representative of the mainstream as a whole, some schools are dumping children out into the cold because it is convenient for them to do so. Once out, their chances are often bleak. There are some truly brilliant alternative providers, but as this report shows, quality is highly variable; and there is a dark corner of the sector that operates without proper oversight at all.

Lives are at stake. All of this must change. And every part of the network that is connected to exclusions and alternative provision has questions to ask itself.

This is why, when I first took on this role at the Centre for Social Justice, my thoughts turned immediately to doing a comprehensive analysis of school exclusions and alternative provision. Just a short while later, here we are with a blueprint for change. I invite you to join me and drive this most pressing of social justice issues forward, with the energy and commitment it so deserves.

**Andy Cook**

CEO, Centre for Social Justice

# Executive summary

Some of the most vulnerable pupils in society are being cast to our peripheral vision where their life prospects lie hostage to fortune.

The most likely outcome for many is a grim concoction of economic insecurity, disengagement, and personal turmoil. Just 1.1 per cent of pupils who complete their GCSEs in alternative provision (AP) achieve five good GCSE passes; almost half of pupils in AP do not progress to a sustained destination; and 58 per cent of young adults in prison were permanently excluded at school.

Learning difficulties, crumbling home environments, disabilities, personal trauma, turbulent emotional challenges, caring responsibilities; these are all part of the broad sweep of circumstances that pupils in AP might typically experience. Pupils with special educational needs are over six times more likely to be permanently excluded from school, while 41 per cent of pupils who use state-maintained AP claim free school meals and 77 per cent have special educational needs.

These learners' poor outcomes are very often the culmination of years of complex and unresolved personal challenges – both in and out of school – and a lack of early, effective intervention. And by the time pupils leave mainstream education they are often already struggling. These outcomes must, therefore, be read in context and if we are to redress them, we must look at the system as a whole.

That system is not working. Our analysis raises serious questions about the nature of some exclusions and the support that exists beyond.

## Exclusions

There are many different ways to exclude pupils, both officially and unofficially, and every headline indicator suggests more and more pupils are leaving mainstream education – not just in absolute terms but also as a percentage of the school population. There is a worrying lack of transparency about how and why they leave, and what they do afterwards.

Although not indicative of the sector as a whole, some schools are failing to intervene effectively. In many cases this is because they feel ill-equipped to manage more complex needs, while in other instances they appear to be excluding for strategic reasons.

A scarcity of reliable data makes it difficult to pinpoint exactly how prevalent each of these drivers is, and the measures taken in each case, but the evidence we do have presents an impression of practice and scale that is difficult to ignore.

Other mainstream schools are highly adept at supporting pupils with complex needs, and use good quality AP as part of the mix, which demonstrates that there is a viable way forward.

## The support that exists beyond

There are excellent APs, each of which carries out admirable work in taxing conditions. Well considered AP can be appropriate and transformational for pupils who, for a number of reasons, need specialist support; AP should be viewed as an integral component of the education system – not, as is still too often the case, a peripheral adjunct.

But the sector as a whole faces considerable challenges.

The sector is a patchwork of varying quality. In several parts of the country, a pupil who leaves mainstream education has no chance of finding AP that has a positive inspection rating, and there is substantial geographical variation in other key metrics.

We lack a clear, and commonly recognised, framework for assessing what good AP looks like. In part, this is because there is little rigorous evaluation about what can be causally attributed to specific outcomes, which makes it hard to develop an overarching template of success.

The AP sector contains many inspiring and gifted teachers, but it faces serious recruitment challenges. AP teachers need a strong and multifaceted skills-set to manage complicated conditions, yet many APs struggle to recruit qualified teachers. One in eight teachers in state-funded AP is unqualified compared to one in 20 in mainstream schools, and in some parts of the country this problem is particularly pronounced.

Some establishments operate in the shadows of our education system. These providers escape any meaningful oversight, which makes it very difficult to ensure basic vital standards are being met. In some cases, the law allows them to operate in this way and in other instances they act illegally. A number of deeply unsettling issues flow from both contexts.

It is time to change all this. In our report, we offer a suite of practical recommendations which, if implemented, would transform the way exclusion and AP operate in this country.

## Summary of recommendations

### Recommendation 1

To build better transparency around pupil moves out of mainstream schools, and to help expose poor practice where this occurs, DfE will need a firmer grip on the transfer system in relation to all routes out of mainstream education. It should, therefore, take steps to ensure that in all cases, it can decipher which routes pupils follow out of school and where they subsequently go; why they are placed in APs; whether they are using APs permanently or temporarily; and the time they spend in APs. The Department should, in turn, take all necessary measures to ensure anonymity of data.

### Recommendation 2

The DfE should insist that schools provide a discernible reason for exclusion in all cases; they should not be able to name “other” as a reason for exclusion. And to better understand the nature of the premise when “persistent disruptive behaviour” is cited, the DfE should capture more granular data on the reasons adopted in each case. This should be supplemented with information on the steps taken to address the underlying problem before deciding to exclude.

### Recommendation 3

Schools should be responsible and accountable for the pupils they exclude, and funds should be devolved to them to support vulnerable pupils early. This would involve three main reforms:

- a. schools, not local authorities, are given responsibility for finding suitable education for the pupils they exclude;
- b. schools remain accountable for the educational outcomes of the pupils they exclude, which will count towards their performance statistics; and
- c. all local authority funding for AP is devolved to schools to give them additional resources to support pupils with complex needs.

The Department should consult on whether the accountability we outline in (b) should be weighted to reflect the proportion of time excluded pupils spend in different mainstream schools.

### Recommendation 4

The Government should ring-fence the devolved funding that is available. It should begin a public consultation on the precise mechanics of the delivery vehicle, including terms of use; the extent to which funding should be devolved to schools or commissioning partnerships; and whether the DfE should devise a national or local funding formula. There should also be a suitable transition period to avoid excessive turbulence in the AP system and allow for models to arise, settle, and evolve. And local authorities should retain an advice role for schools and parents during this transition.

### Recommendation 5

Schools should be given sufficient room to spend devolved funding how they deem necessary. However, they should be able to demonstrate that they are using their funds effectively. In the first instance, local authorities should monitor impact. As school partnerships become more refined, the Government could explore a more fluid approach: under this model, local authorities would defer primarily to school partnerships, based on peer-to-peer review and collective responsibility, and would retain a lighter oversight role, carrying out periodic oversight of the review processes in place.

### Recommendation 6

To help inform and steer effective in-house initiatives, the DfE should develop a clear framework for this underdeveloped area of educational provision, providing examples of effective practice that are grounded in evidence. It should commission research projects to develop the evidence base for successful interventions. It should also ensure that teachers are trained to interpret and apply research. And the DfE should broker peer-to-peer support so that schools that have developed successful in-house support are encouraged to share best practice with other schools.

### Recommendation 7

Ofsted should be able to judge an inclusion unit against the spirit of such a facility: that it does not simply become a silo for troubled pupils; that it seeks to successfully re-integrate pupils into school life; and that it provides suitable and tailored lessons. Ofsted's inspection guidelines should be revised to focus minds more strongly on effective in-house intervention. More generally, Ofsted needs to be able to judge a school as inclusive of pupils with complex needs and this needs to carry more weight when it comes to affecting the ratings it awards.

### Recommendation 8

The DfE should review teacher training and development to equip them to identify proxies that are attributed to exclusion (for example, mental health conditions, family breakdown, domestic violence, social and emotional challenges, or being drawn into gangs). They should be trained to offer suitable school support, work with parents, commission effective external expertise, and refer to appropriate public services. There is also a need for greater cross-pollination between the mainstream and AP sectors so that intelligence about complex needs can be socialised within mainstream environments. DfE should offer student loan rights-offs for pupils to undertake periods of teaching in APs. And it should commission high-quality APs to provide mainstream schools with training and workshops on managing complex needs; under the proposals we set out in section 3.1, mainstream schools could also be given latitude to allocate some of their devolved funding to this.

### Recommendation 9

Multi-academy trusts can be used to encourage cross-pollination between mainstream schools and APs. However, we also heard about less positive examples where challenging pupils have moved to APs that seem to operate more as silos. The Government should harness multi-academy trusts' full potential by asking Ofsted to inspect them as a whole; as part of these inspections, Ofsted should recognise and reward good practice when it comes to use of APs.



### Recommendation 10

The Government recently pledged £300 million to a series of measures designed to promote better management of mental health conditions in schools. We strongly welcome this pledge and commend the Government for taking decisive action in this area of need. However, we are concerned by the proposed lag between concept and delivery (the aim is to roll-out these measures to one fifth to one quarter of schools by 2022). The Government should expedite these much needed reforms, and should protect the £300 million funding that has been allocated to support them.

### Recommendation 11

The DfE should work with Ofsted to provide them with the information they need to target unannounced visits where they are most needed. These should be carried out where key proxies suggest schools may be struggling to support pupils with complex needs, or where there may be problems with exclusion practices (for example, permanent exclusion rates, high rates of fixed-term exclusion, high rates of AP use, or high use of managed moves). Once local drivers have been identified, government would be better placed to address their root-causes and act accordingly. For instance, where local SEN support may be underdeveloped, it could broker best practice from local authority areas where low exclusion rates can be traced to early intervention by schools and public services.

### Recommendation 12

The Police and Crime Commissioner in Northamptonshire recently top-sliced his own budget to create seven new experts who will identify pupils at risk of exclusion. They will build a clearer picture about those pupils' family circumstances; identify reasons why they might not be regularly attending schools; and understand the underlying drivers of any behavioural challenges. They will then provide early family support; refer or signpost families to appropriate specialist help; and continue to engage them to ensure progress. It is too soon to gauge the efficacy of the scheme, but if the model realises its encouraging potential other PCCs should emulate it. The DfE could play an important role by communicating with PCCs where they believe there may be grounds for similar action.

### Recommendation 13

The Government recently outlined plans to change the way that Progress 8 is measured. Most notably, the DfE is "refining the methodology for 2018 in order to reduce the disproportionate impact of the most extreme pupil level progress scores only" on schools' performance data. We strongly welcome DfE's decision to make these changes, but the Department should closely monitor their impact to gauge whether they go far enough to temper the risk that schools exclude, or choose not to admit, pupils who might be more at risk of exclusion, specifically. If necessary, the Department should further revise these measures accordingly.

### Recommendation 14

There is a risk under a refined Progress 8 model that pupils who fall outside the established perimeters are not given due support, precisely because their low Progress 8 scores will not undermine a school's overall performance. The DfE should, therefore, introduce an ancillary measure to make sure these pupils are adequately supported. Ofsted's inspection

framework should be revised so that inspectors ask schools for robust evidence on what they have done to support these pupils. In most cases, the number of pupils in question is likely to be very low and the administrative cost associated with this measure is, therefore, likely to be modest.

#### Recommendation 15

The lack of coherence about when managed moves should be used could be tempered by reviewing the statutory guidance in this area. We recognise that local authorities must be given the freedom to adjust to local idiosyncrasies and innovate as they see fit, but there is evidence of significant sprawl in the way that they interpret key elements of managed moves. There is also a misunderstanding about whether mainstream schools can use managed moves to transfer pupils into APs. There is a strong case for fine-tuning DfE's statutory guidance to clarify when they should be used.

#### Recommendation 16

Managed moves sit within a vague system of oversight. The process that underpins them should be more rigorous. Many local authorities think Fair Access Protocols work well when it comes to placing vulnerable pupils. Official guidance allows discretionary powers to include managed moves but only a few local authorities have added them. The DfE should harness the full potential of this ready-made vehicle and should ensure that all managed moves are included in Fair Access Protocols.

#### Recommendation 17

We need more thorough oversight over managed moves. Ofsted's inspection framework should focus more strongly on the integrity of these moves to make sure they are well considered and used in the right way. Numbers on the roll/subsequent reductions; rates of managed moves (including relative to permanent exclusions); pupil destinations; and justifications for moves should be scrutinised in sufficient depth to help unpick signs of potential poor practice.

#### Recommendation 18

Elective home education should always be based on genuine free will, and should always be well informed. Funds associated with a pupil's place should automatically be repatriated to local authorities at the point of departure and should be used to provide support to home schooled individuals. Parents should be sent letters outlining the implications of home-schooling and offered appointments with local authority advisors to discuss the process schools have taken and any undue pressure. And schools should be required to keep home educated children on-roll for a period to enable easy re-integration if parents/pupils decide that home education does not work for them.

#### Recommendation 19

We need a system that alerts us to poor practice promptly. To ensure that all APs are properly accountable, and that commissioners have the information they need to make informed decisions about the AP they use, the DfE should introduce a light-touch registration scheme for currently unregistered providers. We recognise that the full force of an Ofsted inspection framework would not be suitable for many of these providers due to

their nature and size, and so the Government should consider introducing a second, lighter-touch tier. It should also devise a simple metric of quality, so that commissioners can get a reliable sense of the provision they are commissioning.

### Recommendation 20

The DfE should work with experts in the AP to sector to develop a new performance framework that better suits the intricacies and challenges faced by providers in this sector. Some APs have started to develop their own internal benchmarks of success, which provide a valuable platform upon which to develop such a framework. The DfE should commission research to grow the evidence base regarding what works; it should use this, along with evidence from providers, to inform its design.

### Recommendation 21

Free schools demonstrate the formative, positive role that innovation has in the education sector, driving up standards and improving educational outcomes. They have performed very strongly in the maintained sector. And their transformative potential is also clear to see in the AP sector, as the case studies of AP free schools we outline in this report demonstrate. There is a strong case to invest in good quality AP in areas of need, and the Government should direct a substantial portion of the free schools budget to new APs in those areas to help start meeting this need.

### Recommendation 22

We recognise that the government is currently working within a tight budgetary framework, and that this could restrict the number of new AP free schools it can commit to. We would not want this to temper supply where it is needed. The DfE should also create an AP Improvement Investment Fund. In this model, the DfE (or someone on its behalf) would seek third sector providers willing to open new AP in areas of need and provide a small amount of development funding. Social investors would put in the rest of the up-front money. The DfE would commit to paying out a set sum per pupil, but crucially only if the provision met a pre-agreed quality or outcome standard. In this context, the risk around quality would sit with the provider and social investors, and the up-front cost to taxpayers would be lower. As DfE would have transferred this performance risk, they could give the provider fewer specific requirements and more freedom to innovate and improve.

### Recommendation 23

The DfE should urgently review the teaching landscape in state-maintained AP, with a view to identifying areas of most prominent need and improving recruitment in those areas. It could do this by investing in specific support programmes to boost recruitment and professional development in APs, or by introducing student loan right-offs for teachers working in areas where more qualified teachers are needed. It should also reserve a portion of the MAT Development and Improvement Fund to encourage the expansion of successful MATs with a demonstrable record of running APs in areas of need. And it should develop dedicated AP staff networks to share good practice.



## chapter one

# Why we must act

Some of our most vulnerable pupils are being cast to our peripheral vision. In most cases, their prospects are dismal, which suggests we are failing to intervene early and effectively. There are many different ways to exclude pupils, both officially and unofficially, and every headline indicator suggests more and more pupils are leaving mainstream education – not just in absolute terms but also as a percentage of the school population. There is a worrying lack of transparency about how and why they leave, and what they do afterwards. In this chapter we outline the above trends in more detail, before seeking to understand what lies beneath them, and finding appropriate solutions, in chapters 2 to 4 of the report.

### 1.1 Many pupils who move out of mainstream education have dismal life prospects, which suggests we are failing to intervene early and effectively

Poor outcomes should not be misinterpreted simply as a reflection on AP or other non-mainstream destinations (although where it exists, sub-standard support can of course cause further damage). They are very often the culmination of years of complex and unresolved personal challenges – both in and out of school – and a lack of early, effective intervention. And by the time pupils leave mainstream education they are often already struggling. These outcomes must, therefore, be read in context and if we are to redress them we must look at the system as a whole.

That overall system is not working.

Many pupils who leave mainstream education are at severe risk of educational failure. For instance, just 1.1 per cent of pupils who complete their GCSEs in AP<sup>1</sup> achieved five good GCSE passes including English and maths in 2015/16, compared to 53.5 per cent in England as a whole.<sup>2</sup> In 2016/17, only 40.1 per cent of these pupils were entered for maths and English GCSEs and only 1.5 per cent achieved a 9–5 pass in those subjects.<sup>3</sup> In the same year, their average attainment 8 score was 6.2, compared to a national average of 44.6.<sup>4</sup> And their average Progress 8 score was – 3.1, compared to – 0.08 for schools in England as a whole.<sup>5</sup>

<sup>1</sup> State funded AP (pupil referral units, AP academies, AP free schools, and hospital schools) and other state-funded placements including independent schools, non-maintained special schools, and settings other than a school)

<sup>2</sup> DfE, 2017, Revised GCSE and equivalent results in England: 2015 to 2016 [Accessed via: [www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2014-to-2015](http://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2014-to-2015)]

<sup>3</sup> DfE, 2018, Revised GCSE and equivalent results in England: 2016 to 2017 [Accessed via: [www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2016-to-2017](http://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2016-to-2017)]

<sup>4</sup> Ibid

<sup>5</sup> Ibid

Pupils who move from mainstream secondary schools to unregistered settings, independent AP, other independent schools, or home-schooling environments<sup>6</sup> do not fare much better. Just 5.9 per cent of this cohort achieve five good GCSE passes, although the precise split between the different groups is not available.<sup>7</sup>

**Just 1.1 per cent of pupils who complete their GCSEs in AP achieve five good GCSE passes.**

A lack of an educational platform, even in basic skills, is enormously corrosive to these individuals' life prospects. Qualifications are a strong predictor of future success, and literacy and numeracy in particular are the bedrock of academic and vocational progress. Without them, it is hard to gain entry onto good academic and technical courses, and low basic skills are associated with low pay, insecure jobs, and unemployment. Individuals with low basic skills are also less likely to engage in adult education and training.<sup>8</sup>

**Almost half of pupils who finish Key Stage 4 in AP do not progress to a sustained education, training or employment destination.**

In this context, it is not surprising that the most likely outcome for some is a grim concoction of economic insecurity, disengagement, and personal turmoil. In 2015/16, for example, only 57 per cent of pupils who finished Key Stage 4 in AP<sup>9</sup> progressed to a sustained education, training or employment destination 2015/16, compared to 94 per cent from mainstream schools.<sup>10</sup> Many also end up in prison: 58 per cent of young adults (and 40 per cent of older adults) in prison were permanently excluded at school, and 86 per cent of boys in custody aged 12–18 were excluded from school before coming into detention.<sup>11</sup>

**58 per cent of young adults in prison were permanently excluded at school.**

These poor outcomes are tragic on a personal level, but they also harm society. IPPR estimates the economic cost of exclusion to be £370,000 “per young person in lifetime education, benefits, healthcare and criminal justice costs.”<sup>12</sup> And the disparate prospects of those who find opportunity and those who do not also creates stratifications that rip through our social fabric.

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6 This also includes pupils who emigrate and who, sadly, have passed away

7 FFT Education Datalab, 2017, Who's Left? The Main Findings [Accessed via: <https://educationdatalab.org.uk/2017/01/whos-left-the-main-findings/>]

8 OECD, 2016, Building Skills for All: A Review of England [Accessed via: [www.oecd.org/unitedkingdom/building-skills-for-all-review-of-england.pdf](http://www.oecd.org/unitedkingdom/building-skills-for-all-review-of-england.pdf)]

9 State place funded AP (pupil referral units, AP academies, AP free schools, and hospital schools) and other AP (education funded by local authorities outside state place funded schools, including independent schools, non-maintained special schools, and providers who do not meet the criteria for registration as a school)

10 DfE, 2017, Destinations of Key Stage 4 and Key Stage 5 Students, England, 2015/16, SFR56/2017 [accessed via: [www.gov.uk/government/statistics/destinations-of-ks4-and-ks5-pupils-2016](http://www.gov.uk/government/statistics/destinations-of-ks4-and-ks5-pupils-2016)]

11 HM Inspectorate of Prisons, HM Chief Inspector of Prisons for England and Wales Annual Report 2016–17, Jul 17 [www.gov.uk/government/uploads/system/uploads/attachment\_data/file/629719/hmip-annual-report-2016-17.pdf]

12 IPPR, 2017, Making the Difference, pg 22 [Accessed via: [www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf](http://www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf)]

## 1.2 Excluded pupils, and those who study in alternative settings, are often highly vulnerable

Although any pupil can move out of mainstream education, individuals with certain characteristics are more likely to do so. This is reflected in official data on permanent exclusions and on use of AP.

### **Pupils with SEN are six times more likely to be permanently excluded.**

Pupils with special educational needs (SEN) support, for example, have the highest permanent exclusion rate and are six times more likely to be permanently excluded than pupils with no SEN support.<sup>13</sup> Every school week, there are 4,610 permanent and fixed-term exclusions for pupils with SEN.<sup>14</sup>

### **Every school week, there are 4,610 permanent and fixed-term exclusions for pupils with SEN.**

Pupils who are eligible for free school meals are also highly susceptible to exclusion. These individuals are four times more likely to be permanently excluded than their better-off peers.<sup>15</sup> Every school week, there are 3,771 permanent and fixed-term exclusions for children eligible for free school meals.<sup>16</sup>

### **Pupils who are eligible for free school meals are four times more likely to be permanently excluded.**

Other individuals, too, are at higher risk of exclusion. Children in need, for instance, are three times as likely to be permanently excluded as their peers.<sup>17</sup> Boys are more than three times more likely to be permanently excluded than girls.<sup>18</sup> And some ethnic groups are disproportionately more likely to be excluded (with travellers of Irish heritage the most likely to be excluded, followed by Gypsy/Roma pupils and Black Caribbean pupils).<sup>19</sup>

### **Every school week, there are 3,771 permanent and fixed-term exclusions for children eligible for free school meals.**

Pupils who use state-maintained APs (pupil referral units, AP academies, and AP free schools) are also more likely to be eligible for and claiming free school meals; while only 13.6 per cent of the overall state-funded school population claim free school meals, 40 per cent of pupils who use state-maintained AP are eligible for and claim free school

13 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

14 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

15 Ibid

16 Ibid

17 DfE, 2018, Outcomes for Children looked after by LAs: 31 March 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-las-31-march-2017>]

18 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

19 Ibid

meals.<sup>20</sup> And while 14.4 per cent of the school population have SEN, 77 per cent of pupils who use AP<sup>21</sup> have SEN.<sup>22</sup>

### 77 per cent of pupils who use AP have SEN.

The information we have about elective home education also suggests that a considerable number of vulnerable pupils are being educated at home. According to a recent survey of local authorities by the Association of Directors of Children's Services (ADCS), 92 per cent of respondents reported that up to 10 per cent of their known home-schooled population had special educational needs and/or disabilities.<sup>23</sup> The reason for home-schooling is not always known to local authorities, and special educational needs and learning difficulties can remain undiagnosed,<sup>24</sup> so the number is likely to be even higher.

Table 1: Non-exhaustive list of attributes/circumstances typically associated with pupils who use AP

•	Special educational needs and/or disabilities
•	Unable to attend school for medical reasons
•	Disadvantaged or challenging family background
•	At risk of (or have been) permanently excluded from school
•	Complex social and emotional challenges
•	Young carers
•	Children in care and previously looked after children
•	Motherhood or pregnancy
•	At risk of offending/falling into local criminal activity
•	Low levels of literacy and numeracy
•	Refugee children who have no school place
•	Mid-year admissions/unable to find a school place

Adapted from Gutherson and Three Towers<sup>25</sup>

20 DfE, 2018, Schools, Pupils and their Characteristics: January 2018 National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018)]

21 Includes pupils registered with other providers, in alternative provision academies, including free schools and in further education colleges

22 DfE, 2017, Special Educational Needs in England: January 2017 [available at: [www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017](http://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017)]

23 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017 National Tables [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)] [Based on 118 responses from 152 local authorities in England]

24 The Guardian, 2017, A School Where 'Nobody's Judging You' [Accessed via: [www.theguardian.com/education/2017/oct/17/school-pupil-referral-unit-welcome-bullied-excluded](http://www.theguardian.com/education/2017/oct/17/school-pupil-referral-unit-welcome-bullied-excluded)]

25 Gutherson, P et al, 2011, Achieving successful outcomes through alternative education provision: an international literature review [Accessed via: [www.educationdevelopmenttrust.com/~media/EDT/Reports/Research/2011/r-achieving-successful-outcomes-through-alternative-education-provision-full-2011.pdf](http://www.educationdevelopmenttrust.com/~media/EDT/Reports/Research/2011/r-achieving-successful-outcomes-through-alternative-education-provision-full-2011.pdf)]; Three Towers, "What is Alternative Provision?" [accessed via: <http://tapa.net/about-us/what-is-alternative-provision/>]; Education Development Trust, 2011, Achieving Successful Outcomes Through Alternative Education Provision [Accessed via: [www.educationdevelopmenttrust.com/~media/EDT/Reports/Research/2011/r-achieving-successful-outcomes-through-alternative-education-provision-full-2011.pdf](http://www.educationdevelopmenttrust.com/~media/EDT/Reports/Research/2011/r-achieving-successful-outcomes-through-alternative-education-provision-full-2011.pdf)]



### Case study: K's story

K's mother became terminally ill with cancer. She was moved to a hospice and could not care for her children. K's mum received the news about her health when K was in Year 10 of school. K's mother started to undergo treatment and K often had to stay with other family members which meant he missed school.

His mother's illness affected his ability to concentrate on school work and he fell behind. K's mental health declined over the year and he began to withdraw. His mental health became progressively worse and formerly supportive family members no longer wanted to look after him. K went to live with his father, with whom he did not have a very strong relationship. He started to self-harm, threaten suicide, and hear voices in his head.

K was referred to LifeLine School in Year 11. But the transfer process from his former mainstream school was very slow and was impeded by a lack of information about his health, school attendance, attainment, and behaviour.

Once he started at LifeLine, he was promptly referred to the local Emotional Wellbeing and Mental Health Service and began seeing a support worker regularly. LifeLine gave him time and space to talk about his home life, phoned statutory agencies, and accommodated monthly visits from a psychiatric nurse in school hours.

K's mum passed away just before Easter 2018 and he started grieving. He stole food to try to prompt his father to throw him out. He thought that if he got thrown out, the authorities would find him somewhere to live independently. K's father reacted badly and LifeLine worked with him, his partner, and K to find him additional support.

K was eventually referred to a mental health unit after he went missing and was found by the police. LifeLine teachers and K's mentor continued to support him daily and he recently sat his GCSEs at the unit.

**LifeLine, in evidence to the CSJ**

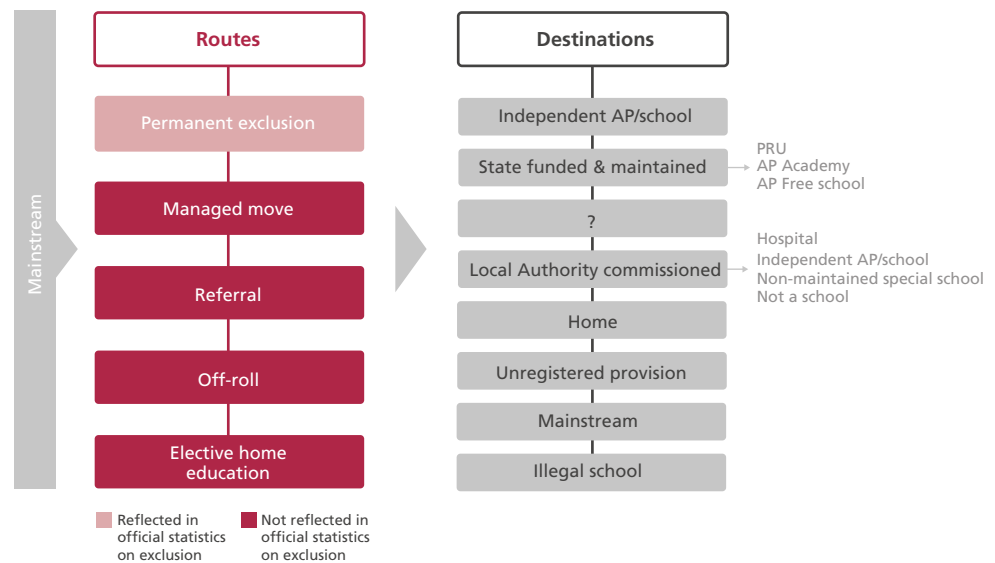
## 1.3 More and more pupils are leaving mainstream education

In the context of the poor outcomes outlined in section 1.1, numbers matter. And alarmingly, a number of different headline indicators suggest that the number, and rate, of pupils who are spending time out of mainstream education has risen in recent years. There is not one overall metric that captures this but, as we outline below, the data that is available all points towards an uplift – both in terms of volume and incidence.

