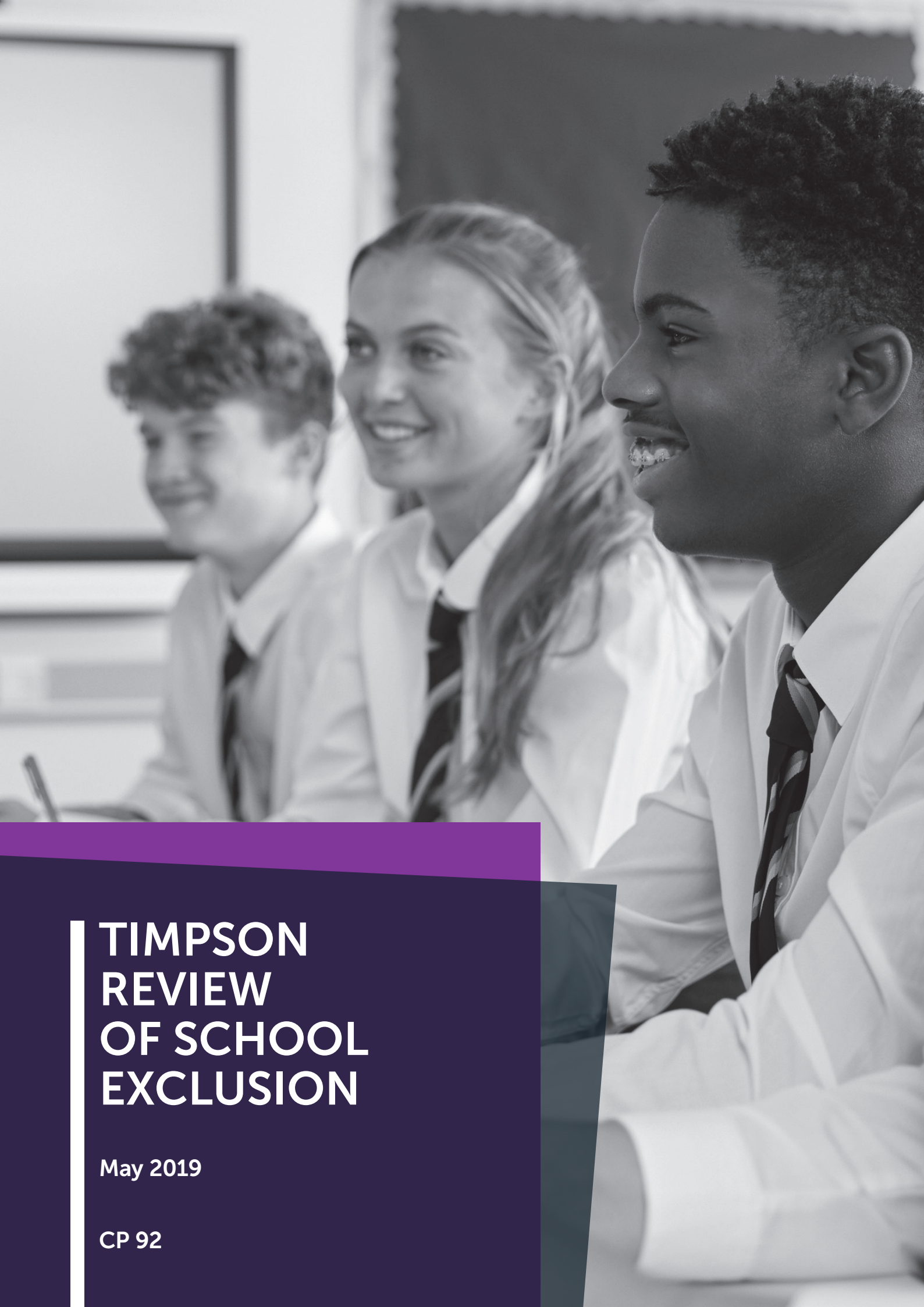




TIMPSON REVIEW OF SCHOOL EXCLUSION

May 2019

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TIMPSON REVIEW OF SCHOOL EXCLUSION

Presented to Parliament
by the Secretary of State for Education
by Command of Her Majesty

May 2019



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Foreword



In March 2018, I was commissioned to review school exclusion by the Secretary of State for Education, the Rt Hon Damian Hinds MP.¹ This followed the Prime Minister's announcement that the government would commission

a review of exclusion practice, to explore how head teachers use exclusion in practice, and why some groups of pupils are more likely to be excluded.²

I am grateful to all those who have taken the time to contribute to this review, including nearly 1,000 people who responded to my call for evidence, and over 100 organisations and individuals I visited or met with, including schools, local authorities, parents, carers and children. I want also to thank experts from across the education system, school and local authority leaders, and other practitioners who advised me as part of my reference group; the teacher and head teacher unions; Anne Longfield OBE, the Children's Commissioner for England; and Amanda Spielman, Her Majesty's Chief Inspector, among others, all of whom have shared with me their insight, reflections and proposals. Their collective input has ensured this report incorporates not only my own views, but also the expertise and experience of those working in our schools and with children and their families.

Schools must be calm and safe places, and it is right that we fully support head teachers in using exclusion where this is appropriate. Head teachers considering exclusion have a tough choice to make, having to weigh the profound implications that it can have on a young person's life with the interests and needs of pupils and staff in the wider school community. We must support school leaders in this difficult task, whilst making sure no child gets left behind.

My review has identified excellent practice across the school system. However, it has also found too much variation in exclusion practice and concludes there is more we can do to ensure that every exclusion is lawful, reasonable and fair; and that permanent exclusion is always a last resort, used only where nothing else will do.

In response, I have made a number of recommendations that seek to ensure that exclusion is used consistently and appropriately, and that enable our schools system to create the best possible conditions for every child to thrive and progress. After all, that is what teachers, parents and children themselves tell me they want too.

A handwritten signature in blue ink, reading 'Edward Timpson'.

Edward Timpson CBE
May 2019

Executive Summary

No parent sends their child to school believing they will be excluded. Similarly, no teacher starts their career wanting anything other than to help children achieve their potential. While permanent exclusion is a rare event – 0.1% of the 8 million children in schools in England were permanently excluded in 2016/17 – this still means an average of 40 every day. A further average of 2,000 pupils are excluded for a fixed period each day.³

I was asked to conduct a review of school exclusion by the Secretary of State for Education, the Rt Hon Damian Hinds MP, in March 2018. This followed the Prime Minister's announcement⁴ that the government would commission a review of school exclusion, to explore how head teachers use exclusion in practice, and why some groups of children are more likely to be excluded, including Children in Need, those with special educational needs (SEN), children who have been supported by social care, are eligible for free school meals (FSM) or are from particular ethnic groups.

DfE statutory guidance on exclusion says:

- Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds
- A pupil may be excluded for one or more **fixed periods** (up to a maximum of 45 school days in a single academic year), or **permanently**
- Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- The decision to exclude a pupil must be lawful, reasonable and fair

The terms of reference for this review did not include examining the powers head teachers have to exclude. It is the right of every head teacher to enable their staff to teach in a calm and safe school, just as it is the right of every child to benefit from a high-quality education that supports them to fulfil their potential. It is clear that the task teachers have

in managing behaviour is a tough one, and we must support teachers to deal effectively with poor and disruptive behaviour by equipping them with the right tools to achieve this task. That is in the interest of both teachers and pupils in every school.

Through the review, it is clear that the variation in how exclusion is used goes beyond the influence of local context, and that there is more that can be done to ensure that exclusion is always used consistently and fairly, and that permanent exclusion is always a last resort, used only where nothing else will do. Exclusion – both fixed period and permanent – is an important tool for head teachers as part of an effective approach to behaviour management. However, there is more we can do to support schools to understand and respond to individual children – particularly children with SEN, Children in Need of additional help and protection and children who are disadvantaged – who may need additional support, and who might otherwise find themselves at risk of exclusion. We must also take the necessary steps to ensure exclusion from school does not mean exclusion from education, so that all children are getting the education they deserve.

The findings and recommendations in this review are underpinned by the following key principles:

- every child, regardless of their characteristics, needs or the type of school they attend, deserves a high-quality education that allows them to flourish and paves the way to a successful future
- we should expect schools consistently to have the right systems in place and teachers to have the right skills to manage poor behaviour and provide support where children need it – but we must equip them with the right tools, capability and capacity to deliver against this expectation
- schools must be calm and safe environments and it is right that we support head teachers to establish strong school behaviour cultures, including by making use of exclusion where appropriate
- there is no optimum rate or number of exclusions – exclusion rates must be considered in the context in which the decisions to exclude are made. A higher rate of exclusion may reflect local context and be a sign of effective leadership in

one school, whilst in others a lower exclusion rate may signal strong early intervention strategies that have been put in place. In contrast, higher rates of exclusion could demonstrate schools not putting in place effective interventions for children at risk of exclusion, and indeed lower rates could be indicative of children being pushed out of school without the proper processes being followed

- alongside considering the best interests of the wider school community, head teachers, with the support of their staff, should make decisions about how to address poor behaviour, based on their knowledge of individual children and what specific support, interventions or sanctions are needed
- schools must be places that are welcoming and respectful, where every child has the opportunity to succeed. To ensure this is the case, they should understand how their policies impact differently on pupils depending on their protected characteristics, such as disability or race, and should give particular consideration to

the fair treatment of pupils from groups who are vulnerable to exclusion

- it cannot be the job of schools alone to take action to understand and address the complex underlying needs that children may have
- we should not accept that exclusion comes at the cost of a child getting a good education

This review sets out how we can improve the standards in schools for every child, creating the conditions in which we can be confident that schools have the support they need to ensure that every decision to exclude is lawful, reasonable and fair.

Why and how often do schools exclude

Following many years of decline in use, rates of both fixed period and permanent exclusion have risen since 2013/14. However, exclusion rates are not exceptionally high by historic standards – the rate and number of permanent exclusion is lower than in 2006/07, when comparable records began, and have not reached the levels reported in the late 1990s and early-mid 2000s (figures 1 and 2).

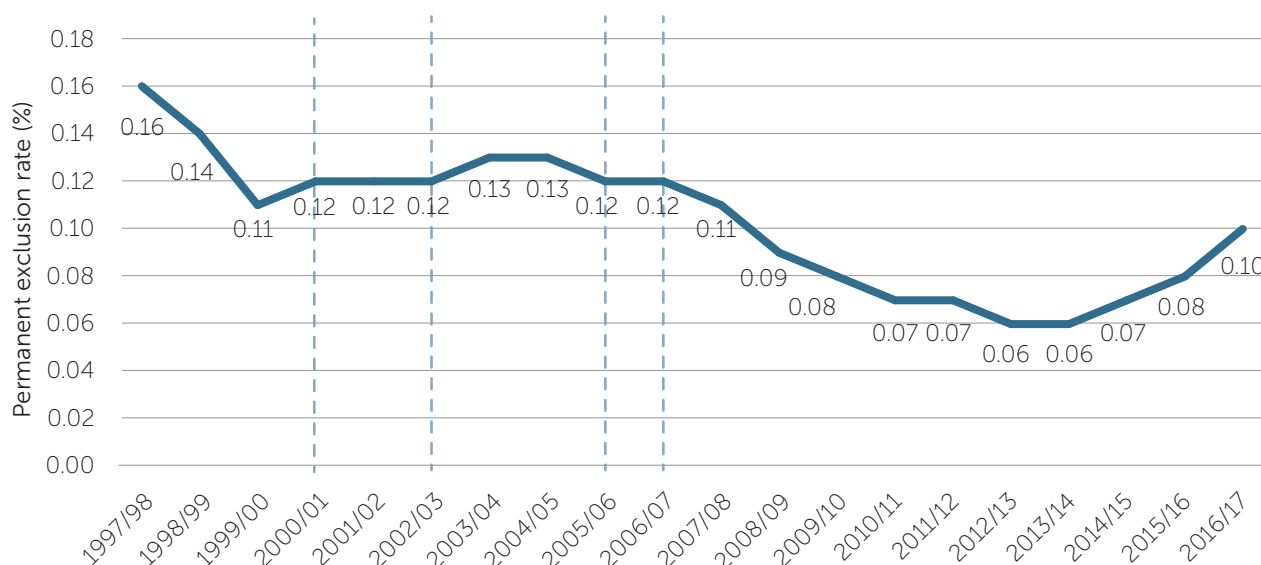


Figure 1: Permanent exclusion time series for all state-funded primary, secondary and special schools. (Changes in methodology marked as dashed lines mean this is not a continuous time series⁵)

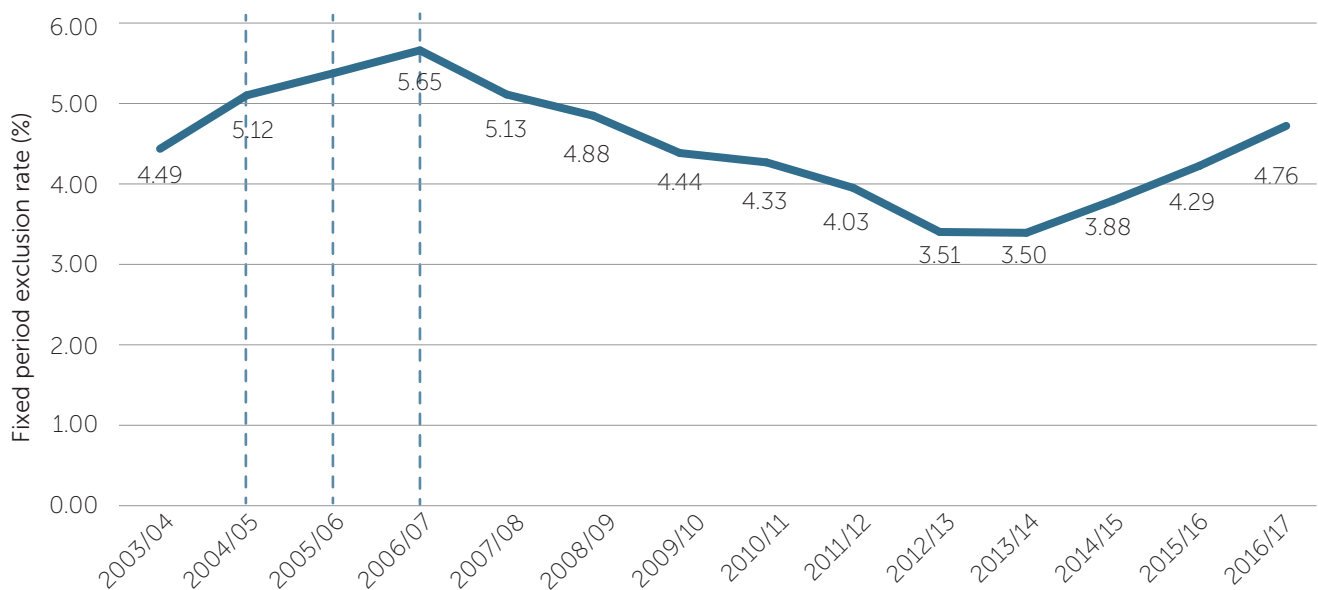


Figure 2: Fixed period exclusion time series for all state-funded primary, secondary and special schools. (Changes in methodology marked as dashed lines mean this is not a continuous time series⁶)

Source: <https://www.gov.uk/government/collections/statistics-exclusions>

The roots of challenging behaviour have long been debated by educational experts, and the debate can sometimes become deeply polarised. At one end are those who see challenging behaviour as either a choice or the inevitable consequence of a lack of boundaries and, at the other, are those who perceive it as the communication of unmet needs. The truth is, as ever, more complex, which is why this report covers both the need for effective behaviour management in schools (to establish and maintain high expectations) and the need to understand and respond to individual children (so they are supported to meet those expectations).

Whatever lies behind poor behaviour, schools need to be places where children learn and the school workforce can teach, without disruption. A report by Policy Exchange found the impact of poor behaviour on those working in our schools is profound: almost two-thirds of teachers are currently considering, or have previously considered, leaving the profession because of poor behaviour.⁷ At worst, poor behaviour can put teachers at risk, as evidenced by the 745 permanent exclusions and 26,695 fixed period exclusions for physical assault against an adult issued in 2016/17.⁸ We cannot expect this kind of behaviour to be tolerated in our schools, and we should support head teachers in developing and delivering effective cultures, systems and strategies to manage behaviour.

While others have produced more thorough reviews of behaviour and its effective management than this review was asked or attempts to do, it is important to recognise the necessity of well-ordered environments that promote positive behaviour. Not only those in schools, but parents, carers and pupils reiterate how important this is. Pupils who took part in research for this review often supported the use of exclusion – one commented: *“People don’t have to sacrifice their learning time because of someone else’s actions”*.⁹ Similarly, schools have pointed out the value of effectively tackling poor behaviour for all children with one teacher noting, *“it is not inclusive to have one child severely disrupt the education of twenty-nine others in the class”*.

Outcomes of excluded children

While exclusion is an important component of effective behaviour management in schools, outcomes of excluded children are often poor. It is therefore right that head teachers carefully consider when this is the right choice or if there are other, more effective, ways to address the underlying causes and put in place the support a child may need to improve their behaviour, without the need to exclude.

New analysis of those reaching the end of Key Stage 4 in 2015/16 shows just 7% of children who were permanently excluded and 18% of children who

received multiple fixed period exclusions went on to achieve good passes in English and maths GCSEs, qualifications that are essential to succeeding in adult life.¹⁰

These children may have many other characteristics that could lead to poor attainment, or poor behaviour itself may be a factor, so these findings do not imply that exclusion is the root cause of low attainment (or vice versa). However, many parents and carers of excluded children who spoke to this review highlighted the disruption poorly managed exclusion can create for children. I have also heard and seen that the education they go on to receive is too often not of the standard they would have had in mainstream schools. Despite the dedication of many settings that offer education after exclusion, there is much variation in the quality of the offer within alternative provision (AP), with not enough support to attract high-quality subject specialist staff, invest in good facilities or remove the stigma attached to being educated in these settings. Overall, children who are educated in AP – many of whom will have been excluded – do much worse than their peers. While the factors leading to exclusion can contribute to the low attainment of these children, we should not accept that just 4.5% of pupils educated in AP achieve a good pass in English and maths GCSEs in 2016/17.¹¹

The available evidence also suggests that excluded children have worse trajectories in the long term. Over one third of children who completed Key Stage 4 in AP go on to be NEET (not in education, employment or training).¹² Exclusion is a marker for being at higher risk of becoming a victim or perpetrator of crime¹³ – 23% of young offenders sentenced to less than 12 months in custody, in 2014, had been permanently excluded from school prior to their sentence date.¹⁴ However, it would be wrong to suggest that we have evidence that exclusion of any kind *causes* crime or that preventing the use of exclusion would, in itself, prevent crime. There are many factors that may lead a child to becoming involved in criminal activity, and for some children these factors may well have been the cause for them to have been excluded from school. However, it is right to recognise exclusion as one indicator, among others, of a higher risk of exposure to and involvement in crime, and we should therefore fully consider the form and content of the education a child receives following exclusion, in efforts to prevent and tackle serious violence.

Evidence seen by this review

This review has sought to move on the often emotive and incendiary discussion about exclusion, drawing on a broad evidence base. It is, therefore, informed by research and new analysis as well as detailed and extensive consultation with those in the schools system, parents whose children have been excluded, children and young people themselves, schools, local authorities (LAs) and other organisations.

- the review began with a call for evidence which received almost 1,000 responses. The majority of these were from parents of excluded children, but they also came from young people, carers, schools, teachers, LAs, and other interested individuals and organisations who shared their experiences and views on exclusion
- my team and I undertook over 100 fieldwork visits to schools of all types and phases, LAs, parent groups and charities. This included extensive and in-depth discussions in eight LAs, made up of four pairs of areas 'matched' using Department for Education (DfE) data because they shared characteristics including: their size, whether they were urban or rural, characteristics of pupils (such as levels of SEN and numbers of looked after children), the make-up of schools (that is, the proportion that were academies), and the proportion rated good or outstanding by Ofsted, but they differed in their rates of exclusion. Discussions with schools, LAs and others in these areas allowed the review to understand how practice drove the use of both fixed period and permanent exclusion
- I have met a range of leaders and experts from across the school system and established a reference group to provide expertise on exclusion and behaviour, as well as perspectives of pupils more likely to be excluded (membership listed in annex E)
- I have chaired a series of roundtable discussions with practitioners, leaders, charities, academics and others. As well as two cross-cutting sessions on behaviour in schools and the academic evidence on exclusion, I chaired a series of discussions focusing on those groups most likely to be excluded: children with special educational needs and/or a disability (SEND), those who have been supported by social care, and children from ethnic groups that are more likely to be excluded
- the children's charity Coram undertook research gathering the voices and perspectives of parents

and carers whose children had experienced exclusion, as well as the views of children on exclusion generally, regardless of whether or not they have personal experience of it¹⁵

- finally, I commissioned new analysis of existing exclusion data to examine whether individual characteristics, including a young person's ethnicity, are statistically associated with whether or not they are excluded¹⁶ and a literature review on groups more likely to be excluded,¹⁷ to aid understanding of the academic evidence base on this issue

Practice and use of exclusion

Extensive consultation with parents, schools and LAs has illustrated variations in exclusion practice. These differences are reflected in published exclusion data¹⁸:

- in 2016/17, 54% of the total number of permanent exclusions were in the quarter of highest excluding LAs, and only 6% in the quarter that excluded the fewest
- over 17,000 mainstream schools (85% of all mainstream schools in England) issued no permanent exclusions in 2016/17. 94% of all state-funded primary schools and 43% of all state-funded secondary schools did not issue any permanent exclusions, but 0.2% of schools (47 schools, all of which are secondary schools) issued more than 10 in the same year
- rates of fixed period exclusion also vary across LAs, ranging from 0.0% to 21.42% and, at a school level, just under half (43%) of mainstream schools used none at all, while 38 schools issued over 500 each in a single year

Of course, schools face very different challenges, but it is clear from this review that the differences in exclusion rates, both fixed period and permanent, are driven both by issues of place (the particular challenges in an area, such as levels of deprivation or gang activity) and policy and practice (the particular means of managing behaviour and thresholds for using exclusion). This range of practice leads not only to differences in when exclusion is used, but to differences in how effectively it is used. In some cases, this can lead to children being excluded who could and should remain in mainstream school with the right support, and others where children remain in school where exclusion would be a fair and appropriate decision that would allow others to learn.

In using exclusion to tackle poor behaviour, exclusion can also help a child understand the impact of their behaviour and change course, or can trigger new support or a placement in high-quality AP that will give them the scaffolding they need to achieve their potential. While it can be an effective intervention, it must be used well to deliver the right impact. It is, of course, inevitable and entirely appropriate that there are some differences in culture between schools, including in how they approach behaviour management and assessing and providing for children who need more support, not least because the pupils at each school will be different. It is therefore natural that there will also be some differences in how and when exclusion is used. However, this review sets out the evidence that variation in how exclusion is used goes beyond the local context, and there is more that can be done to ensure it is used more consistently and appropriately.

Children more likely to be excluded

As well as differences in how schools use exclusion, there are longstanding trends that show exclusion rates vary between pupils with different characteristics. Children with some types of SEN, boys, those who have been supported by social care or are disadvantaged are all consistently more likely to be excluded from school than those without these characteristics. Exclusion rates also vary by ethnicity.

As part of this review, I have commissioned additional analysis of DfE data to provide greater insights into the role particular characteristics play in a child's likelihood of being excluded.¹⁹ The purpose of this analysis was to see to what extent higher rates of exclusion in some groups can be explained by other overlapping factors: that is to say, for example, whether or not children from some ethnic groups are more likely to have other characteristics associated with higher rates of exclusion, such as coming from a disadvantaged background, or having identified SEN. The analysis sought to isolate the association between likelihood of exclusion and particular characteristics, controlling for other factors on which the DfE has data.

This analysis reveals a complex picture. In relation to ethnicity, some ethnic groups are associated with a lower likelihood of being permanently excluded, including Bangladeshi and Indian children who are around half as likely to be excluded as White British children. Children from other ethnic groups are more likely to experience exclusion, in particular

Black Caribbean and Mixed White and Black Caribbean pupils.²⁰

There are also other characteristics closely associated with exclusion, including children with SEN, those receiving support from social care and gender. The analysis produced for this review shows that 78% of permanent exclusions issued were to pupils who either had SEN, were classified as in need²¹ or were eligible for free school meals. 11% of permanent exclusions were to pupils who had all three characteristics.

The analysis also finds that children who have several of these characteristics have a multiplied risk of exclusion. Take Nathan and Rachel, two fictional children created from the data. Rachel is a Black African girl who does not have SEN. She is not from a disadvantaged background and lives in an affluent area. She had good attendance at primary school and attained average results. She attends a secondary maintained school in London, which does not often use exclusion. Rachel has a 0.3% chance of being permanently excluded at some point in her secondary school life, and an 11% chance of being excluded for a fixed period.

Nathan, like Rachel, had good attendance at primary school with average results. He also attends a maintained school in London, which does not often exclude. Nathan is a Black Caribbean boy who has an EHC plan because of his moderate learning difficulty. He is from a disadvantaged family and lives in a deprived area. His chance of being permanently excluded at some point in his secondary school career is 2.3%, and his chance of receiving a fixed period exclusion is 58%. While there may be other factors impacting Nathan's behaviour and chances of exclusion that lie outside of these characteristics, the differences between Nathan and Rachel's likelihood of exclusion are notable.

While drawing firm conclusions on why individual characteristics impact the likelihood of exclusion is difficult, the data is clear that there are certain groups of children who may already be facing significant challenges in their lives outside of school, who are most likely to be excluded.

The evidence gathered for this review indicates that there are a range of interwoven, local factors that give rise to these differences in rates. Some are in-school factors (policy and practice in schools and the wider education system) while others are out-of-school factors, both those related to place such as high levels of poverty or substance abuse in the community, and those related to the child and family's individual circumstances, such as the effect of trauma in early life. However, the proportionate impact of both in- and out-of-school factors is likely to be uniquely balanced, with some drawing more from one than the other.

It is not the job of schools alone to help children overcome the wider challenges they may face in their lives. However, the best schools know the children in their schools and the interventions that will prove most effective for them. We should support all schools to work with other schools, LAs and local partners in their area to understand what is driving local trends, and to use that understanding to properly plan and provide the right support for those children at greater risk of exclusion. This report makes recommendations to support schools and local leaders in achieving this.

Exclusion in all but name

There is concerning evidence that some children have been made to leave their school without access to the formal exclusion process and the structure and safeguards this provides, including the processes it triggers to ensure suitable alternative education is in place from the sixth day of their exclusion.

Some children are sent home from school for a period of time with no exclusion being recorded, referred to in this report as informal exclusion. Other children are told or made to leave their school altogether without the right processes being followed.

There are times when a child is taken off the school roll for legitimate reasons, such as if they have moved out of the area or because their parents have independently chosen to home educate them. However, there are children who are made to leave their school and are removed from the school roll without a formal permanent exclusion or by the school encouraging the parents to remove their child from the school, which is done in the school's interests, and at the school's request. This practice is referred to from here onwards as 'off-rolling'.

Growing concerns around off-rolling, and indeed reports of specific cases where it has occurred, have been raised by teachers,²² the Chief Schools Adjudicator,²³ the Children's Commissioner,²⁴ and Her Majesty's Chief Inspector.²⁵

These views were reinforced by what this review has seen and heard. As well as anecdotal reports and accounts of off-rolling from parents and carers, teachers and LAs, one head teacher who spoke to this review reported that off-rolling took place in his own school. There is a clear need for the government to do more to understand the scale of this problem and the impact it is having on those involved, but from the cases seen, it is apparent that there are some children who end up in unsuitable education or with no education at all, exposed to even greater risks.

Neither informal exclusion nor off-rolling are exclusion and they should not be conflated with schools following the proper exclusion process. They are quite simply wrong. And while no parent wants to see their child excluded from school, where a child is asked to leave, formal exclusion provides a process for review and, crucially, triggers duties that ensures a child is offered education elsewhere. In such a context, tackling this rare but unacceptable practice could result in a rise in formal exclusion, as they would no longer be hidden from scrutiny and due process. Putting all formal exclusions that have gone through the proper processes above the table in this way should be seen as positive progress.

What drives current practice

Where exclusion is used ineffectively or circumvented altogether, the review has identified four fundamental drivers of practice:

- differences in **leadership**, which lead to too much variation in the culture and standards set within schools and how staff deliver them. Put simply, what will get a child excluded in one school may not be seen as grounds for exclusion in another. This means there are children who are excluded, both for a fixed period and permanently, who would not be elsewhere, and others whose disruptive behaviour is allowed to persist at the cost of the education, or even safety, of other children. Similarly, there are differences in how LAs perceive and deliver leadership for schools and services to work together, that result in disparity in the support schools receive
- too much variation in, or lack of, consistent systems, capability and capacity in schools to understand and manage poor behaviour and support additional needs, which leads to some feeling they are not **equipped** to manage disruptive behaviour, to offer early help or put in place alternatives to exclusion where this delivers better outcomes for the child involved within the context of a well-managed school
- while the vast majority of schools are motivated by doing the best for all pupils, the current performance and funding system does not **incentivise** or reward schools for taking responsibility for the needs of all children and using permanent exclusion only when nothing else will do. It cannot be right to have a system where some schools could stand to improve their performance and finances through exclusion, but do not have to bear the cost of expensive non-mainstream provision these children then attend, nor be held accountable for the outcomes of the children they permanently exclude
- lack of **safeguards** that protect children against informal exclusion and also off-rolling where this exists that, at its worst, can see some children pushed out of education altogether and exposed to potential safeguarding risks, as well as too little protection against the same children receiving multiple fixed period exclusions that can see them lose long periods of education

There are many examples of excellent practice in schools and local areas, who model effective practice and show what is possible. This ranges from schools who have established on-site units staffed by experienced teachers and support staff, who give respite to classroom teachers and are skilled at intervening to address poor behaviour, to schools that work with others to deliver support and interventions. This can include working with other schools or the LA to run transition programmes for children who may struggle with the move from primary to secondary school, or commissioning high-quality AP to offer part-time, bespoke packages to re-engage children in their education, based on an activity that sparks interest in them. As well as putting in place the right interventions for individual children, this review has also seen how the best schools work with each other and with local services to take collective responsibility for planning the right provision for children in their area, and taking responsibility for ensuring all children are safe and in education.

While there is impressive practice in the system, which this review highlights, it concludes that systemic improvement is required, and puts forward a vision for reforming practice built on four key pillars: a system that delivers ambitious **leadership** for every child at all levels; better **equipped** schools able to meet those expectations; the right **incentives** so that schools are clearly recognised for inclusive practice and using exclusion appropriately; and stronger **safeguards** to ensure that no child is being inappropriately pushed out of school or education altogether. Taken together, the recommendations set out below aim to improve the standards in schools for every child, creating the conditions in which we can be confident that schools have the support they need to ensure every decision to exclude is lawful, reasonable and fair.

Ambitious leadership: setting high expectations for every child

We must back head teachers to create strong school cultures that deliver the best outcomes for every child. To do this, we must ensure schools have the support and capability to set clear and high expectations of behaviour and outcomes for all children, as well as to put in place the support that individual children may need to meet these. As well as considering how schools lead, it is also important to think about who leads in schools, to ensure that there are positive role models for all children in every school. To help school leaders achieve this, this review recommends that:

1. DfE should update statutory guidance on exclusion to provide more clarity on the use of exclusion. DfE should also ensure all relevant, overlapping guidance (including behaviour management, exclusion, mental health and behaviour, guidance on the role of the designated teacher for looked after and previously looked after children and the SEND Code of Practice) is clear, accessible and consistent in its messages to help schools manage additional needs, create positive behaviour cultures, make reasonable adjustments under the Equality Act 2010 and use exclusion only as last resort, when nothing else will do. Guidance should also include information on robust and well-evidenced strategies that will support schools embedding this in practice. (Page 60)

2. DfE should set the expectation that schools and LAs work together and, in doing so, should clarify the powers of LAs to act as advocates for vulnerable children, working with mainstream, special and AP schools and other partners to support children with additional needs or who are at risk of leaving their school, by exclusion or otherwise. LAs should be enabled to facilitate and convene meaningful local forums that all schools are expected to attend, which meet regularly, share best practice and take responsibility for collecting and reviewing data on pupil needs and moves, and for planning and funding local AP provision, including early intervention for children at risk of exclusion. (Page 63)
3. DfE should ensure there is well-evidenced, meaningful and accessible training and support for new and existing school leaders to develop, embed and maintain positive behaviour cultures. The £10 million investment in supporting school behaviour practice should enable leaders to share practical information on behaviour management strategies, including how to develop and embed a good understanding of how underlying needs can drive behaviour, into their culture. It should also facilitate peer support, where school leaders have the opportunity to learn from high-performing leaders who have a track record in this area. (Page 63)
4. DfE should extend funding to equality and diversity hubs (an initiative to increase the diversity of senior leadership teams in England's schools through training and support for underrepresented groups) beyond the current spending review period and at a level that widens their reach and impact. (Page 64)

Equipping: giving schools the skills and capacity to deliver

If we are to support schools to deliver effectively high standards for every child, we must ensure we invest in their skills and capability to identify needs, address poor behaviour and offer the right support where this is required. To support schools to do this effectively, this review makes the following recommendations:

5. To support the school workforce to have the knowledge and skills they need to manage behaviour and meet pupil needs, DfE should ensure that accessible, meaningful and substantive training on behaviour is a mandatory part of initial teacher training and is embedded in the Early Career Framework. This should include expert training on the underlying causes of poor behaviour (including attachment, trauma and speech, language and communication needs, among others), and strategies and tools to deal effectively with poor behaviour when this arises. (Page 68)
6. To ensure designated senior leads for mental health and Special Educational Needs Co-ordinators (SENCOs) are effective, DfE should:
 - review the training and support available to SENCOs to equip them to be effective in their operational and strategic role as SEND leaders
 - ensure the training designated senior leads receive includes a specific focus on attachment and trauma (Page 69)
7. DfE should strengthen guidance so that in-school units are always used constructively and are supported by good governance. (Page 70)
8. DfE should establish a Practice Improvement Fund of sufficient value, longevity and reach to support LAs, mainstream, special and AP schools to work together to establish effective systems to identify children in need of support and deliver good interventions for them. The fund should support effective partnership working to commission and fund AP and enable schools to create positive environments, target support effectively and provide the opportunity to share their best practice successfully. This should include developing best practice on areas including:
 - internal inclusion units
 - effective use of nurture groups and programmes
 - transition support at both standard and non-standard transition points and across all ages
 - approaches to engaging parents and carers
 - creating inclusive environments, especially for children from ethnic groups with higher rates of exclusion
 - proactive use of AP as an early intervention delivered in mainstream schools and through off-site placements (Page 74)
9. DfE should promote the role of AP in supporting mainstream and special schools to deliver effective intervention and recognise the best AP schools as teaching schools (and any equivalent successors), and actively facilitate the sharing of expertise between AP and the wider school system. (Page 76)
10. To ensure AP schools can attract the staff they need, DfE should take steps to:
 - ensure AP is both an attractive place to work and career choice, with high-quality staff well-equipped to provide the best possible academic and pastoral support for the children who need it most. DfE should consider ways to boost interest in and exposure to AP through new teacher training placement opportunities in AP
 - better understand and act upon the current challenges with the workforce in AP, by backing initiatives to support its development, in particular focusing on making sure there is action taken to develop and invest in high-quality inspirational leaders in AP who have the capacity to drive improvement across the school network (Page 76)
11. Alongside measures to improve the quality of AP, PRUs should be renamed to reflect their role as both schools and places to support children to overcome barriers to engaging in their education. (Page 77)
12. DfE should invest in significantly improving and expanding buildings and facilities for pupils who need AP. As a priority, DfE should carefully consider the right level of capital funding to achieve this, for the next spending review. (Page 78)
13. The government should continue to invest in approaches that build multi-disciplinary teams around schools, and should identify any capacity concerns and work across Departments to ensure that schools are supported and work productively with all relevant agencies, including Health and Social Care. (Page 79)

Incentivising: creating the best conditions for every child

It is concerning that there are schools who feel there is a lack of recognition when they take positive action to create cultures that offer the best conditions for all children to learn. Worse still, at present, schools, LAs and others report there may be perverse incentives to exclude or off-roll children who might not positively contribute to a school's performance or finances. To ensure schools are always rewarded for creating positive and inclusive school cultures, this review recommends that:

14. DfE should make schools responsible for the children they exclude and accountable for their educational outcomes. It should consult on how to take this forward, working with schools, AP and LAs to design clear roles in which schools should have greater control over the funding for AP to allow them to discharge these duties efficiently and effectively. Funding should also be of a sufficient level and flexible enough to ensure schools are able to put in place alternative interventions that avoid the need for exclusion where appropriate, as well as fund AP after exclusion. (Page 86)
15. DfE should look carefully at the timing and amounts of any adjustments to schools' funding following exclusion, to make sure they neither act as an incentive for schools to permanently exclude a pupil at particular times, nor discourage a school from admitting a child who has been permanently excluded from elsewhere. (Page 86)
16. Ofsted should recognise those who use exclusion appropriately and effectively, permanently excluding in the most serious cases or where strategies to avoid exclusion have failed. This could include consistently recognising schools who succeed in supporting all children, including those with additional needs, to remain positively engaged in mainstream in the context of a well-managed school. Within the leadership and management element of the judgement, Ofsted should communicate their expectation that outstanding schools have an ethos and approach that will support all children to succeed while accepting that the most serious or persistent misbehaviour, which impacts on the education and safety of others, cannot be tolerated. (Page 87)
17. DfE should work with others to build the capacity and capability of governors and trustees to offer effective support and challenge to schools, to ensure exclusion and other pupil moves such as managed moves and direction into AP are always used appropriately. This should include training as well as new, accessible guidance for governors and trustees. (Page 89)
18. Local authorities should include information about support services for parents and carers of children who have been, or are at risk of, exclusion, or have been placed in AP, in their SEND Local Offer. DfE should also produce more accessible guidance for parents and carers. In the longer term, the government should invest resources to increase the amount of information, advice and support available locally to parents and carers of children who are excluded or placed in AP. (Page 89)
19. Governing bodies, academy trusts and local forums of schools should review information on children who leave their schools, by exclusion or otherwise, and understand how such moves feed into local trends. They should work together to identify where patterns indicate possible concerns or gaps in provision and use this information to ensure they are effectively planning to meet the needs of all children. (Page 91)
20. DfE should publish the number and rate of exclusion of previously looked after children who have left local authority care via adoption, Special Guardianship Order or Child Arrangement Order. (Page 91)

Safeguarding: ensuring no child misses out on education

As well as raising the expectations of schools and giving them the right skills and support to meet these expectations, there must be clear safeguards to protect against the serious and concerning practices of informal exclusion and off-rolling, together with clear processes that ensure every child is safe and in education. The review recommends that:

21. DfE should consult on options to address children with multiple exclusions being left without access to education. This should include considering placing a revised limit on the total number of days a pupil can be excluded for or revisiting the requirements to arrange AP in these periods. (Page 96)
22. DfE should review the range of reasons that schools provide for exclusion when submitting data and make any necessary changes, so that the reasons that lie behind exclusions are more accurately captured. (Page 97)
23. DfE should use best practice on managed moves gathered by this review and elsewhere to enable it to consult and issue clear guidance on how they should be conducted, so that they are used consistently and effectively. (Page 98)
24. DfE must take steps to ensure there is sufficient oversight and monitoring of schools' use of AP, and should require schools to submit information on their use of off-site direction into AP through the school census. This should include information on why they have commissioned AP for each child, how long the child spends in AP and how regularly they attend. (Page 99)
25. To increase transparency of when children move out of schools, where they move to and why, pupil moves should be systematically tracked. Local authorities should have a clear role, working with schools, in reviewing this information to identify trends, taking action where necessary and ensuring children are receiving suitable education at their destination. (Page 99)
26. Ofsted must continue its approach set out in the draft framework and handbook of routinely considering whether there are concerning patterns to exclusions, off-rolling, absence from school or direction to alternative provision and reflecting this in their inspection judgements. Where it finds off-rolling, this should always be reflected in inspections reports and in all but exceptional cases should result in a judgement that the school's leadership and management is inadequate. (Page 101)
27. In making changes that strengthen accountability around the use of exclusion, DfE should consider any possible unintended consequences and mitigate the risk that schools seek to remove children from their roll in other ways. This should include:
 - reviewing a 'right to return' period where children could return from home education to their previous school, and other approaches that will ensure that this decision is always made in the child's best interests
 - consider new safeguards and scrutiny that mitigate the risk of schools avoiding admitting children where they do not have the grounds to do so (Page 102)
28. Relevant regulations and guidance should be changed so that social workers must be notified, alongside parents, when a Child in Need is moved out of their school, whether through a managed move, direction off-site into AP or to home education, as well as involved in any processes for challenging, reconsidering or reviewing decisions to exclude. DfE's Children in Need review should consider how to take this forward so children's social care can best be involved in decisions about education and how best to ensure a child's safety and long-term outcomes. (Page 103)
29. Real-time data on exclusion and other moves out of education should be routinely shared with Local Safeguarding Children Boards and their successors, Safeguarding Partners, so they can assess and address any safeguarding concerns such as involvement in crime. This should include information on exclusion by characteristic. (Page 106)
30. The government's £200 million Youth Endowment Fund, which is testing interventions designed to prevent children from becoming involved in a life of crime and violence, should be open to schools, including AP. This will enable the development of workable approaches of support, early intervention and prevention, for 10 to 14 year olds who are at most risk of youth violence, including those who display signs such as truancy from school, risk of exclusion, aggression and involvement in anti-social behaviour. (Page 106)

For the children concerned, there is an urgency in the reforms required, and the government needs to set out how it intends to ensure successful implementation of the recommendations in this report. There are also many design choices that will need to be made to deliver on the review's recommendations. DfE must work closely with system leaders to implement these recommendations and ensure that there are no unintended consequences that could inadvertently fail to improve the outcomes for the children these reforms are designed to achieve - either for pupils who are excluded or for the wider school community and all who work within it.