### 1.3.1 There are several routes out of mainstream schools, and many subsequent destinations

Pupils can leave mainstream schools through a variety of different channels. From there, they might learn in a number of environments, including in AP but also in other settings. Figure 1 reflects some of the main routes and destinations that exist.

Figure 1: Routes out of mainstream schools and destinations



## Routes

Table 1: Typical routes out of mainstream education

<b>Permanent exclusion</b>	Removed from school register. Local authorities then become responsible for those pupils. Schools should only exclude pupils for disciplinary reasons, including, for instance, severe behavioural issues. And responses must be proportionate and measured, taking into account special educational needs.
<b>Managed move</b>	This is a consensual transfer of pupils from one educational environment into another, which could either be another mainstream school or an AP. Once pupils are moved, they no longer appear of their previous school rolls.
<b>Referral to AP</b>	Pupils stay on the rolls of their schools but are educated off-site in APs, either full-time or part-time.
<b>Off-rolling</b>	Schools remove pupils from their rolls.
<b>Elective home education</b>	Parents remove their children from schools and elect to educate them at home instead. This might be proactive (legal) or under the threat of exclusion (illegal).

## Destinations

### AP

The Government defines AP as: "Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour."<sup>26</sup>

AP is, therefore, an umbrella term for many forms of learning establishments outside mainstream schools. This might include state-funded and maintained providers (pupil referral units, academies, and free schools); independent APs; further education colleges; medical establishments; third sector providers; or work-based learning providers.

<sup>26</sup> Department for Education, 2013, "Alternative Provision: Statutory Guidance for Local Authorities" [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268940/alternative\\_provision\\_statutory\\_guidance\\_pdf\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance_pdf_version.pdf)]

Modes of learning vary substantially when using AP. Some learn full-time, while others are there part-time to supplement mainstream study. Some pupils are registered on the rolls of APs, while others remain on the rolls of mainstream schools. And some pupils are dual registered at mainstream schools and APs.<sup>27</sup>

State-maintained APs are registered and inspected, and independent APs must be registered if they provide full-time education or educate five or more full-time pupils. Some independent APs are inspected by the Independent Schools Inspectorate. However, as Ofsted recently reported: “Alternative provision remains a largely uninspected and unregulated sector. Beyond pupil referral units and other full-time provision, there is no requirement for the majority of alternative providers to register with any official body and no formal arrangements to evaluate their quality”.<sup>28</sup> Some establishments have been found to operate illegally because they should be registered as schools and are not.

A number of actors typically commission AP, including local authorities (usually when pupils are permanently excluded); mainstream schools (to supplement their teaching, or when pupils are at risk of exclusion or have been fixed-term excluded); and APs themselves (to supplement their offers).

### Other destinations

Pupils who leave mainstream schools to be electively home educated learn at home and in these instances parents may decide to supplement this with other learning – for instance in tuition centres funded by parents. Pupils may also subsequently re-enrol in mainstream education and they may end up joining APs.

Managed moves often lead pupils from one mainstream school to another mainstream school, but have also been used to move pupils into AP. Pupils who leave mainstream schools might also move to independent schools, other areas in the country, or abroad. And some pupils are not known to be receiving any form of education at all; estimates for children who miss education and cannot be located range between 4,000–6,000.<sup>29</sup>

## 1.3 Use of AP has risen in recent years, both in absolute and relative terms

Due to the opaque nature of the AP market (more on which we outline in chapter 4) and the general paucity of official data in this area, it is hard to know exactly how many pupils are educated in AP. But by piecing together the official statistics that are available we can begin to get a sense of scale. In one way or another, 49,477 pupils officially use AP in England. According to official statistics, this number comprises the following cohorts.

- 16,732 are in state maintained APs (pupil referral units, AP academies, and AP free schools);
- 22,848 are enrolled in other forms of AP commissioned by local authorities; and
- 9,897 are dual subsidiary registered at APs, as well as being registered at their original schools (which means they are on mainstream rolls but also attend AP).

27 DfE, 2017, School Census 2016 to 2017 Guide, version 1.6 pg 17 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/609375/School\\_census\\_2016\\_to\\_2017\\_guide\\_v1\\_6.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609375/School_census_2016_to_2017_guide_v1_6.pdf)]

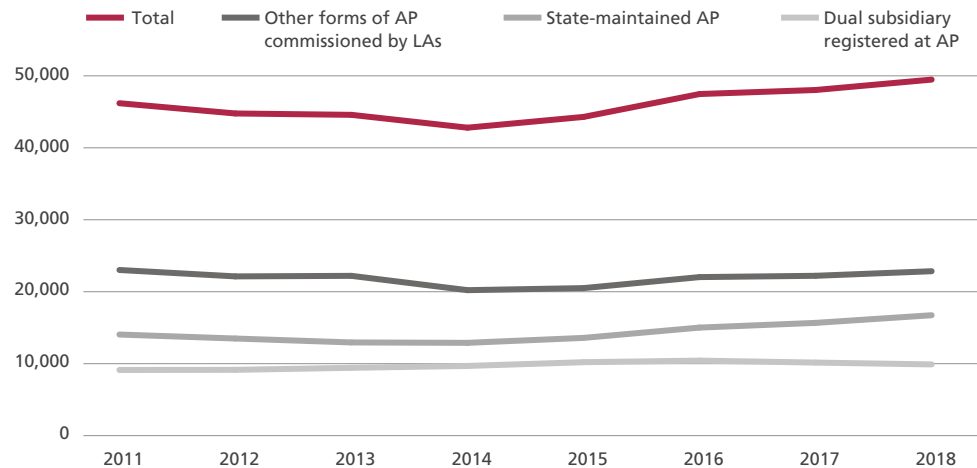
28 Ofsted, 2016, Alternative Provision: Findings from Ofsted's three-year survey of schools' use of off-site alternative provision, p10 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/500918/Alternative\\_provision\\_findings\\_from\\_Ofsteds\\_threeyear\\_survey\\_of\\_schools\\_use\\_of\\_off-site\\_alternative\\_provision.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/500918/Alternative_provision_findings_from_Ofsteds_threeyear_survey_of_schools_use_of_off-site_alternative_provision.pdf)]

29 Children's Commissioner, 2017, *Falling Through the Gaps in Education*, pg 22–23 [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/11/BRIEFING-Falling-through-the-gaps-in-education-CCO.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/11/BRIEFING-Falling-through-the-gaps-in-education-CCO.pdf)]

Not all use of AP is recorded in official statistics,<sup>30</sup> so the overall use of AP is therefore higher than the headline rates suggest.

As Figure 2 demonstrates, after a general decline between 2011 and 2014, the number of pupils recorded as using AP has become more prevalent again in recent years.

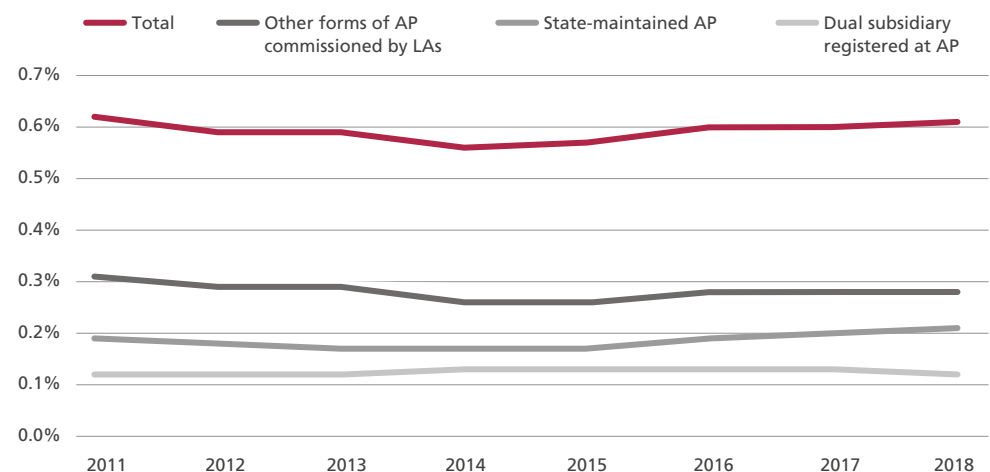
Figure 2: Number of pupils using AP, England (2011–2018)



CSJ analysis of DfE data, 2017<sup>31</sup>

However, it is not just the overall volume of recorded AP use that has risen in recent years. The rate of AP use relative to school population also started to rise again since 2013/14. This is reflected in Figure 3.

Figure 3: Rate of pupils using AP relative to total school population, England (2011–2018)



CSJ analysis of DfE data<sup>32</sup>

30 This ultimately depends on who is commissioning the place – those pupils who arrive in alternative provision through home education route do not appear on these statistics

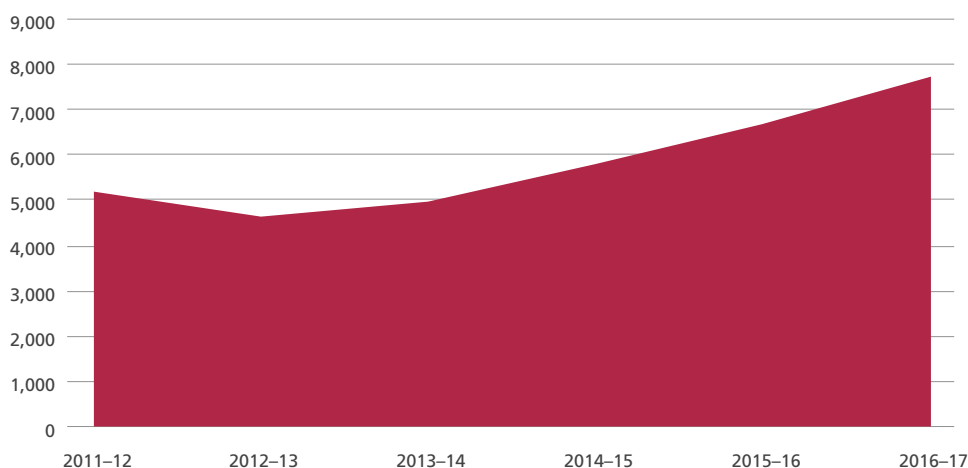
31 DfE, 2018, Schools, pupils and their characteristics: January 2018 National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018)]. Also consulted data for years 2011–2017

32 Ibid

### 1.3.3 The number, and rate, of official exclusions are both rising

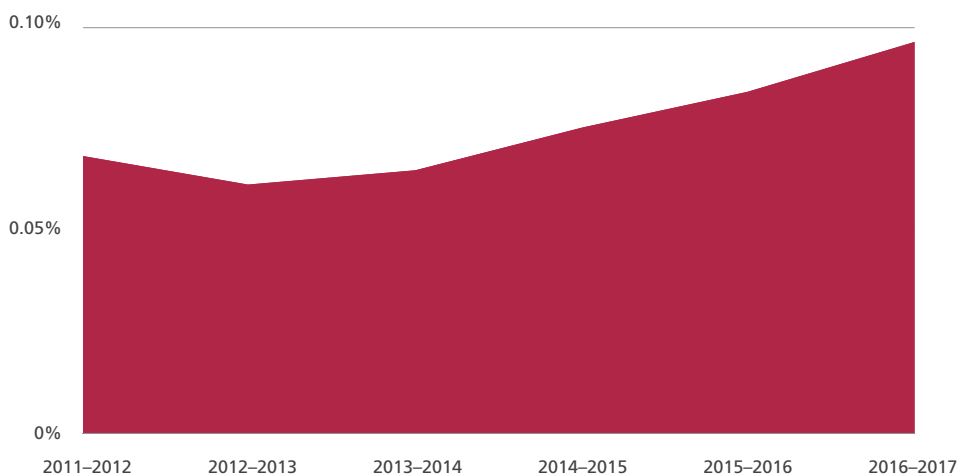
As Figure 4 below highlights, 7,720 pupils were permanently excluded in the 2015/16 academic year – a 67 per cent increase since 2012/13. And Figure 5 shows that this rise in absolute numbers is echoed by an increase in the rate of permanent exclusions, which rose by 58 per cent during the same period.

Figure 4: Number of permanent exclusions, England (2011–2017)



CSJ analysis of DfE data, 2017<sup>33</sup>

Figure 5: Rate of permanent exclusions relative to total school population, England (2011–2017)



CSJ analysis of DfE data<sup>34</sup>

<sup>33</sup> DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

<sup>34</sup> Ibid; DfE, 2017, Schools, Pupils and their Characteristics: January 2017 National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017)]

Fixed-term exclusions, too, are rising – both in absolute terms (381,865 pupils were given fixed-term exclusions in 2016/17, a rise of 114,345 since 2012/13) and as a proportion of the school population in the same period.<sup>35</sup>

**There are 10,049 permanent and fixed-term exclusions every school week.<sup>36</sup>**

### 1.3.4 The number, and rate, of pupils being home schooled appears to be rising

Although there is no official data on the volume of elective home education, we are able to draw an impression of scale from survey data at local authority level. According to a recent survey by ADCS, in October 2017 an estimated 45,712 individuals were being educated at home in England.<sup>37</sup> Many respondents were confident the actual numbers were in fact higher, but there is no registration requirement for home schooled individuals, which makes it very hard to know exactly how many pupils are educated at home.

The number of home schooled individuals also appears to have risen dramatically in recent years. According to the same survey outlined immediately above, 92 per cent of local authorities reported year-on-year increases, and overall numbers rose from an estimated 37,500 in January 2016 to 45,712 in October 2017.<sup>38</sup> This means that in just 18 months, the number of individuals being home schooled is thought to have risen by 22 per cent.

A recent School's Week analysis lends further weight to the notion that home schooling is rising. Based on Freedom of Information requests to local authorities,<sup>39</sup> it found that, between 2011/12 and 2016/17, the number of home educated pupils known to local authorities had soared by 97 per cent, almost doubling in just five years.<sup>40</sup> This sudden rise is illustrated in Figure 6. As Figure 7 demonstrates, this trend is also largely mirrored by a sharp increase in the rate of individuals who are home schooled.

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35 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]; DfE, 2017, Schools, Pupils and their Characteristics: January 2017, National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017)]

36 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

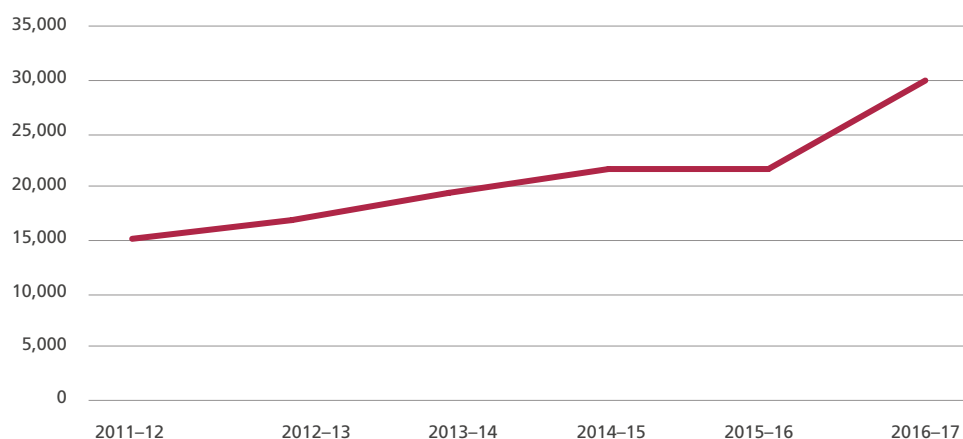
37 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)] [Based on 118 responses from 152 local authorities in England]

38 Ibid

39 86 out of 152 council responses

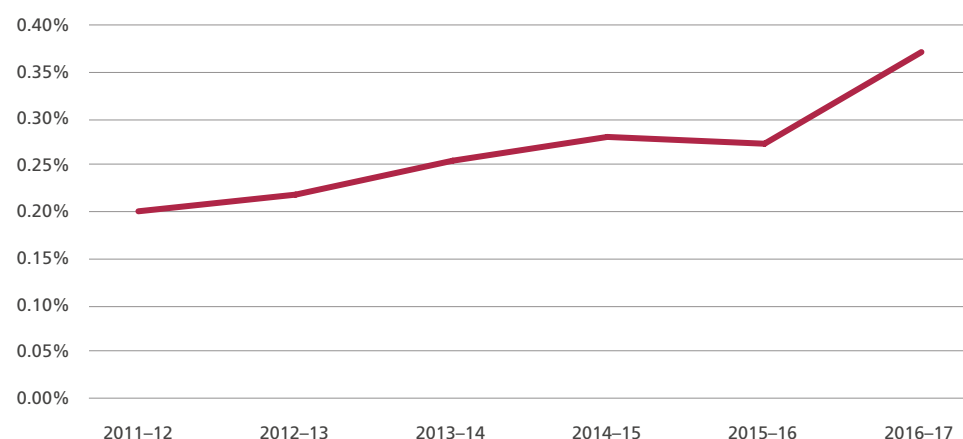
40 School's Week, 2017, Home Education Doubles, with Schools Left to Pick up the Pieces When it Fails [Accessed via: <https://schoolsweek.co.uk/home-education-doubles-with-schools-left-to-pick-up-pieces-when-it-fails/>]

Figure 6: Home schooled population, England (2011–17), based on 86/152 council responses



Adapted from Schools Week data<sup>41</sup>

Figure 7: Rate of home schooled population relative to school population, England (2011–2017), based on 86/152 council responses



CSJ analysis of Schools Week data<sup>42</sup>

Published local authority data also shows how acute rises can be in certain areas. In Nottinghamshire, for instance, 523 children were registered as being electively home educated in September 2017, an increase of 164 (46 per cent) in just three years. In February 2018, there were 619 EHE children registered with the council as home educated, and the number was projected to have risen to at least 700 by June 2018<sup>43</sup> – a rise of 95 per cent in under four years.

<sup>41</sup> Ibid

<sup>42</sup> Ibid DfE, 2017, Schools, Pupils and their Characteristics: January 2017 National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017)]

<sup>43</sup> Nottinghamshire Council, 2018, Elective Home Education Update (Public Item 4) [Accessed via: [www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/3982/Committee/527/SelectedTab/Documents/Default.aspx](http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/3982/Committee/527/SelectedTab/Documents/Default.aspx)]

## 1.4 There is a concerning lack of transparency about which routes pupils follow out of mainstream education and why

The official data on the routes pupils take out of mainstream education is extraordinarily sparse, particularly given the life-changing implications of leaving mainstream education and the vulnerable nature of many of the individuals concerned. This makes it very difficult to get a firm grasp on how and why pupils leave, and what they do when they do leave.

There is some firm data on permanent exclusions, which includes the reasons for their exclusions. But the data does not allow us to determine the proportion of children within AP, or in other non-mainstream settings, who arrive in those environments through permanent exclusions.

While there is a dataset on school pupils' characteristics, which includes some information on the number of pupils using AP, this does not let us determine how many of those pupils arrived there through permanent exclusion. And we cannot establish how many managed moves and referrals take place each year, or destinations in each case.

There is also no available data regarding the transfer system to AP, which means we cannot readily gauge whether pupils arrive in AP as a result of official permanent exclusion or other arrangements such as managed moves, referrals or dual registration. We cannot ascertain whether they are attending AP permanently or temporarily in each case. And we do not know the reasons why each of these transfers occurs in the first place.

The impression we have of elective home education is even hazier. What we know about elective home education stems from Freedom of Information requests to local authorities, which together provide a very rough sketch of numbers and motivations in each case. And we do not know how many individuals move from elective home education into APs or other settings, and for what reasons.

Perhaps most concerning, some children are missing altogether – we simply do not know where they are or what they are doing. We do not have data on precise numbers but it is estimated that 4000–6000 children fall within this bracket.<sup>44</sup>

### Recommendation 1

To make sure pupils who study outside mainstream education are there for the right reasons, and are getting adequate support, we must have a better grasp of the routes they take and why they are there. Currently, there is an alarming lack of transparency about this information, which is all the more concerning given the vulnerable nature of many of the individuals concerned.

In January 2018, the DfE introduced measures that improved transparency regarding some of the ways in which pupils use local authority commissioned AP. We welcome these measures, which will make it easier to understand how and why some pupils are placed in APs.

<sup>44</sup> Children's Commissioner, 2017, *Falling Through the Gaps in Education* pg 22–23 [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/11/BRIEFING-Falling-through-the-gaps-in-education-CCO.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/11/BRIEFING-Falling-through-the-gaps-in-education-CCO.pdf)]



However, this still leaves several pockets of opacity. For instance, there is no way to gauge how and why managed moves are being used, and for whom they are being used. To build better transparency around pupil moves out of mainstream schools, and to help expose poor practice where this occurs, the Department will need a firmer grip on the transfer system in relation to all routes out of mainstream education. It should, therefore, take steps to ensure that in all cases, it can decipher which routes pupils follow out of school and where they subsequently go; why they are placed in APs; and the time they spend in APs. The Department should, in turn, take all necessary measures to ensure anonymity of data.

## 1.5 The rest of this report

Our analysis raises serious questions about the prevalence of non-mainstream education, including how and why this is happening, and the support that exists when pupils get there.

There is a clear need to understand what lies beneath these trends, particularly as many of the individuals concerned are some of the most vulnerable in the country. As we have outlined, a first and crucial step is to get a better grip on exactly what is happening to these pupils and why.

In the rest of this report, we look more closely at what might be driving these trends and the world that lies beyond them. Our analysis exposes concerning truths about the extent to which some schools feel equipped to manage more complex needs, and the dubious nature of some exclusions. These are not indicative of the sector as a whole, and we demonstrate how other mainstream schools have led the way. We also examine the AP sector; there are excellent providers and AP should be viewed as an integral component of the education system, but we demonstrate that the sector as a whole faces considerable challenges.

Left unchecked, the problems that exist will continue to corrode the life prospects of the individuals concerned. We therefore also offer a series of practical recommendations which, if implemented, would transform the way in which exclusion and alternative education operate in this country.



## chapter two

# How and why some schools are not managing pupils with more complex needs

Some mainstream schools are highly adept at supporting pupils with complex needs early and efficiently, using good quality AP as part of the mix, and in Chapter 3 we offer examples of this.

But other schools are not intervening effectively. In many cases, this is because they do not feel sufficiently equipped to manage more complex needs, and some are excluding for strategic reasons. In the rest of this chapter, we explore these themes in more detail. The practices we outline are not indicative of the sector as a whole; the point we wish to raise is that avoidable and questionable exclusions do happen, and where they occur they have an overwhelmingly negative impact on the pupils concerned.

A scarcity of good quality data makes it difficult to pinpoint exactly how prevalent each of these drivers is, and the precise nature of measures taken in each case. But the evidence we have, both statistical and qualitative, presents an impression of practice that is very difficult to ignore. Where avoidable exclusions occur, they may be driven by various different factors and we also offer examples of those drivers in this chapter.

## 2.1 Statistical trends raise questions about whether all schools are equipped to intervene early and effectively, and whether some are excluding for strategic reasons

In this section, we outline a number of different trends that indicate some schools may be moving pupils out of the mainstream avoidably.

### 2.1.1 Exclusions, use of AP, and elective home education are all rising

As we outline in Chapter 1 of this report, every headline indicator that is publicly available suggests more and more pupils are leaving mainstream education. We know from official data that this is true of permanent exclusions and use of AP, and we know from surveys

of local authorities that elective home education seems to have risen sharply too. We also know that these upwards trends do not simply reflect uplifts in school populations, but are relative rises, which means the incidence of moves has also accelerated.

These trends do not, alone, demonstrate that avoidable exclusions are rising, but they certainly raise the question. It seems implausible that all these uplifts can be explained solely by sudden behavioural differences in such a short period of time; permanent exclusion in primary schools, for instance, has almost doubled in four years.<sup>45</sup> And when read in conjunction with the rest of the information we outline in this chapter, it is plausible that at least some of these exclusions are avoidable.

### 2.1.2 It is not clear why all officially excluded pupils are moved out

We know the recorded main reason for official permanent exclusions. The most recently released statistics show that persistent disruptive behaviour was the most prominent main reason for permanent exclusion (35.7 per cent), followed by “other” (17.6 per cent), physical assault against a pupil (12.3 per cent) and physical assault against a pupil (13.3 per cent).<sup>46</sup> This means it is not possible to determine the reason for exclusion in one in six cases – they are simply not declared.

We were informed by AP leaders that “other” (and even “persistent disruptive behaviour”) are sometimes used as alternatives to stating the real reason for exclusion. In other instances, there may not be enough detail for DfE to make sure that exclusions are being used in the right way. Either way, there is a need to record this information more scientifically.

#### Recommendation 2

The DfE should insist that schools provide a discernible reason for exclusion in all cases; they should not be able to name “other” as a reason for exclusion. And to better understand the nature of the premise when “persistent disruptive behaviour” is cited, the DfE should capture more granular data on the reasons adopted in each case. This should be supplemented with information on the steps taken to address the underlying problem before deciding to exclude.

### 2.1.3 Official data on pupil moves raises questions about where pupils end up and why

A report by FFT Education Datalab analysed the cohort of pupils expected to complete their GCSEs in 2014/15 in mainstream, state-funded secondary schools, and charted pupil moves between years 7 to 11. Figure 8 provides further details.<sup>47</sup> The data shows that in total, there were 87,102 pupil moves in 2014/15. 54,907 (63 per cent) of those moves were to other mainstream schools, 2,656 (3 per cent) were to special schools, and 2,068 (2 per cent) were to UTCs and studio schools. In 7,496 (9 per cent) of cases, pupils moved into state-funded

45 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>] NB: analysis between 2012/13–2016/17

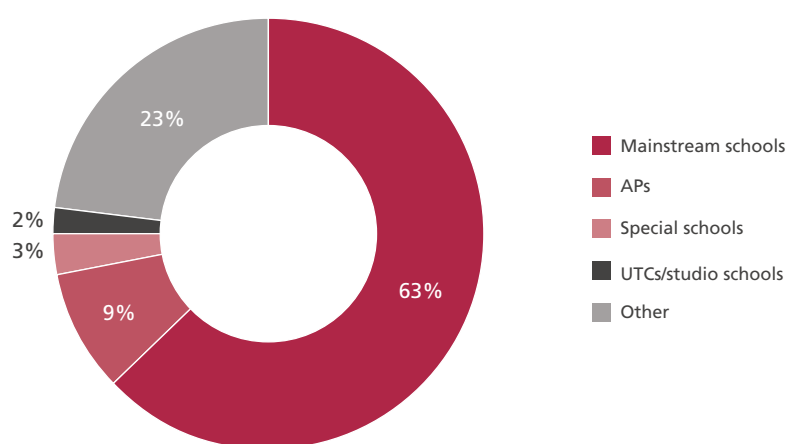
46 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

47 FFT Education Datalab, 2017, *Who's Left: The Main Findings* [Accessed via: <https://ffteducationdatalab.org.uk/2017/01/whos-left-the-main-findings/>]

APs. And in 19,975 (23 per cent) of cases, pupils moved and subsequently never again recorded at another state-funded secondary institution.