01

EVIDENCE BASE

This review has drawn from a broad evidence base. It is informed by new research and analysis as well as detailed and extensive consultation with those in the schools system, including school and local authority (LAs) leaders, parents whose children have been excluded, children and young people themselves.

This review began with a call for evidence, which was open to anyone to share their views, experiences and evidence on exclusion, and I received almost 1,000 responses. Over two-thirds (70%) were made by parents and carers, most of whom wrote about their own children who had experienced exclusion, with other responses from schools, teachers, LAs, young people and other interested individuals and organisations. More than half (61%) of parents and carers who responded said their child had SEND. Approximately one fifth of responses related to looked after children or Children in Need, and a large number of responses related to previously looked after children who had left LA care via adoption, a Special Guardianship Order or a Child Arrangement Order.

Building on the call for evidence, my team and I undertook over 100 visits. This included visits to schools and LAs known to have innovative or exemplary practice. In addition, to ensure the review saw a cross section of practice, it included expansive visits to eight areas across England, where we spent time meeting those working in schools of different types and phases, LAs and parent groups to understand a range of perspectives on exclusion practice. To ensure these areas represented a cross section of practice, they were selected from the length and breadth of England using data collected by DfE. Using this data, LAs were paired based on sharing characteristics in terms of their size, whether they were urban or rural, characteristics of pupils (such as levels of SEN and numbers of looked after children), the make-up of schools (that is, the proportion that were academies), and the proportion of schools rated good or outstanding by Ofsted. While similar in these respects, paired LAs differed in one key aspect: the rate at which they used exclusion. These visits were used to understand how practice drove the use of fixed period and permanent exclusion.

I have consulted with a range of leaders and experts from across the schools system. I established a reference group to provide expertise on the education and children's social care systems, as well as perspectives on pupils more likely to be excluded (the membership of this group is listed in annex B). I also met with teacher and head teacher unions, Anne Longfield OBE (Children's Commissioner for England), Amanda Spielman (Her Majesty's Chief Inspector) and Charlie Taylor (Chair of the Youth Justice Board for England and Wales) among others.

The children's charity Coram undertook independent research gathering the voices and perspectives of parents and carers whose children who had experienced exclusion, as well as the views of children on exclusion generally, regardless of whether or not they had personally been excluded.²⁶ Coram also hosted an excellent roundtable with young people for this review, enabling me to hear first-hand from those who had been excluded or knew others who had, both for a fixed period and permanently.

Although my review is about all children at risk of exclusion, the terms of reference have a particular focus on those children most likely to be excluded, either for a fixed period or permanently, and the way in which it has explored the issue has reflected that focus. Specifically, the paired areas visited for the review had comparable proportions of Black, Asian and minority ethnic (BAME) children, and similar proportions of children who were SEND, eligible for free school meals or were looked after. This meant that if the numbers or rates of exclusion of these pupils were higher, it could not be explained away by there simply being a larger population in the local school system.

As well as two cross-cutting sessions on behaviour in schools and the academic evidence on exclusion, I also chaired a series of roundtable discussions with practitioners, leaders, charities, academics and others, focusing on those groups most likely to be excluded. This included roundtables on: children and young people with SEND; those who have been supported by social care including Children in Need, looked after children and those who have left LA care via adoption, Special Guardianship or a Child Arrangement Order; and children from certain ethnic groups who are more likely to be excluded, such as Black Caribbean and Gypsy/Roma and Traveller children.

Finally, I commissioned two other pieces of work, which are published alongside this report. First, analysis of existing exclusion data to examine both whether individual and school characteristics, including a young person's ethnicity, are statistically associated with whether or not pupils are excluded.²⁷ Second, a literature review on exclusion and, in particular, disproportionate exclusion of some pupil groups,²⁸ to aid understanding of the academic evidence base on this issue.

This evidence base is summarised in the following chapters. Chapter 2 encapsulates the views expressed by children, parents, schools and LAs. Chapter 3 sets out the range of evidence on those children more likely to be excluded from school.



02

VIEWS ON EXCLUSION

Views of children

Coram found that children value consistency and fairness in the way schools apply their behaviour policies. Children consistently report that they understand the behaviour expected of them.²⁹ However, Coram's research found the overwhelming majority of respondents (96%) agreed that very bad behaviour did occur at their school. The same survey found mixed views as to how effectively schools dealt with poor behaviour. Nearly one third of pupils (29%) stated that their teachers are not good at resolving very bad behaviour, and 10% of pupils felt their teachers did nothing about very bad behaviour when it happened.³⁰

Some children highlighted their support for exclusion, both fixed period and permanent, when a classmate's behaviour was interrupting or impacting their education and experience of school. One 13 year-old who spoke to Coram was clear: *"people don't have to sacrifice their learning time because of someone else's actions"*. Children also considered exclusion as the best option when a pupil had ignored repeated warnings from staff and other discipline methods had failed to improve their behaviour. This included *"when people are constantly unaffected by regular school sanctions"* or *"when someone gets constant chances to behave, but continues to disobey"*.³¹ This echoes the findings of other research that children value school discipline, such as the second Longitudinal Study of Young People in England, which found that 71% of children thought discipline in their school was about right and 12% thought their school was not strict enough.³²

Coram found that children also feel a sense of injustice when some children were given different sanctions for the same behaviour. One 12 year-old boy expressed this feeling, talking about an exclusion that had happened at his school: *"many people do the same as that person but doesn't get expelled. NOT FAIR!!!!"*.³³ Nevertheless, while children were clear on the need for fairness and accepted exclusion as an appropriate sanction, some also spoke of a sense of injustice when the full circumstances around a child's behaviour were not considered before the decision to exclude was made. This included failing to gather all relevant information, such as the child's perspective and hearing their side of the story or considering why they had acted

in the way they had. For children, failing to do this was unfair. Pupils spoke about the perceived unjust treatment of children who had been excluded when they felt there was more to the situation, such as if they were *"sticking up for [themselves]"* or *"had [a] behaving problem"*. In many ways these children's views demonstrate the complexity of the relationship between behaviour and exclusion, whether that be their prevention, use or consequences.

Views of parents and carers

In 2016/17, 0.1% of the pupil population in England was permanently excluded. As such, the overwhelming majority of parents and carers will never deal with this. However, interest in how schools promote and maintain good discipline is, naturally, widespread among parents. Any cursory reading of parental views indicates a preference for removing poorly behaved children from the classroom to minimise disruption to their own child's education, and we know that many parents face the challenge of supporting children who suffer the consequences of poor behaviour. A report by Policy Exchange on the impact of poor behaviour in schools found the majority of parents felt low-level disruption occurs frequently in their child's school. The research confirmed parents are aware that disruption can have a negative impact upon education. It found, too, that they are supportive of measures to improve discipline, and that they want a school environment where all children are expected to behave and are challenged and sanctioned when they do not.³⁴

It is concerning that parents who spoke to Policy Exchange felt that their children's education was being disrupted to some extent, and felt their children's schools 'could do better' in relation to dealing with disorder and disruption, which impacts how members of a school community feel safe in school: of those polled, 84% said they felt their children were safe in school but 11% felt their children were unsafe.³⁵ A separate survey by DfE found that 36% of parents and carers said their child had been a victim of bullying at least once in the last year.³⁶

Inevitably, parents and carers views will vary depending on whether their own child has experienced exclusion, or whether their child has experienced the impact of poor behaviour. This review primarily spoke to the parents and carers of children who had been excluded. Often their

children had additional needs such as SEN or attachment disorder, and many wrote that their child's exclusion was a symptom of the school's failure to understand and address their needs. One mother of an adopted child wrote about her strong feeling that there is *"a lack of understanding of LAC/ adopted children's needs and many [exclusions] result from inadequate support for the pupil"*. Similarly, a mother of a boy with SEN excluded several times between Years 8 and 10 wrote that *"all his expulsions related directly to a complete lack of understanding and awareness of his condition"*. Coram found that 83% of parents whose children had been excluded (either for a fixed period or permanently) felt that the school did not work with their child to explore alternatives to exclusion. Where they had, a behaviour support plan or contract was often put in place, but parents felt these had limited success.³⁷

I also heard positive examples of how good support and understanding can help children with additional needs to thrive. One mother of a child with SEN and attachment disorder and whose story started with the same reported lack of support, wrote about moving them to a new school whose staff are *"having training, are understanding, receptive and are allowing my child to achieve with their support. [I] can breathe for the first time in 2 years"*.

When exclusion was used, the majority of parents who spoke to Coram (82%), all of whom had children who had experienced exclusion, did not think that the school's exclusion process was fair. Data shows that uptake of the independent review process for permanent exclusion is low: in 2016/17 of the 7,720 permanent exclusions, 560 appeals were lodged. This may reflect that parents do not want to, or do not believe they have grounds to, challenge exclusions, or it may reflect a lack of information or confidence to do so.³⁸

Parents also spoke about the impact of exclusion on the whole family, with one parent writing to say *"the parent/carer ends up being the one 'doing the time'"*. Parents described emotional strain of representing their child, as one mother wrote: *"I had to fight for the bare minimum [...] I ran myself ragged"*. I also heard from a small number of parents about practical impacts. One mother wrote that she *"had to leave a job because I couldn't ever guarantee I could even make it to work before getting a call to collect him"* and another wrote that

her *"husband was sacked due to keep having to go and collect our son"*. This experience also emerged in Coram's research, where one parent described how her child *"had 7 fixed term exclusions in the last 2 years. My husband and I have lost significant work days and salary as a result. As a family we are at breaking point"*.³⁹

Views of schools

Mainstream schools

A union representing teachers wrote in its submission that the *"point at which schools will exclude will depend on the individual school's values and its behaviour policy"*. This variation was reflected in the response from schools too, who outlined a range of approaches to managing behaviour and using exclusion.

Some schools reported that they did not use exclusion at all or had not used permanent exclusion for many years. Others underlined that permanent exclusion was avoided where possible. One head teacher set out *"exclusion is our very last resort and we work very hard to keep all children in school, stretching the boundaries of our behaviour policy to its limit"*. Schools that took this approach often set out alternative approaches that they believed could or should be used in place of fixed period and permanent exclusion.

Other schools focused their approach on the impact of poor behaviour on the wider school community. One academy trust wrote that *"it is not inclusive to have one child severely disrupt the education of twenty-nine others in the class"*, and noted that exclusion (particularly fixed period) can often be necessary to bring about a change in culture when a new academy sponsor enters a school with a history of failure and poor discipline. Some schools drew attention to the positive impact of exclusion, particularly fixed period exclusion, in changing behaviour by demonstrating clear standards and, in some cases, allowing the school to plan a positive and effective reintegration to school for the child.

One response set out that using exclusion is an indication that a school is following the proper processes, and a rise in rates may reflect a new sponsor tackling previous practice of informal exclusion and off-rolling, rather than a rise in the total number of children being asked to leave school.

The majority of head teachers used elements of both approaches and balanced the different pressures of wanting the best for every child as well as the need to create positive and calm environments in their schools, when making these tough decisions. There were a number of examples of schools that considered how best to meet children's needs, but used exclusion where this had failed. Several head teachers relayed how challenging it is to make decisions about fixed period and permanent exclusion, which they *"do not use lightly"*. While I visited schools that took a range of views on exclusion, most took a balanced and measured approach to seeking alternatives and using exclusion only where these had failed. There was, however, frustration among many staff in schools who took these balanced and proportionate approaches, where they felt a small minority of their peers in other schools did not. This resulted in them admitting children from other schools who they perceived had been excluded when it was not proportionate, or even children who had been off-rolled from other schools. One school leader even admitted off-rolling had happened in his own school.

In addition to outlining the approach to behaviour and exclusion, staff within schools also spoke of the range of challenges faced by pupils outside of school. One teacher noted that *"the drivers behind the variation in exclusion rates are very similar to the drivers behind other disengaged groups ... Poverty and a lack of aspiration are significant"*. Other school staff noted home lives, poor parenting and levels of poverty and deprivation contribute to the challenges faced by schools. While many raised this in the context of articulating the additional support in place to help children overcome such challenges, it remains the case that children who are eligible for FSM are around four times more likely to be excluded permanently than children who are not eligible for FSM.⁴⁰

School staff who spoke to the review highlighted wider pressures on them, which they argued can lead to avoidable fixed period and permanent exclusions:

- high stakes accountability, where a *"head teacher's job is on the line if their schools' don't get the requisite examination results and/or attendance statistics"*
- levels of funding to schools and the services schools may rely on, which in the words of one head teacher *"has massively affected*

our capacity to innovate and provide flexible pathways for students at risk of exclusion"

- curriculum changes which some saw as *"switching off" a number of young people* by having too great a focus on academic over creative or vocational subjects

Alternative provision schools

AP schools (PRUs, AP academies and free schools) do, themselves, use both types of exclusion – in 2016/17 the rate of permanent exclusion from AP schools was 0.13%, while the rate of fixed period exclusion was well above that of mainstream at 165%, as compared to 4.64% in mainstream schools and 13% in special schools. The very high fixed period exclusion rate for AP reflects that some children received more than one fixed period exclusion: 59% of pupils in AP schools were issued with one or more fixed period exclusion in 2016/17.⁴¹ Analysis conducted for this review found that, after controlling for other factors on which DfE has data, pupils are twenty-four times less likely to be permanently excluded from an AP school compared with LA maintained mainstream school. For fixed period exclusion, while the chances are 1.8 times higher – this is significantly below the unadjusted rate of 11 times higher than an LA maintained mainstream.

APs are also often the providers of education for children who have been excluded from other schools.

AP schools reported that the children they educate, whether they arrive through exclusion or another route, typically have levels of need that mainstream schools feel unable to cater for.

AP staff described differing relationships with other schools dependent on the local area, the staff culture and the age of children moving to AP. In some areas, they described partnership working where places in AP were planned and agreed in advance wherever possible. In these cases, there were often routes into AP outside of exclusion, where a child could remain on the roll of their mainstream school, while being supported in AP. The relationship with AP was also more graduated, with interventions being offered on a short-term basis or through outreach provided by the AP in the mainstream school.

In other areas, AP staff described pupils being placed with them with little warning or information, frequently when a child was in crisis. Some highlighted that places taken by children who had moved to AP after permanent exclusion diverted the AP from using their resources to implement the preventative support they would have liked. Research into AP conducted by DfE found similar concerns, with some AP settings reporting *“they felt under pressure to fill up as soon as possible, especially if demand in the local area is high, which means they are unable to take new referrals later in the year. This caused frustration among some senior AP leaders, who felt the provision should be made available to those with a greater need for support, rather than those who happen to be referred earlier in the year”*.⁴²

Some AP schools noted that younger pupils are more likely to return to mainstream schools. This was echoed by research into AP markets, which found that the proportion of pupils returning to mainstream school was 65% for primary pupils and 64% for Key Stage 3 pupils. However, this fell to 53% for those in Year 10 and – perhaps unsurprisingly – just 10% of those in Year 11.⁴³ As one AP teacher described it, *“at primary and KS3 our mantra to students is that we are only ‘borrowing’ them from the mainstream schools and they will be returning with new strategies to manage their behaviours and improved resilience helping them to be more successful in their mainstream school”*. The role of AP in Key Stage 4 was widely seen as different from the lower Key Stages, with a greater focus on preparing pupils for transitions and adult life, rather than returning to a mainstream secondary school.

Many AP schools also highlighted having a different approach to education with a greater focus on understanding the barriers to education and re-engaging pupils with education through alternative curriculum options or teaching models, such as smaller classes.

Special schools

The rate of permanent exclusion in special schools is lower than mainstream, at 0.07%, while the fixed period exclusion rate is higher than mainstream schools, at 13.3%, although the rate has fallen in recent years in contrast to other types of school.⁴⁴ Adjusting for other factors observable in DfE data, the likelihood of receiving both fixed period and

permanent exclusion are below that of an LA maintained secondary school.⁴⁵ Like AP, staff in several special schools spoke about educating pupils with a history of poor experiences in, and often exclusion from, mainstream school. Staff in special schools also spoke about engaging children through an alternative curriculum or teaching approach.

The review also saw examples of mainstream and special schools working together to deliver the right provision in mainstream such as through training and support, though special schools also reported poor coordination with other schools in their area.

Staff in special schools in several areas were concerned about a lack of places in specialist settings for pupils with particular needs (often those more likely to be excluded), namely schools for children with autism or social, emotional and mental health (SEMH) needs. They reported that this results in pupils being placed in unsuitable schools, creating pressure on mainstream and other special schools to meet the needs of children when it may be outside their area of expertise. In some cases, these placements end in exclusion.

Views of local authorities

Those working in LAs spoke of the range of approaches taken by different schools driving how schools use exclusion, including *“attitude and ethos of the head teacher”*, *“varying approaches and responses to challenging behaviour”*, differences in *“leadership and management within schools”* and the array of different behaviour policies that vary both in the expectations of children and the way in which these are enforced.

Schools must arrange and fund alternative provision for children excluded for a fixed period of longer than five days. For permanent exclusion, LAs must fund and commission the education of children after the fifth day. This is funded from the LA's high needs block, which is the funding they receive to purchase support for children with SEND, who cannot attend school for medical reasons or have been permanently excluded.

LA staff frequently raised the need to build schools' capacity to work with children at risk of exclusion, particularly children with attachment disorder and SEN. Some also pinpointed the need to ensure governors had the capacity and training to scrutinise decisions to exclude.

While LA staff highlighted the variety of approaches taken by schools, there was also a striking difference in approaches between LAs, both in how they saw their role to support schools with pupils at risk of exclusion and how they fulfilled it. Many staff in LAs spoke about leading joint working approaches between schools to help them share information and resources that allow them to use both fixed period and permanent exclusion (and their alternatives) well. These ranged from centralised systems for managed moves and training offers to schools, to providing oversight to schools that had been given control of high needs funding to directly commission AP or other interventions. A common approach was developing local forums and processes to facilitate joint working between the LA and schools. Occasionally, representatives from other services such as social care attended, to discuss children who had been, or were at risk of being, excluded. LAs that had taken these approaches spoke positively about partnership working and noted the impact was often a reduction in exclusion rates.

Several LAs that responded to the call for evidence, as well as those visited by the review, noted the pressure that rising permanent exclusion was placing on them *"at a time when High Needs Block funding is also under increased pressure"*. As put by one LA, **"the cost to the public purse was and continues to be disproportionate to what early intervention with the pupil/family would have cost"**. As well as commissioning and funding AP placements, LAs noted the burdens of the cost of transport to AP placements or a new, more distant mainstream school following permanent exclusion. LA staff identified pressure not only on budgets, but on services, with LAs and APs reporting early intervention is often not possible as places are being increasingly taken by pupils who have been permanently excluded, and in some cases to the extent that there were not enough places for children who had been excluded later in the year.

Although not originally in the scope of this review, it has considered off-rolling in response to the fact that LA staff frequently noted that, alongside formal exclusion, they were encountering children who needed new education provision as a result of off-rolling. Representatives from four of the LAs visited for this review specifically reported they were aware of this happening in schools in their areas, with one having an ongoing investigation into a school on this matter, though most noted that it was hard to identify individual cases. In addition to this, in eight out of the nine LAs visited, schools, parents and carers had also told the review that they knew of cases of off-rolling in local schools.



03

VARIATION IN EXCLUSION RATES

There are longstanding national trends, which show that particular groups of children are more likely to be excluded from school, both for a fixed period and permanently. This includes boys, children with SEN, those who have been supported by social care

or come from disadvantaged backgrounds, and children from certain ethnic groups. There are also other groups of children who are less likely to be excluded, including girls and children from other ethnic groups.

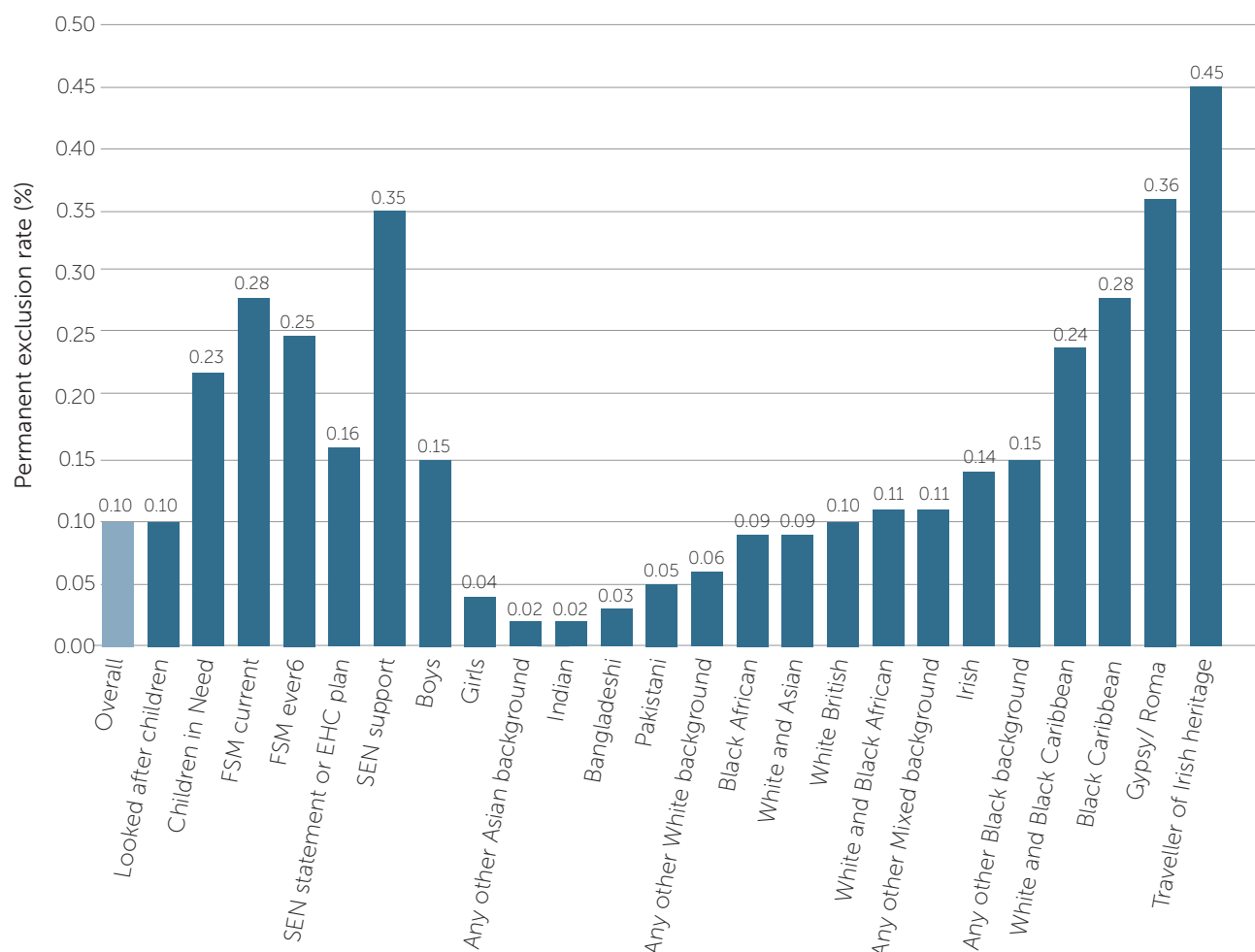


Figure 3: Permanent exclusion rates by pupil characteristic in 2016/17

Sources: <https://www.gov.uk/government/collections/statistics-exclusions> and <https://www.gov.uk/government/collections/statistics-looked-after-children>

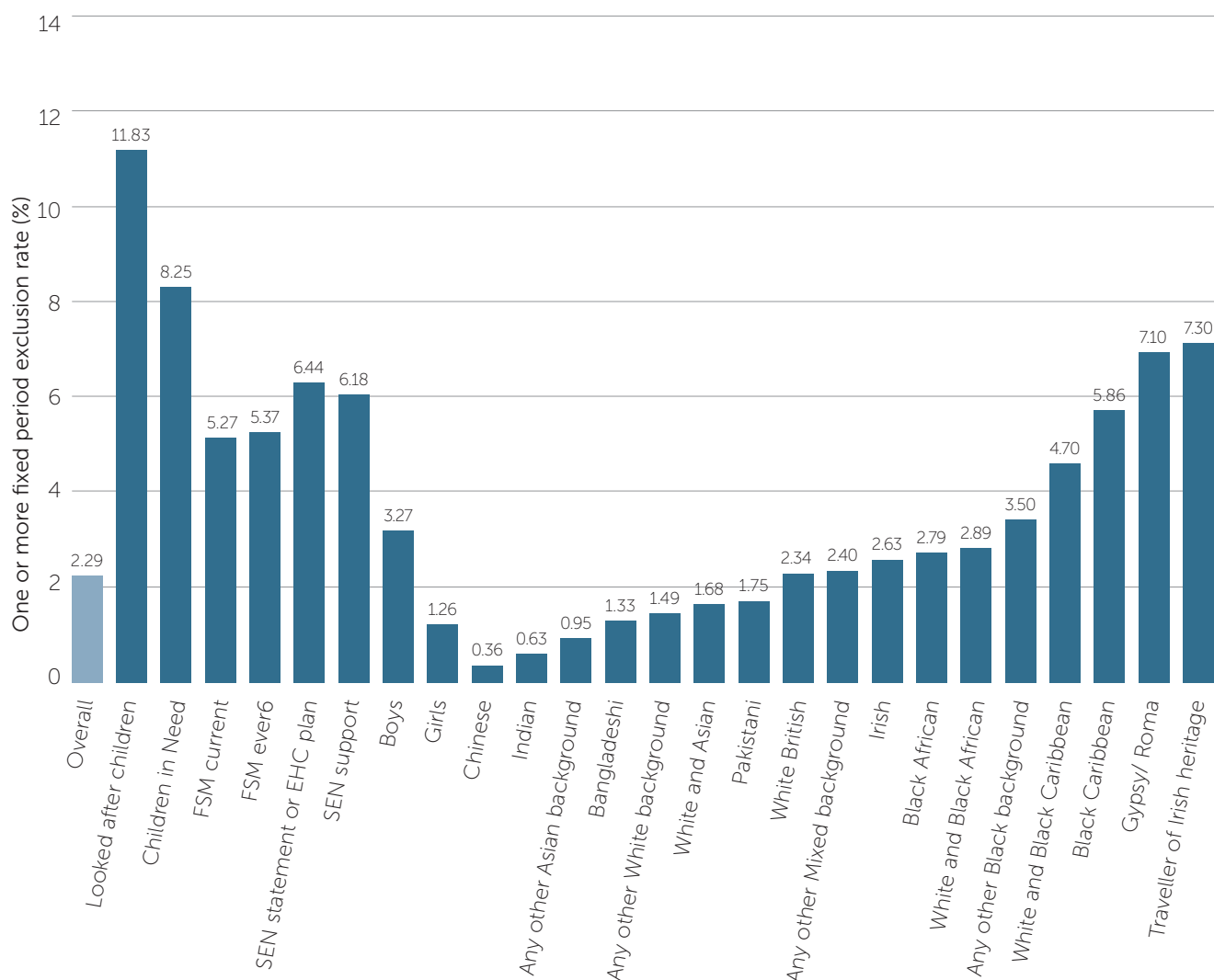


Figure 4: One or more fixed period exclusion rate (%) by pupil characteristic in 2016/17

Sources: <https://www.gov.uk/government/collections/statistics-exclusions> and <https://www.gov.uk/government/collections/statistics-looked-after-children>

This review has sought to explore what drives these differences, drawing upon a wide range of evidence focused specifically on understanding why some groups of children are more likely to be excluded. This included extensive and in-depth discussions in eight LAs, made up of four pairs of areas ‘matched’ using DfE data which differed in their use of exclusion but shared characteristics including school characteristics as well as similarities in their pupil populations, such as a similar proportion of children who were BAME or had SEND. In these areas, I sought the views of school leaders, LAs, parents and carers and other interested individuals and organisations about exclusion, as well as views and evidence on why some children are more likely to

experience this. I also chaired a series of roundtables focused on children with characteristics associated with higher rates of exclusion.

Finally, I commissioned additional analysis of DfE data to inform this review with greater insights into which factors are most strongly associated with exclusion in secondary schools. The purpose of this analysis was to see to what extent higher rates of exclusion in some groups can be explained by other, overlapping factors. To do this, the analysis isolated the association between exclusion and particular characteristics, controlling for other factors on which DfE has data.

Data cannot tell us precisely what impact any one characteristic has – where associations between a particular characteristic and a higher probability of being excluded are strong, we cannot infer that one thing causes another. Neither can the data account for other factors on which DfE does not hold data that might contribute to a situation when a child is ultimately excluded – such as the value a child's family places on education, the impact of trauma they experienced in early life, or indeed their behaviour.

Recognising these limitations, this analysis does provide rich and detailed new insights into exclusion, revealing that some pupil characteristics are strongly associated with exclusion when holding other factors constant. Taken together with the research and input from schools, parents and experts on what drives the differences seen in the analysis, this review – and the data that is published alongside it – provides a new contribution and insight into understanding what drives higher rates of exclusion for children with particular characteristics.

While the evidence suggests there are links between individual characteristics and a higher probability of being excluded, these overlapping characteristics should be kept in mind. This not only recognises the reality of the complexity that schools must consider for each child, but it is also important in light of the finding that children who have several characteristics associated with exclusion have an even greater risk of being asked to leave their school through exclusion.

Take Nathan and Rachel, two fictional children created from the data. Rachel is a Black African girl who does not have SEN. She is not from a disadvantaged background and lives in an affluent area. She had good attendance at primary school and attained average results. She now attends a secondary maintained school in London, which does not often use exclusion. Rachel has a 0.3% chance of being permanently excluded at some point in her school life, and an 11% chance of being excluded for a fixed period.

Nathan, like Rachel, had good attendance at primary school with average results. He also attends a maintained school in London, which does not often exclude. Nathan is a Black Caribbean boy who has an EHC plan because of his moderate learning difficulty. He is from a disadvantaged family and lives in a deprived area. His chance of being permanently excluded at some point in his school career is 2.3%, and his chance of receiving a fixed period exclusion is 58%.

While drawing firm conclusions about why individual characteristics impact the likelihood of exclusion is difficult, the data is clear that – whatever their background or ethnicity – exclusions are issued overwhelmingly to certain groups of children who already face significant challenges in their lives outside of school. For example, the analysis shows that 78% of permanent exclusions issued were to pupils who either had SEN, were classified as in need or were eligible for free school meals. 11% of permanent exclusions were to pupils who had all three characteristics.

Schools, parents, LAs, as well as academics researching this area, all confirm that there will often be a range of factors that have led to poor behaviour and ultimately exclusion. As such, it is not the job of schools alone to help children overcome the wider challenges they may face in their lives. However, the best schools know the children in their schools and the interventions that will prove effective for them. It is therefore vital that action is taken to understand the balance of factors associated with exclusion locally, and to support schools with planning and providing the right support for those children at greater risk of exclusion. This will give every child the best chance to succeed.

The new analysis commissioned for this review uses *odds ratios*. Odds ratios measure how likely one group is to be excluded compared to another group.

An odds ratio *greater than 1* means that members of the group are *more likely* to be excluded than the comparator group.

An odds ratio *less than 1* means that members of the group are *less likely* to be excluded than the comparator group.

An odds ratio *equal to 1* means that members of the group are *equally as likely* to be excluded as the comparator group.

Odds ratios can be used to approximate how many more times likely children in one group are to be excluded than those in another group. For example, if group A had an odds ratio of exclusion of 2, this means members of group A have approximately twice the likelihood of exclusion of members of a comparator group. Similarly, if group B had an odds ratio of 0.5, this means members of group B are approximately only half as likely to be excluded compared to members of a comparator group.⁴⁶

Race and ethnicity

The Prime Minister announced the intention to commission a review of school exclusion following the publication of the Ethnicity Facts and Figures website,⁴⁷ which highlighted that rates of exclusion differ by ethnicity. This showed that children from some ethnic groups are excluded less than their peers – Black African, Pakistani, Bangladeshi and Indian children all had lower exclusion rates than the national average in 2016/17. Children from other ethnic groups are excluded at a higher rate, including Irish and Black Caribbean pupils, and those of Gypsy and Roma children and Travellers of Irish heritage.⁴⁸

The additional analysis conducted for this review, which sought greater insights into the role ethnicity (and other characteristics) plays in a child's likelihood of being excluded, reveals a complex picture, with the links between ethnicity and exclusion differing across ethnic groups.

In many cases, such as Black African or Pakistani children, ethnicity does not appear to be statistically significant in predicting the probability of permanent exclusion, compared to White British pupils and controlling for other factors. For pupils from ethnic

groups with lower overall rates of permanent exclusion, such as Bangladeshi, Indian and other Asian children, the likelihood of exclusion remains lower than for White British children. Children with English as an additional language are also around 33% less likely to be permanently excluded compared to children with English as a first language.⁴⁹

For some other children, the analysis finds their likelihood of exclusion remains higher than for White British children – although the association between ethnicity and exclusion is lower than the raw rates suggest. That is to say that other factors associated with exclusion partially explain the higher rates of exclusion for some groups.

This includes Black Caribbean children, who the new analysis suggests are around 1.7 times more likely to be permanently excluded compared to White British children. This compares to a raw rate of permanent exclusion (before the data is adjusted) of 3 times higher. Similarly, children who are Mixed White and Black Caribbean are around 1.6 times more likely to be permanently excluded, which is lower than the unadjusted data that shows they are permanently excluded 2.5 times the rate than their White British peers.

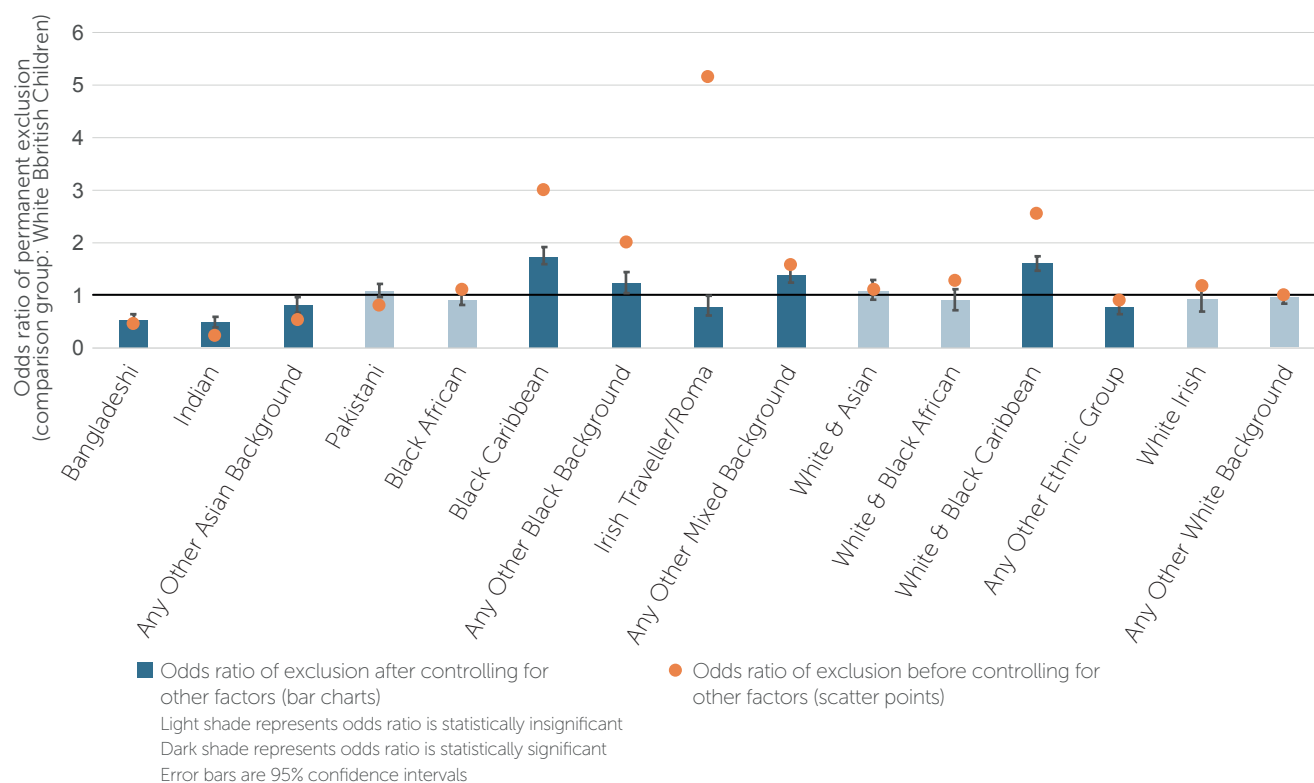


Figure 5: odds ratio of permanent exclusion by ethnicity (comparison group: White British children)

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

For fixed period exclusion, there are more ethnic groups where there is an association (which is likely to reflect that more pupils receive a fixed period exclusion, so any specific association is easier to measure). The same groups as before have higher or lower likelihood of exclusion, but Black African boys, White and Black African children, boys who are Travellers of Irish heritage, Gypsy and Roma children, children of any other Black ethnicity and children of any other mixed ethnicity also have a higher chance of fixed period exclusion than White British pupils, while Black African and Irish Traveller girls, Pakistani boys, and White and Asian and White Irish pupils had statistically indistinguishable rates of exclusion to their White British peers.

As well as differences in the trends between different ethnic groups, these patterns drawn from the national data also conceal the wide variation within different areas. For White British children, the overall rate of permanent exclusion is 0.10%, but this varies in individual LAs from 0.0 to 0.36%. For Black Caribbean children, the rate ranges from 0.0 to 2.01%. The lower end of the range may often, but not always, represent areas with very small Black Caribbean populations, and indeed higher rates in some cases represent areas with smaller populations where the impact of each exclusion has a greater impact on the overall rates.⁵⁰

The review has sought to explore what drives these differences, and the evidence gathered for this review indicates a range of interwoven, local factors that give rise to these differences. As well as the differences in the size of different pupil populations across the country, where exclusion rates are higher for some groups of children there will be a range of reasons. Some are in-school factors (policy and practice in schools and the wider education system) while others are out-of-school factors, both those related to place such as high levels of poverty, and those related to the child and family's individual circumstances, such as the impact of trauma in early life.

Those who sought to explain the specific impact of ethnicity on a child's experience of school suggested that, for example, there were some cases where cultural misunderstanding led to behaviour being misinterpreted, unconscious low expectations of some children or – in a small number of cases – “labelling” of pupils. The literature review I commissioned similarly highlights differential treatment in some cases,⁵¹

although this review has not proved or disproved the extent to which this is occurring.

Both the literature review and others who spoke to this review highlighted how wider factors other than ethnicity may also drive these differences. Children may have a number of overlapping vulnerabilities such as poverty, SEN, unsafe family environments and poor mental health, which could all act as a multiplier effect and contribute to higher rates of exclusion.⁵² The analysis does support this and indeed, in some cases, other factors have a very significant impact on the likelihood of exclusion. Notably, the approximate chances of permanent exclusion for Gypsy, Roma and Irish Traveller children compared with their White British peers – once controls are applied for poverty, SEN, absence and other factors – drops from 5.2 to 0.8. This is not to say we should not be concerned about the higher rates of exclusion for children who are from Gypsy, Roma or Travellers of Irish heritage, and we know any group of children who have multiple factors are particularly likely to be excluded, as shown in the example of Rachel and Nathan. However, it does suggest the causes – and therefore the action that should be taken – are complex and wider than just focused on ethnicity. This more detailed insight should help better inform any efforts to address these issues across a local area.

The need to understand this complexity and the specific dynamics at play for particular children and in particular areas does not detract from the important national debate about the differences in experiences and outcomes for particular ethnic groups. I welcome the transparency brought by the publication of Ethnicity Facts and Figures⁵³ nationally, and the initiatives made to create the best opportunities for BAME people across our country: whether this is the Equality and Diversity hubs that offer training and progression to underrepresented groups in the school leadership workforce,⁵⁴ or the commitments by the Ministry of Justice to deliver on the recommendations of the Lammy review, which explored the treatment of and outcomes for BAME individuals in the criminal justice system.⁵⁵

To truly ensure our education system plays its part in delivering an equal society, these actions must be matched by a culture of openness and discussion that recognises the complexity of the issues.

Drawing from all of this evidence, it is clear that the drivers behind these trends in exclusion by ethnicity are complicated and can include factors specific to a child's ethnicity, as well as others which are broader than this. For each individual child, however, the extent of the impact of both in- and out-of-school factors is likely to be uniquely balanced, with some drawing more from one than the other.

Because these factors will differ for each child, and the influence of out-of-school factors will vary according to local context, it is important that schools, LAs and local partners work together to understand what lies behind local trends. This should include looking at the mix of factors and the extent to which those are specific to children from particular cultures and backgrounds, and those which are not. Using this understanding, local leaders will be best placed to effectively plan and put in place additional and targeted action based on their own context. If they identify any gaps, they are also in the position to act to ensure those who work with children have the training, services and support they need to address these.

Special educational needs and disabilities

It is well documented that there are longstanding trends that children with SEN are more likely to be excluded, both for a fixed period and permanently, than those who do not have SEN. In the most recent statistics, children with identified SEN accounted for 46.7% of all permanent exclusions and 44.9% of fixed period exclusions.⁵⁶ It is notable that permanent exclusion rates for children with EHC plans are around half those of children with SEN support, but they are 2.8 times more likely to receive a fixed period exclusion compared with all children. This pattern is not mirrored for those receiving SEN support, where both fixed period and permanent exclusions are issued more than 3 times as often compared with all children. This may, in part, be down to the strength of the exclusion guidance, which sets out that head teachers should "as far as possible" avoid permanently excluding a child with an EHC plan. The guidance does not specify this for fixed period exclusion.⁵⁷

We also know that children who are recorded as having particular primary needs are more likely to be excluded from school, such as children with SEMH needs, while other children with other primary needs

are excluded at lower rates than for children without SEN, such as those with physical disabilities.

New analysis confirms that, controlling for other factors on which DfE holds data, several of the same primary needs remain associated with higher likelihood of being excluded (figures 6 and 7).⁵⁸

There remains a significant association between pupils who receive SEN support for Behaviour, Emotional and Social Difficulties (BESD)⁵⁹ – a categorisation that DfE stopped using in 2014, at which point it introduced a separate SEMH type SEN (of those identified with BESD in spring 2013/14, 67.1% were recorded with SEMH in spring 2014/15. Nonetheless, these types of need are distinct).⁶⁰ Children with SEMH as a primary need but who do not have an EHC plan, are around 3.8 times more likely to be permanently excluded, compared to children with no SEN. Children with SEMH type SEN (who do not have an EHC plan) are also significantly more likely to be excluded for a fixed period, even controlling for other factors.

The likelihood of permanent exclusion for children with BESD or SEMH type SEN who have an EHC plan is significantly lower, and for children with SEMH type SEN in particular, the chance of permanent exclusion is reduced to below that of those with no SEN. This may reflect the strength of the guidance in asserting head teachers should avoid excluding children with an EHC plan, or may be a reflection that those with specific support in place for their SEN are less likely to behave in a way that results in exclusion.

The chance of exclusion for children receiving SEN support who have a specific learning difficulty or moderate learning difficulty is also higher than for children with no SEN, once we strip out the influence of overlapping factors.

For other types of primary need, the higher likelihood of exclusion seen in the raw rates reduces markedly when other factors are accounted for in the new analysis. Children receiving SEN support for autism (and therefore do not have an EHC plan), are no more or less likely to be permanently excluded than those with no SEN, after controls. Children who do have an EHC plan for autism are around half as likely to be permanently excluded than children with no SEN, potentially suggesting that having an EHC plan for autism may lead to a lower likelihood of permanent exclusion, and that the higher rates seen in the raw rates are explained by other factors.⁶¹

The analysis also confirms that many types of primary need - such as physical disability, sensory impairment and profound and multiple learning

difficulty - are associated with lower likelihood of exclusion, both permanently and for a fixed period.

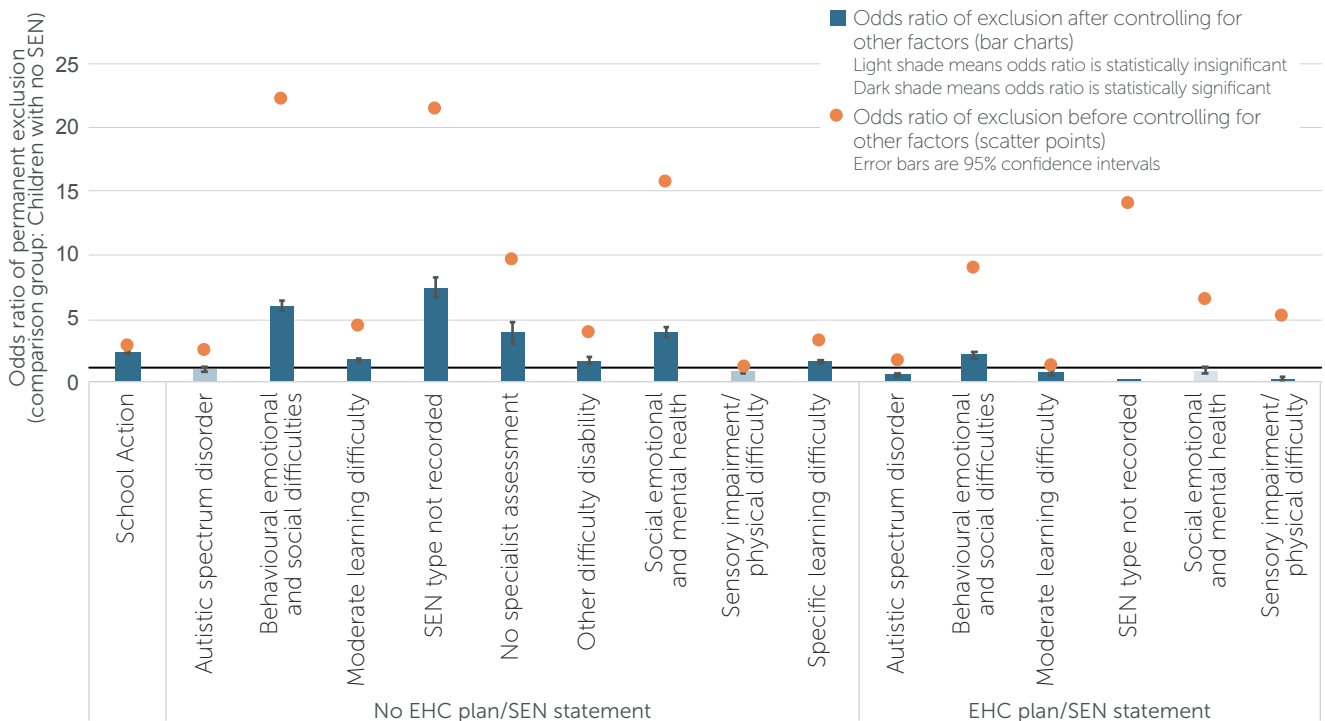


Figure 6: odds ratio of permanent exclusion by SEN provision and type of primary need (comparison group: children with no SEN)

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

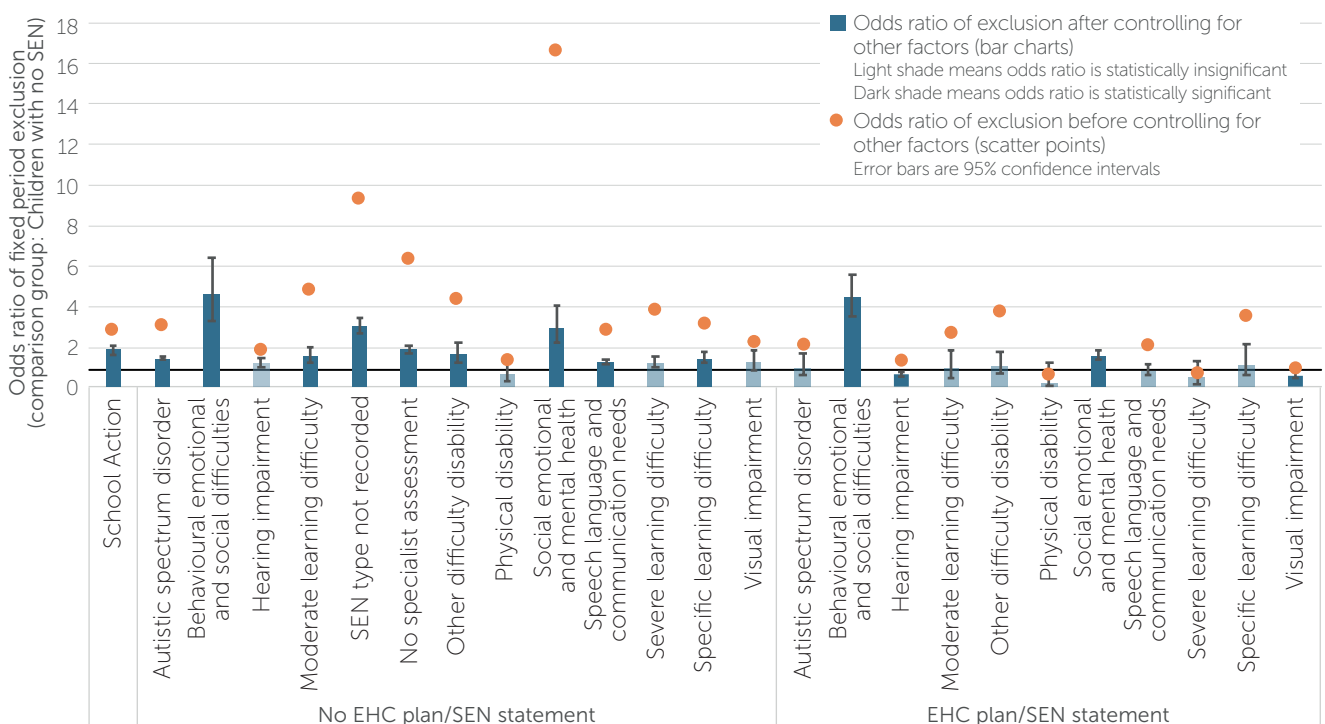


Figure 7: odds ratio of one or more fixed period exclusion by SEN provision and type of primary need (comparison group: children with no SEN)

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

In some senses, it is challenging to draw clear messages from these findings. Children are often assigned more than one type of SEN in the data. Autism is a spectrum of needs but, for example, some children with autism may at times behave in challenging ways, which may reflect difficulties in communicating their needs and feelings to others. Some children with autism can also find it hard to process sensory information, which can also affect behaviour. Because of this, some of these children might be categorised as having SEMH type SEN, sometimes with autism as a secondary need. Because this analysis looks at the primary type of need, it is possible that the findings are impacted by how a child's SEN is recorded. It is also possible that some children's identified SEN may have changed over time, where there has been a subsequent diagnosis of another type of SEN.

SEMH type SEN is also a broad category defined as including children who experience *"a wide range of social and emotional difficulties, which manifest themselves in many ways"* ranging from being *"withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour"*. The definition also sets out that the behaviour can reflect a similarly broad set of underlying mental health difficulties such as *"anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder"*.⁶²

It could be argued that it is unsurprising that children with SEMH needs are more likely to be excluded, because this is often associated with challenging behaviour. However, not only is it important to note that this will not be true of all children with this SEN type, but my view and that of many parents, carers and staff in schools who submitted evidence to this review, is that if we know this can be the case, we must be better and smarter at knowing how to support these children towards a more positive outcome than exclusion. This might include alternatives to ensure they can meet their school's behaviour standards – whether that is through adjustments in school or making positive choices about moving to a more specialist setting, where it is agreed that is more appropriate.

This is also in the context of changes to the SEND Code of Practice⁶³ implemented in 2014 that adjusted the categories of SEN, to prevent poor behaviour

being wrongly categorised as SEN when it was not. The old categorisation of behaviour, emotional and social difficulties was replaced with SEMH, to focus greater attention on any emotional, social or mental health need, which might lie behind 'behaviour', rather than categorising poor behaviour itself as a SEN type. That is to say that, children with SEMH type SEN have needs that may cause challenging behaviour: they are not simply badly-behaved children. It is notable that the association between SEMH type SEN and exclusion is lower than that of BESD.

Recognising the challenges in interpreting what we should take from the associations this data shows, it remains concerning that – isolating as far as possible for other factors – children with many types of SEN are often more likely than their peers to be excluded. It is also notable that, as well as evidence that children identified as having particular types of SEN are more likely to be excluded, there is evidence that children who have been excluded are more likely to go on to be identified as having SEN, or those with SEN support being issued with a EHC plan after their exclusion. Children who do not have identified SEN in Year 7 are 11 times as likely to go on to receive SEN support by Year 11 if they have been excluded, compared to those who have not been excluded. Children who receive SEN support in Year 7 are 4 times as likely to go on to receive a statement/EHC plan by Year 11 if they have been excluded.⁶⁴

This reflects the experience of many parents and carers who spoke about exclusion of children with SEN being the result of a failure to understand and properly identify children's needs, or using this information to put in place the right support to help them overcome barriers and engage with the curriculum offer. Failure to do this can manifest in poor behaviour by the child. Parents and carers of children with SEN set out how their children can be positive members of their school community and have their own aspirational goals to achieve, but without the support to help them overcome the barriers to better outcomes, they can struggle to meet the standards expected of them.

For other children, properly meeting their needs may result in them moving out of mainstream and into a special school that can offer them the level of support that would rarely be available in mainstream. Where that is the case, there are clear processes schools should follow to properly assess the needs of children and make informed decisions about a

child's needs and how and where they are best met. It is concerning that exclusion may, in some cases, be the route through which these questions are asked, or even – in a small number of cases – a deliberate tool used to ensure a proper assessment is made. It is concerning that a minority of school leaders spoke about permanent exclusion being used as a tool to ensure a child was assessed for an EHC plan, or given a place outside mainstream school, rather than primarily as a tool to manage poor behaviour.

In considering how exclusion is used for children with SEN, it is also important to note that some children with SEN may have limited capacity to understand exclusion as a sanction, and its effect can be the opposite of that intended. A small number of parents reported children with SEN sometimes perceiving exclusion as a reward, as it allowed them to spend time at home. In other cases, they reported it left children feeling more isolated, anxious or rejected by their school. Schools should have an understanding of this, and know the strategies to put in place around an exclusion to ensure the child's time out is as effective and productive as possible, or to test whether other interventions and strategies that act as alternatives to exclusion are possible, which would provide opportunities for a child to learn from and address poor behaviour while ensuring their peers and teachers are not disrupted.

Of course, there will be times when exclusion is necessary, even when a child does have profound needs. Schools have a duty to ensure they are safe places for teachers to teach and for children to learn. They should also do all they reasonably can to make changes to practice (including reasonable adjustments for pupils with disabilities) that help to ensure children do well in school. Those two imperatives can be complementary – effective arrangements to manage children's needs can help create a calm and safe environment. As part of this review, I have visited schools who have taken a range of steps to support these children to succeed, often in small but significant adjustments that changed the child's interaction with school from negative to positive. There remains plenty of scope for other schools to take a similar approach and, in doing so, improve both their understanding of children with SEN and their ability to create the right environment for children to thrive.

During my time as Children's Minister, I worked to make changes to strengthen and underpin the rights of children with SEN and their parents and carers. The SEND Code of Practice⁶⁵ sets out an expectation

that schools have clear processes to support these children and that, where there are concerns around behaviour, there should be an assessment to determine whether there are any causal factors such as undiagnosed learning difficulties, difficulties with communication, or mental health issues.

It is essential that schools work towards the progressive removal of barriers to education for children with SEND. Schools have statutory duties⁶⁶ to use their 'best endeavours' to support pupils with SEN and to ensure that they engage in school activities, together with children who do not have SEN. Some changes to school policy and practice can be small and relatively easy to implement, others more profound. This report suggests ways to embed positive approaches in schools that deliver good educational outcomes for all pupils, and how schools can be supported to do so.

Children who have been supported by social care

There are also notable trends in the exclusion – both fixed period and permanent – of children who have received support from social care – by which I mean Children in Need of help or protection, including looked after children, as well as those who have left care through adoption, Special Guardianship or Child Arrangement Orders.

Within this group of children, the rate of exclusion varies between the social care classifications. As at 31 March 2017, looked after children were permanently excluded at around the same rate as all children, but Children in Need were over two times more likely to be permanently excluded.⁶⁷

This contrasts with the trend for fixed period exclusion, where looked after children are more than five times more likely to have a fixed period exclusion than all children and around one and a half times more likely than Children in Need, who are about three and a half times more likely to be excluded for a fixed period.⁶⁸ As with children who have an EHC plan, statutory exclusion guidance sets out that head teachers should 'as far as possible' avoid permanently excluding a looked after child, but does not say the same for fixed period exclusion – potentially playing some part in this difference.⁶⁹ Surveys by Adoption UK suggest that adopted children are also more likely to be excluded than their peers.⁷⁰ However, frustratingly, there is no official data available to verify this.

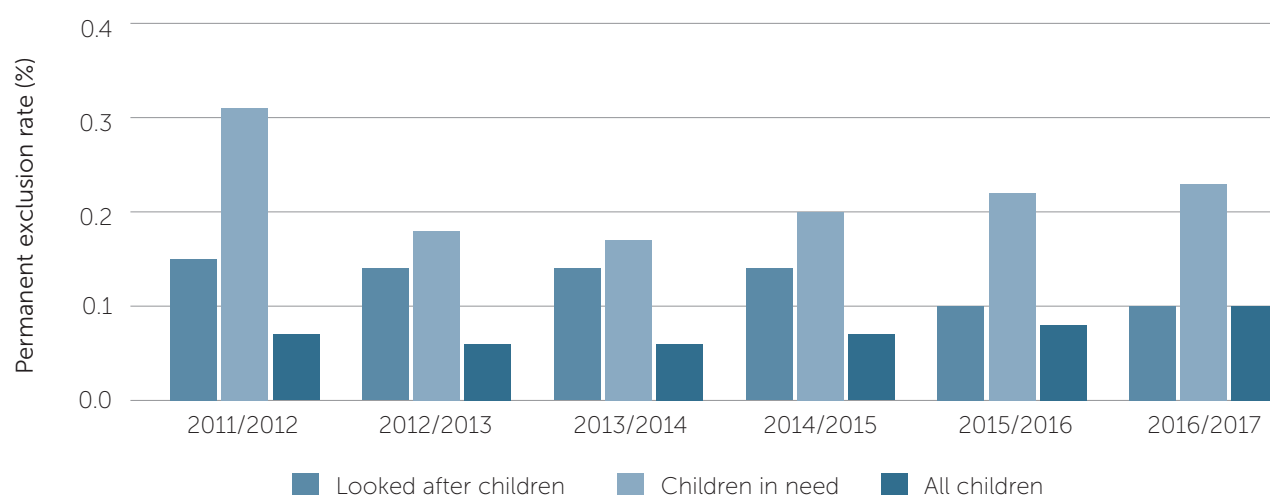


Figure 8: Permanent exclusion rates of looked after children, Children in Need and all children

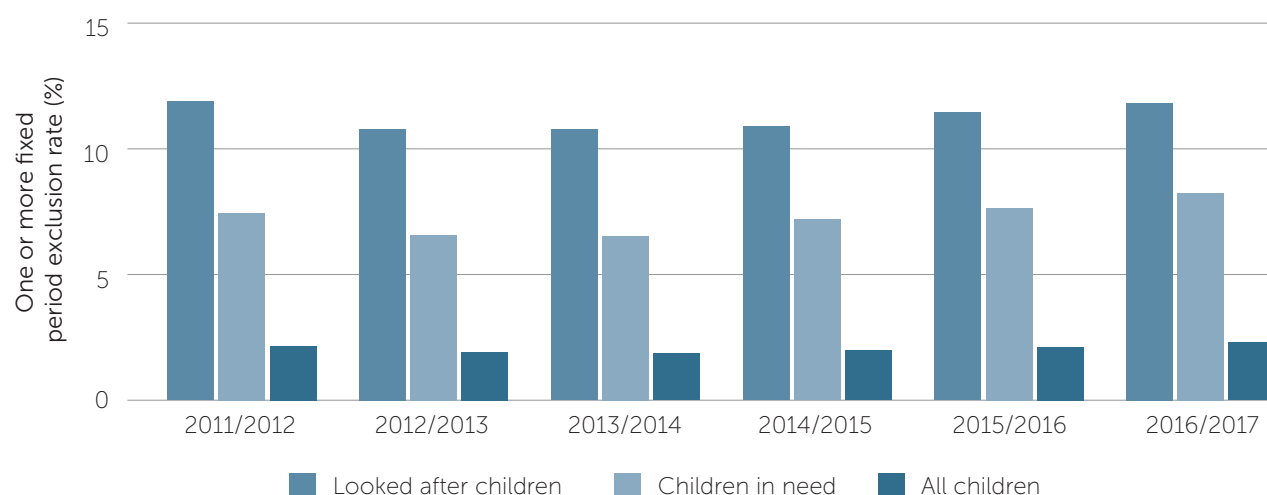


Figure 9: One or more fixed period exclusion rates of looked after children, Children in Need and all children

Source: <https://www.gov.uk/government/collections/statistics-looked-after-children>

Analysis conducted for this review found that children who have had interaction with social care remain more likely to be excluded, controlling for other characteristics on which we hold data, often with a strikingly high chance of exclusion.

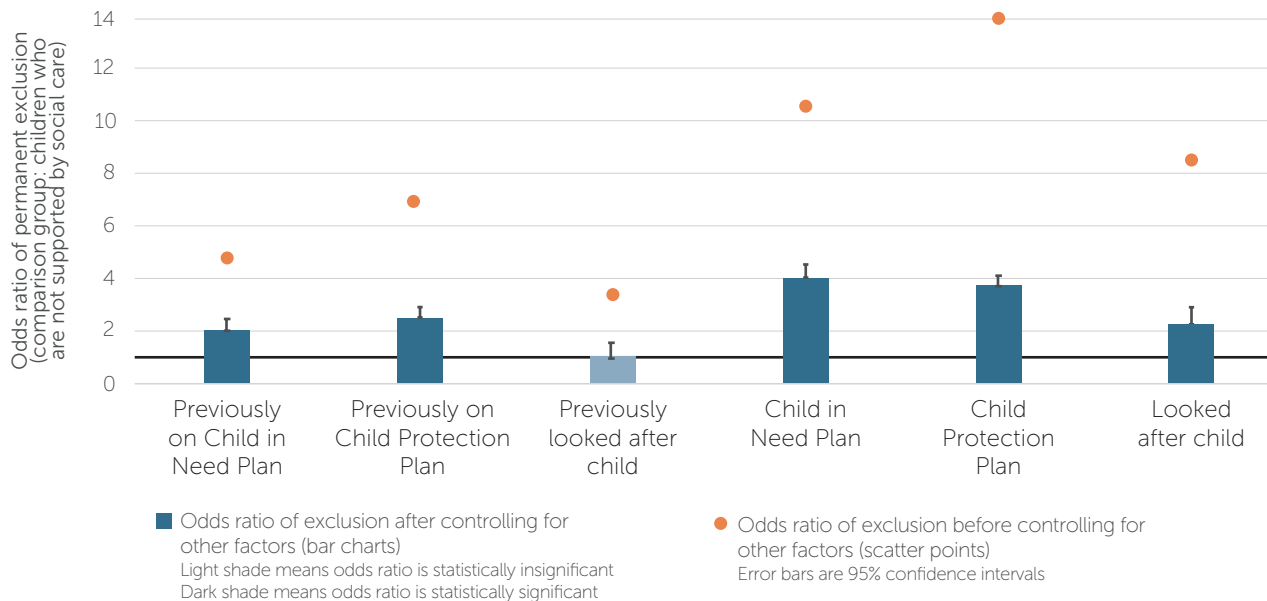
Reflecting the high rates we see in exclusion statistics, before controlling for other factors, children with a Children in Need Plan have the highest likelihood of being excluded. Even controlling for other factors, they are still around four times more likely to be permanently excluded compared to those with no social care classification. This is followed by children who have a Child Protection Plan, who are around 3.5 times more likely to be permanently excluded, and also children who are looked after, who are around 2.3 times more likely to be permanently excluded than children who have not been supported by social care.

The higher chances of exclusion for children who are in need compared to other social care classifications is marked, and has parallels to the differences seen in rates seen between children who receive SEN support and those who have an EHC plan. The reason for the differences in rates between those who have been assessed as at risk of significant harm (and are on child protection plans) and those who are unlikely to achieve or maintain a reasonable standard of health or development without provision of services from the local authority (and are identified as Children in Need) should be fully investigated. We should examine whether differences in statutory definitions or guidance contribute to the disparity and explore whether children on CIN plans require additional support.

As we see in the data before controlling for other factors, children who have previously been classified

as a Child in Need or had a Child Protection Plan in the past have a much lower chance of exclusion than those who are currently receiving support. This is likely to reflect that the current threat or need has a greater impact on pupil behaviour, although, while reduced, it is notable that increased likelihood of exclusion does persist in comparison to children who have not been supported by social care at all. These findings also echo those of the Children in

Need review, which found that on average, children who are currently in need of help and protection perform significantly below their peers on a range of educational outcomes. The data further showed that pupils who received social work support at any point between 2011/12 and 2016/17 had worse educational outcomes than those who did not, indicating that being in need of help and protection has a lasting impact on education.⁷¹



**Figure 10: odds ratio of permanent exclusion by social care classification
 (comparison group: children who are not supported by social care)**

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

Notably, the typical trend in which the association between particular individual characteristics and exclusion is stronger for boys than girls is reversed when we look at those supported by social care. The relative chances of girls in this group being excluded are higher than for girls who are not Children in Need; with the gap in the relative likelihood almost double that seen for boys in many cases.

Looking at the differences between social care classifications, and between boys and girls, it is clear that – as a group – children who have been supported by social care have some of the highest chances of being excluded. Overall, the higher likelihood of exclusion shown in the data reflects the experiences shared with me by parents and carers, as well as schools. Children who have experienced domestic violence, loss or separation can find it hard to trust adults around them or form positive attachments. This can result in behaviour that may look like defiance but is often rooted in mistrust,

fear or negative examples of behaviour they have seen in their own lives. These children may respond differently to particular sanctions which, rather than leading to changing their behaviour, can further damage relationships with adults around them. One parent described the impact of repeated fixed period exclusions on her adopted son as “*enormous. It is another rejection ... you were rejected by your birth family and now the school*”.

It is clear that the school workforce faces a particular challenge in recognising, understanding and meeting the needs of children in, or on the edge of, the care system. As someone who grew up in a family which fostered nearly 90 children, adopted two boys and worked in and around children’s social care for many years, this is familiar territory. A child who is distressed, angry, confused, lacking confidence and trust in others is a child that needs help. I have seen, on so many occasions, that without it, their

behaviour and response to poorly understood interventions will only get worse.

It is important for schools to understand this context when they support these children to overcome barriers and achieve their full potential. The interim findings of DfE's review of Children in Need outlines how this ranges from inclusive whole school approaches to day-to-day adjustments and targeted specialist interventions.⁷² If schools do not act immediately, the failure to meet these needs adequately will likely contribute further to the documented poor outcomes of these children.

It must be recognised too that, while I have had the opportunity to hear from some incredibly dedicated parents and carers of these children, some who are supported by social care live in environments where they suffer from abuse, neglect, family dysfunction or acute stress. On visits around the country, I encountered cases of children from extremely challenging backgrounds where schools were working hard with other services to get them the help and support they needed, including hearing about the impact of effective social care itself, particularly when working together with a child's school.

Indeed, there are already mechanisms in place to ensure children in contact with social care are supported. All schools will have a Designated Safeguarding Lead who will typically take the lead on safeguarding concerns and support staff to carry out their safeguarding duties. They will also liaise closely with other services, such as children's social care, as required. Schools must have a designated teacher for looked after and previously looked after children (including adopted children and those with special guardians), in their school and LAs are, through Virtual School Heads (VSHs), under a duty to promote the educational achievement of children who are looked after, or previously looked after by their LA. There is good evidence that VSHs in particular are effective in supporting schools, and it is notable that rates of permanent exclusion for looked after children began to fall in the year they were introduced.

Safeguarding guidance⁷³ and guidance for designated teachers⁷⁴ highlights the vulnerabilities of looked after and previously looked after children as a group and the role schools are expected to play in supporting them.