In a recent update, FFT Education Datalab also found that more than 22,000 pupils left mainstream state schools at some point between year 7 and year 11 and were not recorded in state education again – a rise of almost 10 per on the previous year. Among this cohort, it identified a group of between 6,200–7,700 pupils who remained in the country but did not have results for GCSE or equivalent qualifications, and did not have any results that counted towards any establishment. It also discovered that pupils with the lowest prior attainment at Key Stage 2 were most likely to have left the state sector entirely.<sup>48</sup>

Figure 8: Year 7–11 pupil moves by destination, England (2014–15 GCSE cohort)



Adapted from FFT Education Datalab<sup>49</sup>

The nature of this data adds further weight to our concerns about lack of transparency when it comes to school exclusions, including the reasons why these pupils moved in the first place. We cannot tell, for instance, why pupils who moved into state-funded APs did so. And we have no way of knowing where the “other” group of pupils, which includes almost 20,000 pupils, end up or why these pupils moved into those settings in the first place.

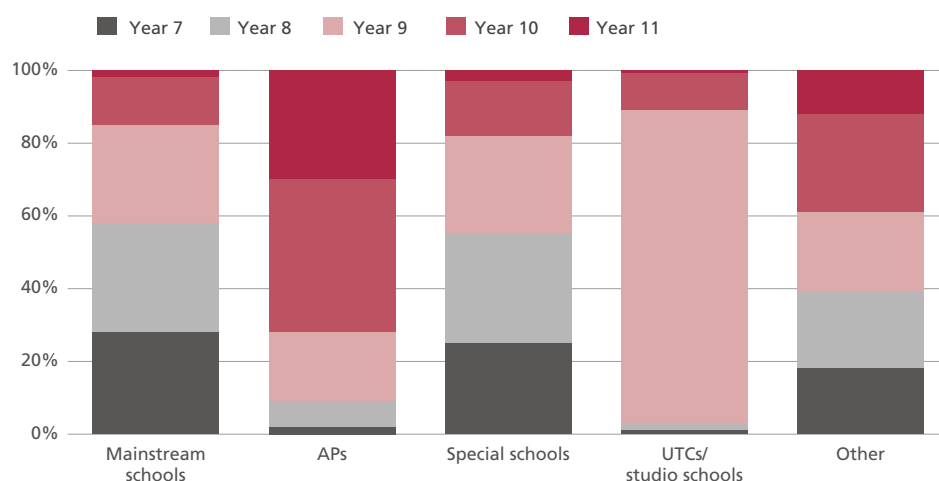
But the data does allow us to decipher some important trends, particularly when read in conjunction with the timings of these exclusions. Figure 9 splits the same data, so we can see the proportions of moves in each cohort in each year of secondary school. This exposes a considerable gap in the share of moves to state-funded APs when approaching their GCSEs, when compared to every other cohort. While 72 per cent of moves to state-funded AP took place in years 10 and 11, just 14 per cent of moves were to other mainstream schools in the same period, while 18 per cent of moves were to special schools and 12 per cent to UTCs/studio schools. The number of pupils moving to “other” destinations

48 FFT Education Datalab (2018) Who's Left 2018: Part One, The Main Findings [<https://ffteducationdatalab.org.uk/2018/06/whos-left-2018-part-one-the-main-findings/>]

49 FFT Education Datalab, 2017, Who's Left: The Main Findings [Accessed via: <https://ffteducationdatalab.org.uk/2017/01/whos-left-the-main-findings/>] – NB figures on pupil moves relate to pupil moves rather than pupils (with the exception of the 19,975 figure, where pupil moves do tie to unique pupils)

(which includes unregistered settings, independent AP, other independent schools, other countries, and home-schooling) is also high in years 10 and 11 (39 per cent) when compared with these groups.

Figure 9: % of total pupil moves accounted for by each academic year/destination, England (2014–15 GCSE cohort)



Adapted from FFT Education Datalab<sup>50</sup>

The substantial relative correlation between moves into state-funded APs and “other” settings, on the one hand, and proximity to GCSEs, on the other, adds further weight to the notion that some schools may not be intervening early enough, and may not have the tools to do this effectively. It may also suggest that some schools are excluding schools for strategic reasons.

#### 2.1.4 The majority of pupil moves come with a positive grade swing

Pupils who leave mainstream schools tend to do very badly in their GCSEs. Only 1 per cent of pupils who completed their GCSEs in state-maintained AP, having moved from mainstream schools, achieved five good GCSE passes in 2015.<sup>51</sup> And just 5.9 per cent of pupils who moved to “other” destinations (including unregistered settings, independent AP, other independent schools, and home-schooling environments) got five good GCSE passes in the same year.<sup>52</sup> Those who moved to other mainstream schools did less badly, although still worse than the overall national average, which was 64.9 per cent in 2014/15.<sup>53</sup>

FFT Education Datalab reweighted league tables for the 2014/15 cohort of pupils taking GCSEs according to all instances in which pupils joined or left school rolls. It found that, if all schools’ numbers of pupils gaining five GCSEs A\*–C (including English and maths) took into account these moves, the vast majority would have performed worse. In total, 88 per cent of schools performed better as a result of the pupil moves they had presided over. Figure 10 highlights these results in more detail.

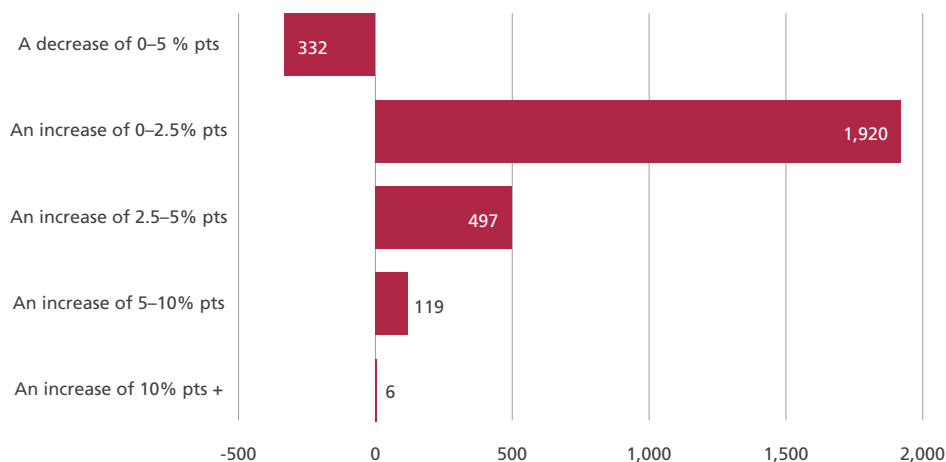
<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> Ibid

<sup>53</sup> DfE, 2016, Revised GCSE and Equivalent Results in England, 2014 to 2015 National Tables [Accessed via: [www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2014-to-2015](http://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2014-to-2015)]

Figure 10: Grade swing (% change in number of pupils getting 5+ A\*–Cs) attributed to pupil moves in mainstream secondary schools, England, 2014/15 GCSE cohort (no. of schools)



Adapted from Education Datalab<sup>54</sup>

The grade premium associated with pupil moves is, to some degree, intuitive. When used appropriately, for instance, official exclusions are carried out when pupils display behaviour that is acutely disruptive, or worse, which leaves schools no choice but to exclude. In this context, pupils are, by reason of their exclusion, less likely to be doing well at school and the grade premium schools derive is incidental rather than proactively sought. Similarly, a managed move would typically be attempted if a pupil were not performing well. But we know from the other information presented in this report that some exclusions are avoidable; read in this context, some of the grade swings that schools realise from exclusion take on a different meaning.

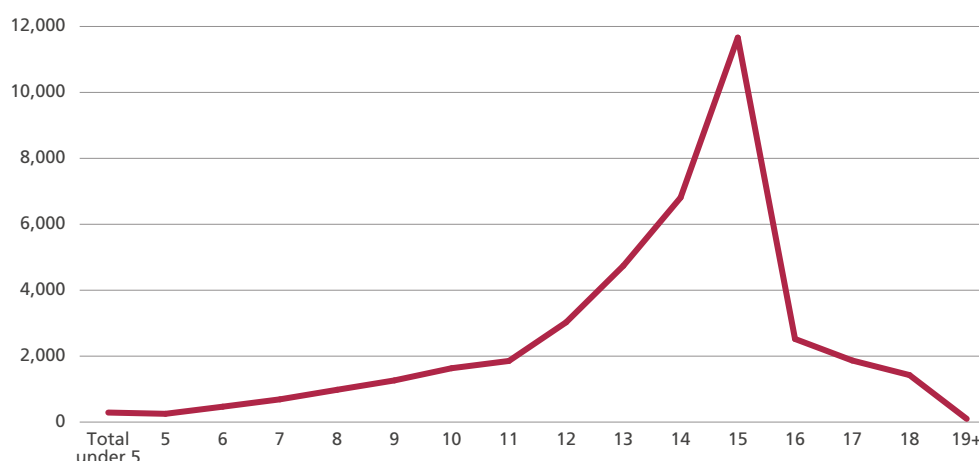
### 2.1.5 Use of AP spikes dramatically near GCSEs

Figure 11 adds a further dimension to our understanding of the use of AP and its relationship with age. The data demonstrates a clear spike in the use of AP as pupils approach their GCSEs, both when it comes to state-maintained APs (pupil referral units, academies, and free schools) and the full suite of other types of APs local authorities might commission.<sup>55</sup>

<sup>54</sup> FFT Education Datalab (2017) Who's Left: The Main Findings National [Accessed via: <https://ffteducationdatalab.org.uk/2017/01/whos-left-the-main-findings/>]

<sup>55</sup> The numbers here are hard to cross-reference with the information on pupil moves we outline in section 2.1.3. The AP market is highly variable, comprising state-funded APs but also other APs that sit in the "other" category outlined in section 2.1.3. In addition, AP is used in different ways – sometimes permanently, other times in a supplemental way. This explains why the figures in this section, which capture all uses of AP, do not correlate perfectly with the figures relating to AP above, including those that make up some of the "other" category.

Figure 11: Number of pupils using AP by age, England (2018) – state-maintained AP and other AP commissioned by local authorities



CSJ analysis of DfE data<sup>56</sup>

As with the other data we have presented in section 2.1, we do not suggest that this information alone serves as incontrovertible evidence of avoidable exclusion. We recognise, for instance, that pupils are more likely to develop challenging behavioural traits as they reach this stage in their lives. This was clear to see in a recent report by the Children's Commissioner, for instance, which found that a disproportionate number of pupils are referred to Child and Adolescent Mental Health Services (CAMHS) between the ages of 11–15 (almost double (93,000) the number of referrals observable between the ages of 6–10 (52,000)).<sup>57</sup>

**Between 2012/13 and 2015/16, the rate of exclusion for 14-year olds increased by 45 per cent.**

CSJ analysis of DfE data<sup>58</sup>

But this information, as with the other data we outline in section 2.1, does raise questions about whether some schools are intervening early enough; whether all teachers have the right tools to identify and manage more complex needs; and whether some schools are excluding pupils for strategic reasons.

## 2.2 Qualitative evidence shows that different routes have been used to exclude

In this section, we look at a more granular level how different routes, specifically, have been used by some schools to exclude pupils, before proceeding in section 2.3 to explain what

<sup>56</sup> DfE, 2017, Schools, Pupils and their Characteristics: January 2017 [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017)]

<sup>57</sup> Children's Commissioner, 2014, *Lightning Review: Access to Child and Adolescent Mental Health Services*, May 2016 [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Childrens-Commissioners-Mental-Health-Lightning-Review.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Childrens-Commissioners-Mental-Health-Lightning-Review.pdf)]

<sup>58</sup> DfE, 2011–2017, Statistics: Exclusions, National Tables [Accessed via: [www.gov.uk/government/collections/statistics-exclusions](http://www.gov.uk/government/collections/statistics-exclusions)]; DfE, 2017, Schools, Pupils and their Characteristics: January 2017, National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017)]



might drive these when they occur. Again, it is important to recognise that many schools are doing admirable jobs when it comes to supporting pupils with challenging personal circumstances, and the examples below are not indicative of the sector as a whole.

### 2.2.1 Official exclusion

Exclusion should be used only after early intervention has failed and when schools have exhausted all reasonable opportunities to support a pupil. Exclusion can be very damaging, particularly when ill-considered, and can mean that the underlying causes of challenging behaviour remain unaddressed.<sup>59</sup>

We are, therefore, concerned that not all schools are using official exclusion in this way. The fact that the rate of official exclusions is rising again indicates that some schools may be choosing to exclude pupils before they have exhausted all reasonable options to keep them on their rolls. And although it is unlawful to exclude for non-disciplinary reasons,<sup>60</sup> around one in six of the exclusions listed in the official data are for unnamed reasons, with no accompanying detail about the reasons for these exclusions.<sup>61</sup> We are also concerned that schools are over six times more likely to exclude pupils with SEN, particularly as they are required to make proportionate judgements and take SEN into account when deciding whether to exclude.<sup>62</sup> And although schools are advised not to exclude pupils with EHC plans or looked after children at all,<sup>63</sup> in 2016/17 370 pupils with statements of SEN or EHC plans were excluded from mainstream schools, with a rate 60 per cent higher than the national average.<sup>64</sup>

A number of qualitative studies document instances in which permanent exclusions do not appear to have been carried out in good faith.<sup>65</sup> In his study of school culture, for example, Tom Bennett identified several schools that excluded “too quickly in order to improve their examination results and remove the need to deal with the challenging behaviour.” The former Children’s Commissioner, Dr Maggie Atkinson, too, raised concerns about pupils being coerced into leaving their current schools and excluded without proper procedures.<sup>66</sup>

59 CSJ, 2011, No Excuses: A review of educational exclusion, pg 131 [Accessed via: [www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ\\_Educational\\_Exclusion.pdf](http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Educational_Exclusion.pdf)]

60 Including the *SEN Statutory Guidance* which emphasises that the school should not expel a student with an education and health plan

61 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

62 DfE, 2017, Statutory Guidance: Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, pg 8–10 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)]

63 DfE, 2017, Statutory Guidance: Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, pg 11 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)]

64 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

65 See, for example: CSJ, 2011, No Excuses: A review of educational exclusion [available at: [www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ\\_Educational\\_Exclusion.pdf](http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Educational_Exclusion.pdf)]; DfE, Effective practice for local authorities and schools in managing and eliminating incidents of unofficial exclusion [available at: [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076496/effective-practicefor-local-authorities-and-schools-in-managing-and-eliminating-incidents-of-unofficial-exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076496/effective-practicefor-local-authorities-and-schools-in-managing-and-eliminating-incidents-of-unofficial-exclusion)]; Ofsted, 2010, Children missing from education [available at: [www.whatdotheyknow.com/request/168622/response/426653/attach/3/Children%20missing%20from%20education1.pdf](http://www.whatdotheyknow.com/request/168622/response/426653/attach/3/Children%20missing%20from%20education1.pdf)]; Barnardo’s, 2010, Not present and not correct: Understanding and preventing school exclusions [available at: [www.barnardos.org.uk/not\\_present\\_and\\_not\\_correct.pdf](http://www.barnardos.org.uk/not_present_and_not_correct.pdf)]; Bennett, Tom, 2017, Creating a Culture: How School Leaders can Optimise Behaviour. Independent Review of Behaviour in Schools, pg 46 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/602487/Tom\\_Bennett\\_Independent\\_Review\\_of\\_Behaviour\\_in\\_Schools.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602487/Tom_Bennett_Independent_Review_of_Behaviour_in_Schools.pdf)]

66 The Children’s Commissioner, 2017, They Never Give up on You, pg 16 [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/They-never-give-up-on-you-final-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/They-never-give-up-on-you-final-report.pdf), pg 16]

Some schools also use short, fixed-term exclusions in inappropriate ways. In some cases, it appears the underlying motive is to move pupils out of sight without triggering attention.<sup>67</sup> Fixed-term exclusions can also be used as precursors to effective permanent exclusions; one study on the exclusion of disabled children highlighted cases where parents were told “they [wouldn’t] be allowed back when finished.”<sup>68</sup> And Ofsted has cited evidence it received from parents that school leaders asked them to keep their children at home because they could not meet their children’s needs which was stated as an addition, or alternative, to a fixed term exclusion.<sup>69</sup> In this context, it is concerning that the number of fixed-term exclusions is rising – both in absolute terms (381,865 pupils were given fixed-term exclusions in 2015–16, a rise of 114,345 since 2012/13) and as a proportion of the school population (from 3.51 to 4.76 per cent in the same period).<sup>70</sup>

### 2.2.2 Effective exclusions

As we outline in section 1.1 of this report, official exclusion is not the only route out of mainstream education. In fact, most people who use AP have not been officially excluded. While 7,720 pupils were permanently excluded in 2015–16, 48,033 were using AP in the same academic year. This means there are over six times more individuals using AP as there are permanent official exclusions. Managed moves, referrals, off-rolling, and elective home education all form part of the broader sweep of routes that might lead to pupils studying outside the mainstream. Moves that are based on genuine choice, transparency, and full understanding can be highly beneficial for pupils but, as we outline in below, these elements are not always present.

**In the last few years pan-London conferences have been held on attendance and exclusion. When asked the question ‘are there illegal exclusions and off-rolling in some of the schools in your LA?’ every principal education welfare officer put up their hand. It happens in every LA.**

Pauline Bastick<sup>71</sup>

### Managed moves

Managed moves are used by many schools in considered and effective ways, often to give pupils a fresh chance in a new environment, and can be overwhelmingly positive. For instance, managed moves can reduce local authority reliance on AP, reduce the need for formal exclusions, and prompt better pupil engagement with the curriculum.<sup>72</sup>

67 Barnardos, 2010, Not Present and not Correct: understanding and Preventing School Exclusions, pg 15 [Accessed via: [www.barnardos.org.uk/not\\_present\\_and\\_not\\_correct.pdf](http://www.barnardos.org.uk/not_present_and_not_correct.pdf)]

68 Contact a Family, 2013, Falling Through the Net: Illegal Exclusions, the Experiences of Families with Disabled Children in England and Wales pg 5 [Accessed via: [https://contact.org.uk/media/639982/falling\\_through\\_the\\_net\\_-\\_illegal\\_exclusions\\_report\\_2013\\_web.pdf](https://contact.org.uk/media/639982/falling_through_the_net_-_illegal_exclusions_report_2013_web.pdf)]

69 Ofsted; Care Quality Commission, Local Area SEND Inspections: One Year On [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/652694/local\\_area\\_SEND\\_inspections\\_one\\_year\\_on.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652694/local_area_SEND_inspections_one_year_on.pdf)]

70 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]; DfE, 2017, Schools, Pupils and their Characteristics: January 2017, National Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017)]

71 CSJ, 2011, No Excuses: A review of educational exclusion, pg 24 [Accessed via: [www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ\\_Educational\\_Exclusion.pdf](http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Educational_Exclusion.pdf)]

72 Vincent, K., Harris, B., Thomson, P and Toalster, R., 2007, “Managed moves: schools collaborating for collective gain”. Emotional and Behavioural Difficulties, 12(4), pg 283–298

However, while DfE makes it clear that the implicit or explicit threat of exclusion should never be used to induce managed moves, several studies suggest this happens.<sup>73, 74, 75</sup> Local authority education welfare officers, for instance, have reported that in some cases pupils are “offered” managed moves under the threat of permanent exclusion.<sup>76</sup> A study on exclusion by Christy Kulz documented a number of instances of poor practice that contravened statutory guidance on managed moves, highlighting parents who were relatively new to the country as a vulnerable group.<sup>77</sup> In one particular case study within the same report, while the “threat of permanent exclusion was disproportionate to the incident, [the parent] did not realise that she had a choice.”<sup>78</sup>

**One parent reported that her son was unable to get back into education for 14 months.**

Ofsted, too, recently identified malpractice in the context of managed moves, finding “evidence nationally that large numbers of pupils leave mainstream secondary education before year 11 through schools moving them out into alternative provision or on to other schools whose rolls are not full.”<sup>79</sup> And a number of AP experts and school leaders we spoke to reported that there are known “dumping grounds” in many areas – schools that are known to be underperforming, have spare capacity, and may be desperate for additional revenue, and so take on unwanted pupils from other schools.

Managed moves that break down can also lead to effective exclusion. Although some local authority guidance clearly states that pupils must be taken back by their prior schools if managed move breaks down, in practice this does not always happen. There are no studies to our knowledge that comment on its prevalence, but anecdotal evidence suggests that this occurs; one parent reported that her son was unable to get back into education for 14 months.<sup>80</sup> Ofsted have noticed that two local authorities have discontinued their support for managed moves due to their belief that moves were open to abuse, and that pupils were being ‘lost to the system’.<sup>81</sup> We were also informed by one witness that pupils with SEN have been deliberately avoided by schools when considering potential managed moves.

## Referrals to APs

Used with due consideration and for the right reasons, referrals to APs are effective ways to provide expert support to pupils with challenging needs. Under law, referrals should only

73 CSJ, 2011, No Excuses: A review of educational exclusion [available at: [www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ\\_Educational\\_Exclusion.pdf](http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Educational_Exclusion.pdf)]; Barnardo's, 2010, Not present and not correct: Understanding and preventing school exclusions [available at: [www.barnardos.org.uk/not\\_present\\_and\\_not\\_correct.pdf](http://www.barnardos.org.uk/not_present_and_not_correct.pdf)]

74 TES, 2018, Are Schools Flouting the Exclusion Laws to Protect their Reputations? [Accessed via: [www.tes.com/news/school-news/breaking-views/are-schools-flouting-exclusion-laws-protect-their-reputations](http://www.tes.com/news/school-news/breaking-views/are-schools-flouting-exclusion-laws-protect-their-reputations)]

75 As evidenced in the research report: Kulz, Christy, 2015, Mapping the Exclusion Process: Inequality, Justice and the Business of Education, pg 13, pg 44–50 [Accessed via: <http://conflictmatters.eu/conference-2017/wp-content/uploads/2017/10/Mapping-the-Exclusion-Process.pdf>]

76 The Guardian, 2012, Illegal School Exclusions: how Pupils are Slipping through the Net [Accessed via: [www.theguardian.com/education/2012/nov/15/illegal-school-exclusions](http://www.theguardian.com/education/2012/nov/15/illegal-school-exclusions)]

77 Kulz, Christy, 2015, Mapping the Exclusion Process: Inequality, Justice and the Business of Education, pg 6 [Accessed via: <http://conflictmatters.eu/conference-2017/wp-content/uploads/2017/10/Mapping-the-Exclusion-Process.pdf>]

78 Ibid pg 46

79 Ofsted, 2017, School Inspection Update: Academic Year 2016 to 2017 [available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/595739/School\\_inspection\\_newsletter\\_March\\_2017.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/595739/School_inspection_newsletter_March_2017.pdf)]

80 The Guardian, 2012, Illegal School Exclusions: how Pupils are Slipping through the Net [Accessed via: [www.theguardian.com/education/2012/nov/15/illegal-school-exclusions](http://www.theguardian.com/education/2012/nov/15/illegal-school-exclusions)]

81 Ofsted, 2010, Children missing from education, pg 18 [Accessed via: [www.whatdotheyknow.com/request/168622/response/426653/attach/3/Children%20missing%20from%20education1.pdf](http://www.whatdotheyknow.com/request/168622/response/426653/attach/3/Children%20missing%20from%20education1.pdf)]

be used to support behavioural improvement;<sup>82</sup> they should not be used as alternatives to exclusion and schools should have plans to re-integrate pupils who are not permanently excluded.<sup>83</sup> Referrals are also supported by a considerable body of statutory guidance; schools must give clear information to parents, including why, when, where, and how provision will be reviewed.<sup>84</sup> (Academies are not subject to the same statutory guidance, but have to use this as good practice.)<sup>85</sup> And ultimately, schools remain responsible for pupils' provision and their grades when they refer them to APs by nature of staying on mainstream rolls.

### **Almost 1,600 students each year sit their final exams in APs despite not having actually been permanently excluded.**

Despite all these ostensible safeguards, some schools use referrals without adequate follow-up, and in some cases cynically. In some instances, schools effectively exclude children by keeping them in AP for long periods, or even permanently. The DfE has publicly stated that the presence of some pupils in AP is inappropriate.<sup>86</sup> One fifth of secondary leaders report that they send pupils into AP for more than one term, and almost a quarter for more than a year,<sup>87</sup> and Ofsted has raised concerns over cases where children effectively attend AP even though they are not registered there.<sup>88</sup> Almost 1,600 students each year sit their final exams in APs despite not having actually been permanently excluded.<sup>89</sup>

Schools are expected to monitor and assess the pupils they refer to AP, so that they receive "high-quality education" that is "suitable for the pupil's individual needs".<sup>90</sup> But this does not always happen. A recent Ofsted study on schools' use of 448 off-site APs,<sup>91</sup> for instance, exposed a litany of oversight. According to this investigation, only 43 per cent of schools systematically track the impact of AP on pupils' personal development and well-being. 21 per cent of schools rely on providers to brief pupils on how to keep safe without knowing whether this is adequate. Only around half of schools thoroughly prepare pupils about how to keep safe in their placements, and in some cases schools ask pupils to complete their own risk assessments. In some instances, schools do not even visit at all.

82 DfE, 2002, Education Act 2002. Section 29(A). Added by the Education and Skills Act 2008. [Accessed via: [www.legislation.gov.uk/ukpga/2008/25/pdfs/ukpga\\_20080025\\_en.pdf](http://www.legislation.gov.uk/ukpga/2008/25/pdfs/ukpga_20080025_en.pdf)]

83 Charlie Taylor, 2012, Improving Alternative Provision pg 7 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/180581/DFE-00035-2012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/180581/DFE-00035-2012.pdf)]

84 The Education (Educational Provision for Improving Behaviour) (Amendment) Regulations 2012, which came into force on 1 January 2013

85 DfE, 2013, Alternative Provision: Statutory Guidance for Local Authorities, pg 9 [Accessed via: [www.gov.uk/government/publications/alternative-provision](http://www.gov.uk/government/publications/alternative-provision)]

86 DfE, 2015, Educational Excellence Everywhere, pg 102, [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508550/Educational\\_excellence\\_everywhere\\_\\_print\\_ready\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/508550/Educational_excellence_everywhere__print_ready_.pdf)]

87 Smith et al, 2017, Teacher voice Omnibus: November 2016 Survey – DfE Questions, Table 19, [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-november-2016-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-november-2016-survey-dfe-questions)]

88 Children's Commissioner, 2017, Briefing: Falling Through the Gaps in Education pg 9 [Accessed via: [www.childrenscommissioner.gov.uk/publication/briefing-falling-through-the-gaps-in-education/](http://www.childrenscommissioner.gov.uk/publication/briefing-falling-through-the-gaps-in-education/)]

89 IPPR, 2017, Making the Difference: Breaking the Link Between School Exclusion and Social Exclusion [Accessed via: [www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf](http://www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf)]

90 DfE, 2013, Alternative Provision: Statutory Guidance for Local Authorities, pg 11 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268940/alternative\\_provision\\_statutory\\_guidance\\_\\_pdf\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance__pdf_version.pdf)]

91 Ofsted, 2016, Alternative Provision: Findings from a Three-Year Survey, pg 20 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)] The vast majority (159) were state-funded mainstream schools, but six were pupil referral units. The latter can also commission other off-site AP

## Less than a third of schools carry out any systematic evaluation of the quality of teaching and learning in the APs they commission.

According to the same study, less than a third of schools carry out any systematic evaluation of the quality of teaching and learning in the APs they commission,<sup>92</sup> and only around a quarter of providers report that commissioning staff look at pupils' work or observe their learning. In some instances, schools use off-site AP for most of the school week but do not accommodate pupils for the rest of that time (which breaches government guidance on part-time timetables and the right to full-time education, and raises concerns about safeguarding). Governors receive comprehensive and regular input about the efficacy of AP in only two-fifths of cases and half of leaders do not report on this at all. And some schools unknowingly send pupils to providers that are illegally unregistered.

In the context of these facts, it is hard not to conclude that the motive in some cases is to place pupils far out of sight and well out of mind.

### Elective home education

Some parents proactively choose to educate their children at home and the law enshrines their right to do so. When it is delivered with sufficient time and due care, children can thrive in home settings. We do not seek to challenge the basic right for parents to exercise this option, but we do want to make sure it is based on genuine free-will and sound information when it does happen.