DfE's review of Children in Need⁷⁵ is considering how best to improve the educational outcomes for these children and bridge the gap between what is needed and the current reality in our schools. It must not shy away from policy change to remove systemic barriers and create a culture of high aspiration for Children in Need, underpinned by awareness of the impact of children's experiences.

Age, gender and disadvantage

There are longstanding trends that children who are eligible for FSM, boys and older pupils are more likely to be excluded.

Latest statistics show that children eligible for FSM – an indicator used for economic disadvantage – are around four times more likely to be excluded permanently or for a fixed period than children who are not eligible for FSM.⁷⁶ The analysis confirms that children who are eligible for FSM are around 40% more likely to be permanently excluded than those who are not when controlling for other differences.

In relation to age, although we know that older children are more likely to be excluded, it must be noted that the rates of exclusion are rising among very young children. The rate of permanent exclusion for five year-olds, whilst it remains rare, has doubled in the last three years⁷⁷ and there were 5,286 pupils aged between 5 and 10 receiving some or all of their education in AP in January 2018.⁷⁸

With regard to gender, the latest statistics for 2016/17 show that the permanent exclusion rate for boys (0.15%) was over three times higher than that for girls (0.04%), and the fixed period exclusion rate was almost three times higher.⁷⁹ This is a trend that has persisted for many years (figures 11 and 12).

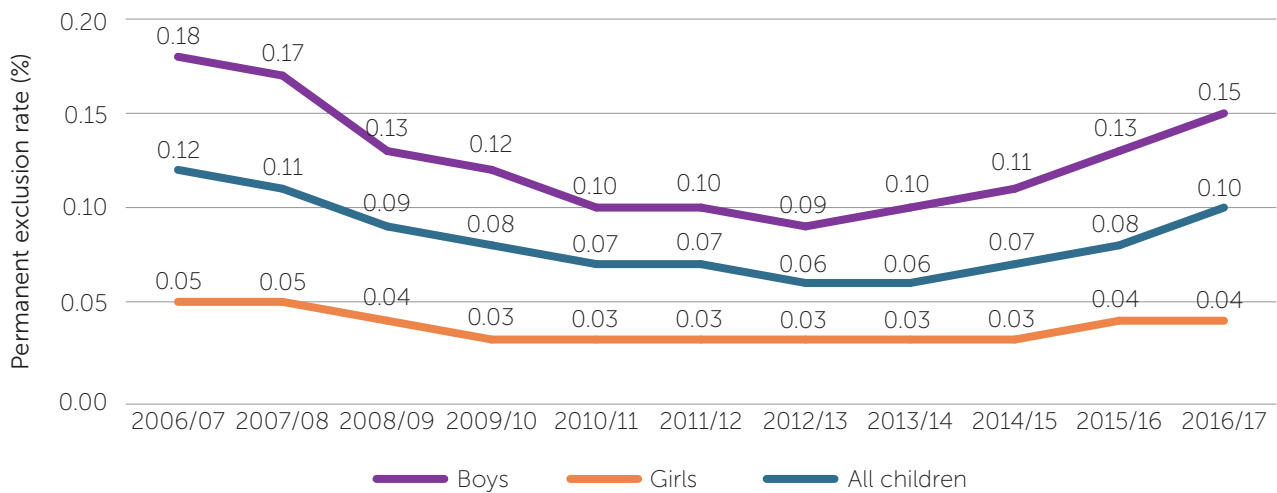


Figure 11: Permanent exclusion rates for children by gender

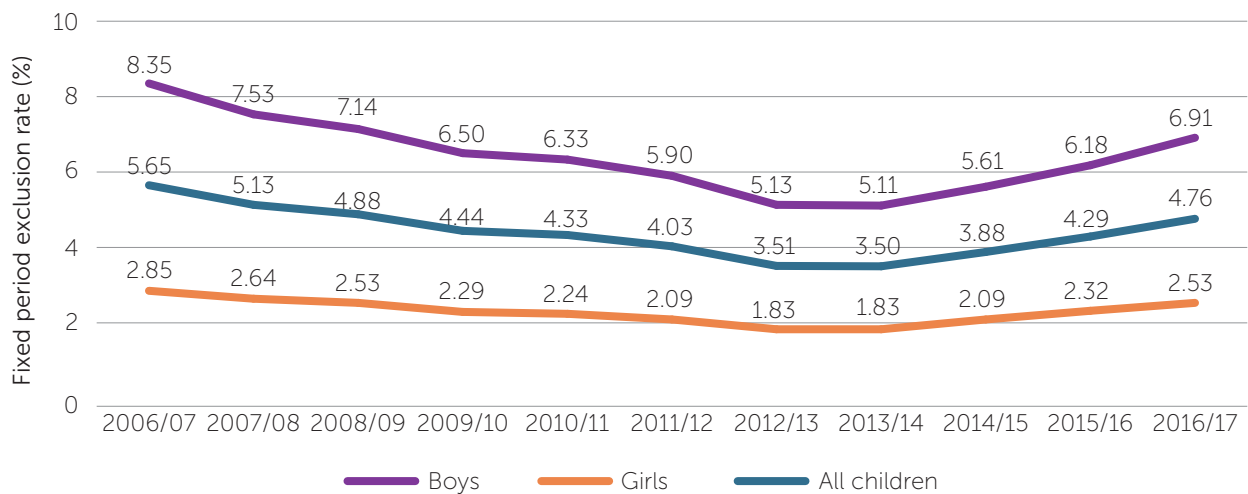


Figure 12: Fixed period exclusion rates for children by gender

Source: <https://www.gov.uk/government/collections/statistics-exclusions>

Looking at the proportion of exclusions issued by gender also shows that exclusions are overwhelmingly issued to boys – in 2016/17, 78% of

all permanent exclusions and 74% of all fixed period exclusions were issued to boys (figures 13 and 14).⁸⁰

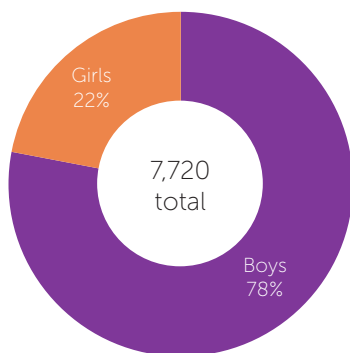


Figure 13: Proportion of permanent exclusions by gender (2016/17)

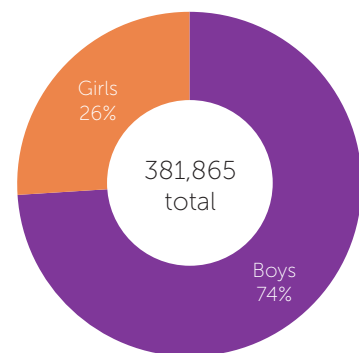
Source: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>

Figure 14: Proportion of fixed period exclusions by gender (2016/17)

The latest statistics also show that boys are substantially more likely to be excluded in primary school than girls: 89% of permanent exclusions and 87% of fixed period exclusions issued in primary schools were for boys.⁸¹ While exclusion in primary school is rare, these statistics suggest we may be missing opportunities to divert primary-age boys away from a pathway to exclusion.

Overall, boys and girls have generally very similar characteristics – other than the rate of identification of various types of SEN – but have very different exclusion rates. The analysis for this review (looking at the associations between particular characteristics and the likelihood of being excluded), therefore, looks separately at boys and girls. Across most pupil characteristics, there is a persistent pattern in which boys are more likely to be excluded than girls with the same characteristics (the exception being for those supported by social care).

This review has not found clear evidence of why boys make up the overwhelming number of exclusions, and the extent to which the curriculum offer in schools or the hormonal and developmental differences result in different levels of engagement.

However, it is often reported that disaffection with school manifests differently for boys and girls, where it exists, which can result in contrasting behaviours being displayed. Some boys' dissatisfaction with school and other mental distress may present outwardly through violence and physical or verbal disruption in the classroom, whereas some girls may internalise their emotions and, as an alternative, cause damage to themselves. It is true that research suggests that girls are more likely to have emotional disorders such as anxiety and depression, whereas boys are more likely to have behavioural or conduct disorders characterised by repetitive and persistent patterns of disruptive and violent behaviour.⁸² Boys are also more likely to be identified as having SEN – in 2017, they were 1.6 times more likely to receive SEN support and 2.8 times more likely to have an EHC plan than girls.⁸³ Given that SEN incidence is associated with increased exclusion rates, this may account for some of the differences in exclusion rates between boys and girls.

A notable pattern when looking at the relative chance of being excluded for particular characteristics split by gender, is that girls who have been supported by social care (those who have a Child in Need Plan, a Child Protection Plan or are looked after), are much more likely to be excluded than girls who have not been supported by social care (figure 15).

The higher relative chance reflects that girls supported by social care are significantly more likely to be excluded than girls overall, who are typically very unlikely to be excluded. This trend is not as significant for boys.

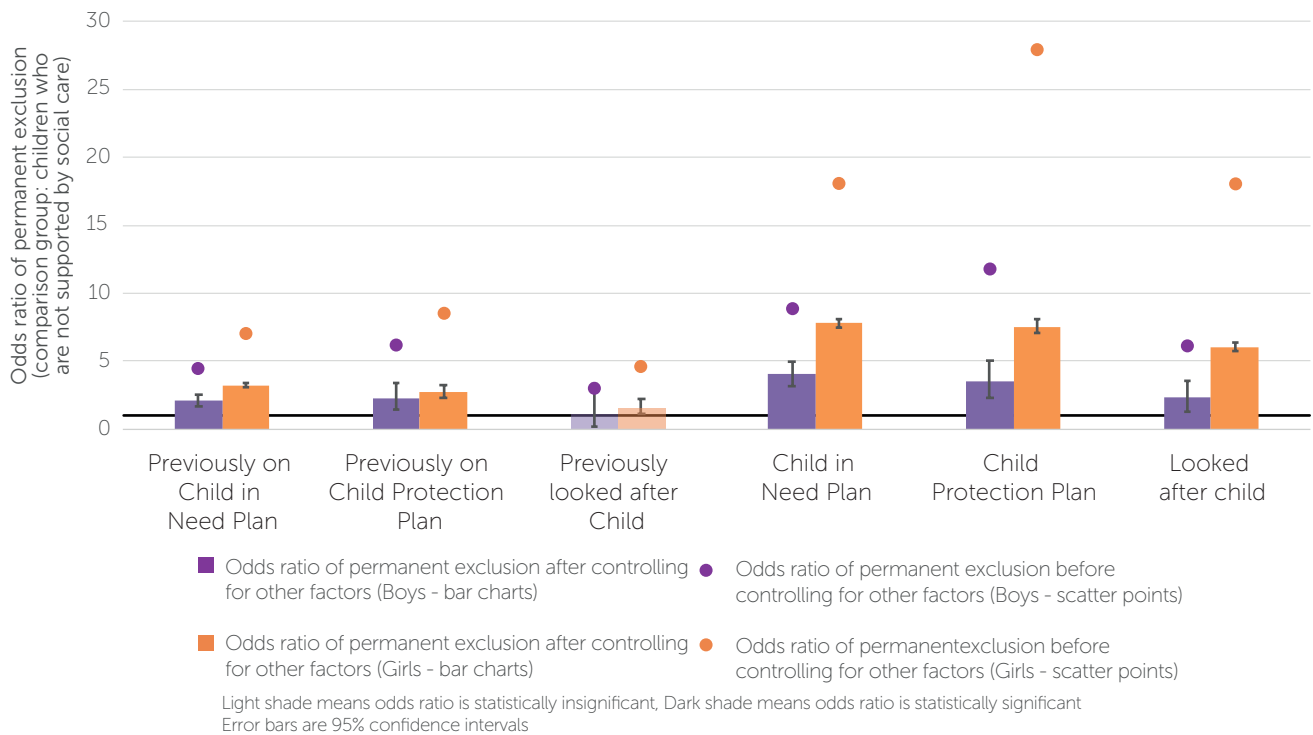


Figure 15: odds ratios of permanent exclusion by social care classification and gender (comparison group: children who are not supported by social care)

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

It would be wrong to infer from this that girls supported by social care are excluded in greater numbers than boys supported by social care. The actual numbers of exclusions for these children are lower for girls than boys.

These figures do, however, raise questions about why the very low rates of exclusion seen for girls overall are not seen for girls who are in Need, on Child Protection Plans or who are looked after. The reasons for the higher rates of exclusion for girls in this group compared to girls overall merits further consideration by DfE.

Type of mainstream school

It is clear from this review that there is outstanding practice across all areas of the school system. So too are there individual schools, of all types, who can improve their practice, including doing more to ensure exclusion is always used well. This review has heard and looked carefully at the contention that academy schools are misusing exclusion, either by excluding too readily or to improve their results.

The review did not find that particular types of school (academies or otherwise) are, as a group, using exclusion strategically to improve results. Indeed, it found that the type of school a child attends will not, in itself, determine how well exclusion is used but there are schools of all types that can use exclusion to better effect.

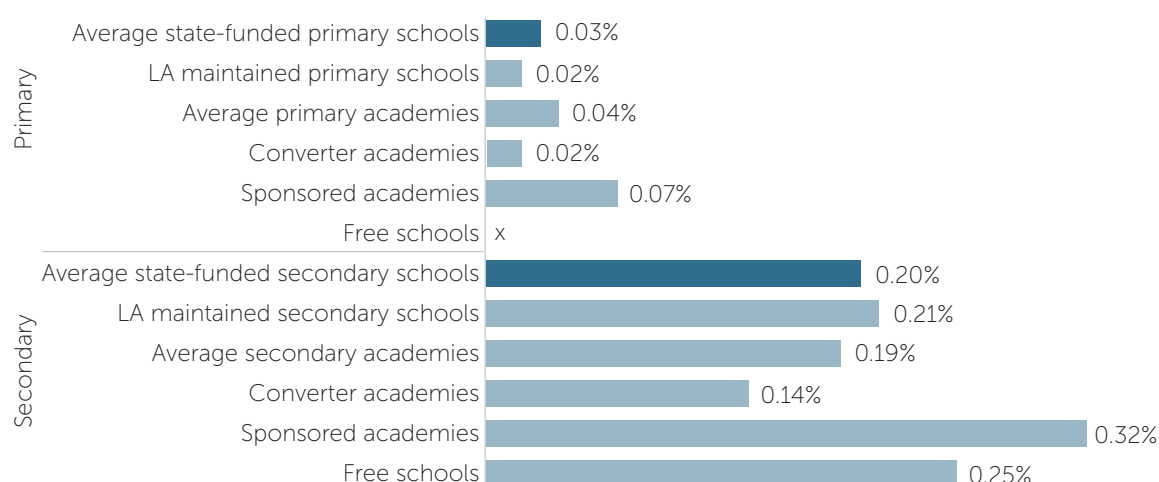


Figure 16: Permanent exclusion rates in state-funded primary and secondary schools, by school type (2016/17)

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

Looking at the rate of exclusion by school type (figure 16), academies overall exclude at a similar rate to maintained schools, indeed converter academies (which make up the majority of academy schools – 67% of academies and free schools are converter academies)⁸⁴ exclude at the same or lower rate than LA maintained schools. Sponsored academies do, as a group, use exclusion at a higher rate, but it is important to put these rates into context.⁸⁵ The role of new academy sponsors is to take over challenging schools, typically with a history of failure and poor discipline. Often, a vital part of delivering better outcomes for children is instilling standards that ensure school is a safe place where children learn well and staff want to work.

This review has also considered new analysis that looked at the chance of a pupil being excluded from different types of school, controlling for other factors, including characteristics of the pupil cohort. For example, while the chance of being excluded from a sponsored academy, either permanently or for a fixed period, is higher than for a child at an LA maintained school, it is not as high as before the controls are applied. This reflects that sponsored academies are more likely to have pupils with SEN, who receive free school meals or who are supported by social care. Indeed, there is also evidence that the same types of pupils are excluded in every type of school – characteristics that increase the likelihood of a pupil being excluded in an academy are the same as in other types of school.⁸⁶ What the data cannot fully control for is the context in which these schools commonly operate.

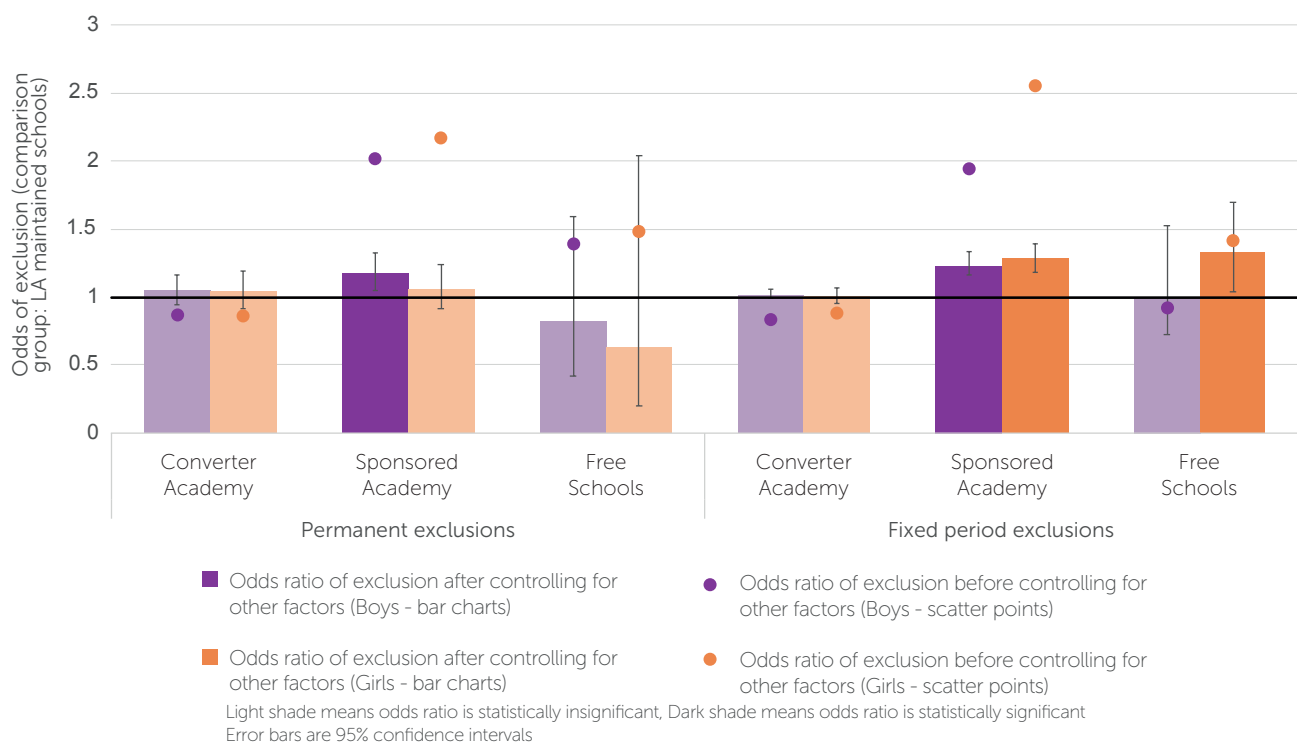


Figure 17: odds ratio of permanent and fixed period exclusion by type of mainstream school (comparison group: LA maintained schools)

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

A forthcoming study, *Autonomous Schools and Strategic Pupil Exclusion*, which thoroughly interrogated exclusion rates across different school types confirmed that, while sponsored and converter academies are more likely to permanently exclude pupils when compared to similar LA maintained schools (though the effect was smaller for converter academies), they did not improve their GCSE results because of this.⁸⁷ Instead, this higher rate of exclusion, particularly in pre-2010 academies, is very likely to reflect the more prominent behavioural challenges faced in these schools.

From the evidence seen by this review, which included meeting with school leaders across different types of schools, I know that the range of approaches set out in chapter 2, cut across different types of school, including sponsored academies as well as maintained schools, that demonstrated clear behaviour standards, supported by extensive provision to give children every opportunity to meet them. The examples given on the next page of an all-through academy and a community school are two of many from which I could have chosen.

These findings provide a new contribution to the evidence base for both schools and DfE to consider how the system is operating. Overall, it is clear from these findings that the type of school a child attends will not, in itself, determine how well exclusion is used. However, taking into account the differences of context which may itself mean exclusion is used at a different *rate*, there are schools of all types that can use exclusion to better *effect*. For example, whilst *Autonomous Schools and Strategic Pupil Exclusion* finds that exclusion persists at higher levels for early academy schools, I have heard from school leaders that – often – rates can and should fall once a clear culture and standard has been set.

DfE should look closely at the patterns for individual schools, whatever their type, set against the outcomes of Ofsted inspections on the effectiveness of their approaches to managing behaviour, which will be the subject of renewed focus Ofsted framework currently out for consultation⁸⁸ with the purpose of ensuring practice is appropriate, proportionate and effective. Where there are outliers this should be tested and challenged, whatever regardless of school type.

Developing routes for every child – all-through sponsored academy South East London

The principal of a large all-through academy, where over half of children are eligible for FSM, explained how the school prides itself on a culture of high expectation and achievement, which requires a commitment to hard work and self-discipline. The academy has a highly structured and orderly environment where everyone is well mannered and respectful of others. The model for achieving this includes having a range of models of intervention that can be matched to a pupil's own specific needs:

- **Internal inclusion:** using an internal unit located within the academy and an internal exclusion centre, which are used as part of a tiered system of support in the best interest of the child and other children, to maintain behaviour. All staff are trained to use role-play and set routines to use when intervention is required which, ensures behaviour management is consistent across the whole school.
- **Pastoral support:** includes a cognitive behavioural therapy trained counsellor who runs workshops for students identified as needing greater support across the schools. This provides the students with preventative/coping strategies and complements provision provided by Place2Be and Entrust counselling.
- **Year 7 'Fast Track' Group:** students who are identified as having high needs are taught in smaller classes.
- **Mentoring programme:** certain groups of pupils, such as Black Caribbean boys, receive mentors and role models, based on shared characteristics, who track their progress. The key to success of the mentoring groups is identifying barriers to attainment and finding pragmatic ways to remove them.
- **Summer schools:** students from feeder primary schools attend a five-day summer school as an induction to the ethos of the academy and to gain an understanding of behaviour expectations.

Choices, chances and consequences – all-through maintained school, North West England

The head teacher of a large all-through community school described its approach to ensuring children take responsibility for their behaviour. This is based on a system of choice, chance, and consequence, to remind pupils that they choose how they behave and if their behaviour is poor, they are given the chance to change before any consequence or sanction is applied. Where breaches occur, the consequences for each child will depend on what will help them to understand the impact of their behaviour and improve this. As well as exclusion, breaches can result in:

- **Internal inclusion** including a short-term 'out of circulation' area led by school staff, where pupils are sent for breaching the school's rules, as well as a longer-term 'inclusion centre', operated by full-time specialist staff, which offers a bespoke curriculum for children whose behaviour has failed to improve.
- **Behaviour panels** held when a pupil's behaviour fails to improve following initial support strategies. This has a 'team around the child' approach involving parents and carers, social workers and educational psychologists, as appropriate, to ensure an individual early intervention support programme is in place.
- **Restorative approaches** to build pupils' understanding of how their behaviour has impacted others around them, and to learn from their mistakes.
- **Peer-to-peer mentoring programme** where older pupils are mentors and role models for younger children, to help pupils build self-confidence, self-esteem and motivation, improve behavioural and emotional difficulties and develop an understanding of cultural variations.
- **Pastoral support team** offering counselling and art therapy sessions, particularly for pupils with SEMH needs or post-traumatic stress disorder.
- **A School Link Police Officer** holds surgeries for pupils, staff and families to raise pupil awareness and promote positive behaviour.



04

PRINCIPLES FOR REFORM

Exclusion, both fixed period and permanent, is a necessary sanction and this review has seen evidence of it being used effectively. I do not believe government should be prescriptive about all of the circumstances in which it should, or should not, be used. Head teachers should be able to use their professional judgement about when to use exclusion. However, there is undoubted variation in how effectively exclusion is used in practice, and this review makes recommendations to support head teachers to make these difficult decisions well, with access to the tools and information they need.

What does appropriate use of exclusion look like?

In the most serious or persistent cases of poor behaviour, schools use exclusion to ensure that the rest of the school community is kept safe. One chair of a multi-academy trust (MAT) wrote about the approach taken within his schools to “*avoid permanent exclusions wherever possible*” by seeking alternatives such as managed moves. He also noted that he has used permanent exclusion for serious behaviour that “*poses a risk to safety - bringing in a knife, threatening others with it and refusing to understand the implications; a very serious fight in which another student is seriously hurt; supplying drugs*”. Pupils surveyed by Coram were also supportive of using exclusion for a range of misbehaviour.⁸⁹

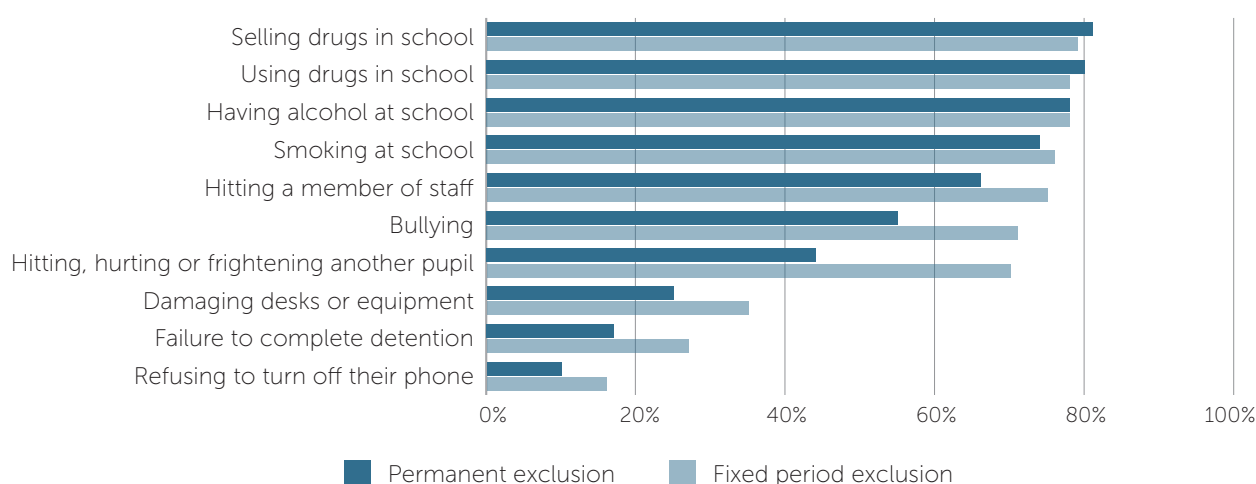


Figure 18: Behaviour pupils believe should always or usually result in exclusion

Source: [Coram.org.uk](https://coram.org.uk)

As well as a necessary tool to keep others safe, there is also evidence that both fixed period and permanent exclusion, when used appropriately and with a clear purpose that all involved understand has a positive impact such as helping a child understand the impact of their behaviour. Several school leaders described fixed period exclusion prompting discussions at home with parents and carers about why the exclusion was issued, which helped the child understand and feel the consequences of their behaviour.

Providing enhanced support and an opportunity to reflect – secondary academy school, West London

One secondary school in West London spoke of using a wide range of strategies to engage a previously looked after child. This included in-class support, being paired with a mentor, undertaking work experience with the school's site staff and taking an on-site construction course, all of which was drawn up by teachers who took part in 'Team Around the Child' meetings to ensure all teachers adopted consistent strategies.

When the pupil's behaviour escalated and their actions warranted exclusion, the head teacher issued a two-day fixed period exclusion, with the intention of providing an opportunity for the child to reflect on their poor behaviour. A meeting was held with the child's parents to discuss the exclusion, and together they set clear targets for the child's behaviour. The exclusion prompted the child to fully engage in his support package and his behaviour has improved dramatically. Following the exclusion, the school also commissioned a full cognitive assessment with an educational psychologist and support from a specialist in drawing and talking therapy to add to the child's support package. The family has also been offered family therapy by CYPMHS to support their wider circumstances.

Some pupils who move into AP also report this can be a positive experience. Research by Coram found that pupils were often positive about this, and found *"the different environment calmer which helped their learning. Pupils had a different experience of the alternative provision curriculum compared with mainstream school ... Young people thought that the teachers in alternative provision were more caring and encouraging. As a result, pupils' self-esteem improved. Young people said that they felt more confident and more enthusiastic about learning. They were happier too, and the increased self-esteem helped counteract some of the negative labels they had been given in the past"*.⁹⁰

Using time out well – maintained secondary school, North East England

A head teacher of a secondary school in a market town in North East England described being asked by their LA to admit a pupil with an EHC plan. The school's experienced SENCO advised a special school place would be more suitable but as the LA was unable to find one, they admitted the pupil to avoid him being without education. The pupil quickly demonstrated poor behaviour and a lack of respect for the school community including running around the school building hitting classroom doors, requiring physical restraint to be brought under control on more than one occasion. The school acted quickly, working with the SENCO to assess and put in place adjustments. As poor behaviour persisted the head teacher issued a fixed period exclusion to protect the safety of pupils and staff. In addition, as it was clear he had exhausted the mechanisms of in school support he contacted the local authority immediately to say the child was at risk of permanent exclusion, demonstrating the evidence of the interventions that had been tried, and recommended they review places in specialist settings. The child was successfully placed in a special school, avoiding the need for permanent exclusion.

What does inappropriate use of exclusion look like?

While exclusion is used to maintain a good environment for others to work and learn, the examples set out above show how they can help excluded children understand their behaviour or access the support they need to improve it. While the best schools do this, there are cases where this is not considered or acted upon in a way that ensures exclusion works for everyone. Instead, there are examples where exclusion is not used to tackle poor behaviour, but to mask serious problems, allowing them to persist.

The most common reason for exclusion is persistent disruptive behaviour, which accounts for around one third of all fixed period and permanent exclusions. Repeated poor behaviour should not be tolerated in any school and must be tackled appropriately. While a single exclusion can be issued for this reason, the review saw evidence of cases where the same children were being excluded for multiple fixed periods. Repeated fixed period exclusion can represent a missed opportunity to successfully address poor behaviour.

Indeed, repeat fixed period exclusion can be counterproductive and cause a child to become anxious or disengaged from their education. Parents of children repeatedly excluded described their children feeling *“rejected”*, or in the case of a six year old with 44 days of exclusion, *“anxious ...[they] make him worse”*. One parent described the impact of repeated exclusion (their child had 19 fixed period exclusions) as *“destroy[ing] our child’s self-esteem”* and a permanent exclusion as *“traumatic in terms of her welfare and mental health. She has lost all confidence in her ability to cope at school”*. Many parents of excluded children who spoke to Coram reported similar impacts. One mother set out how her son *“developed an attachment to [her] and feels that he isn’t wanted at school and so his behaviour gets worse so that they exclude him again”*.⁹¹ Repeated fixed period exclusion can also have a negative impact on academic progress, causing a child to spend time out of school and fall behind their peers.

Not only does this use of multiple exclusions mean the child is not supported to improve their behaviour, but other pupils and staff must also

face repeated disruption when the child returns to school. One mother of a seven year-old who was repeatedly excluded for violent outbursts reported the exclusions *“have not improved his behaviour”*, raising questions over why more fundamental action was not taken. This child’s mother set out that fixed period exclusion is *“used because schools cannot cope with a child’s behaviour and this is the easiest way to deal with it.”* But it is clear this is not ‘dealing with it’ in any meaningful way, either for the child or his school.

These are rare, but not isolated, cases. In 2016/17, 95 pupils were excluded for 45 days in a single year, and 80 children were unlawfully excluded for more than 45 days of fixed period exclusion. Analysis for this review shows that, across three cohorts of pupils analysed for this review, 71 pupils had received more than 50 fixed period exclusions in their school life.⁹² For these children, exclusion is not working. Neither does it work for their schools, where teachers and pupils must repeatedly experience the child’s poor behaviour. Recurrent use of fixed period exclusion in this way, while rare, clearly signals missed opportunities to intervene and address the root cause of behaviour, whether that is within school or through finding the child a place elsewhere that can offer a higher level of support where that is needed.

While exclusion should offer a point to address a child’s behaviour, it is important that it is not simply a mechanism for support. Through this review, I have heard of permanent exclusion being used to *“trigger the help”*. Several head teachers spoke about exclusion being the only way to get children into oversubscribed special schools or into AP, which they would have preferred to access for short-term, early intervention. While it is crucial that processes follow exclusion to thoroughly assess a child’s behaviour and put in place the right interventions, permanent exclusion in particular is a serious sanction and should be used only where nothing else will do. These cases represent examples where other interventions could have supported the child, and led their school to the same outcome.

Following exclusion, there are AP settings that offer excellent support and education. However, others who moved into AP also reported more negative experiences. One parent described how *“the PRU only did basic subjects like maths, English and science. Our son lost half his GCSE courses on his expulsion”* while another said moving to the PRU

resulted in their child mixing *“with children who have been excluded and [are] exposed to gang culture, drugs and knife crime”*.

I have also seen and heard some credible evidence that a small number of schools are off-rolling children for their own interests. This is not exclusion; it is where children are told or made to leave their school without the proper process being followed. As well as reports from Ofsted⁹³ and the Chief Schools Adjudicator,⁹⁴ parents and carers who spoke to the review cited examples of schools applying pressure on them to move their child to another school or to home educate, under the threat of permanent exclusion. Schools, LAs and others were also often aware of this practice, though instances are difficult to identify and tackle. While there will be times a school will exclude children, the informal and, at times illegal, practice of removing children with no access to a route of review must be addressed.

The principles for a system that allows every child to succeed

Every child, regardless of their characteristics, needs or the type of school they attend, deserves a high-quality education that allows them to flourish and paves the way to a successful future. This review sets out a vision for a schools system characterised by high standards for all children, both in the academic opportunities provided to pupils and in the standards of behaviour expected of them. It sets out how we can support schools to achieve this, underpinned by key principles that recognise the need to create the right conditions for them to succeed.

A calm classroom is crucial to enabling teachers to do the job they came into the profession to do: teaching. Teachers should be able to focus on helping all children to learn, rather than spending disproportionate time managing poor behaviour. Excellent teaching that challenges and engages children can, itself, provide the backbone to effective behaviour management and promote a classroom environment where all children can progress.

It is also vital that schools can set and enforce their expectations of pupil behaviour, creating consistent and clear whole-school cultures. Not only schools but parents, carers and pupils who spoke to the review reiterated how important this is. **Schools**

must be calm and safe environments and it is right that we support head teachers to establish strong school behaviour cultures, including by making use of exclusion where appropriate.

There is no optimum rate or number of exclusions – exclusion rates must be considered in the context in which the decisions to exclude are made. A higher exclusion rate may be a sign of effective leadership in one school, and in others a lower exclusion rate may reflect strong early intervention strategies that have been put in place. In contrast, higher rates of exclusion could demonstrate schools not putting in place enough interventions before excluding too readily, while lower rates could be indicative of children being pushed out of school without the proper processes being followed. We should not artificially increase or decrease the use of exclusion, but we should create the conditions where exclusion is used effectively and appropriately. In doing this, the right level of use will be maintained.

Equal to the need to ensure that head teachers can maintain good discipline, is the need to ensure all children have the opportunity to succeed. No head teacher enters the profession wanting anything other than the children in their school to flourish. Despite this professional dedication, my review concludes that there are instances of poor behaviour continuing in schools at the expense of the education of others, as well as children being excluded, sometimes permanently, who with the right support and school environment could have remained in mainstream school.

For any school culture to work, it must work for all children. Some pupils may need additional support to meet the high standards we should expect of them and, alongside being clear on the expectations of them, schools must offer support where identified and needed. This approach must never be an excuse for some children to be held to a lower standard of behaviour or performance than they are capable of. It is in nobody's interest if some children are not expected to meet the standards that they can achieve, and will require to be successful adults, but they must receive the support they need to get there. Alongside considering the best interests of the wider school community, **head teachers, with the support of their staff, should make decisions about how to address poor behaviour based on their knowledge of individual children and what specific support, interventions or sanctions are needed.**

We should expect schools consistently to have the right systems in place and teachers to have the right skills to manage poor behaviour and implement support where children need it – but **we must equip them with the right tools, capability and capacity to deliver against this expectation.** As well as ensuring there are clear systems in schools for managing poor behaviour and that teachers are backed to do this, teachers should be able to draw from a deeper and wider understanding of behaviour management strategies that help explain what sits beneath poor behaviour and what works in addressing its root causes. Only such an approach will deliver and embed sustained positive behaviour in our schools.

Schools must be respectful and welcoming environments where every child has the opportunity to succeed. To ensure this is the case, schools should understand how their policies impact differently on pupils depending on their protected characteristics, such as disability or race, and should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. This should include making use of data, to identify where children from particular backgrounds or with particular needs are more likely to be excluded, and have transparent discussions about whether those differences are explained by the particular circumstances or – if not – how services and support should change to address disparities.

It cannot be the job of schools alone to take action to understand and address the complex underlying needs that children may have. While it is important for schools to take reasonable and appropriate action to help children to succeed and progress, where a child needs more specialist support from health and social care (for example), it is vital they can access this. While it can be argued that a child's education is not capable of being progressed while their wider needs and home environment are addressed, this can result in missing vital opportunities for the school to provide an education and build their resilience. However, fully addressing a child's needs requires a holistic view of their individual circumstances, both within and outside school, and some children will need support beyond their school for this to happen. There should also be an expectation of support from parents, carers and families to work with the school and other services in identifying and addressing the child's needs.

Just as we must not accept poor behaviour that disrupts the education of others, where exclusion is the right choice, **we should not accept that permanent exclusion comes at the cost of the excluded child getting a good education.** While exclusion is a sanction and can be a vital tool to ensure other children can learn, it should also be an opportunity to break the cycle for the excluded child, with action taken to ensure they are meaningfully and positively engaged in education. This is particularly important, as we know the children most likely to experience exclusion are more likely to have complex needs and backgrounds, and education should be the opportunity to get them back on track. Where mainstream school is the right option for a child, we should address the barriers to placing them back in mainstream. For those who are educated elsewhere, there should be high-quality AP school places available for them to attend.



Reform



05

**LEADING:
SETTING HIGH
EXPECTATIONS
FOR EVERY CHILD**

Alongside considering what is in the best interests of the wider school community, head teachers have to make difficult decisions to address poor behaviour, based on their knowledge of individual children and what specific support, interventions or sanctions are needed or will be effective.

The review has found there is variation that goes beyond the influence of local context, and room for improvement in how exclusion is used, both between schools and between children with different characteristics. It is also clear we can do more to understand and respond to individual children who may need support to get back on track, and who might otherwise find themselves at risk of exclusion. In doing so, it cannot be the job of schools alone to take action to understand and address the complex needs some children may have.

This chapter sets out how we can embed ambitious leadership at all levels, from individual head teachers to local authorities and DfE, which sets high expectations for every child, including those children and groups most at risk of exclusion.

The review recommends the government:

- gives **clearer and more consistent guidance to support** schools on how to manage behaviour and use exclusion
- clarifies **the role of local authorities** to advocate for children with additional needs and those at risk of moving out of school through exclusion or otherwise, and require them to convene local forums in which schools participate; and which plan effective early interventions and facilitate provision for children at risk of, or following, exclusion
- ensures there is a well-evidenced, meaningful and accessible **training and support offer for new and existing school leaders** to develop effective and positive behaviour cultures and environments
- extends funding to **equality and diversity hubs** beyond 2020 with the aim of increasing the diversity of senior leadership teams in schools

Setting the right culture and expectations

We rightly devolve responsibility for setting behavioural expectations to head teachers, which allows schools to take approaches that work in their own context. It should therefore be expected that there are differences in how schools set and implement their behaviour policies and, as such, there is not a right or optimum number of exclusions and we should not artificially increase or decrease the use of exclusion. Instead, we should create the conditions in which exclusion is always used effectively and appropriately. In doing this, the right level of use will be maintained. To achieve this, DfE needs to be clearer about appropriate use of exclusion to address the uncertainty I have encountered among leaders in the system about what good practice looks like.

Head teachers reported to the review that current guidance is unclear, leading to variation in practice. This review concludes these differences are likely to explain, in part, the range of exclusion rates between schools.

Leaders spoke of the challenges in navigating and drawing clear messages from multiple guidance documents. Within the suite of guidance, head teachers identified variances in the emphasis placed on aspects of the process, with guidance on pupil needs often underlining the need for assessment and changes to practice⁹⁵, while guidance on disciplinary tools focused on the powers schools have to set and maintain standards.⁹⁶ Done well, these two imperatives should be complementary, but the distribution of information over multiple pieces of guidance can leave schools unsure about how to achieve the right balance.

An example of the case for clearer guidance is the lack of clarity about what is meant by permanent exclusion being a “last resort”. This includes what assessment should be done before this bar is met and how these assessments should be set against budgetary constraints, the availability of external support and, indeed, against the duty to provide a safe environment for staff and other pupils.

There are also specific gaps in guidance. Guidance sets out the need to assess the underlying causes of poor behaviour and apply reasonable adjustments to school policies and practice under the Equality

Act 2010, where a pupil has a disability. However, there is insufficient clarity on how this should be reflected in practice. The Upper Tribunal judgment⁹⁷ in August 2018, that disabled children now have protection under equality law if violent behaviour is a consequence of their disability, has heightened the need for full and clear guidance to schools on the development of their exclusion policy and practice.

Revised guidance should not be prescriptive. It should provide a clearer, crisper outline of how to be proactive and prevent incidents of poor behaviour, or their escalation, and set out the expectations of head teachers in making the difficult decisions about how to manage situations where challenging behaviour is triggered by underlying causes such as SEND, mental health issues, attachment disorder or a history of trauma. There will be exceptional cases where behaviour is so serious it is not appropriate to look at alternatives to exclusion, and greater clarity should not limit schools' powers to exclude for a fixed period or permanently. For most children, the process of doing so should give confidence that exclusion is being used only where nothing else will do.

Recommendation: DfE should update statutory guidance on exclusion to provide more clarity on the use of exclusion. DfE should also ensure all relevant, overlapping guidance (including behaviour management, exclusion, mental health and behaviour, guidance on the role of the designated teacher for looked after and previously looked after children and the SEND Code of Practice) is clear, accessible and consistent in its messages to help schools manage additional needs, create positive behaviour cultures, make reasonable adjustments under the Equality Act 2010 and use exclusion only as a last resort, when nothing else will do. Guidance should also include information on robust and well-evidenced strategies that will support schools embedding this in practice.

All our business – a model for working together

Schools that succeed in creating calm and safe environments rarely do so alone: the best operate in areas where there is shared responsibility between schools of all types and phases and others committed to helping all children succeed. This includes the LA, mental health services, children's services and others, along with support from families.

There are many models for working together. A common model is LA-convened forums of schools and sometimes – but not often enough – other services with an interest in education and children's services. Where these exist, all schools work together with the LA and wider partners to take joint responsibility for those who are at risk of moving out of mainstream education, by exclusion or otherwise. These children are discussed both individually and in the context of their school, and their school is offered advice or access to specialist support or placements at more suitable settings. In the best examples, other agencies, such as children's services, are also present at these meetings educational psychologists, health professionals and police officers.

Submissions to the review from professional bodies were consistent in calling for better joint working. One submission called for *"all schools in a local area to take collective responsibility for all the children and young people living and being educated in their area"*; while another highlighted the specific value of *"strong relationships and collaborative and shared learning between mainstream and alternative provision"*. Another still, wrote that *"the way forward is to facilitate the development of effective and appropriate partnerships for the communities that schools serve, so that collectively they take responsibility for the outcomes and well-being of all pupils."*

Collective commitment to primary pupils – small borough council, South East England

One LA, covering an area of high deprivation, chose to extend their Fair Access Protocol (FAP) to take on a new role considering the high permanent exclusion rates among primary pupils.

Every LA is required to have a FAP to ensure that children without a school place during the school year, especially the most vulnerable, are admitted to a school as quickly as possible. In this LA, and many others, this was delivered through a panel of school representatives, mostly head teachers, who discuss each child's case. This LA chose to proactively extend these discussions beyond those without a school place, to include children who are at risk of moving out of school by exclusion or otherwise, to prevent children falling through the gaps in the system.

Children are referred to the panel through two routes: head teachers direct most children when they are concerned a child is at risk of exclusion and all other existing school-based interventions have been exhausted; and from the LA when a child has been permanently excluded from a school within the area.

Where a placement has broken down, rather than permanently excluding a child, the panel can agree a move, identifying a more suitable school, based on proximity to the child's home, which schools have capacity within a year group to take on a child who will need more support, and the views of the child's parents or carers.

To ensure transparency and fairness for the schools, the panel also tracks how many pupils each school has received to ensure it is not always the same schools taking on pupils. They identify year groups that do not have capacity to take on children with challenging behaviour or needs through a RAG (red/amber/green) rating system. Each primary school is able to rate their most challenging year group as red, indicating that it would not be suitable for them to admit another child with additional needs. They may also give an amber rating for a second year group, which also has a challenging cohort but where they would still be able to admit an additional child.

Both schools and LAs have reported positive experiences of retaining collaborative relationships and shared oversight and responsibility of children who are at risk of exclusion and need additional support. However, this is not happening consistently enough and, in too many areas schools feel unable to access support while LAs struggle to deliver their strategic role in planning provision and meeting some children's needs.

The differences in how schools work together and how LAs perceive and deliver a role in relation to exclusion was striking across the areas visited by the review. The variation in approach to joint working is, in many ways, not surprising. As the school system has moved towards a greater proportion of academies and free schools, along with a centralised approach to allocating funding and delivering school improvement (albeit within a school-led system), the relationships and roles within it have changed.

These changes have brought positive developments. The review has seen many academies whose staff are working effectively with children to manage behaviour effectively and minimise the need for exclusion. Many of these schools operate in very challenging environments, taking over schools that not only have a history of failure, but also cater for children with additional and sometimes complex needs. These changes have also altered relationships, sometimes creating gaps in information and services relating to some children.

While LAs continue to have a range of statutory duties covering education, to ensure the needs of particular children with additional needs (such as those with SEND) are met, without strategic oversight of the approaches taken in schools, they can find it hard to deliver against these duties. For example, LAs can find that the first sign that a placement has not worked for a child with SEND, or who is looked after, is a notification that they have been permanently excluded. At this juncture, no options for early intervention are open to the LA. The LA must then become the commissioner of new and expensive provision for this child if another school place cannot be found.

In areas without multi-agency and early help systems, schools also reported feeling unsupported and lacking access to the information or services they needed, sometimes meaning that they considered exclusion was the only way to access

specialist services because it placed a duty on the LA to put in place appropriate support and provision.

At present, joint working relies on all those with an interest agreeing to co-operate and support one another. Because of this, they are only as strong as the relationships and good will that have been developed within the local area. Interestingly, no correlation was found between areas that had succeeded in this and whether the schools in the area were LA-maintained or academies (or a mixture of these, and regardless of whether certain types of school dominated the make-up).

As well as areas where no action had been taken to build this kind of joint working, there were also schools and LAs who had attempted to do this but had not succeeded. What is evident is that even one school refusing to take part can, and does, undermine the ability to deliver effective joint ownership. Without collective buy-in across the whole school community built around a sense of shared responsibility for all children in their area, it is almost impossible to engender the development of trusted local arrangements designed to ensure all children get the best possible education in the right schools.

There is a need to take stock of relationships in the system and refocus these, so that they help collectively to deliver a better functioning and more consistent approach. This review does not offer a detailed design for how these relationships should function, but common features included being child-centred, collaborative, being facilitated by LAs, having representation from all schools (including AP and special), having buy-in at a senior level, as well as being regular enough to ensure they could make timely decisions.

How forums seen by this review were constituted varied. While some included regular face-to-face meetings of all schools, others operated with representation at a MAT level, or rotated which schools attended. Some were new and bespoke forums, while others used existing meetings of school leaders, such as FAPs, avoiding new layers of governance. Regardless of their constitution, where they worked well the forums offered:

- strong and close partnerships between those with an interest in education and children's services
- well understood and clearly defined systems for all those with an interest in children's education,

such as data sharing agreements or regular forums to discuss children identified as at risk of exclusion or moving out of their school in other ways

- a collective commitment to improving early intervention, so that while decisions to exclude are those of schools, early intervention was available where it was needed and targeted effectively

Where LAs perform this role well, it can tackle the negative cycle where schools feel exclusion accesses support, which in turn creates greater burdens on the LA to put in place AP. Instead, it can create a virtuous circle in which a greater proportion of high needs funding can be spent on targeted early help, so schools have the support required to negate the need for exclusion, tackling problems and poor behaviour where it arises rather than this escalating to the point of exclusion. This does not just benefit children at risk of exclusion; it benefits every child in their school.

In the best examples, these forums are used to feed into strategic planning of early help provision, including planning to ensure the right type and number of school places are available. Parents, carers and schools alike spoke to me about areas where a lack of special school places, particularly for children with complex SEN relating to autism and SEMH type SEN, meant children with very high levels of need were inappropriately placed in mainstream schools without the right support, sometimes against the wishes of families. This not only puts pressure on schools, but means children are not set up to succeed in those placements. Live information on particular needs that the current system is not effectively catering for is vital to planning future provision, and this should be at the heart of areas' SEND Local Offers.

After extensive discussions with schools and LAs, and recent research on AP markets⁹⁸, this review concludes that, while schools must be full participating members of these arrangements and forums, to bring consistent joint working to every school, we should expect LAs to lead partnership working within their area. In this role, the LA should not police how schools use their powers, but support schools to deliver effectively for all children, and take responsibility for their own supporting role. If all children are to benefit from the best practice identified by this review, DfE should be clear about

the expectations of local areas and the roles and responsibilities of both schools and LAs in taking part in these forums, and take steps to enable this practice.

Recommendation: DfE should set the expectation that schools and LAs work together and, in doing so, should clarify the powers of LAs to act as advocates for vulnerable children, working with mainstream, special and AP schools and other partners to support children with additional needs or who are at risk of leaving their school, by exclusion or otherwise. LAs should be enabled to facilitate and convene meaningful local forums that all schools are expected to attend, which meet regularly, share best practice and take responsibility for collecting and reviewing data on pupil needs and moves, and for planning and funding local AP provision, including early intervention for children at risk of exclusion.

Investing in school leaders

Ultimately, it is for head teachers to decide when to exclude and – with the right support and guidance – we should trust heads to make good decisions. I am confident from my discussions with schools that, overall, head teachers do not take these serious and often difficult decisions lightly, particularly in the case of permanent exclusion.

The best leaders couple high standards with strong support for their pupils and are not necessarily those who do not exclude; rather they are those whose values – and those they expect of their staff – are to keep investing in and working with children with additional and, at times, challenging needs, to secure the best outcomes for them.

Culture and ethos are something that can develop and grow organically but, as Tom Bennett set out in his review of behaviour in schools *Creating a Culture*,⁹⁹ often they must also be designed, created and maintained. *Creating a Culture* highlights the core components of how to build an effective culture and sits alongside the 2017 reformed National Professional Qualifications (NPQs). These provide aspiring and serving head teachers, as well as middle leaders, senior leaders and executive leaders, with training to develop the range of core knowledge

and skills they need to address behavioural issues, including for children with SEND and mental health needs.

It is now almost two years since the publication of *Creating a Culture* and the changes to NPQs in September 2017. While it is for school leaders to take decisions about how best to achieve supportive and safe environments based on the circumstances of their school, the review heard from school leaders who would welcome more support and training to deliver this effectively. Building on DfE's announcement of £10 million investment to support schools to share best practice on tackling poor behaviour,¹⁰⁰ DfE should now actively consider what more can be offered to ensure that all current and future leaders have access to meaningful and practical training, and are provided with help from high-performing leaders who already have a track record in this area, to give them the confidence to build and maintain good behaviour cultures.

Recommendation: DfE should ensure there is well-evidenced, meaningful and accessible training and support for new and existing school leaders to develop, embed and maintain positive behaviour cultures. The £10 million investment in supporting school behaviour practice should enable leaders to share practical information on behaviour management strategies, including how to develop and embed a good understanding of how underlying needs can drive behaviour, into their culture. It should also facilitate peer support, where school leaders have the opportunity to learn from high performing leaders who have a track record in this area.

Encouraging diversity in school leadership

As well as investing in the skills that schools need to know *how* to create good whole school cultures, it is right to also consider *who* leads in schools to ensure that those who hold leadership positions are role models to children in their schools.

To that end, it remains the case that some of the groups overrepresented in exclusion statistics are also underrepresented in the population of our school workforce. At present, one quarter of pupils

in our schools are BAME,¹⁰¹ yet the number of BAME classroom teachers is just 9%, and the figure for head teachers is even lower at 3%.¹⁰² As DfE has set out in its statement of intent on workforce diversity, which I have signed, diversity within schools is valuable in fostering social cohesion and, most importantly, in supporting pupils to grow and develop in an environment of visible, diverse role models.¹⁰³

While the workforce will not entirely mirror the school it is in, those groups underrepresented in the workforce should be supported to succeed.

There is evidence to suggest diversity in school impacts on use of exclusion. A 2012 review of school exclusion by the Office of the Children's Commissioner, then Dr Maggie Atkinson, found that children from ethnic groups more likely to experience exclusion were much more likely to be excluded when they were in a small minority in their school, than when they were with larger numbers of children from the same ethnic group as themselves.¹⁰⁴

In summer 2018, new, nationwide equality and diversity hub schools were established to provide a lead in offering training and support for underrepresented groups, with the aim of increasing the diversity of senior leadership teams across schools in England.¹⁰⁵ With the right support, more teachers from BAME backgrounds can be supported to achieve positions of greater responsibility in schools. In 2017/18, 80% of respondents to the participant survey, which assessed the effectiveness of previous funded programmes to help teachers with particular protected characteristics gain leadership positions, indicated they had achieved promotion or were planning to apply. Only 6% indicated they were not planning on applying for next stage promotion.¹⁰⁶ It is positive that DfE has committed to fund the current programme until 2020, but there is scope for this to be continued beyond 2020 with greater coverage, to truly embed its reach and impact.

The principle of promoting a diverse workforce also applies to governing boards and academy trusts. Like the teaching workforce, governors and academy trustees can be from different backgrounds from the children in their schools. Just 4% of governors and trustees are from an ethnic minority background.¹⁰⁷

As set out in the National Governance Association's campaign *'Everyone on Board'*, diversity among governors and trustees not only provides an opportunity to show the diversity of leadership of a school and creates role models, but doing so strengthens schools' effectiveness. This can set the tone of inclusion and avoid 'groupthink' that can result from boards made up of individuals with shared backgrounds and perspectives. As schools approach the task of finding dedicated individuals to perform these roles, it is in everyone's interest that they actively consider how to ensure the make-up of their board has diverse representation that better reflects the community their school serves. In turn, this will ensure that communities have confidence that governors and trustees have their best interests at heart.

Recommendation: DfE should extend funding to equality and diversity hubs (an initiative to increase the diversity of senior leadership teams in England's schools through training and support for underrepresented groups) beyond the current spending review period and at a level that widens their reach and impact.



06

**EQUIPPING:
GIVING SCHOOLS
THE SKILLS AND
CAPACITY TO
DELIVER**

Setting the expectation that schools put in place the right support for pupils to meet the academic and behavioural standards of which they are capable of, must be matched with access to the right tools, capability and capacity that equips them to do so.

Equipping school staff with access to the right support, delivered both in school and by expert services outside of schools, backed by clear and consistent behaviour standards and the ability to use sanctions, will ensure that the balance of meeting the needs of children at risk of exclusion against the needs of the wider school community can be struck.

The government should:

- review the content on behaviour in **initial teacher training** and ensure effective training is embedded in the **Early Career Framework**, so that all teachers have accessible, meaningful and substantive training
- ensure there are **designated individuals** in schools who are trained to understand what may be behind challenging behaviour and can support peers in responding effectively
- establish a **Practice Improvement Fund** to support mainstream, special and AP schools to develop and deliver effective interventions for children who need additional support
- **clarify guidance on use of in-school units**, so that they are always used constructively and supported by good governance
- **reposition AP** as a source of expertise for schools, as well as taking action to raise the standards across the AP sector including through ensuring AP is a positive career choice for the school workforce
- continue to support and invest in **multi-disciplinary teams** attached to schools, in recognition that it cannot be for schools alone to manage all the needs of children who require additional support

Developing a skilled workforce

It is all the people within schools – the teachers, Special Educational Needs Co-ordinators (SENCOs), support staff and others – who create environments where children can thrive and achieve their potential.

For children, the staff member who notices their talent or takes the time to ask about life at home can make a difference to whether they feel valued and inspired by school. Some children will tell you it was a member of the kitchen staff or pastoral team who they clicked with, or who helped them settle into school life. It is also often these staff members who must respond to poor behaviour when it occurs.

Schools I visited across England demonstrated how behaviour can be transformed through knowing what is happening in a child's life and knowing how and when to source external help, such as assessments by educational psychologists to supporting school staff to respond directly to particular children's circumstances as set out in the example below.

Getting in front of the behaviour – charity, South East England

A charity in South East England that works with women with a history of substance abuse and their families described how they supported a school to identify the underlying causes of a five year old's behaviour. The child had a history of separation and trauma and was on a Child Protection Plan.

The child's teacher described how this very vulnerable pupil was displaying challenging behaviour by seeking high levels of attention and taking items from the teacher's desk. With the charity's support, the school identified that the child did not have positive attachments with adults outside of school, but was trying to form a bond with the teacher – including taking items to "take a bit of them home". While the behaviour was challenging, the charity was able to work with the school to find ways to encourage a positive attachment between the child and teacher which did not revolve around negative behaviour, as well as ways to help the child cope with transitioning to a new classroom teacher and forming new bonds when the year was over. This allowed the teacher to tackle the poor behaviour while supporting the child, ensuring the pattern was not repeated with future teachers.

The approach developed for this five-year old would not necessarily work for every child with this behaviour or even the same needs. If their behaviour continued, it might have been appropriate to use sanctions alongside support to ensure they understood the consequences of persisting with poor behaviour. While there are many reactions, a common approach school leaders described for deciding how to manage poor behaviour was to consider the ABCs: the *antecedents*, the *behaviour* and the *consequences*. Understanding the antecedents – why a child behaves in the way they do – will ensure action taken tackles the root cause of, and gets in front of, that behaviour, rather than the school simply reacting to it.

Ultimately, there are a range of ways to tackle poor behaviour, but the best schools have a variety of structured approaches so they can take appropriate and tailored action. Children and teachers alike report that poor behaviour and the failure to manage it well is a problem in our schools¹⁰⁸ and children support action being taken to tackle poor behaviour, including using exclusion where that is necessary.

Whatever action is taken must create environments that are calm and allow education without disruption, as well as addressing the behaviour of individual children. Done right, these two things are complementary. As well as reporting how crucial this is, parents and carers shared experiences where their child's SEN or experiences of trauma were not considered when deciding how to manage their behaviour. Some even felt that schools had issued exclusions without full consideration of their child's needs beforehand. This included cases from the First-tier Tribunal, where I have seen the relevant documents, in which schools had been subsequently found to have contravened their duties under the Equality Act.

For any school culture to work, it must be capable of working for all children. Sometimes that might mean the school prompting and feeding into new assessments of a child's needs, finding them a more suitable placement and helping them make a positive transition. What is vital is that every child is given the opportunity to succeed in school.

That does not mean there should not be consistency. If a child has broken school rules, there should be consequences but, in the best schools, these consequences differ based on what each child

will understand most and learn from. Consistency and fairness are not at odds with reacting to children differently and as individuals. As one secondary school leader put it, it is *certainty* rather than *severity* that children respond to. However, this approach must never be an excuse for some children to be held to a lower standard of behaviour or academic performance than they are capable of. It is in nobody's interests if some children are not expected and supported to do this.

The majority of school leaders who spoke to this review prioritise and value building the skills of all staff to understand what may lie behind poor behaviour, and support their staff to do so. However, many reported that it was challenging to access expertise and support to build the cultures they would like. One submission from a teaching union summarised the concerns stating that *"studies of teachers reveal that many struggle to access CPD with workload pressures, training costs, and the limited availability of high-quality training providers serving as barriers."*

Every school should actively work to promote whole school approaches to supporting pupils' individual needs, clearly communicating that it is a priority to put in place the right support for children with additional needs and prioritising training and resourcing in the best way to achieve this.

We should also support schools to do this well by developing these core skills at the start of teaching careers. If every teacher has a strong basis of knowledge, coupled with access to external support, where needed, we will ensure these systems are used effectively.

Recommendation: To support the school workforce to have the knowledge and skills they need to manage behaviour and meet pupil needs, DfE should ensure that accessible, meaningful and substantive training on behaviour is a mandatory part of initial teacher training and is embedded in the Early Career Framework. This should include expert training on the underlying causes of poor behaviour (including attachment, trauma and speech, language and communication needs), and strategies and tools to deal effectively with poor behaviour when this arises.

Building expertise within schools

Each child is different, and even with the best training there will be times when teachers need advice and guidance on how best to support them.

Currently, there are individuals within schools who can provide additional support to staff when needed. Designated teachers (a statutory requirement for every school) have a specific role to ensure school staff understand how pre-care and care experiences, including trauma, attachment disorder and other mental health issues, can impact on how looked after and previously looked after children learn and achieve, together with how the whole school supports their educational achievement. Every mainstream school is also required to have a SENCO, who is a qualified teacher who works with the school leadership team to set the school's strategic SEND policy, and provides leadership and support to the whole school to identify and support children with SEND.

These roles are positive and this review has seen the difference these individuals make, but it must be more consistent. We need to build on these pivotal roles to ensure those who hold them are equipped with the right training to be successful, and supported by their school to have the time they need to deliver high-quality support.

There are further opportunities in the creation of Designated Senior Leads for Mental Health in the government's Green Paper *Transforming Children and Young People's Mental Health*,¹⁰⁹ whose role will be to set up and oversee the approach to mental health and wellbeing in their school. These leads will receive training on how best to create positive cultures in schools, including through bringing a good understanding of the risk factors associated with mental health difficulties including SEND, the trauma or adversity that leads to children being in need or becoming looked after, and the lasting impact of these on mental health.

To be effective, and to address the gaps in understanding my review has found, these leads' training must equip them to provide advice and support in schools on how to build environments that are attachment and trauma aware, to allow children who have experienced this to be properly supported.

Recommendation: To ensure designated senior leads for mental health and SENCOs are effective, DfE should:

- review the training and support available to SENCOs to equip them to be effective in their operational and strategic role as SEND leaders
- ensure the training designated senior leads receive includes a specific focus on attachment and trauma

Supporting improved practice

For those children who persistently demonstrate poor behaviour, despite the use of multiple sanctions, standard approaches may not always be effective. In these circumstances, schools must be empowered with the capability and capacity to deliver enhanced support for those children, to give them a better opportunity to remain in mainstream school without disrupting the education of others.

Encouragingly, some of the local areas and schools visited for this review are developing innovative approaches to supporting children known to be at risk of exclusion through an enriched, specialist approach. Where this was used well, it allowed teaching staff in schools to access additional support quickly and take decisive action to tackle poor behaviour and its underlying causes. These varied in nature from a school-based social worker, to an in-school unit staffed by a full-time teacher used to deliver therapeutic interventions, to centralised isolation rooms that teachers could send children to attend and complete their work in exam conditions, as an alternative to exclusion. When used smartly, additional professional and pastoral input can change the course of a young person's life.

In the best examples, these approaches did not just involve individual schools making a choice to develop new support, but all those with an interest in supporting children at risk of exclusion across an area working in partnership. These partnerships shared resources and expertise to ensure schools could deliver effective early intervention, or access more specialist support when they needed it. Where support was delivered in partnership, not only did it ensure it was targeted to be most effective for children but it offered a sustainable approach for schools and LAs to make the best use of resources.

While practice in some local areas and schools shows what is possible, children are not able to access this consistently enough, and the support on offer can differ in cost, quality and outcomes for children.

For every child to benefit from these approaches, DfE must invest in developing, testing, sharing and growing practice – such as that seen by this review and discussed here – through a new Practice Improvement Fund.

In-school units

In-school units, where children spend time out of their normal schedule on their own or in small groups (but which are not formally designated as SEN units or resourced provision¹¹⁰) are common, and yet are extremely diverse in their approach and design.

Research commissioned by DfE suggests that over half of all secondary schools operate some form of unit, and found that units can offer *“a halfway point between excluding a pupil and keeping them in the mainstream classroom. These schools thought they provided some of the benefits of AP”*. The research also highlighted the wide variation in approaches, which include ‘sanction rooms’ where pupils are taken out of their classes as a punishment; isolation rooms, where pupils work on their own; or units that offer a supportive environment, where students are offered one-to-one support, smaller group sizes and tailored approaches to teaching.¹¹¹

In addition to the widespread use and perceived benefits of in-school units, research has found that in-school, AP-style units typically cost between £3,000 and £4,000 less per pupil than the average cost of a place in AP.¹¹² However, it should be noted that they are more expensive than teaching in a normal classroom, and that children who can meet expectations and succeed alongside their peers should do so.

There are many models that can offer an alternative to exclusion, and different approaches will work for different children. For example, working in an isolation room can be a positive alternative to a fixed period exclusion where a school is concerned a child may be subject to safeguarding risks.

This review has seen and heard of many examples of schools using in-school units well. If these units are used, it is important that schools are supported

to develop ways to provide targeted support for the right pupils. What is crucial is that in-school units are informed by evidence of what works, including the impact the intervention has on other pupils and staff, as well as the education and future behaviour of the pupil being placed in the unit.

Tackling poor and variable practice

While many schools use them well, if used poorly, in-school units have the potential to take a child away from education. There are cases where pupils work without supervision or without work given to them. While sanctions should be designed to build a good whole school environment, this should not be at the cost of a child’s education.

In tandem with DfE investing in developing a thorough evidence base of the most effective approaches, DfE must proceed with clarifying their current view on what constitutes constructive practice, within existing guidance. DfE should make clear that good governance of the use of these units is critical, and schools should carefully consider who oversees the unit, including the role of governors and trustees; how the school should monitor use of the unit, including for children with protected characteristics; and how use of the unit should be kept under review and communicated to parents and carers.

Recommendation: DfE should strengthen guidance so that in-school units are always used constructively and are supported by good governance.

Nurture groups

A particular intervention highlighted to this review by primary and secondary schools was nurture groups. These are in-school, teacher-led focused interventions for small groups of children who have particular social, emotional and behavioural needs. They support children who have not had strong early nurturing experiences, by providing a safe and structured environment where children are encouraged to develop positive and trusting relationships with both teachers and other pupils.

There is emerging evidence on nurture groups, and although I have not seen them being used badly, we must continue to build a strong evidence base on their effectiveness and use. Done well, as I have seen during this review, they can be an effective

approach in reducing children's social, emotional and behavioural difficulties while strengthening their academic performance.¹¹³

Transitions

As well as particular types of support, many identified the need for support programmes at certain times in a child's education. Parents, carers and teachers raised with me that moving schools, particularly the transition from primary to secondary school, is a key point where children with additional needs are at heightened risk of exclusion. This is borne out by

the data that shows a significant rise in permanent exclusion rates between Year 6 and 7 (figure 19). While higher rates of exclusion in secondary may be accounted for by other reasons, such as children behaving differently in a secondary environment or as they reach their teenage years, the steep rise in exclusion around transition is notable. It is also the case that the rate of exclusion for children who have just started primary school has risen steeply in recent years, including the rate of permanent exclusion for five-year olds, which has doubled in the last three years.¹¹⁴

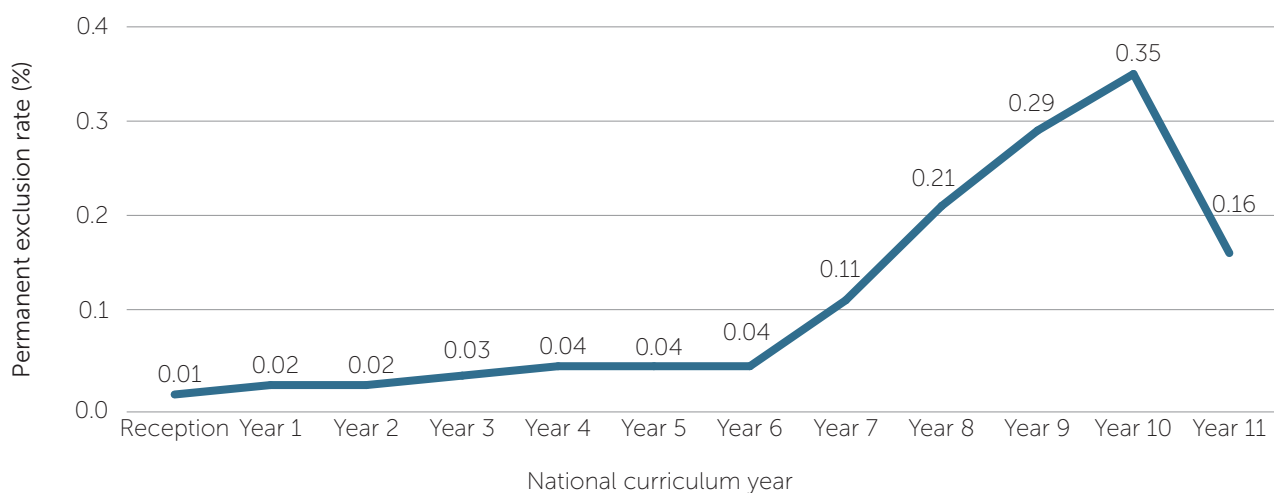


Figure 19: Permanent exclusion rates by national curriculum year from Reception to Year 11 in 2016/17

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

Changing schools can be challenging for any child, but for children with additional needs these challenges can be intensified. Parents and carers spoke about the challenges for children with SEN and attachment disorder, whose wellbeing is often supported by familiar routines and trusted relationships. As a consequence, they can struggle to understand transition or can feel distressed by the secondary school environment, where they interact with more teachers and move between different classrooms far more than they are used to doing.

In many of the areas visited, schools and LAs had chosen to develop a variety of different programmes to support children when they moved school. Similarly, recent research commissioned by DfE demonstrated an array of positive practice already in place to support pupils transitioning into AP.¹¹⁵ There is no one model and, crucially, no requirement for support, which means there is a wide range in the availability of transition support currently offered, and the effectiveness of this where it exists.

Supporting good transitions

Among the transition support programmes I have seen are:

- A borough council in South East London operated a LA-run summer programme for children moving to secondary school who were identified as vulnerable by their primary school. The two-week summer programme provides children with support from specialists such as educational psychologists as well as help with maths and English. Relevant information about the child is collated through the programme and passed to the child's new school.
- A secondary academy in the East Midlands ran a programme for Year 6 pupils to spend a full week at the school before joining in Year 7. This time was used to help the pupils get used to the environment and understand what the expectations of them would be when they came to the school.
- A PRU in South East England offered a support programme for primary pupils identified as vulnerable by their schools. The group meets for four weeks and allows children to discuss their feelings and concerns, while staff work with them to promote the skills that will help them make the transition to secondary.

These programmes should be developed and good practice shared so that every school can foster and implement successful transition support, whether this is when children are moving between primary and secondary, pre-school to primary, secondary to sixth form or other post-16 setting or in between mainstream, AP and special schools at non-standard points, including through managed moves.

Engaging parents and carers

A positive home environment that places a high value on education is a key ingredient to success in school.

Rarely do children find themselves facing permanent exclusion with no history of poor behaviour. Analysis shows that just 5% of pupils who had at least one permanent exclusion in Years 7 to 11 had never had a fixed period exclusion before this.¹¹⁶ Engaging parents and carers and placing them at the centre of discussions and decisions about their child is a key component of strategies to reduce the risk of permanent exclusion, and schools need parents to support them in setting the right standard.

I have directly seen the efforts and strategies schools put in place to engage parents and carers. However, at times there can be a culture of blame between families and schools: one parent said that their school viewed their child's behaviour as a *"parenting fault on our part"* and another was told *"it was all down to my parenting"*.

Schools can also face similar challenges, even when they have made every effort to engage positively. Staff told me that parents and carers are often under pressure themselves and *"appear to have little support and understandably become defensive"*. Some parents and carers will also have negative experiences from their time at school and approach discussions with schools based on preconceptions. This creates further barriers to working together and can be frustrating for teachers who need parental support to tackle poor behaviour. Schools also highlighted that where parents have separated, there can be logistical challenges in ensuring that everyone has the relevant information.

These obstacles inhibit opportunities to work together to give children clear and consistent messages about acceptable behaviour. It also makes it harder for schools to learn from parents and carers, who are invariably the experts in their own children's behaviour and history. Particularly where a child has additional needs or has experienced trauma, working with families can help schools to build a supportive and understanding environment for the child.

Involving parents and carers in decisions

The review saw many schools and LAs put parents and carers at the centre of the decisions about children at risk of exclusion.

- An all-through academy school in North East London operates a regular behaviour panel where children at risk of exclusion and their parents or carers are invited to meet with the head of school to have a constructive discussion about how to get them on track. This meeting is used to present the parents or carers and child with a full summary of what has gone wrong and the impact that the behaviour has had on the child's progress and others' welfare, then takes a problem-solving approach that involves the child, parents or carers and professionals. A plan is created and regular reviews help to keep the focus on addressing the key issues through positive reinforcement.
- An AP school in North London specialises in providing short-term placements for pupils with complex needs and behavioural difficulties. It involves families at every stage and offers professional therapeutic support for children and their families. Parents and carers attend the school once a week and are given support to work with their child to get them ready to return to mainstream. Parents and carers described this as "consistent positive reinforcement" as opposed to "inconsistent negative reinforcement" they had experienced from mainstream schools, where they were contacted only when their child had breached the rules.
- An LA in the East of England described taking a "Think Family" approach to working with children. SEND district practitioners will not undertake work unless the family is invited to contribute, acknowledging the importance of co-production and the wealth of knowledge that parents and carers have about how their children's needs can best be met. Parents and carers are also invited to share their views on service design and delivery.