There is evidence that this is not always the case. Despite the Government's unequivocal requirement that "the threat of exclusion must never be used to influence parents to remove their child from the school,"<sup>93</sup> this sometimes happens. One study found that parents were encouraged to take their child home for the last months of the academic year, under the threat of permanent exclusion, while the school recorded this as an "Other Authorised Absence".<sup>94</sup> Ofsted's annual report said that some schools relinquished their responsibility for pupils under the pretext that parents were exercising their rights to educate their children at home, while advising parents that this would avoid exclusion.<sup>95</sup> And we heard from school leaders and local authorities that some schools use model templates for parents to sign, even though parents must formally off-roll their children by proactively requesting this.

Increasingly, some parents allege that EHE is 'suggested' to them as an 'option' to avoid attendance fines or further exclusions. These parents invariably say they do not know what EHE entails.

**Local authority respondent (anonymous), ADCS<sup>96</sup>**

92 Ofsted, 2016, Alternative Provision: Findings from a Three-Year Survey, pg 5 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

93 DfE, 2015, Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: Statutory Guidance pg 10 [Accessed via: [http://dera.ioe.ac.uk/21549/1/Exclusion\\_Guidance\\_-\\_January\\_2015.pdf](http://dera.ioe.ac.uk/21549/1/Exclusion_Guidance_-_January_2015.pdf)]

94 Children's Commissioner, 2017, They Never Give Up on You, pg 16 [Accessed via: [www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/They-never-give-up-on-you-final-report.pdf](http://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/They-never-give-up-on-you-final-report.pdf)]

95 Ofsted, Annual Report 2016-17: Education, Children's Services and Skills, pg 19 [Accessed via: [www.gov.uk/government/publications/ofsted-annual-report-201617-education-childrens-services-and-skills](http://www.gov.uk/government/publications/ofsted-annual-report-201617-education-childrens-services-and-skills)]

96 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017, pg 5 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

The use of elective home education as a route to unofficially exclude pupils is even more concerning when we consider the rising scale of home schooling, which may have doubled in just five years,<sup>97</sup> and that vulnerable pupils are part of this cohort. According to a recent survey of local authorities by the ADCS, 92 per cent of respondents reported that up to 10 per cent of their known home-schooled population had special educational needs and/or disabilities.<sup>98</sup> And as the reason for home-schooling is not always known to local authorities and many SEN can remain undiagnosed, these numbers may well be a lot higher.

Rather than permanently off-roll pupils to be educated at home, some schools have kept pupils on-roll while sending them home.<sup>99</sup> According to Ofsted's and the Care Quality Commission's Report on Local Area Inspections, 'One Year On', some parents "reported that they had been asked to keep their children at home, because school leaders said they could not meet their children's needs."<sup>100</sup> And Ofsted stated that it would respond to reports that pupils were being sent home on inspection days to prevent them having a negative impact on their assessments.<sup>101</sup>

Whichever routes are taken, the personal costs can be substantial. As well as the costs of exclusion we have already highlighted in this report, parents must also, in the context of home schooling, take time off work to support their children, which can cause financial and emotional stress. It can also trigger self-fulfilling cycles of poor attainment and low self-esteem for some children.<sup>102</sup> When pupils are taken off-roll to be educated at home, it is difficult for local authorities to know if they are receiving a suitable education, or whether there are safeguarding concerns. And when pupils are sent home but do not come off-roll, their exclusions are not treated as official fixed-term exclusions – not only do these pupils miss out on education, they also have no immediate prospect of being referred to other institutions that will provide this.

Given the lack of official data we outlined in Chapter 1 of this report, it is difficult to know exactly how prevalent these practices are. But we have some clues. According to a Teacher Voice survey in 2012, 3 per cent of teachers said that their schools had encouraged parents to home school without recording this as a permanent exclusion; 6 per cent said that their schools had recorded 'authorised absent' or 'educated elsewhere' pupils who were encouraged not to come into school; and 7 per cent of schools had sent pupils home for any period without recording it as fixed-term exclusions.<sup>103</sup> At first glance, these percentage figures might not seem large, and they demonstrate that most schools do not carry out these practices. But when we multiply these figures by the number of schools in the country, the overall volume is substantial.

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97 Schools Week, 2017, Home Education Doubles With Schools Left to Pick Up Pieces When it Fails [Accessed via: <https://schoolsweek.co.uk/home-education-doubles-with-schools-left-to-pick-up-pieces-when-it-fails/>]

98 ADCSADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

99 Care Quality Commission, Ofsted, 2017, Local Area SEND Inspections: One Year On, pg 13 [Accessed via: [www.gov.uk/government/publications/local-area-send-inspections-one-year-on](http://www.gov.uk/government/publications/local-area-send-inspections-one-year-on)]

100 Ibid

101 Ofsted; Spielman, Amanda, 2017, Amanda Spielman on the launch of Ofsted's Annual Report 2016/17 [Accessed via: [www.gov.uk/government/speeches/amanda-spielman-on-the-launch-of-ofsteds-annual-report-201617](http://www.gov.uk/government/speeches/amanda-spielman-on-the-launch-of-ofsteds-annual-report-201617)]

102 Contact a Family, 2013, Falling Through the Net: Illegal Exclusions Report, Pg 14 [Accessed via: [https://contact.org.uk/media/639982/falling\\_through\\_the\\_net\\_-\\_illegal\\_exclusions\\_report\\_2013\\_web.pdf](https://contact.org.uk/media/639982/falling_through_the_net_-_illegal_exclusions_report_2013_web.pdf)]

103 Smith, R; Aston, H; and Pyle, K, 2012, NFER Teacher Voice Omnibus November 2012 Survey: School exclusions. Slough: NFER, pg 5

The number of pupils who are educated at home also appears to have shot up since this survey was carried out. This upward trend alone does not necessarily mean that more parents are being pressured to off-roll their children; in one of the studies that exposed this upward trend, for instance, the ADCS points out that higher figures may also potentially reflect rising birth rates (along with greater parental awareness of home schooling as an option, better recording, and better information sharing between GPs and housing groups).<sup>104</sup> However, it is not just the number of home-schooled pupil that is rising – the rate, too, appears to be rising, which means changes to school populations do not explain the absolute rise. And when read alongside the other points made in this chapter, it is at least plausible that part of this increase has been driven by pressure to off-roll.

## 2.3 A number of different factors drive avoidable school exclusion

As we have emphasised, the practices we outline in this chapter are not indicative of the sector as a whole. On the contrary, many schools go to great lengths to manage complex needs early and effectively, and in the next chapter we highlight examples of excellent practice. But as we have demonstrated, avoidable and questionable exclusions also take place. Where they occur, these exclusions may be driven by one, or a blend, of many factors. We highlight some examples below.

### 2.3.1 In some cases, schools do not feel equipped to manage more complex needs

Some schools do not feel that they have the tools to identify or manage certain needs adequately. According to a Teacher Voice Survey, 32 per cent of teachers said that the training they received to manage behavioural, emotional or social needs was “poor”, “very poor” or non-existent.<sup>105</sup> The DfE’s Teacher Voice Booster Survey 2017 shows that 20 per cent of classroom teachers disagreed or strongly disagreed with the statement that they felt equipped to identify behaviour that may be linked to a mental health conditions.<sup>106</sup> And according to the most recent Teacher Omnibus survey, 18 per cent of classroom teachers said that they do not feel able to meet the needs of pupils with SEN, while 30 per cent of classroom teachers disagree or strongly disagree with the statement that there is appropriate training for teachers to support SEN students.<sup>107</sup>

A substantial number of schools also struggle to identify what external support pupils might benefit from. For instance, almost a third of senior leaders are not confident about commissioning suitable AP.<sup>108</sup> And while mental health conditions are strongly linked to pupil exclusions,<sup>109</sup> teachers do not always have the expertise to know whether the

104 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

105 NFER, 2013, Teacher Voice Omnibus November 2012 Survey: Table 15 [Accessed via: [www.nfer.ac.uk/publications/99930/99930.pdf](http://www.nfer.ac.uk/publications/99930/99930.pdf)]

106 DfE, 2016, Teacher Voice Omnibus: May to July 2016 Survey – DfE Questions [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-may-to-july-2016-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-may-to-july-2016-survey-dfe-questions) Table 2]

107 DfE, 2018, Teacher Voice Omnibus: March 2018 survey, Table 95 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey](http://www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey)]

108 DfE, 2015, Teacher Voice Omnibus: November 2015 Responses, Table 38 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-november-2015-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-november-2015-survey-dfe-questions)]

109 IPPR, 2017, Making the Difference: Breaking the Link Between School Exclusion and Social Exclusion [Accessed via: [www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf](http://www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf)]



counselling services they procure offer good quality support;<sup>110</sup> according to the DfE's Teacher Voice Booster Survey 2017, 45 per cent of classroom teachers disagreed or strongly disagreed with the statement that they knew how to help students with mental health conditions access specialist support outside school/college.<sup>111</sup> We even heard from some witnesses that compassionate exclusion (the notion that pupils may be better off once excluded because this triggers a broader suite of local authority support) sometimes drives decision-making.

Resources, too, can play a part. It can be expensive for schools to support pupils with very specific needs, and we heard from school leaders who said that resource constraints limit their ability to support high needs pupils, particularly those with SEN. And some schools are facing budget pressures; according to a recent analysis by the EPI, around two in five state-funded mainstream schools (local authority primary and secondary schools) are "unlikely to receive sufficient funding in 2018–19 to meet the single cost pressure of a one per cent pay settlement."<sup>112</sup>

Some schools also find it hard to access timely wrap-around support services, which can make it harder to support pupils with more challenging needs. For example, 53 per cent of schools surveyed by the National Children's Bureau/Association of School and College Leaders stated that CAMHS was either poor or very poor.<sup>113</sup> Waiting times for CAMHS appointments have increased and additional demand appears to have had an inflationary effect on the threshold that must be met to trigger support.<sup>114</sup> According to a report by Public Health England, only 25 per cent of children who need mental health treatment receive it.<sup>115</sup> And the Care Quality Commission recently raised a number of concerns regarding young people's mental health services.<sup>116</sup>

### 2.3.2 In other cases, performance premiums may drive questionable exclusions

This point was recently captured by Ofsted, which outlined concerns that schools were off-rolling pupils to boost academic attainment, especially those with special educational needs.<sup>117</sup> In the statement that accompanied that report, the Chief Inspector said that these were "invidious example of where some schools have lost sight of the purpose of education."<sup>118</sup>

In part, this might be explained by the pursuit of performance premiums. Progress 8, the new grading system for schools, has changed the focus from absolute grades (for instance,

110 EPI, 2016, Progress and challenges in the transformation of children and young people's mental health care, pg 23 [Accessed via: <https://epi.org.uk/wp-content/uploads/2016/08/progress-and-challenges.pdf>]

111 DfE, 2017, Teacher Voice Omnibus: May to July 2016 Survey – DfE Questions, Table 6 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-november-2016-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-november-2016-survey-dfe-questions)]

112 Education Policy Institute, 2018, School Funding Pressures in England [Accessed via: [https://epi.org.uk/wp-content/uploads/2018/03/Schools-funding-pressure\\_EPI.pdf](https://epi.org.uk/wp-content/uploads/2018/03/Schools-funding-pressure_EPI.pdf)]

113 NCB and ASCL Survey (2016) Keeping Children in Mind: Findings from a Survey of Schools across England [Accessed via: [www.ncb.org.uk/sites/default/files/field/attachment/news/ascl\\_and\\_ncb\\_findings\\_from\\_survey\\_briefing\\_final\\_footnotes.pdf](http://www.ncb.org.uk/sites/default/files/field/attachment/news/ascl_and_ncb_findings_from_survey_briefing_final_footnotes.pdf)]. NB: 338 responses were given. This therefore can give an insight, but not necessarily representative nationally.

114 Young Minds, 2014, Report on Children, Young People, and Family Engagement, pg 7 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413411/Young\\_Minds.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/413411/Young_Minds.pdf)]

115 Public Health England, 2016, The Mental Health of Children and Young People [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575632/Mental\\_health\\_of\\_children\\_in\\_England.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575632/Mental_health_of_children_in_England.pdf)]

116 CQC, 2017, Review of children and young people's mental health services [available at: [www.cqc.org.uk/publications/themed-work/review-children-young-peoples-mental-health-services-phase-one-report](http://www.cqc.org.uk/publications/themed-work/review-children-young-peoples-mental-health-services-phase-one-report)]

117 Ofsted; Spielman, Amanda, 2017, Amanda Spielman on the launch of Ofsted's Annual Report 2016/17

[Accessed via: [www.gov.uk/government/speeches/amanda-spielman-on-the-launch-of-ofsteds-annual-report-201617](http://www.gov.uk/government/speeches/amanda-spielman-on-the-launch-of-ofsteds-annual-report-201617)]

118 Ibid



measuring whether children get 5 A\*–C grades) to relative progress since primary school. We strongly support the introduction of Progress 8, which is a much fairer, and more sophisticated, measure of success in context. But without further refinement, it may fuel unnecessary exclusion where pupils are less likely to improve academically, relative to their peers.

We have outlined already in this chapter the potential effects that grade premiums can have on school behaviour, and it is entirely plausible that schools adopt the same logic when it comes to other indicators of performance; when FFT Education Datalab reviewed the introduction of Progress 8, it showed that the change from a focus on 5 A\*–C GCSEs to progress from a baseline KS2 score could potentially mean those less likely to progress may be nudged out, rather than simply those below the C/D boundary.<sup>119</sup>

**At the moment it is quite straightforward to 'off roll',  
if you are so minded.**

*Principal of a mainstream school (anonymous), in evidence to the CSJ*

Some schools may also derive a financial return from unofficial exclusion, and this might also potentially sway decision-making. Under the School's and Early Years Finance (England Regulations) 2014, local authorities can reclaim outstanding funding for the remaining academic year when pupils have been officially and permanently excluded,<sup>120</sup> but schools that effectively exclude without removing pupils from rolls continue to benefit from pupil funding.

### 2.3.3 Other structural factors might also play a part

The premise and frequency of Ofsted inspections is a powerful determinant of schools' actions, including school exclusions. Yet Ofsted does not inspect mainstream schools that have been rated outstanding unless a particular pattern triggers an inspection – potentially a significant rise in exclusions if this is being observed, or a fall in grades. The National Audit Office recently published a report showing that over 1,620 schools rated “outstanding” have not been inspected for six years or more, and 296 of those have not been inspected for 10 years or more.<sup>121</sup> In these circumstances, there is greater scope to exclude with less accompanying scrutiny, for those schools that are minded to do so.

And the fact that schools can completely sever ties with the pupils they permanently exclude creates perverse incentives. At that point, responsibility for excluded individuals passes swiftly to local authorities and excluding schools are no longer asked to invest themselves in those pupils' futures. The current system therefore does not actively promote early intervention; if they are so minded, ultimately schools know that if lower level behavioural challenges develop into more severe ones in future, they can disengage with those pupils.

<sup>119</sup> FFT Education Datalab, 2017, Who's Left: Will Progress 8 Reduce Incentives to Lose Low-Attaining Pupils?

[Accessed via: <https://ffteducationdatalab.org.uk/2017/01/whos-left-will-progress-8-reduce-incentives-to-lose-low-attaining-pupils/>]

<sup>120</sup> The School and Early Years Finance (England) Regulations 2014, Chapter 2, Regulation 23 [Accessed via: [www.legislation.gov.uk/uksi/2014/3352/pdfs/uksi\\_20143352\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/3352/pdfs/uksi_20143352_en.pdf)]

<sup>121</sup> National Audit Office, 2018, Ofsted's Inspection of Schools, pg 4 [Accessed via: [www.nao.org.uk/wp-content/uploads/2018/05/Ofsteds-inspection-of-schools.pdf](http://www.nao.org.uk/wp-content/uploads/2018/05/Ofsteds-inspection-of-schools.pdf)]

#### 2.3.4 Identifying how and why exclusions occur helps us build a better system

While not representative of the sector as a whole, it is clear that some decision-makers are, in the end, swayed by one or more of the factors we have outlined in section 2.3. We outline those drivers not as justification, but as information that helps us devise a system that will work better. We wholly reject the notion that any pupil should be excluded from school unless it is absolutely necessary, and exclusion should be a tool of last resort after all reasonable measures have failed. But to stem the flow of avoidable exclusions, it is crucial that we understand the reasons that drive them in the first place. In the next chapter, we explain how we can address those drivers and build a fresh new approach.

## chapter three

# Transforming our approach to school exclusion

While many schools manage challenging needs admirably, we have seen how easy it is for avoidable exclusions to take place. In this chapter, we outline a series of recommendations that are designed to blunt these rough edges where they occur.

### 3.1 We should overhaul the existing system of responsibility and give schools more autonomy

As we outlined in chapter 2 of this report, it is only by understanding why some schools exclude avoidably that we are able to devise a system that redresses this. In this section, we outline what that new system should look like.

#### 3.1.1 Schools should be responsible and accountable for the pupils they exclude, and funds should be devolved to them to support vulnerable pupils early

##### **Recommendation 3**

This would involve three main reforms:

- a. schools, not local authorities, are given responsibility for finding suitable education for the pupils they exclude;
- b. schools remain accountable for the educational outcomes of the pupils they exclude, which will count towards their performance statistics; and
- c. all local authority funding for AP is devolved to schools to give them additional resources to support pupils with complex needs.

The Department should consult on whether the accountability we outline in (b) should be weighted to reflect the proportion of time excluded pupils spend in different mainstream schools.

#### **Recommendation 4**

To ensure that devolved funds are spent on commissioning support for children with complex needs, and on limiting avoidable exclusions, the Government should strictly ring-fence the funding that is available.

The Government should begin a public consultation on the precise mechanics of the delivery vehicle. This should include terms of use; the extent to which funding should be devolved to schools or commissioning partnerships with collective responsibility; and whether the DfE should devise a national formula or allow each local authority to determine its own formula in consultation with schools, APs, and other agencies that come into contact with pupils at risk of exclusion/excluded pupils.

There should also be a suitable transition period to avoid excessive turbulence in the AP system and allow for models to arise, settle, and evolve as necessary. Local authorities should retain an advice and guidance role for schools/partnerships and parents during this transition.

#### **Recommendation 5**

Schools should be given sufficient room to spend devolved funding how they deem necessary. However, they should be able to demonstrate that they are using their funds effectively.

Ofsted could, in theory, carry out this role as part of its inspections. But given the relatively sporadic nature of inspections, particularly for schools already rated outstanding, other parties are better suited to carrying out more regular oversight.

In the first instance, local authorities should monitor impact. As school partnerships become more refined, the Government could explore a more fluid approach: under this model, local authorities would defer primarily to school partnerships themselves, relying more on principles of peer-to-peer review and collective responsibility, and would retain a lighter oversight role, carrying out periodic oversight of the review processes in place.

### **3.1.2 These reforms would change the way we approach school exclusion**

#### **Excluding only when absolutely necessary**

We support official permanent exclusion as a necessary tool of last resort, both to set the parameters of acceptable behaviour, and to protect other pupils' rights to study in safe and supportive learning environments without fear of acute disruption. According to a recent Ofsted survey, one in twelve secondary teachers said that pupils lost more than ten minutes of learning per hour due to disruptive behaviour, which equates to nearly 75 hours of accumulated pupil learning every day in an average secondary school.<sup>122</sup> In a typical secondary school, five or six teachers identify with "a significant loss of learning in lessons."<sup>123</sup> And ex-Chief Inspector of Schools at Ofsted, Sir Michael Wilshaw, estimated that disruptive behaviour may impede the academic progress of over 700,000 pupils who

<sup>122</sup> Assuming an average classroom size of 30, and that these pupils would not be learning for the ten minutes of disruption

<sup>123</sup> Ofsted, 2014, *Below the Radar: Low-level Disruption in the Country's Classrooms*, pg 11 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/379249/Below\\_20the\\_20radar\\_20-20low-level\\_20disruption\\_20in\\_20the\\_20country\\_E2\\_80\\_99s\\_20classrooms.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/379249/Below_20the_20radar_20-20low-level_20disruption_20in_20the_20country_E2_80_99s_20classrooms.pdf)]

attend schools where behaviour is a problem<sup>124</sup> – which is seen in some academic literature as an underestimate.<sup>125</sup> Teachers are best placed to assess whether disruptive behaviour is so acute that it warrants exclusion, and in most cases do so with due care and attention. The proposal we outline above would not affect the right to exclude, but it would make it more likely that this tool is used only when absolutely necessary.

### Acting proactively

Presented with responsibility for excluded pupils, accountability for their educational outcomes, and more money to manage pupils' needs, schools would have a powerful incentive to invest in early intervention – both to avoid more expensive provision and to avoid being attributed to poor educational outcomes at a later stage. And with additional funding for financial, human or spatial capacity, schools would be much better placed to provide the right support.

Because they are close to the day-to-day lives of the pupils they teach, schools are also best placed to identify pupils' needs early and act accordingly. Under these proposals, schools would have more freedom to decide how best to support pupils with complex needs – whether that might be in the form of early intervention programmes, in-house initiatives, or commissioning AP. They would also have more resources to realise these decisions. And there would be more scope for them to innovate.

In addition, because resources would be allocated to those best equipped to act early, it is likely that more expensive remedial action at a later date would be avoided, thereby ensuring a more efficient use of public funds.

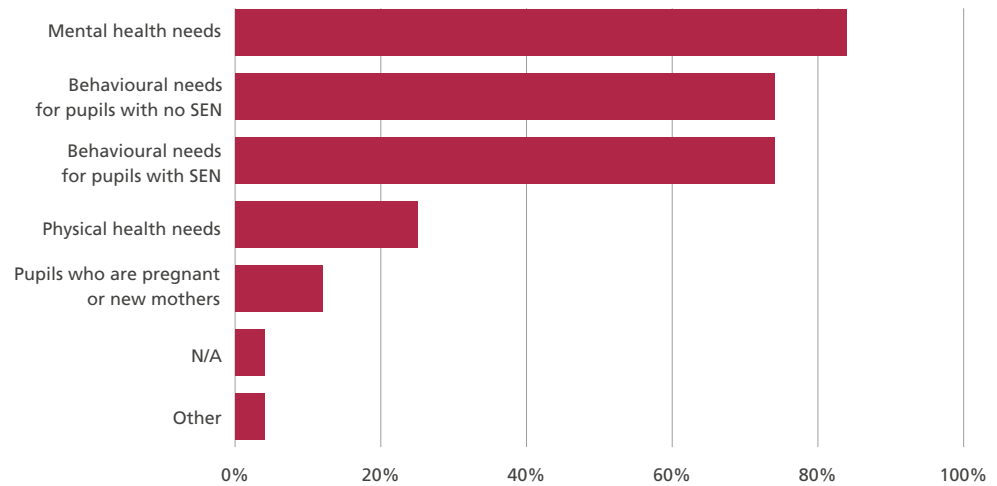
### Making better use of AP

There would, in these circumstances, be a strong incentive for schools to pick top-quality AP or to arrange suitable moves to other mainstream schools. In conjunction with the supply-side reforms we advocate in chapter 4 of this paper (which seek to stimulate the growth of top-quality APs), our proposal would also help schools to get what they need. Figures 12 to 13 demonstrate that schools sometimes find it hard to do this. Figure 12 shows that a strikingly high proportion of senior leaders struggle to find what they need when it comes to certain specific conditions; 84 per cent report that there are insufficient AP places to meet mental health needs and 74 per cent report that there are not enough suitable places to meet behavioural needs for SEN pupils. And, as Figure 13 highlights, the places that are available for particular needs are not always seen to be suitable; 78 per cent of senior leaders say there are not enough quality places to meet mental health needs, while 67 per cent say there are insufficient good quality places to accommodate behavioural needs for SEN pupils.

124 Ofsted, 2014, No Notice Behaviour Inspections Begin [Accessed via: [www.gov.uk/government/news/no-notice-behaviour-inspections-begin](http://www.gov.uk/government/news/no-notice-behaviour-inspections-begin)]

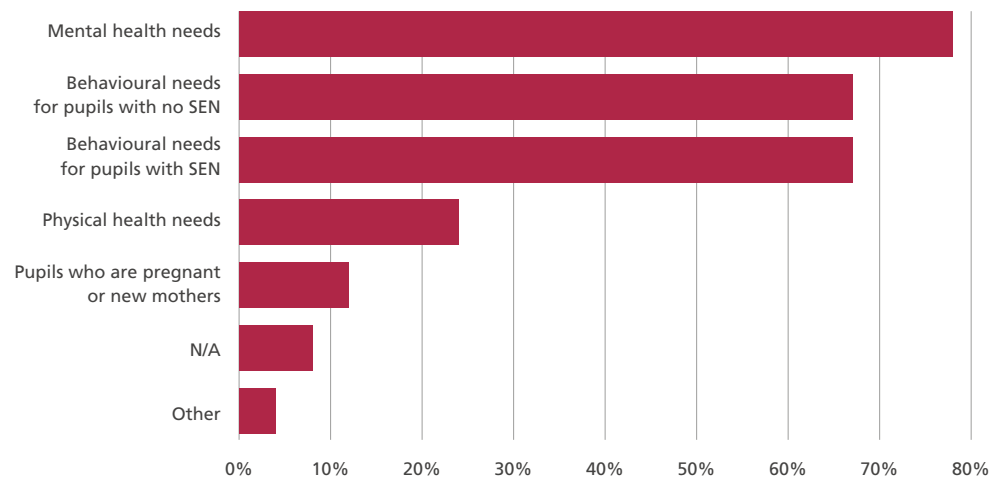
125 Haydn, Terry, 2014, To what extent is behaviour a problem in English schools? Exploring the scale and prevalence of deficits in classroom climate [Accessed via: <https://onlinelibrary.wiley.com/doi/pdf/10.1002/rev3.3025>]

Figure 12: Needs for which there are deemed to be insufficient places among senior leaders (primary and secondary)



DfE<sup>126</sup>

Figure 13: Needs for which there are deemed to be insufficient quality places among senior leaders (primary and secondary)



DfE<sup>127</sup>

With enhanced incentives and resources to commission high quality AP, schools would gather better intelligence about what works, and they would become more discerning about the AP they commissioned, both of which would expose poor quality AP where it exists.

Schools could also build partnerships and benefit from economies of scale; this already happens in areas where some form of devolved funding and responsibility has taken place,

126 DfE, 2018, Teacher Voice Omnibus: March 2018, Table 50 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey](http://www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey)]

127 DfE, 2018, Teacher Voice Omnibus: March 2018, Table 51 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey](http://www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey)]

including in Cambridgeshire, for instance, where groups of schools determine the number of places required and allocate accordingly.<sup>128</sup>

And schools would, under these proposals, be more likely to build robust dialogues with the APs they commission, thereby maximising the benefits of off-site AP.

### 3.1.3 A growing evidence base suggests these measures are likely to succeed

In 2016 the Government produced a white paper that advocated more accountability and responsibility for schools that permanently excluded pupils, along with devolved funding to them; but these proposals have not subsequently been taken up by government. As we have already outlined in this report, the Government should urgently address this by implementing the measures we outline in this section, and should also introduce the other recommendations we make in this report, which would complement and strengthen these measures.

In part, the Government's prior proposals were based on an emerging body of evidence that suggested these measures would yield positive results. Starting in 2011, and finishing in 2014, the Government carried out a series of pilots which gave 11 local authorities the ability to delegate responsibility for excluded pupils, and funding for AP, to schools (the School Exclusions Trial).<sup>129</sup> In many ways, this trial was a success. Schools were positive about taking ownership of commissioning decisions, engaged in more collective decision-making and early intervention, and used time-limited AP more prevalently. They also built tailored inclusion capacity; were more likely to explore potentially constructive managed moves; and reviewed children at risk of exclusion more thoroughly, all of which reflected a palpable change in the way they approached exclusion. Qualitative data showed that "overall outcomes for young people at risk of exclusion were improving" and the authors of the study noted an increased focus on GCSE attainment, especially in English and maths, for those in AP.<sup>130, 131</sup>

To be clear, there were some limitations. There was little statistical data on GCSE performance or destinations relative to comparison schools, and the exclusions trial report points out that not enough time had expired to allow for more robust results to emerge.<sup>132</sup> In addition, schools adopted different variants of the accountability/responsibility matrix, which makes it hard to identify what worked and why. For instance, schools were able to interpret "responsibility" flexibly and not all local authorities devolved funding to schools. And while some schools understood responsibility as using preventative measures and early intervention, a very low number of schools adopted complete responsibility for the educational outcomes of permanently excluded students.<sup>133</sup> Nevertheless, the results of the trial were highly encouraging and its core premise – that devolving responsibility and boosting autonomy would change the way schools approach exclusions – was largely vindicated.

128 Taylor, Charlie, 2012, Improving Alternative Provision, pg 11 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/180581/DFE-00035-2012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/180581/DFE-00035-2012.pdf)]

129 DfE, 2014, "School exclusion trial evaluation" [Accessed via: [www.gov.uk/government/publications/school-exclusion-trial-evaluation](http://www.gov.uk/government/publications/school-exclusion-trial-evaluation)]

130 DfE, 2014, *School Exclusion Trial Evaluation: Research Brief* pg 13 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/331796/RB364\\_-\\_School\\_Exclusion\\_Trial\\_Final\\_Report\\_Brief.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/331796/RB364_-_School_Exclusion_Trial_Final_Report_Brief.pdf)]

131 DfE, 2014, *School Exclusion Trial Evaluation: Research Report*, pg 19 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/331795/RR364\\_-\\_School\\_Exclusion\\_Trial\\_Final\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/331795/RR364_-_School_Exclusion_Trial_Final_Report.pdf)]

132 DfE, 2014, *School Exclusion Trial Evaluation: Research Brief* pg 12 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/331796/RB364\\_-\\_School\\_Exclusion\\_Trial\\_Final\\_Report\\_Brief.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/331796/RB364_-_School_Exclusion_Trial_Final_Report_Brief.pdf)]

133 Ibid, pg 9

To learn more about the impact the measures we outline in section 3.1 might have, we surveyed local authorities that had:

- participated in the exclusion trial outlined above and had chosen to continue the measures they had adopted in the trial; or
- not participated in the trial but independently introduced accountability and/or devolved funding arrangements.

The responses we received reinforced some of the trends observable in the School Exclusions Trial. Local authorities tended to use service-level agreements to devolve funding, and therefore gave “effective” responsibility for ensuring pupils received a suitable education. In all the responses we received, clusters of schools or area partnerships were formed to help co-ordinate decision-making; in some local authorities this related to primary schools only (as in Lancashire), and in others to secondary schools only (as in Cambridgeshire). In some cases, mainstream schools were held accountable for pupils’ grades and authorities reported that this provided an effective disincentive to exclude pupils; in one case (Cambridgeshire) the exclusion rate was 0.00 in 2015/16.

Area partnerships were often used to decide on, and commission, AP and these were broadly seen as productive. All local authorities closed their own pupil referral units and partnerships either worked collaboratively to supply their own APs, or commissioned other APs to deliver their services. Some authorities emphasised the merits of subsidiarity; according to Cambridgeshire council, for instance: “Head Teachers are best placed to make these decisions for their schools and pupils. Working in partnership within the BAIP allows for Head Teachers to plan, collaborate and to challenge each other as peers to ensure that the system remains coherent, fair and transparent.”

Schools tended to work closer together to prevent exclusion, and focused more directly on early intervention including by developing in-house capacity. Participating schools also tended to use managed moves more frequently and some local authorities included managed moves in their Fair Access Panels (Cambridgeshire and Wiltshire).

The responses we received included some potentially promising innovations that merit further research to gauge impact. Leeds, for instance, has included its social, emotional, and mental health panel in its process of managed moves to wrap an additional level of oversight around its partnerships. And in Cambridgeshire, all partnerships must report to the local authority on how they are delivering value-for-money in their use of devolved funding; further scrutiny of the impact of these measures would provide useful intelligence on the best delivery vehicle for devolving funds.

We also asked respondents to comment on the challenges they had faced since introducing their respective arrangements. Some were concerned that the efficacy of their partnership arrangements hinged on the willingness of head teachers to participate; in Wiltshire, one school pulled out of the service-level agreement, before proceeding to exclude several pupils. Others were concerned about inbound pupil pressure from surrounding local authorities that did not have similar policies in place, which could place financial pressure on them. (A full national roll-out of the measures we highlight in section 3.1 would be likely to mitigate both of these concerns.)



## 3.2 Schools should be supported to intervene early and effectively

Mainstream schools need to have the skills and capacity to identify risks, intervene early, and support pupils with additional needs. If the changes we outline in section 3.1 are made, schools will have more resources, and greater impetus, to intervene early. They will also have more autonomy over how that money is spent. In this context, it will be even more important that they make informed decisions about what to spend funds on.

But even in the absence of these changes, it is vital that schools are adequately supported to intervene proactively and effectively. Ultimately, schools should retain the freedom to evaluate what works best for their pupils and support should not take the form of prescription. But the government can play a useful role in providing schools with the resources they need to identify personal challenges and decide how best to proceed from there.

### 3.2.1 It is crucial that pupils who might be at risk of exclusion are identified as soon as possible

As we outlined in Chapter 1 of this report, pupils at risk of exclusion are very likely to face challenging personal circumstances, many of which emanate or are compounded by circumstances outside the school gates. They might, for instance, be dealing with family breakdown, mental health conditions, caring responsibilities, domestic violence, insecure housing, special education needs, or a blend of any of these and other factors. Many of their challenges are complex in nature and it can be difficult to identify the root causes that are shaping pupils' behavioural, emotional, and social development in each case.

However, being able to identify signs that pupils might be struggling is an integral part of improving their life prospects. Early intervention improves the likelihood that pupils will be able to manage the challenges they face, as the root causes of their behaviour tend to become more entrenched over time.<sup>134</sup> According to the Mental Health Foundation, for instance, 50 per cent of mental health conditions are already established by age 14.<sup>135</sup>

To maximise the chances of avoiding potentially damaging exclusions, schools must be in a position to identify pupils who might be at risk of exclusion in the first place. This is true in and of itself, but it would hold even greater salience if the changes we propose in section 3.1 of this report were taken up. This is because the evaluation of the School Exclusions Trial, and our follow-up inquiries to authorities following similar arrangements, found that participants created more early intervention programmes to prevent exclusion, built inclusion units, and reviewed children at risk of exclusion more rigorously.<sup>136</sup>

<sup>134</sup> CSJ, 2011, No Excuses: A review of educational exclusion, pg 131 [Accessed via: [www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ\\_Educational\\_Exclusion.pdf](http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Educational_Exclusion.pdf)]

<sup>135</sup> Mental Health Foundation, 2015, Mental Health Statistics: Children and Young People [Accessed via: [www.mentalhealth.org.uk/statistics/mental-health-statistics-children-and-young-people](http://www.mentalhealth.org.uk/statistics/mental-health-statistics-children-and-young-people)]

<sup>136</sup> DfE, 2014, School Exclusion Trial Evaluation: Research Report, pg 19 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/331795/RR364\\_-\\_School\\_Exclusion\\_Trial\\_Final\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/331795/RR364_-_School_Exclusion_Trial_Final_Report.pdf)]

### 3.2.2 Once identified, pupils at risk of exclusion can be supported in several different ways

Once schools identify the nature and likely cause of pupils' needs, they are in a far better position to help those individuals manage them. But to fully realise this latter point, they must select effective support. Effective intervention might take a number of forms. Schools could, for example, develop their own in-house capacity, work with parents, commission external expertise (including from APs), or refer pupils to appropriate public services.

#### In-house capacity

Schools are increasingly seeking to build in-house capacity to avoid exclusions.<sup>137</sup> This might take a number of forms. Schools might, for instance, offer an alternative in-house curriculum with more personalised approaches to pupils (for instance, a stronger focus on practical and vocational subjects).<sup>138</sup> Other schools develop work-based learning facilities on site; in one case this was an entrepreneurial scheme involving a bicycle repair workshop which brought in local instructors, and in another case an engineering venture with a local design and manufacturing company.<sup>139</sup> Some schools build inclusion units as alternatives to exclusion. And others improve the quality and depth of pastoral support for pupils with complex needs, including counselling services.<sup>140</sup> The fact that some schools have led the way in providing effective support to pupils who may be at risk of exclusion shows that, as well as being desirable, it is entirely feasible to adopt an inclusive mentality.

#### Case study: Reach Academy Feltham

The Reach Academy is an all-through free school. It was set up in 2012 and takes a high proportion of pupil premium pupils (46 per cent) and a higher-than-average number of pupils with EHC plans. It has a Progress 8 score of 1.11, placing it 15th nationally.

The school is a remarkable example of the success that can be achieved when schools intervene proactively to support disadvantaged pupils who, as the statistics demonstrate, are more prone to school exclusion.

The support it offers takes a number of different forms. One important component is parental engagement. The school admits around 60 pupils each year. Before joining the school, each pupil is visited in his or her home; the reason for this is that the school wishes to understand any contextual circumstances that better equip it to provide the right support. Building trust with parents and engaging them in school life are key components of the approach it follows. Families also sign a "parent pledge" and "pupil commitment" which reflect commitments to uphold certain standards, including in relation to uniforms, learning, and discipline. The school recruits dedicated family support officers who work with families to overcome a range of challenges. And it offers parenting workshops, which are available to parents at any point in their child's time (this year there was a 85 per cent take-up of these workshops in Early Years).

137 NFER, 2016, NEET Prevention: Keeping Students Engaged at Key Stage 4, [Accessed via: [www.nfer.ac.uk/publications/IMPE04/IMPE04.pdf](http://www.nfer.ac.uk/publications/IMPE04/IMPE04.pdf)]; Ofsted, 2014, Alternative Provision: the Findings from Ofsted's three-year survey of school's use of off-site alternative provision, pg 40 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

138 Ofsted, 2014, Alternative Provision: the Findings from Ofsted's three-year survey of school's use of off-site alternative provision, pg 40 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

139 Ibid

140 NFER, 2016, NEET Prevention: Keeping Students Engaged at Key Stage 4, [Accessed via: [www.nfer.ac.uk/publications/IMPE04/IMPE04.pdf](http://www.nfer.ac.uk/publications/IMPE04/IMPE04.pdf)]

Reach works hard to make sure pupils build and maintain positive mental health. It employs two pupil support workers, offering proactive curricular and small group support around online safety, healthy relationships, and self-esteem, as well as reactive individualised support where needed.

The school also emphasises early intervention – so much so, in fact, that it recently set up the “Reach Children’s Hub”, which provides programmes and wide-ranging support for children, young people, and families. The Reach Children’s Hub has already created several pilot programmes, including a peer support programme for new mothers and youth empowerment programmes for vulnerable local teenagers.

**Reach Academy, in evidence to the CSJ**

## Working with parents

We know that what happens outside the school gates profoundly shapes and aggravates the personal challenges faced by pupils at risk of exclusion. Looked after children, for example, have left families that have fundamentally broken down. Mental health conditions and emotional/social difficulties, which are also strongly connected to exclusion, can be caused or magnified by destructive home environments; childhood exposure to domestic violence, for example, has been associated with increases in aggressive behaviour, depression and/or anxiety, lower levels of social competence, and poorer academic performance.<sup>141</sup>

A number of existing programmes demonstrate some of the ways in which schools have engaged with parents early and constructively. Reach Academy Feltham, as we have outlined, offers 8-hour parental workshops, which are available to parents at any point in their child’s time at the school, for which there is a 85 per cent take-up in Early Years. The Peep Learning Together Programme aims to develop parenting skills and the quality of the home learning environment in the early years.<sup>142</sup> It comprises an initial home visit and 24 one-hour sessions delivered over two terms with parents and children in the Early Years. The sessions cover a broad terrain, including social and emotional development, communication and language, early literacy and maths, and health and physical development. Initial evaluative outcomes have been encouraging, demonstrating positive effects on vocabulary, comprehension, self-esteem, and numeracy.

It is also important to work with parents to promote educational development. The Social Market Foundation recently identified several predictors of progress between the ages of 5 and 11, including factors associated with the home learning environment (for example: someone at home ensures homework is completed; child reads for enjoyment every day; someone attends parents’ evening; and child has a regular bedtime).<sup>143</sup> The Effective Pre-school and Primary Education 3–11 Project, too, highlighted the home learning environment as one of four major driver of educational progress at 11 (the others were good quality early years provision; the quality of primary school; and a mother’s highest qualification level). Home learning environments were positively shaped by activities like going to the library and being read to; visiting relatives or friends; and shopping with

141 Fantuzzo, John W; Mohr, Wanda K, 1999, Prevalence and Effects of Child Exposure to Domestic Violence [Accessed via: <https://pdfs.semanticscholar.org/031a/299ad504b35fa0eb702c2d38a46e89acd77d.pdf>]

142 Education Endowment Foundation, 2018, Peep Learning Together Programme [Accessed via: <https://educationendowmentfoundation.org.uk/projects-and-evaluation/projects/peep-learning-together-programme/>]

143 Clegg, N; Allen, R., Fernandes, S., Freedman, S. and Kinno, S, 2017, Commission on Inequality in Education. London: Social Market Foundation

parents. And the study found that home learning environments and parental qualifications were more powerful determinants than being on free school meals or family income.<sup>144</sup> And Sylva et al explored the impact of different factors on educational attainment at age 14 in English, maths and science tests, finding that attainment could be boosted if parents placed a strong premium on learning, introduced strong standards of behaviour, and provided robust emotional support.”<sup>145</sup>

A number of existing programmes demonstrate some of the ways in which schools have engaged with parents to boost educational progress. Mind the Gap was set up to improve progress in Year 4 and works with 40 schools.<sup>146</sup> One component of the programme is to train teachers to involve parents in school life. It also includes workshops for parents, typically comprising two hours per week for five weeks, and assessments show that the workshops have led to a positive and statistically significant impact on pupils’ cognitive abilities. A project by Bristol and Harvard University on “Texting Parents” – a scheme that used text messages to inform parents of attendance and homework submissions, found that there was a “small positive impact on mathematics attainment and on decreasing absenteeism,” and that children who had the intervention experienced about one month of additional progress in maths compared to other children.<sup>147</sup> The relative cost of implementing the programme (£6 per child) was also very low.

### **Engaging parents when commissioning AP can boost pupils’ social development and academic progress.**

There is also evidence that engaging parents when commissioning AP boosts social development and academic progress for the pupils concerned. A recent qualitative study of pupils in pupil referral units identified positive parental engagement as an enabling factor in their attainment of positive academic and socio-emotional outcomes.<sup>148</sup> Another project by the National Foundation for Educational Research (NFER) found that parents and families were a key influence on pupil’s decision-making about education, training, and work.<sup>149</sup> And other research shows that improving relationships between parents and APs can help to “counter negative perceptions of alternative provision” and help them to “provide better support to their son or daughter.”<sup>150</sup>

144 Sylva, K; Melhuish, E; Sammons, P; Siraj-Blatchford, I; and Taggart, B, 2008, Final report from the primary phase: pre-school, school and family influences on children’s development during Key Stage 2. Nottingham: Department for Children, Schools and Families

145 Sylva, K; Melhuish, E; Sammons, P; Siraj-Blatchford, I; and Taggart, B, 2012, Effective pre-school, primary and secondary education project, final report from the Key Stage 3 phase: influences on students’ development from age 11–14. London: UCL Institute of Education

146 Education Endowment Foundation, 2018, Mind the Gap [Accessed via: <https://educationendowmentfoundation.org.uk/projects-and-evaluation/projects/mind-the-gap>]

147 Education Endowment Foundation, 2018, Texting Parents [Accessed via: <https://educationendowmentfoundation.org.uk/projects-and-evaluation/projects/texting-parents>]

148 Michael, Siobhan and Frederickson, Norah, 2013, Improving pupil referral unit outcomes: pupil perspectives. Emotional and Behavioural Difficulties 18 (4): 407–422; Nelson, J., & O’Donnell, L, 2013, Approaches to supporting young people not in education, employment or training – a review. Slough: National Foundation for Educational Research

149 NFER, 2012, Approaches to Supporting Young People not in Education, Employment or Training – a Review, pg 4 [Accessed via: [www.nfer.ac.uk/publications/RSRN01/RSRN01.pdf](http://www.nfer.ac.uk/publications/RSRN01/RSRN01.pdf)]

150 Tate and Greatbatch, 2017, Alternative Provision: Effective Practice and Post 16 Transition, pg 6 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585550/Alternative\\_provision\\_effective\\_practice\\_and\\_post-16\\_transition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/585550/Alternative_provision_effective_practice_and_post-16_transition.pdf)]

## Case study: The Family School, London

The Family School is an AP free school in Islington. It has 48 places and is rated outstanding by Ofsted. It takes pupils aged 5–14 who have been excluded or at risk of permanent exclusion from both mainstream schools and pupil referral units. Places are commissioned by local authorities.

The school opened in 2014 and was established by the Anna Freud National Centre for Children and Families and a number of education and healthcare professionals to provide suitable education to young people with complex needs. Its core aims are to help pupils recover psychological and emotional well-being; build confidence and resilience; improve challenging behaviour; progress academically; and reintegrate into mainstream schools.

It offers a curriculum that is relevant and accessible, but which has the breadth and rigour needed for pupils to rapidly improve their literacy, numeracy, and problem-solving skills.

One particularly innovative aspect of the programme is that it requires a parent or significant adult family member to participate fully in the school day. As a result, there is a strategic commitment to empower pupils and their families to improve their relationships and develop a positive outlook in order to take more control of their lives. The daily curriculum and the emphasis on clear and ambitious targets has a strongly positive influence on the pupils' behaviour. This is reinforced by the arrangements for engaging parents in the opportunities to support their children and reflect on how to meet their needs in and beyond school. This encourages families to help themselves, and each other, to create the conditions needed for pupils to resolve personal challenges. Therapeutic techniques, informed by CAMHS practice, are embedded in all aspects of the teaching and learning programme.

If you haven't got the family not just buying in, but actively involved,  
you won't achieve high educational outcomes.

**Brenda McHugh and Neil Dawson, Co-founders of The Family School, in evidence to the CSJ**

The programme draws on the founders' own experiences, both of whom are former teachers, have worked in CAMHS, and are trained psychotherapists. The school will soon move into new premises co-located with the Anna Freud National Centre near University College London to be closer to the scientific community that informs their thinking, so that they can continue to learn from cutting edge insights and wrap these into their offer.

Their rigorous approach and dedication has paid highly encouraging dividends. Having been open for three years and two terms at the time of writing, 60 per cent of its pupils have reintegrated (in 95 per cent of cases these places have been sustained). While just over 40 per cent of pupils are referred to The Family School via an alternative or special setting, 74 per cent return to a mainstream placement when leaving. In 2017–18, the Family School had attendance rates of 90 per cent on average, which is much higher than the state-maintained AP average nationally, which stands at 66.1 per cent.<sup>151</sup>

**The Family School, in evidence to the CSJ**

## Commissioning AP

AP can be transformational for pupils when mainstream schools are unable to support them effectively. However, to achieve maximum impact, AP should be sourced as early as possible. The poor outcomes associated with most pupils outside mainstream often arise because initial problems are not addressed and escalate. These individuals need decisive, high-quality intervention at an early stage.

<sup>151</sup> DfE, 2018, Pupil Absence in Schools in England: 2016 to 2017, National and Local Authority Tables  
[Accessed via: [www.gov.uk/government/statistics/pupil-absence-in-schools-in-england-2016-to-2017](http://www.gov.uk/government/statistics/pupil-absence-in-schools-in-england-2016-to-2017)]

Schools might commission AP in a number of different contexts. Some pupils are enrolled part-time to supplement mainstream study, while others might be enrolled full-time. Some pupils remain on the rolls of mainstream schools, and others are dual registered at mainstream schools and at APs.<sup>152</sup> Off-site destinations might include state-maintained APs (pupil referral units, academies, and free schools); independent APs; further education colleges; medical establishments; third sector providers; or work-based learning providers.

Reasons for choosing to use off-site provision are varied, including, for instance, emotional and behavioural challenges or poor academic performance. These might in turn be driven by a range of personal circumstances, including underlying special education needs; learning difficulties; medical conditions (physical or mental); being drawn into ancillary criminal activity; challenging home environments; or caring responsibilities. It is, therefore, crucial that schools select the right sort of external expertise – not just to address the symptoms that present themselves, but the underlying drivers that bring them about in the first place.

As the case study below highlights, commissioning AP can be a highly effective early intervention tool, helping to re-integrate pupils back into mainstream education and avoid permanent exclusion entirely.

### **Case study: TBAP Intervention Centres**

TBAP runs intervention centres in Westminster, Hammersmith & Fulham, Haringey, and Kensington and Chelsea for pupils who display significant behavioural challenges. Typically, a commissioning school contacts the centre and completes a referral statement, including details about the nature of the behaviour in question; any contextual circumstances the school is aware of; previous attempts to support the pupil; reasons for the referral; and the ultimate goal sought. Each intervention usually lasts for between five and six weeks.

The support scheme has an impressive track record. In the academic year 2017–18, 92 per cent of referrals led to sustained reintegration into commissioning schools. And where reintegration is not a realistic outcome, TBAP is proactive in supporting schools in seeking other constructive avenues: 5 per cent of the same cohort were moved to other schools and 3 per cent to TBAP APs. In total, just 3 per cent were subsequently permanently excluded from commissioning schools.

**TBAP, in evidence to the CSJ**

### **Engaging public services**

Schools might also refer pupils to local services to tackle the underlying circumstances that shape challenging behaviour. This might include, for instance, Child and Adult Mental Health Service (CAMHS), social workers, careers advice services, grief counselling, substance misuse services, and children's centres.

In many cases, pupils face multiple personal battles and some local authorities, like Torbay<sup>153</sup> and Kent, have proposed a more integrated approach to the delivery of wrap-around public services. The aim in these instances is to provide a holistic approach. As Torbay Council points out, it is important to commission "services for children and young people that

<sup>152</sup> DfE, 2017, School Census 2016 to 2017 Guide, version 1.6, pg 17 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/609375/School\\_census\\_2016\\_to\\_2017\\_guide\\_v1\\_6.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609375/School_census_2016_to_2017_guide_v1_6.pdf)]

<sup>153</sup> Torbay Council, 2017, 0–19 Yrs Integrated Commissioning Project [Accessed via: [www.torbay.gov.uk/media/10238/integrated-commissioning-project-faqs.docx](http://www.torbay.gov.uk/media/10238/integrated-commissioning-project-faqs.docx)]

cover all aspects of their lives including the communities they live in, education, social care, safeguarding, and healthcare.”<sup>154</sup> This can include services such as the Family Intervention Team, School nursing, Substance Misuse Service, and Early Help Co-ordination.<sup>155</sup>

The effectiveness of alternative provision is enhanced when it is perceived and commissioned as an essential component of a continuum of local provision and support, with coordinated routes in and out, to facilitate appropriate positive transitions for young people.

NFER<sup>156</sup>

Some APs, too, work with public services to deliver more integrated approaches – as is the case, for example, in TBAP’s Westminster Intervention Centre.<sup>157</sup> The Centre has established a partnership with Westminster City Council to run an exclusions pilot which aims to work with children at risk of exclusion and involves trauma-informed training for staff, integrated working with family practitioners, and ongoing one-to-one mentoring for learners.

### 3.2.3 Not all teachers feel equipped to support pupils with more complicated personal challenges

There is a current lack of capacity and knowledge in mainstream schools to support pupils with more specific needs. This relates to identifying needs in the first place, managing them confidently, and commissioning suitable external support.

**Teachers and trainees need much more emphasis on mental health needs. My view is that all teachers need to be able to spot early signs. Good schools have always done this exceptionally well.**

Head-teacher, mainstream academy (anonymous), in evidence to the CSJ

According to a Teacher Voice Survey, 32 per cent of teachers said that the training they received to manage behavioural, emotional or social disorders was “poor”, “very poor” or non-existent.<sup>158</sup> The DfE’s Teacher Voice Booster Survey 2017 shows that 20 per cent of classroom teachers disagreed or strongly disagreed with the statement that they felt equipped to identify behaviour that may be linked to a mental health conditions.<sup>159</sup> And according to the most recent Teacher Omnibus survey, 18 per cent of classroom teachers said that they do not feel able to meet the needs of pupils with SEN, while 30 per cent of classroom teachers disagree or strongly disagree with the statement that there is appropriate training for teachers to support SEN students.<sup>160</sup>

**Almost a third of classroom teachers do not think there is appropriate training to support SEN support students.**

<sup>154</sup> Ibid

<sup>155</sup> Ibid

<sup>156</sup> White et al, 2012, Back on Track Alternative Provision Pilots. Final Report. London: National Foundation for Educational Research. pg 126 [Accessed via: [www.gov.uk/government/publications/the-back-on-track-alternative-provision-pilots-final-report](http://www.gov.uk/government/publications/the-back-on-track-alternative-provision-pilots-final-report)]

<sup>157</sup> Tate and Greatbatch, 2017, Alternative Provision: Effective Practice and Post 16 Transition, pg 25 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585550/Alternative\\_provision\\_effective\\_practice\\_and\\_post-16\\_transition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/585550/Alternative_provision_effective_practice_and_post-16_transition.pdf)]

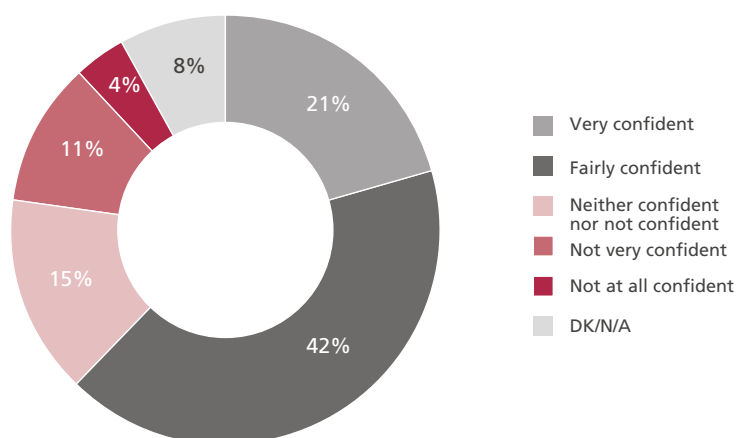
<sup>158</sup> NFER, 2013, Teacher Voice Omnibus November 2012 Survey: Table 15 [Accessed via: [www.nfer.ac.uk/publications/99930/99930.pdf](http://www.nfer.ac.uk/publications/99930/99930.pdf)]

<sup>159</sup> DfE, 2016, Teacher Voice Omnibus: May to July 2016 Survey – DfE Questions [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-may-to-july-2016-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-may-to-july-2016-survey-dfe-questions) Table 2]

<sup>160</sup> DfE, 2018, Teacher Voice Omnibus: March 2018 survey, Table 95 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey](http://www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey)]

As we have demonstrated, schools also need to be able to commission external support where particular areas of expertise are needed, and yet a substantial number of schools also currently struggle to identify what external support pupils might benefit from. As is illustrated in Figure 14, for instance, almost a third of senior leaders are not confident about commissioning suitable AP.