Some children, such as Children in Need, may have, or have had, complex family circumstances that result in them experiencing trauma or adversity, which can have a lasting impact. On visits around England, the review heard of cases where children at risk of exclusion were known to have home environments where domestic abuse, drug or alcohol misuse were

present or faced external threats such as child sexual and criminal exploitation. Although the review itself had limited direct evidence from families with such challenging circumstances, my own experience as Minister for Vulnerable Children and Families strongly suggests that, for too many children, these are undeniable features of their day-to-day life.

It is vital that schools are able to understand the cumulative impact of being a Child in Need, develop stable and trusting relationships with the home, where possible, and crucially work with other agencies to share information and provide support.

Creating inclusive environments, especially for children from ethnic groups with higher rates of exclusion

It has long been the case that children from particular backgrounds are more likely to be excluded from school, whilst others are less likely to experience this. New analysis for this review indicates complex and multiple causes of higher exclusion rates among pupils from some backgrounds. However, holding all other factors observable in DfE data constant, it finds that children from particular ethnic groups have higher chances of exclusion when compared to their White British peers. This includes Black Caribbean and Mixed White and Black Caribbean children in relation to permanent exclusion, as well as Black African boys, White and Black African children, Gypsy and Roma children, children from any other black background and children from any other mixed background in relation to fixed period exclusion.¹¹⁷

It is clear that part of the picture for these differences are factors beyond the school. Differences in how particular groups experience life and public services exist across many areas.¹¹⁸ Schools are not immune from the wider concerns of society, and neither are they, or should they be, responsible for fixing these alone. However, clearly positive role models and tolerant environments will ensure future generations educated in our schools are the recipients of equal opportunities for every child.

This review has heard of examples where school and LA staff have been proactive in understanding differences in experience and taking action to bridge these. These vary in their approach. Among the examples seen by this review were an LA-appointed Traveller Advisory Teacher who builds links between Gypsy, Roma and Traveller teachers and schools

with higher proportions of pupils from these backgrounds; mentoring programmes for children to develop positive role models among members of their own community; and whole school approaches to demonstrating the value of the history and culture of minority groups, such as Black History Month.

The aim of such programmes should be to give children equal opportunities, recognising that the particular actions needed to achieve that will be different for particular children, depending on their experiences and backgrounds.

Commissioning alternative provision

The best AP offers some of the greatest expertise of working with children with challenging behaviour and additional needs, and is used not as a last resort but a 'first resort' – offering advice, outreach and short-term placements that help children get back on track and help divert them from the pathway to exclusion.

Supporting schools to develop an informed plan – PRU, South East London

One PRU in London incorporates an assessment centre into their model to help mainstream schools with identifying the needs of particular children who have presented behavioural and other problems. Pupils from the borough are referred to the Assessment Centre (led by SENCOs) for a 5 to 6 week period, for an assessment of their academic, behaviour and emotional needs, to create an holistic view.

At the end of the placement, an informed decision is taken around the most appropriate educational setting for the child between assessment centre staff, external agencies, students and parents and carers. This could include the mainstream school having a targeted plan of action in place for the child, produced by the PRU, or a referral for the child to attend the PRU full-time.

Great AP offers expert advice and intervention that both improves schools' own knowledge and skills, and helps pupils stay in mainstream where it is in their best interests to do so. This relies on the availability of effective AP in the local area, but also on the practice of schools valuing and using AP well, effective partnerships between local authorities, schools and APs, where high quality AP providers are commissioned to take on this role.

Recommendation: DfE should establish a Practice Improvement Fund of sufficient value, longevity and reach to support LAs, mainstream, special and AP schools to work together to establish systems to identify children in need of support and deliver good interventions for them. The fund should support effective partnership working to commission and fund AP, and enable schools to create positive environments, target support effectively and provide the opportunity to share their best practice successfully. This should include developing best practice on areas including:

- internal inclusion units
- effective use of nurture groups and programmes
- transition support at both standard and non-standard transition points and across all ages
- approaches to engaging parents and carers
- creating inclusive environments, especially for children from ethnic groups with higher rates of exclusion
- proactive use of AP as an early intervention, delivered in mainstream schools and through off-site placements

Elevating the status of alternative provision

AP provides education to some of the most vulnerable children: 40% of children in PRUs, AP academies and free schools are eligible for and claiming for free school meals,¹¹⁹ 26% are Children in Need,¹²⁰ and 79.6% have SEN, of which 11.2% have an EHC plan.¹²¹ While it is vital AP provides the opportunities these children need to thrive, it has been described to me as the 'underbelly' of our education system.

Although much AP is excellent, too often children in these settings do not do as well, academically, as their peers. Overall, the quality is too unreliable and outcomes are poor. Not only must AP be improved so it consistently offers expertise to the wider system, it must also do better at reliably delivering high-quality education. We will never achieve the high standards we expect for all children if there is a

part of the education system where children facing some of the greatest challenges are allowed to tread water, left unable to acquire the knowledge and skills needed to thrive in the modern world.

This echoes the messages from Charlie Taylor, who was commissioned by DfE to undertake a review of AP in 2011,¹²² and who I met with in the course of this review. It is apparent that many of the same issues still exist.

At the time this review launched, DfE published their plans to reform AP. Some progress has been made to build the foundations of reform through strengthening the evidence base. However, I would urge the government to take further, stronger and more ambitious steps, to recognise the importance of AP as an integral part of the education system and drive up standards in AP. At a time when the number of children in AP has been rising annually since 2014, from 42,795 children to 49,477 in 2018,¹²³ it is essential that this reform agenda is accelerated, and taken forward with the conviction and commitment it deserves.

Using AP to connect with children – AP charity, West Midlands

A charity, run in partnership with a football club, that provides AP in the West Midlands explained how they use football to connect with children. Local schools commission the charity to work with children across Key Stages 2 and 3 who are at risk of, or have been, excluded. These children spend a maximum of three days a week with the charity, and work in small groups to focus on increasing their attendance, changing their behaviour, improving their attainment and raising self-esteem. At the core is a shared interest in football, which helps to motivate the children.

The curriculum includes English, maths, PE, PSHE, creative arts and positive wellbeing. The charity also runs outreach with local schools, and supports children to reintegrate into mainstream. 82% of the pupils who they have worked with have avoided being permanently excluded since moving to a new placement.

Repositioning the role of AP

The review has found many promising examples of good AP being used proactively. In these areas it is seen as central to the local school system and is used as a first resort where schools and their pupils need enhanced support, or schools need help in identifying approaches that will help a child thrive in mainstream. These models should be actively encouraged, as they offer better outcomes for children and support for schools. They also recognise that a move to AP can be positive for the child involved, and accept that some children will need longer term interventions.

However, too often, schools report wanting to access AP for early intervention but finding that places are reserved or taken by children who have been permanently excluded. This means permanent exclusion can feel like the only means to a child getting support in AP. This is invariably more costly for the child and for the school. We must ensure that the AP system is shaped to offer early intervention and has capacity to do so.

Partnering with mainstream to deliver the best outcomes – all-through PRU, South East England

When the head teacher arrived at this PRU, there were over 100 pupils on roll, with the head teacher describing local schools operating a 'dump and run' strategy with difficult pupils. The head teacher worked with local schools to transform the PRU to focus on early intervention delivered to an 'extended roll' of children, with most children on roll receiving support in school or at specialist providers and only 10 pupils attending the school site for more intensive and personalised education.

Support for those on the extended roll includes the PRU delivering services (such as sending mentors into mainstream schools) and commissioning other vocational providers to provide part-time education where children want to pursue or would benefit from a different type of curriculum alongside their mainstream education. The PRU supports schools to quality assure provision and monitors progress, which makes it easier to find alternative routes for hard-to-reach children and take ownership so they do not get lost in the system.

To ensure there are good links between mainstream and AP, head teachers from mainstream schools also sit on the PRU's management committee, where they have the opportunity to directly influence the support and services that it offers to them.

There are experts in AP capable of providing some of the best interventions for children with poor behaviour and/or additional needs. As well as encouraging schools to recognise and access this, we also need to do more to value these skills and share them among our wider education workforce.

It is telling that, of the 816 schools recognised as teaching schools that can offer peer support and expertise, only seven are AP schools. Failure to appreciate the specialist nature of these schools means the system is failing to capitalise on much-needed expertise. DfE should take steps to address this situation by ensuring the best AP schools are recognised as system leaders with a central role in supporting their peers.

Recommendation: DfE should promote the role of AP in supporting mainstream and special schools to deliver effective intervention and recognise the best AP schools as teaching schools (and any equivalent successors), and actively facilitate the sharing of expertise between AP and the wider school system.

Attracting high-quality teachers into alternative provision

As at any school, good teaching staff are central to making sure that AP can instil the necessary knowledge, skills and resilience children need to succeed in adult life. The highest performing AP draws on the strengths of the whole workforce, including teaching assistants and support workers. In addition to building strong and trusting relationships with pupils, the AP workforce must also be experts in teaching and the curriculum, and more can be done to attract high-quality subject specialists into AP.

Although often demanding places to work, AP can also be hugely rewarding. However, AP schools report struggling with recruitment, particularly in finding people who can provide the support and guidance these children need while also being able to offer a broad and balanced curriculum; the main issue reported is not a lack of applicants but the challenge of finding someone suitable for the job.¹²⁴

For some, the gap is in recruiting teachers with the right subject expertise. This can result in AP schools carrying vacancies or stretching staff across subjects. One provider said that *"I have two staff members who teach 3-4 GCSE subjects each, which also makes them more expensive to hire"*, while another said that his PRU needed *"more English, Maths and Science teachers who are fully up-to-date with the curriculum"*. For others, new recruits might have the knowledge but are not equipped with the practical experience to handle difficult situations and behaviour. Some highlighted lack of staff as a symptom of minimal movement of teachers between mainstream and AP. This is a missed opportunity to share knowledge, skills and best practice across the system.

There should be stronger and more accessible routes into AP, which ensure teachers see a role in AP as a positive career path. Improved joint working between AP and mainstream schools should also encourage knowledge exchange, recognising the specific expertise that AP provides and holding it in high regard.

Recommendation: To ensure AP schools can attract the staff it needs, DfE should take steps to:

- ensure AP is an attractive place to work and positive career choice, with high-quality staff well equipped to provide the best possible academic and pastoral support for the children who need it most. DfE should consider ways to boost interest in and exposure to AP through new teacher training placement opportunities in AP
- better understand and act upon the current challenges with the workforce in AP, by backing initiatives to support its development, including taking action to develop and invest in high-quality, inspirational leaders in AP that have the capacity to drive improvement across the school network

Removing the stigma

To reposition AP effectively, providers must be known to offer a high-quality service to schools, LAs, children and their families so that is given the status it deserves.

PRUs, the most common provider with 10,831 pupils on roll in 2016/17,¹²⁵ are too regularly perceived as being little more than what were described to me as low-quality dumping grounds or holding-pens for children that no one else wants. Media stories tend to focus on some of the particular vulnerabilities children in these settings face, such as being recruited into gangs, or the poor outcomes they achieve. While this reflects some of the challenges and consequences associated with AP, it can also reinforce the public view and stigma of the 'local PRU'.

Research published by DfE found that children moving into AP described negative preconceptions. One Year 11 pupil thought *"it was a 'bad' place, where they put bad kids"*. Parents, too, reported being apprehensive about AP.¹²⁶ One mother said *"the mainstream school told me they were sending him to naughty school. That's what they called it. I thought, once he gets sent there, that's the end for him"*. PRUs themselves often have concerns that graduating from AP can have a negative social consequence: as things stand, the local PRU is not the school you want to have on your CV, regardless of the outcomes it has helped you to achieve.

Though we must not ignore that some of this perception is rooted in fact, there is plenty of excellent practice and positive outcomes that overturn these preconceptions. Some of the small-scale qualitative research identified in the literature review commissioned for this review highlights positive experiences of AP.¹²⁷ One parent who responded to my call for evidence said: *"[our son] was placed in a PRU which was a fantastic move as he gained almost a year's education in just the first 3 months!"*.

Referring to PRUs as units does not accurately represent the role they can and should play in the system as providing specialist, enhanced provision. It is telling that, currently, only 19% of PRUs refer to themselves as such within their titles.¹²⁸

Renaming PRUs – whether that be to specialist provision schools, support schools, student learning centres or AP schools, which are all suggestions made to the review – will, in tandem with other

recommendations I have made, support the sector to be positioned as an equal partner to mainstream and special.

Recommendation: Alongside measures to improve the quality of AP, PRUs should be renamed to reflect their role both as schools and places to support children to overcome barriers to engaging in their education.

Improving the quality of the AP estate

If we are to remove the stigma associated with AP and value its expertise, we must also ensure that they are able to offer their services within facilities and buildings that are at least as high-quality as those that you would find in mainstream.

There are many AP settings with impressive facilities, including settings that have high-quality outdoor spaces that facilitate agricultural courses, units that are fully-equipped with construction and mechanic workshops, and those that are simply well designed and fit-for-purpose classrooms. These settings show how beneficial these resources can be for a child's education, and their positive impacts have also been highlighted by Ofsted.¹²⁹

However, I have visited a number of alternative providers across England, many of which operate in very challenging circumstances. The standards of the buildings and sites in which these providers operate in are mixed, and in some instances are woefully poor – I have seen APs based on industrial sites and in former residential buildings, many of which are not fit for purpose. This review has also seen AP estates where there is a lack of outdoor space, or none at all, for children to enjoy. One PRU visited by the review highlighted poor quality accommodation as a particular challenge they face, and described how they had been in a temporary building for 16 years after a project to relocate the PRU was abandoned and no alternative was provided. Others have highlighted that they simply do not have enough space to allow them to expand the capacity of their provision to reach more pupils. Research into AP also highlighted how some APs face challenges in expanding their curriculum offer, sometimes unable to strengthen their provision for subjects such as science, due to lack of space for laboratory facilities.¹³⁰

While it is clear that there are many excellent providers who make the best of these substandard conditions, where poor quality buildings and spaces in AP do exist, they do not create the best environments that inspire children, including those who have been excluded, to learn or engage in their education or allow them to pursue subjects they enjoy or at which they excel at; nor do they send a positive message to children that their education is valued.

We must ensure that all children in AP are provided with an appropriate offer and are truly given the opportunity not only to get back on track, but also to thrive in their education. As part of DfE's programme for reform, the government should provide sufficient capital funding to improve and expand the quality of AP estates, to give these children an education in a setting that will contribute to, not get in the way of, them achieving positive outcomes.

Recommendation: DfE should invest in significantly improving and expanding buildings and facilities for pupils who need AP. As a priority, DfE should carefully consider the right level of capital funding to achieve this, for the next spending review.

Working with local partners

It cannot be the job of schools alone to understand and address the complex underlying needs of some children.

We know that rising numbers of children require support from other services. Rates of SEN are rising,¹³¹ one in eight of five to 19 year-olds have a mental disorder¹³² and, looking across a three year period, over a million children were classed as in need.¹³³ We also know that many of these children are more likely to be excluded. In particular, new analysis of a cohort of children with a mental health condition shows the rate of exclusion was also higher in this group: one in ten boys with a mental health condition has been issued with some form of exclusion from school.¹³⁴

There are areas where local services, LAs and schools work together to deliver the services and support that children need, which I have highlighted in chapter 5. The examples I have set out below are taken from many positive arrangements I have

seen, led by individual schools, academy trusts and LAs. Sometimes this was through capitalising on government initiatives, such as taking part in the pilot programme which linked schools with local Children and Young People's Mental Health Services (CYPMHS) and through setting up local initiatives, such as buying-in support from occupational therapists, educational psychologists and speech and language therapists.

Connecting schools and services

- A medium-sized unitary authority in the South West holds regular forums where schools discuss children at risk of exclusion, or who have been excluded. As well as senior representatives from schools, the panel includes representatives from social care, the SEN team manager, and a representative from the Troubled Families team. These panels are used to have multi-disciplinary discussions about children who are at risk, their needs and what support can be put in place for them.
- A small, maintained school in central London worked with two safer school police officers who attended reintegration meetings after any fixed period exclusion and regularly shared information with schools (and vice versa) to follow developments for at risk children.

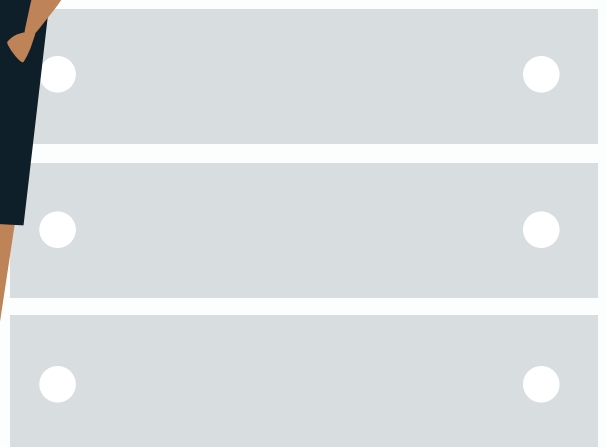
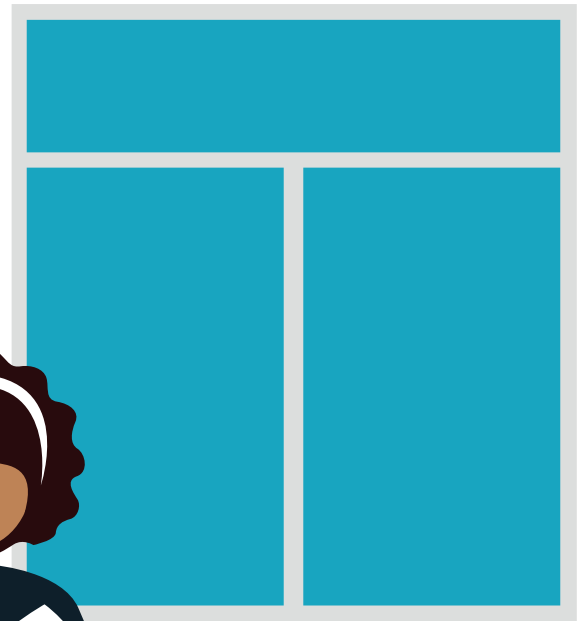
A recent report by Ofsted also shows how a well co-ordinated, multi-agency approach, supported by strong leadership – that I recommend in this review – is also an important component in tackling wider issues such as knife crime, which schools cannot do alone.¹³⁵

It is schools that see children week after week, and teachers who are often there for children who have been waiting too long for specialist support. Many schools and families spoke of not being able to access external services and support in a timely way and the impact this has. However, it is not for schools alone to manage the needs of children who require this support, yet there are areas where joint working is not happening enough to ensure schools have the support they need. Fully addressing a child's needs requires an holistic view of their individual circumstances, both within and outside school, and some children need support beyond their school for this.

The government is taking steps to address this: the Green Paper on mental health and the government's response to this looks to increase resources for and capability of schools, through the introduction of mental health support teams.¹³⁶ The new children's social care What Works Centre is piloting projects that are co-locating social workers in schools from spring 2019. There has also been important progress in joint working for children with SEND. The Children and Families Act (2014) provided the framework and expectation for education, health and social care to work together to commission services jointly for children with SEND and to form a team around the child and their family that meets their needs and maximises their outcomes. Similarly, the interim findings of the Children in Need review stressed the importance of inter-agency cooperation. There is evidence this is having an impact: some local area SEND inspections undertaken by Ofsted and the Care Quality Commission have already identified areas where good practice is emerging, such as in West Sussex, where local area leaders have *"established strong and well-conceived joint commissioning arrangements"*.¹³⁷ However, other inspections have not been so complimentary, exposing some serious issues around capacity and consistency of provision, and the pressure on high needs budgets has brought this into sharper focus.

The recent £250 million increase in the high needs budget over two years is welcome, together with the £100 million capital being made available to create more specialist places in mainstream, special schools and colleges, and a 25% expansion of educational psychologist trainees.¹³⁸ But it is clear there is an urgent need not only to ensure there is sufficient capacity of wider services to deliver consistent, timely and high-quality support, but that schools can access this expertise efficiently and effectively by working together with wider services to provide targeted help where it will have maximum impact. The relevant agencies may include CYPMHS, educational psychologists, speech and language therapists, children's services, Virtual School Heads who sit within LAs and even the local community police. Achieving this will be the best way to meet children's needs, early and holistically.

Recommendation: The government should continue to invest in approaches that build multi-disciplinary teams around schools, and should identify any capacity concerns and work across Departments to ensure that schools are supported and work productively with all relevant agencies, including Health and Social Care.



07

**INCENTIVISING:
CREATING THE
BEST CONDITIONS
FOR EVERY CHILD**

Schools should be respectful, tolerant and inclusive environments and we should incentivise and reward schools that deliver this, recognising that sometimes exclusion is necessary to doing so.

In practice, this means schools create cultures where teachers can teach, and all pupils can learn to the highest standard, including being given the opportunities and support they need to do this. Accountability measures should be clear about such expectations and governance must be robust enough to ensure that they are being met.

This chapter sets out how we can create the right incentives so that schools are recognised for inclusive practice, using exclusion appropriately and working with others to deliver for every child.

The review recommends the government:

- reforms the **accountability framework** by making schools responsible for the education of pupils even after they have been permanently excluded, including the commissioning of AP where a child needs it, and being accountable for their educational outcomes
- reviews **school funding arrangements** to ensure they neither act as an incentive at any point in time to permanently exclude a pupil, nor discourage a school from admitting a child who has been permanently excluded
- builds the **capacity and capability of governors and trustees** to provide effective scrutiny of pupil moves
- enables better signposting of **support available for parents and carers**
- publishes information on the number and rate of exclusion of **previously looked after children**

This review also recommends that Ofsted consistently recognises schools that succeed in supporting children to remain positively engaged in mainstream, and also recognise those who use exclusion appropriately, through the **inspection system**.

Setting the expectation for good practice

Good practice is driven by the right incentives set from the top. This review has seen that for most schools, the incentive of supporting children to succeed is at the centre of the choices they make, and their head teachers are dedicated to supporting every child to achieve their potential.

Schools, LAs and professional bodies have emphasised that the way in which school performance is measured drives practice in many schools. A submission from a teaching union sets out that *“high stakes is drives priorities and practice in many schools [and] schools make choices about how they will deal with the pressures of accountability”*. While head teachers are driven by their dedication to delivering a good education to children in their schools, it is concerning that there are allegations that current accountability measures may create perverse incentives that influence a minority of schools to use permanent exclusion poorly or even off-roll children.

At present, schools are accountable for the educational outcomes of children who are on their roll in January of Year 11, but not for those who leave school before this point through exclusion or otherwise. We know that permanent exclusions peak in year 10” to “We know that permanent exclusion peaks in key stage 4 (see figure 20), meaning they are most likely to happen at the most crucial time in a child’s education: during their GCSEs. While it is clear that their peers also have the right to learn at this crucial time, for the children excluded at this point it is likely to have a negative impact on their own education. These children should be focused on consolidating their knowledge, rather than being moved into new, sometimes unsuitable mainstream or AP schools. There is evidence of children being excluded in Year 11 in the months before January census.¹³⁹

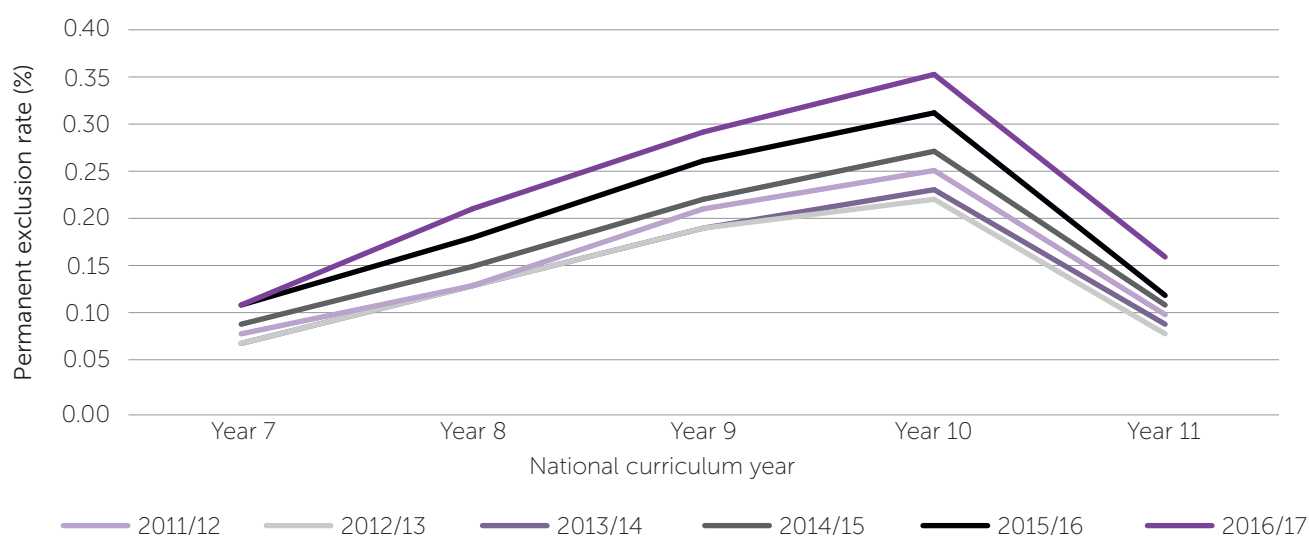


Figure 20: permanent exclusion rates by national curriculum year group (Year 7 to 11), 2011/12 to 2016/17

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

There could be many reasons for this – children nearing their GCSEs may be choosing to focus on their futures and knuckling down for their exams, and the parallel, though less steep drop in fixed period exclusion, may reflect this. Equally, schools may feel exclusion so late in their GCSE years is simply too damaging.

As set out in chapter 3, there is compelling evidence, across all types of schools, that exclusion does not improve school results. However, it is concerning that there are allegations from LAs, schools, parents and carers, that in a small number of schools, some decisions to exclude, or the timing of this, may be driven by a cynical attempt to boost a school's performance. These allegations were made by a range of people who spoke to this review, including school leaders, from mainstream as well as AP, who identified high stakes accountability as a driver of exclusion.

While this practice may boost the performance of individual schools who respond to this pressure (and acknowledging that other schools may have reached the point, in Year 11, where nothing else other than exclusion will do), if the overall cost is that the outcomes of these children are limited, this price is clearly too high.

One LA who responded to the call for evidence summarised the results of this as leading schools to make too many decisions to permanently exclude “based on the potential impact a child could have

on the individual schools' budgets, attainment and attendance data”. Or, in the words of a governor who also responded, “a more inclusive school that provides well for a larger population of SEN is financially hit while a school that does not welcome and excludes these pupils is financially rewarded [and] ... attainment as shown in statistics will improve if these pupils are not catered for”. Simply put, if a child is displaying behaviour or performance that requires additional management and support, it is often easier and cheaper to permanently exclude them, than for the school to implement what they need.

Holding schools to account for all children

It follows that, even if the vast majority of schools are not motivated to act in this way, these perverse incentives should be addressed. DfE should make head teachers responsible for children who have been permanently excluded, remaining accountable for their educational outcomes and responsible for commissioning high-quality and safe AP when it is needed.

Giving schools ongoing responsibility for permanently excluded children not only creates the right incentive to intervene early, but recognises that it is the staff within schools who know each child best. They will know why the child can no longer remain in the school when exclusion is the right decision and, crucially, they will be best placed to arrange education that is in the child's best interests.

This means that schools will be recognised for taking a long-term interest in all children, even where permanent exclusion is warranted.

This proposal has been raised in the past. A greater role for schools in the education of permanently excluded pupils was tested between 2011 and 2014 in the School Exclusion Trial,¹⁴⁰ and schools retaining accountability and responsibility for all children in AP was proposed in the government's 2016 White Paper *Educational Excellence Everywhere*.¹⁴¹ While a substantial change, it has been considered by successive governments and this review has demonstrated that there is widespread interest among those in the system in progressing this. It also is clear that if this were simple, it would have been put in place already.

Making schools accountable for these children and increasing their role as AP commissioners would represent a significant shift in the system. It therefore requires careful design, in close collaboration with the sector, in order to be successful and achieve its objective, alongside raising the status of AP and giving LAs a clear role in acting as a champion for these children.

It is also the case that changing accountability measures alone will not drive the change that is needed if we are to expect schools to do more to support children through early intervention, before permanent exclusion is needed. Changing accountability must sit alongside other complementary, fundamental changes that prevent unintended consequences. In particular, DfE should tackle other inappropriate moves out of school. While these are not exclusion, it is possible that schools might seek to use them as an exclusion by the back door. This is discussed further in chapter 8.

It is vital, too, that raising our expectations of schools is matched with support from DfE, LAs and other services that will allow schools to fulfil this role well and with confidence. Head teachers I spoke to echoed this view and, although support for schools retaining accountability was common among mainstream and AP schools as well as LAs and parents and carers, there was a clear sense that any change needed to come with the right support for schools to be effective in this role. As one head teacher put it: *"make schools accountable but give us the tools to do the job properly"*.

Investing in alternatives

In making this change, it is important not simply to move the duty and funding for AP from LAs to schools, but to use this to incentivise schools to intervene earlier for children who need help to meet the standards expected in school.

This review has seen many schools which have developed and implemented effective early support systems with other services, such as those described in chapter 6. Currently, schools do receive funding to support them with in-school measures to improve behaviour, which moved from LAs to schools as part of their delegated budgets in 2011.

However, some schools and professional bodies told the review that they do not have the resources to invest in this in the way they would like, and some even feel that permanent exclusion is used as a tool to access additional support and resources to fund interventions for pupils struggling with their behaviour. The issue was summarised by one teaching union, which described cases where *"exclusion becomes the only way to secure the necessary provision"*; and another professional body wrote about *"cases where exclusion has been as a lever of last resort in order to secure a proper assessment for pupils, all other means having failed"*.

While the cost of early intervention may be high, this should be set against the fact that the cost of permanent exclusion is even more expensive. LAs reported actual spend of £632 million on AP in 2017-18, much (though not all) of which will be used to educate children who have been excluded from school.¹⁴²

The Practice Improvement Fund should ensure that schools have the evidence and experience to put in place effective interventions. However, government must ensure that approaches are sustainable by addressing, in the spending review, the current pressures on schools and high needs budgets.

It is also vital that schools are given meaningful, ongoing access to the funding they need to maintain approaches that work in the longer term, where these offer a real alternative to exclusion.

Recommendation: DfE should make schools responsible for the children they exclude and accountable for their educational outcomes. It should consult on how to take this forward, working with schools, AP and LAs to design clear roles in which schools should have greater control over the funding for AP to allow them to discharge these duties efficiently and effectively. Funding should also be of a sufficient level and flexible enough to ensure schools are able to put in place alternative interventions that avoid the need for exclusion where appropriate, as well as fund AP after exclusion.

While some AP is outstanding, where a child can succeed in mainstream, securing a place there will invariably give them the best opportunities to thrive. There are also children who have the capability to learn in mainstream but whose behaviour simply cannot be tolerated if it is at the cost of other children's experience there.

Where a place in mainstream is suitable for an excluded child, schools should be incentivised to accept them onto their school roll. This review has seen that there are mainstream schools which offer permanently excluded children a chance of a fresh start, and it can be the opportunity to get their life on track.

However, as well as the understandable reluctance head teachers may have to admitting a permanently excluded child who may have a history of violence towards pupils or staff, current funding arrangements may also deter schools from accepting permanently excluded children from other schools who could make a success of a fresh start.

At present, school funding is calculated from October of the previous year.¹⁴³ This means that permanently excluding a child in the remainder of the school year after October will mean that the excluded child would count towards the number of pupils on the school roll, which the school would be funded for in the following year. In many cases, the place the excluded child has left will be filled with another child and it is right their school is funded for this. However, when permanently excluded children enter a new school after the October census, the funding only follows them to their destination for the short period up to the end of the financial year, in

the following March. The adjustment to funding also may not necessarily cover the costs for the excluded child's education, and the school effectively receives no funding at all for the child in the following year.

DfE must ensure that schools are not financially disadvantaged when they choose to offer excluded children a second chance in mainstream, many of whom could flourish in another school, even after permanent exclusion.

Recommendation: DfE should look carefully at the timing and amounts of any adjustments to schools' funding following exclusion, to make sure they neither act as an incentive for schools to permanently exclude a pupil at particular times, nor discourage a school from admitting a child who has been permanently excluded from elsewhere.

Assessing schools in the round

Alongside accountability measures set by DfE, Ofsted inspections offer a valuable insight into what sits behind performance data – exploring *how* schools are delivering and not just *what*. This is particularly important in the case of exclusion. Numbers alone cannot tell you whether a school is performing well or badly: while higher than average numbers of exclusions in one school might reflect high levels of poor discipline or inappropriate use of exclusion as a sanction, in another it could reflect a strong and appropriate response to serious breaches of discipline.

Ofsted therefore plays a vital role in assessing the approaches of schools, and inspections should check that schools use exclusion appropriately. Ofsted's new framework, currently out for consultation, will involve inspectors looking at exclusion and its alternatives, including the rates, patterns and reasons for exclusion, as well as any differences between groups of pupils and whether any pupils are repeatedly excluded. Alongside this, there is a new, stronger focus on inspectors looking at any patterns of off-rolling when assessing the school's leadership and management.

More broadly, the new framework proposes a shift in focus to inspections examining how the school supports all children by providing them with a rich and broad curriculum and effective teaching so

that they achieve good outcomes. This will involve inspectors looking more closely at the curriculum in the school and making a rounded assessment of the quality of education provided. Inspectors will be particularly alert to any narrowing of curriculum opportunity or decisions aimed simply at boosting data indicators, rather than being in the best interests of the child.

Set against the evidence gathered for this review, these changes are positive. They should also be welcome to the parents, carers, teachers and other organisations who spoke to the review about children who would benefit from an alternative curriculum approach that would help them to engage in their education. Many responses outlined concerns about the current curriculum. However, there are schools which offer a rich and varied curriculum, pairing core subjects with topics that interest and engage a child to create an inclusive environment and get their education back on track. These schools show what is possible, but schools must have the confidence to do this where it is the right choice, knowing they will be recognised and rewarded.

Strong curricular provision and excellent teaching are the backbone to good behaviour management, and having a strong commitment to inclusion and using exclusion appropriately are key to building inclusive schools where children can reach their potential. The new framework is therefore welcome, but Ofsted can strengthen this by explicitly recognising excellence in leaders by including an assessment of the positive steps taken to ensure inclusivity, in the leadership strand of the inspection framework.

Recommendation: Ofsted should recognise those who use exclusion appropriately and effectively, permanently excluding in the most serious cases or where strategies to avoid exclusion have failed. This could include consistently recognising schools who succeed in supporting all children, including those with additional needs, to remain positively engaged in mainstream in the context of a well-managed school. Within the leadership and management element of the judgement, Ofsted should communicate their expectation that outstanding schools have an ethos and approach that will support all children to succeed while accepting that the most serious or persistent misbehaviour, which impacts on the education and safety of others, cannot be tolerated.

Meaningful reviews of decisions to exclude

It is right that we fully support head teachers in using exclusion where it is appropriate, and a strong review system should give confidence in their decisions.

The current system for reviewing decisions to exclude was introduced in 2012. Under this system parents and carers have a right to ask for any decision to exclude – whether permanently or for a fixed period – to be reviewed by the school’s governing board or academy trust. In the case of permanent exclusion, parents and carers also have a right for exclusions to be considered by an independent review panel. While the 2012 reforms removed the power of the independent panel to overturn an exclusion, it introduced fines for schools which did not reinstate any child whose exclusion they were directed to reconsider. It also introduced a right for parents and carers of children with SEN to request the presence of a SEN expert to provide advice to the panel, and for those who believe an exclusion was the result of disability discrimination to appeal the decision at the First-tier Tribunal. These changes have brought benefits.