Figure 14: % confidence of senior leaders commissioning AP for pupils when needed (primary and secondary)



DfE<sup>161</sup>

**When I got ill at school they treated it as a behavioural issue so I was formally suspended twice for things related to my mental health when in reality I didn't actually need to be punished for it, I needed someone to help me, which they didn't do.**

Service user<sup>162</sup>

Schools must also be adept at commissioning the right public services where this is the most suitable remedy. This helps to prevent late diagnosis and an escalation of the issues concerned. However, not all teachers feel confident in doing this. For instance, while mental health conditions are strongly linked to pupil exclusions,<sup>163</sup> many teachers feel ill-equipped to manage these conditions and school leaders do not always have the expertise to know whether the counselling services they procure offer good quality support.<sup>164</sup> According to the DfE's Teacher Voice Booster Survey 2017, 45 per cent of classroom teachers disagreed or strongly disagreed with the statement that they knew how to help students with mental health conditions access specialist support outside school/college.<sup>165</sup>

<sup>161</sup> DfE, 2015, Teacher Voice Omnibus: November 2015 Responses, Table 38 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-november-2015-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-november-2015-survey-dfe-questions)]

<sup>162</sup> Young Minds (2014) Report on Children, Young People and Family Engagement pg 39 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413411/Young\\_Minds.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/413411/Young_Minds.pdf)]

<sup>163</sup> IPPR, 2017, Making the Difference: Breaking the Link Between School Exclusion and Social Exclusion [Accessed via: [www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf](http://www.ippr.org/files/2017-10/making-the-difference-report-october-2017.pdf)]

<sup>164</sup> EPI, 2016, Progress and challenges in the transformation of children and young people's mental health care, pg 23 [Accessed via: <https://epi.org.uk/wp-content/uploads/2016/08/progress-and-challenges.pdf>]

<sup>165</sup> DfE, 2017, Teacher Voice Omnibus: May to July 2016 Survey – DfE Questions, Table 6 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-may-to-july-2016-survey-dfe-questions](http://www.gov.uk/government/publications/teacher-voice-omnibus-may-to-july-2016-survey-dfe-questions)]



### 3.2.4 Schools should be better supported to identify and manage pupils who are at risk of exclusion

Given the challenges we outline in section 3.2.3, there is a clear need to equip more teachers with the tools they need to spot and handle more complex needs. In this section, we propose a number of measures to bring this about.

#### Recommendation 6

Although schools are increasingly seeking to build in-house capacity to avoid exclusions,<sup>166</sup> there is no guidance in England on what effective inclusion looks like, and little elsewhere that schools can draw on. A small number of impact assessments have been carried out on existing schemes, which indicate that there is promising potential in such initiatives, but we lack a comprehensive understanding of what works and in which circumstances.

To help inform and steer effective in-house initiatives, the DfE should develop a clear framework for this underdeveloped area of educational provision, providing examples of effective practice that are grounded in evidence. It should commission research projects to develop the evidence base for successful interventions. It should also ensure that teachers are trained to interpret and apply research. And the DfE should broker peer-to-peer support so that schools that have developed successful in-house support are encouraged to share best practice with other schools.

#### Recommendation 7

Ofsted, too, has a strong role to play in encouraging and support best practice when it comes to in-house initiatives. The Government's advisor on behaviour in schools, Tom Bennett, has analysed how inclusion units could contribute or undermine the behavioural culture of schools. He points out that, depending on their use, inclusion units can either be progressive hubs for structured, resource-intensive, and focused provision with the aim of supporting journeys back to mainstream education, or they can be holding facilities with little structure or aim.<sup>167</sup>

Ofsted should be able to judge an inclusion unit against the spirit of such a facility: that it does not simply become a silo for troubled pupils; that it seeks to successfully re-integrate pupils into school life; and that it provides suitable and tailored lessons.

However, current inspection guidelines do not emphasise inclusion units as strongly as they might do, and in doing so underutilise Ofsted guidelines as a potentially powerful vehicle for change. Ofsted's inspection guidelines should be revised to focus minds more strongly on effective in-house intervention. More generally, Ofsted needs to be able to judge a school as inclusive of pupils with complex needs and this needs to carry more weight when it comes to affecting the ratings it awards.

<sup>166</sup> Tate and Greatbatch, 2017, *Alternative Provision: Effective Practice and Post-16 Transition*, pg 51 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585550/Alternative\\_provision\\_effective\\_practice\\_and\\_post-16\\_transition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/585550/Alternative_provision_effective_practice_and_post-16_transition.pdf)]

<sup>167</sup> Bennett, Tom, 2017, *Creating a Culture: How School Leaders Can Optimise Behaviour*, pg 4 [Accessed via: [http://dera.ioe.ac.uk/28753/2/Department%20for%20Education\\_Redacted.pdf](http://dera.ioe.ac.uk/28753/2/Department%20for%20Education_Redacted.pdf)]

### Recommendation 8

The DfE should review the way in which teachers are trained, and their continuing professional development, to equip them to identify the proxies that tend to be attributed to pupils at risk of exclusion – including, for example, mental health conditions, family breakdown, domestic violence, social and emotional challenges, and being drawn into gangs. They should also be trained to offer suitable school support, work with parents, commission effective external expertise, and refer to appropriate public services.

There is a need for greater cross-pollination between the mainstream and AP sectors so that intelligence about complex needs can be socialised within mainstream environments. The Department should offer student loan rights-offs for pupils to undertake periods of teaching in APs. It should also commission high-quality APs to provide mainstream schools with training and workshops on managing complex needs; under the proposals we set out in section 3.1, mainstream schools could be also given latitude to allocate some of their devolved funding to this.

### Recommendation 9

Multi-academy trusts can be used to encourage cross-pollination between mainstream schools and APs. However, we also heard about less positive examples where challenging pupils have moved to APs that seem to operate more as silos. The Government should harness multi-academy trusts' full potential by asking Ofsted to inspect them as a whole; as part of these inspections, Ofsted should recognise and reward good practice when it comes to use of APs.

### Recommendation 10

More timely access to public services, too, would improve the suite of options available to teachers once they have identified complex needs. We know, for instance, that mental health conditions are strongly linked to exclusion. Yet the Care Quality Commission recently raised a number of concerns regarding the current state of young people's mental health services.<sup>168</sup> And according to a recent Teacher Voice survey, 52 per cent of all teachers disagreed or strongly disagreed with the statement that they had good access to a mental health professional if they needed specialist advice on pupils' mental health.<sup>169</sup> Children with a 'primary need' of social, emotional and mental health are also excluded more often than any other SEN student.<sup>170</sup>

In the same way that supporting literacy and numeracy is the responsibility of all staff in schools, all staff have a role to play in protecting the mental health of their pupils. Early support here is a key early level intervention, before more specialised support is needed.

The Government recently recognised the need to promote early intervention and better management of mental health conditions in schools, and set out its plans for reform in a green

168 CQC, 2017, Review of children and young people's mental health services [available at: [www.cqc.org.uk/publications/themed-work/review-children-young-peoples-mental-health-services-phase-one-report](http://www.cqc.org.uk/publications/themed-work/review-children-young-peoples-mental-health-services-phase-one-report)]

169 DfE, 2018, Teacher Voice Omnibus: March 2018 Survey – Table 76 [Accessed via: [www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey](http://www.gov.uk/government/publications/teacher-voice-omnibus-march-2018-survey)]

170 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, National Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

paper last year. The Government pledged to spend £300 million on a series of measures – some of its main initiatives are to fund a designated senior lead in each school; introduce new mental health support teams to support more early intervention; and introduce a four-week waiting time for access to mental health services.<sup>171</sup> We strongly welcome these measures and commend the Government for taking decisive action in this area of need.

However, we are concerned by the proposed lag between concept and delivery (the Department's aim is to roll-out these measures to one fifth to one quarter of schools by 2022).<sup>172</sup> The Government should expedite the roll-out of these much needed reforms so that more individuals can benefit from early and effective intervention. The Government should also protect the £300 million funding that has been allocated to support these measures.

### Case study: The Difference

A new charity, The Difference, is seeking to address many of the underlying problems that we identify in this chapter. This new specialist school leadership route aims to create senior teachers with the knowledge needed to reduce exclusion.

The Difference selects experienced, highly-motivated teachers and places them in a two-year senior leadership post in an AP. The Difference Leaders are recruited with a track-record of excellent teaching and successful leadership. Their two-year placement is matched with specialist training from The Difference on improving pupil literacy and access to employment after school. This experience and training will contribute to increased capacity in the AP teaching staff, and improved outcomes for pupils.

The Difference's specialist training is not just about improving academic and employment outcomes for vulnerable learners. Difference Leaders also gain specialist training on safeguarding and exposure to harmful experiences which often interact with exclusion, including: child criminal exploitation and gang grooming, child sexual exploitation, drugs and addiction, poor mental health, experiences of domestic violence, and other childhood traumas. This specialist training equips the leaders to create a 'tiered approach' in their AP placement school:

- Tier 1: creating a whole-school strategy and staff training to improve identification of risk, and protective factors within the school;
- Tier 2: using research from The Difference charity to identify the evidence-based interventions which can be run with targeted pupils at risk; and
- Tier 3: gaining an understanding through their Difference training of the referral routes and non-statutory services which can be commissioned by a school for acute need.

The Difference's two year programme creates the expertise needed in mainstream schools to reduce exclusion. Some of the biggest multi-academy trusts nationally have asked to hire Difference Leaders into their senior leadership teams at the end of the programme. An alumni service run by The Difference seeks to place its leaders on a pathway to headship in the mainstream sector, creating a sea change in knowledge and expertise around working with the most vulnerable in mainstream schools.

<sup>171</sup> DfE; DoH, 2017, Transforming Children and Young People's Mental Health Provision: a Green Paper [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/664855/Transforming\\_children\\_and\\_young\\_people\\_s\\_mental\\_health\\_provision.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664855/Transforming_children_and_young_people_s_mental_health_provision.pdf)]

<sup>172</sup> Ibid

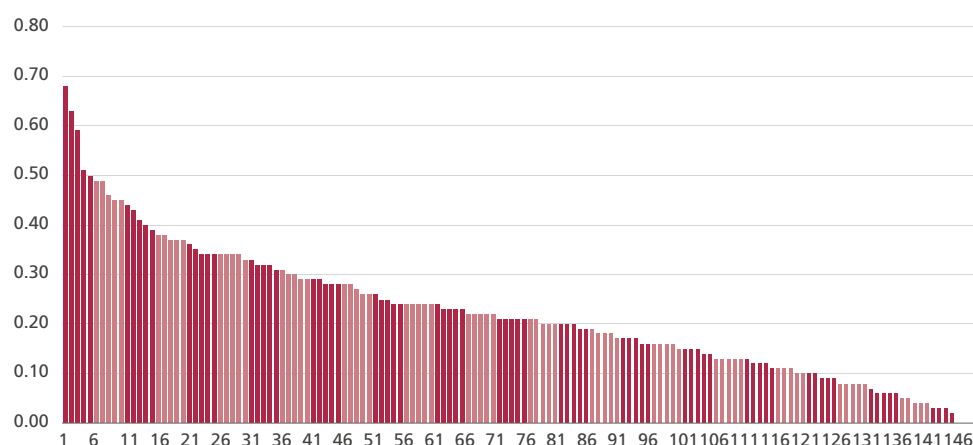
The programme offers enormous promise. The cross-pollination it provides between mainstream education and AP is likely to improve workforce development in both settings, where there is often insufficient understanding of the personal challenges that put pupils at risk of exclusion, and where negative perceptions of AP sometimes persist. In turn, schools will be more able to provide a whole-school approach to social, emotional, and behavioural health, all of which will help them to intervene early. They will also be better placed to successfully manage personal challenges in-house, and they are likely to commission AP that is high-quality and suitable when AP might be required.

#### The Difference, in evidence to the CSJ

### 3.2.5 In some parts of the country, pupils are far more likely to be excluded, or use AP, than in others; understanding the drivers in each case would help tailor support for schools to intervene early and avoid exclusion

As Figure 15 illustrates, there is substantial inconsistency in the rates of permanent exclusion in different parts of the country. In two areas in the country, which have secondary pupils, there were no permanent exclusions at all in secondary schools in the 2016/17 academic year. And where there were exclusions, rates differed significantly; in Bury, a secondary pupil was 34 times more likely to be permanently excluded than one in Leeds in the same academic year.<sup>173</sup>

Figure 15: Variability of exclusion rates in state-maintained secondary schools by local authority, England (2016/17)



CSJ analysis of DfE data<sup>174</sup>

**In Bury, a secondary pupil was 34 times more likely to be permanently excluded than one in Leeds in the same academic year.**

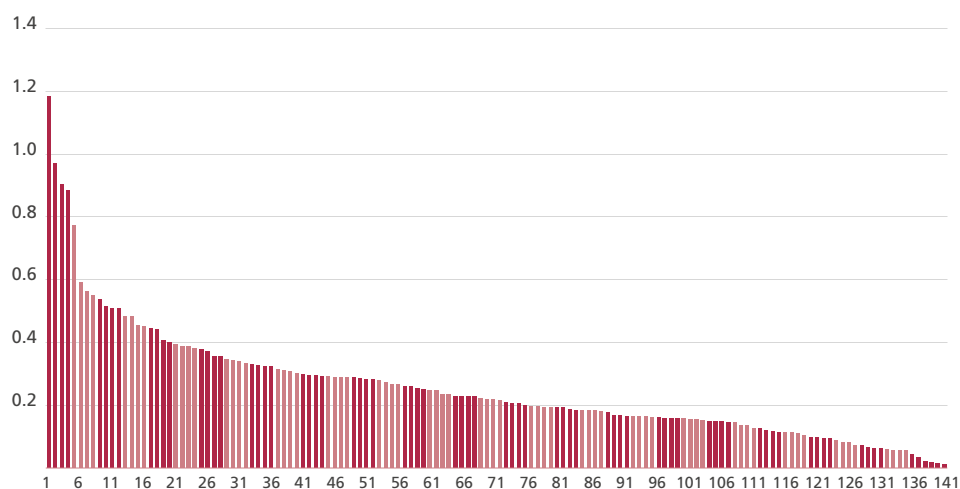
There is also significant variation in the use of AP as a proportion of the school population. Figure 16 shows that in some parts of the country, there is a large proportion of pupils using alternative provision, while in others the rate is much lower. For instance, Blackpool local authority has 120 times the rate of use of AP than Leicestershire.

173 DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, Local Authority Tables

[Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

174 Ibid

Figure 16: Variability of rate of AP use in state-maintained schools by local authority, England (2017/18)



CSJ analysis of DfE data<sup>175</sup>

Variation in exclusion rates might be driven by many different factors. A glance at other local authority data provides some preliminary clues. For instance, Norfolk, which in the most up-to-date year in which data for SEN exclusion is available had one of the highest rates of permanent exclusion, also has one of the highest rates of permanent exclusion for SEN pupils, which may suggest that schools there have difficulties accommodating pupils with SEN.<sup>176</sup> Lower rates of exclusion could, in other cases, reflect particular local authority initiatives; Cambridgeshire, for instance, recorded only three official exclusions in the 2016/17 academic year at a rate of 0.01<sup>177</sup> and, as we have already highlighted, the local authority has devolved responsibility and funding for AP to schools, which has resulted in a sharp reduction in exclusions. It is also plausible that higher exclusion rates in certain parts of the country might reflect a higher propensity towards illegitimate exclusions for a range of different reasons.

High rates of AP use are not, in and of themselves, cause for alarm. As we have demonstrated, AP can be entirely appropriate and transformational, and under the proposals we set out in section 3.1, we expect that schools would use AP early and proactively to address certain needs. However, as we have also highlighted in section 2.2, not all schools are using referrals with due consideration or follow-up – or in some cases, for the right reasons. In this latter context, spikes in the rate of AP use may reflect more concerning trends.

The reality, of course, is that there will be a number of complex drivers in each case of exclusion or use of AP. There is simply no real way of knowing which factors are most pertinent in each case without exploring local level factors. Either way, however, it is

<sup>175</sup> DfE, 2018, Schools, pupils and their characteristics: January 2018, Local Authority Tables [Accessed via: [www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018](http://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018)]

<sup>176</sup> DfE, 2017, Permanent and Fixed Period Exclusions, Local Authority Tables, Table 15 [Accessed via: [www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2015-to-2016](http://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2015-to-2016)]; Special Educational Needs in England January 2017, Local Authority Tables, Table LA2 [Accessed via: [www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017](http://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017)]

<sup>177</sup> DfE, 2018, Permanent and fixed-period exclusions in England: 2016 to 2017, Local Authority Tables [Accessed via: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>]

important that authorities are able to uncover what might be driving sudden spikes in exclusion where they do occur, either to target public funds more effectively to support early intervention or to identify whether there may be problems with exclusion practices.

### **Recommendation 11**

The DfE should work with Ofsted to provide them with the information they need to target unannounced visits where they are most needed. These should be carried out where key proxies suggest schools may be struggling to support pupils with complex needs, or where there may be problems with exclusion practices. This might include one, or a blend, of various triggers. Alongside high permanent exclusion rates, other proxies include high local rates of fixed-term exclusion; unusually high rates of AP use; or disproportionately high use of managed moves. DfE already captures data to assess rates of exclusion (both permanent and fixed-term) and rates of AP use in local authority areas, but it would need to gather much better quality data for managed moves, as we have outlined in Chapter 1.

Once local drivers have been identified, government would be better placed to address the root-causes of those drivers and act accordingly. For instance, in areas where SEN seems to be a disproportionately powerful driver, local SEN support infrastructures may be underdeveloped. There may in these instances be a strong case for follow-up – for instance, by brokering best practice from local authority areas where exclusion rates for pupils with SEN are low, and where this can be traced to effective early intervention on the part of schools and public services.

A good example of understanding local drivers to promote early intervention presents itself in Northamptonshire. The Police and Crime Commissioner that oversees this police authority area has recently invested in an early intervention measure to support pupils who might be at risk of being drawn into criminal activity. More specifically, this PCC has top-sliced his own budget to create seven new experts who will identify pupils at risk of permanent exclusion, involvement in anti-social and criminal activity, or being on the periphery of involvement in gang activity. The experts will build a clearer picture about those pupils' family circumstances; identify reasons why they might not be regularly attending schools; and understand the underlying drivers of any behavioural challenges that exist. They will then provide early family support; refer or signpost families to appropriate specialist help; and continue to engage them to ensure progress or adjust their support as necessary.

These experts will also work with local authority colleagues in collaborative multi-disciplinary teams, all with the aim of creating a continuum of support from early intervention to statutory social care support. And the PCC is looking to invest in greater capacity in the local Child and Adolescent Mental Health Service (CAMHS); the aim here is to provide support to schools and other professionals who are helping children and young people with lower level mental health needs, and to help individuals in specific youth support roles to provide a more targeted offer to adolescents.

## Recommendation 12

It is too soon to gauge the efficacy of the PCC scheme outlined immediately above, but it is a highly promising example of how public authorities can innovate to spend funds where they might be most effective – both in terms of helping pupils to turn their lives around and in terms of delivering better value for money (in this case by reducing the risk of crime and its attendant public costs). If the model realises its encouraging potential, other PCCs should emulate it. The DfE could play an important role by communicating with PCCs where they believe there may be grounds for similar action. In this way, all PCCs would at least be equipped with the knowledge and the opportunity to adopt a similar path; as one witness we spoke to from Northamptonshire PCC emphasised:

If PCCs know exclusions are a problem, and this is backed up by good data from DfE, others are likely to follow the Northants example.

Paul Bullen – Director for Delivery, Northants PCC

### 3.3 Performance measures should be kept under review to support inclusion

The proposals we have outlined so far in this report would reduce the scope for illegitimate exclusions, both official and unofficial. However, to add further weight to these measures, the Government should also keep under review the way in which it recognises school performance.

The current methodology leans heavily on Progress 8, a new grading system for schools that has changed the focus of measuring school performance from absolute grades (for instance, measuring whether children get 5 A\*–C grades) to relative progress since primary school. We strongly support the introduction of Progress 8, which is a much fairer, and more sophisticated, measure of success in context. However, without further refinement, it may drive unnecessary exclusion where pupils are less likely to improve academically relative to their peers. This is because, in those cases, schools' overall Progress 8 scores can be weighed down substantially by a relatively small number of individual low scores. In this context, a school that has, on the whole, done very well at supporting learners to progress may not see its efforts reflected in the overall score it receives. Alternatively, a school that takes on many pupils who are unlikely to make above average progress may find that its efforts are not rewarded in context.

We have outlined already in this chapter the potential effects that grade premiums can have on school behaviour, and it is entirely plausible that schools adopt the same logic when it comes to other indicators of performance.

By introducing the accountability measures we outline in section 3.1, there is also a risk that some schools will avoid taking on pupils at the point of admission. Faced with more accountability for the pupils they exclude, some schools may be more sensitive to taking on pupils with characteristics that have, historically, been more strongly associated with exclusion. There are already indications that some schools avoid taking on pupils with complex needs at the point of admission. For instance, while the schools admissions code requires schools to give looked after pupils the highest priority when considering admissions, some schools appear to be ignoring this requirement. An investigation by Tes

recently found that it can take almost a year for some looked after children to be accepted by mainstream schools, and almost a tenth of applications for in-year school admissions are not accepted within the statutory timeframe of 20 working days.<sup>178</sup>

### Recommendation 13

The Government recently outlined plans to change the way that Progress 8 is measured. Most notably, the DfE is “refining the methodology for 2018 in order to reduce the disproportionate impact of the most extreme pupil level progress scores only” on schools’ performance data.<sup>179</sup>

We strongly welcome DfE’s decision to make these changes, but the Department should closely monitor their impact to gauge whether they go far enough to temper the risk that schools exclude, or choose not to admit, pupils who might be more at risk of exclusion, specifically. If necessary, the Department should further revise these measures accordingly.

### Recommendation 14

In any event, there is a risk under a refined Progress 8 model that pupils who fall outside the established perimeters are not given due support, precisely because their low Progress 8 scores will not undermine a school’s overall performance in the same way that it currently does. The DfE should, therefore, introduce an ancillary measure to make sure these pupils are adequately supported. Ofsted’s inspection framework should be revised so that inspectors ask schools for robust evidence on what they have done to support these pupils, including funding arrangements, the nature of the support they have provided, and the progress these pupils have made. In most cases, the number of pupils in question is likely to be very low and the administrative cost associated with this measure is, therefore, likely to be modest.

## 3.4 Managed moves should always be well considered

Problems with managed moves tend to stem from two sources: lack of clarity about how they should be used and inappropriate use.

### Lack of clarity about how managed moves should be used

There is considerable inconsistency between different local authorities about when managed moves should be used, which suggests there may be a lack of clarity about their intended use. One local authority, for instance, states that managed moves should be used when pupils are “likely to be permanently excluded.”<sup>180</sup> Another states that their purpose is “to reduce the need to permanently exclude” where pupil’s behaviour has “started to deteriorate” and that they should be used as a “relatively early intervention

178 TES, 2018, Minister Acts Following TES Investigation into Plight of Children in Care [Accessed via: [www.tes.com/news/minister-acts-following-tes-investigation-plight-children-care](http://www.tes.com/news/minister-acts-following-tes-investigation-plight-children-care)]

179 DfE, 2018, Secondary Accountability Measures: Guide for Maintained Secondary Schools, Academies and Free Schools, pg 12–13 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/696998/Secondary\\_accountability-measures.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696998/Secondary_accountability-measures.pdf)]

180 Surrey County Council, 2010, *Permanent Exclusion Guidance Managed Move Protocol*, pg 3 [Accessed via: [www.spelthorne-schools.org/files/clients/3454/Surrey-Managed-Move-Protocol\\_4596189688.pdf](http://www.spelthorne-schools.org/files/clients/3454/Surrey-Managed-Move-Protocol_4596189688.pdf)]



tool.”<sup>181</sup> A third authority says that can be used as an alternative to permanent exclusion (Gloucestershire stating that schools can when the school, family, and strategic lead have “exhausted all reasonable strategies to prevent permanent exclusion).”<sup>182</sup>

### Recommendation 15

The lack of coherence about when managed moves should be used could be significantly tempered by reviewing the current statutory guidance in this area. We recognise that local authorities must be given the freedom to adjust to local idiosyncrasies and innovate as they see fit, but there is evidence of significant sprawl in the way that they interpret key elements of managed moves. The evidence we took also suggests there is misunderstanding as to whether schools can use managed moves to transfer pupils from mainstream schools into APs. In this context, there is a strong case for fine-tuning the DfE’s statutory guidance to clarify when they should be used.

### Inappropriate use

Guidance about when managed moves should be used will not, alone, prevent ill-intended moves. This is because the processes underpinning managed moves lack rigour.<sup>183</sup> Some authorities provide template forms for relevant parties to share information, record pupils’ preferences, and agree processes, but not all local authorities take these steps and the agreements that are reached are not always recorded in a systematic way.<sup>184</sup>

### There is a lot of wriggle room and it is exploited by the unscrupulous.

Principal of a mainstream school (anonymous)

DfE’s statutory guidance on managed moves is relatively quiet regarding the process that managed moves should follow once decisions to pursue them have been made. Fair Access Panels are used to enable vulnerable students, outside of the normal admissions round, to find a place in a school. All schools must take an equitable proportion of these students, regardless of whether their school rolls are full.<sup>185</sup> But while the principle of equitable distribution of hard-to-place pupils is enshrined in statutory guidance on the school admissions code,<sup>186</sup> this does not necessarily apply to managed moves as Fair Access Protocols (FAPs) only strictly apply to unplaced individuals.<sup>187</sup> The protocol does, however, allow authorities to add other categories of individuals and some local authorities have included managed moves as part of their FAPs.<sup>188</sup>

181 Derbyshire County Council, 2016, *Guide to Managed Moves*, pg 2 [Accessed via: <https://schoolsnet.derbyshire.gov.uk/site-elements/documents/childrens-support-services/attendance-management/guide-to-managed-moves-may-2016.pdf>]

182 Gloucestershire County Council, 2017), pg 4 [Accessed via: <https://schoolsnet.derbyshire.gov.uk/site-elements/documents/childrens-support-services/attendance-management/guide-to-managed-moves-may-2016.pdf>]

183 Centre for Social Justice, 2011, *No Excuses: A Review of Educational Excellence*, pg 26 [Accessed via: [www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ\\_Educational\\_Exclusion.pdf](http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Educational_Exclusion.pdf)]

184 Children’s Commissioner, 2017, *Briefing: Falling Through the Gaps in Education*, pg 17 [Accessed via: [www.childrenscommissioner.gov.uk/publication/briefing-falling-through-the-gaps-in-education/](http://www.childrenscommissioner.gov.uk/publication/briefing-falling-through-the-gaps-in-education/)]

185 DfE, *Fair Access Protocol: Principles and Process* [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275580/fair\\_access\\_protocols\\_departmental\\_advice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/275580/fair_access_protocols_departmental_advice.pdf)]

186 Specifically in section 3.9, which states that “no school... is asked to take a disproportionate number of children who have been excluded from other schools” – DfE, 2014, *School Admissions Code*, pg 30–31 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)]

187 Ibid, pg 30–31

188 This includes: Coventry, Harrow, Hertfordshire, Wiltshire and Cambridgeshire

### Recommendation 16

Managed moves sit within a vague system of oversight. The process that underpins them should be more rigorous. Many local authorities think Fair Access Protocols work well when it comes to placing vulnerable pupils.<sup>189</sup> And a number of witnesses echoed this sentiment. Official guidance allows discretionary powers to include managed moves but only a few local authorities have added them. DfE should harness the full potential of this ready-made vehicle and should take steps to ensure that all managed moves are included in Fair Access Protocols.

### Recommendation 17

In light of the evidence we have outlined in this report, we need more thorough oversight over managed moves. Ofsted's inspection framework should focus more strongly on the integrity of these moves to make sure they are well considered and used in the right way. Numbers on the roll/subsequent reductions; rates of managed moves (including relative to permanent exclusions); pupil destinations; and justifications for moves should be scrutinised in sufficient depth to help unpick signs of potential poor practice.

## 3.5 Elective home education should always be a proactive choice

We do not seek to challenge the basic right for parents to exercise this option, but we do want to make sure it is based on genuine free-will and well informed when it does happen. As we have outlined in chapter 2, these elements are not always in place when pupils are taken off-roll to be educated at home, and elective home education must not be a back-door for exclusions. To make sure it is not, there needs to be more transparency about the way decisions are made and the consequences that flow from a decision to home school.

**Parents often leave school without knowing the responsibility they are taking on.**

Local authority (anonymous), ADCS<sup>190</sup>

Currently, when pupils are taken off roll, schools must notify their local authorities of this fact.<sup>191</sup> (However, Ofsted has highlighted examples where schools have not done this.<sup>192</sup>) There are no requirements for parents or schools to have written documents detailing the decision and the justification for decisions to off-roll, which has left ample space for lack

189 Office of the Schools Adjudicator, 2018, Annual Report September 2016 to August 2017, pg30 [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680003/2017\\_OSA\\_Annual\\_Report\\_-\\_Final\\_23\\_January\\_2018.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680003/2017_OSA_Annual_Report_-_Final_23_January_2018.pdf)]

190 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017, pg 11 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

191 DfE, 2016, Children Missing Education: Statutory Guidance for Local Authorities [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550416/Children\\_Missing\\_Education\\_-\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf)]

192 Ofsted, 2017, The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17, pg 19 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/666871/Ofsted\\_Annual\\_Report\\_2016-17\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666871/Ofsted_Annual_Report_2016-17_Accessible.pdf)]

of rigour. Parents are also not always fully informed about the implications of taking their children out of school; we heard from one senior school leader, for instance, that some parents believe they will receive tuition support when they educate their pupils at home.

### **Recommendation 18**

Policy makers should introduce a more robust measure to ensure that elective home education is always based on genuine free will, and is well informed. Funds associated with a pupil's place should automatically be repatriated to local authorities at the point of departure and should be used to provide wrap-around support to parents who are educating their children at home.

Parents who take their children off roll should be sent letters outlining the implications of home-schooling and offered appointments with local authority advisors to discuss the process schools have taken; any undue pressure; and the implications of taking their children off-roll.

Schools should also be required to keep home educated children on-roll for a period to enable easy re-integration if parents/pupils decide that home education does not work well for them.



## chapter four

# Making AP count

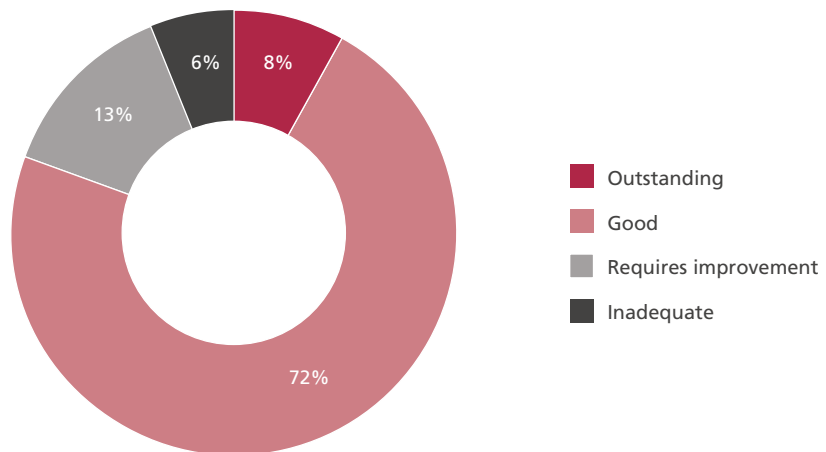
AP is too often seen as a peripheral adjunct of our education system. Good quality AP is an appropriate measure for pupils who, for a number of reasons, need specialist support, and should be viewed as an integral component of the education system. There are excellent providers but the sector as a whole faces serious challenges. In some parts of the country, a pupil who leaves mainstream education has no chance of finding AP that has a positive Ofsted rating, and there are geographical cold spots for other key metrics associated with AP. The sector faces significant recruitment challenges. And some establishments escape oversight, while others operate illegally. In this chapter, we explore these themes and others, and outline solutions to the problems we identify.

### 4.1 Some providers perform excellently under challenging circumstances

There are excellent APs, each of which carries out admirable work in taxing conditions. They are pioneering innovative ways to support pupils with complex needs and are giving them a genuine chance of building better futures. These providers deserve all the praise we can muster. The point of the reforms we propose is to stimulate the growth of more excellent providers like these, and to crowd out low grade and dangerous activity where this occurs.

The APs that are inspected by Ofsted often receive favourable ratings, further reflecting some of the good practice that exists in the AP sector. We are able to get inspection data for state-funded AP places – that is to say, places in state funded PRUs, AP academies, and AP free schools, all of which are registered and inspected by Ofsted. Among this cohort of pupils, 72 per cent study in APs that have been rated good by Ofsted, and 8 per cent in APs that have been rated outstanding.

Figure 17: Number of pupils in each category of inspected, state-maintained APs, December 2017



Ofsted<sup>193</sup>

### Case study: Stone Soup Academy

Stone Soup Academy is a free school in Nottingham. It has a capacity of 80 pupils and is rated outstanding by Ofsted. It was established as an 11–19 academy; however, due to local need and demand, it specialises predominantly in provision for pupils in years 10 and 11 (these pupils can be either single or dual registered).

Stone Soup Academy was originally founded as a social enterprise that offered small community projects and music-based alternative provision in secondary schools. It then evolved to meet a desperate need for high-quality education for vulnerable and challenging pupils in Nottingham, and became a free school in 2012. Although it has grown in size, it remains firmly committed to its original ethos, which includes a strong emphasis on work and enterprise.

The school occupies a Grade 2 listed building in the centre of the historic Lace Market in Nottingham. Its investment in quality space reflects its ardent commitment to its learners, and pupils are also able to benefit from business-level technology and an on-site recording studio.

The school places a strong emphasis on developing the whole child, assigning equal focus to social skills and academic progress. The school has 1:3 staff/pupil ratios at full capacity, allowing it to offer heavily tailored provision which can be moulded to the needs of the individual. And it is highly attentive to the pastoral care and engagement of all pupils.

Its curriculum is broad, blending GCSE qualifications and equivalent courses with vocational opportunities, PSHE, employability skills, and personalised literacy and numeracy programmes. This is delivered alongside a programme of engagement and voluntary work.

Its results are impressive. Pupils at the school consistently outperform peers in other APs. 6.4 per cent of learners achieve grade 4 to 9 in English and maths – over three times above the average in APs in the East Midlands (1.9 per cent) and almost double the national average. On average, after 30 weeks, the majority of pupils achieve four to five sub-levels of progress in both maths and English. Attendance levels are also significantly above average for APs nationally. And persistent absence rates are lower than the national average for APs.

**Stone Soup Academy, in evidence to the CSJ**

193 Ofsted, 2018, Data View [Accessed via: [www.gov.uk/government/publications/exploring-ofsted-inspection-data-with-data-view](http://www.gov.uk/government/publications/exploring-ofsted-inspection-data-with-data-view)]

## Case study: Red Balloon Learning Centres

Red Balloon Learner Centres are independent schools for children and young people who have self-excluded from mainstream school because of bullying or trauma. They are based in former residential houses and each take no more than twenty students at any one time. Their aims are to raise pupils' self-esteem, get them back on an academic track, and support their return to mainstream education or their move into employment or apprenticeships.

Pupils are admitted under three conditions: that they want to come and will attend regularly; that they want to learn and make academic and social/emotional progress; and that they will behave with respect and consideration towards other pupils, staff, and the property.

In light of pupils' prior negative experiences, the centres place a strong emphasis on creating a sense of community. The resources are also first-class; everyone is treated with unconditional positive regard; and programmes are negotiated with pupils to make sure they are adequately tailored to their needs. The curriculum is finely balanced between academic studies and personal wellbeing, the latter of which includes therapy or counselling, creative arts, social activities, circle time, PSHE, and sport.

There are four Red Balloon Centres and a virtual provider, Red Balloon of the Air.

The centres have all been inspected in the last three years, with highly encouraging outcomes. Inspectors have consistently praised pupils' academic development and their improved wellbeing, and parental feedback has been very positive – in some cases parents noted that 'all else had failed'. In June 2015, Ofsted judged the Norwich Centre to be outstanding in all areas; inspectors concluded that, "students' personal development is exceptional and provides a solid platform for them to thrive academically". In November 2015, the Independent Schools Inspection Service (ISI) evaluated Red Balloon's Cambridge centre; the ISI judged pupil achievement to be excellent – in particular, it noted that the Centre meets its aim to "support the recovery of pupils whose previous school experiences have been troubled and disrupted" and recognised the school's ethos of unconditional positive regard for all pupils. Red Balloon centres in Reading (January of 2017), North West London (September 2018), and Norwich (June 2018) have had regulatory compliance inspections and have all been judged compliant.

Currently the DfE is unable to register online provision but Red Balloon's internal benchmarking, which follows ISI's approach to inspections, demonstrates that academic progress, reintegration rates, and improvements in confidence are similar to those observed in Red Balloon centres.

Over 90 per cent of Red Balloon pupils have returned to mainstream education. Red Balloon also collects data on its impact on pupils' capacity to be 'positive' and 'contributing' members of society, and on the quality of life for family and peers, all of which demonstrates strong outcomes on both fronts.

**Red Balloon, in evidence to the CSJ**

We should also recognise the excellent wrap-around services that some APs commission to supplement their offers, which add dynamism and expertise to the broader ecosystem of support in which APs operate. One such example is the skills development programme offered by Dallaglio RugbyWorks, more on which we outline below.

### Case study: Dallaglio RugbyWorks

Dallaglio RugbyWorks was founded in 2009 by World Cup Winner, Lawrence Dallaglio, OBE, following his own troubles after the death of his sister. Lawrence felt rugby helped him transform his attitude, behaviour and aspirations. And on retirement, he used this as the inspiration for developing RugbyWorks.

RugbyWorks offers an intensive, 3-year skills development programme based on the values of rugby. Its target audience is 14–17-year-old pupils who have fallen out of mainstream education. Most participants have grown up in highly challenging environments, and are associated with a number of known social risk factors including family breakdown, criminality, and unemployment.

The individuals it helps have been permanently excluded and are enrolled in APs. Dallaglio RugbyWorks coaches work on-site with AP teaching staff, using the values of rugby to harness a wide range of essential skills. Coaches provide structure and support, and help open pathways to sustained education, employment or training. They use rugby as a platform to engage pupils and develop their communication skills, self-discipline, and relationships with the school. The programme also includes taster days, workshops, and placements to expose pupils to the world of work and build work experience; some of its partners include Halfords, Burberry, and McGee.

The programme has an impressive track record, particularly given that its participants are some of the hardest to help in the country. Pupils are three times more likely to pass maths and English Level 2 (and twice as likely to be in education, employment, or training 12 months after leaving school) than those in state-maintained AP elsewhere in England – all of which greatly enhances their employability. The programme also gives pupils the chance to hone essential life skills, allowing them to support themselves and their families to build better lives.

The organisation operates across the UK in just over 40 APs, and works with over 350 young people. In light of its success, it has plans to expand its offering so that more pupils can benefit from the incredible work it does. By September 2018, it will be working with 640 young people in 70 AP sites across England and Wales.

## 4.2 Geography determines whether maintained APs have a positive Ofsted rating

Although the Ofsted results of inspected APs we outlined in section 4.1 are encouraging overall, they mask a more complex reality. Viewed at a more granular level, our impression of this part of the sector is much more variable. This is the case both regionally and at a more local level.<sup>194</sup>

As figure 18 highlights, for instance, the percentage of places rated outstanding is much higher in East Midlands than it is in Yorkshire and the Humber, West Midlands, and the North East; the landscape in the latter case is particularly barren – there is not one outstanding AP place in the entire North East of England. Meanwhile, as Figure 19 demonstrates, there is a substantial gap in the number of providers not rated positively in the North East, East, and Yorkshire/Humber (where the rate of “inadequate” or “requires

<sup>194</sup> One caveat to consider is that Ofsted does not inspect all alternative providers within one year, and so this data is “as of December 2017”



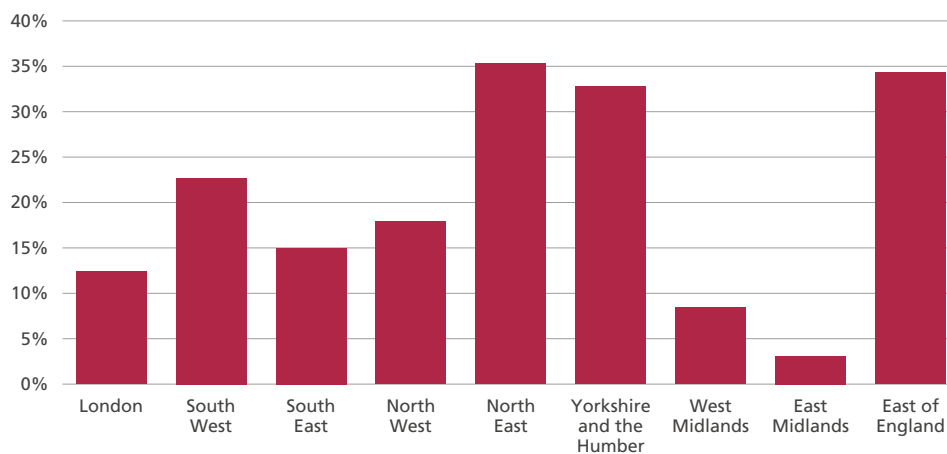
improvement” providers hovers around one third) and the rest of the country (where the rate does not rise above 22.7 per cent and drops to 3.1 per cent in the East Midlands).

Figure 18: % of state-maintained AP places rated “outstanding” by Ofsted in England/regional variation (December 2017)



CSJ analysis of Ofsted data<sup>195</sup>

Figure 19: % of state-maintained AP places rated “requires improvement” or “inadequate” by Ofsted in England/regional variation (December 2017)



CSJ analysis of Ofsted data<sup>196</sup>

At the local level, too, there are discernible pockets where no good quality AP exists. These local authority cold spots are outlined in Figure 20 below.

<sup>195</sup> Ofsted, 2018, Data View [Accessed via: <https://public.tableau.com/profile/ofsted#!/vizhome/Dataview/Viewregionalperformancevertime>]

<sup>196</sup> Ibid

Figure 20: Local authority areas in England where no state-maintained AP place has been rated good or better by Ofsted (December 2017)



CSJ analysis of Ofsted data<sup>197</sup>

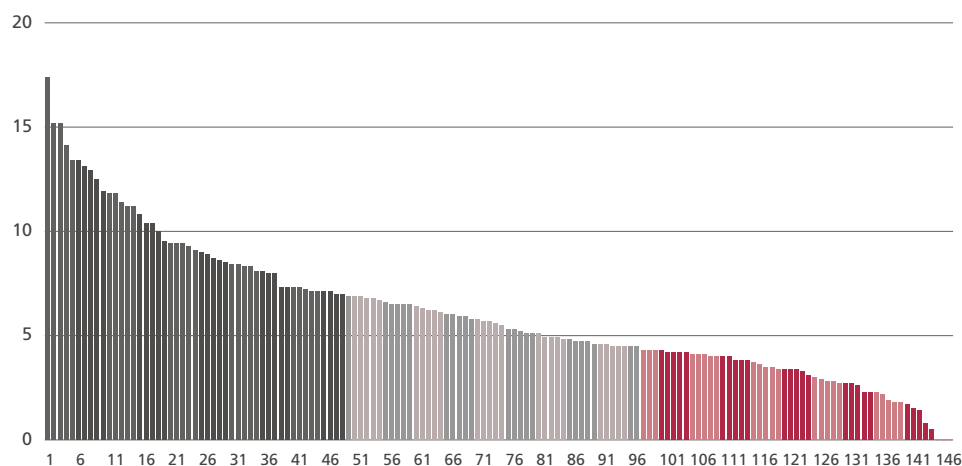
There is variety elsewhere in the country when it comes to positive Ofsted ratings; some other local authorities do not have strong offerings, but without performing quite as badly as the areas outlined in Figure 20. In 34 local authority areas, not all state-maintained places are good or outstanding. And in 16 cases, there are no registered inspections for any APs with pupils attending, so the number of pupils missing out on good quality AP could be higher.

197 Ibid

### 4.3 There is substantial geographical variation in other key metrics, which further reinforces the problem of variable quality

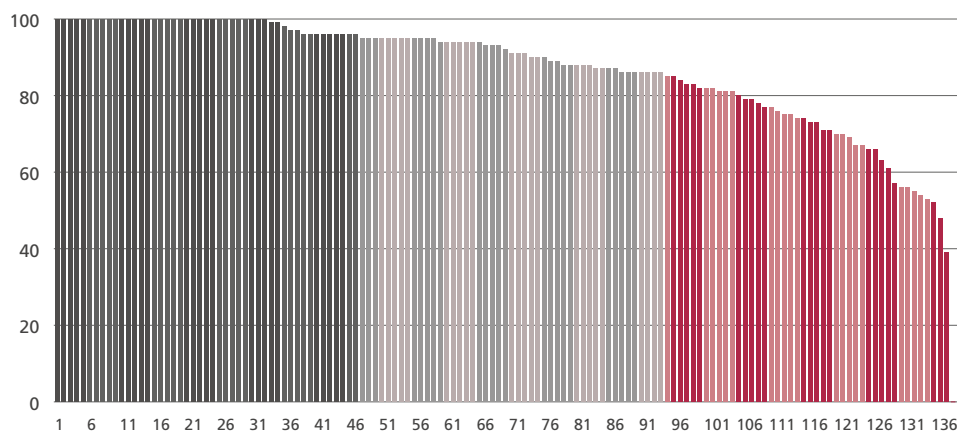
A glance at a (non-exhaustive) series of other metrics that we might use to explore the efficacy of AP suggests there are strong geographical variations in these areas, too, as figures 21 to 24 illustrate.

Figure 21: Average Attainment 8 score per pupil in AP, England/variation by local authority (2016–2017)



CSJ analysis of DfE statistics<sup>198</sup>

Figure 22: % qualified teachers in AP, England/variation by local authority (2016)



CSJ analysis of DfE statistics<sup>199</sup>

<sup>198</sup> DfE, 2018, Revised GCSE and Equivalent Results in England: 2016 to 2017, Local Authority Tables  
[Accessed via: [www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2016-to-2017](http://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2016-to-2017)]

<sup>199</sup> DfE, 2017, School Workforce in England: November 2016 Alternative Provision Tables  
[Accessed via: [www.gov.uk/government/statistics/school-workforce-in-england-november-2016](http://www.gov.uk/government/statistics/school-workforce-in-england-november-2016)]

Figure 23: % sessions absent in AP, England/variation by local authority (2016–2017)

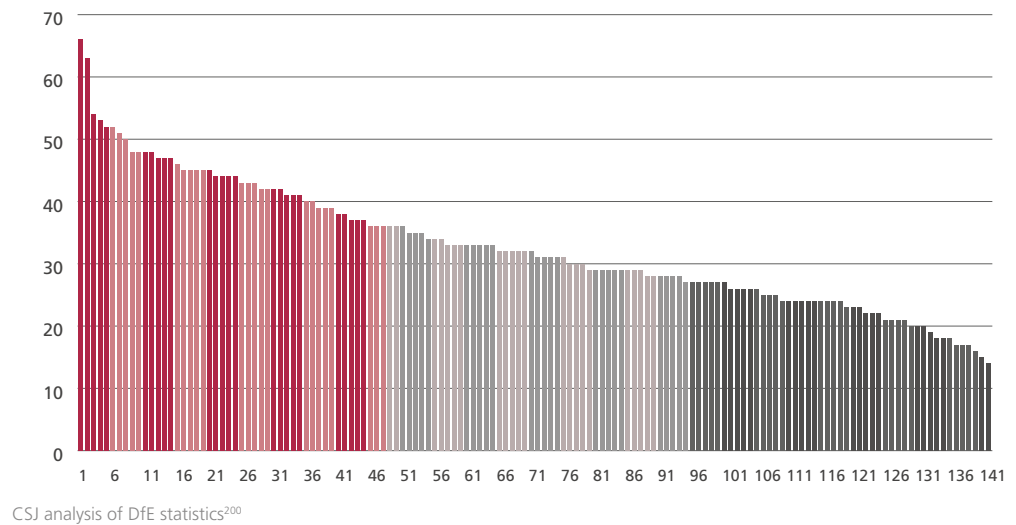
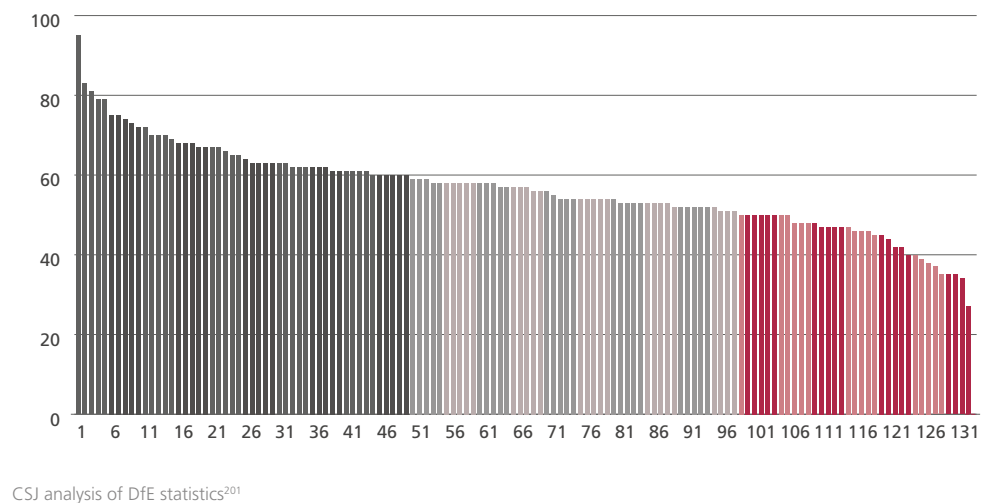


Figure 24: % overall sustained education or employment/training destination after AP/variation by local authority (2015–2016, but completed KS4 in 2014–2015)



#### 4.4 What we know about inspected, independent AP suggests there are some problems with quality

There is a scarcity of data on the quality of independent APs. Many independent APs are not actually registered as schools, and are therefore not inspected. And although some independent schools are registered and inspected, inspections data on independent AP schools, specifically, is not published.

200 DfE, 2018, Pupil Absence in Schools in England: 2016 to 2017 Alternative Provision Tables Underlying data [Accessed via: [www.gov.uk/government/statistics/pupil-absence-in-schools-in-england-2016-to-2017](http://www.gov.uk/government/statistics/pupil-absence-in-schools-in-england-2016-to-2017)]

201 DfE, 2017, Destinations of KS4 and KS5 Pupils: 2016 Local Authority Tables Underlying data [Accessed via: [www.gov.uk/government/statistics/destinations-of-ks4-and-ks5-pupils-2016](http://www.gov.uk/government/statistics/destinations-of-ks4-and-ks5-pupils-2016)]

To plug this lack of data, FFT Education Datalab conducted a crowd-sourcing exercise to identify independent APs. These providers are classified in DfE data as independent schools alongside the likes of Eton and Harrow, and are not identified as a specific group. Once FFT Education Datalab identified the independent APs, they were able to scrutinise their inspection outcomes. There are, of course, some limitations to such an exercise; for instance, some of the providers classed as independent APs may have blurred the line between independent AP and other independent schools, such as independent special schools. However, the exercise provides a useful impression of quality in a segment of the sector that we cannot construct from official data.

According to the findings, there are 96 independent APs with pupils on register which have been inspected by Ofsted, and there are 13 independent AP schools that fall under Ofsted's remit but have not been inspected. The data demonstrates that just 68 per cent of the inspected places are rated good or above – a figure that lags their state-maintained counterparts (80 per cent) and mainstream schools (87 per cent).<sup>202</sup>

The relative dearth of high quality independent APs also raises questions about which areas of the country may benefit from better supply.

Where good quality independent AP is available, it has limited impact in areas where state-maintained places are rated the poorest. As we highlighted in Figure 20, there are 13 local authority areas in England where no state-maintained AP place has been rated good or better by Ofsted. There are good quality independent options in just three of those areas (Windsor and Maidenhead, Dudley, and Barking and Dagenham). And even then, while all are rated good or above, their impact on the overall quality of supply is limited: 65 per cent, 44 per cent, and 4 per cent, respectively, of all AP places (state-maintained and independent) in those areas are rated good or above.

Where inspected independent places are available, their quality can be altogether underwhelming in parts of the country. 53 local authorities offer independent places that are inspected; of these, just 35 local authorities have independent AP that has all been rated good or better. In 11 of the local authorities that offer both state-maintained and independent AP places, none of the independent options (while 100 per cent of state-maintained places) are rated good or outstanding.

And in 14 local authorities there are no inspected state-maintained or inspected independent AP places at all. In some cases, lack of supply may reflect that places have not been inspected (in which case places exist and we simply do not know how good or bad they are, or APs have addresses outside of the local authorities concerned). In other instances, inspected places may not exist.

While we are able to derive inspections data from this exercise, there is a scarcity of data when it comes to attainment and other key metrics associated with AP. FFT Education Datalab tried to obtain this information where it was readily available but it was often too time consuming or too difficult to find.<sup>203</sup>

202 Data as at December 2017 – Ofsted, 2018, Data View [Accessed via: <https://public.tableau.com/profile/ofsted#!/vizhome/Dataview/Viewregionalperformancevertime>]

203 FFT Education Datalab, 2018, What We've Learnt About the Independent Alternative Provision Sector [Accessed via: <https://ffteducationdatalab.org.uk/2018/05/what-weve-learnt-about-the-independent-alternative-provision-sector/>]

## 4.5 Some establishments operate in the shadows of our education system

A significant number of providers operate on the fringes of our educational system, without any oversight. In some cases, the law allows them to operate in this way and in other instances they act illegally. A number of deeply unsettling issues flow from both contexts, with implications for the wellbeing and educational development of the pupils concerned.

### 4.5.1 Legally unregistered APs are under scrutinised

In a recent report, Ofsted pointed out that “alternative provision remains a largely uninspected and unregulated sector”.<sup>204</sup> Outside state-funded AP, many APs do not have to register, and therefore there are no requirements to inspect their quality. While some local authorities gather data on APs, and some try to quality assure, not all local authorities do this.<sup>205</sup> And those that do capture some data are not always able to keep their data up to date.<sup>206</sup>

Independent APs do not have to register with DfE if they do not provide full-time education or if they do not educate five or more pupils. These providers are unregistered, but legally so under current law. Due to the nature of unregistered provision, and the general lack of official data on APs, it is hard to determine exactly how many pupils use unregistered AP.

The implications of not having to register are profound. Registered schools must adhere to several standards of operation – including on classroom size, the character and ethos of the school, the broad requirements of curriculum, providing information to stakeholders, and various other checks and registers. Conversely, unregistered settings are not held to account by this framework and are not inspected by Ofsted for these purposes.

Inspection of unregistered providers is instead reactive, which often means it is easier for malpractice to go unnoticed. Unregistered providers are only scrutinised (by Ofsted) if they are suspected of acting unlawfully as illegal schools,<sup>207</sup> or (by their local authorities) if they are failing to meet their safeguarding duties.<sup>208, 209</sup> And according to official guidance, the dominant route for making authorities aware of illegal schools is speculation and tip-offs, via charities, the police, maintained schools, and other societal actors.<sup>210</sup> Knowing about these problems therefore depends on them spilling into public view, which means there is far less scope for them to be detected promptly, or indeed at all; where they are identified, significant damage may already have occurred.

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204 Ofsted, 2016, *Alternative School Provision: Findings of a Three Year Survey*, pg 10 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

205 Ibid

206 Ibid, pg 12

207 Department for Education, 2008, *Education and Skills Act 2008*, section 97 [Accessed via: [www.legislation.gov.uk/ukpga/2008/25/section/97](http://www.legislation.gov.uk/ukpga/2008/25/section/97)]

208 Department for Education, 2002, *Education Act 2002*, Specifically Appendix 2 [Accessed via: [www.legislation.gov.uk/ukpga/2002/32/section/175](http://www.legislation.gov.uk/ukpga/2002/32/section/175)]

209 House of Commons, 2017, *Out-of-School Education: Written Question – HL2406* [Accessed via: [www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-23/HL2406/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-23/HL2406/)]

210 DfE, 2016, *Policy Statement: Prosecuting Unregistered Independent Schools* [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492965/Prosecuting\\_unregistered\\_independent\\_schools.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492965/Prosecuting_unregistered_independent_schools.pdf)]

In this context, it is difficult to make sure that basic vital standards are being met. Safeguarding is a particular concern. A recent Ofsted inspection of an unregistered provider, for instance, found that there was “no evidence of appropriate vetting checks being carried out on staff.”<sup>211</sup> And there is no way of knowing how prevalent this might be.