In the seven years since the introduction of the reforms, some themes have emerged in how it operates in practice. LA representatives have highlighted not being consistently party to, or having the opportunity to contribute to, exclusion reviews in

academy and free schools. Data also suggests that take up of the independent review system is low. In 2016/17, out of 7,715 permanent exclusions, just 560 independent reviews were lodged resulting in 45 pupils offered reinstatement.¹⁴⁴ It is worth noting that this low and declining take up is not a new trend as it fell for some years before the 2012 reforms, and

it is difficult to understand why uptake is low based on numbers alone: while it could be dissatisfaction with the system, it could equally represent decisions parents do not want to challenge.¹⁴⁵

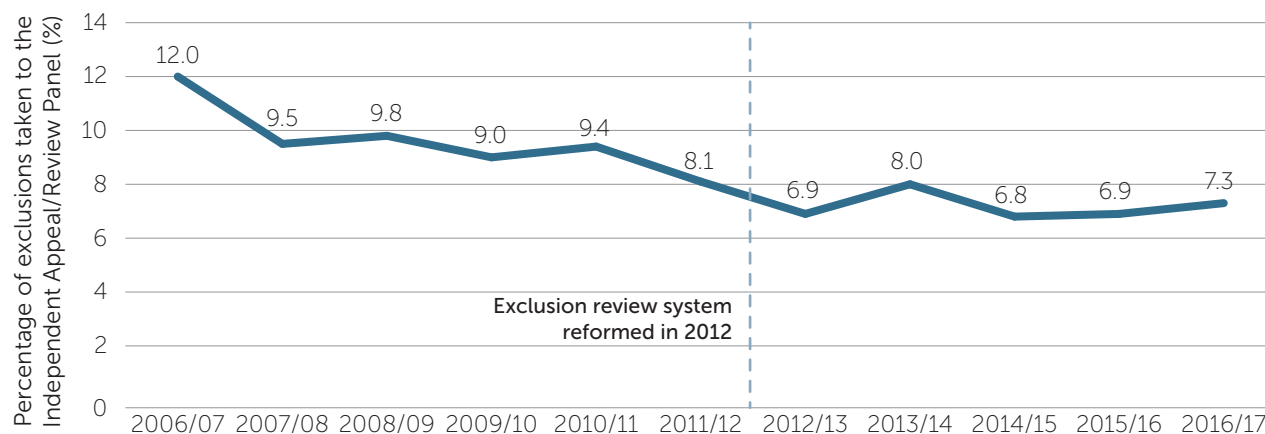


Figure 21: Percentage of permanent exclusions taken to the independent appeal panel before 2012, and the independent review panel after 2012

Source: <https://www.gov.uk/government/collections/statistics-exclusions>

This framework is still relatively new and is not the subject of this review. However, it is apparent that many would welcome seeing further analysis of how this system operates in practice and the balance it strikes between ensuring that a school's decision is not undermined by a direction to readmit a child on which it has taken a firm stance, and the right of parents and carers to be able to challenge decisions. This view is held not only among parents with poor experiences of the current system, but also some schools, with one head teacher feeling it was too easy to *"simply ignore the decision, even when it is found to be fundamentally flawed and unjust"*.

This review makes recommendations about how the functionality of the current system can be improved though further support to governors and parents to ensure the system is operating effectively, fairly and judiciously. Until these have been implemented and tested, it will not be clear whether the system itself is operating in the way in which it was envisaged. However, once these changes have been made and allowed to operate, there may be a need to revisit the current system's impact and effectiveness by way of a full assessment.

Equipping governors and trustees to conduct the process of reviewing exclusions well

At their core, governors and academy trustees hold head teachers to account for their decisions, acting as a critical friend to their school. They are also the first route of appeal for parents and carers in the exclusion process, have a duty to consider parents' representations, and are able to overturn permanent exclusions and fixed period exclusions that are longer than five days.

It is important to recognise the personal dedication of all those who volunteer their time to perform this essential scrutiny and challenge role. I know that many governors do an effective job not only in judiciously considering individual cases of exclusion, but providing school leaders appropriate and genuine challenge on concerns arising from these that helps them to improve their practice.

However, others also reported experiences of governor reviews where the panel did not possess the necessary knowledge to assess the decision fully, or felt that governors lacked the mandate to interrogate

the head teacher's decision. Coram's survey of parents of excluded children found they felt discouraged from taking an interest or lodging an appeal, and did not have confidence in the process when they did. One parent described it as a "*rubber stamping*" exercise.¹⁴⁶ This was not just the view of parents, carers and schools. Governors and trustees themselves noted a lack of good quality training and guidance to support them in conducting meaningful reviews of exclusions.

To instil confidence that governors and trustees provide sufficient scrutiny of decisions to exclude, it is imperative that the process of an exclusion being reviewed makes a distinction between those exclusions that are legitimate (even if a parent, carer or their child is unhappy about that decision) and those that are not. Governors and trustees should be equipped with the right training and information to undertake their role as the school's critical friend effectively.

Recommendation: DfE should work with others to build the capacity and capability of governors and trustees to offer effective support and challenge to schools, to ensure exclusion and other pupil moves such as managed moves and direction into AP, are always used appropriately. This should include training as well as new, accessible guidance for governors and trustees.

Empowering parents and carers through sufficient support and guidance

Parents and carers must also feel empowered to use the process of exclusion reviews, and there are families who successfully access this process thereby giving them the opportunity to have a decision reconsidered.

Free advocacy services exist to support parents and carers with this. Coram runs the Children's Legal Centre, which offers a free and impartial advice helpline on exclusion for parents and carers, and receives hundreds of calls and many thousands of website views relating to exclusion each year. The National Autistic Society runs a dedicated service that provides parents and carers of children on the autism spectrum with advice on all aspects of school exclusion.

There are also groups that exist around the country, including independent SEND Information Advice and Support Services that help parents and carers of

children with SEND who are experiencing exclusion. My time as Children's Minister showed me that services such as these can make a real difference; and many parents and carers have articulated how valuable they have or would have found them.

Despite this, parents and carers do not always have the understanding or capability to engage fully. Many parents and carers reported that the process felt difficult and weighted against their child, particularly given the time limits they have to challenge a head teacher's decision to exclude¹⁴⁷. Others found the process "*fraught and difficult*" and felt unable to "*navigate the system*". Some parents described how they accessed independent and expert support when going through the review process. As one parent put it, she "*had to rely on the expertise and good heart of qualified legal representatives who understood the complex issues and were prepared to give their time and advice for free*". However, research on this issue has found that parents can struggle to access advocacy services because of the cost involved.¹⁴⁸

DfE should ensure parents and carers have access to the knowledge they need to engage with this process and feel confident that their complaint will be considered conscientiously and fairly, while providing reassurance that permanent and fixed period exclusion rates represent individual decisions that are appropriate and warranted. To ensure this is the case, in addition to better guidance from DfE, LAs should provide information on local services to parents and carers in a way that is easily accessible, such as by putting it in the SEND Local Offer.

Recommendation: Local authorities should include information about support services for parents and carers of children who have been, or are at risk of, exclusion, or have been placed in AP, in their SEND Local Offer. DfE should also produce more accessible guidance for parents and carers. In the longer term, the government should invest resources to increase the amount of information, advice and support available locally to parents and carers of children who are excluded or placed in AP.

Considering exclusion of particular groups of children

As well as incentivising the best approaches to supporting individual children before and after exclusion, it is right that schools and local authorities work together to ensure they are offering an environment in which every child can thrive.

As described in chapter 3, there are differences in exclusion rates for children with different characteristics, with some characteristics associated with higher rates of exclusion, and others with lower rates. Nationally, differences in rates have sparked significant interest and debate. The launch of Ethnicity Facts and Figures¹⁴⁹ that collated information about how different ethnic groups experience public services and included information on differences in exclusion rates by ethnic group which was, in part, the reason for this review.

This review adds to that debate, with additional analysis I commissioned, which is published alongside this report. This analysis seeks to provide greater insights into the role particular characteristics play in a child's likelihood of being excluded. For some commentators, the higher rates of exclusion in some groups can be explained by other, overlapping factors: that is to say, for example, that children from some ethnic groups are more likely to have other characteristics associated with higher rates of exclusion, such as coming from disadvantaged backgrounds, or having identified special educational needs. The analysis published with this report isolates the association between exclusion and specific characteristics, controlling for other factors on which DfE has data (recognising that not everything in a child's life is captured in the data). Having done so, this finds that some characteristics do appear to be more strongly associated with exclusion than others.¹⁵⁰

As I have set out, there are multiple, and often complex reasons for the differences in rates, and the particular drivers will differ for individual children and in individual schools. The reality is that data alone can only tell us part of the exclusion story: high exclusion rates for one group of children might be a result of appropriate responses to individual breaches of discipline, or it might represent a gap in provision for children with particular needs, that is creating conditions where they are avoidably disengaged from education.

However, while data cannot provide the full picture, it is a helpful starting point for discussion about how different children are experiencing life at school. For such a discussion to be truly effective, it must take place at a local level, where rates of exclusion can be considered with the knowledge of the context and cases that make them up.

Not only does transparency and debate help create a culture where any unfairness is tackled, but it also allows data to be used to target services effectively where this can help schools ensure every child has the right support to succeed.

Targeted support for Gypsy, Roma and Traveller children – small unitary authority, South West England

An LA, with a predominantly White British population, recognised Gypsy, Roma and Travellers of Irish Heritage children in their schools needed targeted support, as there were indicators of poorer outcomes and lower school attendance.

Having identified this need, the LA appointed a Traveller Advisory Teacher who offers advice and support focused on schools with high numbers of Travellers (five or more, or more than 1% of the school's pupil cohort).

The schools involved have a named member of staff who liaises with the Traveller Advisory Teacher and receives a funding uplift to support this work, including meeting set actions and targets agreed between the school and the advisory teacher.

This teacher has established relationships with the Traveller community and aims to support access to education at all stages from pre-school to post-16, to support transitions and assist schools to ensure that all Gypsy, Roma and Traveller pupils stay in education for as long as possible and achieve their potential.

Where these pupils are at risk of permanent exclusion, the school and Traveller Advisory Teacher raise their case at the Inclusion Panel, chaired by the local authority and attended by representatives from all schools, to seek solution-focused support such as a referral for specialist support or consideration of a new school placement that would be suitable for the child.

As a result of this work, the community has reported feeling more engaged and there has been improvements in school attendance and behaviour, and fewer permanent exclusions.

This review determines that it is vital, both nationally and locally, to understand the balance of factors driving exclusion. At the heart of this is a call for all those who work with and for children to understand what is driving trends, asking themselves what these are in their own school or local area, and using that information to ensure those who work with children have the support they need to give each child the best chance to succeed.

Data should routinely support good local discussions of how effectively schools are delivering for particular pupil groups and help them to make good decisions about improving their support. School should check for patterns in the data on the characteristics of children who leave them, whether by exclusion or otherwise, understanding how they may feed into any local trends, and working together with each other and LAs to explore what lies behind these. Schools should work together as part of LA-led forums of schools (as described in chapter 5), to use this information to identify any gaps in services, such as whether that is working to address cultural barriers, as in the example above, or identifying the need for more SEN services to address a spike in exclusion for children with autism.

Recommendation: Governing bodies, academy trusts and local forums of schools should review information on children who leave their schools, by exclusion or otherwise, and understand how such moves feed into local trends. They should work together to identify where patterns indicate possible concerns or gaps in provision and use this information to ensure they are effectively planning to meet the needs of all children.

Previously looked after children

While there are groups of children that are known to be more likely to be excluded and there is evidence to show this, there is no published data on how those who leave LA care via adoption, Special Guardianship Order or Child Arrangement Order experience exclusion.

Parents and carers whose children have left care, including many adopted children, and who have been excluded often highlighted that their children had needs resulting from their traumatic early life experiences, which can lead to feelings of rejection, low self-worth, shame and anxiety and at times

present as challenging behaviour. Some parents spoke about their adopted children, and those with Special Guardianship Orders, receiving multiple exclusions or being moved out of schools in other ways. One response set out how a 15 year-old boy was moved between school placements *“with no package of provision ... without any support, he was set up to fail”*. Ultimately, he was permanently excluded.

A survey of parents of adopted children carried out by Adoption UK found that, from the parents who responded, in 2015/16, 12% of adopted children had received a fixed period exclusion and 1.63% had been permanently excluded.¹⁵¹ Although there are challenges with relying on this data, as it may not be fully representative, these rates of exclusion are notably high. Many adoptive parents noted the high rates of exclusion for looked after children¹⁵² and noted it is self-evident this would continue for adopted children. Quite simply, as one parent put it, *“Issues do not go away when a child is adopted”*.

The experiences of these children should be recognised. If we are to ask schools, LAs and others to use data more conscientiously to identify trends, it is right this should include data on exclusion of previously looked after children, including those adopted.

Recommendation: DfE should publish the number and rate of exclusion of previously looked after children who have left local authority care via adoption, Special Guardianship Order or Child Arrangement Order.



08

**SAFEGUARDING:
ENSURING
NO CHILD
MISSES OUT ON
EDUCATION**

A high-performing system should have the right safeguards to keep children safe and ensure they are receiving a suitable education. There is no question that, for most children, in the vast majority of schools, this is the case. However, every year, there are children who go missing from the system and reports of a small number of schools whose actions deny some children an education.

There must be clear safeguards to protect children against the misuse of formal exclusion, and against the practice of sending a child home without a formal exclusion or off-rolling, together with clear processes to ensure every child is safe and in education.

This chapter sets out action that needs to be taken to ensure that the system is safe, sufficiently monitored and tackles inappropriate practice wherever it is found. It sets out that the government should:

- consult on arrangements for **fixed period exclusion**, to ensure that no child is lawfully missing significant periods of education because of exclusion
- ensure **pupil moves are systematically tracked** by local authorities
- **review exclusion data collection** to capture better information on the reasons that lay behind decisions to exclude
- issue new guidance on how **managed moves** should be conducted, so that they are used consistently and as effectively as possible
- ensure there is **sufficient oversight and monitoring of schools' use of AP**
- in making changes that strengthen schools' accountability for the use of exclusion, DfE should **mitigate the risk that schools seek to remove children from their roll in other ways** or by not admitting children in the first place
- for children with a social worker who have been identified as at risk, **ensure their social worker is informed and consulted when they are excluded or moved out of the school for any other reason**
- ensure that the system is working together to take action where children are at risk of being drawn into crime through better information-sharing with **Local Safeguarding Children**

Boards (LSCBs) and ensuring the Youth Endowment Fund, which will test interventions which prevent young people from becoming involved in a life of crime and violence, is open to schools, including AP

This review also recommends that Ofsted routinely considers whether there are concerning patterns to exclusions, off-rolling, absence from school or direction to AP.

Strengthening the exclusion framework to break the cycle

Currently, a pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a single academic year – the equivalent of legitimately missing nine weeks of school. For each individual fixed period exclusion, schools have to commission AP when the length of the exclusion is over five days, but have no duty to do so when an exclusion is shorter.

Extensive use of repeated exclusion is not the norm. In 2016/17, 108,465 pupils received just one fixed period exclusion. Exclusion statistics also show that the average length of fixed period exclusions in 2016/17 was 2.1 days, with only 2% of fixed period exclusion lasting for longer than a week.¹⁵³ Not only can these periods be essential for minimising disruption for others within the school community, for many children, fixed period exclusion does work and provides a short period to reflect on their actions.

In rare cases, children are receiving repeated fixed period exclusions. Particularly when these are under five days, it can result in a significant amount of missed education. In 2016/17, 95 pupils were excluded for 45 days in a single year, and 80 children were unlawfully excluded for more than 45 days of fixed period exclusion. We also know that, in 2016/17, 2,110 children received more than 10 fixed period exclusions.¹⁵⁴ Analysis for this review shows that, across three cohorts of pupils analysed for this review, 71 pupils had received more than 50 fixed period exclusions in their school life.¹⁵⁵ DfE research on use of AP also described how children “*had missed out on significant parts of education ... due to multiple short fixed-term exclusions (where there is no statutory requirement for AP to be put in place)*”

*and how this had a negative impact not only on their academic progress but also on their behaviour”.*¹⁵⁶

Every extra day of school missed can affect a child's chances of achieving good GCSEs, which can have a lasting effect on their life chances.¹⁵⁷

Well-managed fixed period exclusion can be a positive intervention. However, repeated use of fixed period exclusion is unlikely to be addressing the underlying issues facing the school and the child. If a child is receiving multiple exclusions, schools must ask themselves what they should be doing differently to break the cycle.

DfE must prevent the act of exclusion being used poorly, or at worst, leaving children without an education. Any change should be considered carefully and in consultation with schools to ensure it does not hamper their ability to take an appropriate response to poor behaviour.

Recommendation: DfE should consult on options to address children with multiple exclusions being left without access to education. This should include considering placing a revised limit on the total number of days they can be excluded for or revisiting the requirements to arrange AP in these periods.

Exclusion in school, not from school – all-through academy school, North East London

One head teacher described how her school identified that children who were issued with a fixed period exclusion were habitually left at home alone and unsupervised. Parents and carers were often unable to make arrangements for their child's supervision, at short notice, because of the demands of work. Often children were seen on the streets, in shopping centres or local parks. On their return, a period of education had been lost, with little evidence of benefit when faced with readmission to school. Fixed period exclusion was time off from school.

Fixed period exclusion was a decreasing deterrent for poor behaviour. Parents and carers struggled with the need to make arrangements for their child during a period of exclusion.

This was leading to disengagement and rising rates of repeat exclusion, which had a negative impact on the pupils concerned, as well as workload implications for staff who were administering the exclusions.

They described how they implemented an approach to address this. As well as minimising the use of exclusion by more consistently using reprimand or detention for a first offence, they put in place a system where excluded children are kept on site during a fixed period exclusion. During this time, they are excluded from lessons and are taught separately to their peers under supervision. Procedurally there is no change but the head teacher described the message this sent changing from “we cannot manage your behaviour so we are sending you home” to “your behaviour was unacceptable, you have to show that you can behave in school before you return to lessons”. This has reduced the use of fixed period exclusion dramatically and enabled parents and carers to engage with the school in addressing the child's behaviour, rather than concerns over their child's safety when their child is excluded from school.

Understanding reasons given for exclusion

Schools are required to provide the reasons behind their decisions to exclude, and do this by selecting one of 12 codes when reporting the main reason for each exclusion to DfE.¹⁵⁸ The second most common reason given for permanent and fixed period exclusion is ‘other’ (with persistent disruptive behaviour being the first). Since 2013/14, the number of exclusions reported in the ‘other’

category has been increasing and now constitutes a large percentage of exclusions. In 2016/17, ‘other’ accounted for 17.6% and 19.7% of the reasons given for permanent and fixed period exclusions respectively.¹⁵⁹

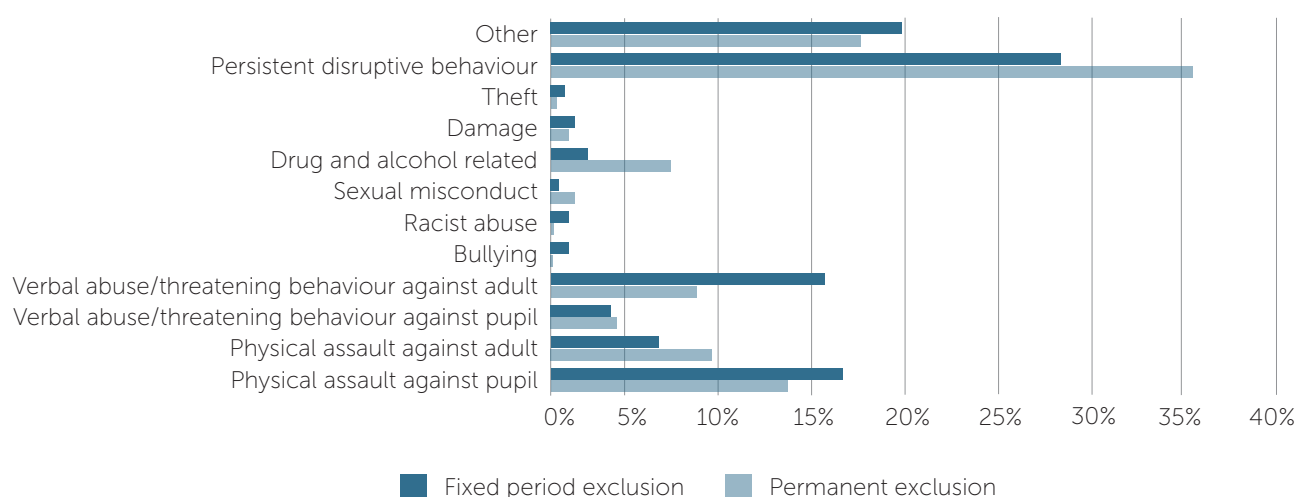


Figure 22: State-funded primary, secondary and special school permanent and fixed period exclusions in 2016/17, broken down by reason for exclusion as a percentage of the total number of exclusions

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

It is unclear what these 'other' situations represent, and whether this is a symptom of the other categories not being fit for purpose. To improve understanding of the challenges facing schools that lead to decisions to exclude, DfE should consider making changes to these codes so as to better reflect the range of reasons for exclusion.

Recommendation: DfE should review the range of reasons that schools provide for exclusion when submitting data and make any necessary changes, so that the reasons that lie behind exclusion are more accurately captured.

Education for every child

There are a number of ways in which children move on to and off of school rolls. In many cases they are not a cause for concern – a child may move school to be closer to a new house, or their parents or carers may choose to educate them at home. Schools may also send children to AP to improve their behaviour, and schools and parents can agree to move a child to a new school as part of a voluntary arrangement to give them a fresh start. All of these can be positive and productive.

However, there are children moving out of school for the wrong reasons, with some potentially falling out of education altogether. This review considers

that new safeguards and greater transparency over all pupil moves are essential ingredients to ensuring we provide a good education for every child.

Managed moves

Managed moves are a voluntary agreement made between schools, parents or carers for that pupil to change school. In many cases managed moves are appropriate, well thought out and effective. Used well, they can be a good alternative to permanent exclusion. They can also be a way of removing a child from an immediate environment that may be heightening their vulnerability.

However, there are cases of parents and carers who have been pressured into agreeing a managed move under the threat of an exclusion, and others where children have experienced a number of unsuccessful and uncoordinated managed moves. One teacher wrote: *"Managed moves rarely work. We take a succession of managed moves that might work for 6 months but then fail"*. Poorly used managed moves have been described as a 'shunting game', with the underlying policy allowing deficient practice by default.

In such cases the child's education is disrupted and their behaviour and needs are not properly addressed. For schools, it means constantly adjusting to a changing cohort, which is disruptive both to teachers and to other pupils attending the school.

For managed moves to be successful, there is a need to share best practice and provide clear guidance, to ensure that schools and parents can effectively use this approach to their full advantage to provide a positive change for those it affects.

Recommendation: DfE should use best practice on managed moves gathered by this review and elsewhere to enable them to consult and issue clear guidance on how they should be conducted, so that they are used consistently and effectively.

Off-site direction

Schools have a power to direct children off-site to attend AP to improve their behaviour, as a full-time placement, or alongside their place at mainstream school. This can be a very helpful approach, with better outcomes for the school and pupil.

DfE does not collect data on the frequency, duration or nature of AP commissioned by schools, but a survey of schools conducted by DfE suggests this is not only common, but that arrangements are often long term: 23% of secondary school leaders reported directing children off-site for over a year.¹⁶⁰

One secondary school explained how it commissioned AP that offered gardening courses proactively, to support good mental health and in some cases used high-quality AP instead of fixed period exclusion. When an incident occurred that merited a fixed period exclusion, the head teacher would use a quality AP placement to address the child's specific behavioural issues, while avoiding either putting the child at risk or 'rewarding' them with a period of time spent at home.

However, a specific concern was raised with the review about children who were being directed into AP when this was not in their interests. Indeed, several responses argued that AP used by schools was not of sufficient quality and was sometimes used simply to mask rates of fixed period and permanent exclusion. Crucially, in a situation where schools direct a child to AP rather than excluding them, although the parent or carer can complain to the governing board or academy trust, they do not have access to the independent review process that would have been available had the school issued a formal exclusion.

An organisation that works with parents and carers of children with SEND referred to this power as *"something of a loophole. Lots of schools who are under pressure to reduce exclusions are actually using this to remove pupils (often to PRUs) with little or no consultation or redress"*.

Ofsted inspections do consider the progress of pupils who attend off-site AP and the school's own records of these pupils' progress. Nevertheless, some of those who spoke to the review were worried about children in poor quality settings, including out-of-school settings (that is, those that do not meet the criteria to register as a school).¹⁶¹ These can be well-run, high-performing placements, such as work-based experience, alongside school. However, they also may not be and, as non-school settings, the only record a school which sends children there is required to keep is simply that they are educated off-site. This covers a multitude of scenarios, including short-term work experience or field trips, as well as longer-term placements in AP. In some cases, schools will misuse this code for other scenarios when a child is not in school, including when they are at home or out of school. This would not comply with the duties schools have to children on their roll, or the rules around commissioning AP, but the oversight in place is not sufficient for us to be confident that schools directing children off-site are commissioning placements that are high-quality, appropriate for each child and safe.

A study of AP undertaken by Ofsted found most schools were taking their duties to consider the quality of AP seriously, and were demonstrating the steps they took to do so. However, it found a small number of schools were placing pupils in off-site provision without having visited the provider first to check its safety and suitability. Of the 448 AP placements inspectors visited, they found a few cases where *"schools were either too ready to trust verbal assurances from providers that the relevant safety standards were met, or were too reliant on outdated lists compiled some time ago by local authorities"*. They also found four schools which *"could not provide evidence that they had made any appropriate checks to assure the safety of some of the placements their pupils attended"*.¹⁶²

As well as the implications for children, this also results in a lack of oversight of AP settings overall. If schools are to be responsible for arranging AP after exclusion, and have access to the funding

for innovative early intervention for pupils at risk of exclusion, we should expect them to make consistently better use of AP. Schools can be, and often are, good commissioners of AP. We should ensure there is greater oversight of the types of AP settings that schools are using, to be confident that schools directing children off-site are in placements that are high-quality, safe and appropriate for each child.

Recommendation: DfE must take steps to ensure there is sufficient oversight and monitoring of schools' use of AP, and should require schools to submit information on their use of off-site direction into AP through the school census. This should include information on why they have commissioned AP for each child, how long the child spends in AP and how regularly they attend.

Tracking pupil movements

It is essential that LAs know how and when children move around our school system, and DfE have oversight of this. This includes knowing where the child is, who is delivering their education and why a decision has been made to move them.

Pupil moves often affect the most vulnerable children. Analysis undertaken by Ofsted of children who leave school rolls shows that children with SEN, children eligible for FSM and looked after children are all more likely to leave their school.¹⁶³

As well as the measures set out above, bringing greater transparency to these moves would allow greater scrutiny and action where concerning trends are identified. The review visited areas where schools and the LA take collective responsibility, owning information and monitoring children who move to new school placements, or are at risk of moving out of their school. Importantly, they have used this information to make sure they move these children to an appropriate setting and receive a suitable education.

This kind of oversight and ownership should happen for every child. All schools, including independent schools, already have to report to the LA when a child is added to, or removed from, the school register, including moves to education otherwise than at school, such as to home education.¹⁶⁴ However, this is often not granular enough to

understand how or where they have moved, and there is not enough oversight or ownership of this information and some LAs report it simply is not forthcoming at all. It is a welcome announcement that DfE is consulting on a new register of children not in school, which will - for the first time - mean that it is possible to identify, on a systematic basis, where children are, if they are not in school.¹⁶⁵

There is, of course, a balance to be struck between collecting more information, particularly where it will inevitably capture legitimate choices made by parents and carers, and the safeguards that doing so will bring for the most vulnerable children. However, this review concludes that, ultimately, the cost of not knowing where some of our most vulnerable children are, or if they are receiving a suitable education, is too high not to take action. It is therefore important that the register under consultation is taken forward, that this will capture how children move out of school, and is matched by clear duties to take action in cases where there are concerns.

Recommendation: To increase transparency of when children move out of schools, where they move to and why, pupil moves should be systematically tracked. Local authorities should have a clear role, working with schools, in reviewing this information to identify trends, taking action where necessary and ensuring children are receiving suitable education at their destination.

Strengthening accountability for pupils excluded in all but name

Tackling informal exclusion

While the exclusion and AP framework is arguably too permissive in allowing children who are subject to fixed period exclusions to spend almost a term out of education, some children do not even benefit from this framework.

The review has seen evidence of children being sent home without a formal record of exclusion, which can, in some cases, leave them without education at all. This approach may be underpinned with good intentions, such as allowing a child to calm down or to avoid an exclusion on their record, but not only

does this potentially impact on their educational outcomes, but it also poses significant safeguarding risks because they do not have the protective factor of being safe and engaged in education. There is a risk that, for some, it may lead them to a higher likelihood of being recruited into gangs or being exposed to criminal activity that is occurring around them. We cannot be satisfied that the system is working well if some schools are not consistently following the framework in place. It is also contrary to the exclusion guidance which is clear that any exclusion must be formally recorded.

As well as one-off 'informal' exclusion, there are schools inappropriately routinely using part-time timetables, where schools allow children to attend for only part of the school day, in an attempt to legitimise an informal exclusion. Though this can be necessary in exceptional cases, many parents and carers spoke of long-term arrangements spanning several years to which they had not consented, which simply amounted to their child not being offered a full-time education.

The consequences for the child can be devastating. Parents and carers reported how informal exclusion left their children with *"high anxiety and school refusal"*, with one parent highlighting that informal exclusion has *"had a detrimental impact on his mental health ... [and] destroyed my sons self esteem ... This has become a downward spiral"*. This can also have a direct impact on the child's family, who may have no real avenue of appeal and no alternative education arranged for their child.

Tackling off-rolling

As well as those children sent home informally, evidence seen by the review has raised concerns of so-called 'off-rolling', in which children are asked to leave the school permanently without proper processes being followed. There is no official definition for what constitutes off-rolling, but Ofsted has defined it as follows:

"the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil. Off-rolling in these circumstances is a form of 'gaming'. There are many reasons why a school might remove a pupil

*from the school roll, such as when a pupil moves house or a parent decides (without coercion from the school) to home-educate their child. This is not off-rolling. If a school removes a pupil from the roll due to a formal permanent exclusion and follows the proper processes, this is not off-rolling".*¹⁶⁶

As said, there are many legitimate reasons for removing children from their school roll. Discussions with schools highlight that concerning practice is in the minority, but poor practice is present in some schools. A recent report by the Education Policy Institute found that a small number of schools have particularly high levels of unexplained pupil exits: nearly a quarter of unexplained moves in the 2017 cohort came from just 6% of mainstream and special secondary schools in England.¹⁶⁷ Whatever the scale and spread of poor practice, we must take action on such practice where it occurs.

Even if small in number, there are instances of schools putting pressure on parents and carers to move their child to another school under the threat of permanent exclusion, sometimes using what appear to be pro-forma letters from head teachers to parents and carers, setting out the same. For some children, this can mean major disruption to their education. For others, it can mean they fall out of education altogether.

To illustrate, one parent reported that *"we were asked to remove him from the school... When I said that we didn't want to move him, I was told that if we didn't he would be permanently excluded and it would be very difficult to then find him another school. We felt we had no choice but to remove him and he is now being home schooled... the choice to home school is not one I would ever have made"*.

This case echoes the many other responses received citing instances of schools putting pressure on parents and carers to agree to a permanent managed move to another school – in some cases from mainstream to AP – or to home educate. The review also saw evidence of parents and carers with full-time jobs agreeing to sign a letter saying that they will educate at home, sometimes under pressure, or in times of stress, when it is not a task they were able to perform.

The Office of the Schools Adjudicator's 2017/18 annual report cites cases of schools encouraging

parents to remove a child from school as an alternative to exclusion, and that increases in the number of children being electively home educated may be driven in some part by this practice. It further notes LAs are often later approached to place these children in schools, with one noting *“it is reported by parents that they have been ‘coerced’ to become electively home educated with some reported instances of schools preparing a standard letter for parents to sign advising of their intention to electively home educate. Once these parents realise the implications and requirement to home educate they can find difficulty in securing a school place”*.¹⁶⁸ The Children’s Commissioner raises similar concerns.¹⁶⁹

The response to this should not be to prevent parents and carers from making a decision to move their child to another school, or to withdraw their child for the purposes of home education, where that is their genuine wish. Nor would it be helpful to constrain schools from using AP well, including choosing to direct children to attend high-quality providers that offer innovative and engaging support and qualifications that will help a child overcome barriers or reignite their enthusiasm for learning.

This is not a question about the right place to educate a child, whether that is at home or in school, or which type of school children should attend. It is a question about who is getting an education and who is not. A child whose parents have signed a letter to home educate when they have no intention or ability to do so, has simply lost access to education and to the safety and security that being in education provides.

Whilst it is a minority of children that move schools, the size of this minority raises questions about what is driving this, particularly when the timing of many of these decisions is during a child’s GCSE years when they should be focusing on their studies that are preparing them for adult life.

Ofsted has conducted analysis to assess the scale of pupil moves and what should be considered exceptional levels that should give rise to questions about off-rolling.¹⁷⁰ Looking at a Year 10 cohort, they found over 19,000 pupils did not progress to Year 11 in the same school. Many of these will be for good and lawful reasons, but a small number of schools lost a large proportion of their cohort for at least two years in a row.

While we cannot quantify the scale of this issue, there is emerging evidence that supports what this review has heard. A survey of teachers conducted by YouGov for Ofsted found that 66% of teachers reported being aware of children being taken off roll as a means of improving their results – 21% of whom had seen it at a school they currently or previously worked in.¹⁷¹

The government should take action to reassure itself that pupil moves are not inappropriate, or illegal. A key opportunity to take action is through the inspections of schools. Ofsted should consider how and why children leave a school and hold it to account where it finds poor practice. Ofsted inspections already look at the use and patterns of exclusion and off-rolling, but the current framework does not do enough to prioritise this issue. It is welcome progress to see that Ofsted’s new framework – currently out for consultation¹⁷² – puts consideration of this centrally in the leadership and management judgement.

Recommendation: Ofsted must continue their approach set out in the draft framework and handbook of routinely considering whether there are concerning patterns to exclusions, off-rolling, absence from school or direction to AP and reflect this in their inspection judgements. Where they find off-rolling, this should always be reflected in inspections reports and, in all but exceptional cases, should result in a judgement that the school’s leadership and management is inadequate.

New safeguards

The practice of informal exclusion or off-rolling cannot just be for Ofsted to uncover after it has happened. With surveys suggesting rises in the number of children being recorded as home educated,¹⁷³ where some may not have been a legitimate parental decision, it is right that there are stronger safeguards in place to prevent children from being managed out of education, as well as options for redress created where it happens.

Once a child has been removed from a school roll, there is no automatic right for them to return to that school. Many home educators are dedicated to providing an excellent education for their children, and it is a responsibility they rightly take seriously.

However, parents who have agreed to home educate without the right information on what this means, or under the threat of permanent exclusion, may find the only option to get their child back into education is for the child to travel to a different school, which may be a long distance away. For some, their new school will be AP.

Parents and carers should have time to consider the implications of taking on their child's education and, during this period, a right to decide whether their child should return to their most recent school if they choose. This period would also enable the LA to conduct reasonable enquiries about the decision a parent has taken and provide them with the information they need to make an informed decision. It should also recognise that some parents need more support and information than others, including considering alternative education options.

By providing protected time for parents to consider the decision, there is a risk of unintended consequences. For example, this could be used inappropriately by either schools or parents to remove a child from education for a limited period without it being recorded as an absence or a fixed period exclusion. However, it remains the case that parents and children must be better supported in making the important decision of whether to home educate. DfE should consider a 'right to return' or other measures to have the effect of giving parents who have been pressured into withdrawing children for home education a simple and quick route back into education.

There is also a risk that applying greater scrutiny to decisions about a child leaving school and bearing down on inappropriate practice may cause problems elsewhere in the system. For instance, as one response put it, *"certain schools repeatedly try to avoid taking any child with a history that might indicate even a mild disciplinary or learning issue"*. It is therefore imperative that, in making the changes recommended in this review, DfE considers and mitigates any risks, such as abuse of the admissions framework, where schools could seek to avoid taking on children in the first place.

Recommendation: In making changes that strengthen accountability of the use of exclusion, DfE should consider any possible unintended consequences and mitigate the risk that schools seek to remove children from their roll in other ways. This should include:

- reviewing a 'right to return' period, where children could return from home education to their previous school, and other approaches that will ensure that this decision is always made in the child's best interests
- consider new safeguards and scrutiny that mitigate the risk of schools avoiding admitting children where they do not have the grounds to do so

Safeguards for children supported by social care

The review has found that some children who are recognised as needing statutory help and protection with support from children's social services, including those on a Child in Need or Child Protection Plan, are able to move around the education system through elective home education, exclusion, managed moves and placements in AP, without a greater level of scrutiny. These children will have an allocated social worker because it is deemed that they need the help and support from children's social services to be protected from harm.

Education already forms an important part of social work assessments and major changes should be discussed in regular multi-agency meetings for these children. This review is calling for DfE to be explicit that multi-agency teams make use of existing structures to consider any changes in education that could have an impact on a child's immediate safety or long-term outcomes. Schools should inform and consult a child's allocated social worker as soon as the child may be removed from school – whether that be to home educated, or directed off-site into AP or elsewhere – allowing the social worker the opportunity to raise any concerns. Social workers must consider whether this decision would mean that the level of risk to a child may change and act accordingly.

For some of these children, home education can offer a safe and supportive environment to overcome their challenges. However, where a child is in need of help and protection due to safeguarding risks and their basic needs not being met at home, this surely cannot be accepted as the right environment for their education. For these children, access to the professional support, oversight and services that are provided in and via schools are an especially important protective factor.

For children who have a social worker and have been excluded for a fixed period or permanently, it is just as important that their social worker is informed and involved as early as possible. Exclusion guidance is already clear that schools should avoid excluding looked after children. Where they do exclude, they are expected to co-operate proactively with foster carers or children's home workers, the LA that looks after the child and the Virtual School Head. For Children in Need and those with a Child Protection Plan, it is best practice to consult their allocated social worker as soon as concerns about a child's behaviour develop and ensure that they are involved in working with the family as early as possible to minimise the risk of exclusion. While this is positive, it should be built into the exclusion process that any child who has contact with children's social care should have the support of their social worker through the exclusion process.

Recommendation: Relevant regulations and guidance should be changed so that social workers must be notified alongside parents when a Child in Need is moved out of their school, whether through a managed move, direction off-site into AP or to home education, as well as involved in any processes for challenging, reconsidering or reviewing decisions to exclude. DfE's Children in Need review should consider how to take this forward so children's social care can best be involved in decisions about education and how best to ensure a child's safety and long-term outcomes.

Protecting children from gangs and serious violence

Head teachers are tasked with keeping schools safe and ensuring the behaviour of individual pupils does not put the school community at risk. For parents and children, the presence of gang members and weapons within schools is deeply worrying, and head teachers must be supported to respond robustly to this.

Head teachers must use their judgement in such cases where knives or other weapons are brought into schools. It would be reasonable in most circumstances to exclude a child who was found with a weapon and, where they pose a risk to others in school or outside of school, it will undoubtedly be the right choice. It is right, too, that head teachers – as with all exclusions – consider the full circumstances and facts in reaching their decision. That said, cases where the circumstances will not reflect a risk are rare.

It is also in everybody's interest that schools play their part in supporting all children to make good choices, steering them away from becoming involved in dangerous activity such as gangs and violence, before any risk materialises. That is true not just for the benefit of the school community, but for all the children and young people involved – by doing so they can be steered away from poor choices that can see them not only told to leave their school through exclusion, but to other poor life outcomes, including situations that leave them at risk of perpetrating or being the victim of harmful and criminal behaviour.

While there is much media coverage on the possible connections between exclusion from school and crime, there is no evidence that formal exclusion is a direct cause for a child becoming involved with crime.

However, we do know that there is a correlation. There is evidence to suggest that children who have a history of either fixed period or permanent exclusion from school are more likely to be both victims and perpetrators of crime. A study found that 63% of prisoners stated that they had been temporarily excluded while at school, and 42% were permanently excluded.¹⁷⁴ Of those young offenders sentenced in 2014 who were recorded as being 16 or 17 years old on their sentence date, 23% of those

sentenced to less than 12 months in custody had been permanently excluded from school prior to their sentence date and 16% of those sentenced to 12 months or longer.¹⁷⁵ In addition, Ofsted found that children who are excluded from school are twice as likely to carry a knife.¹⁷⁶

The review has heard, too, of distressing cases where children who have lost their lives to murder have had exclusion in their school history. In these cases, this is the tragic conclusion to the story heard from parents, where exclusion is followed by time out of education, poor quality education or even unsafe environments where children are at risk of grooming or being recruited into gangs.

While the data shows there is a correlation between exclusion and crime, for children who are off-rolled from school we know even less. There is no data on whether children pushed out of school without a formal exclusion are more likely to be involved in crime, although it may be the case that when these children are out of any kind of education, without the opportunities and protective environment school provides, they are at increased risk.

Other evidence complicates the suggestion that there is a causal link. A study by the Ministry of Justice, which found that 85% of young knife possession offenders who had offended prior to the end of Key Stage 4 had received at least one fixed period exclusion from school at some point, also found that one fifth of young offenders who were found to be carrying a knife before the end of Key Stage 4 had been permanently excluded from school. Yet there was an approximate 50/50 split between those whose first exclusion was prior to the offence, and those who were excluded at some point after the offence – something that would itself be grounds for exclusion. The study also concluded that *“it is not possible to identify whether there is an association between exclusions and knife possession offending, and that the low volumes of knife possession offences following exclusions mean any such association could not be a significant driver of youth knife possession offending overall”*.¹⁷⁷

As well as a mixed evidence base on what the connections are between exclusion and crime, there may be other factors in a young person's life that could increase their risk of being led down this path, such as gang-related activity already existing in the area, or a history of violence in their home. A report by

Ofsted on knife crime in London highlighted that the common denominator of pupils found carrying bladed objects into school is their vulnerability, whether that is poverty, abuse, neglect, troubled families, or other factors that may lead to social exclusion.¹⁷⁸

Issues related to gangs and violence are not isolated to children who have a history of exclusion. There are also children who have increased exposure to these issues while in mainstream schools. Take the example shared with the review of an adopted child's experience in mainstream, who later received an EHC plan, whose mother told me:

“As is often the case with such children [adopted children and children with SEN], they may not ‘fit in’ and tend to gravitate towards other children who are seen as ‘odd’ or ‘trouble makers’ ... In the case of our child this was outside of the classroom, during break and lunch and particularly before and after school. At age 13 she took up smoking and started to meet some people known to the local police to be involved with grooming gangs. Had she then continued to attend school no doubt this would have lead in time to alcohol, possibly other drugs, probably sexual exploitation and no doubt in time further behaviour problems”.

With that said, parents, schools and others have highlighted that they consider exclusion – either for a fixed period or permanently – and indeed off-rolling, may *increase* the risk factors a child has of being drawn into crime. Teachers and leaders in AP, along with LAs, have also emphasised the challenges involved in trying to avoid placing children with different gang affiliations in the same AP – in some cases, placing children from different gangs in the same provider could put them at higher risk. This is particularly difficult in areas with limited AP settings.

Others suggested that children who have been excluded may be vulnerable to exploitation and, for some, being part of a gang may temporarily fulfil a sense of belonging they crave, after being asked to leave the school community. One organisation which works with children aged 10 to 17 who have previously come into contact with the criminal justice system, in order to prevent them from offending, highlighted that *“excluded children are vulnerable to recruitment by criminal gangs of older teenagers, and we have heard a number of examples of this”*. Ofsted has also highlighted in its research into how London schools are dealing with knife crime that

*“gangs know that once children have been excluded, they are much more vulnerable and easier to groom. Gangs are taking advantage of this by, for example, getting children to take a knife into school or to break another rule which gets them excluded”.*¹⁷⁹

Responses from those who work in Youth Offending Teams spoke about the patterns of repeated exclusion for this cohort of children and the impact this can have on their learning. One set out that *“youth justice professionals frequently encounter young people who have been excluded so often that they have not been inside a classroom for two years”* and the young people are *“often barely literate or numerate, they are ill equipped to move to further education and employment”*. The response goes on: *“exclusions prevent young people from receiving the specialist support services that they need”*. This confirms the picture in which fixed period and permanent exclusion can, rather than providing an intervention point to get the right support in place, entrench poor outcomes for vulnerable children.

Even without evidence that exclusion leads a child into crime, the risk factors associated with exclusion need to be minimised. Central to this is making sure exclusion from school never means exclusion from education. Being in education, whatever form that takes, is likely to be a protective factor for children. Whether that is in a mainstream, special, high-quality AP setting or at home, the safety and security of being positively engaged in learning is key to ensuring children are not drawn into criminal activity. It is notable that the same study that highlighted that a quarter of young offenders sentenced to less than 12 months in custody had a history of permanent exclusion, also found that 90% of the same group had a history of persistent absence.¹⁸⁰ A study by the Ministry of Justice has also shown that 83% of young knife crime offenders were persistently absent from education in at least one of the last five years prior to the offence they had committed.¹⁸¹ Analysis for this review has also found associations between absence and exclusion. Holding other observable factors constant on which DfE holds data, an extra percentage point of school sessions missed due to unauthorised absence was associated with a corresponding approximately one percentage point increase in the likelihood of permanent exclusion.¹⁸² The prevalence of SEN among the young offender population is also striking – almost half of those young people sentenced to less than 12 months in custody in 2014 were

recorded as having SEN without a statement and 28% were recorded as having SEN with a statement.¹⁸³ In addition, over 60% of young people accessing youth justice services presented with speech, language and communication needs, which were largely unrecognised.¹⁸⁴

These are the same children who need the high standards and support that this review has discussed. The recommendations and approach set out in this report – whereby schools are expected to take meaningful action to put in place support to keep a child in school where they can, and are supported to do so by meaningful partnership working with other services, as well as the need to ensure high-quality education after exclusion – supports a ‘public health’ approach to crime, by minimising the risk factors that might lead a child into crime. Effectively ensuring children, particularly vulnerable children, are properly engaged in education will help to ensure children avoid becoming at risk in the first place, tackling the root cause and not just the symptoms of disengagement as they arise.

While schools must not be wholly responsible for children making positive choices about their futures, they have a role to play in doing so, and this review welcomes the recent announcements to take a public health approach to tackling violence in which all services have a part to play.¹⁸⁵

Making safeguarding everyone’s responsibility

For some children, where upstream interventions have not worked, we must do more to prevent them from engaging in dangerous behaviour that occurs outside of school and ensure that everyone feels it is their responsibility to do so. Alongside health, social care, the police force and others, schools can and should have a role to play in identifying and working with these children to support them to make positive life choices.

The review has seen first-hand the excellent work some schools already do to work with children at risk of involvement in crime or anti-social behaviour. Similarly, it has seen AP schools taking proactive and innovative approaches – a key setting to do so given the high numbers of children in AP who may be at greater risk of disengagement. One charity in the South East described working with a PRU on a project to disrupt generational problems with drugs, alcohol and violence, and works with children on

articulating their own positive personal identities and ambitions to build confidence and self-esteem.

These approaches have the potential to deliver real impact and should be encouraged. In October last year, the Home Secretary announced a £200 million Youth Endowment Fund, which will be delivered over 10 years to support early intervention and prevention efforts for 10 to 14 year olds who are at most risk of youth violence, such as those who display signs such as truancy from school, aggression and involvement in anti-social behaviour.¹⁸⁶ This fund should be open to schools, including AP schools, so they can build on the approaches seen as part of this review.

DfE's statutory safeguarding guidance *Working Together to Safeguard Children*¹⁸⁷ and *Keeping Children Safe in Education*¹⁸⁸ are both very clear that everyone who comes into contact with children and their families has a role to safeguard and promote their welfare. The latter guidance highlights that all school staff should be particularly alert to the potential need for early help for a child who is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups. The guidance also provides further information to help staff with identifying when children may be involved in criminal exploitation over county lines, and directs staff to advice and guidance published by the Home Office.

Sharing information is key to ensure joint working is effective, and the consultation launched on placing a duty on public bodies including schools to raise concerns about children at risk of becoming involved in serious violence provides an important foundation to effective partnership working.¹⁸⁹ Given the correlations between education and engagement in crime this review has seen, as well information about children who are considered be at risk, information about key changes in a child's education needs to be shared with others who work with children at risk of involvement in crime to take a considered approach to understanding whether any risk exists.

This includes Local Safeguarding Children Boards (LSCBs) and their successors, Safeguarding Partnerships (SPs), whose role is to safeguard and promote the welfare of children in their area. Through my work as chair of the Child Safeguarding Practice Review Panel, I have seen a concerning number of the most serious child safeguarding cases where children were excluded, either for a

fixed period or permanently, at key turning points in their lives, which led them into dangerous or criminal activity and serious harm to themselves and others. That is not to say that these exclusions were not justified – indeed necessary – for the school community. However, too often they led the child in question further away from opportunities to make good life choices rather than being the trigger that alerted the relevant authorities that a support package based around risk management was needed.

The multi-agency membership of LSCBs and SPs (which includes children's services, the police, health services and others) should be able to co-ordinate the right strategy and actions to safeguard and protect children who have been, or are at risk of being, excluded. This includes by working with their communities where they are aware the exclusion may lead a child into criminal activity, and having access to the data on exclusion and other pupil moves to be able to identify where additional support and services are needed.

Recommendation: Real-time data on exclusion and other moves out of education should be routinely shared with Local Safeguarding Children Boards and their successors, Safeguarding Partners, so they can assess and address any safeguarding concerns such as involvement in crime. This should include information on exclusion by characteristic.

Recommendation: The government's £200 million Youth Endowment Fund, which is testing interventions designed to prevent children from becoming involved in a life of crime and violence, should be open to schools, including AP. This will enable the development of workable approaches of support, early intervention and prevention, for 10 to 14 year-olds who are at most risk of youth violence, including those who display signs such as truancy from school, risk of exclusion, aggression and involvement in anti-social behaviour.



09

CONCLUSION

This review has provided a privileged opportunity to hear and learn from hundreds of parents, schools, LAs, education leaders, affiliate organisations and others, as well as children themselves, about what exclusion means to them.

The dedication and hard work of many with a stake in our children's education and wellbeing has been apparent. Encouragingly, there have also been numerous examples of outstanding practice characterised by high standards for all children, coupled with the right support needed for them to get there. As the practice shared through this review demonstrates, it invariably includes helping children with challenges in their backgrounds, or overcoming barriers created by their additional needs.

Calm and safe schools are a prerequisite for all children to reach the high standards we should expect of them, and there are times when exclusion is the right choice both to help pupils understand the impact of their behaviour, and to give their peers the opportunity to learn without disruption.

This review has shown that we can and must do more to ensure children can always benefit from the best practice that exists. It is clear that there is too much variation in how behaviour is managed, both in the support given to children who need it and the use of sanctions when they misbehave. Because of this, it is too common to see poor behaviour that goes unchallenged or is not tackled effectively. In some cases, these children are at school, and in others they are simply moved out of education, or mainstream education, without being given the opportunity to learn from and improve their conduct. This is in nobody's interests.

We must be confident that we have a well-functioning system, where we expect the best of every child, where schools provide the education and support to be successful adults. But this is not just the job of schools to deliver. Schools themselves need to be supported with the right training and access to services to allow them to do this, and should be recognised when they do.

The recommendations in this report aim to create: the best possible conditions for all children to thrive and progress, based on effective leadership at all levels, from individual teachers in their classrooms to DfE; the right systems, expertise and capacity in schools together with additional support for schools where this is needed; recognition for schools that give all children the chance to thrive academically, emotionally and socially; and systems that instil confidence that every exclusion is lawful, reasonable and fair.

These recommendations are just as much about changing perceptions and behaviour as they are about improving practice. Indeed the two go hand in hand. It is now up to schools, LAs and the government to rise to the challenge and take these recommendations forward. In doing so it will require a sustained commitment to the principles underpinning the review. It will also need parents to work with schools in bringing about the maximum benefit to their children's education. If everyone with an interest and responsibility in ensuring this is delivered does so, together we can ensure that all children are given every chance to succeed in education and in life.



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I am particularly grateful to Carol Homden CBE and the staff at Coram, whose research on the experience of children and parents which they have allowed me to use in this review has meant that I had the opportunity to hear directly from those who have experience of exclusion. I appreciate too their hosting of a roundtable with children and young people to whom I also extend my sincerest thanks for giving up their time to talk so openly and candidly with me.

It would not be possible to name all those I have met here, but I would like to express my thanks to: Amanda Spielman, Her Majesty's Chief Inspector; Anne Longfield OBE, the Children's Commissioner for England; and Charlie Taylor.

Finally, no review like this is achievable without a dedicated and professional team of helpers keeping me on task and offering first rate support. During my time as a Minister in DfE I was privileged to work alongside some outstanding civil servants and it has been a delight to discover there are more of them! So, to the analysts and researchers David Amos, Peter Fitzsimons, Rhys Thomas, Louise Feebrey, Jayne Middlemas, Daniel Nhliziyo, Emma Brooks, Paul Chapman, John Rolfe, Amy Morgan, Oliver Clifton Moore, Tim Leunig, Osama Rahman, Emily Cattell, Tanya McCormack, Andrea Kirkpatrick, Claire Brickell, Jemma Gardner, Becky Story, Janette King, Simon Bailey and Adina Huma, to Pavan Kaur, Louise Bennett, Charlie Lang, Stuart Miller, Ann Gross, Rebecca Thomas, Rebecca Tyers, Jayne Roberts, Richard Bracey, Christina Head, Amy Bush, Katy Weeks, Mandy Brown, Lucy Ashlee, Polly Walker, Duncan Montgomery, Juliette Cammaerts, to Tammy Manhire, Pauline Myers, and above all Eva Elks who led the review team with such finesse, care and commitment, a massive thank you.



Annex A: Glossary

Alternative provision (AP): Education arranged by local authorities (and in some circumstances schools) for pupils of compulsory school age outside of mainstream or special schools, who would not otherwise receive suitable education for any reason. This includes pupils with behaviour problems, with health needs preventing school attendance or without a school place. This may include full or part-time placements in PRUs, AP academies, AP free schools, hospital special schools, FE colleges, independent schools and other provision such as home tuition services and voluntary or private sector providers.

Black, Asian and minority ethnic (BAME)

Child Arrangement Order: This settles the arrangements for where a child lives, when the child spends time with each parent, and when and what other types of contact take place such as phone calls, and it gives that person(s) parental responsibility. Children placed on Child Arrangements Orders are not looked after children and they will not necessarily have been looked after prior to being placed on an arrangement order.

Children and Young People's Mental Health Services (CYPMHS): Previously referred to as CAMHS, these services assess and treat children and young people with emotional, behavioural or mental health difficulties. They range from basic pastoral care, such as identifying mental health problems, to specialist 'Tier 4' services, which provide in-patient care for those who are severely mentally ill.

Children in Need of help and protection: For the purposes of this review, we have used the broadest statutory definition of Children in Need under the Children Act 1989, encompassing all those children receiving statutory support from social workers including those on a Children in Need Plan (CINP), on a Child Protection Plan (CPP) and looked after children (LAC).

Children Act 1989: A child is defined as 'in need' under the Children Act 1989, where: a) they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of services by an LA; b) their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or c) they are disabled.

Compulsory school age: Education is compulsory for all children between the ages of 5 and 16. Young people must also do one of the following until they are 18: stay in full-time education; start an apprenticeship or traineeship; or work or volunteer while in part-time education or training.

Department for Education (DfE)

Education, Health and Care plan (EHC plan): An EHC plan details the education, health and social care support that is to be provided to a child or young person who has SEN or a disability. It is drawn up by the LA after an EHC needs assessment of the child or young person has determined that an EHC plan is necessary, and after consultation with relevant partner agencies.

Fair Access Protocol (FAP): All local authorities are required to have a Fair Access Protocol in place under the School Admission Code, developed in partnership with local schools, to ensure that outside the normal admissions round unplaced children, especially the most vulnerable, are found and offered a school place as quickly as possible.

First-tier Tribunal (Special Educational Needs and Disability): An independent body which has jurisdiction under section 333 of the Education Act 1996 for determining appeals by parents against LA decisions on EHC needs assessments and EHC plans. The Tribunal's decision is binding on both parties to the appeal. The Tribunal also hears claims of disability discrimination under the Equality Act 2010.

Fixed period exclusion: When a pupil is temporarily removed from the school for a fixed amount of time (including exclusion during lunchtime), before returning to the school.

Free school meals (FSM): Section 512 of the Education Act 1996, as amended, places a duty on maintained schools, academies and free schools to provide free school meals to pupils of all ages that meet the criteria. Under the benefits-based criteria, children who receive, or whose parents receive, one or more of the support payments are entitled to receive FSM, and must make a claim to the school for FSM. FSM Ever 6 includes pupils who have been recorded as eligible for free school meals at any point in the past 6 years.

High needs funding: High needs funding is provided to local authorities through the high needs block of the dedicated schools grant (DSG) and supports provision for children and young people with SEND from their early years to age 25, enabling both local authorities and institutions to meet their statutory duties under the [Children and Families Act 2014](#). High needs funding is also intended to support good quality AP for pre-16 pupils who, because of exclusion, illness or other reasons, cannot receive their education in mainstream or special schools.

Information, Advice and Support Services:

Information, Advice and Support Services provide advice and information to children and young people with SEN or disabilities, and parents. These services provide neutral and factual support on the SEND system to help the children, their parents and young people to play an active and informed role in their education and care. Although funded by local authorities, Information, Advice and Support Services are run either at arm's length from the LA or by a voluntary organisation to ensure children, their parents and young people have confidence in them.

Local Offer: Local authorities in England are required to set out in their SEND Local Offer information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have EHC plans. Local authorities must consult locally on what provision the Local Offer should contain.

Looked after child (LAC): As defined in Section 22 of the Children Act 1989, this means a child (0-18 years of age) who is subject to a care order (or an interim care order) or who is accommodated by the LA.

Not in education, employment or training (NEET)

Ofsted: Office for Standards in Education, a non-Ministerial government department established under the Education (Schools) Act 1992 to take responsibility for the inspection of all schools in England. Her Majesty's Inspectors (HMI) form its professional arm.

Parent: This includes any person who is not a parent of the child, but has parental responsibility or who cares for him or her.

Permanent exclusion: This results in a child being permanently removed from a school's roll. Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Pupil referral unit (PRU): A type of school that is set up and maintained by local authorities to provide an education to pupils who cannot attend mainstream or special schools.

Special educational needs and disability (SEND):

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age, or has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Special Educational Needs Co-ordinator (SENCO):

A qualified teacher in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. In a small school, the head teacher or deputy may take on this role. In larger schools there may be a team of SENCOs. Other early years settings in group provision arrangements are expected to identify an individual to perform the role of SENCO and childminders are encouraged to do so, possibly sharing the role between them where they are registered with an agency.

Special Guardianship Order (SGO): This is designed to provide children with greater security than long-term fostering without the absolute legal severance from the birth family which stems from an adoption order. A court may make a guardianship order for a child on application of any guardian of the child, a local authority's foster carer, or relative with whom the child has lived for at least one year before the application is made, or anyone with whom the child has lived for three of the last five years, anyone who has the consent of the relevant person who is named in a Child Arrangement Order, the local authority if the child is in care or anyone else with parental responsibility. Children on an SGO are not defined as being looked-after, and the child is no longer in the care system on the making of the SGO. Parental responsibility is retained by birth parent(s) and guardian(s) but a special guardian may exercise parental responsibility to the exclusion of anyone else with parental responsibility who is not also a special guardian.

Special school: A school which is specifically organised to make special educational provision for pupils with SEN.

Virtual school head (VSH): Local authorities have a duty under the Children Act 1989 to promote the educational achievement children looked-after by them wherever they live or are educated. Local authorities are required, under the Children Act 1989 (as amended by the Children and Families Act 2014), to appoint at least one person to discharge this duty. That person, the Virtual School Head, must be an officer employed by the authority, or another LA in England. Local authorities must also promote the duty under the Children Act 1989 (as inserted by the Children and Social Work Act 2017) the educational achievement of previously looked after children in their area by providing advice and information. Previously looked after children are those who are no longer looked-after by a local by a local authority (or from 'state care' outside of England and Wales) because they are the subject of an adoption, Special Guardianship or Child Arrangement Order.

Young person: A person over compulsory school age (the end of the academic year in which they turn 16). From this point the right to make decisions about matters covered by the Children and Families Act 2014 applies to the young person directly, rather than to their parents.

Annex B: Reference group membership

Dame Christine Lenehan, Director, Council for Disabled Children

David Bartram OBE, Director, Prescient Education Ltd

Malcolm Trobe, Deputy General Secretary, ASCL

Dr Jeffery Quaye, Director of Standards and Effectiveness, Aspirations Academies Trust

Matt Jones, Principal, ARK Globe Academy

Jane Johnston, Virtual School Head, Manchester

Dame Reena Keeble, Educational Consultant at RK Educational Consultants

Dr Susan Tranter, Executive head teacher, Edmonton County School,

Dave Whitaker, Head teacher, Springwell learning community

Pauline Anderson, Acting Service Director, Learning and Skills, Derby City Council

Tom Bennett, DfE Behaviour Advisor

Tracey Campbell, Director, Together Transforming Behaviour

Professor Julian Elliot, Professor, School of Education at Durham University

Jonathan Simons, Director of Policy and Advocacy, Varkey Foundation

Mrunal Sisodia, Co-Chair, National Network of Parent Carer Forums

Andrew Christie, Chair, Birmingham Children's Trust

Kiran Gill, Chief Executive, The Difference

Endnotes

- ¹ <https://www.gov.uk/government/news/new-action-to-improve-outcomes-for-children-with-additional-needs>
- ² <https://www.gov.uk/government/news/prime-minister-launches-world-leading-project-on-impact-of-ethnicity-on-everyday-life>
- ³ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁴ <https://www.gov.uk/government/news/prime-minister-launches-world-leading-project-on-impact-of-ethnicity-on-everyday-life>
- ⁵ 1997/98 to 1999/00: Annual school census; 2000/01 to 2001/02: Annual pupil level school census (including academies and City Technology Colleges); 2002/03 to 2004/05: Termly exclusions survey; 2005/06 to present: Termly pupil level school census; Prior to 2006/07, data was collected on pupils who were on the roll of one school only. Since then, figures have included pupils enrolled at more than one school and are based on their main school. Therefore, consistent exclusion data are available from 2006/07.
- ⁶ 2003/04 to 2004/05: Termly exclusions survey (fixed period exclusions data first collected); 2005/06 to present: Termly pupil level school census; Prior to 2006/07, data was collected on pupils who were on the roll of one school only. Since then, figures have included pupils enrolled at more than one school and are based on their main school. Therefore, consistent exclusion data are available from 2006/07.
- ⁷ <https://policyexchange.org.uk/>
- ⁸ <https://www.gov.uk/government/collections/statistics-exclusions>
- ⁹ Coram.org.uk
- ¹⁰ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ¹¹ Pupils who finish key stage 4 in PRUs, AP academies, AP free schools and hospital schools
<https://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2016-to-2017>
- ¹² <https://www.gov.uk/government/statistics/destinations-of-ks4-and-ks5-pupils-2015-revised>
- ¹³ <https://www.gov.uk/government/publications/serious-violence-strategy>
- ¹⁴ <https://www.gov.uk/government/statistics/understanding-the-educational-background-of-young-offenders-full-report>
- ¹⁵ Coram.org.uk
- ¹⁶ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ¹⁷ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ¹⁸ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ¹⁹ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ²⁰ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ²¹ This refers to children who were classified as a Child in Need, which includes looked after children, children on a Child Protection Plan and children on a Children in Need Plan.
- ²² <https://www.gov.uk/government/publications/annual-teachers-survey>
- ²³ <https://www.gov.uk/government/publications/osa-annual-report>
- ²⁴ <https://www.childrenscommissioner.gov.uk/publication/skipping-school-invisible-children/>
- ²⁵ <https://www.gov.uk/government/publications/ofsted-annual-report-201718-education-childrens-services-and-skills>
- ²⁶ Coram.org.uk
- ²⁷ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ²⁸ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ²⁹ Parents/Carers Omnibus found that the majority (90%) of pupils agree their school makes it clear to parents how it expects pupils to behave. Coram found that the majority of pupils (87%) were aware of behaviour expectations at school, compared to 6% who were not.
- ³⁰ Coram.org.uk
- ³¹ Coram.org.uk
- ³² <https://www.gov.uk/government/publications/longitudinal-study-of-young-people-in-england-cohort-2-wave-2>
- ³³ Coram.org.uk
- ³⁴ <https://policyexchange.org.uk/publication/it-just-grinds-you-down/>
- ³⁵ <https://policyexchange.org.uk/publication/it-just-grinds-you-down/>
- ³⁶ <https://www.gov.uk/government/publications/pupils-and-their-parents-or-carers-omnibus-wave-1-survey>

- ³⁷ [Coram.org.uk](https://www.coram.org.uk)
- ³⁸ <https://www.gov.uk/government/collections/statistics-exclusions>
- ³⁹ [Coram.org.uk](https://www.coram.org.uk)
- ⁴⁰ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁴¹ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁴² <https://www.gov.uk/government/publications/investigative-research-into-alternative-provision>
- ⁴³ <https://www.gov.uk/government/publications/alternative-provision-market-analysis>
- ⁴⁴ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁴⁵ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁴⁶ Odds ratios are calculated by dividing the odds of exclusion for one group by the odds of exclusion with the comparator group. The odds of exclusion for a given pupil are calculated by dividing their probability of being excluded by their probability of not being excluded. For example, if 20% of students in group X were excluded, 80% of students were not excluded so the odds of exclusion for group X would be $20\% \div 80\% = 0.25$. If the odds of exclusion in group Y, a comparator group, were 0.1, then the odds ratio for group X compared to group Y would be 2.5 (because $0.25 \div 0.1 = 2.5$). This shows that students in group X are more likely to be excluded than students in the comparison group.
- ⁴⁷ <https://www.ethnicity-facts-figures.service.gov.uk/>
- ⁴⁸ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>
- ⁴⁹ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁵⁰ [<https://www.gov.uk/government/collections/statistics-exclusions>]
- ⁵¹ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁵² <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁵³ <https://www.ethnicity-facts-figures.service.gov.uk/>
- ⁵⁴ <https://www.gov.uk/guidance/equality-and-diversity-funding-for-school-led-projects>
- ⁵⁵ <https://www.gov.uk/government/publications/tackling-racial-disparity-in-the-criminal-justice-system-2018>
- ⁵⁶ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁵⁷ <https://www.gov.uk/government/publications/school-exclusion>
- ⁵⁸ Data is not reported for categories where there are less than 30 exclusions, as the analysis cannot robustly estimate coefficients or confidence intervals. This means that more categories are presented for permanent exclusions than fixed exclusions when looking at the association between exclusion and SEN types.
- ⁵⁹ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁶⁰ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁶¹ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁶² <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- ⁶³ <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- ⁶⁴ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁶⁵ <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- ⁶⁶ Children and Families Act 2014 - <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
- ⁶⁷ Figure excludes Children in Need who are also looked after, but includes looked after children who were also the subject of a Child Protection Plan during the year. <https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-las-31-march-2018>
- ⁶⁸ <https://www.gov.uk/government/statistics/outcomes-for-children-looked-after-by-las-31-march-2018>
- ⁶⁹ <https://www.gov.uk/government/publications/school-exclusion>
- ⁷⁰ <https://www.adoptionuk.org/FAQs/adoption-uks-schools-exclusions-report>
- ⁷¹ <https://www.gov.uk/government/publications/review-of-children-in-need>
- ⁷² <https://www.gov.uk/government/publications/review-of-children-in-need>
- ⁷³ <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- ⁷⁴ <https://www.gov.uk/government/publications/designated-teacher-for-looked-after-children>
- ⁷⁵ <https://www.gov.uk/government/publications/review-of-children-in-need/review-of-children-in-need>
- ⁷⁶ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁷⁷ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁷⁸ <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018>

- ⁷⁹ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁸⁰ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁸¹ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
Figures based on unrounded totals of internal data.
- ⁸² <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-of-children-and-young-people-in-england/2017/2017>
- ⁸³ <https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2018>
- ⁸⁴ <https://get-information-schools.service.gov.uk/Downloads>
- ⁸⁵ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ⁸⁶ Machin S and Sandi M (forthcoming). "Autonomous Schools and Strategic Pupil Exclusion" *Economic Journal*
- ⁸⁷ Machin S and Sandi M (forthcoming). "Autonomous Schools and Strategic Pupil Exclusion" *Economic Journal*
- ⁸⁸ <https://www.gov.uk/government/publications/education-inspection-framework-draft-for-consultation>
- ⁸⁹ Coram.org.uk
- ⁹⁰ Coram.org.uk
- ⁹¹ Coram.org.uk
- ⁹² <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ⁹³ <https://www.gov.uk/government/publications/ofsted-annual-report-201718-education-childrens-services-and-skills>
- ⁹⁴ <https://www.gov.uk/government/publications/osa-annual-report>
- ⁹⁵ Such as the Special educational needs and disability code of practice: 0 to 25 years (<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>) or guidance for LAs on Promoting the education of looked-after children and previously looked-after children (<https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>).
- ⁹⁶ Such as the guidance on exclusions and behaviour and discipline in schools.
- ⁹⁷ <https://www.gov.uk/administrative-appeals-tribunal-decisions/2018-ukut-269-aac-c-c-v-the-governing-body-of-a-school-the-secretary-of-state-for-education-first-interested-party-and-the-national-autistic-society-second-interested-party-sen>
- ⁹⁸ <https://www.gov.uk/government/publications/alternative-provision-market-analysis>
- ⁹⁹ <https://www.gov.uk/government/publications/behaviour-in-schools>
- ¹⁰⁰ <https://www.gov.uk/government/news/new-education-and-skills-measures-announced--2>
- ¹⁰¹ <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018>. For teachers and pupils of school age who could be classified according to their ethnic group, BAME figures include all ethnic minorities outside of those from White ethnic groups (including White British and White ethnic minorities).
- ¹⁰² Figures cover all state-funded schools. <https://www.gov.uk/government/statistics/school-workforce-in-england-november-2017>
- ¹⁰³ <https://www.gov.uk/government/publications/diversity-of-the-teaching-workforce-statement-of-intent>
- ¹⁰⁴ <https://www.childrenscommissioner.gov.uk/publication/they-never-give-up-on-you/>
- ¹⁰⁵ <https://www.gov.uk/government/publications/equality-and-diversity-grant-funding-lead-schools>
- ¹⁰⁶ <https://www.gov.uk/government/publications/leadership-equality-and-diversity-fund-participant-survey-analysis>
- ¹⁰⁷ School Governance in 2017, Annual Survey by NGA and TES. <https://www.nga.org.uk/Guidance/Workings-Of-The-Governing-Body/Governance-Tools/School-governance-in-2017-an-annual-survey-by-NGA.aspx>
- ¹⁰⁸ Coram.org.uk
- ¹⁰⁹ <https://www.gov.uk/government/consultations/transforming-children-and-young-peoples-mental-health-provision-a-green-paper>
- ¹¹⁰ <https://www.gov.uk/guidance/school-census>
- ¹¹¹ <https://www.gov.uk/government/publications/investigative-research-into-alternative-provision>
- ¹¹² <https://www.gov.uk/government/publications/alternative-provision-market-analysis>
- ¹¹³ <https://www.gov.uk/government/publications/supporting-children-with-challenging-behaviour>
- ¹¹⁴ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
- ¹¹⁵ <https://www.gov.uk/government/publications/investigative-research-into-alternative-provision>
- ¹¹⁶ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ¹¹⁷ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ¹¹⁸ <https://www.ethnicity-facts-figures.service.gov.uk/>
- ¹¹⁹ <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018>

- ¹²⁰ <https://www.gov.uk/government/publications/children-in-need-of-help-and-protection-data-and-analysis>
- ¹²¹ <https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2018>
- ¹²² <https://www.gov.uk/government/publications/improving-alternative-provision>
- ¹²³ <https://www.gov.uk/government/collections/statistics-school-and-pupil-numbers>
- ¹²⁴ <https://www.gov.uk/government/publications/investigative-research-into-alternative-provision>
- ¹²⁵ <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2018>
- ¹²⁶ <https://www.gov.uk/government/publications/investigative-research-into-alternative-provision>
- ¹²⁷ <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>
- ¹²⁸ <https://get-information-schools.service.gov.uk/>
- ¹²⁹ <https://www.gov.uk/government/publications/alternative-school-provision-findings-of-a-three-year-survey>
- ¹³⁰ <https://www.gov.uk/government/publications/investigative-research-into-alternative-provision>
- ¹³¹ <https://www.gov.uk/government/collections/statistics-special-educational-needs-sen>
- ¹³² <https://www.gov.uk/government/statistics/mental-health-of-children-and-young-people-in-england-2017-pas>
- ¹³³ <https://www.gov.uk/government/publications/review-of-children-in-need>
- ¹³⁴ <https://www.gov.uk/government/statistics/mental-health-of-children-and-young-people-in-england-2017-pas>
- ¹³⁵ <https://www.gov.uk/government/news/ofsted-stronger-partnerships-needed-to-tackle-knife-crime>
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- ¹⁴³ The funding a school receives is calculated on the basis of the children who are on their roll in the October census of the previous year. When a child is permanently excluded, there is a deduction to the school's funding equivalent to the per pupil funding received for the child for the remainder of the financial year in which they will not attend that school, and either the receiving school will receive an increase to their funding or the LA will receive it to put in place AP.
- ¹⁴⁴ <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>
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- ¹⁴⁶ [Coram.org.uk](https://coram.org.uk)
- ¹⁴⁷ Parents have 15 school days to apply for an independent review panel from the governing board's decision to uphold an exclusion.
- ¹⁴⁸ Hodge, N and Wolstenholme, C (2016). 'I didn't stand a chance': How parents experience the exclusions appeal tribunal, *International Journal of Inclusive Education*, 20 (12): 1297-1309.
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