It is also more difficult to assure the safety of learning environments in unregistered APs. The previous Chief Inspector of Ofsted, Sir Michael Wilshaw, highlighted this point when he recounted the conditions Ofsted had discovered in some schools. He mentioned “[s]qualid conditions, including three single mattresses covered in filthy sheets in one room and no running water in the toilet areas,”<sup>212</sup> as well as “serious fire hazards, including obstructed exits and inaccessible fire escapes.”<sup>213</sup>

As well as making it difficult to validate safeguarding and safety standards, unregistered status also makes it hard to know whether pupils are receiving education that is fit for purpose. We know that this is not always the case. As Charlie Taylor found in his review of AP in 2012, some schools do little more than teach students “how to play pool”.<sup>214</sup> In other cases, they might instil a capricious curriculum.”<sup>215</sup>

Many centres project themselves as ‘schools’ so parents are not always aware that they are not registered and therefore not under the same rigorous protocols as registered schools. Parents are under the impression that their children are attending ‘school’ and see this as an advantage because they are paying. In addition, there are smaller class sizes and they are led to believe that the discipline is better and more effective than mainstream school. Also, more worrying is that this projection is given to other services, for example, social care and they then believe it is a private school.

Local authority (anonymous), ADCS<sup>216</sup>

#### 4.5.2 Some pupils study in illegal schools

Some institutions operate illegally – either because they are unwittingly<sup>217</sup> or deliberately unregistered and should be registered. It is very difficult to know exactly how many pupils are being taught in illegal settings. According to official estimates between January 2016 and May 2018, Ofsted identified 403 settings for further investigation, carried out 244 inspections, and issued 57 warnings notices; in the same time 50 settings have closed or stopped operating illegally.<sup>218</sup>

The concerns we outline in section 4.5.1 of this report about safeguarding, environmental safety, and the curriculum in unregistered schools are all also relevant in the context of illegal schools. In both legally unregistered schools and illegal schools, the fundamental

211 Ofsted, 2015, Advice Letter from Sir Michael Wilshaw, HMCI, on Unregistered Schools [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/475553/Advice\\_letter\\_from\\_Sir\\_Michael\\_Wilshaw\\_Her\\_Majesty\\_s\\_Chief\\_Inspector\\_on\\_unregistered\\_schools.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/475553/Advice_letter_from_Sir_Michael_Wilshaw_Her_Majesty_s_Chief_Inspector_on_unregistered_schools.pdf)]

212 Ibid

213 Ofsted, 2016, Advice Letter from Sir Michael Wilshaw, HMCI, in Respect of Suspected Illegal Schools [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523694/Unregistered\\_schools\\_advice\\_note\\_16\\_May\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf)]

214 Taylor, Charlie, 2012, Improving Alternative Provision., Paragraph 12 [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/180581/DFE-00035-2012.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/180581/DFE-00035-2012.pdf)]

215 BBC, 2017, The Children Educated in Isolation [Accessed via: [www.bbc.co.uk/news/education-42337797](http://www.bbc.co.uk/news/education-42337797)]

216 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017, pg 9 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

217 Ofsted, 2017, Annual Report 2016/17: Education, Children's Services and Skills, pg16 [Accessed via: [www.gov.uk/government/publications/ofsted-annual-report-201617-education-childrens-services-and-skills](http://www.gov.uk/government/publications/ofsted-annual-report-201617-education-childrens-services-and-skills)]

218 Ofsted, 2018, Unregistered schools team management information [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/717030/Unregistered\\_schools\\_management\\_information\\_-\\_1\\_Jan\\_2016\\_to\\_31\\_May\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717030/Unregistered_schools_management_information_-_1_Jan_2016_to_31_May_2018.pdf)]

problem is that they are not adequately monitored; it is just that in one context, this flows from a lawful exemption and in the other it does not. What potentially gives the problems associated with illegal status more salience is their potential scale, as illegal schools are unlawful because they meet the threshold for registration but do not register.

Illegal schools are also more likely to stay hidden if their owners deliberately, rather than accidentally, circumvent the law. In this latter case, there is arguably more scope for unlawful activity precisely because its owners are actively circumventing scrutiny.

Ofsted has a legal power to inspect suspected illegal schools and has created a team to investigate suspected illegal schools.<sup>219</sup> Ofsted can, after investigation, enter the premises of a suspected illegal school without notice and collect any reasonable evidence pertinent to the case.<sup>220</sup> However, although Ofsted can give a warning notice to these schools to get them registered, they cannot order a school to close.<sup>221</sup> If these schools are, as Ofsted has reported, systematically failing in their safeguarding, health and safety, and teaching duties, they cannot be allowed to continue providing education. Yet out of all these inspections, none have been prosecuted by the CPS in the past five years.<sup>222</sup> Ofsted has identified legislative barriers which prevent it from prosecuting illegal schools effectively.<sup>223</sup> For those proprietors that operate an illegal school the maximum sentence for the proprietor is six months, or a “level 5 fine.”<sup>224</sup>

#### 4.5.3 There is a link between elective home education and the use of unregistered or illegal schools

Some children enrol into unregistered or illegal APs after having left school to be educated at home. According to a recent survey of local authorities in England, 37 per cent of authorities report that they are aware of children in their areas who are home schooled but also attend unregistered schools or tuition centres.<sup>225</sup> And Ofsted has identified a direct link between home education and unregistered or illegal schools.<sup>226</sup>

I am very concerned about the use of unregistered schools by EHE families where children appear in many cases to be receiving the majority of their education. I am concerned at how owners of these establishments are advertising and recruiting and how they are projecting this approach as a method of ‘home’ education.<sup>227</sup>

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219 Ofsted, 2016, Annual Report, Education and Skills, 2015–16 [Accessed via: [http://qna.files.parliament.uk/qna-attachments/773590/original/Ofsted\\_annual\\_report\\_education\\_and\\_skills\\_201516\\_web-ready.pdf](http://qna.files.parliament.uk/qna-attachments/773590/original/Ofsted_annual_report_education_and_skills_201516_web-ready.pdf)]

220 Department for Education, 2008, Education and Skills Act 2008, Section 97 [Accessed via: [www.legislation.gov.uk/ukpga/2008/25/section/97](http://www.legislation.gov.uk/ukpga/2008/25/section/97)]

221 Crown Prosecution Service, 2017, Education – Department for Education Prosecution [Accessed via: [www.cps.gov.uk/legal-guidance/department-education-prosecutions](http://www.cps.gov.uk/legal-guidance/department-education-prosecutions)]

222 House of Commons, 2017, Out-of-School Education: Written Question – HL2408 [Accessed via: [www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-23/HL2408/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-23/HL2408/)]

223 Ofsted, 2017, Annual Report 2016–17, pg 20 [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/666871/Ofsted\\_Annual\\_Report\\_2016-17\\_Accessible.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666871/Ofsted_Annual_Report_2016-17_Accessible.pdf)]

224 Crown Prosecution Service, 2017, Education – Department for Education Prosecution [Accessed via: [www.cps.gov.uk/legal-guidance/department-education-prosecutions](http://www.cps.gov.uk/legal-guidance/department-education-prosecutions)]

225 Association of Directors of Children's Service, 2017, Summary Analysis of the ADCS Elective Home Education Survey. [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)] NB: The survey was responded to by 118/152 local authorities.

226 See all three advice letters below: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523694/Unregistered\\_schools\\_advice\\_note\\_16\\_May\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf) ; [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/484458/151211\\_HMCI\\_to\\_Secretary\\_of\\_State\\_advice\\_note\\_on\\_3\\_unregistered.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484458/151211_HMCI_to_Secretary_of_State_advice_note_on_3_unregistered.pdf) ; [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/475553/Advice\\_letter\\_from\\_Sir\\_Michael\\_Wilshaw\\_Her\\_Majesty\\_s\\_Chief\\_Inspector\\_on\\_unregistered\\_schools.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/475553/Advice_letter_from_Sir_Michael_Wilshaw_Her_Majesty_s_Chief_Inspector_on_unregistered_schools.pdf)

227 ADCS, 2017, Summary Analysis of the ADCS Elective Home Education Survey October 2017, pg 9 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]



Some of these entities charge families thousands of pounds for inadequate provision.<sup>228</sup> Others market themselves as schools even though they are not structured as such. Some, according to various local authorities, inform parents to tell the authority that “parents are offering the remaining curriculum at home,”<sup>229</sup> in some cases to obfuscate the reality of the arrangement. In other cases, elective home education is used deliberately as a cover to place children in unregistered schools, some of which may be illegal.<sup>230</sup> Pupils who end up in unregistered or illegal settings through elective home education also potentially face the risks we outline in sections 4.5.1 and 4.5.2.

#### 4.5.4 A light-touch registration system for unregistered providers would improve transparency and drive better outcomes

The risks of maintaining the status quo are too severe to ignore. While many unregistered APs act perfectly responsibly and offer valuable support, there is simply too much scope for questionable providers to operate, and remain undetected, in a system that does not even require light-touch scrutiny. The lack of even basic registration or monitoring requirements means that potentially damaging environments are not picked up and addressed.

Ostensibly, unregistered providers are accountable to the schools that commission them. But, as we have seen in section 2.2.2 of this report, we simply cannot rely on all schools to do this rigorously. A recent Ofsted study on schools’ use of 448 off-site APs,<sup>231</sup> for instance, exposed a litany of oversight. According to this investigation, only 43 per cent of schools systematically track the impact of AP on pupils’ personal development and well-being. 21 per cent of schools rely on providers to brief pupils on how to keep safe without knowing whether this is adequate. Only around half of schools thoroughly prepare pupils about how to keep safe in their placements, and in some cases schools asked pupils to complete their own risk assessments. In some instances, schools do not even visit at all.<sup>232</sup>

According to the same study, less than a third of schools carry out any systematic evaluation of the quality of teaching and learning in the APs they commission, and only around a quarter of providers report that commissioning staff look at pupils’ work or observe their learning. In some instances, schools use off-site AP for most of the school week but do not accommodate pupils for the rest of that time (which breaches government guidance on part-time timetables and the right to full-time education, and raises concerns about safeguarding). Governors receive comprehensive and regular input about the efficacy of AP in only two-fifths of cases and half of leaders do not report on this at all. And some schools unknowingly send pupils to providers that are illegally unregistered.<sup>233</sup>

228 Wilshaw, M, 2016, Advice Note to Secretary of State. Collaborated by Foster D (2017) Home Education in England, Briefing Paper number 5108. House of Commons Library. See also: [http://qna.files.parliament.uk/qna-attachments/773590/original/Ofsted\\_annual\\_report\\_education\\_and\\_skills\\_201516\\_web-ready.pdf](http://qna.files.parliament.uk/qna-attachments/773590/original/Ofsted_annual_report_education_and_skills_201516_web-ready.pdf) (para 259)

229 The Association of Directors of Children’s Services Ltd, 2017, Summary Analysis of the ADCS Elective Home Education Survey Oct 2017 pg 9 [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

230 Wood, Alan, 2016, Wood Report: Review of the Role and Functions of Local Safeguarding Children Boards [Accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/526329/Alan\\_Wood\\_review.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526329/Alan_Wood_review.pdf)]

231 Ofsted, 2016, Alternative School Provision: Findings of a Three Year Survey pg 20 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)] The vast majority (159) were state-funded mainstream schools, but six were pupil referral units, the latter of which can also commission other off-site AP

232 Ibid pg 21–22. NB: 41% did not have an “effective evaluative process” or discussion on whether it was an “accurate or appropriate” place for the pupil. 2% “had not recorded” discussions on potential risks. 6% had “no conversations with schools about potential risks” or no documents could be produced.

233 Ofsted, 2016, Alternative School Provision: Findings of a Three Year Survey, pg 43 [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

Although deeply flawed and at times threadbare, there is at least a line of accountability for pupils whose unregistered AP has been commissioned by schools. Other pupils operate in a landscape that is utterly devoid of any sort of accountability. Some pupils, for instance, enrol into unregistered or illegal APs after having left school to be educated at home, or indeed have never been to school in the first place. As we have outlined already, according to a recent survey of local authorities in England, 37 per cent of authorities are aware of children in their areas who are home schooled but also attend unregistered schools or tuition centres.<sup>234</sup> Here, there is not even a notional chain of accountability, as there is no school commissioner to hold accountable.

A lack of transparency in the AP market also makes it very difficult for commissioners to know what they are purchasing. While registered APs are inspected and receive an Ofsted rating, which gives commissioners an indication of potential quality, there is no such measure of quality assurance for unregistered APs. And while some local authorities gather data on APs, and some try to quality assure, not all local authorities do this, and those that do capture some data are not always able to keep their data up to date.<sup>235</sup>

### **Recommendation 19**

We need a system that alerts us to poor practice promptly. To ensure that all APs are properly accountable, and that commissioners have the information they need to make informed decisions about the AP they use, the DfE should introduce a light-touch registration scheme for currently unregistered providers. We recognise that the full force of an Ofsted inspection framework would not be suitable for many of these providers due to their nature and size, and so the Government should consider introducing a second, lighter-touch tier. It should also devise a simple metric of quality, so that commissioners can get a reliable sense of the provision they are commissioning.

## **4.6 We lack a clear and commonly recognised measure of what good AP looks like**

Ofsted ratings offer a starting point when it comes to quality assuring APs; the fact that there is substantial geographical variability in these headline indicators is, therefore, concerning and cold-spots should be scrutinised to assess whether there may be a case for more targeted support in those areas.

However, Ofsted ratings alone should not form the sole basis of such an assessment. As Ofsted recently highlighted, inspections only offer a “snapshot” of standards, rather than a “comprehensive picture”.<sup>236</sup> In addition, we have a far less clear, and commonly recognised, idea about what good AP looks like than we do for mainstream schools. In part, this is

234 Association of Directors of Children's Service, 2017 Summary Analysis of the ADCS Elective Home Education Survey. The survey was responded to by 118/152 local authorities. [Accessed via: [http://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_Analysis\\_2017\\_FINAL.pdf](http://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf)]

235 Ofsted, 2016, Alternative School Provision: Findings of a Three Year Survey [Accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

236 The Times, 2018, Schools Rated Outstanding not Inspected for a Decade [Accessed via: [www.thetimes.co.uk/article/schools-rated-outstanding-not-inspected-for-a-decade-xtch6v88h](http://www.thetimes.co.uk/article/schools-rated-outstanding-not-inspected-for-a-decade-xtch6v88h)]

because AP accommodates pupils with very complex circumstances, and it is very difficult to fully capture the intricacies of their needs and the extent to which these are being met. There is also a dearth of scientifically rigorous evaluation about which particular elements of AP programmes can be causally attributed to specific positive outcomes.<sup>237</sup> And APs cater for a wide range of different needs, which makes it hard to develop one overarching template of success.<sup>238</sup>

Some APs have taken it upon themselves to develop internal benchmarks of success, to gauge their own progress according to metrics they deem to be helpful. For instance, Tri-Borough Alternative Provision (TBAP) have devised a “Progress 5” measure which analyses five key metrics: academic progress (referring to baseline assessment when entering into AP); attendance and punctuality; enrichment and therapy; percentage impact of reading and numeracy interventions and progress in each; and behaviour. This ensures that academic progress is supplemented by a focus on the underlying issues that may affect a pupil’s school work. Every half-term, TBAP APs hold structured conversations about each individual’s Progress 5 score with his or her parents, with a view to setting suitable targets for the following weeks. This novel approach presents one alternative way of measuring success, which could, along with other similar initiatives, help inform further studies about what works.

Right to Succeed, an independent collective impact charity is also working in Blackpool, Doncaster, and North Belfast to consider collective solutions to reducing the risk of pupil exclusions. Based on the effective practice they have seen in the AP sector, they have developed a framework that gives experts the chance to build a more nuanced understanding of the factors that may have driven pupils’ disengagement with education. It includes a number of key principles, which together allow APs to demonstrate the progress pupils are making.

#### Principle 1: A focus on the whole child

APs are more likely than their mainstream counterparts to accommodate pupils with greater barriers to learning. They must be able to identify a broad range of key causal influences – including, for example, ambitions, social and emotional skills, functional skills, physical health (for example, fitness, sleep, diet, agility, balance and coordination), cognitive ability, higher and lower order skills, metacognitive ability, and knowledge.

#### Principle 2: Agreeing goals with pupils and their families/carers

APs are more likely than mainstream schools to have smaller pupil to staff ratios, and can therefore offer more tailored support. Because some of the elements associated with principle 1 above are intrinsically connected to the home environment, APs form partnerships with pupils and parents/guardians, and use these to agree personalised targets to inform educational progress. Specific goals might include ways in which families/carers might support cognitive development (such as speech, language, and communication) through reading, homework or extra-curricular activities.

<sup>237</sup> Tate and Greatbatch, 2017, Alternative Provision: Effective Practice and Post 16 Transition, pg 19 [Accessed via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585550/Alternative\\_provision\\_effective\\_practice\\_and\\_post-16\\_transition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/585550/Alternative_provision_effective_practice_and_post-16_transition.pdf)]

<sup>238</sup> Ibid

### Principle 3: A strong diagnostic baseline and regular assessment of progress

APs are likely to receive pupils who are between Key Stages. In this context, progress measures used in mainstream schooling are unlikely to be suitable. APs should, therefore, carry out baseline assessments when pupils join, both to capture the key metrics outlined in principle 1 and to agree a support plan (as per principle 2 above); it is from this point of reference that relative progress can be measured.

### Principle 4: Robust, standardised measures where feasible

Where it is possible to introduce them, standardised measures allow APs to assess pupils' progress relative to the overall school population, which provides an additional layer of insight into pupils' development.

In their respective ways, the frameworks we outline above seek to address not only the academic output of pupils but also the root causes of their disengagement with education. They include innovative measures of progress – not only of the academic ability of pupils concerned, but also in relation to other factors that have a significant impact on pupils' lives. In doing so, they look beyond the school gates to better understand what ancillary factors might shape progress. Both frameworks illustrate the complex array of factors that must be assessed if we are to truly understand whether providers are making progress.

#### Recommendation 20

The DfE should work with experts in the AP to sector to develop a new performance framework that better suits the intricacies and challenges faced by providers in this sector. Some APs have started to develop their own internal benchmarks of success, which provide a valuable platform upon which to develop such a framework. The Department should build on this by commissioning research to grow the evidence base regarding what effective AP looks like; it should use this, along with the evidence that is available from providers, to inform its design.

## 4.7 The AP sector needs supply-side stimulus in areas of need

The proposals we outline in section 3.1 of this report would help drive more competition in the AP market as schools become more discerning in their choice of AP. However, in areas where the quality of AP is very low, the Government should supplement these measures with supply-side stimulus by encouraging market entry from top quality providers.

Once it has identified areas in the country that most urgently need good quality AP, the DfE should:

- direct a substantial portion of the free schools budget to new AP free schools in those areas; and
- create an AP Improvement Investment Fund, to be concentrated in those areas, in partnership with social investors.

## Recommendation 21

Free schools demonstrate the formative, positive role that innovation has in the education sector, driving up standards and improving educational outcomes. They have performed very strongly in the maintained sector. And their transformative potential is also clear to see in the AP sector, as the case studies of AP free schools we have outlined in this report demonstrate.

There is, as we have highlighted, a strong case to invest in good quality AP in areas of need. The Government should direct a substantial portion of the free schools budget to new APs in those areas, to help start meeting this need.

## Recommendation 22

We recognise that the government is currently working within a tight budgetary framework, and that this could restrict the number of new AP free schools it is able to commit to. We would not want this to temper the supply of good quality AP if there were a need to go above and beyond what could be delivered through a new wave of free schools.

The DfE should, therefore, also introduce an additional model to supplement this initial offering. The creation of an AP Improvement Investment Fund (option b) would be a partnership with third sector providers and social investors. In this model, DfE (or someone on their behalf) would seek third sector providers willing to open new AP in the areas of need and provide a small amount of development funding.

Social investors would put in the rest of the up-front money needed to get the new AP up and running. The DfE would commit to paying out a set sum per pupil, but crucially only if the provision met a pre-agreed quality or outcome standard. In this context, the risk around quality would, appropriately, sit with the provider and the social investors, and the up-front cost to taxpayers would be lower. As DfE would have transferred this performance risk, they could give the provider fewer specific requirements and more freedom to innovate and improve.

## 4.8 Many APs face acute recruitment challenges and need urgent support

Regardless of how we end up measuring good AP, we know that good teaching will always play a strong part in driving positive outcomes. It is well established that good teaching is one of the most powerful determinants of good educational progress, particularly for disadvantaged pupils<sup>239</sup> who, as we have outlined in this report, are disproportionately more likely to be excluded from mainstream education.

Teachers in AP also need to have the knowledge and skills to support pupils with complex needs. Much of the literature, for instance, emphasises the need for providers to adjust and personalise their teaching for AP pupils, many of whom will face complicated personal challenges that differ in each case. For example, in a qualitative study of pupils with Social, Emotional or Behavioural Difficulties (SEBD) in two pupil referral units, Michael and Frederickson demonstrated the negative effect that inflexible, template approaches can have on learning and outcomes.<sup>240</sup> In another report, the Institute of Education and NFER emphasised the importance of identifying specific needs and flexibility when supporting looked after children, many of whom have been out of education for some time, have deeply troubling backstories, and need a lot of extra support.<sup>241</sup>

A number of studies also show that teachers in AP must be able to form positive relationships with their pupils, which is often not straightforward given the experiences these pupils have had. According to a study by Michael and Frederickson, this alone is the most powerful catalyst for positive outcomes in pupil referral units, measured both in academic and socio-emotional terms.<sup>242</sup> A NFER study about AP pupils with SEN in five local authority areas found that AP was successful when it achieved “a shared ethos to focus on the individual needs and interests of learners”, while other effective characteristics included “the ambience and environment” and “high quality staffing.”<sup>243</sup> Other studies show that building positive rapports with pupils helps them develop a sense of identity and social skills, which in turn supports personal development and raises their chances of successfully navigating their paths post-AP.<sup>244</sup>

All of this requires a strong and multifaceted skills set, and it is imperative that APs have at their disposal enough teachers who are qualified to do the job.

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239 Sutton Trust, 2014, What makes great teaching? Review of underpinning research [Accessed via: [www.suttontrust.com/wp-content/uploads/2014/10/What-Makes-Great-Teaching-REPORT.pdf](http://www.suttontrust.com/wp-content/uploads/2014/10/What-Makes-Great-Teaching-REPORT.pdf)]

240 Siobhan Michael & Norah Frederickson, 2013, Improving pupil referral unit outcomes: pupil perspectives, *Emotional and Behavioural Difficulties*, 18:4, 407–422 [Accessed via: [www.tandfonline.com/doi/abs/10.1080/13632752.2013.801112](http://www.tandfonline.com/doi/abs/10.1080/13632752.2013.801112)]

241 DfE, 2014, School Exclusion Trial Evaluation, Research Report [Accessed via: [www.nfer.ac.uk/media/1592/apsr01.pdf](http://www.nfer.ac.uk/media/1592/apsr01.pdf)]

242 Siobhan Michael & Norah Frederickson, 2013, Improving pupil referral unit outcomes: pupil perspectives, *Emotional and Behavioural Difficulties*, 18:4, 407–422 [Accessed via: [www.tandfonline.com/doi/abs/10.1080/13632752.2013.801112](http://www.tandfonline.com/doi/abs/10.1080/13632752.2013.801112)]

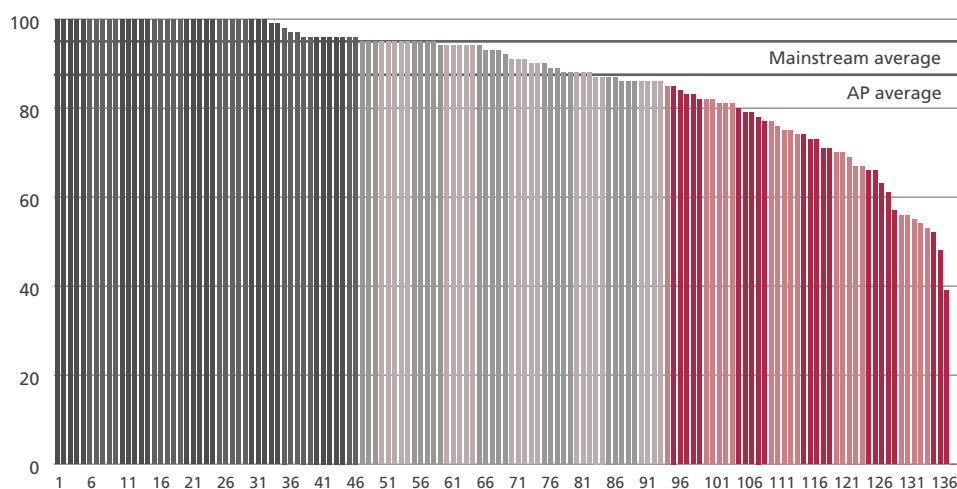
243 Martin, Kerry; White, Richard, 2012, *Alternative Provision for Young People with Special Educational Needs* [Accessed via: [www.nfer.ac.uk/publications/APSNO2/APSNO2.pdf](http://www.nfer.ac.uk/publications/APSNO2/APSNO2.pdf)]

244 Thomson and Pennacchia, 2014, What's the Alternative? Effective Support for Young People Disengaging from Mainstream Education, pg 23 [Accessed via: <https://alternativeducationresearch.files.wordpress.com/2014/10/education-report-final-14th-october-2014.pdf>]

In this context, it is concerning that some APs are not delivering. Some of these problems were well documented in a three-year study by Ofsted of the use of 448 off-site APs,<sup>245</sup> which highlighted a range of teaching and leadership issues. In some cases, its concerns related to safety and wellbeing, highlighting that teachers had not had any formal child protection training. The same study noted concerns regarding educational development. It reported that “[t]oo often, the alternative providers themselves lacked systematic methods of monitoring and evaluating pupils’ wider qualities and where they did, these did not match the systems used by schools.”<sup>246</sup> Some APs had been found to teach an overly narrow curriculum; in almost 10 per cent of cases there were “substantial gaps in some pupils’ timetables... with insufficient provision for English and mathematics, or timetables that included these subjects but were too narrowly focused on a very few activities across each week”,<sup>247</sup> and in 15 per cent of cases, APs offered no clear post-16 transitional pathways. In addition, a separate study by Thompson and Pennacchia raised concerns about the lack of advanced training in special educational needs teachers receive in some sites, and found that some staff had an underdeveloped understanding of the norms of academic attainment in mainstream schools.<sup>248</sup>

It is also concerning that many APs struggle to recruit qualified teachers. One in eight teachers in state-funded AP is unqualified compared to one in twenty in all schools.<sup>249</sup> In some parts of the country, this recruitment challenge is much greater than in others, as Figure 26 illustrates. And Figure 26 maps local authority areas where the rate of qualified teachers is lowest.

Figure 25: % qualified teachers in AP, England/variation by local authority (2016)



CSJ analysis of DfE statistics<sup>250</sup>

245 Ofsted, 2016, *Alternative School Provision: findings of a three year survey* [accessed via: [www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey](http://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey)]

246 Ibid, p 30

247 Ibid, p 5

248 Thomson and Pennacchia, 2014, *What's the Alternative? Effective Support for Young People Disengaging from Mainstream Education*, Pg 24 [Accessed via: <https://alternateducationresearch.files.wordpress.com/2014/10/education-report-final-14th-october-2014.pdf>]

249 Department for Education (2017) *School Workforce in England: November 2016*, Underlying data [Accessed via: [www.gov.uk/government/statistics/school-workforce-in-england-november-2016](http://www.gov.uk/government/statistics/school-workforce-in-england-november-2016)]

250 Ibid

Figure 26: Local authority areas where APs have the lowest % of qualified teachers (2016)



CSJ analysis of DfE statistics<sup>251</sup>

### Recommendation 23

The DfE should urgently review the teaching landscape in state-maintained AP, with a view to identifying areas of most prominent need and improving recruitment in those areas. It could do this, for instance, by investing in specific support programmes to boost recruitment and professional development in APs, or by introducing student loan right-offs for teachers working in areas where there is a need to recruit qualified teachers into APs. It should also reserve a portion of the MAT Development and Improvement Fund to encourage the expansion of successful MATs with a demonstrable record of running APs in areas of need. And it should develop dedicated AP staff networks to share good practice.





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